

City of Houston, Texas, Ordinance No. 2010- 814

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES RELATING TO HISTORIC PRESERVATION; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, under Article XI, Section 5 of the Texas Constitution, the City of Houston is a home-rule municipality having the full power of self-government and, as set forth in section 51.072 of the Texas Local Government Code, may exercise that authority independent of the powers granted it under the Texas Local Government Code; and

WHEREAS, the City Council finds that the conservation, preservation, protection, enhancement, and perpetuation of sites, landmarks and areas of historical, cultural, architectural, paleontological or archaeological interest is a public policy and public necessity, is required to protect and promote the public health, safety and general welfare of the public and the cultural, economic and educational well being of the public, and represents a compelling public interest; and

WHEREAS, the quality and character of a city is not merely its hope for the future development, but also its retention of the elements of its past; and

WHEREAS, in the exercise of this power, the City Council has adopted Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, (the "Historic Preservation Ordinance") providing for the recognition, protection, enhancement, perpetuation and use of sites, landmarks and areas of historical or archeological interest within the City; and

WHEREAS, the City Council finds that the Historic Preservation Ordinance is necessary and appropriate and is in the public interest as a means to preserve and protect the historic heritage of the City and to protect and promote the health and economic well-being, safety and welfare of the people of the City, and

WHEREAS, the City Council finds that the demolition of historical, cultural and archaeological resources constitutes an irreplaceable loss to the City; and

WHEREAS, the City Council finds that it has designated 16 historic districts containing a significant percentage of contributing and potentially contributing structures, as those terms are defined in the Historic Preservation Ordinance, and also that one or more areas within the City have applied for designation by City Council as historic districts and are subject to the provisions of Section 33-223 of the Code of Ordinances while pending designation (historic districts previously designated and pending designation, collectively, "Historic Districts"); and

WHEREAS, the City Council finds that despite the protections for contributing and potentially contributing structures within Historic Districts provided for in the Historic Preservation Ordinance, approximately 80 percent of the contributing and potentially contributing structures that have been demolished were without the consent of the Houston Archaeological and Historical Commission (the "HAHC"), and all of the contributing and potentially contributing structures that have been relocated were without the consent of the HAHC, due to the applicability of Subsections 33-250(a), (b), and (d) of the Historic Preservation Ordinance to contributing and potentially contributing structures proposed to be demolished within the Historic Districts; and

WHEREAS, the City Council finds that continued applicability of Subsections 33-250(a), (b), and (d) of the Historic Preservation Ordinance will continue to allow for the possibility of demolitions, relocations and new construction incompatible with the criteria of the Historic Preservation Ordinance, further contributing to the erosion of the historic character within the Historic Districts;

WHEREAS, the City Council has determined that Chapter 33 of the Code of Ordinances, Houston, Texas, should be amended to better protect the historic resources

of the City and to ensure the preservation of the public health, safety and welfare of the citizens of the City; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definitions of "*conservation plan*," "*contributing*," "*noncontributing*," "*potentially contributing*," and "*potentially contributing structure*."

Section 3. That Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by adding in appropriate alphabetical order the definitions of "*front façade*," "*planning commission*," "*plate height*," and "*roof pitch*," which shall read as follows:

"*Front façade* means the elevation of a building that is parallel to an adjacent public right-of-way. On a corner lot, or lot adjacent to more than one public right-of-way, the front façade is the elevation that contains the main entrance to the building."

"*Planning Commission* means the planning commission of the city."

"*Place of worship* means a building, structure, object or site, owned by a nonprofit religious organization for a period of ten years prior to the later of _____ 1 or the date an application for designation of an historic district that includes the building, structure, object, or site is filed with the department and that is used primarily for worship or conducting religious services. A place of worship does not include ancillary buildings used for administration, schools, living quarters, or meeting halls not primarily used for worship. An organization may establish that it is a nonprofit religious organization through a determination letter from the United States Internal Revenue Service that the organization is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code or other equivalent evidence."

"*Plate height* means the distance from the subfloor of a building to the top of the framed wall."

¹ Editor to insert the effective date of the Ordinance.

"*Roof pitch* means the slope of a roof surface expressed in inches of vertical rise per twelve inches of horizontal distance."

Section 4. That Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of "*alteration*," "*certificate of appropriateness*," "*contributing structure*," "*design guidelines*," "*noncontributing structure*," "*ordinary maintenance and repair*," and "*public right-of-way*" to read as follows:

"*Alteration* means any change to the exterior of a building, structure, object or site. Alteration shall include, but is not limited to, changing to a different kind, type or size of roofing or siding materials; changing, eliminating, or adding exterior doors, door frames, windows, window frames, shutters, railings, columns, beams, walls, porches, steps, porte-cocheres, balconies, or ornamentation; or the dismantling, moving or removing of any exterior feature. Alteration includes expanding an existing structure or the construction of an addition to an existing structure. Alteration does not include ordinary maintenance and repair, exterior painting or the addition or replacement of fences."

"*Certificate of appropriateness* means a current and valid permit issued by the HAHC or the director, as applicable, authorizing the issuance of a building permit for construction, alteration, rehabilitation, restoration, relocation or demolition required by this article."

