



**RICARDO SAMANIEGO**  
**El Paso County Judge**

January 14, 2021

Mr. Gregory Smith  
Texas Historical Commission  
Federal Programs Coordinator  
History Programs Division  
P.O. Box 12276  
Austin, TX 78711-2276

***RE: Response to December 23, 2020 Letter from Mayor Dee Margo on El Paso Downtown Historic Nomination to National Register of Historic Places***

Dear Mr. Smith,

Thank you for the opportunity to address El Paso County's efforts regarding the nomination of a National Register Historic District (NRHD) in our vibrant downtown. El Paso County is in the final stage of a very lengthy process on this project, which notably included a two-year suspension to mitigate concerns and address comments from the City of El Paso and the general public. Please note that various correspondence, meetings, and discussions have taken place throughout the past several months with City leadership and staff regarding the boundaries for the proposed historic district and the City's requested removal of the multipurpose performing arts and entertainment center's (MPC) footprint from that proposal. The County has thoughtfully considered the City's request and enlisted feedback from its subject matter experts and consultants, Hardy, Heck and Moore (HHM), and has determined that removal of the MPC footprint would hinder the successful establishment of the Downtown NRHD as a whole.

The proposed NRHD would not have an impact on the City's plans for redevelopment of the site. Federally recognized historic districts are considered honorary and do not impose any additional restrictions or requirements on property owners, according to the U.S. Secretary of the Interior. This includes property owners of existing buildings, demolition projects, or new construction projects. The Secretary of the Interior Standards for Historic Preservation are clear that properties come into question at the time a private property owner submits an application for state and federal historic tax credits.

Feedback has been sought from the County's consultant on the project, HHM, as well as the Texas Historical Commission (Commission), to ensure the nomination package successfully meets the requirements for designation. As has previously been raised and addressed by the County to the City of El Paso's leadership and staff, removal of the MPC footprint would result in a discontinuous boundary for the proposed NRHD. Furthermore, based on the expertise and feedback received from HHM, removing certain portions of a continuous boundary is discouraged and not supported by the National Park Service.

The City raises concerns with the structural condition of the buildings located within the MPC footprint, noting that they affect the integrity of the area. This issue is irrelevant as it pertains to the Commission's review of the nomination package. A windshield survey conducted by HHM determined that the buildings in the area would not affect the proposed historical designation.

The County, in conjunction with HHM and the Commission, has worked diligently to meet all required public notice and outreach requirements set forth by the State for the submission of a district nomination

package. Per the contract terms, HHM was required to ensure community awareness and gain community input on the project. This task was accomplished and fulfilled via a series of community events and information sharing to include publication of maps of the area, FAQ's, and presentations both in English and Spanish. In addition, in accordance with NPS requirements in the final stages of National Register nominations, the Commission legally notified property owners once again of the County's intent to establish the historic district, as well as of the public meeting with property owners held December 3, 2020 and of the pending January 16, 2021 State Board of Review hearing.

A letter dated November 10, 2020, as required by Title 36 of the Code of Federal Regulations, was sent to the City of El Paso by the Commission. The letter served as the formal notice of the nomination from the State Historic Preservation Officer and referenced the January 16, 2021 State Board of Review hearing. *See* attached letter dated November 10, 2020 from the Texas Historical Commission to Mayor Margo. In addition to the formal notice from the Commission, County and City staff continued to be in communication and meet through bi-monthly project meetings, which began in June, 2020 (see attached project timeline).

It has always been the County's intent to promote and preserve El Paso's rich history and culture as the relationship between a community's architecture and tourism is strong. A major tool in doing so is enabling interested owners of private property that is considered historic to take advantage of state and federal historic tax credits – up to 45 percent of the cost of restoration, without having to obtain the costly historic designation independently. There are close to one thousand buildings whose owners, together, could save tens of millions of dollars as a result of this endeavor. This potential for private-sector investment has the potential to continue to economically and visually transform our downtown by breathing life into underutilized buildings and contributing to our community's tax base. Additionally, the preservation and promotion of historic structures throughout any community help to tell the visual story of how that city developed and grew era by era, as well as offer insight to the various cultural characteristics of our community.

The County's efforts throughout this process has been transparent and inclusive with all stakeholders. On Saturday, January 16, 2021 the State Board of Review will conduct a hearing to review the County's application for nomination to the National Register of Historic Places. We hope that this correspondence provides context and clarification on this matter and we look forward to your continued support on our future projects.

Regards,



Ricardo A. Samaniego  
El Paso County Judge

cc: *Hon. Oscar Leeser, Mayor, City of El Paso*  
*Hon. David Stout, El Paso County Commissioner Precinct 2*  
*Betsy C. Keller, Chief Administrator, El Paso County*  
*Jose M. Landeros, Interim Director of Economic Development, El Paso County*  
*Karla Nieman, City Attorney, City of El Paso*

Attached: *Project Timeline*

**El Paso County Downtown Historical and Architectural Survey**  
**Project Timeline: Public Outreach and Comment,**  
**Commissioners Court Presentations, Options Presented, and Actions Taken**  
**June, 2017-Present**

**June 5, 2017** Commissioners Court approved the contract award to Hardy, Heck, and Moore (HHM) Architectural Firm for completion of the Downtown Historical and Architectural Survey County Contract # (2017-0346)

**June 27, 2017:** Project kick-off and public outreach meeting with HHM

**November, 2017:** Draft Survey Report from HHM submitted to the County

**December 11, 2017:** County staff presentation to Commissioners Court on the draft survey; Commissioners Court requested additional time to review the draft survey; no action taken

**December 18, 2017:** HHM presentation to Commissioners Court on the draft survey

**March 19, 2018:** Commissioners Court approved the First Amendment to HHM contract, temporarily suspending the contract with HHM to allow staff to engage in the amendment process with the City of El Paso Historical Preservation Office/Historic Landmark Commission regarding the Historic Landmark Ordinance.

