

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Museums and Cultural Affairs Department

AGENDA DATE: April 29, 2008, for Public Hearing

CONTACT PERSON/PHONE: Troy M. Ainsworth, Historic Preservation Officer, 541-4668

DISTRICT(S) AFFECTED: 2

SUBJECT:

Discussion and action on an appeal from property owners in the Austin Terrace Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) on March 17, 2008, to approve the construction of a new residence at 111 Pennsylvania (HP08006, Austin Terrace Historic District, District #2)

CITY CLERK DEPT.
08 APR 21 AM 11:53

BACKGROUND / DISCUSSION:

The HLC recommended approval of a Certificate of Appropriateness for the construction of a new residence at 111 Pennsylvania in the Austin Terrace Historic District. Seven property owners in the historic district filed written appeals to the City Council, stating that the proposed construction adversely affects the historic district for reasons of materials, design, massing, and location on the site. Attached is a memorandum of notification to the Mayor, City Council, and City Manager with back-up documentation as outlined in the memo.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Historic Landmark Commission (HLC) reviewed case HP08006 and recommended approval on March 17, 2008.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
Yolanda Alameda, Director, Museums and Cultural Affairs Department

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

YOLANDA R. ALAMEDA
DIRECTOR

CITY CLERK DEPT

08 APR 21 AM 11:54



CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MUSEUMS AND CULTURAL AFFAIRS DEPARTMENT

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Troy M. Ainsworth, Ph.D., Historic Preservation Officer

DATE: April 17, 2008

RE: Appeal of HLC ruling on construction at 111 Pennsylvania

The Historic Landmark Commission (HLC), on March 17, 2008, voted to recommend approval of a Certificate of Appropriateness for the construction of new residence at 111 Pennsylvania in the Austin Terrace Historic District. Seven property owners within the district have appealed the HLC's ruling pursuant to:

20.20.190 Appeal to the City Council

Any applicant or the owner of any property located within three hundred feet of any landmark, or the owner of any property within the same historic district as the subject of the appeal, who is aggrieved by a ruling of the HLC concerning that landmark under the provisions of this section, may within fifteen days after the ruling of the HLC, appeal to the City Council by filing written notice of such appeal with the City Clerk. Following a public hearing to be held within sixty days of the filing of such notice of appeal, the City Council may, by a simple majority vote, uphold or overturn any ruling of the HLC made pursuant to this chapter. (Ord. 16653 § 2 (part), 2007)

Attachments:

1. Staff Report provided to the HLC
2. Copies of appeal letters
3. March 17, 2008, HLC meeting minutes

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
08 APR 21 AM 11:54

DATE: March 25, 2008

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on March 17th, 2008, the
Historic Landmark Commission ^{approved a} ~~denied my~~ request for
construction at properties at 19 Cumberland Circle and at
111 Pennsylvania

legally described as:

1. 102 Government Hills Lots 3 and 4
2. 99 Government Hills Lots 16 and 17

I hereby request the City Council to review the decision of the Historic
Landmark Commission AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Michael M. Towne
APPLICANT

ADDRESS

TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: March 25, 2008

08 MAR 25 PM 12:06
CITY CLERK DEPT.

25 March, 2008

CITY CLERK DEPT.
08 APR 21 AM 11:54

To: City Clerk of the City of El Paso
From: Michael M. Towne

Subject: Title 20 (Zoning), Chapter 20 (Historic Designation) Section 190
regarding 19 Cumberland Circle

To Whom It May Concern:

I am formally submitting a written appeal concerning the Historic Landmark Commission's decision in regards to the property located at 19 Cumberland Circle, made on March 17th at the HLC meeting. I am a resident of the Austin-Terrace Historic District and I believe that the decision of the HLC is detrimental to the overall historic character of our neighborhood as established and defined when we were given historic district status in 1990. I believe I have a valid argument on why the decision of the commission should be overturned. I would appreciate the opportunity to speak to the council on this matter at a public hearing to be determined at a later date.



Michael M. Towne

CITY CLERK DEPT.
08 MAR 25 PM 12:06

25 March, 2008

CITY CLERK DEPT.
08 APR 21 AM 11:54

To: City Clerk of the City of El Paso
From: Michael M. Towne

Subject: Title 20 (Zoning), Chapter 20 (Historic Designation) Section 190
regarding 111 Pennsylvania

To Whom It May Concern:

I am formally submitting a written appeal concerning the Historic Landmark Commission's decision in regards to the property located at 111 Pennsylvania, made on March 17th at the HLC meeting. I am a resident of the Austin-Terrace Historic District and I believe that the decision of the HLC is detrimental to the overall historic character of our neighborhood as established and defined when we were given historic district status in 1990. I believe I have a valid argument on why the decision of the commission should be overturned. I would appreciate the opportunity to speak to the council on this matter at a public hearing to be determined at a later date.



Michael M. Towne

CITY CLERK DEPT.
08 MAR 25 PM 12:06

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
08 APR 21 AM 11:54

DATE: _____

CITY CLERK DEPT.
08 MAR 25 PM 4:58

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on MARCH 17, 2008, the
LAND MARK COMMISSION approved the request for
BUILDING PERMITS FOR THE FOLLOWING TWO LOCATIONS.
111 PENNSYLVANIA & 19 CUMBERLAND CIRCLE

legally described as:

111 PENNSYLVANIA AVE., AUSTIN TERRACE, GOV. HILL 99, LOTS 16 & 17.
19 CUMBERLAND CIRCLE, AUSTIN TERRACE, 102 GOV. HILL, LOTS 3 & 4

I hereby request the City Council to review the decision of the LAND MARK
COMMISSION AND CONSIDER MY REQUEST
SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS
FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Orroby M. Hill
APPLICANT

ADDRESS

TELEPHONE

Two (2) copies filed in city Clerk's Office on: 3/25/08

CITY CLERK DEPT.

08 APR 21 AM 11:54

CITY CLERK DEPT.
08 MAR 25 PM 4:58

March 25, 2008

To: City Council

Regarding: Landmark Commission's March 17, 2008 decisions concerning 19
Cumberland Circle, Austin Terrace, 102 Government Hill, Lots 3 & 4.