"*Contributing structure* means a building, structure, object or site that reinforces, or that has conditions, which, if reversed, would reinforce, the cultural, architectural or historical significance of the historic district in which it is located, and that is identified as contributing upon the designation of the historic district in which it is located. The term also includes any structure that was identified as "potentially contributing" in any historic district designated prior to 10-13-2010"²

"*Design guidelines* means an inventory and analysis of historic resources within a geographic area of the city designated or proposed for designation as an historic district pursuant to the provisions of this article that contains standards for alteration, rehabilitation, restoration, construction, relocation and demolition of buildings, structures, objects or sites in an historic district, and approved by the city council."

"*Noncontributing structure* means a building, structure, object or site that does not reinforce the cultural, architectural, or historical significance of the historic district in which it is located, and is identified as noncontributing

² Editor to insert the effective date of the ordinance.

upon the designation of the historic district in which it is located.”

“*Ordinary maintenance and repair* means any work to correct or prevent deterioration, decay or damage to a building, structure, object or site (or any part thereof), including but not limited to painting or adding or replacing fences, provided that the work does not change the design, character, texture or material of any exterior feature or constitute an ‘alteration’ as defined above.”

“*Public right-of-way* means an area dedicated to the public for the passage of people or goods.”

Section 5. That Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended to change the term “*planning official*” to the term “*director*” everywhere it appears.

Section 6. That Subsection (f) of Section 33-202 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(f) Prior to any amendment of this article, the HAHC shall conduct one public hearing to solicit public comments on the proposed amendments. The HAHC may make recommendations to the city council with respect to the proposed amendments. The provisions of this subsection shall not apply to any amendment to correct clerical errors or to make nonsubstantive changes in this article.”

Section 7. That the first sentence of Subsection (d) of Section 33-203 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(d) If a landmark or protected landmark, archaeological site, or a contributing structure located in an historic district is demolished without a certificate of appropriateness required by this article or, in the case of a landmark or archaeological site only, a 90-day waiver certificate issued pursuant to section 33-250 of this Code, or is demolished by the city for public safety reasons after the property owner has received two or more notices of neglect pursuant to Section 33-254 of this Code, the building official shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of 2 years after the date of the demolition.”

Section 8. That Items (6) and (8) of Subsection 33-211(a) of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(6) Position 6 shall be filled by a representative of an organization for commercial businesses with knowledge of and interest in restoration, historic building renovation and compatible new construction.”

“(8) Position 8 shall be filled by a representative of an organization for remodelers or builders with knowledge of and interest in restoration, historic building renovation and compatible new construction.”

Section 9. That Subsection (d) of Section 33-212 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the term “commission” with the term “HAHC” in both places it appears.

Section 10. That Item (9) of Section 33-214 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(9) Evaluate the effectiveness of the design guidelines in achieving the goals of this article and recommending changes to the design guidelines, if appropriate;”

Section 11. That Subsection (c) of Section 33-221 of the Code of Ordinances, Houston, Texas, is hereby amended to delete the phrase “and the commission.”

Section 12. That Section 33-222 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-222. Application for designation of a landmark, archaeological site or protected landmark.

(a) Application for designation of a landmark or an archaeological site shall be initiated by either:

- (1) The owner of the property for which the application is made or the owner's authorized representative; or
- (2) The HAHC upon instructing the director to prepare an application for designation. Within ten working days following the action of the HAHC initiating an application, the director

shall mail notice to the owner of the property or the owner's agent, as shown on the most recent city tax roll, that the HAHC has initiated an application.

(b) Application for designation of a protected landmark shall be initiated by the owner of the property proposed for designation. Application may be made in conjunction with an application for designation of a landmark or at any time after the city council has designated the property as a landmark.

(c) The application for designation of a landmark, protected landmark, or archaeological site shall be filed with the department in the form prescribed by the director. The application shall include a description and photographs of the property or properties and shall address each of the applicable criteria for designation contained in section 33-224 of this Code. The application for designation of a protected landmark shall include an instrument suitable for recording in the real property records, in a form approved by the city attorney, signed by the owner indicating that the 90-day waiver provision of section 33-250 of this Code shall not apply to the protected landmark and that the property is subject to the demolition by neglect provisions of section 33-254 of this Code.”

Section 13. That Division 3 of Article VII of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 33-222.1, which shall read as follows:

“Sec. 33-222.1 Application for designation of an historic district.

(a) Application for designation of an historic district shall be initiated by either:

- (1) 10 percent of the owners of tracts in the proposed district; or
- (2) The HAHC upon instructing the director to prepare an application for designation.

(b) The application for designation of an historic district shall be filed with the department in the form prescribed by the director, and shall be subject to the following rules:

- (1) The application shall include a map indicating the boundaries of the proposed historic district, a description and photographs of the properties in the proposed district and shall address each of the applicable criteria for designation contained in section 33-224 of this Code;

- (2) The application shall identify with respect to each building, structure, object or site within the proposed historic district whether it is proposed for designation as a contributing structure or a noncontributing structure;
- (3) The boundaries of the proposed district shall not include more than 400 tracts of land, or if a proposed district falls entirely within one platted subdivision, the boundaries may include up to 500 tracts;
- (4) The proposed boundaries of the district must comprise a continuous land mass without holes inside of it;
- (5) Tracts of publicly owned land, utility easements, and public rights-of-way shall not be counted towards determining support for or against the designation of an historic district, but may be included within the historic district; and
- (6) If a tract of land is owned by more than one person, only the signature of one owner is required to indicate support for initiating an application or for determining public support by returned cards in accordance with this section.

