

CERTIFICATE OF REMEDIATION

Application Date: November 22, 2016

Applicant: 2302 Investments, owner

Property: 901 Cortlandt Street, Lot 12, Block 229, Houston Heights Subdivision. The property includes a historic 1,260 square foot, one-story wood frame single-family residence situated on a 3,300 square foot (50' x 66') corner lot.

Significance: Contributing Bungalow duplex residence, constructed circa 1920, located in the Houston Heights Historic District South.

Proposal: Alteration – Without HAHC authorization, four windows have been removed and large sections of siding have been replaced by the previous owner. The current owner proposes to reverse the unauthorized window and siding alterations back to the original pattern/configuration. The property has been Red Tagged multiple times for Permitting Violations including COA/Historical issues.

Without HAHC approval or permits, the previous owner:

- Removed three windows on the south elevation
- Removed and reduced the size of an original window/opening on the north elevation
- Removed a non-original door on the north elevation
- Removed and replaced about half the original 117 wood siding with new 117 wood siding on the north and south elevations

The current owner proposes to:

- Restore the original fenestration pattern using salvaged windows to match original
- Retain the new replaced 117 wood siding as currently installed

See enclosed application materials and detailed project description for further details.

Public Comment: No public comment received.

Civic Association: No comment received.

Recommendation: Denial – Unauthorized removal of the original windows and siding does not satisfy criteria 1, 3, 4, 7, 8, 9.

In addition to any other remedies that HAHC sees fit to require, staff recommends a Certificate of Remediation for the window and siding replacement. Since the historic windows and siding has been destroyed and these actions therefore cannot be reversed, a Certificate of Remediation for salvaged windows and new siding to match the original condition will allow the project to progress without the Commission approving the unauthorized removal of the historic windows or deeming the unauthorized work appropriate.

HAHC Action: Denied – COR issued

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

CERTIFICATE OF REMEDIATION

Basis for Issuance: HAHC Issued Certificate of Remediation
Effective: December 14, 2016



PLANNING & DEVELOPMENT DEPARTMENT

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

APPROVAL CRITERIA

ALTERATIONS, REHABILITATIONS, RESTORATIONS AND ADDITIONS

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

- | S | D | NA | S - satisfies | D - does not satisfy | NA - not applicable | |
|-------------------------------------|-------------------------------------|--------------------------|----------------------|---|----------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) | The proposed activity must retain and preserve the historical character of the property; <i>Removal and alteration of historic windows and siding on the north and south elevations does not retain the historical character of the property. The historic windows and siding should be reinstalled.</i> | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (2) | The proposed activity must contribute to the continued availability of the property for a contemporary use; | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) | The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; <i>Removal of historic windows and siding on the north and south elevations does not retain the historical character of the property. Deletion of existing historic windows, resulting in an altered fenestration pattern, creates a condition that is not typical of a 1920s Bungalow.</i> | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) | The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment; <i>Removal of the original wood windows and siding does not maintain the distinctive stylistic exterior features that characterize the building. Original windows and siding should be maintained unless they are damaged beyond reasonable repair. The applicant has provided no documentation of any damaged conditions for any of the windows or siding. Because the windows and siding was removed without permission, staff was unable to evaluate their condition prior to removal. Alteration of the historic fenestration pattern on the north and south elevations does not preserve the distinguishing qualities and character of the building. The original fenestration pattern of this structure is part of the building's distinguishing characteristics. This pattern should not be altered and returned to its original configuration.</i> | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (5) | The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site; | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (6) | New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale; | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (7) | The proposed replacement of missing exterior features, if any, should be based on an accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures; <i>Removal of historic windows and siding on the north and south elevations does not preserve the distinguishing qualities and character of the building. The deletion of existing historic windows, resulting in an altered fenestration pattern is not substantiated by available historical, physical or pictorial evidence. The original fenestration pattern is a character defining feature which should be retained.</i> | | |

- (8) Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site;
Removal of historic windows and siding on the north and south elevations impairs the essential form and integrity of duplex this duplex structure. The additional original windows are part of the character defining features and should be retained.
- (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements;
Removal of original wood windows and siding destroys significant historical architectural material. Historic windows should be retained unless they are damaged beyond reasonable repair. Because the applicant did the work without consulting staff, staff was unable to evaluate the condition of the windows prior to removal.
- (10) The proposed alteration or addition must be compatible with the massing, size, scale material and character of the property and the context area; and
- (11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area.
- Staff finds that the removal of the original windows and siding, with no evidence provided that the windows were damaged beyond repair, destroys historic fabric, does not meet criteria, and is in violation of the ordinance.
 - Since the historic material has been destroyed and cannot be put back, staff recommends that a Certificate of Remediation be issued, which will allow the project to be completed.

