

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

**DEPARTMENT:** Community and Human Development

**AGENDA DATE:** July 14, 2009

**CONTACT PERSON/PHONE:** William Lilly/541-4643

**DISTRICT(S) AFFECTED:** Districts 8

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

The El Paso City Council is requested to authorize the City Manager to enter into a Memorandum of Agreement (MOA) with Texas State Historic Preservation Officer regarding the Magoffin Park Villas project to be located at 900 Myrtle. The MOA provides for the City to develop a National Register nomination for an area, to be determined, that includes the Magoffin Villas project.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

On August 26, 2008 the City Council approved the Magoffin Villa development concept. Magoffin Villas consist of ninety-one mixed income housing units located on the block surrounded by Magoffin Street, Myrtle Street, St. Vrain Street and Myrtle Street. Part of the property is located within the Magoffin Historic District. Of the units, nineteen (19) are set-aside for low income families. The City of El Paso committed \$1.5 million in HOME funding to the project. All activities in which HOME funds are involved require the completion of an environmental review in accordance with the National Environmental Protection Act (NEPA). One of the components of the NEPA review is a project review under Section 106 of the National Historic Preservation Act of 1966. This review is conducted by the Texas Historical Commission, the State Agency for Historic Preservation. The initial review of the project documentation provided and determined the project as proposed would have an Adverse Effect on the National Register listed or eligible properties. The Texas Historic Commission cited the proposed buildings are out of scale with the buildings in the potential National Register Historic District and the closure of Ange Street disrupts the historic street pattern and connectivity. City staff disagreed with the conclusions of the Texas Historic Commission and requested a meeting with the Texas Historic Commission for consultation regarding the finding and to discuss alternate mitigations to allow the project to proceed. A meeting was held with the Texas Historic Commission on May 22, 2009. It was agreed the City could enter into a Memorandum of Agreement with the State Historic Preservation Officer (SHPO) that the City would develop a National Register nomination for an area, to be defined, that includes the proposed Magoffin Villas project. One of the requirements is to notify the Advisory Council on Historic Preservation of the adverse effect findings and allow them an opportunity to participate in mitigations efforts. This notification was made and the City was notified by the Advisory Council on Historic Preservation on June 26, 2009, "we do not believe that our participation in the consultation to resolve adverse effects is needed". The City has also invited the El Paso County Historical Commission to participate and they have accepted.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

On August 26, 2008, City Council approved the Magoffin Villas project concept. On September 30, 2008 the City Council approve a Financial Terms Contract for the Project. On January 27, 2009 the City Council upheld an Appeal in the Historic Landmark Commission Case : HPC09-00004 in the Magoffin Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) on January 21, 2009, to deny a Certificated of Appropriateness.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Required activities will be completed by the Development Services Department by funded staff positions.

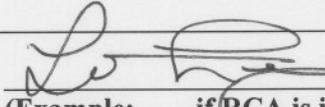
**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**  \_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Memorandum of Agreement (MOA) between the City of El Paso and the Texas State Historic Preservation Officer regarding the Magoffin Park Villas project to be located at 900 Myrtle Avenue. The MOA provides for the City to develop a National Register nomination for an area, to be determined, that includes the Magoffin Park Villas project.

**APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.**

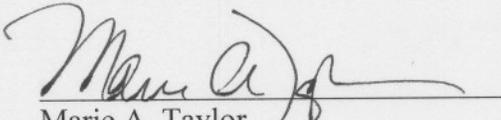
CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

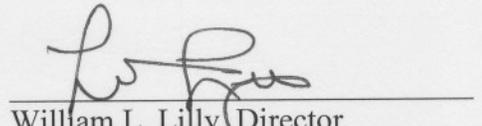
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Marie A. Taylor  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
William L. Lilly, Director  
Community & Human Development

**MEMORANDUM OF AGREEMENT**  
**BETWEEN THE CITY OF EL PASO**  
**AND THE**  
**TEXAS STATE HISTORIC PRESERVATION OFFICER**  
**REGARDING THE MAGOFFIN PARK VILLAS**

**WHEREAS**, the City of El Paso, Texas (the "City") plans to provide financial assistance to the Magoffin Park Villas (the "undertaking") from the U.S. Department of Housing and Urban Development ("HUD") HOME Investment Partnerships Program pursuant to the HOME Investment Partnerships Act as enacted under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. §12701 *et seq.* and pursuant to rules and regulations adopted by HUD, as contained in 24 C.F.R. Part 92; and

**WHEREAS**, HUD regulations at 24 C.F.R. Part 58 implement statutory authorities that permit certain entities to assume HUD's environmental responsibilities for various HUD programs, and included among the statutory authorities under which this responsibility is assumed is compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f); and

**WHEREAS**, the undertaking consists of the construction of a ninety-one unit multifamily development which includes two buildings and parking facilities as shown in Attachment A; and

**WHEREAS**, the City has defined the undertaking's area of potential effect (APE) as the locally designated Magoffin Historic District as shown in Attachment B; and

**WHEREAS**, SHPO has determined that the undertaking may have an adverse effect on the Magoffin Historic District, which is eligible for listing in the National Register of Historic Places, and has consulted with the Texas Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

**WHEREAS**, the evaluation and preparation of a National Register Nomination for the Magoffin District would assist the city and state in the future preservation of the district and would assist property owners in being able to take advantage of the substantial federal tax credits for the rehabilitation of historic buildings; and

**WHEREAS**, the City has consulted with the El Paso County Historical Commission regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as an invited signatory; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the City has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, the City and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

The City shall ensure that the following measures are carried out:

### **I. CHANGES TO THE SCOPE OF WORK**

Construction of the undertaking shall be completed in a manner consistent with the architectural drawings provided to the SHPO in December of 2008, with the design shown on Attachment A, and with the changes that were recommended and adopted by the Historic Preservation Officer in HLC Case: HPC09-00004 concerning the property, as approved by the El Paso City Council on January 27, 2009, as shown on Attachment E. Any revisions to the design that substantively change the location, height, massing, amount of landscaping, or exterior materials of the development shall be submitted to the SHPO for review and comment prior to implementation. Interior modifications and minor changes to the work that do not substantively alter the location, height, massing, amount of landscaping, or exterior materials do not need to be submitted to the SHPO.

