



**HISTORIC LANDMARK COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS – 2ND FLOOR**

JUNE 27, 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, June 27, 2011, 4:00 p.m.

Chair Riccillo called the meeting to order at 4:04 p.m.

The following Commissioners were present:

Mr. Joe Riccillo, Chair
Ms. Stephanie Fernandez (4:28)
Mr. Ricardo Gonzalez
Mr. Randy Brock
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

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MOTION:

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

NOT PRESENT FOR THE VOTE: Commissioner Fernandez

II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **PHAP11-00021** Being 91 Government Hill 29 & 30 (7000 Sq Ft), City of El Paso, El Paso County, Texas
- Location: 4406 Trowbridge
Historic District: Austin Terrace
Property Owner: Herlinda Montano
Representative: Herlinda Montano
Representative District: 2
Existing Zoning: R-4/H
Year Built: 1918
Historic Status: Contributing
Request: Legalization of a circular driveway in the front yard.
Application Filed: June 15, 2011
45 Day Expiration: July 30, 2011

Ms. Velazquez gave a PowerPoint presentation and explained the applicant hired a contractor who told the applicant she did not need a permit for a circular driveway. Additionally, there is at least one other property on Trowbridge with a circular driveway. **STAFF RECOMMENDS APPROVAL OF THE PROPOSED SCOPE OF WORK BASED ON THE FOLLOWING RECOMMENDATIONS:**

The Administrative Design Guidelines recommend the following:

- Driveways and walks may be widened or added as part of a landscaping plan.
- A circular driveway may be appropriate for a large lot or one several feet above the street level.

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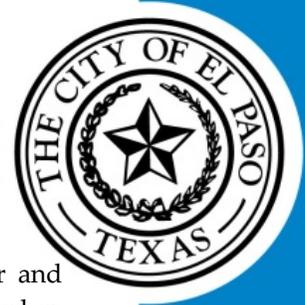
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- Grass and sod may be removed from front yards, side yards on a corner and parkways provided that no more than 50% of the area is covered with gravel or other masonry.

The Magoffin Historic District Guidelines recommend the following:

- Effort should be taken to maintain the use of the original parking area.
- When repair or replacement is required, the existing garage or driveway should be replaced in kind.
- Paved areas for driveways should be kept to a minimum.

STAFF RECOMMENDS THAT THE PROPOSAL BE MODIFIED TO INCLUDE THE INSTALLATION OF SOD IN THE FRONT YARD AREAS THAT ARE NOT WALKWAYS OR DRIVEWAYS AND THAT THE PROPERTY OWNER CONSTRUCT A FENCE AT THE FRONT PROPERTY LINE TO MINIMIZE THE VISIBILITY OF THE CIRCULAR DRIVEWAY.

Ms. Herlinda Montano, property owner, agreed with placing landscaping and fencing in the front.

Discussion closed to Commissioners.

In his opinion, Commissioner Gonzalez stated, this was an inappropriate treatment of the property. This process is authorizing/legalization the parking of vehicles in front of the home; what you see now is cars with a house behind.

FENCE

Mr. De La Cruz responded the district allows for wrought iron, rock wall and wooden fencing; additionally, fencing less than 30" can be approved administratively. At the time the applicant submits for building permits, she will be required to provide dimensions between the existing curb cuts to ensure they meet traffic requirements.

Ms. Velazquez clarified the district allows for wrought iron or masonry but not wood or stucco.

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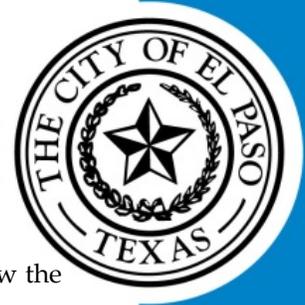
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Chair Riccillo suggested postponing the item to the next HLC agenda to allow the applicant the opportunity to submit a fence design.

Ms. Velazquez stated the ratio of concrete to open space is approximately 51%.

Commissioner Berchermann was not opposed to the circular driveway.

Commissioners were concerned that by approving the request they would be setting a precedent.

Mr. De La Cruz explained Department of Traffic criteria regarding curb cuts and driveways.