(c) The department shall review each application for initial completeness. Upon determining that the application is initially complete, the director shall schedule and conduct one public meeting on the proposed historic district unless the director determines in her sole discretion that one or more additional meetings is necessary. The director shall give notice of the public meeting in accordance with subsection (d) of this section, including procedures for giving notice of any additional public meeting. The director will establish rules for the conduct of public meetings, and will endeavor to conduct the meeting within or near the proposed historic district, subject to the availability of appropriate space for public assembly. The director will present information on the proposed application and the process for approval at the public meeting.

(d) The director will establish the process for notice and for determining the evidence of support of the application, which shall include the following:

- (1) Within 15 days after determining the application is initially complete, the director shall mail a notice to the owners of all property within the proposed historic district as indicated on the most current appraisal district records. The director shall give notice to a civic association registered with the department

whose area is included, in whole or in part, in the proposed district.

- (2) The notice shall include the following:
 - a. The date, time, and location of the public meeting described in subsection (c) of this section;
 - b. Any other information the director determines may be useful to the property owners.

(e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a card to be returned by the property owner which shall indicate whether the property owner does or does not support designation of the historic district. The card must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice.

(f) After the deadline for returning cards mailed in accordance with subsection (e) has passed, the director will determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than 67 percent of tracts in the proposed historic district support the designation of the district, then the director shall either:

- (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of 67 percent of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application will be considered final; or
- (2) Determine that the application fails and that no further action will be taken by the HAHC. The director shall mail notice to the owners of all property within the proposed historic district that the public hearing before the HAHC has been cancelled.

(g) If a historic district is designated with modified boundaries, any property excluded from the modified boundaries of the district, as applicable, is ineligible for inclusion within a proposed district for one year from the date of the determination of the director in section (f)(1) of this section. If an application fails, all property within the proposed district is ineligible for inclusion within a proposed historic district for one year from the date of the determination of the director in section (f)(2) of this section.

(h) The HAHC will conduct a public hearing on each final application for designation of a historic district. Following the public hearing, the HAHC may recommend that the boundaries of the proposed historic district be amended in accordance with the intent and general purpose of this article.”

Section 14. That Section 33-223 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-223. Property pending designation.

(a) Upon initiation of an application for designation of a landmark, archaeological site or historic district that satisfies the minimum age criteria of section 33-224(b) of this Code, the building, structure, object or site proposed for designation as a landmark or archaeological site and any building, structure, object or site located in an area proposed for designation as an historic district shall be subject to the requirements of division 4 of this article as though the building, structure, object, site or area had been designated by the city council. If the HAHC denies an application for certificate of non-designation for any property pursuant to section 33-228 of this Code, the property shall also be subject to the provisions of this section.

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates:

- (1) The day after an action of the city council rejecting an application for designation;
- (2) In the case of an application initiated by the HAHC, the day after an action of the HAHC recommending against the designation;
- (3) In the case of an application for designation of a landmark or archaeological site initiated by the property owner, the day after the withdrawal of the application by the property owner;
- (4) In the case of an application for designation of an historic district initiated by property owners, the 181st day after the director determines the application is initially complete³;
- (5) In the case of an application for designation of an historic

³ The amendment does not apply to applications currently received and pending, specifically Heights South, Woodland Heights and Glenbrook Valley;

district initiated by property owners, the day after the director determines that the application fails; or

- (6) In the case of the denial of a certificate of non-designation by the HAHC, the 181st day after the decision of the HAHC.

For purposes of this article, an application for designation is initiated immediately upon the occurrence of either the filing of an application for designation by the requisite owners pursuant to section 33-222 or section 33-222.1 of this Code or, in the case of an application initiated by the HAHC, the date a majority of the HAHC votes to authorize the preparation of an application.”

Section 15. That Subsection (a) of Section 33-224 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting “and the commission,” from the first sentence.

Section 16. That Sections 33-225 through 33-227 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“Sec. 33-225. Procedures for designation of landmark, historic district and archaeological site.

(a) The HAHC shall review each final application for designation of a landmark, historic district, and archaeological site and shall conduct a public hearing on each application. The director shall make a record of the public hearing. The HAHC shall consider the application and evidence presented at the public hearing. After due consideration, the HAHC shall determine whether to recommend the designation, provided, however, that if the HAHC does not act with respect to an application for designation within 60 days of the public hearing before the HAHC on the designation, the HAHC shall be deemed to have recommended the designation. The recommendation of the HAHC, which shall include the basis for the recommendation, shall be in writing. If the HAHC recommends against designation upon consideration of the application, the application shall be disapproved and no recommendation shall be submitted to the city council.

(b) The director shall submit the recommendation of the HAHC for designation and the application to the city council.

(c) The city council shall consider an application for designation after receiving a recommendation from the HAHC and shall decide whether

to designate the property.

(d) The city secretary shall maintain a copy of a map identifying each landmark, historic district and archaeological site designated by the city council, and additional copies shall be maintained by the director and the building official. The director shall file for recordation in the real property records of the county or counties in which the designated property is located each action of the city council designating a landmark, historic district or archaeological site.