### **II. NATIONAL REGISTER NOMINATION PACKAGE**

Upon acceptance of the completed National Register nomination package by SHPO, this stipulation shall be considered to be complete. None of the signatories to this Agreement shall have the obligation to carry the nomination forward.

Work required by this stipulation shall be carried out by professional(s) meeting the appropriate Secretary of the Interior's Professional Qualification Standards as shown in Attachment C for History, Architectural History, or Historic Architecture.

- A. Within 30 days of execution of this Agreement, SHPO shall provide the City with electronic copies of the National Register nomination forms for use in the completion of Stipulations II.C through II.I of this Agreement.

- B. Within 60 days of execution of this Agreement, the City shall provide SHPO with a copy of the survey, inventory or other documents that describe the existing historic district, its boundaries, and the significance of the contributing buildings. Any available updates to the district since it was created should be provided. The City and SHPO shall then consult to determine the appropriate boundaries to be evaluated for the proposed National Register District which may differ from the locally designated district.
- C. The City shall develop a historic context and architectural descriptions for Magoffin Historic District in keeping with the guidance provided in NPS's *National Register Bulletin #16a: How to Complete the National Register Nomination Form and Defining Boundaries For National Register Properties*. The context shall be developed using information from neighborhood, local, and state resources, including interviews with current property owners and residents, as appropriate, to obtain and record information pertaining to the history and development of the neighborhood. This context may contain, but is not limited to, information on the development of the neighborhood; current and historic plat maps; biographies of significant persons who resided in the neighborhood; biographies of architects who designed residences in the neighborhood; information on structures that may have existed in the neighborhood at one time; and copies of historic photos.
- D. The City shall prepare maps according to NPS's requirements *National Register Bulletin #16a: How to Complete the National Register Nomination Form*. The following maps shall be prepared:
- i. One (1) map showing the boundaries of the district which uses a United States Geological Survey (USGS) 1:24,000-scale topographic maps, also known as 7.5-minute quadrangles; and
  - ii. One (1) plat map showing the legal boundaries of each lot and which clearly distinguishes the contributing properties from the non-contributing properties to the district.
- E. The City shall document each property in the neighborhood with digital photography and a written narrative.
- i. All digital photography shall meet the technical requirements in Attachment D of this Agreement.
  - ii. Images taken of each building shall include:
    1. One (1) view of the principal façade;
    2. One (1) oblique view; and

3. Additional images of exterior character-defining features, outbuildings, or other exterior elements, as appropriate.
- F. The City shall document the neighborhood with 5-10 digital photographs showing representative streetscapes illustrating the landscape design, property setbacks, and other character-defining elements.
- G. The written narrative for each property shall contain, but is not limited to, the following information:
- i. Location information, including address and lot number;
  - ii. A brief architectural description documenting the style, character-defining features, alterations to the property, and outbuildings;
  - iii. Dates of construction, additions, and alteration;
  - iv. Information on the original owners and any significant persons associated with the property; and
  - v. A determination if the property is a contributing resource to the district.
- H. Within 24 months of execution of this Agreement, the City shall submit one (1) hard copy of the data and one (1) CD-R containing the completed National Register nomination forms including the historic context, property narratives, maps, digital images and photo log to SHPO for review and approval. SHPO shall advise the City within 30 days of receipt if the submitted documentation is satisfactory or request specific revisions. SHPO shall also advise the City if any revised documentation is to be submitted to SHPO for a second 30-day review.
- I. Upon acceptance by SHPO, the City shall provide one (1) CD-R containing the completed National Register nomination package, including the historic context, property narratives, digital images and photo log to: the City's Development Services Department; the City's Public Library, Main Branch, Special Collections; El Paso County Historical Commission; El Paso County Historical Society; and the University of Texas at El Paso Library, Special Collections.

### III. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the City may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

#### **IV. POST-REVIEW DISCOVERIES**

If potential historic properties are discovered or unanticipated effects on historic properties found, the City shall cease work on portions of the construction related to the discovery and shall consult with SHPO regarding the effects, if any.

#### **V. MONITORING AND REPORTING**

Each year, during the month of February following the execution of this MOA until it expires or is terminated, the City shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the City's efforts to carry out the terms of this MOA.

#### **VI. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the City shall consult with such party to resolve the objection. If the City determines that such objection cannot be resolved, the City will:

A. Forward all documentation relevant to the dispute, including the City's proposed resolution, to the ACHP. The ACHP shall provide the City with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the City shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The City will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the City may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the City shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The City's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### **VII. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

#### **VIII. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that

party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the City must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The City shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the City and the SHPO and implementation of its terms evidence that the City has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

The City of El Paso, Texas

\_\_\_\_\_ Date: \_\_\_\_\_  
Joyce A. Wilson,  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Marie A. Taylor  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
William L. Lilly, Director  
Community and Human Development

[Signatures Continue on Following Page]

APPROVED AS TO CONTENT:

Troy M. Ainsworth, Ph.D.  
Troy M. Ainsworth, Ph.D.,  
Historic Preservation Officer  
Development Services Department

Texas State Historic Preservation Officer

\_\_\_\_\_ Date: \_\_\_\_\_  
Mark Wolfe, Deputy State Historic Preservation Officer