Chair Riccillo asked if there were any members of the public who wished to speak on the matter.

Mr. Luis Javier Lopez felt the circular driveway improved the look of the property. He emphasized the reason for the circular driveway was for a disabled relative. He suggested the property owner plant trees in front which would block the view of vehicles parked there.

Chair Riccillo stated the property owner could have installed another driveway on the other side with access to the ramp.

Commissioner Brock noted there was not a sidewalk leading to the ramp.

Ms. Montano was agreeable to eliminating the circular driveway and installing a separate driveway to the access point of the ramp.

Ms. Velazquez explained the applicant would like to postpone the matter to the next HLC meeting to allow her time to research cost estimates.

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MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Booher AND UNANIMOUSLY CARRIED TO POSTPONE PHAP11-00021 TO THE NEXT MEETING.

NOT PRESENT FOR THE VOTE: Commissioner Fernandez

2. **PHAP11-00022** Being 33 Franklin Heights 17 To 26 (All Of Blk S Of Alle),
City of El Paso, El Paso County, Texas
- Location: 148 Newman
Historic District: Magoffin
Property Owner: Sisters of Perpetual Adoration
Representative: Alvaro Loya
Representative District: 8
Existing Zoning: M1/H
Year Built: c. 1908
Historic Status: Landmark
Request: Partial demolition and construction
Application Filed: June 9, 2011
45 Day Expiration: July 24, 2011

Ms. Velazquez gave a PowerPoint presentation and explained the areas to be demolished will not be visible from the public. The proposed construction will include a more efficient bakery, guest room, exercise room, etc.

Commissioner Fernandez arrived during Ms. Velazquez' PowerPoint presentation.

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

The Magoffin Historic District Guidelines recommend the following:

- New additions should be planned so that they are constructed to the rear of the property or on a non-character defining elevation.

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- Additions should complement the original structure, but not necessarily attempt to duplicate or copy it.

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- New additions will not destroy historic materials, features, and spatial relationships that characterize the property.
- The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Regarding the elevation map, Chair Riccillo asked Staff if the exterior would be brick veneer with stucco.

Commissioners were shown the elevation map submitted by the applicant.

Commissioner Booher wondered if the nuns were cloistered within the facility.

Ms. Velazquez believed they were.

Theoretically, Commissioner Booher stated, no one would see the courtyard elevation except for those residing there.

Mr. Roy Lopez, Project Manager, Investment Builders, noted Investment Builders were donating their time for the construction. He explained the public access area to the bakery. Due to the large exterior wall in front, the public may see part of the roof line but will not see any construction.

Chair Riccillo asked if Commissioners had any questions of Staff.

Chair Riccillo asked if Commissioners had any further comments and/or questions of Staff or the property owner. There being none.

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MOTION:

Motion made by Commissioner Berchelmann, seconded by Chair Riccillo AND UNANIMOUSLY CARRIED TO APPROVE.

3. **PHAP11-00023** Being 9 Manhattan Heights 7 & E 13 Ft Of 6, City of El Paso, El Paso County, Texas
- Location: 2910 Aurora Avenue
Historic District: Manhattan Heights
Property Owner: Angela Garcia
Representative: Luis Lopez
Representative District: 2
Existing Zoning: R-3/H
Year Built: 1918
Historic Status: Contributing
Request: The legalization of the side and rear additions.
Application Filed: June 15, 2011
45 Day Expiration: July 30, 2011

Ms. Velazquez gave a PowerPoint presentation and explained the applicant is requesting to legalize the side and rear additions. The side yard addition is visible from the street. The additions were constructed without permits in 2006 and Code Enforcement was notified. The case did go to court and the courts ruled that the additions had to be legalized; however, the property owner instead sold the property to the current property owner. If the current property owner can legalize the additions and meet the required setbacks and code, she should be able to keep them.

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

The Magoffin Historic District Guidelines recommend the following:

- New additions should be planned so that they are constructed to the rear of the property or on a non-character defining elevation.
- Additions should complement the original structure, but not necessarily attempt to duplicate or copy it.