Sec. 33-203. Enforcement and penalties; remedies cumulative; other action not limited.

- (e) If activity that requires a certificate of appropriateness is performed outside the scope of a certificate of appropriateness, which for purposes of this section shall include work done without a certificate of appropriateness, the building official shall not issue a permit, and no other person shall issue any other city permit, except as required to perform work required under a certificate of remediation under this subsection, for the site where the activity occurred until either:
- (1) The commission issues a certificate of appropriateness for the work that was performed outside the scope of a certificate of appropriateness; or
 - (2) The commission finds that the work that was performed outside the scope of a certificate of appropriateness does not satisfy the criteria of this article and issues a certificate of remediation for the work that was performed outside the scope of a certificate of appropriateness; and the commission may, as a condition of granting the certificate of remediation, also require that the applicant repair, reconstruct, or restore all or part of the work that was done without a certificate of appropriateness prior to the issuance of any permits besides those required for the reconstruction or restoration, using as many historically appropriate or salvage materials as are reasonably available.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 07-463, § 2, 4-11-07; Ord. No. 2010-814, § 7, 10-13-2010; Ord. No. 3015-967, §§ 5—7, 10-7-2015)



PROPERTY LOCATION
HOUSTON HEIGHTS HISTORIC DISTRICT SOUTH



Building Classification

- Contributing
- Non-Contributing
- Park

INVENTORY PHOTO



CURRENT PHOTO



JANUARY 2015 GOOGLE IMAGE



EAST ELEVATION – FRONT FACING CORTLANDT STREET

NO PROPOSED CHANGES



SOUTH ELEVATION – FACING E. 9TH STREET
ORIGINAL CONDITION



CURRENT CONDITION



NORTH SIDE ELEVATION

ORIGINAL CONDITION



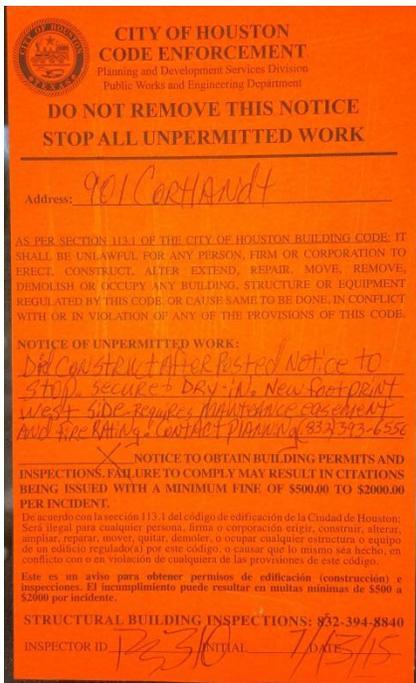
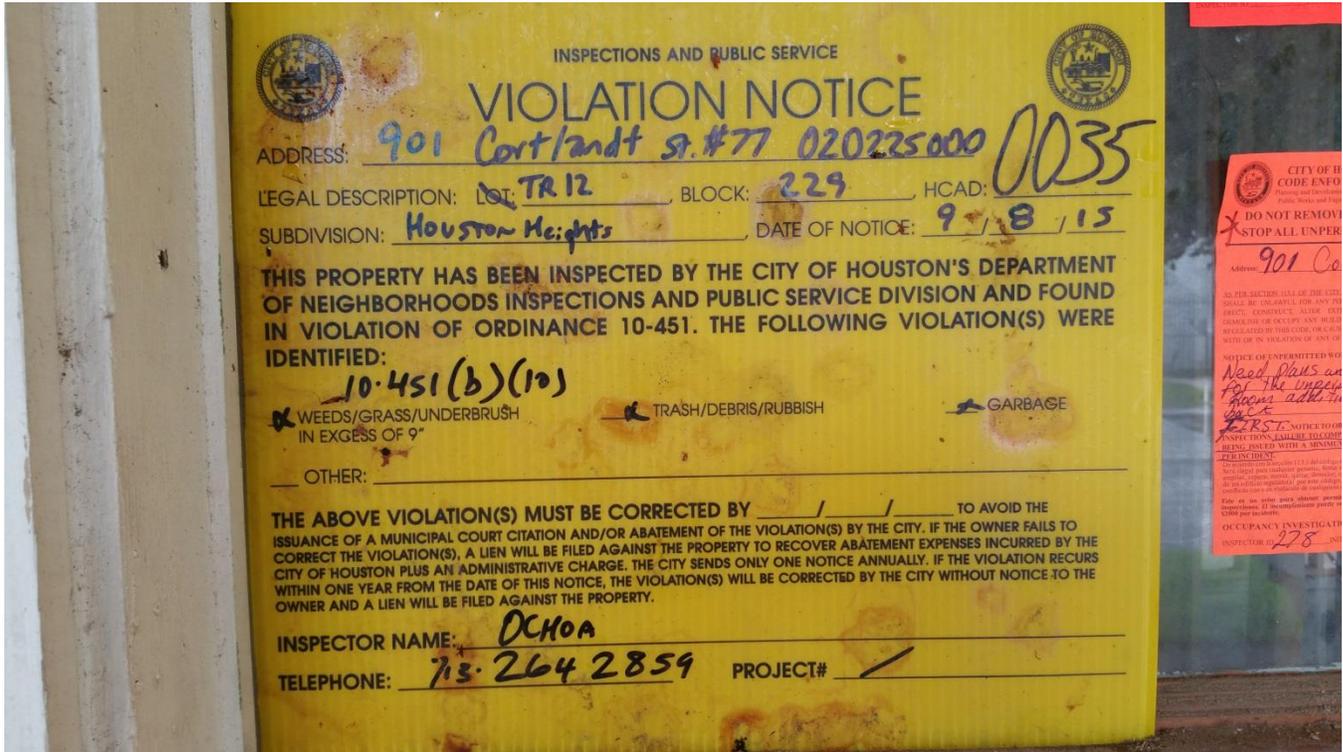
CURRENT CONDITION