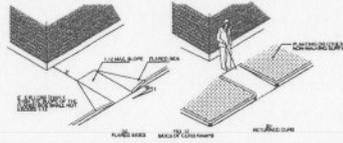
**INVITED SIGNATORIES:**

El Paso County Historical Commission

Bernie Sargent Date: 6 JUL 09  
Bernie Sargent, Chairman

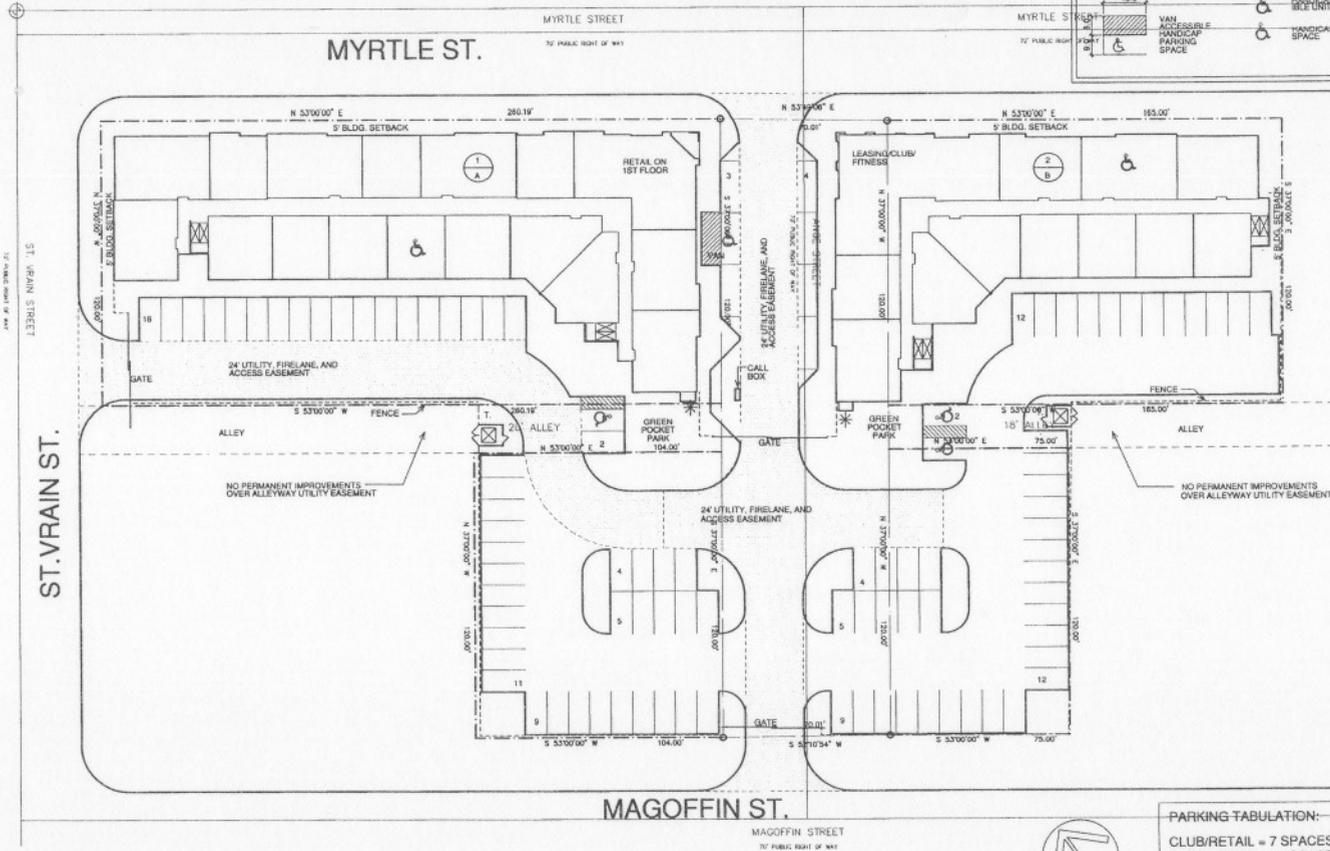
**Attachment A: Site Plan and Elevations of the proposed Magoffin Park Villas**

[ATTACHED]



**LEGEND**

	TYPICAL PARKING SPACE		BUILDING ORIENTATION
	HANDICAP ACCESSIBLE PARKING SPACE		BUILDING NUMBER BUILDING TYPE INDICATION
	VAN ACCESSIBLE HANDICAP PARKING SPACE		FIRE SPRINKLER ROOM LOCATION
	HANDICAP ACCESSIBLE UNIT		HANDICAP PARKING SPACE



**PARKING TABULATION:**  
 CLUB/RETAIL = 7 SPACES  
 RESIDENTIAL = 93 SPACES  
 TOTAL PARKING = 100 SPACES

MAGOFFIN PARK VILLAS - SITE PLAN - EL PASO, TEXAS  
 SCALE: 1" = 20'-0"



**REVISIONS**

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**Magoffin Park Villas**  
 RESIDENTIAL UNITS IN EL PASO, TEXAS FOR  
 TWO DEVELOPMENT SERVICES

**BG BO**  
 BUREAU OF  
 GEOMETRIC  
 SURVEYING AND  
 MAPPING

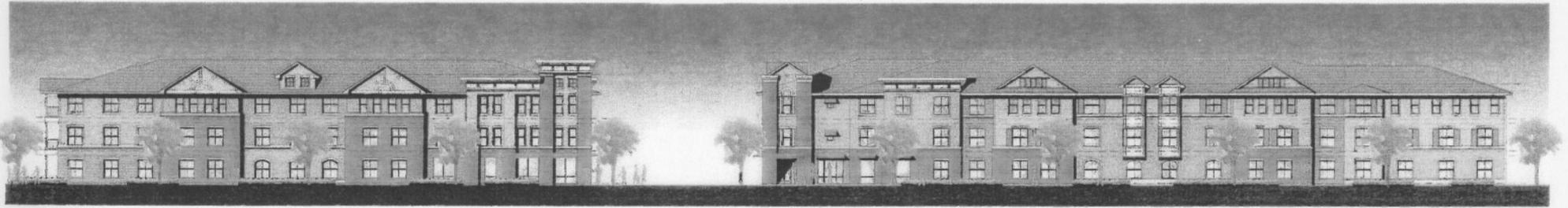
AMHERSTERS, INC.  
 OFFICE: EL PASO, TEXAS 79901  
 DALLAS, TEXAS 75201  
 HOUSTON, TEXAS 77002

**DATE**  
 11-21-08

**PROJECT**  
 071118

**SHEET NUMBER**  
 1.1  
 SITE PLAN

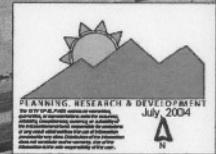
**SITE PLAN**



MAGOFFIN PARK VILLAS  
EL PASO, TEXAS

**Attachment B: Magoffin Historic District**  
[ATTACHED]

# MAGOFFIN HISTORIC DISTRICT



## **Attachment C: Secretary of the Interior's Professional Qualification Standards**

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

### **History**

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

### **Archeology**

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

### **Architectural History**

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

**Architecture**

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

**Historic Architecture**

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

## **Attachment D: Photography Technical Requirements**

The photography shall comply with the requirements of the National Park Service's (NPS's) March 2005 National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion and February 2009 Photograph Policy Update or the latest guidance from NPS.