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The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- New additions will not destroy historic materials, features, and spatial relationships that characterize the property.
- The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

STAFF RECOMMENDS THAT THE PROPOSAL BE MODIFIED TO INCLUDE A STUCCO FINISH ON THE EXTERIOR FAÇADE OF THE SIDE YARD ADDITION; THAT THE EXISTING WINDOW IN THE ADDITION BE REPLACED WITH A FOUR-OVER-ONE SASH WINDOW; AND THAT THE APPLICANT OBTAINS ALL REQUIRED BUILDING PERMITS FROM THE CITY'S BUILDING DEPARTMENT FOR THE ADDITIONS WITHIN 90 DAYS FROM JUNE 27, 2011.

REAR ADDITION

Per the PowerPoint photo of the rear addition, Chair Riccillo noted, there are four windows that have been blocked off and removed. Per the floor plan, attached as backup information, Chair Riccillo explained, the previous property owner installed a bathroom, blocking off and removing all three windows.

SIDE ADDITION

Ms. Velazquez stated the side addition does not meet the minimum 5" side yard setback.

Per the PowerPoint photo of the side addition, Chair Riccillo stated, there is a wall there that actually rides off the foundation, it's no longer even sitting on the foundation wall.

Mr. Craig Peters, representing the Manhattan Heights Neighborhood Association, Manhattan Heights Historic District and residents of the area, read from a prepared statement explaining numerous reasons why the legalization of the side and rear additions should not be allowed. The Manhattan Heights Neighborhood Association, Manhattan Heights Historic District and residents of the area recommend that the additions be removed and that the property owner and

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contractor(s) be fined. While driving through the Manhattan Heights Historic District today, Mr. Peters witnessed contractors doing cement work, building walls, painting homes, installing air conditioners, etc. without HLC approval and proper permits. It is the property owner's responsibility to follow the guidelines; however, there are unscrupulous contractors telling property owners that permits are not necessary. Additionally, there is no accountability on the part of the contractor and he felt this needed to be addressed.

FOR THE RECORD

At this time, Chair Riccillo read into the record an email from Commissioner Guzman. In his email, Commissioner Guzman explains, Mr. John R. Morgan, 2909 Aurora, had contacted him and stated:

"He is an 80 year old man who would not be able to attend today's HLC meeting but he wanted to voice his concern regarding 2910 Aurora. He had two concerns:

- 1. The work on this home was done without building permits. He could see everything as he lives across the street and he said a large group of workers arrived and did the work so quickly and, likely, so poorly that he still thinks it's a fire-hazard in terms of "electrical work and who knows what else." Plus, he said, they also appear to be violating side-setback requirements. His specific question is how can the HLC approve a clear safety hazard? He further stated that, as a minimum, this item needs to be tabled until the safety hazard question is addressed.*
- 2. He'd like the HLC to tell the current owner to stop wasting money trying to legalize it. They simply need to start the demolition work.*

Commission Guzman asked Mr. Morgan if he had mentioned this to anyone else, such as Julie Rutledge or the HLC office at City Hall, and he said he had not. Commissioner Guzman states he was caught a little off-guard so he didn't ask Mr. Morgan for his phone number. Chair Riccillo was asked to read the email into the record on Commissioner Guzman's behalf as he could not attend today's meeting.

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Chair Riccillo felt Commissioners should concentrate on the side addition. Although Commissioner do not have purview over setbacks, Commissioners have purview over massing, spacing between properties and the four windows that were removed and otherwise blocked off.

Chair Riccillo asked if Commissioners had any comments for the record.

Mr. Luis Javier Lopez, representing the applicant, explained he would do whatever is necessary to meet code requirements for the setback, the stairs will have to be removed; however, he would like to keep the rear addition and bring it up to code, if possible.

Regarding the rear addition, Chair Riccillo explained, the structure has been torn down in the foundation; additionally, a doorway has been cut out and there is no header to support the foundation. The rear addition serves as a stairway from the top floor into the basement.

Ms. Velazquez clarified Staff is recommending approval of the existing; however, if the additions must be demolished and rebuilt, that request would be presented before the Commission.

