



CITY OF EL PASO, TEXAS
CITY REVIEW COMMITTEE MINUTES

The City Review Commission held its public meeting in the Planning and Economic Development Department, Planning Division, 5th Floor, Paisano Conference Room, City Hall, Two Civic Center Plaza, March 10, 2011 at 11:00 a.m. The following were present:

City Review Committee Members Present:

Chair Philip Etiwe, Planning and Economic Development, Development Review Manager
Esther Guerrero for Kimberly Forsyth, Planning and Economic Development, Planner
Daniel Chavira, Engineering and Construction Management, Building Plans Examiner

Staff Members Present:

Ernesto Arriola, Planning and Economic Development, Planner
David Coronado, Planning and Economic Development, Lead Planner
Genna Maskey, Planning and Economic Development, Planner
Melissa Granado, Planning and Economic Development, Planner

Members of the Public:

Javier Perea, Solar Smart Living, CLC
Robert Ardivino, Home Owner
Jennifer Barr, Home Owner
Laura Kissack, Rim Area Neighborhood
Eric Pearson, Rim Area Neighborhood
Richard Teschner, Rim Area Neighborhood Association

1. **CALL TO ORDER – Chair's Comments/Public Comment**

Chair Etiwe called the meeting to order at 11:07 a.m.

2. **PLRG11-00005** East ½ of Lot 1 to Lot 5, Block 170, Alexander, City of El Paso, El Paso County, Texas

Location: 2201 Saint Vrain Street
Zone: R-3/NCO (Residential/Neighborhood Conservancy Overlay)
Request: Solar panels installation

Mr. Arriola gave a PowerPoint presentation and explained the applicants are proposing to install solar panels towards the front and the rear of the property.

PLANNING IS NOT SPECIFICALLY DENYING SOLAR PANELS, JUST THE LOCATION. STAFF IS RECOMMENDING DENIAL OF THE REQUEST, AS LEAST FOR THE SOUTH PORTION OF THE HOME.

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



Mr. Arriola read the following into the record:

The El Paso City Council has made recommendations and set initiatives in place to promote “green” El Paso such as City’s Sustainability Plan. Planning has also been asked to find ways to promote Smart Growth principals and other efforts that will support El Paso’s sustainability and improve the quality of life. Rim-University Neighborhood Plan requires that any additions to a structure meet the Plan’s design standards. As laid out, the panels on the south east section of the roof, abutting University Avenue, do not appear to meet the requirements.

The requirements which apply are:

1. ***Architectural Styles and Materials***
 - (b) *The use of shapes, exterior wall colors, and design features etc.*
2. ***Roofs***
 - (a) *Mechanical equipment and utility hardware on new construction shall be screened from public view*
3. ***Paint and Color***
 - (a) *Metallic and fluorescent colors are not permitted*

APPLICATION DESCRIPTION

The applicant is requesting that the City Review Committee review and authorize the release of permits for the property located at 2201 Saint Vrain Street. The applicant is proposing to install solar panels on the rooftop of the home. All work will be done in accordance with the Rim/University Neighborhood Plan.

Mr. Perea explained why it is important that the solar panels face south.

Ms. Barr wondered if the basis of the denial recommendation was just on the Rim Area Neighborhood overlay or if there was anything in planning.

Chair Etiwe responded no, based on the Plan.

Ms. Barr wondered if there was any differentiation between the side or front of the building.

Mr. Arriola responded the plan talks about ‘blockfaces’ not necessarily ‘frontage’. Staff reviews the entire lengths of Saint Vrain and University. The Plan also discusses roof consistency, color, tile, shingle, etc. This recommendation is based specifically on the NCO Plan; this has nothing to do with building plans, etc.

Ms. Barr asked Staff, based on 3. (a), what constitutes screening from public view.

Mr. Arriola responded screening is very generally defined. He opined screening is used to camouflage utility or mechanical equipment.

Mr. Ardovino noted the Plan does not take into account solar panels.



Mr. Arriola responded the Plan specifically looks at architectural design and style features. As long as whatever the applicant is installing blends in with the neighborhood.

Chair Etiwe concurred the Plan does not address solar panels.

Mr. Ardovino explained you don't hide this other than to make it look clean. We have a grey roof with grey panels, a very clean installation in that there is no racking; it is flush with the roof.

Mr. Pearson, former Rim-University Area Neighborhood Association Board Member, explained the genesis of the Neighborhood Conservancy Overlay Plan and the start of the principles. In his opinion, in keeping with the spirit of the NCO, the solar panels do not change the character of the neighborhood. In fact, the solar panels actually add to the character of the neighborhood and sets the example for green living.