The images shall meet NPS's 75-year permanence standard.

Image files shall be saved as uncompressed Tagged Image File Format (TIFF) files on appropriate CD-R media.

Image size shall be 1600x1200 pixels at 300 pixels per inch (ppi) or larger.

Images shall be saved in an 8-bit or larger color format.

Images of each building shall be saved according to NPS's 2009 Photograph Policy Update with a separate photo log created that contains the following information for each image:

Name and address of building;

Date of photograph;

Name of photographer; and

Description of the view, including the direction of the camera.

**Attachment E: Historic Preservation Officer's Adopted Changes in HLC Case: HPC09-00004; 915 and 917 Magoffin Avenue; 1000, 1008, and 1010 Myrtle Avenue; 1001 Magoffin Avenue, El Paso, Texas in the Magoffin Historic District**

[ATTACHED]



**HPC09-00004**

**Date:** *January 21, 2009*  
**Application Type:** Certificate of Appropriateness  
**Property Owner(s):** Centro De Salud Familiar La Fe  
**Representative(s):** TVO Development Services, LLC  
**Legal Description:** Parcel 1: Lots 7 to 10, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas  
Parcel 2: Lots 1 to 3 and west 20 feet of 4, Lots 5 and east 5 feet of 4, Lots 6 and west 15 feet of 7, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas  
Parcel 3: Lots 17 to 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas

**Historic District:** Magoffin  
**Location:** Parcel 1: 915 and 917 Magoffin Avenue  
Parcel 2: 1000, 1008 and 1010 Myrtle Avenue  
Parcel 3: 1001 Magoffin Avenue

**Representative District:** #8  
**Present Zoning:** Parcel 1: C-4/H (Commercial/Historic)  
Parcel 2: C-4/H (Commercial/Historic)  
Parcel 3: A-3/H (Apartment/Historic)

**Present Use:** Vacant  
**Year Built:** N/A  
**Contributing Status:** N/A  
**Request:** Certificate of Appropriateness  
**Planning Area:** Central  
**Application Filed:** 1/05/2009  
**45-Day Expiration:** 2/19/2009

**ITEM #1**



**HLC Case: HPC09-00004**  
**January 20, 2009**

**915-917 Magoffin Avenue**  
**1000, 1008-1010 Myrtle Avenue**  
**1001 Magoffin Avenue**

**GENERAL INFORMATION:**

The applicant seeks approval to:

Construct an urban in-fill, mixed income, and mixed use residential/commercial complex with surface parking

**UPDATE:**

On the morning of January 16, 2009, the architect of record, the applicants, and City of El Paso staff met to discuss the design of the proposed Magoffin Park Villas project. Robert "Bobby" Finta, the architect of record, will provide additional information in the form of renderings and building materials specifications to present to the El Paso Historic Landmark Commission on January 21, 2009. Pending the submission of the requested additional information and revisions to the design of Building B, the revised design may achieve the desired result of a structure more compatible to the architectural character of the Magoffin Historic District and change the staff recommendation from denial to approval with modifications.

**STAFF RECOMMENDATION:**

The Historic Preservation Officer, in evaluating the submitted design for the Certificate of Appropriateness, finds that the overall design does not sufficiently adhere to the guidelines cited below. The design as submitted may have an adverse impact on the Magoffin Historic District, an outcome which is prohibited in the Magoffin Historic District Design Guidelines. Specifically, the submitted design for Building B of the Magoffin Park Villas does not sufficiently adhere to the Magoffin Historic District Design Guidelines in the following respects:

- massing, both for the buildings and the roof system
- materials (brick exterior is preferable)
- windows (aluminum storm windows are not recommended)
- parking (unique challenges inherent to this proposed site)
- site development (narrow facades should front streets)

Although the submitted design features both appropriate and inappropriate aspects in relation to existing buildings in the Magoffin Historic District, it is recommended that the structure be redesigned to more harmoniously blend into the architectural character of the Magoffin Historic District. Addressing the five bullet points listed above will strengthen the Certificate of Appropriateness application and protect the historic architectural character of the Magoffin Historic District.

Based upon the current submitted design, the Historic Preservation Officer recommends DENIAL of the proposed new construction based on the Magoffin Historic District Design Guidelines. However, pending the submittal of additional information and revised drawings from the architect, the Certificate of Appropriateness application may be sufficiently strengthened for a recommendation of approval with modifications. Several possible

solutions exist to address the design concerns for Building B:

- addressing the building's massing by reducing the pitch of the roof, which would lower the building's overall height
- incorporating an appropriate brick treatment to the building's exterior to reflect the predominate use of brick in other buildings in the historic district
- selecting an appropriate aluminum-frame window that reflects the typical window treatment in the historic district; aluminum windows may be appropriate based upon the manufacturer's specifications
- incorporating architectural detailing along the Myrtle Street façade in order to address the length of that façade fronting Myrtle Street
- visually minimizing the parking lot fronting Magoffin Street by incorporating wrought iron fencing, or an appropriate wrought iron substitute material, in addition to landscaping the parking lot area with trees

### **RESOURCE INFORMATION:**

*The Magoffin Historic District Design Guidelines* recommends the following:

