

## DuCroz, Diana - PD

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**From:** Boesel, Minnette - MYR  
**Sent:** Monday, July 27, 2015 6:59 PM  
**To:** Walsh, Patrick - PD; Wallace Brown, Margaret - PD; DuCroz, Diana - PD  
**Cc:** Evans, Janice - MYR; PD - Historic Ordinance  
**Subject:** FW: His. Pres Ordinance - a few more remarks

Great public hearing last week. A few more comments from me , some of which I emailed a while back:

I feel strongly and am personally still having problems with the Sec-242 (a) 4; New Construction in historic district that allows for a 2 story house on what could be an entire block and block face (surrounding area) of one story houses. I think you should not allow 2 story structures in a "surrounding area" which is all one story buildings. It will just open the door for more 2 story buildings on the block.

Sec. 33-242 (a) 1,3 and 4 all use the definition/language of "surrounding area." For consistency, shouldn't (a) 2 also use the same language of "surrounding area"? The way (a) 2 is worded now allows for any type of new construction in the district to be considered "compatible" with any other contributing structure in the district.

Sec. 33-254 Any reason for the change from one year to two years for C of A to be valid? Circumstances and owners can change in that time.

Sec. 33-212 (b) can you take out language that Mayor's representative excuses commission members from attendance and have that be the Historic Preservation Officer?? I think that is a better system.

Sec. 33-227 c) will this section allow the opportunity to reclassify a "non-contributing " building , for example, in Glenbrook Valley that has become 50 years of age or more since the area became a designated historic district in 2010 and can be upgraded to "contributing" status??

Thanks so much for all your great work,

**Minnette B. Boesel**

Mayor's Assistant for Cultural Affairs  
901 Bagby, Second Floor, City Hall  
Houston, TX 77002  
(832) 393-1097

**DuCroz, Diana - PD**

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**From:** Alex Dewitt <[REDACTED]>  
**Sent:** Thursday, July 23, 2015 3:14 PM  
**To:** PD - Historic Ordinance  
**Subject:** Public comment on Appeals

Just a thought on the appeals process.

Consider the following:

Why is there even an appeals process for Historical designation? It seems like it would be significantly less hassle to more strictly regulate historic designations at the forefront and completely get rid of the appeals process, thus making the historical designation permanent and protected from demolition or development. With this new more permanent designation, more regulations and stricter standards could be enforced for properties up for historical designation. This would benefit developers because less properties would be given designations but would also benefit historical properties, because properties deemed worthy of the designation with overwhelming evidence would be granted permanent protection.

**Willett, Lorelei - PD**

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**From:** design inspire [REDACTED]  
**Sent:** Wednesday, July 29, 2015 1:23 PM  
**To:** PD - Historic Ordinance  
**Subject:** Fwd: COMMENTARY ON PROPOSED UPDATES TO THE HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION (HAHC) PROTECTED HISTORIC DISTRICT ORDINANCE  
**Attachments:** Commentary Historic Ordinance Proposed Update copy.pdf; ATT00001.htm; Commentary-Historic-Ordinance-Proposed-Update-copy-1.jpg; ATT00002.htm

Please include:  
lowering the amount of investment on restoration of an historical structure in a protected historic ditrict from 50% to 25% of the appraised value of the historic building to receive tax incentives. Any new additions should NOT be included in the incentives.

Thank-you

angela dewree  
[REDACTED]

.....  
Begin forwarded message:

**From:** design inspire [REDACTED]  
**Subject:** COMMENTARY ON PROPOSED UPDATES TO THE HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION (HAHC) PROTECTED HISTORIC DISTRICT ORDINANCE  
**Date:** July 29, 2015 at 11:47:59 AM CDT  
**To:** [historicpreservation@houstontx.gov](mailto:historicpreservation@houstontx.gov)

COMMENTARY ON PROPOSED UPDATES TO THE  
HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION (HAHC)  
PROTECTED HISTORIC DISTRICT ORDINANCE

Monday, July 27 2015

I own an historic home in the Historic Heights South Protected District. It is a circa 1910 home, of an architecture found around the Puget Sound University area in Washington State. My home was updated when purchased, and since I have added a new roof including an architecturally matching roof over the previous flat roof of the addition. So my home is in scale, looks as though it has always been here { from every angle } -- while the interior is completely modernized. My home has ample greenspace, mature trees & native garden-- in keeping with the character of our neighborhood, that I call Home.

I applaud the restorations and compatible additions by Broman Design & Construction Corporation , Bungalow Revival, and Lucas Craftsmanship. This esteemed group understands the fragile nature of our Historic neighborhoods, and DESIGN sympathetically to realize extraordinary results that preserve greenspace, mature trees and honor the quality of life of our single family neighborhoods.

Thank-you for including me in the process as HAHC, the Mayor's Representative, & the Planning Commission Panel who have crafted the update proposals to the Ordinance. The meetings were lively, and important. I appreciate the time that the panel invested to realize important changes necessary to clarify the Ordinance to preserve our historic neighborhoods.

Protected Historic Districts comprise 1.5% of the entire area of the Greater Houston region. Therefore, Builders and Investors have a huge playing field, in the remaining 98.5% of Houston and including growing areas of Pearland, Sugarland, Spring, Humble and the Woodlands to build as huge as they wish. It is imperative that Protected Historic Districts are protected, and not be compromised by incompatible, behemoth additions, and destructive construction practices that have been rampant since 2010 and before.

With regards to the proposed amendments:

1. HAHC needs fast track authority on COMPATIBLE restorations of existing Historical structures.
2. If HAHC denies an application, The Planning Commission must return the application to HAHC for re-review.
3. Block-face is imperative in review of applications for restorations, renovations & additions in protected historic districts.
4. Mass & Scale is critical to the character of protected Historic Districts, and must match the existing criteria of the prevailing Block Face of the property location.
5. Allowing Builders to reference newly constructed Creole New Orleans style Townhouses as a basis for mass & scale in protected historic districts of circa 1898 to 1920 authentic historic homes, as well as protected mid-century modern homes is absolutely ludicrous -- and is contrary to spirit of the Houston Protected Historic Ordinance.
6. Retaining the original integrity of historic architecture, including for example - original shiplap must be retained in the Ordinance.

In Conclusion, I applaud Douglas Elliott - Citizen Representative, for his astute assessment of Protected Houston Historic Districts. I agree wholeheartedly with his intelligent, thoughtful and accurate assessments, opinions and arguments on behalf of preservation of historic homes, buildings and neighborhoods in Houston.

Thank-you,

Angela DeWree

COMMENTARY ON PROPOSED UPDATES TO THE  
HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION (HAHC)  
PROTECTED HISTORIC DISTRICT ORDINANCE

Monday, July 27 2015

I own an historic home in the Historic Heights South Protected District. It is a circa 1910 home, of an architecture found around the Puget Sound University area in Washington State. My home was updated when purchased, and since I have added a new roof including an architecturally matching roof over the previous flat roof of the addition. So my home is in scale, looks as though it has always been here { from every angle } -- while the interior is completely modernized. My home has ample greenspace, mature trees & native garden-- in keeping with the character of our neighborhood, that I call Home.

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With regards to the proposed ammendments:

1. HAHC needs fast track authority on COMPATIBLE restorations of existing Historical structures.
2. If HAHC denies an application, The Planning Commission must return the application to HAHC for re-review.
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Thank-you,

Angela DeWree

**GHBA Concerns and Recommendations Following 7/14/15 Meeting with COH  
Planning Department**

**Primary Concerns:**

Design Guidelines

- To reiterate what we discussed in May: It is critically important that representatives of GHBA be at the table when drafting Design Guidelines. While GHBA understands that this process will focus on the interests and needs of each Historic District through property owner participation, the process will only be helped by the expertise, counsel and information provided by professionals in the homebuilding and remodeling industries.
  - The GHBA would like to have a voice in the RFP.

Designating a Historic District – GHBA strongly opposes the following change:

- “After the deadline for returning survey forms mailed in accordance with subsection (e) has passed, the director will determine if survey forms were returned for more than 50 percent of the tracts within the survey area and also whether owners of 67 percent of tracts for which survey forms were returned indicate all the tracts in the proposed district support the designation of the district in accordance with the following rules...”
  - In reality, this would mean that only 33 percent of homeowners would need to vote in favor of the creation of a historic district. This leaves the process very open to influence by a small, vocal minority. Additionally, 33 percent is a very small threshold for such a radical change to homeowners’ private property rights.
    - The GHBA proposes that the language should remain unchanged. Establishing the threshold for the creation of a historic district was critical to the HPO negotiations during the last rewrite due to the need to balance the restrictive nature of the ordinance with private property rights.
- The GHBA also had some confusion regarding the terms “tracts.” Does one lot equate to one vote? Or, does the size of the tract matter?
  - A suggestion was made by Johnny Sullivan that the original plats on the lot could be used to determine votes.

Appeals – GHBA supports neither option.

- It is critical that property owners have adequate recourse when facing a denial from the Commission. In order to protect property rights, this process must remain democratic, open and transparent, as well as engage the residents.
  - GHBA opposes option A. In May, we offered our support for an alternate option that would leave the ability of the Planning Commission to overturn a Historic Commission decision. Simply sending recommendations back to the HAHC essentially ensures that the HAHC will have final decision-making authority over any and all appeals, which is not a true appeals process.

- After discussing option B with Planning, the GHBA is open to the creation of an additional committee. However, the GHBA proposes that the five commissioners have prescribed qualifications, similar to the HAHC.
- We also oppose the 60-day timeframe. The Appeals Committee should be able to do its work in a more time-sensitive manner. The GHBA proposes 30 days.
- GHBA also opposes the new requirement for homeowners to provide the neighborhood with “adequate notice of the appeal by placement of signs.”
  - However, the GHBA is more amenable to the idea of smaller yard signs being required. We oppose the requirement of 4' x 8' signs.

Enforcement and Penalties – GHBA opposes the following change:

- “After the period of two years has completed, the HAHC shall not approve a certificate of appropriateness for new construction on the site of the demolished structure unless the size and dimensions of the new construction are substantially similar, and not larger, than the demolished structure.”
  - This language is very prohibitive for new construction. If the new structure is in compliance with the ordinance and possible design guidelines, it should be able to be larger than the demolished structure.
  - Margaret proposed recording restrictions – although the City doesn't currently have a process in place, there is nothing to prevent them from doing so. The GHBA is amenable to this suggestion.
  - The City must understand that this policy, as written, will lead to the unintended consequence of vacant land remaining undeveloped due to the economic realities.

**DuCroz, Diana - PD**

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**From:** Sam Gianukos <[REDACTED]>  
**Sent:** Monday, July 27, 2015 3:12 PM  
**To:** PD - Historic Ordinance  
**Subject:** Redlined Historic ordinance

I have lived in the Heights since 1976. I started my business in the Heights area, first remodeling bungalows and eventually building new construction as well. I have owned many different properties in the Heights area. I love the Heights. I support reasonable Historic Preservation.

This committee was formed according to the Mayor, in order to STREAMLINE and make the process more TRANSPARENT. The redline copy that we have received only makes the ordinance more restrictive and complicated. It fundamentally changes the ordinance in ways that no one in this neighborhood with the exception of the few activists would vote in favor of.

The problems with this ordinance are simple:

**WE NEED ILLUSTRATED GUIDELINES**

These guidelines would take all of the unknowns out of the ordinance. We were told before we voted on this ordinance the following:

“THE GUIDELINES ARE IN PLACE FOR THE HOUSTON HEIGHTS” (see attached.)

