# HOUSTON Planning Commission

# AGENDA

**DECEMBER 18, 2014** 

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COUNCIL CHAMBER CITY HALL ANNEX 2:30 p.m.

# PLANNING COMMISSION MEMBERS

Mark A. Kilkenny, Chair M. Sonny Garza, Vice Chair Susan Alleman Keiji Asakura Kenneth J. Bohan Fernando L. Brave Antoine Bryant Lisa Clark Algenita Davis Truman C. Edminster, III James R. Jard Paul R. Nelson Linda Porras-Pirtle Mark Sikes Martha Stein Eileen Subinsky Blake Tartt III Shaukat Zakaria

The Honorable Grady Prestage, P. E. Fort Bend County The Honorable Ed Emmett Harris County Commissioner James Noack Montgomery County

#### ALTERNATE MEMBERS

Richard W. Stolleis, P. E. Clay Forister, P.E. Fort Bend County Raymond J. Anderson, P. E. Harris County Mark J. Mooney, P.E. Montgomery County

#### **EX- OFFICIO MEMBERS**

Carol Lewis, Ph.D. Daniel Krueger, P.E. Dawn Ullrich George Greanias

#### SECRETARY

Patrick Walsh, P.E.

#### Meeting Policies and Regulations

#### Order of Agenda

Planning Commission may alter the order of the agenda to consider variances first, followed by replats requiring a public hearing second and consent agenda last. Any contested consent item will be moved to the end of the agenda.

#### **Public Participation**

The public is encouraged to take an active interest in matters that come before the Planning Commission. Anyone wishing to speak before the Commission may do so. The Commission has adopted the following procedural rules on public participation:

- 1. Anyone wishing to speak before the Commission must sign-up on a designated form located at the entrance to the Council Chamber.
- 2. If the speaker wishes to discuss a specific item on the agenda of the Commission, it should be noted on the sign-up form.
- 3. If the speaker wishes to discuss any subject not otherwise on the agenda of the Commission, time will be allowed after all agenda items have been completed and "public comments" are taken.
- 4. The applicant is given first opportunity to speak and is allowed two minutes for an opening presentation. The applicant is also allowed a rebuttal after all speakers have been heard; two additional minutes will be allowed.
- Speakers will be allowed two minutes for specially called hearing items, replats with notice, variances, and special exceptions.
- 6. Speakers will be allowed 1 minute for all consent agenda items.
- 7. Time limits will not apply to elected officials.
- 8. No speaker is permitted to accumulate speaking time from another person.
- Time devoted to answering any questions from the Commission is not charged against allotted speaking time.
- 10. The Commission reserves the right to limit speakers if it is the Commission's judgment

that an issue has been sufficiently discussed and additional speakers are repetitive.

11. The Commission reserves the right to stop speakers who are unruly or abusive.

#### Limitations on the Authority of the Planning Commission

By law, the Commission is required to approve subdivision and development plats that meet the requirements of Chapter 42 of the Code of Ordinances of the City of Houston. The Commission cannot exercise discretion nor can it set conditions when granting approvals that are not specifically authorized by law. If the Commission does not act upon a Sec. I agenda item within 30 days, the item is automatically approved. The Commission's authority on platting does not extend to land use. The Commission cannot disapprove a plat because it objects to the use of the property. All plats approved by the Commission are subject to compliance with applicable requirements, e.g., water, sewer, drainage, or other public agencies.

#### **Contacting the Planning Commission**

Should you have materials or information that you would like for the Planning Commission members to have pertaining to a particular item on their agenda, contact staff at 713-837-7758. Staff can either incorporate materials within the members Agenda packets, or can forward to the members messages and information.

#### **Contacting the Planning Department**

The Planning and Development Department is located at 611 Walker Street on the Sixth Floor. Code Enforcement is located at 1002 Washington Street.

The Departments mailing address is: P.O. Box 1562 Houston, Texas 77251-1562

The Departments website is: <u>www.houstonplanning.com</u>

E-mail us at: Planning and Development Suzy.Hartgrove@houstontx.gov

Plat Tracker Home Page: www.HoustonPlatTracker.org

#### Speakers Sign In Form

#### Instructions:

1.	So that the Commission's Chairperson can call on those wishing to address the Commission, please provide the information below. Make
	sure the information is legible. If you have questions about the form or a particular item while filling out this form Planning and
	Development Department staff members are available at the front of the room to answer any questions. Hand the completed form to a
	staff member prior to the meeting's Call to Order.

- 2. It is important to include your "position" so that the Chairperson can group the speakers by position.
- 3. If you are a part of an organized group of speakers and want to address the Commission in a particular order please let a staff member know prior to the beginning of the meeting.
- 4. The Chairperson will call each speaker's name when it is his or her turn to speak. The Chairperson will also call out the speaker to follow.
- 5. As the called speaker you should move forward to the podium, state your name for the record, and then deliver your comments.
- 6. If you have materials to distribute to the Commission hand them to a staff member at the beginning of your presentation. Staff will distribute the information to Commission members on both sides of the table as you begin your comments.

#### Agenda Item Number:

Agenda Item Name:

Your Name (speaker):

How Can We Contact You? (optional):

Your Position Regarding the Item (supportive, opposed, undecided):

#### **Speakers Sign In Form**

Instructions:

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#### Agenda Item Number:

Agenda Item Name:

Your Name (speaker):

How Can We Contact You? (optional):

Your Position Regarding the Item (supportive, opposed, undecided):

This online document is preliminary and not official. It may not contain all the relevant materials and information that the Planning Commission will consider at its meeting. The official agenda is posted at City Hall 72 hours prior to the Planning Commission meeting. Final detailed packets are available online at the time of the Planning Commission meeting.

### Houston Planning Commission AGENDA

#### December 18, 2014

Meeting to be held in Council Chamber, City Hall Annex 2:30 p.m.

#### Call to Order

#### **Director's Report**

#### • Approval of the December 4, 2014 Planning Commission Meeting Minutes

#### I. Platting Activity (Subdivision and Development plats)

- a. Consent Subdivision Plats (Josie Warren)
- b. Replats (Josie Warren)
- c. Replats requiring Public Hearings with Notification (Dorianne Powe-Phlegm, Teresa Geisheker, Kimberly Bowie, and Marlon Connley)
- d. Subdivision Plats with Variance Requests (Mikalla Hodges, Muxian Fang and Marlon Connley)
- e. Subdivision Plats with Special Exception Requests (Mikalla Hodges)
- f. Reconsiderations of Requirement (Mikalla Hodges)
- g. Extension of Approvals (Christa Stoneham)
- h. Name Changes (Christa Stoneham)
- i. Certificates of Compliance (Christa Stoneham)
- j. Administrative
- k. Development Plats with Variance Requests (Kimberly Bowie, Christa Stoneham)

#### II. Establish a public hearing date of January 22, 2015

- a. Braeburn Gardens partial replat no 1
- b. Briardale partial replat no 2
- C. Castle Rock Reserve Southwest
- d. Cinco Ranch Southwest Sec 32 partial replat no 2
- e. Craig Woods partial replat no 15
- f. Hamill Ranch Sec 1 partial replat no 1
- g. Hidden Oaks partial replat no 5
- h. Hyde Park Heights replat no 1
- i. Parkway Lakes Sec 1 partial replat no 3
- j. Plainview partial replat no 1
- k. Shadyvilla Addition no 2 partial replat no 1
- I. Southgate Addition Sec no 3 replat no 1 partial replat no 2
- m. Wheeler Avenue Baptist Church Central
- n. Wheeler Avenue Baptist Church South
- III. Consideration of an Off-Street Parking Variance for a property located at 1101 Quitman Street (Jeff Davis High School) (Mikalla Hodges)
- IV. Consideration of an Off-Street Parking Variance for a property located at 7504 Bissonnet Street (Sharpstown High School) (Muxian Fang)
- V. Consideration of an Off-Street Parking Variance for a property located at 2901 Rusk Street (Kimberly Bowie)
- VI. Consideration of a Landscape Variance for a property located at 2951 Wilcrest Drive -(Kimberly Bowie)
- VII. Consideration of a Landscape Variance for a property located at 790 Austin Street (HSPVA High School) (Kimberly Bowie)

- VIII. Consideration of a Hotel Motel Variance for a Regency Inn & Suites located at 12855 S. Post Oak Road. (Marlon Connley)
- IX. Public Hearing and Consideration of a Special Minimum Lot Size Area Application for Glen Cove Sections 2 & 3 Subdivision (Misty Staunton)
- X. Public Hearing and Consideration of a Special Minimum Lot Size Block Application for the 700 Cordell Street (east and west sides) (Christopher Andrews)
- XI. Public Hearing and Consideration of a Special Minimum Building Line Block Application for the 700 Cordell Street (east and west sides) (Christopher Andrews)
- XII. Consideration of an Appeal of the Decision of the Houston Archaeological and Historical Commission on November 20, 2014 for a Certificate of Appropriateness for 605 Cortlandt St/3500 White Oak Drive - Houston Heights Historic District South (Diana DuCroz)
- XIII. Excuse the absence of Commissioner Subinsky
- XIV. Public Comment
- XV. Adjournment

#### **Minutes of the Houston Planning Commission**

(A CD/DVD of the full proceedings is on file in the Planning and Development Department)

#### December 4, 2014 Meeting to be held in Council Chambers, Public Level, City Hall Annex 2:30 p.m.

#### Call to order:

#### Chair, Mark Kilkenny called the meeting to order at 2:36 p.m. with a quorum present.

Mark A. Kilkenny, Chair	
M. Sonny Garza	
Susan Alleman	
Keiji Asakura	
Fernando Brave	Absent
Kenneth Bohan	Absent
Antoine Bryant	
Lisa Clark	
Truman C. Edminster III	Absent
James R. Jard	
Paul R. Nelson	
Linda Porras-Pirtle	
Algenita Davis	
Mike Sikes	
Martha Stein	
Eileen Subinsky	Absent
Blake Tartt III	
Shaukat Zakaria	
Mark Mooney for	Absent
James Noack	
Clay Forister for	
The Honorable Grady Prestage	
Raymond Anderson for	Absent
The Honorable Ed Emmett	

#### **EXOFFICIO MEMBERS**

Carol A. Lewis Daniel W. Krueger, P.E.

#### DIRECTOR'S REPORT

The Director's Report was given by Patrick Walsh, Director, Planning and Development Department.

#### **APPROVAL OF THE NOVEMBER 13, 2014 PLANNING COMMISSION MEETING MINUTES**

Commission action: Approved the November 13, 2014 Planning Commission meeting minutes. Motion: Alleman Second: Sikes Vote: Unanimous Abstaining: None

#### PLATTING ACTIVITY (Consent items A and B, 1-145) Ι.

Item **37** was changed from defer to approve. Item **16** was taken separately to allow time for speakers. Items removed for separate consideration: 19, 20, 30, 33, 38, 51, 52, 79, 86, 87, 114, 116, 123, and 139.

Staff recommendation: Approve staff's recommendations for items 1 – 145 subject to the CPC 101 form conditions.

Commission action: Approved staff's recommendations for items 1 – 145 subject to the CPC 101 form conditions.

Motion: Garza Second: Clark Vote: Unanimous Abstaining: None

#### Commissioners Alleman, Porras-Pirtle, and Sikes abstained and left the room.

Staff recommendation: Approve staff's recommendation to approve items **19**, **20**, **30**, **33**, **38**, **51**, **79**, 86, 87, 114, 116, 123, and 139 subject to the CPC 101 form conditions.

Commission action: Approved staff's recommendation to approve items 19, 20, 30, 33, 38, 51, 79, 86, 87, 114, 116, 123, and 139 subject to the CPC 101 form conditions.

Motion: Clark Second: Stein Vote: Unanimous Abstaining: None

#### Commissioners Alleman, Porras-Pirtle, and Sikes returned.

#### Commissioner Clark abstained and left the room.

Staff recommendation: Approve staff's recommendation to approve item 52 subject to the CPC 101 form conditions.

Commission action: Approved staff's recommendation to approve items 52 subject to the CPC 101 form conditions.

Motion: Garza Second: Sikes Vote: Unanimous Abstaining: None

**C2** 

#### Commissioner Clark returned.

#### Item 16 was taken at this time to allow for speakers.

#### 16 Cooper Smith Court

Approve Staff recommendation: Approve the plat subject to the CPC 101 form conditions. Commission action: Approved the plat subject to the CPC 101 form conditions.

Second: Edminster Motion: Alleman Vote: Unanimous Abstaining: None Speakers for item 16: Councilmember Brenda Stardig – supportive; Jane West, Ed Browne, Cyd Dillahunty, Ella Park, and Sherry Young - opposed.

#### C PUBLIC HEARINGS

146 Barker Village Sec 2 extension	partial replat no 3 and	C3N	Approve
Staff recommendation: Gran	nt the requested variance an	d approve the plat subj	ect to the CPC 101
Commission action: Granted form conditions.	the requested variance and	approved the plat subj	ect to the CPC 101
	Second: Garza	Vote: Unanimous	Abstaining: None
<b>147</b> Heritage Place replate Staff recommendation: Appr		C3N CON CONDITION	Approve s.
Commission action: Approve Motion: Garza		C 101 form conditions.	Abstaining: <b>None</b>
148 Lismar Estates replat		C3N	Defer
Staff recommendation: Defe Commission action: Deferred Motion: Clark	•		Abstaining: <b>None</b>
149 Mangum Manor Sec 2		C3N	Defer
Staff recommendation: Defe Commission action: Deferred	the plat for two weeks at th	e applicant's request.	
Motion: Porras-Pirtle		Vote: Unanimous	Abstaining: None
<b>150 Oak Park Ridge Sec</b> Staff recommendation: Defe	r the plat for two weeks for (	<b>C3N</b> Chapter 42 planning sta	Defer andards and to allow
applicant time to submit revis Commission action: Deferred	the plat for two weeks for C	Chapter 42 planning sta	indards and to allow
applicant time to submit revis Motion: <b>Clark</b>	sed information. Second: <b>Davis</b>	Vote: <b>Unanimous</b>	Abstaining: None
<b>151 Plainview Second Ad</b> Staff recommendation: Appr	ddition partial replat no 5	C3N	Approve
Commission action: Approve	d the plat subject to the CPC	C 101 form conditions.	
Motion: Clark	Second: Garza	Vote: Unanimous	Abstaining: None
<b>152 Riverside Terrace Se</b> Staff recommendation: Gran form conditions.	ec 6 partial replat no 1 It the requested variance an	C3N d approve the plat subj	Approve ect to the CPC 101
Commission action: Granted	the requested variance and	approve the plat subje	ct to the CPC 101
form conditions. Motion: <b>Davis</b>	Second: Asakura	Vote: Unanimous	Abstaining: None

153 Terrace Brook Sec 1 pa	artial replat no 1 and	C3N	Approve	
extension Staff recommendation: Gran	t the requested variances a	nd approve the plat sub	ject to the CPC 101	
form conditions. Commission action: Granted	the requested variances an	d approved the plat sub	ject to the CPC 101	
form conditions. Motion: <b>Davis</b> Speaker for item 153: Mark (	Second: <b>Clark</b> Garcia – no position stated	Vote: <b>Unanimous</b>	Abstaining: <b>None</b>	
154 Whispering Pines Es Replat no 1	tates partial replat no 6	C3N	Approve	
Staff recommendation: Gran	t the requested variance an	d approve the plat subje	ect to the CPC 101	
Commission action: Granted form conditions.	the requested variance and	l approved the plat subje	ect to the CPC 101	
Motion: Bryant	Second: Clark	Vote: Unanimous	Abstaining: None	
<b>155 Whispering Pines Es</b> Staff recommendation: Appro	tates partial replat no 8	C3N	Approve	
Commission action: Approved Motion: Garza	· ·		Abstaining: None	
D VARIANCES				
<b>156 Aliana GP</b> Staff recommendation: Appro Commission action: Approved	d the plat subject to the CP	C 101 form conditions.		
Motion: Forister	Second: Tartt	Vote: Unanimous	Abstaining: None	
<b>157 Boulevard Place Sec</b> Staff recommendation: Gran Felipe for the proposed cover	t the requested reduced bui	C2R ilding line of 3.5' to a len	Approve ogth of 34' along San	
Commission action: Granted Felipe for the proposed cover	the requested reduced build	ding line of 3.5' to a leng	th of 34' along San	
Motion: Asakura	Second: Porras-Pirtle	Vote: Unanimous	Abstaining: None	
Commissioner Porras-Pirtle	e abstained and left the ro	oom.		
<b>158 Grand Morton South</b> Staff recommendation: Defer Commission action: Deferred	• •		Defer	
Motion: Zakaria	Second: Bryant	Vote: Unanimous	Abstaining: None	
Commissioner Porras-Pirtle	e returned.			
<b>159</b> Harris County MUD no 171 Water Plant no 1 C2 Approve Staff recommendation: Grant the requested variance and approve the plat subject to the CPC 101 form conditions.				
Commission action: Granted form conditions.	the requested variance and	l approved the plat subje	ect to the CPC 101	
Motion: <b>Nelson</b>	Second: Asakura	Vote: Unanimous	Abstaining: None	

<b>160 HISD North Forest H</b> Staff recommendation: Gran and deny the variance to allo approve the plat subject to th Commission action: Grant th deny the variance to allow ex approve the plat subject to th Motion: <b>Davis</b> Opposed: Garza and Speaker for item 160: Chuck	nt the requested variance to ow excessive block length a ne CPC 101 form conditions e requested variance to allo ccessive block length along ne CPC 101 form conditions Second: <b>Jard</b> Asakura	long the northern and s. ow excessive block len the northern and sout s.	southern boundary and gth along Mesa Dr and
<b>161 Klein ISD Willow Lak</b> Staff recommendation: Grar form conditions. Commission action: Granted form conditions.	·	nd approve the plat sul	
Motion: Asakura	Second: Davis	Vote: Unanimous	Abstaining: None
<b>162 Mills Road Business</b> Staff recommendation: Gran form conditions. Commission action: Granted form conditions. Motion: <b>Clark</b>	nt the requested variance ar		bject to the CPC 101
<b>163 Uptown North Sec 1</b> Staff recommendation: Grar form conditions.	nt the requested variance ar	<b>C3R</b> nd approve the plat sul	Approve oject to the CPC 101
Commission action: Granted	the requested variance and	d approved the plat su	bject to the CPC 101
form conditions. Motion: <b>Bryant</b>	Second: Alleman	Vote: Unanimous	Abstaining: None
E SPECIAL EXCEPTIO	NS		
<b>164 Bering Place</b> Staff recommendation: Gran designated as "Restricted Re 101 form conditions. Commission action: Grant th "Restricted Reserve-A restric conditions. Motion: Jard	eserve-A restricted office us e requested special excepti	e <sup>;</sup> and approve the pla on subject to the reser	t subject to the CPC
Speaker for item 164: Craig	Murray- opposed		-
165 Laurol Park Soc 2		C3P	Withdrawn

165 Laurel Park Sec 2

C3P

Withdrawn

#### F RECONSIDERATION OF REQUIREMENTS

coord McGu Comr coord	linate with the applicant uinness Drive and acces nission action: Deferre- linate with the applicant	siness Park r the plat for two weeks to and Montgomery County ss to the unplatted outtract d the plat for two weeks to and Montgomery County ss to the unplatted outtract	with respect to the provis allow time for further stu with respect to the provis	sion of a cul-de-sac for udy and review and to
MCOU	Motion: Jard	Second: Tartt	Vote: <b>Unanimous</b>	Abstaining: None
form Comr	conditions.	/ the requested variance a the requested variance an Second: <b>Jard</b>		
Items	G, H, and I are taken	together at this time.		
G	EXTENSIONS OF AP	PROVAL		
168 169 170 171 172	Bavaria Sec 5 Covenant Baptist Ch Eagle View Fall Creek Lift Statio Fry 529 Center		EOA EOA EOA EOA EOA	Approve Approve Approve Approve Approve

172	Fry 529 Center	EOA	Approve
173	HCMUD No 321 Lift Station No 1	EOA	Approve
174	McKinney Green	EOA	Approve
175	Providence Classical School	EOA	Approve
176	Reservoir Acres partial replat no 1	EOA	Approve
177	Richmond Central	EOA	Approve
178	Saternalia Peristyle	EOA	Approve
179	Sunset Canyon Street Dedication Sec 1	EOA	Approve
180	Westfield Properties	EOA	Approve

#### H NAME CHANGES

#### I CERTIFICATES OF COMPLIANCE

	COC	Approve
Drive	COC	Approve
ove staff's recommend	ation for items 168-182.	
ed staff's recommendat	ion for items <b>168-182.</b>	
Second: Bryant	Vote: Unanimous	Abstaining: None
	ove staff's recommend d staff's recommendat	Drive COC ove staff's recommendation for items 168-182. Id staff's recommendation for items 168-182.

#### J ADMINISTRATIVE NONE

#### Κ DEVELOPMENT PLATS WITH VARIANCE REQUESTS

#### 183 14520 Galveston Road

Approve Staff recommendation: Grant the requested variance and approve with the following conditions:

1. Applicant shall provide a copy of the emergency ingress egress access agreement at the time of multi-family site review inclusive of the words perpetual and non-exclusive

DPV

2. Emergency entrance must be constructed and in place prior to final inspection of the project

Commission action: Granted the requested variance and approved with the following conditions:

- 1. Applicant shall provide a copy of the emergency ingress egress access agreement at the time of multi-family site review inclusive of the words perpetual and non-exclusive
- 2. Emergency entrance must be constructed and in place prior to final inspection of the project Motion: Alleman Second: Garza Vote: Unanimous Abstaining: None

#### Ш. ESTABLISH A PUBLIC HEARING DATE OF JANUARY 8, 2015 for:

- a. Bayou Fifth Sec 1
- b. Bayou Fifth Sec 2
- c. Bayou Fifth Sec 3
- d. Lamar Terrace partial replat no 6
- e. Pine Terrace Sec 2 partial replat no 1
- f. Rayford Ridge Sec 1 partial replat no 1
- g. Rocking Ranch replat no 1
- h. Shady Acres extension no 3 partial replat no 5
- i. Shadyvilla Addition no 1 Annex partial replat no 1

#### j. Towne Lake Sec 15 partial replat no 2 partial replat no 1

Staff recommendation: Establish a public hearing date of January 8, 2015 for items III a-j. Commission action: Established a public hearing date of January 8, 2015 for items III a-j.

Motion: Clark Second: Bryant Vote: Unanimous Abstaining: None

#### Commissioner Zakaria abstained and left the room.

#### III. CONSIDERATION OF AN OFF-STREET PARKING VARIANCE FOR A PROPERTY LOCATED AT 3217 MONTROSE BOULEVARD

Staff recommendation: Grant the requested variance for a reduced parking requirement of 38 spaces for the mix of uses proposed by the applicant.

Commission action: Granted the requested variance for a reduced parking requirement of 38 spaces for the mix of uses proposed by the applicant.

Second: Asakura Motion: Davis Vote: Carries Abstaining: Garza Speakers for item: Boris Popov and Nelli Nikova – opposed; Daniel Ellis

#### Commissioner Zakaria returned.

#### CONSIDERATION OF AN OFF-STREET PARKING VARIANCE FOR A PROPERTY IV. LOCATED AT 2901 RUSK STREET

Staff recommendation: Defer the parking variance for two weeks to allow time for further study and review.

Commission action: Deferred the parking variance for two weeks to allow time for further study and review.

Second: Bryant Motion: Jard Vote: Unanimous Abstaining: None

#### V. CONSIDERATION OF A LANDSCAPE VARIANCE FOR A PROPERTY LOCATED AT 2951 WILCREST DRIVE

Staff recommendation: Defer the landscape variance for two more weeks to allow time for applicant and staff to meet.

Commission action: Deferred the landscape variance for two more weeks to allow time for applicant and staff to meet.

Motion: Jard Second: Asakura Vote: Unanimous Abstaining: None

# VI. CONSIDERATION FOR THE DESIGNATION OF A SPECIAL PARKING AREA FOR THE MENIL COLLECTION AND CAMPUS

Staff recommendation: Allow for creation of an SPA boundary as proposed with additional requirements.

Commission action: Allowed for creation of an SPA boundary as proposed with additional requirements.

Motion: Asakura Second: Garza Vote: Unanimous Abstaining: None Speakers for item VI: Fred Sedgwick, Paul Terry, and Sheryl Kolasinski – supportive; David Manuel VII. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE BLOCK

APPLICATION FOR THE 1200-1300 BLOCK OF WELCH STREET (north and south sides) Staff recommendation: Approve the consideration of a special minimum lot size block application for the 1200-1300 blocks of Welch Street (north and south sides) and forward to City Council. Commission action: Approved the consideration of a special minimum lot size block application for the 1200-1300 blocks of Welch Street (north and south sides) and forward to City Council.

Motion: GarzaSecond: AsakuraVote: CarriesAbstaining: NoneOpposed: Porras-Pirtle, Tartt, Jard, Clark, Sikes, and NelsonAbstaining: None

Speakers for item VII: Ellen Pollard, Delia Cuellar, Sarah Frazier, Jessica Brown, and Jim Pollard – supportive; Gail Rosenthal, Brad Shumay, and David Harberg –opposed

#### Agenda items VIII and IX were taken together at this time.

#### VIII. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE BLOCK APPLICATION FOR THE 600 BLOCK OF CORDELL STREET (east and west sides)

#### IX. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL BUILDING LINE BLOCK APPLICATION FOR THE 600 BLOCK OF CORDELL STREET (east and west sides)

Staff recommendation: Approve the consideration of a special minimum lot size block application and the special building line block application for the 600 block of Cordell Street (east and west sides) and forward to City Council.

Commission action: Approved the consideration of a special minimum lot size block application and the special building line block application for the 600 block of Cordell Street (east and west sides) and forwarded to City Council.

Motion: Jard Second: Bryant Vote: Unanimous Abstaining: None

#### X. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE BLOCK APPLICATION FOR THE 1200 BLOCK OF ARCHER STREET (east and west sides)

Staff recommendation: Defer the application.

Commission action: Deferred the application.

Motion: Jard Second: Bryant Vote: Unanimous Abstaining: None

#### XI. PUBLIC HEARING AND CONSIDERATION OF SPECIAL MINIMUM LOT SIZE BLOCK APPLICATION FOR THE 1000-1200 BLOCK OF E. 28<sup>TH</sup> STREET (north and south sides)

This application was withdrawn by the applicant.

#### XII. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM BUILDING LINE BLOCK APPLICATION FOR THE 1000-1200 BLOCK OF E. 28<sup>TH</sup> STREET

This application was withdrawn by the applicant.

#### XIII. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE BLOCK APPLICATION FOR THE 1200 BLOCK OF KING STREET (north and south sides)

Staff recommendation: Approve the consideration of a special minimum lot size block application for the 1200 block of King Street (north and south sides) and forward to City Council. Commission action: Approved the consideration of a special minimum lot size block application for the 1200 block of King Street (north and south sides) and forwarded to City Council.

Motion: Asakura Second: Garza Vote: Unanimous Abstaining: None Speaker for item XIII: Katie Wood - supportive

#### XIV. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE AREA APPLICATION FOR LINDALE PARK SUBDIVISION SECTIONS 3 AND 5

Staff recommendation: Approve the consideration of a special minimum lot size area application for the Lindale Park Subdivision Sections 3 and 5 and forward to City Council.

Commission action: Approved the consideration of a special minimum lot size area application for the Lindale Park Subdivision Sections 3 and 5 and forwarded to City Council.

Motion: JardSecond: BryantVote: UnanimousAbstaining: NoneSpeakers for item XIV- Gwyn Guidy, Virginia Duke, and Sylvia Cavazos - supportive

#### XV. PUBLIC HEARING AND CONSIDERATION OF A SPECIAL MINIMUM LOT SIZE AREA APPLICATION FOR CRESTWOOD SUBDIVISION

Staff recommendation: Approve the consideration of a special minimum lot size area application for the Crestwood subdivision and forward to City Council.

Commission action: Approved the consideration of a special minimum lot size area application for the Crestwood subdivision and forwarded to City Council.

Motion: Clark Second: Bryant Vote: Unanimous Abstaining: None Speaker for item XV- Mike VanDusen - supportive

#### XVI. EXCUSE THE ABSENCES OF COMMISSIONER BOHAN

Commissioner Bohan's absences were excused.

Motion: Garza Second: Bryant Vote: Unanimous Abstaining: None

#### XVII. PUBLIC COMMENT

Roger Brown addressed the Commission regarding his opposition of agenda items XI and XII which were withdrawn by the applicant.

#### XVIII. ADJOURNMENT

There being no further business brought before the Chair, Mark Kilkenny adjourned the meeting at 5:26 p.m.

Motion: Clark Second: Garza Vote: Unanimous Abstaining: None

Mark Kilkenny, Chair

Patrick Walsh, Secretary

Platting Summary	Houston Planning Commission	PC Date: December 18, 2014
Item		Арр
No.	Subdivision Plat Name	Type Deferral

#### A-Consent

-C	Joinsent and a second		
1	Alder Trails Sec 7	C3P	
2	Alder Trails Sec 8	C3P	
3	Aldine Westfield Business Park GP	GP	DEF1
1	Aliana Sec 35	C3F	
5	Aliana Sec 38	C3F	
3	Alzate Acres	C2	
7	Anchor Fellowship Crosby	C2	
3	Aura Gleannloch	C2	
)	Bellaire Heights on Ashbrook	C3F	
10	City Park South Sec 1	C3F	
1	Claytons Park East Sec 1	C3F	
2	Creekside Ranch Sec 2	C3F	
3	Creekside Ranch Sec 3	C3F	
4	Cypress North Houston Road Street Dedication Sec 1	SP	DEF1
5	Cypress North Houston Road Street Dedication Sec 2	SP	DEF1
6	El Dorado at Clear Lake City Sec 3	C3F	DEF1
7	El Dorado Clear Lake City Sec 5	C3F	
8	Fairfield Village South Sec 16	C3F	
9	Forest Village Sec 9	C3P	
20	Forestwood Sec 6	C3P	
21	Fueling Addition at Franz Road	C2	
22	Grand Vista Sec 11	C3F	DEF1
23	Hampton Creek Sec 6	C3F	DEF1
24	Hayden Lakes Sec 9	C3F	DEF1
25	Henderson Street Terrace	C2	
26	Hidden Meadow Sec 15	C3F	
27	Interfield Business Park	C3F	
28	Kiddie Academy Kingsland	C2	
29	Lakes of Bella Terra Sec 32	C3F	
80	Lakes of Bella Terra Sec 33	C3F	
31	Landons Run	C3F	
32	Laurel Park North Sec 1	C3F	DEF1
33	Laurel Park North Sec 2	C3F	DEF1
34	Legends Trace Sec 3	C3P	
35	Madera Run Parkway Street Dedication Sec 1	C3F	
36	Magnolia Gardens Park	C3P	
37	Mayfair at Clarkson	C3F	DEF1
88	McKinney Place	C2	
39	Medical Development at FM 2920 Sec 2	C3P	
10	Nau Center	C3P	
1	Padfield Estates	C3P	
2	Park Eight Ninety	C3P	

PC Date: December 18, 2014

ltem		Арр	
No.	Subdivision Plat Name	Туре	Deferral
43	Plainview Second Addition replat no 5	C3F	
44	Pondera Business Park GP	GP	DEF1
45	Pondera Business Park Sec 1	C2	DEF1
46	Raintree Village Sec 10	C3F	
47	Raintree Village Sec 11	C3F	
48	Raintree Village Sec 7 partial replat no 1	C3F	
49	Raintree Village Sec 12	C3F	
50	Rancho Verde Sec 6	C3P	
51	RCI Holdings Corporate Offices	C2	
52	Royal Brook at Kingwood Sec 4	C3F	
53	Safe Harbor Storage	C2	
54	Saint Dominic Roman Catholic Church	C2	
55	Sherwood Oak Gardens	C3F	DEF1
56	Sidhpur Shopping Center	C2	
57	Silver Ranch Sec 10	C3F	
58	Silverchase	C3F	
59	Sommerall Park Sec 2	C3F	DEF1
60	Southridge Crossing Sec 4	C3F	
61	Sunset Ridge Sec 6	C3F	
62	Tavola GP	GP	
63	Tavola Sec 15	C3P	
64	Tavola Sec 16	C3P	
65	Terrace Brook Sec 1 partial replat no 1 and extension	C3F	
66	Towne Lake Commons Commercial Reserve Sec 2	C2	
67	Towne Lake Sec 34	C3F	
68	Towne Lake Sec 35	C3F	
69	Trails of Katy Sec 2	C3F	
70	Vintage Creek	C3F	
71	Vistas of Klein Lake Sec 1	C3F	
72	Vivace at Harmony Sec 1	C3P	
73	WannaB	C3P	
74	Westheimer Estates Partial Replat No 4	C3F	
75	Wheeler Avenue Baptist Church North	C2	
76	Whispering Pines Estates partial replat no 6 replat no 1	C3F	
77	Whispering Pines Estates partial replat no 8	C3F	
78	Wildwood at Northpointe Sec 24	C3F	
79	Willows Edge	C3F	
80	Woodlands Creekside Park West Sec 26	C3P	

#### **B-Replats**

81	Apex Southerland	C2R
82	Avenue Place Sec 3	C2R
83	Bayou Street Terrace	C2R
84	Buck Street Place	C2R

Platting Summary

PC Date: December 18, 2014

ltem		Арр	
No.	Subdivision Plat Name	Туре	Deferral
85	Buffalo North	C2R	
86	Campus Vue Annex	C2R	
87	Castone Court at West Twenty First Street	C2R	DEF1
88	Chung Tai Temple	C2R	
89	Cityscape Avenue Street Dedication Sec 1	SP	DEF1
90	Clear Lake Marketplace Sec 1	C2R	
91	Clear Lake Marketplace Sec 2	C2R	
92	Domain on Darling	C2R	
93	Dominos Plaza	C2R	
94	Dynamic Glass replat no 2 and extension	C2R	
95	Eado Square	C2R	DEF1
96	Fitaante Rose	C2R	DEF1
97	Friendship	C2R	
98	Fuel Depot	C2R	
99	Hannover West	C3R	DEF1
100	Harrisburg Townsites	C2R	
101	Hoang Plaza	C2R	
102	Houston Heights partial replat no 10	C2R	DEF1
103	Houston Heights partial replat no 12	C2R	
104	Hutchins Terrace	C2R	
105	Irvine Kashyap Palmeros	C2R	
106	Joshua Place	C2R	
107	Koehler Enclave	C2R	
108	La Mancha	C2R	
109	Lindale Place	C2R	
110	Maknojia Plaza	C2R	
111	Memorial City X	C2R	DEF1
112	Menil Drawing Institute	C3R	
113	Menil North replat no 1	C2R	
114	Mount Vernon Street Landing	C2R	
115	North Shepard Center	C2R	
116	Parker Estates	C2R	
117	Paulette Estates	C2R	
118	Reserve at Lakewood Heights	C2R	
119	Square Head	C2R	
120	Stem Cell Reserve	C2R	
121	Tricon Maryland Villas	C2R	
122	Trinity Verger	C2R	DEF1
123	Truro Street Landing	C2R	
124	Tyne Meadows	C2R	
125	Uptown Houston Development West 22nd Street Townhomes	C2R	DEF1
126	Verron Deleon	C2R	
127	Villas on West 22nd Street	C2R	
128	Wendys Shepherd	C2R	
129	West Seventeenth Street Townhomes	C2R	DEF1

Platt	ing Summary Houston Planning Commission	PC Date: December 18, 2014			
Item		Арр			
No.	Subdivision Plat Name	Туре	Deferral		
130	West Twenty Fourth Street Villas at Shadyacres	C2R	DEF1		
131	Woodland Pines	C2R	DEF1		

#### **C-Public Hearings Requiring Notification**

132	Broad Oaks partial replat no 7	C3N	
133	Craig Woods partial replat no 13	C3N	
134	Ella Estates replat no 1	C3N	
135	Lamar Terrace partial replat no 5	C3N	
136	Lismar Estates replat no 1	C3N	DEF1
137	Long Point Woods Sec 1 partial replat no 1	C3N	
138	Mangum Manor Sec 2 partial replat no 1	C3N	DEF1
139	Melody Oaks partial replat no 13	C3N	
140	Oak Park Ridge Sec 3 partial replat no 1	C3N	DEF1
141	Pecore Industrial	C3N	
142	Westbrooke Cornerbrook Apartments replat no 1	C3N	
143	Winfield Lakes Sec 17 partial replat no 1	C3N	

#### **D-Variances**

144	Ahmed Realty	C2R	
145	Carbo	C3R	
146	Cypress North Houston Road Street Dedication Sec 3	C3P	
147	Goode Company Bartlett replat no1	C2R	
148	Grand Morton South	C2	DEF1
149	Hobby Autoport	C2R	
150	Komorebi Court	C2R	
151	Louetta Mini Storage	C2	
152	Parkway at Eldridge Sec 4	C3P	
153	Saudia Arabia Royal Consulate	C2R	
154	Shreeram	C2R	
155	Spring at Taylor	C2	
156	Spring Cypress at Louetta Apartments	C2R	

#### **E-Special Exceptions**

None

#### **F-Reconsideration of Requirements**

157	Aldine Westfield Business Park	C3P	DEF1
158	Fairfield Village South Sec 15	C3P	
159	Pearl on Helena	C2R	

#### **G-Extensions of Approval**

Item     App       No.     Subdivision Plat Name     Type     Deferral       160     Aldine ISD Compass     EOA     EOA	Houston Planning Commission PC Date: Decemb	PC Date: December 18, 2014				
160 Aldine ISD Compass EOA	Арр					
	ubdivision Plat Name Type Defer	al				
	EOA					
161 Greens at Waverly East Addition EOA	EOA					
162 Teran Estate EOA	EOA					
163 Vintage Preserve East EOA	EOA					
164 Wong Estates EOA	EOA					

#### **H-Name Changes**

none

#### **I-Certification of Compliance**

165 23555 Ivy Ridge	COC
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#### **J-Administrative**

None

#### **K-Development Plats with Variance Requests**

166 617 Fargo Street	DPV
167 3818 Rosalie Street	DPV
168 6611 Supply Row	DPV
169 128 West 17 <sup>th</sup> Street	DPV

Platting Summary				<u>Ηοι</u>	uston	Planr	ning Co	mmissio	PC Date: December 18, 2014		
				1	_ocatio	n		Plat Data		c	Customer
ltem		Арр	Арр		City/	Кеу	Plat	Rsv			Applicant's
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company
A-C	onsent										
1	Alder Trails Sec 7	2014-3042	C3P	Harris	ETJ	367P	8.80	0.00	30	Taylor Morrison	BGE Kerry R. Gilbert Associates
2	Alder Trails Sec 8	2014-3043	C3P	Harris	ETJ	367P	8.50	0.66	29	Taylor Morrison	BGE Kerry R. Gilbert Associates
3	Aldine Westfield Business Park GP (DEF1)	2014-2883	GP	Montgo mery	ETJ	253S	17.73	0.00	0	KM Aldine Westfield	Town and Country Surveyors
4	Aliana Sec 35	2014-2880	C3F	Fort Bend	ETJ	567A	18.47	1.48	44	Aliana Development	LJA Engineering, Inc (West Houston Office)
5	Aliana Sec 38	2014-3098	C3F	Fort Bend	ETJ	567A	17.19	0.00	47	Aliana Development	LJA Engineering, Inc (West Houston Office)
6	Alzate Acres	2014-2827	C2	Harris	ETJ	446U	6.50	4.95	1	Jean McKinley Company	Jean McKinley Company
7	Anchor Fellowship Crosby	2014-2905	C2	Harris	ETJ	419F	4.99	4.99	0	Way-Tech, Inc.	Andrew Lonnie Sikes, Inc.
8	Aura Gleannloch	2014-3009	C2	Harris	ETJ	289X	8.21	8.21	0	Kimley-Horn, Inc	Terra Surveying Company, Inc.
9	Bellaire Heights on Ashbrook	2014-3088	C3F	Harris	City	531B	1.21	0.02	20	none	Tetra Surveys
10	City Park South Sec 1	2014-3034	C3F	Harris	City	573N	29.29	1.41	157	GBF LIC 288, LTD.	AECOM
11	Claytons Park East Sec 1	2014-3025	C3F	Harris	ETJ	377E	13.24	0.52	76	Woodmere Development Co., LTD.	Brown & Gay Engineers, Inc.
12	Creekside Ranch Sec 2	2014-3029	C3F	Fort Bend	ETJ	524S	23.15	1.30	94	Ashton Houston Residential	Jones & Carter, Inc.
13	Creekside Ranch Sec 3	2014-3030	C3F	Fort Bend	ETJ	524S	14.95	0.99	55	Ashton Houston Residential	Jones & Carter, Inc.
14	Cypress North Houston Road Street Dedication Sec 1 (DEF1)	2014-2921	SP	Harris	ETJ	366R	5.81	0.00	0	Caldwell Companies	EHRA
15	Cypress North Houston Road Street Dedication Sec 2 (DEF1)	2014-2925	SP	Harris	ETJ	367N	4.45	0.00	0	Caldwell Companies	EHRA
16	El Dorado at Clear Lake City Sec 3 (DEF1)	2014-2936	C3F	Harris	City	578T	17.82	8.29	46	JEN Texas IV, LLC	LJA Engineering, Inc (West Houston Office)
17	El Dorado Clear Lake City Sec 5	2014-2950	C3F	Harris	City	578X	10.97	0.91	37	JEN Texas IV, LLC	LJA Engineering, Inc (West Houston Office)
18	Fairfield Village South Sec 16	2014-3026	C3F	Harris	ETJ	325Q	18.28	1.75	69	Friendswood Development	Brown & Gay Engineers, Inc.
19	Forest Village Sec 9	2014-3038	C3P	Montgo mery	ETJ	292D	10.69	2.16	51	Woodmere Development Co., Ltd	Robert Doley, Planner
20	Forestwood Sec 6	2014-2972	C3P	Harris	ETJ	411D	8.33	0.00	46	Westchase Madison Inc.	F & R Engineering Group, Inc.
21	Fueling Addition at Franz Road	2014-3077	C2	Harris	ETJ	444V	1.72	1.57	0	Southwest Land Urban Growth LLC	M2L Associates, Inc.
22	Grand Vista Sec 11 (DEF1)	2014-2915	C3F	Fort Bend	ETJ	526Q	13.69	3.10	51	Taylor Morrison of Texas Inc.	Costello, Inc.
23	Hampton Creek Sec 6 (DEF1)	2014-2813	C3F	MULTI PLE	ETJ	251W	53.25	35.28	69	D.R. Horton	Jones & Carter, Inc.

Platting Summary				Ho	uston	Planr	ning Co	PC Date: December 18, 2014				
					Locatio	n		Plat Data		Customer		
<b>ltem</b> No.	Subdivision Plat Name	App No.	Арр Туре	Со	City/ ETJ	Кеу Мар	Plat Ac	Rsv Ac	Lots	Developer	Applicant's Company	
24	Hayden Lakes Sec 9 (DEF1)	2014-2959	C3F	Harris	ETJ	328E	39.03	11.56	121	Jen Texas IX, LLC	Costello, Inc.	
25	Henderson Street Terrace	2014-3045	C2	Harris	City	493F	0.11	0.00	3	Urban Living, LP	Total Surveyors, Inc.	
26	Hidden Meadow Sec 15	2014-2825	C3F	Harris	ETJ	417W	9.97	0.27	53	HLL II Land Acquisitions of Texas, LP	Arborleaf Engineering & Surveying, Inc.	
27	Interfield Business Park	2014-2969	C3F	Harris	City	493A	0.47	0.47	0	Interfield, Inc.	The Interfield Group	
28	Kiddie Academy Kingsland	2014-3002	C2	Harris	ETJ	485A	1.53	1.53	0	Terra Associates, Inc	Terra Surveying Company, Inc.	
29	Lakes of Bella Terra Sec 32	2014-3063	C3F	Fort Bend	ETJ	525J	16.81	1.12	58	LOB Limited Partnership	Benchmark Engineering Corp.	
30	Lakes of Bella Terra Sec 33	2014-3081	C3F	Fort Bend	ETJ	525J	13.47	0.27	61	LOB Limited Partnership	Benchmark Engineering Corp.	
31	Landons Run	2014-2986	C3F	Harris	City	451H	1.35	0.00	6	Rob Ryan Construction	Melissa's platting service	
32	Laurel Park North Sec 1 (DEF1)	2014-2914	C3F	Harris	ETJ	290S	59.45	27.45	106	Hines Interests, L.P.	LJA Engineering, Inc (West Houston Office)	
33	Laurel Park North Sec 2 (DEF1)	2014-2924	C3F	Harris	ETJ	290S	13.46	1.84	43	Hines Interests, L.P.	LJA Engineering, Inc (West Houston Office)	
34	Legends Trace Sec 3	2014-3064	C3P	Montgo mery	ETJ	253X	66.77	22.61	208	Legends Trace Interests, LTD	Jones & Carter, Inc.	
35	Madera Run Parkway Street Dedication Sec 1	2014-2961	C3F	Harris	ETJ	377L	6.87	0.00	0	Crescent LHTX 2012, LLC	Brown & Gay Engineers, Inc.	
36	Magnolia Gardens Park	2014-2960	C3P	Harris	City	494Y	9.55	1.13	126	Drake Homes	The Interfield Group	
37	Mayfair at Clarkson (DEF1)	2014-2957	C3F	Harris	City	451Z	0.77	0.04	13	Beacon Builders	Total Surveyors, Inc.	
38	McKinney Place	2014-2916	C2	Harris	City	493R	0.23	0.00	6	Brookstone Homes, Inc.	AGS CONSULTANTS LLC	
39	Medical Development at FM 2920 Sec 2	2014-3071	C3P	Harris	ETJ	291R	31.01	27.12	0	2920 MED DEV Partners, LLC.	IDS Engineering Group	
40	Nau Center	2014-3052	C3P	Harris	City	493R	3.76	3.76	0	City of Houston	Windrose Land Services, Inc.	
41	Padfield Estates	2014-3074	C3P	Harris	City	450V	2.58	0.02	20	Weekley Homes, LLC	The Interfield Group	
42	Park Eight Ninety	2014-2882	C3P	MULTI PLE	City	570Q	7.49	7.19	0	Trammell Crow Company	CobbFendley	
43	Plainview Second Addition replat no 5	2014-2982	C3F	Harris	City	492V	0.11	0.00	2	BERCON LTD	MOMENTUM EGINEERNG	
44	Pondera Business Park GP (DEF1)	2014-2874	GP	Harris	ETJ	416G	201.19	0.00	0	Pondera Land, LLC	IDS Engineering Group	
45	Pondera Business Park Sec 1 (DEF1)	2014-2876	C2	Harris	ETJ	416G	88.08	88.08	0	Pondera Land, LLC	IDS Engineering Group	
46	Raintree Village Sec 10	2014-3089	C3F	Harris	ETJ	446K	1.32	0.00	10	DHK DEVELOPMENT, INC.	M2L Associates, Inc.	
47	Raintree Village Sec 11	2014-3090	C3F	Harris	ETJ	446K	12.12	0.00	72	DHK DEVELOPMENT, INC.	M2L Associates, Inc.	
48	Raintree Village Sec 7 partial replat no 1	2014-3100	C3F	Harris	ETJ	446K	0.04	0.04	0	DHK Developement	M2L Associates, Inc.	
49	Raintree Village Sec 12	2014-3093	C3F	Harris	ETJ	446K	2.56	0.00	20	DHK DEVELOPMENT, INC.	M2L Associates, Inc.	
50	Rancho Verde Sec 6	2014-2917	C3P	Harris	ETJ	458S	57.81	14.16	250	D.R. HORTON- TEXAS, LTD	huitt-zollars	

<u>Platt</u>	ing Summary			<u>Ηοι</u>	uston	Plann	ning Con	PC Date: December 18, 201					
				L	ocatio	n		Plat Data		Customer			
Item		Арр	Арр		City/	Кеу	Plat	Rsv			Applicant's		
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company		
51	RCI Holdings Corporate Offices	2014-3096	C2	Harris	ETJ	370U	3.09	3.09	0	RCI CORPORATION	REKHA ENGINEERING, INC.		
52	Royal Brook at Kingwood Sec 4	2014-2990	C3F	Harris	City	297P	9.17	0.29	40	Friendswood Development Company	CobbFendley		
53	Safe Harbor Storage	2014-3001	C2	Harris	ETJ	329B	5.00	4.87	0	Safe Harbor Boat & RV Storage	John G. Thomas and Associates, Inc. dba Thomas Land Surveying		
54	Saint Dominic Roman Catholic Church	2014-2816	C2	Harris	ETJ	457G	9.00	9.00	0	CSF Consulting LP	CSF Consulting LP		
55	Sherwood Oak Gardens (DEF1)	2014-2920	C3F	Harris	City	489B	2.51	0.53	37	Tanglewood Builders	The Interfield Group		
56	Sidhpur Shopping Center	2014-2992	C2	Harris	ETJ	417N	3.58	3.58	0	Garrett Property, Inc.	E.I.C. Surveying Company		
57	Silver Ranch Sec 10	2014-3024	C3F	Fort Bend	ETJ	484S	41.95	21.29	62	Katy 309 Venture, L.P.	Brown & Gay Engineers, Inc.		
58	Silverchase	2014-3035	C3F	Harris	ETJ	371D	25.73	4.44	100	Palo Pinto Land Company / Silverchase-2007, LP	Dannenbaum Engineering Corporation		
59	Sommerall Park Sec 2 (DEF1)	2014-2840	C3F	Harris	ETJ	407V	18.33	1.08	72	Sommerall 44 Development Partners LP	Miller Survey Group		
60	Southridge Crossing Sec 4	2014-2783	C3F	Harris	City	574Z	8.95	0.22	45	Pulte Group	LJA Engineering, Inc (West Houston Office)		
61	Sunset Ridge Sec 6	2014-3070	C3F	Harris	ETJ	376V	12.87	0.04	66	SSR-185 Investments, Ltd.	Benchmark Engineering Corp.		
62	Tavola GP	2014-3066	GP	Montgo mery	ETJ	257E	1043.91	0.00	0	Friendswood Development Company	RVi Planning + Landscape Architecture		
63	Tavola Sec 15	2014-3067	C3P	Montgo mery	ETJ	257F	13.15	2.03	47	Friendswood Development Company	RVi Planning + Landscape Architecture		
64	Tavola Sec 16	2014-3072	C3P	Montgo mery	ETJ	257F	14.85	1.25	61	Friendswood Development Company	RVi Planning + Landscape Architecture		
65	Terrace Brook Sec 1 partial replat no 1 and extension	2014-3079	C3F	Harris	ETJ	410L	40.75	40.71	0	PRIESTLY FRATERNITY OF ST. PETER, INC	Vatani Consulting Engineers, PLLC		
66	Towne Lake Commons Commercial Reserve Sec 2	2014-2918	C2	Harris	ETJ	367W	9.34	9.34	0	Caldwell Companies	EHRA		
67	Towne Lake Sec 34	2014-3040	C3F	Harris	ETJ	367S	27.35	3.77	75	CW SCOA West, L.P.	EHRA		
68	Towne Lake Sec 35	2014-3041	C3F	Harris	ETJ	367S	35.77	6.25	84	CW SCOA West, L.P.	EHRA		
69	Trails of Katy Sec 2	2014-2885	C3F	Fort Bend	Outsi de ETJ	483H	9.02	0.66	28	Ventana Development	Jones & Carter, Inc.		
70	Vintage Creek	2014-2964	C3F	Harris	ETJ	289H	50.92	17.65	150	D.R. Horton-Texas, Ltd.	R.G. Miller Engineers		
71	Vistas of Klein Lake Sec 1	2014-2889	C3F	Harris	ETJ	290Y	50.77	11.57	116	RH of Texas Limited Partnership	LJA Engineering, Inc (West Houston Office)		
72	Vivace at Harmony Sec 1	2014-3057	C3P	Montgo mery	ETJ	293L	48.17	19.57	117	Shea Homes	Jones & Carter, Inc.		

Platt	ing Summary		Ho	uston	Plann	ing Co	mmissio	PC Date: December 18, 2014				
					Locatio	on	Plat Data			Customer		
ltem		Арр	Арр		City/	Кеу	Plat	Rsv			Applicant's	
No. 73	Subdivision Plat Name WannaB	No. 2014-2973	Type C3P	Co Harris	ETJ	Мар 333В	Ac	Ac 1.13	Lots 0	Developer Linda Keith	Company Knudson, LP	
	Wannab Westheimer Estates										·	
74	Partial Replat No 4	2014-3065	C3F	Harris	City	491X	0.28	0.07	4	Prebish Homes	Total Surveyors, Inc.	
75	Wheeler Avenue Baptist Church North	2014-2841	C2	Harris	City	533D	4.40	4.40	1	Bury Inc	Bury	
76	Whispering Pines Estates partial replat no 6 replat no 1	2014-3019	C3F	Harris	City	451X	0.34	0.01	3	Paradigm Design	Hovis Surveying Company Inc.	
77	Whispering Pines Estates partial replat no 8	2014-2974	C3F	Harris	City	451X	0.28	0.01	3	Baudier Construction	Owens Management Systems, LLC	
78	Wildwood at Northpointe Sec 24	2014-3032	C3F	Harris	ETJ	328F	19.11	1.84	58	Friendswood Development Co.	LJA Engineering, Inc (West Houston Office)	
79	Willows Edge	2014-2965	C3F	Harris	City/ ETJ	290J	14.19	3.75	43	LPUSA, INC.	R.G. Miller Engineers	
80	Woodlands Creekside Park West Sec 26	2014-2989	C3P	Harris	ETJ	249Q	19.69	6.58	30	The Woodlands Land Development Company, L.P.	LJA Engineering, Inc - (Woodlands Office)	
B-R	eplats											
81	Apex Southerland	2014-2999	C2R	Harris	City	451J	3.97	3.94	0	Apex Southerland, LLC	Hovis Surveying Company Inc.	
82	Avenue Place Sec 3	2014-2800	C2R	Harris	City	453Z	2.14	2.14	0	Avenue Community Development Corporation	Jones & Carter, Inc.	
83	Bayou Street Terrace	2014-3049	C2R	Harris	City	494J	0.11	0.00	3	Cygnus Builders	Total Surveyors, Inc.	
84	Buck Street Place	2014-3014	C2R	Harris	City	494F	0.46	0.00	7	Uvalde Center I, Ltd.	TKE Development Services, Ltd.	
85	Buffalo North	2014-3055	C2R	Harris	City	492M	1.48	1.48	0	Mill Creek Residential Trust, LLC	Jones & Carter, Inc.	
86	Campus Vue Annex	2014-2698	C2R	Harris	City	534E	0.76	0.76	0	Kimley-Horn, Inc	Terra Surveying Company, Inc.	
87	Castone Court at West Twenty First Street (DEF1)	2014-2846	C2R	Harris	City	452T	0.21	0.00	4	Castone Homes Inc	South Texas Surveying Associates, Inc.	
88	Chung Tai Temple	2014-3008	C2R	Harris	City	529E	1.36	1.36	0	TDCK ARCHITECTS	A&B CONSULTANTS, LLC	
89	Cityscape Avenue Street Dedication Sec 1 (DEF1)	2014-2735	SP	Harris	City	573N	8.05	0.00	0	GBF LIC 288, LTD.	AECOM	
90	Clear Lake Marketplace Sec 1	2014-3087	C2R	Harris	City	578X	23.59	23.59	0	Fidelis	LJA Engineering, Inc (West Houston Office)	
91	Clear Lake Marketplace Sec 2	2014-2898	C2R	Harris	City	578X	6.06	6.06	0	Fidelis	LJA Engineering, Inc (West Houston Office)	
92	Domain on Darling	2014-2978	C2R	Harris	City	492C	0.12	0.00	3	Momentum Engineering	MOMENTUM EGINEERNG	
93	Dominos Plaza	2014-3062	C2R	Harris	City	573D	0.79	0.79	0	Cullen Holdings	South Texas Surveying Associates, Inc.	
94	Dynamic Glass replat no 2 and extension	2014-3020	C2R	Harris	ETJ	410A	9.00	9.00	0	DYNAMIC GLASS REAL ESTATE, LLC	Lentz Engineering, L.C.	

<u>Platti</u>	ng Summary			Ho	uston	Plann	ing Co	mmissio	<u>n</u>	PC Date: December 18, 2014		
					Locatio	n		Plat Data		Customer		
ltem		Арр	Арр		City/	Key	Plat	Rsv			Applicant's	
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company	
95	Eado Square (DEF1)	2014-2713	C2R	Harris	City	494N	2.27	0.00	60	City Choice Homes L.L.C.	ICMC GROUP INC	
96	Fitaante Rose (DEF1)	2014-2944	C2R	Harris	City	493N	0.11	0.00	2	Star Custom Homes	Jalayer And Associates, Inc.	
97	Friendship	2014-2691	C2R	Harris	City	533M	0.87	0.87	1	HAMILTON ASSOCIATES	HAMILTON ASSOCIATES	
98	Fuel Depot	2014-2979	C2R	Harris	City	533Q	0.43	0.43	0	ENTERPRISE,	Advance Surveying, Inc.	
99	Hannover West (DEF1)	2014-2952	C3R	Harris	ETJ	408F	9.29	2.43	82	K. Hovnanian of Houston	RVi Planning + Landscape Architecture	
100	Harrisburg Townsites	2014-3004	C2R	Harris	City	494T	0.24	0.00	6	Jin H. Kim	Hovis Surveying Company Inc.	
101	Hoang Plaza	2014-3039	C2R	Harris	City	573V	1.33	1.33	0	SONNY HOANG	South Texas Surveying Associates, Inc.	
102	Houston Heights partial replat no 10 (DEF1)	2014-2854	C2R	Harris	City	452V	5.52	5.52	0	Kimley-Horn, Inc	Terra Surveying Company, Inc.	
103	Houston Heights partial replat no 12	2014-3054	C2R	Harris	City	492D	0.20	0.00	3	None	Tetra Surveys	
104	Hutchins Terrace	2014-2938	C2R	Harris	City	493U	0.23	0.00	6	Brookstone Homes, Inc.	AGS CONSULTANTS LLC	
105	Irvine Kashyap Palmeros	2014-2987	C2R	Harris	ETJ	291V	5.09	5.09	0	IKP Investments LLC	Town and Country Surveyors	
106	Joshua Place	2014-2971	C2R	Harris	City	493V	0.11	0.00	3	M. Romero Builders	The Interfield Group	
107	Koehler Enclave	2014-3022	C2R	Harris	City	492H	0.12	0.00	3	Prime Texas Surveys	PRIME TEXAS SURVEYS, LLC	
108	La Mancha	2014-3023	C2R	Harris	City	452A	0.46	0.00	2	Cameron Armstrong Architects	Civil-Surv Land Surveying, L.C.	
109	Lindale Place	2014-2799	C2R	Harris	City	453U	1.46	1.27	0	South Texas Surveying Associates, Inc	South Texas Surveying Associates, Inc.	
110	Maknojia Plaza	2014-2991	C2R	Harris	ETJ	419G	1.85	1.85	0	Crosby FM 2100 Property, Inc	E.I.C. Surveying Company	
111	Memorial City X (DEF1)	2014-2923	C2R	Harris	City	490A	37.21	37.21	0	Metro National Corporation, a Texas corporation	Windrose Land Services, Inc.	
112	Menil Drawing Institute	2014-2835	C3R	Harris	City	493S	3.20	2.39	0	Menil Foundation, Inc.	Civil-Surv Land Surveying, L.C.	
113	Menil North replat no 1	2014-2980	C2R	Harris	City	492V	2.96	1.70	9	Menil Foundation, Inc.	Civil-Surv Land Surveying, L.C.	
114	Mount Vernon Street Landing	2014-3046	C2R	Harris	City	493W	0.15	0.00	4	Urban Living, LP	Total Surveyors, Inc.	
115	North Shepard Center	2014-3084	C2R	Harris	City	452C	0.51	0.00	2	Vulcan Acquisitions LTD	Field Data Srvice, Inc	
116	Parker Estates	2014-3003	C2R	Harris	City	492H	0.11	0.00	2	KRISTIAN BELL CONSTRUCTION	PLS	
117	Paulette Estates	2014-3086	C2R	Harris	City	493X	0.14	0.00	3	ADCS, LP	Paksima Group, Inc.	
118	Reserve at Lakewood Heights	2014-3012	C2R	Harris	City	338R	1.38	1.38	0	WorleyParsons	TKE Development Services, Ltd.	
119	Square Head	2014-2828	C2R	Harris	City	535Z	19.57	19.43	0	Squarehead Properties	R.W. Patrick & Associates, Inc.	
120	Stem Cell Reserve	2014-3059	C2R	Harris	City	532M	0.30	0.30	0	Stem Cell Reserve, LP	Century Engineering, Inc	

<u>Platt</u>	ing Summary			<u> Hou</u>	uston	Plann	ing Com	nmissio	PC Date: December 18, 2014		
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ltem		Арр	Арр		City/	Key	Plat	Rsv			Applicant's
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company
121	Tricon Maryland Villas	2014-2977	C2R	Harris	City	492V	0.14	0.00	3	BERCON LTD	MOMENTUM EGINEERNG
122	Trinity Verger (DEF1)	2014-2860	C2R	Harris	City	493T	0.73	0.73	0	Trinity Episcopal Church	South Texas Surveying Associates, Inc.
123	Truro Street Landing	2014-3050	C2R	Harris	City	492G	0.13	0.00	3	Urban Living, LP	Total Surveyors, Inc.
124	Tyne Meadows	2014-3092	C2R	Harris	City	492F	0.11	0.00	3	Owner	The Interfield Group
125	Uptown Houston Development West 22nd Street Townhomes (DEF1)	2014-2909	C2R	Harris	City	452U	0.17	0.00	4	Urban Houston Development, LLC	Woodson King
126	Verron Deleon	2014-3094	C2R	Montgo mery	ETJ	296K	2.30	0.00	2	Jacques Verron	Town and Country Surveyors
127	Villas on West 22nd Street	2014-3047	C2R	Harris	City	452U	0.30	0.00	6	1114 W 22ND LLC	ICMC GROUP INC
128	Wendys Shepherd	2014-2984	C2R	Harris	City	452Q	0.53	0.53	0	Momentum Engineering	MOMENTUM EGINEERNG
129	West Seventeenth Street Townhomes (DEF1)	2014-2843	C2R	Harris	City	452Y	0.19	0.00	4	1038 W. 17th Street, LLC	HRS and Associates, LLC
130	West Twenty Fourth Street Villas at Shadyacres (DEF1)	2014-2815	C2R	Harris	City	452T	0.15	0.00	4	NoreCole, LLc	MOMENTUM EGINEERNG
131	Woodland Pines (DEF1)	2014-2727	C2R	Montgo mery	ETJ	252N	1.05	1.05	0	TKYL ASSC.	A&B CONSULTANTS, LLC

### **C-Public Hearings Requiring Notification**

		J -									
132	Broad Oaks partial replat no 7	2014-2773	C3N	Harris	City	491K	0.40	0.00	1	Partners in Building, L.P.	Jones & Carter, Inc The Woodlands
133	Craig Woods partial replat no 13	2014-2802	C3N	Harris	City	451X	0.22	0.01	2	Kingston Custom Builders	Total Surveyors, Inc.
134	Ella Estates replat no 1	2014-2660	C3N	Harris	City	452F	1.29	0.39	13	Ella Oaks, LLC	Windrose Land Services, Inc.
135	Lamar Terrace partial replat no 5	2014-2567	C3N	Harris	City	491X	1.29	1.24	0	Kensinger Donnelly	Terra Surveying Company, Inc.
136	Lismar Estates replat no 1 (DEF1)	2014-2512	C3N	Harris	City	452U	0.20	0.00	5	Shanaya Group Inc.	PRIME TEXAS SURVEYS, LLC
137	Long Point Woods Sec 1 partial replat no 1	2014-2624	C3N	Harris	City	450X	0.34	0.00	2	TimeLine Construction Group LLC	Melissa's platting service
138	Mangum Manor Sec 2 partial replat no 1 (DEF1)	2014-2620	C3N	Harris	City	451L	0.19	0.00	1	Demac & Company	Century Engineering, Inc
139	Melody Oaks partial replat no 13	2014-2751	C3N	Harris	City	451X	0.27	0.02	3	BGT Construction, LLC	Bates Development Consultants
140	Oak Park Ridge Sec 3 partial replat no 1 (DEF1)	2014-2357	C3N	Harris	ETJ	487Z	0.92	0.92	0	Swiss Builders	South Texas Surveying Associates, Inc.
141	Pecore Industrial	2014-2483	C3N	Harris	City	453X	0.18	0.18	0	PALT	Field Data Srvice, Inc
142	Westbrooke Cornerbrook Apartments replat no 1	2014-2641	C3N	Harris	ETJ	486E	9.62	9.62	0	Westbrooke Development	LJA Engineering, Inc (West Houston Office)
143	Winfield Lakes Sec 17 partial replat no 1	2014-2613	C3N	Fort Bend	ETJ	611S	0.18	0.00	1	Woodmere Development	LJA Engineering, Inc (West Houston Office)

<u>Platt</u>	ing Summary			<u>Ho</u>	uston	Planr	ning Cor	nmissio	PC Date: December 18, 2014		
					Locatio	n		Plat Data		c c	Customer
ltem		Арр	Арр		City/	Кеу	Plat	Rsv			Applicant's
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company
D-Va	ariances										
144	Ahmed Realty	2014-3021	C2R	Harris	ETJ	373U	12.66	12.66	0	Ahmed Realty V LTD	Hovis Surveying Company Inc.
145	Carbo	2014-2878	C3R	Harris	City	493T	0.55	0.55	1	Gloria's Restaurant	PF Services
146	Cypress North Houston Road Street Dedication Sec 3	2014-3080	C3P	Harris	ETJ	367N	5.57	0.00	0	CW SCOA West, L.P., A Texas Limited Partnership	EHRA
147	Goode Company Bartlett replat no1	2014-2995	C2R	Harris	City	492Y	0.54	0.54	0	Edward M. Lee and Ellen Lee	Vernon G. Henry & Associates, Inc.
148	Grand Morton South (DEF1)	2014-2900	C2	Harris	ETJ	445Q	61.28	61.28	0	New Quest Properties	Texas Engineering And Mapping Company
149	Hobby Autoport	2014-3044	C2R	Harris	City	575C	17.44	17.44	0	CHAVEZ PROPERTIES	Jones & Carter, Inc.
150	Komorebi Court	2014-2906	C2R	Harris	City	493X	0.33	0.00	6	Epidemiology Solutions LLC	Owens Management Systems, LLC
151	Louetta Mini Storage	2014-2994	C2	Harris	ETJ	329V	5.01	5.01	0	Robert Walters Architecture	Texas Engineering And Mapping Company
152	Parkway at Eldridge Sec 4	2014-3051	C3P	Harris	City	488T	6.40	0.86	55	Sueba 350, LP	BGE Kerry R. Gilbert Associates
153	Saudia Arabia Royal Consulate	2014-2948	C2R	Harris	City	489Y	3.50	3.50	0	StudioRED Architects	South Texas Surveying Associates, Inc.
154	Shreeram	2014-2764	C2R	Harris	City	453Y	2.67	2.67	0	Shree Ram Inc	South Texas Surveying Associates, Inc.
155	Spring at Taylor	2014-3007	C2	Harris	City	493F	5.09	5.09	0	Kimley-Horn, Inc	Terra Surveying Company, Inc.
156	Spring Cypress at Louetta Apartments	2014-3095	C2R	Harris	ETJ	291V	17.81	17.81	0	Davis Development	R.G. Miller Engineers

#### **E-Special Exceptions**

None

#### **F-Reconsideration of Requirements**

157	Aldine Westfield Business Park (DEF1)	2014-2822	C3P	Montgo mery	ETJ	253S	14.38	14.38	0	KM Aldine Westfield	Town and Country Surveyors
158	Fairfield Village South Sec 15	2014-2852	C3P	Harris	ETJ	325R	20.94	12.08	45	Friendswood Development Co	INsite Architecture Inc
159	Pearl on Helena	2014-2996	C2R	Harris	City	493P	1.15	1.15	0	Helena-Drew Holdings, LLC	Vernon G. Henry & Associates, Inc.

#### **G-Extensions of Approval**

160	Aldine ISD Compass	2013-3219	EOA	Harris	ETJ	373Z	30.20	30.20	0	Aldine I.S.D.	Jones & Carter, Inc.
161	Greens at Waverly East Addition	2013-3089	EOA	Harris	ETJ	373R	32.79	32.79	0	REED Holdings, LLC	Windrose Land Services, Inc.
162	Teran Estate	2013-3131	EOA	Harris	ETJ	286S	2.50	0.00	1	JAG Engineering, Inc.	JAG Engineering, Inc.

<u>Platt</u>	ing Summary	<u>Ho</u>	uston	Plann	ning Cor	nmissio	PC Date: December 18, 2014				
					Location			Plat Data		Customer	
ltem		Арр	Арр		City/	Key	Plat	Rsv			Applicant's
No.	Subdivision Plat Name	No.	Туре	Со	ETJ	Мар	Ac	Ac	Lots	Developer	Company
163	Vintage Preserve East	2013-3112	EOA	Harris	ETJ	329V	3.09	3.09	0	TLM Vintage Preserve, LLC	Terra Surveying Company, Inc.
164	Wong Estates	2013-2966	EOA	Harris	ETJ	373U	1.27	1.27	0	ALDINE BENDER BUSINESS PARK, INC.	Civil-Surv Land Surveying, L.C.

#### **H-Name Changes**

None

#### **I-Certification of Compliance**

165 23555 Ivy Ridge	14-1040 COC	Montgo mery ETJ 296M	0.4	Kathy Hardage	Kathy Hardage	
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#### **J-Administrative**

None

#### **K-Development Plats with Variance Requests**

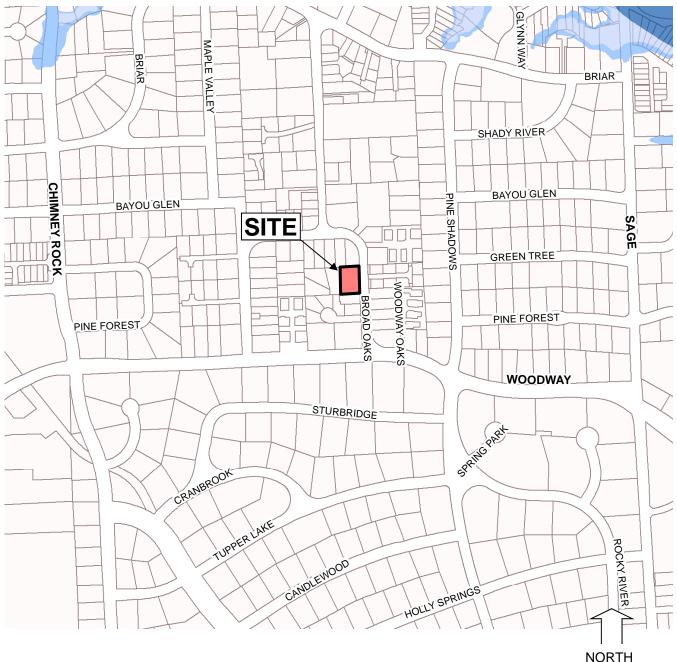
166	617 Fargo Street	14094661	DPV	Harris	CITY	493N	Liz Milstead	Milstead Construction Services
167	3818 Rosalie Street	1312621	DPV	Harris	CITY	494W	Alex Akintunji	Alexan Construction
168	6611 Supply Row	13107079	DPV	Harris	CITY	494Y	Cristy Gavlick	General Contractors Permit Serv.
169	128 West 17th Street	14010471	DPV	Harris	CITY	452Z	Melissa	Field Data Services

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Broad Oaks partial replat no 7

### Applicant : Jones & Carter, Inc



### **C** – Public Hearings

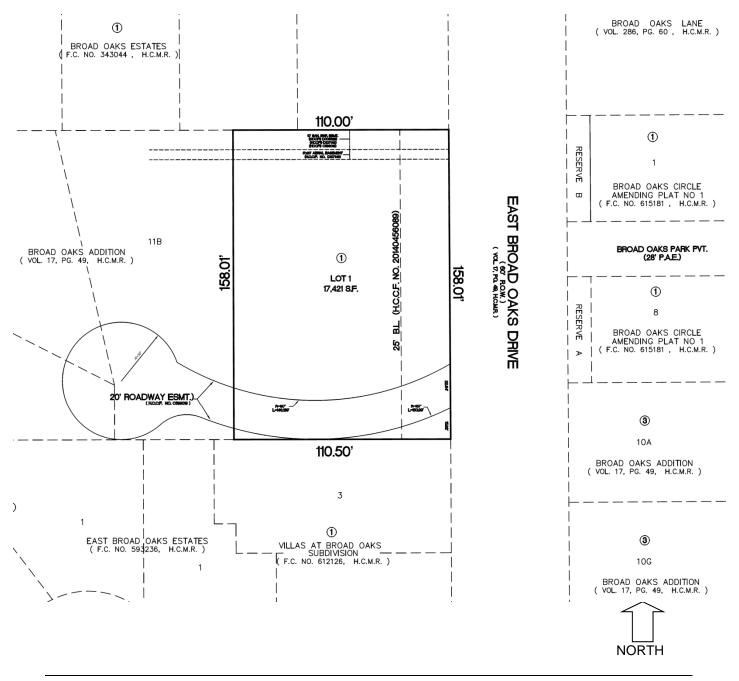
**Site Location** 

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Broad Oaks partial replat no 7

#### Applicant: Jones & Carter, Inc



### **C** – Public Hearings

### **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Broad Oaks partial replat no 7

Applicant: Jones & Carter, Inc





### **C** – Public Hearings

Aerial

Planning and Development Department

Meeting Date: 12/04/2014

### Subdivision Name: Craig Woods partial replat no 13

### Applicant : Total Surveyors, Inc.



**C** – Public Hearings

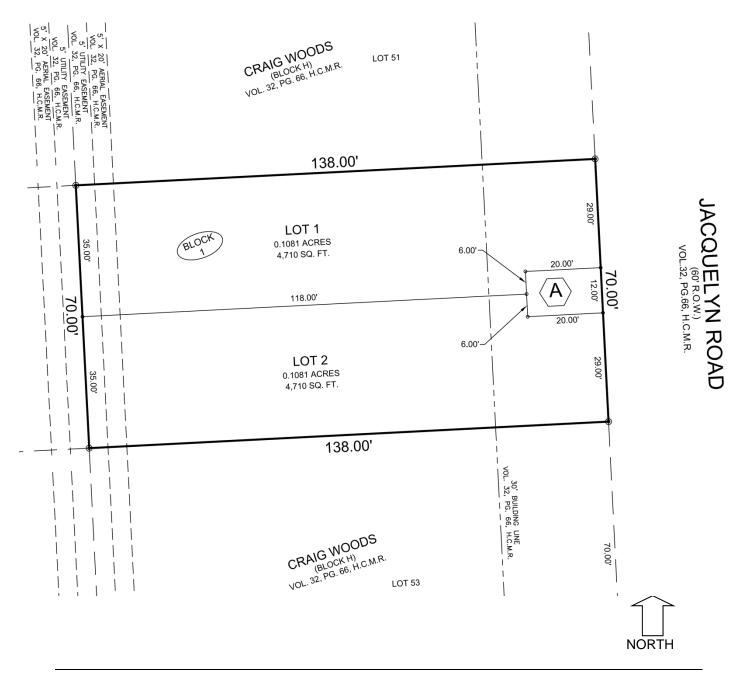
**Site Location** 

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Craig Woods partial replat no 13

Applicant: Total Surveyors, Inc.