Sec. 33-226. Notice requirements for public hearings.

(a) The director shall give notice of a public hearing before the HAHC on the designation of a landmark or archaeological site initiated by the HAHC not less than 30 days before the date of the public hearing to the owner of the property at the name and address as shown on the most current appraisal district records. If the notice address for the owner as shown on the most current appraisal district records does not coincide with the street address of the property, then the director shall also send a notice addressed occupant to the street address for the proposed landmark or archaeological site. The director shall also publish notice of the public hearing in a newspaper of general circulation in the city not less than 30 days before the date of the public hearing.

(b) The director shall provide notice of a public hearing on the designation of a landmark or archaeological site by letter, first class mail, postage paid, by facsimile transmission or by electronic mail no later than the fifth day before the date of the public hearing to:

- (1) Any civic association registered with the director within whose service area the potential landmark or archaeological site is located; and
- (2) If the owner of the landmark or archaeological site initiated the application for designation, the owner.

(c) The director shall give notice of a public hearing before the HAHC on the designation of an historic district not less than 30 days before the date of the public hearing on designation as follows:

- (1) Notice shall be given by mail to each property owner within the proposed historic district, as shown on the most current appraisal district records.
- (2) Notice shall be published in a newspaper of general circulation

in the city; and

- (3) Notice shall be posted by sign in at least four locations within the district selected by the director at locations reasonably calculated to be seen easily by residents of the district and where each sign will be visible from at least one public right-of-way. In addition, where, in the opinion of the director, because of the size, configuration, traffic patterns or other characteristics of the proposed historic district, additional signs would be beneficial in providing notice, the director shall cause an appropriate number of additional signs to be posted. The signs shall conform to specifications prescribed by the director.

(d) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed constitutes prima facie evidence that notice has been given as required by this section.

(e) Additional notice need not be given if the public hearing is adjourned or continued to another date, provided that the date, time and place to which the public hearing is adjourned or continued are specified in the public hearing.

Sec. 33-227. Amendment; changes in boundary.

(a) Amendment of any designation of any landmark, protected landmark, historic district or archaeological site and any enlargement of the boundaries of any historic district or archaeological site shall require action by the city council and shall follow the procedures for application, notice, public hearing and recommendation by HAHC used for the designation of the landmark, historic district or archaeological site.

(b) Nothing herein shall be construed to require the city council to follow all of the procedures used in the designation if the amendment is solely for the purpose of correcting minor technical errors, including, but not limited to, errors in property descriptions, that are necessary to implement the intent of the city council with respect to the designation.

(c) Notwithstanding the foregoing, the city council may establish by ordinance a temporary process to allow for reconsideration of the designations of historic districts made or proposed prior to June 9, 2010 in connection with the adoption of amendments to this article."

Section 17. That Subsections (a), (b), (c), and (d) of Section 33-228 of the Code of Ordinances are hereby amended to read as follows:

“Sec. 33-228. Certificate of non-designation.

(a) The owner or owner’s agent of any property may submit an application for a certificate of non-designation with respect to any building, structure, object, site, property or area that has not been designated as a landmark, protected landmark, or contributing structure in an historic district or an archaeological site. Applications shall be filed with the director and shall contain the following information:

- (1) The name, address and daytime telephone number of the owner and the applicant, if different from the owner;
- (2) The address and general description of the property that is the subject of the application;
- (3) A current photograph of the property that is the subject of the application; and
- (4) Information demonstrating whether the property is eligible for designation as a landmark or protected landmark or as a contributing structure in an historic district or an archaeological site.

The application for a certificate of non-designation shall be accompanied by a nonrefundable fee of \$25.00.

(b) The HAHC shall consider an application for certificate of non-designation at a regular meeting within 35 days of the date a complete application for the certificate is filed with the director or at a later time mutually agreed upon in writing by the director and the applicant. The HAHC may continue its consideration of an application for a certificate of designation to its next regular meeting upon finding that specific information is needed by the HAHC to enable it to reach its decision or upon agreement with the applicant for a continuance. If the HAHC does not act upon an application for a certificate of non-designation within the later of 70 days from the date the application is filed with the director or 35 days after the date mutually agreed on by the applicant and director for review of the application by the HAHC, the application shall be deemed approved, unless the applicant consents in writing to an extension to a specified date.

(c) The HAHC shall not grant the certificate of non-designation if it

finds any of the following:

- (1) The building, structure, object, site, property or area is the subject of a pending application for designation as a landmark, protected landmark or archaeological site;
- (2) The building, structure, object, site, property or area is within an area that is the subject of a pending application for designation of an historic district;
- (3) The building, structure, object, site, property or area is eligible for designation as a landmark, protected landmark or archaeological site; or
- (4) The building, structure, object, site, property or area is located in an area that is eligible for designation as an historic district and meets the criteria for contributing structure if the area were to be designated as an historic district.

Otherwise, the HAHC shall grant the certificate of non-designation.

(d) The certificate of non-designation shall expire ten years after the date of its issuance and shall be evidence that the subject of the certificate of non-designation will not be subject to the provisions of this article for a period of ten years from the date of issuance of the certificate of non-designation. The certificate of non-designation shall run with the land and may not be transferred to any other building, structure, object, site, property or area.”