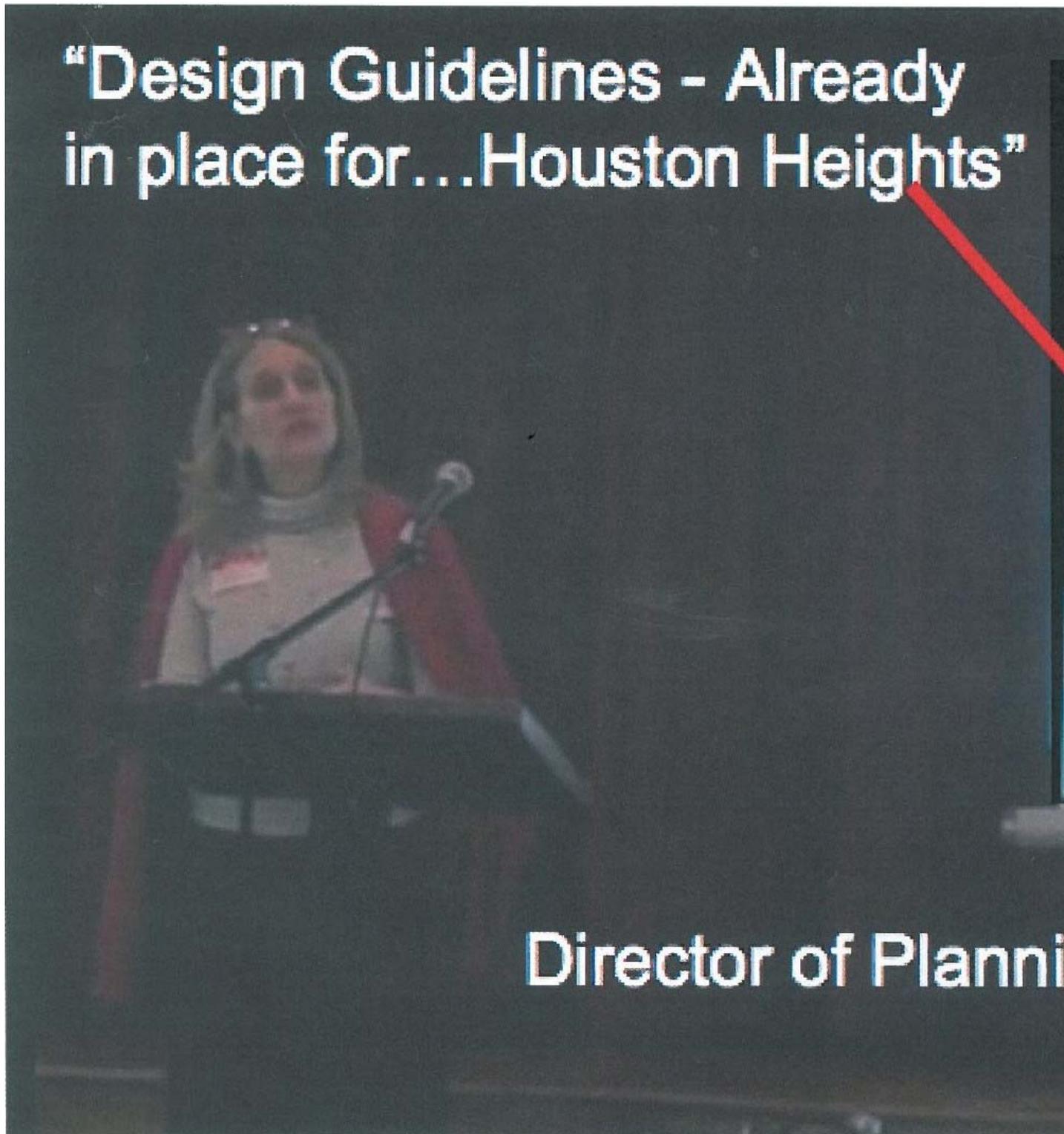
This committee had no intention of resolving the Guidelines issue.

It is very logical to provide illustrated examples of what is acceptable when building new, or remodeling the existing structures.

I would like to suggest that until the new Guidelines are completed, we use the Guidelines that were removed from HAHC website, and were presented in the past as the design guidelines for the Heights.

I hope you'll take my suggestions into consideration.

Sam



Sam Gianukos  
Creole Design, LLC  
505 Merrill St.  
Houston, Texas 77009  
713-880-3158



## DuCroz, Diana - PD

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**From:** Sallie Gordon <[REDACTED]>  
**Sent:** Friday, July 10, 2015 9:19 AM  
**To:** PD - Historic Ordinance  
**Subject:** Ordinance revisions

I have reviewed the proposed revisions to the preservation ordinance and am particularly pleased to see the attention to the wording of the section which refers to public streets. Courtlandt Place of course is privately owned but deserves and needs protection through city statutes. It can be argued that the current wording of the preservation ordinance includes Courtlandt Place, since the homes can be seen from the public thoroughfares of Taft and Bagby, but any ambiguity needs to be corrected. This neighborhood was home to individuals who made stunning contributions to our city's fabric, and it is one of the few Houston historic neighborhoods which is totally intact. As ownership of the individual homes in the neighborhood changes through the years, city oversight of Courtlandt Place, like other historic districts, is imperative if this important Houston landmark is to be preserved for future generations.

Thank you for your continued hard work to preserve Houston's history

Sallie Gordon  
3903 Bute St  
Houston, TX 77006

Sent from Sallie's iPad

**DuCroz, Diana - PD**

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**From:** Kevin Grahmann <[REDACTED]>  
**Sent:** Tuesday, July 28, 2015 11:02 AM  
**To:** PD - Historic Ordinance  
**Subject:** Ordinance comments

I meant to send this by yesterday's deadline but it was stuck in my outbox. Regarding the proposed revisions to the historic ordinance, I disagree with the proposed change to allow nonvotes to be disregarded when determining whether a survey area should be part of a historic district. This proposed change can result in enabling a minority of property owners in a survey area to vote an area into a historic district. Given the substantial and strict impacts that a historic designation has on the property owners, I believe the ordinance should require a 2/3rd approval vote by all of the property owners in a survey area, and should treat any nonvotes as no votes.

**DuCroz, Diana - PD**

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**From:** Randy & April Johnson <[REDACTED]>  
**Sent:** Tuesday, July 21, 2015 7:25 PM  
**To:** PD - Historic Ordinance  
**Subject:** Comments for July 22 Meeting

I read the revised ordinance and offer the following comments:

- 1.) I oppose the last sentence in Sec. 33-203 (d) that has been added. It is punitive.
- 2.) Sec. 33 - 212 - Re-insert the term limit and restrict it to two consecutive full terms.
- 3.) Sec. 33 - 222.1 - Add another section after this one called "Application for dissolving an existing historic district". After this document come out, there will be a lot of interest in doing so.
- 4.) I oppose the entire content of Sec. 33 - 241.1. It is incomprehensible gobbledygook that will be indecipherable for a typical home designer or contractor.
- 5.) Sec. 33 - 242 (a) 5 - Strike the provision to prevent two story structures in one story neighborhoods. This is moronic. If the style (craftsman, creole, etc) matches that of the one story homes, it should not matter that the new home is two stories tall. It is common practice in any community to have a mix of one and two story homes.
- 6.) Strike Sec. 33-251 (b). A building standards official should not need to get approval from the HAHC to demolish an unsafe building.
- 7.) Sec. 33-253 (a) - Reduce the appeal time frames from 90 days and 120 days noted in the clause to 14 days for each, or agree to cover the owner's carrying-cost (i.e., loan interest payment) for the entire 90 day period.
- 8.) Sec. 33-254 Demolition by Neglect - The section is too weak. Daily penalties need to be initiated quickly. I have a home behind me at 1212 Tulane St that is an abandoned construction disaster with no signs of action. This ordinance is no help to the 1212 Tulane situation.
- 9.) I could not find anything in the document stating that previously passed deed restriction supersede the ordinance. Please add this provision. I requested it an earlier open meeting downtown, and I appear to have been ignored.
- 10.) Insert a clause to reimburse homeowners who are denied permission to demolish their home for the difference in value between a vacant lot and one with their historic home on it. Currently, this would equal about \$50,000 per home.
- 11.) Finally, it amazes me that it takes 40 pages to create this ordinance. That alone is a clear sign that the process remains broken and the Historic Districts should be scrapped.

Randy Johnson  
1225 Rutland St  
Houston, TX 77008

**DuCroz, Diana - PD**

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**From:** Soheli Katchi <[REDACTED]>  
**Sent:** Monday, July 27, 2015 9:27 AM  
**To:** PD - Historic Ordinance  
**Subject:** Historic district

After reviewing the proposed changes to Chapter 33 of the HPO, we are happy to see the city is looking to help streamline the approval process for home owners as well as the staff.

From the summary list revisions, we are FOR the following items:

- Increase the scope of administrative approvals by the director
- Expand and clarify exemptions from the Ordinance
- Clarify the regulation of structural elements of exterior walls such as interior shiplap
- Clarify and refine the criteria for those simple additions that qualify for mandatory approval
- Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package
- Clarify the criteria for obtaining a CofA for alterations and additions
- Improve the Appeals process

## DuCroz, Diana - PD

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**From:** Marie Huynh <[REDACTED]>  
**Sent:** Monday, July 27, 2015 12:43 PM  
**To:** PD - Historic Ordinance  
**Subject:** Historic Preservation Ordinance Proposed Revisions

After reviewing the [proposed changes](#) to Chapter 33 of the HPO, we are happy to see the city is looking to help streamline the approval process for home owners as well as the staff.

From the [summary](#) list revisions, we are **FOR** the following items:

- Increase the scope of administrative approvals by the director
- Expand and clarify exemptions from the Ordinance
- Clarify the regulation of structural elements of exterior walls such as interior shiplap
- Clarify and refine the criteria for those simple additions that qualify for mandatory approval
- Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package
- Clarify the criteria for obtaining a CofA for alterations and additions
- Improve the Appeals process

Marie H Kennedy

**DuCroz, Diana - PD**

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**From:** FRED & JULIE KITZIGER <[REDACTED]>  
**Sent:** Wednesday, July 22, 2015 1:45 PM  
**To:** PD - Historic Ordinance  
**Cc:** Cohen, Ellen - CNL; Gonzalez, Edward - CNL; CNL - District H; Fred Kitziger  
**Subject:** Amendments to HPO

Dear HAHC,

After reading your proposed amendments for the HPO, any reasonable person would conclude that the result has very little in common with the stated purposes. From this I deduce that the Committee (stacked with HAHC members and like-minded political operatives) either operated under a hidden agenda or allowed personal agendas to control the results.

For example, in an effort to achieve more homogenous, sensible districts with supportive owners, you 1) eliminated the maximum tract limit for survey area and increased the gerrymander power for the bureaucrat responsible for the misshapen districts. How is allowing multiple gerrymandered, non-contiguous sub districts across a larger area going to solve your stated problem? Did we have a problem with subdivisions of interest being too large? Of course the real reason for these changes is to allow more non-supportive owners to be swept-in to the highly regulated districts using bizarre groupings to meet the threshold. This creates more potential customers for the seriously conflicted preservation professionals on your board.

Speaking of HAHC members with serious conflict of interest, why was Commissioner Mod allowed on the

Committee? I would guess that she also supported the change to half the required support level to create a new district, and thus creating new potential customers. Did she also support the change that removed term limits for herself? That is a conflict of interest within a conflict of interest. Have you no shame?

Sure, the Supreme court ruling that allowed cities to expropriate for preservation does not require any vote, but most political units understand the importance of support from owners to make Preservation efforts a success. Obviously that was lost on you when you changed the 67% all-tract minimum support to 33.3% (67% of 50% respondents) and when you changed the ballot language to innocuous "survey" and when you changed the recipient of the "surveys" from the owners' addresses of record to the tracts themselves, clearly an attempt to disenfranchise absentee owners and landlords who would typically not support your selfish efforts.