Mr. Arriola explained the solar panels are not an issue; however, the location of the solar panels is.

Mr. Teschner stated the Board met recently, 12 Board Members were present, 2 were absent, and discussed this project at length. There were no objections, whatsoever, to this design, to this concept, to this way of heating and cooling one's house.

For the record, Mr. Pearson stated, it was 1931 that he joined.

Ms. Guerrero explained as Staff we have to abide by the NCO guidelines. She suggested the applicants file an appeal.

Mr. Arriola asked if the applicants could screen with a false façade or something.

Mr. Ardovino stated his wife is a landscape designer.

Ms. Kissack explained she is an architect and was one of the originators of the NCO overlay years ago. The intent of the NCO was to preserve a spirit; additionally, we hoped that any Planning decisions would take into consideration the general values of the neighborhood rather than reading line items from the Plan.

Mr. Pearson surmised the people from the neighborhood are in support of this and sort of representing what the neighborhood's wishes were with the NCO. Additionally, we're talking about is something that was not considered in the NCO, the best thing we can be is flexible in terms of what we don't know when making decision that were made 10 years ago.

Mr. Ardovino clarified there were no objections from the immediate neighbors.

Ms. Barr noted there are rooftops that are full of equipment.



Chair Etiwe explained there were several Staff discussions, at every level, regarding the application. However, based on the current standards of the Plan, Staff does not have any flexibility or authority. When the Plan was adopted, it did not take into account energy efficiency technology. Because Staff has denied the request, an appeal must be heard before the City Plan Commission. Staff will place an item on the March 24th City Plan Commission agenda and requested the applicants be present for that meeting.

Mr. Arriola explained Staff reviews approximately 50 applications a years. He added there is flexibility with the language; however, regarding roofs, since the word "shall" is there Staff has no flexibility or authority to change the Plan.

Mr. Ardovino clarified Staff does not have the flexibility but the City Plan Commission does. Now that the meeting is on the record, Staff, along with the denial, will mention that solar panels are not mentioned in the Plan. As a homeowner, he would like Staff to appreciate that we've done our best to keep it as aesthetic as possible.

Chair Etiwe explained based the City Plan Commission will hear the appeal and based on the merit and your testimony, the City Plan Commission will make a decision.

Mr. Teschner would like to know what comments the neighbors did make. He understood the comments were all positive; however, he would like to know the nature of the comments.

Staff did not receive any comments or responses from neighbors.

Chair Etiwe added except for those that are present today.

Mr. Teschner clarified none of the neighbors, whose properties are located directly above the Ardovino's, responded.

Mr. Arriola responded not to us.

Mr. Ardovino explained those neighbors responded to us, everyone said, oh we got the notice, I'm glad you're doing what you're doing, we have no objections.

Ms. Guerrero suggested the Ardovinos get letters from those neighbors and present those at the City Plan Commission.

Mr. Pearson asked, as a Board Member of the Rim-University Neighborhood Association, if the Neighborhood Association needed to come back to Staff, in general, for this type of information.

Chair Etiwe explained Staff is compiling a list of changes that Staff would like included.

Mr. Teschner stated he would be there at that meeting.



Ms. Barr wondered should the City Plan Commission deny the request, could we then resubmit with a landscape plan showing screening in front of the building.

Mr. Arriola responded the Plan states it has to be screened from public view.

If that was the route the applicants wanted to go, Chair Etiwe suggested, postponing the item to allow the applicants to come up with a plan.

Mr. Ardovino would like to go through the process.

Ms. Kissack proposed the applicants could plant trees at the edge of the property, for screening.

Chair Etiwe asked if there were any further questions of Staff or the applicant. There being none.

MOTION:

Motion made by Ms. Guerrero, seconded by Mr. Chavira and **UNANIMOUSLY CARRIED TO DENIAL.**

Chair Etiwe noted the request was denied, the next course of action is to appeal to the City Plan Commission.

3. Approve the Minutes for the past CRC Meeting(s):
January 20, 2011

Chair Etiwe asked if there were any additions/corrections/revisions. There being none.

MOTION:

Motion made by Mr. Chavira, seconded by Chair Etiwe and **UNANIMOUSLY CARRIED TO APPROVE THE JANUARY 20, 2011 MINUTES.**

ABSTAIN: Ms. Guerrero



4. **ADJOURNMENT**

Chair Etiwe adjourned the meeting at 11:30 a.m.

