



City of San Marcos

Regular Meeting Historic Preservation Commission October 1, 2020, 5:45 PM

The Historic Preservation Commission may adjourn into executive session to consider any item on the agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made on the basis for the Executive Session discussion. The Historic Preservation Commission may also publicly discuss any item listed on this agenda for Executive Session.

Due to COVID-19, this will be a virtual meeting. For more information on how to observe the virtual meeting, please visit:

<https://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA>

I. Call To Order

II. Roll Call

- III. 30 Minute Citizen Comment Period:** *Persons wishing to comment during the citizen comment period must submit their written comments to planninginfo@sanmarcostx.gov no later than **12:00 p.m. (noon)** on the day of the meeting. Timely submitted comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.*

MINUTES

1. Consider approval, by motion, of the September 3, 2020 regular meeting minutes.

ACTION ITEM

2. Consideration of Recommendation Resolution 2020-02RR, recommending the City Council support the repatriation efforts of the Miakan-Garza Band of the Coahuiltecan people.

PUBLIC HEARINGS

Interested persons may join and participate in any of the public hearing items (3) by:

- 1) *Sending written comments, to be read aloud*;* or
- 2) *Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on*.*

Written comments or requests to join in a public hearing must be sent to planninginfo@sanmarcostx.gov no later than **12:00 p.m. (noon) on the day of the hearing.*

Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. Any additional information regarding this virtual meeting may be found at the following link: <https://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA>

- 3. HPC-20-24 (200 West MLK Drive)** Hold a public hearing and consider a request for a Certificate of Appropriateness by the Calaboose African American History Museum, on behalf of the City of San Marcos, to allow the installation of a newly designed freestanding sign in front of the property.

DISCUSSION ITEM

4. The process for demolition of historic buildings on Texas State University property, including possible means of enabling City involvement in the process to facilitate the preservation of such historic buildings when feasible, and provide direction to staff.
5. Federal Section 106 Review and provide direction to staff.
6. Texas Historical Commission's Undertold Marker Program and provide direction to staff.
7. Potential future local historic landmarks and provide direction to staff.
8. Draft 2020 Annual Report and provide direction to staff.
9. Process for tracking Certificates of Appropriateness from approval to installation.
10. Update from staff on the Legacy Business Program.

IV. FUTURE AGENDA ITEMS

Board Members may provide requests for discussion items for a future agenda in accordance with the board's approved bylaws. *(No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.)*

V. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov.



CITY OF SAN MARCOS

Meeting Minutes

Historic Preservation Commission

Thursday, September 3, 2020

5:45 PM

Virtual Meeting

Due to COVID-19, this was a virtual meeting. For more information on how to observe the virtual meeting, please visit:

<https://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA>

I. Call To Order

With a quorum present the regular meeting of the San Marcos Historic Preservation Commission was called to order at 5:46 p.m. on Thursday, September 3, 2020.

II. Roll Call

Present 5 – Commissioner Perkins, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, Commissioner Meyer, and Commissioner Kennedy

Absent 0

III. 30 Minute Citizen Comment Period:

Rick Haas', 603 Blanco Street, response was read into record.

Dr. Mario Garza, Elder Chair of the Indigenous Cultures Institute, stated that the Miakan-Garza Band was seeking support in their efforts to reclaim native remains, found in Hays County, from the University of Texas at Austin. He stated that they have their own repatriation burial ground and are working towards reclaiming the remains to rebury them there.

Chair Perkins closed the Citizen Comment Period.

MINUTES

1. Consider approval, by motion, of the August 6, 2020 regular meeting minutes.

A motion was made by Commissioner Arlinghaus, seconded by Commissioner Meyer to approve the minutes as submitted. The motion carried by the following vote:

For: 6 – Commissioner Perkins, Commissioner Holder, Commissioner Arlinghaus, Commissioner Kennedy, and Commissioner Meyer

Against: 0

PUBLIC HEARINGS**2. HPC-20-22 (552 Rogers Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Lisa Prewitt, on behalf of Mike Olstad, to allow the installation of two sixteen-inch rock faced retaining walls in the front yard of the property.**

Alison Brake gave a presentation outlining the request. She concluded while the installation of the retaining walls will not have a negative effect on the property, the removal of the concrete entrance steps will affect the historic integrity of the property and the request for the installation of the retaining walls is consistent with the Historic District Design Guidelines [Section C.3.4.3(A) and Section C.3.4.3(B)(5)], the San Marcos Development Code [Section 4.5.2.1(I)(1)(g), Section 4.5.2.1(I)(1)(i)] and the Secretary of the Interior Standards for Rehabilitation [Standards 9 and 10] but the removal of the concrete steps is not consistent with the Secretary of the Interior Standards for Rehabilitation [Standard 2]. Staff recommended approval with the following condition:

1. The concrete entrance steps located at street level, identified in My Historic SMTX as landscape features, are reconstructed.

No one spoke in favor nor in opposition. The applicant was available for questions. There were no further questions and Chair Perkins closed the public hearing.

A motion was made by Commissioner Perkins, seconded by Commissioner Arlinghaus to approve the installation of the retaining walls with the following condition:

- 1. The concrete entrance steps located at street level, identified in My Historic SMTX as landscape features, are reconstructed.**

Commissioner Perkins made a motion to amend his motion to include that the reconstructed stairs would be located starting at Wall #1. The motion was seconded by Commissioner Dake.

For: 5 – Commissioner Perkins, Commissioner Dake, Commissioner Meyer, Commissioner Arlinghaus, and Commissioner Kennedy

Against: 0

Abstain: 1 – Commissioner Holder

Discussion between the applicant and the Commission ensued. A short recess followed for staff to contact the applicant; the applicant had disappeared from the virtual meeting.

Following the recess, the Commission discussed postponement of the request in order to get the applicant back before the Commission to answer their questions as well as to have renderings produced that show the retaining walls and the reconstructed stairs.

Commissioner Perkins made a motion to postpone the request to the next available meeting of the Commission. Commissioner Arlinghaus seconded. The motion carried by the following vote:

For: 6 – Commissioner Perkins, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, Commissioner Meyer and Commissioner Kennedy

Against: 0

DISCUSSION ITEMS

- 3. Consider approval of a special meeting date to hold public hearings and render decisions regarding Case Numbers HPC-20-19 (317 Scott Street) and HPC-20-21 (1114 West Hopkins Street) which were previously postponed.**

Commissioner Perkins made a motion to set a special meeting for September 24, 2020 for the public hearings of these cases as well as HPC-20-22. Commissioner Holder seconded. The motion carried by the following vote:

For: 6 – Commissioner Perkins, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, Commissioner Meyer and Commissioner Kennedy

Against: 0

- 4. Reburial of the Coahuiltecan people and provide direction to staff.**

Dr. Mario Garza of the Indigenous Cultures Institute was invited to speak by the Commission. Discussion between Dr. Garza and the Commission on the history of the reburial process followed.

The Commission directed staff to bring a Recommendation Resolution for consideration at the October meeting regarding supporting Dr. Garza and the Miakan-Garza tribe in their efforts for the reburial of the Coahuiltecan people in Hays County.

- 5. Update regarding the Downtown Design Guidelines and Architectural Standards project.**

Staff gave an update on the project and the Commission asked to be kept updated on it.

- 6. Update on 627 McKie Street and discussion on current demolition delay ordinance, Ordinance 2019-41 and provide direction to staff.**

Staff gave an update on the property. Staff explained that the expiration date for the demolition delay was September 6, 2020, after which the demolition permit would be issued. Staff did not receive alternatives to demolition or methods for the potential preservation of historic character of the property. The Commission discussed their disappointment that no one, or group, had come forward to help with the preservation of the property at 627 McKie Street. Commissioner Perkins discussed his concern that the cultural landscape was diminishing and stated he would like to explore different preservation options such as Neighborhood Conservation Districts (NCD). Staff explained that a NCD would first have to be codified in order for the City to enforce.

7. Potential future local historic landmarks and provide direction to staff.

The Commission postponed discussion of this item to the October 1, 2020 regular meeting.

8. Commission's Vision statement and provide direction to staff.

The Commission directed staff to add the following vision to the 2020-2021 Annual Report: *"Using the power of preservation to save our cultural landscape and living heritage, create a sense of place, and protect and promote the unique identity of San Marcos."*

Staff stated that the language would be added to the annual report and the draft of the report would be presented to the Commission at their October meeting.

FUTURE AGENDA ITEMS

Commissioner Perkins and Commissioner Holder requested the following items on a future agenda:

1. Discussion on the demolition of potential historic resources and a pathway forward working with Texas State University.
2. Discussion of the Federal Section 106 Review process.
3. Recommendation Resolution to City Council regarding supporting Dr. Garza and the Miakan-Garza tribe in their efforts for the reburial of the Coahuiltecan people in Hays County.
4. Discussion of the Texas Historical Commission's Undertold Marker Program.

THERE BEING NO FURTHER BUSINESS CHAIR PERKINS DECLARED THE MEETING ADJOURNED AT 8:42 P.M.

Ryan Patrick Perkins, Chair

ATTEST:

Alison Brake, Historic Preservation Officer and Planner



PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 15, 2020
RE: AGENDA ITEM 2: REPATRIATION EFFORT OF THE MIAKAN-GARZA BAND OF COAHUILTECAN PEOPLE

At the September 3rd regular meeting, the Commission discussed the repatriation efforts being undertaken by the Miakan-Garza Band of the Coahuiltecan People and directed staff to bring forward a recommendation resolution to the following meeting. It is attached for discussion and action. The information received from Chair Perkins on this matter is attached.

As a reminder, per the bylaws, following approval of the recommendation resolution by a majority of the membership the Commission, staff will forward it to the City Clerk and City Manager for distribution of the City Council.

HELP US REBURY OUR ANCESTORS

The University of Texas at Austin refuses to convey the remains of three Native American ancestors claimed for reburial by the Miakan-Garza Band of the Coahuiltecan people, a state-legislature-recognized tribe of Texas. The three ancestors, unearthed in Hays County over sixty years ago, are part of the University's "collection" of more than 2,400 Native remains kept in cardboard boxes housed in a warehouse in North Austin. Now the tribe is asking Texans to help them secure these remains for reburial.