- The Design Guidelines for the Magoffin Historic District are a set of recommendations for the rehabilitation, restoration, and new construction of structures. Generally, design guidelines serve to improve the quality of physical change, protect investments, protect existing architectural characteristics, and prevent incompatible new construction. Specifically, these guidelines have been established to preserve the unique character and identity of Magoffin landmarks and their environments. They are also intended to serve as an outline for new construction so that future development will harmonize and support existing structures (3).
- Site Development: The purpose of reviewing proposed alterations to structures within the Magoffin Historic District is to assure compatibility with existing historic buildings. This also applies to the way a building is situated on its site. Site development is important in maintaining a building's integrity (15).
- Height and Scale: Height limitations are established primarily to ensure the compatibility of height and scale between existing structures and new construction. Height limits for the Magoffin Historic District are specifically established in order to prevent development from dominating the historic environment. Therefore, no structure, detached, row or apartment building shall exceed three-stories in height. Heights of new buildings should conform to the heights of existing surrounding buildings.... Avoid overwhelming original massing with excessive additions (heights).... New construction and additions should be compatible in height and scale to attached and adjacent structures (15).
- Setbacks: Setbacks help to create a unified rhythm along a street. Maintain the predominant existing building line. The existing building line along Myrtle, Magoffin, San Antonio, and Olive Streets shall be maintained. Existing building lines should not be disturbed by new construction. New construction of structures should be flush with the existing building line, and parking space should be located to the rear of the building (16).
- Proportion: The relationship between the height and width of a building establishes proportion. The proportions of new buildings should be consistent with the dominant proportions of existing buildings. Proportions of a group of

structures define a pattern which is called a streetscape. Streetscapes help to establish the architectural character of a neighborhood. All new construction and additions to existing structures should preserve and enhance the streetscape (16).

- Pattern and Rhythm: Solids and voids (walls to windows and doors) establish a pattern in the façade of a building. A pattern of solids and voids establishes rhythm. Other architectural elements such as porches, projections, and bays contribute to pattern and rhythm. New construction or additions to existing structures should maintain and reinforce the existing pattern. The proportions of open space between facades should remain constant so that the rhythm of the street is maintained (16).
- Site Details—Parking and Driveways: Most residential structures have parking at the rear of the property in the form of a garage or carport. 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. Acceptable driveway materials are concrete. Use plantings to screen parking areas (19).
- Site Details—Lighting: Most properties in Magoffin are not lit in a decorative manner. If you wish to accent your property with exterior lighting, it is recommended that you first try to find a replica (or an original) of a late nineteenth or early twentieth century period style fixture. If you are buying a new fixture, keep it as simple as possible such as a pole with one lantern attached (19).
- Landscaping and Open Space: Landscaping is an inherent part of a building's siting and design. Good landscaping reinforces and highlights the architectural qualities of a structure. Original vegetation should be maintained in good condition as it takes years for trees, shrubs, and lawns to properly mature. When new landscaping is planned, it should be designed to compliment the structure and the streetscape. It should be emphasized that landscaping on main arterials and residential streets must follow landscaping standards established by the Department of Traffic and Transportation for the City of El Paso. For example, on main arterials, trees must clear standard size trucks: 13.5 feet above the pavement. On residential streets, trees shall have a minimum clearance of 10 feet above the street level at the curb line, and graduate toward the centerline of the street to a minimum clearance of 12 feet above the pavement. There are many vacant lots in the Magoffin District as a result of demolition of contributing buildings. It is recommended that these lots be landscaped with shade trees, especially Magoffin Avenue which is the gateway to the historic Magoffin home. Specifically, the parkways at the corners of Virginia and Magoffin, Olive and San Antonio Streets; the corner of St. Vrain and Magoffin; the entire north block of 900 Magoffin; the corner of Ange and Magoffin; the corner of Octavia and Magoffin; the lot behind the flat-iron building at Olive and San Antonio; and the perimeter around the Magoffin Homestead to screen the non-compatible Housing Authority projects (20).
- Roofs: Gable roofs are characteristic of the Magoffin neighborhood. These are high-pitched shingle roofs with brick gables or cedar-shingle gables. Dormer attic vents are very characteristic of these roofs. Flat roofs are also found in this district. Parapets and flat wood eaves are distinctive features of the Territorial style and the townhouse. Essentially, all structures are intended to be wall dominated; "a building's geometry should be more defined by walls than by

roofs.” The height of the roof above the wall should not be greater than the height of the wall itself (23-24).

- Openings—Windows: In Magoffin...window treatment ranges from the basic to the ornate. Frames, lintels, and sills were constructed of stone, brick, or wood. The finish must be in character with the overall appearance of the structure and adequately complement its style. Storm windows should look like part of the building rather than something tacked on. Well proportioned storm windows can be installed without causing adverse visual effect. Color, shape, and general appearance of storm windows should correspond to the inner windows as closely as possible. Avoid using aluminum, and other metal types of storm windows, that may disturb the character of the building (25).
- Openings—Doors: Doors are important elements contributing to the character of structures. Proportion, composition in elevation, detail, and trim are all essential to the overall scheme.... Flat surfaced and contemporary doors with small decorative windows should be avoided (27).
- Materials and Finishes: Much of a structure’s character is determined by the way materials and finishes are combined. The character of the Magoffin Historic District should be preserved through proper design and construction practices (30).
- Materials—Masonry: Appropriate masonry for the Magoffin Historic District includes brick, wood siding, and adobe (30).
- Materials—Wood: With the availability of brick at the end of the nineteenth century, very little wood construction is found within the Magoffin Historic District. Wood was predominantly used in railings, columns, detailing, and trimming around windows and doors (31).
- Materials—Metals: Like wood, very little exterior metal has been used for construction within the Magoffin Historic District. For the most part, metal is used for mansard roofs, balconies, and fencing. Metal functioning as structural hardware can also be decorative when used as a highlight on wood construction. For example, metal wood connectors used to support beams and columns, or as hardware with a black metal finish on wooden gates (31).
- Color: Color is one of the most personal decisions facing property owners. There are general guidelines, however, that should be taken into consideration. Before painting, keep in mind the relationship that buildings have to one another on a street. The color of one building can set the tone for an entire street and either blend or clash with neighboring structures (31).
- Parking: Place the parking area where it will have minimal visual impact on the area. Commercial parking should generally be located to the rear of the property. Parking areas should not be placed in front or side yards. Parking presently located in front of a structure should be screened with compatible fencing materials and/or landscaping. The combining of vegetation with fencing materials will enhance the quality of the site (38).
- New Construction General Considerations: There is currently a small amount of undeveloped land within the Magoffin Historic District. New construction and design should not detract or adversely affect existing historic properties in any way. New construction may be defined in two ways: new infill construction on vacant land or the building of additions to an existing building. In either case, all of the general guidelines previously mentioned should be adhered to. Any new construction must be compatible in size, texture, color, design, proportion, and

detail to adjacent buildings and streetscapes, and must follow the specific architectural styles designated appropriate for that particular zone. Incorporating existing architectural features with new design elements can contribute added interest and compatibility (40).

