

CERTIFICATE OF APPROPRIATENESS

Application Date: June 30, 2016

Applicant: Luis and Brittany DeOrbegoso, owners. The current owners purchased the house on April 12, 2016, from Will Rallis, Olympic REI, who was the applicant on the two earlier COAs.

Property: 536 Harvard Street, Lot 21, Block 289, Houston Heights Subdivision. The property includes a two-story historic 2,808 square foot former fourplex apartment building and a detached rear garage situated on a 6,600 square foot (50' x 132') interior lot. The previous owner converted the fourplex into a single-family residence.

Significance: Contributing brick apartment residence, constructed circa 1935, located in the Houston Heights Historic District South.

Proposal: Alteration-Revision. The application was deferred at the July 2016 HAHC meeting so that staff could inspect the porch alterations and the applicant could request quotes of returning the porch to its original state.

The applicant has modified their July request and now proposes to:

- 1. Replace the new inappropriate front door (the original 12-lite front door was disposed of despite previous HAHC ruling that it remain) with a new wood 6-lite or 12-lite wood door to better simulate the original door.
2. Replace the inappropriate frosted fixed pane windows in the auxiliary door openings with 9-lite wood windows (as approved in August 2014).

The applicant continues to seek approval for the following work (Items 1-3 were completed without a COA and denied by HAHC in March 2016; Item 4 is a new request):

- 1. Removal of six historic wood windows on the north and south side elevations and installation of brick and glass block in the openings.
2. Construction of new brick piers to wrap the bottom half of the existing wood columns.
3. Installation of slate tile over existing brick and concrete porch floor, steps, and wing walls.
4. Limewash the original brick veneer in an attempt to hide the ghosting of the bricked-in windows.

After the July HAHC meeting, staff visited the site with our inspector and determined that the alterations can be reversed. In fact, the brick around the columns is likely to trap moisture that will cause the wood to rot, and therefore should be removed in order to protect the columns.

The applicant has provided three estimates for reversing the unpermitted work on the front facade; these estimates range from \$16,000-25,000. Staff believes these estimates to be inflated. The applicants' materials are in Attachments A-H.

See Timeline on page 5 for details about the earlier COA applications and violations.

Public Comment: No public comment received.

This Certificate of Remediation (COR) is an Enforcement Remedy that will allow the project to progress without the HAHC approving the unauthorized work or deeming the unauthorized work appropriate. The COR is only for the work specified by the HAHC and no other work is approved under this Certificate. Any additional work may require a revised COA. The issuance of a COR may affect and void portions of any potential tax incentive. All materials in exterior walls, including windows, siding, framing lumber, and interior shiplap must be retained except where removal or replacement has been explicitly approved by HAHC. Maintenance and minor in-kind repairs of exterior materials may be undertaken without HAHC approval, but if extensive damage of any exterior wall element is encountered during construction, contact staff before removing or replacing the materials. Further unauthorized work may trigger additional Enforcement Remedies.

CERTIFICATE OF REMEDIATION

Basis for Issuance: HAHC Issued Certificate of Remediation
Effective: August 25, 2016



PLANNING & DEVELOPMENT DEPARTMENT

COR valid for two years from effective date. COR is in addition to any other permits or approvals required by municipal, state and federal law. Permit plans must be stamped by Planning & Development Department for COR compliance prior to submitting for building or sign permits. Any revisions to the approved project scope may require a new COA.

Recommendation: Denial - does not satisfy criteria 1, 3, 4, 5, 7, 8, 9, 10. Staff recommends denial of all unauthorized work already completed as well as denial of the proposed limewashing.

Staff recommends the reversal of all unauthorized work that was completed, to include:

- Removal of the brick in the six side windows and installation of appropriate 1-over-1 wood windows in the reopened window openings.
- Removal of the partial brick encasements on the front porch columns.
- Removal of the slate tile on the front porch, front steps, and wing walls.
- Replacement of the inappropriate new front door with a salvaged door to match the original.
- Replacement of the frosted fixed pane windows in the auxiliary door openings with the 9-lite gridded wood windows as approved in the Aug 2014 COA.

If the HAHC chooses to allow any of the unpermitted alterations to remain, staff recommends a Certificate of Remediation be issued in lieu of a Certificate of Appropriateness. This will allow the project to be finalized without the Commission deeming the unauthorized work as appropriate. Irreplaceable historic material was destroyed without justification, which also makes a Certificate of Appropriateness inappropriate.

HAHC Action: COA Denied. Certificate of Remediation granted for the replacement of the existing front door with a salvaged front door to match the original 12-lite design, the removal of the partial brick encasement on the front porch columns, and installation of 9-lite windows in the auxiliary door openings (as previously approved). Removed and bricked-in side windows may remain and slate on the porch may remain.