Dear Council:

As a homeowner, former member of the Landmark Commission and one of the original organizers for the designation of the Austin Terrace Historical District, I Request that Council grant an Appeal to the neighborhood. I believe the Landmark Commission has ignored its mandate "to Preserve" the Austin Terrace historical district. The original intent and implementation of home size to lot size has been completely undermined. The character, ambience and tranquility, as well as the value and the History of this neighborhood is in jeopardy.

Sincerely,



Dorothy McGill

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
09 APR 21 AM 11:54

CITY CLERK DEPT.
03 MAR 25 PM 4:57

DATE: _____

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on MARCH 17, 2008, the
LAND MARK COMMISSION approved the request for
BUILDING PERMITS FOR THE FOLLOWING TWO LOCATIONS.
111 PENNSYLVANIA & 19 CUMBERLAND CIRCLE

legally described as:

111 PENNSYLVANIA AVE., AUSTIN TERRACE, GOV. HILL 99, LOTS 16 & 17.
19 CUMBERLAND CIRCLE, AUSTIN TERRACE, 102 GOV. HILL, LOTS 3 & 4

I hereby request the City Council to review the decision of the LAND MARK
COMMISSION AND CONSIDER MY REQUEST
SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS
FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Ornella M. Hill
APPLICANT

ADDRESS

TELEPHONE

Two (2) copies filed in city Clerk's Office on: 3/25/08

CITY CLERK DEPT.

08 APR 21 AM 11:54

CITY CLERK DEPT.
08 MAR 25 PM 4:57

March 25, 2008

To: City Council

Regarding: Landmark Commission's March 17, 2008 decisions concerning 111
Pennsylvania Ave., Austin Terrace, 99 Government Hill, Lots 16 & 17.

Dear Council:

As a homeowner, former member of the Landmark Commission and one of the original organizers for the designation of the Austin Terrace Historical District, I request that Council grant an Appeal to the neighborhood. I believe the Landmark Commission has ignored its mandate "to Preserve" the Austin Terrace historical district. The original intent and implementation of home size to lot size has been completely undermined. The character, ambience and tranquility, as well as the value and the history of this neighborhood is in jeopardy.

Sincerely,



Dorothy McGill

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
08 APR 21 AM 11:54

DATE: March 26, 2008

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on March 17, 2008, the
Historic Landmark Commission approved the request for
construction of a new residence at 111 Pennsylvania in the
Austin Terrace Historic District.

legally described as: **LOTS 16 AND 17, BLOCK 99, AUSTIN TERRACE THIRD
SUPPLEMENTARY MAP AS AMENDED OF THE GOVERNMENT
HILL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL
PASO COUNTY, TEXAS, ACCORDING TO PLAT THEREOF,
RECORDED IN VOLUME 4, PAGE 50, PLAT RECORDS OF EL
PASO COUNTY, TEXAS.**

I hereby request the City Council to review the decision of the Historic Landmark Commission AND CONSIDER MY REQUEST
SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS
FOR BELIEVING THEIR DECISION TO BE IN ERROR.


APPLICANT

ADDRESS:

El Paso, Tx 799

TELEPHONE

Two (2) copies filed in city Clerk's Office on: MARCH 31, 2008

CITY CLERK DEPT.
08 MAR 31 PM 12:49

March 31, 2008

CITY CLERK DEPT.
00 APR 21 AM 11:54

Re: New Construction at 111 Pennsylvania: Austin Terrace Historic District

Dear Mayor and Council:

I believe one has a right to build upon his property anything he wants so long as it complies with the building code and in this case, the requirements of this district's historic guidelines.

Over a year ago a foundation of about 20X20 feet was poured in the back of the lot even with a wide opening to be used as a drive-way. I seem to remember the owner said it was to be a car-port. Then this year a large foundation was poured for the home, apparently right up to what I assume was a proper setback line in front. I did not know it was to be a double garage facing the street until it was framed in. Well, at that point it looked like a done deal. The City must have approved it, - after all, it was in a Historic District.

A few weeks ago I attended a meeting by the Historic Landmark Commission where they said the home was clearly and obviously non-compliant or non-something with the neighborhood and how could this house have been approved for construction? A City Attorney then said to the commission that apparently there had been an "administrative error". I later went to the podium and told them I lived next door and while not happy with the double garage facing the street, I did not object because it looked like it was too far along to expect him to suffer the loss of reconfiguring his house. At the time, I did not know it was to be a massive two story MacMansion.

I did ask the Commission who will pay him for the City's error if he has to demolish all or a part of the job after he relied on the various inspectors and persons who approved his plans and passed them on to the next stage. The City should also scrutinize this particular case as to the approval/inspections process and the persons involved.

This "error", if permitted will open the door to later slow insidious degradations of the historic flavor of Austin Terrace. It can be solved but the remedy is something the City probably does not have the stomach for, even though it is, or may be at fault. *Pay the man for whatever demolition and reconstruction according to Code is required.*

If the owner has followed the Building Code and Historic Guidelines as to all matters, including all setbacks, building design and height allowed, then what objections can anyone have? If he has not, then act as you are charged to correct it, however painful to the City.

Please review this case in detail.

TODD SOUTHERN

CITY CLERK DEPT.
08 MAR 31 PM 12:49

CITY CLERK DEPT.

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
09 MAR 31 PM 12:48

09 APR 21 AM 11:54

DATE: March 26, 2008

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on March 17, 2008, the
Historic Landmark Commission approved the request for
construction of a new residence at 111 Pennsylvania in the
Austin Terrace Historic District.

legally described as: **LOTS 16 AND 17, BLOCK 99, AUSTIN TERRACE THIRD
SUPPLEMENTARY MAP AS AMENDED OF THE GOVERNMENT
HILL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL
PASO COUNTY, TEXAS, ACCORDING TO PLAT THEREOF,
RECORDED IN VOLUME 4, PAGE 50, PLAT RECORDS OF EL
PASO COUNTY, TEXAS.**

I hereby request the City Council to review the decision of the _____
Historic Landmark Commission AND CONSIDER MY REQUEST
SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS
FOR BELIEVING THEIR DECISION TO BE IN ERROR.