"We asked for our ancestors more than four years ago," says Dr. Mario Garza, cultural preservation officer for the Miakan-Garza Band. "After years of letters, emails, and meetings, we finally got a letter of denial on July 7th of this year."

According to the letter signed by Brian Roberts, director of the Texas Archeological Research Laboratory, the Miakan-Garza's request was denied because the University was unable to identify a shared group identity between the remains and any group, including the Miakan-Garza Band. Documentation of shared group identity is considered during the federal Native American Graves Protection and Repatriation Act (NAGPRA) process, which requires institutions to convey remains back to tribes for reburial.

"These remains are classified as 'culturally unidentifiable' which means that they are too old to associate with any known, federally recognized tribes in existence today," says Dr. Garza. "We submitted documentation that our Coahuiltecan people are original Texas Natives who have lived here continuously for the past 14,000 years – these ancient remains belong to us."

In 2014 the Miakan-Garza Band submitted a similar request to Texas State University for one set of remains unearthed in San Marcos, providing documentation of shared group identity with the "culturally unidentifiable" remains. The documentation was accepted, and the tribe was given possession of their ancestor after proceeding through the NAGPRA process.

"We gave U.T. the same documentation that was accepted by Texas State University, the NAGPRA Review Committee, and the Secretary of the Interior, when those entities gave us one of our 'culturally unidentifiable' ancestors to rebury," says Dr. Garza. "Why won't U.T. accept the same documentation and let us rebury our relations?"

The tribal elders believe that the University wants to maintain the status of holding one of the largest archeological collections of Native American remains. According to the NAGPRA database, approximately 3,500 culturally unidentifiable Native American remains have been removed from Texas and are held in institutions and museums throughout the country. Of those 3,500 remains, over 2,400 are held by the University of Texas.

“We believe that when a person is buried, they depart on their spiritual journey. When they are unearthed, their spiritual journey is interrupted and they are suspended in agony,” says Dr. Garza. “It is our obligation as indigenous people to return our ancestors to Mother Earth so they can proceed to the Great Mystery of the Cosmos.”

Members of the Miakan-Garza Band have been involved in repatriation for over thirty years. They participated in establishing the Comanche Cemetery repatriation burial grounds at Fort Hood in 1998, and in one of the largest repatriations of almost 200 remains at Mission San Juan in San Antonio in 1999. The tribe collaborated with the City of San Marcos to establish the first city repatriation site in Texas in 2016 and has reinterred seven remains there during the past three years.

“It is extreme arrogance for an institution to own the remains of a people and deny their descendants’ religious right to bury their dead,” says Dr. Garza. “We are now sending a plea to all people of good conscience: Help us to rebury our ancestors.”

The tribe is asking for letters to be sent to the president of U.T. Austin, Jay Hartzell at 110 Inner Campus Drive, Stop G3400, Austin, TX 78712-3400 or president@utexas.edu.

For more information, contact the Miakan-Garza tribe through their nonprofit, Indigenous Cultures Institute at <https://IndigenousCultures.org> or at ICInfo@IndigenousCultures.org, call Dr. Garza at 512-393-3310



RECOMMENDATION RESOLUTION

Historic Preservation Commission

Recommendation Number: (2020-02RR): Recommending the San Marcos City Council support the repatriation efforts of the Miakan-Garza Band of the Coahuiltecan people.

WHEREAS, the City's Comprehensive Plan, "Vision San Marcos: A River Runs Through Us," recognizes that the citizens of San Marcos "are conscious of preserving our rich historical past and will pursue future cultural enrichment"; and

WHEREAS, the Historic Preservation Commission is charged with advising the City Council on matters that promote historic preservation and conservation throughout the city of San Marcos; and

WHEREAS, Dr. Mario Garza, Elder Chair of the Indigenous Cultures Institute, spoke to the Historic Preservation Commission at their September 3, 2020 regular meeting regarding the efforts of the Miakan-Garza Band of Coahuiltecan people to repatriate and rebury a set of remains currently held by the University of Texas; and

WHEREAS, the Historic Preservation Commission finds that such repatriation efforts are consistent with preserving the City's rich history and cultural past.

NOW, THEREFORE, BE IT RESOLVED by the Historic Preservation Commission, as follows:

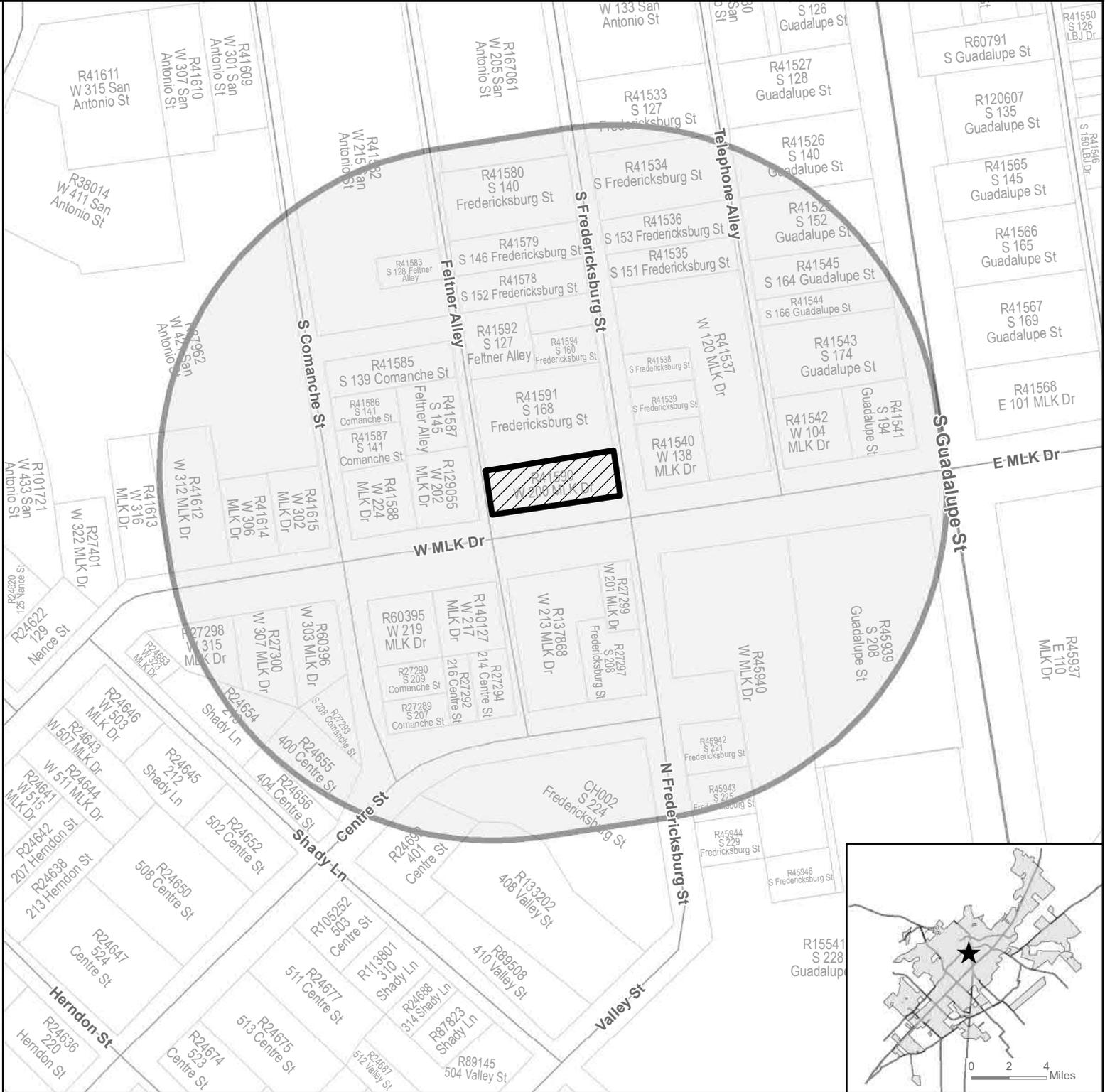
1. The Historic Preservation commission respectfully recommends that the San Marcos City Council consider supporting the repatriation efforts of the Miakan-Garza Band by submitting a letter of such support to Dr. Garza.

Date of Approval: October 1, 2020

Record of the vote:

Attest: _____
Ryan Patrick Perkins, Chair, Historic Preservation Commission

HPC-20-24 400' Notification Buffer COA — 200 W. MLK Dr. (Calaboose Sign)



- ★ Site Location
- ▨ Subject Property
- 400' Buffer
- Parcel
- City Limit

N

0 100 200 400

Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 9/14/2020



**Staff Report
Historic Preservation Commission
HPC-20-24**

*Prepared by: Alison Brake, CNU-A, Historic Preservation Officer
and Planner*

Date of Meeting: October 1, 2020

Applicant Information:

Applicant: Brent Salone, Facility Trustee
Calaboose African American History Museum Board of Directors
200 West MLK Drive
San Marcos, TX 78666

Property Owner: City of San Marcos
630 East Hopkins Street
San Marcos, TX 78666

Public Hearing Notice:

Mailed: September 18, 2020

Response: None as of report date.

Subject Properties:

Location: 200 West MLK Drive
Historic District: Dunbar
Description: Calaboose African American History Museum; previously the
Hays County Jail
Date Constructed: c. 1873 (*My Historic SMTX*)
Priority Level: High (*My Historic SMTX*)
Listed on NRHP: No (eligible for listing individually on NRHP per *My Historic
SMTX*)
RTHL: Yes (designated in 1990)

Applicant Request:

To allow installation of a newly designed freestanding sign in front of the property.

Staff Recommendation:

- Approval* - appears to meet criteria for approval
- Approval with conditions* – see comments below
- Denial* - does not appear to meet criteria for approval
- Commission needs to address policy issues regarding this case.

Staff Comments:

The subject property is located at the intersection of West MLK Drive and Feltner Alley (“EXHIBIT A”). The building was evaluated in *My Historic SMTX* with a high preservation priority level (“EXHIBIT B”). High priority properties are those resources that have retained integrity, are significant or rare examples of a particular type or style, and/or have significant associations with the community. Typically, high priority properties are recommended as potentially National Register of Historic Places (NRHP) or local landmark eligible either individually or as part of a potential historic district based on the results of research and survey efforts.