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APPROVAL CRITERIA

ALTERATIONS, REHABILITATIONS, RESTORATIONS AND ADDITIONS

Sec. 33-241: HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a historic district upon finding that the application satisfies the following criteria, as applicable:

- | S | D | NA | |
|-------------------------------------|-------------------------------------|--------------------------|--|
| | | | S - satisfies D - does not satisfy NA - not applicable |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) The proposed activity must retain and preserve the historical character of the property;
The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not preserve the historical character of the property since it will attempt to remove the ghosting of the original window openings which would further diminish the historic character of the building by eliminating any trace of the original fenestration pattern, damage the original historic material, and altering the historic appearance of the building. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (2) The proposed activity must contribute to the continued availability of the property for a contemporary use; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance;
The partial brick encasement of the original full length columns, removal and replacement of the original door with a more contemporary door, installation of a slate tile porch floor and steps, and limewashing the original brick veneer does not recognize the building's original 1930s design and seeks to create a newer appearance that is not compatible with the building or context area. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment;
The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not preserve the distinguishing qualities and character of the original building. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site;
The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not maintain or replicate distinctive stylist features of the original building. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (6) New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (7) The proposed replacement of missing exterior features, if any, should be based on an accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures;
Removal of the original door and replacement with a new door of a different incompatible design and style, partially encasing the original columns, and bricking in the original window openings should be reversed since no evidence can be provided to confirm the current configuration/materials and the existing material was original and not damaged prior to unauthorized removal. |

- (8) Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site;
 Bricking in the original window openings alters the essential form of the building. Bricking in the columns will lead to water infiltration, eventually resulting in the decay and rot of the original wood columns and potential failure of the porch system. Limewashing the original brick veneer is irreversible (or reversed with measures that will further alter and damage the original brick) and impairs the integrity of the building.
- (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements and must be compatible with the size, scale, material and character of the property and the area in which it is located;
 The partial brick encasement of the original full length columns and the removal of original windows and bricking in window openings destroys significant historic material. Bricking in the columns will lead to water infiltration, eventually resulting in the decay and rot of the original wood columns and potential failure of the porch system. Limewashing the façade and two side elevations destroys the original brick by encasing portions of it in a tough, rock-like coating.
- (10) The proposed alteration or addition must be compatible with the massing, size, scale material and character of the property and the context area; and
 The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer is not compatible with the historical character of the property and the context area.
- (11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area.

While staff understands that the current owners are not responsible for the COA violations, the changes are still inappropriate alterations to the historic house, do not conform to the approved COA, do not meet criteria for approval, and were previously denied by HAHC in March 2016.

The six original wood windows and front door that were removed without permission have been destroyed. Staff believes the bricked-in window openings should be reopened and salvaged windows and front door matching the original should be installed.

Staff also maintains that the brick piers built around the columns and the slate tile on the porch floor and steps should be removed and the original material underneath re-exposed. The applicants argue that removing the brick piers and slate tile will irreversibly damage the historic material (wood, brick, and concrete) underneath. While some damage to the underlying material is possible if the removal is not carefully done, staff feels that the inappropriate alterations do more damage to the historic character of the house. Additionally, the bricked-in columns will invite water infiltration, eventually leading to the decay and rot of the original wood columns and potential failure of the porch system.

TIMELINE

August 2014: The previous owner, Will Rallis, Olympic REI, in order to convert the fourplex to a single family residence, applied for permission to:

- Add a 576 square foot addition to the rear of the two-story structure – Approved by HAHC.
- Replace 2 auxiliary front doors with new wood 9-lite divided windows – Approved by HAHC.
- Replace original 12-lite front door (center door) with a new single glass panel door – Denied by HAHC.
- Replace 2 existing round wood porch columns with new square columns – Denied by HAHC.

HAHC denied replacement of the original center door and porch columns because they were in good condition.

December 2015: Staff learned that the owner had made the following unpermitted alterations:

- Replaced the original center front door with a new paneled and leaded-beveled glass door, which had been explicitly denied in August 2014.
- Installed fixed pane non-divided frosted windows in the auxiliary front door opening instead of the wood 9-lite divided windows approved in August 2014.
- Encased the lower half of the historic porch columns in square brick piers (replacement of columns denied in August COA).
- Covered the brick and concrete porch and steps with slate tile and added cement caps on the brick wing walls.
- Removed six original wood windows – four on the north elevation (a pair and a single window on the first floor and a single window on the second) and two on the south elevation (a single window on each floor) and bricked in the openings. Glass block was installed in one of the former openings.

The inspector posted two red-tags in December to correct the violations (second tag was issued after the owner removed the first tag from the property).

March 2016: The owner applied for COA approval of the above unauthorized changes. HAHC determined that all of the changes were inappropriate and denied the COA.