- Infill Construction: New structures should respect the integrity of existing buildings. Existing historic structures and streetscape need to be taken into consideration before designing new infill construction. Setbacks, proportion, rhythm, and building elements should all be addressed. As previously stated, infill construction must follow the architectural styles deemed appropriate for that particular zone (40).

*The El Paso Downtown 2015 Plan* recommends the following:

- The following Design Guidelines set minimum standards for all new development and building renovation in downtown El Paso. These guidelines complement the existing Downtown Historic District Guidelines and current zoning regulations. When these guidelines are in conflict with any existing City Ordinance or Historic Guidelines, the more restrictive regulation shall apply (81).
- The form, rhythm, materials, and character established by the historic and significant buildings are defining components in downtown El Paso and should be reinforced and enhanced by renovation and new construction. Historic buildings should not be mimicked or trivialized, but the character of street frontage and building quality should serve as a guide for renovation and new development (82).

#### Building Massing and Organization

- Reflect and reinforce the scale, massing, proportions, rhythm, and attention to detailing established by the historic and significant buildings in downtown El Paso (88).
- Building mass should be articulated through variation in planes and wall surfaces, fenestration, height variation, and differences in materials or colors and surface articulations (88).
- Incorporate elements which break up the façade plane and create light and shadow (88).
- Vertical divisions of ground and upper floors should be consistent. Major horizontal elements of adjacent buildings and storefronts should align (88).
- Articulate side and rear facades in a manner compatible with the design of the front façade. Avoid blank wall surfaces on walls that are visible from streets or other public areas (88).

#### Roof Forms

- Roof forms should match the principal building in terms of style, detailing, and materials (88).
- Consider local precedents in the selection of roof forms (88).
- Flat roofs should be screened by parapets or fall-front sections of sloping roofs (88).

#### Materials

- Approved materials: glass, ceramic tile, stucco / painted stucco, wood siding (residential), Hardie plank (residential), textured or colored concrete block, poured-in-place concrete, pre-cast concrete, stone and stone veneer, and brick and brick veneer (89).

- Consider El Paso and southwestern precedents in the selection of building materials. Buildings and streets should use materials that are appropriate to local climate and use (89).
- New materials should reflect the character of downtown El Paso and should be selected to convey a sense of quality, durability, and permanence (89).
- The palette of wall materials should be kept to a minimum, preferably two or less. Using the same wall materials as adjacent or nearby buildings helps strengthen the district character (89).
- Where more than one material is used, traditionally heavier materials (stone, brick, concrete with stucco, etc.) shall be located below lighter materials (wood, fiber cement board, siding, etc.). The change in materials shall occur along a horizontal line, preferably at the floor level (89).
- Buildings should use materials that are durable, economically maintained, and of a quality that will retain their appearance over time (89).
- Use high-quality detailing for new buildings and replacement elements (89).

#### Details and Ornament

- Building details and ornamentation should contribute to the architectural character of downtown El Paso and should be integral to the design of the façade. Avoid applying ornament just for the sake of decoration (89).
- Incorporate details and ornament that are of a level of quality similar to those found on historic buildings in downtown El Paso (89).
- Incorporate details and ornament which are in scale and harmony with the overall building façade and which respect the historic character of El Paso (89).

#### Magoffin/San Antonio Neighborhood: Residential Mixed-Use District

- New open space in the Magoffin/San Antonio District is an essential component in creating a welcoming and family friendly neighborhood in an area that is currently mostly light-industrial uses. The plan recommends two buffer open spaces on the northern and southern edges of the neighborhood, each with significant landscaping and recreational uses. Complementing these buffer parks, the plan recommends a minimum of 4 acres of additional open space that may be accommodated in one or more new open spaces. These open spaces should be very family-friendly and neighborhood-oriented with activities for children, small-scale recreation, space for community events, and cultural and arts elements (94).

#### Parking and Transportation Strategy

- Parking lots should be located behind or to the side of buildings, such that buildings or landscaping separate parking areas from the street. Off-street parking lots shall be set back a minimum of 10 feet from property lines along public rights-of-way, excluding alleys (100).
- Parking lots should be screened from the sidewalk with transparent, attractive and well-maintained cast-iron and brick fencing (100).

#### Neighborhood Character

- New development in the Magoffin/San Antonio District should draw inspiration from adjacent historic residential districts, yet not mimic it (109).
- New development should be built to the street with minimal setbacks, except for usable open space, stoops, and courtyards (109).
- Reflecting the general development pattern in the neighborhood, entrances and primary facades should be generally oriented to east-west streets (109).
- Reflecting the variety and scale of the adjacent neighborhoods, development

projects that occupy an entire block should consider housing with a range of densities and building types (109).

- Where feasible, parking should be accessed from alleys (109).
- Active ground floor uses include retail, community services, and live-work (109).
- Incorporate a range of retail opportunities that include small-scale local retailers (109).
- Consider corners as important retail opportunities (109).

#### Commercial/Residential Block

- A building designed for occupancy by retail, service, and/or office uses on the ground floor with the potential for residential or allowed non-residential uses on the upper floors is defined as a commercial/residential block. These buildings range in size from entire city blocks down to smaller infill projects built into the existing neighborhood fabric. Their lot area entails neither a maximum nor minimum amount of land, and lot coverage may include up to 100% of the lot. Regarding the building placement, no front setback for at least 75% of frontage to 5' maximum for up to 25% of frontage is permitted. Exceptions for usable arcades and outdoor seating are permitted. No setbacks are required for the side(s) or rear of the building. The main entrance shall be located within the façade and accessed directly from the street through an allowed frontage type. For buildings that front on two streets, entrances may be on the corner. Parking may be located interior to buildings, behind buildings, or integrated with the building itself. Parking shall not be located to front the street (118).
- The height of this building type can range from one story for a single retail-type use to multiple stories for mixed-use buildings. This is the recommended building type for many of the land use districts (118).
- New development should be informed by traditional patterns, materials, colors, and typologies found in El Paso (118).
- Create variety along the street. Adjacent buildings shall be visually distinct from each other (118).
- Variety may be achieved by changing materials, roofline, windows, step-backs, modulation, setbacks, recesses, height, entries, color, building form, or architectural details. At least two of these elements should vary for each building along the street (118).
- Variation in building form should relate to the scale of individual building units or rooms such as recessed or projecting bays, shifts in massing, or distinct roof shapes (118).
- The facades of multi-family apartment buildings should be articulated at minimum intervals of 25'-50'. Articulation can be achieved through changes in building plane or features such as but not limited to: balconies, columns, bay windows, and pilasters (118).
- Reflective glass shall not be permitted (118).

