

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

AGENDA DATE: August 16, 2022

PUBLIC HEARING DATE: August 16, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Providencia Velazquez, (915) 212-1567

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:

Discussion and action on an appeal by the property owner of 1121 Terrace Court, El Paso, Texas in the Sunset Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case PHAP22-00022 on June 6, 2022, to deny a Certificate of Appropriateness for the referenced property. (District 8)

BACKGROUND / DISCUSSION:

On June 6, 2022, the Historic Landmark Commission voted unanimously to deny the application for a Certificate of Appropriateness for construction of a balcony structure on the main façade after-the-fact with the recommendations that the balcony structure be removed; the windows and doors be replaced with windows and doors to match the historic windows and doors; the fencing be removed and replaced with fencing meeting the guidelines; the stucco be removed from the retaining wall; the balcony, fencing, and stucco be removed within the next thirty (30) days; the windows and doors be replaced within the next sixty (60) days; and no permits shall be approved for the property until it is in compliance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM

DATE: August 8, 2022

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Providencia Velázquez, Historic Preservation Officer

SUBJECT: Appeal of Historic Landmark Commission Ruling in PHAP22-00022

The Historic Landmark Commission (HLC), on June 6, 2022, voted unanimously to **DENY** the Certificate of Appropriateness application for construction of a balcony structure on the main façade after-the-fact with the recommendations that the balcony structure be removed; the windows and doors be replaced with windows and doors to match the historic windows and doors; the fencing be removed and replaced with fencing meeting the guidelines; the stucco be removed from the retaining wall; the balcony, fencing, and stucco be removed within the next thirty (30) days; the windows and doors be replaced within the next sixty (60) days; and no permits shall be approved for the property until it is in compliance.

The HLC found that the proposal does not comply with the historic guidelines and that the request was brought before the commission after the construction had been completed, therefore, the commissioners were not allowed to comment on the work prior to the construction taking place. Based on the *Design Guidelines for El Paso's Historic Districts, Sites, and Properties*:

- *Site features that may exist on a property are swimming pools, pergolas, terraces and gardens and every effort should be made to retain those features that remain.*
- *Place non-traditional site features such as swimming pools, playground equipment, concrete pads and basketball goals, tree houses, dumpsters, and trash receptacles only in areas such as rear yards, where they are not visible from the street.*
- *New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged or destroyed in the process of rehabilitation.*
- *Any new addition should be planned so that it is constructed to the rear of the property or on a non-character defining elevation and is minimally visible from the public right of way.*
- *Introduce additions in locations that are not visible from the street-generally on rear elevations.*
- *Locate additions carefully so they do not damage or conceal significant building features or details.*
- *Design an addition so it is compatible in roof form, proportions, materials and details with the existing structure.*
- *Design an addition that is compatible with but subtly different from existing historic homes in the district.*
- *Design an addition so that if removed in the future, the historic building's form and character defining features are not obscured, damaged, or destroyed.*

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

- *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

- *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.*

The recommendations are that the balcony structure be removed; the windows and doors be replaced with windows and doors to match the historic windows and doors; the fencing be removed and replaced with fencing meeting the guidelines; the stucco be removed from the retaining wall; the balcony, fencing, and stucco be removed within the next thirty (30) days; the windows and doors be replaced within the next sixty (60) days; and no permits shall be approved for the property until it is in compliance.

Attachments: Appeal Letter, Staff Report, Certificate of Appropriateness

July 20, 2022

City Clerk
City of El Paso
300 N. Campbell
El Paso, Texas 79901

CITY CLERK DEPT
2022 JUN 21 PM1:38

Re: Historic Landmark Commission Decision
Property owner: Ricardo Feria
Location: 1121 Terrace Court
Legal Description: 7 Sunset Heights 30 & 31 (6000 Sq Ft), City of El Paso
El Paso County, Texas

City Clerk,

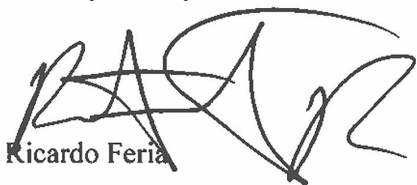
This is the required appeal to the City Council of El Paso regarding the denial of a Certificate of Appropriateness by the Historic Landmark Commission dated July 6, 2022.