- County staff begins attending monthly work sessions with the City of El Paso Historic Landmark Commission.
- August 21, 2018: Historic Landmark Ordinance Amendment unanimously deleted by City Council, no discussion or action taken; staff continues to attend meetings with City HLC

**April 8, 2019:** Agenda Item #15 Commissioners Court approved the Second Amendment to the contract with HHM for completion of the Downtown Historical and Architectural Survey, continuing the temporary suspension through December, 2019

**June 17, 2019:** Commissioners Court voted to lift the temporary suspension, reinstate the contract terms, and negotiate new timelines for completion of the Downtown Historical and Architectural Survey. Over 30 members of the community provided public comment.

**August 16, 2019:** Commissioners Court approved the Third Amendment to the contract with HHM for completion of the Downtown Historical and Architectural Survey County Contract # (2019-0500)

- Staff resumes monthly updates to the El Paso County Historical Commission
- Staff resumes quarterly updates to Senator Rodriguez's Heritage Tourism Taskforce

**October 21, 2019,** Commissioners Court received a presentation and offered feedback on the Windshield Survey completed as an update to the Downtown Architectural and Historical Survey Draft.

- Staff shares 30 day review period deadlines and worksheet with the Commissioners Court and the El Paso County Historical Commission (EPCHC)
- No opposition to the Windshield Survey received

**January –February, 2020:** THC recommendations received: Downtown “Central Business District” boundary downsized, nominate Segundo Barrio separately.

- Staff receives public comment from the community
- Staff presents recommendations to EPCHC for feedback
- Staff shares results with City of EP HLC for feedback. Schedules agenda item for March 9th to present to full HLC and HPO

## **MARCH, 2020**

**March 19, 2020:** Staff seeks direction from the Commissioners Court on available options for Segundo Barrio: Seek a nomination for Segundo Barrio: Yes. Then, engage in the official Determination of Eligibility Process for boundary selection, or, prepare a Traditional Cultural Place nomination. Court directed staff to engage in the Determination of Eligibility process using 3 boundary options as recommended by the community and consulting firm hired to complete the project. Public comment provided.

**April 6, 2020:** Staff presents boundary options to the Commissioners Court, including Boundary Option 3. Commissioners Court approves the submission of the three boundary options to the THC for DOE review process. Public comment provided.

**June 15, 2020:** Staff presents results of DOE process: All three options are viable and acceptable. Commissioners Court selects Boundary Option 2. Public comment provided.

**June 2020:** County Heritage Tourism Staff begins bi-monthly project meetings for Downtown and Segundo Barrio with City Departments of Economic Development, Historic Preservation, Capital Improvement, and Planning.

**September 15, 2020:** City Council votes to support the proposed historic district projects for Downtown and Segundo Barrio, with the recommendation that the County remove the MPC footprint from the proposed district for Downtown El Paso. Sam Rodriguez, Director of Capital Improvement, issues memo to Commissioners Court, El Paso County Chief Administrator and Economic Development Director requesting removal of the MPC footprint from the survey boundary per the action taken by City Council.

**November 10, 2020:** Letter dated November 10, 2020 to Dee Margo, Mayor, City of El Paso with THC's request for review of the nomination proposal for Downtown El Paso in accordance guidelines and requirements set forth by the Certified Local Government (CLG) program of which the City maintains status. Notification regarding January 16th State Board of Review Hearing provided in letter. CLG review of national register nominations is established so as to either confirm or deny whether the nomination package conforms to and meets the eligibility requirements set forth by the National Park Service per the Secretary of the Interior.

**November 17, 2020:** Texas Historical Commission, who is charged with providing notice, provides legal notice to property owners and the general public, as to the County's intent to submit a nomination package to the National Register for proposed historic district for Downtown. The legal notice includes information and property owner invitation to the public hearing held to be held on December 3, 2020, as well as the State Board of Review Hearing set for January 16, 2021.

**December 3, 2020:** Texas Historical Commission Federal Programs administrators host public hearing for property owners on the proposed district for Downtown. City and County staff are in attendance. No objections from property owners are expressed during the hearing.

**December 23, 2020:** City of El Paso issues letter to Mr. Gregory Smith, Federal Programs Administrator with the THC, requesting to postpone the State Board of Review Hearing, and removal of the MPC footprint from the Downtown Historic District survey boundary.

**January 11, 2021:** City of El Paso Historic Landmark monthly meeting, Agenda Item 6: Discussion and Action on the County's nomination package for the proposed Downtown Historic District (per THC request for CLG Review). HLC votes unanimously in support of the County's nomination package, as is.