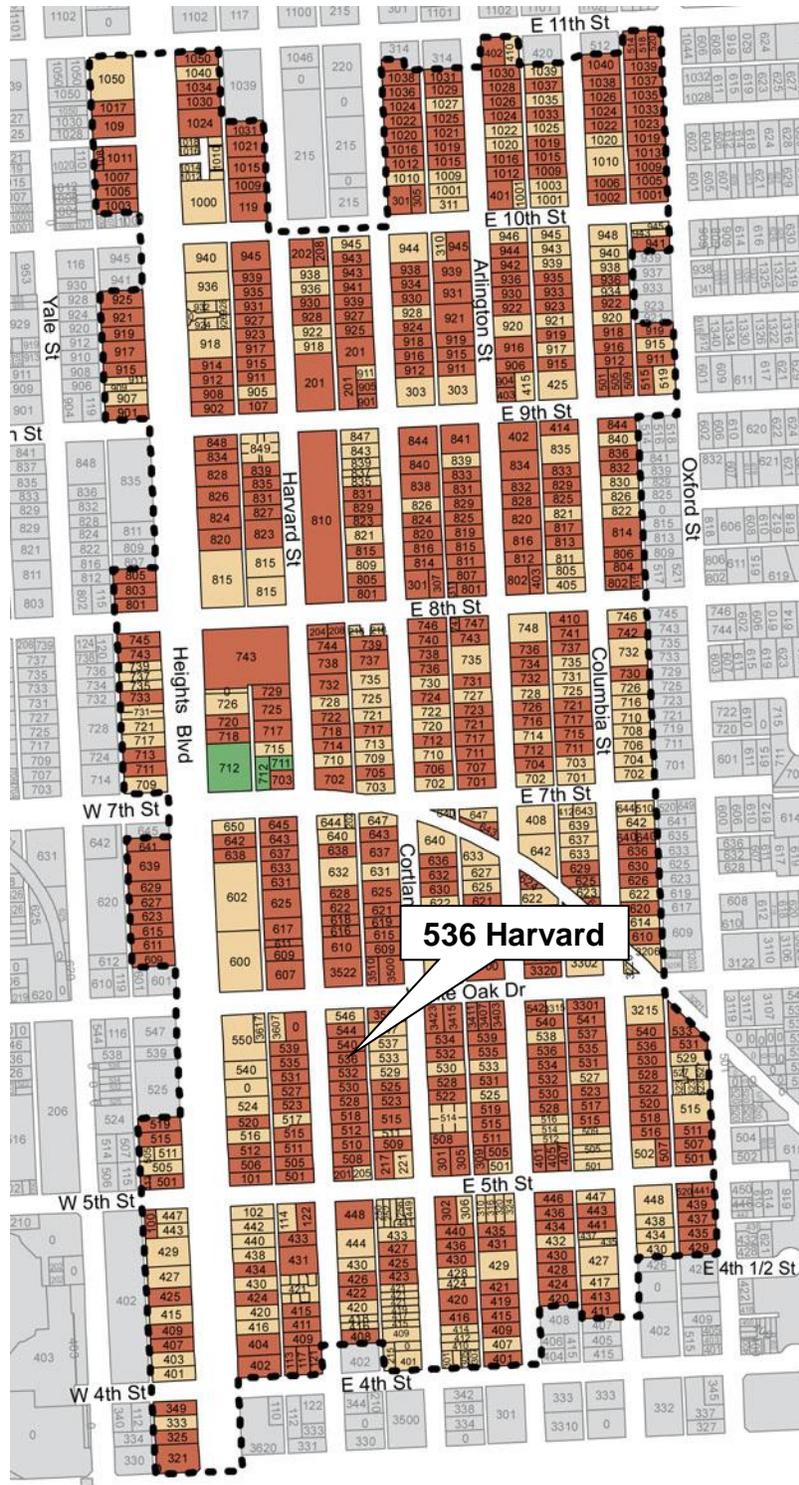
April 12, 2016: The owner, Will Rallis, sold the property to the current applicants on April 12, 2016 without informing them of the outstanding violations. Staff was aware that the house was listed for sale but did not know it had in fact been sold.

May 20, 2016: A 'Notice of Deficiencies' was posted on the house after a site visit revealed that none of the unpermitted changes had been reversed.

June 30, 2016: The current applicants applied for approval of all unpermitted work, plus permission to lime wash the brick exterior.