### **C** – Public Hearings

### **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Craig Woods partial replat no 13

Applicant: Total Surveyors, Inc.



NORTH

### **C** – Public Hearings

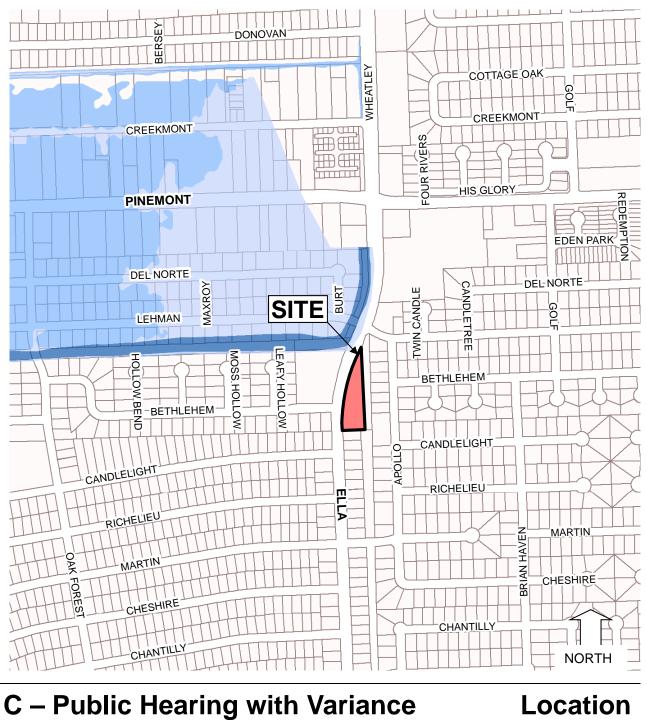
Aerial

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Ella Estates replat no 1

### Applicant : Windrose Land Services, Inc.

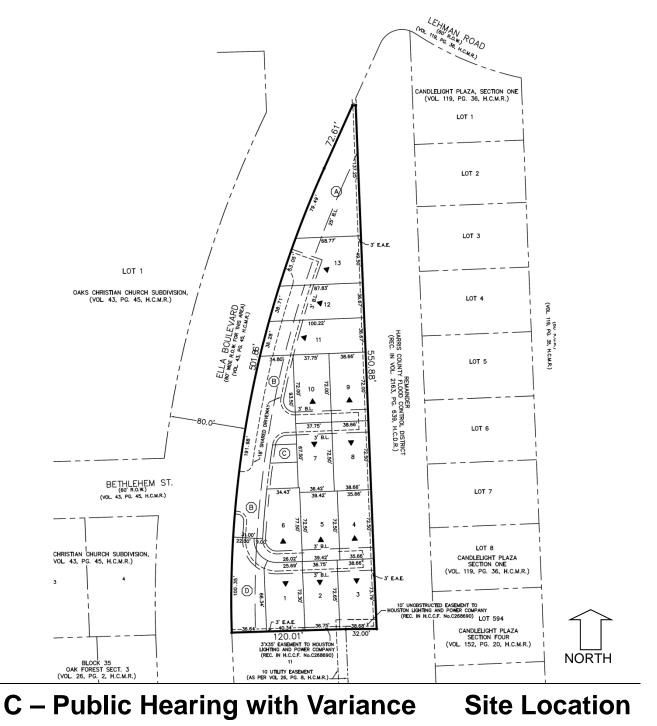


**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Ella Estates replat no 1

Applicant: Windrose Land Services, Inc.

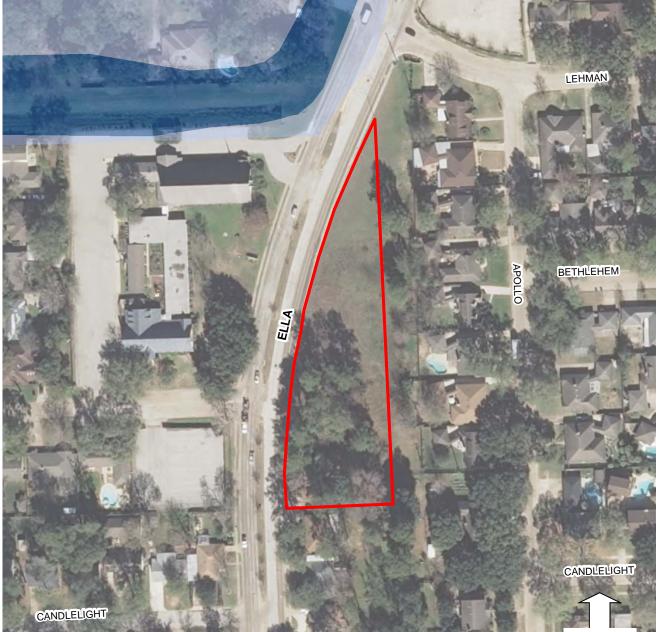


**Planning and Development Department** 

Meeting Date: 12/18/2014

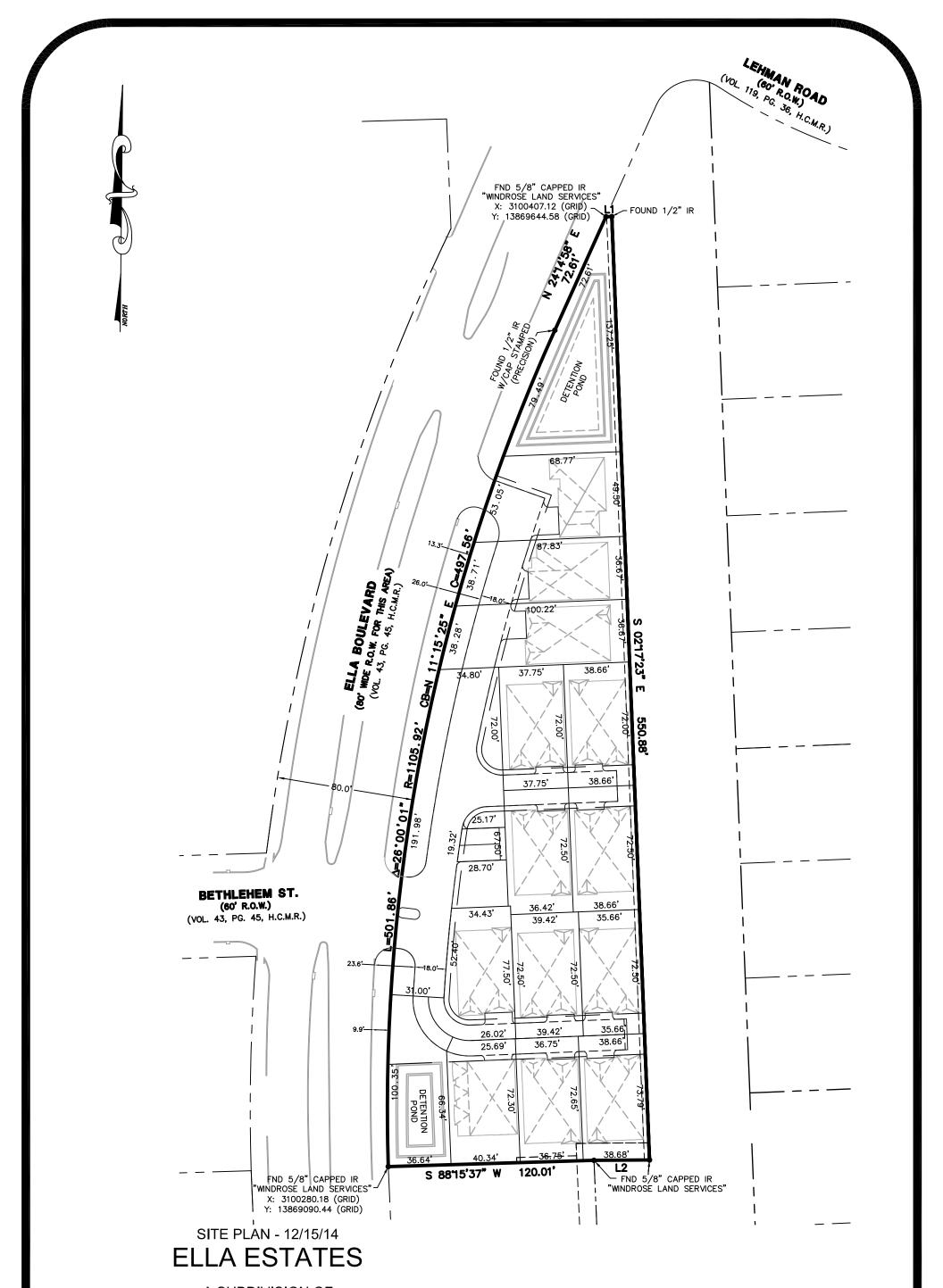
Subdivision Name: Ella Estates replat no 1

Applicant: Windrose Land Services, Inc.

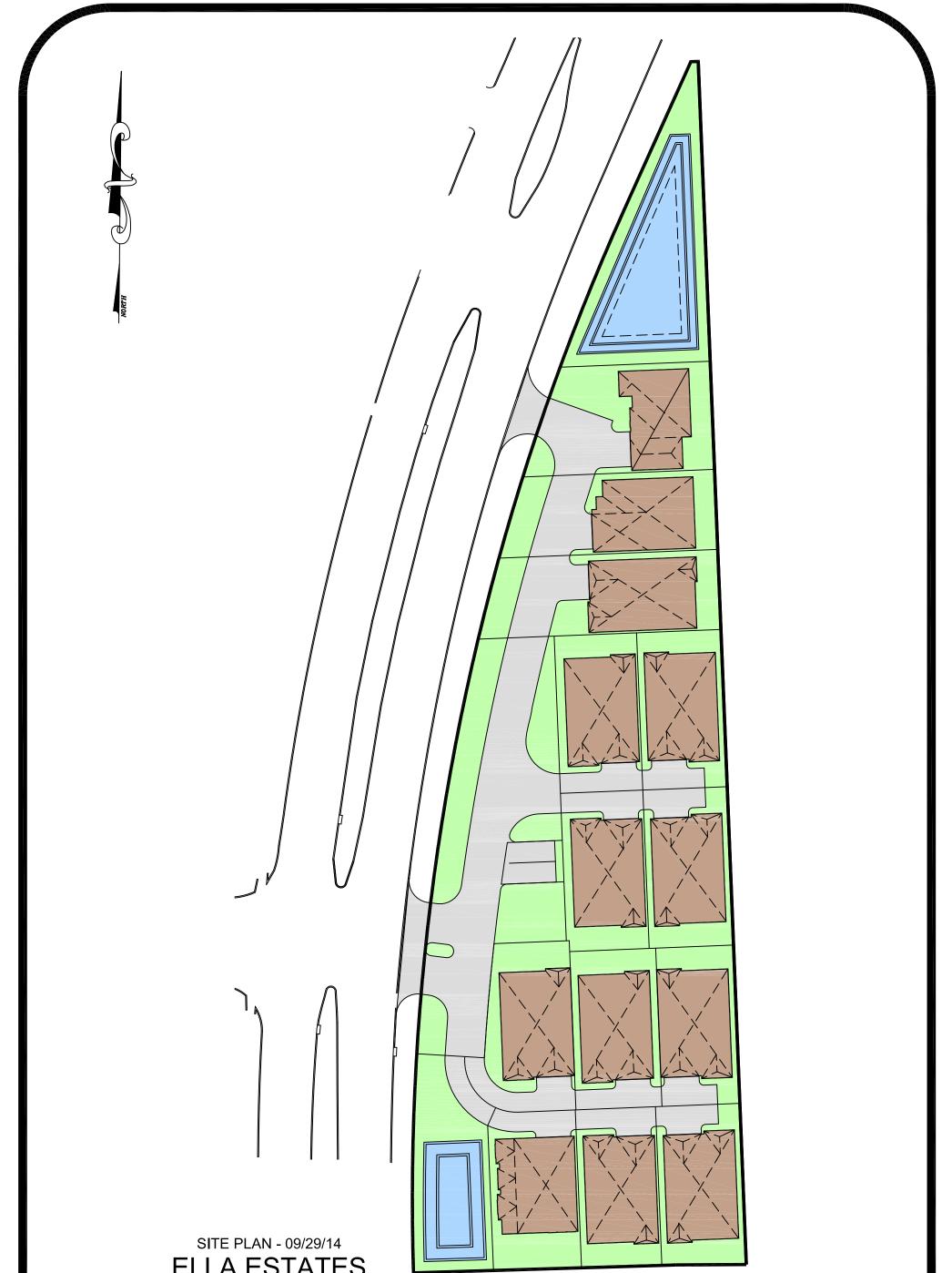


NORTH

## **C** – Public Hearing with Variance



A SUBDIVISION OF 1.2935 ACRES OR 56,345 SQUARE FEET OF LAND PARTIALLY BEING A REPLAT OF "RESERVE PARKING, OAKS CHRISTIAN CHURCH SUBDIVISION, RECORDED IN VOL. 43, PG. 45, H.C.M.R., AND A 0.9884 ACRE TRACT OF LAND SITUATED IN THE S. MCCLELLAND SURVEY, ABSTRACT NO. 544 CITY OF HOUSTON, TEXAS



# **ELLA ESTATES**

A SUBDIVISION OF 1.2935 ACRES OR 56,345 SQUARE FEET OF LAND PARTIALLY BEING A REPLAT OF "RESERVE PARKING, OAKS CHRISTIAN CHURCH SUBDIVISION, RECORDED IN VOL. 43, PG. 45, H.C.M.R., AND A 0.9884 ACRE TRACT OF LAND SITUATED IN THE S. MCCLELLAND SURVEY, ABSTRACT NO. 544 CITY OF HOUSTON, TEXAS



Application Number: 2014-2660 Plat Name: Ella Estates replat no 1 Applicant: Windrose Land Services, Inc. Date Submitted: 10/20/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

Allow total length of shared driveway to exceed 200 feet. Allow intersection spacing between two shared driveways to be less than 65-feet

Chapter 42 Section: Sec. 42-145

#### Chapter 42 Reference:

Sec. 42-145(a)(2). - General layout and arrangement for all shared driveways. Sec. 42-145(c)(1). - Intersections within a shared driveway development

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The subject property is 1.2935 acres located on the east side of Ella Boulevard across from the intersection with Bethlehem Street. The site is currently platted for single-family use with a private access easement. The site is a perfect fit for dense, single-family residential development as it is located just north of North Loop 610 with exception access to Interstate 45, US Highway 290 and State Highway 249. The site is bordered by a drainage ditch to the east, Ella Boulevard to the north and west, and single-family residential development to the south. The unique physical characteristics that affect the land require that the applicant secure a variance in order to provide a development that has safe, efficient internal circulation and no significant impact on the adjacent roadways. The site is relatively shallow, being 120 feet at the deepest point (the southern property line). Because the site is located at a point on Ella Boulevard where the roadway makes a severe meandering curve, the site is whittled down to a triangular piece of the property. Because of this unique configuration and the problems associated with putting multiple driveway cuts on curving street, the applicant is proposing that no lots take direct access to the public right-of-way. In order to do this, the applicant will use a series of shared driveways with two points of ingress/egress to Ella Boulevard. In addition to having a uniquely configured site, the City's Public Works Department is requiring that the applicant align the primary platted driveway entrance with the median cut to Bethlehem Street. While this is certainly the best engineering design possible, it leads to a further restriction on the property. In order to get adequate lot dimensions off the south property line and meet the aligned driveway access point, the shared driveway serving these lots must have an offset of 52 feet instead of 65 feet as the ordinance requires. The proposed configuration provides the safest and least intrusive way to move traffic in and out of the site, given that traffic generation is concentrated at two points of ingress/egress to mitigate multiple driveway access points to Ella Boulevard. Connecting the shared driveways is also imperative, as it gives every lot in the subdivision access to both access points. Residents can choose the safest route for them, whether it be turning left using the median cut or making a right-turn to head north on Ella. This is the safest option and it makes

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The circumstances supporting the variance are the result of the unique development characteristics of the land and were not caused by the applicant. The median cut to Bethlehem and the configuration of the property have been in place for many years prior to the applicant's purchase of the land. The hardship imposed on the applicant is the inability to prevent unsafe driving conditions and a highly negative impact on the surrounding traffic network without the variance.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

Two of the City's major goals for Chapter 42 are to mitigate the traffic impact of proposed developments and to ensure

citizen safety. The proposed variance is directly in line with both goals. Requiring the applicant to either cut-off the shared driveways and/or provide more driveway entrances on to Ella Boulevard is not only contrary to the City's Code of Ordinances, it is detrimental to the safety of the future residents and passing traffic on the adjacent roadways. Additionally, the non-looped shared driveway design is not ideal for this tract of land because of its unique dimensions and proximity to Ella Boulevard. Additionally, the only way to provide the necessary shared driveway offset of 65 feet from the driveway entrance to the southernmost shared driveway would be to place the driveway entrance at a point that does not align with the Bethlehem Street median cut. This is expressly against the guidance of the Public Works staff.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of the variance will not be injurious to the public health, safety, or welfare as the looped shared driveway system and reduced shared driveway offset provides a more efficient and safe traffic system than the alternative of using truncated shared driveways, extra driveway connections to Ella Boulevard, and a driveway that does not align with the median cut to Bethlehem Street.

#### (5) Economic hardship is not the sole justification of the variance.

The conditions supporting the variance are the unique physical characteristics of the site, particularly the shallow depth of the land, the location of the site on a meandering curve and the forced alignment to a pre-existing median cut. The requested driveways will meet the intent of the ordinance as each lot will be within 160 feet of a public right-of-way. Ultimately, the looped shared driveway system and reduced driveway offset is the best option for the community as the alternatives are directly contrary to the community's health, safety and welfare.

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Lamar Terrace partial replat no 5

### Applicant: Terra Surveying Company, Inc.



Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Lamar Terrace partial replat no 5

Applicant: Terra Surveying Company, Inc.

LOT 1 OT 2 THOUSAND RETAIL CEN BLOCK 25 LAMAR TERRACE 32, PG. 68 H.C.M.R LOT 17 LOT 3 BLOCK 24 LAMAR TERRACE 32, PG H.C.M.R.  $\begin{array}{l} \mbox{FND LR.} \\ \mbox{X} \ = \ 3,086,759.37 \\ \mbox{Y} \ = \ 13,830,683.82 \end{array}$ BLOCK 1 LOT 15 PALMS OF HCME LOT 5 =204.45 FND. 5/8" LR. BEARS N 72'05" W. 0.43" X = 3,086,614.73 Y = 13,830,613.63 R=260.00 Δ=45°03'16" CH=S 46°50'42" E 199.22' McCULLOCH CIRCLE (60' R.O.W.) (VOL 32, PG. 68 H.C.M.R.) 1 FND LR. X = 3,086,910.87 Y = 13.830.554.48 LOT 35 LOT 34 . ROCK ROAD -, R.O.W.) --vol. 32 рс. 66 н.см.в.) 196.87 UNRESTRICTED RESERVE "A' 25 BULDING LINE 32, PG 58 H.C.M 15' EASEMENT VOL. 32, PG. 68 H.C.M.R. 1.244 ACRES (54,211 SQ. FT.) AERIAL EASEMENT OL 32, PG, 68 H.C.M.R. 00.05,53 CHIMNEY (80' (FORMERLY AVENUE D. LOT 11 LOT AERIAL EASEMENT 233.49 N 89'36'00" W N 89'36'00" W 243.49 X = 3,086,867.49 Y = 13.830,426.65IDEARS N 00'DS' W, 0.37' X = 3,086,624.23 Y = 13,830,417,01 RICHMOND AVENUE (120' R.O.W.)



## **C** – Public Hearings

Subdivision

Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Lamar Terrace partial replat no 5

Applicant: Terra Surveying Company, Inc.



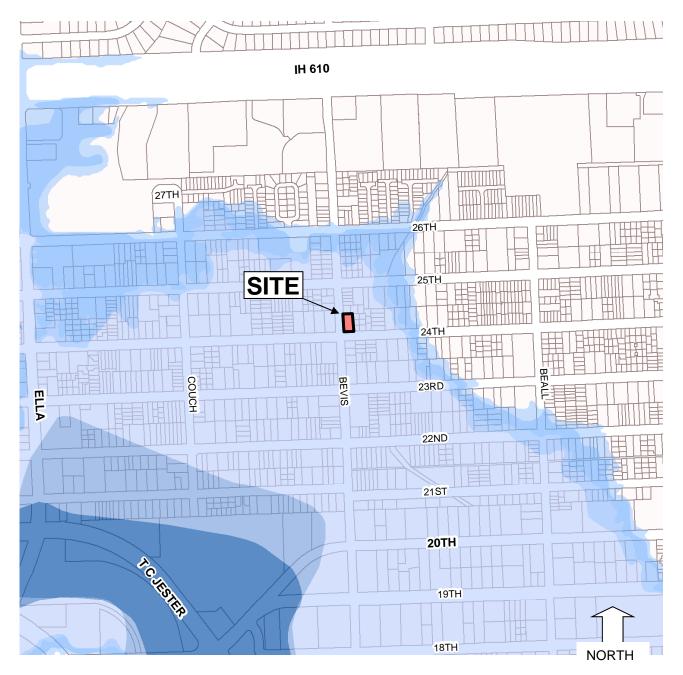
## **C** – Public Hearings

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Lismar Estates replat no 1 (DEF1)

### **Applicant: Prime Texas Surveyors, LLC**



## **C** – Public Hearings

**Site Location** 

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Lismar Estates replat no 1 (DEF1)

### Applicant: Prime Texas Surveyors, LLC



**C** – Public Hearings

**Site Location** 

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Lismar Estates replat no 1 (DEF1)

Applicant: Prime Texas Surveyors, LLC



## **C** – Public Hearings

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Long Point Woods Sec 1 partial replat no 1

Applicant: Melissa's Platting Service



## **C** – Public Hearings

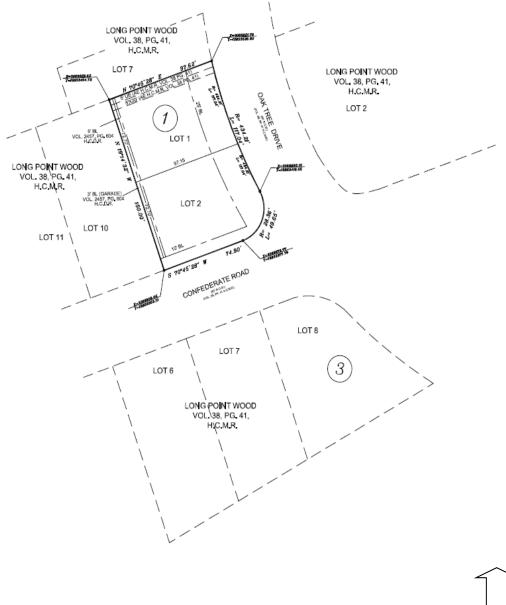
**Site Location** 

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Long Point Woods Sec 1 partial replat no 1

Applicant: Melissa's Platting Service





## **C** – Public Hearings

**Subdivision** 

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Long Point Woods Sec 1 partial replat no 1

Applicant: Melissa's Platting Service



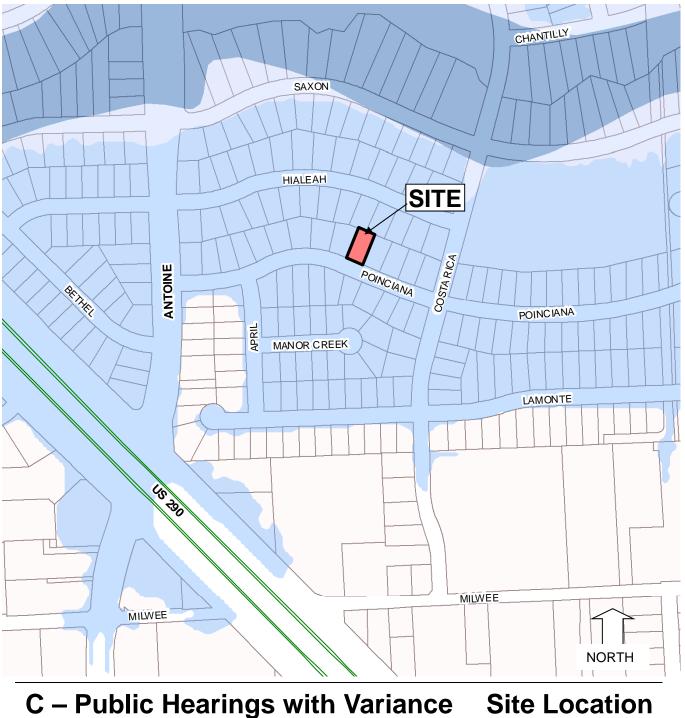
## **C** – Public Hearings

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.

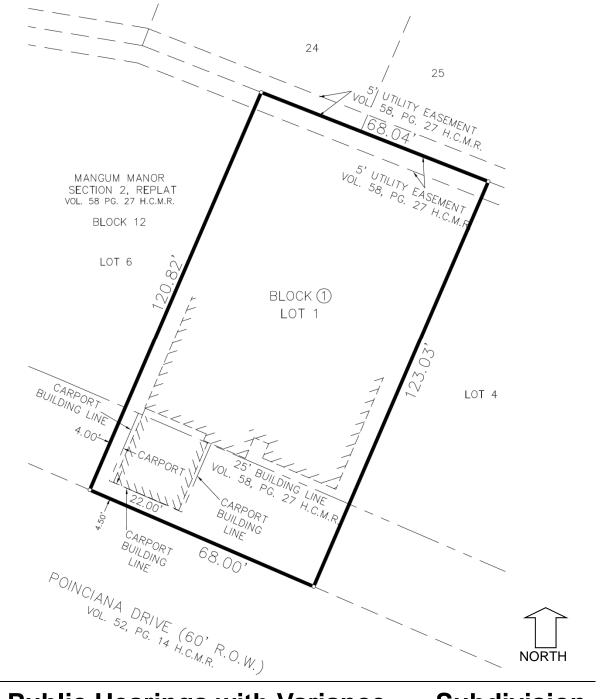


**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.



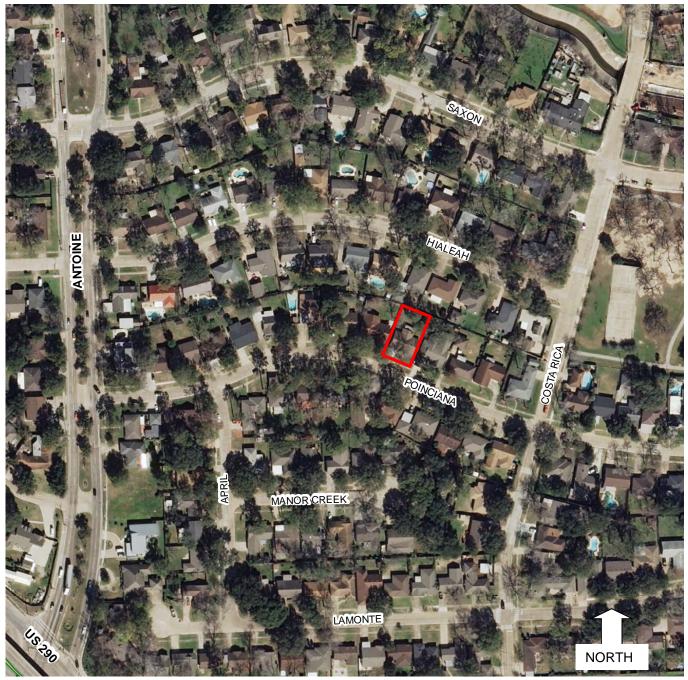
**C** – Public Hearings with Variance Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.



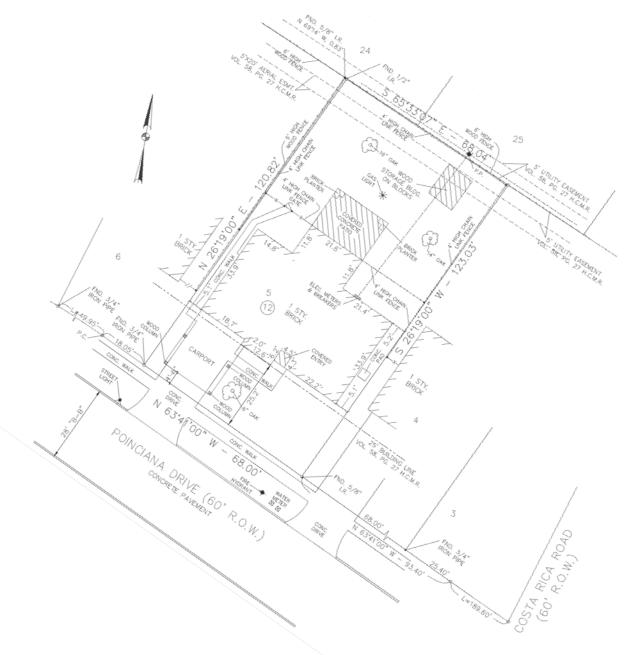
## **C** – Public Hearings with Variance

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.



## **C** – Public Hearings with Variance

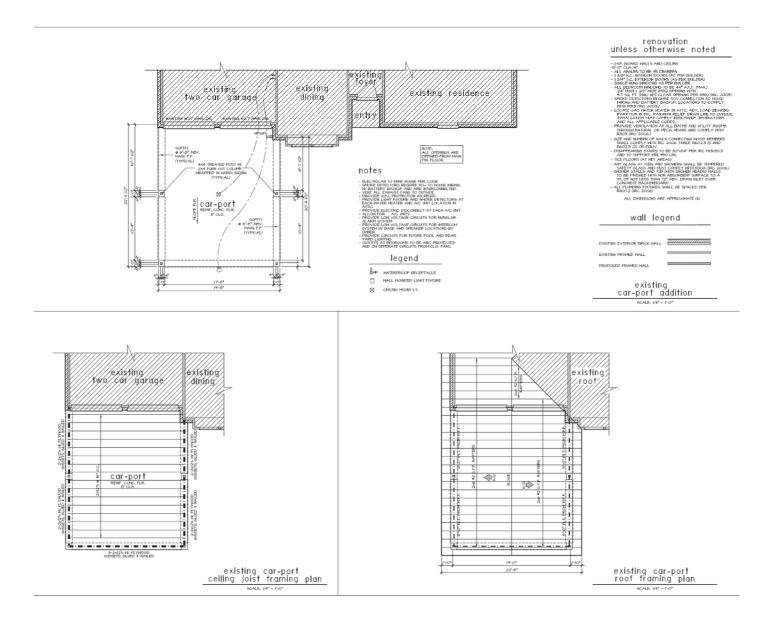
Exhibit A

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.



**C** – Public Hearings with Variance

## Exhibit B

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Mangum Manor Sec 2 partial replat no 1 (DEF1)

Applicant: Century Engineering, Inc.



front elevation "photograph"



right elevation "photograph"



left elevation "photograph"

**C** – Public Hearings with Variance

Exhibit C



Application Number: 2014-2620 Plat Name: Mangum Manor Sec 2 partial replat no 1 Applicant: Century Engineering, Inc Date Submitted: 10/20/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

Existing subdivision plat created a 25' building lines along front of property. The owners of the property hired a contractor to build a carport attached to the existing residence, which according the contractor would be permitted and approved by the City. Owners were not aware that the project had not been permitted and that the carport was in violation of the code of ordinances, therefore the owners are seeking a variance TO ALLOW THE PARTIAL REPLAT TO CREATE DUAL BUILDINGS.

#### Chapter 42 Section: 150

#### **Chapter 42 Reference:**

Sec. 42-156. Collector and local streets—Single-family residential. (a) Except as otherwise required or authorized by this chapter, the building line requirement for a lot restricted to single-family residential use shall be 25 feet along the front of a lot and ten feet along the back and sides of a lot adjacent to a collector street that is not an alley. (b) Except as otherwise required or authorized by this chapter, the building line requirement for a lot restricted to single-family residential use along a local street that is not an alley shall be: (1) 20 feet along the front of a lot and ten feet along the back and side of a local street; or (2) 10 feet if the subdivision plat contains a typical lot layout and the subdivision plat contains plat notations that reflect the requirements of this section.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

The property owner was under the impression that the contractor had permitted the carport addition and did not realize the addition was were in violation. Owners have live at this residence for 54 years and over that time have since many of the houses in the neighborhood add similar carports to their residence. By not allowing the Dual building line it would create an undue hardship by depriving the applicant of the reasonable use of the land.

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Owners have live at this residence for 54 years and over that time have since many of the houses in the neighborhood add similar carports to their residence.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purpose of this chapter will be preserved and maintained, because the Carport building line would be limited to the life of the carport, if the existing structure is ever demolished, then any replacement structure shall adhere to the 25 foot building line shown on the plat and by allowing this partial replat it will not affect any other properties within this subdivision or any of the adjacent properties.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Allowing this variance will not injurious to the public health, safety or welfare, This property along with the other properties fronting on Poinciana, all have adequate access to and from their property and are not affected.

#### (5) Economic hardship is not the sole justification of the variance.

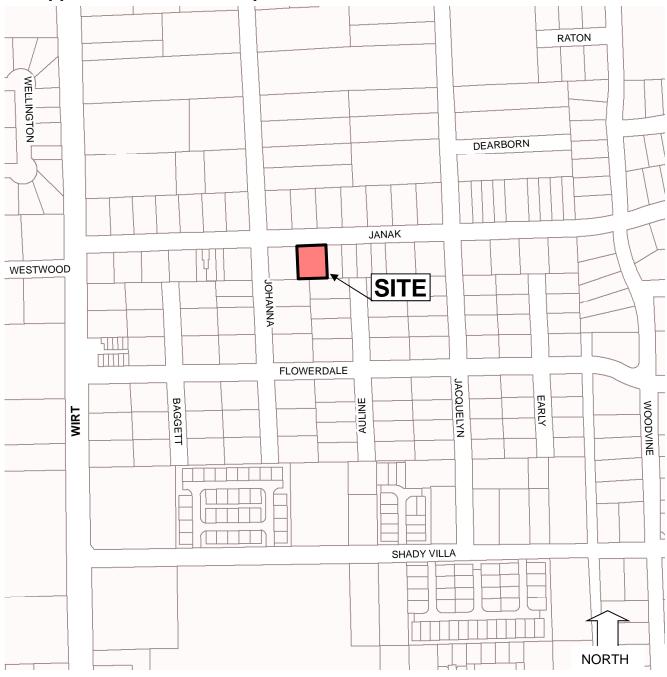
Economic hardship is not the justification of the variance, as discussed above with respect to existing properties along Poinciana Drive.

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Melody Oaks partial replat no 13

#### **Applicant : Bates Development Consultants**



## **C** – Public Hearings

### **Site Location**

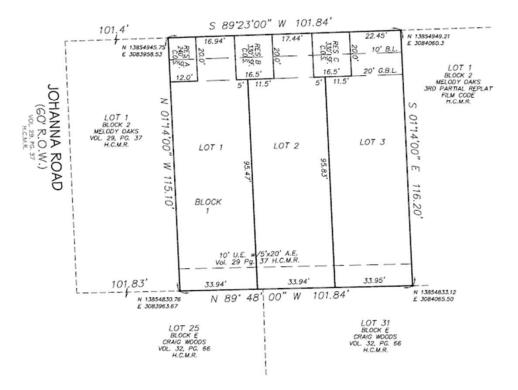
**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Melody Oaks partial replat no 13



JANAK DRIVE (60' R.O.W.) VOL. 29. PG. 37 H.C.M.R.





## **C** – Public Hearings

Subdivision

Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Melody Oaks partial replat no 13

**Applicant: Bates Development Consultants** 



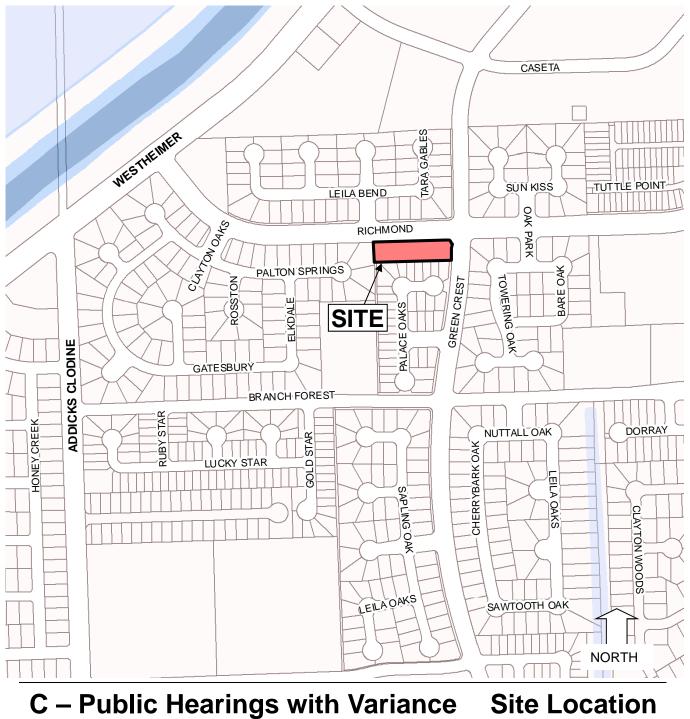
## **C** – Public Hearings

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Oak Park Ridge Sec 3 partial replat no 1 (DEF1)

Applicant: South Texas Surveying Associates, Inc.

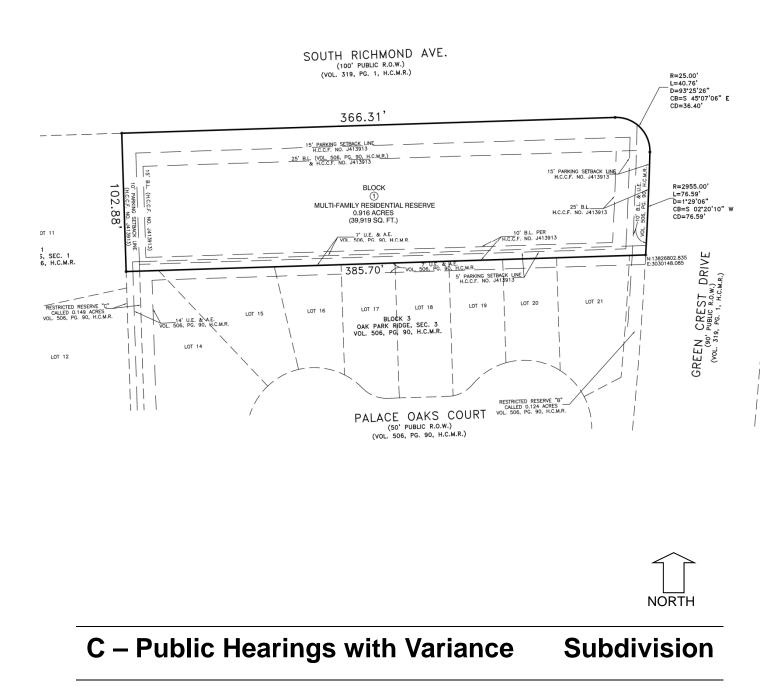


**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Oak Park Ridge Sec 3 partial replat no 1 (DEF1)

Applicant: South Texas Surveying Associates, Inc.



Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Oak Park Ridge Sec 3 partial replat no 1 (DEF1)

Applicant : South Texas Surveying Associates, Inc.



**C** – Public Hearings with Variance



Application Number: 2014-2357 Plat Name: Oak Park Ridge Sec 3 partial replat no 1 Applicant: South Texas Surveying Associates, Inc. Date Submitted: 09/22/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

Variance request to change the use of Restricted Reserve "A" Restricted to Commercial Use Oak Park Ridge Sec 3 to a Multi-family Residential Development.

#### Chapter 42 Section: 193

#### Chapter 42 Reference:

(c) Property within a subdivision plat that contains lots restricted to single-family residential or residential use may be replatted to amend a plat restriction only as provided below: (3) A plat restriction limiting the use of property specifically to 'commercial' use: a. May not be amended to permit multi-family residential use of that property unless the applicant demonstrates that the property was actually improved and used for multifamily residential purposes prior to April 3, 1999; b. May be amended to permit single-family residential use of that property only if: [1] The typical lot size in the replat is not less than the typical lot size of lots in the preceding plat; or [2] The property abuts a major thoroughfare. c. May be amended to any more specific "commercial" use of that property.

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

This property is located on South Richmond Ave at the Southwest corner of Green Crest Dr. This property is approx. 1800 feet Southwest from Westheimer Rd FM-1093 and Houston ETJ. The original plat Clayton North recorded in Vol. 319 Pg. 1 HCMR designated this property as Unrestricted in 1983 thru 2001. In 2001 the property was replatted as Oak Park Ridge Sec 3 as a Restricted Reserve "A" restricted to Commercial Use. This property has remained vacant for over 30 years. The current owner is requesting to change the use from Restricted Commercial to a Multi-family Residential Development. We have reached out to the HOA of this area and have requested a "No-Objection" letter for this project. Please refer to the letter and site plans attached.

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The property's hardship is based on the restriction to commercial use in an otherwise residential area. The property has remained vacant due to investors not being able to proceed with development within this restriction and maintain the character of the neighborhood. The current owner was attempting to develop a commercial project and the neighbors were very vocal about not wanting to disturb the residential feel of this area. The owner has since changed direction and is now requesting the variance to allow the property to be developed into condos for multi-family residential purposes. Please see site plans.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purpose of chapter 42 will be preserved and maintained. We recognize that Chapter 42 allows Restricted Commercial Reserves to change use to permit Multi-family Residential use if the property was actually improved and used for multifamily residential purposes prior to April 3rd 1999. We know that this property has been vacant since 1983 when first platted as an Unrestricted Reserve. We submit the general intent and purpose of Chapter 42 in regard to this project would be to maintain and preserve the character and integrity of a community which would be the case if granted this variance.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Granting this variance would not be injurious to the public health, safety or welfare. We understand that Chapter 42's regulations are there for a purpose, but we believe the request to allow the development to proceed with Residential Reserve will benefit and betterment of the community.

#### (5) Economic hardship is not the sole justification of the variance.

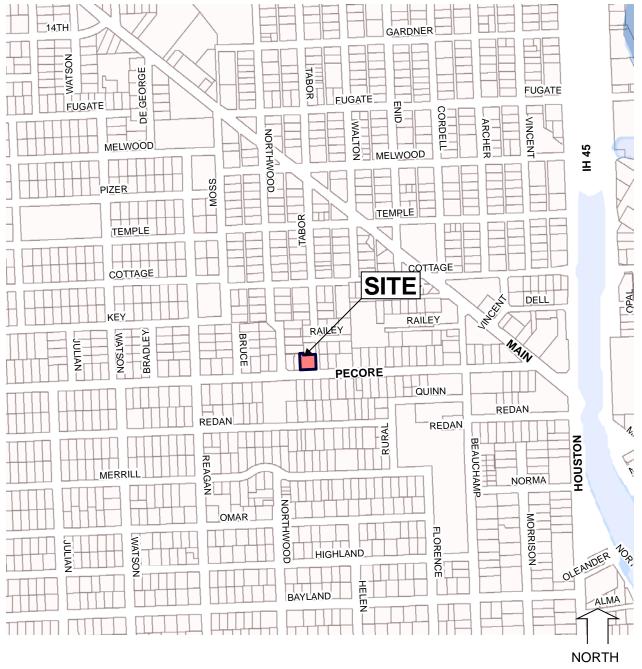
Economic hardship is not a justification in this situation at all. The hardship is the restriction for commercial in a predominately residential area. For 30+ years the vacant land has not benefited the community in anyway. Maintaining the residential feel of the community where the public is so adamant about not having a commercial development in a predominately residential neighborhood is a hardship as well. Property taxes are minimal at this time and the new development would bring in additional property tax revenue to the County. We respectfully request your consideration for this development.

Planning and Development Department

Meeting Date: 12/18/2014

### **Subdivision Name: Pecore Industrial**

### Applicant: Field Data Service, Inc



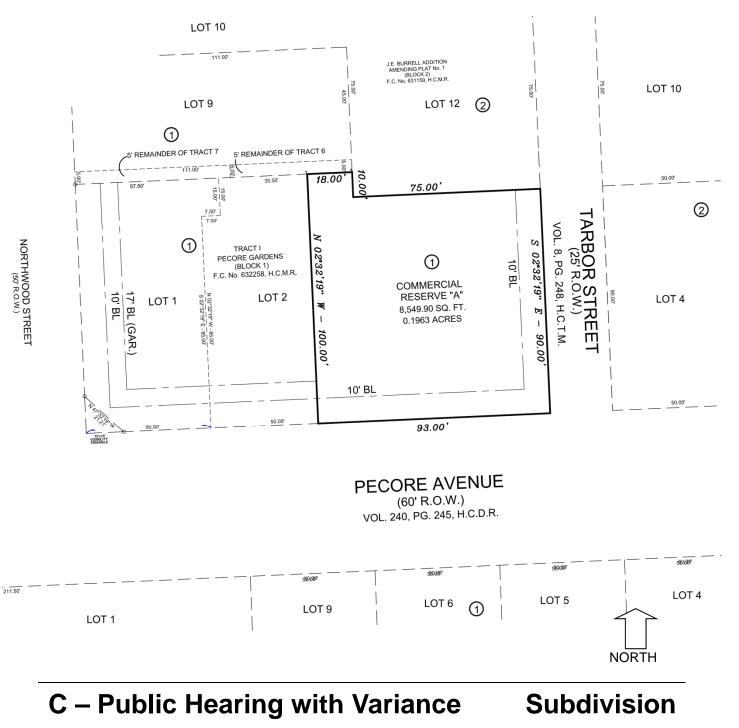
**C** – Public Hearing with Variance Site Location

**Planning and Development Department** 

Meeting Date: 12/18/2014

### **Subdivision Name: Pecore Industrial**

### Applicant: Field Data Service, Inc



**Planning and Development Department** 

Meeting Date: 12/18/2014

**Subdivision Name: Pecore Industrial** 

Applicant: Field Data Service, Inc



NORTH

## **C** – Public Hearing with Variance



Application Number: 2014-2483 Plat Name: Pecore Industrial Applicant: Field Data Srvice, Inc Date Submitted: 10/06/2014

(Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

Sec. 42-121 Chapter 42 Section: 121

Chapter 42 Reference:

Dedication of rights-of-way

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

J.E. Burrell Addition, Amending Plat No. 1 was platted and recorded on August 24, 2009 with the streets geometry and lot configurations as required by the planning commission at that time. Widening of Tabor Street is not feasible with this plat because part of the area required for right-of-way is inside this tract taking away from the property owners land usage. The adjoining property to the north, Lot 12, at the time of platting did not foresee street widening thus would be affected with the widening of the street as well. Also the sole purpose of the Pecore Industrial Subdivision is to create one (1) commercial reserve out of two lots, by providing any street widening will negate the purpose of this plat. We are not requesting access from Tabor Street thus our client should not be penalized with improving the street. Our client will have full access from Pecore Avenue.

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Hardship is not imposed by the applicant, based on the fact that there is adequate right-of-way along Tabor Street, this is not a major thoroughfare, so the intent of Chapter 42 is met with the existing street pattern.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

Area traffic circulation for the surrounding properties will not be affected and has been adequate for many years. This replat will not have any additional impact to the area tfaffic circulation, as we will have full access from Pecore Avenue.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of this variance does not alter the existing traffic conditions of the surrounding areas, nor is it injurious to the public health, safety or welfare of the community as there are sufficient streets to serve the proposed commercial reserve development that is creating one reserve out of two lots.

#### (5) Economic hardship is not the sole justification of the variance.

We're hereby requesting that the variance be granted due to the existing physical condition (location) of the property and allow the owner reasonable use of the land.



#### RECONSIDERATION OF REQUIREMENT Request Information Form

Application No:2014-2483Plat Name:Pecore IndustrialApplicant:Field Data Srvice, IncDate Submitted:10/06/2014

(Sec. 42-47 and Sec. 42-81) Specific requirement or condition being sought: Not to provide 12.5' of widening to Tabor Street Chapter 42 Section: 121

#### Chapter 42 Reference:

Sec. 42-121 Dedication of rights-of-way

If this request requires a variance or special exception, the applicant must comply with the Plat Submittal Requirements and provide a completed Variance Request Information Form or Special Exception Information Form.

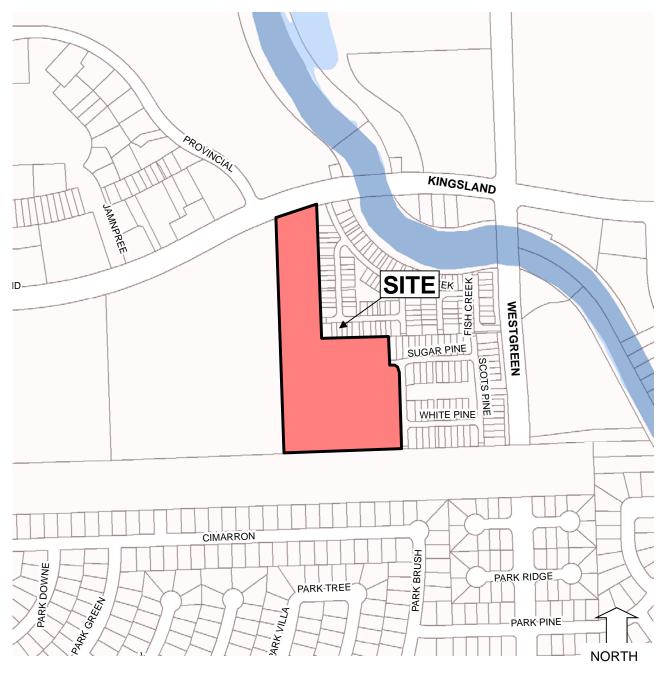
**STATEMENT OF FACTS:** Not to provide 12.5' of widening of Tabor Street

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Westbrooke Cornerbrook Apartments replat no 1

### Applicant: LJA Engineering, Inc.- (West Houston Office)



## **C** – Public Hearings

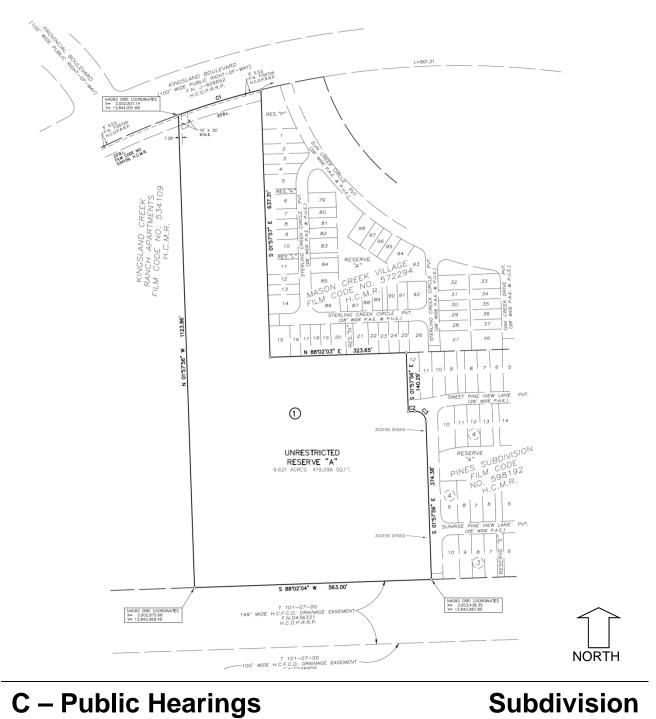
## **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Westbrooke Cornerbrook Apartments replat no 1

### Applicant: LJA Engineering, Inc.- (West Houston Office)



Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Westbrooke Cornerbrook Apartments replat no 1

Applicant: LJA Engineering, Inc.- (West Houston Office)



## **C** – Public Hearings

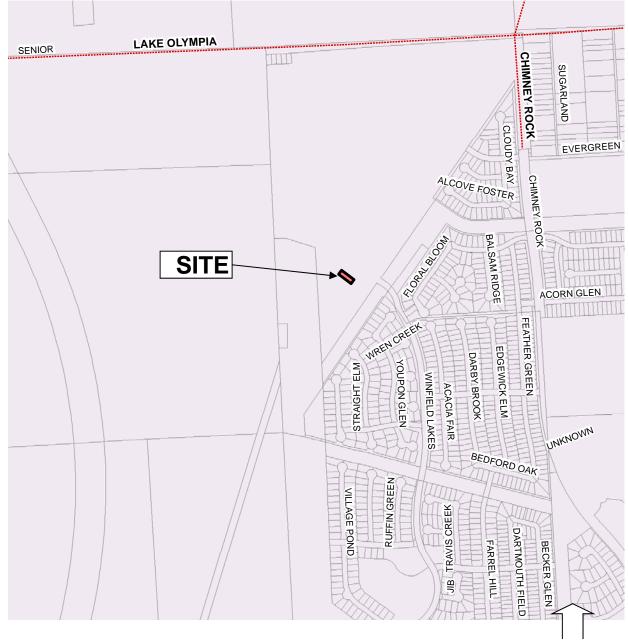
## Aerial

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Winfield Lakes Sec 17 partial replat no 1

Applicant : LJA Engineering, Inc.



NORTH

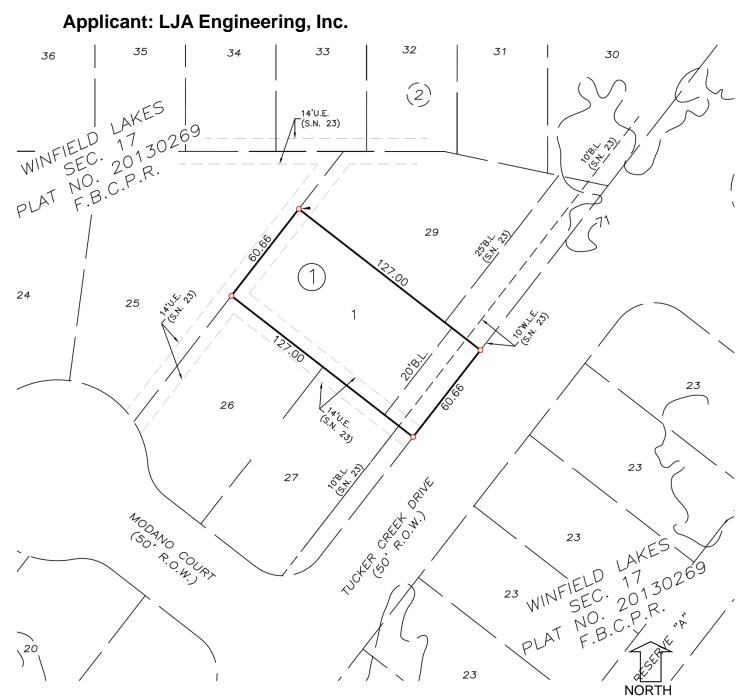
## **C** – Public Hearings

Site Location

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Winfield Lakes Sec 17 partial replat no 1



## **C** – Public Hearings

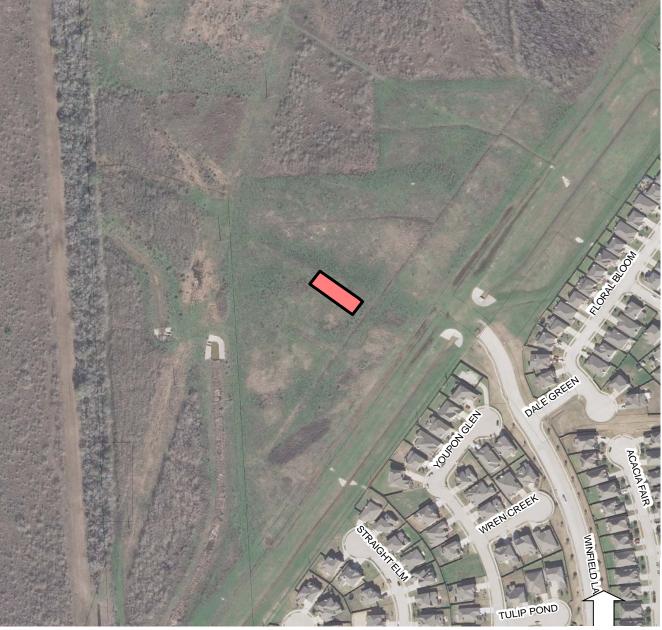
Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Winfield Lakes Sec 17 partial replat no 1

Applicant: LJA Engineering, Inc.



NORTH

## **C** – Public Hearings

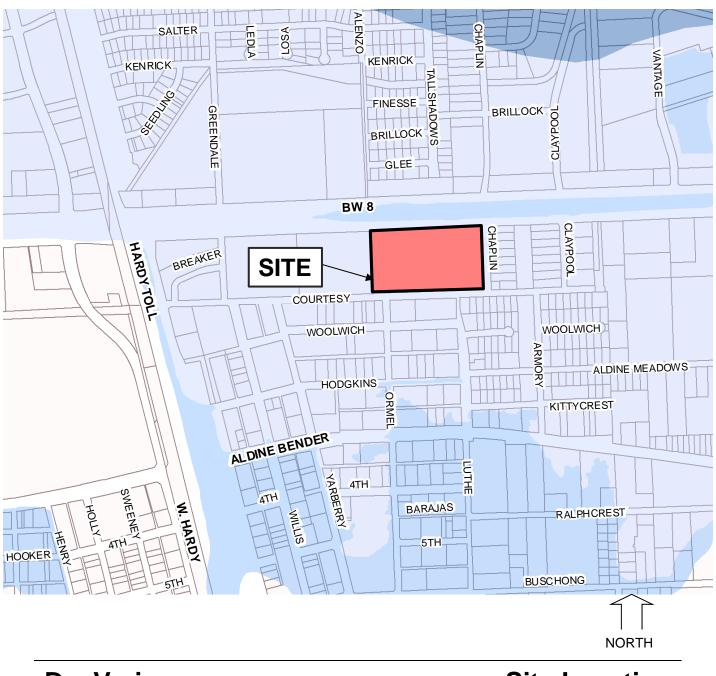
## Aerial

Planning and Development Department

Meeting Date: 12/18/2014

#### Subdivision Name: Ahmed Realty

Applicant: Hovis Surveying Company Inc.



**D** – Variances

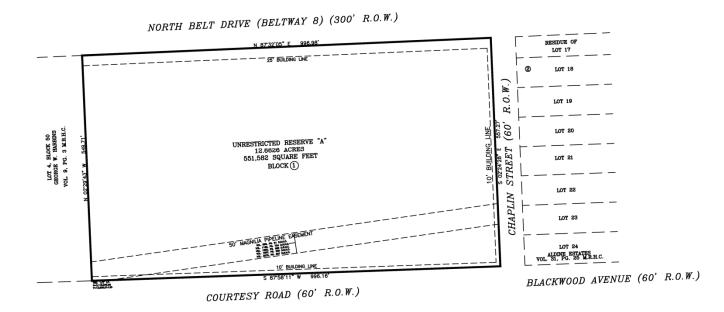
**Site Location** 

Planning and Development Department

Meeting Date: 12/18/2014

**Subdivision Name: Ahmed Realty** 

Applicant: Hovis Surveying Company Inc.





## **D** – Variances

Subdivision

Planning and Development Department

Meeting Date: 12/18/2014

#### Subdivision Name: Ahmed Realty

Applicant: Hovis Surveying Company Inc.



NORTH

Aerial

## **D** – Variances



#### Application Number: 2014-3021 Plat Name: Ahmed Realty Applicant: Hovis Surveying Company Inc. Date Submitted: 12/07/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

To not provide a North South street and exceed the required 1,400 foot intersection spacing requirement along Courtesy Road.

Chapter 42 Section: 42-128

#### Chapter 42 Reference:

Intersectios of local streets. (a) Each class III plat and each general plan that shows local streets shall provide for internal circulation by meeting eiter of the following requirements: (1) Each local street shall intersect with a street that meets the requirements of subsection (b) at least every 1,400 feet; or (2) One or more collector streets within the class III plat or general plan shall connect with another collector street or major thoroughfare at a minimum of two point. (b) A street that intersects with a local stree will satisfy the intersection legth requirement of item (a)(1) of this section if the street: (1) Is a public street that intesects with two different public streets; and (2) Is not a permanent access easement. (c) Intersections along local streets shall be spaced a minium of 75 feet apart.

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

This 12.6626 acre development is located in Harris County on the South side of Beltway 8 (a controlled access highway) and the North side of Courtesy Road, a 60 foot public street. From the West line of the 12.6626 acre tract it is 1350 feet from the Northeasterly intersection of Courtesy Road and Greendale Drive, which would put the north south street about 50 feet east of the west line. There would not be anywhere for the north south street to go since the north line of our tract is Beltway 8 (a controlled access highway). Our tract starts at the Northwesterly intersection of Courtesy Road and Chaplin Street and is 996.16' feet long, so there is no block length issue coming from the east line only the west intersection length. These unusual characteristics make the creation of a north south street impractical. This would create an excessive block length (if traveling from the northeasterly intersection of Courtesy Road.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the application because these conditions existed prior to the applicant's purchase of this tract.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purposes of this chapter will be preserved and maintained because a North South stub street which has no connection to the north or south does not increase circulation in the area which is the intent of the intersection spacing requirement and the existence of a north south street to the east of this development helps to provide circulation in this area. This development should not significantly increase traffic in this area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of the variance will not be injurious to the public health, safety or welfare because a north south street with no connections does not provide for any additional circulation and will not improve the existing conditions in this area.

#### (5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the sole justification of the variance because the existing conditions on the north side of Courtesy Road does not allow for North South circulation. The existing circulation in this area has been adequate for the past years, as the majority of the tracts in this area are currently developed. The allowance of an excessive block length of 946 feet does not significantly affect the intent of the intersection spacing requirement and help to alleviate circulation in this area in the future.

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Carbo

#### **Applicant: PF Services**



**D** – Variances

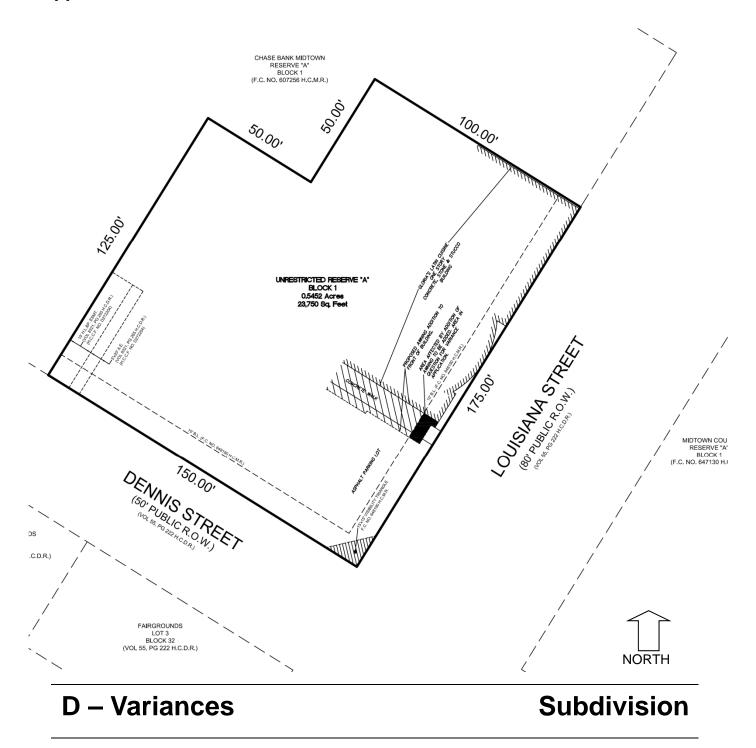
## **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

#### **Subdivision Name: Carbo**

#### **Applicant: PF Services**



**Planning and Development Department** 

Meeting Date: 12/18/2014

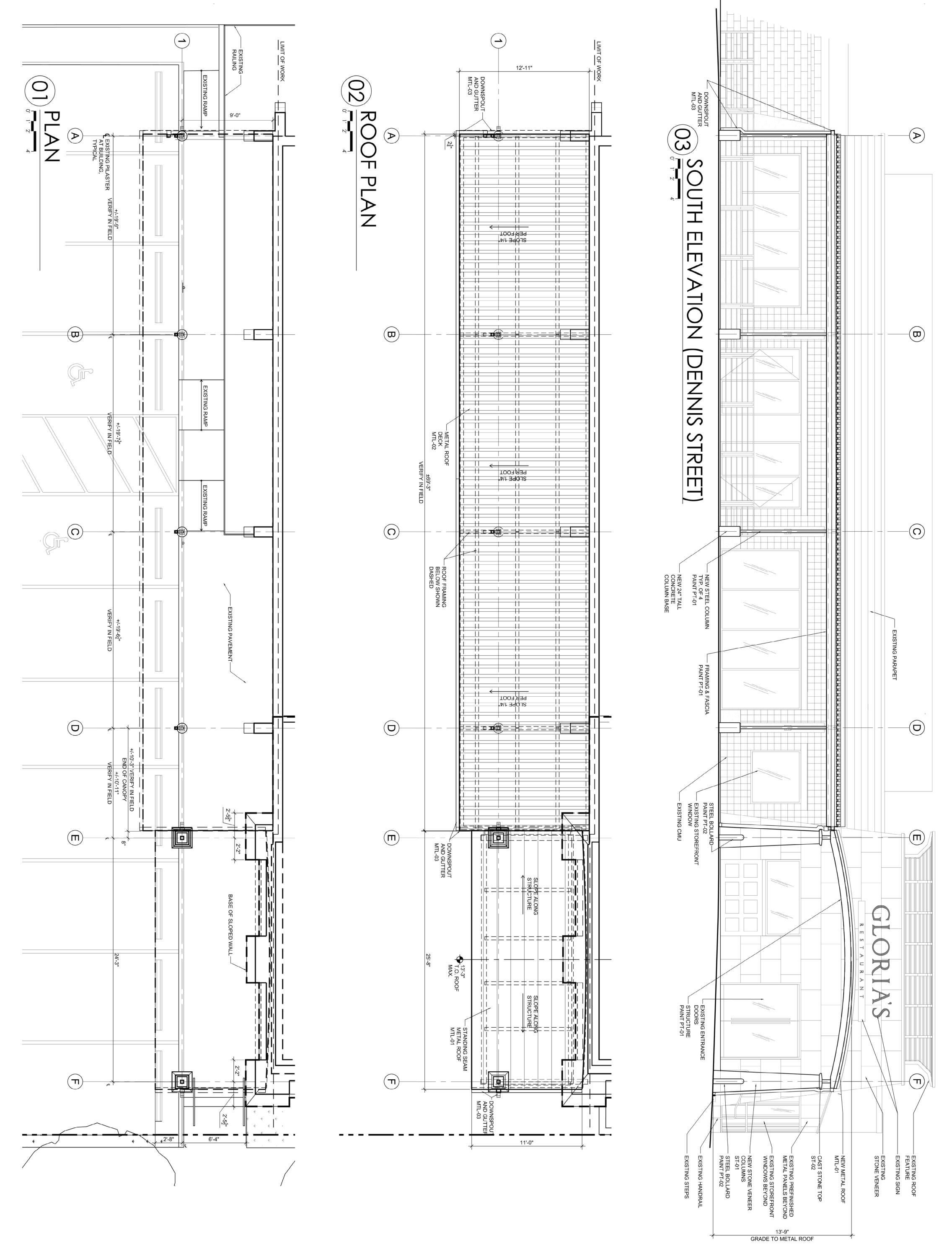
## **Subdivision Name: Carbo**

#### **Applicant: PF Services**

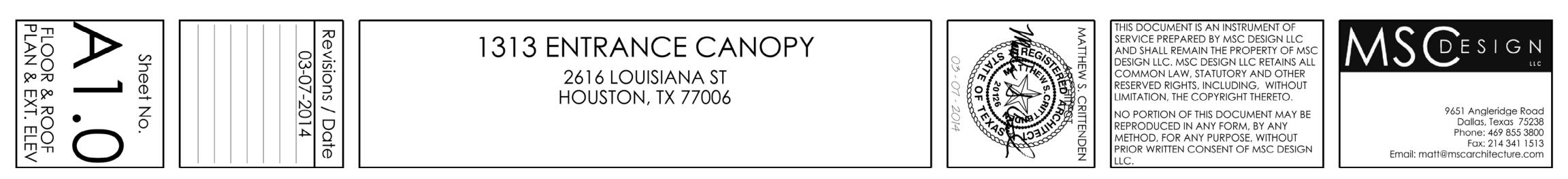


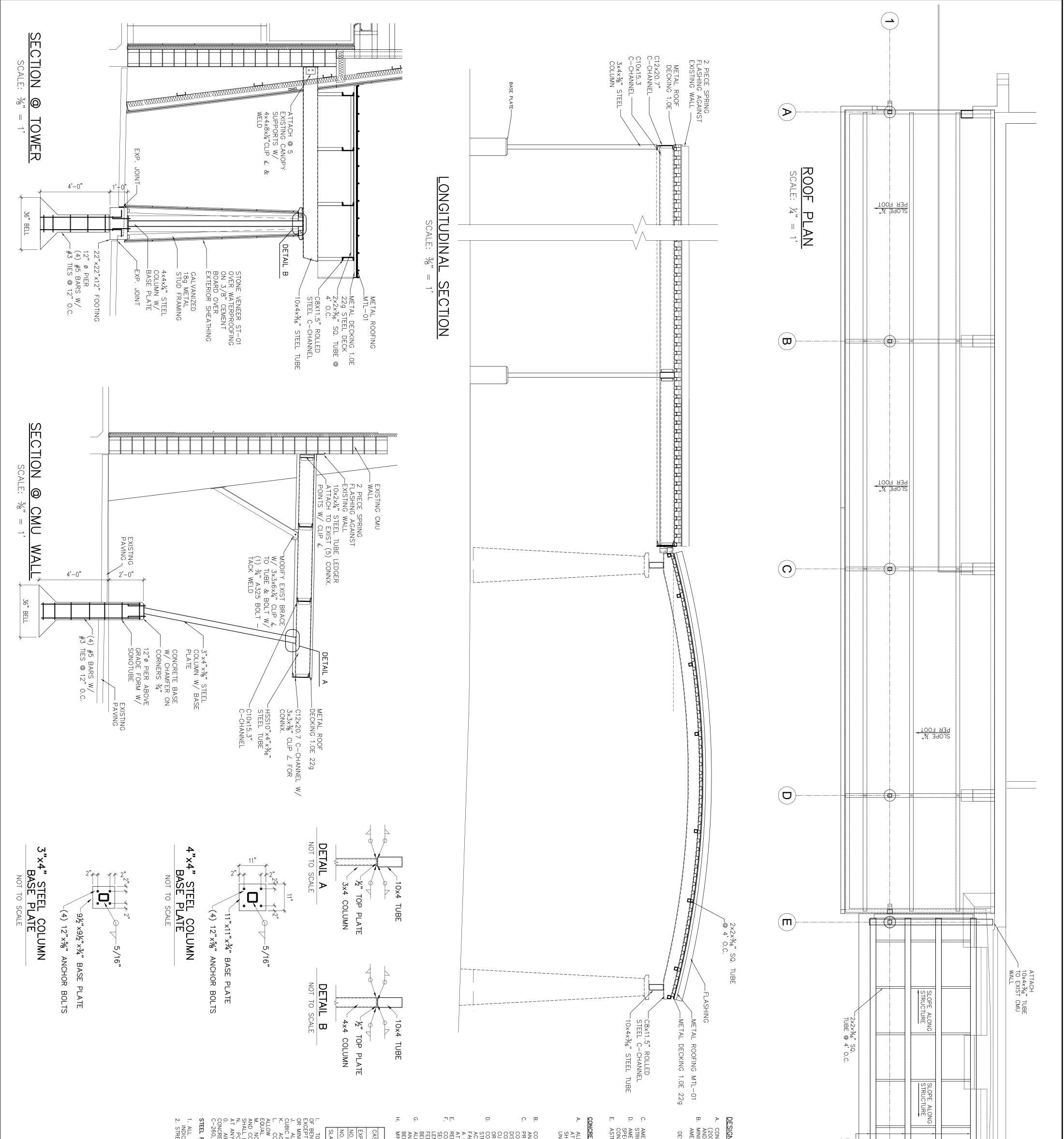
**D** – Variances

Aerial



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	BENDS AND ENDS OF REINFORCEMENT SHALL BE PLUS OF MINUS 2 INCHES SEPT AT DISCONTINUOUS ENDS OF MEMBERS WHERE TOLERANCES SHALL BE PLUS MINUS 1/2 INCH. ALL HARDROCK CONCRETE SHALL BE OF REGULAR WEIGHT OF 150 POUNDS PER BIC FOOT. LIGHTWEIGHT CONCRETE SHALL BE OF REGULAR WEIGHT OF 150 POUNDS PER OW POURING. ULTIMATE CONCRETE SHALL BE NON-SHRINKING WITH SUFFICENT WATER TO OW POURING. ULTIMATE COMPRESSIVE STRENGTH (F'c) AT 28 DAYS SHALL BE NO MORE THAN 90 MINUTES SHALL ELAPSE BETWEEN CONCRETE BATCHING O CONCRETE PLACEMENT UNLESS SHALL ELAPSE BETWEEN CONCRETE BATCHING OCONCRETE PLACEMENT UNLESS APPROVED BY TESTING AGENCY. CONCRETE NUL BE PLACED WITHIN 15 MIN. AFTER DISCHARGE. POUR SEQUENCE: ONE GRADE OF CONCRETE SHALL BE POURED AT THE JOB ANY ONE TIME. AIR ENTRAINING AGENTS (4% TO 6%) SHALL BE ADDED TO ALL EXPOSED (CRETE SLABS AND BEAMS. OWNER APPROVED AGENT SHALL CONFORM TO ASTM 260, LATEST REVISION. EL REINFORCING ALL BARS SHALL BE DEFORMED IN ACCORDANCE WITH ASTM A615. REINFORCING NDICATED TO BE WELDED SHALL CONFORM TO ASTM A706. STRENGTH OF BARS SHALL BE GRADE 60	Contraction in the second	
ENTRANCE CANOPY FRAMING GLORIA'S HOUSTON	GERALD E. MONK 44563	<ul> <li>STRUCTURAL STEE MALE - GRAVES</li> <li>A. SECTOR VIEWERS, BIOLATE SEES, STACKA AND LOCATONS OF STRUCTURAL WAVERS, DEVALTE SEES, STACKA, AND LOCATONS OF STRUCTURAL WAVERS, DEVALTE SEES, STRUCTURAL SEEL STRUCTURAL STRUCTURAL SEEL. UNDER DIFFERENCES OF THE SEES STRUCTURAL WAVERS, DEVALTE SEES, STRUCTURAL SEED STRUCTURAL WAVERS, SEEK ALSS STRUCTURAL WAVERS, SEEK ALSS STRUCTURAL WAVERS, SEEK ALSS STRUCTURAL SEEL, WAVER DIFFERENCE OF DIFFERENCES STRUCTURAL SEEL, WAVER DIFFERENCE OF COMMENSATE STRUCTURAL WAVER OF COMPARISE SEC 15, TPET 1, RED COME. STRUCTURAL OF COMMENSATE SEC 15, TPET 1, RED COME. STRUCTURAL OF COMMENSATE SEC 15, TPET 1, RED COME. STRUCTURAL OF COMMENSATE SEC 15, TPET 1, RED COME. STRUCTURAL COMPARISE SEC 15, TPET 1, RED COME. WITH STRUCTURAL COMPARISE INCLURATES IN ACCOMPANIES WITH STRUCTURAL COMPARISE INCLURATES IN ACCOMPANIES WITH STRUCTURAL COMPARISE INCLURATES IN ACCOMPANIES WITH STRUCTURAL COMPANIES. WITH COMPARISE IN ACCOMPANIES WITH SECOND STRUCTURAL COMPANIES. WITH COMPARISE IN ACCOMPANIES IN ACCOMPANIES STRUCTURAL COMPANIES. WITH COMPARISE IN ACCOMPANIES. STRUCTURAL COMPANIES INSTICUTION A WEIGHT IN ACCOMPANIES STRUCTURAL COMPANIES. WITH COMPARIES IN ACCOMPANIES. STRUCTURAL COMPANIES. WITH COMPARIES IN ACCOMPANIES IN ACCOMPANIES STRUCTURAL COMPANIES. WITH COMPARIES IN ACCOMPANIES. STRUCTURAL ACCOMPANIES IN ACCOMPANIES. AND SHAFT SECOND IN STRUCTURAL SECOND</li></ul>	

date: 3/7/14 ©2014 Monk Consu ulting Engineers, scale: VARIES Inc., REG NO.: F-2567 All Rights Reserved sheet: **S101** 

**MONK CONSULTING ENGINEERS** 1200 W. State St., Garland Texas 75040 972 272-1763 Fax 972 272-8761

prepared by



Application Number: 2014-2878 Plat Name: Carbo Applicant: PF Services Date Submitted: 11/17/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

A dual building setback to allow the existing structure to remain at 0' rather than 10' on Louisiana and to allow the enclosure of a previously and an additional roofed area to be extended with the same 0' setback.