APPLICANT

ADDRESS

El Paso, Tx 799

TELEPHONE

Two (2) copies filed in city Clerk's Office on: MARCH 31, 2008

March 28, 2008

CITY CLERK DEPT.
08 APR 21 AM 11:54

RE: New construction at 111 Pennsylvania: Austin Terrace Historic District

Dear Mayor and Council:

I am including myself with other neighbors in our effort to appeal the approval for construction at this particular location. Not only is it in the Austin Terrace Historic District, but happens to me right next door to us.

That vacant lot has been there since we bought our home in 1976. Somehow with our priorities being private Catholic education for our three children, followed by college educations and some on the five or six year plans, there never seemed that discretionary funding to buy that lot. I suppose it was also taken for granted .

I have a quality of life issue above and beyond the legality of such a structure overpowering my arts and crafts bungalow home.

When this constuction started I felt, Well.....I knew one day somebody would build a home there. When it started going UP I was a bit overwhelmed thinking surely this won't be a two story building looming into our living space. It happened exactly that way.

Our Easter Sunday celebration was diminished by the darkness in our dining room and kitchen. The high walls that aren't even finished yet have cut off the light and all Southern exposure.

CITY CLERK DEPT.
08 MAR 31 PM 12:48

Once in the backyard we noticed that for every family celebration or evening “quiet time”, the new neighbors would be looking onto our backyard with absolutely no privacy.

Our “view “ is a sea of wall abutting our home. Every family member commented on the dismal effect of the home “in the vacant lot”.

We were under the impression that all plans submitted to the City had been scrutinized for legality, but also with that vigilance which is often applied if even a carport, or simple addition to a modest home is taken on in a historic district.

I understood that the Historic Commission had approved/stamped the plans for this construction and I suppose I simply thought “that’s that.”

When I was called late the night before a meeting to be held the following day I thought there is a chance to stop this. My husband went to a meeting that was not at all well attended. Perhaps it is because none or most of the neighbors I’ve spoken with received no notice of this meeting.

Now I appeal to your authority and sensitivity in this issue and hope that this can be resolved in a fair manner. This city has few truly old neighborhoods with character and flair. Ours is one of them .

Please review this on our behalf.

Elisa L. Southern
Elisa L. Southern

CITY CLERK DEPT.
08 APR 21 AM 11:54

CITY CLERK DEPT.
08 MAR 31 PM 12:48

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
08 APR 21 AM 11:54

DATE: March 29, 2008

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on _____, 20____, the
_____ ^{approved a} ~~denied~~ my request for

construction of properties at 19 Cumberland Circle and
at 111 Pennsylvania.

legally described as:

- 1. 102 Government Hills Lots 3 and 4
- 2. 99 Government Hills Lots 16 and 17

I hereby request the City Council to review the decision of the Architectural
Review Board AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Jud Burgess
APPLICANT

ADDRESS _____

TELEPHONE NUMBER _____

Two (2) copies filed in City Clerk's Office on: March 31, 2008

CITY CLERK DEPT.
08 MAR 31 AM 11:53

215 Flr.

CITY CLERK DEPT.

08 APR 21 AM 11:54

March 29, 2008

To whom it may concern,

I am writing this letter asking for an appeal to the City Council regarding the approval of new construction at 19 Cumberland Circle and 111 Pennsylvania, legally described as:

- 1) 102 Government Hills Lots 3 and 4
- 2) 99 Government Hills Lots 16 and 17

I attended the meeting held by the Architectural Review Board in mid-March and disagree with their decision to allow continued construction of the above two properties for the following reasons:

The construction of the property on Pennsylvania Ave. is seriously out of proportion to the lot size that it is being constructed on. The 2.5 story home is not only too large in terms of it's footprint but also too tall for the space allotted. The narrow lot is typical of modest one-story homes in the Austin Terrace Historic District.

The construction that is currently under way is a typical suburban developer strategy to build as much home into as little space as possible. This would explain the 2-car garage being the foremost feature of the home as it is the closest part of the home to the street front. This is in complete opposition to the character and guidelines of our historic district. You will not find a home in our district with a garage being the foremost feature, as is the case with most new construction in newer neighborhood developments. Most garages in the Austin Terrace District are detached, recessed to the rear or non-existent.

The construction of the property on Cumberland Circle is also seriously out of proportion to the lot size that it is being constructed on. Our neighbor Michael Townes has a very valid point—piling on an extra floor over a foundation that was built to support only one story can have serious consequences for both the property under construction and the Townes property next door.

Thank you evaluating my concerns,


Jud Burgess

CITY CLERK DEPT.
08 MAR 31 AM 11:53

CITY CLERK DEPT APPEAL TO THE CITY COUNCIL

08 APR 21 AM 11:54

DATE:

3/31/08

CITY CLERK DEPT.
03 MAR 31 PM 4:42

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on 3/17, 2008, the
HISTORIC LANDMARK COM. denied my request for
CERTIFICATE OF APPROPRIATENESS ^{APPROVED}
111 PENNSYLVANIA AVE. 99 Govt H. 11
LOTS 16 & 17

legally described as:

99 Govt H. 11 Lot 16 & 17

I hereby request the City Council to review the decision of the HISTORIC
LANDMARK COMMISSION AND CONSIDER MY REQUEST
SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.



APPLICANT

ADDRESS

TELEPHONE

Two (2) copies filed in city Clerk's Office on: _____

CITY CLERK DEPT.

08 APR 21 AM 11:54

March 31, 2008

RE: HLC Decision--111 Pennsylvania Ave.

City of El Paso City Council
2 Civic Center Plaza
El Paso, TX 79901

CITY CLERK DEPT.
08 MAR 31 PM 4:42

Ladies and Gentlemen:

As a resident of the Austin Terrace Historic District I request that the City Council appeal the decision of the Historic Landmark Commission on March 17, 2008 to grant a Certificate of Appropriateness for the Construction of a New Residence at 111 Pennsylvania Avenue, 99 Government Hill, Lots 16 & 17.