PROPERTY LOCATION
HOUSTON HEIGHTS HISTORIC DISTRICT SOUTH



Building Classification

- Contributing
- Non-Contributing
- Park

INVENTORY PHOTO

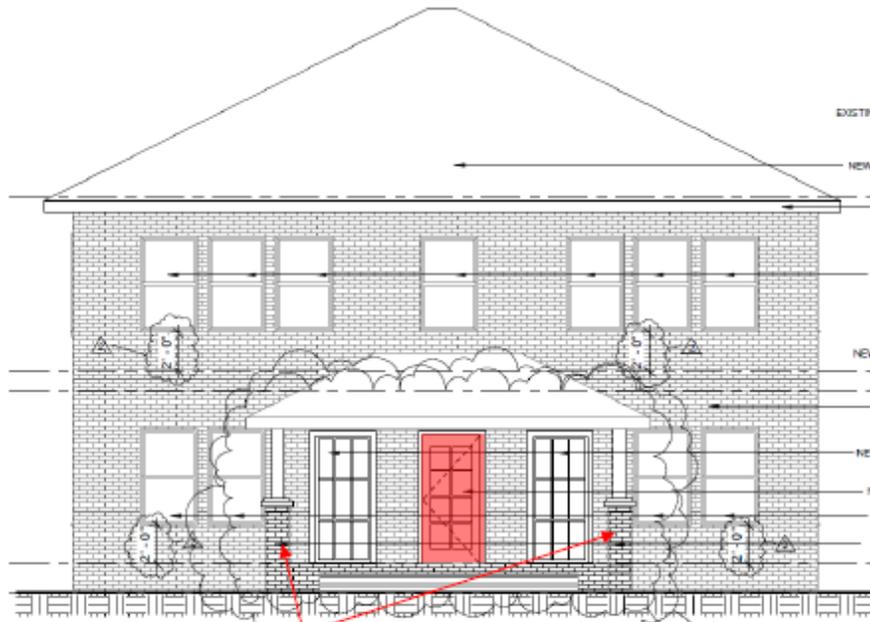


WEST ELEVATION – FRONT FACING HARVARD STREET

PARTIALLY APPROVED 8/28/2014



PROPOSED (DENIED 3/24/2016)



Partial encasement in brick

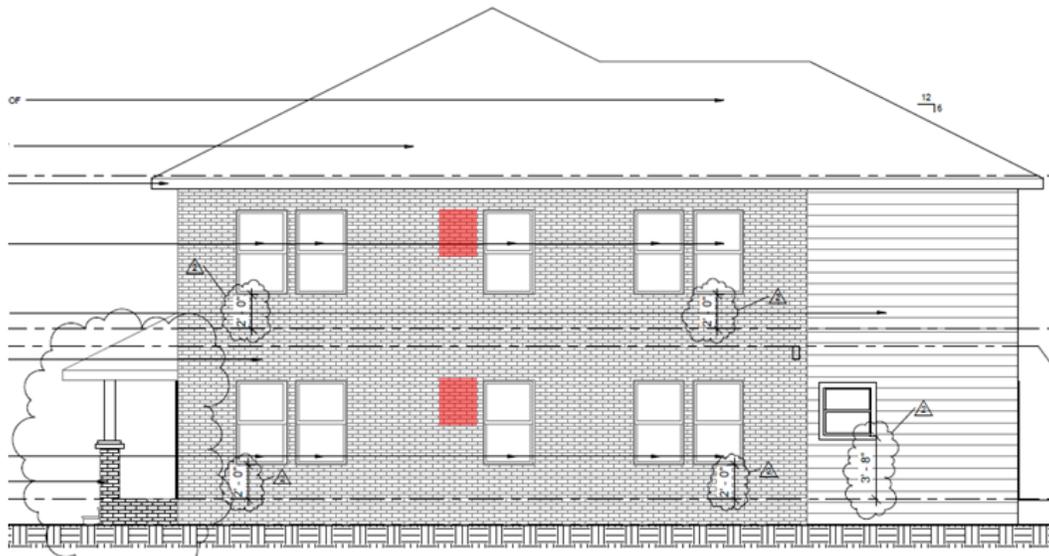
Replaced Front Door

NORTH SIDE ELEVATION
PROPOSED (DENIED 3/24/2016)



Bricked in Window

SOUTH SIDE ELEVATION
PROPOSED (DENIED 3/24/2016)



Bricked in Window

STAFF PHOTOS

FRONT PORCH

ORIGINAL



CURRENT



STAFF PHOTOS

PORCH STEPS

ORIGINAL



CURRENT



STAFF PHOTOS
NORTH ELEVATION
ORIGINAL



CURRENT



STAFF PHOTOS
SOUTH ELEVATION
ORIGINAL



CURRENT



STAFF PHOTOS

ORIGINAL COLUMN CONDITION



STAFF PHOTOS

ORIGINAL COLUMN CONDITION



STAFF PHOTOS

ORIGINAL DOOR CONDITION



STAFF PHOTOS

ORIGINAL DOOR CONDITION



STAFF PHOTOS

NORTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)



STAFF PHOTOS

NORTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)



STAFF PHOTOS

SOUTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)



STAFF PHOTOS

BRICK PEDESTALS WRAPPED AROUND ORIGINAL COLUMNS (APPLIED TO REMAIN)



STAFF PHOTOS

NEW FRONT DOOR (APPLIED TO REMAIN)



STAFF PHOTOS

AUXILIARY DOOR OPENINGS (APPROVED TO BE REPLACED WITH 9-LITE WINDOW)



STAFF PHOTOS

AUXILIARY DOOR OPENINGS (APPROVED TO BE REPLACED WITH 9-LITE WINDOW)