For the record, I support none of the changes I cite above. And I oppose all other changes created by this committee simply for the fact that the entire effort was intellectually dishonest. Fix the inherent conflict of interest of allowing preservation profiteers to pass judgment on the work of their competition. The recusal option is a farce because these profiteers are conflicted by their chosen profession on all matters before them. A one-term limit cumulative for life is a better change. Revert to the 67% all-tract minimum that was negotiated in good faith in 2010, only to fall victim to double-dealing five years later.

To the preservation profiteers and zealots on the HAHC, let me leave you with this: Section 33-240 reads

"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."

Either start using this requirement in your rulings or scratch this too if you proceed to adopt these misguided changes.

Fred Kitziger  
Norhill

## DuCroz, Diana - PD

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**From:** paul luccia <[REDACTED]>  
**Sent:** Monday, July 27, 2015 4:42 PM  
**To:** PD - Historic Ordinance  
**Subject:** Changes to the HAHC

As a resident of a the Heights East historic district since 1999 I have come to love my neighborhood of wonderful people and the homes which grace our streets. I am *for* historic preservation.

My concerns on the proposed changes to the historic ordinance come in a few forms;

1. The biggest concern is the change in how districts are created. I understand the inertia of apathy and the participation of property owners, but cannot agree with the much lower bar set for creating a district. The attached document spells out the suggested terms which I believe can be acceptable to the city and the broader public.
2. The proposed allowed time from notice to a single meeting over design guidelines is 15 days. This is far too short to properly learn about a very complicated issue most property owners know little about. There should also be at least 3 meetings where items of concern can be discussed, changes announced and votes taken.
3. There is a dire need for design guidelines in the Heights East HD. We haven't had any for the 5 years we were promised. There are several sections of the proposed changes which are either too restrictive or simply do not apply to the Heights. Those sections should be moved from the umbrella ordinance to the design guidelines for each neighborhood. That would allow for the guidelines to be tailored to each HD, without the newly created confusion and regulations. See the attached document for further clarifications.
4. During the creation process of the Heights East HD, my blockface was 90% opposed to inclusion in the district. We were promised by the mayor and staff repeatedly during the process we would be excluded as we had such high opposition. When the dust settled we were included in the district against the wishes of the vast majority even though we are on the border of the district and our exclusion would not have created a 'donut hole'. There should be a mechanism for people to opt out of a district if they were roped in against their will. I have written and attached proposed language I believe the city will find equitable to those owners who never wanted to be in a district.

**HPO Public Comment**

There are 9 other issues on the attached document which range from technical changes in language to have the document agree with itself, to removing burglar bars. I take every issue seriously as I do the preservation of my beloved neighborhood. Please take the time to review the attached comments. I trust you will find the changes are fair to all parties, well thought out, mesh with existing ordinances and the building code, and most importantly, do not impair the goal of historic preservation.

Sincerely,

Paul Luccia

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Paul Luccia  
[Cabot & Rowe](#)  
713-459-6215

# Paul Luccia

1237 Oxford Street  
Houston Texas 77008  
713-459-6215

July 26, 2015

Dear counsel members,

As a resident of a the Heights East historic district since 1999 I have come to love my neighborhood of wonderful people and the homes which grace our streets. I am *for* historic preservation.

My concerns on the proposed changes to the historic ordinance come in a few forms;

1. The biggest concern is the change in how districts are created. I understand the inertia of apathy and the participation of property owners, but cannot agree with the much lower bar set for creating a district. The attached document spells out the suggested terms which I believe can be acceptable to the city and the broader public.
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Sincerely,

Paul Luccia

ITEM OF CONCERN 1A

Section 33-222.1

Page 10

Section F

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 50 percent of the tracts within the survey area and also whether ~~owners of~~ 67 percent of tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

The new changes should be altered to retain the words *Owners of*, delete the words *for which survey forms were returned indicate*, and retain the words *all the tracts in the proposed district* in order to match with the wording used in the following section 'G'.

Thus the properly worded section should be;

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 67 percent of the area of the tracts within the survey area and also whether owners of more than 50 percent of the are of the tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

This clarification will allow for the 'apathy affect' of property owners not returning surveys while still preserving a majority vote over property rights. It also makes it comply with the other sections of the ordinance.

ITEM OF CONCERN 1B

Following the above section;

Section G Part 1

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from at least 50 percent of the area of the land within the survey area, and where the owners of 67 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

Should be changed to;

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from greater than 67 percent of the area of the tracts within the survey area, and where the owners of greater than 50 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

This alteration will bring this section into agreement with Section 33-222.1 Page 10, Section F. Otherwise the wording of the two sections conflicts with each other.

ITEM OF CONCERN 2

Following the above section;

*If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned survey forms in accordance with this section; and*

How can this even be legal? Can we assume this was intended to cover married couples? If yes, then this section needs to be re-worded to include married couples and domestic partners. It cannot, or should not be allowed to infer coverage for non familial related people or entities. Sloppy wording at best.

ITEM OF CONCERN 3

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

Page 35

Part A allows for 15 days notice before public hearings on the Design Guidelines for any given HD. 30 days would be appropriate due to the seriousness of the issues affecting property rights and values. More than one meeting would be best.

Part C

*(c) Amendments to design guidelines that have been approved by city council shall be considered in accordance with the process for the adoption of design guidelines in this section. ~~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.~~*

The HCAC would be able to make any changes to the design guidelines without property owner input or review. Restore the struck portion.

The Ordinance should be changed to include;

A minimum of 3 meetings each with 30 days notice.

A printed, USPS mailed letter to each property owner for each meeting.

ITEM OF CONCERN 4

Sec. 33-241.1. Same—Exterior alteration, rehabilitation, restoration and addition  
Page 21

Section 33-242 Same—New construction in historic district.

The amount of red ink in the proposed changes is an easy indication of the increased confusion by trying to broaden the umbrella ordinance and avoid making district guidelines. By eliminating the ‘shall approves’, the time and expense for any given project is increased. This does not comply with the Mayor’s directive to streamline and add clarity. **These sections should be omitted from the umbrella ordinance and inserted as edited for each district.**

ITEM OF CONCERN 5A

Definitions

Page 3

Blockface The current definition is;

*Blockface means the portion of a block that abuts the street.*

The common sense clarification would be better defined as;

*Blockface means the entire contiguous set of lots abutting both sides of the street.*

This will avoid cherry picking of which houses are included by the property owner.

ITEM OF CONCERN 5B

Definitions

Page 3

Surrounding area The current definition is;

*Surrounding area means the blockface and the opposing blockface within the district where the proposed activity is located. Surrounding area may include a different geographic area if the commission finds that unusual and compelling circumstances exist or that surrounding area is described differently in design guidelines. Street means a public or private street or roadway.*

While the first sentence is clear, the second sentence opens a Pandora's box. Since one cannot clearly (or even vaguely) determine the intent of the latter part of this definition, it does not support the Mayor's directive to streamline and add clarity. For ease of understanding and clarity to common citizens and avoid cherry picking by property owners the section should be changed to;

*Surrounding area means entire historic district in which the property is located.*

ITEM OF CONCERN 5C

Added definition of Typical

*Typical means having the distinctive qualities of and showing the characteristics found in the design guidelines of the respective district.*

ITEM OF CONCERN 6

Section 33-212

Page 7

*(c) A vacancy in any position shall be filled in the manner provided for original appointments, and the person so appointed shall serve for the remainder of the unexpired term. A member may be appointed to serve consecutive terms., ~~but not more than three full consecutive terms.~~*

Term limits please.

Since the number of ordinary citizens is being reduced, a member from the GHBA should be placed on the board to keep the expertise on the panel while retaining the voice of the ordinary citizen.

ITEM OF CONCERN 7

Design criteria

Those of us in Heights East have had no design guidelines since 2010. Until new design criteria are established the old design guidelines should be enforced. ITEM 6

ITEM OF CONCERN 8

Sec. 33-228.

Page 14

*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:*

The word contributing needs to be restored as to allow properties adjoining the boundary to be removed from a district. If a property owner of a non contributing structure was included in a district there is no way to remove the property from the historic district. This change further allows the city to railroad property owners into a district they do not want to be part of because including their property makes a pretty box shaped district. ITEM OF CONCERN 8

From the above section

4-B

Located at or in front of the front wall of the structure, constructed of nonmasonry material, and are either:

- [1] 50% or more transparent; or
- [2] Four feet or less in height;

If the intent was to keep fencing in the front of the property typical to the neighborhood the wording needs to be changed to;

Located at or in front of the front wall of the structure, *mostly* constructed of non masonry material and are either 1- 50% or more transparent, *and* no more than six feet in height or 2- no more than 4 feet in height for fences less than 50% transparent.

The improved wording would give more clear allowance to masonry columns with metal fencing in between said columns, allow for shorter fences to keep pets and small children inside, and allow for security fencing that is the typical iron fencing found throughout Heights East.

**This section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

ITEM OF CONCERN 9

The same correction needs to be made on page 25 to make them comply with each other.

ITEM OF CONCERN 10A

Sec. 33-241.1. b Same—Administrative Approvals.

Page 23

*The HAHC director 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) The proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

This item should be changed to allow for consideration of non contributing structures that were modified to the point they are no longer contributing. If a property owner wants to start the process of reverting his property back to the appropriate period, he should be able to make that improvement to his property.

The section should be changed to;

*(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 provided the structure outline, roof shape, window location, or overall characteristics lend the structure to having once been a contributing structure.*

*(2) For structures that are unlike those found in the design guidelines for their respective historic district, are of a design unto themselves, and have long been considered and accepted and worthy structure in the district, the proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

ITEM OF CONCERN 10B

Page 24 of the same section

*(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;*

This needs to be clarified by adding the word “contributing” as not to include non contributing structures which, by default, logically cannot comply with the stated provision. Thus the correct intended wording should be;

*(1) Removal of an inappropriate window or door element that was not original to the contributing 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;*

#### ITEM 10C

Of the same section

(4) Installation or removal of:

- a. Burglar bars;
- b. Accessibility ramps or lifts;
- c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and
- d. Awnings and canopies;

Should be changed to-

(4) Installation of ;

- a. Burglar bars
- b. Accessibility ramps or lifts;
- c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; that are visible from the front or side street, and
- d. Awnings and canopies visible from the front or side street

Why should one have to get permission to remove burglar bars? None of the above items were original to the Heights and should be able to be removed without big government getting paid or interfering.

ITEM OF CONCERN 11

Sec. 33-254.

Page 33

*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 prevent or 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;*
- (6) Leaks and other conditions that allow the penetration of water into the structure; and*
- (7) Damage caused by termites and other pests that contribute to the deterioration of the structure;*

*(b) The department director 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 director 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.*

Other provisions should be added to account for abandoned or unoccupied property such as the Brown Building at the corner of 12<sup>th</sup> & Yale;

- (8) Fencing which restricts illegal access to the property (to keep out vagrants and thieves)*
- (9) Windows, doors and other egress points which are barred or boarded to prevent illegal entry.*
- (10) Damage caused by termites and other pests that contribute to the deterioration of unoccupied structures.*

*(7) should be changed to (7) Damage caused by known termites and other pests that contribute to the deterioration of an occupied structure;*

ITEM OF CONCERN 12

Sec. 33-255. Validity.

Page 33

*A certificate of appropriateness shall be valid for ~~one~~ two years from its effective date.*

Should be changed to;

*A certificate of appropriateness shall be valid as long as the related building permit is active.*

By tying the two together, the process rule is simplified. Currently a building permit is valid as long as it is active. This change allows for homeowners who work at a slower pace than professional builders without being punished. It also allows for changes in the economy whether personal or on a city or nationwide scale.

