



EL PASO HISTORIC LANDMARK COMMISSION

February 6, 2006

El Paso Historic Landmark Commission

Members Present:

Daphne Hamilton, Acting Chair
Carla Newman
Daniel Delahaye
Geoffrey Wright

Members Absent:

Raymond Rutledge, Chairperson
Hector DeSantiago

Staff/Advisors Present:

Christina Valles, Planning
Nancy Spencer, Planning
Tom Maguire, Building Permits & Inspection
Joel Guzman, Building Permits & Inspection

As duly announced in posted notice Daphne Hamilton Acting Chair, called the meeting to order at 4:23 p.m. Ms. Hamilton asked if there were any changes to the agenda. Ms. Christina Valles advised there were no changes.

Certificate of Appropriateness

- HP06001** 17 Mills, 151.77 Ft. on Main x 146.07 on El Paso x 298.24 Ft. on West
West Line of White House
Location: 125 Pioneer Plaza
Historic District: Downtown
Property Owner: City of El Paso
Representative: El Paso Community Foundation
Existing Zoning: C-5/H (Residential/Historic)
Representative District: #8
Year Built: 1929
Contributing Status: Landmark and Non-Contributing
Request: New Construction of an all-weather connecting walkway along the West
Wall of the Plaza Theatre Performing Arts Center between Center
between the historic theatre and the ground floor of the Plaza Annex
building
Application Filed: 01/20/05
60-Day Expiration: 03/21/06

Ms. Valles gave an overview of the property and provided photographs to the Commission.

Geoffrey Wright asked if the proposed walkway was a covered or enclosed walkway. He was advised that it was a covered and enclosed walkway.

Mr. Russell Hill explained the scope of work for the proposed covered walkway for the Plaza Theater. Mr. Hill stated there was a concern of patrons in the historic theater that during intermission or break may want to walk from the historic theater down to the concession space. Patrons would have to leave the ticket area with tickets in hand, walk outside the building, enter the concession space, having to show their tickets again to re-enter the historic theater.

There was discussion on the walkway. A portion of the wall where the walkway would be located would be brought out to make it equal with the outside of the loggia. The historic wall inside the entry between the historic area and the exterior space would not be touched. The walkway would be enclosed. In addition, movie posters are being donated to the theater, which will be framed and will line the hallway. Mr. Hill explained where the doors and windows would be located. He advised the The Community Foundation is funding the proposed extension.

Mr. Hill advised the concession area would be more of an area, which could be rented out for events. It would be designed for when there are events, the public may come in to purchase refreshments and there would be a restaurant, and restroom facilities. The concession space area would be located where the former San Francisco Grill restaurant was located.

There was discussion on the set of steps located along the walkway area. Mr. Hill explained the concession; walkway and the Arts Festival elevation area would be different and advised that the area would not be at the same floor level as the lobby of the theater. Gary Williams from the Community Foundation stated that because of the difference in elevation, patrons with disabilities would be brought in through the western side of the house area. The theater itself would be in ADA compliance. There would also be ADA accessible route from the main entrance through the theater.

Daniel De La Haye asked Mr. Hill to explain to the commission what work has the Historic Landmark Commission approved. Mr. Hill explained the requests and showed on the presentation what was already approved and advised the request for approval at this time was for the enclosure and exterior walkway and wall area.

There was discussion on the tile set above the windows. Geoffrey Wright asked if there was any other exterior tile on the building. Mr. Hill advised that there were some, which were original and some that were recreated from the original ones located on the southern exposure. Mr. Hill stated that when they replicate new materials, they have to make them distinct from the old so that you can see the difference between the original and new roof tile.

Joel Guzman from Development Services asked when the means of egress for this work was going to be addressed. The changes for the corridor would have to be addressed with the change in the fire door. Mr. Hill advised that the specifications would have to conform to code.

Rick Mojica, project manager for the Plaza Theater project explained where the proposed fire escape routes would be located.