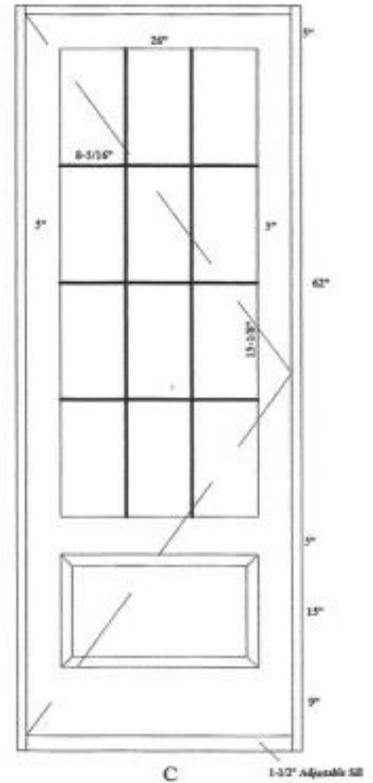
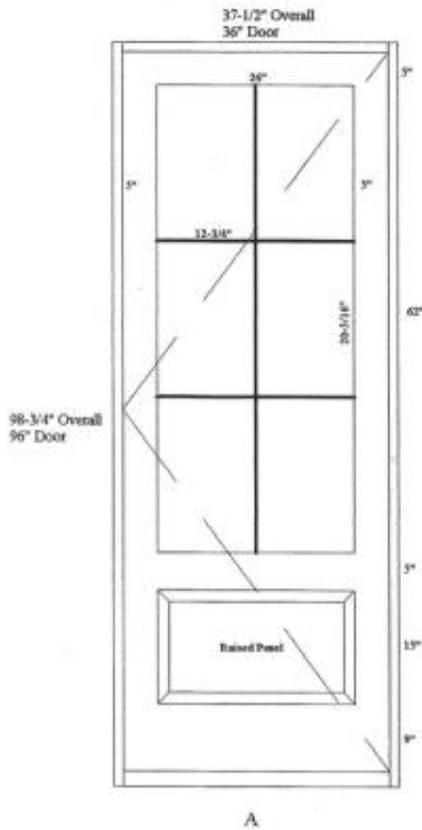


PROPOSED DOOR OPTIONS

OPTION 1

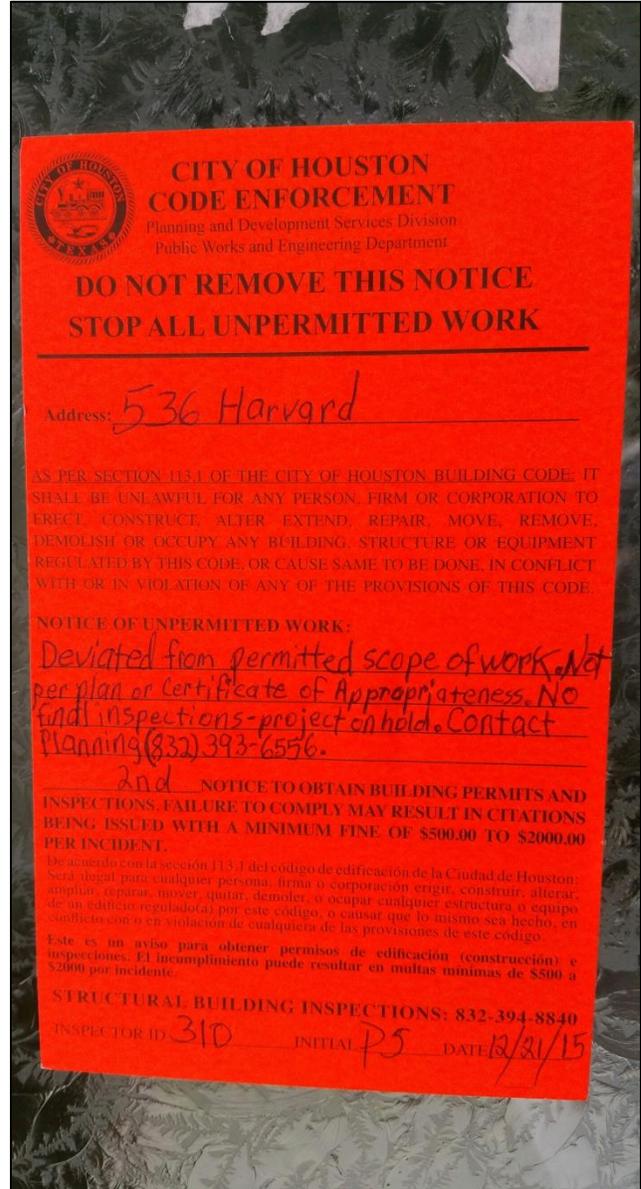
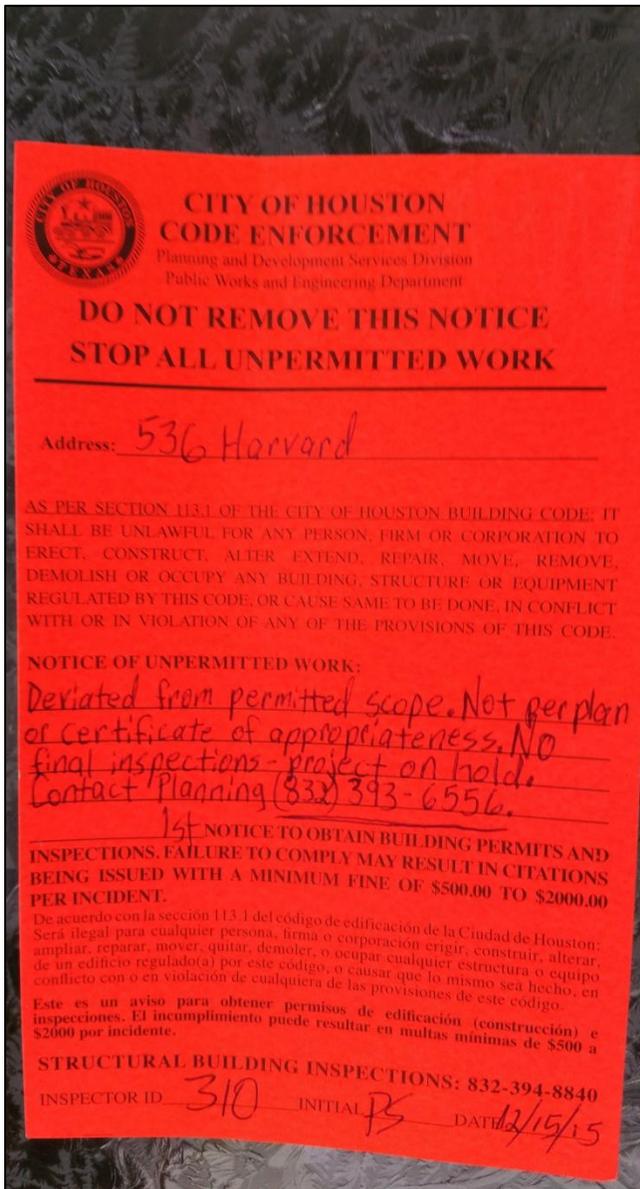
ORIGINAL DOOR