Section 18. That Subsections (c) and (d) of Section 33-229 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(c) The recommendation of the HAHC shall be submitted to the city council pursuant to section 33-225 of this Code.

(d) The city secretary shall maintain a copy of a map identifying each protected landmark designated by the city council, and additional copies shall be maintained by the director and the building official. The director shall file for recordation in the real property records of the county or counties in which the designated property is located notice of each action of the city council designating a protected landmark and the form submitted by the owner pursuant to subsection 33-222(c) of this Code.”

Section 19. That Section 33-236 of the Code of Ordinances, Houston, Texas, is hereby amended by redesignating Subsections (i) and (j) as Subsections (j) and (k), respectively, and adding a new Subsection (i), which shall read as follows:

“(i) No owner of a protected landmark or contributing structure in an historic district shall allow a protected landmark or contributing structure to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature.”

Section 20. That Subsection (j) of Section 33-236 of the Code of Ordinances, Houston, Texas, as redesignated by this Ordinance, is hereby amended to read as follows:

“(j) No person shall alter, rehabilitate, restore, construct, relocate or demolish any landmark, protected landmark, or any building, structure or object in an historic district or archaeological site, or excavate any archaeological site, without complying with the applicable provisions of this article. It is a defense to prosecution under this section that the director of public works and engineering or a deputy director or an assistant director having supervisory responsibilities over the issuance of building permits has determined (1) that the work to be performed is necessary to correct conditions that are in violation of the life safety requirements for existing buildings as set forth in Chapter 34 and Appendix L of the Building Code; (2) that the work to be performed is the only means for achieving compliance with the life safety requirements; and (3) that, based upon the nature of the life safety violations and the risks associated with their continuation, the provisions of this article should be waived to the extent of the life safety requirements.”

Section 21. That Section 33-237 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

Sec. 33-237. Exemptions.

(a) A certificate of appropriateness is not required for ordinary maintenance and repair, or for the alteration, rehabilitation, restoration, or construction of the following exterior features: landscaping, HVAC units, light fixtures, porch ceiling fans, and roofs. The operation of this section shall constitute an affirmative defense to prosecution under section 33-236 of this Code.

(b) A certificate of appropriateness is not required for the reconstruction of a contributing or noncontributing structure that was completely or partially destroyed by a fire, natural disaster, or other damage not intentionally caused by the owner of the structure only if the reconstruction is built within the same footprint and has the same exterior features as the contributing or noncontributing structure.

Section 22. That Section 33-238 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Item (6).

Section 23. That the first sentence of Subsection (a) of Section 33-238.1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) The applicant for a certificate of appropriateness for demolition or relocation of a landmark, protected landmark, or any contributing structure in an historic district shall give notice of a meeting of the HAHC to consider the application for a certificate of appropriateness not less than ten days before the date of the meeting by posting at least one sign on the property for which the certificate of appropriateness is requested.”

Section 24. That Item (2) of Subsection (c) of Section 33-238.1 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the term “commission” with the term “HAHC.”

Section 25. That Sections 33-240 through 33-243 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

**“Sec. 33-240. Criteria for issuance of certificates of appropriateness--
General.**

(a) The HAHC shall be the body responsible for approving certificates of appropriateness unless otherwise provided in this article. The HAHC shall review and approve or disapprove a certificate of appropriateness pursuant to:

- (1) The applicable specific criteria in this division; and
- (2) Design guidelines approved pursuant to section 33-268 of this Code or division 6 of this article for the Old Sixth Ward Protected Historic District, to the extent applicable.

- (3) In the event of a conflict between the criteria in this division and the design guidelines, the design guidelines shall control.

(b) The applicant for a certificate of appropriateness shall have the burden of demonstrating that the application satisfies the criteria applicable to the issuance of the certificate of appropriateness. To approve or disapprove an application for a certificate of appropriateness, the HAHC shall consider and make findings with respect to the relationship between the proposed activity and the applicable criteria. The HAHC shall take into consideration the current needs of the applicant and shall be sensitive to the property owner's financial condition in determining whether to issue a certificate of appropriateness.

Sec. 33-241. Same--Exterior alteration, rehabilitation, restoration and addition.

(a) The 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, or (iii) any building, structure or object that is part of an archaeological site, upon finding that the application satisfies the following criteria, as applicable:

- (1) The proposed activity must retain and preserve the historical character of the property;
- (2) The proposed activity must contribute to the continued availability of the property for a contemporary use;
- (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;
- (4) The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment;
- (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;
- (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;

- (7) The proposed replacement of exterior features, if any, should be based on 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;
- (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;
- (9) The proposed design for any exterior alteration or addition must not destroy significant historical, architectural or cultural material and must be compatible with the size, scale, material and character of the property and the area in which it is located;
- (10) The setback of any proposed addition or alteration must be compatible with existing setbacks along the blockface and facing blockface(s); and
- (11) The proposed activity will comply with any applicable deed restrictions.