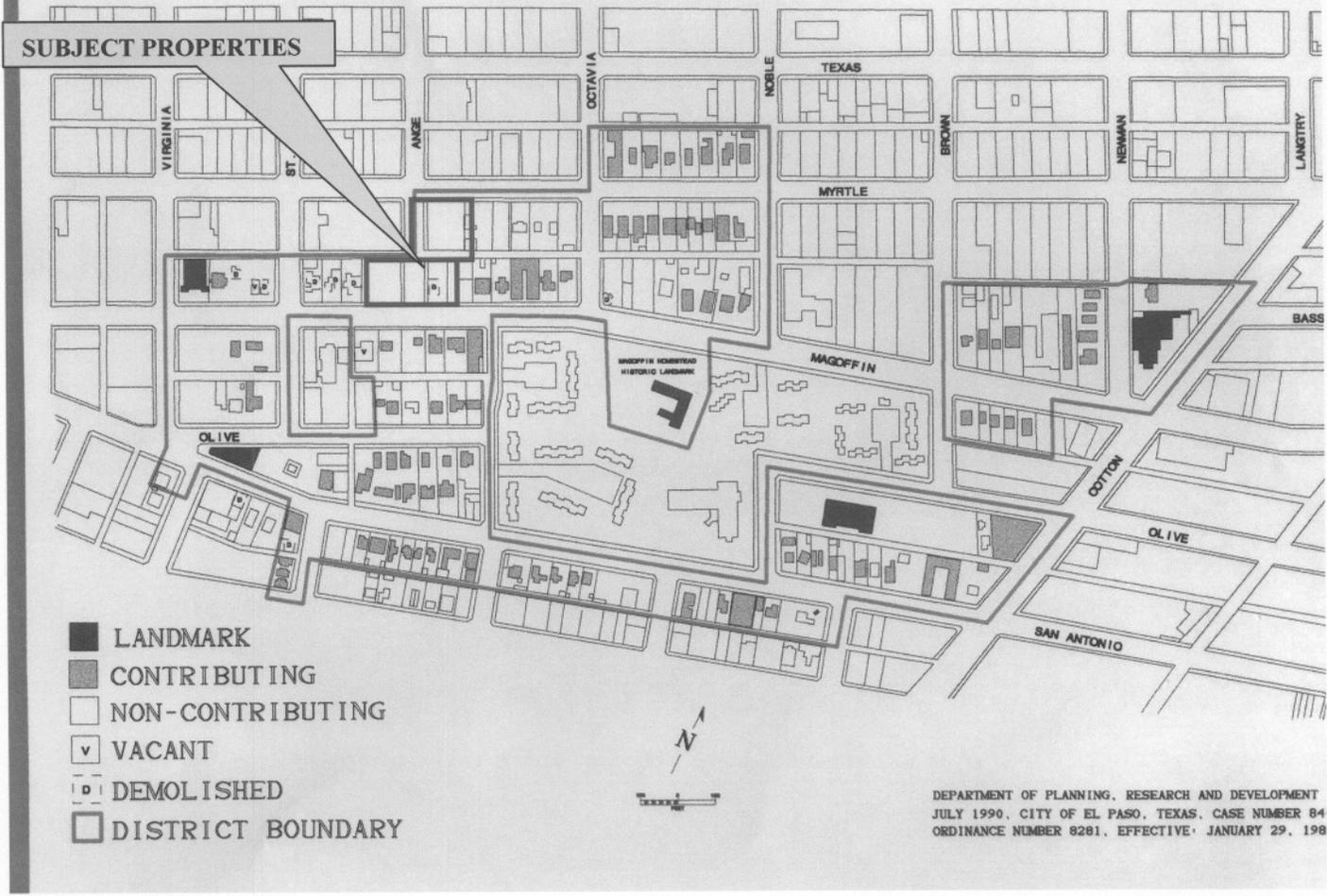
AERIAL MAP

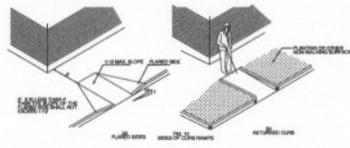
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# HISTORIC DISTRICT MAP

## MAGOFFIN HISTORIC DISTRICT





**LEGEND**

	18.0'		BUILDING ORIENTATION
	18.0'		BUILDING NUMBER
	18.0'		BUILDING TYPE INDICATION
			FIRE SPRINKLER ROOM LOCATION
			HANDICAP ACCESS
			HANDICAP PARKING SPACE



**PARKING TABULATION:**  
 CLUB/RETAIL = 7 SPACES  
 RESIDENTIAL = 93 SPACES  
 TOTAL PARKING = 100 SPACES



REVISIONS

**Magoffin Park Villas**  
 RESIDENTIAL UNITS IN EL PASO, TEXAS FOR  
 TWO DEVELOPMENT SERVICES

**BG BO**  
 BECKLER  
 4448 CENTRAL EXP.  
 GUSTO  
 OYENS ARCHITECTS INC.  
 4448 CENTRAL EXP.  
 DALLAS, TEXAS 75206 (214) 584-5076