ITEM OF CONCERN 16

OPT OUT PROVISION

A provision to allow property owners to opt out of a historic district should be included to permit whole block faces to exit an existing historic district.

Provisions;

- 1- The block face is along the border of an established or proposed historic district as to maintain the contiguousness of the district.
- 2- The minimum percentage of property owners needed to leave a historic district shall be set at 67%.
- 3- When 67% of the property owners who meet Provision 1 stated above submit a form attesting to their desire to exit a historic district, the HAHC shall exclude those homes from the district.

This would;

- 1- Maintain a contiguous district as exemplified in the current districts.
- 2- Maintain the majority rule for those home on the same block face
- 3- Respect the property rights for those on the same block face
- 4- Maintain a nice square perimeter to the district which the HAHC seems to prefer
- 5- Bring the creation of the older districts in line with the methods used to create later districts.
- 6- Make changing the maps pretty easy for the HAHC.

The current and proposed historic ordinance makes no allowance for falling property values or a decline in the overall nationwide or city economy.

ITEM OF CONCERN 17

Section 33-253 APPEAL PROCESS

Page 31

The proposed changes to the appeals process neither streamline nor clarify the process as directed by the Mayor. The old system was agreed upon and is functional.

ITEM OF CONCERN 18

Section 33-237-5

Page 18

Painting of masonry surfaces

Section 5 lists only non masonry surfaces implying that masonry surfaces need a COA before painting.

The section implies the need of a COA for previously painted masonry surfaces. Since the districts vary wildly in the number and type of painted masonry surfaces, **this section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

**DuCroz, Diana - PD**

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**From:** Kent Marsh <[REDACTED]>  
**Sent:** Wednesday, July 15, 2015 10:19 AM  
**To:** Wallace Brown, Margaret - PD  
**Cc:** DuCroz, Diana - PD; CNL District C  
**Subject:** 150714 Comments HISTORIC PRESERVATION ORDINANCE REVISIONS  
**Attachments:** 150714 Comments HISTORIC PRESERVATION ORDINANCE REVISIONS.doc

Attached are my review comments regarding the public draft of the proposed revisions to the Historic Preservation Ordinance. Please feel free to contact me if you should have any questions. Thank you for the opportunity to provide my input and support.

J. Kent Marsh, AICP CUD  
Vice President



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# HISTORIC PRESERVATION ORDINANCE

## COMMENTS REGARDING THE PROPOSED REVISIONS

JULY 14, 2015

I generally SUPPORT the revisions proposed in the public comment draft dated June 26, 2015. Additionally, I support Option B, regarding Sec 33-253 Appeal. Additional specific comments are as follows:

I believe the definition of “Front Façade” should remain in the ordinance. This is particularly important when determining the degree of compatibility regarding massing. Removing the façade criteria will require even more subjectivity when determining the suitability of massing for proposed additions to an existing contributing structure. The façade issue is very important on corner lot situations as the degree of massing as viewed from a side/corner street is even more significant than just from the front street view of an interior lot.

I believe the definition of “Massing” should be expanded to include examples of acceptable massing relationship between additions and the existing contributing structure and what would be considered an un-acceptable massing relationship, even if there is a range of acceptability allowed. Pictures and examples would help in the determination of acceptability.

Regarding Sec. 33-203 (d), perhaps the wording “After the period of two years has completed,” would be better if the word “completed” was replaced with the word “elapsed”. “Completed” just doesn’t sound quite correct.

Regarding Sec 33-203 (e) (2), the second line “of appropriateness does not conform satisfy the criteria of this article and issues a” seems to be not quite correct regarding “. . . not conform satisfy the . . .”. There may be something missing here.

Regarding Sec. 33-222.1 (j) (2), the action of the HAHC, when the boundaries are amended following the public hearing, is unclear. If the HAHC may, but is not obligated, to defer the application and continue the public hearing how do property owners within the survey boundary learn about the amended boundaries other than attending the public hearing. I believe that if the boundary of a proposed historic district is modified in the process, the final boundary, prior to sending the recommendation to City Council, should be voted upon by the property owners within the modified proposed district. If I vote for a district boundary as first submitted and agree or don’t agree to be within the proposed district, I should be able to vote on the last revision of the proposed district boundary also. Otherwise, my ability to approve or dis-approve the new proposed district boundary is removed.

Regarding Sec. 33-228, I am confused by the proposed removal of the word “contributing” in Sec. 33-228 (a) but that term remains in Sec 33-228 (a) (4) and Sec 33-228 (c) (4). Should not there be some consistency in regarding this issue in Sec 33-228?

Regarding Sec. 33-237 (b), this section exempts fences that are in front of the front wall of the structure, if the fence is constructed of non-masonry material and are either 50% or more transparent or four feet or less in height. This exemption would include the allowance of metal chain link fence up to 4 feet in height. I believe this permanent fencing material should not be allowed in any historic district in front of the front wall of the structure. This material is not historic, not original, and not appropriate for historic visual character.

Regarding Sec. 33-241 (10), the term “massing” should be expanded to include that would be considered as acceptable and what would not be considered as acceptable with the use of examples or pictures to be used as a guide for development within historic districts. Without additional clarification of this term, the decision making process is not any better than the currently wishy-washy, subjective, personal analysis. This term is one of the most misunderstood terms in the ordinance and needs a lot of additional work.

Regarding Sec 33-241 (11), I believe the word “original” should be inserted between the words “similar” and “elements” as elements, such as porches can and have been added to the front of a contributing structure that were not original and should not be included in the calculation of compatible setbacks.

Regarding Sec. 33-241.1 (a) (3), I believe a partial second-story addition must not harm the integrity of the structural support system of the original first floor of the contributing structure. As such, I believe the additional requirement of a letter from a registered structural engineer attesting that the original structural integrity of the first floor contributing structure will not be compromised, is in order.

Regarding Sec. 33-241.1 (b) (3) (a), I believe the word “original” should be added between the words “similar” and “elements” for same reason stated above regarding the use of non-original additions on contributing structures for measurement purposes.

Regarding Sec. 33-241.1 (d), I believe the term “right-of-way” has been replaced with “street” in other locations and should also be replaced in this section (2 places).

Regarding Sec. 33-242 (a) (1), I believe the word “original” should be added between the words “similar” and “elements” for same reason stated above regarding the use of non-original additions on contributing structures for measurement purposes.

Regarding Sec. 33-242 (a) (2) (e), I believe the word “original” should be added between the words “similar” and “elements” for same reason stated above regarding the use of non-original additions on contributing structures for measurement purposes.

Regarding Sec. 33-251 (a), I believe the term “article IX” has been deleted elsewhere in the ordinance and should also be deleted here.

Regarding Sec. 33-253 Option B: I support this option rather than Option A. While I am not entirely in favor of creating yet another appeal committee, in this case I support this direction as I am not satisfied the purpose of the Planning Commission is to hear appeals regarding historic preservation. It is my understanding that there is no requirement for appointment to the Planning Commission that supports knowledge or experience in any segment of historic preservation. As such, I am supportive of a new appeals committee that at least contains members that should have significant experience in historic preservation.

Regarding Sec. 33-255, I believe the proposed extension of the validation period for a certificate of appropriateness from one year to two years should be replaced with a validation period of one year with an additional one-year extension, if requested. This timeframe is effective in the subdivision platting process and I see no reason why a different process should be instituted in the certificate of appropriateness process. This would provide possible total 2-year validity but would also remove unused certificates of appropriateness from the tracking system.

#### SUMMARY

I commend the City of Houston and the Planning Dept. staff for the endless hours of preparation and support for this revision process. As an over 40-year resident in an area now designated as a historic district in a city known (notorious?) for no-zoning and individual property rights, it's very satisfying to see that at least a small (less than 1%) portion of Houston history is being saved. The visual results are very positive. The removals and demolition have slowed to a trickle. The additions are finally beginning to visually recognize the original historical structure. The property values have not gone down. LONG LIVE HISTORIC DISTRICTS!!!

J. Kent Marsh, AICP CUD  
1538 Arlington Street, Houston Heights East Historic District

**DuCroz, Diana - PD**

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**From:** Evan Michaelides <[REDACTED]>  
**Sent:** Monday, July 13, 2015 10:27 PM  
**To:** PD - Historic Ordinance  
**Subject:** Comments on proposed changes to Historic Preservation ordinance

To Whom It May Concern,

Thank you for inviting public comment on the proposed changes to Houston's Historic Preservation Ordinance. As an owner of three properties that lie within Houston historic districts, I am pleased to have the opportunity to contribute my thoughts.

In general, I feel the proposed changes should be beneficial, both by way of improving clarity and by improving on the existing processes. My specific comments are as follows:

1. I am pleased to see that a pathway is to be provided for creating Design Guidelines in those districts that don't have them. This should help mitigate the commonly-voiced concern about predictability and consistency in determinations.
2. The proposed change to the process for creating a historic district is a significant improvement. By applying the 67% threshold to responding tracts rather than to all tracts, the new process distinguishes between opposition and simple indifference, which the current process fails to do.
3. I strongly support the introduction of a process to allow additional properties to be added to an existing Historic District. It is only logical that such a process should be provided.
4. I also support the change to the tax incentives to limit the eligible costs to those associated with the historic structure.

In summary, I would like to voice my support for the proposed changes.

Sincerely,  
Evan Michaelides

**DuCroz, Diana - PD**

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**From:** Mike Morse <[REDACTED]>  
**Sent:** Tuesday, July 21, 2015 10:21 AM  
**To:** PD - Historic Ordinance  
**Subject:** Comments on Proposed Revisions to Historic Preservation Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have been following the work of the Historic Preservation Review Committee as an interested individual active in the Glenbrook Valley Historic District and commend the Committee and the Planning and & Development Department on their work to improve the Historic Preservation Ordinance.

Here are my comments which are limited to how the proposed revisions might affect the Glenbrook Valley Historic District.

**Section 33-237(c) Exemptions.** A certificate of appropriateness is not required for the demolition of a non-contributing structure.

**There are 365 properties (29.11 %) in the Glenbrook Valley Historic District with non-contributing structures that could be demolished without any oversight by the Civic Club, the HAHC or the Planning and Development Department. Demolition of a non-contributing structure within a historic district should not be exempt.**

**Section 33-201 Definitions.** Alteration means any change to the exterior of a building, structure, object or site. Alteration shall include, but is not limited to, replacing historic material; changing to a different kind, type or size of roofing or siding materials or **foundation**; 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 of **non-masonry surfaces** or the addition or replacement of fences that are not otherwise regulated by this article.

**The modification of the definition of Alteration to include foundation could require a certificate of appropriateness for leveling the on grade slab foundations typically found in the Glenbrook Valley Historic District and should be clarified if that is not the intent. The inclusion of the phrase "of non-masonry surfaces" is helpful to the preservation of the homes in Glenbrook Valley.**

**Section 33-228(a) 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:

**Striking the term "contributing" is helpful to the preservation of the Glenbrook Valley Historic District.**

***HPO Public Comment***

Many thanks for the outstanding work.

Mike Morse  
7843 Santa Elena  
Houston, Texas 77061

**DuCroz, Diana - PD**

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**From:** Bay Nguyen <[REDACTED]>  
**Sent:** Monday, July 27, 2015 4:15 PM  
**To:** PD - Historic Ordinance  
**Subject:** For "shall approve"

I want to see the City Staff from the Planning and Development have the credibility to make decisions when homeowners apply for a COA. I believe the staff can make sound decision with their great knowledge from trainings and daily experiences. Volunteers from neighborhood associations most of them are bias, no expertise, often gang up with a few individuals to make noises without fully understand the case but wanted to feel important. Many of them are bullying other homeowners because they want attention and power through the neighborhood associations. Respectfully homeowners often ignore and don't associate with them.