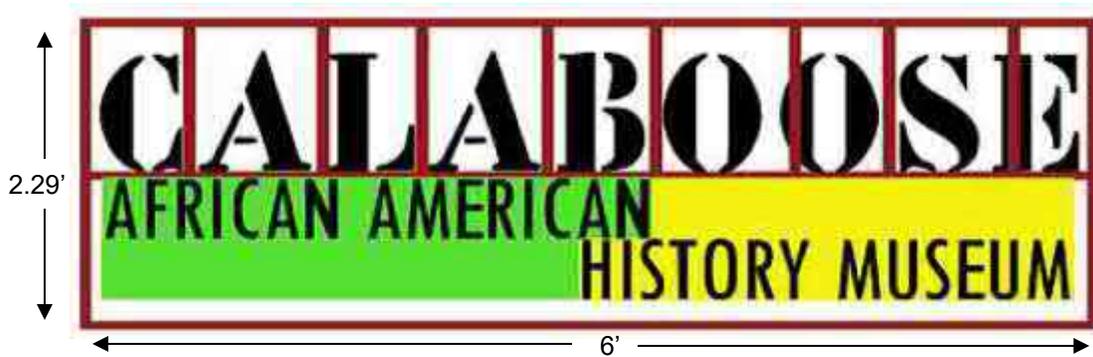
Photographs of the property from *My Historic SMTX* are shown below:



As noted in the Historic Resources Survey form (“EXHIBIT B”), the building was constructed in 1873 as the Hays County Jail and it later housed African American prisoners after the new jail was built in 1884. During World War II, the building was enlarged and after the war, served as a USO for black servicemen. It now houses the Calaboose African American History Museum.

As part of the underground electric conversion project currently underway, the City removed the previously existing metal framed sign to install underground utilities; the sign is located within City right-of-way. According to the scope of work (“EXHIBIT C”), this allowed an opportunity for repair and maintenance to the framing and wooden sign board. The sign board was sanded and repainted with a new design that incorporated the Calaboose’s logo, an important part of the museum’s branding. The newly painted wood sign was reinstalled in the same location as the previous sign; the metal frame was reused. While the majority of the work described is considered ordinary maintenance and repair and does not require a Certificate of Appropriateness, the new design of the sign does. Once the applicant was made aware of this, an application was submitted. In addition, it should be noted that as this is considered a sign re-face a sign permit was not required to be approved and issued prior to work being done.

The newly designed sign’s dimensions did not change from the previous sign nor did the location change. The sign is a little over five feet tall and the sign board measures six feet in width by approximately two and a quarter foot tall; total of approximately twelve square feet. There are no plans for external illumination. The design of the sign is shown below:



The applicant submitted the following photo of the reinstalled sign:



The previous sign can be seen the Google Street View photo below:



Staff finds the request for the sign consistent with Article 4, Appendix C, the Historic Design Guidelines. The sign has been designed to integrate with and not detract from architectural features and the font has appropriate letter size making it legible. Staff finds that while the colors of the sign are brighter than the previous sign's colors, they do not disrupt the overall appearance of the building while providing contrast for legibility. The color utilized are a part of the branding of the museum,

Staff finds that the request for installation of the newly design wood sign is consistent with the Historic District Design Guidelines [Sections C.4.1.2, C.4.1.5, C.4.1.7(A)(2), C.4.1.7(G), and C.1.4.8(C)]. Therefore, staff recommends **approval as submitted**.

EXHIBITS

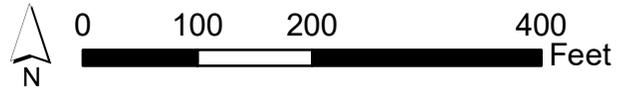
- A. Aerial Map
- B. Historic Resources Survey from *My Historic SMTX*
- C. Scope of Work
- D. San Marcos Development Code Sections 2.5.5.4 and 4.5.2.1(l)

**HPC-20-24
Aerial View
COA — 200 W. MLK Dr. (Calaboose Sign)**

EXHIBIT A



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 9/14/2020

TEXAS HISTORICAL COMMISSION

Historic Resources Survey Form

Project #: 00046
County: Hays County
Address No: 200

Local Id: R41590
City: SAN MARCOS
Block: 1

Street Name: W MLK DR

SECTION 1

Basic Inventory Information

Current Name: Calaboose African American History Museum
Historic Name: Hays County Jail/Calaboose

Owner Information **Name:** SAN MARCOS CITY OF

Address: 630 E HOPKINS ST **City:** SAN MARCOS **State:** TX **Zip:** 78666

Geographic Location **Latitude:** 29.880103 **Longitude:** -97.942511 **Parcel Id** Phase 1

Legal Description (Lot\Block): UNKNOWN

Addition/Subdivision: **Year:**

Property Type: Building **Listed NR District Name:** Dunbar Local Historic District

Current Designations: NR District

NHL NR RTHL OTHM HTC SAL Local Other Is property contributing?

Architect: **Builder**
Contruction Date: 1873/1940s **Source** OTHM
Recorded By: Elizabeth Porterfield/Hicks & Company **Date Recorded:** 11/16/2018

Function

Current: Recreation/Culture

Historic: Government



SECTION 2

Architectural Description

Built in 1873 as Hays County Jail; housed African-American prisoners after new jail built in 1884; enlarged during WW II (wood-framed addition); served as a USO for black servicemen; now the Calaboose African American History Museum; identified as high priority in the 1996 Dunbar survey (Newlan Knight); significant for historical association with African American community; within Dunbar Local Historic District (contributing resource)

Additions, modifcations **Explain:** wood framed rear addition (1940s); replacement siding on rear addition

Relocated **Explain:**

Project #: 00046
County: Hays County
Address No: 200

Historic Resources Survey Form

Street Name: W MLK DR

Local Id: R41590
City: SAN MARCOS
Block: 1

Stylistic Influence

No Style

Structural Details

Roof Form

Hipped (original brick section); Gabled (rear addition)

Plan

Rectangular

Roof Materials

Metal

Chimneys

Wall Materials

Brick, Hardiplank

Porches/Canopies

FORM

SUPPORT

MATERIAL

Windows

Double hung, Wood

Doors (Primary Entrance)

Single (replacement)

Landscape Features

ANCILLARY BUILDINGS:

Garage:

Barn:

Shed:

Other:

SECTION 3 Historical Information

Associated Historical Context

Social/Cultural, Law/Government, Ethnic Heritage

Applicable National Register (NR) Criteria:

- A** Associated with events that have made a significant contribution to the broad pattern of our history
- B** Associated with the lives of persons significant in our past
- C** Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinctions
- D** Has yielded, or is likely to yield, information important in prehistory of history

Areas of Significance:

Law/Gov. as former jail; Cultural/Ethnic Heritage for lengthy association with local African American community

Periods of Significance:

ca. 1873-1975

Levels of Significance: National State Local

Integrity: Location Design Materials Workmanship Setting Feeling Association

Integrity Notes:

Individually Eligible? Yes **Within Potential NR District?:** Yes **Is Property Contributing?:**

Potential NR District Name: Dunbar Historic District

Priority High **Explain:** Within Dunbar Local Historic District; RTHL/OTHM

Other Information

Is prior documentation available for this resource? Yes **Type** HABS Survey Other

Documentation Details:

OTHM; 1996 Historic Resources Survey of the Dunbar and East Guadalupe Neighborhoods

Certificate of Appropriateness Attachment for Calaboose Museum Sign

The sign in front of the Calaboose Museum was removed by the City of San Marcos in order to install underground utilities. This provided an opportunity for repair and maintenance on both the metal frame and the wooden sign board. The frame was sanded and painted, and the sign was repainted with the Calaboose logo.



When the City was done with the work in front of the museum, they reinstalled the frame of the sign, then Sign Art installed the freshly painted sign board.

The dimensions of the frame and sign did not change in any way. The sign board measures 71" x 27.5".

Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- (1) Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- (2) For Historic Districts, compliance with the Historic District regulations;
- (3) Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued;
- (4) The construction and repair standards and guidelines cited in Section 4.5.2.1

Section 4.5.2.1 Historic Districts

I. Construction and Repair Standards.

- (1) New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. **Height.** The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. **Rhythm of solids to voids in front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. **Rhythm of spacing of Buildings on Streets.** The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - j. **Scale of a building.** The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
- (2) The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained this section, the Historic Design Guidelines located in Appendix C of the San Marcos Design Manual and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.



PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 4: HISTORIC RESOURCES ON TEXAS STATE PROPERTY**

Commissioner Perkins requested this item be placed on an agenda for discussion at the previous meeting.

At the end of August, Commissioner Perkins reached out to City staff inquiring as to whether the City had been notified of the proposed demolition of the Ivey-Moore House, located at the corner of Academy Street and Holland Street on Texas State University's (Texas State) property. City staff did not receive a notice of the proposed demolition. City permits are not required as the building was located on the University's property.

However, as a State institution, any structure that is more than 50 years old proposed for alteration, renovation, or demolition must go through a historic review process. The review is handled at the State level through the Texas Historical Commission (THC). The particular review for the Ivey-Moore House was handled under the State Antiquities Code and there was no federal funding associated with this project.

Following the procedure of notifying the THC at least 60 days prior to the proposed work, Texas State notified the THC in April 2020 through the Texas State Center for Archaeological Studies, received a response from THC in May 2020, and submitted additional information to the THC in July 2020. Following the review of all the information, Texas State was allowed to proceed with the demolition of the structure. The State found that there was no indication that there was any federal undertaking involved in this project that would trigger Section 106 of the National Historic Preservation Act. Most other construction projects at Texas State and other public universities are funded with state funds, bonds, or donations, and subject to the Antiquities Code only. The Section 106 review process will be discussed in the following discussion item, Item 5.



PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 5: SECTION 106 REVIEW**

Section 106 is found within the National Historic Preservation Act of 1966. It requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. In practice, these projects range from ordinary highway and dam construction, when the General Service Administration builds and leases office space, or when a license is required from the Federal Communications Commission to construct a cell tower or add cellular technology to existing towers.

The federal agency undertaking the project must identify potential consulting parties, including the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), local governments, applicants for federal assistance, interested parties, and the public. Parties must be invited to participate in consultation and provide basic information about the undertaking to all parties. In some cases, the federal Advisory Council on Historic Preservation (ACHP) will also participate in consultation.