Per the Design Guidelines for El Paso's Historic Districts, all site development and new construction within the district should conform to the proportions of existing buildings, or the "streetscape". The plans for 111 Pennsylvania Avenue are for a large, multi-story above ground home on a small lot. All of the homes on the 100 block of Pennsylvania are single above-ground storied. If this new construction were to conform to the "proportion of existing buildings" on the same block, the home would have to be approximately 1500 sq. ft smaller than the proposed plan, without a second above-ground floor.

Respectfully,



Cheri Dorsey

March 27, 2008

CITY CLERK DEPT.

08 APR 21 AM 11:54

Dear Mayor Cook and City Council of El Paso:

We own a home at 123 Pennsylvania Place in the historic Austin Terrace neighborhood in central El Paso. There is a two-story house being built down the street from us. We are concerned that there was no notification to neighbors, but more importantly that the house does not seem to comply with historic district requirements and has not gone through the proper approval process.

We request an appeal to the ruling by the historic landmark commission March 17, 2008 regarding the construction at 111 Pennsylvania Pl. There are issues involved such as the preservation of the character and appearance of the neighborhood and precedent for other questionable approvals of this kind.

Thank you for your attention to this matter.

Robert Lail Lorie Lail

Robert and Lorie Lail

CITY CLERK DEPT.
08 MAR 31 PM 1:40



CITY CLERK DEPT.
08 APR 21 AM 11:54

EL PASO HISTORIC LANDMARK COMMISSION MINUTES SECOND FLOOR CITY COUNCIL CHAMBERS

March 17, 2008
4:00 P.M.
CORRECTED

The El Paso Historic Landmark Commission held a public hearing in City Council Chambers, second floor of the City Hall Building on Monday, March 17, 2008, at 4:00 p.m. with the following members present:

Commission Members Present:

Daphne Hamilton, Chair
Geoffrey Wright, Vice Chair
Ray Minjares
Melissa Brandrup
Dr. Nicholas Markovich
Hugo Gardea

Others Present:

Josette Flores, Assistant City Attorney
Yolanda Alameda, MCAD Director
Troy Ainsworth, Historic Preservation Officer
Trenda Rocha, Acting Recording Secretary
Bill Stern, Chief Building Inspector
Larry Nichols, Interim Director, Development Services

Absent:
John Karr

Agenda

Chair Daphne Hamilton called the Historic Landmark Commission meeting to order at 4:05 p.m.

I. CALL TO THE PUBLIC – PUBLIC COMMENTS

Chair Hamilton asked if there were any members of the public who would like to address the Historic Landmark Commission. No public comments.

Chair Hamilton addressed the Commission about the passing of Commission Karr. John Karr died on the morning of Wednesday, March 12, 2008, and she asked for a moment of silence.

Chair Hamilton asked if there were any changes to the agenda. Dr. Ainsworth, Historic Preservation Officer, reported that the representative from the Planning Department asked to postpone the zoning case in the Chihuahuita Historic District and that Agenda Item Number 5 will be postponed, because the applicant did not resubmit new plans. The agenda was amended.

II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

- | | |
|--------------------------|----------------------------------|
| 1. HP08003 | 17 Mills southeast part of block |
| Location: | 303 N. Oregon (Mills Building) |
| Historic District: | Downtown |
| Property Owner: | Mills Plaza Properties |
| Representative: | Brent Harris |
| Existing Zoning: | C-5/H (Commercial/Historic) |
| Representative District: | #8 |

Year Built: 1910-1911, 1915-1916
Contributing Status: Landmark
Request: Restore exterior, historic lobby; renovate interior
Application Filed: 3/3/2008
45-Day Expiration: 4/17/2008

CITY CLERK DEPT.
08 APR 21 AM 11:54

Dr. Troy Ainsworth, Historic Preservation Officer, reported on the scope of work that will be done to the Mills Building. He also said that Don Waters, who worked on the interior restoration of the Plaza Theatre, is contracted for similar work on the Mills Building.

Mr. Wayne Windle, of Mill Plaza Properties, attended on behalf of Mr. Brent Harris, and he answered questions from the Commissioners.

Commissioner Wright stated that the Historic Landmark Commission could not approve the Certificate of Appropriateness until they see samples and a set of drawings for the Mills Building. Commissioner Markovich also recommended that there needs to be plans on how the windows will be installed and the type of materials submitted for the replacement windows. He would like to see what the approach will be in replacing the windows.

Motion was made by Commissioner Wright to postpone the Certificate of Appropriateness approval until April 7, 2008 meeting. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup

NAYS: None

ABSTAINED: None

2. **HP08004** Block 38 Ysleta Grant, portion of Lot 7 and Track 18M
Location: 8754 Old County Drive
Historic District: Ysleta
Property Owner: Frank and Jennie Candelaria
Representative: Adam Torres
Existing Zoning: R-4/H (Residential/Historic)
Representative District: #7
Year Built: NA (property currently vacant)
Contributing Status: Non-Contributing
Request: Construction of a new single-family residence
Application Filed: 3/03/08
45-Day Expiration: 4/17/08

Dr. Ainsworth reported that half of current property will have a new single-family residence constructed on it.

Mr. Adam Torres answered questions from the Commissioners. The Commissioners advised that Mr. Torres reconsider the location of the front-facing garage.

There was discussion among the Commissioners.

Motion was made by Commissioner Wright to approve the Certificate of Appropriateness and asked that the garage be removed and that the applicants submit new plans for a garage or carport in a different location to Dr. Ainsworth for Administrative Review. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup

NAYS: None

ABSTAINED: None

3. **HP08005** 112 Government Hill Lots 14 and 15 and East 21.84 feet of Lot 16
 Location: 4721 Trowbridge Drive
 Historic District: Austin Terrace
 Property Owner: Mr. and Mrs. Victor Armendariz
 Representative: Luis Rico
 Existing Zoning: R-4/H (Residential/Historic)
 Representative District: #2
 Year Built: 1949
 Contributing Status: Contributing
 Request: Construction of an addition to the existing garage at the rear of property
 Application Filed: 2/27/08
 45-Day Expiration: 4/12/08

Dr. Ainsworth reported that there will be an addition to the existing garage at the rear of the property.