(b) The HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration, or addition to a contributing structure in an historic district upon finding that the application satisfies the criteria in subsection (a) or the following criteria, as applicable. The HAHC shall approve an application for an addition to a contributing structure that satisfies the following criteria:

- (1) An addition taller than any point of the roof of the structure conforms to the following standards:
 - a. The addition does not encroach into the front half of the existing structure, measured from the front façade of the existing structure to the farthest point of the rear of the existing structure from the front façade;
 - b. The plate height of the addition does not exceed 1.25 times the plate height of the existing structure; and
 - c. The roof of the new addition does not deviate from the

roof pitch of the existing structure.

- (2) For new additions that are not taller than any part of the roof of the structure and are adjacent to the sides of the front façade of the existing structure, the new addition conforms to the following standards:
 - a. The addition does not encroach into the front thirty percent of the total depth of the existing structure, measured from the front façade of the existing structure to the farthest point of the rear of the existing structure from the front façade;
 - b. The addition is not wider, as measured from the side adjacent to the front façade, than half of the distance that the addition is actually set back from the front facade. For example, if an addition is set back forty percent of the total depth of the existing structure from the front façade, the addition may not be wider than twenty percent of the total length of the existing structure; and
 - c. The roof of the new addition does not deviate from the roof pitch of the existing structure except for cross gable roofs.
- (3) For new additions that are not taller than any point of the roof of the existing structure and do not encroach past the farthest point of the rear of the existing structure from the front façade, the roof of the new addition does not deviate from the roof pitch of the existing structure except for cross gable roofs.
- (4) No original building materials are removed from the portion of the structure from the front façade to the addition.

(c) The HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of any noncontributing structure in an historic district upon finding that the application satisfies the following criteria, as applicable:

- (1) 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;
- (2) For an addition to a noncontributing structure:

- a. The setback of the addition is no closer to the public right-of-way than the typical setback of existing contributing structures in the historic district;
- b. The height of the eaves of the addition to a noncontributing structure used or intended for use for residential purposes is not taller than the typical height of the eaves of existing contributing structures used for residential purposes in the historic district; and
- c. The height of an addition to a noncontributing structure used or intended for use for commercial purposes is not taller than the height of the existing structure.

(d) Notwithstanding subsections (a), (b), and (c) of this section, the director is authorized to issue a certificate of appropriateness for the following types of alteration of a (i) landmark, (ii) protected landmark, (iii) building, structure or object in an historic district, or (iv) building, structure or object that is part of an archaeological site upon finding that the application satisfies the criteria of the subsection (a) of this section of the Code, as applicable:

- (1) Removal of an inappropriate window or door element that was not original to the structure and replacement with a window or door element that:
 - a. Is appropriate to the historic significance of the structure; and
 - b. Does not change the size, shape or location of any opening, including the trim, molding or other features associated with the opening, from which the window or door elements are to be removed;
- (2) Removal of synthetic exterior wall cladding, such as asbestos, aluminum or vinyl siding, that was not an original feature or characteristic of the structure and replacement with appropriate cladding; and
- (3) Installation of any details including porch elements or detailing that have been partially lost or removed but whose existence has been substantiated by the remaining elements still in existence or historical documentation such as architectural plans or historic photographs.

- (4) Reconstruction of a contributing structure that was completely or partially destroyed by a fire, natural disaster, or other damage not intentionally caused by the owner of the structure only if the reconstruction is built within the same footprint and has the same exterior features as the contributing structure.

If the director disapproves the application, or if the director does not approve the application within 15 business days of receipt of the complete application, the application shall be referred to the HAHC for consideration pursuant to subsections (a), (b), and (c) of this section. The schedule for consideration of an application for a certificate of appropriateness provided by section 33-239 of this Code shall apply to an application considered under this subsection and the administrative process authorized herein shall not suspend any time required for consideration. The director may promulgate rules for the receipt and processing of applications under this subsection.

(e) In reviewing applications for certificates of appropriateness under this section, the HAHC or the director, respectively as appropriate, shall also consider any elements of the proposed activity that may be necessary to enable the property to comply with any other applicable city ordinances or state or federal law so as to facilitate compliance with this ordinance and other applicable laws.

Sec. 33-242. Same--New construction in historic district.

The HAHC shall issue a certificate of appropriateness for new construction in an historic district upon finding that the application satisfies the following criteria:

- (1) The new construction must match the typical setbacks of existing contributing structures in the historic district;
- (2) The exterior features of new construction must be compatible with the exterior features of existing contributing structures in the historic district;
- (3) The proportions of the new construction, including width and roofline, must be compatible with the typical proportions of existing contributing structures and objects in the historic district;
- (4) The height of the eaves of a new construction intended for use for residential purposes must not be taller than the typical height of the eaves of existing contributing structures used for

residential purposes in the historic district; and

- (5) The height of new construction intended for use for commercial purposes must not be taller than the typical height of the existing structures used for commercial purposes in the historic district.

Nothing in the foregoing shall be construed to require or impose a single architectural style in any historic district.

Sec. 33-243. Same--Relocation of landmark, protected landmark, or contributing structure.