If a project may alter characteristics that qualify a specific property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property, that project is considered to have an adverse effect on the historic property. Section 106 review encourages, but does not mandate, preservation. It does ensure that preservation values are factored into federal agency planning and decisions. Federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

A Citizens Guide to the Section 106 Review published by the ACHP is attached for more information. There is also more information on the Texas Historical Commission's website:

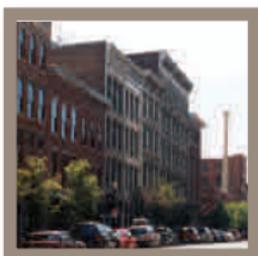
<https://www.thc.texas.gov/project-review/national-historic-preservation-act/section-106-review-process>

Protecting Historic Properties

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Protecting Historic Properties:

A CITIZEN'S GUIDE TO SECTION 106 REVIEW



WWW.ACHP.GOV

Preserving America's Heritage

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COVER PHOTOS:

Clockwise, from top left: Historic Downtown Louisville, Kentucky; Section 106 consultation at Medicine Lake, California; bighorn sheep petroglyph in Nine Mile Canyon, Utah (photo courtesy Jerry D. Spangler); Worthington Farm, Monocacy Battlefield National Historic Landmark, Maryland (photo courtesy Maryland State Highway Administration).

About the ACHP

The mission of the Advisory Council on Historic Preservation (ACHP) is to promote the preservation, enhancement, and sustainable use of our nation's historic resources, and advise the President and the Congress on national historic preservation policy.

The ACHP, an independent federal agency, also provides a forum for influencing federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Preserve America program.

The 23-member council is supported by a professional staff in Washington, D.C. For more information contact:

Advisory Council on Historic Preservation
401 F Street, NW, Suite 308
Washington, DC 20001-2637
(202) 517-0200
www.achp.gov

Introduction

Proud of your heritage? Value the places that reflect your community's history? You should know about Section 106 review, an important tool you can use to influence federal decisions regarding historic properties. By law, you have a voice when a project involving federal action, approval, or funding may affect properties that qualify for the National Register of Historic Places, the nation's official list of historic properties.

This guide from the Advisory Council on Historic Preservation (ACHP), the agency charged with historic preservation leadership within federal government, explains how your voice can be heard.

Each year, the federal government is involved with many projects that affect historic properties. For example, the Federal Highway Administration works with states on road improvements, the Department of Housing and Urban Development grants funds to cities to rebuild communities, and the General Services Administration builds and leases federal office space.

Agencies like the Forest Service, the National Park Service, the Bureau of Land Management, the Department of Veterans Affairs, and the Department of Defense make decisions daily

about the management of federal buildings, parks, forests, and lands. These decisions may affect historic properties, including those that are of traditional religious and cultural significance to federally recognized Indian tribes and Native Hawaiian organizations.

Projects with less obvious federal involvement can also have repercussions on historic properties. For example, the construction of a boat dock or a housing development that affects wetlands may also affect fragile archaeological sites and require a U.S. Army Corps of Engineers permit. Likewise, the construction of a cellular tower may require a license from the Federal Communications Commission and might compromise historic or culturally significant landscapes or properties valued by Indian tribes or Native Hawaiian organizations for traditional religious and cultural practices.

These and other projects with federal involvement can harm historic properties. The Section 106 review process gives you the opportunity to alert the federal government to the historic properties you value and influence decisions about projects that affect them.

Consultation Matters



The Bureau of Land Management worked with a large group of consulting parties to craft solutions to protect fragile rock art and other historic properties from the effects of increased truck traffic when natural gas wells were permitted near Nine Mile Canyon. (photo courtesy Jerry D. Spangler; Colorado Plateau Archaeological Alliance)

What is Section 106 Review?

In the National Historic Preservation Act of 1966 (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. Section 106 of the NHPA is crucial to that program because it requires consideration of historic preservation in the multitude of projects with federal involvement that take place across the nation every day.

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Also, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them.

Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

Stewardship



The Owe'neh Bupingeh Preservation Project has had a profound impact on the Ohkay Owingeh community in New Mexico and is heralded as a model planning effort for Native American communities in historic settings. (mud plastering workshop photo by Tania Hammidi)

Understanding Section 106 Review

Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. The regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be found on the ACHP's Web site at www.achp.gov.

Federal agencies are responsible for initiating Section 106 review, most of which takes place between the agency and state and tribal or Native Hawaiian organization officials. Appointed by the governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with agencies during Section 106 review.

Agencies also consult with officials of federally recognized Indian tribes when the projects have the potential to affect historic properties on tribal lands or historic properties of significance to such tribes located off tribal lands. Some tribes have officially designated Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult with agencies as needed. In Hawaii, agencies consult with Native Hawaiian organizations (NHOs) when historic properties of religious and cultural significance to them may be affected.

To successfully complete Section 106 review, federal agencies must do the following:

- ▶ gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as "historic properties");
- ▶ determine how those historic properties might be affected;
- ▶ explore measures to avoid or reduce harm ("adverse effect") to historic properties; and
- ▶ reach agreement with the SHPO/THPO (and the ACHP in some cases) on such measures to resolve any adverse effects or, failing that, obtain advisory comments from the ACHP, which are sent to the head of the agency.

What are Historic Properties?

In the Section 106 process, a historic property is a prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within these National Register properties. The term also includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization, so long as that property also meets the criteria for listing in the National Register.

The National Register of Historic Places

The National Register of Historic Places is the nation's official list of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. It is administered by the National Park Service, which is part of the Department of the Interior. The Secretary of the Interior has established the criteria for evaluating the eligibility of properties for the National Register. In short, the property must be significant, be of a certain age, and have integrity:

- ▶ **Significance.** Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were historically important? With distinctive architectural history, landscape history, or engineering achievements? Does it have the potential to yield important information through archaeological investigation about our past?
- ▶ **Age and Integrity.** Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?

During a Section 106 review, the federal agency evaluates properties against the National Register criteria and seeks the consensus of the SHPO/THPO/tribe regarding eligibility. A historic property need not be formally listed in the National Register in order to be considered under the Section 106 process. Simply coming to a consensus determination that a property is eligible for listing is adequate to move forward with Section 106 review. (For more information, visit the National Register Web site at www.cr.nps.gov/nr).

When historic properties may be harmed, Section 106 review usually ends with a legally binding agreement that establishes how the federal agency will avoid, minimize, or mitigate the adverse effects. In the very few cases where this does not occur,

the ACHP issues advisory comments to the head of the agency who must then consider these comments in making a final decision about whether the project will proceed.

Section 106 reviews ensure federal agencies fully consider historic preservation issues and the views of the public during project planning. Section 106 reviews do not mandate the approval or denial of projects.



SECTION 106: WHAT IS AN ADVERSE EFFECT?

If a project may alter characteristics that qualify a specific property for inclusion in the National Register in a manner that would diminish the integrity of the property, that project is considered to have an adverse effect. Integrity is the ability of a property to convey its significance, based on its location, design, setting, materials, workmanship, feeling, and association.

Adverse effects can be direct or indirect and include the following:

- ▶ physical destruction or damage
- ▶ alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- ▶ relocation of the property
- ▶ change in the character of the property's use or setting
- ▶ introduction of incompatible visual, atmospheric, or audible elements
- ▶ neglect and deterioration
- ▶ transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions

Determining Federal Involvement

If you are concerned about a proposed project and wondering whether Section 106 applies, you should first determine whether the federal government is involved. Will a federal agency fund or carry out the project? Is a federal permit, license, or approval needed? Section 106 applies only if a federal agency is carrying out the project, approving it, or funding it, so confirming federal involvement is critical.



IS THERE FEDERAL INVOLVEMENT? CONSIDER THE POSSIBILITIES:

Is a federally owned or federally controlled property involved, such as a military base, park, forest, office building, post office, or courthouse? Is the agency proposing a project on its land, or would it have to provide a right-of-way or other approval to a private company for a project such as a pipeline or mine?

Is the project receiving federal funds, grants, or loans? If it is a transportation project, frequent sources of funds are the Federal Highway Administration, the Federal Transit Administration, and the Federal Railroad Administration. Many local government projects receive funds from the Department of Housing and Urban Development. The Federal Emergency Management Agency provides funds for disaster relief.

Does the project require a federal permit, license, or other approval? Often housing developments impact wetlands, so a U.S. Army Corps of Engineers permit may be required. Airport projects frequently require approvals from the Federal Aviation Administration.

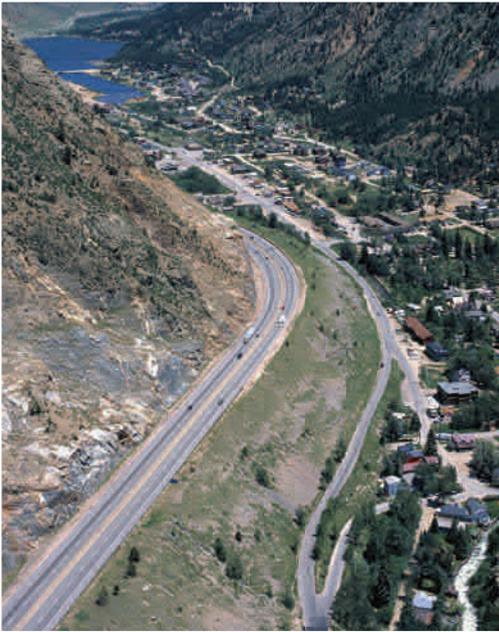
Many communications activities, including cellular tower construction, are licensed by the Federal Communications Commission. Hydropower and pipeline development requires approval from the Federal Energy Regulatory Commission. Creation of certain new bank branches must be approved by the Federal Deposit Insurance Corporation.

National Register



The National Register offers a rich diversity of properties such as Chicano Park in San Diego, California. (mural restoration photo by Ricardo Duffy, courtesy Caltrans)

Federal Funds



Interstate 70 at the Georgetown-Silver Plume National Historic Landmark, Colorado. Impacts to the historic mountain towns were expected due to the planned expansion of the interstate. (photo courtesy J.F. Sato & Associates)

MONITORING FEDERAL ACTIONS

The sooner you learn about proposed projects with federal involvement, the greater your chance of influencing the outcome of Section 106 review.