Motion made by Daniel De La Haye to approve the request contingent upon Texas Historic Commission approval, seconded by Geoffrey Wright, and unanimously carried. (3-0)

Chair Comments

- 2. March 3, 2006 is the deadline for HLC members to request for agenda items to be scheduled for the March 20, 2006 meeting**

3. Feedback from HLC members and general public on compliance

Daniel DelaHaye stated that in regard to the vegetated buffer at Memorial Park, he spoke with Richard Garcia and Jose Ortiz from the Parks and Recreation Department and was advised that every tree that was anticipated to be planted has been and more will be planted in the near future.

Mr. DelaHaye also informed the commission that the El Paso and Southwestern Depot would now be listed on the Preservation Texas' ten most endangered buildings list. The official announcement will be made on Wednesday and Preservation Texas is looking for a point of contact for local media to call for the potential story. John Karr advised the contact person with the El Paso Times newspaper is David Crowder and for television is Chris Rodriguez from Channel 4. Geoffrey Wright stated the building has been deteriorating even before Mr. Billy Abraham purchased it.

Mr. Daniel DelaHaye asked about the status of the property on Prospect Street owned by Mrs. Lyons, which is in the Sunset Heights Historic District. Christina Valles advised that Mrs. Lyons's case is scheduled for presentation at the next Historic Landmark Commission meeting. Mrs. Lyons is to come in with an updated remediation plan.

Daphne Hamilton asked Mr. DeLaHaye if he would contact the people from the media reference the El Paso and southwest Depot. Mr. DelaHaye that he would contact them.

4. Building Permits & Inspections Division Report, Joel Guzman

There was discussion on where people would call on code violations such as someone doing work in a historic district without a Certificate of Demolition or a Certificate of Appropriateness. Joel Guzman informed the commission that the historic landmark ordinance is in the zoning municipal ordinance, Chapter 20. He advised that after a Certificate of Appropriateness is obtained; the work would be done under an official building permit, which is addressed in Chapter 18. All violations of Chapter 20, including violations of not having a Certificate of Appropriateness or not having a Certificate of Demolition would go through the code enforcement section office, which is in the process of moving to an office location on El Paso Drive. There will be an open house on the 5th floor and that would be a good time to do a media release for this particular subject. The primary telephone number is 541-4386. When calling, the caller should state that it is a violation of Chapter 20. of the zoning code. At this time, Chapter 20 enforcement is located on the 9th floor and Chapter 18 enforcement is located on the 5th floor.

Tom Maguire from Development Services advised this was set up in this way to determine who and how the code violations would be handled and if the case goes to court. The person calling in a violation will be referred to the appropriate enforcement section.

Mr. Guzman provided a secondary telephone number of 541-4801 for the Code Compliance Section of the Environmental Services Department.

John Karr addressed the commission. Mr. Karr commented that the Plaza Theater would not exist today if the former Planning Department allowed for the theater to be destroyed in order to straighten out El Paso Street.

Mr. Karr stated that he wanted the Historic Landmark Commission be aware that there would be a powerful political interest at work when the request for the cell phone tower goes before City Council. He advised that because of financial issues the El Paso Woman's Club needed this project. Mr. Karr advised that the Planning Division staff has recommended approval of the cell tower and that this was a big concern for him.

Mr. DelaHaye stated that he had been in contact with the Texas Historic Commission to address cell towers adjacent to historic properties. Mr. DelaHaye was informed that this is not the first time that the state has disapproved what is being proposed. This was the second cell tower that was proposed for the

same lot. Mr. DelaHaye stated he did not know what the outcome is going to be but did say that it did not have the support of the Texas Historic Commission.

Ms. Valles advised that she has been in contact with Emily Payne working on the processing of the application and was informed that they were not supporting the location of the cell tower and have presented other options that they would support including one that would require violation of the setbacks. It was suggested to have the cell tower moved over to another location on the site, which by city code they would not be able to do so unless they obtain a variance. At this time, they are still trying to work with T-Mobile and options that they would be able to support. T-Mobile has appealed to City Council and Ms. Valles has not yet scheduled the item to be presented to City Council. However, this item will be presented to the Historic Landmark Commission prior to being heard at City Council. The Historic Landmark Commission can take no action but comments can be submitted to City Council.

