

# HISTORIC PRESERVATION ORDINANCE REVIEW COMMITTEE

## COMMENTS FOR THE NOVEMBER 10, 2014 COMMITTEE MEETING

### **AGENDA ITEMS 3, 4, AND 17**

COMMENTS BY J KENT MARSH, AICP CUD, 1538 ARLINGTON ST., HOUSTON HEIGHTS EAST HISTORIC DISTRICT

#### **AGENDA ITEM #3 – EXTERIOR FEATURES**

I support a more-detailed definition of “Exterior Features” that would include the structural supports that are integral to the support of the exterior feature whether they are visible from the right-of-way or not. I believe the intent of the Historic Preservation ordinance is to allow modification of the interior walls of a contributing structure so that the contributing structure can be used for uses other than the original intent. However, I also believe that material integral to the structural integrity of the exterior walls should be retained as a part of the historical context of the entire structure. The wooden yoke that supports the Liberty Bell is an integral part of the history of the symbol. The removal of the wooden yoke and its replacement with a metal support system would significantly alter the historical significance of the bell, cracked or otherwise. Providing an alternate structural support mechanism for an exterior wall is not in keeping with maintaining the historic integrity of the entire structure. While the alternate structural system would maintain the ability of the entire structure to remain viable, removal of the original material that provides the original structural support, even if the original material cannot be seen from the street, is a significant reduction of the historical context of the exterior wall unit.

#### **AGENDA ITEM #4 – DESIGN GUIDELINES**

I support the creation of design guidelines for the Houston Heights Historic Districts and for all remaining designated historic districts that do not have design guidelines. I believe the general historic character of the 3 Houston Heights Historic Districts (East, West, and South) is similar so that a single set of design guidelines could be prepared for the 3 districts as a whole and, in fact, that has been done in the past. The original designation of 3 different historic districts for the Houston Heights was primarily done to facilitate administration of the ordinance for smaller sized districts. There has never been a significant distinction in the minds of Heights residents. The Heights is a single master-planned community and should be considered as such in its historical context.

I also support the creation of design guidelines as soon as practical after the Historic Preservation Ordinance review is complete. The most important part of these design guidelines would be clear examples, text, and graphics of what is acceptable and what is not acceptable. Where at all possible, specific dimensions should be provided that support objective guidelines. If necessary, these dimensions can be provided as a range rather than a single number to allow future flexibility.

While I support the creation of a Steering Committee to provide input and response to proposed design guidelines, I believe that the actual creation of the design guidelines should be done by a single entity, a private consulting firm or team, under the auspices of the Historic Preservation Department of the City.

I fully support the review and adoption of future design guidelines by the HAHC only. I do not agree that the City Council should be involved in the review and adoption of design guidelines for historic districts. The HAHC was created and appointed to provide the needed expertise to make that decision. The City Council should let the HAHC do their job.

Lastly, I believe the Design Guidelines, when completed and adopted, should be used in addition to the Historic Preservation Ordinance and not as a replacement and where both address the same regulation, the more restrictive regulation should apply, whether that more-restrictive regulation is located in the Historic Preservation Ordinance or in the adopted Design Guidelines. Design guidelines should address regulations with more detail than regulations provided in the Historic Preservation Ordinance that addresses general regulation for the entire City of Houston.

#### **AGENDA ITEM #17 – THE PENALTY FOR ILLEGAL DEMOLITION**

With the substantial amount of time that has passed since the Houston Heights Historic Districts were created, I must assume that any demolition is intention and not accidental. With that in mind, the illegal demolition of part or all of a contributing structure in a historic district should receive a heavy penalty that would both provide support for replacement of the character of the demolition and provide a significant dis-incentive for others to intentionally demolish historic fabric. As such, I support the penalty for illegal demolition of any part of a contributing structure to be a minimum of: (1) required re-permitting of any replacement of the demolished element at a triple-permit fee cost, (2) a fine between \$500 and \$2000, depending on the significance (\$500 for a minor significance and \$2000 for a major significance as determined by the Director of Planning) of the demolished element to the contributing structure, and (3) replacement of the demolished element in the same location and dimensions as the original element.

Regarding total demolition, I believe the penalty should be even greater than a partial demolition. Partial demolitions that require removal of the remainder of the structure due to inability to retain the structural integrity of the remainder or complete demolition should receive a penalty that would both provide support for replacement of the character of the demolition and provide a significant dis-incentive for others to intentionally demolish historic fabric. As such, I support the penalty for illegal demolition to be a minimum of: (1) a five (5) year period that no construction permit would be granted for the property, (2) the maximum fine permitted by law, and (3) the replacement of the demolished structure in the same footprint location, the same maximum height at the front building wall of the original structure, and the same maximum width of the front building wall of the original structure.