Mr. Luis Rico, building contractor, answered questions from the Commissioners. Mr. Rico assured the Commissioners that the existing hip roof will be extended to cover the new portion. He also stated that the roof extension will feature shingles identical in color and composition to the existing shingles.

Motion was made by Commissioner Markovich to approve the Certificate of Appropriateness. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup

NAYS: None

ABSTAINED: None

4. **HP08006** 99 Government Hill Lots 16 and 17
 Location: 111 Pennsylvania Avenue
 Historic District: Austin Terrace
 Property Owner: Jorge Valenzuela
 Representative: Jorge Valenzuela / Luis Lopez (Vista del Sol)
 Existing Zoning: R-4/H (Residential/Historic)
 Representative District: #2
 Year Built: NA (property currently vacant)
 Contributing Status: NA (property currently vacant)
 Request: Construction on a new residence
 Application Filed: 3/05/08
 45-Day Expiration: 4/19/08

Dr. Ainsworth reported that the applicant had received permits prior to historic review and had begun to build the new home. The parcel of land was not tagged in Tidemark with an H-overlay, and that administrative error subverted the historic review process prior to the issuance of permits and the beginning stages of construction. Building Permits and Inspections issued a Stop Work Order while a case was being prepared for a Certificate of Appropriateness. Dr. Ainsworth and Larry Nichols, Deputy Director of Development Services, are addressing the reasons an administrative error occurred.

Commissioner Gardea asked if the applicant knew that the property is located in the Austin Terrace Historic District before he began to build.

Mr. Jorge Valenzuela, homeowner/contractor, said he knew he was in a historic district. He grew up in this neighborhood. He also mentioned that he thought that he went through all the processes to obtain the proper permits to build the new residence.

CITY CLERK DEPT.
08 APR 21 AM 11:54

CITY CLERK DEPT.
00 APR 2 11:15 AM '08

Commissioner Wright commented on the garage in the front of the house and the relationship of the new residence to the existing homes in the neighborhood. The new residence is not keeping with the characteristics of the neighborhood. The windows, front façade and the close proximity to the street are characteristics that are inconsistent with the neighborhood.

Mr. Valenzuela answered the questions of the Commissioners.

Chair Hamilton requested an Executive Session. Commissioners retired in Executive Session. At the end of Executive Session Chair Hamilton motioned to resume Historic Landmark Commission meeting. Motion was seconded and meeting continued.

Commissioner Wright read the text of El Paso City Ordinance 016367, 20.20.080.G—Historic Landmark Commission Review into the record. He reminded the assembly that the Historic Landmark Commission is responsible to maintain the historical aspects of the case and not the legal aspects.

The floor was open up to the public who wished to speak about the house at 111 Pennsylvania.

Mr. Morris Brown, 4601 Cumberland Circle, stated that he is not happy with what is happening with this new residence and that he is stunned and concerned that this new construction is happening.

Mr. Todd Southern, 117 Pennsylvania, lives next door to the new residence. He is not happy about what is being built, but the applicant has already received permits approving the construction, and he has no objection to the house being built. He feels that the applicant should not have to pay for the error that was made in approving permits without historic review.

Ms. Cheryl Dorse, 4779 Cumberland, commented that the materials are not in compliance with the historical characteristics of the neighborhood and the dimensions of the lot in proportion to the house are not an appropriate size. The square footage of the house is too large for the lot.

Chair Hamilton asked Mr. Valenzuela if there was a Stop Work Order issued. Mr. Valenzuela said it was lifted the week before.

Mr. Valenzuela answered more questions from the Commissioners. He also stated that he is willing to work with Historic Landmark Commission on the revision of the plans for the house.

Commissioner Brandrup recommended that the garage door be changed to having two doors and that the large window in the master bedroom to be changed to smaller windows.

There was discussion among the Commissioners on the garage, elevations, windows, and overall proportion throughout the house.

Commissioner Brandrup recommended that the garage have two doors, smaller windows on the master bedroom to match the rest of the house, set the master bedroom back from the edge of the garage, and perhaps add a porch.

Motion was made by Commissioner Markovich to permit Mr. Valenzuela to continue the construction with the stipulation that a Stop Work Order will remain in effect on the garage and master bedroom. Mr. Valenzuela will submit new plans for the garage and master bedroom. The new plans will show the redesign while reducing the scale of the garage doors and the windows to an appropriate scale with the rest of the house. Mr. Valenzuela stated that he understood the motion. He will provide the HLC with revised plans at the April 7, 2008 meeting. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Wright, Minjarez, and Brandrup
NAYS: Commissioner Gardea,
ABSTAINED: None

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Commissioner Wright asked Mr. Valenzuela if he understood what they were asking him to do and that there is a Stop Work Order on the garage and master bedroom. Mr. Valenzuela relied that he understood what the Commissioners were recommending and that he needed to come back with new plans.

5. **HP07023** 72 Government Hill Lots 27 to 28
Location: 4308 Hueco
Historic District: Austin Terrace
Property Owner: John H. Trien
Representative: Sam Romo
Existing Zoning: R-4/H (Residential/Historic)
Representative District: #2
Year Built: NA (property currently vacant)
Contributing Status: NA (property currently vacant)
Request: Construction on a new residence
Application Filed: 2/13/08
45-Day Expiration: 3/29/08

Case was postponed. The applicant has not provided revised plans.