Learn more about the history of your neighborhood, city, or state. Join a local or statewide preservation, historical, or archaeological organization. These organizations are often the ones first contacted by federal agencies when projects commence.

If there is a clearinghouse that distributes information about local, state, tribal, and federal projects, make sure you or your organization is on its mailing list.

Make the SHPO/THPO/tribe aware of your interest.

Become more involved in state and local decision making. Local planning reviews may indicate whether there is federal involvement in a proposed project, so be mindful. Ask about the applicability of Section 106 to projects under state, tribal, or local review. Does your state, tribe, or community have preservation laws in place? If so, become knowledgeable about and active in the implementation of these laws.

Review the local newspaper for notices about projects being reviewed under other federal statutes, especially the National Environmental Policy Act (NEPA). Under NEPA, a federal agency must determine if its proposed major actions will significantly impact the environment. Usually, if an agency is preparing an Environmental Impact Statement under NEPA, it must also complete a Section 106 review for the project.



Sometimes federal involvement is obvious. Often, involvement is not immediately apparent. If you have a question, contact the project sponsor to obtain additional information and to inquire about federal involvement. All federal agencies have Web sites. Many list regional or local contacts and information on major projects. The SHPO/THPO/tribe, state or local planning commissions, or statewide historic preservation organizations may also have project information.

Once you have identified the responsible federal agency, write to the agency to request a project description and inquire about the status of project planning. Ask how the agency plans to comply with Section 106, and voice your concerns. Keep the SHPO/THPO/tribe advised of your interest and contacts with the federal agency.

Working with Federal Agencies

Throughout the Section 106 review process, federal agencies must consider the views of the public. This is particularly important when an agency is trying to identify historic properties that might be affected by a project and is considering ways to avoid, minimize, or mitigate harm to them.

Agencies must give the public a chance to learn about the project and provide their views. How agencies publicize projects depends on the nature and complexity of the particular project and the agency's public involvement procedures.

Public meetings are often noted in local newspapers and on television and radio. A daily government publication, the *Federal Register* (available at many public libraries and online at www.federalregister.gov), has notices concerning projects, including those being reviewed under NEPA. Federal agencies often use NEPA for purposes of public outreach under Section 106 review. Agencies may also coordinate their NEPA and Section 106 reviews.

Federal agencies also frequently contact local museums and historical societies directly to learn about historic properties and community concerns. In addition, organizations like the National Trust for Historic Preservation (NTHP) are actively engaged in a number of Section 106 consultations on projects around the country. The NTHP is a private, non-profit membership organization dedicated to saving historic

places and revitalizing America's communities. Organizations like the NTHP and your state and local historical societies and preservation interest groups can be valuable sources of information. Let them know of your interest.

When the agency provides you with information, let the agency know if you disagree with its findings regarding what properties are eligible for the National Register of Historic Places or how the proposed project may affect them. Tell the agency—in writing—about any important properties that you think have been overlooked or incorrectly evaluated. Be sure to provide documentation to support your views.

When the federal agency releases information about project alternatives under consideration, make it aware of the options you believe would be most beneficial. To support alternatives that would preserve historic properties, be prepared to discuss costs and how well your preferred alternatives would meet project needs. Sharing success stories about the treatment or reuse of similar resources can also be helpful.

Applicants for federal assistance or permits, and their consultants, often undertake research and analyses on behalf of a federal agency. Be prepared to make your interests and views known to them, as well. But remember the federal agency is ultimately responsible for completing Section 106 review, so make sure you also convey your concerns directly to it.

Learn About the Project



Hangar I, a historic dirigible hangar at Moffett Field at NASA Ames Research Center, California. The unique nature of this historic resource has drawn wide public, and some congressional, interest.

Influencing Project Outcomes

In addition to seeking the views of the public, federal agencies must actively consult with certain organizations and individuals during review. This interactive consultation is at the heart of Section 106 review.

Consultation does not mandate a specific outcome. Rather, it is the process of seeking, discussing, and considering the views of consulting parties about how project effects on historic properties should be handled.

To influence project outcomes, you may work through the consulting parties, particularly those who represent your interests. For instance, if you live within the local jurisdiction where a project is taking place, make sure to express your views on historic preservation issues to the local government officials who participate in consultation.

Speak Up



Residents in the Lower Mid-City Historic District in New Orleans express their opinions about the proposed acquisition and demolition of their properties for the planned new Department of Veterans Affairs and Louisiana State University medical centers which would replace the facilities damaged as a result of Hurricane Katrina.

You or your organization may want to take a more active role in Section 106 review, especially if you have a legal or economic interest in the project or the affected properties. You might also have an interest in the effects of the project as an individual, a business owner, or a member of a neighborhood association, preservation group, or other organization. Under these circumstances, you or your organization may write to the federal agency asking to become a consulting party.



WHO ARE CONSULTING PARTIES?

The following parties are entitled to participate as consulting parties during Section 106 review:

- ▶ Advisory Council on Historic Preservation;
- ▶ State Historic Preservation Officers;
- ▶ Federally recognized Indian tribes/THPOs;
- ▶ Native Hawaiian organizations;
- ▶ Local governments; and
- ▶ Applicants for federal assistance, permits, licenses, and other approvals.

Other individuals and organizations with a demonstrated interest in the project may participate in Section 106 review as consulting parties “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties.” Their participation is subject to approval by the responsible federal agency.

When requesting consulting party status, explain in a letter to the federal agency why you believe your participation would be important to successful resolution. Since the SHPO/THPO or tribe will assist the federal agency in deciding who will participate in the consultation, be sure to provide the SHPO/THPO or tribe with a copy of your letter. Make sure to emphasize your relationship with the project and demonstrate how your connection will inform the agency's decision making.

If you are denied consulting party status, you may ask the ACHP to review the denial and make recommendations to the federal agency regarding your participation. However, the federal agency makes the ultimate decision on the matter.

Consulting party status entitles you to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the federal agency and other consulting parties. It is up to you to decide how actively you want to participate in consultation.

Get Involved



Section 106 consultation with an Indian tribe

MAKING THE MOST OF CONSULTATION

Consultation will vary depending on the federal agency's planning process and the nature of the project and its effects.

Often consultation involves participants with a wide variety of concerns and goals. While the focus of some may be preservation, the focus of others may be time, cost, and the purpose to be served by the project.

Effective consultation occurs when you:

- ▶ keep an open mind;
- ▶ state your interests clearly;
- ▶ acknowledge that others have legitimate interests, and seek to understand and accommodate them;
- ▶ consider a wide range of options;
- ▶ identify shared goals and seek options that allow mutual gain; and
- ▶ bring forward solutions that meet the agency's needs.

Creative ideas about alternatives—not complaints—are the hallmarks of effective consultation.



How the ACHP Can Help

Under Section 106 review, most harmful effects are addressed successfully by the federal agency and the consulting parties without participation by the ACHP. So, your first points of contact should always be the federal agency and/or the SHPO/THPO.

When there is significant public controversy, or if the project will have substantial effects on important historic properties, the ACHP may elect to participate directly in the consultation. The ACHP may also get involved if important policy questions are raised, procedural problems arise, or if there are issues of concern to Indian tribes or Native Hawaiian organizations.

Whether or not the ACHP becomes involved in consultation, you may contact the ACHP to express your views or to request guidance, advice, or technical assistance. Regardless of the

scale of the project or the magnitude of its effects, the ACHP is available to assist with dispute resolution and advise on the Section 106 review process.

If you cannot resolve disagreements with the federal agency regarding which historic properties are affected by a project or how they will be impacted, contact the ACHP. The ACHP may then advise the federal agency to reconsider its findings.



CONTACTING THE ACHP: A CHECKLIST

If you have questions about Section 106 that the SHPO/THPO/federal agency cannot answer, you may contact the ACHP. Try to have the following information available:

- ▶ the name of the responsible federal agency and how it is involved;
- ▶ a description of the project;
- ▶ the historic properties involved; and
- ▶ a clear statement of your concerns about the project and its effect on historic properties.

If you suspect federal involvement but have been unable to verify it, or if you believe the federal agency or one of the other participants in review has not fulfilled its responsibilities under the Section 106 regulations, you can ask the ACHP to investigate. In either case, be as specific as possible.

Collecting Comments



A panel of ACHP members listen to comments during a public meeting.

When Agencies Don't Follow the Rules

A federal agency must conclude Section 106 review before making a decision to approve a project, or fund or issue a permit that may affect a historic property. Agencies should not make obligations or take other actions that would preclude consideration of the full range of alternatives to avoid or minimize harm to historic properties before Section 106 review is complete.

If the agency acts without properly completing Section 106 review, the ACHP can issue a finding that the agency has prevented meaningful review of the project. This means that, in the ACHP's opinion, the agency has failed to comply with Section 106 and therefore has not met the requirements of federal law.

A vigilant public helps ensure federal agencies comply fully with Section 106. In response to requests, the ACHP can investigate questionable actions and advise agencies to take corrective action. As a last resort, preservation groups or individuals can litigate in order to enforce Section 106.

If you are involved in a project and it seems to be getting off track, contact the agency to voice your concern. Call the SHPO or THPO to make sure they understand the issue. Call the ACHP if you feel your concerns have not been heard.

Following Through

Stay Informed



Milton Madison Bridge over the Ohio River between Kentucky and Indiana. Bridge projects can affect a variety of cultural and historic properties. (photo courtesy Wilbur Smith Associates/Michael Baker Engineers)

After agreements are signed, the public may still play a role in the Section 106 process by keeping abreast of the agreements that were signed and making sure they are properly carried out. The public may also request status reports from the agency.

Designed to accommodate project needs and historic values, Section 106 review relies on strong public participation. Section 106 review provides the public with an opportunity to influence how projects with federal involvement affect historic properties. By keeping informed of federal involvement, participating in consultation, and knowing when and whom to ask for help, you can play an active role in deciding the future of historic properties in your community.

Section 106 review gives you a chance to weigh in when projects with federal involvement may affect historic properties you care about. Seize that chance, and make a difference!

Contact Information

Advisory Council on Historic Preservation

Office of Federal Agency Programs
401 F Street, NW, Suite 308
Washington, DC 20001-2637
Phone: (202) 517-0200
Fax: (202) 517-6381
E-mail: achp@achp.gov
Web site: www.achp.gov

The ACHP's Web site includes more information about working with Section 106 and contact information for federal agencies, SHPOs, and THPOs. The ACHP also publishes Section 106 Success Stories at www.achp.gov/sec106_successes.html.