What the Commission is requiring is like rebuilding the entire front of the house in 30-60 days and is impossible to accomplish. There are other pergolas and noncompliance in the neighborhood and this property has been targeted. Just walking through the neighborhood, it is obvious that there are multiple severe code violations and at least half the homes are not in compliance with the Historic Landmark Commissions guidelines.

The amount of money required to make the changes demanded by the Historic Landmark Commission would cause extreme economic hardship. These are changes that have been slowly made as funding was available to improve the property for the last 20 years. We have expressed a willingness to attempt to change the architectural look of the porch to make it like the main structure.

As the owner I am asking that the City Council to override the decision of the Historic Landmark Commission and let all the time and effort I have put into my house not be thrown out and my house be required to basically be rebuilt. I don't have the money to accomplish this.

Thank you for your consideration,

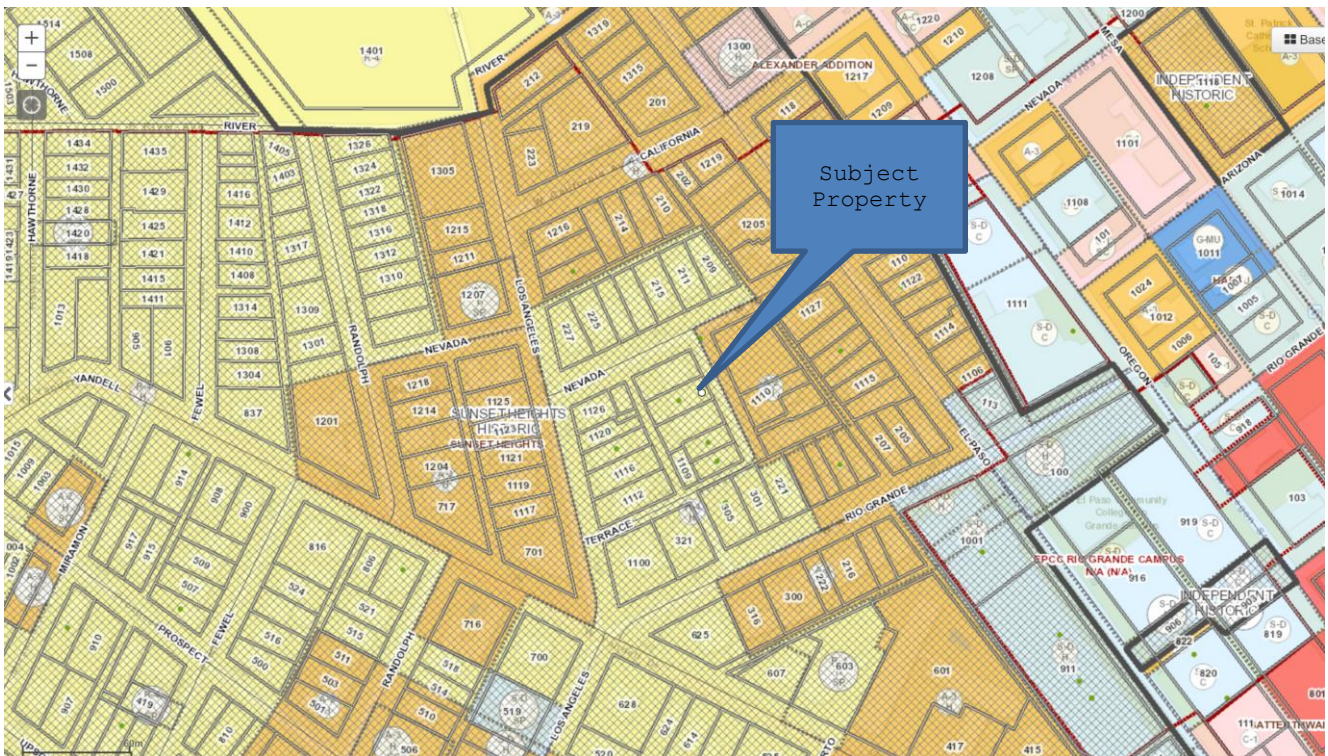

Ricardo Feria



PHAP22-00022

Date: June 6, 2022
Application Type: Certificate of Appropriateness
Property Owner: Ricardo Feria
Representative: Ricardo Feria
Legal Description: 7 Sunset Heights 30 & 31 (6000 Sq Ft), City of El Paso, El Paso County, Texas
Historic District: Sunset Heights
Location: 1121 Terrace Court
Representative District: #8
Existing Zoning: R-4/H (Residential/Historic)
Year Built: 1904
Historic Status: Non-Contributing
Request: Certificate of Appropriateness for construction of a balcony structure on the main façade after-the-fact
Application Filed: 5/26/2022
45 Day Expiration: 7/10/2022

ITEM #3



GENERAL INFORMATION:

The applicant seeks approval for:

Certificate of Appropriateness for construction of a balcony structure on the main façade after-the-fact

STAFF RECOMMENDATION:

The Historic Preservation Office recommends DENIAL WITH RECOMMENDATIONS of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *Site features that may exist on a property are swimming pools, pergolas, terraces and gardens and every effort should be made to retain those features that remain.*
- *Place non-traditional site features such as swimming pools, playground equipment, concrete pads and basketball goals, tree houses, dumpsters, and trash receptacles only in areas such as rear yards, where they are not visible from the street.*