#### Chapter 42 Section: 150

#### Chapter 42 Reference:

Sec. 42-150. Building line requirement. Major Thoroughfares-In general-25 feet

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

## (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

This building was originally constructed for the Knights of Columbus in the 1960's, prior to the enactment of Chapter 42 in 1982 establishing building setbacks. Along Louisiana, the entire building is and was within the 10' setback and much of it is on the property line. The proposed remodel for the restaurant will involve an addition to the façade which is enclosing the area that will be roofed and enclosed with a curved wall that touches the property line at the outmost point. Buildings close to the street are consistent with the adopted plan for the Midtown TIRZ in order to encourage transit-oriented pedestrian-friendly environment.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The building was constructed prior to the enactment of the ordinance establishing the 10' setback.....

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

Among the purposes of Chapter 42 is safety, the establishment of building setbacks appropriate to an area, recognizing the differences in design framework of various areas and the encouragement of pedestrian use of sidewalks. It was not the intent to require existing buildings to be demolished or to make them comply with the setback requirements when being remodeled, therefore the existing structure and the minor additional enclosure are consistent with the adopted plan for Midtown.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The reduced building setback promotes an urban environment creating a more intimate interaction between the pedestrians and the building façade. Which encourages pedestrian traffic and transit usage, which will in turn, improve public safety and health by contributing to a reduction in air pollution, all of which are beneficial to public health and safety.

#### (5) Economic hardship is not the sole justification of the variance.

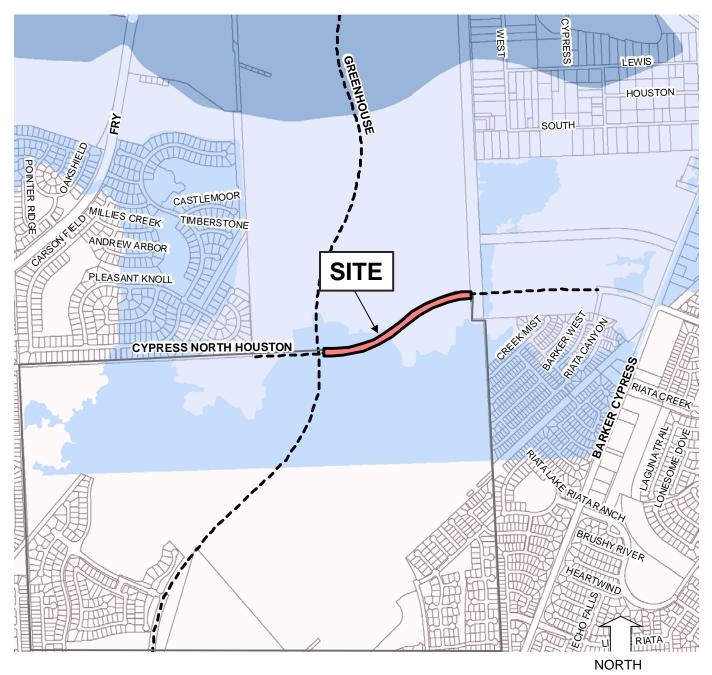
The justification for the variance is the existing physical circumstances.

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Cypress North Houston Road Street Dedication Sec 3

## Applicant: EHRA



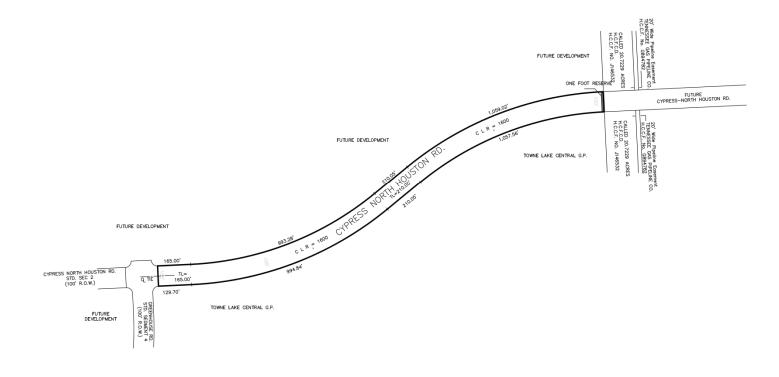
D – Variances

Site Location

Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Cypress North Houston Road Street Dedication Sec 3 Applicant: EHRA





## **D** – Variances

Subdivision

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Cypress North Houston Road Street Dedication Sec 3 Applicant: EHRA



## **D** – Variances

## Aerial



Application Number: 2014-3080 Plat Name: Cypress North Houston Road Street Dedication Sec 3 Applicant: EHRA Date Submitted: 12/08/2014

(Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance: Variance to allow a 1,600' centerline radius on a major thoroughfare Chapter 42 Section: 42-132(a)

#### Chapter 42 Reference:

Curves for the right-of-way of a major thoroughfare shall have a centerline radius of at least 2,000 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The portion of Cypress North Houston Road (CNH) between Greenhouse Road and the eastern boundary of the Towne Lake development requires a reduced centerline radius due to the geometric constraints in this area. To the east, the West Place General Plan sets the location of CNH while the Cypress Creek Lakes subdivision sets the location and alignment west and north of Towne Lake. In order to preserve a 2,000' centerline alignment on Greenhouse Road and create a right-angle intersection, a reduced centerline alignment of 1,600' on this portion of Cypress North Houston is necessary.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The applicant has coordinated with Harris County Public Infrastructure Department on the centerline radius for this section of Cypress North Houston. HCPID recommended longer tangent lengths at the intersection approach with Greenhouse Road rather than larger centerline radii.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The connectivity and major thoroughfare spacing standards stated in Chapter 42 will be maintained.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The reduced centerline radius is still within Harris County design standards for major thoroughfares and thus does not impact public health, safety or welfare.

#### (5) Economic hardship is not the sole justification of the variance.

Justification for the variance is based on physical constraints and agreement on acceptable radii and tangent distances per discussions between the applicant and Harris County Public Infrastructure Department.

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Goode Company Bartlett replat no1

## Applicant: Vernon G. Henry & Associates, Inc.



## **D** – Variances

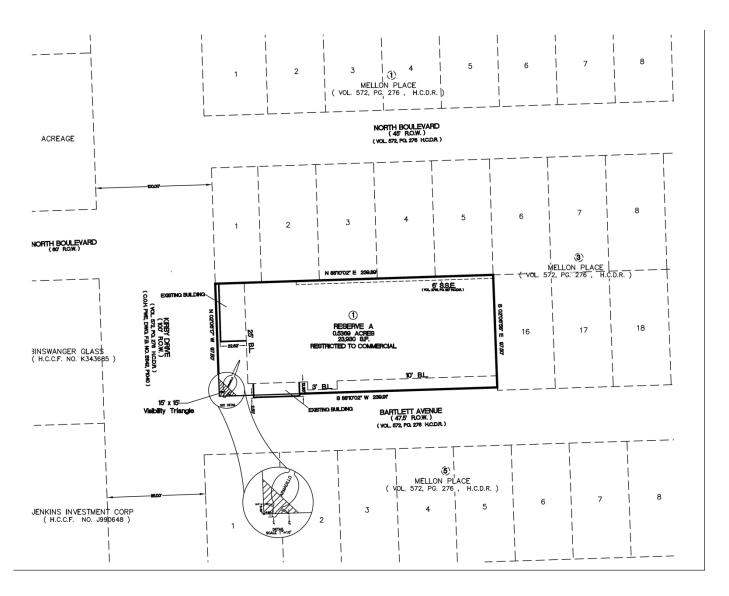
## **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Goode Company Bartlett replat no1

Applicant: Vernon G. Henry & Associates, Inc.





**D** – Variances

## Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Goode Company Bartlett replat no1

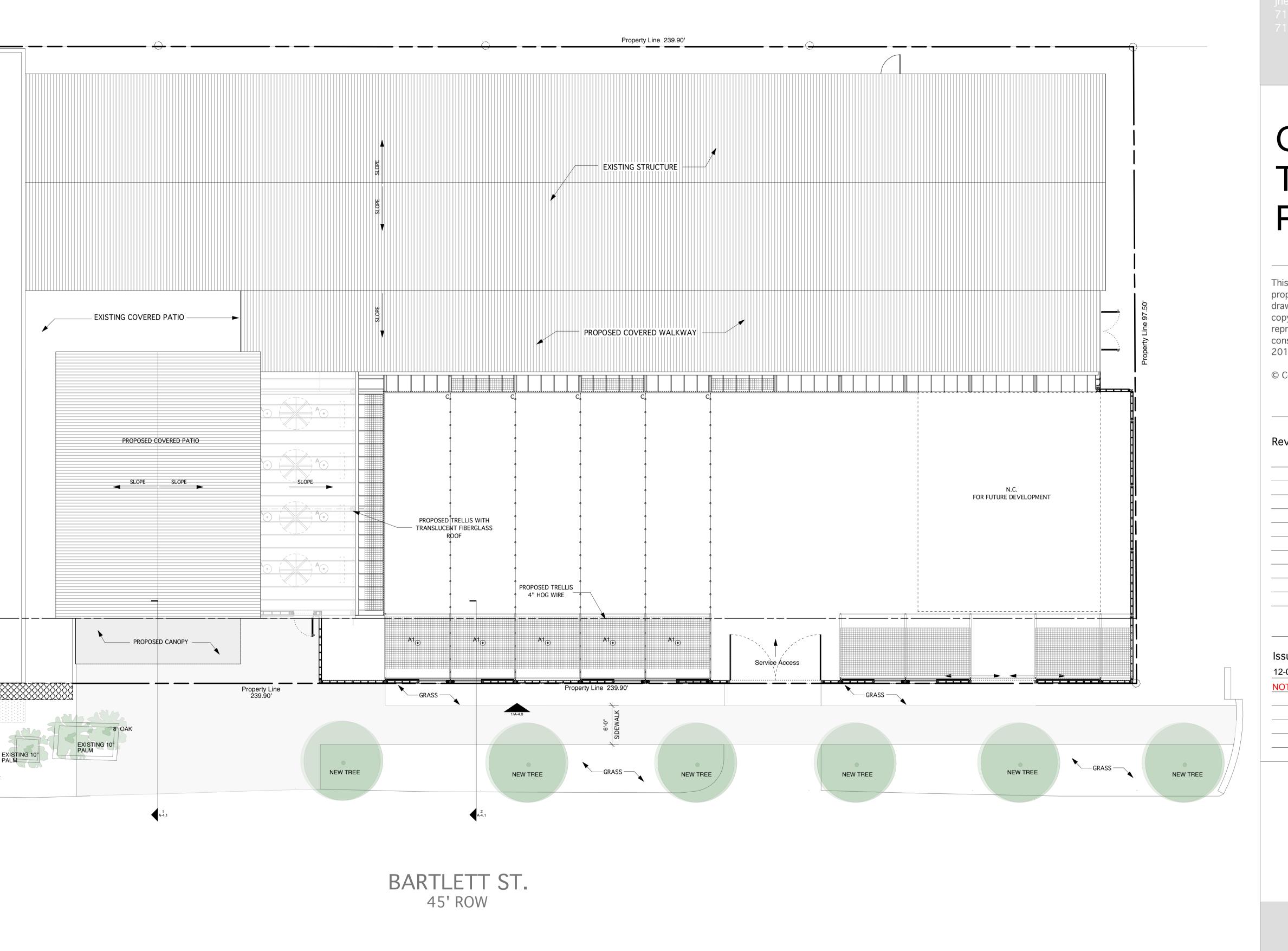
Applicant: Vernon G. Henry & Associates, Inc.



## D – Variances

Aerial

25'-0" Building Seback Line EXISTING BUILDING EXIS 12" OAK KIRBY DR. 100' ROW NEW TREE Existing Structure Encroach by 2'6" NEW TREE 



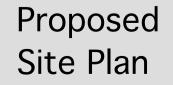
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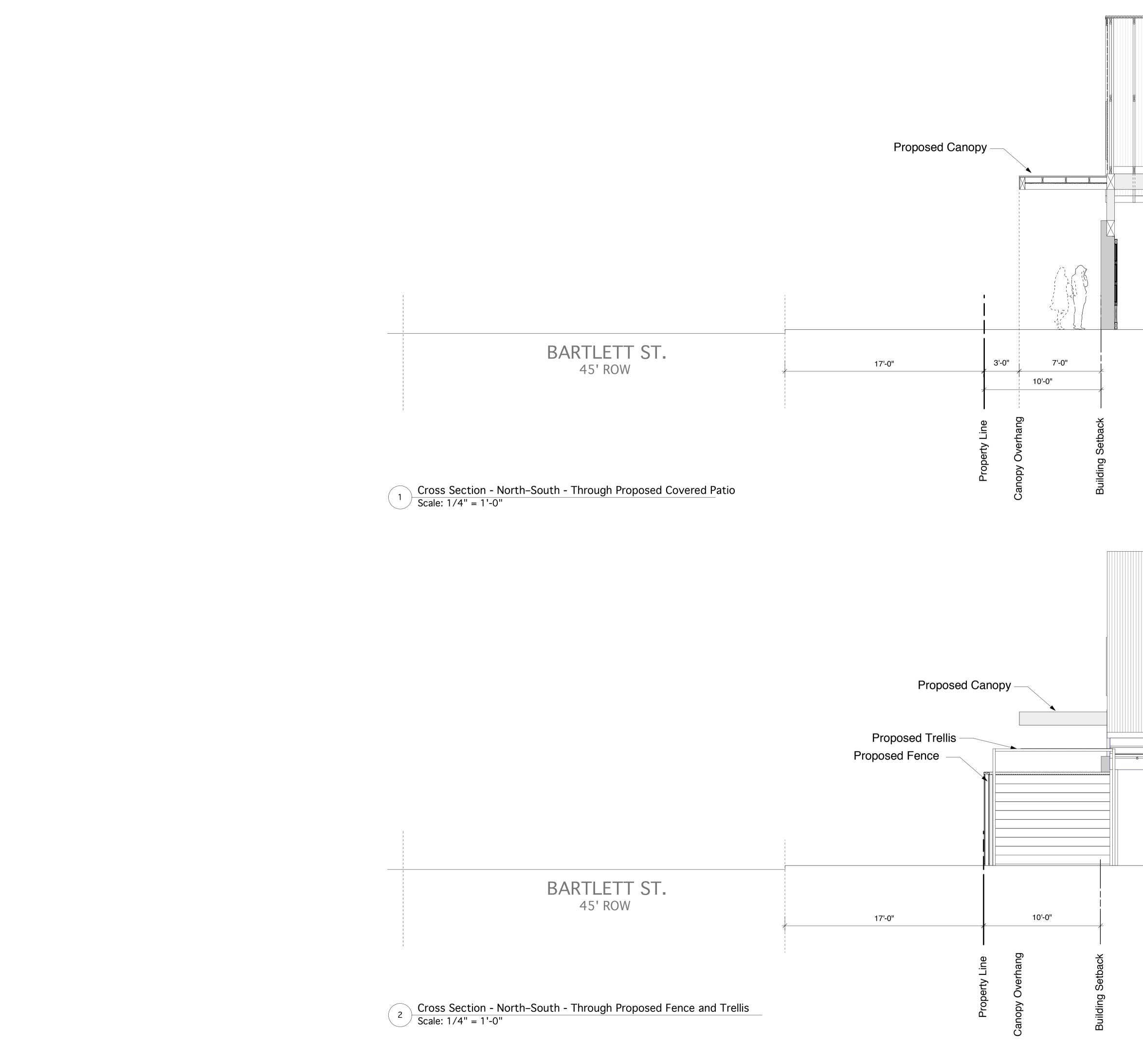
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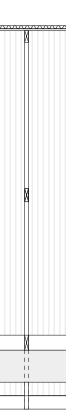
lssue/Date 12-01-2014 Review Set NOT FOR CONSTRUCTION

# Goode Co. The Armadillo Palace

## Revision Date:











2014

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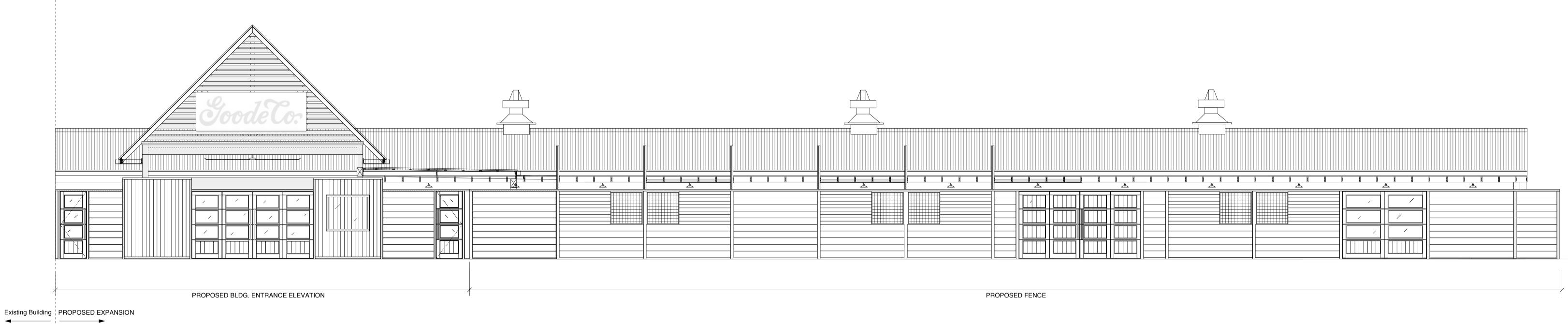
lssue/Date 12-01-2014 Review Set NOT FOR CONSTRUCTION

A - 4.1 Cross Section North-South Through Proposed Covered Patio

## The Armadillo Palace

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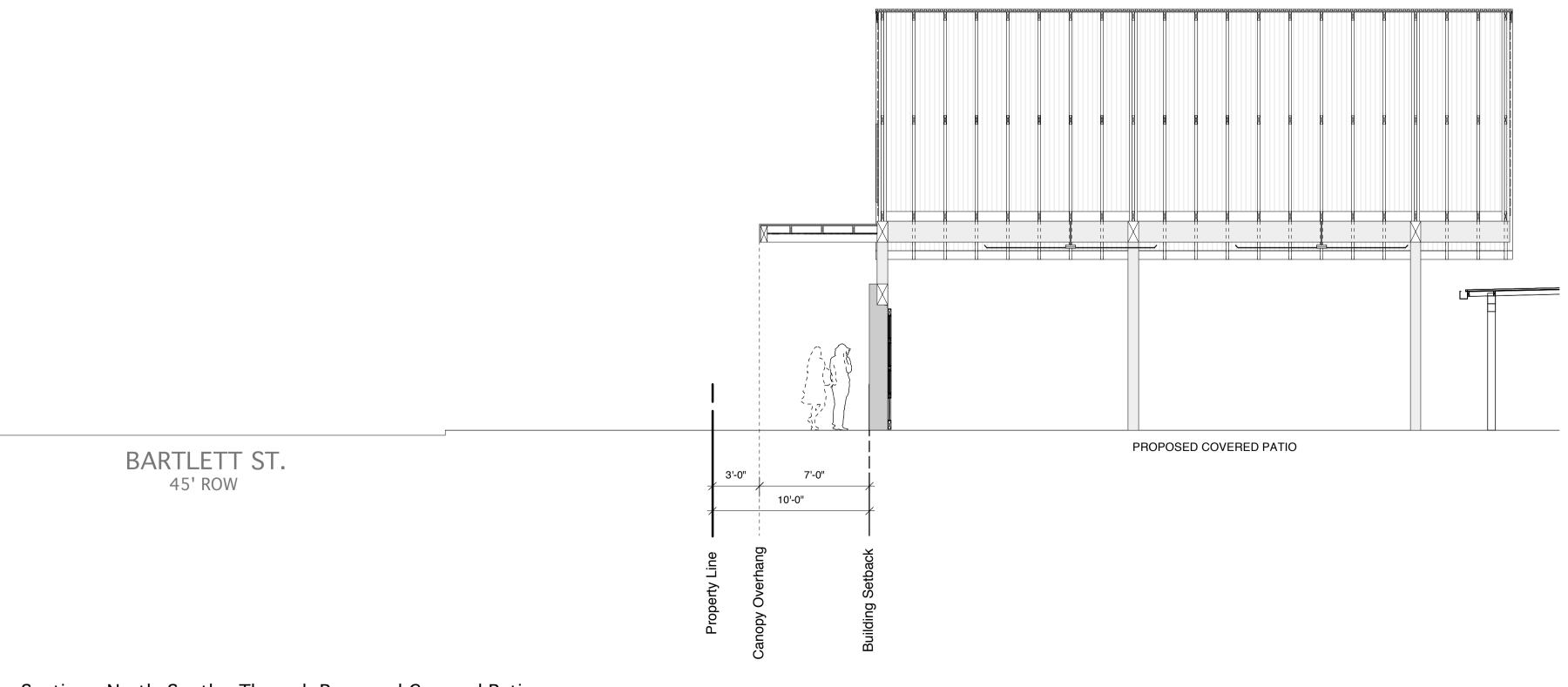
## Revision Date:





2 South Exterior Elevation - Facing Bartlett St. Scale: 3/16" = 1'-0"





Cross Section - North–South - Through Proposed Covered Patio Scale: 3/16" = 1'-0"

lssue/Date 12-01-2014 Review Set NOT FOR CONSTRUCTION



## The Armadillo Palace

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## Revision Date:

## A - 4.0 Exterior Elevation Facing Bartlett St.



Application Number: 2014-2995 Plat Name: Goode Company Bartlett replat no1 Applicant: Vernon G. Henry & Associates, Inc. Date Submitted: 12/05/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

To allow a dual building setback along Kirby and Bartlett for an existing structure and the armadillo sculpture; to allow the head of the armadillo to project into the visibility triangle at the intersection of Kirby and Bartlett; to allow a canopy at the entrance to project 7' rather than 2.5' into the 10' setback on Bartlett; to allow a trellis to be constructed inside the 10' setback on Bartlett

#### Chapter 42 Section: 150, 161

#### **Chapter 42 Reference:**

Sec. 42-150. Building line requirement. Major Thoroughfares- In general-25 feet Sec. 42-161. Visibility triangles. The building line for property adjacent to two intersecting streets shall not encroach into any visibility triangle, the triangular area adjacent to the intersection of any street established by measuring a distance of 15 feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets and connecting the ends of each measured distance, to assure adequate visibility sight lines for vehicular traffic approaching the intersection.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

## (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The Armadillo Restaurant is being remodeled. It has become a very popular location for conventions and meetings whose organizers want to have a Texas themed event, as well as for Houstonians. The remodeling includes interior and facade improvements to the existing building, the conversion of a storage facility to a dining hall for events, and the conversion of the surface parking lot on the immediate east side of the building to a courtyard for outdoor events. (Sufficient parking already exists in the immediate vicinity). The existing building was constructed prior to the adoption of the setback requirements in 1982. When this property was platted last year, no request was made for a dual building setback nor was it noted that the dedication of 2.5' of right-of-way widening made a portion of the existing building now fall within the Bartlett Street right-of-way. A separate application to the City's Joint Referral Committee has been made for the building encroachment. The armadillo sculpture is a landmark along Kirby Drive and a very popular place for pictures of both tourists and residents. While the head of the armadillo now protrudes into the newly created visibility triangle, the head is 15' above ground level and thus is not blocking the view of on-coming vehicles for drivers. An 8' fence is to be constructed along the Bartlett property line to enclose the new outdoor courtyard. The entrance to the restaurant and the outdoor courtyard will be through doors built into the new doors onto the covered patio. The doors will be located at the 10' setback on Bartlett. A canopy is proposed in front of these doors to protect patrons while waiting for valets (or drivers) to pick up patrons. This canopy is proposed to project 7' into the setback. The 2.5' allowed without a variance is sufficient for building overhangs and small balconies, but would not be wide enough to give protection from the elements for a group of people. A light-weight trellis structure is proposed to parallel the Bartlett fence to enhance the enclosure and provide some measure of shade from the Texas sun for daytime events. This this trellis structure is not suitable for enclosure. The vines growing on the trellis will enhance the view from Bartlett. Bartlett will be further enhanced by the removal of paving between the property line and the travel lanes of the street and replacement with a 6' public sidewalk, trees, and ground cover. Trees will also be added to the Kirby

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The building existed prior to the adoption of Chapter 42. The armadillo sculpture was in place prior to the establishment of the visibility triangle. The Houston climate is beyond the control of the owner.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The Chapter was not intended to make property owners demolish structures legally erected at the time of construction. The proposed encroachments into the building setback are minimal structures and will not detract from the light, air, and open space sought by the regulations.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Granting the variance for the existing building and sculpture will not change the existing condition; granting the variance for the entrance canopy and the trellis will enhance the public welfare.

#### (5) Economic hardship is not the sole justification of the variance.

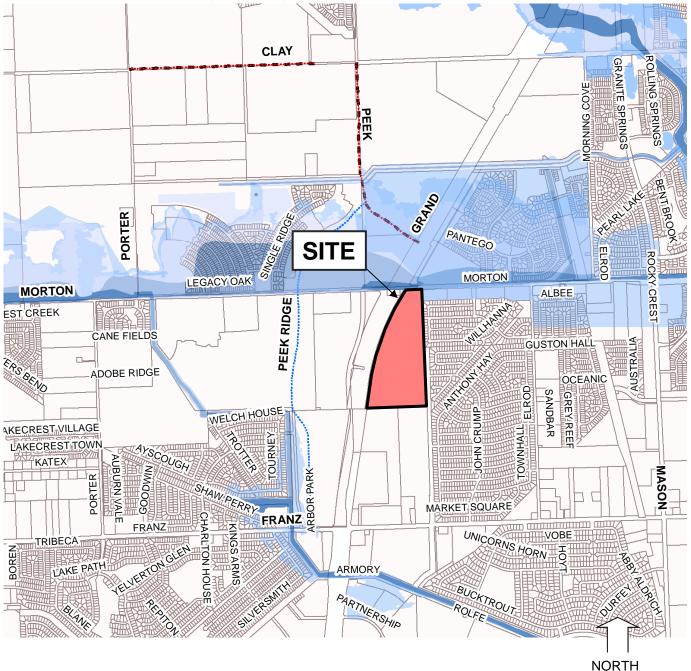
The justification for the variances is the existing condition and the desire to offer some protection from the weather to the public.

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Grand Morton South (DEF 1)

## Applicant: Texas Engineering And Mapping Company



D – Variances

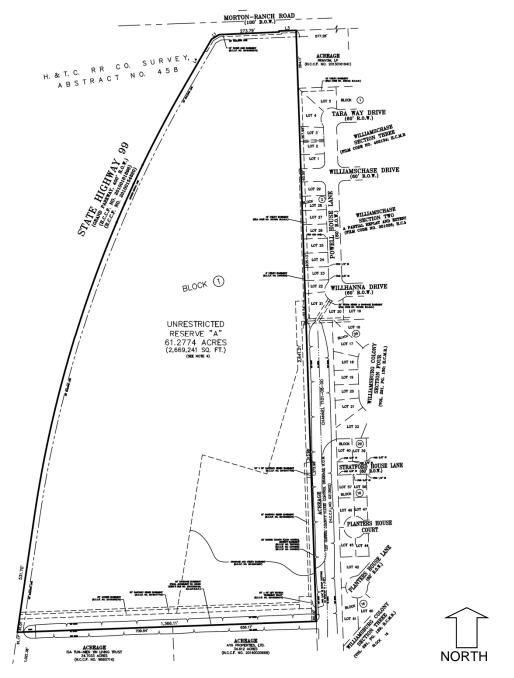
**Site Location** 

Planning and Development Department

Meeting Date: 12/18/2014

Subdivision Name: Grand Morton South (DEF 1)

Applicant: Texas Engineering And Mapping Company



**D** – Variances

Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Grand Morton South (DEF 1)

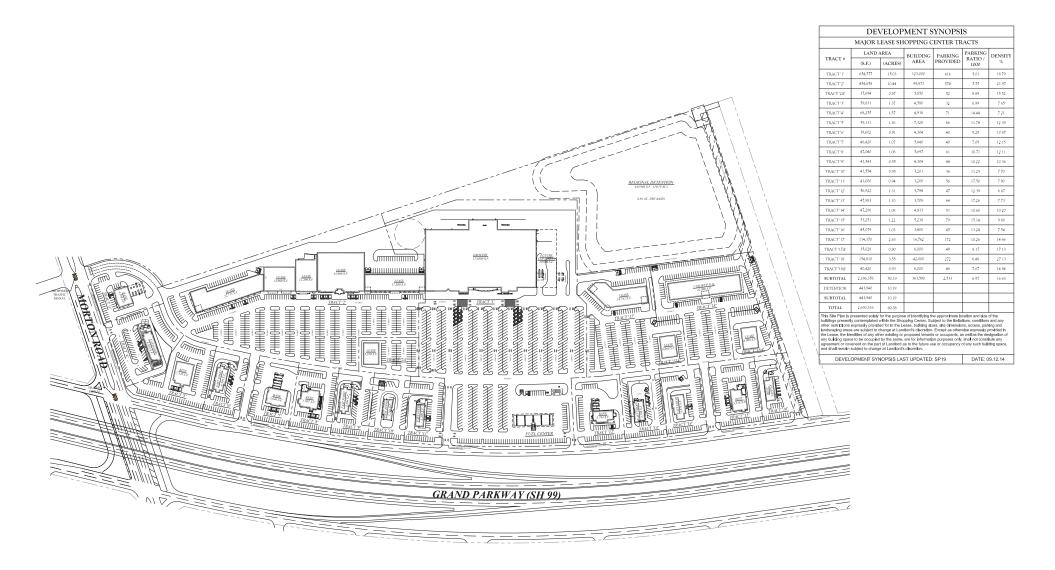
## Applicant: Texas Engineering And Mapping Company



NORTH

## D – Variances

Aerial







SEC OF GRAND PARKWAY (SH 99) & MORTON ROAD HOUSTON, TEXAS



#### Application Number: 2014-2900 Plat Name: Grand Morton South Applicant: Texas Engineering And Mapping Company Date Submitted: 11/17/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

To prevent two stub streets from being extended through the subject property. (Williamschase Drive and Stratford House Lane)

Chapter 42 Section: 42-135 (a)

#### Chapter 42 Reference:

Sec. 42-135. Street extension. (a) A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

## (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

This 61.2774 acre tract is being developed into a retail shopping center. This was determined to be the land's highest and best use. The platting for this property has caused two stub streets to be considered to be extended through the property. We contend that these stub streets would not be beneficial to the community and would limit the density of facilities on this site that would make this attractive to big box retailers. Extending either of these streets into commercial/retail area, which are non compatible uses, would put detrimental cut-through traffic into the adjacent singlefamily neighborhood. The conditions of this variance were created because of two previously platted subdivisions adjacent to this property: Williamschase Drive was platted in Williamschase Section Two (Film Code No. 351026 H.C.M.R.) and terminates at the east line of the property. Stratford House Lane was platted in the Williamsburg Colony Section Four subdivision (Vol. 291, Pg. 130; H.C.M.R.) and also terminates at a large drainage ditch that separates the two properties. The current ordinance states that these stub streets are required to be extended through the property at the time of platting. Extending either of these streets would create cut-through traffic from the retail center into the singlefamily community. This would be very unpopular with the residents. The extension of Williamsburg Drive is also hindering by TXDOT denying access for part of the Grand Parkway (S.H. 99) feeder road. This TXDOT imposition would make a road extension curve through this retail development, further restricting big box retailers from maximum use of property. Also, granting this variance would meet all requirements in Sec. 42-135(a). Stratford House Lane meets three of the five requirements in Sec. 42-135(a) to not extend this street through the subject property. Intersection spacing is not met and one lot depth is not met. However, a major impediment is a 120 foot drainage ditch right-of-way which separates the single family residents from the subject property. This ditch provides an excellent buffer between the two conflicting land uses. Furthermore, a large detention facility is planned on the west side of the ditch which would be in direct conflict with the extension of this street. We are hereby requesting a variance in order to plat the property without being required to extend these stub streets through the subject property. The current local streets in the area alr

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The development of this property will trigger platting. Since these two stub streets were previously platted, they are required by Chapter 42 to be extended through the subject property unless a variance is granted. This hardship was not created or imposed by the applicant. The adjacent developer platted these two stub streets without having full knowledge of how the subject property would be developed. Since the Grand Parkway was constructed, the highest and best use of this property (being on a major intersection) is commercial retail. This use needs to be buffered with the abutting single family residential use as much as possible. Approving the variance would help these two uses stay separated and neighborly.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The greater intent and purpose of this chapter will be preserved by not extending these two streets. Since the Grand Parkway was constructed; the subject property has become prime commercial retail property. This variance would help keep the single family residential communities next to this property separated from this use. The retention of these neighboring communities has a higher and greater good than the extension of these stub streets into a commercial area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

These stub streets have been in place for a long while. No adverse impact to the public's health, safety, or welfare is anticipated by granting this variance request. Conversely, extending either street could affect traffic safety in the area. This would certainly be a major concern to the residences that live on these streets.

#### (5) Economic hardship is not the sole justification of the variance.

This variance request is not about economic hardship. The current street pattern provides adequate circulation in the area. Not granting this variance would create noise, privacy, and safety issues with the residents that reside on these streets. In addition, the extended streets would only hamper the ability to make the highest and best use of the land into a big box retail development.



#### Application Number: 2014-2900 Plat Name: Grand Morton South Applicant: Texas Engineering And Mapping Company Date Submitted: 11/17/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

In conjunction with seeking a variance not to extend two stub streets from the east through the property, this variance request is for relieving this proposed development from dedicating an east-west public street through the property as required by intersection spacing along major thoroughfares.

Chapter 42 Section: 42-127 (a)

#### Chapter 42 Reference:

A major thoroughfare shall intersect with a public local street, a collector street, or another major thoroughfare at least every 2,600 feet

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

## (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

This 61.2774 acre tract is being developed into a retail shopping center. This was determined to be the land's highest and best use. The Grand Parkway borders the westerly property line of this site and Morton Ranch Road adjoins its northerly boundary. The property is 2,701 feet long from north to south. A large drainage ditch with a 120-foot wide rightof-way is centered on the southerly property line. Single family residential borders the entire easterly side of this property with a H.C.F.C.D. drainage ditch with a 120-foot wide right-of-way separating this property from the single family residential subdivision for the southerly 1,374 feet along this tract's easterly property line. Only two opportunities exist for an east-west public street intersection through this property. These are at two stub streets platted in developed subdivisions adjoining the easterly boundary of this site. These streets are named Williamschase Drive and Stratford House Lane. A concurrent variance requests that neither of these streets be required to be extending into this proposed commercial retail development. There is no general plan on file for the subject tract. The current ordinance states that a public street should intersect a major thoroughfare at least every 2,600 feet. Williamschase Drive is located about 660 feet south of and is parallel to Morton Ranch Road. An extension of this local street to the west would be directly into a zone that TXDOT has designated as an access denied area. No streets or driveways can be on the Grand Parkway located in this zone. Bending this street to the North of this zone would violate the minimum 600 feet spacing from a major thoroughfare (Morton Ranch Road) requirement. Snaking it through the property to the south of the access denied zone would severely hamper the ability to develop this property into a viable commercial retail development. This connection would also be detrimental to the safety and well being of the single family residents that live on this street. Stratford House Lane is located 640 feet north of the southeast corner of the subject property. Directly west exists a large H.C.F.C.D. drainage ditch exists between the stub street and the subject property. Furthermore, a proposed detention pond for West Harris County M.U.D. No. 2 is currently being designed in the southeast corner of the property. This facility will also block the extensions of this street. A connecting public street in this location would

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

This hardship was not created or imposed by the applicant. The adjacent developer platted these two stub streets without having full knowledge of how the subject property would be developed. This left only these two options for a public street to run through the property. Both of these options would connect single family residential use directly to commercial retail use. These uses need to be buffered as much as possible by not making either connection. Approving this variance would help these two uses stay separated and neighborly. Physical impediments, as mentioned above, also exist that restrict the possibility of a public street through this property.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The greater intent and purpose of this chapter will be preserved by not connecting a public street into the adjacent single family residential properties. Since the Grand Parkway was constructed, the subject property has become prime commercial retail property. This variance would help keep the single family residential communities next to this property separated from this use. The retention of these neighboring communities has a higher and greater good than the connection of a public street into a commercial area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

These adjacent residential streets have been in place for a long while. No adverse impact to the public's health, safety, or welfare is anticipated by granting this variance request. Conversely, extending either street could affect traffic safety and well being in the area. This would certainly be a major concern to the residences that live on these streets.

#### (5) Economic hardship is not the sole justification of the variance.

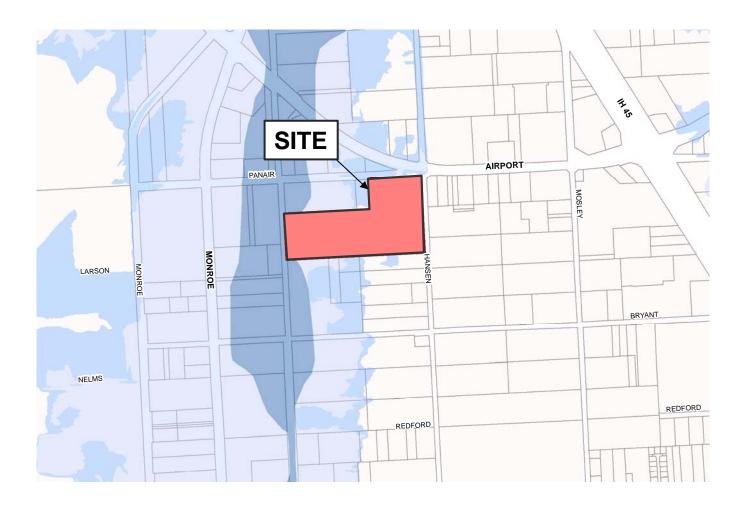
This variance request is not about economic hardship. The current street pattern provides adequate circulation in the area. Not granting this variance would create noise, privacy, and safety issues with the residents that reside on these streets. In addition, the extended streets would only hamper the ability to make the highest and best use of the subject property into a big box retail development.

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Hobby Autoport

#### Applicant: Jones & Carter, Inc





## **D** – Variances

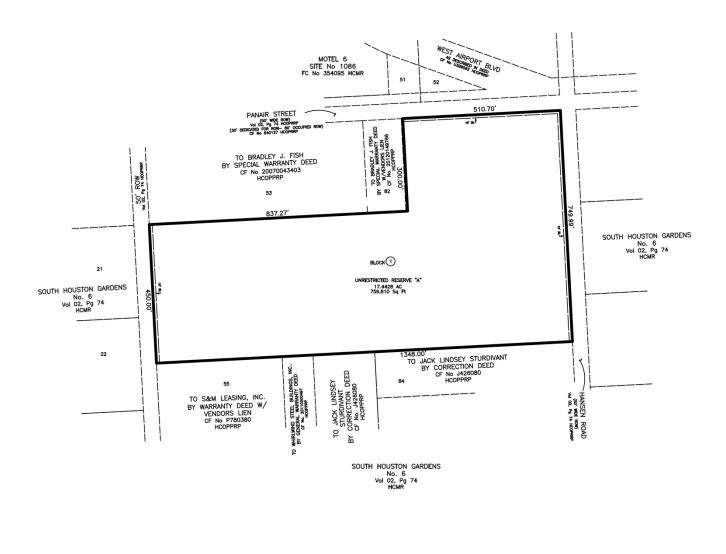
**Site Location** 

Planning and Development Department

Meeting Date: 12/18/2014

### **Subdivision Name: Hobby Autoport**

### Applicant: Jones & Carter, Inc





## **D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Hobby Autoport

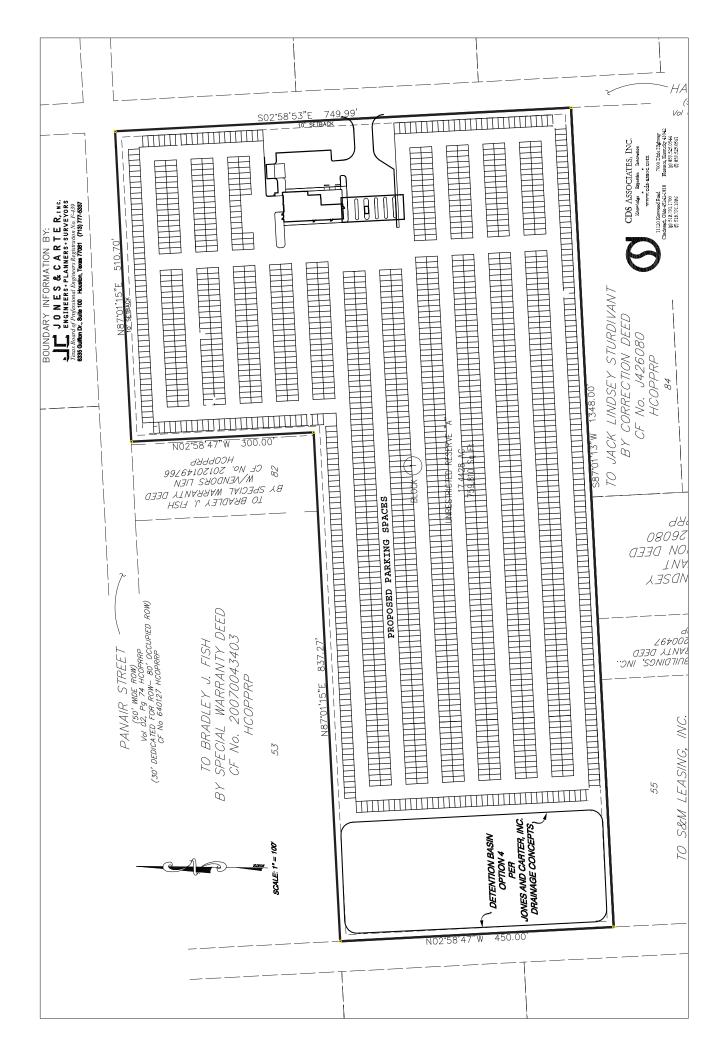
Applicant: Jones & Carter, Inc





## **D** – Variances







Application Number: 2014-3044 Plat Name: Hobby Autoport Applicant: Jones & Carter, Inc. Date Submitted: 12/08/2014

### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

A variance is requested to exceed the 1,400-feet block length requirement along the east side of the property along Hansen Road.

Chapter 42 Section: 128

#### Chapter 42 Reference:

Intersections of local streets. (a) (1) Each local street shall intersect with a street that meets the requirements of subsection (b) at least 1,400 feet;

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The proposed Hobby Autoport plat is a 17.4428 acre tract located entirely within the city limits of Houston between Hobby Airport and Interstate 45. It is situated at the southwest corner of the intersection of Airport Boulevard, Panair Street and Hansen Road. Airport Boulevard meets Panair Street along the plat's northern boundary, and Hansen Road runs along the eastern side of the plat. The tract is undeveloped and contains both open pastureland and wooded areas. The north side of the tract is bordered by Panair Street, a small portion of Airport Boulevard, and also by an undeveloped tract and a vacant industrial building. To the east of the tract across Hansen Road, there is an undeveloped tract situated between commercial and industrial developments. The tract is completely bounded on the south by an industrial building that houses a steel building supply company. On the west side of the tract there is an existing 50-foot right-of-way that is currently being used as a drainage ditch. Further to the west across this right-of-way is more developed industrial property and a car rental facility at the intersection of Monroe Road and Panair Street. The 50-foot right-of-way that runs north-south along the west side of the tract was dedicated with the South Houston Gardens No. 6 plat in 1909. This plat dedicated a series of 50-foot grid right-of-ways, a few of which are not currently being utilized for street purposes. Another dedicated right-of-way that runs east-west exists approximately 750-feet south of the southern boundary line of the Hobby Autoport tract, and is also currently being used for drainage purposes also. This right-of-way currently exists as Bryant Street further east at IH-45. Bryant Street could be extended to the west to use this right-of-way, but currently stops at Mosley Road. There is approximately 1,500 feet between Airport Boulevard and the platted east-west right-ofway, therefore a variance is being requested to not provide a local street every 1,400 feet. The 17.4428 acre tract is being replatted as an unrestricted reserve. Dedicating a right-of-way through the subject tract would not benefit mobility in the area as it would have to dead end at the western edge of the tract. The existing drainage ditch and structures would prohibit the right-of-way from forming a connection to Monroe Road. Furthermore, the two existing platted right-ofways are not being utilized as a means to improve accessibility or connecti

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The existing drainage ditch and structures to the west of the property that would make dedicating a right-of-way infeasible and the two unutilized platted right-of-ways are the circumstances supporting the granting of the variance.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purposes of the chapter will be preserved and maintained due to the fact that this tract, as well as the adjacent developments, have sufficient traffic circulation provided by Panair Street, Airport Boulevard, and Hansen Road. Along with these streets, right-of-way has previously been dedicated along the western boundary of the tract and

south of the tract that are currently not being used as public streets.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

No adverse impact to the public's health, safety or welfare is anticipated by granting the variance. Adequate access to the proposed development as well as to the existing nearby commercial and industrial developments is available.

#### (5) Economic hardship is not the sole justification of the variance.

The circumstances supporting the granting of the variance are based on the existing conditions surrounding the tract which affect the subject property.

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Komorebi Court

### **Applicant: Owens Management Systems, LLC**



## **D** – Variances

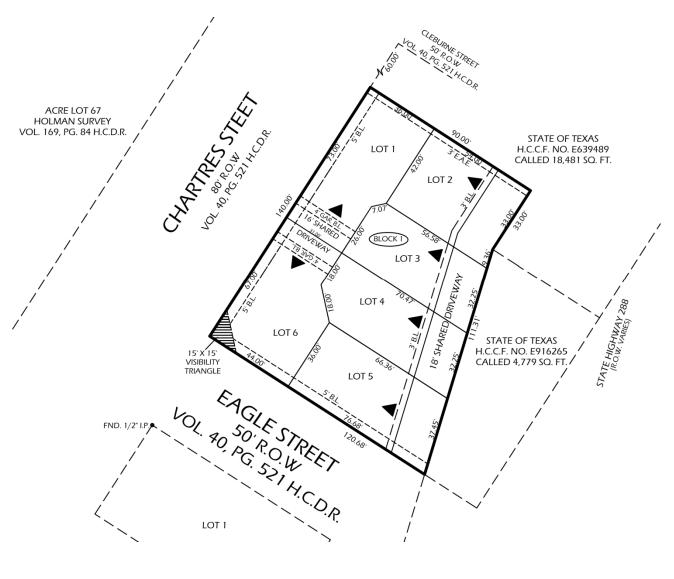
## **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Komorebi Court

### **Applicant: Owens Management Systems, LLC**





## **D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Komorebi Court

Applicant: Owens Management Systems, LLC



NORTH

**D** – Variances

## Aerial



Application Number: 2014-2906 Plat Name: Komorebi Court Applicant: Owens Management Systems, LLC Date Submitted: 11/17/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

A variance is sought for a 21-foot building line along SH 288 and a 3-foot building line along the north property boundary. **Chapter 42 Section: 152-a** 

### Chapter 42 Reference:

The portion of a lot or tract that is adjacent to a major thoroughfare shall have a building line requirement of 25 feet unless otherwise authorized by this chapter.

### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

Chartres is a 70' row with curb and gutter. Eagle Street is a 50' row stub street, created in the Holman Outlot 66 plat. The property on the west side of Chartres is non-residential with one curb cut. In 1965, Texas Department of Transportation commenced land acquisition of Block 1 for the creation of State Highway 288 per HCAD C980465, E693409 and E916265, causing a steep grade separation at the rear property line. TXDOT also acquired Lots 1 & 2 which remain undeveloped.

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Land acquisition by Texas Department of Transportation to develop SH 288 created a grade separation at the rear property boundary. The developer is proposing 6 lots. 2 lots access 16' shared driveway from Chartres and 4 lots will access via 18' shared driveway with 3' building line from Eagle Street, thereby creating a 21' building line from SH 288. The townhouses are 3-stories, average 2100 square feet.

### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purposes of this chapter will be preserved and maintained. The undeveloped portion of SH288 north of the property is at least 100 feet from the north property boundary to Cleburne Street. With the extensive grade separation, there is no direct access to SH 288 and no impact on traffic. Per TXDOT, there are plans for SH288 that will affect Chartres Street.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The proposed development includes semi-opaque fencing, new 6' sidewalks along Chartres and Eagle Streets. 3" caliper trees and shrubs will enhance the pedestrian experience. The development is consistent with new townhouse developments in Midtown and Third Ward.

### (5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the sole justification of the variance. TXDOT land acquisition to create SH 288 prohibits any new development north and east of subject property.

**Planning and Development Department** 

### Subdivision Name: Louetta Mini Storage

### Applicant: Texas Engineering and Mapping Company



NORTH

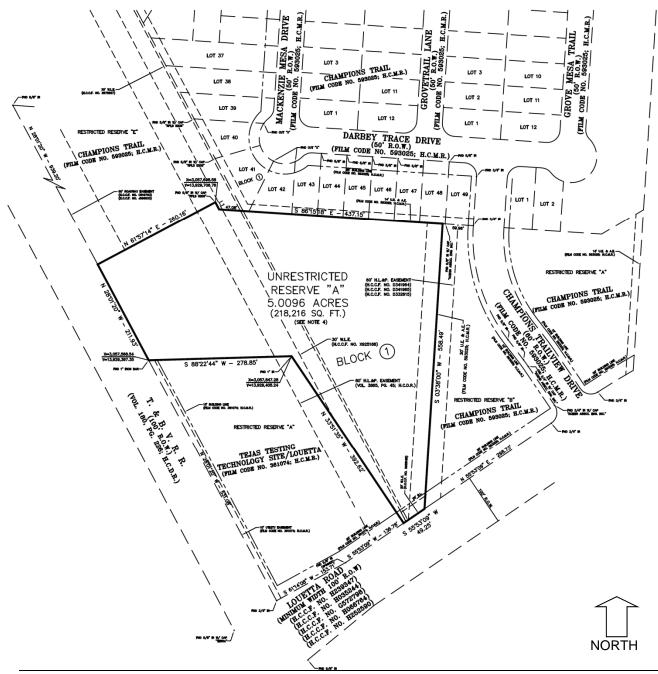
## **D** – Variances

## **Site Location**

**Planning and Development Department** 

### Subdivision Name: Louetta Mini Storage

### Applicant: Texas Engineering and Mapping Company



**D** – Variances

**Planning and Development Department** 

### Subdivision Name: Louetta Mini Storage

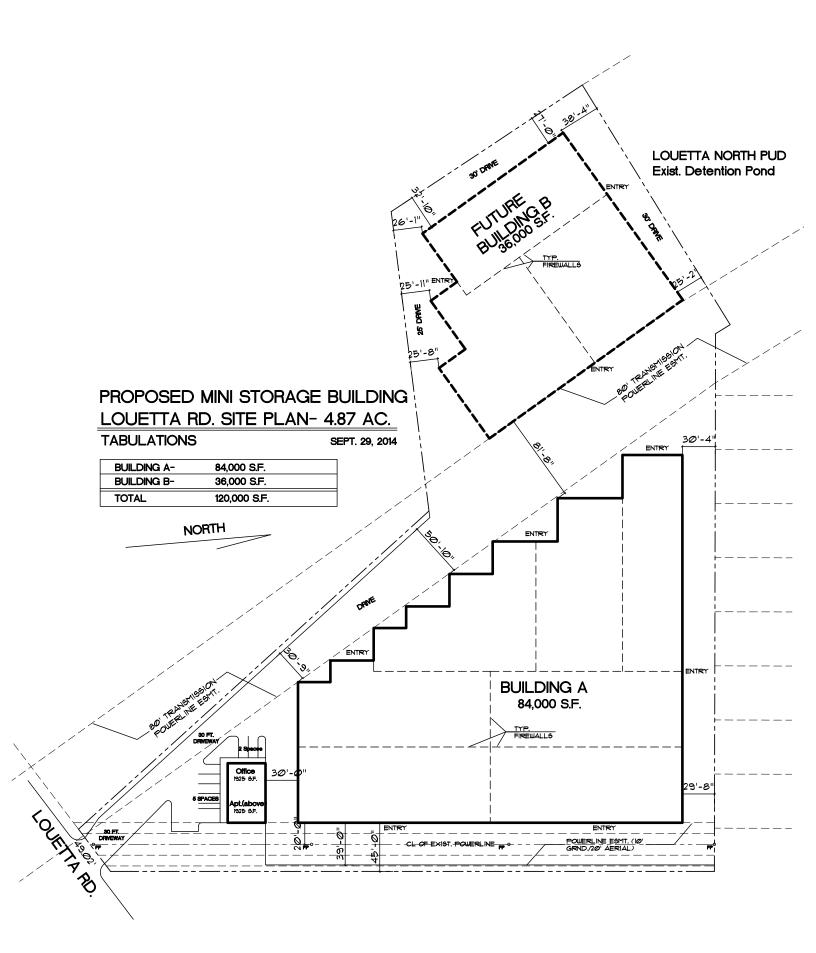
### Applicant: Texas Engineering and Mapping Company



NORTH

## **D** – Variances

## Aerial





### Application Number: 2014-2994 Plat Name: Louetta Mini Storage Applicant: Texas Engineering And Mapping Company Date Submitted: 12/05/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

To allow a reserve to have 49.25 feet of frontage on a public street rather than the 60 feet required. **Chapter 42 Section: 190** 

#### Chapter 42 Reference:

TYPE OF RESERVE - Unrestricted reserve; MINIMUM SIZE - 5,000 sq. ft.; TYPE OF STREET OR SHARED DRIVEWAY – public street; MINIMUM STREET OR SHARED DRIVEWAY WIDTH – 60 feet (50 feet in a street width exception area); MINIMUM STREET OR SHARED DRIVEWAY FRONTAGE – 60 feet.

#### Statement of Facts

# (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

The current configuration of the subject property is a direct result of a partition of the parent tract into "shares" by deed recorded in Volume 6800, Page 267, of the Harris County Deed Records on June 6, 1967. The current owner came to own Shares '7' and '8', and also Share 'D'. These 'shares' were planned to have access from easements created in the partition deed. However, through a combination of "share" acquisition of the surrounding property to the north and east of the subject property and the building of Louetta Road at the south tip of Share 'D', access was cut off in all directions except to Louetta Road. Furthermore, the surrounding properties were platted on all sides of this property space(except the westerly line that is bordered by a 100-foot wide railroad right-of-way) without any access points other than Louetta Road. Therefore, the only access this property has is to Louetta Road with frontage of 49.25 feet. This property only has 42.25 feet of frontage on Louetta Road. The minimum frontage width for a reserve was established both to ensure sufficient width for use to allow enough width for the dedication of a public street, should one be needed in the future. This area already has a well established public street system; there is no need to provide space for this area to be converted into a public street. A mini storage facility is being planned for this site which has been determined to be its highest and best use. A frontage of 49.25 feet is adequate for this use. If this variance is not granted this property will be landlocked for anything other than residential use. (See Item 4 below)

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Earlier urban development occurred on either side of this property. In recent years, plats have been approved on either side of this property leaving only its 49.25 feet of frontage. This frontage is sufficient for ingress/egress to the proposed mini storage facility being planned.

### (3) The intent and general purposes of this chapter will be preserved and maintained;

There is sufficient width and area for ingress/egress for this projected use and additional street frontage would serve no purpose, thus the general intent and purposes of the chapter will be maintained. This variance will also allow this otherwise land-locked property to be developed.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Public health, safety, and welfare will be protected by allowing this property to be productively used rather than left as a poorly maintained and unsupervised tract of land that would provide access to the rear property lines of adjacent uses. Without this variance approved, this property is virtually land-locked from any use except possibly a large residential lot. However, with the surrounding uses, power lines, railroad, major thoroughfare frontage, etc., a residence would not be a very desirable use.

### (5) Economic hardship is not the sole justification of the variance.

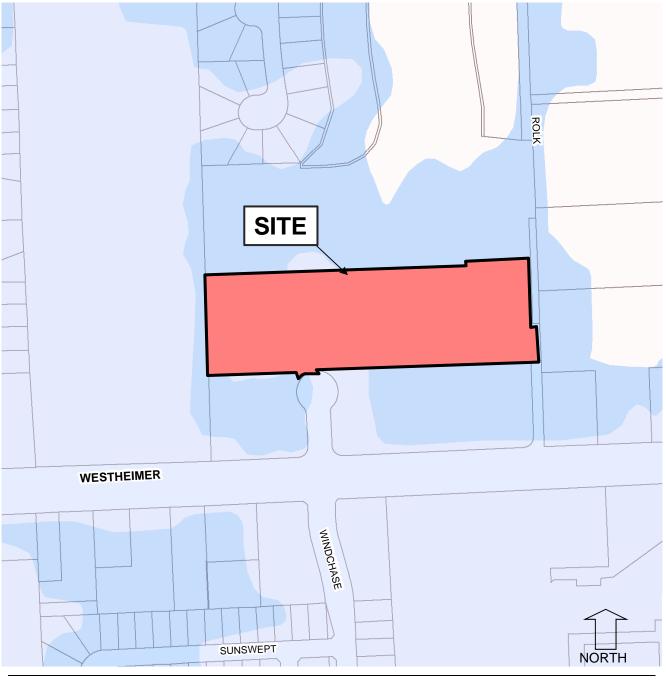
This variance request is not about economic hardship. This property just cannot physically provide the recommended 60 feet of street frontage because historic events have conspired to provide only 49.25 feet of frontage on Louetta Rd. for this property.

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Parkway at Eldridge Sec 4

Applicant: BGE| Kerry R. Gilbert Associates



## **D** – Variances

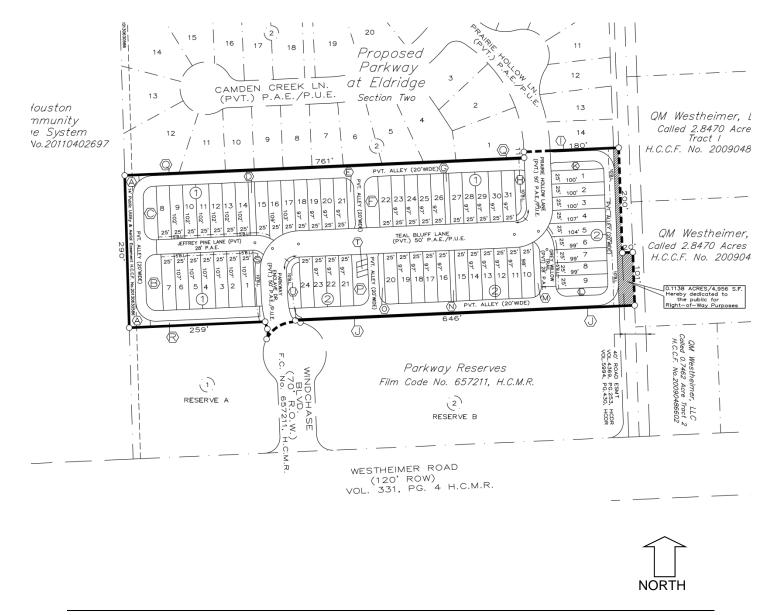
## **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Parkway at Eldridge Sec 4

### Applicant: BGE| Kerry R. Gilbert Associates



## **D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Parkway at Eldridge Sec 4

Applicant: BGE| Kerry R. Gilbert Associates



## D – Variances

## Aerial



Application Number: 2014-3051 Plat Name: Parkway at Eldridge Sec 4 Applicant: BGE|Kerry R. Gilbert Associates Date Submitted: 12/08/2014

### (Sec. 42-47 and Sec. 42-81)

### Specific Variance is being sought and extent of variance:

To establish building lines on the Type 1 PAE via a typical lot layout, with lots taking vehicular access at the rear from a private alley instead of a public alley.

#### Chapter 42 Section: 42-156

### Chapter 42 Reference:

Sec. 42-156. Collector and local streets—Single-family residential. ...(d) When the plat contains a typical lot layout and notes that restrict vehicular access to an approved public alley, then no front building setback line shall be required, except for corner lots as provided herein.

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Parkway at Eldridge is a small gated community located on the north side of Westheimer Road and west of Eldridge Parkway. Primary access for the development is from Rincon Drive, which connects to Eldridge Parkway. Secondary access is provided via Windchase Blvd connecting south to Westheimer Parkway, and an additional connection to the Lakes of Parkway development to the northwest, which is also a private community. All entries are gated and include vehicular turnarounds. Parkway at Eldridge Section 4 is in the southern portion of the project, south of the other residential sections and immediately north of the commercial reserves of the development. The gated turnaround of Windschase Blvd, which connects to Westheimer Rd through the commercial reserves, is adjacent to the southern boundary of Section 4. Parkway at Eldridge Section 4 proposes a townhome community with common-wall buildings fronting on a combination of Type I and Type II PAEs. The townhomes will have vehicular access only via alleys in the rear of the lots. By virtue of the fact that the entire Parkway at Eldridge community is gated, the alleys in Parkway at Eldridge Sec 4 will not be accessible to the public and will therefore be private alleys. However, Chapter 42 does not address the subject of private alleys, only public alleys. Chapter 42 makes several provisions for establishing front building lines in cases where the garage will either face the rear of the lot or have an additional separate setback. However, none of these provisions take into account the possibility of homes with private alleys. Parkway at Eldridge Section 4 proposes to establish building lines along the Type I PAE using the typical lot layout for lots that take vehicular access from a public alley in the rear. The requested variance is to allow this typical lot layout to apply to the private alleys proposed by Section 4. The proposed design otherwise conforms to the typical lot layout for establishing building lines on lots that take access from an alley in the rear.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The proposed layout of Parkway at Eldridge Section 4 includes alleys which are effectively private, by virtue of the fact that the entire community is a gated community. As Chapter 42 does not address the possibility of alleys within a gated community, a solution does not exist within the regulations, and this condition is therefore not a hardship created or imposed by the applicant.

### (3) The intent and general purposes of this chapter will be preserved and maintained;

The proposed layout of this section meets the intent and general purposes of this chapter to establish building setbacks for lots that take access from an alley in the rear.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of the variance will not create any negative impacts for the health, safety, or welfare of the community or the public.

### (5) Economic hardship is not the sole justification of the variance.

Chapter 42 does not address the possibility of alleys within a gated community, which become de facto private alleys instead of public alleys. This unique situation is the supporting circumstance for this request.

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Saudi Arabia Royal Consulate

Applicant: South Texas Surveying Associates, Inc.



**D** – Variances

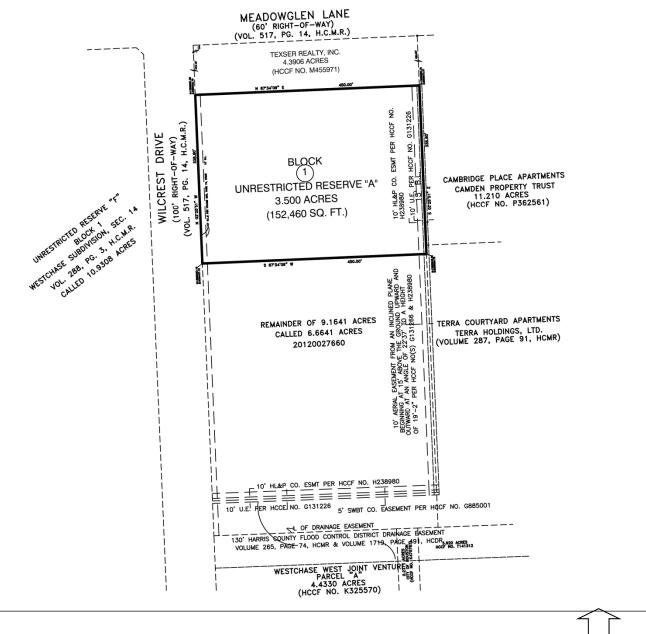
## **Site Location**

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Saudi Arabia Royal Consulate

### Applicant: South Texas Surveying Associates, Inc.



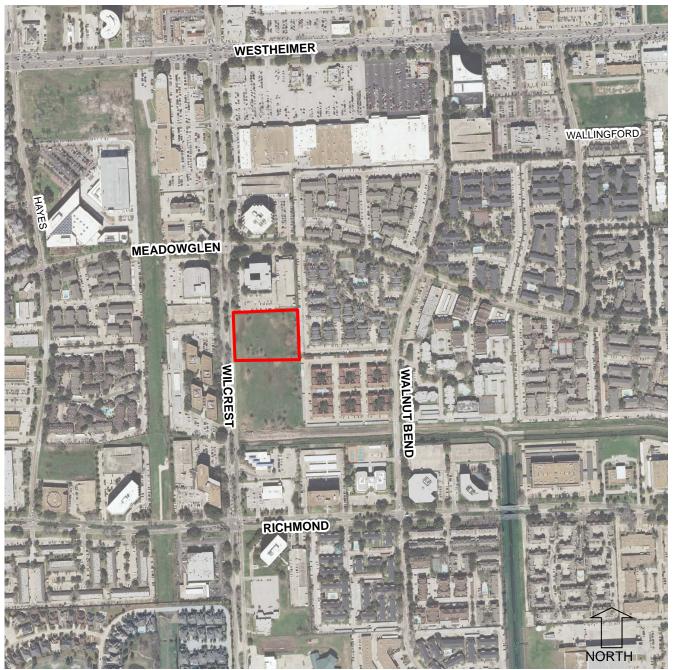
**D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

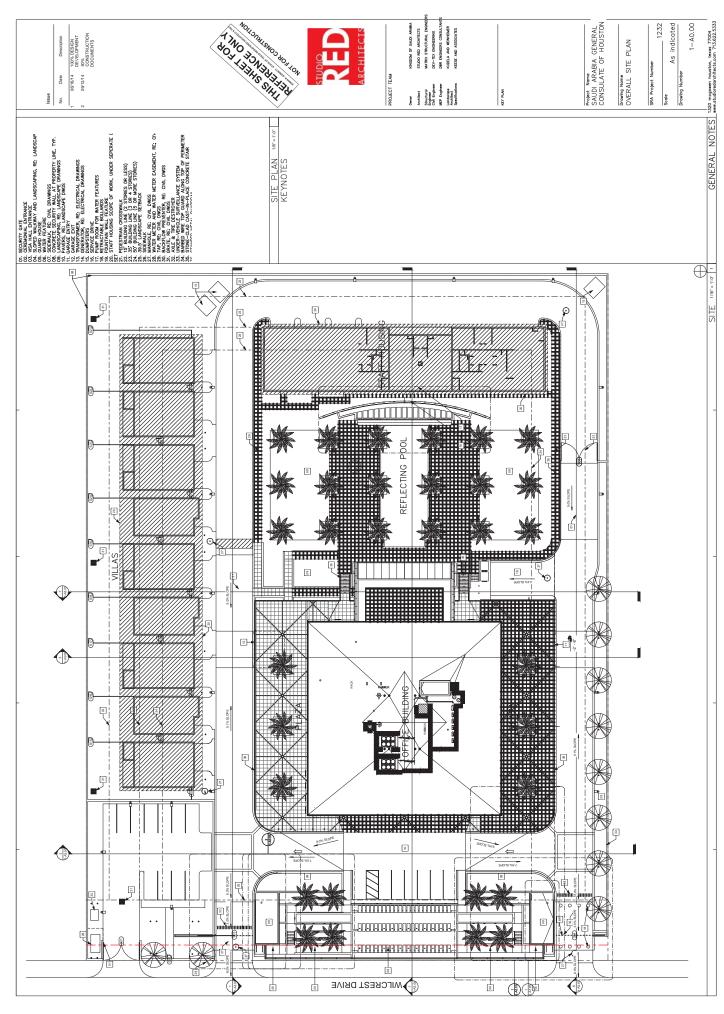
Subdivision Name: Saudi Arabia Royal Consulate

Applicant: South Texas Surveying Associates, Inc.



# D – Variances

## Aerial





Application Number: 2014-2948 Plat Name: Saudia Arabia Royal Consulate Applicant: South Texas Surveying Associates, Inc. Date Submitted: 11/17/2014

(Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance: Variance request for a reduced building line along a major thoroughfare. Chapter 42 Section: 150

Chapter 42 Reference:

1. Sec 42-150- Building line requirement.

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

This property is located on Wilcrest Dr. (100' ROW) North of Richmond Ave and South of Meadowglen outside of the West Belt. This project is being built for the General Consulate of Saudi Arabia. We are seeking approval to reduce the building line on Wilcrest from 25' required to a 10' building line. The purpose of the reduction is to construct 2 guard houses that will be stationed at the check in and check out points for the Consulate. The consulate is concerned with keeping general public from accessing the grounds. As you can imagine, security is the utmost importance with this project. The site plans show an office building, temporary housing units as well as the guard houses. The primary structure will be setback 40 feet as required by the deed restrictions. Only the guard houses will be at the 10' set back as requested. We have obtained an approval from the Westchase Management District regarding the variance request and plans that are affected by Deed Restrictions. The original plat shows a 10' building line along with a 10' Water Line Easement. We have researched the utilities in the area and have determined the actual water line is outside of the property and 10' set back will be sufficient for accessing the line. After meeting with City of Houston PWE & P&D, we feel that this compromise from our original request is acceptable to our development and we are now formally requesting approval at this time.

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The Consulate should be considered foreign soil and should be allowed to develop the property as they have planned as long as it doesn't harm the public in any way. The guard houses will keep the general public from accessing the property, preventing incidents. Security for the Consulate is extremely important. We believe this request is reasonable and just. We recognize that while we are asking to be considered foreign soil, the development will also need to access city utilities. Therefore, we have revised our original request for a 5' building and now agree that 10' set back is acceptable and also approved by the management district. Please refer to the approval and site plans attached.

### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purpose of Chapter 42 will be preserved and maintained, we are seeking special permission for this development. We recognize the need for process, procedure and regulations however; we feel this project should be given special consideration due to its intended purpose. Security is the utmost important issue for this project.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Granting this variance would not be injurious to the public health, safety or welfare. The primary structure will be 40 feet back from the road. The guard houses are minimal structures but will give the security this projects needs and deserves. This project will be for the betterment of the community in general.