National Association of Tribal Historic Preservation Officers

P.O. Box 19189
Washington, D.C. 20036-9189
Phone: (202) 628-8476
Fax: (202) 628-2241
E-mail: info@nathpo.org
Web site: www.nathpo.org

National Conference of State Historic Preservation Officers

444 North Capitol Street, NW, Suite 342
Washington, D.C. 20001
Phone: (202) 624-5465
Fax: (202) 624-5419
Web site: www.ncshpo.org

For the SHPO in your state, see:
<http://ncshpo.org/shpodirectory.shtml>

National Park Service

Heritage Preservation Services
1849 C Street, NW (2255)
Washington, D.C. 20240
E-mail: NPS_HPS-info@nps.gov
Web site: www.nps.gov/history

National Register of Historic Places
1201 Eye Street, NW (2280)
Washington, D.C. 20005
Phone: (202) 354-2211
Fax: (202) 371-6447
E-mail: nr_reference@nps.gov
Web site: www.nps.gov/nr

National Trust for Historic Preservation

2600 Virginia Avenue, NW
Suite 1100
Washington, DC 20037
Phone: (800) 944-6847 or (202) 588-6000
Fax: (202) 588-6038
Web site: www.preservationnation.org

Office of Hawaiian Affairs

560 North Nimitz Highway
Suite 200
Honolulu, HI 96817
Phone: (808) 594-1835
Fax: (808) 594-1865
E-mail: info@oha.org
Web site: www.oha.org

Beneath the Surface



Ohio Department of Transportation workers made an unanticipated archaeological discovery while working just north of Chillicothe along state Route 104. It is a remnant of an Ohio & Erie Canal viaduct. (photo courtesy Bruce W. Aument, Staff Archaeologist, ODOT/Office of Environmental Services)

TO LEARN MORE

For detailed information about the ACHP, Section 106 review process, and our other activities, visit us at www.achp.gov or contact us at:

Advisory Council on Historic Preservation

401 F Street, NW, Suite 308

Washington, DC 20001-2637

Phone: (202) 517-0200

Fax: (202) 517-6381

E-mail: achp@achp.gov



WWW.ACHP.GOV

Preserving America's Heritage



PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 6: UNDERTOLD MARKER PROGRAM**

Commissioner Holder requested this item be placed on a future agenda for discussion after reading an article regarding a call from Hays County for applicants of Undertold Markers in the San Marcos Daily Record.

Beginning in 2006, the Texas Historical Commission began collecting a state-mandated \$100 marker application fee "to establish an account to offer funding incentives for special or priority markers." Funds are intended to address historical gaps, promote diversity of topics, and proactively document significant underrepresented subjects or untold stories. There is one of these Undertold Markers in San Marcos: the marker on Eddie Durham in San Marcos (2013).

Anyone can apply and, unlike other markers, full documentation is not required to submit an application. The application, attached, can be submitted directly to the THC or through the Hays County Historical Commission. Staff has spoken with Ms. J. Marie Bassett, Hays County Historical Commission, Historical Marker Chair, and she will be present at the meeting to answer any questions the Commission might have.

TEXAS HISTORICAL COMMISSION

2020 UNDERTOLD MARKER APPLICATION
Request for Consideration for Marker Application Funds

In 2006, the Texas Historical Commission established the Undertold Program to address gaps in the marker program and underrepresented topics. This form constitutes a request for the Texas Historical Commission (THC) to consider approval of an Official Texas Historical Marker for the undertold topic in this application using Marker Application Funds. The THC will review the request and make its determination based on adopted rules, procedures and scoring criteria. The final determination of eligibility and approval for a state marker will be made by the THC.

Proposed marker title: County:

Proposed location (give street address of marker site, if applicable):

Will the marker be placed at the actual site of the topic being marked? Yes No
If the answer is no, provide the distance and directions to the actual location from the marker (i.e. 100 yards east).

[Empty text box for directions]

Please explain the proposed subject in 250 words or less:

If you have a longer narrative, please attach.

Suggested sources (2 - 3) for research on the subject:

If a documented narrative is available, please reference or attach.

*Please attach 1 – 2 photos of the building/structure or proposed marker location.

**If applying to designate a building/structure as historic, please attach the following:

- Clear Current Colored Photos of every side of the building/structure
• Historic Photo
• Floor Plan of every floor of building/structure
• Site Plan

APPLICATION SUBMITTED BY:

Address: City, State, Zip:

Phone: Email address (required):

TEXAS HISTORICAL COMMISSION

2020 UNDERTOLD MARKER APPLICATION PERMISSION OF PROPERTY OWNER FOR MARKER PLACEMENT

Please fill out the sections below concerning marker placement and property owner permission for placement.

Will the marker be placed on right-of-way maintained by the Texas Department of Transportation (TxDOT)? Yes No

If the answer is yes, the THC will secure the necessary permission from TxDOT, and no other information is required.

If the answer is no, please provide the following information for the person or group who owns the property:

I, the property owner or legal administrator of the property noted herein, signify below that I have read the information regarding Official Texas Historical Markers and that I voluntarily seek consideration for a marker for the property. I further promise to comply with the policies and procedures of the Official Texas Historical Marker Program.

Property owner:

Address:

City, State, Zip:

Phone:

Email address:

Signature: _____

*****Please attached a copy or scan of proof of current ownership (county appraisal, tax records, etc.) to verify the property owner information listed on the application.**

SCORING CRITERIA:

- Diversity of topic for addressing gaps in historical marker program; value of topic as an untold or untold aspect of Texas history
- Endangerment level of property, site or topic
- Historical or architectural significance
- Historical or architectural integrity
- Relevance to statewide preservation plan and other THC programs
- CHC support and existing documentation
- Diversity among this group of candidates

TIMELINE:

- Nov 1 – Dec 15 – Undertold applications accepted
- Dec 16 – Jan 12 – THC staff score Undertold topics
- Feb 3 – THC Commissioners review and discuss selected Undertold topics
- Feb 4 – Undertold applicants are notified of results
- Feb - June – Sponsors of selected topics begin developing a fully documented historical narrative

NOTE: All correspondence—notice of receipt, request for additional information, inscription, shipping notice, etc.— will be sent via email to the CHC representative and sponsor/applicant, who are encouraged to share the information with other interested parties as necessary.

Please email the completed form, supporting documentation if any, current proof of ownership and photos of the building or marker location to markers@thc.texas.gov by 5pm CST, December 15, 2020. Thank you!

Texas Historical Commission
History Programs Division
P.O. Box 12276, Austin, TX 78711-2276
Phone 512/463-5853
markers@thc.texas.gov





PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 7: FUTURE LOCAL LANDMARKS**

Commissioner Perkins requested this item be placed on a future agenda for discussion at the July meeting; it has been postponed twice since. This topic has been discussed at previous meetings.

In late 2019, using the recommendations in *My Historic SMTX*, under Section IX.A.3, the Commission directed staff to send letters to property owners of buildings located outside of existing historic districts which had some sort of historic designation in place, either listed on the National Register of Historic Places or designated as Recorded Texas Historic Landmark, and were evaluated with a high preservation priority in the survey. The letter included information on state and federal tax incentives, if applicable, and encouraged the property owner to contact staff if interested in pursuing a local landmark designation. To date, staff has only spoken to Dr. Ricardo Espinoza, the Executive Director of El Centro. Both Section IX.A.3 and a list of the properties that received a letter have been included as attachments to help facilitate the discussion.

As a reminder, Texas House Bill 2496 passed in May 2019 requires property owner consent to the designation as a local historic landmark. If the owner does not consent to the designation, a $\frac{3}{4}$ vote is required by the Historic Preservation Commission, the Planning and Zoning Commission, and the City Council. Also, the owner may withdraw their consent at any point during the designation process. It is strongly recommended to work with property owners to undertake any local landmark designations.

as currently codified in the San Marcos Development Code (Chapter 2, Article 5, Division 4, Section 2.5.4.5). Existing criteria include consideration of four factors: A.) historical, architectural, and cultural significance of the site(s); B.) suitability for preservation or restoration; C.) educational value; and D.) satisfaction of criteria established for inclusion of the site(s) and/or district in the National Register of Historic Places. Many other local municipalities in Texas, such as San Antonio, Dallas, and Fort Worth, have a broader range of designation criteria that take into consideration and specifically address characteristics such as ethnic heritage, folk or ethnic art, significant utilitarian structures, relationship to other resources (buildings, areas, etc.), locations as a unique or familiar visual feature, local archeological significance, and current designation as an RTHL, SAL, or NRHP-listed resource.

IX.A.3. Individual (Thematic) Local Landmark and NRHP Designation Initiatives

The City of San Marcos has seven designated local historic districts and a large number of individual historic resources (both within and outside of the local historic districts) that are NRHP listed or designated as RTHLS. However, the city has very few individually designated local landmarks. The majority of resources recommended as high preservation priority within both phases of the survey (refer to **Table 4**) have no previous NRHP or RTHL designation and are located outside of the existing local historic districts.

NRHP listing (i.e. designation), for both districts and individual resources, is a largely honorary designation and does not impose any restrictions on property owners. NRHP listing does, however, provide a measure of protection for NRHP-listed resources, as well as for resources that are determined *eligible* for NRHP listing, from undertakings involving a federal agency, federal funding, or federal permitting. In these instances, the lead agency must identify NRHP-listed or eligible resources, take into consideration the effects of the undertaking on the resources, and attempt to avoid or minimize harm to these resources or mitigate harm if they are to be adversely affected.

NRHP listing is a way to honor and commemorate the architectural, historical, and cultural significance of an area or an individual resource and can be an effective tool to stimulate interest and pride in a community. NRHP listing can also be a first step toward future local historic district or individual landmark designation, which entails specific guidelines related to exterior alterations and protection from demolition.