#### **AGENDA ITEM – FENCES IN FRONT YARDS**

There was some discussion at the last Ordinance Review meeting regarding the regulation of fences in historic districts. The last review indicated that any fence behind the front wall width extension would

be exempt from CofA review and that fences in front of the front wall width extension (between the front of the structure and the front property line and along the front property line) would be regulated to the extent that fences in that area that are 4 feet high or less would be allowed regardless of degree of transparency and fences of a height between 4 feet and the maximum height allowed without a fence permit, would be only allowed if they were metal construction (wrought iron or aluminum). I believe the intent of the discussion for the regulation was to allow the continuance of the street area scale and proportion with the ability to see the front of a structure part of the contribution of that scale and proportion. With that in mind, I would recommend that the regulation criteria be one of the degree of transparency rather than the material of construction. For instance, a drawing containing a typical, one-foot square portion of the fence elevation could be provided for review that would allow the measurement of the percentage of the area that is opaque as a result of the fence material and the percentage of the area that is transparent as a result of the opening between fence material. The required percentage of transparency could be greater for fences higher than 4 feet and less for fences at or below 4 feet. That would provide for flexibility of design in both material and visual character but maintain the minimum transparency needed to maintain the scale and proportion of the street scene. Should this regulation be adopted, I would recommend existing typical fences be measured to provide a valid proportion of transparency.

J. Kent Marsh, AICP CUD



October 27, 2014

Mr. Patrick Walsh, P.E.  
Director  
611 Walker St.  
Houston, Texas 77002

RE: Design Guidelines

Dear Director Walsh:

The Greater Houston Builders Association (GHBA) appreciates the opportunity to provide comments on the Historical Archeological and Historical Commission (HAHC) Subcommittee's scope of work. Throughout this process, the GHBA believes it is critical to consider the input and feedback of the building and remodeling communities, and we look forward to partnering with the Subcommittee in an effort to improve the Historical Preservation Ordinance.

Upon learning that the Planning Department had established a subcommittee of City of Houston staff, Planning Commission members and HAHC members in order to revise portions of the Historical Preservation Ordinance, GHBA organized a working group of member builders and remodelers responsible for reviewing the Subcommittee's objectives on behalf of the association.

While the working group has identified minor items GHBA will raise to the Subcommittee during public comment at the meetings, the most important item discussed among association members has been the overwhelming need to establish design guidelines. There is a strong consensus among GHBA builders and remodelers alike that design guidelines are critically necessary in all Historic Districts.

Current ordinance language requires that all Historic Districts created after the 2010 amendments have design guidelines. The language also provides instruction on the process for creating the guidelines and for obtaining HAHC and City Council approval.

However, there is no language requiring design guidelines for Historic Districts created prior to the 2010 amendments or a process for creating guidelines in those districts.

The lack of design guidelines has created great confusion among homebuilders, remodelers, property owners and Realtors. Design guidelines are essential to the homebuilding and remodeling industries as they provide much-needed predictability and consistency.

As outlined under item number four in the Subcommittee's scope of work, GHBA understands that the Subcommittee has been tasked with providing a process for creating design guidelines.

GHBA strongly believes that the creation of design guidelines for all Historical Districts would increase the HAHC's efficiency and streamline their workload, as well as provide helpful resources to the commission members as they review applications. In addition, design guidelines would provide clear instruction to builders, remodelers, property owners and Realtors about the type of development permitted, allowing every stakeholder to operate under the same set of rules.

The GHBA appreciates the Subcommittee's acknowledgement that design guidelines are necessary. The association hopes that throughout this process, the Subcommittee will identify a timeline in which design guidelines for all Historical Districts can be created and establish a taskforce of City of Houston staff and stakeholders, including builders and remodelers, charged with drafting design guidelines.

In conclusion, the GHBA appreciates the time and work that the Subcommittee and staff have dedicated to this effort. The GHBA looks forward to partnering with you as the Subcommittee addresses design guidelines and other items that would provide predictability and clarification to builders and remodelers in Historic Districts as well as all public stakeholders. Thank you again for the opportunity to provide our comments.

Sincerely,

A handwritten signature in black ink that reads "Casey W Morgan". The signature is written in a cursive, flowing style.

Casey Watts Morgan  
GHBA Vice President and Director of Government Affairs