### (5) Economic hardship is not the sole justification of the variance.

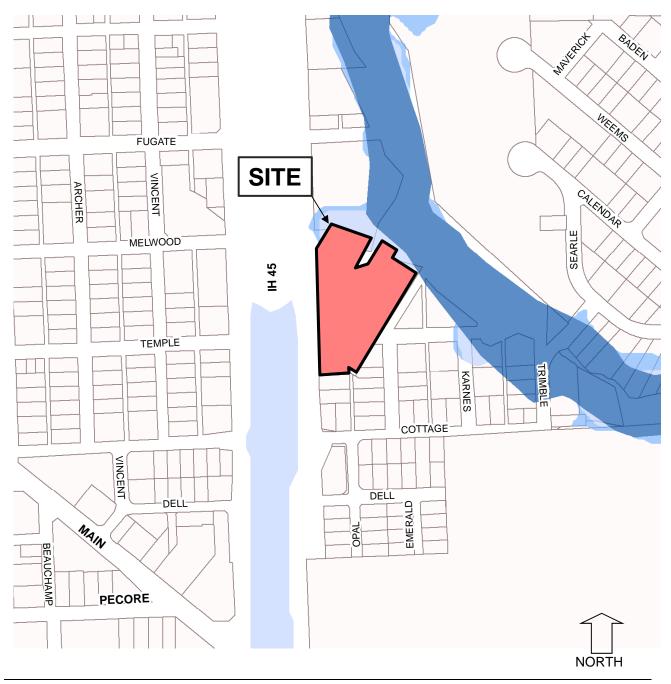
The hardship for this project is developing a Foreign Consulate that will conform to the City's standards while addressing the needs of the Consulate General and requirements of their security and development. We believe, based on all evidence submitted this is not an unreasonable request. We respectfully ask for your support on this project in order to move forward. We appreciate your time and consideration.

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Shreeram

### Applicant: South Texas Surveying Associates, Inc



**D** – Variances

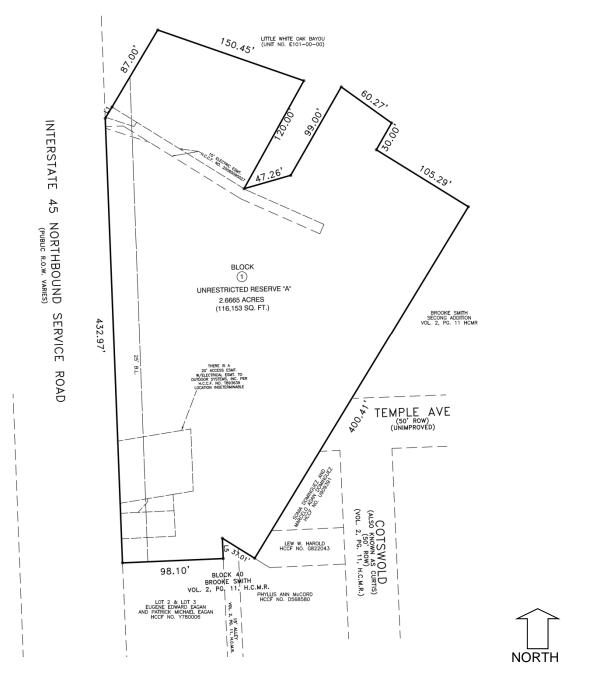
## **Site Location**

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Shreeram

Applicant: South Texas Surveying Associates, Inc



**D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Shreeram

Applicant: South Texas Surveying Associates, Inc



D – Variances

Aerial



Application Number: 2014-2764 Plat Name: Shreeram Applicant: South Texas Surveying Associates, Inc. Date Submitted: 11/03/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

We are respectfully requesting not to extend a public street (Temple Street, Dever, or Melwood) or cul-de-sac the street either street.

#### Chapter 42 Section: 135

#### **Chapter 42 Reference:**

Sec. 42-135. Street extension. (a) A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted unless: (1) The existing stub street is a local street and is not designated as a collector or major thoroughfare on the major thoroughfare and freeway plan; (2) The existing stub street is not shown as a through street on a current general plan approved by the commission for the subdivision in which the existing street is located or the subdivision that is the subject of the application; (3) The existing stub street is only one lot in depth; (4) The proposed subdivision will not extend residential development; and (5) The extension of the street is not required to meet the intersection spacing requirements of this chapter. If each of these criteria is met, the stub street is not required to be extended.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

This property is located on Interstate 45 North of North Main. We are requesting not to extend Temple Street. Temple Street is an unimproved street at this time and according to the previous plat Brooke Smith Second Addition recorded in Vol. 2 Page 11 of the Harris County Map Records Temple Street never extended through this property when platted and dedicated in 1906. Dever street has been partially abandoned and does not exist on the ground and there is inconsistencies regarding where Dever was dedicated. Melwood Ave is an improved dedicated street on the west side of I-45 however when reviewing the plat boundary and where Melwood was dedicated again we see inconsistencies on the exact location and again is not improved or used by the public at this time and possible never used in the past 108 years.

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

This property's hardship was not created or imposed by the applicant. The street was never extended or improved. To extend a dirt or gravel stub street does not make sense due to the fact the public does not use this street. The street dead ends into White Oak Bayou to the East as well as the project site to the West.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purpose of chapter 42 will be preserved and maintained. Chapter 42's general intent and purpose appears to be concerned with traffic flow and emergency access. Since Temple, Melwood and Dever are unimproved and not currently being used by the public, the intent and purpose should not apply to this situation therefore, maintained by default.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

Granting this variance will not put the public health, safety or welfare in jeopardy at any point. Again, this street is not being used by the public for any purpose and will not be affected negatively by not extending or creating a cul-de-sac.

#### (5) Economic hardship is not the sole justification of the variance.

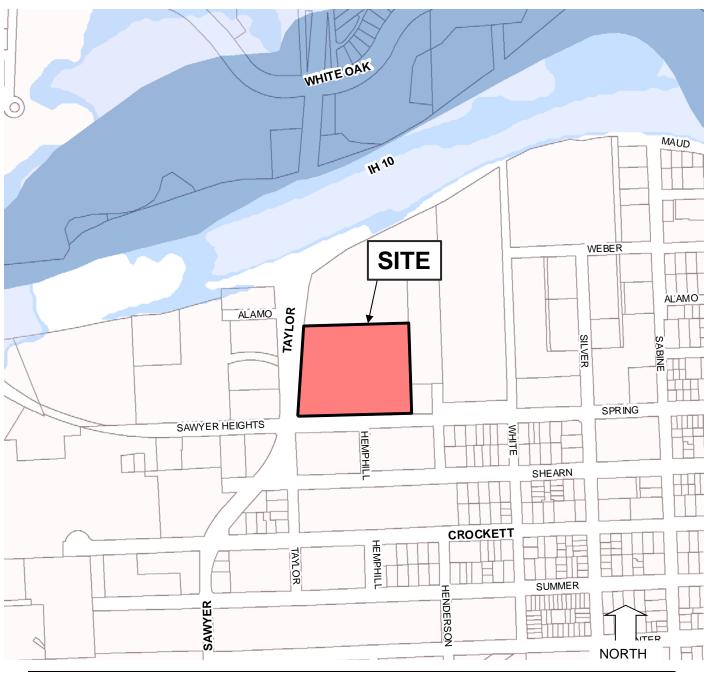
The hardship for this project is that no one has used or developed Temple Street, Melwood Ave east of I-45, or Dever Street for the past 108 years. We respect the fact that Chapter 42 has regulations and standards for the majority of development projects, but again we respectfully request permission at this time to continue to plat this project without extending an unimproved street or creating a cul-de-sac for unimproved and unused streets.

**Planning and Development Department** 

Meeting Date: 12/18/2014

### Subdivision Name: Spring at Taylor

Applicant: Terra Surveying Company, Inc.



## **D** – Variances

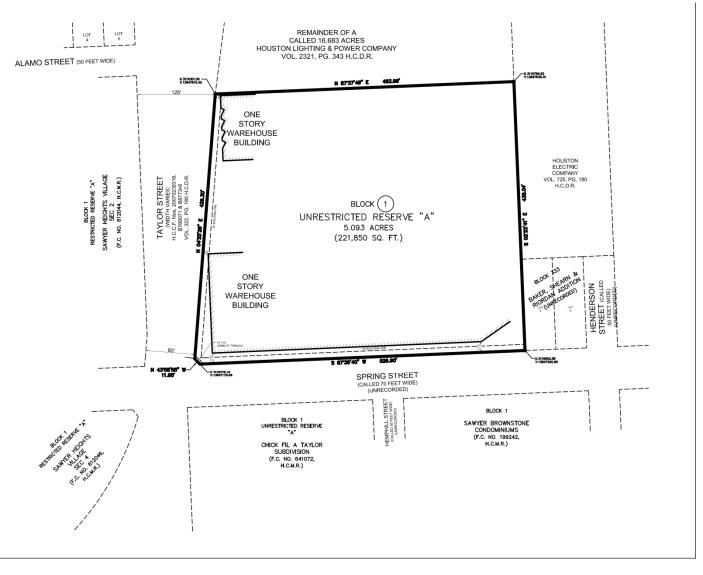
**Site Location** 

Planning and Development Department

Meeting Date: 12/18/2014

### Subdivision Name: Spring at Taylor

Applicant: Terra Surveying Company, Inc.





## **D** – Variances

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Spring at Taylor

Applicant: Terra Surveying Company, Inc.



# D – Variances

Aerial



Application Number: 2014-3007 Plat Name: Spring at Taylor Applicant: Terra Surveying Company, Inc. Date Submitted: 12/07/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

This variance is being sought to allow for dual building lines to accommodate the life of two (2) existing one-story warehouse buildings.

#### Chapter 42 Section: 155

#### Chapter 42 Reference:

Sec. 42-155. Collector and local streets--Uses other than single-family residential. (a) The building line requirement for a tract used or to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street that is not an alley shall be ten feet unless otherwise required or authorized by this chapter.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

These two (2) one-story concrete warehouse buildings, built in 1975, are located at the northeasterly intersection of Taylor Street and Spring Street. With the platting of the subject tract, a 10-foot building line will be required along said Taylor Street and said Spring Street. It is the objection of the owner to be in compliance, once the plat is recorded with the office of the Harris County Clerk, for the life of the existing two (2) warehouse buildings and also complying with the 10-foot building lines along Taylor Street and Spring Street for future development. No definitive development plans are set for this tract. The need of the variance is to address the Building Line compliance for Marketing purposes of the subject tract.

# (1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

These two (2) one-story concrete warehouse buildings, at 50,000 square feet (northerly building) and 80,000 square feet (southerly building), were built in 1975. Both buildings fronting Taylor Street and the southerly building siding on Spring Street. These buildings will extend over the proposed platted 10-foot building line along Taylor Street at each northwesterly corner.

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

These two (2) one-story concrete warehouse buildings were built in 1975, on a tract which likely did not have a building line requirement or restriction. Future development will adhere to the required 10-foot building lines per the submitted plat.

### (3) The intent and general purposes of this chapter will be preserved and maintained;

Any and all future construction on the subject tract will comply with the existing requirements of Chapter 42, specifically the 10-foot building lines along Taylor Street and Spring Street. No future developments or additions will encroach within the platted 10-foot building lines along Taylor Street and Spring Street.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The circulation and maneuverability of vehicular and emergency traffic will not be hindered. Nor would pedestrian traffic be limited or impeded.

(5) Economic hardship is not the sole justification of the variance.

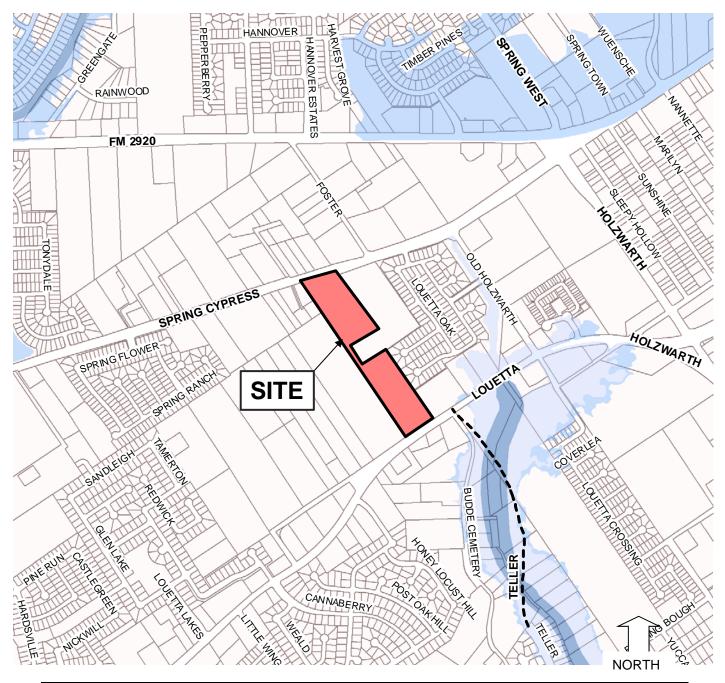
The justification for this Variance is to be in compliance with the Building line requirements during the life of the two (2) one-story concrete warehouse buildings and be in compliance with the Building line requirements after the recording of the plat of the subject tract and any future construction. The owner/developer desires to be in compliance with the building lines for both building, first and foremost.

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Spring Cypress at Louetta Apartments

## Applicant: R.G. Miller Engineers



**D** – Variances

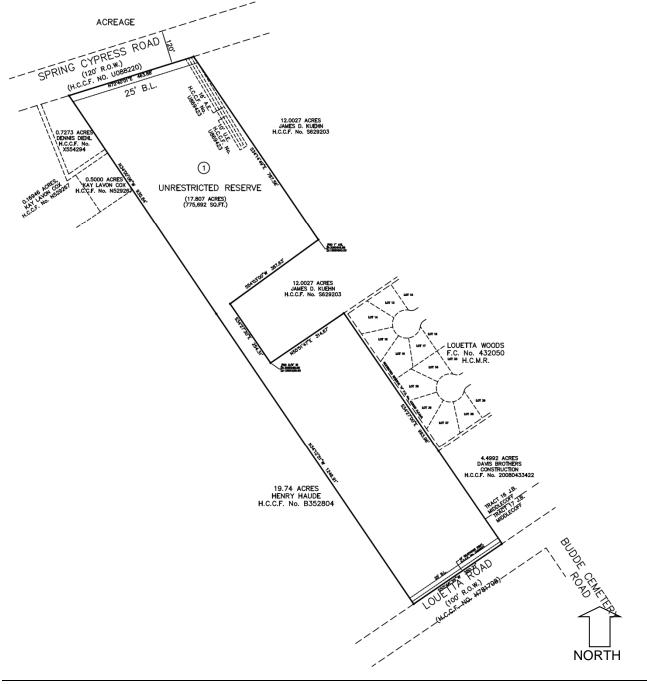
# **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Spring Cypress at Louetta Apartments

## Applicant: R.G. Miller Engineers



**D** – Variances

# **Subdivision**

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Spring Cypress at Louetta Apartments

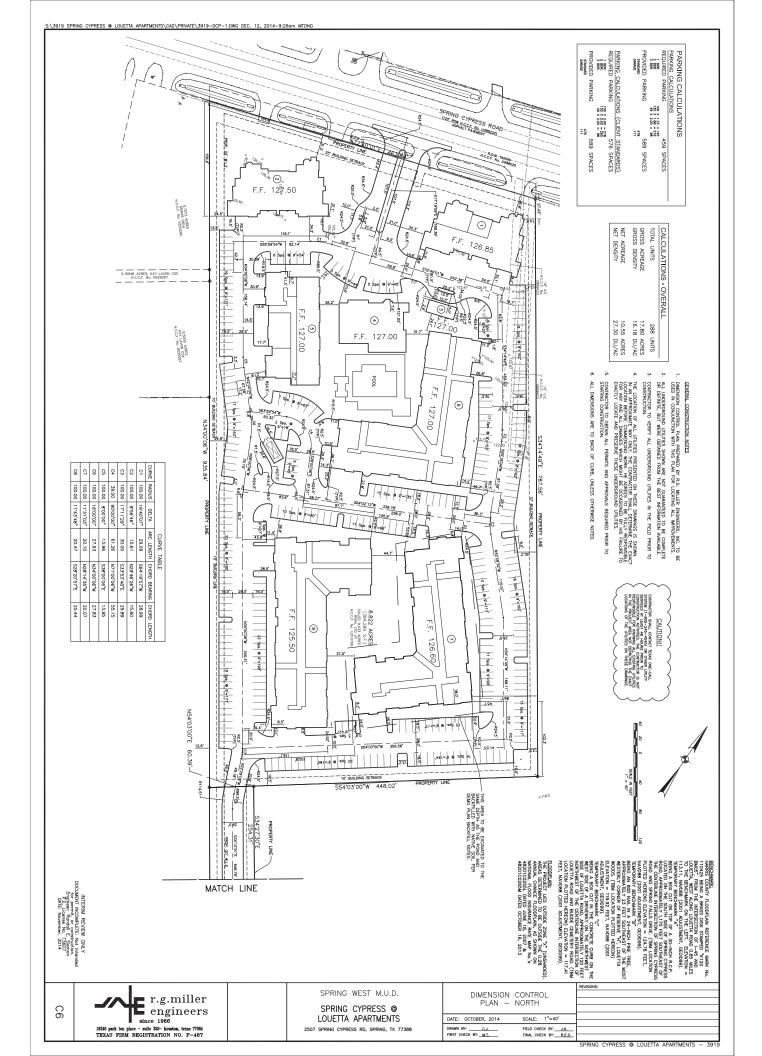
## Applicant: R.G. Miller Engineers

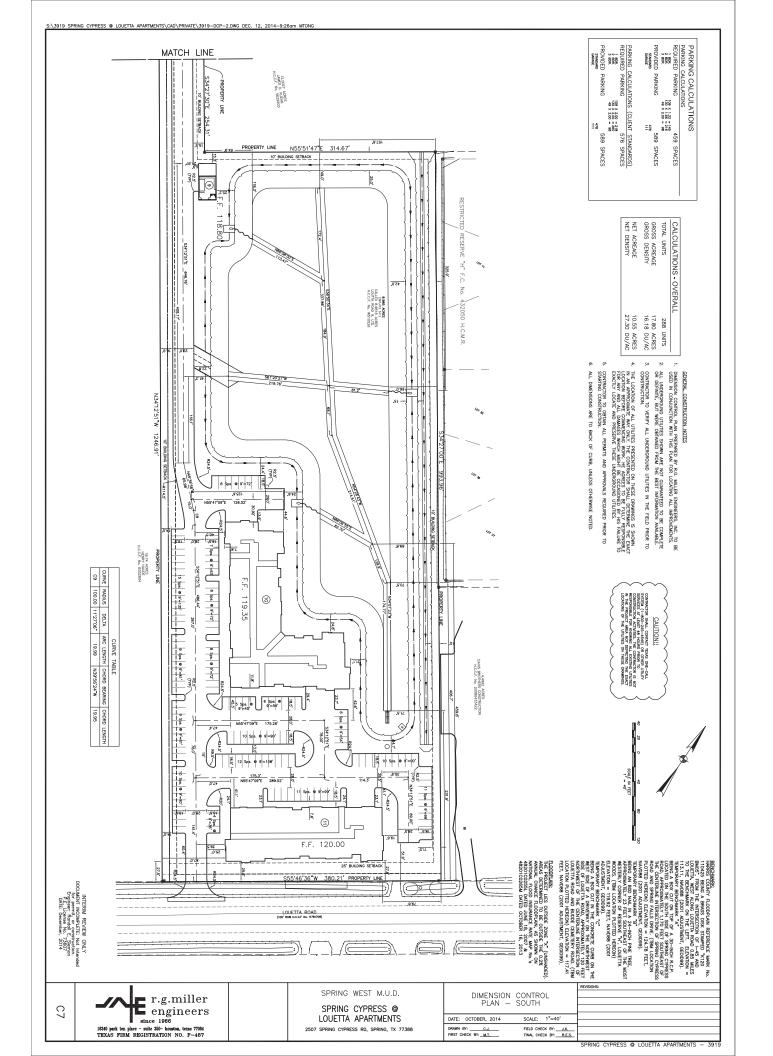


NORTH

Aerial

# **D** – Variances







Application Number: 2014-3095 Plat Name: Spring Cypress at Louetta Apartments Applicant: R.G. Miller Engineers Date Submitted: 12/08/2014

### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance: to not require a street stub to be extended into the proposed plat. Chapter 42 Section: 135

#### Chapter 42 Reference:

Sec. 42-135. Street extension. (a) A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted unless: (1) The existing stub street is a local street and is not designated as a collector or major thoroughfare on the major thoroughfare and freeway plan; (2) The existing stub street is not shown as a through street on a current general plan approved by the commission for the subdivision in which the existing street is located or the subdivision that is the subject of the application; (3) The existing stub street is only one lot in depth; (4) The proposed subdivision will not extend residential development; and (5) The extension of the street is not required to meet the intersection spacing requirements of this chapter. If each of these criteria is met, the stub street is not required to be extended.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR na

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy; Strict application of the requirements of Chapter 43 Section of 127 would create an impractical development due to physical constraints and existing adjacent development. The stub street (Louetta Oak Trail) is adjacent to a 12.0027 tract, which separates our property.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant. Constraints are related to physical conditions or adjacent existing development by others.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

the intent and general purposes of this chapter will be preserved and maintained. The proposed development includes sufficient access from both Spring Cypress Road and Louetta Road which allow for adequate circulation in the area and discourages through traffic.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of this variance will not be injurious to the public health, safety or welfare. Adequate access and circulation will be provided by the major thoroughfares north and south of property site.

#### (5) Economic hardship is not the sole justification of the variance.

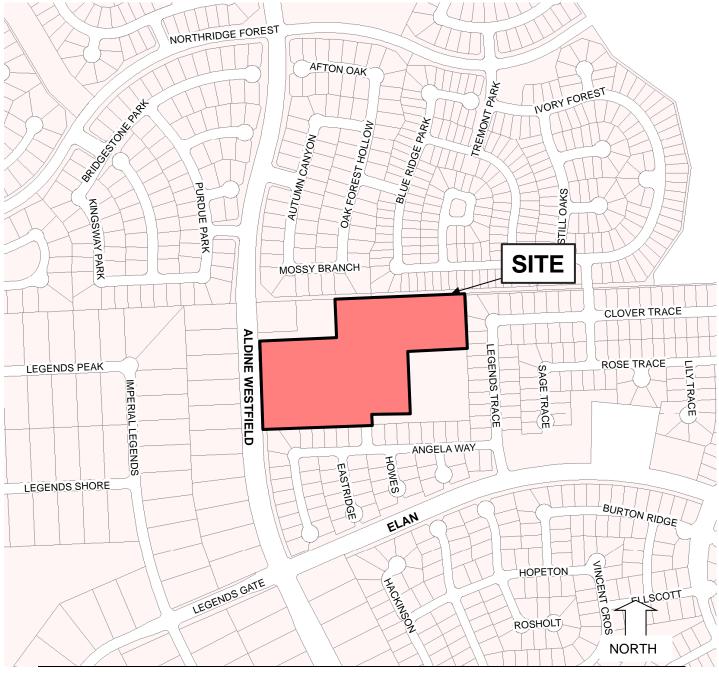
Economic hardship is not the sole justification of the variance. Justification for this variance is base on the physical constraints and adjacent existing development.

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Aldine Westfield Business Park (DEF1)

## **Applicant: Town and Country Surveyors**



## F- Reconsideration of Requirements

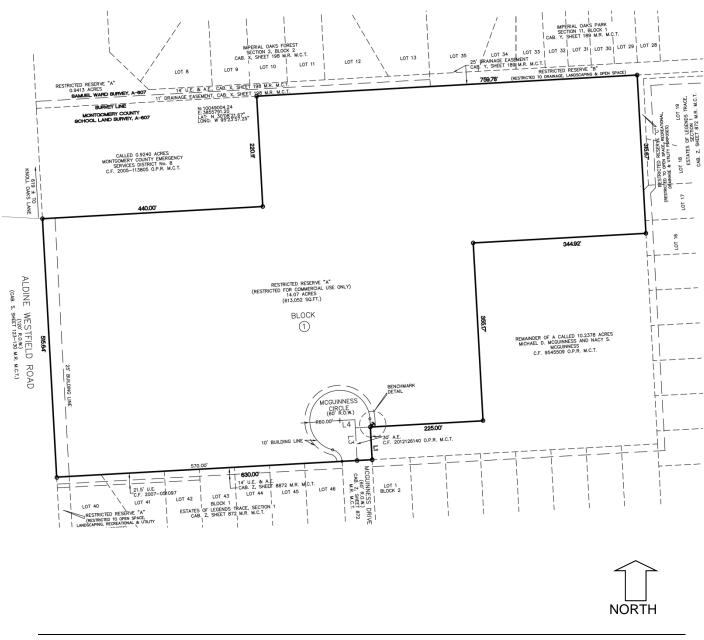
# **Site Location**

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Aldine Westfield Business Park (DEF1)

## **Applicant: Town and Country Surveyors**



## **F-** Reconsideration of Requirements

# **Subdivision**

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Aldine Westfield Business Park (DEF1)

## **Applicant: Town and Country Surveyors**



## **F-** Reconsideration of Requirements

# Aerial



Application No:2014-2822Plat Name:Aldine Westfield Business ParkApplicant:Town and Country SurveyorsDate Submitted:11/14/2014

#### (Sec. 42-47 and Sec. 42-81) Specific requirement or condition being sought:

Sec. 42-47. Applications requesting variance We are re-submitting the plat for reconsideration of requirements so we can request variances.

Chapter 42 Section: 47

#### Chapter 42 Reference:

Variances

If this request requires a variance or special exception, the applicant must comply with the Plat Submittal Requirements and provide a completed Variance Request Information Form or Special Exception Information Form.

#### STATEMENT OF FACTS:

We would like to resubmit of plat for reconsideration so we can request variances.



## Application Number: 2014-2822 Plat Name: Aldine Westfield Business Park Applicant: Town and Country Surveyors Date Submitted: 11/14/2014

#### (Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance:

Sec. 42-135 Street extension. Mcguinness Drive is currently a 285 feet in length and is only in the Estates of Legends Trace. At the current time it Runs from Rose Trace Drive and serves only the proposed KM ALDINE Westfield Plat and the a 3.66 Acre tract that is the remainder of a called 10.2378 Acre Tract. This 3.66 does not abut Mcguinnes Drive and is currently accessed by a a 30 foot wide access easement. The 10.2378 Acre Tract was a portion of the proposed Plats parent tract. The existing Mcguinnes Drive is only one lot in depth and is not shown in the current general plan. To the North of the proposed Plat are two residential subdivisons in Imperial Oaks Forest Section 2 and Imperial Oaks Imperial Oaks Park Neither was platted with the intent of a road coming through and there is no room between existing lots. Montgomery County is requiring the developer to provide access to the Mcguinness Tract. If the Mcguinnes 3.66 Acre tract is developed with a public road as it has 65 feet adjacent to the proposed east line of Mcguiness Circle. Since this Plat is intended to be commercial it currently has plently of access along Aldine Westfield Road. Currently Mcguinnes Road is only one lot in depth, is not a collector or major thouroughfare on the major thoroughfare and Freeway Plan. McGuinnes Road is not needed for spacing requirements.

#### Chapter 42 Section: 135

#### **Chapter 42 Reference:**

Sec. 42-135 Street extension

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The configuration of the properties in the area make extending the collector unnecessary at this point.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The variance is not requested do to a hardship for because of configuration of all the tracts in the area make an extension unnecessary.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent of the ordinance is to provide traffic collection and flow but there is very little need in this area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Not putting in a public road will not have any affect on the public health, safety or welfare. A new road will provide minimal if any additional traffic flows.

#### (5) Economic hardship is not the sole justification of the variance.

This Plat is being developed as a commercial tract and does not need more access than it currently has or will have with the proposed cul-de-sac.



## Application Number: 2014-2822 Plat Name: Aldine Westfield Business Park Applicant: Town and Country Surveyors Date Submitted: 11/14/2014

### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

Sec. 42-128 Intersections of Collector Streets. Mcguinness Drive is currently a 285 feet in length and is only in the Estates of Legends Trace. At the current time it Runs from Rose Trace Drive and serves only the proposed KM ALDINE WestField Plat and the remainder of a called 10.2378 Acre Tract which has a 30 foot access in our parent tract. The 10.2378 Acre Tract was a portion of the proposed parent tract. To the North of the proposed Plat are two residential subdivisons in Imperial Oaks Forest Section 2 and Imperial Oaks Imperial Oaks Park which was not platted with the intent of a road coming through and there is no room between existing lots. Montgomery County is requiring us to provide access to the Mcguinnes tract through a dedicated right of way. The have approved our current MCguinnes Circle as access to the Mcguinness Tract. Since this Plat is intended to be commercial it currently has plenty of access along Aldine Westfield Road.

#### Chapter 42 Section: 128

#### **Chapter 42 Reference:**

Sec. 42-128 Intersections of Collector Streets (1) Each local street shall intersect with a street that meets the requirements of subsection (b) at least every 1,400 feet; The developer requests that no local street be required running east and west through proposed plat.

#### **Statement of Facts**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The variance is requested because of configuration of all the tracts in the area and because a public road through the tract will serve no purpose.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The variance is not requested do to a hardship it is asked for because of configuration of all the tracts in the area, and because a public road through the tract will serve no purpose.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent of the ordinance is to provide traffic collection and flow but there is very little need in this area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

Since the adjoining properties are already developed a public street through the property will not not provide any additinional access. The proposed cul-del-sac will take care of access for the adjoining 3.66 Acres

#### (5) Economic hardship is not the sole justification of the variance.

The configuration of the existing development and the surrounding properties do not justify the need for an additional collector road.

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Fairfield Village South Sec 15

## Applicant: INsite Architecture Inc



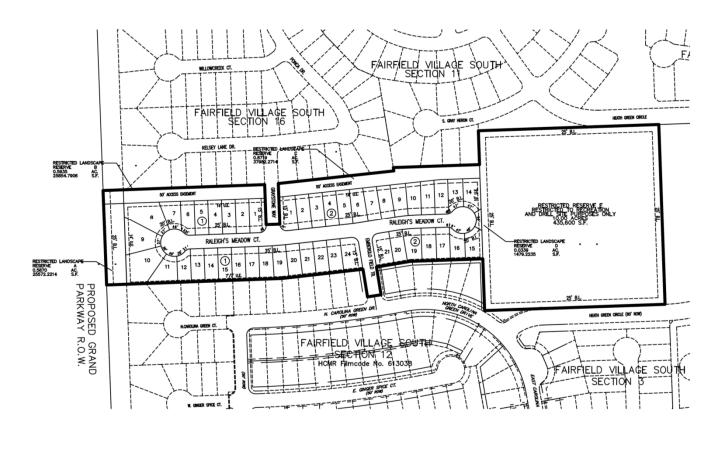
# F- Reconsideration of Requirements Site Location

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Fairfield Village South Sec 15

## **Applicant: INsite Architecture Inc**





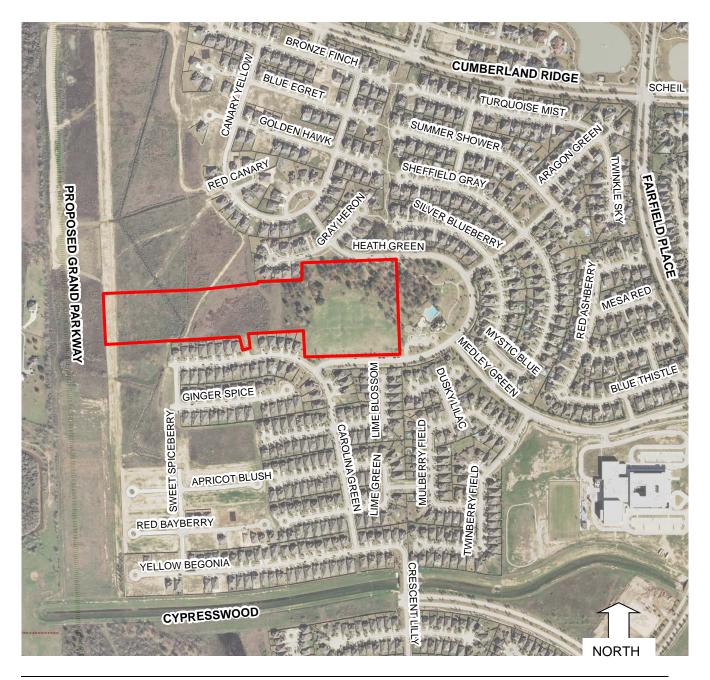
# F – Reconsideration of Requirements Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

## Subdivision Name: Fairfield Village South Sec 15

## Applicant: INsite Architecture Inc



## **F-** Reconsideration of Requirements

# Aerial



Application Number: 2014-2852 Plat Name: Fairfield Village South Sec 15 Applicant: INsite Architecture Inc Date Submitted: 11/15/2014

#### (Sec. 42-47 and Sec. 42-81)

#### Specific Variance is being sought and extent of variance:

Block length of 2,600' along Texas Highway 99 / Grand Parkway,a limited access Toll Road. Chapter 42 Section: 127 a

#### Chapter 42 Reference:

A major thoroughfare shall intersect with a public local street, a collector street or another major thoroughfare at least every 2,600 feet

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The western property of Fairfield Village is bounded by State Highway 99 (Grand Parkway Segment F-1). State Highway 99 (Grand Parkway) provides a toll road with an "Access Denial Zone" between Cypresswood Drive and Cumberland Ridge Right-of-ways

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The location of Highway 99 / Grand Parkway was established by the Texas Department of Transportation to improve the mobility of the Houston region.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The General Plan provides for a well-integrated Major Thoroughfare circulation system that promotes movement for the community to circulate, providing connections to the US 290 Freeway and Highway 99 / Grand Parkway. The existing Major Thoroughfares and the connections that the project provides will fulfill the intent of the City of Houston MTP, providing ample and adequate traffic and circulation carrying capacity within the neighborhoods and the overall area.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The circulation system provides for multiple points of access from various Major Thoroughfares from east to west (Cypresswood Drive, Cumberland Ridge Blvd) and connections from north to south (Fairfield Place Drive and Mason Road) onto the community's Freeways/Highways to the south and west. By not providing a connection to the Highway 99 / Grand Parkway the neighborhoods will remain safer and only with neighborhood traffic, forcing area wide mobility through the community's major thoroughfares.

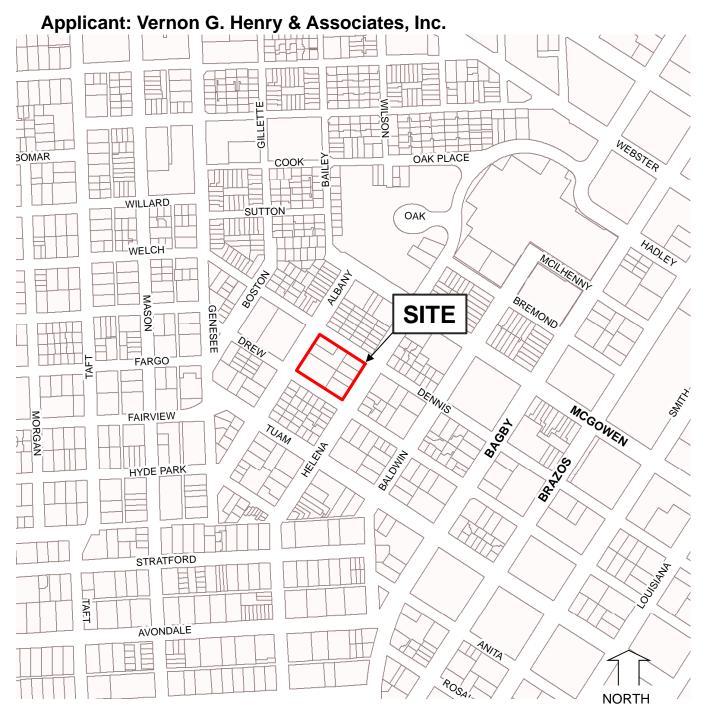
#### (5) Economic hardship is not the sole justification of the variance.

The "access denial zone" along the western boundary of the plat is being imposed by the Texas Department of Transportation. The primary community objective is to provide for a safe environment. The residential development within the area where the variance is requested will incorporate large landscape buffer along the west boundary to mitigate some of the sound created by Highway 99, making the neighborhoods more comfortable and appealing to residents

Planning and Development Department

Meeting Date: 12/18/2014

## Subdivision Name: Pearl on Helena



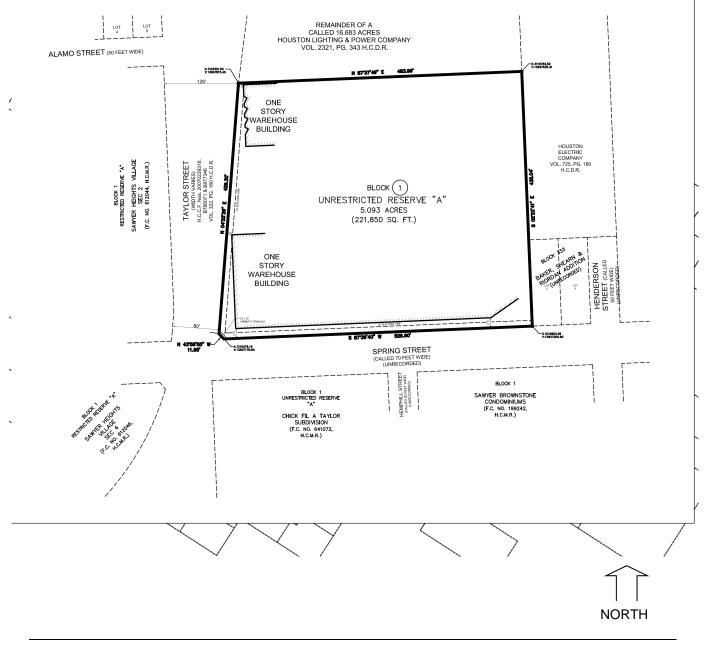
F – Reconsiderations of Requirements Site Location

**Planning and Development Department** 

Meeting Date: 12/18/2014

**Subdivision Name: Pearl on Helena** 

Applicant: Vernon G. Henry & Associates, Inc.



F – Reconsiderations of Requirements Subdivision

**Planning and Development Department** 

Meeting Date: 12/18/2014

Subdivision Name: Pearl on Helena

Applicant: Vernon G. Henry & Associates, Inc.



# F – Reconsiderations of Requirements Aerial



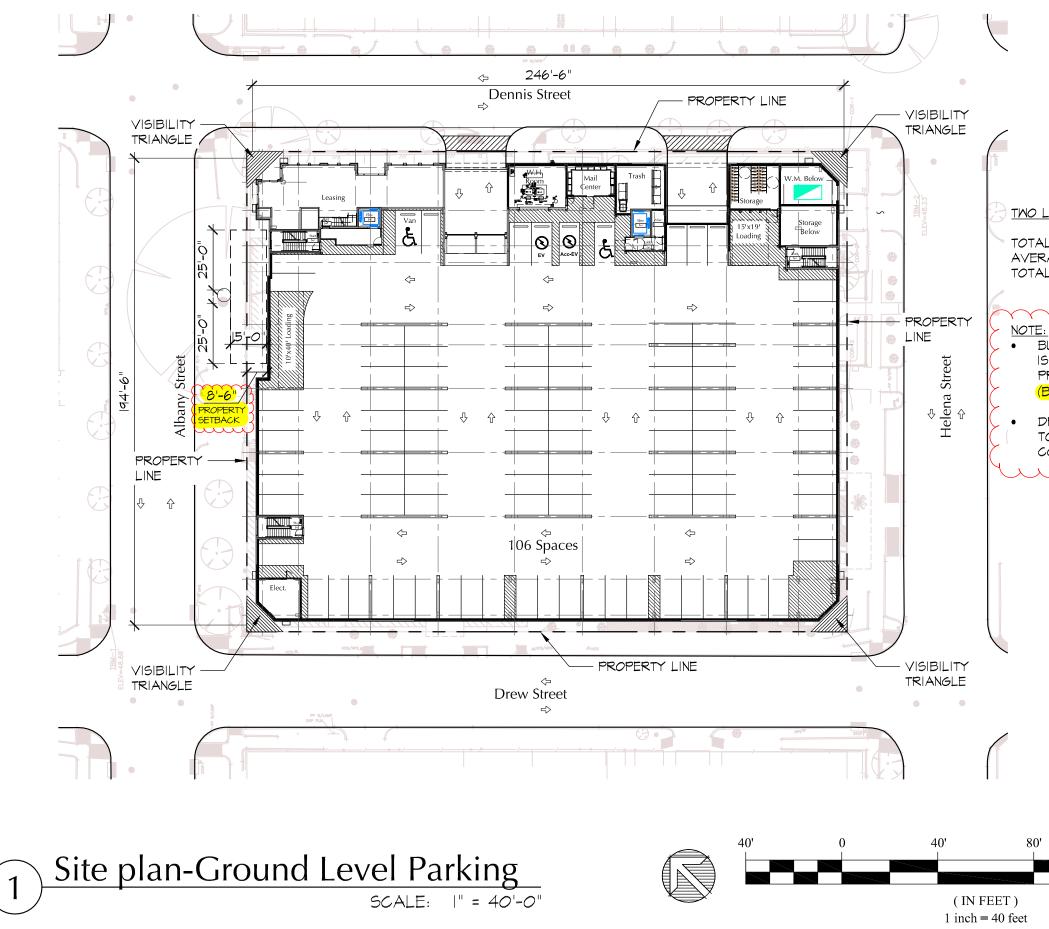




**Dennis St. Elevation** Scale: 1"=20'-0"

# Pearl Helena Street The Morgan Group

KW



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#### NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

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Application No:2014-2996Plat Name:Pearl on HelenaApplicant:Vernon G. Henry & Associates, Inc.Date Submitted:12/05/2014

(Sec. 42-47 and Sec. 42-81) Specific requirement or condition being sought: Reduction of the building setback around the existing tree on Albany Street from 10' to 8.5" Chapter 42 Section: 150

Chapter 42 Reference:

42-150

If this request requires a variance or special exception, the applicant must comply with the Plat Submittal Requirements and provide a completed Variance Request Information Form or Special Exception Information Form.

#### STATEMENT OF FACTS:

When the plat was approved earlier this year, there was a misunderstanding between the City Forrester and the Planning Department staff about the setback space required to preserve a large tree. The Forrester had approved an 8.5' setback, rather than the 10' around the tree that was stated on the approval forms. Additionally, the approval gave the tree's location as being on Drew Street; the tree is actually on Albany. We are requesting that the setback for the tree be 8.5' as approved by the City Forrester.



## Application Number: 2014-2996 Plat Name: Pearl on Helena Applicant: Vernon G. Henry & Associates, Inc. Date Submitted: 12/05/2014

(Sec. 42-47 and Sec. 42-81) Specific Variance is being sought and extent of variance: To allow an 8.5' building line on Albany Streets rather than 10' Chapter 42 Section: 150

#### Chapter 42 Reference:

Sec. 42-150. Building line requirement. (d) The following chart is a summary of certain building line requirements of this chapter and is intended for illustrative purposes only. In case of any conflict between the chart and the text of this chapter, the text shall control. Type of Street or Private Roadway: Local streets Tract Description: All others Minimum Building Line Requirement: 10 feet

#### Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

This site is within the Midtown TIRZ, which has an adopted Project Plan approved by Council that calls for buildings to be constructed up close to the sidewalk as a way to promote a walkable pedestrian environment. The plan for this property is consistent with the Midtown Plan. The plat was approved earlier this year with a 10' building line to preserve a large tree. The approval 101 approval form stated that the tree was on Drew Street when it is actually on Albany Street. The City Forrester had been consulted about the space necessary to preserve this large tree and had specified a distance of 15 from the trunk of the tree. This would be 8.5' as shown on the accompanying illustration that shows the surveyed location of the tree. There was a miscommunication between the City Forrester and the Planning staff about the needed distance from the tree. As a result, the Commission was asked to require a 10' setback for the tree rather than the 8.5' needed. A zero setback was approved for the rest of the block. The architects, who were aware of the Forrester's actual requirement, have proceeded with the building construction drawings based upon the 8.5'.

## (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The adopted plan for Midtown calls for a pedestrian-friendly environment. To achieve this environment, it is necessary to have buildings close to the street and to eliminate as many driveways as possible.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The proposed improvements are consistent with the adopted Project Plan for Midtown. A reduced building setback promotes an urban environment, which encourages pedestrian traffic and transit usage, which, in turn, improves public health through exercise and a reduction in air pollution.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The City Forrester has determined that the 8.5' setback is all that is needed to preserve the tree. Preservation of the tree is beneficial to the public health.

### (5) Economic hardship is not the sole justification of the variance.

A vital part of a pedestrian-friendly environment is resident connectivity to the street life, which cannot be accomplished well if the buildings are setback from the street with a fenced area between the building and his sidewalk. The justification for the variances is the functionality of the buildings.

# **CITY OF HOUSTON**

HOUSTON PLANNING COMMISSION PLANNING & DEVELOPMENT DEPARTMENT Planning Commission Meeting Date: 12/18/14 ITEM: 165

#### Applicant: KATHY HARDAGE Contact Person: KATHY HARDAGE

Location	File No.	Zip	Lamb. No.	Key Map	City/ ETJ
EAST OF: LOOP 494 SOUTH OF: FORD RD	14-1040	77365	5771	296-M	ETJ

ADDRESS: 23555 Ivy Ridge

**ACREAGE**: 0.40

#### LEGAL DESCRIPTION:

Lot 63 and W.  $\frac{1}{2}$  of lot 62 Adams Oaks, Section 3 being 0.40 acres of land out of the N. S. Schmitz survey, A-699 Montgomery County, Texas.

PURPOSE OF REQUEST: Utility service

## **STAFF REPORT**

STAFF RECOMMENDATION:

BASIS OF RECOMMENDATION:

Additional Information :

# **CERTIFICATE OF COMPLIANCE**



Meeting Date: 12-08-14

## **Houston Planning Commission**

## VARIANCE REQUEST APPLICATION

An applicant seeking a variance and/or special exception to the Planning Standards of Chapter 42 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@houstontx.gov</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY	CONTACT PERSON		PHONE NUMBER	EMAIL ADDRESS		
Milstead Construction Services Liz or		avid Milstead	713-471-0624	liz@milste	ervices.com	
PROPERTY ADDRESS			ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT
617 Fargo Street	14094661		77006	5357	493N	С
HCAD ACCOUNT NUMBER(S):		014059000000	10			
PROPERTY LEGAL DESCRIPTION:		Block 7 Lot 7 &	8 Fairview			
PROPERTY OWNER OF RECORD:		Richard Nunez				
ACREAGE (SQUARE FEET):	:	5,000 sq ft				
WIDTH OF RIGHTS-OF-WAY:		Stanford Street (50' ROW), Fargo Street (.				
EXISTING PAVING SECTION(S):		Stanford Street (24'), Fargo Street (22'), open ditch, brick sidewalk				
OFF-STREET PARKING REQUIREM	ENT:	2				
OFF-STREET PARKING PROVIDED	: :	2				
LANDSCAPING REQUIREMENTS:		Project Compli	es			
LANDSCAPING PROVIDED:		Project Compli	es			

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]:	2 story frame house (2136 sq ft)
PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]:	2 car single standing garage 22'x 22' (484 sq ft)

PURPOSE OF VARIANCE REQUEST: To allow a 2 foot setback for a proposed 2 car single standing garage.

**CHAPTER 42 REFERENCE(s):** Section 42 -156 (b) Except as otherwise required or authorized by this chapter, the building line requirement for a lot restricted to single-family residential use along a local street that is not an alley shall be: (1) 20 feet along the front of a lot and ten feet along the back and side of a lot adjacent to a local street; or (2) 10 feet if the subdivision plat contains a typical lot layout and the subdivision plat contains plat notations that reflect the requirements of this section.



ITEM: 166

Meeting Date: 12-08-14

## **Houston Planning Commission**

## APPLICANT'S STATEMENT OF FACTS

**SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):** Applicant/owner is asking for a variance for a garage with a reduced setback in order to maximize development of the lot which contains a restored house.

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@houstontx.gov</u>.

# (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or

The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the owner/applicant of the reasonable use of the land as demonstrated by other single family detached houses of similar vintage in the neighborhood and neighboring areas. The house on the lot in subject currently maintains the original roofline, massing, architectural detail, and overall architectectural style dating to approximately 1895. In order to maintain neighboring continuity especially in regard to other "original" houses of the Historic East Montrose neighborhood, a garage would be a reasonable and expect addition.

(1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

# (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Further: the applicant/owner has developed chronic health issues and will seek other facilities on the same property, which said facilities could be made impossible or impractical to be constructed due to insufficient open space. The applicant/owner has maintained the existing fence on the property since the originally acquired in 2006, the intent and general purpose of this chapter will be preserved and maintained as the wall of the new garage will maintain virtually the same location as the existing fence on Stanford Street and as a result the pedestrian traffic and vehicular traffic will not sense any change to the streetscape. Additionally, allowing a 2 foot set back on Stanford Street help to maintain the prohibition from inadvertent parking which can block sidewalk R.O.W (photo sent) ... Whereas, if a greater setback, such as 10 feet, was require that 10 foot space would more often result in illegal parking or parking by vehicles too large to legally fit onto that 10 foot space.



## **Houston Planning Commission**

### (3) The intent and general purposes of this chapter will be preserved and maintained;

The applicant/owner has maintained the existing fence on the property since the originally acquired in 2006, the intent and general purpose of this chapter will be preserved and maintained as the wall of the new garage will maintain virtually the same location as the existing fence on Stanford Street and as a result the pedestrian traffic and vehicular traffic will not sense any change to the streetscape. Additionally, allowing a 2 foot set back on Stanford Street help to maintain the prohibition from inadvertent parking which can block sidewalk R.O.W (photo sent) ... Whereas, if a greater setback, such as 10 feet, was require that 10 foot space would more often result in illegal parking or parking by vehicles too large to legally fit onto that 10 foot space.

### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

In conclusion, granting of this variance shall not be injurious to the public health, safety or welfare as the positioning of the proposed structure does not change in any significant does not change in any significant way the manner in which vehicles access the property via Stanford Street. In fact, the granting of this variance may be an improvement to the current situation as the fence currently opens onto the sidewalk R.O.W. Obviously the new garage door will open vertically into the garage structure.

### (5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the sole justification in asking for this variance. Applicant/owner is seeking this variance to maximize the reasonable use of the land.



## **Houston Planning Commission**



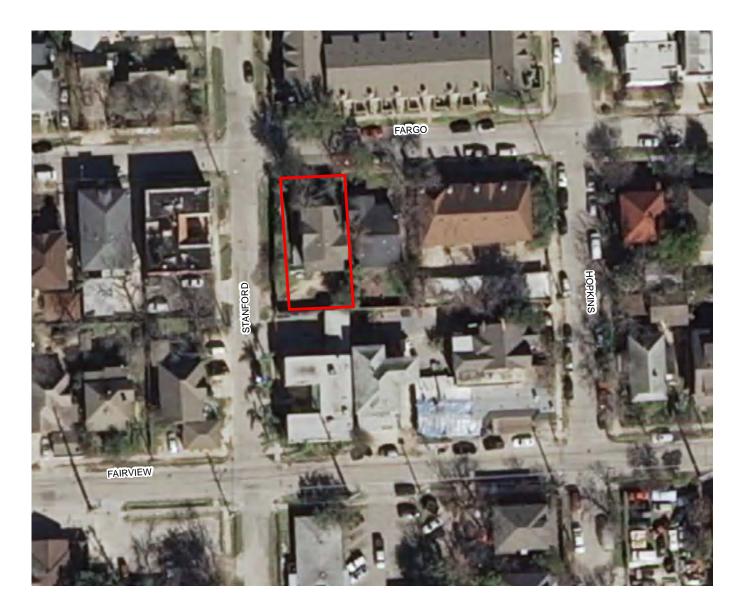
**ITEM:** 

Meeting Date: 12-08-14

166



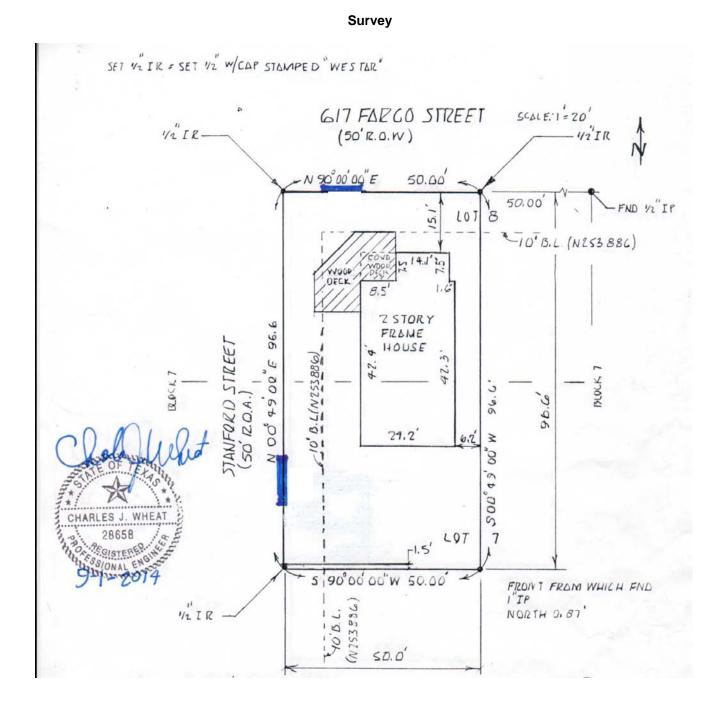
### Aerial Map





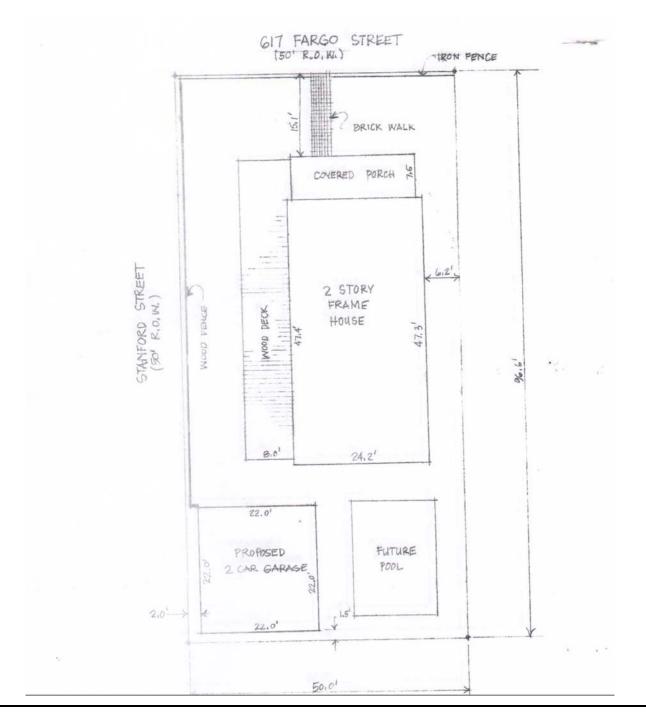
Meeting Date: 12-08-14

## Houston Planning Commission





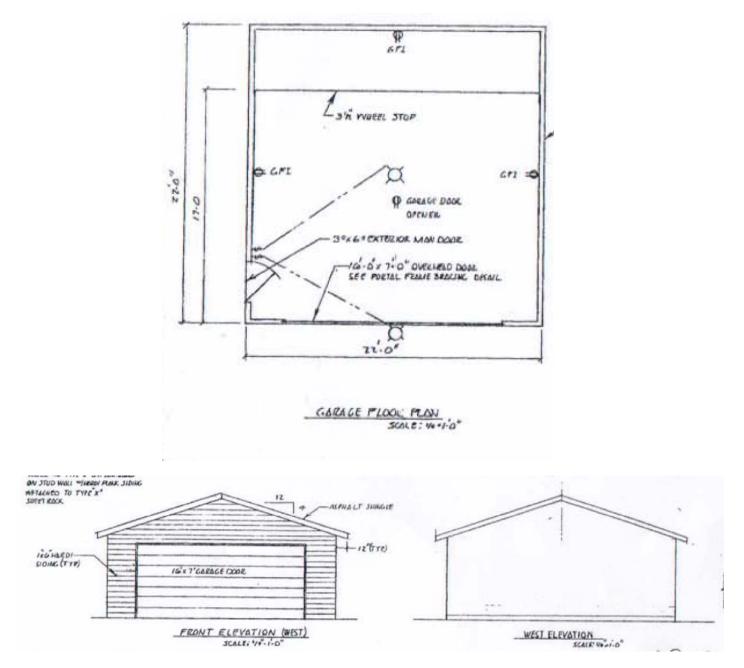
## Floor Plan





**ITEM: 166** Meeting Date: 12-08-14

## **Houston Planning Commission**



## **Proposed Garage Floor Plans & Elevations**



**ITEM: 167** 

Meeting Date: 12-08-14

## **Houston Planning Commission**

## VARIANCE REQUEST APPLICATION

An applicant seeking a variance and/or special exception to the Planning Standards of Chapter 42 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@houstontx.gov</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY	CONTACT PERSON	ACT PERSON PHONE NUMBER		EMAIL ADDRESS			
Alexan Construction	Alex Akintunji	713-550-493	5 a_al	a_akintunji@yahoo.com			
PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT		
3813 Rosalie Street	1312621	77004	5456	494W	D		
HCAD ACCOUNT NUMBER(S):	022177000	0221770000004					
PROPERTY LEGAL DESCRIPTION:	LT 4 BLK A	LT 4 BLK A1 Leeland Park					
PROPERTY OWNER OF RECORD:	Tunde Card	lozo					
ACREAGE (SQUARE FEET):	5000 S.F						
WIDTH OF RIGHTS-OF-WAY:	40.00' R.O.'	W					
EXISTING PAVING SECTION(S):	20.00'						
OFF-STREET PARKING REQUIREM	ENT: 13 required						
OFF-STREET PARKING PROVIDED	: 13 provided	13 provided					
LANDSCAPING REQUIREMENTS:	Project Con	Project Complies					
LANDSCAPING PROVIDED:	Project Con	nplies					

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]: Wood Stud Frame PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]: 7,000 S.F

### PURPOSE OF VARIANCE REQUEST:

1) Not to dedicate 5' of right of way widening for Rosalie Street, which has a right of way width of 40.00' rather than the required 50.00' and 2) To allow an 8.1' building line for a building frame built encroaching into the required 10' building line.



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**CHAPTER 42 REFERENCE(s):** 42 – 122. Dedication of rights-of-way. (a) The applicant shall dedicate to the public the right-of-way for any street or alley designated in a subdivision plat as a public right-of-way in accordance with the requirements of this chapter and applicable state law. 42-155 Collector and local streets—Uses other than single-family residential. (a) The building line requirement for a tract used or to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street that is not an alley shall be ten feet unless otherwise required or authorized by this chapter.

#### **APPLICANT'S STATEMENT OF FACTS**

#### SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

Not to dedicate 5' of right of way widening for Oakley street, which does have a right of way of 40.00' rather than the required 50.00'.

Chapter 42 reference 42-122 right of way widths: The minimum right of way required for each of the following types of streets or public alleys shall be as follows, subject only to the street width exception areas established pursuant to section 42-123 of this code.

Local Street (1) 50 feet if adjacent to exclusively single family residential lots: or (2) 60 feet if adjacent to any other development

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@houstontx.gov</u>.

- (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or
- (1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Rosalie Street is a 40' R.O.W street which was platted as part of the Leeland Park Addition in 1905 under the old rules and regulations. Dedicating 5' of R.O.W will have the existing slab encroach into the building line. Across the street from the subject property is a piece of land that doesn't seem feasible for any kind of use. Daily traffic volumes on this street are significantly very low because it dead - ends at one lot after the

subject property. Next to the subject property on the left is a parking lot for the proposed apartment being built and on the right side of the subject property is cell phone tower which has a 100 year lease on it. The end of the street dead-ends to a Mac Donald's restaurant which did not dedicate any land on that side for



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R.O.W widening purposes. There has been a lot of redevelopment the area in the last decade; street widening has not been required because of the proximity of the existing substantial structures and the low traffic volumes. The length of the entire street on which the subject property is to its closet intersection on Callie Street is 400ft. Due to the shortness in length of the street, it is at the most it could ever be used or widened for. The existing infrastructure is sufficient for current and like future uses. It is contrary to sound public policy to require one property owner to dedicate land to public for which the city has no realistic need or use for. As per new city ordinance, 5.00' sidewalk will be required; Developer is willing to offer sidewalk easement inside the property if required.

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The street was dedicated in a subdivision called Leeland Park before there were any city regulations, and has existed in its current form for many years prior to this owner acquiring the property.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

Currently this property has access from only one street which is Callie Street. There is very little or no traffic on this street and residents who take access from the street have adequate maneuvering ability within the existing right of way.

(4) The granting of the variance will not be injurious to the public health, safety or welfare; The proposed variance / plat will not alter the street pattern that currently exists.

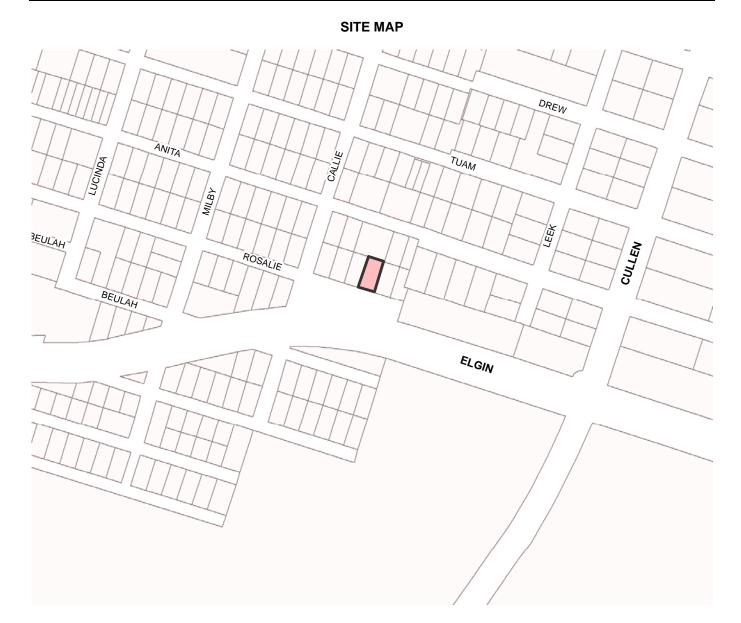
#### (5) Economic hardship is not the sole justification of the variance.

It is contrary to sound public policy to require one property owner to dedicate land to the public for which the city has no realistic need or use for.



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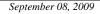




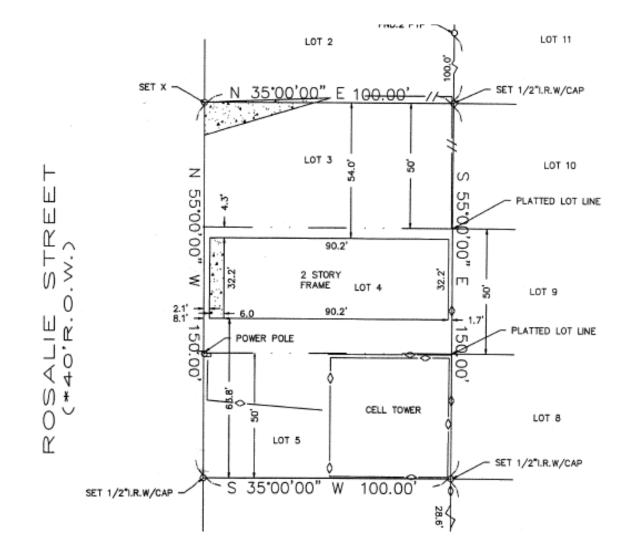


**Aerial Map** 





## **DEVELOPMENT PLAT VARIANCE**



### **Houston Planning Commission**

**PLANNING &** 

DEVELOPMENT

DEPARTMENT

**Existing Site Survey** 

**ITEM:** 

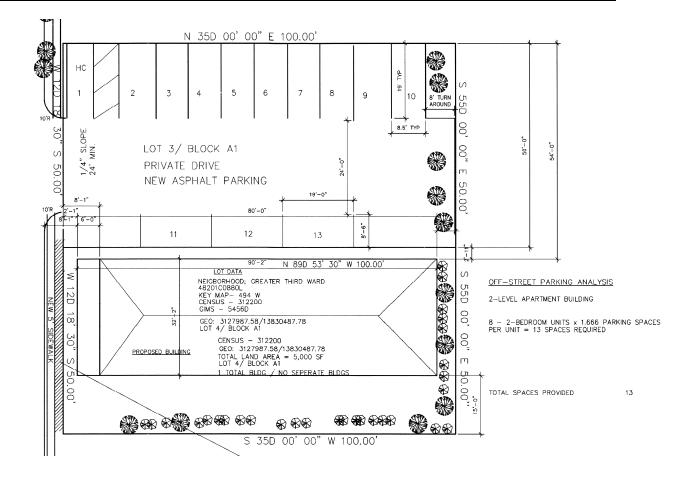
Meeting Date: 12-08-14

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### **Houston Planning Commission**



**Floor Plan** 

## **DEVELOPMENT PLAT VARIANCE**

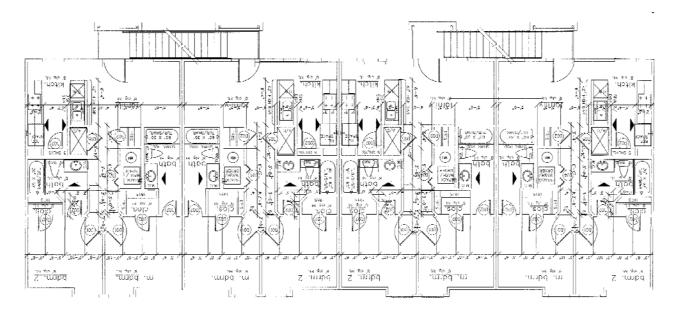
**ROSALIE STREET** 

40' R.O.W.



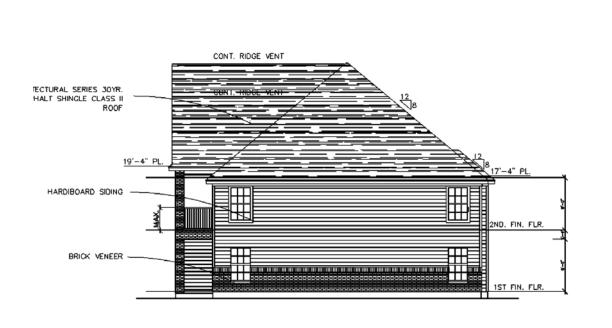
Meeting Date: 12-08-14

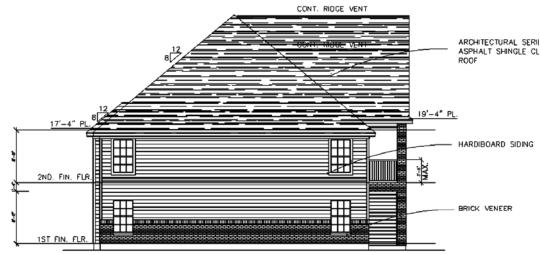
### **Houston Planning Commission**





## **DEVELOPMENT PLAT VARIANCE**





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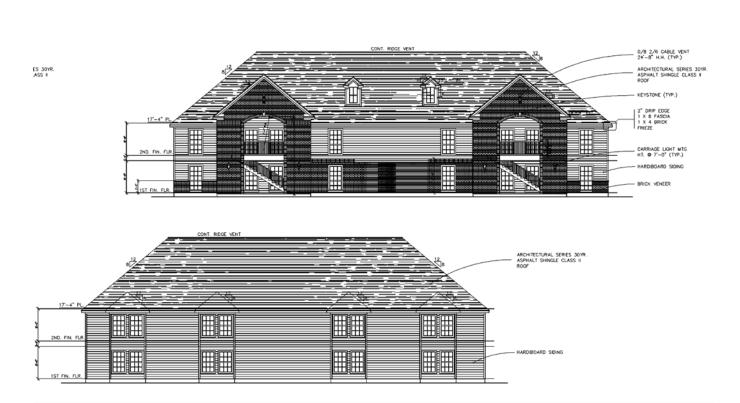
#### Elevations





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Elevations





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#### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

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CONTACT PERSO	N PHONE	NUMBER	EMAIL ADDRESS						
erv. Cristy Gavlick	713-96	2-0653	gcpermits@yaho	o.com					
FILE NUMBER	ZIP CO	DE LAMBE	RT KEY MAP	DISTRICT					
13107079	77023	5556	494 Y & Z						
	0371650000626 & 0371650000053								
1:	TRS 5C, 5D, & 5J, Abst 87 SM Williams								
:	Turtle & Hughes Inc								
	69,696 sq ft								
	Cesar Chavez Boulevard-60'; Supply ROW-60'								
	Cesar Chavez Boulevard-23'; Supply ROW-30'								
EMENT:	15								
D:	16								
	Project complies								
	Project complies								
; SQ. FT.]:	47,000 sq ft								
PE; SQ. FT.]:	13' High Fence								
	erv. Cristy Gavlick FILE NUMBER 13107079 I: : : : : : : : : : : : : :	erv. Cristy Gavlick 713-96 FiLE NUMBER ZIP Col 13107079 77023 0371650000626 TRS 5C, 5D, & Turtle & Hughe 69,696 sq ft Cesar Chavez Cesar Chavez Cesar Chavez Cesar Chavez Cesar Chavez 5 5 5 5 5 5 5 5 5 5 5 5 5	erv. Cristy Gavlick 713-962-0653 FILE NUMBER ZIP CODE LAMBE 13107079 77023 5556 0371650000626 & 0371650000 II: TRS 5C, 5D, & 5J, Abst 87 SM II: Turtle & Hughes Inc 69,696 sq ft Cesar Chavez Boulevard-60'; S Cesar Chavez Boulevard-60'; S Cesar Chavez Boulevard-23'; S EMENT: 15 ED: 16 Project complies Project complies Project complies	erv. Cristy Gavlick 713-962-0653 gcpermits@yaho FILE NUMBER ZIP CODE LAMBERT KEY MAP 13107079 77023 5556 494 Y & Z 0371650000626 & 0371650000053 II: TRS 5C, 5D, & 5J, Abst 87 SM Williams : Turtle & Hughes Inc 69,696 sq ft Cesar Chavez Boulevard-60'; Supply ROW-60' Cesar Chavez Boulevard-23'; Supply ROW-30' EMENT: 15 ED: 16 Project complies Project complies Project complies					

**PURPOSE OF VARIANCE REQUEST:** To allow replacement of a fence (13' High) after the City asked that the fence be removed in order to install a sidewalk along Cesar Chavez Boulevard.

**CHAPTER 42 REFERENCE(s):** 42-22. Development of property through the new construction or enlargement of any exterior dimension of any building, structure or improvement within the city or its extraterritorial jurisdiction shall require a development plat, except that the following types of development shall be exempt from this requirement: A retaining wall, masonry wall or fence under eight feet high



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#### **APPLICANT'S STATEMENT OF FACTS**

SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at planning.variances@houstontx.gov.

### (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or

There was an original fence that was removed due to a conflict with the City of Houston sidewalk construction project that was scheduled to begin in August 2012. This fence section was part of a continuous security fence around the property. It was removed and now the sidewalk is complete. The owner wants to install new fencing in the correct location. The new fence will be similar in height and style to the removed fencing and will be reconnected to the existing fencing along the front of the property.

## (1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The granting of the variance is simply to replace an existing fence structure that had to be removed for the installation of a sidewalk by the City of Houston. The property owner is paying a contractor to have a new fence installed.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purpose of this chapter will be preserved and maintained and will be restored back to the original (if not better) condition prior to the removal of the fence and installation of sidewalk by the City of Houston.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

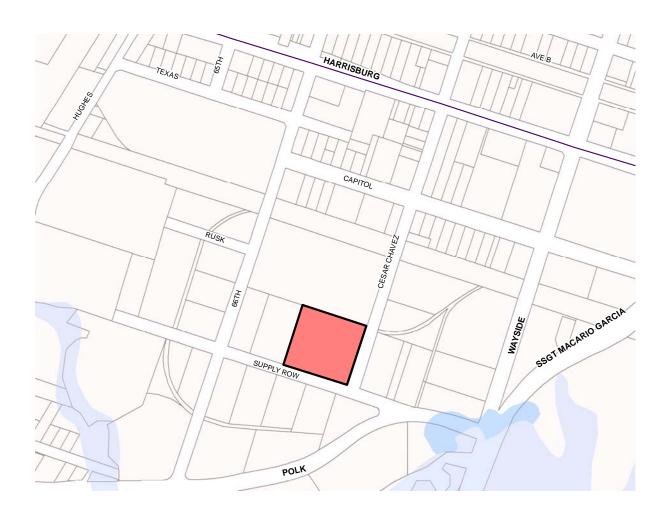
The granting of the variance will not be injurious to the public health, safety or welfare. However, the fence in question has been down for quite some time and does pose a security issue of the property.

#### (5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the justification of this variance. The owners of the property are wishing to put back a fence that was removed by the City of Houston for a sidewalk project that was completed in 2012.