NRHP listing may also make resources eligible for potential state and federal tax credits for rehabilitation. The Federal Historic Preservation Tax Incentive Program provides a 20 percent tax credit for the substantial rehabilitation of historic income-producing or non-profit buildings.¹⁷⁵ One of the eligibility requirements for the federal tax credit program is that a property must be either individually NRHP listed or certified as a contributing resource to an NRHP-listed historic district. The Texas Historic Preservation Tax Credit Program is a state tax credit for 25 percent of eligible rehabilitation costs for income-producing or non-profit buildings. For the state tax credit, a building must be either currently designated (including NRHP-listed, contributing to an NRHP-listed district, an RTHL, or SAL) or officially determined eligible for listing in the NRHP and officially listed by the time the tax credit is taken.¹⁷⁶ Local historic districts can, however, in some cases, be certified by the NPS as Certified Historic Districts and can receive the same tax credits as NRHP-listed districts.

Local landmark (and local district) designation offers the greatest protection from demolition or inappropriate exterior alterations through a design review process. Prior to receiving building or demolition permits, a Certificate of Appropriateness (COA) must be obtained from the City. The COA is reviewed by City staff and then presented for review by the HPC at a public hearing. The HPC may approve, deny, or include specific conditions in the COA, following the Secretary of the Interior's Standards for the Treatment of Historic Properties and the San Marcos Land Development Code and associated San Marcos Design Manual.

It is therefore strongly recommended that the City work with property owners to undertake a local landmark designation initiative to provide protection for significant individual historic resources. Public involvement efforts such as community meetings and distribution of survey forms and copies of the current survey report could be offered to stimulate interest and provide information about the landmark designation process.

The previous section of this report identified those resources that have been recommended as high preservation priority and potentially eligible for historic designation. Due to the number and variety of resources identified, it is recommended that the City approach the local landmark initiative process thematically as well as by priority of potential threat from demolition or development. The following themes and priorities are recommended as potential local landmark designation initiatives:

- **High Priority Resources with Current NRHP, RTHL, or SAL Designations** – Numerous high preservation priority resources currently NRHP listed or designated as RTHLs or SALs are located outside of the city's existing local historic districts. These resources have already been identified as significant for their architectural or historical associations and are recommended for individual local landmark designation to ensure protection from hasty demolition and inappropriate alterations.
- **Downtown and Commercial Corridors** – This includes the high priority commercial and institutional resources as well as some former residences now in commercial use within the survey area boundaries of downtown and the commercial corridors of E. and W. San Antonio, Hopkins, and Hutchison streets as well as Pat Garrison Street and University Drive. A number of significant resources were identified along these corridors and are within the areas of highest development pressure. In particular are several former residences, now primarily in commercial and multi-family use, that are recommended as high preservation priority located between W. Hopkins, W. Hutchison, N. Comanche, W. San Antonio, and North streets. In addition to buildings, this thematic designation could also include historic signage, specifically the pole signs associated with the resources at 176 S. LBJ Drive (OST Liquor) and the shopping center at 301 N. Edward Gary Street (Nelson Center). The OST Liquor sign was recently removed but could be reinstalled or repurposed at a future date.
- **Educational Resources** – The Lamar School has been evaluated as high preservation priority as an example of mid-twentieth-century school design and for its association with early desegregation. The building is vacant, and the site is potentially threatened with demolition and/or

redevelopment. An intensive-level survey is recommended to fully establish its role in the early integration of public schools both locally and statewide. The Southside School, although currently in use and not known to be threatened, is also recommended as a high priority resource for its association with Mexican American education. In addition to these two resources, other school buildings of historic age outside the current survey boundary area should be assessed for architectural and historical significance. Together with the Lamar and Southside Schools, these resources could be landmarked as a multi-cultural educational-themed designation.

- **Mid-century Modern Resources** – Several individual mid-century resources were identified during the reconnaissance survey (refer to **Survey Inventory Table** in **Appendix C**). One resource in particular is currently undergoing alterations and partial demolition: the former Frost Bank building at 231 N. Guadalupe Street. The former drive-thru facilities associated with this bank, however, remain intact and are significant examples of the resource type. Other significant mid-century buildings include the current Calvary Chapel of the Springs (the former public library designed by renowned Austin architect Arthur Fehr of the firm of Fehr and Granger) and Christ Chapel near Texas State University. A small number of additional mid-century-modern residences were also identified and could be included in a thematic landmark designation.
- **Victory Gardens and East Guadalupe Residential Resources** – Several individual high preservation priority resources were identified in the Victory Gardens and East Guadalupe neighborhoods. Although both neighborhoods lack cohesiveness as potential historic districts, the individual high priority resources are some of the most intact examples of remaining historic-age residential construction. This includes some of the oldest remaining houses in the East Guadalupe neighborhood and the most intact former military barracks relocated for housing after World War II in Victory Gardens.

In addition to local landmark designation, it is recommended that the City work with property owners to nominate the following three resources to the NRHP. Two of the resources are currently vacant and potentially threatened by neglect. All three of the resources have significant historical and cultural associations with the local community and could be eligible for state and federal tax credits for rehabilitation if they are NRHP listed.

- Old First Baptist Church (recently designated as a local historic landmark)
- Former Lamar School – pending a recommended intensive-level survey
- Former Southside School (Centro Cultural Hispano de San Marcos)

IX.A.4. Local Historic District Designations

Initiation of local historic district designation is recommended for the areas identified in **Section VIII.B. Potential Historic Districts and Expansions of Existing Districts**. Priority should be given to the potential expansion of the Downtown Historic District along N. and S. LBJ Drive, as development pressure and the threat of demolition is greatest within downtown San Marcos. Likewise, for the potential residential district expansions and new district creation, it is recommended that designation initiatives focus first on

High Priority Resources (outside existing districts)



National Register of Historic Places = NRHP; Recorded Texas Historic Landmark = RTHL; Official Texas Historic Marker = OTHM

Address	Resource Type/Description	Previous Designation
211 Lee Street	Southside School/Centro Cultural Hispano de San Marcos	RTHL & OTHM
401 N. Comanche Street	Goforth-Harris House	NRHP listed
350 North Street	Former First Baptist Church (Sanctuary Lofts)	OTHM
1100 Patton Street	Cuauhtemoc Hall	OTHM
312 Porter Street	San Marcos Milling Company	NRHP listed
1000 Prospect Street	Wonder World Cave (Bever's Cave)	OTHM
101 S. Edward Gary Street	Moore Grocery Company Building	NRHP listed
120 W. Grove Street	Farmers Union Gin Company	NRHP listed/RTHL/OTHM
124-126 W. Hopkins Street	Simon Building (part of First United Methodist Church)	NRHP listed
225 W. Hopkins Street	Former Episcopalian Rectory	NRHP listed
316 W. Hopkins Street	John Matthew Cape House	NRHP listed/RTHL/OTHM
129A W. Hutchison Street	First United Methodist Church	NRHP listed/RTHL/OTHM
410 W. Hutchison Street	First Presbyterian Church	OTHM
411 W. San Antonio Street	Basil Dailey House	RTHL & OTHM
500 W. Hutchison Street	Lamar School	<i>OTHM for site of Coronel Institute</i>

Resources Mentioned at 9.5.19 Meeting



National Register of Historic Places = NRHP; Recorded Texas Historic Landmark = RTHL; Official Texas Historic Marker = OTHM

Address	Resource Type/Description	Previous Designation	My Historic SMTX Evaluation
626 Lindsey Street	Williams-Tarbutton House (located in Lindsey-Rogers Historic District)	NRHP listed	High Preservation Priority
215 W. San Antonio	Commercial Use	None	High Preservation Priority
Lime Kiln Road	Belger-Cahill Lime Kiln/Old Lime Kiln	NRHP Listed and OTHM	Recommendation for evaluation and further research (page 86 of Survey Report)

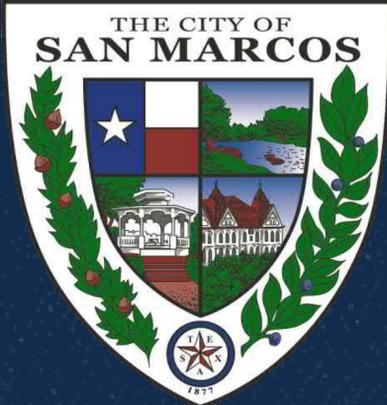


PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 8: DRAFT ANNUAL REPORT**

Based on information gathered at the Visioning Workshop held on August 12, 2020, staff has drafted the attached Annual Report. Following discussion of it at the meeting, staff will incorporate any changes to it and bring it forward for formal action in November.