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- *Design an addition so it is compatible in roof form, proportions, materials and details with the existing structure.*
- *Design an addition that is compatible with but subtly different from existing historic homes in the district.*
- *Design an addition so that if removed in the future, the historic building's form and character defining features are not obscured, damaged, or destroyed.*

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

- *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.*

The recommendations are that the balcony structure be removed; the windows and doors be replaced with windows and doors to match the historic windows and doors; the fencing be removed and replaced with fencing meeting the guidelines; the stucco be removed from the retaining wall; the balcony, fencing, and stucco be removed within the next thirty (30) days; the windows and doors be replaced within the next sixty (60) days; and no permits shall be approved for the property until it is in compliance.

AERIAL MAP



PREVIOUS PHOTOGRAPH





**CERTIFICATE
OF
APPROPRIATENESS**

DENIED BY THE EL PASO HISTORIC LANDMARK COMMISSION

This is to certify that the El Paso Historic Landmark Commission at its regular meeting scheduled on June 6, 2022 *reviewed and denied documentation submitted by:*

Property Owner:	Ricardo Feria
Location:	1121 Terrace Court
Legal Description:	7 Sunset Heights 30 & 31 (6000 Sq Ft), City of El Paso, El Paso County, Texas

For:

Certificate of Appropriateness for construction of a balcony structure on the main façade after-the-fact with the recommendations to have the balcony structure be removed; the windows and doors be replaced with windows and doors to match the historic windows and doors; the fencing be removed and replaced with fencing meeting the guidelines; the stucco be removed from the retaining wall; the balcony, fencing, and stucco be removed within the next thirty (30) days; the windows and doors be replaced within the next sixty (60) days; and no permits shall be approved for the property until it is in compliance

The Commission finds that the proposed scope of work will adversely affect the architectural or historical significance of the Sunset Heights Historic District, within which this site is located.

THEREFORE, appropriate building permits may not be issued.

Ivan Lopez, Chair
El Paso Historic Landmark Commission

Date