SITE

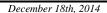




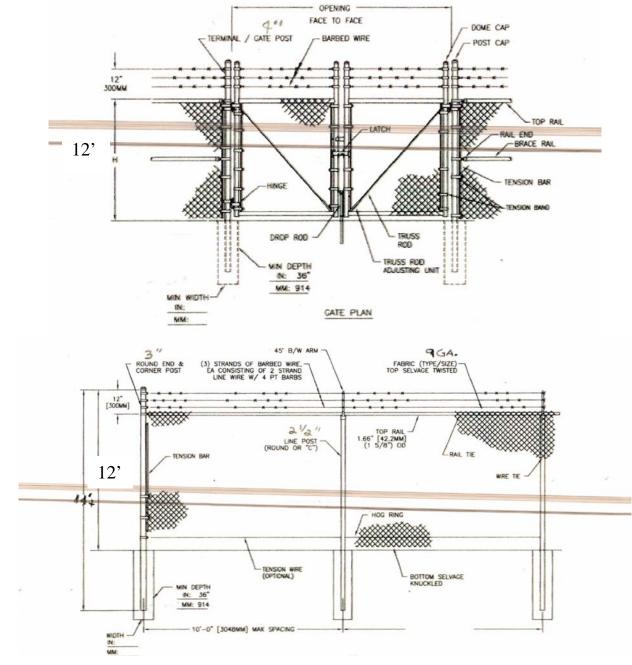


#### AERIAL





# DEVELOPMENT PLAT VARIANCE



### **Houston Planning Commission**

**PLANNING &** 

DEVELOPMENT

DEPARTMENT

ITEM: Meeting Dat

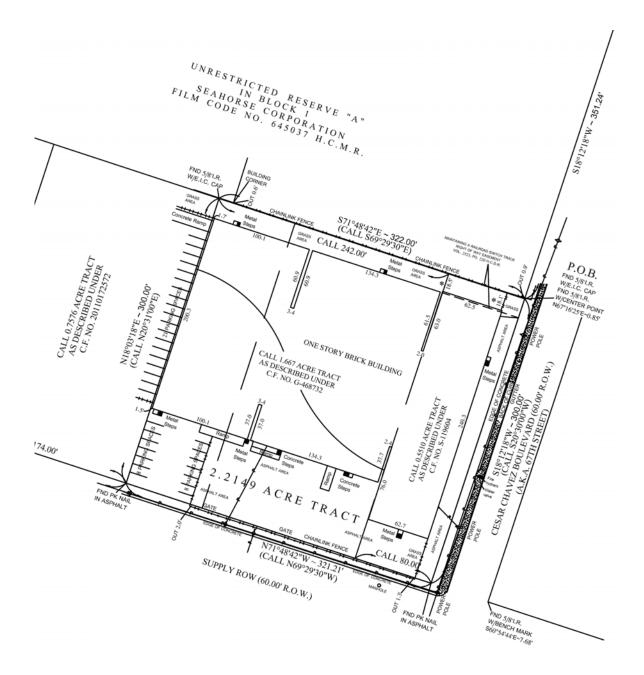
GATE PLAN-ELEVATION 17'

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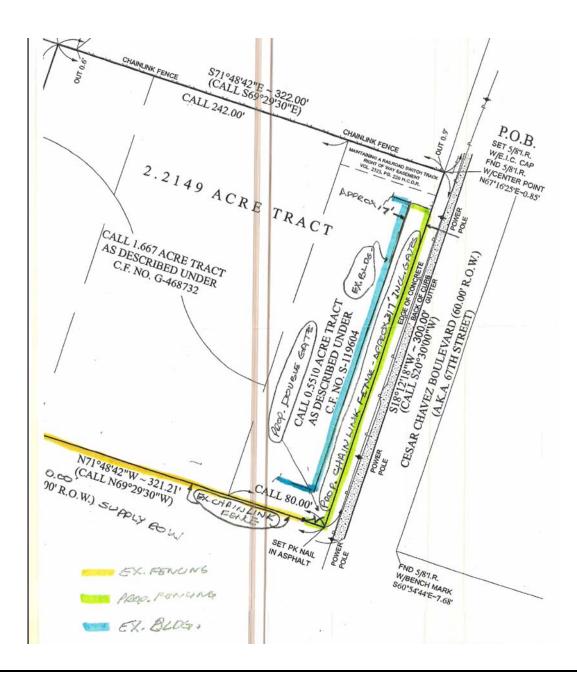


#### SURVEY





#### PROPOSED FENCE LOCATION





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### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

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APPLICANT COMPANY	CONTACT PERSON	PHONE NUMB	er Ema	EMAIL ADDRESS					
Field Data Services	Melissa	281-793-519	2 fieldda	fielddataservice@yahoo.com					
PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT				
128 West 17 <sup>™</sup> Street	14010471	77008	5359	452Z	С				

HCAD Account Number(s):	0201290000012
PROPERTY LEGAL DESCRIPTION:	TRACTS 13 & 14, BLOCK 133 HOUSTON HEIGHTS
PROPERTY OWNER OF RECORD:	ANGLO SHIPPING & TRADING INC.
ACREAGE (SQUARE FEET):	5,330 Sq Ft
WIDTH OF RIGHTS-OF-WAY:	West 17 <sup>th</sup> Street, 70' ROW; Yale Street, 70' ROW
EXISTING PAVING SECTION(S):	West 17 <sup>th</sup> Street, 36' Wide; Yale Street, 43.2' Wide
OFF-STREET PARKING REQUIREMENT:	Project Complies
OFF-STREET PARKING PROVIDED:	Project Complies
LANDSCAPING REQUIREMENTS:	Project Complies
LANDSCAPING PROVIDED:	Project Complies

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]: Vacant

PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]: 3 Story (4,532 sq ft) Veneer Mixed-Use Building.

**PURPOSE OF VARIANCE REQUEST:** To allow a 10' building line instead of the required 25' building line along Yale Street for a proposed building in the Houston Heights East Historic District.

CHAPTER 42 REFERENCE(S): Sec. 42-152.Building line requirement along major thoroughfares.

(a) The portion of a lot or tract that is adjacent to a major thoroughfare shall have a building line requirement of 25 feet unless otherwise authorized by this chapter.



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#### **Houston Planning Commission**

#### APPLICANT'S STATEMENT OF FACTS

### **SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):** TO CHANGE THE BUILDING LINE FOR A MORE FEASIBLE USE OF THE PROPERTY.

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at planning.variances@houstontx.gov.

### (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or

The commission shall grant a variance from the building line requirement of division 3 of article III of this Code to an applicant who presents a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation, evidencing approval of a building line other than the setback required by division 3 of article III of this chapter. In addition, the commission shall grant the applicant a variance from one or more requirements of this chapter when the commission determines that the granting of the variance is consistent with a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation.

(1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The typical front setback of contributing two-story and mix-use structures is 0', while contributing one-story single-use commercial structures feature a wider range of setbacks. Chapter 42 requires a 25' setback on Yale Street, a major thoroughfare, but we believe a 10' setback is more appropriate for a mixed use structure in a historic district. The reduced setback on the west side would also help provide additional separation between this building and the contributing residence next door.

#### (3) The intent and general purposes of this chapter will be preserved and maintained;

The commission shall grant a variance from the building line requirement of this chapter when the commission determines that the granting of the variance is consistent with a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation. Attached is such certificate of appropriateness.



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#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of this variance does not alter any conditions of the surrounding areas, nor is it injurious to the public health, safety or welfare of the community as this area is considered to be the historic area and surrounding properties will not be affected in any way, shape or form by the approval of this variance.

#### (5) Economic hardship is not the sole justification of the variance.

We're hereby requesting that the variance be granted due to the existing physical condition (location) of the property and allow the owner reasonable use of this land.

#### CERTIFICATE OF APPROPRIATENESS

Application Date: August 6, 2014

- Applicant: Steve Folkes, Corbella Inc., for John Nash, owner
- Property: 128 W 17<sup>th</sup> Street, Lots 13 & 14, Block 133, Houston Heights Subdivision. The property is a vacant 5,330 square foot (65' x 82') corner lot.
- Significance: The site is currently vacant.

Proposal: New Construction – Three-story 4,532 square foot brick veneer mixed-use building

At the June 2014 HAHC meeting, the applicant was denied a COA to construct a three-story 4,532 square foot mixed-use building with commercial space on the ground floor and residential space on floors two and three. On July 10, 2014, the Planning Commission upheld this decision on appeal.

The applicant has resubmitted an application for a COA. The revised proposal is identical to the previously denied proposal with the exception of an overall height decrease of 1', from approximately 38' (37'-10") to 37' (36'-10"), driven by a 1' decrease in the first floor plate height (from 10' to 9'.)

Other project details, unchanged from the original submittal, are as follows:

- The structure will be approximately 51' wide, 33' deep, and 38' tall, with the front façade facing Yale Street, with an attached one-story garage at the rear measuring 22' wide by 23' deep by 13'-6" tall and taking access from W 17<sup>th</sup> St.
- The three-story portion of the structure will be set back 10' from Yale Street, 10' from W. 17<sup>th</sup> Street, 3'-6" from the south side property line and 39' from the east property line shared with the neighboring historic residence. The attached garage will be set back 38'-6" from W 17<sup>th</sup> St and 17' from the east property line.
- Three parking spaces will be required for the commercial space and two for the
  residential space, all of which will be provided on site. Two spaces will be provided in the
  attached garage and the other three spaces will be surface parking in front of the garage.

See enclosed application materials and detailed project description on p. 7-20 for further details.

Public Comment: Two in favor, Three opposed. The applicant also provided an online petition with 136 signatures in support including 21 written comments. See Attachment A.

Civic Association: No comment received.

Recommendation: Denial - does not satisfy criteria

HAHC Action: Denied

### **CERTIFICATE OF APPROPRIATENESS**







COA valid for one year from effective date. COA 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 COA compliance prior to submitting for building or sign permits. Any revisions to the approved project scope may require a new COA.

#### **APPROVAL CRITERIA**

#### NEW CONSTRUCTION IN A HISTORIC DISTRICT

Sec. 33-242: HAHC shall issue a certificate of appropriateness for new construction in a historic district upon finding that the application satisfies the following criteria:

S	D	NA		S - satisfies D - does not satisfy NA - not applicable
$\boxtimes$			(1)	The new construction must match the typical setbacks of existing contributing structures in the historic district
				The typical front setback of contributing two-story commercial and mixed-use structures is 0', while contributing one-story single-use commercial structures feature a wider range of setbacks. Chapter 42 requires a 25' setback on Yale Street, a major thoroughfare, but staff believes a 10' setback is more appropriate for a mixed use structure in a historic district. The reduced setback on the west side would also help provide additional separation between this building and the contributing residence next door. The 10' setback will require a variance from Planning Commission, but the approval of a
				COA will require Planning Commission to approve the variance request.
$\boxtimes$			(2)	The exterior features of new construction must be compatible with the exterior features of existing contributing structures in the historic district
				The exterior features of the proposed building include exterior brick, arched windows, a pronounced cornice and a two-story arched entryway. Criterion #2 does not reference use, so comparable buildings include all contributing structures in the district, rather than just commercial structures. Similar features are found on buildings within Heights East, including Lambert Hall across W 17th Street, and the proposed structure references, simplifies and abstracts them appropriately.
$\boxtimes$			(3)	The proportions of the new construction, including width and roofline, must be compatible with the typical proportions of existing contributing structures and objects in the historic district
				This criterion does not reference use, so structures such as the Educational Building at Grace United Methodist Church, Lambert Hall and other religious and institutional buildings may be used for comparison. The proposal's proportions are compatible with these structures.
			(4)	The height of the eaves of a new construction intended for use for residential purposes must not be taller than the typical height of the eaves of existing contributing structures used for residential purposes in the historic district; and
				Typical eave height for contributing two story residential uses in Heights East is between 19' and 22'. There are no three story contributing residential uses. If the proposed structure were reviewed as a residential building, the maximum appropriate eave height would be 22'.
				Because the proposed building will contain ground floor commercial, staff is reviewing the project under Criterion #5. See Staff Note below for rationale.
			(5)	The height of new construction intended for use for commercial purposes must not be taller than the typical height of the existing structures used for commercial purposes in the historic district.

The proposed building contains a ground floor of commercial (office) with two stories of residential above. Staff believes that, although the building is 1/3 commercial and 2/3

residential, reviewing it for height under Criterion 5 is more appropriate, as the proposed use configuration is typical of historic commercial buildings that might or might not have one or more stories of residential above. See more information in the Staff Note below.

There are ten contributing commercial structures in the Heights East District, of which six are one-story single-use commercial structures. Of the four two-story commercial structures, at least two are mixed-use – commercial on the ground floor and residential above. The four contributing two-story commercial buildings feature heights ranging from 24'-10" to 29'-6", with the two mixed-use buildings featuring heights of 27'-9" and 29'-6". There are no three-story commercial buildings in Houston Heights East.

At three stories and 36'-10" tall, the proposed structure is 7'-4" and a full story taller than the tallest contributing commercial structure in Heights East.

#### Staff Note on Criteria 4 and 5:

In applying the criteria, staff had to make two determinations:

- 1) Whether the building is "intended for use" for "residential purposes," for "commercial purposes," and
- 2) Which existing contributing buildings would be used for comparison for the purpose of applying Criteria 4 or 5.

1) Whether the building is "intended for use" for "residential purposes" or for "commercial purposes."

In order to correctly apply the Criteria in Sec 33-242, Planning must identify a proposed use. Sec. 33-242 provides height criteria for 'residential' and 'commercial' uses only; uses that do not fall within either category (churches, schools, or masonic lodges) are not required to meet Criteria 4 or 5. Their appropriateness as new construction is determined by applying only Criteria 1-3.

The proposed three-story building will have ground floor commercial and 2 additional floors of residential. According to information from Code Enforcement, the ground floor will be permitted under the International Building Code, whereas the two residential floors will be permitted under the International Residential Code (see further explanation of building codes below). Staff believes that even though the majority use is residential, that classification as 'commercial' is more appropriate, as the proposed use configuration is typical of historic commercial buildings with second and/or third story residential. A similar mixed-use configuration exists in contributing buildings classified as "commercial" in the Houston Heights Historic District East inventory, including 110 W 12th Street and 112 W 12th Street.

If considered as a residential use, the proposed structure would be restricted to a 22' eave height. Reviewing this building as commercial allows a building height of up to 30'.

Staff concluded that the proposed project should be considered as "intended for use for commercial purposes."

2) Which existing contributing buildings would be used for comparison for the purpose of applying Criterion 5.

Staff looked first to the Houston Heights Historic District East inventory to see how buildings were described. Most structures in Heights East are single-family residential, although there are 10 contributing buildings described as 'commercial'. It is those 10 buildings against which this project was compared.

On appeal, the applicant asserted that churches and fraternal halls should be considered as 'commercial' use for the sake of height comparison under Criterion 5, as their facilities are often rented for events and money changes hands. Staff's position is that 'commerce' is highly secondary to the purposes of religious institutions as well as to non-profit fraternal halls, and that these buildings should not be considered as 'used for commercial purposes' under Criterion 5.

Standard land use planning practice treats religious, fraternal and education institutions as distinct land uses from commercial/business uses. The American Planning Association considers "Activity" and "Function" with regard to land use. Activity refers to the "actual use of land based on its observable characteristics," and separates commercial activities from institutional and mass gathering activities (including religious activities). Function refers to the "economic function or type of establishment using the land." Nine function classes are described, and, again, a clear distinction between commercial and institutional use is made. In this classification religious use is included with other institutional uses. Using national planning standards, a clear delineation must be made between properties intended for commercial use and properties intended for institutional use.

Examples of apparently non-religious use at church buildings in Heights East include the Claire School of Dance and Upstage Theatre. Upstage Theatre is all volunteer staffed and is, according to its website, "a proud member of Texas Nonprofit Theatres, LLC." Claire School of Dance has its mailing address in the Education Building at Grace United Methodist Church, and it also offers courses in the Education Wing of Heights Christian Church, Cathedral House Montessori, and the Kinkaid School. Though Claire School of Dance collects tuition from its students and their parents, it is an educational entity that partners with multiple religious and non-sectarian educational facilities. Though not necessarily a religious use, education is an institutional use rather than a commercial one.

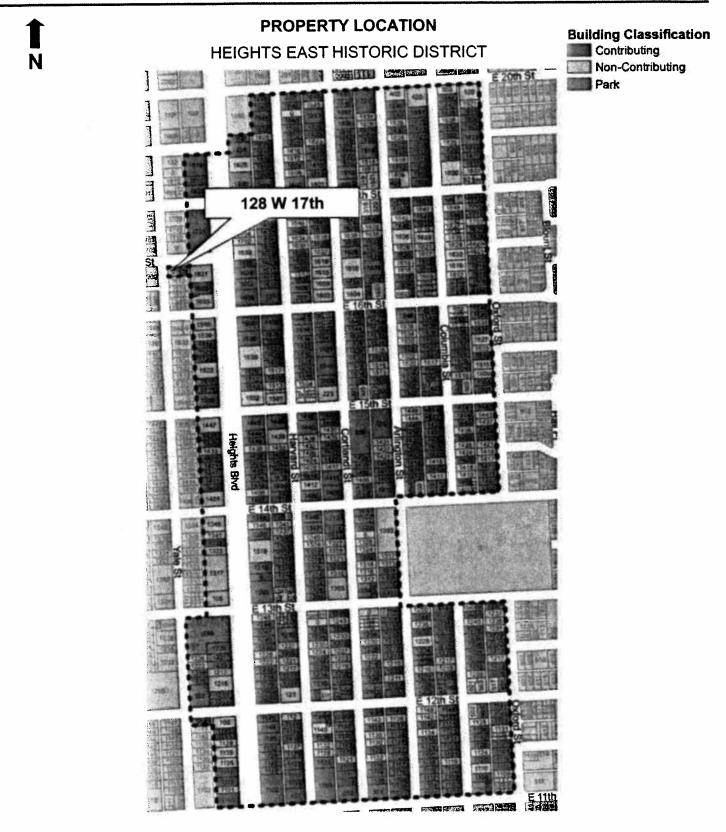
The applicant has also asserted that the City of Houston applies the same "commercial" building code to churches as to commercial buildings, rather than the "residential" code applied to single family homes, and that therefore churches are "commercial" uses. Though often referred to colloquially as "commercial," the relevant code is the International Building Code (IBC), which is not intended solely for commercial properties and can in fact apply to many uses including single-family residential uses over a certain height. The IBC applies to all construction with exception only for "detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures," which are instead reviewed under the International Residential Code (IRC). IBC is not truly a "commercial" code; rather it is an all-encompassing building code that is used whenever the IRC does not apply. In this case, two floors of the proposed structure will be reviewed using the IRC, and the ground floor will be reviewed using the IBC.

Institutional properties are not explicitly referenced within the five criteria for new construction, but they are referenced in the Houston Heights Historic District East designation report and there are national standards referencing commercial and institutional as separate uses.

Staff maintains that comparing the proposed project against church and other institutional uses for height purposes under Criterion 5 is not appropriate. Only the 10 contributing commercial structures in Heights East are used for comparison.

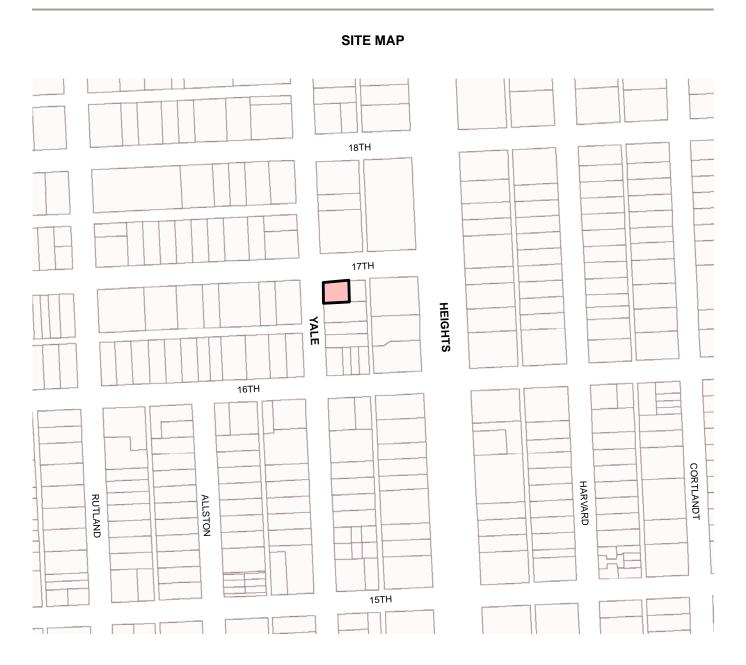
#### Houston Archaeological & Historical Commission August 28, 2014

HPO File No. 140804





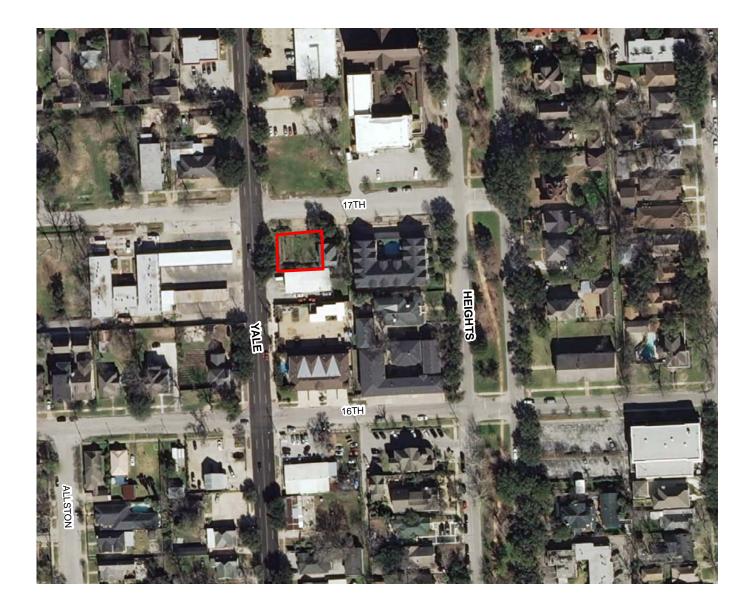
Meeting Date: 12-08-14





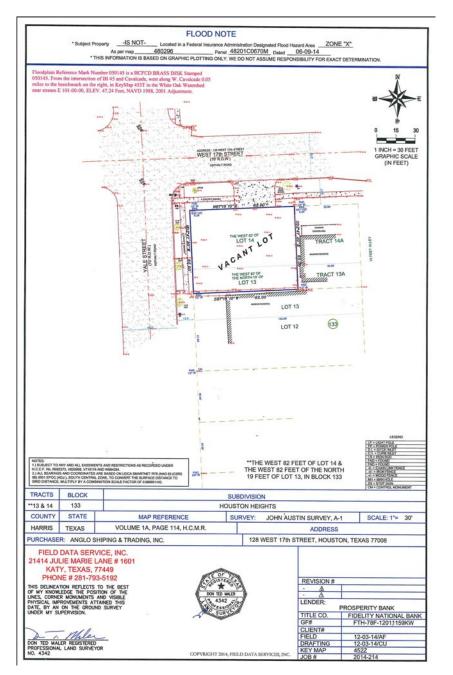
**ITEM: 169** Meeting Date: 12-08-14

#### **AERIAL MAP**





#### SURVEY



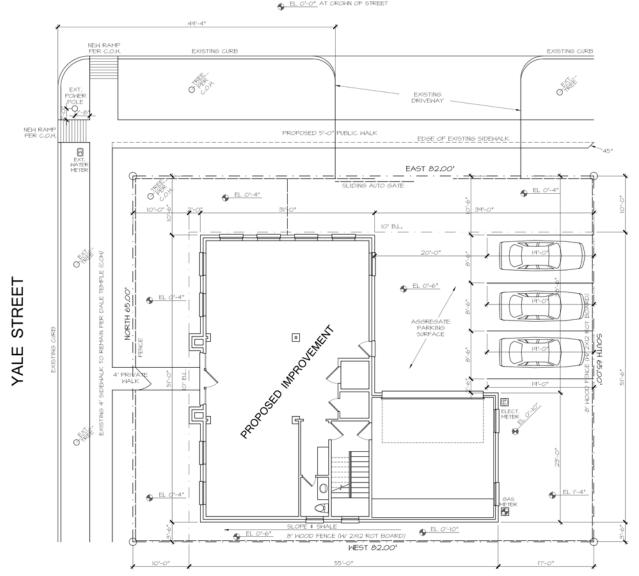


Meeting Date: 12-08-14

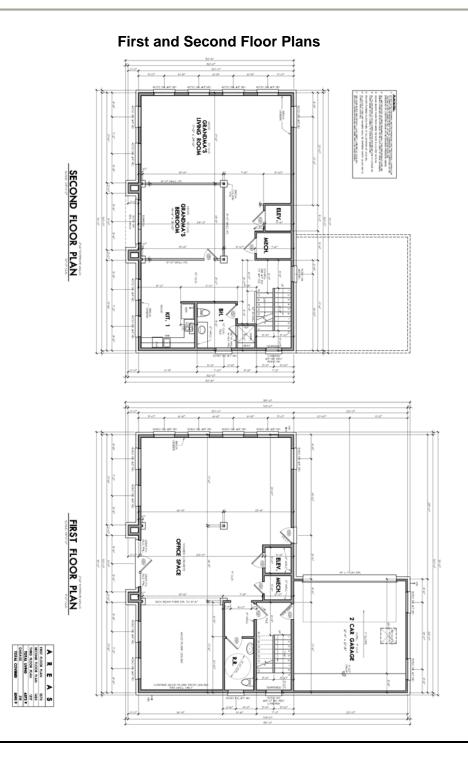
## Houston Planning Commission

#### SITE PLAN

WEST 17TH STREET







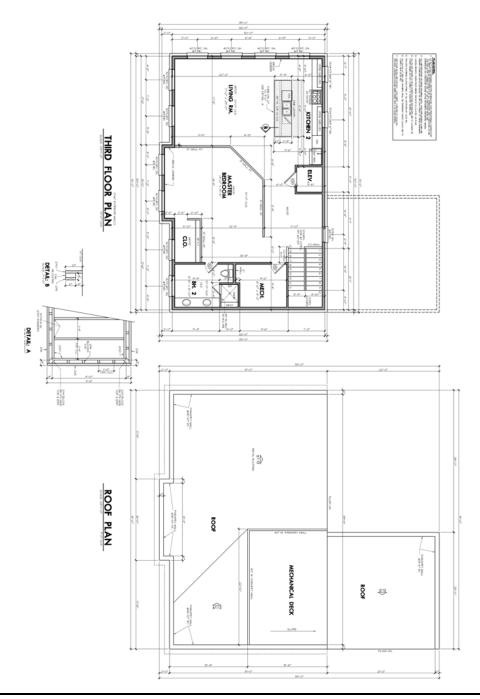


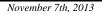
#### THIRD FLOOR AND ROOF PLAN

ITEM:

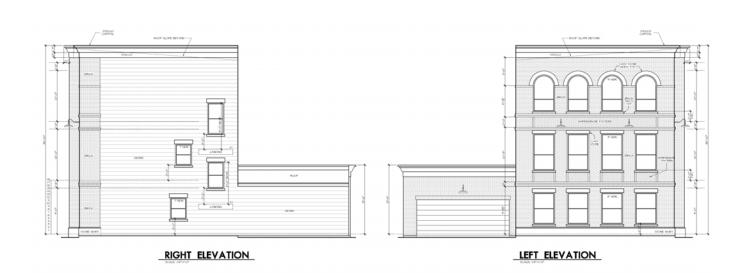
Meeting Date: 12-08-14

169





## **DEVELOPMENT PLAT VARIANCE**





REAR ELEVATION

FRONT ELEVATION

ITEM:

Meeting Date: 12-08-14

169

**Houston Planning Commission** 

**PLANNING &** DEVELOPMENT DEPARTMENT

**ELEVATIONS** 



## ITEM: III

Meeting Date: 12/18/14

### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

An applicant seeking a variance to the Parking Standards of Chapter 26 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@houstontx.gov</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY	CONTAC	T PERSON	PHONE NUMB	ER EMA	EMAIL ADDRESS					
HISD	Kedrick Wright		713-556-932	9 kwr	kwright7@houstonisd.org					
PROPERTY ADDRESS		MBER	ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT				
Jefferson Davis High School 1101 Quitman Street	1412570	)5	77009	5458	3 493D H					
HCAD ACCOUNT NUMBER(S):		11741400100	01							
PROPERTY LEGAL DESCRIPTION:		RES A BLK 1, Jefferson Davis High School Site								
PROPERTY OWNER OF RECORD:		Houston ISD, 4400 W. 18 <sup>th</sup> St. Houston, TX 77092-8501								
ACREAGE (SQUARE FEET):		12.57 acres (5	547,488 SF)							
WIDTH OF RIGHTS-OF-WAY:		60'-0"								
EXISTING PAVING SECTION(S):										
OFF-STREET PARKING REQUIREM	IENT:	540 (with 240	bicycle spaces	)						
OFF-STREET PARKING PROVIDED	: :	238								
LANDSCAPING REQUIREMENTS:		Meets require	ments							
EXISTING STRUCTURE(S) [SQ. FT.]	: :	250,029 SQ. I	-т.							
PROPOSED STRUCTURE(S) [SQ. F	т.]:	239,173 SQ. I	-т.							

**PURPOSE OF VARIANCE REQUEST:** To request a reduction in the number of off-street parking spaces provided from 540 spaces to 238 parking spaces at the new Jefferson Davis High School.

**CHAPTER 26 REFERENCE(s):** a) **Section 26-492**, Class 5 Religious & Educational, c. School, 3. Senior High School - 1.0 parking spaces per every 3 occupants. b) **Section 26-497**. Reduced parking space requirement for additional bicycle spaces. (b) The maximum reduction in the number of parking spaces under this section shall be 10 percent of the number of parking spaces required by Sec 26-492 of this Code.



ITEM: III Meeting Date: 12/18/14

### **Houston Planning Commission**

#### APPLICANT STATEMENT OF FACTS

#### SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

Houston Independent School District strives to provide each new high school campus with, at minimum, a regulation sized football field, soccer field, softball field, baseball field and tennis courts. Building the required 540 off-street parking spaces would prevent the new Davis HS from having a regulation football field and track as well as multi-purpose athletic fields, which are part of the Physical Education program. These exclusions would prevent the new Davis from having comparable athletic and Physical Education facilities to other new high school in HISD. HISD is requesting a reduction in the required number of off-street parking spaces from 540 to 238 at the new Davis High School. 238 off-street parking spaces are currently provided at the existing campus. This request is based on the projected parking needs of the proposed new school. Based on demographic analysis of the current school, comparative analysis with similar programs/schools within HISD, development projections of the surrounding area and demographic analysis of the surrounding community, we feel 238 off-street parking spaces will adequately serve the new campus now and for the next 25-30 years, please see the attached demographic analysis. HISD is committed to providing an equitable educational experience as part of the 2012 Bond Program. The District has made sacrifices to the athletic and Physical Education program to fit the proposed 238 off-street parking spaces.

#### APPLICANT'S STATEMENT OF FACTS:

The applicant must clearly identify how the requested variance meets the criteria in ALL items (1) through (5); and, if applicable, the sixth (6) condition. The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@houstontx.gov</u>

(1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;

If Houston ISD is required to build the required number of off-street parking spaces, the District will not have adequate room on-site to provide the new Davis High School with comparable athletic and Physical Education facilities as compared to other new high schools in the District. Specifically, Davis will not have a regulation sized football field and track and would lose at least one multi-purpose athletic field. Several mature trees on the site would be sacrificed if we were to build number of off-street parking spaces required by ordinance.





(2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant and that in granting the variance the general purposes of this article are being observed and maintained;

Houston ISD is designing all new schools in the most compact footprint possible. Our square foot requirement per student is 140 SF. This SF requirement requires the designers to be very efficient as they design the new schools and results in the most compact building possible.

We have prepared a comparative summary of similar high schools with magnet programs and have analyzed the modes of transportation used by students, staff and teachers to arrive at the school. Based on this analysis, created with the assistance of HISD demographer and General Manager for Transportation, we can project the future parking needs of the Davis High School Community.

School Name	Magnet Program	Current	Magnet	ampus Transportation Compa Bus			Drive		Other*		Teacher, Visitor & Staff parking	Parking	Current
		Enrollment	Enrollment	No.	Magnet Trans.	Percent	No.	Percent	No.	Percent	No.	Spaces Used	Parking Spaces
Sterling	Aviation Science	818	48	293	17	36%	50	6%	448	55%	100	150	23
Booker T. Washington	Science & Engineering	764	150	307	71	40%	110	14%	480	63%	200	310	31
Lee HS	N/A	1,348	0	809	0	60%	73	5%	465	35%	145	218	34
Milby HS	Science Institute	1,960	400	350	250	18%	85	4%	1,525	78%	190	275	42
Davis HS	Career Magnet for Hotel and Restaurant Management and Media for Culinary Arts	1,700	316	578	316	34%	87	5%	1035	61%	129	216	23
North Forest HS	N/A	960	0	739.2	0	77%	25	3%	196	20%	88	113	41

\*This data was collected from the business managers and principals at each campus, the District's General Manager of Transportation and independent Traffic Impact Analysis.

Davis High School currently has 316 magnet transfers and all currently ride the HISD Bus to school.

Davis High School is served by multiple Metro stops. Many teachers and students use Metro to travel to the school.

Please see the table below for the basis of the request to provide 238 spaces in lieu of the ordinance required amount.

Projected Transportation Requirements for new campus													
								х	Y	X + Y			
School Name	Maximum Enrollment	Magnet	HISD Bus			Drive		Other*		Teacher, Visitor & Staff parking	Parking	Event	Total spaces
	(including Magnet students)	Enrollment	# of Riders	Magnet Trans.	%	Quantity	%	Quantity	%	Quantity	spaces required	parking*	required
Davis High School	1,700	400	578	316	34%	85	5%	1,037	61%	130	215	23	238

\*Because events using the auditorium by visitors to campus will generally occur after school hours, we are providing 23 spaces as a buffer in case of overlap of use by school and after hour events



#### (3) The intent of this article is preserved;

Adequate off-street parking will be provided on the site of the new school. The reduced number of offstreet parking spaces will be sufficient to prevent overflow street parking in the surrounding community.

#### (4) The parking provided will be sufficient to serve the use for which it is intended;

As detailed in the above table, adequate and accessible parking will be provided for the students, faculty, staff and visitors of Davis High School. Daily student, faculty, staff and visitor needs along with special event parking needs have been addressed.

#### (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and

The new Davis High School will have adequate off-street parking spaces for students, faculty, staff and visitors. The parking will be conveniently and strategically located to prevent parking on the surrounding streets. Providing convenient off-street parking will keep the campus parking and traffic on-site and away from the surrounding community.

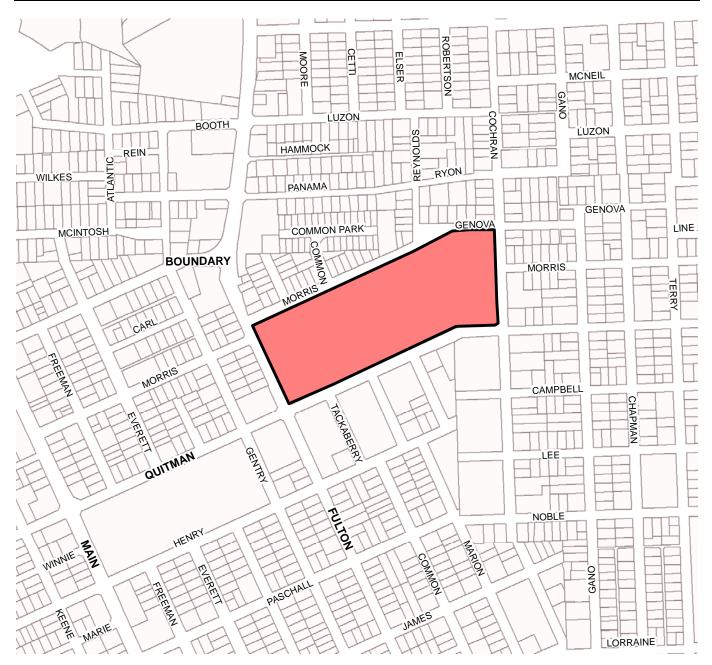
(6) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code.

Not applicable.



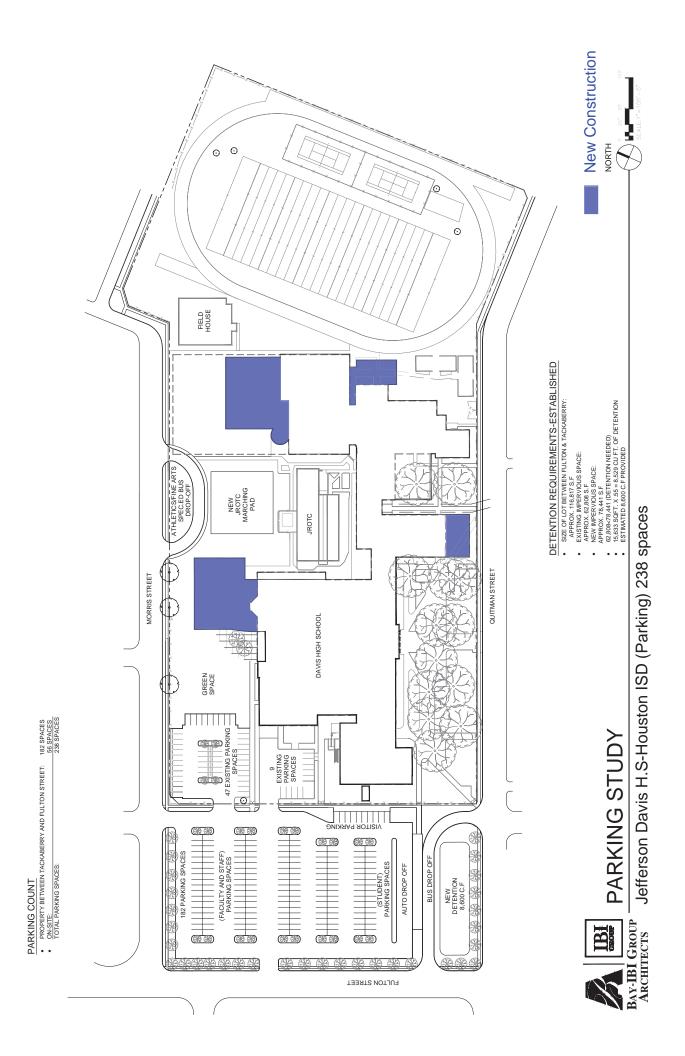
ITEM: III Meeting Date: 12/18/14

### **Houston Planning Commission**











ITEM: III Meeting Date: 12/18/14

### **Houston Planning Commission**





Meeting Date: 12/08/2014

### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

An applicant seeking a variance and/or special exception to the Planning Standards of Chapter 42 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@houstontx.gov</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBER	R EMAIL	EMAIL ADDRESS				
HISD	Kedrick Wright	713-556-9329	kwrigł	kwright@houstonisd.org				
PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT			
Sharpstown High School 7504 Bissonnet Street Houston, TX 77074-5502	14125553	77074	5054	530Q	Council J			
HCAD ACCOUNT NUMBER(S):		-0010 (2) 052-00 -0002 (5) 113-14						
PROPERTY LEGAL DESCRIPTION:	(2) Tract 13A, B (3) Tracts 12B & (4) Reserve A1,	<ol> <li>(1) Tracts 10 &amp; 13, Block 16, Westmoreland Farms Section 3</li> <li>(2) Tract 13A, Block 16, Westmoreland Farms Section 3</li> <li>(3) Tracts 12B &amp; 15B, Block 16, Westmoreland Farms Section 3</li> <li>(4) Reserve A1, Bissonnet Plaza West</li> <li>(5) Reserve A, Bissonnet Plaza West</li> </ol>						
PROPERTY OWNER OF RECORD:	Houston ISD, c/o	o Interfirst Bank,	4400 W. 18 <sup>th</sup> St	. Houston, TX 7	7092-8501			
ACREAGE (SQUARE FEET):	(1) 629,464 SF (2) 34,343 SF (3) 262,096 SF (4) 97,574 SF (5) 190,466 SF							
WIDTH OF RIGHTS-OF-WAY:	Bissonnet = 80',	Bonhomme = 60	0', Braeburn Va	lley = varies (80	' min)			
EXISTING PAVING SECTION(S):	Concrete streets	, concrete & asp	halt parking lots	6				
OFF-STREET PARKING REQUIREME	<b>NT:</b> 489 (with 216 bio	cycle spaces)						
OFF-STREET PARKING PROVIDED:	300							
LANDSCAPING REQUIREMENTS:	N/A							
LANDSCAPING PROVIDED:	N/A							



ITEM: IV

Meeting Date: 12/08/2014

### **Houston Planning Commission**

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]: 184,000 sf

PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]: 212,000 sf

**PURPOSE OF VARIANCE REQUEST:** To request a reduction in the number of off-street parking spaces provided at the new Sharpstown High School from 489 to 300.

**CHAPTER 26 REFERENCE(S):** a) Section 26-492, Class 5 Religious & Educational, c. School, 3. Senior High School – 1.0 parking spaces per every 3 occupants. B) Section 26-497. Reduced parking space requirement for additional bicycle spaces.



ITEM: IV Meeting Date: 12/08/2014

### **Houston Planning Commission**

#### APPLICANT'S STATEMENT OF FACTS

#### SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

HISD is requesting a reduction in the required number of off-street parking spaces at the new Sharpstown High School from 489 required to 300 provided. Bike rack spaces are proposed to be provided in lieu of 54 spaces which is 10% of the total required spaces calculated.

1. Based on demographic analysis of the current school, a comparative analysis with similar programs/schools within HISD, development projections of the surrounding area, the data shows that 300 off-street parking spaces would adequately serve the new campus now and for the next 15-25 years. Total capacity of the new school is projected to increase from the current population by only 11%. Most students do not drive to school.

2. HISD is committed to providing an equitable educational experience for all the school projects as part of the 2012 Bond Program. Houston Independent School District strives to provide each new high school campus with, at minimum, a regulation sized football field and track, soccer field, softball field, baseball field multipurpose athletic fields which can be used as practice fields for the marching band. Providing the required 489 off-street parking spaces would prevent the new Sharpstown HS from having a regulation softball field and a multi-purpose athletic field. In addition to the physical education program, Sharpstown HS' marching band will use the multi-purpose athletic field as their practice field. These exclusions would prevent the new school from having comparable athletic and Physical Education facilities to other new high schools in HISD. Even with the reduced off-street parking of 300 spaces, Sharpstown HS will not have a full regulation baseball field.

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@houstontx.gov</u>.

- (1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or
- (1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

If Houston ISD is required to build the required number of off-street parking spaces, then HISD will not have adequate space on-site to maintain the new Sharpstown High School's Physical Education and Athletic facilities as compared to other new high schools in the District. A new private Health Clinic with its own parking and landscaping has been approved and permitted by COH to be built on the existing school property, which uses a significant area of the site. Otherwise, this area would have been available for additional parking. This clinic project is scheduled to begin construction in November, 2014.



ITEM: IV Meeting Date: 12/08/2014

### **Houston Planning Commission**

### (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Houston ISD has programmed new schools in the 2012 Bond Program with the most compact footprint possible with an extremely tight efficiency ratio. The new school will be two stories tall, as three was not feasible, and with two separate buildings to help keep the internal circulation area low per the HISD building program's allowable area/budget. Sharpstown HS must be built in two phases: 1) the main new school will be built to the west side of the site as the new school remains in operation, and then 2) the existing school will be razed as the new school becomes occupied. Then, the parking and hardscape will be built to the east in what remains of the available site. A clinic operates on HISD property to the east end of the site, which reduces the available ground area for parking.

An HISD demographer and General Manager for Transportation have provided student data for Sharpstown HS and the community. HISD has prepared a comparative summary on the following page showing similar high schools with magnet programs. This summary has analyzed the modes of transportation used by students, staff and teachers to arrive at each high school.

Sharpstown HS does not use the total parking surfaces they already have and would not find the increased parking per the Ordinance to be fully utilized. Sharpstown High School currently has 150 magnet transfers and 36 ride the HISD bus to school. Sharpstown High School is also served by four Metro stops on three streets bordering the property. Per the school principal, the majority of students and a few teachers as well are pedestrian or use the Metro bus system to travel to the school.

Existing Campus Transportation Comparison													
School Name	Manual Deserves	Current	Current Magnet		Bus		Drive		Other*		Teacher, Visitor & Staff parking	Parking	Current
School Name	Magnet Program	Enrollment	Enrollment	No.	Magnet Trans.	Percent	No.	Percent	No.	Percent	No.	Spaces Used	Parking Spaces
Sterling	Aviation Science	818	48	293	17	36%	50	6%	448	55%	100	150	23
Booker T. Washington	Science & Engineering	764	150	307	71	40%	110	14%	480	63%	200	310	31
Sharpstown	Leadership	1,323	150	218	36	16%	75	6%	1,030	78%	130	205	35
Lee HS	N/A	1,348	0	809	0	60%	73	5%	465	35%	145	218	34
Milby HS	Science Institute	1,960	400	350	250	18%	85	4%	1,525	78%	190	275	42
Yates HS	Communications	961	220	259	52	27%	20	3%	673	70%	120	140	
North Forest HS	N/A	960	0	739.2	0	77%	25	3%	196	20%	88	113	41

\*This data was collected from the business managers and principals at each campus, the District's General Manager of Transportation and independent Traffic Impact Analysis.

Based on the comparative analysis for Bond 2012 proposed new high schools, as well as discussions with school administration and HISD leadership, we can project the total future parking needs for Sharpstown High School students and staff to consist of about 260 spaces. Please see the table below for the basis of the request to provide 300 spaces in lieu of the amount initially required by Ordinance.



#### (3) The intent and general purposes of this chapter will be preserved and maintained;

											х	Y	X + Y
School Name	Maximum Enrollment	Magnet		HISD Bus	ISD Bus Drive Othe		Other Teacher, Visitor Staff parking		Teacher, Visitor & Staff parking	Parking	Event	Total	
School Name	(including Magnet students)	iding Magnet Enrollment	# of Riders	Magnet Trans.	%	Quantity	%	Quantity	%	Quantity	spaces required	parking*	spaces required
Sharpstown High School	1,489	300	328	72	22%	120	8%	1,042	70%	140	260	40	300

\*Based on 1 parking space per 3 seats, Sharpstown's 500 seat auditorium requires 167 parking spaces. Because events using the auditorium by visitors to campus will generally occur after school hours, we are providing 24% of that total as a buffer in case of overlap of use by school and after hour events

Adequate off-street parking will be provided on the site of the new school. The proposed number of off street parking spaces will be sufficient to fulfill the needs of the school and to prevent overflow parking onto the streets in the surrounding community and residential neighborhoods.

#### (4) The granting of the variance will not be injurious to the public health, safety or welfare;

As detailed in the above table, many students currently arrive to Sharpstown High School on foot, by bike, on a Metro bus, or dropped off in a vehicle. Adequate and accessible parking will be provided for the all the students who drive themselves and park their vehicles at the school, for faculty, for all school staff, and for visitors of Sharpstown High School. Student, faculty, staff and visitors' daily needs, along with special event parking needs, have been addressed in the site design and vetted with the school administrators. Events do not occur during regular schools hours and parking will be available on weekends and after regular school hours. However, forty (40) spaces will be provided for small meetings at the school and any daytime visitors.

#### (5) Economic hardship is not the sole justification of the variance.

The new Sharpstown High School will have adequate off-street parking spaces for students who drive and park at the school, faculty, all of the school staff, and visitors. The parking will be close to the building and is organized with walk paths to create safe crosswalk conditions through the parking areas to the school entrances and across the site to the playing fields. Existing Metro bus stops and crosswalks on the adjacent city streets are in close proximity to the walkways leading to the school entrances. Providing adequate parking lots within the site will ensure that parking occurs within the school boundary and within the secure fence line, and not result in overflow parking on the surrounding neighborhood streets.



#### **AERIAL MAP**





#### VARIANCE REQUEST APPLICATION

An applicant seeking a variance to the Parking Standards of Chapter 26 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@cityofhouston.net</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY CON		ACT PERSON PHONE NUMBER		ER EMA	EMAIL ADDRESS					
Kinetic Design Lab Mr. De		vin Robinson 713-898-2042		2 kinetic	kineticdev@msn.com					
PROPERTY ADDRESS FILE N		IUMBER ZIP CODE		LAMBERT	Κεγ Μαρ	DISTRICT				
2901 Rusk Street	1411	7737	77003	5457	494N	Н				
HCAD ACCOUNT NUMBER(S):		00223300000	01							
PROPERTY LEGAL DESCRIPTION	:	Lot 1 BLK 513	BA SSBB							
PROPERTY OWNER OF RECORD:		Green Bone L	LC							
ACREAGE (SQUARE FEET):		4,160 sq. ft.								
WIDTH OF RIGHTS-OF-WAY:		Paige Street (80'), Rusk Street (80')								
EXISTING PAVING SECTION(S):		Paige Street (38'), Rusk Street (50')								
OFF-STREET PARKING REQUIREMENT:		(Pet) Daycare: 8 Spaces								
OFF-STREET PARKING PROVIDED:		2 Spaces								
LANDSCAPING REQUIREMENTS:	None: Existing development, no addition to structure proposed									
EXISTING STRUCTURE(S) [SQ. FT	·.]:	3,600 SQ. FT.								
PROPOSED STRUCTURE(S) [SQ.	FT.]:	3,600 SQ. FT.								
			of this variance r uired 8 parking s		ow 2 parking spa	ces on site in				
largest s				space for every	employee on dut 5 children in atte pacity					



ITEM: V Meeting Date: 12.08.2014

**Houston Planning Commission** 

#### APPLICANT STATEMENT OF FACTS

#### SUMMARY OF VARIANCE CONDITIONS(BE AS COMPLETE AS POSSIBLE):

Per **Sec. 26-492** of the City of Houston Municipal Codes and Ordinances and proposed amendments to this section of the Municipal Code; the defined number of spaces by classification, use and square footage is a total of eight off-street parking spaces required.

#### APPLICANT'S STATEMENT OF FACTS:

The applicant must clearly identify how the requested variance meets the criteria in ALL items (1) through (5); and, if applicable, the sixth (6) condition. The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@cityofhouston.net</u>.

### (1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;

Prior to April 2014, the establishment located at 2901 Rusk Street in Houston, Texas; operated as an Office Warehouse. Upon purchase of the property and subsequent review of any/all existing *City of Houston* records, it became apparent that no existing Certificate of Occupancy (*CofO*) existed to assist in *"Grandfathering"* the existing building/site Parking Requirement. The revisions to the *City of Houston* Parking Standards, as recently adopted in 2013', significantly impact the current Owner and his/her plans for the Site.

The *'Doggie Daycare'* Occupant/Business typology is a relatively new building use for the <u>City of Houston</u>. It is an Occupancy/Business model that operates in a similar manner to a daycare for children and is primarily used by young, urban, professionals who live in the area. Hours of operation for the facility are Monday through Friday 7:00am-7:00pm and Saturday 9:30am-6:00pm.

The existing site has *zero* onsite parking spaces, as the existing warehouse building on the site takes up 3,600 sq. ft. of the total 4,160 sq. ft. lot.

## (2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant and that in granting the variance the general purposes of this article are being observed and maintained;

By submitting this variance, the applicant request the Planning Commission grant the Owner the use of this property with the associated parking provision of two spaces for employee automobile parking and ambulatory street parking for drop off and pick-up of dogs. The intention of the grating of this variance it to allow the Owner of the building/site to operate a doggie daycare business, it is not based on the result of a hardship imposed or created by the applicant. By granting the variance, the general purpose of **Sec. 26-492 and Sec. 26-494** are being observed and maintained.



ITEM: V Meeting Date: 12.08.2014

### **Houston Planning Commission**

#### (3) The intent of this article is preserved;

The intent of the City of Houston Municipal Code Chapter 26, Sections 491 and 492 is maintained, as adequate parking is provided based on an observation and analysis of historical precedence of businesses of a similar use.

#### (4) The parking provided will be sufficient to serve the use for which it is intended;

On-Street Parking will be provided for employees at a rate of <u>1: employee during the largest shift</u>. The largest shift of which is two employees, or (2) employee spaces provided. Six additional parking spaces are required at a ratio of <u>5/30 dogs boarded</u> at maximum capacity (assuming one dog is equal to one child) daycare requirements are five children per parking space, (6) additional On-Street spaces are required.

Additionally, a drop off and ambulatory scenario will be provided for the drop off of and pick up of dogs. The area will include beautification and landscape, though existing in the City R.O.W., it will be beautified and maintained by the Owner (*Re: Site Plan*).

Similar businesses exist in the *City of Houston* with appropriate and similar parking requirement scenarios (*Re: Included Documentation*).

#### (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and

The granting of this Variance will not be injurious to the health, safety, or welfare of the public.

(6) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code.



#### STANDARDS FOR VARIANCES

(a) The commission is authorized to consider and grant variances from the provisions of this article by majority vote of those members present and voting, when the commission determines that the first five of the following conditions exist, and if applicable, the sixth condition, exists:

(1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;

(2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant and that in granting the variance the general purposes of this article are being observed and maintained;

- (3) The intent of this article is preserved;
- (4) The parking provided will be sufficient to serve the use for which it is intended;
- (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and

(6) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code.

(b) In addition, if the variance involves an off-site parking facility, the commission must determine that a proposed off-site parking facility will be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:

- (1) The location of the proposed building and the proposed off-site parking facility.
- (2) Existing and potential parking demand created by other occupancies in the vicinity.

(3) The characteristics of the occupancy, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking.

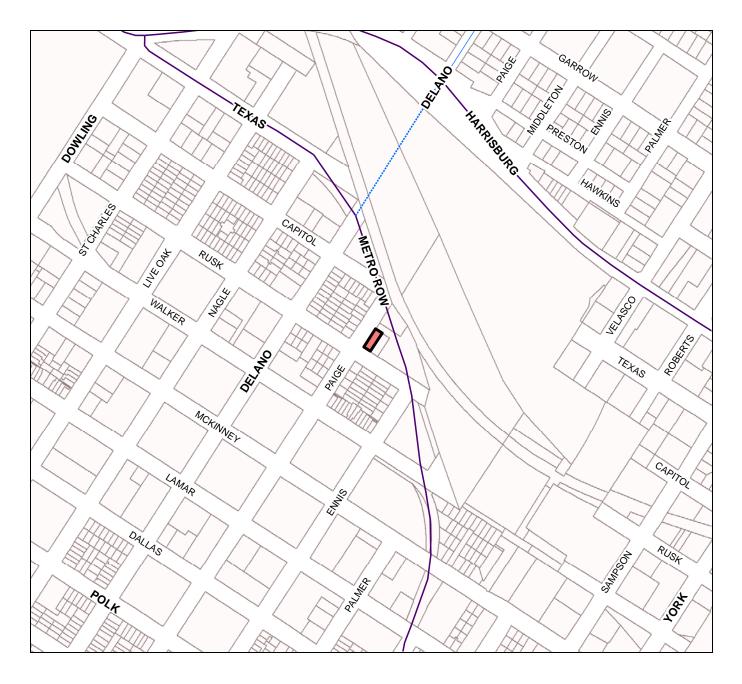
- (4) Adequacy, convenience, and safety of pedestrian access between off-site parking and the occupancy.
- (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking.
- (6) The report and recommendation of the director and the traffic engineer.

Any variance granted under the provisions of this section will apply only to the specific property and use upon which the commission was requested to grant a variance by the applicant and shall not constitute a change of this article or any part hereof. All variances as granted shall be in writing shall be signed by the secretary of the commission and maintained as a permanent record of the commission.



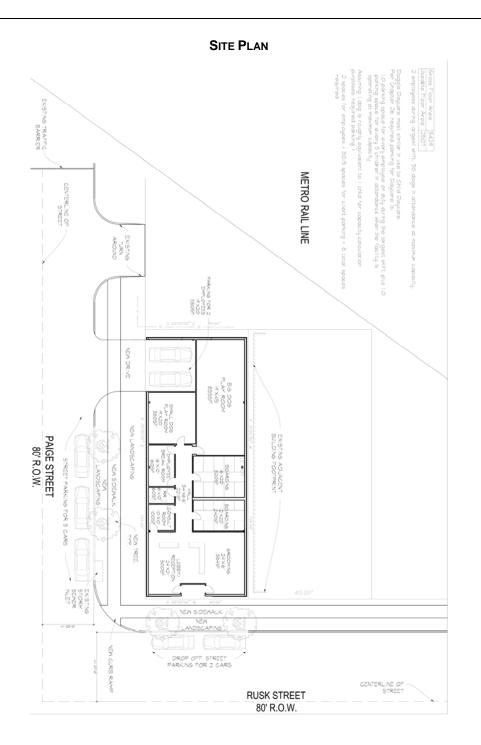


#### SITE LOCATION





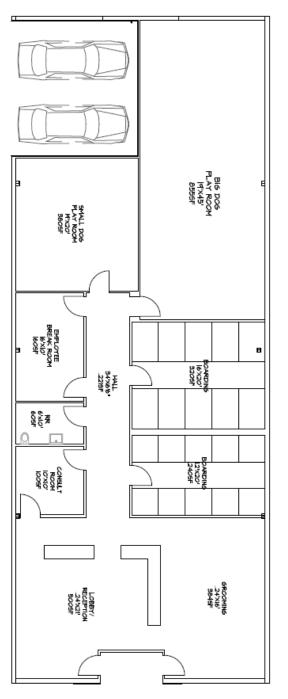






ITEM:	V
Meeting Date:	12.08.2014

#### FLOOR PLAN







#### SURVEY HARRIS COUNTY CF NO. 20090422277 CHAIN LINK FENCE PAIL BORN PEBBLE CONC. 44" IRON ROD FOUND LOT 10 (C.M.) CONC. DRIVE ¼" PINCHED PIPE FOUND (C.M.) LOT 1 40.0 RUSSELL V. LEHRMAN CF NO. X233065 & K359326 HILDING STATUS INLET PEBBLE CONC. LOT 2 JAMES L. SCALISE ET UX CF NO. F675868 & VOL. 85, PG. 253 H.C.D.R. ADJACENT BUILDING 0.4 ENGINEERING REF. ROD NO. 37 1" IRON ROD FOUND ½" IRON ROD WTH ECISION CAL SET 513 ENGINEERING REF. ROD NO. 38 S35'00'00'W - 660.00' IRON ROD POINT OF BEGINNING FOLINI 0.6 CONC. DRIVE IRON FENCE 40.0' PEBB PUST CO. PCAN PERS MAC NAU 0.00. FOUND (C.M.) NGINEERING REF. ROD NO. 39 1" IRON ROD FOUND Nob Found (C.M.) ENGINEERING REF. ROD NO. 48 1" IRON ROD FOUND ENGINEERING REF. ROD NO. 49 34 IRON ROD FOUND



Meeting Date: 12-18-14

### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

An applicant seeking a variance to the Tree, Shrub and Landscape Standards of Chapter 33 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@cityofhouston.net</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY CON		ACT PERSON PHONE NUMBER		ER <b>EM</b> A	EMAIL ADDRESS			
Kudela & Weinheimer Case		Collins	713-869-6987	7 <u>ccol</u>	ccollins@kwtexas.com			
PROPERTY ADDRESS		IMBER ZIP CODE		LAMBERT	Κεγ Μαρ	DISTRICT		
2951 Wilcrest Drive			77042	4956-C	489-Y	Westchase		
PROJECT NAME:		General Cons	ulate of Saudi A	rabia				
HCAD ACCOUNT NUMBER(S):		11276400000	12					
PROPERTY LEGAL DESCRIPTION:		RES B4-A BLK 2 WESTCHASE SEC 12						
PROPERTY OWNER OF RECORD:		Royal Consulate General of Saudi Arabia						
ACREAGE (SQUARE FEET):		2.50 Acres (108,900 SF)						
WIDTH OF RIGHTS-OF-WAY:		100' R.O.W.						
EXISTING PAVING SECTION(S):		80' with 32' median						
OFF-STREET PARKING REQUIREME	ENT:	75 Spaces						
OFF-STREET PARKING PROVIDED:		79 Spaces						
LANDSCAPING REQUIREMENTS:		10 Street Trees, 2 Parking Lot Trees, 100 Shrubs, Screening Fence						
OFF-STREET PARKING PROVIDED:		79 Spaces						
EXISTING STRUCTURE(S) [SQ. FT.]:		0 SF (Vacant)						
PROPOSED STRUCTURE(S) [SQ. FT.	.]:	27,392 Sq Ft						
PURPOSE OF VARIANCE REQUEST:			ission to allow th nal to the site to					



**ITEM:** VI

Meeting Date: 12-18-14

CHAPTER 33 REFERENCE(S):

#### 33-126. Street Trees Required

- Street trees shall be planted within the public street rights-of-way, or on private property within ten feet a) parallel and adjacent to a local street right-of-way, or on private nonresidential property within 25 feet parallel and adjacent to a major thoroughfare. The number of street trees planted shall equal the total number of trees (T) required under the following formula: T = (X/30), where X shall represent the length in linear feet measured along each side of the property line on the public street(s).
- Street trees planted in accordance with this section shall be of a species listed on the street tree list. In the b) case of trees planted within the public rights-of-way, trees shall be planted in a location which conforms with the requirements of section 33-129 of this division. The trees shall be planted so as not to interfere with existing utilities, roadways, sidewalks, or street lights.....
- c) The planting scheme for street trees shall be such that no street tree is planted closer than 20 feet to any other street tree (whether an existing tree or a tree planted hereunder) with the trees being spaced without extreme variation in distance across each blockface frontage taking into account existing site conditions and driveway locations.....

#### **STANDARDS FOR VARIANCES**

#### Sec. 33-136. Standards for variance.

(a) The commission is authorized to consider and grant variances from the provisions of this division by majority vote of those members present and voting, when the commission determines that the first four of the following conditions exist, and if applicable, the fifth condition exists:

(1) The imposition of the terms, rules, conditions, policies and standards of this division would deprive the owner or applicant of the property of reasonable use of the land or building;

(2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this division are observed and maintained; and

- (3) The intent of this article is preserved;
- (4) The granting of such a variance will not be injurious to the public health, safety or welfare; and

(5) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII of chapter 33 of this Code.



Meeting Date: 12-18-14

### **Houston Planning Commission**

#### APPLICANT STATEMENT OF FACTS

**SUMMARY OF VARIANCE CONDITIONS:** This consulate project is unique in that it must comply with both City of Houston code and the security standards established by the Saudi Arabian government. Street trees are required along the frontage of Wilcrest Drive, however the security standards limits trees from being located within 3 meters (9'-10") to the site boundary barrier. The purpose of this standard is to prevent unauthorized access into the property by overhanging tree branches. We are asking permission to install the street trees required along Wilcrest Drive to locations internal to the site to comply with the security standards. In the absence of the street trees, a multi-tiered water feature is proposed to front Wilcrest Drive, which will enhance the aesthetic quality of the streetscape.

#### APPLICANT'S STATEMENT OF FACTS:

The applicant must clearly identify how the requested variance meets the criteria in ALL items (1) through (4); and, if applicable, the fifth (5) condition. The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@houstontx.gov</u>.

### (1) The imposition of the terms, rules, conditions, policies and standards of this division would deprive the owner or applicant of the property of reasonable use of the land or building;

The frontage along Wilcrest measures to be 290' in length (excluding two -26' driveways), which equates to 10 street trees. We are asking permission to relocate the street trees required along Wilcrest Drive to locations internal to the site to comply with the security standards, and prevent unauthorized access into the property due to overhanging tree branches.

### (2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this division are observed and maintained;

This property's hardship is based on the type of use and security standard requirements established by the Saudi Arabian Ministry of Foreign Affairs.

#### (3) The intent of this article is preserved;

The intent of this article is preserved by providing the ten required trees at alternate locations to comply with the security standards. We understand the aesthetic value of street trees, and find the impact of the proposed water feature will mitigate the absence of street trees.



Meeting Date: 12-18-14

### **Houston Planning Commission**

#### (4) The granting of such a variance will not be injurious to the public health, safety or welfare,

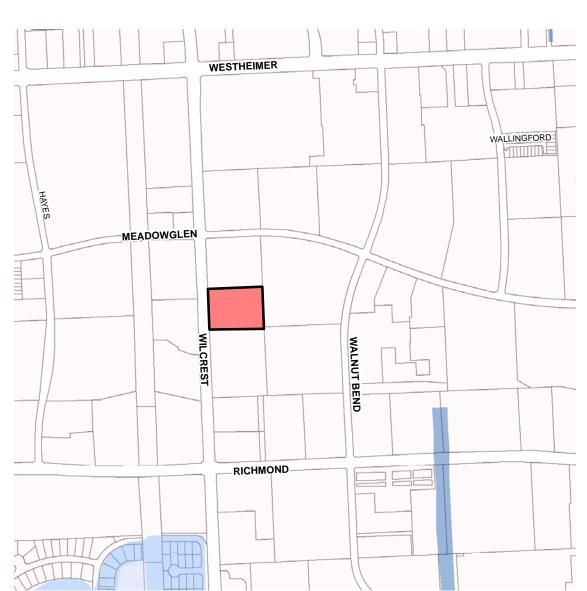
Granting this variance would not be injurious to the public health, safety or welfare. We believe the request to relocate street trees internally to the site per security standards will improve the safety of the consulate. Additionally, perimeter barriers consisting of concrete, ornamental iron and glass will prevent access to the general public.

(5) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII of chapter 33 of this Code.

N/A



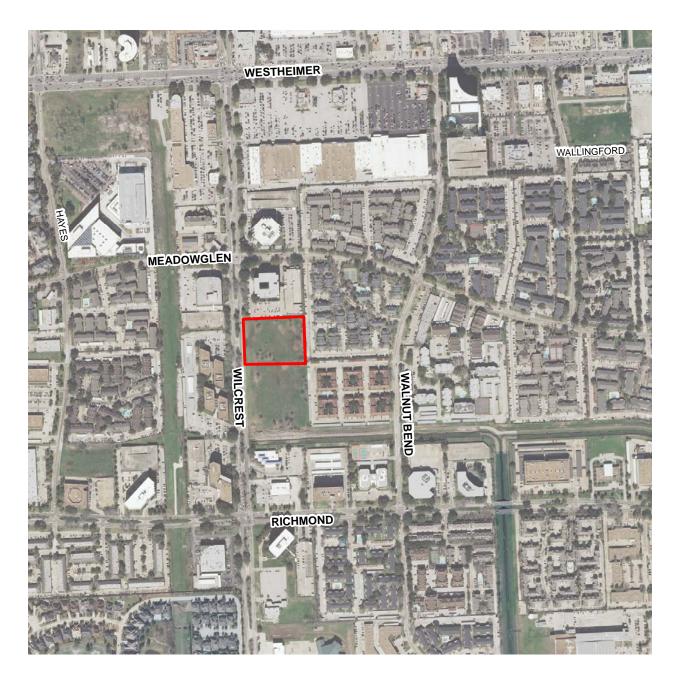
Meeting Date: 12-18-14



SITE MAP



#### **AERIAL MAP**



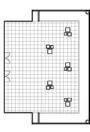




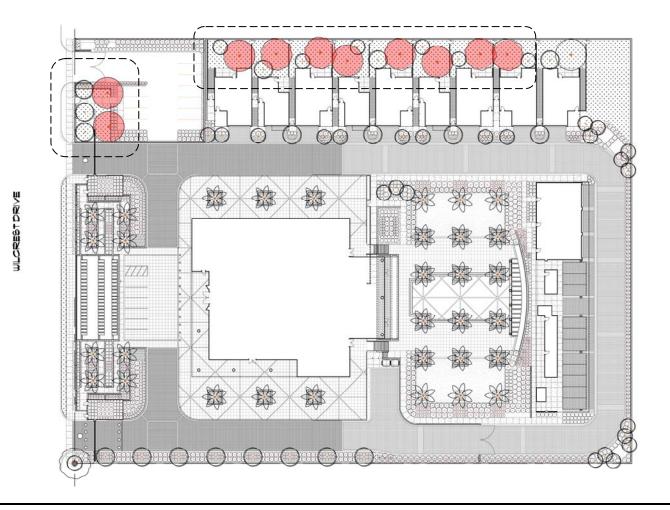
Meeting Date: 12-18-14

### **Houston Planning Commission**

#### LANDSCAPE SITE PLAN



LEVEL 2 - BALCONY





Meeting Date: 12-18-14

### **Houston Planning Commission**

#### VARIANCE REQUEST APPLICATION

An applicant seeking a variance to the Tree, Shrub and Landscape Standards of Chapter 33 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to <u>planning.variances@cityofhouston.net</u> prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at <u>www.houstonplanning.com</u>.

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBE	R EMA			
Gensler	Terry Newell	Newell terry_newell@gensler.com				
PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	Κεγ Μαρ	DISTRICT	
790 Austin Street	#14110954	77002	5457	493Q	Н	

PROJECT NAME:	High School for the Performing and Visual Arts
HCAD Account Number(s):	0010770000001
PROPERTY LEGAL DESCRIPTION:	Block 77
PROPERTY OWNER OF RECORD:	Houston Independent School District
ACREAGE (SQUARE FEET):	62,400 SF
WIDTH OF RIGHTS-OF-WAY:	Austin, Caroline, Rusk, and Capitol Streets are all 80 feet wide
EXISTING PAVING SECTION(S):	N/A
OFF-STREET PARKING REQUIREMENT:	Exempt: Central Business District.
OFF-STREET PARKING PROVIDED:	Two levels of underground parking.
LANDSCAPING REQUIREMENTS:	Tree Protection and 32 Street Trees. No parking lot trees or shrubs required.
LANDSCAPING PROVIDED:	30 Street Trees (2 additional provided on Austin Street – 4 short on Caroline Street). No parking lot trees or shrubs provided (not required/applicable)
EXISTING STRUCTURE(S) [SQ. FT.]:	None.
PROPOSED STRUCTURE(S) [SQ. FT.]:	168,000 SF

**PURPOSE OF VARIANCE REQUEST:** Provide fewer than required Street Trees on Caroline due to driveways and an underground electrical line.



Meeting Date: 12-18-14

CHAPTER 33 REFERENCE(S): Sec. 33-126. Street trees required.

#### STANDARDS FOR VARIANCES

#### Sec. 33-136. Standards for variance.

(a) The commission is authorized to consider and grant variances from the provisions of this division by majority vote of those members present and voting, when the commission determines that the first four of the following conditions exist, and if applicable, the fifth condition exists:

(1) The imposition of the terms, rules, conditions, policies and standards of this division would deprive the owner or applicant of the property of reasonable use of the land or building;

(2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this division are observed and maintained; and

- (3) The intent of this article is preserved;
- (4) The granting of such a variance will not be injurious to the public health, safety or welfare; and

(5) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII of chapter 33 of this Code.

#### **APPLICANT STATEMENT OF FACTS**

#### SUMMARY OF VARIANCE CONDITIONS:

#### APPLICANT'S STATEMENT OF FACTS:

The applicant must clearly identify how the requested variance meets the criteria in ALL items (1) through (4); and, if applicable, the fifth (5) condition. The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at <u>planning.variances@cityofhouston.net</u>.



Meeting Date: 12-18-14

### **Houston Planning Commission**

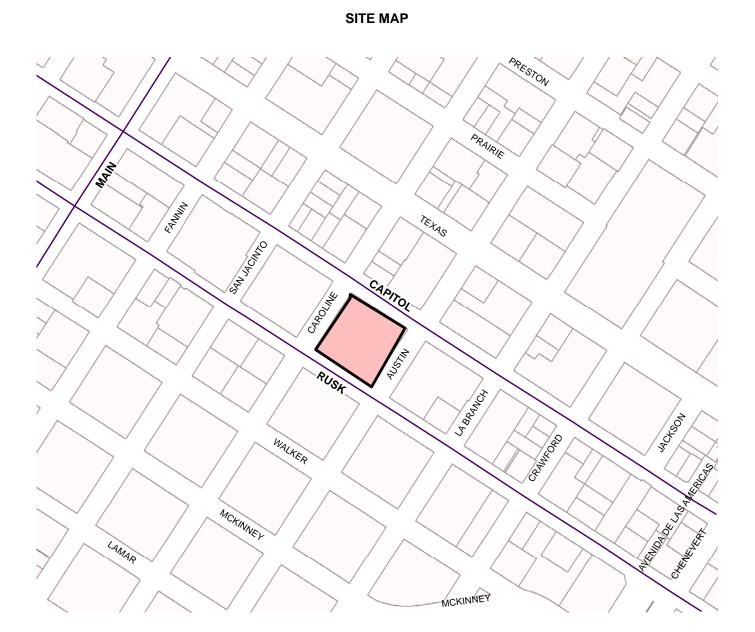
- (1) The imposition of the terms, rules, conditions, policies and standards of this division would deprive the owner or applicant of the property of reasonable use of the land or building;
- (2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this division are observed and maintained;
- (3) The intent of this article is preserved;
- (4) The granting of such a variance will not be injurious to the public health, safety or welfare,
- (5) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII of chapter 33 of this Code.

#### **RESPONSE:**

- (1) Planting the required number of Street Trees on Caroline Street, the only street that does not comply with the ordinance, would require that the school eliminate at least two driveways and move an electrical line to accommodate four more trees. Such a change would be an unreasonable imposition. The parking garage and utility court access in their designed configuration are essential to normal school operations.
- (2) The electrical line is an existing condition, installed by CenterPoint Energy, not by the applicant.
- (3) The intent of this article is well served as evidenced by extensive new planting on the other three streets. The planting area for existing oaks to be preserved will be increased by over 500%.
- (4) Not having four more trees on Caroline Street will not be injurious to public health, safety, or welfare.
- (5) Existing and proposed pavement, existing utilities, and the need to preserve the two existing trees leave no alternative to a variance.