Bay Nguyen  
Old Sixth Ward, Houston Tx

**DuCroz, Diana - PD**

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**From:** Benjamin Nguyen <bgnguyen@gmail.com>  
**Sent:** Tuesday, July 28, 2015 6:51 AM  
**To:** PD - Historic Ordinance  
**Subject:** Houston Preservation Ordinance Comments

After reviewing the [proposed changes](#) to Chapter 33 of the HPO, we are happy to see the city is looking to help streamline the approval process for home owners as well as the staff.

From the [summary](#) list revisions, we are **FOR** the following items:

- Increase the scope of administrative approvals by the director
- Expand and clarify exemptions from the Ordinance
- Clarify the regulation of structural elements of exterior walls such as interior shiplap
- Clarify and refine the criteria for those simple additions that qualify for mandatory approval
- Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package
- Clarify the criteria for obtaining a CofA for alterations and additions
- Improve the Appeals process

Regards,  
Benjamin Nguyen  
1810 State Street

**DuCroz, Diana - PD**

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**From:** Kim <[REDACTED]>  
**Sent:** Monday, July 27, 2015 3:45 PM  
**To:** PD - Historic Ordinance  
**Subject:** Agree and for "shall approve"

I am for "shall approve" to expedite the process of a COA. I strongly believe the city staff at the Planning Department can work well with homeowners. The neighborhood associations should be preserved until needed only.

Kim Nguyen  
Old Sixth Ward

## DuCroz, Diana - PD

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**From:** Thomas Nguyen <[REDACTED]>  
**Sent:** Monday, July 27, 2015 8:39 AM  
**To:** PD - Historic Ordinance  
**Subject:** Historic Preservation Ordinance Proposed Revisions Comments

To Whom It May Concern,

As a home owner in the Old Sixth Ward and going through the COA process two (2) times, I would like to thank y'all for the hard work and effort put into the changes for the HPO.

After reviewing the [proposed changes](#) to Chapter 33 of the HPO, we are happy to see the city is looking to help streamline the approval process for home owners as well as the staff.

From the [summary](#) list revisions, we are **FOR** the following items:

- Increase the scope of administrative approvals by the director
- Expand and clarify exemptions from the Ordinance
- Clarify the regulation of structural elements of exterior walls such as interior shiplap
- Clarify and refine the criteria for those simple additions that qualify for mandatory approval
- Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package
- Clarify the criteria for obtaining a CofA for alterations and additions
- Improve the Appeals process

Thanks,  
Thomas Nguyen  
1808 State Street  
Houston TX 77007  
(281) 660-8625

**DuCroz, Diana - PD**

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**From:** Ryan Boehner <[REDACTED]>  
**Sent:** Monday, July 27, 2015 2:58 PM  
**To:** PD - Historic Ordinance  
**Subject:** Old Sixth Ward Comments to HPO Red-Line  
**Attachments:** Old Sixth Ward Neighborhood Association Comments to HPO Red-Line.pdf

Good Afternoon,

Thank you for your hard work on this project. We appreciate your ongoing efforts to preserve the architecture and communities of Houston's historic neighborhoods.

I would like to submit the attached comments on behalf of the Old Sixth Ward Neighborhood Association. The historic conservation committee, after detailed review of draft and redline documents and multiple visits with city staff, has identified the issues listed in the attachment as the Old Sixth Ward's five most important concerns. The OSWNA has hosted several meetings on the topic and recently voted to approve the submission of these comments.

Please reach out with any questions.

With thanks again,

Ryan Boehner  
Chair, Historic Conservation Committee, Old Sixth Ward Neighborhood Association

7133060097  
[REDACTED]

## Old Sixth Ward Neighborhood Association Comments on Proposed HPO Revisions

The following comments are submitted on behalf of the Old Sixth Ward Neighborhood Association (OSWNA). The historic conservation committee, after detailed review of draft and redline documents and multiple visits with city staff, has identified the issues listed below as the Old Sixth Ward's five most important concerns. The OSWNA has hosted several meetings on the topic and recently voted to approve the submission of these comments.

***First: When a neighborhood's design guidelines and the city ordinance conflict, we would like the most restrictive language to prevail.***

- 33.240(a)(3) and 33.267(b) [or (c)?]: two separate sections address design guidelines and conflicts. We have found language in these sections internally-inconsistent. By calling for design guidelines to win in all cases, and simultaneously claiming design guidelines can only be more restrictive than HPO, these sections ignore the possibility that existing guidelines may contain more-permissive sections. In order to resolve this logical impossibility, we request that the most restrictive language prevail anytime neighborhood design guidelines and city ordinance conflict.
- We understand some commissioners have suggested amending the Old Sixth Ward's design guidelines. We agree: we have begun work on and have requested amendments since before the HPO revision process began. However, the amendment process may take many months; during that time, applicants, the city, and the neighborhood will find themselves exposed to ambiguity and an avoidable loophole. Moreover, it is possible that design guidelines and HPO revisions may continue to leapfrog each other as each undergoes future revisions. We believe using the "most restrictive language prevail" doctrine will provide for more consistent, clearer application and protection of the neighborhoods.
- We believe this will also practically benefit the neighborhood by preempting applicants who may cherry pick sections out of context. We have experienced this in projects already and would have found this helpful.

***Second: We ask that the city remove "shall approves" entirely.***

- We find section 33-241.1(a) provides overly broad discretion to the director. At his or her discretion, he might approve a project without commissioner discussion and without full compliance within the protection language. This circumvents the public participation in the process and HAHC.

***Third: We ask the city to modify, further restrict, and clarify administrative approvals set forth in section 33-241.1(b) and (c).***

- We ask that the section governing administrative approval be revised to (1) remove freestanding garages, auxiliary structures, and "minor changes to certificates of appropriateness" from the list of eligible projects; (2) add working shutters to the list of eligible projects; and (3) to specify that only low profile skylights are eligible for such approval. The requested revisions to this section are intended to ensure community participation in projects that might meaningfully impact the district. Even as is, our neighborhood sometimes

receives late notice of projects under consideration; we fear we might receive even less or no notice of projects before they receive administrative approval under this new language.

***Fourth: Regarding section 33-253 - Appeals, we support option “B” – the creation of an appeals board. We request that planning commission alumni not serve on the appeals board.***

- HPO commission has presented several options for improving the appeals process. We support option “B” but request that planning commission alumni not serve on the appeals board. HAHC is a specifically-expertised body; the planning commission is not. Members of an appeals board should be more – not less – expertised than the members of the HAHC.

***Fifth and finally: we ask the city to revisit the definition of “new construction” and “structure” contained in section 33-201 together with the sections governing demolition and new construction in historic districts to avoid problematic unintended consequences that allow the HPO to act not as a shield to protect the character of historic districts, but as a sword to increase the adverse impacts of incompatible non-contributing structures.***

- If more than 50% of the existing structure (contributing, potentially contributing, or noncontributing) is demolished, the application for certificate of appropriateness should be submitted as demolition followed by new construction.

**DuCroz, Diana - PD**

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**From:** Germantown HD <[REDACTED]>  
**Sent:** Monday, July 27, 2015 2:02 PM  
**To:** PD - Historic Ordinance  
**Subject:** Comments to HPO

To Whom It May Concern-

Here are my comments regarding the proposed HPO:

1) Definitions - who determines whether a structure is "contributing" or "non-contributing"?

2) Sec. 33-222.1 - This is a bit late to introduce, but our historic district would've had 3 more properties included had a neighbor not collected other neighbor's "survey forms" and changed their response from "supports" to "does not support". At that time, faxed surveys were allowed and previously submitted "support" forms were changed and then re-faxed at the last hour. Since the HPO states they must be mailed and postmarked - that should be stringently followed. Faxed surveys should not be allowed since it is very difficult to determine who is faxing them to you if they fax a "group" of surveys. It will be easier to track who is sending them in if done by postal mail. The property owner's phone number should also be requested on the survey and a statement should be on the survey saying that the resident may be contacted by the City to verify their support or non-support. This will help prevent fraudulent submissions. There should also be fines assessed to those that are caught submitting fraudulent submissions.

Wendy A. Parker  
Sent from my iPad

## DuCroz, Diana - PD

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**From:** Kathleen Powell <[REDACTED]>  
**Sent:** Monday, July 27, 2015 2:04 PM  
**To:** PD - Historic Ordinance; Wallace Brown, Margaret - PD  
**Subject:** Changes to the HPO  
**Attachments:** HAHC Proposed Changes for Responsible Historic Preservation..pdf

To the Houston Archeological and Historic Commission and Margaret Wallace Brown,

### Background

In 2010, our organization was heavily involved with changes to the preservation ordinance as the leading group informing the public about the impact of the changes. At that time, we were assured that things that were highly restrictive, such as using more durable materials, no restrictions on paint choices, efficient window replacement, fencing would not be included. We felt the use of non-historic visually similar materials, and particularly windows for energy efficiencies, and use of Hardie materials to make the structure withstand the elements and pests to “Preserve” them made sense for homes in a climate where wood structures do poorly against the elements. The use of insulated windows that match the existing historic window in terms of size and materials was a key sticking point for homeowners and council members.

We also wanted the requirements to follow the Texas property code for HOA/deed restrictions both in terms of inclusion in a district and changes. Infringements on individual property rights must be done with care and overwhelming approval. The argument that “it’s only 1% of property owners” should not be justification to impede what most property owners hold sacred without their consent or a super majority of the community. The mayor’s directive is to not weaken the ordinance but to correct and clarify. These changes go far beyond that directive. What has been presented are sweeping changes which completely rewrite the ordinance (as visually evidenced by the amount of RED). Not weakening the ordinance should also apply to weakening the homeowner and property rights protections that we advocated for in 2010.

### Recommendations

In the spirit of compromise, attached are recommendations that we think could vastly improve what is being proposed. I have summarized these but our group ultimately feels the adoption of the previous Heights Design Guidelines would alleviate 95% of the issues as 95% of the complaints involve the Heights.

1. Section 33-222.1 – New district designation - Does not meet the criteria of not weakening (the ordinance for property owner protections) nor meet the criteria of correct and clarify. The 2010 compromise was to require a 67% threshold, instead of the 75% required by the state property code for HOA and deed restrictions. Non-contiguous sections within a district should be considered a separate districts and any existing district boundaries cannot be altered but must be considered a new district. The signatures of all owners listed in the tax records are required to ensure that all are in agreement.
2. Sec. 33-266-268 – Design Guidelines – Does not meet the criteria to correct and clarify. The proposed language is too vague and will allow an unlimited delay in the creation of new guidelines. Replace “may” with shall and “one year” with six months. Amend to allow use of the previous guidelines in the interim of adoption of new guidelines. Thirty day minimum. Three meetings with written notification.

## **HPO Public Comment**

3. Sec. 33-241.1 and Section 33-242 – The design guidelines should be used to address all of these issues, not in the ordinance. These changes will only serve to confuse homeowners further and create more of the same issues that have been experienced for five years so they do not correct and clarify.
4. See the attached recommendations for correction of wording and interpretation.
5. Section 33-212 – Include a GHBA member and term limits remain. Any change to term limits might coincide with any term limit adopted for city council. Design criteria reverts to what was in place at the time of the last change in 2010 until new can be created and established.
6. An opt-out criteria should be adopted. Restore the term “contributing.”
7. Any references to fencing needs to be removed. This creates another level of bureaucracy for homeowners to a NON-Permanent structure. This does not correct or clarify but adds unnecessary regulations.
8. Sec. 33-241.1. b – Non-contributing structures - Too subjective and will create additional confusion for homeowners of non-contributing structures. Non-contributing by definition does not contribute and should not be regulated. Item 10 c, see recommendations.
9. Sec. 33-255. Validity – Once approval of a C of A is granted, the time clock on validity should be tied to building permits. This will avoid having to burden both homeowners and the staff/HAHC to re-evaluate the exact same information.
10. An Opt-out provision and dissolution of a district should be an option. If the majority that voted for a district desires to reconsider designation, there should be an option to reconsider.
11. No changes to appeals process. Property owners need an independent, unbiased review of HAHC rulings.