Mr. De La Cruz clarified Staff is well aware the additions do not meet code requirements; however, Staff is recommending approval of the proposed reconstruction, per the submitted site plans, that would meet code requirements, provide a window that is more in keeping with the front façade. Regarding compatibility and materials and depending on the interpretation, stucco has been appropriately used on brick veneer structures in a complementary method.

APPLICANT OPTIONS

Mr. De La Cruz explained that prior to a vote from the commission the applicant has the following options:

1. Postpone the request to the next HLC meeting;
2. Withdraw the application, provide revised drawings to meet code requirements; or

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3. Proceed with the case as presented and should the commission deny the request appeal the denial recommendation from Commissioners to City Council.

Should City Council overturn the denial, Council would convey that the additions were adequate; however, they must still meet zoning and building code requirements.

Chair Riccillo wants to be sympathetic toward the new property owner who just bought the property three months ago. He highlighted the following issues for the applicant:

1. Demolish the existing structures;
2. Covering the windows;
3. Removal of the windows;
4. The rear addition – is not very sensitive to the existing design, although it is located in the rear of the property, it looks like a shed.

Commissioner Fernandez wondered how the rear addition related to the original structure; you have to go outside to access the stairs.

Chair Riccillo asked if Commissioners had any further comments and/or questions of Staff or the property owner. There being none.

Discussion closed to Commissioners.

Commissioner Gonzalez saw nothing in these two additions that are architecturally appropriate, historically.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann AND UNANIMOUSLY CARRIED TO TABLE CERTIFICATE OF APPROPRIATENESS PHAP11-00023 FOR THE NEXT AGENDA.

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

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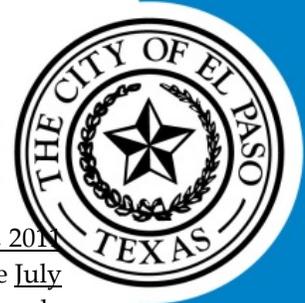
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meeting will take place during the next regularly scheduled meeting. June 27, 2011 deadline for HLC members to request for agenda items to be scheduled for the July 11, 2011 meeting. July 11, 2011 deadline for HLC members to request for agenda items to be scheduled for the July 25, 2011 meeting.

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

Ms. Velazquez gave a PowerPoint presentation, highlighting the section inside/outside the historic district and the brick. She stated construction is moving along quickly and guessed it would complete by the end of Fall. Additionally, Staff has not received any requests for changes.

- B. 1725 Arizona Avenue (Fall Mansion)

Ms. Velazquez gave a PowerPoint presentation, stating the interior renovations are ongoing and that the Historic Preservation Specialist is on top of things. She receives constant emails about the work being done. Ms. Velazquez added should Commissioners request a tour of the facility she could arrange that if they would just send her an email.

Mr. De La Cruz noted typically the tours are scheduled on Thursday mornings, 9:00 a.m.

PROPERTIES FOR THE NEXT AGENDA

Chair Riccillo asked Commissioners if they had any properties they would like to discuss at the next agenda.

Alamo Elementary School at 500 South Hills Street

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")

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

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Planning & Economic Development Department Reports

6. None.

Visionaries in Preservation Report

7. None.

Other Business

8. A. Approval of Historic Landmark Commission Meeting Minutes for June 13, 2011.

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

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO APPROVE THE JUNE 13, 2011 MINUTES.**

ABSTAIN: Commissioner Fernandez

B. Discussion regarding documentation required for historic overlays (metes and bounds, detailed site development plans).

Mr. De La Cruz explained the differences between metes and bounds and a detailed site development plan review. A historic overlay is considered a rezoning of the property, modifying the existing zone with a historic overlay and imposing additional requirements on the property. Usually when the HLC, City Council, city entity or the Planning Department initiates a historic overlay, it is without the property owner's consent. The city usually hires a surveyor to perform a survey, a survey is a legal document accompanied by a metes and bounds, from that, the designated area is established.