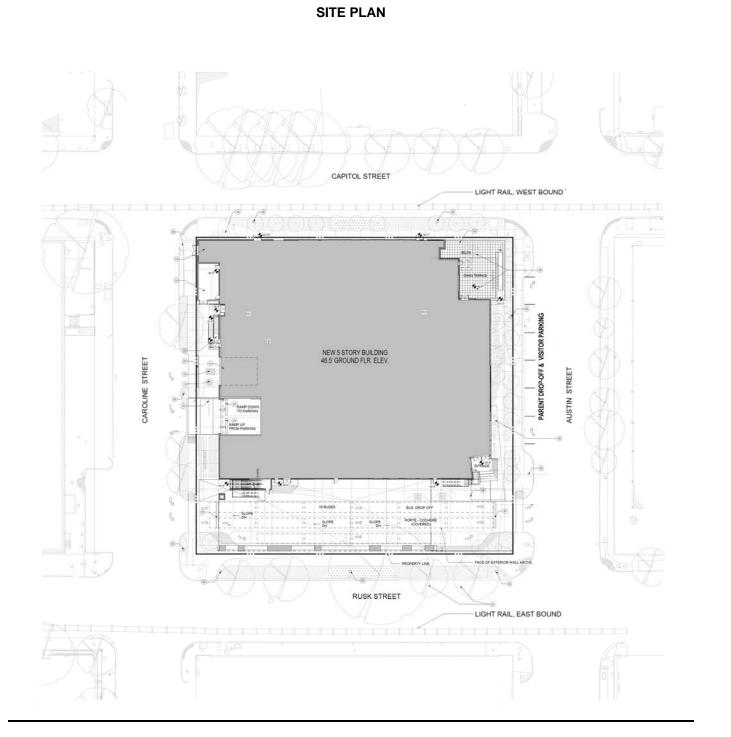
Meeting Date: 12-18-14





Meeting Date: 12-18-14

### **Houston Planning Commission**

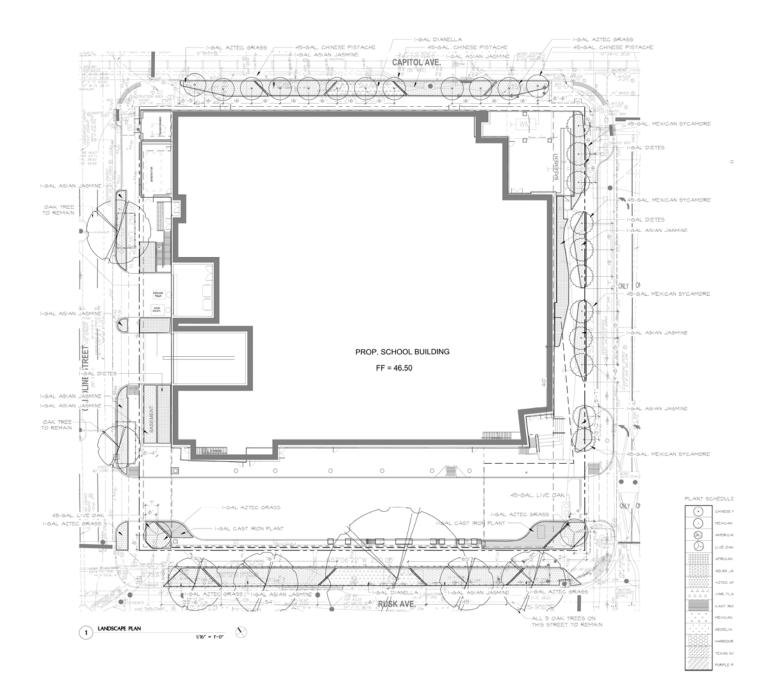






Meeting Date: 12-18-14

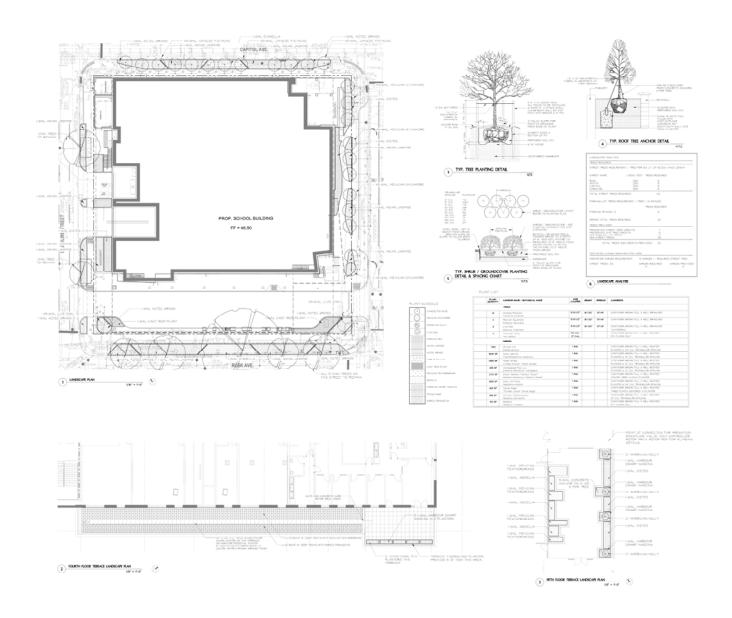
#### TREE PROTECTON PLAN

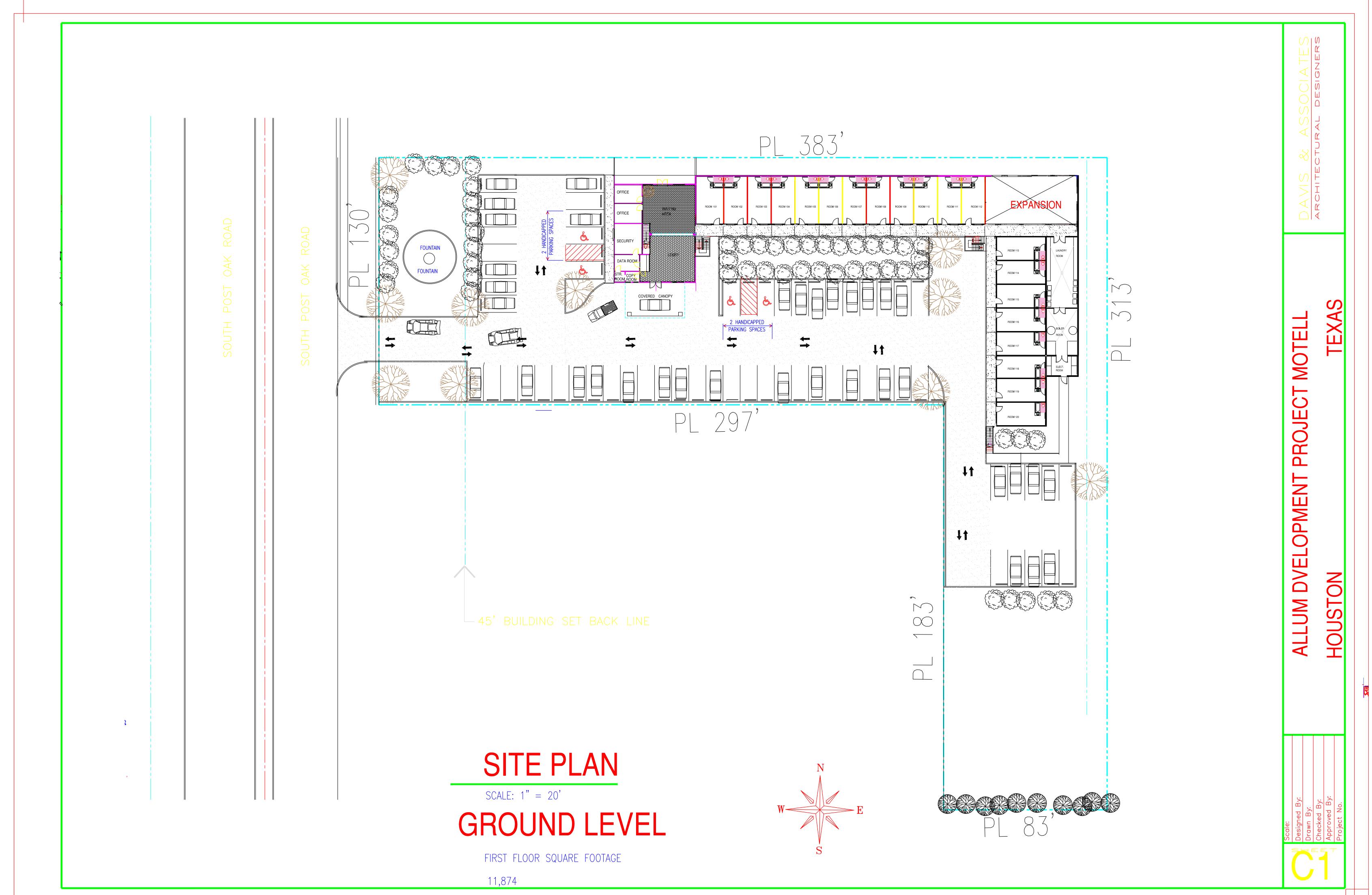


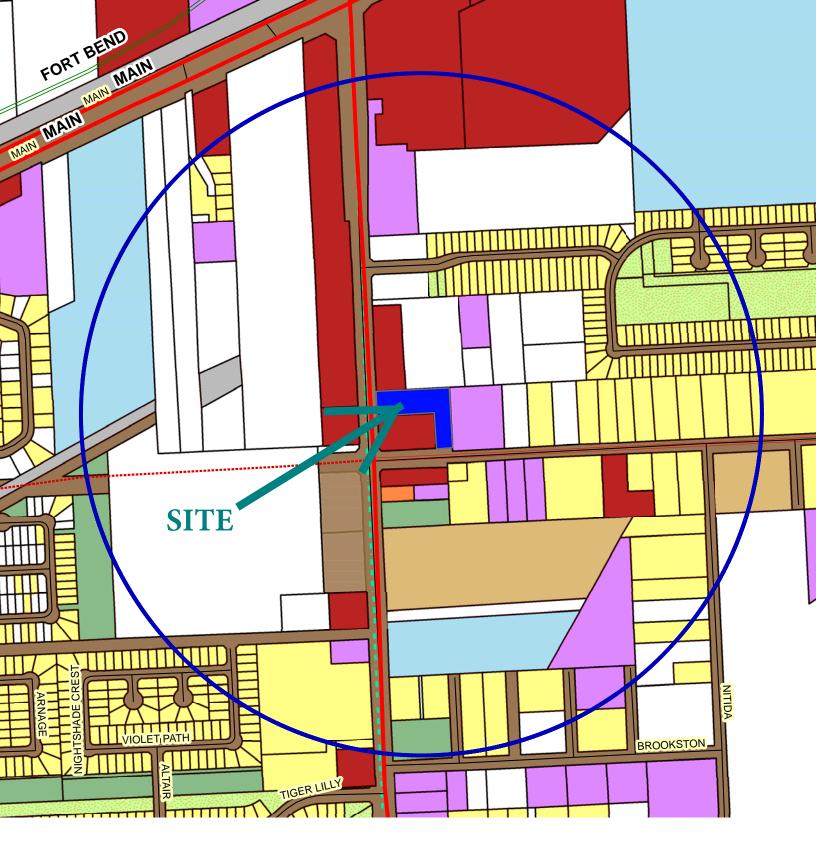


ITEM: VII Meeting Date: 12-18-14

# Houston Planning Commission







#### **CITY OF HOUSTON** DEPARTMENT OF PLANNING AND DEVELOPMENT

HOTEL/MOTEL VARIANCE FORM					
Building Permit Number <u>4 4 6 6 5 7</u>	_				
Applicant: Mehul Rana	Phone: 337-304 -0409				
Address: 1404 Topelo Ave	Zip Code: 77566				
Site Address: 12855 S. Post Oak	Date Disapproved:				
Statement of the specific provision of the article from which the variance is requested: Hotel/Motel to be located in a residential test area exceeding 50% residential usage.					
State of the extent of the variance sought and the specific facts and reasons that the applicant					

State of the extent of the variance sought and the specific facts and reasons that the applicant believes warrant the granting of the variance: The aforementioned site address (front) is Commercial property as determined by Harris County Appraisal District: We intend for the Newly constructed to provide transient sleeping accommon dations for the citizens of the City of Horston and guest in the Allum Development Projet Subdivision.  $\frac{M Rana 12-1-14}{Signature of Applicant Date}$ 

FOR DEPARTMENT USE ONLY

One copy of Hotel Motel Variance Form

Non-refundable fee of \$200.00

Date

Signature of Planning Department Representative

The pertinent ordinance section is: Chapter 28. Article II. Sec 28-201, 28-202

More Basic Information: The newly constructed noted will use S. Post Oak as it's main entrance. S. Post Oak is a major thorough fare.

The Variance Requests:

 The imposition of the terms, rules, conditions, policies, and standards of this article would create an undue hardship by depriving the applicant or owner of the property of reasonable use of the land; and

The tract is Commercial property located on two major thoroughtes. Commercial Property abouts the tract on both sides (Northsouth) This new Construction would be beneficial for the C.O.H. The circumstances supporting the apartition of it

- 2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant; and We move all parties involved that granting this variance will benefit the C:y of Houston and its citizens. Further more, the granting of this variance is alone the decision of Pod of the Communi-
- 3) The intent and general purposes of this article will be preserved and maintained: and Denial of this valiance request would be injustice. The communical property Denial of this valiance request would be injustice. The communical property Denial of this valiance request would be injustice. The communical property Denial of this valiance request would be injustice. The communical property Denial of this valiance request would be injustice. The communical property Denial of this valiance request would be injustice. The communical property
- The granting of the variance will not be injurious to the public health, safety or welfare.

We ensure to the City of Hasta and the citizens that granting this variance will not be injurious to the public health, safety, or welfare.

#### **CITY OF HOUSTON** DEPARTMENT OF PLANNING AND DEVELOPMENT

HOTEL/MOTEL VARIANCE FORM				
Building Permit Number <u>4 4 6 0 5 7</u>	_			
Applicant: Mehul Rana	Phone: 337-304-0409			
Address: 1404 Tupelo Ave	Zip Code: 77506			
Site Address: 12855 S. Post Oak	Date Disapproved:			
Statement of the specific provision of the article from which the variance is requested: Matel to be located on a residential street.				

State of the extent of the variance sought and the specific facts and reasons that the applicant believes warrant the granting of the variance: The atorementioned site address abouts two may- thorough fares; S. Post Oak 2d. and Allow Rd. Further evaluation of the area has determined that S. Post Oak Rd is a three lane two-way street and Allow Rd. is a one lane two way street. Access driveway will be on S. Post Oak, therefore we plead this variance to the commission.

Signature of Applicant

#### FOR DEPARTMENT USE ONLY

One copy of Hotel Motel Variance Form

Non-refundable fee of \$200.00

Date

Signature of Planning Department Representative

The pertinent ordinance section is:

Chapter 28 Article II Sec. 28-201, 28-202.

More Basic Information: The land is designated for commercial use and the surrounding tracts adjacent to the site address are also commercial property.

The Variance Requests:

- 1) The imposition of the terms, rules, conditions, policies, and standards of this article would create an undue hardship by depriving the applicant or owner of the property of reasonable use of the land; and
- 2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant; and
- 3) The intent and general purposes of this article will be preserved and maintained; and
- 4) The granting of the variance will not be injurious to the public health, safety or welfare.

**Special Minimum Lot Size Area** 

### AGENDA: IX

**SMLSA Application No. 393:** Glen Cove Section 2, Block 2, Lots 18-27, Block 3, Lots 3-18; Westcott Terrace Subdivision; Glen Cove Section 3, Blocks 1-5

### **BACKGROUND:**

The Planning and Development Department received an application for the establishment of a special minimum lot size area for Glen Cove Subdivision Sections 2 and 3 and Westcott Terrace Subdivision. Analysis shows that a minimum lot size of 6,600 sq ft exists for the area. A petition was signed by the owners of 13% of the property within the proposed Special Minimum Lot Size Area (SMLSA). An application was filed and the Director has referred the application to the Planning Commission in accordance with the provisions of Chapter 42-204. This report provides the Commission with a synopsis of procedures and appropriate application criteria.

#### **PROCEDURES:**

Following acceptance of an initially complete application, the Planning Director notifies all owners of property within the proposed SMLSA. Any property owner who wishes to vote for or against the creation of the minimum lot size area may return the response form within thirty days. The Director shall forward a complete application to Planning Commission for public hearing and consideration upon finding that the application complies with all of the following:

- meets all criteria required for Planning Commission approval (listed in next paragraph);
- shows evidence of support from owners of at least 55% of the property within the proposed SMLSA

After close of a public hearing the Planning Commission shall consider the following:

- the boundaries of the proposed SMLSA shall contain no less than five block faces, composed of 5 lots or more on each blockface;
- at least 80% of the lots to be included within the proposed SMLSA, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is developed with or are restricted to not more than two singlefamily units per lot;
- the proposed SMLSA does not include a significant area developed as or restricted to a use that is not single family residential and;
- does not include a significant area that does not share a lot size character with the rest of the proposed area
- that the applicant has demonstrated sufficient support of 55% for the establishment of the proposed SMLSA;
- that the establishment of the SMLSA will further the goal of preserving the lot size character of the area; and
- that the proposed SMLSA has a lot size character that can be preserved by the establishment of a minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

Should the Commission find that the application meets these requirements; the Commission must forward the application to City Council for consideration. City Council approval of the SMLSA is enforceable for forty (40) years from the effective date of the ordinance.

### **Special Minimum Lot Size Area**

#### STAFF ANALYSIS:

This application includes one hundred and ten (110) properties in Glen Cove Section 2, Block 2, Lots 18-27, Block 3, Lots 3-18; Westcott Terrace Subdivision; Glen Cove Section 3, Blocks 1-5

Analysis of the application resulted in the following findings:

- The boundaries of the proposed SMLSA must contain not less than five (5) blockfaces composed of five (5) lots or more on each blockface;
   The application contains eleven (11) blockfaces with at least 5 lots on 5 blockfaces
- At least 80% of the lots to be included within the proposed SMLSA, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, must be developed with, or restricted to, not more than two single-family units per lot; For any lot or tract that was not vacant and was in use for other than single family residential purposes, the subdivision plat, development plat, or building permit may provide for any use permitted by law or, if applicable, deed restrictions. Land use of the properties consists of one hundred and seven (107) single-family residential properties representing 97% of the total lots.
- The applicant has demonstrated sufficient support for the SMLSA; The applicant obtained 70% support from property owners in the proposed SMLSA
- Establishment of the SMLSA will further the goal of preserving the area lot size character; A minimum lot size of 6,600 sq ft exists on seventy two (72) of one hundred and ten (110) lots in the area.
- The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

The subdivision was platted in 1941, and some of the houses were constructed in the 1940s. The establishment of a 6,600 sq ft minimum lot size will preserve the lot size character of the area.

The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for 70% of the application area.
 Seventy two (72) out of one hundred and ten (110) lots (representing 70% of the application area) are at least 6,600 square feet in size.

Public notice of the public hearing was transmitted to all property owners in the area.

#### **ATTACHMENTS:**

- 1. Staff Analysis Summary Page
- 2. Map of Proposed Special Minimum Lot Size Block
- 3. Map of Support
- 4. Application
- 5. Location Map

Planning Commission Staff Report

Planning and Development Department

#### **SPECIAL MINIMUM LOT SIZE AREA-GLEN COVE SECTION 2 & 3**

ADDRESS	Lot size (in sq ft)	% by Area	Cumulative % by Area	Response Form	Signed Petition	Land Use
505 WESTCOTT ST	26,066	3.32%	3.32%	N		MF
403 TERRACE DR	10,710	1.37%	4.69%	Ŷ		SF
407 TERRACE DR	10,369	1.32%	6.01%	Y		SF
6010 ROSE ST	9,470	1.21%	7.22%	Y		SF
411 TERRACE DR	9,141	1.17%	8.38%	Y		SF
6019 CAMELLIA ST	8,936	1.14%	9.52%			SF
415 TERRACE DR	8,840	1.13%	10.65%	Y		SF
6019 FEAGAN ST	8,800	1.12%	11.77%	Y		SF
0 TERRACE DR	8,370	1.07%	12.84%	N		SF
419 TERRACE DR	8,370	1.07%	13.90%			SF
423 TERRACE DR	8,246	1.05%	14.95%	Y		SF
427 TERRACE DR	8,122	1.04%	15.99%	Y		SF
431 TERRACE DR	7,998	1.02%	17.01%	Y		SF
6023 ROSE ST	7,980	1.02%	18.03%	Y		SF
6014 FLOYD ST	7,920	1.01%	19.04%			SF
6023 CAMELLIA ST	7,910	1.01%	20.04%			SF
6027 ROSE ST	7,884	1.00%	21.05%	Y		SF
503 TERRACE DR	7,874	1.00%	22.05%	Y		SF
6018 ROSE ST	7,840	1.00%	23.05%	Y		SF
507 TERRACE DR	7,750	0.99%	24.04%			SF
6035 BLOSSOM ST	7,700	0.98%	25.02%	Y		SF
6031 BLOSSOM ST	7,700	0.98%	26.00%	Y		SF
6027 BLOSSOM ST	7,700	0.98%	26.99%	Y		SF
511 TERRACE DR	7,626	0.97%	27.96%			SF
515 TERRACE DR	7,500	0.96%	28.91%	Y		SF
330 TERRACE DR	7,480	0.95%	29.87%	Y		SF
6020 FEAGAN ST	7,480	0.95%	30.82%	Y		SF

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Planning Commission Staff Report

ADDRESS	Lot size (in sq ft)	% by Area	Cumulative % by Area	Response Form	Signed Petition	Land Use
6036 FEAGAN ST	7,480	0.95%	31.77%	Y	Y	SF
519 TERRACE DR	7,378	0.94%	32.71%	Y		SF
6019 FLOYD ST	7,330	0.93%	33.65%			SF
6002 FLOYD ST	7,280	0.93%	34.58%			SF
523 TERRACE DR	7,192	0.92%	35.49%	Y	Y	SF
6009 FEAGAN ST	7,150	0.91%	36.40%			SF
6015 FEAGAN ST	7,150	0.91%	37.32%	Y		SF
6008 FEAGAN ST	7,150	0.91%	38.23%	N		SF
6012 FEAGAN ST	7,150	0.91%	39.14%	Y		SF
344 TERRACE DR	7,150	0.91%	40.05%	Y	Y	SF
6023 BLOSSOM ST	7,150	0.91%	40.96%	Y		SF
6022 BLOSSOM ST	7,150	0.91%	41.87%	Y		SF
6031 ROSE ST	7,150	0.91%	42.78%	Y		SF
6011 ROSE ST	7,150	0.91%	43.70%	Y		SF
6006 FLOYD ST	7,150	0.91%	44.61%	Y		SF
6010 FLOYD ST	7,150	0.91%	45.52%	Y		SF
6018 FLOYD ST	7,150	0.91%	46.43%	Y		SF
6014 ROSE ST	7,150	0.91%	47.34%	Y		SF
6024 FEAGAN ST	6,930	0.88%	48.23%	Y		SF
6028 FEAGAN ST	6,930	0.88%	49.11%	Y		SF
6032 FEAGAN ST	6,930	0.88%	49.99%	Y		SF
6016 FEAGAN ST	6,820	0.87%	50.86%	Y		SF
6047 FLOYD ST	6,760	0.86%	51.72%			SF
400 WESTCOTT ST	6,600	0.84%	52.56%	N		сом
400 WESTCOTT ST	6,600	0.84%	53.41%	N		сом
6023 FEAGAN ST	6,600	0.84%	54.25%			SF
6027 FEAGAN ST	6,600	0.84%	55.09%	Y		SF
6031 FEAGAN ST	6,600	0.84%	55.93%	Y	Y	SF

Planning Commission Staff Report

Planning and Development Department

ADDRESS	Lot size (in sq ft)	% by Area	Cumulative % by Area	Response Form	Signed Petition	Land Use
6035 FEAGAN ST	6,600	0.84%	56.77%	Y		SF
6015 BLOSSOM ST	6,600	0.84%	57.61%			SF
6009 BLOSSOM ST	6,600	0.84%	58.45%			SF
6023 FLOYD ST	6,600	0.84%	59.29%	Y		SF
6002 BLOSSOM ST	6,600	0.84%	60.14%			SF
434 TERRACE DR	6,600	0.84%	60.98%	Y		SF
6043 ROSE ST	6,600	0.84%	61.82%	Y	Y	SF
6039 ROSE ST	6,600	0.84%	62.66%	Y		SF
6035 ROSE ST	6,600	0.84%	63.50%	Y		SF
6019 ROSE ST	6,600	0.84%	64.34%			SF
6015 ROSE ST	6,600	0.84%	65.18%	Y		SF
6027 CAMELLIA ST	6,600	0.84%	66.03%			SF
6022 ROSE ST	6,600	0.84%	66.87%	Y	Y	SF
6030 ROSE ST	6,600	0.84%	67.71%	Y		SF
6034 ROSE ST	6,600	0.84%	68.55%	Y	Y	SF
6038 ROSE ST	6,600	0.84%	69.39%	Y		SF
6042 ROSE ST	6,600	0.84%	70.23%	Y		SF
527 TERRACE DR	6,550	0.83%	71.07%	Y		SF
6026 BLOSSOM ST	6,540	0.83%	71.90%	Y		SF
6030 BLOSSOM ST	6,540	0.83%	72.73%	Y		SF
6034 BLOSSOM ST	6,540	0.83%	73.57%	Y		SF
6038 BLOSSOM ST	6,540	0.83%	74.40%			SF
6003 FLOYD ST	6,380	0.81%	75.21%	Y		SF
6015 FLOYD ST	6,270	0.80%	76.01%	Y		SF
6011 FLOYD ST	6,270	0.80%	76.81%	Y		SF
6006 BLOSSOM ST	6,270	0.80%	77.61%			SF
6010 BLOSSOM ST	6,270	0.80%	78.41%			SF
6014 BLOSSOM ST	6,270	0.80%	79.21%	Y	Y	SF

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Planning Commission Staff Report

ADDRESS	Lot size (in sq ft)	% by Area	Cumulative % by Area	Response Form	Signed Petition	Land Use
6018 BLOSSOM ST	6,270	0.80%	80.01%	Y	Y	SF
6047 CAMELLIA ST	6,270	0.80%	80.81%			SF
6043 CAMELLIA ST	6,270	0.80%	81.61%			SF
6039 CAMELLIA ST	6,270	0.80%	82.41%		Y	SF
6035 CAMELLIA ST	6,270	0.80%	83.21%			SF
6031 CAMELLIA ST	6,270	0.80%	84.01%	Y		SF
6019 BLOSSOM ST	6,260	0.80%	84.80%	Y		SF
6018 CAMELLIA ST	6,175	0.79%	85.59%	Y		SF
6022 CAMELLIA ST	6,060	0.77%	86.36%			SF
6038 CAMELLIA ST ( Lot 1)	6,050	0.77%	87.13%	Y	Y	SF
6038 CAMELLIA ST ( Lot 2)	6,050	0.77%	87.91%	Y	Y	SF
6043 FLOYD ST	6,050	0.77%	88.68%	Y		SF
6039 FLOYD ST	6,050	0.77%	89.45%	Y		SF
6035 FLOYD ST	6,050	0.77%	90.22%			SF
6031 FLOYD ST	6,050	0.77%	90.99%	Y		SF
6027 FLOYD ST	6,050	0.77%	91.76%	Y		SF
6022 FLOYD ST	6,050	0.77%	92.53%	Y		SF
6026 FLOYD ST	6,050	0.77%	93.30%	Y		SF
6030 FLOYD ST	6,050	0.77%	94.08%	Y		SF
6034 FLOYD ST	6,050	0.77%	94.85%			SF
6038 FLOYD ST	6,050	0.77%	95.62%			SF
430 TERRACE DR	6,050	0.77%	96.39%	Y	Y	SF
6034 CAMELLIA ST	5,885	0.75%	97.14%	Y	Y	SF
6030 CAMELLIA ST	5,775	0.74%	97.88%	Y		SF
6026 CAMELLIA ST	5,665	0.72%	98.60%			SF
6007 FLOYD ST	5,500	0.70%	99.30%			SF
6026 ROSE ST	5,500	0.70%	100.00%	Y		SF
Planning Commission Monting Day						Page 6

### This application qualifies for a **Special Minimum Lot Size**

6,600 sq ft

Response forms received in support of MLSA	
	77
Response forms received in	
opposition of MLSA	5
Percentage of boundary area in	
favor of the MLSA (must be at	
least 55%)	70%
Signed Petition in Support	14
Property owners signing in	
support of the petition	
(must be at least 10%)	13%

# of developed or restricted to	
no more than two SFR Units	107
# of Multifamily lots	1
# of Commercial lots	2
# of Vacant Lots	0
# of Excluded Lots	0
TOTAL NUMBER OF LOTS	110
Percentage of lots developed or	
restricted to no more than two	
SFR units per lot	
(must be at least 80%):	97%

Planning Commission Staff Report

### Special Minimum Lot Size Area

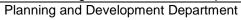


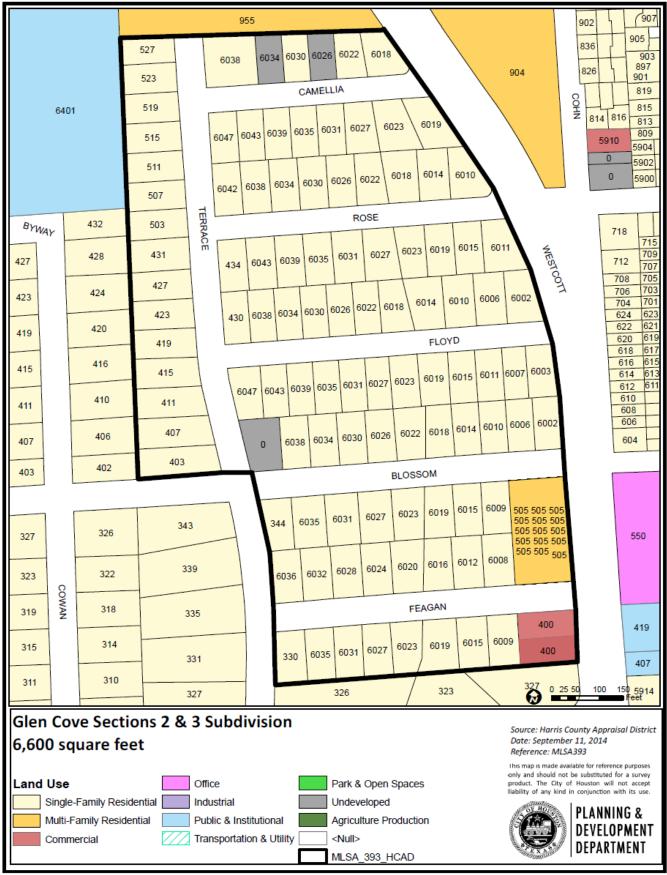
Planning Commission Staff Report

### Special Minimum Lot Size Area



Planning Commission Staff Report





SMLSA No. 393 - Item IX



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MLSA 393 HCAD

Planning Commission Staff Report
Planning and Development Department

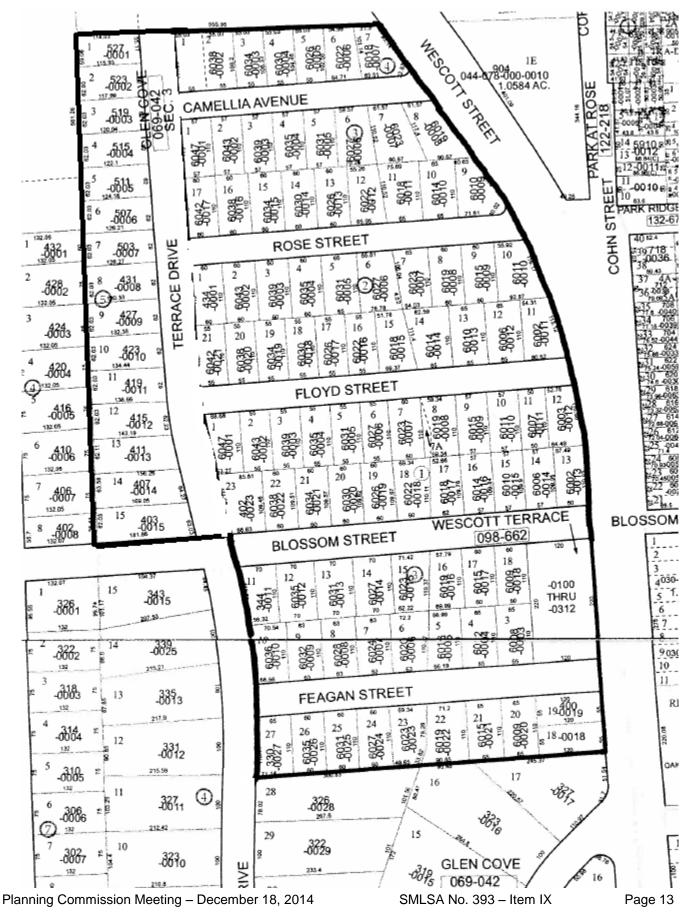
Special Minimu	m Lot Size Area
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Special Minimum Lot Size Area A According to Section 42-197 of Chapter 42 of the Code of Ordinand	I LAMITING &
Please complete entire application form.	
1. Location:	A STATE OF THE OWNER AND A STATE OF
Blocks 1-5 in Glencove III Block 3 in Glencove II Sub 6000 block of Feagen, sour	division
Example: Blocks 15 - 19. Lots	1-37, in Cocker Spaniel Subdivision
2. Contacts:	
Primary Applicant Mike Von Dusen Address 6022 Rose City Houston	Phone # 713-864-0221 E-mail
Alternate Q I I	State TX Zip 77007
Applicant BRENT HARSEN	Phone # 713-677-4272
Address 430 TERRACE OR.	E-mail
city Honston	State 75 zip 77007
3. Project Information (Staff Use Only-Do Not Fill I File # 393 Key Map #	n):
Lambert # Super N'hood	Census Tract
City Council District	
4. Submittal Requirements:	Please Check
Completed application form (this page)	
Signed petition signed by the applicant (page 4)	
Signed petition of support signed by 10% of lot owners	within the boundary area (page 5)
Signed deed restriction statement (page 6) Three (3) recommended locations for a community	
Three (3) recommended locations for a community me Sample of Notification Sign (page 9)	eting (page 7)
Copy of deed restrictions, if applicable	
Map or sketch showing the address, land use and the s	ize of all lots within boundary area
Special Minimum Lot Size Area	

Page 3 of 10

Planning Commission Staff Report

Special Minimum Lot Size Area



**Special Minimum Lot Size Block** 

### AGENDA: X

**SMLSB Application No. 509:** 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets.

### BACKGROUND:

The Planning and Development Department received an application for the establishment of a Special Minimum Lot Size Block (SMLSB) for the 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets. Analysis shows that a minimum lot size of 5,000 square feet exists for the block faces. A petition was signed by the owners of 67% of the property within the proposed Special Minimum Lot Size Block. One protest was filed and the Director has referred the application to the Planning Commission in accordance with the provisions of Chapter 42-197. This report provides the Commission with a synopsis of procedures and appropriate application criteria.

#### **PROCEDURES:**

Following acceptance of a completed application, the Planning Director notifies all owners of property within the proposed SMLSB. Any property owner who wishes to protest the creation of the minimum lot size block may file a protest within thirty days of the notice letter. The Director can grant administrative approval upon finding that the application complies with all of the following:

- meets all criteria required for Planning Commission approval (listed in next paragraph);
- shows evidence of support from owners of at least 51% of the property within the proposed SMLSB; and
- receives no timely protest filed by a property owner within the proposed SMLSB.

Upon finding that an application meets the above criteria, the Director forwards the request to City Council for consideration of establishing the SMLSB. Should the application not meet one or more criteria, the application must be forwarded to the Planning Commission for public hearing and consideration.

After close of a public hearing the Planning Commission shall consider the following:

- the boundaries of the proposed SMLSB shall include all properties within at least one block face, and no more than two opposing blockfaces;
- at least 60% of the area to be included within the proposed SMLSB, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is developed with or are restricted to not more than two singlefamily units per lot;
- that the applicant has demonstrated sufficient support for the establishment of the proposed SMLSB;
- that the establishment of the SMLSB will further the goal of preserving the lot size character of the area; and
- that the proposed SMLSB has a lot size character that can be preserved by the establishment of a minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

### Special Minimum Lot Size Block

Should the Commission find that the application meets these requirements; the Commission must forward the application to City Council for consideration. City Council approval of the SMLSB is enforceable for twenty years from the effective date of the ordinance.

### STAFF ANALYSIS:

The application includes twelve (12) lots along the 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets.

Analysis of the application resulted in the following findings:

- The boundaries of the proposed SMLSB must include all properties within at least one block face, and no more than two opposing block faces; The application comprises two block faces, the east and west sides of Cordell Street.
- At least 60% of the lots to be included within the proposed SMLSB, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, must be developed with, or restricted to, not more than two single-family units per lot; For any lot or tract that was not vacant and was in use for other than single family residential purposes, the subdivision plat, development plat, or building permit may provide for any use permitted by law or, if applicable, deed restrictions. Land uses of the properties consist of nine (9) of twelve (12) single-family residential properties (representing 75% of the total lots within the boundary area), as well as three (3) commercial lots (representing 25% of the boundary area).
- The applicant has demonstrated sufficient support for the SMLSB; The applicant obtained eight (8) of twelve (12) signatures of support from property owners in the proposed SMLSB (owning 67% of the total area). There was one protest.
- Establishment of the SMLSB will further the goal of preserving the area lot size character; A minimum lot size of 5,000 square feet exists on twelve (12) lots in the block face.
- The proposed SMLSB has a lot size character that can be preserved by the establishment of a special
  minimum lot size, taking into account the age of the neighborhood, the age and architectural features of
  structures in the neighborhood, existing evidence of a common plan or scheme of development, and such
  other factors that the director, commission or city council, respectively as appropriate, may determine relevant
  to the area.

The subdivision was platted in 1906. The earliest houses originate from the 1920's. The establishment of a 5,000 square foot minimum lot size will preserve the lot size character of the area.

The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for 70% of the application area.
 Nine (9) out of twelve (12) lots (representing 75% of the application area) are at least 5,000 square feet in size.

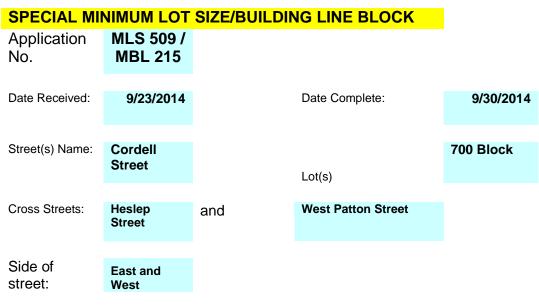
Public notice of the public hearing was transmitted to all property owners on the block face.

#### ATTACHMENTS:

- 1. Calculation Analysis
- 2. Map of Support
- 3. Additional Map(s)
- Protest Letter
   Application
- 6. Boundary Map

Planning Commission Staff Report

Planning and Development Department



### **PROPERTY DATA:**

Address	Land Use	<u>Signed in</u> Support	Lot size (in Sq Feet)	<u>Building</u> Line (in Feet)
700	SFR	Y	5,000	18
701 LT 7	СОМ		5,000	6
701 LT 8	СОМ		5,000	6
702	SFR	Y	5,000	12
704	SFR	Y	5,000	15
705	COM		5,000	0
706	SFR	Y	5,000	17
707	SFR	Y	5,000	18
708	SFR	Y	5,000	10
709	SFR	Y	5,000	11
710	SFR	Y	5,000	16
711	SFR		5,000	19

Special Minimum Lot Size Block

Evidence of Support (must be 51% or more by area for Director administrative approval):

Of **60,000** 

- Square Feet in the Proposed Application Area
  - Square Feet are Owned by Property Owners Signing in Support of the Petition =

67%

#### Single Family Calculation:

#### Percentage of lots developed or restricted to no more than two SFR units per lot (must be greater than 60%):

	9	# developed or restricted to no more than two SFR Units	Of	9	Total number of SFR lots in the Proposed Application Area	12	Total number of lots in the Proposed Application Area	75%
	0	# of Multifamily lots # of Commercial lots						
,	0	# of Vacant Lots						
	12	Total						

#### Minimum Lot Size Calculations:

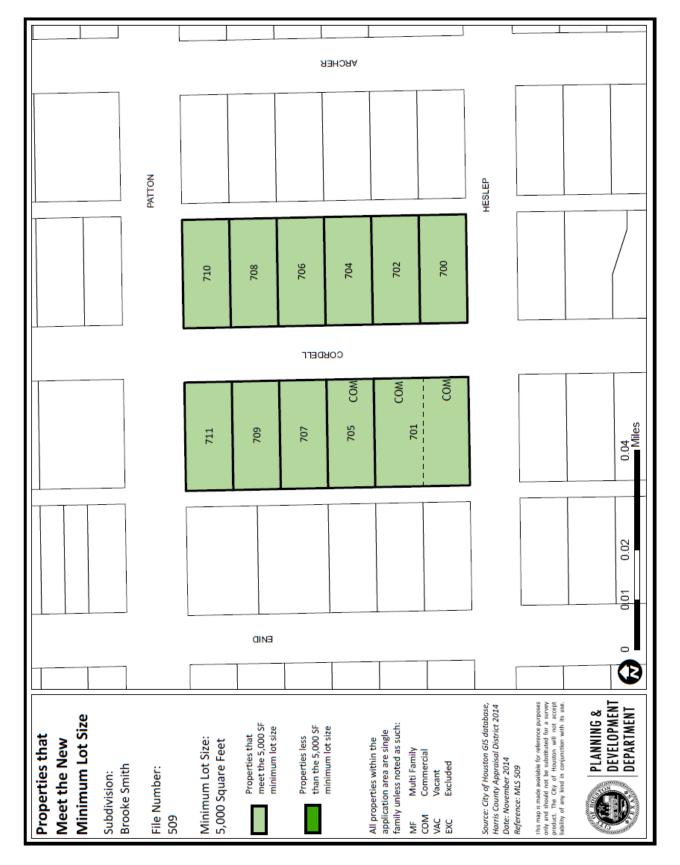
Total # of lots	12	Total sq. ft. =	60,000	/	5,000	average sq. ft. median sq.
	70	%			5,000	ft.
Lots ranked by size	Size	% by Area	Cumulative	e % by Area		
1	5,000	8.3%	8.3%	-		
2	5,000	8.3%	16.7%			
3	5,000	8.3%	25.0%			
4	5,000	8.3%	33.3%			
5	5,000	8.3%	41.7%			
6	5,000	8.3%	50.0%			
7	5,000	8.3%	58.3%			
8	5,000	8.3%	66.7%			
9	5,000	8.3%	75.0%			
10	5,000	8.3%	83.3%			
11	5,000	8.3%	91.7%			
12	5,000	8.3%	100.0%			
	0	0.0%	100.0%			
	0	0.0%	100.0%			
	0	0.0%	100.0%			
	0	0.0%	100.0%			
Total	60,000	100.0%				
This application qual a	ifies for	5,000	Square Fe	et Special Mini	mum Lot	Size

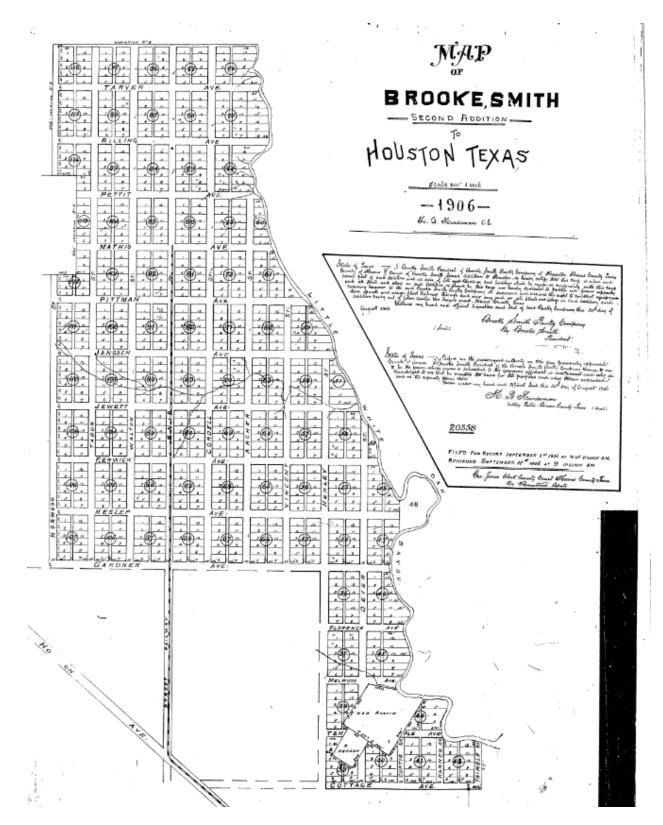
Do deed restrictions specify a minimum lot size?

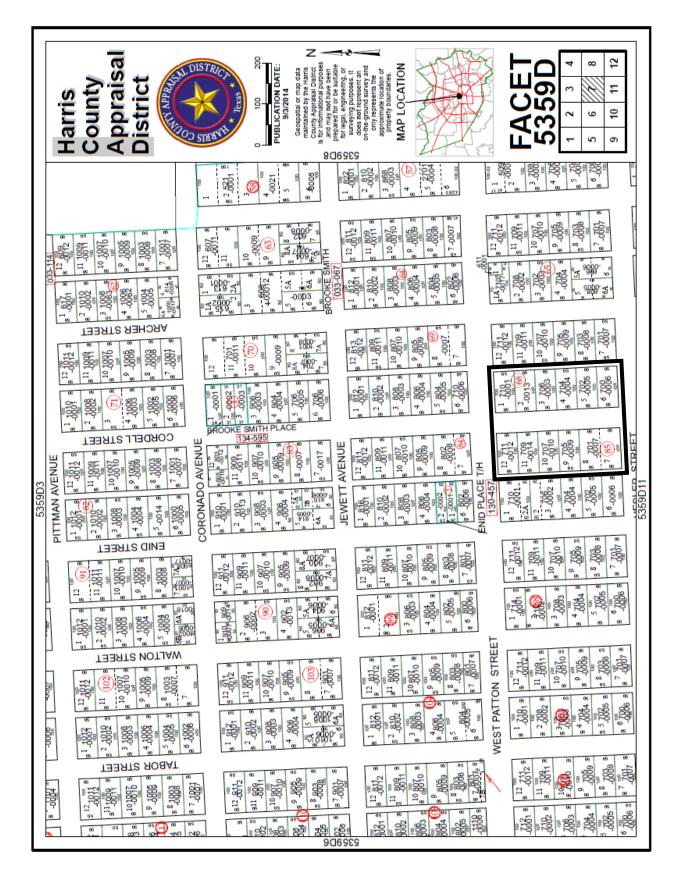
Yes <u>X</u> No

Planning Commission Staff Report









Special Minimum Lot Size Block

\*

### MLS/MBL Protest for 700 block of Cordell

Dave Seeburger

You replied to this message on 11/12/2014 10:33 AM.

Sent: Tue 11/11/2014 6:01 PM
To: Andrews, Christopher - PD

Chris,

As a significant property owner on the 700 block of Cordell St, I am emailing to protest the special minimum lot size block and special minimum building line block application. Please confirm that this email is sufficient 'protest' in regards to the ordinance.

Thanks Chris.

Sent from Mailbox

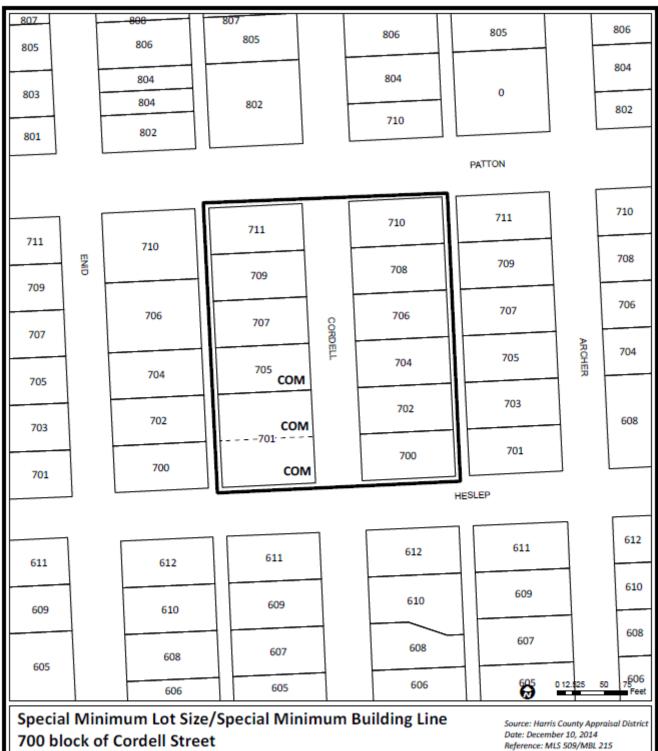
Planning Commission Staff Report Planning and Development Department

110	٢.
Special Minimum Lot Size Block Application According to Section 42-197 of Chapter 42 of the Code of Ordinances	PLANNING & DEVELOPMENT DEPARTMENT
Please complete entire application form.	
1. Lossifony	
General Location: EAST ANA WEST SIDES OF CARE	ELL STREET
BETWEEN HESLEP AND WEST PATTON S	TREETS
Example: North side of Golden Retriever Drive between Bo	xer and Schnauzer Streets
Specific Legal Description BLOCK 68 LOTS 1-6 AND	BLOCH AC LOTS 7-12
IN BROOKE SMITH SURDIVISION	
Example: Blocks 15, Lots 1-5, in Cocker Spaniel	Subdivision
2. Contagter	
Primary	C
Applicant JENNIFER MENAMARA	Phone # 512-922-9237
Address 709 CORDELL ST.	E-mail
City HOUSTON	state TX zip 77009
Alternate Applicant TIM GOINGS	
Address 308 ARCHER ST	Phone # 213-869-4662
Address 108 ARCHER ST	E-mail
City HOUS TON	State TX Zip 77009
3. Availad Information (Scall Use Only-De Not Fill (n):	
File # 508/215 Key Map #	TIRZ
Lambert # Super N'hood	Census Tract
Site Council District	
4. Juppites Acquiration by	Please Child
Completed application form (this page)	2
Petition signed by the applicant (page 4)	2
Evidence of support from the property owners within the boundary (page 5)	7
Signed deed restriction statement (page 6)	· 🖌
Copy of deed restrictions, if applicable	N/A
Sample of Notification Sign (page 8)	V
Map or sketch showing the address, land use and size of all lots within boundar	ny area 🔍
Data showing the actual size of each lot	

Special Minimum Lot Size (Block) ~ 123013

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Planning and Development Department



east and west sides, between Heslep and West Patton Streets 5,000 Square Feet / 11 Feet

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Area Under Consideration

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**Special Minimum Building Line Block** 

#### AGENDA: XI

**SMBLB Application No. 215:** 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets.

#### BACKGROUND:

The Planning and Development Department received an application for the establishment of a Special Minimum Building Line Block (SMBLB) for the 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets. Analysis shows that a minimum building line of <u>11'-0"</u> exists for the blockfaces. A petition was signed by owners of 67% of the property within the proposed Special Minimum Building Line Block. One protest was filed and the Director has referred the application to the Planning Commission in accordance with the provisions of Chapter 42-170. This report provides the Commission with a synopsis of procedures and appropriate application criteria.

#### **PROCEDURES**:

Once an application is determined to be complete, the Planning Director notifies all owners of property within the proposed SMBLB. Any property owner who wishes to protest the creation of the requirement area may file a protest within thirty days of the notice letter. The Director can grant administrative approval upon finding that the application complies with all of the following:

- meets all criteria required for Planning Commission approval (listed in next paragraph);
- shows evidence of support from at least 51% of the owners of lots within the proposed SMBLB; and
- receives no timely protest filed by a property owner within the proposed SMBLB.

Upon finding that an application meets the above criteria, the Director forwards the request to City Council for consideration of establishing the SMBLB.

Should the application not meet one or more of the above criteria, the application must be forwarded to the Planning Commission for public hearing and consideration. After close of the public hearing, the Planning Commission shall consider the following:

- that the boundaries of the proposed SMBLB include all properties within at least one blockface and no more than two opposing blockfaces;
- that more than 60% of the area to be included in the SMBLB, exclusive of land used for a park, library, place of religious assembly, or school, is developed with single-family residential units;
- that the applicant demonstrated sufficient support for the SMBLB;
- that the establishment of the SMBLB will further the goal of preserving the building line character of the area; and
- that the proposed SMBLB has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, age and architectural features of the structures, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

Should the Commission find that the application meets these requirements, the Commission must forward the application to City Council for consideration. City Council approval of the SMBLB is enforceable for twenty years from the effective date of the ordinance.

#### STAFF ANALYSIS:

The application includes twelve (12) lots along the 700 block of Cordell Street, east and west sides, between Heslep and Patton Streets.

Analysis of the application resulted in the following findings:

- The boundaries of the proposed SMBLB include all properties within at least one blockface and no more than two opposing blockfaces;
   The application comprises two opposing block faces, the east and west sides of Cordell Street between Heslep and Patton Streets.
- More than 60% of the area in the SMBLB, exclusive of land used for a park, library, place of religious assembly, or school, must be developed with single-family residential units;
   Land uses of the properties consist of nine (9) of twelve (12) single-family residential properties (representing 75% of the total lots within the boundary area), as well as three (3) commercial lots (representing 25% of the boundary area).
- The applicant has demonstrated sufficient support for the SMBLB; The applicant obtained eight (8) of twelve (12) signatures of support from property owners in the proposed SMLSB (owning 67% of the total area). There was one protest.
- Establishment of the SMBLB will further the goal of preserving the building line character of the area; A minimum building line of 11'-0" exists on eight (8) of the twelve (12) properties in the area. Four (4) properties have a building line of less than 11'-0". One (1) of those properties is vacant.
- The proposed SMBLB has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area;

The subdivision was platted in 1906. The earliest houses originate from the 1920's. The establishment of an 11'-0" special minimum building line will help preserve the building line character of the area.

The minimum building line for this application was determined by finding the constructed building line that represents a minimum standard for at least 70% of the structures in the proposed SMBLB;
 A building line of 11'-0" or greater exists for eight (8) of the eleven (11) structures in the proposed area, which represents 72.7% of the structures in the area.

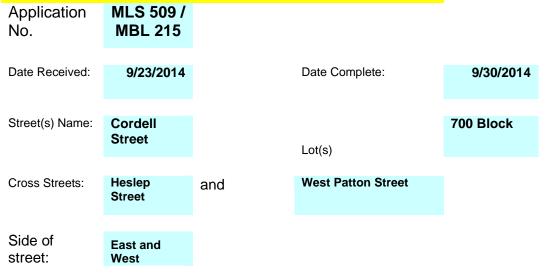
Public notice of the public hearing was transmitted to all property owners on the block.

#### ATTACHMENTS:

- 1. Staff Analysis Summary Pages
- 2. Map of Proposed Special Minimum Building Line Block
- 3. Map of Support
- 4. Protest Letter(s)
- 5. Application
- 6. Location Map

Special Minimum Building Line Block

#### SPECIAL MINIMUM LOT SIZE/BUILDING LINE BLOCK



#### **PROPERTY DATA:**

Address	Land Use	<u>Signed in</u> <u>Support</u>	Lot size (in Sq Feet)	<u>Building</u> <u>Line (in</u> Feet)
700	SFR	Y	5,000	18
701 LT 7	СОМ		5,000	6
701 LT 8	COM		5,000	6
702	SFR	Y	5,000	12
704	SFR	Y	5,000	15
705	СОМ		5,000	0
706	SFR	Y	5,000	17
707	SFR	Y	5,000	18
708	SFR	Y	5,000	10
709	SFR	Y	5,000	11
710	SFR	Y	5,000	16
711	SFR		5,000	19

Planning Commission Staff Report Planning and Development Department

**Special Minimum Building Line Block** 

**Evidence of Support** (must be 51% or more by area for Director administrative approval):

40,000

- Of **60,000**
- Square Feet in the Proposed Application Area

Square Feet are Owned by Property Owners Signing in Support of the Petition = 67%

#### Single Family Calculation:

#### Percentage of lots developed or restricted to no more than two SFR units per lot

(must be greater than 60%):

	9	# developed or restricted to no more than two SFR Units	Of	9	r S ti F A	otal Jumber of SFR lots in he Proposed Application Area	12	Total number of lots in the Proposed Application Area	75%
ſ	0	# of Multifamily							
-	3	lots # of Commercial lots							
	0	# of Vacant Lots							

12 <sub>Total</sub>

## City of Houston Special Minimum Building Line Block

#### Planning Commission Staff Report Planning and Development Department

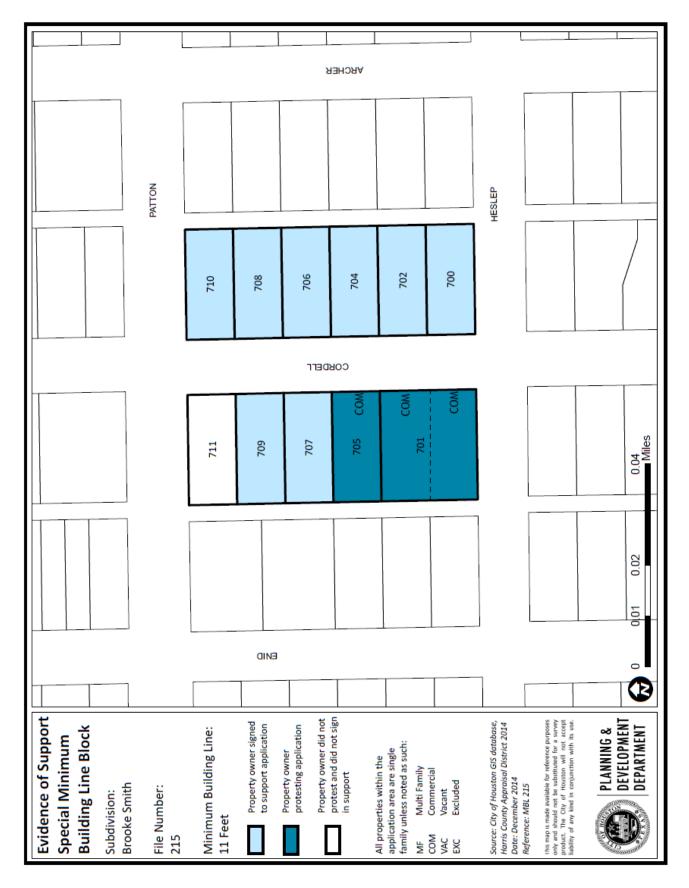
### **Minimum Building Line Calculations:**

	70	%	
Building Line Rank	B.L. in feet	% of all B.L.'s	Cumulative %
1	19	9.1%	9.1%
2	18	9.1%	18.2%
3	18	9.1%	27.3%
4	17	9.1%	36.4%
5	16	9.1%	45.5%
6	15	9.1%	54.5%
7	12	9.1%	63.6%
8	11	9.1%	<mark>72.7%</mark>
9	10	9.1%	81.8%
10	6	9.1%	90.9%
11	6	9.1%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
	0	0.0%	100.0%
Total	148	100.0%	
This application	qualifies for a	11	Foot Special Minimum Building Line
Do dood rootricti		المعانية البريط معيد معارمة	

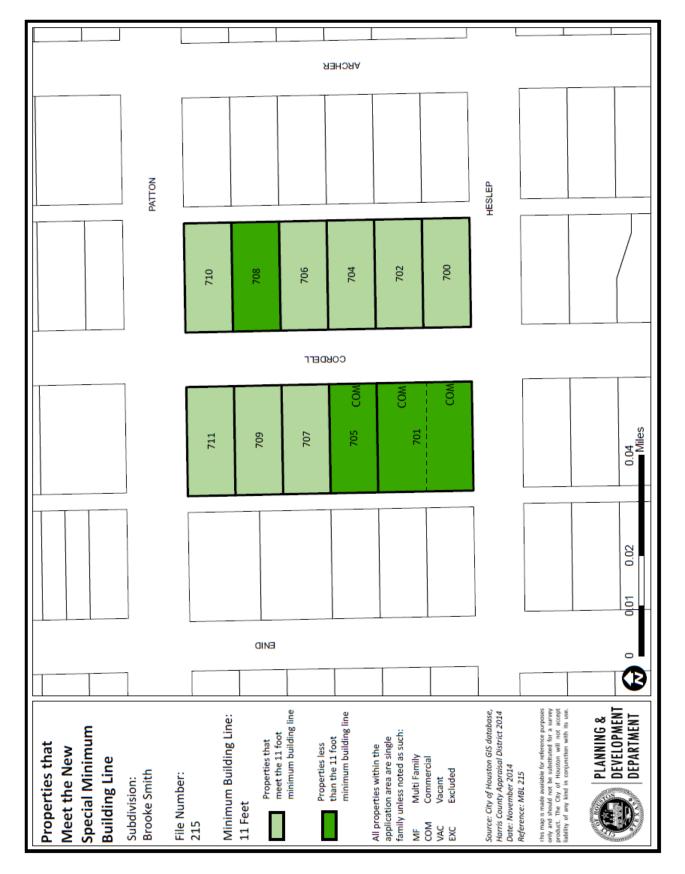
Do deed restrictions specify a minimum building line?

Yes No <u>X</u>

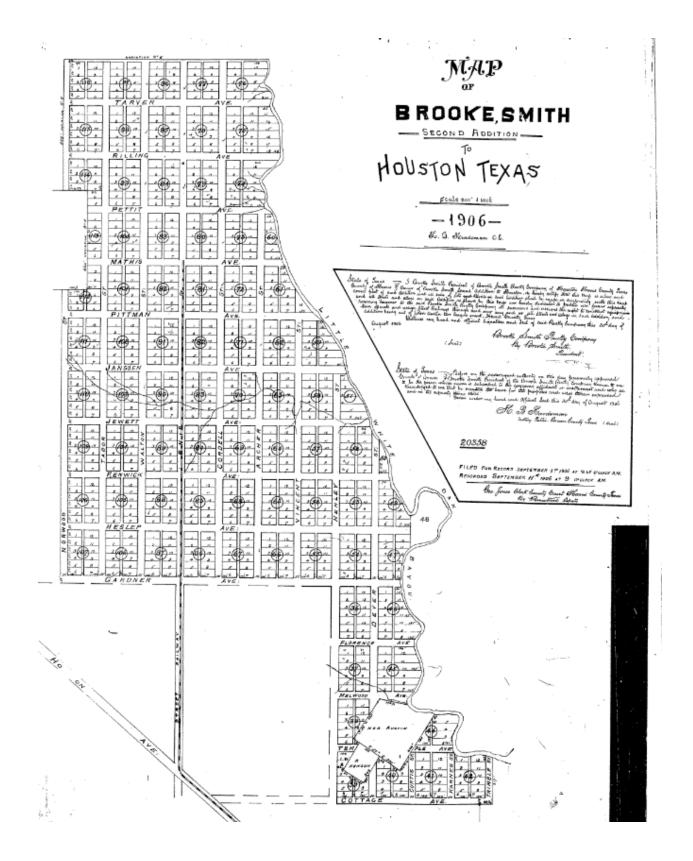
Special Minimum Building Line Block



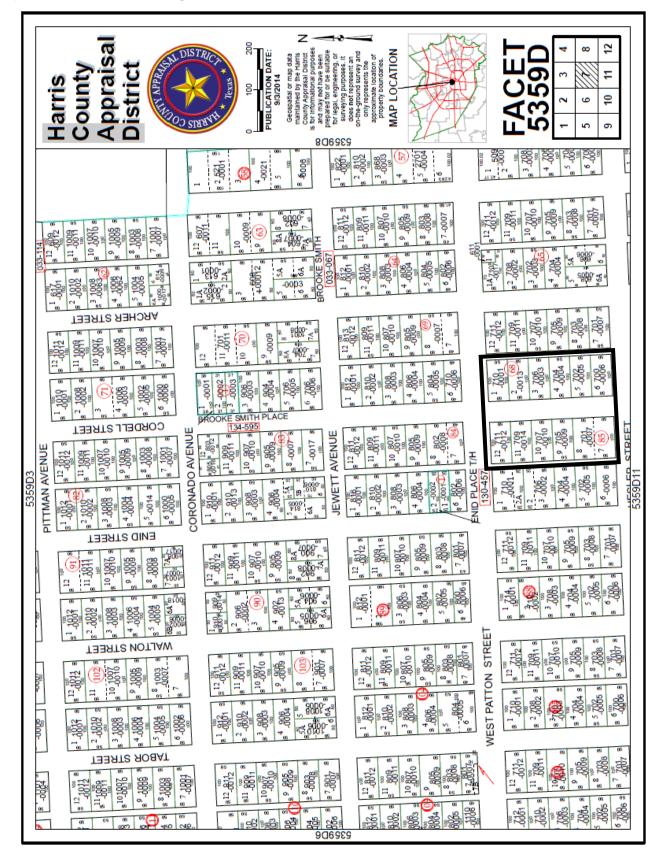
Special Minimum Building Line Block



## City of Houston Special Minimum Building Line Block



Special Minimum Building Line Block



Special Minimum Building Line Block

\*

#### MLS/MBL Protest for 700 block of Cordell

Dave Seeburger You replied to this message on 11/12/2014 10:33 AM. Sent: Tue 11/11/2014 6:01 PM To: Andrews, Christopher - PD

Chris,

As a significant property owner on the 700 block of Cordell St, I am emailing to protest the special minimum lot size block and special minimum building line block application. Please confirm that this email is sufficient 'protest' in regards to the ordinance.

Thanks Chris.

\_\_\_\_

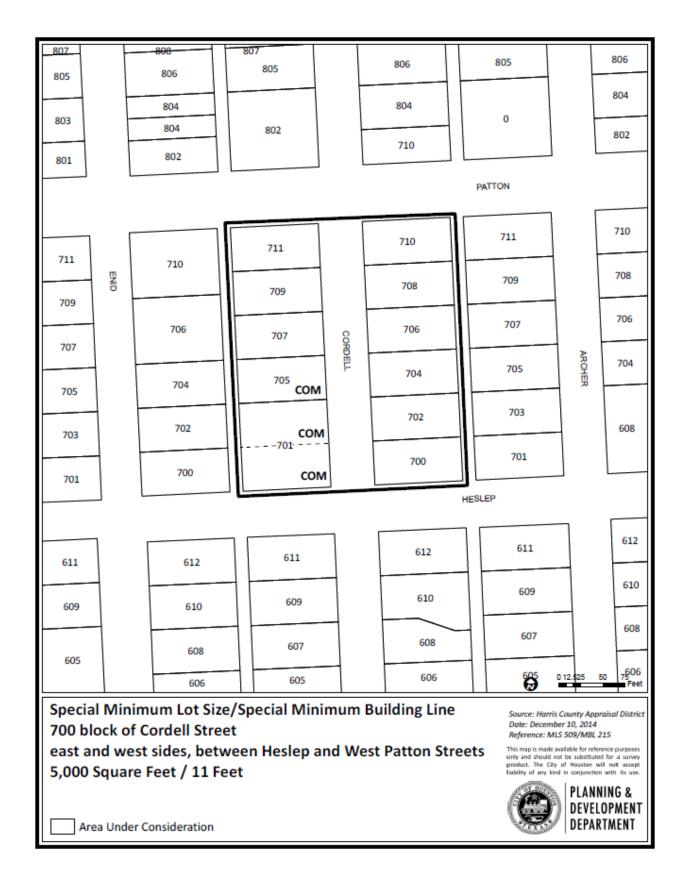
Sent from Mailbox

City of Houston	Planning Commission Staff Report
Special Minimum Building Line Block	Planning and Development Department
	C.
Special Minimum Building Line Block Application According to Section 42-170 of Chapter 42 of the Code of Ordinances	PLANNING & DEVELOPMENT DEPARTMENT
Please complete entire application form.	
1. Location:	
General Location: EAST AND WEST SIDES OF CO <u>BETWEEN HESLEP AND WEST PATTAN</u> Example: North side of Golden Retriever Drive between Boxer Specific Legal Description <u>BLOCK 68</u> LOTS 1-6 AND <u>IN BROOKE SMITH</u> SUBDIVISION Example: Blocks 15, Lots 1-5, In Cocker Spaniel Su	ALACK 85, LOTS 7-12
2. Contactat	
Primary Applicant JENNIFER MCNAMARA	Phone # \$\$512-922-9237
Address 709 CORDELL ST.	E-mail
GIV HOUSTON	State TX ZID 77009
Alternate Applicant TIM GOINGS	Phone # 713-869-4662
Address 308 ARCHER ST	E-mail
City HOUS TON	State 7X Zip 77009.
9. Project information Staff Use Only Do Not Fill Init	
File # 215/227509 Key Map #	RZ
	insus Tract
City Council District H	
4. Submittal Regulrementar	Plass Links
Completed application form (this page)	V
Petition signed by the applicant (page 5)	~
Evidence of support from the property owners within the boundary (page 6)	4
Signed deed restriction statement (page 6)	<b>V</b>
Copy of deed restrictions, if applicable	N/A
Map or sketch showing the address, land use and the building line of all lots withi	in boundary area V
Data showing the distance from the front property line to each building (example	
A survey from at least one block included in the application (more than one is pre	(ferable)

Special Minimum Building Line Block ~ 123013

Page 3 of 9

Planning and Development Department



CITY OF HOUSTON HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

Planning Commission Meeting Date: 12/18/2014

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

#### Project Summary:

On May 28, 2014, the applicant requested a Certificate of Appropriateness (COA) to demolish two contributing buildings – a historic filling station at 3500 White Oak Drive (Lot 12) and a residential duplex at 605 Cortlandt St (Lot 11) - in Houston Heights Historic District South. The buildings are located on adjacent platted lots owned by the same owner and taxed as one parcel. The project was deferred by HAHC at their June meeting to allow applicant time to provide more information. The application was subsequently deferred by the applicant for many additional months until the project was heard a second time at HAHC on November 20, 2014.

Demolition of contributing historic structures is permitted in only two circumstances: when the applicant proves an 'unreasonable economic hardship' or 'unusual and compelling circumstances,' as described in Chapter 33 Section 33-247(c) and (d).

At their November meeting, the HAHC determined that the applicant failed to prove either 'unreasonable economic hardship' or 'unusual and compelling circumstances.' The commission voted 7-1 to deny the demolition request, with 1 abstaining, based on the project's failure to meet Criteria 1-4 for an 'unreasonable economic hardship' as found in Section 33-247(c) or Criteria 1-3 for an 'unusual and compelling circumstance' as found in Chapter 33 Section 33-247(d).

In accordance with Chapter 33 Section 33-253, the applicant is appealing this decision to Planning Commission.

#### Charge to the Planning Commission:

To demolish a contributing structure within a historic district, the applicant must establish an 'unreasonable economic hardship' (Section 33-247(c)) or an 'unusual and compelling circumstance' (Section 33-247(d)). The application was reviewed and considered under the criteria for both. The HAHC denied the demolition request because they found the project did not meet any of the criteria found in Chapter 33 Section 33-247(c) or (d).

The burden of proof is on the applicant. In accordance with Chapter 33 Section 33-253, the Planning Commission may find in favor of the appellant only if it finds that the applicant has demonstrated that the project meets all appropriate demolition criteria.

#### Project Details:

At the time of the Houston Heights Historic District South designation by City Council, the duplex at 605 Cortlandt Street and the filling station at 3500 White Oak Drive, both constructed circa 1930, were classified as 'contributing' to the historic district. The filling station is unique in that it is the last remaining historic filling station in the Houston Heights historic districts. See property survey in Exhibit A - p. 42 for lot layout.

According to the applicant, the owner's 'unreasonable and economic hardship' is that the buildings need repair due to years of deferred maintenance, and that the owner must also maintain his properties and pay insurance and taxes. The owner is currently earning income from both rental of the duplex and rental of the gas station lot to an adjacent business for parking. In the twelve months leading up to July 2014, the owner earned \$33,000 from leasing the property.

1

Exhibit A: November 2014 HAHC Action Report (including project details, staff analysis, and attachments)

Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

Exhibit C: Applicant appeal letter and supplemental appeal materials

Planning Commission Meeting Date: 12/18/2014

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

The 'unusual and compelling circumstance' presented by the applicant is the presence of underground storage tanks (USTs) on the perimeter of the property adjacent to the south and west property lines of the south lot. The tanks were permanently retired and filled with concrete slurry in 1994, in accordance with state requirements.

Staff does not dispute that the underground storage tanks should be removed and that any site contamination be remedied.

The applicant provided a report from InControl Technologies, a licensed contractor in UST removal, that explains that there are six underground storage tanks on the gas station property, as well as related product piping (see Exhibit A – pp 124-140). No map or drawing of the property has been provided by the applicant showing the location of the tanks or piping. However, the written description indicates that four of the six tanks are located at the southwest corner of the property or along the west property line, and not adjacent to the gas station structure or near the duplex. Two tanks are located adjacent to and/or underneath the original pump area of the gas station, where the canopy is supported by two columns, and there are old fuel dispensers located close to the brick structure. According to a conversation between staff and InControl Technologies, the two tanks near the canopy are approximately 4-5' long and possibly 6' in diameter, although the exact dimensions are unknown until excavation occurs.

InControl Technologies provided a cost estimate for removal of the USTs that includes \$8000 for demolition of the buildings on the site. Although demolishing any improvements on site obviously makes removal of USTs easier, removal of above ground structures is not necessarily required in order to remove the tanks. They can be removed without demolishing on-site structures, depending on the location of the tanks, if proper precautions are made to protect both the structures and the workers.

No evaluation, feasibility study, or cost estimate has been provided by the applicant for UST removal with the gas station in place, so it is impossible to evaluate whether this is or is not feasible. According to staff's conversation with InControl, their main concern is that the canopy supports (which are deteriorated and in need of repair or replacement according to the structural report – see Exhibit A, pp. 141-193) might fail during removal, causing the canopy to fall down. No evaluation has been done concerning temporary supports for the canopy during the UST removal, nor has a cost estimate been provided for temporary removal of the canopy during UST removal and reinstallation of the repaired canopy after the remediation work has been finished. Even assuming the gas station structure had to be removed in order to remove the USTs, there is no reason provided for why a building on an adjacent lot - the duplex at 605 Cortlandt - would also need to be demolished.