We look forward to seeing the next draft of the amendments to the ordinance.

Cordially,

Kathleen Powell  
Responsible Historic Preservation

ITEM OF CONCERN 1A

Section 33-222.1

Page 10

Section F

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 50 percent of the tracts within the survey area and also whether ~~owners of~~ 67 percent of tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

The new changes should be altered to retain the words *Owners of*, delete the words *for which survey forms were returned indicate*, and retain the words *all the tracts in the proposed district* in order to match with the wording used in the following section 'G'.

Thus the properly worded section should be;

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 67 percent of the area of the tracts within the survey area and also whether owners of more than 50 percent of the are of the tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

This clarification will allow for the 'apathy affect' of property owners not returning surveys while still preserving a majority vote over property rights. It also makes it comply with the other sections of the ordinance.

ITEM OF CONCERN 1B

Following the above section;

Section G Part 1

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from at least 50 percent of the area of the land within the survey area, and where the owners of 67 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

Should be changed to;

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from greater than 67 percent of the area of the tracts within the survey area, and where the owners of greater than 50 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

This alteration will bring this section into agreement with Section 33-222.1 Page 10, Section F. Otherwise the wording of the two sections conflicts with each other.

ITEM OF CONCERN 2

Following the above section;

*If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned survey forms in accordance with this section; and*

How can this even be legal? Can we assume this was intended to cover married couples? If yes, then this section needs to be re-worded to include married couples and domestic partners. It cannot, or should not be allowed to infer coverage for non familial related people or entities. Sloppy wording at best.

ITEM OF CONCERN 3

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

Page 35

Part A allows for 15 days notice before public hearings on the Design Guidelines for any given HD. 30 days would be appropriate due to the seriousness of the issues affecting property rights and values. More than one meeting would be best.

Part C

*(c) Amendments to design guidelines that have been approved by city council shall be considered in accordance with the process for the adoption of design guidelines in this section. ~~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.~~*

The HCAC would be able to make any changes to the design guidelines without property owner input or review. Restore the struck portion.

The Ordinance should be changed to include;

A minimum of 3 meetings each with 30 days notice.

A printed, USPS mailed letter to each property owner for each meeting.

ITEM OF CONCERN 4

Sec. 33-241.1. Same—Exterior alteration, rehabilitation, restoration and addition  
Page 21

Section 33-242 Same—New construction in historic district.

The amount of red ink in the proposed changes is an easy indication of the increased confusion by trying to broaden the umbrella ordinance and avoid making district guidelines. By eliminating the ‘shall approves’, the time and expense for any given project is increased. This does not comply with the Mayor’s directive to streamline and add clarity. **These sections should be omitted from the umbrella ordinance and inserted as edited for each district.**

ITEM OF CONCERN 5A

Definitions

Page 3

Blockface      The current definition is;

*Blockface means the portion of a block that abuts the street.*

The common sense clarification would be better defined as;

*Blockface means the entire contiguous set of lots abutting both sides of the street.*

This will avoid cherry picking of which houses are included by the property owner.

ITEM OF CONCERN 5B

Definitions

Page 3

Surrounding area      The current definition is;

*Surrounding area means the blockface and the opposing blockface within the district where the proposed activity is located. Surrounding area may include a different geographic area if the commission finds that unusual and compelling circumstances exist or that surrounding area is described differently in design guidelines. Street means a public or private street or roadway.*

While the first sentence is clear, the second sentence opens a Pandora's box. Since one cannot clearly (or even vaguely) determine the intent of the latter part of this definition, it does not support the Mayor's directive to streamline and add clarity. For ease of understanding and clarity to common citizens and avoid cherry picking by property owners the section should be changed to;

*Surrounding area means entire historic district in which the property is located.*

ITEM OF CONCERN 5C

Added definition of Typical

*Typical means having the distinctive qualities of and showing the characteristics found in the design guidelines of the respective district.*

ITEM OF CONCERN 6

Section 33-212

Page 7

*(c) A vacancy in any position shall be filled in the manner provided for original appointments, and the person so appointed shall serve for the remainder of the unexpired term. A member may be appointed to serve consecutive terms., ~~but not more than three full consecutive terms.~~*

Term limits please.

Since the number of ordinary citizens is being reduced, a member from the GHBA should be placed on the board to keep the expertise on the panel while retaining the voice of the ordinary citizen.

ITEM OF CONCERN 7

Design criteria

Those of us in Heights East have had no design guidelines since 2010. Until new design criteria are established the old design guidelines should be enforced. ITEM 6

ITEM OF CONCERN 8

Sec. 33-228.

Page 14

*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:*

The word contributing needs to be restored as to allow properties adjoining the boundary to be removed from a district. If a property owner of a non contributing structure was included in a district there is no way to remove the property from the historic district. This change further allows the city to railroad property owners into a district they do not want to be part of because including their property makes a pretty box shaped district. ITEM OF CONCERN 8

From the above section

4-B

Located at or in front of the front wall of the structure, constructed of nonmasonry material, and are either:

- [1] 50% or more transparent; or
- [2] Four feet or less in height;

If the intent was to keep fencing in the front of the property typical to the neighborhood the wording needs to be changed to;

Located at or in front of the front wall of the structure, *mostly* constructed of non masonry material and are either 1- 50% or more transparent, *and* no more than six feet in height or 2- no more than 4 feet in height for fences less than 50% transparent.

The improved wording would give more clear allowance to masonry columns with metal fencing in between said columns, allow for shorter fences to keep pets and small children inside, and allow for security fencing that is the typical iron fencing found throughout Heights East.

**This section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

ITEM OF CONCERN 9

The same correction needs to be made on page 25 to make them comply with each other.

ITEM OF CONCERN 10A

Sec. 33-241.1. b Same—Administrative Approvals.

Page 23

*The HAHC director 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) The proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

This item should be changed to allow for consideration of non contributing structures that were modified to the point they are no longer contributing. If a property owner wants to start the process of reverting his property back to the appropriate period, he should be able to make that improvement to his property.

The section should be changed to;

*(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 provided the structure outline, roof shape, window location, or overall characteristics lend the structure to having once been a contributing structure.*

*(2) For structures that are unlike those found in the design guidelines for their respective historic district, are of a design unto themselves, and have long been considered and accepted and worthy structure in the district, the proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

ITEM OF CONCERN 10B

Page 24 of the same section

*(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;*

This needs to be clarified by adding the word “contributing” as not to include non contributing structures which, by default, logically cannot comply with the stated provision. Thus the correct intended wording should be;

*(1) Removal of an inappropriate window or door element that was not original to the contributing 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;*

#### ITEM 10C

Of the same section

(4) Installation or removal of:

a. Burglar bars;

b. Accessibility ramps or lifts;

c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and

d. Awnings and canopies;

Should be changed to-

(4) Installation of ;

a. Burglar bars

b. Accessibility ramps or lifts;

c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; that are visible from the front or side street, and

d. Awnings and canopies visible from the front or side street

Why should one have to get permission to remove burglar bars? None of the above items were original to the Heights and should be able to be removed without big government getting paid or interfering.

ITEM OF CONCERN 11

Sec. 33-254.

Page 33

*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 prevent or 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;*
- (6) Leaks and other conditions that allow the penetration of water into the structure; and*
- (7) Damage caused by termites and other pests that contribute to the deterioration of the structure;*

*(b) The department director 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 director 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.*

Other provisions should be added to account for abandoned or unoccupied property such as the Brown Building at the corner of 12<sup>th</sup> & Yale;

- (8) Fencing which restricts illegal access to the property (to keep out vagrants and thieves)*
- (9) Windows, doors and other egress points which are barred or boarded to prevent illegal entry.*
- (10) Damage caused by termites and other pests that contribute to the deterioration of unoccupied structures.*

*(7) should be changed to (7) Damage caused by known termites and other pests that contribute to the deterioration of an occupied structure;*

ITEM OF CONCERN 12

Sec. 33-255. Validity.

Page 33

*A certificate of appropriateness shall be valid for ~~one~~ two years from its effective date.*

Should be changed to;

*A certificate of appropriateness shall be valid as long as the related building permit is active.*

By tying the two together, the process rule is simplified. Currently a building permit is valid as long as it is active. This change allows for homeowners who work at a slower pace than professional builders without being punished. It also allows for changes in the economy whether personal or on a city or nationwide scale.

ITEM OF CONCERN 16

OPT OUT PROVISION

A provision to allow property owners to opt out of a historic district should be included to permit whole block faces to exit an existing historic district.

Provisions;

- 1- The block face is along the border of an established or proposed historic district as to maintain the contiguousness of the district.
- 2- The minimum percentage of property owners needed to leave a historic district shall be set at 67%.
- 3- When 67% of the property owners who meet Provision 1 stated above submit a form attesting to their desire to exit a historic district, the HAHC shall exclude those homes from the district.

This would;

- 1- Maintain a contiguous district as exemplified in the current districts.
- 2- Maintain the majority rule for those home on the same block face
- 3- Respect the property rights for those on the same block face
- 4- Maintain a nice square perimeter to the district which the HAHC seems to prefer
- 5- Bring the creation of the older districts in line with the methods used to create later districts.
- 6- Make changing the maps pretty easy for the HAHC.

The current and proposed historic ordinance makes no allowance for falling property values or a decline in the overall nationwide or city economy.

ITEM OF CONCERN 17

Section 33-253 APPEAL PROCESS

Page 31

The proposed changes to the appeals process neither streamline nor clarify the process as directed by the Mayor. The old system was agreed upon and is functional.

ITEM OF CONCERN 18

Section 33-237-5

Page 18

Painting of masonry surfaces

Section 5 lists only non masonry surfaces implying that masonry surfaces need a COA before painting.

The section implies the need of a COA for previously painted masonry surfaces. Since the districts vary wildly in the number and type of painted masonry surfaces, **this section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

**DuCroz, Diana - PD**

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**From:** Jones, Lois [REDACTED] >  
**Sent:** Monday, July 27, 2015 4:47 PM  
**To:** PD - Historic Ordinance  
**Cc:** [REDACTED]  
**Subject:** Frank Rynd Comments to HAHC Ordinance  
**Attachments:** Frank Rynd Comments to HAHC Ordinance 072715.docx

Good afternoon,

Attached please find Frank Rynd comments regarding the City of Houston Historic Preservation Ordinance. Thank you.

*Lois Jones*

Archdiocese of Galveston-Houston  
1700 San Jacinto  
Houston, Texas 77002  
Ph. 713-652-4426  
Fax. 713-659-1134

Thank you for giving us the opportunity to make comments on this proposed revision. Although not intended to be an "overhaul" of the Historic Preservation Ordinance, it appears to me that, in many respects, there are significant changes.

The comments submitted today are not intended to be exhaustive and I am confident that many of the clarifications sought will be addressed as the process of enacting a revised Ordinance unfolds.

Comments to specific sections:

### **Definitions**

"Alteration"- We have questions about replacing "historic material" especially in light of new concept of demolition by neglect. Does exterior painting of brick fall under ordinance? How are signs and religious symbols impacted?

"Certificate of remediation"- It seems cumbersome and does not seem to streamline.

"Demolition"- We seek clarification and wish to discuss.

"Exterior feature " and " front facade"- It seems to be significant change. Seek clarification and wish to discuss.

"New construction" [new definition] Have concerns on it's impacts on churches trying to serve needs of their members...and wish to discuss.

"Massing" [new definition and concept]- How will this impact churches and schools trying to serve their members, often on small tracts of land. Wish to discuss.

