

PROPOSED MOTION for HLC APPEAL

September 13, 2022 City Council Meeting

WHEREAS, The City of El Paso's Historic Landmark Commission ("HLC") is established under the authority of Chapter 211 of the Texas Local Government Code (Municipal Zoning) for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance;

WHEREAS, Title 20.20 of El Paso City Code authorizes the HLC to decide cases regarding Certificates of Appropriateness and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, safety and general welfare of the people;

WHEREAS, the purpose of Title 20.20 (Historic Landmark Preservation) includes, but is not limited to, protecting, enhancing and perpetuating historic landmarks which represent or reflect distinctive and important elements of the city's, regions, state's or nation's architectural, archaeological, cultural, social, economic, ethnic and political history and to develop appropriate settings for such places;

WHEREAS, on June 6, 2022, the HLC denied the request for Certificate of Appropriateness, After the Fact for an outdoor deck, in case number PHAP22-00022, located at 1121 Terrace Court, El Paso, Texas 79902 on the basis that the constructed addition did not meet the design regulations or character for the Sunset Heights Historic District;

WHEREAS, the Applicant for case number PHAP22-00022 has elected to appeal the June 6, 2022 ruling of the Historic Landmark Commission to the City Council of the City of El Paso under the appeal procedure defined in Section 20.20.190 of the El Paso City Code;

WHEREAS, the appeal hearing before the City Council began on August 16, 2022, continued to the August 30, 2022 City Council meeting, and continued again to the September 13, 2022 City Council meeting.

NOW, THEREFORE BE IT RESOLVED as follows;

Motion that the City Council UPHOLD the HLC's decision on June 6, 2022, of denial with recommendations in case number PHAP22-00022 for property located at 1121 Terrace Court, El Paso, Texas 79902 for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance.

This motion incorporates by reference as if fully set forth herein, the recitals above and the content of the following:

1. Agenda for the El Paso Historic Landmark Commission meeting of June 6, 2022, including attachments thereto;
2. Historic Landmark Commission Meeting Minutes of June 6, 2022;
3. Presentation materials and related documents provided at the Regular City Council meeting of August 16, 2022, August 30, 2022, and September 13, 2022 for HLC case number PHAP22-00022 which include the following materials:
 - a. City of El Paso, Texas Agenda Item Department Head's Summary Form
 - b. Planning and Inspections Department Memorandum dated August 8, 2022
 - c. Notice of Appeal dated July 20, 2022
 - d. Backup Agenda material for the June 6, 2022 HLC meeting

- e. Certificate of Appropriateness Denied by the El Paso Historic Landmark Commission
 - f. Power Point presentation titled Appeal of HLC Decision for 1121 Terrace Court
4. The minutes and video record of the August 16, 2022, August 30, 2022, and September 13, 2022 Regular City Council meetings relating to HLC case number PHAP22-00022.

APPROVED on September 13th, 2022.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Donald C. Davis

Donald C. Davie
Assistant City Attorney

APPROVED AS TO CONTENT:

Providencia Velazquez

Providencia Velazquez
Historic Preservation Officer