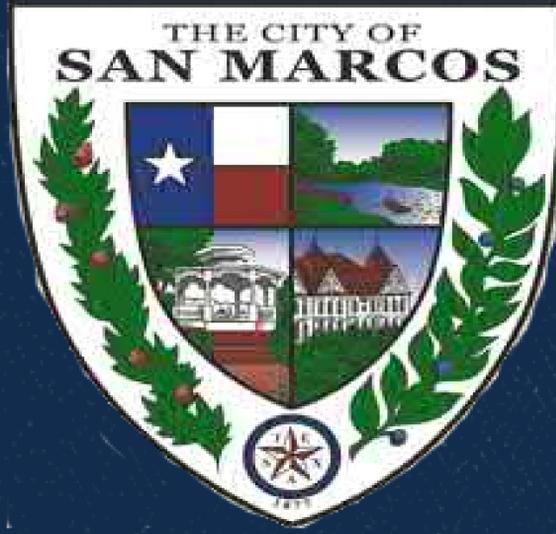
DRAFT



Historic Preservation Commission's

Annual Report 2020





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2019 YEAR IN REVIEW

COMMISSION REVIEW

Residential COAs

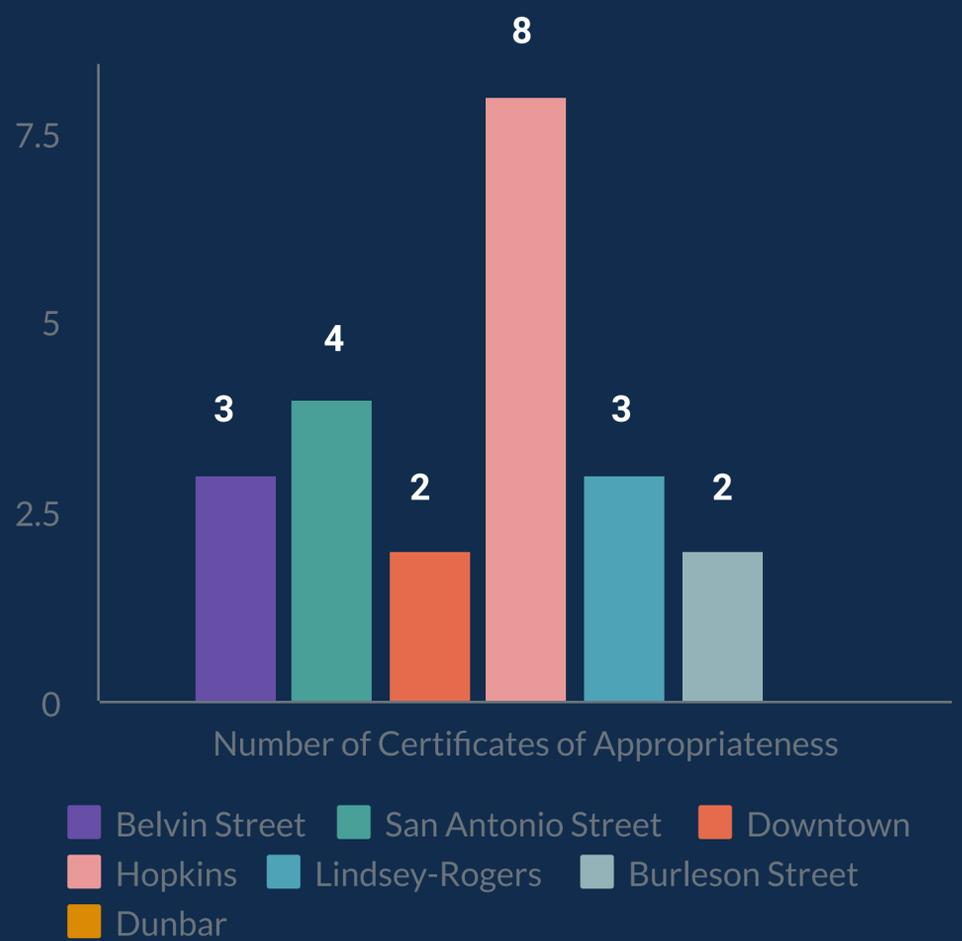
The majority of the Certificates of Appropriateness reviewed by the Commission were for residential properties. 22 requests were reviewed. The types of cases included, but were not limited to:

- Downtown Signage
- Fences
- Roof Replacements
- New Construction

Recommendation Resolutions

Four Recommendation Resolutions were sent to City Council:

- *2019-01RR - Implementation of Incentive Programs*
- *2019-02RR Management of the Painting of Historic Buildings*
- *2019-03RR Amendment to Article 5, Standard Guidelines for Sustainability*
- *2019-04RR Expansion of City's Historic Preservation Program*



MY HISTORIC SMTX



Historic Resources Survey

My Historic SMTX was the first historic resources survey to have been conducted in over 20 years. Using a grant received from the Texas Historical Commission's Certified Local Government Program, the City worked with Hicks & Company to survey over 2,044 properties in the field. It was formally adopted on September 3, 2019 by City Council.

Successful historic preservation programs have the support of city leadership and can enhance civic pride and ownership.



02

VISION

Current Vision Statement

San Marcos is fortunate to have many neighborhoods that are rich in historic value as well as citizens committed to retaining that heritage.

In 2017, the following Vision statement was adopted:

"Using the power of history to transform lives, create a sense of place, and protect and promote the unique identity of San Marcos."

While much of the statement above remains true, the Commission felt it necessary to re-examine the policy statement. After much deliberation, the Commission felt it necessary to discuss this further at their September 2020 regular meeting. The Vision statement for 2020-2021 can be found on the next page.



VISION 2020-2021

Using the power of preservation to save our cultural landscape and living heritage, create a sense of place, and protect and promote the unique identity of San Marcos.

The vision set by the Historic Preservation Commission will ensure that the City's unique character will continue to be what draws people to live here.

03

S.W.O.T. Analysis

To assist in the development of goals for the Commission, staff lead the Commission through a S.W.O.T. Analysis.



Strengths

The Commission determined that the community's biggest strengths are:

- Engaged community
- Updated historic resources survey
- Diverse historic districts
- San Marcos Heritage Association
- Addition of demolition delay regulations

Weaknesses

The Commission believe that the community's weaknesses in historic preservation are:

- Lack of preservation education in the community
- Lack of City staff resources dedicated to historic preservation program
- Relationship between City and Texas State University could be stronger
- Lack of local incentives for historic preservation
- Not enough communications with other preservation oriented groups
- Balancing economy of City with affordability

03

S.W.O.T. Analysis

(CONTINUED)

Opportunities

The Commission found that there are many opportunities for the historic preservation program to grow:

- Better preservation education for community (e.g. hands-on training opportunities, community workshops, speaking to local groups)
- Finding ways to partner with Texas State University & other preservation oriented groups
- Promoting preservation stories & celebrating the success stories more often
- Updating City website more frequently
- Better leverage economic development tools

Threats

The Commission perceives the following as the biggest threats to historic preservation:

- Updates to the Development Code that undermine preservation guidelines & integrity of districts
- Real estate speculation/gentrification
- Decisions at State Legislature impacting Commission's ability to regulate preservation



GOALS & OBJECTIVES 2020-2021

Goal 1: Promote preservation through outreach, education, and training.

Objective 1: Conduct training for the Commission on a regular basis.

Objective 2: Offer more joint workshops between Commission and other City boards and commissions.

Objective 3: Provide better education for property owners within historic districts by including information such as a list of local contractors who deal with preservation and best practices for maintaining a historic property.

Objective 4: Present more often to organizations in the City, such as the Board of Realtors, to educate them on preservation in San Marcos.

Objective 5: Coordinate more often with other preservation-oriented organizations in San Marcos.

GOALS & OBJECTIVES 2020-2021

Goal 2: Promote historic preservation through leveraging economic development tools.

Objective 1: Explore how local tax incentives can benefit preservation in San Marcos.

Objective 2: Prioritize funding for historic preservation.

Objective 3: Partner with and inform Downtown Historic District property owners to better utilize tax incentives at the federal and state levels.

GOALS & OBJECTIVES 2020-2021

Goal 3: Strengthen historic preservation ordinance and codes.

Objective 1: Update the Historic District Design Guidelines (Appendix C of the San Marcos Design Manual).

Objective 2: Update criteria used to designate local historic districts and local historic district landmarks (Section 2.5.4.5 of the San Marcos Development Code).

Objective 3: Update San Marcos Development Code to include alternate preservation designations, such as Neighborhood Conservation Districts.

GOALS & OBJECTIVES 2020-2021

Goal 4: Better track Certificates of Appropriateness (COAs).

Objective 1: Improve tracking process in permitting software, My Permit Now.

Objective 2: Implement COA inspections for those projects that require permits.

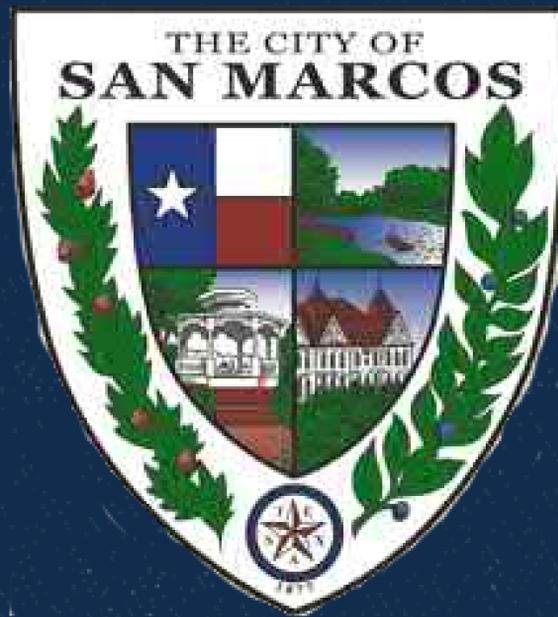
Objective 3: Implement quarterly reports to the Historic Preservation Commission regarding approved COAs.

Objective 4: Implement a Year In Review report and presentation to be given to the Commission at the beginning of each new calendar year.

**"It has been said
that, at its best,
preservation
engages the past in
a conversation with
the present over a
mutual concern for
the future."**

— William Murtagh





Planning and Development Services



PLANNING AND DEVELOPMENT SERVICES

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: September 11, 2020
RE: **AGENDA ITEM 9: TRACKING CERTIFICATES OF APPROPRIATENESS**

Commissioner Perkins requested that this item be placed on a future agenda to discuss. Attached is the memo sent to the Commission that outlines a new process Planning & Development Services is proposing to better track Certificates of Appropriateness following their approval at HPC.



PLANNING AND DEVELOPMENT SERVICES

TO: Commissioner Perkins, Historic Preservation Commission Chair
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: August 28, 2020
RE: PROCESS FOR TRACKING CERTIFICATES OF APPROPRIATENESS FROM HPC APPROVAL TO INSTALLATION

Planning and Development Services staff is proposing a new process that will better track approved Certificates of Appropriateness to ensure what the Commission approved is what is installed on the property. This process is two-fold and will vary slightly depending on whether or not a permit is required.

Permit Required: In general, building permits are required for structures, fences, roofs, brand new signs, etc.

The **current process** for review requires a Planning Technician verify that the proposed work is in line with HPC Approval by reviewing the approval letter issued by the Planner / Case Manager / Historic Preservation Officer.

IMPROVED PROCESS: a new “COA Review” will be added prior to issuance of a permit which will allow the Planner / Case Manager / Historic Preservation Officer an opportunity to more closely review the submitted plans. In addition to review, a new “COA Inspection” will be added. This inspection must be passed prior to permit close out.

No Permit Required: COAs for planters, same size windows or existing signs, with face changes only, are all examples of work that does not require a permit.

The **current process** for work not requiring a permit was found to be lacking. Installations were made by the applicant with little to no follow up.

IMPROVED PROCESS: staff will recommend a condition on all COAs that the applicant notifies the Department when installation begins, as well as when the work has been completed. “COA Inspections” will be conducted regularly to ensure compliance with HPC approval. In addition, a new report will be created that will alert staff to upcoming expiration dates. Using this report, letters will be generated and sent to property owners to remind them of this expiration 60-days in advance. We anticipate 25-50 active cases, at any given time, that will be tracked.