(a) The HAHC shall issue a certificate of appropriateness for the relocation of any landmark, protected landmark, or contributing structure upon finding that the application satisfies one or more of the following criteria:

- (1) The landmark, protected landmark, or contributing structure:
 - a. Has architectural or historical value independent of its physical location that will not be diminished with relocation;
 - b. Can be moved without significant damage to its physical integrity;
 - c. Will be relocated to an area that is compatible with the historical and architectural character of the landmark, protected landmark, or contributing structure; and
 - d. If located in an historic district, can be relocated without significantly diminishing the integrity of the historic district in which it is located.
- (2) The relocation is necessary to protect the landmark, protected landmark, or contributing structure from demolition resulting from a public improvement project;
- (3) The applicant has established an unreasonable economic hardship pursuant to the criteria of section 33-247(c) of this Code; or
- (4) The applicant has established unusual or compelling circumstances pursuant to section 33-247(d) of this Code.

(b) Alternatively, the HAHC shall issue a certificate of appropriateness for relocation if relocation of the landmark, protected landmark, or contributing structure has been identified as an alternative to demolition pursuant to section 33-247(f) of this Code.”

Section 26. That Section 33-247 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-247. Same--Demolition of landmark, protected landmark or contributing structure, or within archaeological site.

(a) The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for demolition of a building, structure or object on or in an archaeological site shall be subject to the establishment by the applicant of an unreasonable economic hardship or the establishment of an unusual and compelling circumstance.

(b) An application for a certificate of appropriateness for demolition shall contain the following information:

- (1) A certified appraisal of the value of the property conducted by a certified real estate appraiser;
- (2) The assessed value of the land and improvements thereon according to the two most recent assessments unless the property is exempt from local property taxes;
- (3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property;
- (4) All listings of the property for sale or rent that are less than a year old at the time of the application;
- (5) Evidence of any consideration by the owner of uses and adaptive reuses of the property;
- (6) Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates;
- (7) A comparison of the cost of rehabilitation of the existing

building with the demolition of the existing building and the construction of a new building;

- (8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable;
 - (9) Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted;
 - (10) An applicant who is a nonprofit organization shall provide the following additional information:
 - a. A comparison of the cost of performance of the mission or function of the nonprofit organization in the existing building and in a new building;
 - b. The impact of the reuse of the existing building on the organization's program, function or mission;
 - c. The additional cost, if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area;
 - d. Grants received, applied for or available to maintain or improve the property; and
 - e. The nonprofit organization's budget for the current and immediately past fiscal years.
- (c) Determination of an unreasonable economic hardship shall be based upon the following criteria:
- (1) That the property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;
 - (2) That the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;
 - (3) That efforts to find a purchaser or lessee interested in

acquiring the property and preserving it have failed; and

- (4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.

(d) Determination of the existence of an unusual or compelling circumstance shall be based upon the following criteria:

- (1) That current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of an historic district, if applicable;
- (2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and
- (3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.

(e) If the HAHC determines by a preponderance of credible evidence that the applicant has demonstrated an unreasonable hardship or that an unusual or compelling circumstance exists, the HAHC shall issue a certificate of appropriateness for demolition.

(f) If the HAHC does not issue a certificate of appropriateness for demolition pursuant to subsection (a), the director and the applicant shall explore alternatives to demolition. It shall be the duty of an applicant for a certificate of appropriateness for demolition to participate in good faith in a diligent effort to identify alternatives to demolition. The HAHC, the director and the applicant may consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens to determine the feasibility of:

- (1) Public or other acquisition of the property, structure, building or object;
- (2) Relocating one or more of the structures or features of the property if to do so would preserve its historic or architectural value; or

- (3) Any other reasonable means of preserving the property, structure, building or object's historic or architectural value.”

Section 27. That Section 33-250 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-250. Ninety-day waiver certificate.

(a) The director shall not issue a 90-day waiver certificate for any protected landmark or for any property located within the OSWPHD.

(b) The director shall not issue a 90-day waiver certificate for any property located within any historic district other than a place of worship.

(c) Only for landmarks, archaeological sites, and places of worship within an historic district, if for any reason a certificate of appropriateness has not been issued on or before the ninetieth day following the scheduled submittal deadline at which a complete application for a certificate of appropriateness was received by the director, then the applicant, upon request to the director, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

(d) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any landmark or architectural site for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.”

Section 27.5. That Section 33-253 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-253. Appeal.

(a) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the planning commission by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision.

(b) The planning commission shall consider the appeal at its first

regularly scheduled meeting for which required notice can be given. The planning commission shall consider the application, the findings of the HAHC and any evidence presented at the meeting at which the appeal is considered. The planning commission shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. If the planning commission does not make a decision on the appeal within 30 days following the planning commission's hearing on the appeal, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(c) An applicant aggrieved by the decision of the planning commission on an appeal from a decision of the HAHC may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the planning commission. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting."

Section 28. That Section 33-253 of the Code of Ordinances, Houston, Texas, is hereby amended to add the word "*planning*" before each instance of the word "*commission*."

Section 29. That Section 33-254 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 33-254. Demolition by neglect.