Some limited soil testing was done in 1994, which found some contamination of the soil. It is unknown whether there is additional soil contamination or any groundwater contamination at this time, but InControl will do testing of both after excavating the tanks. The UST report provided a cost estimate of \$82,059 for removal of the tanks (including building demo), with additional cost contingencies should soil or groundwater contamination be discovered. According to the report, there is a very remote possibility of 'vapor intrusion' of the duplex, but no tests have been done in or around the duplex to indicate that vapor intrusion, or any other type of contamination, does in fact affect the duplex. The duplex is located on a separate lot from the gas station, is 10' from the rear of the gas station structure, and approximately 55' from the nearest USTs. Based on the information in the UST report, the

Exhibit A: November 2014 HAHC Action Report (including project details, staff analysis, and attachments) Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

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Exhibit C: Applicant appeal letter and supplemental appeal materials

Exhibit D: Public Comment

Planning Commission Meeting Date: 12/18/2014 ITEM: XII

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

four tanks on the south and west sides of the property are much closer to Happy Fatz Cafe than any of the tank and piping infrastructure is to the duplex.

In his application, the applicant also provided an asbestos report for the filling station (see Exhibit A – pp.118-123). Testing revealed that the only asbestos present in the building is in the window caulking, and this can be safely removed for only a few hundred dollars.

#### Public Comment:

There were two speakers at the HAHC meeting, both of whom opposed granting the Certificate of Appropriateness for demolition (see Exhibit B). In addition, there was one email to HAHC, also in opposition to the demolition (see Exhibit A, p. 225). One letter has been received in opposition to Planning Commission granting the COA on appeal (see Exhibit D).

#### Basis for the Houston Archaeological and Historic Commission's decision:

Within city historic districts, the demolition of contributing structures must be approved by HAHC. Demolition is approved only under two circumstances: the applicant proves an 'unreasonable economic hardship' or 'unusual and compelling circumstances.' In order to issue a Certificate of Appropriateness, the HAHC must find that all four criteria of Section 33-247(c) for 'unreasonable economic hardship' or all three criteria of Section 33-247(d) for 'unusual and compelling circumstances' are met. These criteria are included on page 4-7 of this staff report.

The HAHC voted to deny the application on the basis that it did not meet any of the criteria under either test for permission to demolish a historic contributing structure.

#### Applicant's Grounds for Appeal:

The applicant's information provided to HAHC is included as Attachment A to the HAHC Staff Report (see Exhibit A). The applicant also provided supplemental information for the appeal, which is Exhibit C.

**Planning Commission** Meeting Date: 12/18/2014 ITEM: XII

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner PROPERTY ADDRESS: 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

#### **Approval Criteria:**

Section 33-247 - The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for the demolition of a building, structure or object on or in an archaeological site shall be subject to the establishment of an (c) unreasonable economic hardship or the establishment of an (d) unusual and compelling circumstance:

(c) Determination of the existence of an unreasonable economic hardship shall be based upon the following criteria:

S D NA

S - satisfies D - does not satisfy NA - not applicable

(1) That the property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;

> The applicant purchased the property in 1989 for \$64,000. In the twelve month period between August 2013 and July 2014, the applicant earned \$33,000 from leasing the property: \$18,000 from the duplex and \$15,000 for the parking area around the filling station. Recently, the duplex units have been leased for between \$650 and \$1,000 per month for each unit. According to the owner, the \$650 unit is being leased below market value as a favor to the tenant.

> The information provided indicates that the duplex may be renovated at a cost of \$122,000 to \$137,000 and leased for higher rents. The applicant's materials indicate that post-rehab, units could be rented for \$825 per month; however this seems to be undervalued and is in fact less than the current rental rate of one of the units. For comparison, a comparable 700 square foot duplex unit located at 535 Arlington currently rents for \$1,600/month. The applicant's January 2014 appraisal states that a "survey of rents in Historic Heights area typically range from \$1,217 up to \$2,275 per unit." A more reasonable lease estimate for each unit post-renovation would be \$1300 or more per month, which would result in an annual income of \$31,200 or more. This indicates that the duplex is capable of earning a reasonable return.

> Information was not provided on how much the filling station building could be leased for once updated; however, the area around the building has recently produced an annual income of \$15,458 for parking space for the adjacent business. Happy Fatz Cafe. No information was provided for rental of the filling station structure to Happy Fatz or any other tenant, or for an estimated sale value of the property.

> The applicant provided several estimated costs for repairs and rehabilitation of the site. These are summarized in Exhibit A (HAHC report) and detailed within the attached application materials. The property has suffered from years of deferred maintenance, resulting in the need for numerous repairs, but according to the applicant's structural report, both buildings are essentially sound. The main repair expense required is to reroof both structures.

> The applicant's tax burden has increased to \$11,000 for tax year 2014. No information

Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

## CITY OF HOUSTON

HOUSTON PLANNING COMMISSION PLANNING & DEVELOPMENT DEPARTMENT Planning Commission Meeting Date: 12/18/2014

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

	has been provided regarding insurance costs or other expenses tied to the property.
	As a designated historic property, the buildings qualify for City historic tax exemptions for work on the buildings, discounted permit fees, exemptions from energy code compliance, and reduced parking requirements. The applicant has not provided any evidence that these incentives have been explored.
	Based upon the information provided, the applicant has not demonstrated that the property cannot earn a reasonable rate of return.
(2)	That the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;
	Estimates provided by the applicant for conversion of the duplex to a single-family residence and rehabilitation of the property range from \$23,500 to \$841,940. Staff discussed options with the applicant to replat the property, swapping portions of the lot with the neighboring business (see Criterion 3 below) as well as the option to convert the duplex into a single-family residence, construct an addition, and utilize the filing station as an accessory structure to the residence. No information was provided on the exploration or feasibility of such plans, or other plans to adapt the property.
	Based upon the information provided, an inability of the property to be adapted for any other use has not been established.
(3)	That efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed; and
	No information regarding any efforts to sell or lease the property to a party interested in preserving the duplex and/or filling station was provided. The owner has stated that he has not listed the property for sale.
	The prior tenant of the filling station parking area, Happy Fatz Café, may have been given the option to purchase the property; however, no information was provided regarding the purchasing options discussed between the owner and tenant. Staff discussed with the applicant the option to "swap land" with the neighboring property, returning the lots back to approximately their original configuration of two 6,600 square foot (50'x132') lots. This would allow the filling station to become part of the neighboring restaurant business, and provide the duplex with a backyard and access to the alley. No information was provided on whether this arrangement has been discussed with the neighboring property owner.
(4)	If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation

Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

Exhibit C: Applicant appeal letter and supplemental appeal materials

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION PLANNING & DEVELOPMENT DEPARTMENT Planning Commission Meeting Date: 12/18/2014 ITEM: XII

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

(d) Determination of the existence of an **unusual and compelling circumstance** shall be based upon the following criteria:

 $\Box \boxtimes \Box$ 

(1)

That current information does not support the historic or archaeological significance of this building, structure or object or its importance to the integrity of an historic district, if applicable;

Sanborn Fire Insurance Maps indicate that both the duplex and filling station were the original structures on the property. Both maintain their original footprints, historic materials, and architectural character and contribute to the historic integrity of the district.

The Fire Insurance Maps indicate that there were originally four historic filling stations within the Houston Heights Historic District South proposed boundaries, including the subject property, and stations at the southeast corner of Cortlandt and 11<sup>th</sup>; the northwest corner of Oxford and 9<sup>th</sup>; and the southeast corner of White Oak and Heights Blvd. There was also a historic filling station at the northwest corner of White Oak and Oxford, just outside of the district boundaries. The filling station at 3500 White Oak is the last remaining historic filling station in the area.

In the "History and Significance" section (pages 6-7) of the Houston Heights Historic District South Designation Report, the value of filling stations to the area is described as follows:

"The commercial buildings of Houston Heights proudly bespoke their purpose during that historic period in which American business and industry were all important. They were often as simple as the small, frame or brick filling station, such as the one located at 1400 Oxford (N.R.), which served the community from 1929 until the 1950s. It served an important supporting function when Houston and Houston Heights evolved from their early dependence upon mass transportation toward the use of the automobile for individual mobility. Still extant are a small number of these very early gasoline stations, some of which are located on Yale at 6th Street, Heights Boulevard at 8th Street, and <u>3500 White Oak</u> all of which are located within the proposed historic district."

The duplex has a unique form and details. The front façade of the side-gable residential structure features a trio of one-over-one windows between the two sideby-side unit doors. The doors are covered by applied porch gable porch roofs with exposed rafter tales. To the other side of each door is a pair of one-over-one windows. At the time of designation, the district contained 16 identified duplexes of which 11 (including the subject property) were classified as contributing.

In the "Architectural Significance" section (page 9) of the of the Houston Heights Historic District South Designation Report, includes Bungalow Duplexes as a part of the district character:

"The one and two-story houses and cottages found throughout Houston Heights are usually of frame construction, and are executed in a variety of styles. Influences from the Colonial Revival, Queen Anne, English Cottage, Hip Bungalow, <u>Bungalow Duplex</u>,

Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION PLANNING & DEVELOPMENT DEPARTMENT Planning Commission Meeting Date: 12/18/2014

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

Prairie, American Four-Square, Gable front cottage, Craftsman Bungalow, Bungalow and Folk Victorian styles clearly dominate, but a few noteworthy examples of other styles likewise occur." The information provided does not contradict the historic significance of the filling station or duplex to the integrity of an historic district.  $\square \boxtimes \square$ Whether there are definite plans for reuse of the property if the proposed demolition is (2) carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and The applicant wants to construct a new two-story 3,700 sf single-family residence facing Cortlandt with attached garage, and a detached 1,144 sf cabana on the property. This alters the configuration of the corner of White Oak and Cortlandt, which originally had structures facing White Oak on all four corners. This character has already been compromised by the new residential construction on the northeast corner.  $\Box \boxtimes \Box$ Whether reasonable measures can be taken to save the building, structure or object from (3) further deterioration, collapse, arson, vandalism or neglect. The information provided indicates that measures can be taken to reverse any existing deterioration and neglect. No condition of collapse, arson or vandalism is present. The applicant's structural support indicates numerous repairs are needed due to deferred maintenance, but that the structures are essentially sound.

#### Basis for the Applicant's appeal:

#### Sec. 33-253. Appeal.

(a) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the planning commission by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision.

(b) The planning commission shall consider the appeal at its first regularly scheduled meeting for which required notice can be given. The commission shall consider the application, the findings of the HAHC and any evidence presented at the meeting at which the appeal is considered. The planning commission shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. The decision of the commission shall be final. If the commission does not make a decision on the appeal within 30 days following the commission's hearing on the appeal, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(c) An applicant aggrieved by the decision of the planning commission on an appeal from a decision of the HAHC may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this code. At the conclusion of the city council's review of the matter, the city council shall reverse or

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Exhibit C: Applicant appeal letter and supplemental appeal materials

Exhibit B: November 2014 HAHC unofficial meeting transcript prepared by staff for informational purposes

Planning Commission Meeting Date: 12/18/2014

**APPLICANT:** Timothy Kirwin, attorney for Pedro J. Martinez, owner **PROPERTY ADDRESS:** 605 Cortlandt Street/3500 White Oak Drive **LEGAL DESCRIPTION:** Lots 11 and 12, Block 278, Houston Heights **HISTORIC DISTRICT:** Houston Heights Historic District South

affirm the decision of the planning commission. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which the appeal will be considered by mail no less than ten days before the date of the meeting.

#### **CERTIFICATE OF APPROPRIATENESS**

Application Date: May 28, 2014 Applicant: Pedro J. Martinez, owner Property: 605 Cortlandt / 3500 White Oak, tracts 11 and 12, block 278, Houston Heights Subdivision. The property includes a historic one-story wood frame duplex and a historic filling station structure situated on an 8.800 square foot (88' x 100') corner lot. The property is also located in a designated Special Minimum Lot Size area with a 6,600 square foot lot minimum on the 600 and 700 block of Cortlandt. Significance: Contributing duplex bungalow constructed circa 1930 and a contributing filling station constructed circa 1930 located in the Houston Heights Historic District South, designated in 2011. **Proposal:** Demolition of a contributing 1,360 square foot duplex bungalow and adjacent contributing filling station with the intent to construct a single-family residence on site. The property is under single ownership and is appraised for tax purposes as a single property containing two structures. The HAHC deferred the application at their June 19, 2014 meeting to allow the applicant time to provide further information. The applicant has discussed the application requirements and nondemolition options with staff during the last several months via email, phone and in-person meetings. The applicant has requested deferral to continue to develop the application for the past four HAHC meetings. Staff has compiled and assessed all materials to date in this report. Public Comment: One letter in opposition, see attachment C. Civic Association: No comment received. **Attachments:** A. Applicant Materials B. Assessing Economic Hardship Claims under Historic Preservation Ordinances, published by the National Trust for Historic Preservation & National Alliance of Preservation Commissions C. Public letter in opposition to the demolition Recommendation: Denial - does not satisfy criteria

HAHC Action: Denied

605 Cortlandt Street / 3500 White Oak Drive Houston Heights South

#### **CERTIFICATE OF APPROPRIATENESS**

Application Date: May 28, 2014

- Applicant: Pedro J. Martinez, owner
- Property: 605 Cortlandt / 3500 White Oak, tracts 11 and 12, block 278, Houston Heights Subdivision. The property includes a historic one-story wood frame duplex and a historic filling station structure situated on an 8,800 square foot (88' x 100') corner lot. The property is also located in a designated Special Minimum Lot Size area with a 6,600 square foot lot minimum on the 600 and 700 block of Cortlandt.
- **Significance:** Contributing duplex bungalow constructed circa 1930 and a contributing filling station constructed circa 1930 located in the Houston Heights Historic District South, designated in 2011.
  - **Proposal:** Demolition of a contributing 1,360 square foot duplex bungalow and adjacent contributing filling station with the intent to construct a single-family residence on site. The property is under single ownership and is appraised for tax purposes as a single property containing two structures.

The HAHC deferred the application at their June 19, 2014 meeting to allow the applicant time to provide further information. The applicant has discussed the application requirements and non-demolition options with staff during the last several months via email, phone and in-person meetings. The applicant has requested deferral to continue to develop the application for the past four HAHC meetings. Staff has compiled and assessed all materials to date in this report.

Public Comment: One letter in opposition, see attachment C.

**Civic Association:** No comment received.

- Attachments: A. Applicant Materials
  - B. Assessing Economic Hardship Claims under Historic Preservation Ordinances, published by the National Trust for Historic Preservation & National Alliance of Preservation Commissions
  - C. Public letter in opposition to the demolition

Recommendation: Denial - does not satisfy criteria

HAHC Action: -

HPO File No. 140601

#### APPROVAL CRITERIA

DEMOLITION OF A LANDMARK, PROTECTED LANDMARK, CONTRIBUTING STRUCTURE, OR WITHIN AN ARCHAEOLOGICAL SITE

Sec. 33-247(a): The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for the demolition of a building, structure or object on or in an archaeological site shall be subject to the establishment of an (c) unreasonable economic hardship or the establishment of an (d) unusual and compelling circumstance.

(c) Determination of the existence of an unreasonable economic hardship shall be based upon the following criteria:

- S D NA S satisfies D does not satisfy NA not applicable
- (1) That the property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;

The applicant purchased the property in 1989 for \$64,000. Recent estimated cost to rehabilitate and update the duplex for its current use as two rental units is \$122,400 with a post-rehab lease value of \$825/month. This value appears to be underestimated in comparison with area rental units including a comparable 700 square foot duplex located at 535 Arlington currently listed for \$1,600/month. A more reasonable low rental estimate for the subject units would be \$1,300/month; which would result in an annual income of \$31,200. This estimate is also supported by the provided January 2014 appraisal, which states that a "survey of rents in Historic Heights area typically range from \$1,217 up to \$2,275 per unit". Information was not provided on how much the filling station could be leased for once updated, however, the filling station lot has recently produced an annual income of \$15,458 for rental for parking space for a neighboring business. No information was provided estimating the sale value of the property post rehabilitation.

The applicant provided several estimated costs for repairs and rehabilitation of the site. These are summarized on page 17 of this report and detailed within the attached application materials.

As a designated historic property, the buildings qualify for City historic tax exemptions for work on the buildings, discounted permit fees, exemptions from energy code compliance, and reduced parking requirements. No investigation of how these incentives may be beneficial to costs associated with the property has been explored.

Based upon the information provided, an inability of the property to earn a reasonable return has not been established.

(2) That the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;

Estimates provided by the applicant for conversion of the duplex to a single-family residence and rehabilitation of the property range from \$23,500 to \$841,940. Staff discussed options with the applicant to replat the property, swapping portions of the lot with the neighboring business (see below) as well as the option to convert the duplex into a single-family residence, construct and addition and utilize the filing station as an accessory structure to the residence. No information was provided on the exploration or feasibility of such plans, or other plans to adapt the property.

Based upon the information provided, an inability of the property to be adapted for any other use has not been established.

(3) That efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed;

No information regarding any efforts to sell or lease the property to a party interested in preserving

Houston Heights South

ITEM XII - Exhibit A

the duplex and/or filling station was provided.

The prior tenant of the filling station parking area may have been given the option to purchase the property, however, no information was provided regarding the purchasing options discussed between the owner and tenant. Staff discussed with the applicant the option to "swap land" with the neighboring property, returning the lots back to approximately their original configurations of two6,600 square foot (50'x132') lots. This would allow the filling station to become part of the neighboring restaurant business; and provide the duplex with a backyard and access to the alley. No information was provided on if this option was discussed with the neighboring property owners.

(4) And, if the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation

#### OR

(d) Determination of the existence of an **unusual and compelling circumstance** shall be based upon the following criteria:

 $\Box \boxtimes \Box$ 

 That current information does not support the historic or archaeological significance of this building, structure or object or its importance to the integrity of an historic district, if applicable;

Sanborn Fire Insurance Maps indicate that both the duplex and filling station were the original structures on the property. Both maintain their original footprints, historic materials, and architectural character and contribute to the historic integrity of the district.

The Fire Insurance Maps indicate that there were originally four historic filling stations within the Houston Heights Historic District South proposed boundaries, including the subject property, and stations at the southeast corner of Cortlandt and 11<sup>th</sup>; the northwest corner of Oxford and 9<sup>th</sup>; and the southeast corner of White Oak and Heights Blvd. There was also a historic filling station at the northwest corner of White Oak and Oxford, just outside of the district boundaries. The filling station at 3500 White Oak is the last remaining historic filling station in the area.

In the "History and Significance" section (pages 6-7) of the Houston Heights Historic District South Designation Report, the value of filling stations to the area is described as follows:

"The commercial buildings of Houston Heights proudly bespoke their purpose during that historic period in which American business and industry were all important. They were often as simple as the small, frame or brick filling station, such as the one located at 1400 Oxford (N.R.), which served the community from 1929 until the 1950s. It served an important supporting function when Houston and Houston Heights evolved from their early dependence upon mass transportation toward the use of the automobile for individual mobility. Still extant are a small number of these very early gasoline stations, some of which are located on Yale at 6th Street, Heights Boulevard at 8th Street, and <u>3500 White Oak</u> all of which are located within the proposed historic district."

The duplex has a unique form and details. The front façade of the side-gable residential structure features a trio of one-over-one windows between the two side-by-side unit doors. The doors are covered by applied porch gable porch roofs with exposed rafter tales. To the other side of each door is a pair of one-over-one windows. At the time of designation, the district contained 16 identified duplexes of which 11 (including the subject property) were classified as contributing.

In the "Architectural Significance" section (page 9) of the of the Houston Heights Historic District South Designation Report, includes Bungalow Duplexes as a part of the district character:

"The one and two-story houses and cottages found throughout Houston Heights are usually of frame construction, and are executed in a variety of styles. Influences from the Colonial Revival,

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Queen Anne, English Cottage, Hip Bungalow, <u>Bungalow Duplex</u>, Prairie, American Four-Square, Gable front cottage, Craftsman Bungalow, Bungalow and Folk Victorian styles clearly dominate, but a few noteworthy examples of other styles likewise occur."

The information provided does not support that the historic significance of the filling station or duplex does not provide importance to the integrity of an historic district.

(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area;

The applicant intends to construct a new two-story 3,700 sf single-family residence facing Cortland with attached garage; and a detached 1,144 sf cabana on the property. This alters the configuration of the corner of White Oak and Cortlandt which originally had structures facing White Oak on all four corners. This character has already been compromised by the new residential construction on the northeast corner.

(3) And, whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.

The information provided indicates that measures can be taken to reverse any existing deterioration and neglect. No condition of collapse, arson or vandalism is present.

#### Planning Commission 12/18/14

#### Houston Archaeological & Historical Commission

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#### ITEM B.35 605 Cortlandt Street / 3500 White Oak Drive Houston Heights South

#### **INVENTORY PHOTOS**

MAY 2010



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#### **CURRENT PHOTOCURRENT PHOTOS**

FRONT OF DUPLEX



FRONT & SOUTH SIDE OF DUPLEX



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## CURRENT PHOTOCURRENT PHOTOS

FRONT & NORTH SIDE OF DUPLEX



#### **REAR & SOUTH SIDE OF DUPLEX**



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### **CURRENT PHOTOCURRENT PHOTOS**

SIDE/REAR OF DUPLEX & FILLING STATION FROM WHITE OAK



FILLING STATION FROM CORTLANDT



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#### **CURRENT PHOTOCURRENT PHOTOS**

FILLING STATION DETAILS





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**ITEM XII - Exhibit A** 

#### **NEIGHBORING PROPERTIES**



3500 White Oak, Contributing filling station & 602 Cortlandt, Noncontributing new construction across street



3510 White Oak, Contributing neighbor & 3500 White Oak, Contributing filling station



3423 White Oak, Contributing & 3501 White Oak, Contributing – across street from subject property

#### ITEM XII - Exhibit A

#### Houston Archaeological & Historical Commission

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#### **NEIGHBORING PROPERTIES**



604 & 602 Cortlandt, Noncontributing new construction – across street from subject property



3500 White Oak, Contributing filing station; 605 Cortland, Contributing duplex & 609 Cortlandt, Contributing neighbor



609, 615 & 619 Cortlandt, Contributing neighbors

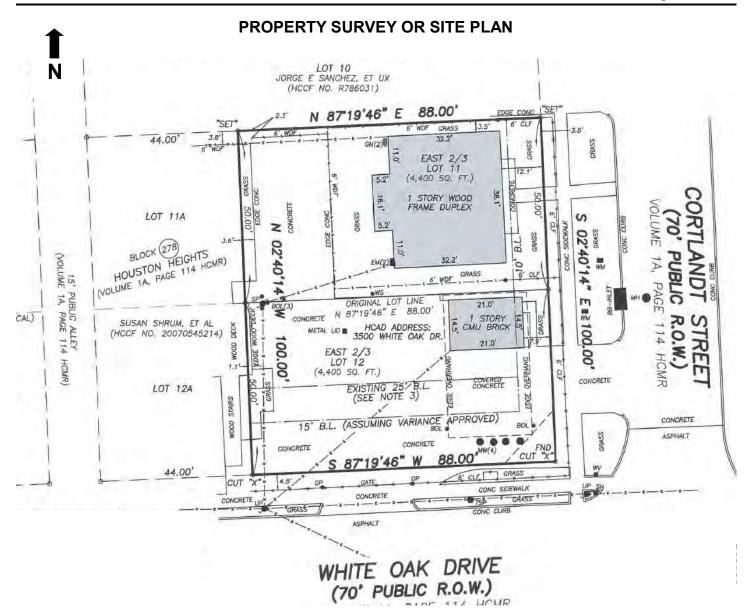
#### Planning Commission 12/18/14

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#### ITEM XII - Exhibit A

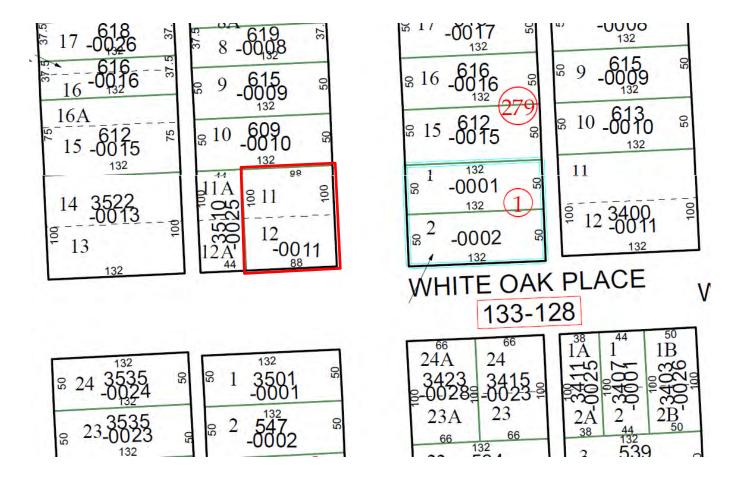
#### ITEM B.35

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#### HCAD PROPERTY MAP

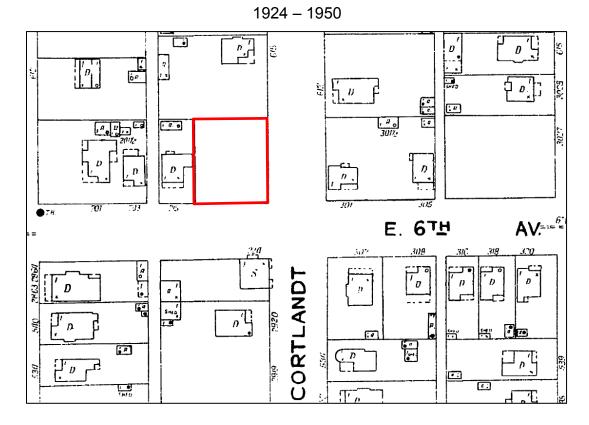


November 20, 2014

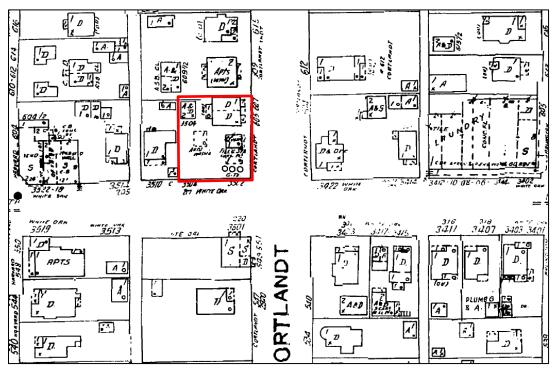
HPO File No. 140601

**ITEM XII - Exhibit A** 

## SANBORN FIRE INSURANCE MAPS – VOL. 7, SHEET 722



#### 1924 – FEB 1951



11/20/2014

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HPO File No. 140601

ITEM XII - Exhibit A

#### APPLICANT DESCRIPTION OF PROPOSED DEMO

#### 605 CORTLANDT, DUPLEX

Written Description (include the following items, use the area below and/or attach additional pages)
Subject of Demolition description including current location and condition of structure and any prior alterations or additions
Criteria Adherence describe how the proposal satisfies the demolition determination criteria as stated in the Historic Preservation Ordinance, Sec. 33-247 (c) (1) through (4); or, (d) (1) through (3):
(c) Determination of an <u>unreasonable economic hardship</u> :
(1) The property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;
(2) The property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;
(3) The efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed; and
(4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose or function of the nonprofit corporation
OR
(d) Determination of the existence of an <u>unusual or compelling circumstance</u> :
(1) That the current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of a historic district, if applicable;
(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and
(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect
I (we) request approval of a Certificate of Appropriateness to
DEMOUSH THE EXISTING 1300 S.F. WOOD FRAME DUPLEX - THIS
STRUCTURE, AUTHOUGH HAVING A CORTUANDT ADDRESS, FOR POSTAL
DELIVERY ONLY, IS ACTUALLY PART OF THEWHITE OAK PROPERTY,
AS EXIDENCED BY THE SURVEY.
ALTHOUGH THIS PROTERTY GENERALES AN INCOME MAIN LAINENCE,
THE COST TO MAKE THE STRUCTURE ENTROY EFFICIENT AND CODE
NEEDED TO ACCOMPLICIT THESE INDRAGMENTS
ACA SIDE NOTE: IT IS SUCPECT THAT THIS STRUCTURE MAY
NOT DE ORIGINAL TO THIS SITE, NOR DOES IT POSSECS
ANY OUTSTANDING ARCHITECTURAL FEATURES.

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ITEM B.35 605 Cortlandt Street / 3500 White Oak Drive Houston Heights South

#### APPLICANT DESCRIPTION OF PROPOSED DEMO

#### 3500 WHITE OAK, FILLING STATION

Written Description (include the following items, use the area below and/or attach additional pages)	
Subject of Demolition description including current location and condition of structure and any prior alterations or additions	
Criteria Adherence describe how the proposal satisfies the demolition determination criteria as stated in the Historic Preservation Ordinance, Sec. 33-247 (c) (1) through (4); or, (d) (1) through (3):	
(c) Determination of an unreasonable economic hardship:	
(1) The property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;	
(2) The property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;	
(3) The efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed; and	
(4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose or function of the nonprofit corporation	
OR,	
(d) Determination of the existence of an unusual or compelling circumstance:	
(1) That the current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of a historic district, if applicable;	
(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and	
(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect	
I (we) request approval of a Certificate of Appropriateness to DEMOUGH THE EXISTING 2955 F. SERVICE STATION AT 3500 WHITE OAK DR, AS REFLECTED IN SUPPORTING DOCUMENTS - APPRAISAL- NETANK and CONSTRUCTION QUIDTES - THIS PROPERTY HAS LITTLE OFFORTUNITY TO GENERATE A REASONABLE INCOME, ESPECIALLY CONSIDERING IT'S PRESENT USE - A PARKING OT FORTHE NEIGHBOORING SANDWICH SHOP. SIXTY OR SEVENTY YEARS AGO, I'M SURE THE OLD STATION WAS CONSIDERED A SIGNIFICANT LOCATION IN THE FABRIC OF THE AREA OF THE COMMUNITY. TODAY, FEW FROM THOSE TIMES ARE LEFT IN THE AREA and THE BUILDING STANDS USELESS and INDEREPAIR.	
REQUIREMENTS WOULD BE AN ECONOMIC OBSTICAL.	

#### **APPLICATION MATERIALS REVIEW & SUMMARY**

SEC. 33-247(b)

#### (1) A certified appraisal of the value of the property conducted by a certified real estate appraiser:

\$125,000-\$149,000	2014	appraised value as vacant land
\$64,000	1989	land and improvements acquired by current owner
application motorial pages 02.61		

See application material pages 23-61

(2) The assessed value of the land and improvements thereon according to the two most recent assessments unless the property is exempt from local property taxes:

\$427,400	2014	\$422,400 land + \$5,000 improvements - amended
\$438,393	2014	\$422,400 land + \$15,993 improvements
\$279,500	2013	\$279,000 land + \$100 improvements - amended
\$323,449	2013	\$308,000 land + \$15,449 improvements
\$278,938	2012	\$254,000 land + \$14,938 improvements
\$272,730	2011	\$264,000 land + \$8,730 improvements
\$280,000	2010	\$264,000 land + \$16,000 improvements
\$275,000	2009	\$264,001 land + \$10,999 improvements
\$247,400	2008	

See application material pages 62-80

(3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property:

\$312,000 2008 property assessed as vacant land per the owner request

See application material pages 81-84

- (4) All listings of the property for sale or rent that are less than a year old at the time of the application: Rental Income August 2013 – July 2014:
  - \$17,790 605 & 607 Cortlandt, residential duplex units
  - <u>\$15,458</u> 3500 White Oak, for neighboring business parking
  - \$33,248 total recent annual rental income for property

Some materials provided by the applicant were not provided in the consolidated application materials packet. These documents included lease agreement contracts and check deposits; documents were omitted to respect tenant privacy. Information in the documents supports the information above.

See application material pages 85-87

#### (5) Evidence of any consideration by the owner of uses and adaptive reuses of the property:

Staff requested reuse consideration documentation, including information regarding discussions that have occurred with the neighboring business owner that formerly rented space for parking and expressed interest in purchasing the filling station and portion of the property. No information was provided.

#### (6) Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis

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Houston Heights South

ITEM XII - Exhibit A

#### of the cost estimates:

- \$6,200 repair/replace duplex roof (5/28/14)
  \$36,250 repair filling station roof (5/28/14)
  \$6,000 repair/replace duplex roof (7/23/14)
- \$24,250 repair filling station roof (7/23/14)
- \$136,900 repair/rehabilitate duplex units (7/23/14)
- \$23,500 convert duplex to single family (7/23/14)
- \$841,940 renovate duplex & filling station (10/1/14)
- \$122,400 rehabilitate/update duplex for use as two rental units (11/2/14)
- \$82,000-\$322,000 demo of filling station & removal of underground storage tanks (10/1/14)

See application material pages 89-173

- (7) A comparison of the cost of rehabilitation of the existing building with the demolition of the existing building and the construction of a new building:
  - \$6,000-\$6,200 repair/replace duplex roof (5/28/14)
  - \$24,250-\$36,250 repair/replace filling station roof (7/23/14)
    - \$136,900 repair/rehabilitate duplex units (7/23/14)
      - \$23,500 convert duplex to single family (7/23/14)
      - \$25,000 demo of filling station, duplex & removal of underground tanks (5/28/14)
      - \$7,000 demo of filling station (7/23/14)
      - \$11,000 demo of duplex (7/23/14)
      - \$7,000 removal of underground tanks (7/23/14)
  - \$82,000-\$322,000 demo of filling station & removal of underground tanks (10/1/14)
    - \$841,940 renovate duplex & filling station (10/1/14)
    - \$820,889 new construction (10/1/14)

See application material pages 174-177

(8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable:

Applicant intends to construct a new two-story 3,700 sf single-family residence facing Cortland with attached garage; and a detached 1,144 sf cabana on the property. See application material pages 178-195

- (9) Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted: Applicant has contacted Historic Houston with intent to recycle materials. Proposal report not provided. See application material pages 196-198
- (10) An applicant who is a nonprofit organization shall provide the following additional information: (N/A)

General Application Materials Sec. 33-238

## Application Form Written Description Current Photos Current Site Plan or Survey

## CERTIFICATE OF APPROPRIATENESS APPLICATION PART I - GENERAL FORM



PLANNING & Development Department

Complete all sections and attach all necessary documentation as an incomplete application may cause delays in processing. A complete application includes two parts: part 1- general form; and part 2 - COA checklist(s) for project type and all applicable documentation requested within the checklist(s). Please review the criteria to be considered by the HAHC for Certificates of Appropriateness in the Houston Code of Ordinances, Historic Preservation Ordinance, Chapter 33 VII, Sections 33-240 through 33-249. Refer to the Historic Preservation section on the City of Houston Planning Department website for more information at <a href="https://www.houstontx.gov/planning.">www.houstontx.gov/planning.</a>

OWNER <sup>1</sup>	APPLICANT (if other than owner)
Name PEDRO J. MARTINEZ Company	Name GEORGE BANKS
company	Company GEORGE BANKS+ ASSOCIATES
Mailing Address	Mailing Address
5567 BEECHNUT ST	206 Granborn St
City HOUSTON TX 71096	City HUMBLE State Zip
Phone 713.444.0400	Phone 201 AAC BARA
Email	281 446 9034 Email
Signature 2/ 1. 9/14 5/27/2014	Signature Date Server 3ml 5/27/2014
SITE	
Address 605+601 CORTLANDT	City HOUSTON State T Zip
SUDDIVISION HEIGHTS WHITE OAK ESTATES	Lot Block 278
PROPOSED ACTION (refer to definitions on next page)	
Addition, Alteration, Rehabilitation and/or Restoration <sup>3</sup>	New Construction in an historic district
Relocation <sup>3</sup>	Demolition <sup>3</sup>
Mandatory Repair by order or citation <sup>3</sup>	Excavation of an archaeological site
ATTACHED DOCUMENTATION	
Written Description detailing existing site conditions including I setbacks, driveways, and other unique conditions, AND detailed de	ot size, structures on lot, area of structures in square feet,
Current Photographs showing the overall structure for each ele	evation visible from a public right of ward
Renderings illustrating existing conditions and proposed activity;	refer to checklists for project specific readering requiring
Deed Restriction compliance of proposed activity and approval	of neighborhood or civic association if applicable
Application Checklist <sup>4</sup> for each proposed action checked abo	and a second of civic association, il applicable

<sup>&</sup>lt;sup>4</sup> Submit a separate checklist for each proposed action (i.e. a project including an Addition to a house and New Construction of a detached garage)

To be completed by	Application received by:	Date:	
PLANNING STAFF:	Accepted as complete by:	Date:	-

<sup>&</sup>lt;sup>1</sup> Owner is the record title property owner. Applicant may be owner, tenant, architect, contractor, etc.

<sup>&</sup>lt;sup>2</sup> Application will not be accepted as complete without a signature of the record title property owner <sup>3</sup> Applicate and the property owner

Applies to any landmark, protected landmark, or structure within a historic district or archaeological site

## CERTIFICATE OF APPROPRIATENESS APPLICATION PART II.D - CHECKLIST AND FORM: DEMOLITION



PLANNING & Development Department

Please complete all applicable sections and submit with the COA application; digital application documents preferred. An incomplete application may cause delays in processing or may be deferred to the next agenda. Refer to Houston Code of Ordinances, Ch. 33 VII, Sec. 33-247 for HAHC consideration criteria for approval for the demolition of a landmark; protected landmark; or contributing structure in an historic district; or structure in an archaeological site.

#### **DEMOLITION CRITERIA:** (select one)

Unreasonable Economic Hardship

Unusual or Compelling Circumstance

#### **DEMOLITION NOTICE REQUIREMENTS:**

Demolition applicants must give public notice by posting a sign at the site of the demolition. Refer to the schedule on the general application form for sign posting deadlines. Download the Relocation and Demolition Public Sign Requirements information document at www.houstontx.gov/planning; or, refer to the Historic Preservation Ordinance, Sec. 33-238.1.

#### **DEMOLITION APPLICATION DOCUMENTATION:**

Photographs (label each photo with a description and location)

All Elevations illustrating current conditions of the structure proposed for demolition

Public Notification Sign photo of the sign(s) at the site upon installation per the demolition requirements noted above

#### Renderings (accurately scaled and dimensioned)

Current Site Plan or survey of the property containing structure proposed for demolition

Informational Material (as outlined in the Historic Preservation Ordinance, Sec. 33-247(b))

- (1) Certified appraisal of the value of the property conducted by a certified real estate appraiser
- (2) Assessed value of the land and improvements according to the two most recent assessments, unless the property is exempt from local property taxes
- (3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property
- (4) All Listings of the property for sale or rent that are less than a year old at the time of the application
- (5) Evidence of any consideration by the owner of uses and adaptive reuses of the property
- (6) Rehabilitation cost estimates, itemized and detailed, for identified uses or reuses, including the basis of cost estimates
- (7) Comparison costs of rehabilitation of the existing building, demolition of the building, and new construction
- (8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable/available
- (9) Plans to reuse, recycle or salvage list of building materials if a COA is granted
- (10) If applicant is a Nonprofit Organization, provide the following additional written information:
  - (a) Cost Comparison of the performance of the organization's mission or function in the existing and new buildings
  - (b) Impact of Reuse of the existing building on the organization's program, function or mission

Site Address	CORTLANDT	SUBDIVISION HEIGHTS WHITE OAK ESTATES	Block 278
Primary Project Contac	Pedro Martinez George Banks	Email	

CERTIFICATE OF APPROPRIATENESS APPLICATION PART II.D – CHECKLIST AND FORM: DEMOLITION
(c) Additional Costs if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area
(d) Grants received, applied for or available to maintain or improve the property
(e) Budget of the nonprofit organization for the current and immediately past fiscal years
Written Description (include the following items, use the area below and/or attach additional pages)
Subject of Demolition description including current location and condition of structure and any prior alterations or additions
Criteria Adherence describe how the proposal satisfies the demolition determination criteria as stated in the Historic Preservation Ordinance, Sec. 33-247 (c) (1) through (4); or, (d) (1) through (3):
<b>(c)</b> Determination of an <u>unreasonable economic hardship</u> :
(1) The property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;
(2) The property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;
(3) The efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed; and
(4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose or function of the nonprofit corporation
OR
(d) Determination of the existence of an <u>unusual or compelling circumstance</u> :
(1) That the current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of a historic district, if applicable;
(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and
(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect
I (we) request approval of a Certificate of Appropriateness to DEMOUSH THE EXISTING 1300 S.F. WOOD FRAME DUPLEX - THIS STRUCTURE, AUTHOUGH HAVING A CORTUANDT ADDRESS, FOR POSTAL DELIVERY ONLY, IS ACTUALLY PART OF THEWHITE OAK PROPERTY, AS EXIDENCED BY THE SURVET. ALTHOUGH THIS PROPERTY GENERATES AN INCOME MAINTAINENCE, THE COST TO MAKE THE STRUCTURE ENERGY EFFICIENT AND CODE COMPLIANT, EXCEED POTENTIAL RETURN ON THE INVESTIMENT NEEDED TO ACCOMPUSH THESE IMPROVEMENTS. AS A SIDE NOTE: IT IS SUSPECT THAT THIS STRUCTURE MAY NOT BE ORIGINAL TO THIS SITE, NOR DOES IT POSSESS ANY OUTSTANDING ARCHITECTURAL FEATURES.

N/A

## CERTIFICATE OF APPROPRIATENESS APPLICATION PART I - GENERAL FORM



PLANNING & Development Department

Complete all sections and attach all necessary documentation as an incomplete application may cause delays in processing. A complete application includes two parts: part 1- general form; and part 2 - COA checklist(s) for project type and all applicable documentation requested within the checklist(s). Please review the criteria to be considered by the HAHC for Certificates of Appropriateness in the Houston Code of Ordinances, Historic Preservation Ordinance, Chapter 33 VII, Sections 33-240 through 33-249. Refer to the Historic Preservation section on the City of Houston Planning Department website for more information at <a href="https://www.houstontx.gov/planning">www.houstontx.gov/planning</a>.

OWNER <sup>1</sup>	APPLICANT (if other than owner)
Name PEDRO J. MARTINEZ	Name GEORGE BANKS
Company	COMPANY GEORGE BANKSTASSOCIATES
Mailing Address	Mailing Address
5567 BEECHNUT ST	206 Granberry St.
City HOUSTON TX 77096	City HUMBLE State Zip TX 71338
Phone 113. AAA. DADD	Phone 281 446 9034
Email	Email
Signature 12 1 1 1 1 1 20 14	Signature Cer Month Date 5/27/2014
SITE	
Address 3500 WHITE OAK DR.	City HOUSTON State X Zip 11007
Subdivision HEIGHTS WHITE OAK ESTATES	Lot Block 2-18
PROPOSED ACTION (refer to definitions on next page)	
Addition, Alteration, Rehabilitation and/or Restoration <sup>3</sup>	New Construction in an historic district
Relocation <sup>3</sup>	Demolition <sup>3</sup>
Mandatory Repair by order or citation <sup>3</sup>	Excavation of an archaeological site
ATTACHED DOCUMENTATION	
Written Description detailing existing site conditions including I setbacks, driveways, and other unique conditions, AND detailed de	
Current Photographs showing the overall structure for each ele	evation visible from a public right-of-way
Renderings illustrating existing conditions and proposed activity;	refer to checklists for project-specific rendering requirements
Deed Restriction compliance of proposed activity and approval	of neighborhood or civic association, if applicable
Application Checklist <sup>4</sup> for each proposed action checked abo	ove and all applicable documentation listed within checklist

<sup>&</sup>lt;sup>4</sup> Submit a separate checklist for each proposed action (i.e. a project including an Addition to a house and New Construction of a detached garage)

To be completed by	Application received by:	Date:
PLANNING STAFF:	Accepted as complete by:	Date:

<sup>&</sup>lt;sup>1</sup> **Owner** is the record title property owner. **Applicant** may be owner, tenant, architect, contractor, etc.

<sup>&</sup>lt;sup>2</sup> Application will not be accepted as complete without a signature of the record title property owner

Applies to any landmark, protected landmark, or structure within a historic district or archaeological site

## CERTIFICATE OF APPROPRIATENESS APPLICATION PART II.D - CHECKLIST AND FORM: DEMOLITION



## PLANNING & Development Department

Please complete all applicable sections and submit with the COA application; digital application documents preferred. An incomplete application may cause delays in processing or may be deferred to the next agenda. Refer to Houston Code of Ordinances, Ch. 33 VII, Sec. 33-247 for HAHC consideration criteria for approval for the demolition of a landmark; protected landmark; or contributing structure in an historic district; or structure in an archaeological site.

#### **DEMOLITION CRITERIA:** (select one)

Unreasonable Economic Hardship



#### **DEMOLITION NOTICE REQUIREMENTS:**

Demolition applicants must give public notice by posting a sign at the site of the demolition. Refer to the schedule on the general application form for sign posting deadlines. Download the Relocation and Demolition Public Sign Requirements information document at www.houstontx.gov/planning; or, refer to the Historic Preservation Ordinance, Sec. 33-238.1.

#### **DEMOLITION APPLICATION DOCUMENTATION:**

Photographs (label each photo with a description and location)

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Public Notification Sign photo of the sign(s) at the site upon installation per the demolition requirements noted above

#### Renderings (accurately scaled and dimensioned)

Current Site Plan or survey of the property containing structure proposed for demolition

Informational Material (as outlined in the Historic Preservation Ordinance, Sec. 33-247(b))

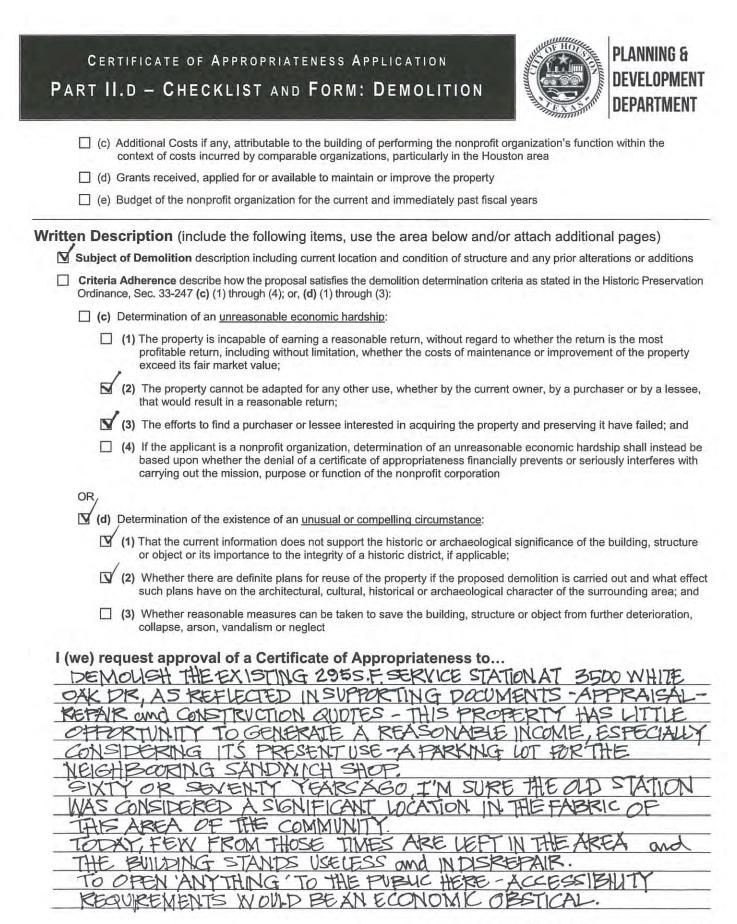
V	(1)	Certified appraisal of the	value of the property	conducted by a	a certified real	estate appraiser
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- (2) Assessed value of the land and improvements according to the two most recent assessments, unless the property is exempt from local property taxes
- (3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property

	(4)	All Listings	of the property	for sale o	or rent that are	e less than a	year old at the	time of the application
--	-----	--------------	-----------------	------------	------------------	---------------	-----------------	-------------------------

- [] (5) Evidence of any consideration by the owner of uses and adaptive reuses of the property
- (6) Rehabilitation cost estimates, itemized and detailed, for identified uses or reuses, including the basis of cost estimates
- [] (7) Comparison costs of rehabilitation of the existing building, demolition of the building, and new construction
- (8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable/available
- (9) Plans to reuse, recycle or salvage list of building materials if a COA is granted
- N/A 🗌 (10) If applicant is a Nonprofit Organization, provide the following additional written information:
  - (a) Cost Comparison of the performance of the organization's mission or function in the existing and new buildings
  - (b) Impact of Reuse of the existing building on the organization's program, function or mission

Site Address 3500 WHITE OAK DR.	Subdivision HEIGHTS WHITE OAK ESTATES Block 278
Primary Project Contact Pedro Martinez George Banks	Email



Attach additional pages as necessary.

	APPLI	CATION FORM	DEPARTMENT
Address 3500 Wh	te Oak Dive	AXA LOS and 607	(ortladt TX
Historic District / Landmark	Heights Dista	5 J 100	1000011
Subdivision Heighti	A CONTRACT	tates Los	Block 278
DESIGNATION TYPE		PROPOSED ACTION	
Landmark	Contributing		location
Protected Landmark	Noncontributing		
		L Restoration De	molition
Archaeological Site	☐ Vacant		molition cavation
	U Vacant		
DOCUMENTS		New Construction	cavation
DOCUMENTS		New Construction	cavation attached
DOCUMENTS Application checklist for OWNER	r each proposed action and all	New Construction     Ex      APPLICANT (if other than owner)	cavation attached
DOCUMENTS Application checklist for OWNER Name	r each proposed action and all	New Construction Exercise  APPLICANT (if other than owner)  Name George Back J	cavation attached
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DOCUMENTS Application checklist for OWNER Name	each proposed action and all	New Construction Examplicable documentation listed within are APPLICANT (if other than owner) Name George Backs	attached Allowater 
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DOCUMENTS Application checklist for OWNER	erthe 3 Beechmet Stra TX 77096	New Construction Examplicable documentation listed within are APPLICANT (if other than owner) Name George Backs Company George Backs & K Mailing Address 206 Graber Humble TX 7 Phone 281, 446, 95	attached AJJo contest ry Street 1338

#### EDGEMENT OF RESPONSIBILITY

Requirements: A complete application includes all applicable information requested on checklists to provide a complete and accurate description of existing and proposed conditions. Preliminary review meeting or site visit with staff may be necessary to process the application. Owner contact information and signature is required. Late or incomplete applications will not be considered.

Deed Restrictions: You have verified that the work does not violate applicable deed restrictions.

Public Records: If attached materials are protected by copyright law, you grant the City of Houston, its officers, agencies, departments, and employees, non-exclusive rights to reproduce, distribute and publish copyrighted materials before the Houston Archaeological and Historical Commission, the Planning Commission, City Council, and other City of Houston commissions, agencies, and departments, on a City of Houston website, or other public forum for the purposes of application for a Certificate of Appropriateness or building permit, and other educational and not for profit purposes. You hereby represent that you possess the requisite permission or rights being conveyed here to the City.

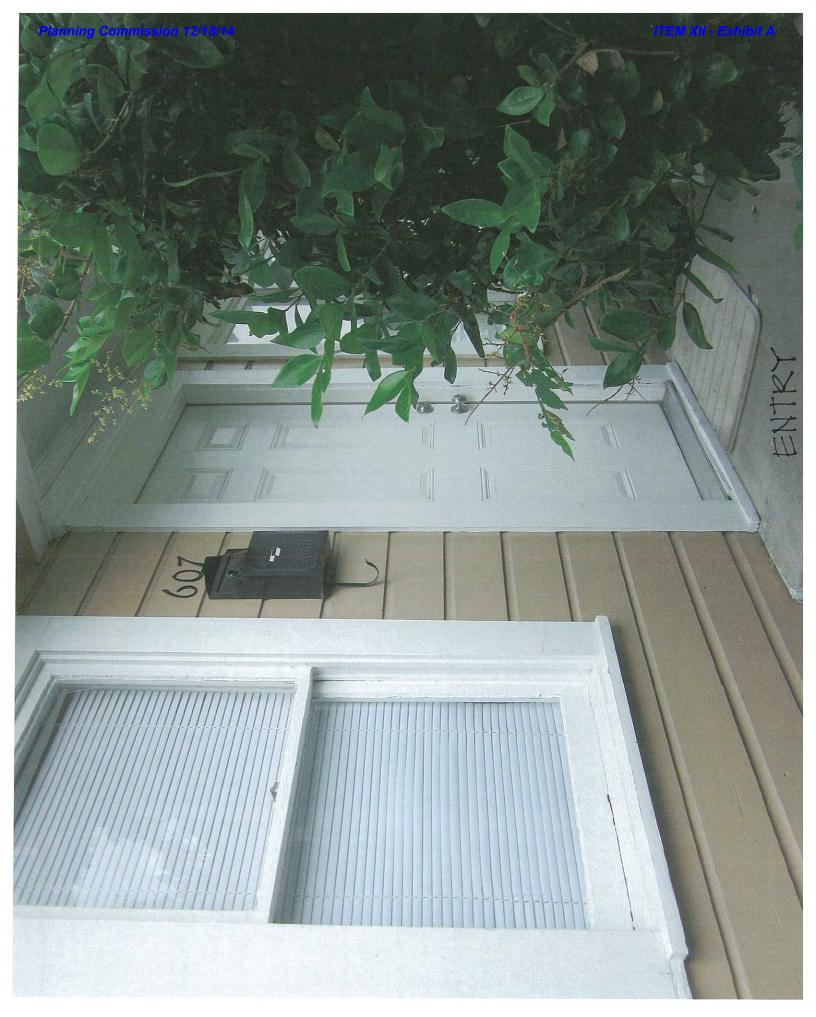
Compliance: If granted, you agree to comply with all conditions of the COA. Revisions to approved work require staff review and may require a new application and HAHC approval. Failure to comply with the COA may result in project delays, fines or other penalties.

Planner

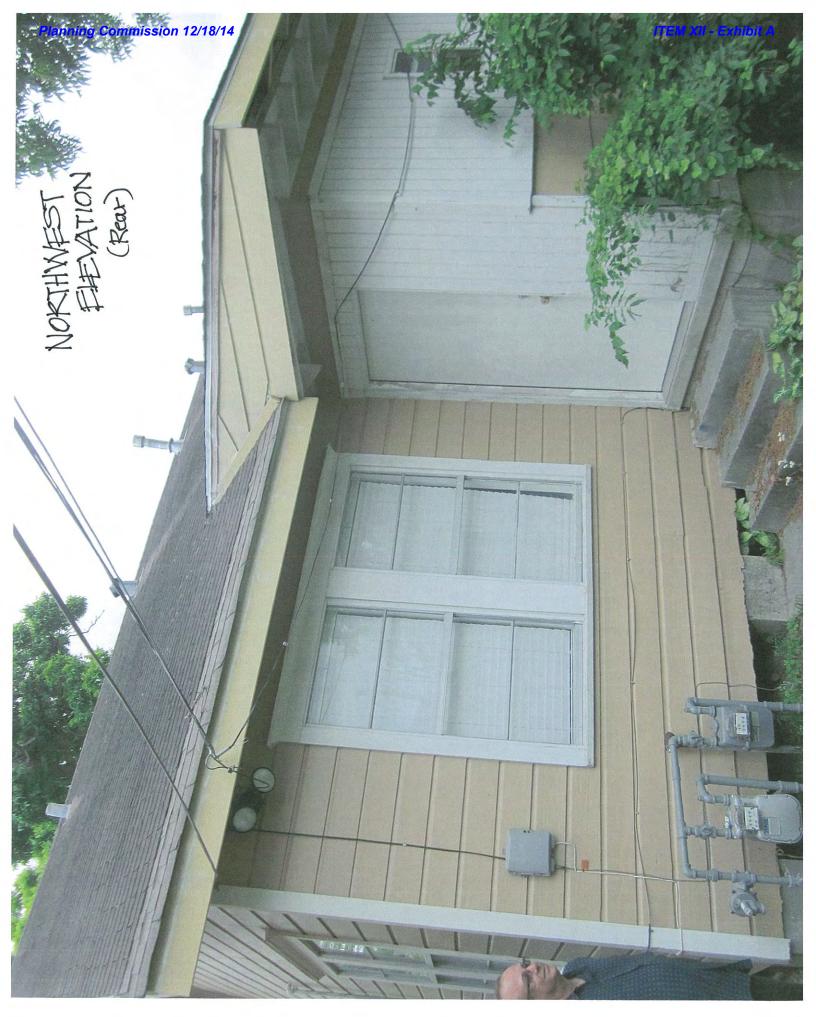
Application received: \_\_/\_\_/ Application complete: \_\_/\_\_/

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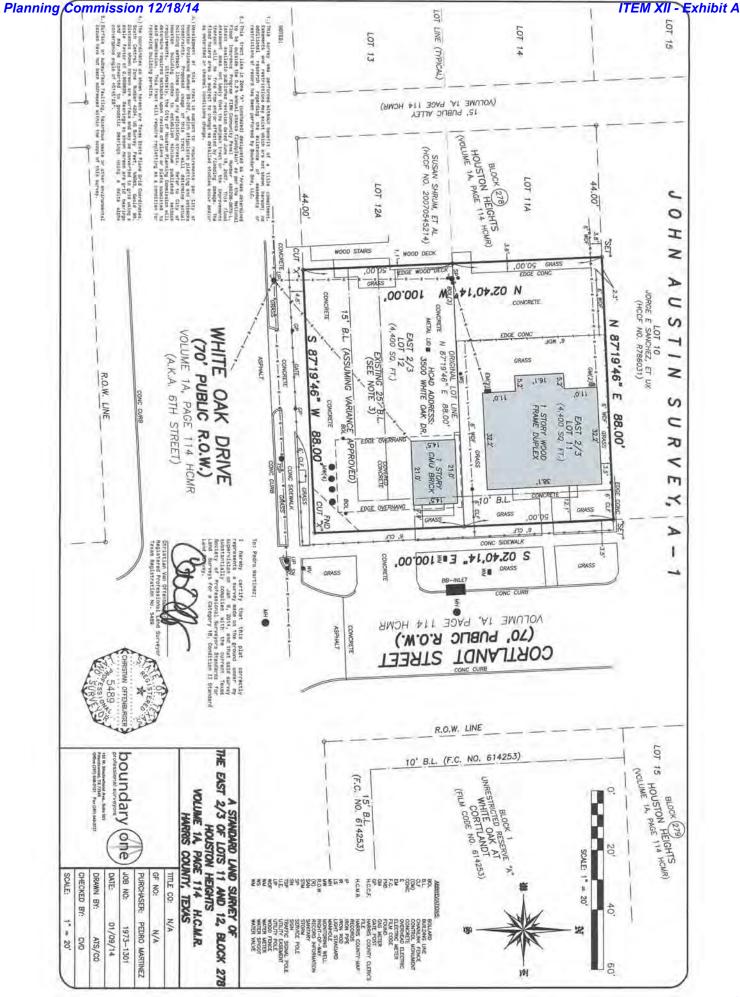












# Demolition Application Materials Sec. 33-247(b)

# (1)

Certified appraisal of the value of the property conducted by a certified real estate appraiser

# PEDRO J. MARTINEZ PROPERTY (FORMAL HEARING) RESTRICTED APPRAISAL REPORT (IN COMPLIANCE WITH STANDARD 2-2B, USPAP,2014)

**\*\*LAND VALUATION ONLY\*\*** 

(Effectively Vacant Site) RETROSPECTIVE APPRAISAL DATE, JANUARY 1, 2014 (In Compliance with Statement 3, USPAP)

(Also complies with STANDARDS 1, 2, & 6, USPAP) SITE VISIT MAY 9, 2014

> 3500 WHITE OAK BOULEVARD HOUSTON, HARRIS COUNTY, TEXAS 77007

> > PREPARED BY

R. A. ROBINSON TX 1324007 G STATE CERTIFIED GENERAL APPRAISER LISTED WITH APPRAISAL FOUNDATION REGISTRY

> VOICE 713 790 1312 EMAIL joyce.robinson9512@sbcglobal.net ADDRESS P O BOX 300851 HOUSTON, TEXAS 77230

> > 44

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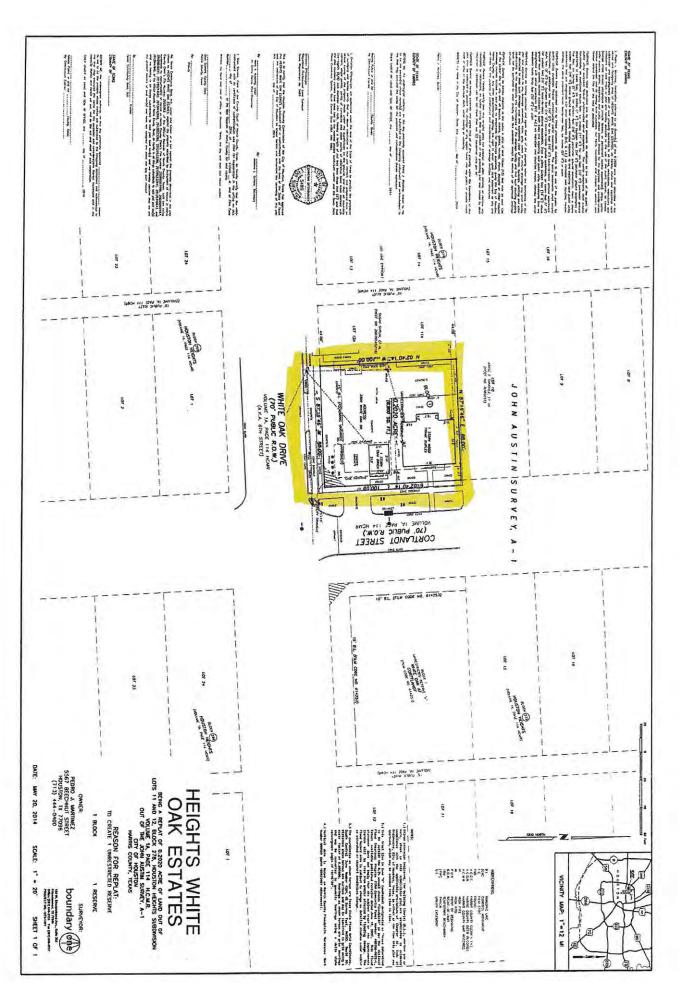
# 3500 WHITE OAK BOULEVARD HOUSTON HEIGHTS HARRIS COUNTY, TEXAS 77007 VIEW OF SUBJECT SITE AND IMPROVEMENTS (FORMER SERVICE STATION BUILT IN 1940)

\*\*\*Land and Improvements acquired September, 1989\*\*\* (Confirmed Sales Price was \$64,000.00)

Planning Commission 12/18/14

### SURVEY OF SITE





Planning Commission 12/18/14

ITEM XII - Exhibit A

### FACET MAP 5358C OF SUBJECT SITE

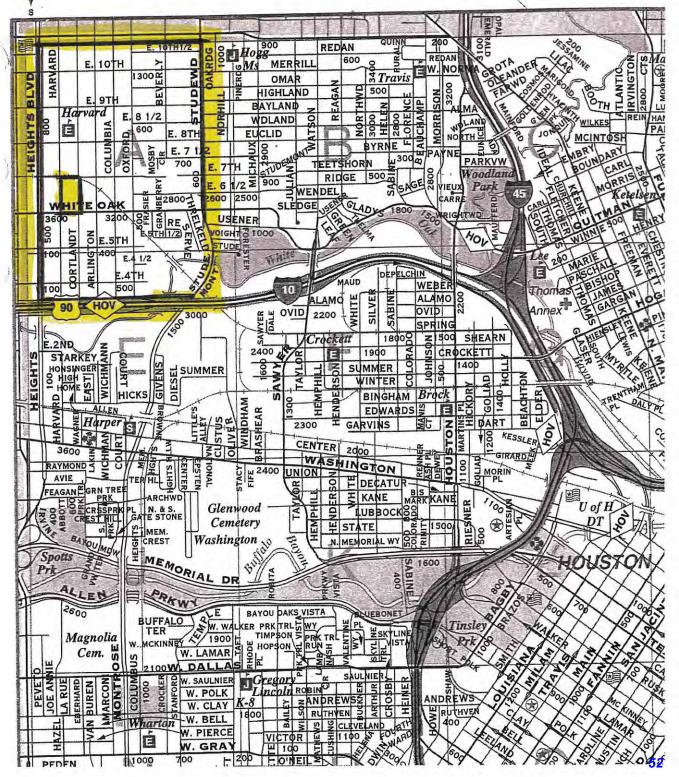


#### ITEM XII - Exhibit A

Harris County County District Manuel County Manuel County	MAP LOCATION MAP LOCATION 53588C 53588C 1 1 12 9 10 11 12
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### **KEY MAP LOCATION AREA (493A) OF SUBJECT**





May 22, 2014

Mr. Pedro J. Martinez, Property Owner of Record Attn: Mr. Ken Lynch, Senior Property Tax Consultant P. O. Box 445, Houston, Texas 77001

> RE: Tracts 11 & 12, Block 278, Houston Heights 3500 White Oak Blvd., Houston, Texas 77007 HCAD Account 0210100000011

Owner acquired property September, 1989 for \$64,000

To Mr. Martinez and

Harris County Appraisal District Harris County Appraisal Review Board

Pursuant to your request, a site visit and valuation (Restricted to Formal Tax Appeal with ARB) of the above referenced <u>"Encumbered Site and existing</u> <u>improvements, appraised "as effectively vacant"</u>) supporting remedy and reduction of "land value as encumbered and impaired" as noted in the "Texas Property Tax Code Section 11.24(1), (Historic Sites)."

Subject properties consist of five (5) underground storage tanks, former service station, canopy and duplex each completely depreciated. Information as shown on HCAD Property Tax Data Records show age of "two" improvements "actual physical ages of 74 and 84 years", built in 1930 and 1940. Major total accrued depreciation causing a <u>reduction</u> of land value estimated at (45% to 65%).

Appraisal information (Cost Data) is herein provided to support a reduction in value requisite to age and actual related depreciation for minor improvements and **"Encumbered and Impaired Site."** 

Value estimates are retrospective to January 1, 2014. Detail support of land value range provided in Direct Sales Comparison Approach Summary in Appraisal Report format in compliance with Standard 2-2b, USPAP, 2014.

# SCOPE OF WORK

(In Accordance with Scope of Work Rule, Pages U13-14, USPAP, 2014-2015) (SR 6, Mass Appraisals, Advisory Opinion 32, Ad Valorem Property Tax, USPAP)

Scope of work includes research and personal site inspection of subject minor improvements, 8,800 square foot (SF) site and other site improvements (five underground tanks) identified as relevant characteristics and underground tank removal cost to arrive at total reduction to "Site Value described as Effectively Vacant" based on "comparable" effectively vacant properties data immediately near in subject market area, Key Map 493A, near northeastern sector of Harris County, Texas.

Scope of Work also includes data research of relevant characteristics include area ground rents, cost of underground tank removal (remediation) and land valuation analysis summarized in Appraisal Report format. This report is not for mortgage loan purposes.

Photographs of subject site are also included for review, Pages 13,14,15 and 16.

### <u>NEIGHBORHOOD DESCRIPTION</u> (Summary Area Analysis)

#### Market Area/Neighborhood Identification (In accordance with Standard Rule 1-2e, USPAP, 2014)

Subject neighborhood is in Key Map Area 493A, approximately two miles northeast of Houston, Texas Central Business District within Harris County.

This residential sector is also known as "Historic Houston Heights." Houston Heights has been encumbered and preserved under Section 442.014, 015 and 016, Urban Main Street City Act effective since April 19, 1989. Owner is liable for damages to visual integrity to structures unless written permission is granted. More details citing this "encumbrance" in the Texas Government Code-Section 442.016, Liability for Adversely Affecting "Historic" Structure or Property.

Subject Neighborhood Boundaries are as follows: North: West 11th; South: Interstate 10; East: Studewood; West: Heights Boulevard. Key Map Page 493A included.

White Oak Boulevard fronting subject site is a (east/west) bound primary artery connecting with Heights Boulevard. Photographs of street scene along White Oak Boulevard and Cortlandt are included, Pages 13-16.

The subject area is "**predominately**" residential including "effectively vacant sites, recently built townhomes, condominium and a mixture of one and two level single family dwellings.

Single family dwellings in fair to poor conditions typically have replication of exteriors done after acquisition along with extensive interior upgrades. Photographs of effectively vacant sites are included, Pages 18-20.

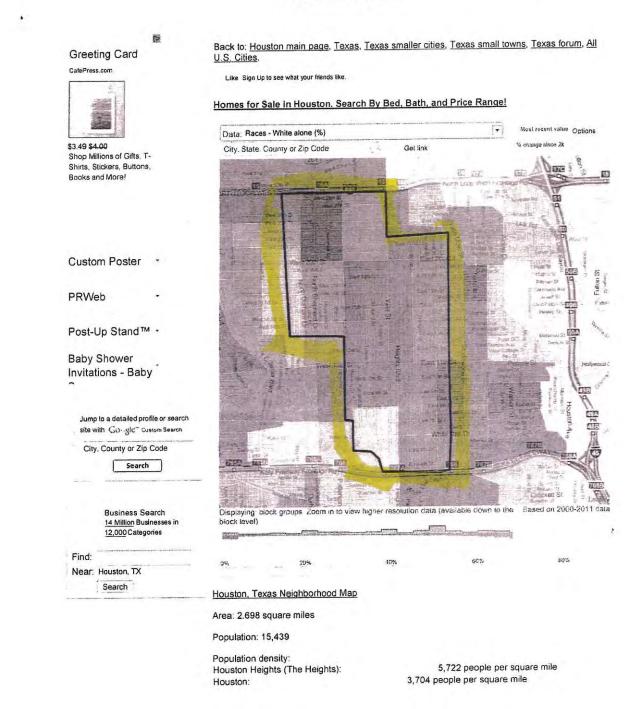
The subject property is within **Historic Heights Subdivision**. Historic designation "**Highest and Best Use**" that is "Legally Permissible" causes an negative affect to redevelopment of site. Permission must be obtained before future development of site as vacant to go forward. Re: Section 442.016, Texas Government Code and Texas Property Tax Code, Section 11.24, Historic Sites.

This feature results in a diminution of and loss in site value. This aspect is detailed in "Direct Sales Comparison Approach Section" of the Appraisal Report.

#### Planning Commission 12/18/14. Houston Heights (The Heights) neighborhood in Houston, Texas (TX), 77007, 77008 sub... Page of 1-4 Exhibit A

City-Data.com Annie

#### Houston Heights (The Heights) neighborhood in Houston, Texas (TX), 77007, 77008 detailed profile



#### <u>SUBJECT SITE DESCRIBED</u> (in accordance with Standards Rule 1-2e, Lines 532-540, Page U-17, USPAP)

Subject site occupies a "corner" with 88 feet of frontage on the north line of White Oak Boulevard (primary traffic artery) extending through the area and 100 feet deep along Cortlandt, a local asphalt paved road with open ditch drainage.

Subject Site contains total area of 8,800 Square Feet). It is a "rectangular shape site." Verification of size and shape is shown on Harris County Facet Map 5358C and Survey are included on Pages 3 and 4.

Positive and negative features of the subject site are herein discussed in relationship to Harris County Appraisal District 2014 Unit Price of "\$48.00" Per Square Foot (PSF) for land area. Reasoning for related downward adjusted unit price shown for listings and sold sites described as "effectively vacant" range from \$10 PSF to \$72 PSF sites are analyzed in Land Valuation Analysis and Summary, Page 17.

Currently, the subject is improved with duplex, former gas station with five (5) underground storage tanks built in 1930 and 1940. Improvements are not **typical** in this area based on analysis of 28 effectively vacant sites in Houston Heights.

"Highest and Best Use" of the subject site based on maximally productive use and dominant surrounding current land uses; that is "Hold for future residential development" once Historic District approval to remove improvements can be obtained. Approval time estimate, two-three years.

Residential land sales are used as comparisons in this land analyses as they indicate highest and best use of the subject site "as though vacant" and ready to be put to maximum use. These negative features the subject site support estimated downward "minus" adjustments to subject site unit price of (45%-65%). Adjusted unit price range is estimated at \$10 PSF to \$31 PSF. This adjusted amount is reflective of reasonable residential future site value of "Highest and Best Use" status for site/land and is shown in Land Valuation Section, Page 17.

HCAD V	ALUE I	HISTOF	RY OF	SUBJE	CT
Tax Year	2014	2013	2012	2011	2010
Appraised Value	\$438,393	\$279,500	\$278,938	\$272,730	\$280,000
Land Value	2014	2013			
	\$422,400	\$279,400			
Site Improvements	\$ 15,993	\$ 100			
Land Value PSF	\$48.00	\$31.75			

\*\*\*Land and Improvements acquired by owner Sept. 1989 for \$64,000\*\*\* The appraisal district increased land value for 2013 compared to 2014 from \$31.75 PSF up to \$48.00 PSF. Improvement value increased 159 times more (\$15,993 compared to \$100).

There have been no additional **improvements** to the subject site and currently described as an **"Anomaly."** Not typical of comparable sites and having minimum impact to value supported by improvement values above. Storage tanks not included.

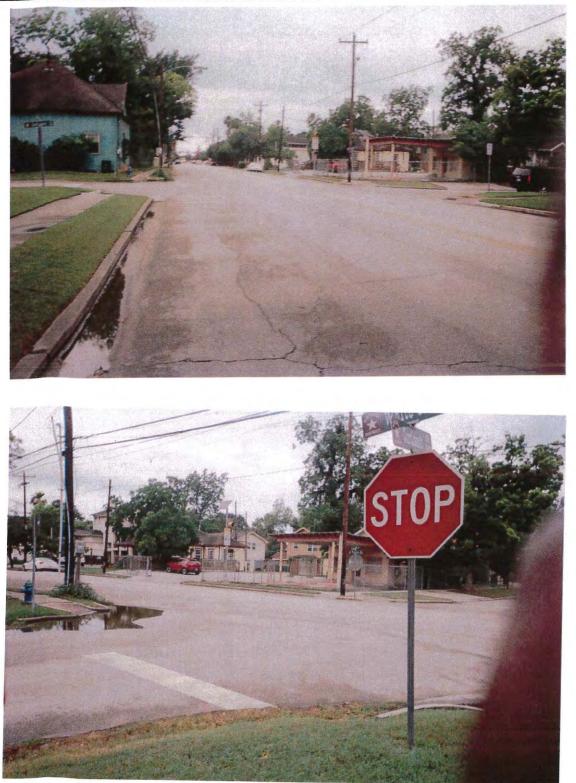
Based on above land value analysis of Land Value compared to Whole Property, subject is deemed as "effectively vacant." That is value of subject property is in the "land" and not in "site improvements."