METES AND BOUNDS/SURVEY

Very accurate; however, under the current zoning regulations, rezoning properties, even properties with a historic overlay, do not meet the requirements for a detailed site development plan review. *If the property or the metes and bounds are carved up to reduce the size of the lot from what was legally recorded, a metes and bounds/survey is required.* The city ordinance does not allow

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itself to override its own regulations; here is where the city incurs the high costs associated with a historic overlay.

DETAILED SITE DEVELOPMENT PLAN REVIEW

Differs very little from a metes and bounds survey description, 99% of the exact same information with the exception that a detailed site development plan requires minute details that a surveyor does not show on the property. On existing properties, for example, the plan shows which way the water flows; existing elevations with sizes and signage on the property.

CITY INITIATED REQUESTS

Usually the city pays to have a survey done.

FULL LOTS AND BLOCKS

Staff and on-Staff Engineers can prepare the documents for the detailed site development plan review; when the plans are complete, they are sealed.

RESIDENTIAL LOTS

The previous city code allowed properties to be split by metes and bounds, the metes and bounds were then filed at the county, a legal document.

NO ACTION WAS TAKEN.

- C. Discussion and action regarding Chair Riccillo's letter to Representative Susannah Byrd.

Chair Riccillo explained the matter was resolved at the last HLC meeting and requested Staff remove the item from future agendas.

NO ACTION WAS TAKEN.

- D. Discussion and action on application review regarding demolition changes.

METES AND BOUNDS/SURVEY

Mr. De La Cruz explained when Staff requests a metes and bounds and survey for demolition requests; Staff must be very cautious when taking a request to City Council. City Council is not only authorizing Staff a city-initiated rezoning, they are also authorizing Staff the use of city funding to accomplish, if necessary, metes and bounds and all other requirements. In the future, Staff will be reviewing demolition changes and demolition review cases. Should

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Council approve these request(s), especially the demolition review, the cost for metes and bounds/survey is usually steep. He would update Commissioners on the evolution of the educational structure at the next HLC meeting.

EMERGENCY DEMOLITION – 906-908 N MESA STREET

Ms. Velazquez commented on the recent fire and subsequent emergency demolition of the property located at 906-908 N Mesa Street. At the request of the City Manager, Historic Preservation Staff will be meeting with other city Staff from the Engineering, Code Enforcement, and City Attorney’s office to discuss strengthening city ordinances in order to prevent future events. We will be discussing demolition changes to the code, specifically, a demolition delay.

DEMOLITION DELAY

For example the property located at 906-908 N Mesa Street, the structure was not designated with an H-Overlay; however, the property owner wanted to demolish. She would like to add language in the code requesting a demolition delay in order to allow Historic Preservation Staff an opportunity to research, document, etc., the structure prior to any demolition.

DEMOLITION BY NEGLIGENT

Ms. Velazquez explained, currently, the code allows demolition by negligent to bypass Historic Preservation Staff, going directly to Code Enforcement seeking approval to demolish, without coming to the HLC first. She would like to revise that language in the code.

Chair Riccillo stated if there is a life safety issue, they can forego coming to the HLC. Whenever possible, he asked Staff if they would present the proposed changes to the code to Commissioners.

NO ACTION WAS TAKEN.

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

Ms. Velazquez reiterated:

1. the City of Dallas officially reviews zoning cases in Historic Districts;
2. the City of Fort Worth will not review zoning cases in Historic Districts



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3. the City of Austin will review zoning cases in Historic Districts, as a courtesy and as a matter of policy; and
4. the City of San Antonio will not review zoning cases in Historic Districts

Chair Riccillo requested Staff distribute the proposed verbiage at the next HLC meeting.

F. Discussion and action regarding Administrative Review Guidelines.

Ms. Velazquez explained the deadline to submit proposed changes to the guidelines was today. She has received proposed changes from one Commissioners.

Chair Riccillo requested Commissioners bring their proposed changes to the guidelines at the next HLC meeting.

Staff requested Commissioners focus on windows, fencing, and landscaping specifically; additionally, Staff will send a reminder, if Commissioners need a copy they will request one.

ITEM FOR 07.11.11 HLC AGENDA

Update on Alamo Elementary School and how it has progressed.

ADJOURNMENT

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Fernandez and **UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:17 P.M.**

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