"Public right of way"- This seems to be an idea that intersect with public streets.....seek clarification.

"Surrounding area"- What does this mean? What does a "different geographic area" mean? Does HAHC have the authority to include a different geographic area outside of an Historic district? Seek clarification and wish to discuss

"Street"- How does a private street interplay in the Ordinance? I see no private street definition.

**Section 33-203-** many questions regarding additions to penalty section. How does certificate of remediation interplay with this?

**Section 32-205-** should council approve of this appointment?

**Section 33-211-** why is a citizen representative removed from HAHC? Could position 1, 5 or 8 be modified to include this new criteria.

**Section 33-222 (b)-** seek clarification and wish to discuss.

**Section 33-222.1(b)-**3 and 4. Seek clarification. How is the significant change in number and manner of consent of property owners not considered an overhaul of the Ordinance? Grave concerns about this change. What does out tract' mean? Was a minimum number of tracts needed for a historic district discussed?

**Section 33-222.1 (c) and (d)-** what does this mean? Should the director be required to conduct a public meeting or is the director required only to endeavor to conduct a public meeting?

**Section 33-221 (f, g, h, i, and j)**- need clarification on entire rewrite of boundaries, and would like to discuss expansion of boundaries.

**Section 33-223**- seek clarification and wish to discuss.

**Section 33-227**- seek clarification on all aspects of changing boundary and wish to discuss.

**Section 33-228**- seek clarification and wish to discuss.

**Section 33-229**- seek clarification and wish to discuss.

**Section 33-238 and Section 33-238.1**- seek clarification and express concerns about signage and freedom of religious expression.

**Section 33-240**- seek clarification and wish to discuss.

**Section 33-241.1**- seek clarification and wish to discuss. We have concern with size limitations interfering with religious needs.

**Section 33-242**- seek clarification and wish to discuss. We have concern with limits on religious signage and symbols.

**Section 33-247**- seek clarification and wish to discuss. We have concern with repair obligations and standards.

**Section 33-248**- seek clarification and wish to discuss.

**Section 33-249**- seek clarification and wish to discuss.

**Section 33-251**- seek clarification and wish to discuss.

**Section 33-253**- Wish to discuss why the appeal process is removed from the City Planning Commission. Numerous questions regarding proposed changes.

**Section 33-254**- seek clarification and wish to discuss.

**Section 33-267**- seek clarification, particularly with 33-267 (b) and wish to discuss.

**Sections 32-266-8**- seek clarity and wish to discuss how these would apply to religious buildings.

**Section 10-374**- seek clarity and wish to discuss.

Thank you for giving me the opportunity to comment on the propose revisions. Please place these comments in the official record.

Frank Rynd  
Archdiocese of Galveston-Houston  
713-652-8278

**DuCroz, Diana - PD**

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**From:** Dave Seeburger <[REDACTED]>  
**Sent:** Monday, July 27, 2015 5:02 PM  
**To:** PD - Historic Ordinance  
**Subject:** Comment regarding Historic Preservation Ordinance Changes  
**Attachments:** HAHC comments 7-27-15\_DS.doc; ATT00001.htm

As a seven year resident of the Heights, I am supportive of my neighborhood's history and its future. Given the mayor's directive to not weaken the ordinance but to only correct and clarify it, I believe the proposed changes go beyond that directive and add a significant amount of additional restrictions.

See my feedback below.  
Thank you for your time.  
I look forward to working with you on this.

In addition to the file attached below..

Sec 33-242 (a)

(1)

Adding a side setback requirement to newbuilds is a SIGNIFICANT new restriction that will have a major impact on all new homes built in historic districts. Newbuilds can currently be placed 3' off the side property line; this proposed revision could cause that side setback number to increase to 6' or 7' severley limiting the options of newbuilds.

(2)

Limiting comparison to the blockface and opposing blockface significantly limits the comparable homes that are currently considered when designing/building a home in a historic district.

Sec 33-243 (a)

(2d)

Requiring compelling circumstances to justify the relocation of a contributing structure (even when moving it on its EXISTING lot) creates additional requirements and confusion.

ITEM OF CONCERN 1A

Section 33-222.1

Page 10

Section F

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 50 percent of the tracts within the survey area and also whether ~~owners of~~ 67 percent of tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

The new changes should be altered to retain the words *Owners of*, delete the words *for which survey forms were returned indicate*, and retain the words *all the tracts in the proposed district* in order to match with the wording used in the following section 'G'.

Thus the properly worded section should be;

*After the deadline for returning ~~cards~~ survey forms mailed in accordance with subsection (e) has passed, the director ~~will determine if shall determine if~~ survey forms were returned for more than 67 percent of the area of the tracts within the survey area and also whether owners of more than 50 percent of the are of the tracts for which survey forms were returned indicate ~~all the tracts in the proposed district~~ support the designation of the district in accordance with the following rules:*

This clarification will allow for the 'apathy affect' of property owners not returning surveys while still preserving a majority vote over property rights. It also makes it comply with the other sections of the ordinance.

ITEM OF CONCERN 1B

Following the above section;

Section G Part 1

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from at least 50 percent of the area of the land within the survey area, and where the owners of 67 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

Should be changed to;

*Modify the boundaries of the ~~proposed historic district~~ survey area if the modification will result in boundaries of one or more historic districts containing one or more noncontiguous areas in which all survey forms were returned from greater than 67 percent of the area of the tracts within the survey area, and where the owners of greater than 50 percent of the ~~tracts~~ returned survey forms indicated support for designation of ~~the~~ a proposed historic district. If the director modifies the boundaries, the application ~~will~~ shall be considered final, the boundaries of the reduced survey area shall be the boundaries of the proposed historic districts, and any property excluded from the survey area shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the survey area pursuant to this item; or*

This alteration will bring this section into agreement with Section 33-222.1 Page 10, Section F. Otherwise the wording of the two sections conflicts with each other.

## ITEM OF CONCERN 2

Following the above section;

*If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned survey forms in accordance with this section; and*

How can this even be legal? Can we assume this was intended to cover married couples? If yes, then this section needs to be re-worded to include married couples and domestic partners. It cannot, or should not be allowed to infer coverage for non familial related people or entities. Sloppy wording at best.

## ITEM OF CONCERN 3

Sec. 33-268. Approval; effect of approval; amendment  
Page 35

Part A allows for 15 days notice before public hearings on the Design Guidelines for any given HD. 30 days would be appropriate due to the seriousness of the issues affecting property rights and values. More than one meeting would be best.

Part C

*(c) Amendments to design guidelines that have been approved by city council shall be considered in accordance with the process for the adoption of design guidelines in this section. ~~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.~~*

The HAHC would be able to make any changes to the design guidelines without property owner input or review. Restore the struck portion.

The Ordinance should be changed to include;

A minimum of 3 meetings each with 30 days notice.

A printed, USPS mailed letter to each property owner for each meeting.

ITEM OF CONCERN 4

Sec. 33-241.1. Same—Exterior alteration, rehabilitation, restoration and addition  
Page 21

Section 33-242 Same—New construction in historic district.

The amount of red ink in the proposed changes is an easy indication of the increased confusion by trying to broaden the umbrella ordinance and avoid making district guidelines. By eliminating the ‘shall approves’, the time and expense for any given project is increased. This does not comply with the Mayor’s directive to streamline and add clarity. **These sections should be omitted from the umbrella ordinance and inserted as edited for each district.**

ITEM OF CONCERN 5A

Definitions  
Page 3

Blockface      The current definition is;

*Blockface means the portion of a block that abuts the street.*

The common sense clarification would be better defined as;

*Blockface means the entire contiguous set of lots abutting both sides of the street.*

This will avoid cherry picking of which houses are included by the property owner.

ITEM OF CONCERN 5B

Definitions

Page 3

Surrounding area     The current definition is;

*Surrounding area means the blockface and the opposing blockface within the district where the proposed activity is located. Surrounding area may include a different geographic area if the commission finds that unusual and compelling circumstances exist or that surrounding area is described differently in design guidelines. Street means a public or private street or roadway.*

While the first sentence is clear, the second sentence opens a Pandora's box. Since one cannot clearly (or even vaguely) determine the intent of the latter part of this definition, it does not support the Mayor's directive to streamline and add clarity. For ease of understanding and clarity to common citizens and avoid cherry picking by property owners the section should be changed to;

*Surrounding area means entire historic district in which the property is located.*

ITEM OF CONCERN 5C

Added definition of Typical

*Typical means having the distinctive qualities of and showing the characteristics found in the design guidelines of the respective district.*

ITEM OF CONCERN 6

Section 33-212

Page 7

*(c) A vacancy in any position shall be filled in the manner provided for original appointments, and the person so appointed shall serve for the remainder of the unexpired term. A member may be appointed to serve consecutive terms., ~~but not more than three full consecutive terms.~~*

Since the number of ordinary citizens is being reduced, a member from the GHBA should be placed on the board to keep the expertise on the panel while retaining the voice of the ordinary citizen.

ITEM OF CONCERN 7

Design criteria

Those of us in Heights historic districts have had no design guidelines since 2010. Until new design criteria are established the old design guidelines should be enforced. ITEM 6

ITEM OF CONCERN 8

Sec. 33-228.

Page 14

*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:*

The word contributing needs to be restored as to allow properties adjoining the boundary to be removed from a district. If a property owner of a non contributing structure was included in a district there is no way to remove the property from the historic district. This change further allows the city to railroad property owners into a district they do not want to be part of because including their property makes a pretty box shaped district. ITEM OF CONCERN 8

From the above section

4-B

Located at or in front of the front wall of the structure, constructed of nonmasonry material, and are either:

- [1] 50% or more transparent; or
- [2] Four feet or less in height;

If the intent was to keep fencing in the front of the property typical to the neighborhood the wording needs to be changed to;

Located at or in front of the front wall of the structure, *mostly* constructed of non masonry material and are either 1- 50% or more transparent, *and* no more than six feet in height or 2- no more than 4 feet in height for fences less than 50% transparent.

The improved wording would give more clear allowance to masonry columns with metal fencing in between said columns, allow for shorter fences to keep pets and small children inside, and allow for security fencing that is the typical iron fencing found throughout Heights East.

**This section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

ITEM OF CONCERN 9

The same correction needs to be made on page 25 to make them comply with each other.

ITEM OF CONCERN 10A

Sec. 33-241.1. b Same—Administrative Approvals.

Page 23

*The HAHC director 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) The proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

This item should be changed to allow for consideration of non contributing structures that were modified to the point they are no longer contributing. If a property owner wants to start the process of reverting his property back to the appropriate period, he should be able to make that improvement to his property.

The section should be changed to;

*(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 provided the structure outline, roof shape, window location, or overall characteristics lend the structure to having once been a contributing structure.*

*(2) For structures that are unlike those found in the design guidelines for their respective historic district, are of a design unto themselves, and have long been considered and accepted and worthy structure in the district, the proposed activity must match the architectural features, materials, and character of the existing noncontributing structure.*

ITEM OF CONCERN 10B

Page 24 of the same section

*(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;*

This needs to be clarified by adding the word “contributing” as not to include non contributing structures which, by default, logically cannot comply with the stated provision. Thus the correct intended wording should be;

*(1) Removal of an inappropriate window or door element that was not original to the contributing 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;*

#### ITEM 10C

Of the same section

(4) Installation or removal of:

- a. Burglar bars;
- b. Accessibility ramps or lifts;
- c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and
- d. Awnings and canopies;

Should be changed to-

(4) Installation of ;

- a. Burglar bars
- b. Accessibility ramps or lifts;
- c. Skylights, solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; that are visible from the front or side street, and
- d. Awnings and canopies visible from the front or side street

Why should one have to get permission to remove burglar bars? None of the above items were original to the Heights and should be able to be removed without big government getting paid or interfering.