WEST (REAR) ELEVATION
CURRENT CONDITION



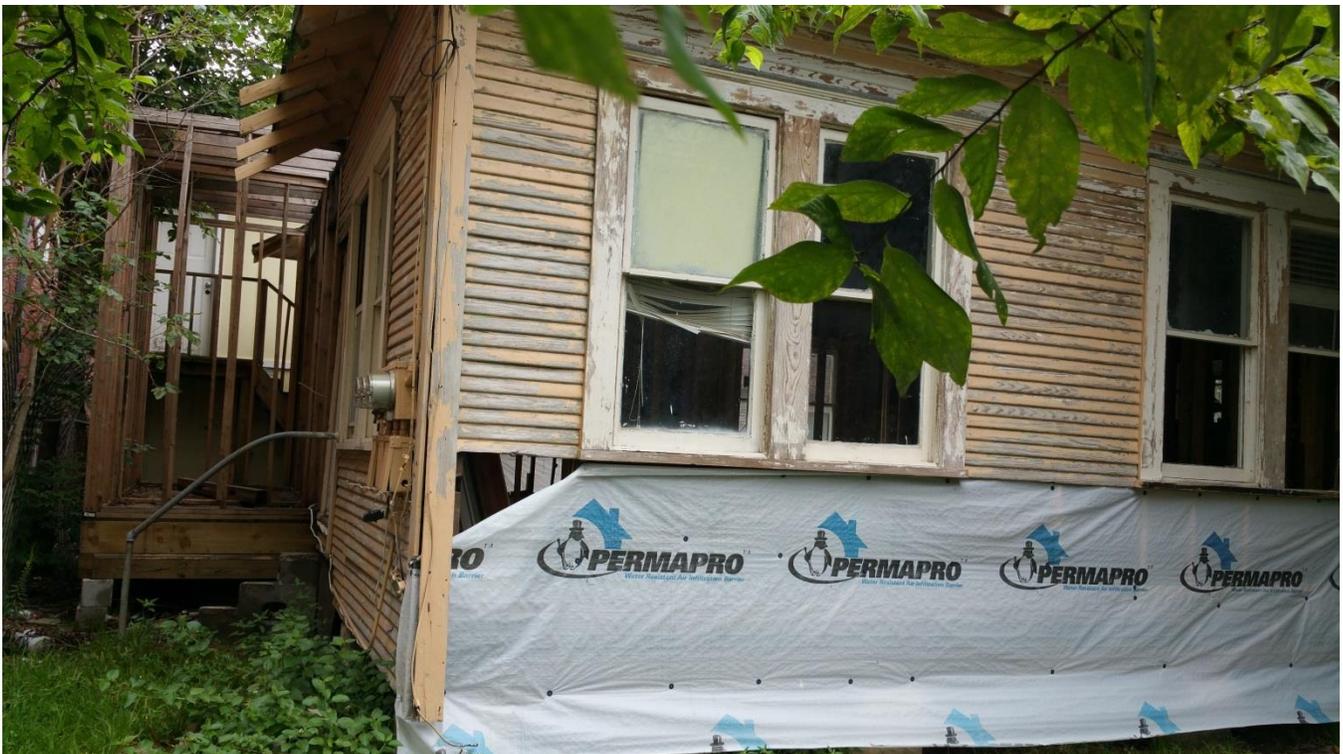
COMPLIANCE DOCUMENTATION



INSPECTOR PHOTOS



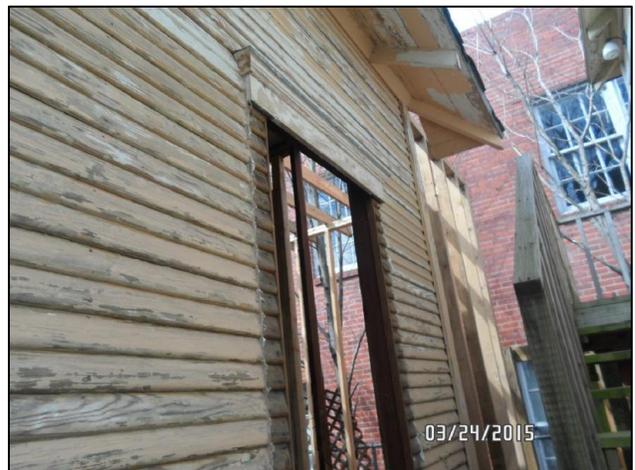
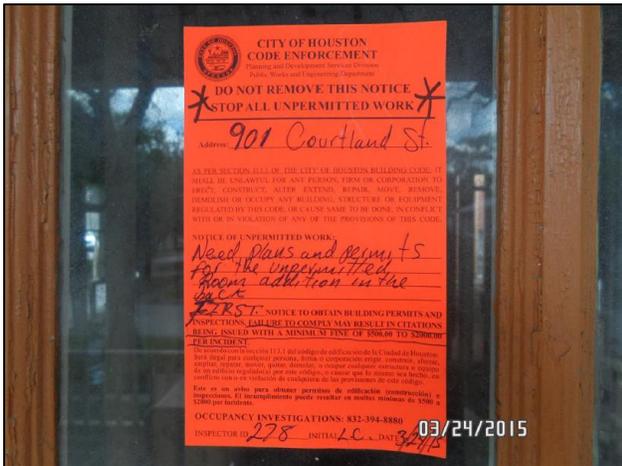
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