OPTION 2



STAFF PHOTOS

RED TAGS December 2015



STAFF PHOTOS

NOTICE OF DEFICIENCIES May 2016



CITY OF HOUSTON
 BUILDING CODE ENFORCEMENT
 1002 WASHINGTON AVE. HOUSTON, TX 77002

NOTICE OF DEFICIENCIES

PROJECT INFORMATION	PROJECT NO.	14086707	ADDRESS	536 Harvard	BLD/FL	
	DESCRIPTION					
	INSP TYPE	structural Final	AREA/LOCATION			

CORRECTIONS REQUIRED

PLEASE CORRECT THE FOLLOWING PRIOR TO RE-SCHEDULING THIS INSPECTION:

This project deviated from approved scope. Retro-active approval was sought and denied by the Houston archaeological and Historical Commission. It is in violation with Planning ordinance and building code. You are directed to restore the building to the approved scope of work and call for a final structural inspection. for information call (832) 393-6556 (Planning, Historical)

SIGNATURE: 

INSPECTOR #: 310

DATE: 5/20/16

CONTACT INFO	<input checked="" type="checkbox"/> Structural Inspections	832-394-8840	<input type="checkbox"/> Signs	832-394-8890
	<input type="checkbox"/> Electrical Inspections	832-394-8860	<input type="checkbox"/> Occupancy Inspections	832-394-8880
	<input type="checkbox"/> Mechanical Inspections	832-394-8850	<input type="checkbox"/> Habitability Inspections	832-394-8841
	<input type="checkbox"/> Plumbing Inspections	832-394-8870	<input type="checkbox"/> Other _____	_____

To schedule inspections or check the status of inspections:

- Phone: 713-222-9922
- Online: <http://www.houstonpermittingcenter.org/city-of-houston-permits/online-permits.html>

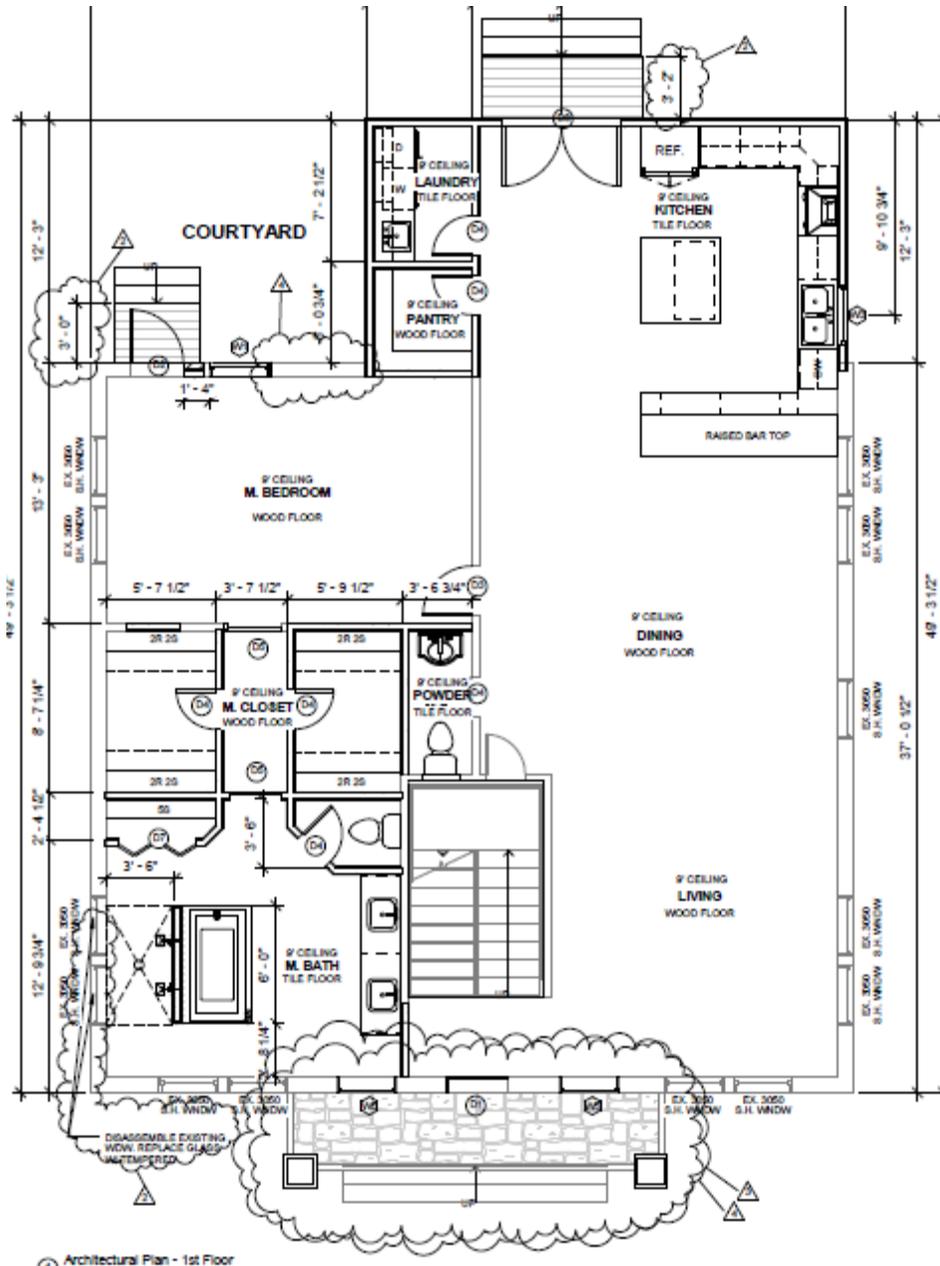
To sign up for text or email messages of inspection results and/or estimated inspection times, visit <https://telework.sivell.com/con2>