6. **HP07018** 102 Government Hill Lots 3 and 4
Location: 19 Cumberland Circle
Historic District: Austin Terrace
Property Owner: Adam Baginski
Representative: Adam Baginski
Existing Zoning: R-4/H (Residential/Historic)
Representative District: #2
Year Built: 1954 (currently vacant)
Contributing Status: Non-Contributing
Request: Construction on a new residence on existing foundation
Application Filed: 2/1/08
45-Day Expiration: 3/17/08

Dr. Ainsworth reported that the lot became vacant last year when the house formerly on the site was demolished. The applicant had applied for a Certificate of Appropriateness in the previous year to construct a second story to the former house, but demolished the house instead.

Mr. Adam Baginski answered questions from the Commissioners and showed samples of the building materials he intends to use.

Chair Hamilton opened the floor to the public for comments about the proposed construction.

Mr. Morris Brown, 4601 Cumberland Circle, commented that Mr. Baginski has moved the garage back. He suggested to Mr. Baginski on how to soften the residence's overall appearance, which he considered a weakness in the first plan. Mr. Baginski adopted Mr. Brown's suggestions and also revised the right elevation. Mr. Brown is satisfied with the new plans that Mr. Baginski presented to him.

Mr. Mike Towne, 21 Cumberland Circle, expressed his concern about the size of the house. The new house will be too big for the lot and that it will stand very close to his house. The soil is largely composed of clay, which will affect the foundation of his house as rainwater drains off the new residence onto his property. He also noted that because the new residence would be very

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close to his house and is at least as tall as his house, sunlight will not reach the space between both houses and the ground will not dry properly. He is also concerned about the weight of the house. He does not think the foundation will be able to hold all the weight of the new house. He wants the City to insure the two neighboring houses for damage if the new house is built. He is also unhappy that the proposed new construction is three times the size of the original house and that its construction will adversely change the character of the neighborhood.

Mr. Luis Gutierrez, 1701 Radford, is satisfied with what Mr. Baginski has presented for the new house. He does not think Mr. Baginski is trying to do anything negative.

Mr. Baginski says he has secured fifty-one signatures in approving the construction of his house. He also answered more questions from the Commissioners regarding drainage off the roof.

Motion was made by Commissioner Markovich to approve the Certificate of Appropriateness. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Minjarez, and Brandrup

NAYS: Commissioners Gardea, and Wright

ABSTAINED: None

Certificate of Demolition

7. **HP07022** 102 Government Hill Lots 3 and 4
Location: 19 Cumberland Circle
Historic District: Austin Terrace
Property Owner: Adam Baginski
Representative: Adam Baginski
Existing Zoning: R-4/H (Residential/Historic)
Representative District: #2
Year Built: 1954 (currently vacant)
Contributing Status: Non-Contributing
Request: Demolition of existing residence
Application Filed: 1/18/08
60-Day Expiration: 3/17/08

Dr. Ainsworth recommended approval of the Certificate of Demolition because the house was demolished in the previous year. He stated that construction was preferable to a vacant lot.

Motion was made by Commissioner Wright to approve the Certificate of Demolition. Motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup

NAYS: None

ABSTAINED: None

8. **HP08007** 43 Campbell Lot 5 and north 9 feet of Lot 4
Location: 1015 S. Santa Fe
Historic District: Chihuahueta
Property Owner: Luciana V. Lyon
Representative: Brenda Lyon
Existing Zoning: C-4/H (Commercial/Historic)
Representative District: #8
Year Built: 1950
Contributing Status: Contributing
Request: Demolition of existing structure
Application Filed: 1/18/08
60-Day Expiration: 3/17/08

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Dr. Ainsworth reported the staff recommends approval for demolition. The building lacks structural stability and presents a number of safety issues.

Ms. Brenda Lyon answered questions from the Commissioners. She mentioned that trespassers have frequently entered the building and caused some fire damage and structural damage. She also noted that the structure is structurally unstable and requires many repairs. She stated that she was planning to build on the lot after the demolition, but did not know what sort of building would be constructed or when the construction would occur.

There was discussion among the Commissioners.

Chair Hamilton asked Ms. Lyon if she was planning to remove the abandoned cars in the adjacent lot. Ms. Lyon affirmatively replied and stated that the lot would figure into her plans when she rebuilds. Dr. Ainsworth assured the Commissioners that the overall plan will have to be in compliance with the Chihuahuita Historic District design guidelines.

Mr. Ali Boureslan, P.E., addressed the Commissioners about the structural instability of the building and noted that it is generally unsafe. He described how building's exterior is in better condition than the interior. He displayed on the overhead projector interior and exterior photographs of the building for the Commissioners' review. In his professional assessment, the building is fragile and it would cost too much to repair it.

There was discussion among the Commissioners.

Mr. Fred Morales addressed the Commissioners in the history of the Chihuahuita Historic District and agreed that the building should be demolished.

Motion was made by Commissioner Markovich to approve the Certificate of Demolition. He amended the motion to state that the new construction will adhere to the Chihuahuita Historic District Design Guidelines. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup
NAYS: None
ABSTAINED: None

Rezoning

9. ZON08-00007

Blocks I, J, X, W, Z, and Lots 5-10 and 16-22, Block H, Santa Fe Addition, and all of Block 62, Lots 1-15, Block 128, and all of Lots 1-18, and portions of Lots 19 and 20, and the alley in Block 43, and portions of Lots 4-10, Block 42, Campbell Addition, City of El Paso, El Paso County, Texas

Location: West of Santa Fe Street and North of the US-Mexico border

Request: From C-4 (Commercial), C-4/H (Commercial/Historic), C-4/H/SP (Commercial/Historic/Special Permit), and M-2 (Heavy Manufacturing) to GMU (General Mixed Use)

Property Owners: Various

Representative: City of El Paso

Representative District: #8

Zoning case postponed. The property owners must be notified prior to a hearing.

Chair's Comments

10. A. April 21, 2008 deadline for HLC members to request for agenda items to be scheduled for the May 5, 2008 meeting

- B. May 5, 2008 deadline for HLC members to request for agenda items to be scheduled for the May 19, 2008 meeting
11. Feedback from HLC members on compliance in the designated historic districts and independent historic structures. There were no comments from the HLC commissioners.