(a) The owner of a contributing structure located within an historic district or of a protected landmark shall not permit the contributing structure or protected landmark to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature. An owner shall repair the following when necessary:

- (1) A deteriorated or inadequate foundation;

- (2) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed with safety;
- (3) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed with safety;
- (4) Fireplaces and chimneys which bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed with safety; and
- (5) Deteriorated, crumbling, or loose exterior stucco, mortar, or siding;

(b) The department shall investigate complaints regarding deteriorated or poorly maintained contributing structures and may refer complaints to the appropriate city department for investigation. If needed, the department will notify the property owner of the findings of any investigation and repairs required to comply with this article. If repairs are required, the property owner must develop a plan acceptable to the director to remedy the contributing structure or protected landmark within a specified amount of time, including plans to obtain any required certificates of appropriateness and other city permits. Failure to prepare a plan acceptable to the director or to comply with the provisions of an approved plan shall be a violation of this article."

Section 30. That Division 5 of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as follows:

"DIVISION 5. DESIGN GUIDELINES

Sec. 33-266. Application.

The applicants for the designation of an historic district may prepare and submit proposed design guidelines as part of the application. If the applicants do not submit proposed design guidelines, the department shall prepare design guidelines for consideration by city council within six months after the creation of an historic district.

Sec. 33-267. Requirements.

The proposed historic district design guidelines shall contain:

- (1) A map and description of the proposed historic district,

including boundaries; photographs of buildings in the district; an inventory of the age, setting, character and architectural, cultural or historical significance of structures in the district; and objectives to be achieved in the historic district;

- (2) A statement of the architectural, cultural or historical significance of the proposed historic district and a description of structures and features to be preserved; and
- (3) A set of specific standards for reviewing applications for certificates of appropriateness for demolition, construction, alteration, rehabilitation, restoration and relocation that will preserve the integrity of the historic district.

Sec. 33-268. Approval; effect of approval; amendment.

(a) The proposed design guidelines, when submitted by the applicants for designation of an historic district, shall be considered as part of the application for the designation of the proposed district and shall require the approval of the city council.

(b) After approval, the HAHC shall use the criteria within the design guidelines for granting or denying applications for certificates of appropriateness for applicable activities within the boundaries of the historic district.

(c) The HAHC shall conduct a public hearing on amendments to the design guidelines if changes are recommended by the HAHC in any annual report. At the public hearing, interested parties may comment in person or in writing on any recommended amendments to the design guidelines. Following the public hearing, the HAHC may vote to recommend amendments to the design guidelines to city council. No amendment shall be effective unless it is approved by the city council.

(d) A copy of the design guidelines is to be maintained in the office of the city secretary and on the website of the department.

Secs. 33-269--33-274. Reserved.”

Section 31. That Section 33-275 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-275. Designation of old sixth ward protected historic district.

In recognition of the unique historical significance of the Old Sixth Ward area and in furtherance of the project plan and reinvestment zone financing plan of the Old Sixth Ward tax increment reinvestment zone (Reinvestment Zone Number Thirteen, City of Houston, Texas), there is hereby designated an area to be known as the Old Sixth Ward Protected Historic District. The purpose of the designation is to provide additional protection against the irretrievable loss or alteration of the historic structures within the OSWPHD and new construction that is not compatible with the historic structures in the district. The area included in the OSWPHD and the contributing and noncontributing structures in the OSWPHD are shown in Appendix G and Appendix H, respectively, to this chapter. The provisions of section 33-250(c) and (d) of this Code shall not apply to a certificate of appropriateness for any structure or property within the OSWPHD. The director shall not issue a 90-day waiver certificate for any property located within the OSWPHD.”

Section 32. The Old Sixth Ward Historic District is abolished except for that part which is within the Old Sixth Ward Protected Historic District, it being the intent of the City Council that the provisions of Article VII of Chapter 33 of the Code or Ordinances, Houston, Texas, apply only to the property within the Old Sixth Ward Protected Historic District established by Ordinance No. 2007-855. Resolution No. 98-24 that created the Old Sixth Ward Historic District is hereby repealed and the establishment of the Old Sixth Ward Protected Historic District by Ordinance No. 2007-855 is hereby reaffirmed.

Section 33. That any complete application for a certificate of appropriateness filed prior to the effective date of this Ordinance shall be governed by the former provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued applicability to previously filed applications; provided, however, that at the request of the applicant, an application for certificate of appropriateness shall be considered under the provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, as amended by this Ordinance.

Section 33.1. That the applications for designation of the proposed Glenbrook Valley and Woodland Heights historic districts, which were filed before the effective date of this Ordinance, shall be governed by the former provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas relating to the designation of historic districts,

which are hereby saved from repeal for the limited purpose of their continued applicability to these previously filed applications for designation. The Director of the Planning and Development Department, based on information received during public hearings on the applications, may recommend to the City Council that the designation of either or both of the proposed historic districts be reconsidered pursuant to Section 3 of the Ordinance establishing a process for the reconsideration of historic district designations adopted in conjunction with the passage of this Ordinance.

Section 34. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 35. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 552 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 36. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect immediately upon passage and approval by the Mayor.

PASSED AND APPROVED this 13th day of October, 2010.

Annise D. Parker
Mayor of the City of Houston

Prepared by Legal Dept. Orner B. [Signature] DPA
SOI:dfm October 5, 2010 Assistant City Attorney
Requested by Marlene L. Gafrick, Director, Planning & Development Department
L.D. File No. 0421000048001

Roll Call Vote

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
	✓	JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
	✓	SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
	✓	BRADFORD
✓		JONES
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURIER
REVIEW
DATE: OCT 19 2010