Mr. DelaHaye advised that he also had been in contact with the same person and was informed that the FCC has a nation wide memorandum of agreement with regard to cell tower issues. He was informed that the FCC does not require that determination. They look to what has been determined eligible for listing on the national register and what is listed on the national register so if there is consideration of expanding Sunset Heights to include the next block with the Hal Marcus building, apartments, it would not show up in their report. Mr. DelaHaye asked if the city has the option to going in and making that determination itself. Ms. Valles advised that the City does have that authority but the direction has to come from the City Manager's office. The staff would not be able to make a recommendation unless they have received permission from the City Manager's office to prioritize the workload in such a manner. In the past, there were consultants who handled the workload and coordination of the staff. It would be a very large effort.

Mr. Karr stated there is another national registered historic district in the area, almost the same distance from the proposed site on the east. This area is on then national register, however, it is not listed on the El Paso historic designation. He stated that the people in that district wanted to be on the national register designation for the purpose of having access to the historic preservation income tax credit. Mr. Wright suggested contacting Mr. Ron Pate who was responsible for the designation of that historic district to come in and inform the Planning Staff, Chapter 20 or Chapter 18 staff of the historic preservation income tax credit.

There was discussion on the Fall Mansion. Tom Maguire read out the Municipal Code 20.67.120 regarding demolition by neglect

A. No owner or person with an interest in real property designated as an historic landmark, as identified on the department of planning historic district maps, shall permit the historic landmark to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or interior feature on a designated historic interior, which would, in the judgment of the commission, produce a detrimental effect upon the character of the historic district as a whole, or the life and character of the individual historic landmark itself.

Examples of such deterioration include:

1. Deterioration of roofs or other horizontal members;
2. Deterioration of chimneys;
3. Deterioration or crumbling of stucco or mortar;
4. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows or doors; or
5. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition, is necessary for the public safety.

B. Upon notification to the commission of such a state of disrepair, the commission shall notify the owner in writing, informing the owner of the complaint and specifics of the alleged deterioration, requesting that the owner appear before the commission for a fuller and more accurate determination of the existence of detrimental deterioration.

Mr. Maguire stated that this case has been presented to the Historic Landmark Commission six or seven times.

Letters would be sent out notifying the property owner of the hearing to explain to the property owner what the deterioration was, documenting it through photographs and inspections.

C. If, after a hearing before the commission, the commission determines that the deterioration has produced a detrimental effect as described in subsection A of this section,

Mr. Maguire stated that he spoke to the City Attorney on Friday including the attorney that will be taking this case to court. The attorneys want to insure that all procedure is followed. He stated In the letter sent to Mr. Billy Abraham on January 21, 2004, the last paragraph states "An unresolved finding of demolition by neglect would eventually subject you to substantial penalties as outlined in section 20.68 of the El Paso Municipal Code. The evidence was considered and a finding was made of demolition by neglect. However the attorneys want something to the effect that states that we as a commission find that the owner has allowed deterioration of the structure, exterior features which produced a detrimental on the life and character of the individual historic landmark itself and say that the commission authorize the finding of demolition by neglect based on consideration. The resolution has to be phrase so that all elements are covered and Mr. Abraham does not say that we did not determine that it has produced a detrimental effect. Mr. Maguire stated that he would place this item on the agenda for March 6, 2006. The wording would be written out with the guidance of the attorneys in the prosecutor's office so that all elements in the resolution are covered. Mr. Maguire will be bringing the letter for Mr. Abraham to Ms. Valles to be presented to the commission. The resolution would be included in the packet.

Mr. DelaHaye stated that there was an effort to list this property a second time on Preservation Texas ten most endangered list. An application was submitted.

Ms. Hamilton asked what would happen if there is a finding of demolition by neglect. Mr. Maguire stated that if there were a finding of demolition by neglect, Mr. Abraham would be fined up to \$2,000. Mr. Maguire also stated that they are working on taking the case to the Building and Standards Commission for condemnation to board and secure.

5. Planning Division Report, Christina Valles

No report at this time

6. Approval of the December 5, 2005 meeting minutes
7. Approval of the January 9, 2006 meeting minutes.
8. Approval of the January 23 2006 meeting minutes

Members were asked if they had any comments on the approval of the minutes. Since no comments were given, Daphne Hamilton stated the minutes stand approved as written.

Being no further business to come before the Historic Landmark Commission, the meeting was adjourned at 5:15 p.m

Nancy M. Spencer
Secretary