Museums and Cultural Affairs Department Report

12. Dr. Ainsworth reported on proposed cell tower replacement at 109 N. Oregon Street (First National Building, built in 1920-1921). Verizon Wireless has requested a permit to replace the existing antennae. The First National Building is listed on the National Register of Historic Places. They have not provided drawings and have not requested historic review.

Motion was made by Commissioner Wright to not approve the replacement of the antennae until Verizon Wireless applies for historic review. The motion was seconded. The motion passed.

AYES: Commissioners Markovich, Gardea, Wright, Minjarez, and Brandrup

NAYS: None

ABSTAINED: None

Other Business

13. Approval of March 3, 2008 Historic Landmark Commission Meeting Minutes

Minutes approved as written.

14. Dr. Ainsworth reported that Mr. Bill Stern, Chief Building Inspector, had some information on the Caples Building. Mr. Stern reported that he has attempted to contact the property owner by phone and certified letter. He is aware that the certified letter has been received, as the sender's receipt has been returned by the U.S. Post Office. Legal notified Mr. Stern that only City Employees can enter the building for inspection. Therefore, Mr. Bill Stern, Mr. Larry Nichols, Tom Maguire, and Dr. Troy Ainsworth will inspect the building's interior when approval is permitted.

Dr. Ainsworth notified the Commissioners that Commissioner John Karr's appointment will remain vacant until after the election to fill the District #3 seat on the El Paso City Council.

Meeting adjourned at 7:25 p.m.

The Historic Landmark Commission may retire into Executive Session pursuant to Section 3.5 of the El Paso City Charter and the Texas Government Code, Sections 551.071-551.076 to discuss an item on this Agenda.

Trenda Rocha
Recording Secretary

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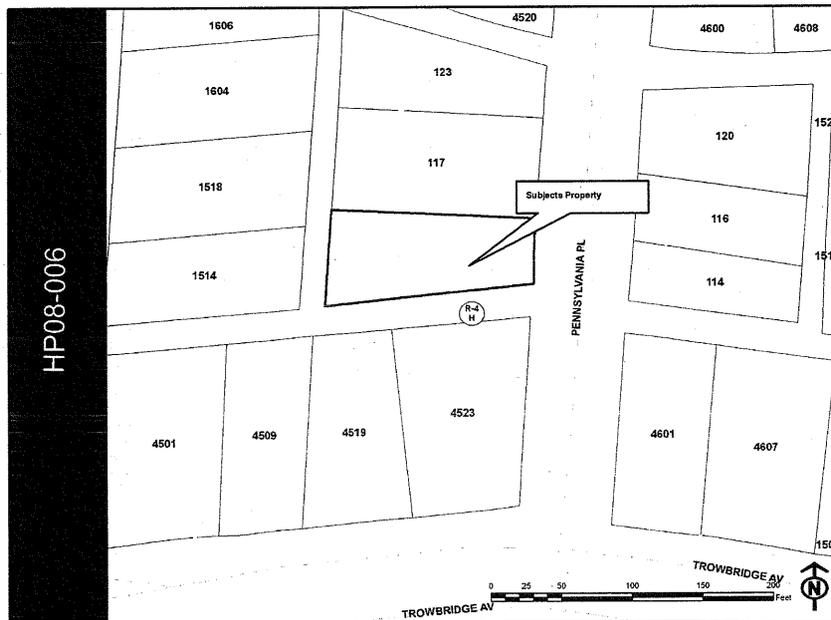
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HP08006

Application Type:	Certificate of Appropriateness
Property Owner(s):	Jorge Valenzuela
Representative(s):	Jorge Valenzuela
Legal Description:	99 Government Hill Lots 16 and 17
Historic District:	Austin Terrace
Location:	111 Pennsylvania
Representative District:	#2
Present Zoning:	R-4/H (Residential/Historic)
Present Use:	N/A (vacant lot)
Year Built:	N/A
Contributing Status:	Non-Contributing (vacant lot)
Request:	Construction of a new residence
Planning Area:	Central
Application Filed:	3/05/08
45-Day Expiration:	4/19/08

ITEM #4



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HLC Case: HP08006

111 Pennsylvania

GENERAL INFORMATION:

The applicant seeks approval to:
Construct a new residence

STAFF RECOMMENDATION:

- The Historic Preservation Officer recommends APPROVAL of the proposed new construction based on the following recommendations:

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

- Designing new additions in a manner that makes clear what is historic and what is new.
- Considering the attached exterior addition both in terms of the new use and the appearance of other buildings in the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building.

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

- Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.
- Duplicating the exact form, material, style, and detailing of the historic building in the new addition so that the new work appears to be part of the historic building.
- Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.