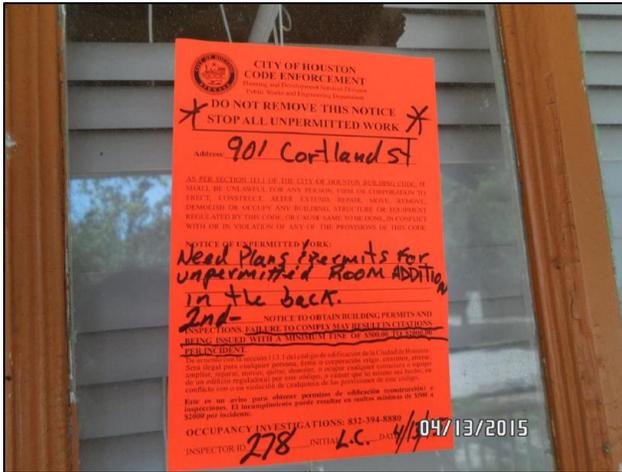
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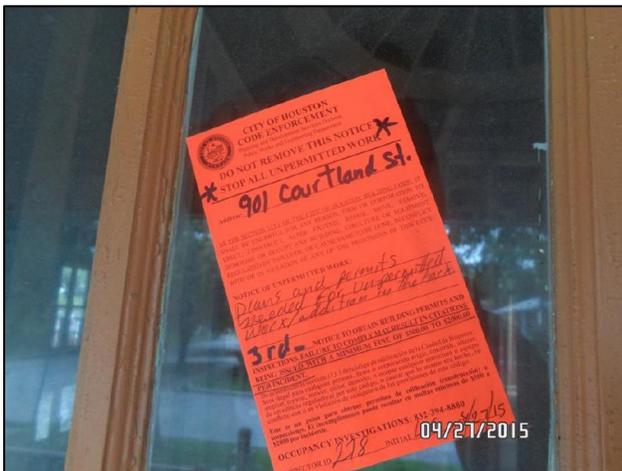
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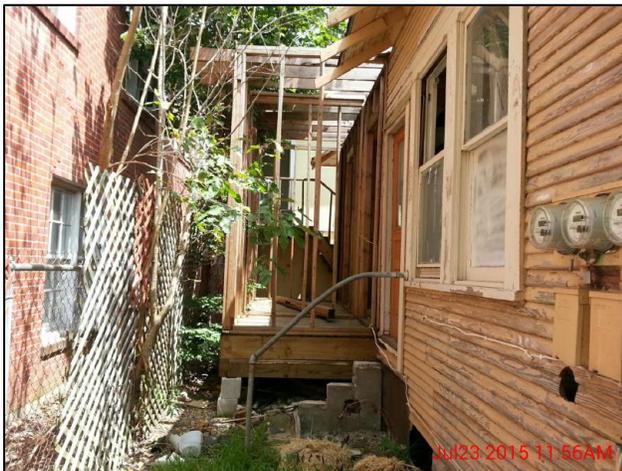
INSPECTOR PHOTOS (04/13/2015)