ITEM OF CONCERN 11

Sec. 33-254.

Page 33

*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 prevent or 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;*
- (6) Leaks and other conditions that allow the penetration of water into the structure; and*
- (7) Damage caused by termites and other pests that contribute to the deterioration of the structure;*

*(b) The department director 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 director 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.*

- (7) should be changed to (7) Damage caused by known termites and other pests that contribute to the deterioration of an occupied structure;*

ITEM OF CONCERN 12

Sec. 33-255. Validity.

Page 33

*A certificate of appropriateness shall be valid for ~~one~~ two years from its effective date.*

Should be changed to;

*A certificate of appropriateness shall be valid for two years from its effective date or as long as the related building permit is active, whichever is longer.*

By tying the two together, the process rule is simplified. Currently a building permit is valid as long as it is active. This change allows for homeowners who work at a slower pace than professional builders without being punished. It also allows for changes in the economy whether personal or on a city or nationwide scale.

ITEM OF CONERN 16

OPT OUT PROVISION

A provision to allow property owners to opt out of a historic district should be included to permit whole block faces to exit an existing historic district.

Provisions;

- 1- The block face is along the border of an established or proposed historic district as to maintain the contiguousness of the district.
- 2- The minimum percentage of property owners needed to leave a historic district shall be set at 67%.
- 3- When 67% of the property owners who meet Provision 1 stated above submit a form attesting to their desire to exit a historic district, the HAHC shall exclude those homes from the district.

This would;

- 1- Maintain a contiguous district as exemplified in the current districts.
- 2- Maintain the majority rule for those home on the same block face
- 3- Respect the property rights for those on the same block face
- 4- Maintain a nice square perimeter to the district which the HAHC seems to prefer
- 5- Bring the creation of the older districts in line with the methods used to create later districts.
- 6- Make changing the maps pretty easy for the HAHC.

The current and proposed historic ordinance makes no allowance for falling property values or a decline in the overall nationwide or city economy.

ITEM OF CONCERN 17

Section 33-253 APPEAL PROCESS

Page 31

The proposed changes to the appeals process neither streamline nor clarify the process as directed by the Mayor. The current appeals process, which was agreed upon and is functional, should be maintained.

ITEM OF CONCERN 18

Section 33-237-5

Page 18

Painting of masonry surfaces

Section 5 lists only non masonry surfaces implying that masonry surfaces need a COA before painting.

The section implies the need of a COA for previously painted masonry surfaces. Since the districts vary wildly in the number and type of painted masonry surfaces, **this section should be omitted from the umbrella ordinance and should be tailored to each districts' own design guidelines.**

**DuCroz, Diana - PD**

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**From:** [REDACTED]  
**Sent:** Sunday, July 26, 2015 5:01 PM  
**To:** PD - Historic Ordinance  
**Subject:** Proposed changes to preservation ordinance

To whom it may concern:

I write as an owner of a contributing structure, a 2/1 bungalow in its original footprint, in the Heights East historic district. I just recently learned of the proposed changes to the ordinance, and am surprised at the lack of notice regarding the changes. I tried to watch the televised hearing before the HAHC, but the transmission had difficulty. I did hear someone from the Planning Department say that notices went out to the public, but I never received any notice, and I am registered with CitizensNet. Given the strong opposition to the significant changes made to the ordinance the last time changes were proposed, I am extremely disappointed that the City did not make more effort to notify those property owners affected by the changes. I know my neighbors were also unaware of the new changes when I mentioned them. In fact, the point was made that the changes affect only 0.004% of the Houston population. Given the small percentage of property owners who have been singled out for restrictions on our property rights, I would have thought a greater effort would have been made to notify residents of the districts of the changes.

Suffice it to say I do not feel like I have a full understanding of the changes. I am aware, however, of the proposed end of term limits of the members of the HAHC. I strongly disagree with this proposal. In a city with a strong mayor who appoints each member, why create a board that likewise has unlimited power? Also, what could possibly justify keeping the citizens on the commission in appointments for life? This is simply undemocratic.

I am also opposed to the appeals board comprised of members of the Planning Commission and HAHC as an alternative to appeals to the Planning Commission. I am aware of some of the proposed development in the Heights that was rejected by the HAHC but approved by the Planning Commission, and I applaud the Planning Commission for its consideration of the greater good of the neighborhood over the architectural significance [or not] of individual properties. I have lived in the Heights for 12 years and have seen significant changes that have been brought about by the new construction and new families that have moved to the neighborhood. Some of these families would not be here if the Planning Commission had not had the foresight to approve their plans. What makes the Heights a great neighborhood is the people who live here and love it, not the buildings, and the Planning Commission brings that understanding to their review of individual plans.

I am also opposed to inclusion of changes that affect the interiors of the buildings [shiplap] and the vague and ambiguous language in the ordinance, such as standards that are "typical" or exceptions permitted for "unusual" circumstances. These terms are included because the drafters have something in mind, and that should be spelled out so that property owners know what the limitations are.

I strongly believe that meetings should be held in each historic district, with notice specifically provided to the homeowners in the districts, so that those affected can get a better understanding of the proposed changes. Once again it feels as if certain supporters of preservation, many of whom live in homes that are three times the size of mine and are not affected by the ordinance, are representing that their voices are representative of the homeowners. I can assure you that this is not the case.

Karen Singer

**DuCroz, Diana - PD**

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**From:** D Stein <[REDACTED]>  
**Sent:** Monday, July 27, 2015 10:23 AM  
**To:** PD - Historic Ordinance  
**Subject:** Ordinance change concern

To whom it may concern:

After reviewing the [proposed changes](#) to Chapter 33 of the HPO, we are happy to see the city is looking to help streamline the approval process for home owners as well as the staff.

From the [summary](#) list revisions, we are **FOR** the following items:

- Increase the scope of administrative approvals by the director
- Expand and clarify exemptions from the Ordinance
- Clarify the regulation of structural elements of exterior walls such as interior shiplap
- Clarify and refine the criteria for those simple additions that qualify for mandatory approval
- Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package
- Clarify the criteria for obtaining a CofA for alterations and additions
- Improve the Appeals process.

Thank you,  
D. Stein

## DuCroz, Diana - PD

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**From:** John Sullivan <[REDACTED]>  
**Sent:** Monday, July 27, 2015 2:33 PM  
**To:** PD - Historic Ordinance  
**Subject:** Historic Ordinance Comments.

To Whom It May Concern,

I want to first say thank you for all your efforts regarding the Historic Ordinance. I recognize that you have spent an incredible amount of time, in and out of typical work hours, to make this a better guide. I also clearly recognize that you can't make everyone happy, although I feel you are doing the absolute best you can.

The following are my major concerns. I have not put them all down, only the top few that matter the most to me as a builder, resident, and tax payer in the Heights. They are as follows:

1. Historic Districts: The new changes allow an existing district to expand, block by block or lot by lot. I do not feel this is wise or fair to property owners. I feel the lines will be manipulated to gain the votes needed, but eventually will result in the entire neighborhood being part of the districts. I feel if new property does want to join in the Historic Ordinance, it can, but only if it is a new district alone of a sizable area, such as a minimum number of city blocks.
2. As a tax payer of multiple lots in the Heights, I would like my votes to count commiserate with the number of actual lots I own, not just the HCAD tax accounts. If I own 40 original Heights platted lots, I want to be allowed 40 votes. As an example, I own 4 Acres in the Heights that have 6 HCAD tax account numbers. However, it is roughly 50 actual Heights lots which will be 50 individual homes eventually. It is only fair that I get 50 votes versus the 6 I would get going by HCAD account numbers. Voting rights needs to be defined in the Ordinance rewrite. Much like our founding fathers that created the Senate and the House of Representatives, we need to have a similar setup.
3. I do not like the new proposed changes to the count of votes. The proposed changes effectively will allow 33% of the property owners to elect an entire zone into the district. When the Historic Ordinance went into place originally, this item was a very hot topic. I do not think the ordinance should change from the current voting amount of 67%.
4. Appeals : I feel the current appeals process is fair and should stay the same. I do not think another new board helps streamline the process in anyway. I feel the current system works and should remain the same.
5. Design Guidelines: Both sides of the argument want design guidelines, which is one point we can all agree. I vote that we put the old guidelines in place now and use them until a new set of guidelines can be developed, with Builder input. The guidelines were in place for the Heights for many years as a guide for us to follow. Why don't we use what the City has already paid for and make everyone happy right now? Why wait 12 plus months to finish a new document? It will only add to more frustration in the neighborhood.

I am proud to live and build in the Heights. We singularly have added over \$50MM to the tax rolls with our product over the past 10 years. We have twice won the Community Improvement Award from the Heights Association. We have brought over 100 new families into the neighborhood that spend money at the restaurants, stores, and venues. They are active proud members of the neighborhood and love the homes that we build.

Please allow us to continue the vital redevelopment of the neighborhood we love so much. We are good for business and for the local economy. We also value Private Property Rights, which goes back to the founding principles of the City of Houston.

***HPO Public Comment***

Thank you,

John R. Sullivan  
Sullivan Brothers Builders, Ltd.  
Member GHBA

July 22, 2015

My name is Joy Tober, I am a homeowner in the Houston Heights East Historic District and I am writing to voice my support for the proposed changes to the Historic Preservation Ordinance.

I feel these changes seek to clarify troublesome and confusing language that has been expressed by both homeowners and builders. They more clearly define a certain expectation in regards to additions and new construction without a strict set of standards, an impossible request of any preservation ordinance, which should be easier for homeowners and builders to understand. I think one of the most important additions is the pathway established for the creation of district guidelines, which many existing districts are in desperate need of. These guidelines will allow for a better understanding of the ordinance and hopefully lessen the friction among neighbors, builders and the city.

Concerning the options for the appeals process, I would like to express my favor for Option B, establishing an Historic Preservation Appeals Board. As I have expressed before, I do not feel the Planning Commission is the correct venue for appeals. The Planning Commission is not only extremely busy but I feel there are not enough members on the commission that have the education and understanding of preservation to make an informed and unbiased decision. The HPAB allows for members who have knowledge of good preservation practices as well as an understanding of planning principals in this city.

Thank you so much for allowing me the opportunity to express my thoughts and opinions.

Joy Tober

**DuCroz, Diana - PD**

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**From:** Catherine & Roger <[REDACTED]>  
**Sent:** Wednesday, July 22, 2015 11:37 AM  
**To:** PD - Historic Ordinance  
**Subject:** Draft Ordinance

Members of Houston Architectural and Historic Committee

Re: Historic Preservation Proposed Revisions

Unfortunately, we are unable to attend tonight's public meeting but would like to express our opinions as residents of the Heights South Historic District.

We were greatly in favor and active in the formation of Heights South as an Historic District and continue to be supportive of the designation. However, it seems that some neighbors see the revision as an opportunity to revoke the designation of all the Heights' districts and we are very much opposed to that prospect. The character and charm of this area has fueled the boom in building and the regeneration of this part of Houston, but without the historic designation, the Heights would very quickly look like any other part of the city. Many people come to ride their bikes in this area and patronize the restaurants and stores. This unique character would quickly be lost if the historic designation was revoked. Since the designation of Heights South as an Historic District, the COA process has preserved many houses that would otherwise have been demolished or inappropriately remodeled. It has also helped prevent bungalows being overshadowed by houses of a completely inappropriate scale.

We agree that the process needed streamlining and guidelines clarified as we have heard neighbors' complaints of the difficulty of obtaining a COA. However, we want to reiterate that we remain in full support of the historic designation and the restrictions it entails.

Sincerely,

**Roger & Catherine Watkins**  
**816 Arlington St.**  
**Houston, TX 77007**

**Heights South Historic District**