- DO NOT REMOVE THIS NOTICE -

CE-1274

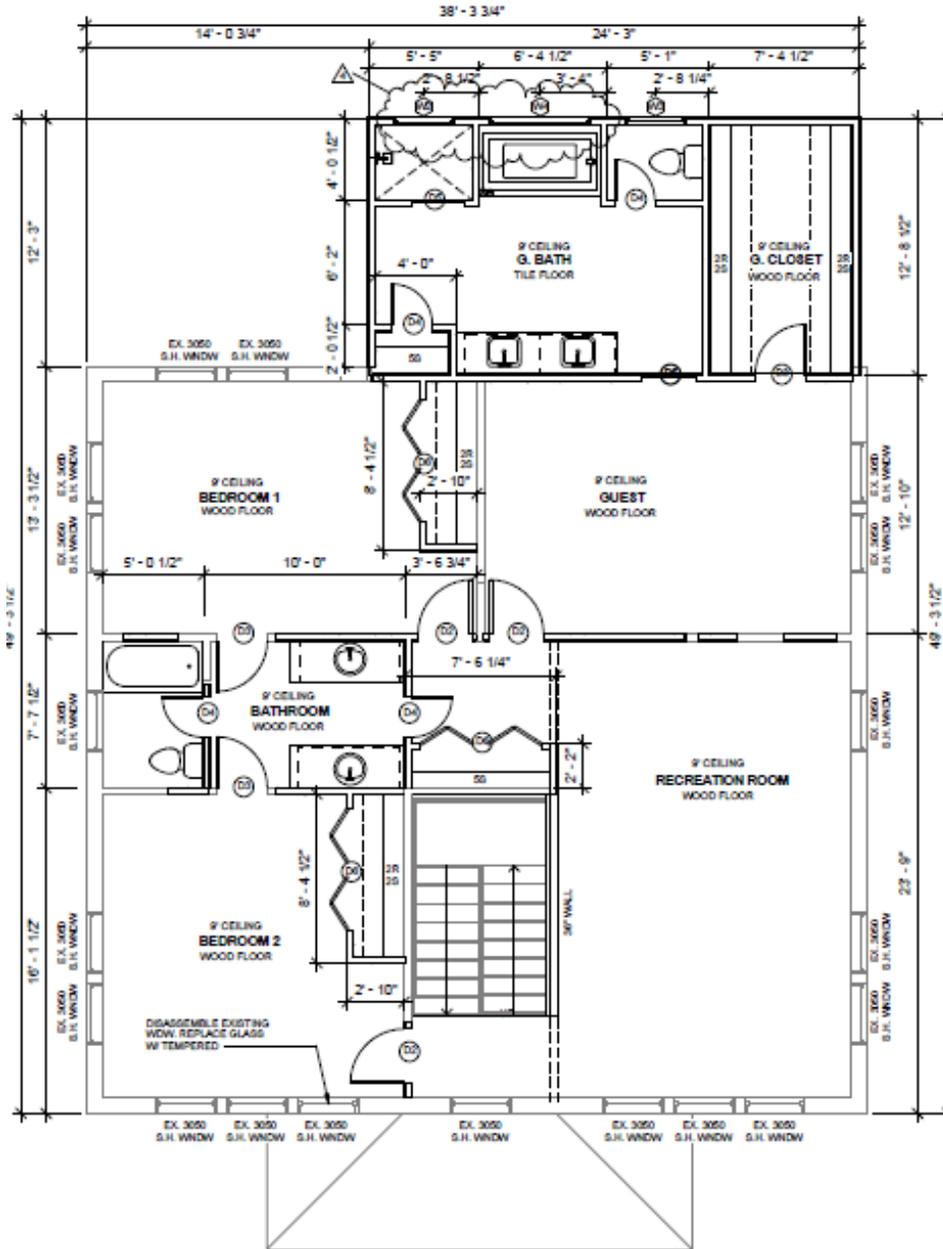
FIRST FLOOR PLAN

DENIED 3/24/2016



SECOND FLOOR PLAN

DENIED 3/24/2016



Architectural Plan - 2nd Floor

WINDOW / DOOR SCHEDULE

DENIED 3/24/2016

Window Schedule							
Model	Height	Width	Family	Sill Height	Head Height	Count	Comments
W1	9' - 0"	3' - 0"	Double Hung with Trim	2' - 0"	7' - 0"	1	Tempered
W2	1' - 0"	3' - 0"	Fixed with Trim	5' - 8"	6' - 8"	1	Glass Block - Tempered, Privacy
W3	3' - 0"	3' - 0"	Double Hung with Trim	3' - 8"	6' - 8"	2	
W4	2' - 6"	5' - 0"	Fixed with Trim	4' - 2"	6' - 8"	1	Glass Block - Tempered, Privacy
W5	6' - 8"	3' - 0"	Fixed Paned w/Trim	0' - 0"	6' - 8"	2	

Door Schedule						
Model	Width	Height	Family	Head Height	Count	Comments
D1	3' - 0"	6' - 8"	Single-Glass	6' - 8"	1	
D2	2' - 8"	6' - 8"	Single-Panel	6' - 8"	4	
D3	2' - 6"	6' - 8"	Single-Panel	6' - 8"	4	
D4	2' - 0"	6' - 8"	Single-Panel	6' - 8"	10	
D5	2' - 8"	6' - 8"	Single-Glass	6' - 8"	4	Tempered, Privacy
D6	6' - 0"	6' - 8"	Bifold-4 Panel	6' - 8"	3	
D7	4' - 0"	6' - 8"	Bifold-4 Panel	6' - 8"	1	
D8	6' - 0"	6' - 8"	Double-Glass	6' - 8"	1	
D9	3' - 0"	6' - 8"	Single-Panel	5' - 2"	1	
D10	16' - 0"	6' - 6"	Overhead-Sectional	6' - 6"	1	

③ Schedules

PROJECT DETAILS

Windows/Doors: March 2016: The previous owner/applicant requested approval for inappropriate alterations that exceeded the approved scope of work. On the north elevation, a pair of windows and a single window on the first story were removed and the openings bricked in. Two rows of glass block were installed above the bricked in paired window location. A single window on the second story was also removed and the window bricked in. On the south elevation, a single window on both stories was removed and bricked in. The windows were destroyed. These window alterations did not appear as part of the application and were not indicated on the drawings. The original front door was removed, despite the HAHC condition that the original door was to remain. The auxiliary front doors were to be replaced with fixed 9-lite wood windows. The installed windows are instead fixed single pane. The March 2016 scope of work was Denied by the HAHC.