INSPECTOR PHOTOS (04/27/2015)



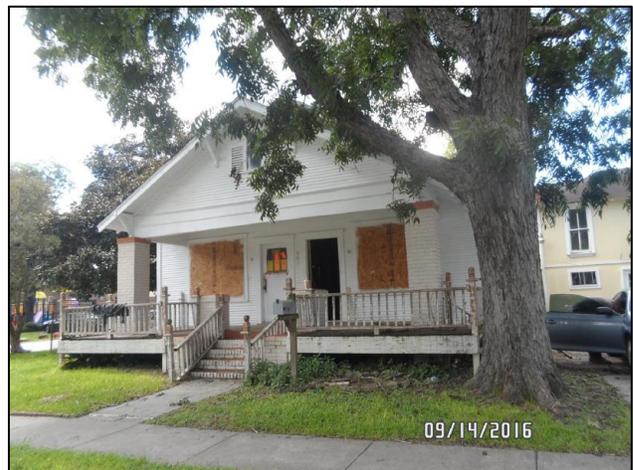
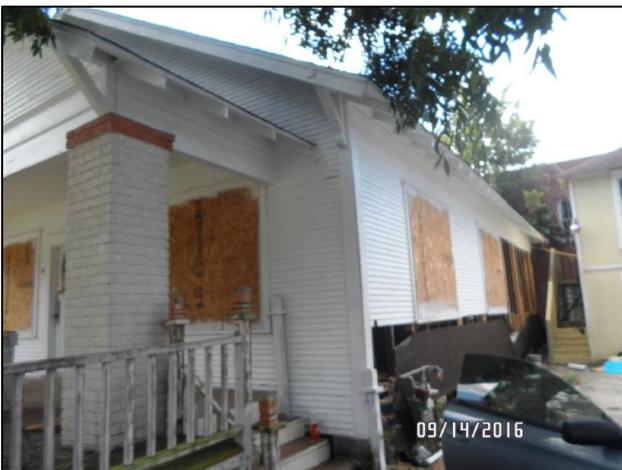
INSPECTOR PHOTOS (07/23/2015)



INSPECTOR PHOTOS (06/27/2016)



INSPECTOR PHOTOS (09/14/2016)



PROJECT DETAILS

Windows/Doors: On the south elevation, the original structure featured three pairs of 30" x 63" windows and a single 24" x 48" window. On the north elevation, the original structure featured two pairs of 30" x 63" windows and a single 24" x 48" window. A non-original door was also located at the rear of the north elevation.

On the south elevation (facing E. 9th St), the rear pair of 30" x 63" windows was removed and sided over. The single 24" x 48" window was also removed and sided over. The original openings will be reopened and salvaged wood windows matching the original 30" x 63" and 24" x 48" will be installed. On the north elevation, the 24" x 48" window was removed, the opening reduced in size, and a smaller window installed. The original opening will be reopened and salvaged wood window matching the original 24" x 48" will be installed. The non-original door and opening have been removed and will not be returned. See photos for more detail.

Exterior Materials: The original residence was clad in 117 wood siding.

Portions of the original siding were removed by the previous owner. On the north and south side elevations, the siding below the window sills was removed. It has since been replaced with new 117 wood siding to match existing. Wood siding was also installed over three of the existing window opening on the south side elevation and patched over the reduced window opening on the north elevation. All wood siding on the rear was replaced. See photos for more details.

Roof: The original roof has been retained and is to remain. See photos for more details.