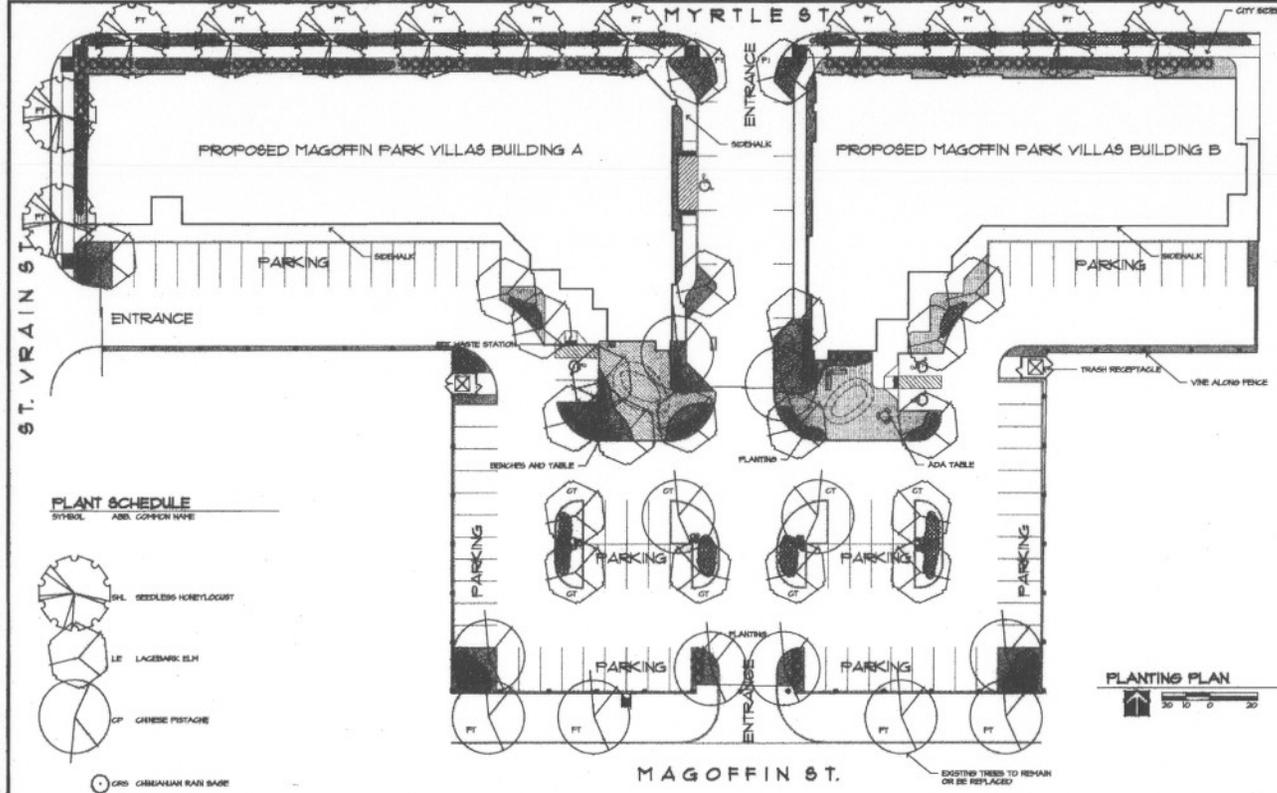
DATE  
**11-21-08**

PROJECT  
**071118**

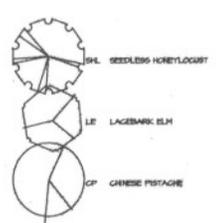
SHEET NUMBER  
**1.1**  
 SITE PLAN

MAGOFFIN PARK VILLAS - SITE PLAN - EL PASO, TEXAS  
 SCALE: 1" = 20'-0"

**SITE PLAN**



**PLANT SCHEDULE**



- CR5 GIBBERNAH RAIN BARE
- ★ SLY SOFT LEAVED YUCCA
- ⊗ RWH REDAL HEST HEALY
- ⊙ RY RED YUCCA
- ⊗ PPH PINK PINK HONEYBUCKLE

- FGC FLOWERING GROUND COVER
- EGC EVERGREEN GROUND COVER
- SANA ANA SOI

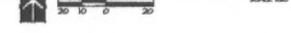
**LEGEND**

- 1/2" HT. FRANKLIN RED BUCK HEDGE 3' DEPTH WITH FEED PARKING UNDERLAYMENT.
- 1/2" HT. FRANKLIN RED SCREENING 3' DEPTH WITH FEED PARKING UNDERLAYMENT.
- 6" DEPTH SHALE
- ADA TABLE WITH SEATS
- ▭ BENCH
- BOLLARDS
- ▬ TRIMSTRIP

**LANDSCAPE ORDINANCE REQUIREMENTS**

- LANDSCAPEABLE AREA REQUIRED: 10,588.8 ± 0.75 ± 136.56 FT.
- LANDSCAPE UNITS: 7,896 SQFT/1,000 = 134 ± 8 UNITS.
- PROJECT TREES: 6 X 11 ± 8 TREES.
- PARKING CANOPY TREES: 48 SPACES ± 455 - 7 PARKING CANOPY TREES REQUIRED.
- FRONTAGE TREES: MYRTLE ST. 305.47 FT., 20' - 10.08 ± 10 FRONTAGE TREES REQUIRED. ST. VRAIN ST. 102.5 FT., 20' - 2.04 ± 2 FRONTAGE TREES REQUIRED. MAGOFFIN ST. 241.00 FT., 20' - 4.82 ± 5 FRONTAGE TREES REQUIRED.
- BIENES: 6 ± 20 ± 180 5 GALLON BIENES.
- GROUND COVER: 6 ± 10 ± 80 1 GALLON GROUND COVER OR PERENNIALS.

**PLANTING PLAN**



**NOT FOR CONSTRUCTION**

4110 RD BRINDO, SUITE 217  
 1000 W. 10TH AVE  
 PHOENIX 915-351-8800  
 FAX 915-351-8988  
 E-MAIL: www.la@la.com  
 WEB: www.la.com

**LANDSCAPE ARCHITECTURE  
 PLANNING  
 MARKET ANALYSIS**

PROJECT NAME: **MAGOFFIN PARK VILLAS**  
 LOCATION:

SHEET NAME: **CONCEPT PLANTING PLAN**

DATE: **11/06/08**

SHEET NO: **L-01**

**LANDSCAPE PLAN**