July 2016: The current applicant requested approval for the altered window pattern that was denied at the March 2016 HAHC meeting (see March 2016). The applicant also proposes to retain the unapproved front door as well as all other previously denied alterations.

August 2016: The applicant only proposes to replace the two auxiliary doors (now replaced with fixed windows) with 9-lite wood fixed windows with exterior muntins (as originally approved). The applicant also proposes to replace the new inappropriate front door (which replaced the original front door that was removed without HAHC approval) with a new wood 6-lite or 12-lite wood door to better simulate the original destroyed door. Additionally, the applicant seeks approval for all other previous completed unauthorized work, including the removed windows on the side elevations and the bricked in window openings on the side elevations. This work was completed without authorization by the HAHC, destroyed historic material, and was previously denied by the HAHC.

Exterior Materials: March 2016: The previous owner/applicant partially encased the existing front columns in brick, despite the Commission determination that the original columns were to remain. Slate tile was installed on the porch floor as well as the porch steps. The March 2016 scope of work was Denied by the HAHC.

July 2016: The current applicant seeks approval for the alterations made to the columns, porch floor, and porch steps. They also seek approval for limewashing the original brick veneer. The applicant also proposes to retain the unapproved front door as well as all other previously denied alterations

August 2016: The applicant currently seeks approval for all other previous completed unauthorized work, including the slate on the porch floor, steps, and wing walls as well as the partial brick encasement of the original wood front porch columns (see March 2016). This work was completed without authorization by the HAHC, destroyed historic material, and was previously denied by the HAHC. The applicant also requests permission to limewash the original brick veneer on the front and side elevations.