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AERIAL MAP

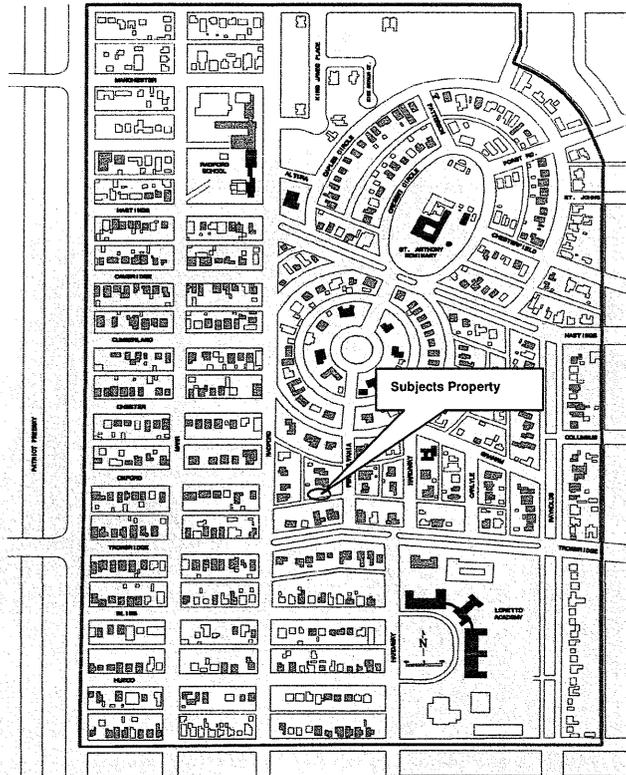


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HISTORIC DISTRICT MAP

AUSTIN TERRACE
HISTORIC DISTRICT



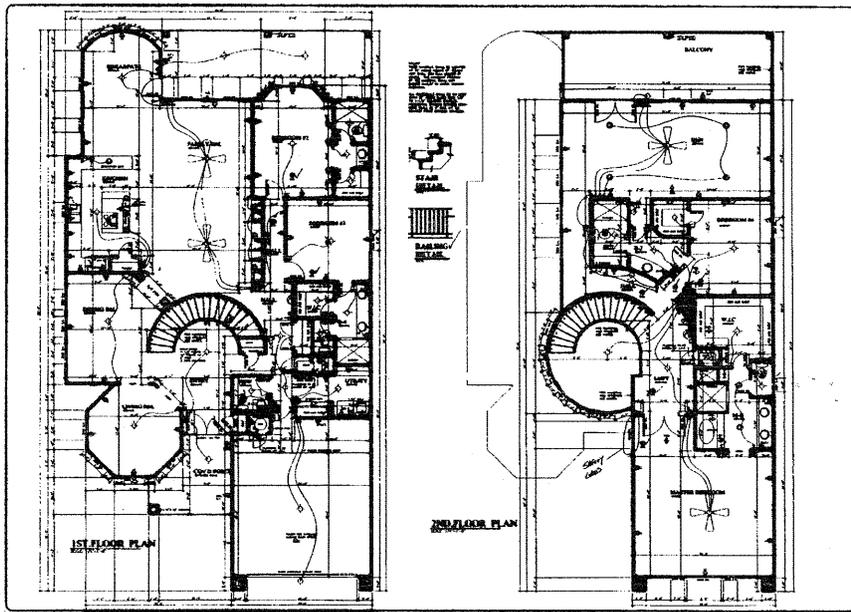
- LANDMARK
- NON-CONTRIBUTING
- CONTRIBUTING
- DISTRICT BOUNDARY

DEPARTMENT OF PLANNING, RESEARCH AND
DEVELOPMENT, MAY 1999 CITY OF EL PASO
CASE NUMBER 94-8244, ORDINANCE NUMBER
010861, EFFECTIVE: APRIL 17, 1999

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SITE PLAN



DATE: 04/15/21

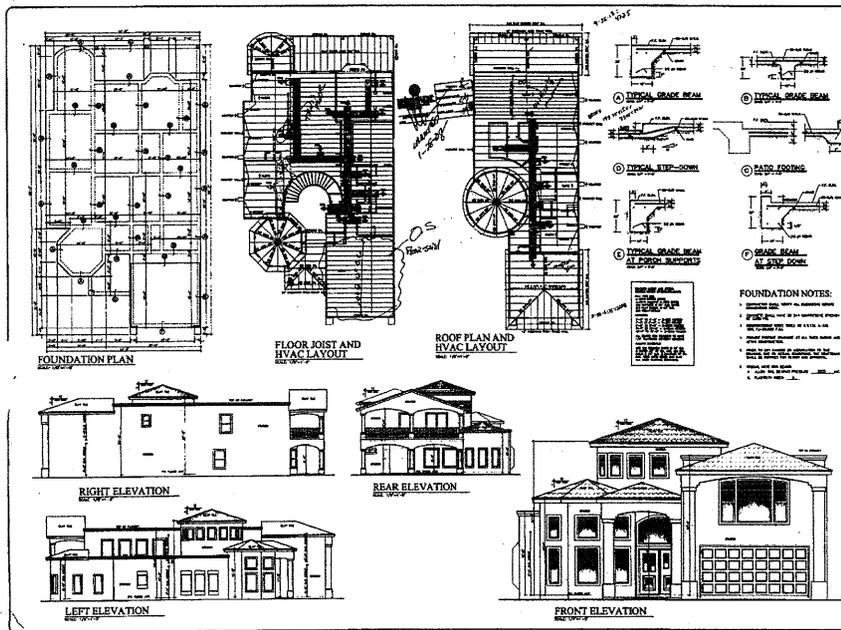
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FLOOR PLAN

DESIGNED BY: JORGE VALENZUELA

CHECKED BY: [illegible]

SCALE: 1/8" = 1'-0"



DATE: 04/15/21

PROJECT: [illegible]

DETAIL PLAN

DESIGNED BY: JORGE VALENZUELA

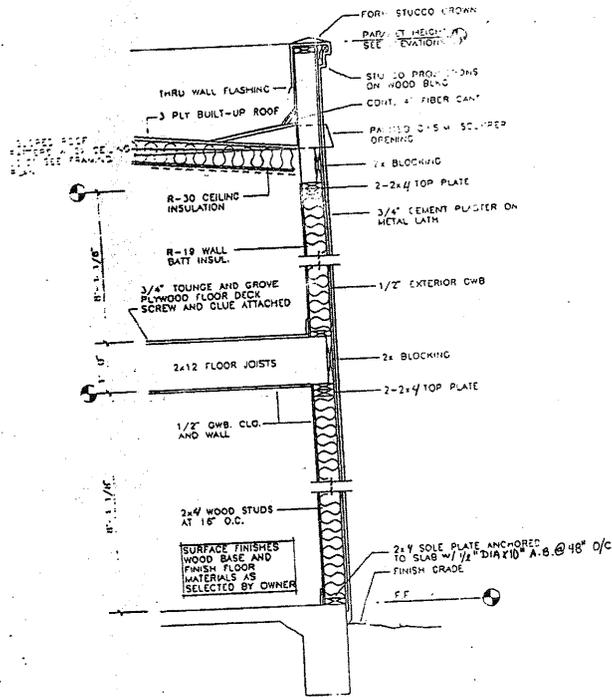
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SCALE: 1/8" = 1'-0"

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wall 1

TYPICAL WALL SECTION

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