Additionally, as previously stated, site is "**negatively impacted**" by Historic Designation which has to approve all exterior and interior upgrades to site and presence of underground tanks cost of removal and former service station. Estimated cost of removal (remediation) ranges from \$25,000 up to \$45,000.

Survey of rents in Historic Heights Area typically range from \$1,217 up to \$2,275 per unit. Source, Apartment Data Services and HARMLS.

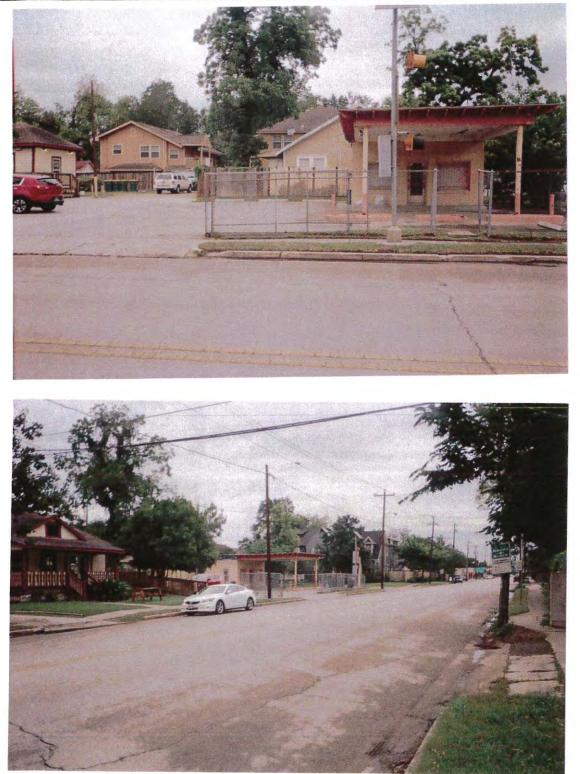
Currently, subject duplex (605 Cortlandt and 607 Cortlandt) are rented at \$700 and \$900 per month. Subject rental rates are impacted and influenced by both negative site features. Ground rent of site paved area is an "interim use" of the subject site until necessary required state and local approvals are current provided owner.

### STREET SCENE ALONG WHITE OAK BLVD. TO HEIGHTS BLVD.



VIEW OF SUBJECT FROM CNR OF WHITE OAK & CORTLANDT

### FRONT VIEW OF SERVICE STATION AND CONCRETE SURFACE



STREET SCENE ALONG WHITE OAK TO CORTLANDT





# ADDITIONAL VIEW OF LEASED PARKING AREA

## TWO VIEWS OF DUPLEX AT 605 & 607 CORTLANDT



16

### LAND SALES AND LISTING ANALYSIS

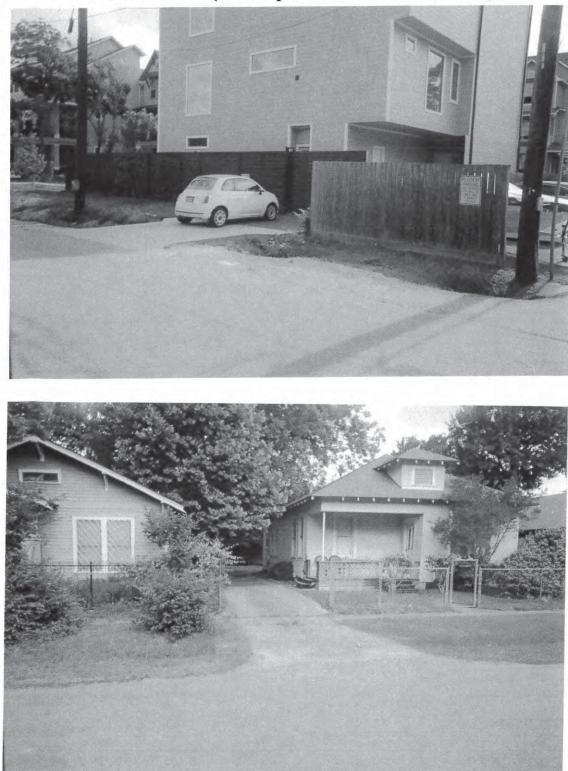
## (SUMMARY AND VALUE ESTIMATE RANGES) (in accordance with SR 1-4a, USPAP, 2014)

Twenty-eight (28) effectively vacant sites in Key Map Area 493 near the subject site include corner and interior lots on Harvard, Oxford, West 22<sup>nd</sup>, Columbia, Cortlandt, Arlington, East 4<sup>th</sup>, West 18<sup>th</sup>, and White Oak Boulevard. Six photographs are included, Pages 18-20.

Recognized Appraisal Methodology (Paired Sales) used in analyses of sales compared to subject is Sales Comparison Approach.

ACRES	X	SQUARE FEET	X	PSF =	EST. VALUE RANGE
0.2020		8,800 SF		\$17	\$149,000
0.2020		8,800 SF		\$31	\$272,800
0.2020		8,800 SF		\$48	\$422,400*
*Value F	Ran	ge not impacted fo	r tv	pical area	sites.

Suggested site/land value of Subject: \$125,000 to \$149,000



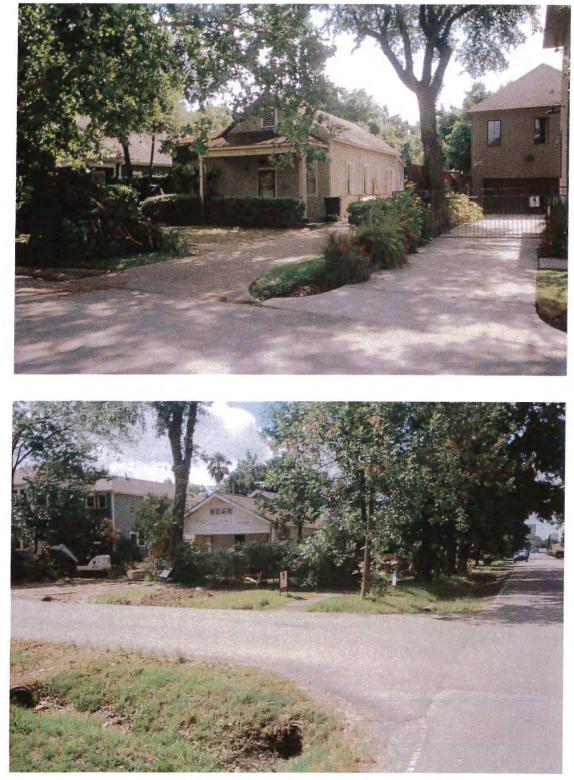
## 530 Oxford (site improved with condo units)

515 Arlington (effectively vacant level wood frame residential dwelling)



## 720 Cortlandt (effectively vacant dwelling undergoing upgrades)

Corner lot, Arlington Street (effectively vacant wood frame dwelling)



## 516 Columbia (effectively vacant at time of sale, upgraded)

Cnr E. 5<sup>th</sup> & Cortlandt (effectively vacant)

Effectively vacant sites sizes range from 5,000 SF to 10,000 SF. Site size of subject is 8,800 SF.

Listings and Sales Prices range from \$10 PSF to \$72 PSF. It is noted and observed that none of these residential sites have similar site improvements in comparison to subject site and are not impaired or restricted from exterior or interior upgrading. No sites were found that were improved with former service stations. As previously stated, subject site is an "Anomaly."

Subject site as previously stated have five underground storage tanks filled with sand waiting for permit to remove. This "encumbrance" or restriction and cost negatively affect site value. Both issues impair site value.

Highest and Best Use based on surrounding land use trends is "residential development." Visual observation of subject site and area improvements demonstrate residential development, that is existing improvements north, south, east and west of subject.

**Conclusion:** Subject primary site is deemed "effectively vacant." "Highest and Best Use" is residential use compatible with surrounding land uses. Current Use as vacant is "Hold for future residential development" is maximally productive use. Land Value estimate of "encumbered site."

### \$125,000.00

Robert Anthony Robinson STATE CERTIFIED GENERAL APPRAISER LISTED ON APPRAISAL FOUNDATION REGISTRY TX 1324007 G

68

## APPRAISER CERTIFICATION

## (in accordance with SR 2-3, USPAP 2014, lines 811-842)

I certify that, to the best of my knowledge and belief:

Statements of fact contained in the Appraisal Report developed in accordance with Standards Rule 2-2b are true and correct.

Reported analyses, opinions, and conclusions are limited only by reported assumptions (Lines 73-79, USPAP) and are my personal, impartial, and unbiased professional analyses, opinions and conclusions, intellectual property.

I have no present or prospective interest with respect to the subject of this report and no personal interest with respect to the parties involved.

I have performed no services, as a real property appraiser or in any other capacity, regarding the property that is the subject of this original summary report within the three year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of this report.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon development or reporting of a predetermined value or direction in value that favor the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this desk appraisal review report.

My analyses, opinions and conclusion estimates were developed, and this summary report has been prepared in conformity with general Standards of Professional Appraisal Practice for Estimating a Reasonable Value for Land as if vacant.

Value definition complies with USPAP, Lines 519-527.

I did inspect/site visit the subject improvements, site and neighborhood that is the subject of this report.

No one provided appraisal assistance to the person signing this certification.

Robert Anthony Robinson Certified General Real Estate Appraiser TX 1324007 G



ITEM XII - Exhibit A

# ADDENDUM

24

Planning Commission 12/18/14 Texas Government Code - Section 442.016. Liability For Adversely Affecting Historic St... Page 1 of 2

## onecle

#### **Court Opinions**

US Supreme Court US Tax Court Board of Patent Appeals

#### State Laws

Alabama Arizona California Florid Georgia Illinois Indiana Massachusetts Michigan Nevada New Jersey New York North Carolina Oregon Pennsylvania Texas Virginia Washington

#### **US** Code

1 USC - General Provisions 2 USC - The Congress 3 USC - The President 4 USC - Flag and Seal 5 USC - Gov't Organization 6 USC - Domestic Security 7 USC - Agriculture 8 USC - Aliens and Nationality 9 USC - Arbitration 10 USC - Armed Forces 11 USC - Bankruptey 12 USC - Bankruptey 12 USC - Bankruptey 13 USC - Consust 14 USC - Conservation 15 USC - Conservation 15 USC - Conservation 17 USC - Conservation 19 USC - Customs Dizles 19 USC - Clustoms Dizles 20 USC - Education 21 USC - Foreign Relations - 1150C 1 USC - General Provisions 20 USC - Education 21 USC - Foreign Relations 23 USC - Foreign Relations 23 USC - Hospitals 24 USC - Hospitals 25 USC - Indians 26 USC - Internal Revenue Code 27 USC - Internal Revenue Code 27 USC - Intoxicating Liquors 28 USC - Judiciary 29 USC - Labor 30 USC - Money and Finance 31 USC - Money and Finance 32 USC - National Guard 33 USC - Navigation 34 USC - Navigation 34 USC - Navigation 35 USC - Patents 36 USC - Patents 36 USC - Patents 39 USC - Vationic Societies 37 USC - Uniformed Services 38 USC - Veterans Benefits 39 USC - Potal Service 40 USC - Public Contracts 42 USC - Public Contracts 42 USC - Public Health 43 USC - Public Pinting 45 USC - Railroads 44 USC - Public Printing 45 USC - Railroads 46 USC - Shipping 47 USC - Telecom 48 USC - Territories 49 USC - Transportation 50 USC - War 50 USC - War

#### **US** Constitution

Preamble Preamble Art. I - Legislative Art. II - Executive Art. III - Judicial Art. IV - States' Relations Art. V - Mode of Amendment Art. VI - Prior Debts Art VII - Ratification

Legal Research Home > Texas Laws > Government Code > Texas Government Code - Section 442.016. Liability For Adversely Affecting Historic Structure Or Property

Texas Government Code - Section 442.016. Liability For

Adversely Affecting Historic Structure Or Property

\$ 442.016. LIABILITY FOR ADVERSELY AFFECTING HISTORIC STRUCTURE OR PROPERTY. (a) In this section, "historic structure or property" means a historic structure or a structure or property that is designated as historic by a political subdivision of the state, the state, or the federal government.

A person is liable to the commission for damages if the (b) person:

demolishes, causes to be demolished, or otherwise (1)adversely affects the structural, physical, or visual integrity of a historic structure or property that is not located in a municipality that has a demolition permit and a building permit procedure; and

(2) does not obtain written permission from the commission before beginning to demolish, cause the demolition of, or otherwise adversely affect the structural, physical, or visual integrity of the structure or property.

If the structural, physical, or visual integrity of the (c) structure or property is adversely affected to the extent that it is not feasible to restore the structural, physical, or visual integrity substantially to its former level, the damages are equal to the cost of constructing, using as many of the original materials as possible, a new structure or property that is a reasonable facsimile of the historic structure or property and the cost of attorney's, architect's, and appraiser's fees and other costs If it is feasible to related to the enforcement of this section. restore the structural, physical, or visual integrity of the structure or property substantially to its former level, the damages are equal to the cost of the restoration, using as many of the original materials as possible, and the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

Instead of accepting monetary damages, the commission (d) may permit the liable person to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property or to restore, using as many of the original materials as possible, the historic structure or property and to pay the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

Damages recovered under this section shall be deposited (e) in the Texas preservation trust fund account.

The construction of a facsimile structure or property (f) under Subsection (d) must be undertaken at the location designated by the commission, which may be the same location as that of the demolished historic structure or property.

The commission may make contracts and adopt rules as (q) necessary to carry out this section.

(h) The commission shall file in the real property records of the county clerk's office in each county in which a historic structure or property that is included on the National Register of Historic Places or that is designated as a Recorded Texas Historic Landmark is located a verified written instrument listing each structure or property located in that county by: the street address, if available in the commission (1)

files;

(2) the legal description of the real property on which the structure or property is located; and the name of the owner of the real property, if (3)

Search

Texas Government Code - Section 442.016. Liability For Adversely Affecting Historic St... Page 2 of 2

available in the commission files.(i) Subsections (a) through (g) of this section apply only to a historic structure or property on or after the date the instrument has been filed under Subsection (h) and indexed.

Added by Acts 1991, 72nd Leg., ch. 594, § 2, eff. Sept. 1, 1991. Amended by Acts 1995, 74th Leg., ch. 109, § 13, eff. Aug. 30, 1995.

Section: Previous 442.011 442.012 442.013 442.014 442.0145 442.015 442.015 442.016 442.017 442.018 442.019 442.019 442.021 442.051 442.052 Next

Speak with a Lawyer in Texas

· Ask a quick legal question online

Last modified: August 11, 2007

ROBERT ANTHONY ROBINSON

HOUSTON, TX 77230-0851

P.O. BOX 300851

You may wish to laminate the pocket identification card to preserve it. The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board. Inquiry as to the status of this license may be made to: Texas Appraiser Licensing and Certification Board P.O. Box 12188 Austin, Tx 78711-2188 www.talcb.texas.gov (512) 936-3001 Fax:(512) 936-3899 Texas Appraiser Licensing and Certification Board P.O. Box 12188 Austin, Texas 78711-2188 Certified General Real Estate Appraiser Number#: TX 1324007 G 11/21/2012 11/30/2014 Issued: Expires: Appraiser: ROBERT ANTHONY ROBINSON Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser. Commissioner

Texas Appraiser Licensing and Certification Board P.O. Box 12188 Austin. Texas 78711-2188 **Certified General Real Estate Appraiser** 

TX 1324007 G Number:

11/21/2012

Expires:

11/30/2014

Appraiser:

Issued:

**ROBERT ANTHONY ROBINSON** 

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon Commissioner

RESUME SUMMARY

ROBERT ANTHONY ROBINSON (e-mail: joyce.robinson9512@sbcglobal.net) (voice: 713 790 1312) (USPS: P O BOX 300851, HOU. TX. 77230)

PRIOR EMPLOYMENT

(APPROXIMATELY 11 YEARS) STEWART APPRAISAL SERVICE (MAI) STEWART REAL ESTATE SCHOOL (ACE, MCE, PTCE, QE, USPAP); TEACHER & SCHOOL CONSULTANT HOUSTON COMMUNITY COLLEGE (RES.& INCOME APPRAISINGS); Adjunct Professor ROBINSON REAL ESTATE SCHOOL (SAE, ACE, PTCE, MCE, QE, 7 & 15 HRS, USPAP) CHAMPIONS REAL ESTATE SCHOOL (USPAP, QE; RESIDENTIAL AND INCOME/COMMERCIAL) (DEVELOPED TEST FOR INITIAL COURSE BEGINNING IN 1989 FOR 15 HRS. USPAP) COLUMBIA INSTITUTE (MCE, ACE, 7 HR. USPAP, FHA, FNMA UPDATES) (TAUGHT COURSES INVOLVING ALL PHASES OF APPRAISAL VALUATION PROCESS, INCLUDING DEVELOPMENT AND REPORTING) OTHER APPRAISAL COURSES TAUGHT (30 HR QUALIFYING EDUCATION) LAND VALUATION, SALES COMPARISON ANALYSIS, EMINENT DOMAIN/CONDEMNATION ENVIRONMENTAL SITE ASSESSMENT, APPRAISING THE TOUGH ONES (SFD), APPRAISAL REVIEW (FNMA FORM AND OTHER NARAMU FORMATS), REPORT WRITING, ADJMTS. IN DSC. EMPLOYMENT REALM LAND SERVICES (INDEPENDENT FEE APPRAISER) (COMMERCIAL APPRAISALS (NARRATIVE REPORTS) SELF EMPLOYED) CERTIFIED REAL ESTATE INSTRUCTOR (CREI) TYPES OF APPRAISAL ACTIVITY RESIDENTIAL (COMPLEX, HISTORIC, UNIQUE, HIGH VALUE ASSIGNMENTS) COMMERCIAL & INCOME PROPERTIES (RTC, FDIC, ATF) RETAIL, APARTMENT, OFFICE, LAND, MASS APPRAISALS, SPECIAL PURPOSE, LIGHT INDUSTRIAL, PROPERTY TAX APPEALS, "CAD" AUDITS CERTIFICATIED GENERAL APPRAISER REAL ESTATE BROKER REAL ESTATE TEACHER (TRETA): LIFE MEMBER, FELLOW, COLUMBIA INSTITUTE FORMER MEMBER, ARB (1990'S & 2000'S); REAL PROPERTY HEARINGS FORMER MEMBER, CIVIL COURT AT LAW (HEARINGS) FORMER MEMBER, TEXAS ASSOCIATION OF PROPERTY TAX PROFESSIONALS FORMER AFFILIATE/ASSOCIATE MEMBER, APPRAISAL INSTITUTE FORMER & FOUNDING MEMBER, NATIONAL ASSOCIATION OF REALTORS, APPRAISAL SECTION FORMER MEMBER NATIONAL REVIEW APPRAISERS AND MORTGAGE UNDERWRITERS OTHER RELATED APPRAISAL ACTIVITY ANNUAL ATTENDEE AT "AQB" USPAP SEMINARS, APPRAISAL FOUNDATION SPONSOR ATTENDEE AT MEETINGS OF TALCB ANNUAL ATTENDEE AT "TRETA" SEMINARS: INSTRUCTOR DEVELOPMENT WORKSHOPS ATTENDEE AT "REEA" NATIONAL SEMINARS: INSTRUCTOR DEVELOPMENT WORKSHOPS ATTENDEE AT REAL ESTATE CENTER, TEXAS A & M SEMINARS ATTENDEE AT TEXAS ASSOCIATION OF APPRAISAL DISTRICTS (TAAD) SEMINARS COMPLETED ESA PHASE 1 AND PHASE 2 TRAINING AT TEXAS A & M (TEEX) ATTENDED SEVERAL SEMINARS, APPRAISAL INSTITUTE AND IREM TREC SUBJECT MATTER EXPERT (ITEM WRITING & TEST DEVELOPMENT) \$HRPTC **\$HRPTCMW** 

## Addendum to Restricted Appraisal Report

original date January 1, 2014

UPDATED

July 20, 2014

for

## PEDRO J. MARTINEZ PROPERTY

3500 White Oak Boulevard

Harris County, Texas 77007

## "HISTORIC HEIGHTS"

PREPARED BY

R. A. ROBINSON, TX 1324007G

State Certified General Appraiser

Addendum to Restricted Appraisal Report requested by the Houston Historical Society

for consideration toward granting qualification property owner permission to remove underground storage tanks, duplex fronting White Oak Boulevard and 40-50 year old service station.

At present since, owner, Mr. Martinez wants to remove improvements from site and improve site with custom built residential dwelling per plans and specification, permission is granted and approved.

As requested additional information regarding duplex sales in "Historic Heights" are herein provided. Key Map Areas (492D, 493A, 493B) were searched for duplex sales during past two years. Three residential duplexes were discovered from Multiple Listing Data Base.

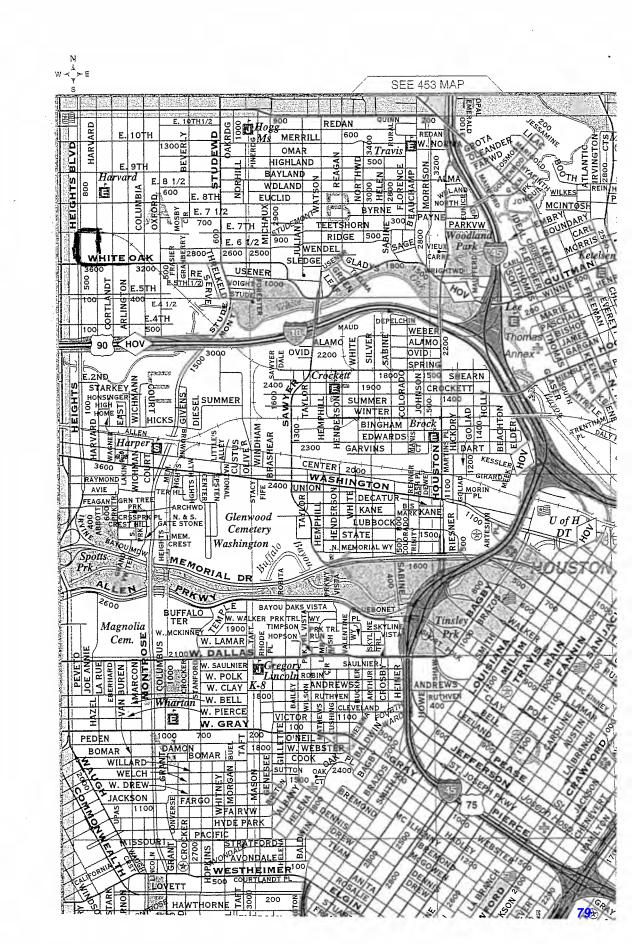
Addresses of these sales are as follows: 1134 7 &1/2 Street, 506 Redan and 516 Teetshorn.

Sales Prices reported from MLS data base are \$361,000, \$365,000 and \$344,350 respectively.

The Direct Sales Comparison Approach involves sales sold recently with similar characteristics to the subject at 3500 White Oak Boulevard. This approach complies with Standards Rule 1-4A, Current Edition of Uniform Standards of Professional Appraisal Practice in a Restricted Appraisal Format in compliance with Standards Rule 2-2B. Limited data is included and few sales exist comparable to the subject. It has been observed and verified with owner, Mr. Martinez that this duplex was brought to the subject site and not originally constructed on subject site. Also, it is fully depreciated and performs below other area duplex type residential properties.

₽

Additionally, "Highest and Best Use" which is "residential" cannot be totally achieved until all current improvements are removed. Also, Maximum Productive Use of the site as vacant, compatible with other properties in this area can only be met if all current improvements are removed.



## PEDRO J. MARTINEZ PROPERTY (FORMAL HEARING)

## APPRAISAL REPORT (IN COMPLIANCE WITH STANDARD 2-2B, USPAP,2014)

## \*\*LAND VALUATION ONLY\*\* (Effectively Vacant Site) RETROSPECTIVE APPRAISAL DATE, JANUARY 1, 2014 (In Compliance with Statement 3, USPAP)

## (Also complies with STANDARDS 1, 2, & 6, USPAP) SITE VISIT MAY 9, 2014

## 3500 WHITE OAK BOULEVARD HOUSTON, HARRIS COUNTY, TEXAS 77007

### PREPARED BY

## R. A. ROBINSON TX 1324007 G STATE CERTIFIED GENERAL APPRAISER LISTED WITH APPRAISAL FOUNDATION REGISTRY

VOICE 713 790 1312 EMAIL joyce.robinson9512@sbcglobal.net ADDRESS P O BOX 300851 HOUSTON, TEXAS 77230

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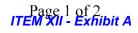
Houston Chronicle | Houston Chronicle.com and chron.com | Monday, July 21, 2014 | B7

APARTMENTS Greystar has purchased the Skyline Apartments at 2222 White Oak. A new project called Elan Heights will be built on the 1.8-acre site. Juan Cuevas with Marcus & Millichap represented the seller, 2222 White Oak LLC. Christopher Dray with Moody Rambin represented the buyer.

## Demolition Application Materials Sec. 33-247(b)

# (2)

Assessed value of the land and improvements thereon according to the two most recent assessments unless the property is exempt from local property taxes



Tax Year: 2014

#### HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 0210100000011

[	Owner and Prop	erty Information	
Owner Name & Mailing Address:	MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001	Legal Description: Property Address:	TRS 11 & 12 BLK 278 HOUSTON HEIGHTS 3500 WHITE OAK DR HOUSTON TX 77007

State (	Class Code	Land Use (	Code	Building Class		Total Units
F1 Rea	, Commercial	7100 Comm. Tabled I Imps	and w-Residential	E		0
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>®</sup>
8,800 SF	1,654	0	5938.21	4006 American General	5358C	493A

#### Value Status Information

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	03/31/2014	No

#### **Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2013 Rate	2014 Rate
None	001	HOUSTON ISD	Not Certified	1.186700	
	040	HARRIS COUNTY	Not Certified	0.414550	
	041	HARRIS CO FLOOD CNTRL	Not Certified	0.028270	
	042	PORT OF HOUSTON AUTHY	Not Certified	0.017160	
	043	HARRIS CO HOSP DIST	Not Certified	0.170000	
	044	HARRIS CO EDUC DEPT	Not Certified	0.006358	
	048	HOU COMMUNITY COLLEGE	Not Certified	0.097173	
	061	CITY OF HOUSTON	Not Certified	0.638750	

#### Valuations

Val	ue as of January 1, 20:	13	Value	e as of January 1, 20	14
	Market	Appraised		Market	Appraised
Land	279,400		Land	422,400	
Improvement	100		Improvement	5,000	
Total	279,500	279,500	Total	427,400	427,400

geodelic conservations			-		La	nd						
				Ma	irket Va	alue Lar	nd					
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	7100 Comm. Tabled Land w-Residential Imps	SF1	SF	8,800	1.00	1.00	1.00	Corner or Alley	1.00	48.00	48.00	422,400.00

#### Building

				Г <u> </u>		
Building	Year Built	Туре	Style	Quality	Impr Sq Ft	Building Details
1	1940	Res. Struct. Or Conversion	Single-Family Residence	Average	294	Displayed
2	1930	Res. Struct. Or Conversion	Single-Family Residence	Low	1,360	View

#### Building Details (1)

Ŀ	Building	Data		Building Areas	
	Element	Detail		Description	Area
	Cooling Type	None		BASE AREA PRI	294
	Construction Type	Wood / Steel Joist		CNPY ROOF W/ SLAB -C	525
1		1	3		

147,900 more than 2013

#### Print Details Planning Commission 12/18/14

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#### Page 2 of 2 ITEM XII - Exhibit A

Functional Utility	Poor
Heating Type	Unit Heaters
Partition Type	Normal
Physical Condition	Poor
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Brick / Stone
Economic Obsolescence	Very Poor
Element	Units
Wall Height	10
Interior Finish Percent	100

Building Features	
Description	Units
CANOPY ROOF AND SLAB	1
Paving - Light Concrete	1



Tax Year: 2014

#### HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 0210100000011

Owner and Property Information							
Owner Name & Mailing Address:	MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001	Legal Description: Property Address:	TRS 11 & 12 BLK 278 HOUSTON HEIGHTS 3500 WHITE OAK DR HOUSTON TX 77007				

State (	Class Code	Land Use	Code	Building Clas	S	Total Units
F1 Real	, Commercial	7100 Comm. Tabled Imps		E		0
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>®</sup>
8,800 SF	1,654	0	5938.21	4006 American General	5358C	493A

		Value Statu	is Information	
Capped Account	Value Status	Notice Date	Hearing Status	Shared CAD
No	Noticed	3/31/2014	Informal : 4/28/2014 2:00:00 PM	No

Exemption Type	Districts	Exemptions and Jurist Jurisdictions	ARB Status	2012 8-1-1	
None	001	HOUSTON ISD		2013 Rate	2014 Rate
	-		Not Certified	1.186700	
	040	HARRIS COUNTY	Not Certified	0.414550	
	041	HARRIS CO FLOOD CNTRL	Not Certified	0.028270	
<i>e</i>	042	PORT OF HOUSTON AUTHY	Not Certified	0.017160	
	043	HARRIS CO HOSP DIST	Not Certified	0.170000	
	044	HARRIS CO EDUC DEPT	Not Certified	0.006358	
	048	HOU COMMUNITY COLLEGE	Not Certified	0.097173	
	061	CITY OF HOUSTON	Not Certified	0.638750	

		Valua	ations		
Value a	as of January 1, 2013		Value a	s of January 1, 2014	
	Market	Appraised		Market	Appraised
Land	279,400		Land	422,400	Approided
Improvement	100		Improvement	15,993	
Total	279,500	279,500	Total	438,393	438,393

_					La	nd						
				M	arket V	alue Lar	nd					
Line	Description	Site Code	Unit Type	Unite	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	7100 Comm. Tabled Land w-Residential Imps	SF1	SF	8,800	1.00	1.00	1.00	Corner or Alley	1.00	48.00		422,400.00
					Buile	ding						

Building	Year Built	Туре	Style	Quality	Impr Sa Ft	Building Details
1	1940	Res. Struct. Or Conversion	Service Station	Low	294	Displayed
2	1930	Res. Struct. Or Conversion	Single-Family Residence	Low	1,360	View

Building D	Data	Building Areas	
Element	Detail	Description	1 A
Cooling Type	None	Description	Area

http://www.hcad.org/records/print.asp?crypt=%94%9A%B0%94%BFg%84%8F%80zid%... 5/21/2014

#### IFEM XIL FExhibit A

Construction Type	Wood / Steel Joist	
Functional Utility	Poor	
Heating Type	Unit Heaters	
Partition Type	Normal	
Physical Condition	Poor	
Plumbing Type	Adequate	
Sprinkler Type	None	
Exterior Wall	Brick / Stone	
Economic Obsolescence	Very Poor	
Element	Units	
Wall Height	10	
Interior Finish Percent	100	

BASE AREA PRI	294
CNPY ROOF W/ SLAB -C	525
 Building Features	
Description	Units
CANOPY ROOF AND SLAB	1
Paving - Light Concrete	1

#### **ITEM XII - Exhibit A**

Tax Year: 2013

Print

#### HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 0210100000011

	Owner and P	roperty Information	
Owner Name & Mailing Address:	MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001	Legal Description: Property Address:	TRS 11 & 12 BLK 278 HOUSTON HEIGHTS 3500 WHITE OAK DR HOUSTON TX 77007

State (	Class Code	Land Use	Code	Building C	Class	Total Units
F1 Real	, Commercial	7100 Comm. Tabled Lar	nd w-Residential Imps	E		0
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>®</sup>
8,800 SF	1,654	0	5938.21	5020 Heights	5358C	493A

#### **Value Status Information**

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	04/02/2013	No

#### **Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2012 Rate	2013 Rate
None	001	HOUSTON ISD	Certified: 08/09/2013	1.156700	1.186700
	040	HARRIS COUNTY	Certified: 08/09/2013	0.400210	0.414550
	041	HARRIS CO FLOOD CNTRL	Certified: 08/09/2013	0.028090	0.028270
	042	PORT OF HOUSTON AUTHY	Certified: 08/09/2013	0.019520	0.017160
	043	HARRIS CO HOSP DIST	Certified: 08/09/2013	0.182160	0.170000
	044	HARRIS CO EDUC DEPT	Certified: 08/09/2013	0.006617	0.006358
	048	HOU COMMUNITY COLLEGE	Certified: 08/09/2013	0.097173	0.097173
	061	CITY OF HOUSTON	Certified: 08/09/2013	0.638750	0.638750

#### Valuations

Value a	as of January 1, 2012		Value a	s of January 1, 2013	
	Market	Appraised		Market	Appraised
Land	264,000		Land	279,400	
Improvement	14,938		Improvement	100	
Total	278,938	278,938	Total	279,500	279,500

#### Land Market Value Land Adj Appr Size Site Appr O/R Total Unit Site Unit O/R Unit Value Description Units Line Reason Adj Price Code Type Factor Factor Price Factor 1 7100 -- Comm. Tabled Land w-SF1 SF 8,800 1.00 1.00 1.00 Corner or 1.00 35.00 35.00 308,000.00 **Residential Imps** Alley

#### Building

Building	Year Built	Туре	Style	Quality	Impr Sq Ft	Building Details
1	1940	Res. Struct. Or Conversion	Service Station	Low	294	View
2	1930	Res. Struct. Or Conversion	Single-Family Residence	Low	1,360	Displayed

Buil	ding	Details	(2)
Dun	unity	Decuns	(-)

Building	Data	
Element	Detail	
		-

#### **Building Areas** Area Description

Functional Utility	Poor
Physical Condition	Poor
Sprinkler Type	None
Plumbing Type	Adequate
Cooling Type	None
Heating Type	None
Partition Type	Normal
Construction Type	Wood / Steel Joist
Exterior Wall	Frame / Res Stucco
Economic Obsolescence	Poor
Element	Units
Interior Finish Percent	100
Wall Height	8

#### ITEM XII - Exhibit A

BASE AREA PRI	1,300
BASE AREA PRI	30
BASE AREA PRI	30
	BASE AREA PRI

Building Features	
Description	Units
CANOPY ROOF AND SLAB	1
Paving - Light Concrete	1

#### ITEM XII - Exhibit A

Hcad Acct: 0210100000011

8	23511.02		-	10		3013 Account 13-Digit N	t Number Addres	s Owner Na	me ?
THE TOWN	HO	ME ABOU	T RECORD S	SEARCH FO	ORMS		URCES VIDEOS	HELP E	N ESPAÑOL
Fax Year: 2	013	ML ADOU		HARRIS COUN REAL PROPERTY	TY APPRA	AISAL DISTRICT		Print 🖾	
		1		02.	1010000	0011			
			0	wnershin Histo	ory   Fide	uciary Informatic	NP		
						y Information			
Owner Name Mailing Addro		MARTINEZ 5567 BEEC HOUSTON		001		erty Address: 35	S 11 & 12 BLK 27 DUSTON HEIGHTS 00 WHITE OAK DF DUSTON TX 77007		
State (	Class Co	de		Land Use (	Code		Building C	lass	Total Units
F1 Rea	l, Comme	ercial	7100 Com	nm. Tabled Land	d w-Resid	lential Imps	E		0
Land Area	Buildin	g Area	Net Rentab	le Area	Neig	ghborhood	Market Area	Map Facet	Key Map
8,800 SF	1,6	54	0		1	5938.21	5020 Heights	5358C	493A
		1997 - 1997 - 294 1997 - 1997 - 294 1997 - 1997 - 294		Value S	Status Inf	formation			
Capped	Account	: Va	lue Status	Notice Date		Heari	ng Status	5	hared CAD
IN	lo		Noticed	4/2/2013		Informal : 5/1/	2013 1:00:00 PM		No
							3/2013 8:00:00 AM		
Exemption	Туре	Districts		Exemptio	ons and J	Formal : 6/1: urisdictions ARB Statu	8/2013 8:00:00 AM	2013 Rat	
Exemption		Districts 001	HOUSTON IS	Jurisdictions	ons and J	urisdictions	8/2013 8:00:00 AM	2013 Rat	
				Jurisdictions SD	ons and J	urisdictions ARB Statu	8/2013 8:00:00 AM s 2012 Rate ed 1.156700	2013 Rat	e Tax Bi
		001	HOUSTON IS	Jurisdictions SD		urisdictions ARB Statu Not Certifie	B/2013 8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210		Tax Bi
		001	HOUSTON IS HARRIS COU HARRIS CO	Jurisdictions SD JNTY		urisdictions ARB Statu Not Certifie Not Certifie	2013         8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090		Tax Bi
		001 040 041	HOUSTON IS HARRIS COU HARRIS CO	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH		urisdictions ARB Statu Not Certifie Not Certifie Not Certifie	B/2013 8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520		Tax Bil
		001 040 041 042	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH HOSP DIST		urisdictions ARB Statu Not Certifie Not Certifie Not Certifie Not Certifie Not Certifie	B/2013 8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520           ed         0.182160		Tax Bi
		001 040 041 042 043	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH HOSP DIST EDUC DEPT JNITY COLLEG	Y	urisdictions ARB Statu Not Certifie	B/2013         8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520           ed         0.182160           ed         0.0006617		Tax Bi
		001 040 041 042 043 044	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH HOSP DIST EDUC DEPT JNITY COLLEG	Y	urisdictions ARB Statu Not Certifie	B/2013 8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520           ed         0.182160           ed         0.006617           ed         0.097173		Tax Bil
		001 040 041 042 043 044 048	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH HOSP DIST EDUC DEPT JNITY COLLEG	Y	urisdictions ARB Statu Not Certifie	B/2013         8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520           ed         0.182160           ed         0.006617           ed         0.097173		Tax Bil
	2	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTH HOSP DIST EDUC DEPT JNITY COLLEG USTON	Y	urisdictions ARB Statu Not Certifie	B/2013         8:00:00 AM           Is         2012 Rate           ed         1.156700           ed         0.400210           ed         0.028090           ed         0.019520           ed         0.182160           ed         0.006617           ed         0.097173		Tax Bil
	2	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HOU COMMU CITY OF HO	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON	Y	urisdictions ARB Statu Not Certifie	B/2013 8:00:00 AM         Is       2012 Rate         ed       1.156700         ed       0.400210         ed       0.028090         ed       0.019520         ed       0.182160         ed       0.006617         ed       0.097173         ed       0.638750		e Tax Bil View View
None	2	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU CITY OF HO	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON	Y E Valuation	urisdictions ARB Statu Not Certifie	3/2013       8:00:00 AM         s       2012 Rate         ed       1.156700         ed       0.400210         ed       0.028090         ed       0.019520         ed       0.182160         ed       0.006617         ed       0.638750	1, 2013	e Tax Bil View View
None	2 Va	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU CITY OF HO CITY OF HO Market	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON	Y Valuation aised La	urisdictions ARB Statu Not Certifie	3/2013       8:00:00 AM         s       2012 Rate         ed       1.156700         ed       0.400210         ed       0.028090         ed       0.019520         ed       0.182160         ed       0.006617         ed       0.638750	1, 2013 Market	e Tax Bill
None	2 Va	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU CITY OF HO CITY OF HO Anuary 1, 2012 Market 264,000	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON Appr 278	Valuation aised Lan B,938 To	urisdictions ARB Statu Not Certifie Not Cert	3/2013       8:00:00 AM         Is       2012 Rate         ad       1.156700         ad       0.400210         ad       0.028090         ad       0.019520         ad       0.182160         ad       0.006617         ad       0.097173         ad       0.638750	1, 2013 Market 308,000	e Tax Bil
None	2 Va	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU CITY OF HO CITY OF HO Market 264,000 14,938	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON Appr 278	Y Valuation aised Lan	urisdictions ARB Statu Not Certifie Not Cert	3/2013       8:00:00 AM         Is       2012 Rate         ad       1.156700         ad       0.400210         ad       0.028090         ad       0.019520         ad       0.182160         ad       0.006617         ad       0.097173         ad       0.638750	1, 2013 Market 308,000 15,449	e Tax Bil View View
	2 Va	001 040 041 042 043 044 048 061	HOUSTON IS HARRIS COU HARRIS CO PORT OF HO HARRIS CO HARRIS CO HOU COMMU CITY OF HO CITY OF HO Market 264,000 14,938	Jurisdictions SD JNTY FLOOD CNTRL DUSTON AUTHY HOSP DIST EDUC DEPT JNITY COLLEG USTON Appr 278	Valuation aised Lan B,938 To	urisdictions ARB Statu Not Certifie Not Cert	3/2013       8:00:00 AM         Is       2012 Rate         ad       1.156700         ad       0.400210         ad       0.028090         ad       0.019520         ad       0.182160         ad       0.006617         ad       0.097173         ad       0.638750	1, 2013 Market 308,000 15,449	View

#### ITEM XII - Exhibit A

Hcad Acct: 0210100000011

	and the second			1				Factor				Price	in the second
1 71	00 Comm. Ta	abled Land w-Residential Imps	SF1	SF	8,800	1.00	1.00	1.00	Corner or Alley	1.00	35.00	35.00	308,000
					Bui	ding							
Buildin	Year Built	Туре	Sec. Mar	1		St	yle		Quality	Impr S	q Ft	Building	Details
1	1940	Res. Struct. Or Conver	sion		8408	3 Ser	vice Sta	ation	Low	294		Displa	ayed
2	1930	Res. Struct. Or Conver	sion	8	3351 9	Single-F	amily R	esidence	Low	1,36	0		

#### Building Details (1)

Texas law prevents us from displaying residential sketches on our website. You can see the sketch or get a copy at **HCAD's information center at 13013 NW Freeway.** 

Building I	Data
Element	Details
Cooling Type	None
Construction Type	Wood / Steel Joist
Functional Utility	Poor
Heating Type	Unit Heaters
Partition Type	Normal
Physical Condition	Poor
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Brick / Stone
Economic Obsolescence	Very Poor
Element	Units
Wall Height	10
Interior Finish Percent	100

Building Areas	
Description	Area
BASE AREA PRI	294
CNPY ROOF W/ SLAB -C	525

Extra Features	
Description	Units
CANOPY ROOF AND SLAB	1
Paving - Light Concrete	1

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Tax Year: 2012

Print

Owner and Property Information					
Owner Name & Mailing Address:	MARTINEZ PEDRO J 5567 BEECHNUT ST	Legal Description:	TRS 11 & 12 BLK 278 HOUSTON HEIGHTS		
	HOUSTON TX 77096-1001	Property Address:	3500 WHITE OAK DR HOUSTON TX 77007		

HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION

0210100000011

State (	Class Code			S	Total Units	
F1 Real	, Commercial			E		0
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>®</sup>
8,800 SF	1,654	0	5938.21	4006 American General	5358C	493A

#### **Value Status Information**

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	03/30/2012	No

#### **Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2011 Rate	2012 Rate
None	001	HOUSTON ISD	Certified: 08/10/2012	1.156700	1.156700
	040	HARRIS COUNTY	Certified: 08/10/2012	0.391170	0.400210
	041	HARRIS CO FLOOD CNTRL	Certified: 08/10/2012	0.028090	0.028090
	042	PORT OF HOUSTON AUTHY	Certified: 08/10/2012	0.018560	0.019520
	043	HARRIS CO HOSP DIST	Certified: 08/10/2012	0.192160	0.182160
	044	HARRIS CO EDUC DEPT	Certified: 08/10/2012	0.006581	0.006617
	048	HOU COMMUNITY COLLEGE	Certified: 08/10/2012	0.097222	0.097173
	061	CITY OF HOUSTON	Certified: 08/10/2012	0.638750	0.638750

#### Valuations

Value as	of January 1, 2011		Value a	as of January 1, 2012	
	Market	Appraised		Market	Appraised
Land	264,000		Land	264,000	
Improvement	8,730		Improvement	14,938	
Total	272,730	272,730	Total	278,938	278,938

					Land							
				Marke	et Value	Land						
Line	Description		Unit Type		Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	7100 Comm. Tabled Land w- Residential Imps	SF1	SF	8,800	1.00	1.00	1.00	Corner or Alley	1.00	30.00	30.00	264,000.00

#### Building

Building	Year Built	Туре	Style	Quality	Impr Sq Ft	Building Details
1	1940	Res. Struct. Or Conversion	Service Station	Low	294	Displayed
2	1930	Res. Struct. Or Conversion	Single-Family Residence	Low	1,360	View

Building Details (1)

Building Data

Building Areas

-6.

Element	Detail
Cooling Type	None
Construction Type	Wood / Steel Joist
Functional Utility	Poor
Heating Type	Unit Heaters
Partition Type	Normal
Physical Condition	Poor
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Brick / Stone
Economic Obsolescence	Very Poor
Element	Units
Wall Height	10
Interior Finish Percent	100

#### ITEM XII - Exhibit A

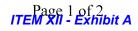
Description	Area
BASE AREA PRI	294
CNPY ROOF W/ SLAB -C	525

Building Features	
Description	Units
CANOPY ROOF AND SLAB	1
Paving - Light Concrete	1



#### Print Details Planning Commission 12/18/14

and a second



HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 0210100000011 Tax Year: 2011

	Owner and Pro	perty Information	
Owner Name & Mailing Address:	MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001	Legal Description: Property Address:	TRS 11 & 12 BLK 278 HOUSTON HEIGHTS 3500 WHITE OAK DR HOUSTON TX 77007

State (	te Class Code Land Use Code			Building Class	Total Units	
F1 Real, Commercial 7100 Comm. Tabled Land w-Residential Imps			E	0		
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>®</sup>
8,800 SF	1,654	0	5938.21	4006 American General	5358C	493 <b>A</b>

# Value Status Information Capped Account Value Status Notice Date Shared CAD No Noticed 04/15/2011 No

#### **Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2010 Rate	2011 Rate
None	001	HOUSTON ISD	Certified: 08/12/2011	1.156700	1.156700
	040	HARRIS COUNTY	Certified: 08/12/2011	0.388050	0.391170
	041	HARRIS CO FLOOD CNTRL	Certified: 08/12/2011	0.029230	0.028090
	042	PORT OF HOUSTON AUTHY	Certified: 08/12/2011	0.020540	0.018560
	043	HARRIS CO HOSP DIST	Certified: 08/12/2011	0.192160	0.192160
	044	HARRIS CO EDUC DEPT	Certified: 08/12/2011	0.006581	0.006581
	048	HOU COMMUNITY COLLEGE	Certified: 08/12/2011	0.092220	0.097222
	061	CITY OF HOUSTON	Certified: 08/12/2011	0.638750	0.638750

Valu	ue as of January 1, 20	LO	Value as of January 1, 2011			
	Market	Appraised		Market	Appraised	
Land	264,000		Land	264,000		
Improvement	16,000		Improvement	8,730		
Total	280,000	280,000	Total	272,730	272,730	

90000000000000000000000000000000000000	Land											
	Market Value Land											
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	7100 Comm. Tabled Land w-Residential Imps	SF1	SF	8,800	1.00	1.00	1.00	Corner or Alley	1.00	30.00	30.00	264,000.00

#### Building

			g			
Building	Year Built	Туре	Style	Quality	Impr Sq Ft	Building Details
1	1940	Res. Struct. Or Conversion	Service Station	Low	294	Displayed
2	1930	Res. Struct. Or Conversion	Single-Family Residence	Low	1,360	View

#### Building Details (1)

Building E		
Element	Detail	
Cooling Type	None	
Construction Type	Wood / Steel Joist	
ſ	T	I [

Building Areas	
Description	Area
BASE AREA PRI	294

file:///C:/Users/JB/AppData/Local/Temp/Low/3WOJYI14.htm

1

#### Print Details Planning Commission 12/18/14

\$

#### -**Functional Utility** Poor Heating Type Unit Heaters Partition Type Normal Physical Condition Poor Plumbing Type Adequate Sprinkler Type None Exterior Wall Brick / Stone Economic Obsolescence Very Poor Element Units Wall Height 10 **Interior Finish Percent** 100

Building Features	
Description	Units
Paving - Light Concrete	1

#### Page 2 of 2 ITEM XII - Exhibit A

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## ITEM XII - Exhibit A

#### APPRAISED VALUE HISTORY: 021010000011

吕<sub>Print</sub>

Tax Year:	2014	2013	2012	2011	2010
Appraised Value:	\$427,400	279,500	278,938	272,730	280,000

(The appraised value shown on this screen may be less than the property's January 1 market value if the property is a residence homestead and is subject to a cap on annual increases in appraised value.)

-close window-

ITEM XII - Exhibit A 2013 Property Tax Statement

Statement Date:

September 24, 2014

Account Number

021-010-000-0011

This combined bill includes your I.S.D Overage Exists on Account

#### MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001

Planning Commission 12/18/14 MIKE SULLIVAN

TAX ASSESSOR-COLLECTOR

**HOUSTON, TEXAS 77253-3547** 

P.O. BOX 3547

MARTINEZ PEDRO J 5567 BEECHNUT ST

HOUSTON TX 77096-1001

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY

DESCRIBED IN THIS DOCUMENT IS YOUR

HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY

Taxing Jurisdiction	Exemptions	Taxable V	alue R	ate per \$100	Taxes	Property Desc	cription	
Houston ISD Harris County Harris County Flood Control Dist Port of Houston Authority		0	279,500 279,500 279,500 279,500 279,500	1.186700 0.414550 0.028270 0.017160	\$3,316.83 \$1,158.67 \$79.01 \$47.96	3500 WHITE OAK DR 77007 TRS 11 & 12 BLK 278 HOUSTON HEIGHT .2020 AC		
Harris County Hospital District Harris County Dept. of Education	ris County Hospital District 0 279,500 0.170000 \$475.15	\$475.15 \$17.77	Appraised V	alues				
Houston Community College System		0	279,500	0.097173 0.638750	\$271.60	Land - Market Value	279,400	
City of Houston		0	279,500	0.638/50	\$1,785.31	Impr - Market Value	100	
		1				Total Market Value	279,500	
						Less Capped Mkt Value	Ó	
						Appraised Value	279,500	
Page: 1 of 1						Exemptions/D	eferrals	
Total 2013 Taxes Due By Ja	nuary 31, 2014:				\$7,152.30			
Payments Applied To 2013	Гахes				\$7,152.30			
Total Current Taxes Due (In	ncluding Penaltie	s)			\$0.00			
Prior Year(s) Delinquent Ta	xes Due (If Any)				\$0.00			
Total Amount Due For	July 2014				\$0.00			
Penalties for Paying Late	Rate Cu	rrent Taxes	Delinq	uent Taxes	Total			
By Febuary 28, 2014	7%	\$0.00		50.00	\$0.00			
By March 31, 2014	9%	\$0.00		50.00	\$0.00			
By April 30, 2014	11%	\$0.00		50.00	\$0.00			
By May 31, 2014	13%	\$0.00		50.00	\$0.00			
By June 30, 2014	15%	\$0.00		\$0.00	\$0.00			

Tax Bill Increase (Decrease) from 2008 to 2013: Appraised Value 13%, Taxable Val 13%, Tax Rate 1%, Tax Bill 15%.

> Detach at the perforation and return this coupon with your payment. Keep top part for your records. \*See reverse side for additional information.\*

> > PAYMENT COUPON

Make check payable to:

MIKE SULLIVAN TAX ASSESSOR-COLLECTOR P.O. BOX 4622 HOUSTON, TEXAS 77210-4622

Account Number 021-010-000-0011 **Amount Enclosed** S

> Scan the QR code to pay online or visit www.hctax.net



нагиз социну тах отпсе Planning Commission 12/18/14 http://www.hctax.net/Property/TaxStatement?Account=021010000011 ITEM XII - Exhibit A

CONTACT

r i	<b>ULLIVAN</b> or-Collector	Military Help Desk	About The Tax Assessor-Collector		
PROPERTY TAX	VEHICLE REGISTRATION	PERMITS & SPECIAL T	AXES VOTER REGISTRATION		
		_			

Search	This is a comparison o						ion purpose:			
Search by Name	only, and is provided in accordance with Section 31.01(C)(11) of the Texas Property Tax Code. Account Number: 0210100000011									
	Years	2008	2009	2010	2011	2012	2013			
	Appraised	247,400	275,000	280,000	272,730	278,938	279,500			
Current Statement	001 - Houston ISD									
1	Tax Value	247,400	275,000	280,000	272,730	278,938	279,50			
5 Year Account History	Tax Rate	1.156700	1.156700	1.156700	1.156700	1.156700	1.1867(			
	Tax Bill	\$2,861.68	\$3,180.93	\$3,238.76	\$3,154.67	\$3,226.48	\$3,316.8			
TAX RECEIPTS	% Diff		11.16	1.82	-2.60	2.28	2.8			
[un 05, 2014	040 - Harris County									
	Tax Value	247,400	275,000	280,000	272,730	278,938	279,50			
May 30, 2014	Tax Rate	0.389230	0.392240	0.388050	0.391170	0,400210	0.41453			
Apr 11, 2014	Tax Bill	\$962.96	\$1,078.66	\$1,086.54	\$1,066.84	\$1.116.34	\$1,158.6			
[an 30, 2014	% Diff		12.02	0.73	-1.81	4.64	3.7			
Apr 25, 2013	041 - Harris County Flood Control Dist									
Apr 23, 2013	Tax Value	247.400	275.000	280,000	272,730	278.938	279,50			
Apr 25, 2013	Tax Rate	0.030860	0.029220	0.029230	0.028090	0.028090	0.02827			
Jan 30, 2013	Tax Bill	\$76.35	\$80.36	\$81.84	\$76.61	\$78.35	\$79.0			
May 14, 2012	% Diff		5.25	1.84	-6.39	2.27	0.8			
Feb 23, 2012	042 - Port of Houston Authority						*********			
Nov 22, 2011	Tax Value	247,400	275,000	280,000	272,730	278,938	279,50			
	Tax Rate	0.017730	0.016360	0.020540	0.018560	0.019520	0.01716			
Jan 21, 2011	Tax Bill	\$43.86	\$44,99	\$57.51	\$50.62	\$54.45	\$47.9			
Nov 23, 2010	% Diff		2.58	27.83	-11.98	7.57	-11.9			
	043 - Harris County Hospital District		**********				******			
ę	Tax Value	247,400	275,000	280,000	272,730	278.938	279,50			
	Tax Rate	0.192160	0.192160	0.192160	0.192160	0.182160	0.17000			
	Tax Bill	\$475.40	\$528,44	\$538.05	\$524.08	\$508.11	\$475.1			
	% Diff		11.16	1.82	-2.60	-3.05	-6.4			
	044 - Harris County Dept. of Education									
	Tax Value	247,400	275,000	280,000	272,730	278,938	279,50			
	Tax Rate	0.005840	0.006050	0.006381	0.006581	0.006617	0.006358			
	Tax Bill	\$14.45	\$16.64	\$18.43	\$17.95	\$18.46	\$17.7			
	% Diff		15.16	10.76	-2.60	2.84	-3.74			
	048 - Houston Community College System									
	Tax Value	247,400	275,000	280,000	272,730	278,938	279,50			
	Tax Rate	0.092430	0.092220	0.092220	0.097222	0.097173	0.097173			
	Tax Bill	\$228.67	\$253.61	\$258.22	\$265.15	\$271.05	\$271.60			
	% Diff		10.91	1.82	2.68	2.23	0.2			
	061 - City of Houston	***********************************					*******			
	Tax Value	247.400	275,000	280,000	272,730	278,938	279,500			
	Tax Rate	0.638750	0.638750	0.638750	0.638750	0.638750	0.638750			

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#### Harris County Tax Office Planning Commission 12/18/14

**							
	Tax Bill	\$1,580.27	\$1,756.56	\$1,788.50	\$1,742.06	\$1,781.72	\$1,785.31
1	% Diff		11.16	1.82	-2.60	2.28	0.20
	\$						
	Total Tax Bill by Year	\$6,243.64	\$6,940.19	\$7,067.85	\$6,897.98	\$7.054.96	\$7,152.30
	Total Year % Diff	-	11.16	1.84	-2.40	2.28	1.38
•	SCHOOL DISTRICT TA	X RATE BREAKDO	OWN FOR CURRE	NT YEAR AND PRE	EVIOUS YEAR		
1	Taxing	Tax Rate		2013	00.00000000000000000000000000000000000	2012	
		······	M&O Tax Rate			1.006700	
	001 - Houston ISD	I&S Tax Rate		0.160000	0.160000		
		Total Tax R		1.186700	*****	1.156700	
							· ·
	Careers Cor	itact	Forms	Public In	formation Re	equest	

Harris County Tax Office Planning Commission 12/18/14 http://www.hctax.net/Property/TaxStatement?Account=0210100000011 ITEM XII - Exhibit A



MILITARY HELP DESK

ABOUT THE TAX ASSESSOR-COLLECTOR

CONTACT

PROPERTY TAX

Tax Assessor-Collector

VEHICLE REGISTRATION

PERMITS & SPECIAL TAXES

VOTER REGISTRATION

Search	Account Num	her	Curr	Current As Of:			Assessed Owner		
Search by Name	021-010-000-00			July 07. 2014			MARTINEZ PEDRO J 5367 BEECHNUT ST HOUSTON TX 77096-1001		
	Property Description		Apprai	sed Values	unanan madaman	Notes/Exemptions			
•			Land - Market Value: 279,400 Impr - Market Value: 100			Overage Exists on Accourt			
Current Statement	TRS 11 & 12 BLK 278 HO	CSTON	Total Market Value:	279,5					
Current statement	HEIGHTS .2020 AC		Less Capped Mkt Value: Appraised Value:	0 279,5	0 279,500		t bill includes your LS.I		
5 Year Account History	Taxing Jurisdiction	Exempt		ıble Value	Tax	Rate	Taxes		
	Houston ISD	0	2	79,500	1.18	5700	\$3,316.8		
TAV DECEMPTO	Harris County	0	2	79,500	0.41	4550	\$1,138.6		
TAX RECEIPTS     Jun 05, 2014	Harris County Flood Control Dist	0	2	79,500	0.021	3270	\$79.0		
May 30, 2014	Port of Houston Authority	0	2	79,500	0.01	7160	\$47.9		
Apr 11, 2014	Harris County Hospital District	0	2	79,500	0.17	0000	\$475.1		
Jan 30, 2014	Harris County Dept. of Education	0	2	79,500	0.00	5358	\$17.7		
Apr 25, 2013	Houston Community College System	0	. 2	79,500	0.091	7173	\$271.6		
Apr 25, 2013	City of Houston	0	2	79,500	0.638	3750	\$1,785.33		
Jan 30, 2013	Total 2013 Tax	es Due by J	anuary 31, 2014	+:			\$7,152.30		
May 14, 2012	Paym	ients appli	ied to 2013 taxes	5			\$7,152.30		
Feb 23, 2012		Total Cı	irrent Taxes Due	21	*****		\$0.00		
Nov 22, 2011	Pric	or year(s) t	axes due (if any	):			\$0.00		
Jan 21, 2011	Total	Amount D	ue For July 2014	k:			\$0.00		
Nov 23, 2010	Penalties for Late Payments	Rate	ci	urrent	Delin	quent	Total		
	By February 28, 2014	<b>7</b> %		\$0.00		\$0.00	\$0.0		
	By March 31, 2014	9°A		\$0.00		\$0.00	\$0.00		
HCAD	By April 30, 2014	11%		\$0.00		\$0.00	\$0.00		
Come of DDF	By May 31, 2014	13%		\$0.00		\$0.00	\$0.00		
Save as PDF	By June 30, 2014	15%		\$0.00		\$0.00	\$0,0(		

#### Planning Commission 12/18/14

MIKE SULLIVAN TAX ASSESSOR-COLLECTOR P.O. BOX 3547 HOUSTON, TEXAS 77253-3547



**ITEM XII - Exhibit A** 2013 Property Tax Statement

Statement Date:	July 9, 2014
Account N	umber
021-010-00	0-0011

This combined bill includes your I.S.D Overage Exists on Account

MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes	Property Desc	ription		
Houston ISD Harris County Harris County Flood Control Dist Port of Houston Authority	<u>, (), (), (), (), (), (), (), (), (), ()</u>	) 279,500 ) 279,500 ) 279,500 ) 279,500 ) 279,500	500         0.414550           500         0.028270	\$3,316.83 \$1,158.67 \$79.01 \$47.96	3500 WHITE OAK DR 77007 TRS 11 & 12 BLK 278 HOUSTON HEIGHT .2020 AC			
Harris County Hospital District		279,500 279,500 279,500	0.170000 0.006358	\$475.15 \$17.77	Appraised Values			
Harris County Dept. of Education Houston Community College System		279,500 279,500 279,500	0.097173 0.638750	\$271.60 \$1,785.31	Land - Market Value	279,400		
City of Houston	louston 0 279,500 0,039750	0.038/50	31,705.51	Impr - Market Value	100			
					Total Market Value	279,500		
					Less Capped Mkt Value	0		
					Appraised Value	279,500		
Page: 1 of 1		<u></u>			Exemptions/D	eferrals		
Total 2013 Taxes Due By Jan	uary 31, 2014:			\$7,152.30				
Payments Applied To 2013 T				\$7,152.30				
Total Current Taxes Due (In	cluding Penalties	)		\$0.00				
Prior Year(s) Delinquent Tax	es Due (If Any)			\$0.00				
Total Amount Due For J	luly 2014			\$0.00				
Penalties for Paying Late	Rate Cu	rent Taxes Do	elinquent Taxes	Total	•			
By Febuary 28, 2014	7%	\$0.00	\$0.00	\$0.00				
By March 31, 2014	9%	\$0.00	\$0.00	\$0.00				
By April 30, 2014	11%	\$0.00	\$0.00	\$0.00				
By May 31, 2014	13%	\$0.00	\$0.00	\$0.00				
	15%	\$0.00	\$0.00	\$0.00				

Tax Bill Increase (Decrease) from 2008 to 2013: Appraised Value 13%, Taxable Val 13%, Tax Rate 1%, Tax Bill 15%.

Detach at the perforation and return this coupon with your payment. Keep top part for your records. \*See reverse side for additional information.\*

MARTINEZ PEDRO J 5567 BEECHNUT ST HOUSTON TX 77096-1001

٩.

F \_\_\_\_\_ ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

#### **PAYMENT COUPON**

Make check payable to:

MIKE SULLIVAN TAX ASSESSOR-COLLECTOR P.O. BOX 4622 HOUSTON, TEXAS 77210-4622

021-010-000-0011	
Amount Enclosed	

Scan the QR code to pay online or visit www.hctax.ne



# OSTOTOOOOOTTT SOT3 00000000 00000000 00000000 00000000

# Demolition Application Materials Sec. 33-247(b)

# (3)

All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property

### Planning Commission 12/18/14



William T. Evans & Associates 2306 Augusta, Suite 1070 Houston, Texas 77057

November 17, 2008

Mr. Ronald T. Green Texas Community Bank, N.A. 16610 Interstate 45 South The Woodlands, Texas 77384

RE: Appraisal of a vacant tract of land located at 3500 White Oak Drive, Houston, Texas 77007

Mr. Green:

As you requested, we have appraised the "as is" market value of the above referenced property. The effective date of the "as is" value opinion is November 8, 2008. The purpose of this report is to provide a supportable opinion of the "as is" market value of the fee simple estate in the subject property. The subject is located at 3500 White Oak Drive, Houston, Texas 77007 and measures 8,800 square feet and is currently improved with a small vacant commercial building that was formerly used as a service station and a vacant one-story, two-unit residential property. However, at the request of the client, the purpose of this appraisal assumes that the improvements do not have any contributory or detrimental value and the subject is appraised as vacant land. Demolition costs were not deduced as all sales used in our analysis had similar improvements at the time of sale. The appraisans make no warranties regarding any underground storage tanks that may be located on the site.

Your attention is directed to the assumptions and limiting conditions contained within the body of this report for a more thorough understanding of the conditions upon which the value indications and conclusions herein were based. In the accompanying report can be found the results of our investigations, together with the details on the methods used in deriving the final value opinion.

.....



November 17, 2008 Page Two



This report is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Foundation and FIRREA. This is a summary appraisal report. This report was not based upon a requested minimum valuation, a specific valuation or the approval of a loan. The appraisers are acting independently of Texas Community Bank, N.A. This report remains the personal property of the signers and may not be transmitted to a third party without the signers written permission, except Texas Community Bank, N.A. and applicable agencies.

By virtue of our investigation and analyses, it is the opinion of the appraisers that the "as is" market value of the fee simple estate in the subject property, 3500 White Oak Drive, as described herein, as of November 8, 2008, is:

# THREE HUNDRED TWELVE THOUSAND DOLLARS

\$312,000

Sincerely,

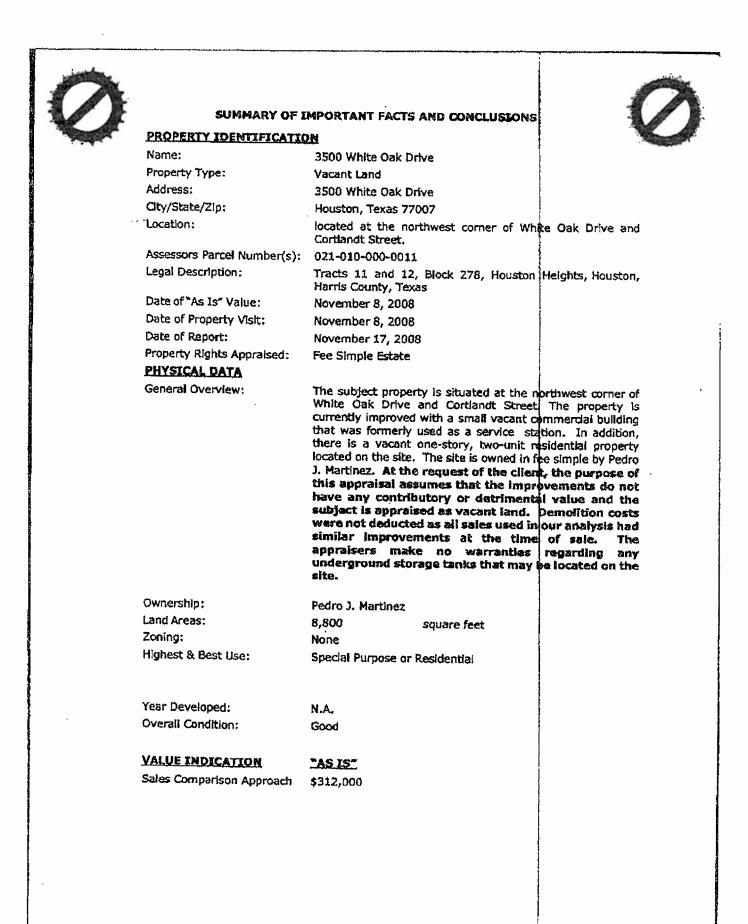
Digitally signed by William T. Evans, SRA cn=William T. Evans, SRA, o=William T. Evans and Associates, c=US Date: 2008.11.17 12:15:04 -06'00' Reason: <none> Houston, TX

William T. Evans, SRA

Texas State Certified General Real Estate Appralser #TX-1320166-G

Circy R. letter

Cindy K. Latham, MAI Texas State Certified General Real Estate Appraiser #TX-1323775-G



# Demolition Application Materials Sec. 33-247(b)

# (4)

All listings of the property for sale or rent that are less than a year old at the time of the application

		3502 WHITEOAK	605 CORTLANDT 607 CORTLANDT	ADDRESS	3502 WHITEOAK	605 CORTLANDT 607 CORTLANDT 605 CORTLANDT	ADDRESS .
		Happy Fatz	Cuyler, Natalie Paersn, Chris	Tennant Name	Happy Fatz	Cuyler, Natatte Swanson, Robert Turner. Ira	Tennant Name
	\$3,242.50	\$1,417.50	\$1,025.00 \$800.00	Jan-13	\$1,417.50 \$2,442.50	\$1,025.00	Jan-14
	\$3,242.50 \$3,242.50 \$3,242.50	\$1,417.50 \$1,417.50 \$1,417.50 \$1,417.50	\$1,025.00 \$800.00	Feb-13	\$1,417.50 \$1,350.00 \$1,417.50 \$1,417.50 \$1,417 \$2,442.50 \$2,375.00 \$3,092.50 \$2,857.50 \$3,41	\$1,025.00 \$1,025.00 \$1,025.00 \$650.00	Feb-14
		\$1,417.50	\$1,025.00 \$800.00	Mar-13	\$1,417.50 \$3,092.50	\$1,025.00 \$650.00	Mar-14
	\$3,242.50		\$1,025.00 \$800.00	Apr-13	\$1,417.50 \$2,857.50	\$340.00 \$650.00	Apr-14
	\$3,242.50 \$3,242.50 \$3,240,70 \$3,242.50 \$3,242.50	\$1,417.50 \$1,417.50 \$1,415.50 \$1,417.50 \$1,417.50	\$1,025.00 \$800.00	May-13	\$1,417.50 \$1,350.00 \$3,417.50 \$2,900.00	\$450.00 \$650.00	May-14
	\$3,242.50	\$1,417.50	\$1,025.00 \$1,025.00 \$1,025.00 \$800.00 \$800.00 \$800.00	Jun-13	7.50 \$1,350.00 7.50 \$2,900.00 \$1,550.00 7.50 \$2,900.00 \$1,550.00 26,54	\$650.00	Jun-14
29	\$3,240 <i>5</i> 70	\$1,415.50	\$1,025.00 \$800.00	Jul-13	\$1,550.00 26,545	\$650.00	Jul-14
29, 182,50	\$3,242.50	\$1,417.50	\$1,025.00 \$1,025.00 \$800.00 \$800.00	Aug-13	Ţ,		Aug-14
	\$3,242.50	\$1,417.50	\$1,025.00 \$800.00	Sep-13			Sep-14

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ITEM XII - Exhibit A

Planning Commission 12/18/14					ITEM XI	- Exhibit A
Tot do	C18	\$3,242.50 \$2,442.50 \$2,442.50	\$1,417.50 \$1,417.50 \$1,417.50	\$1,025.00 \$1,025.00 \$1,025.00 \$800.00	Oct-13 Nov-13 Dec-13	POct-14 Nov-14 Dec-14
2014 to date 26,545	8127.50	-			FEAT 1370 Litan Gost 700 - Ret Income Net Income Net Income	Appen inthe
607/602/300 ult		MARAGeneral	son diver ce	les i theus	The water 1680 Amoult 1680 The support 120 A year 125 Togety The 12, do Bygan 1000 2805 A New th	107

# Demolition Application Materials Sec. 33-247(b)

# (5)

# Evidence of any consideration by the owner of uses and adaptive reuses of the property

# Demolition Application Materials Sec. 33-247(b)

# (6)

Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates RE: 605-607- Cortland

Mr. Martinez,

 $\phi e^{i}$ 

Here is the line item cost estimate to repair and rehabilitate 605-607 Cortland Houston, TX 77007

		Estimate	
	····		
Plumbing - Sewer, top out and fixtures Electrical with 100 Amp service each with fixtu New 16 SEER AC 3 tofurnace Framing repair, material/labor for electrical, pl	* umbing and AC	\$15,750.00 \$12,250.00 \$13,400.00 \$3,700.00	
Structural framing repair, material/labor, rotter seals, door jambs, sub floor, wood siding, and window repair Leveling of House (approximate)	n fashia board, win termite damage *	\$19,700.00 \$11,000.00	
Sheet rock, tape and float		\$9,250.00 \$0.00	
		\$0.00	
		485,050.00	
Exterior Paint, material/labor		\$8,500.00	
Interior Paint, material/labor		\$6,500.00	
Kitchen Cabinets		\$5,800.00	
Bathroom Cabinets	*	\$1,400.00	
Sand and repair wood floors	*	\$6,500.00 _	
New bath tile, material/labor	*	\$5,800.00	
New exterior door	*	\$1,700.00	
New Roof		\$5,500.00	
New Cedar Fence	*	\$3,900.00	
Landscaping	*	\$4,200.00	
Portable Toilet	*	\$650.00	
Removal of trash and construction debris	*	\$1,400.00	
	*	\$0.00	
	*	\$0.00	
		\$0.00	
		\$0.00	
		\$0.00	
	*	\$0.00	
		\$0.00	
		\$0.00	
		\$0.00	
		\$0.00	
	-	\$51,850.00	

\*

\*

\$0.00

Planning Commission 12/18/14

Grand Total

\$136,900.00 \$0.00

## Planning Commission 12/18/14

Engineering Architecture 8500 FRAMING + Material 15,000 -

to go to a Single FAMILY

	Genson Technologies, Inc.
Bu	ILDING HOMES FOR THE FUTURE
	Don Sumbera PRESIDENT

FAX / 713-668-7307

HOUSTON, TEXAS 77401

#### Spencer Howard Design + Construction Management

n 122 Mirell Street Handard III III Maran (1929)

**Cost Model Analysis** Client Name: Pete Martinez Project Address: 3500 White Oak Date: 10/01/2014 New Construction Renovation Bedrooms \* Sales data based on 2014 MLS figures per HAR.com Bathrooms 2 4.5 Garage 1 - detached 2 - attached \*\* Notes taken from visual observations, property inspection report by Edward Robinson (PE #87035) dated September 22, 2014, appraisal report by R.A. Robinson (TX 1324007 G) dated Area of Construction 3179 4428 Est. Cost per Gross Sq. Ft. \$264.84 \$185.39 January 1, 2014, and hazardous material abatement proposal by InControl Technologies dated Estimated Escalation 1.50% September 25, 2014. 3.00% Avg. Sales Price per Sq. Ft. \* \$204.47 \$338.01 Profit / Loss \$675.819.32 -\$191,930.32 Notes \*\* Renovation New Construction Code Description **Design Costs** \$16,000.00 Additional fees to fully document existing conditions. \$21,000.00 007 Design Consultant Historic Preservation Consultant \$1,500.00 \$1,500.00 800 \$3,000.00 Majority of Gas Station must be rebuilt upon hazardous material abatement \$4,000.00 010 Structural Engineering Consultant \$1,000.00 \$1,000.00 017 Survey Consultant 019 Geotechnical Consultant \$1,000.00 \$1,000.00 \$2,000.00 \$0.00 Due to proximity to existing structures. 020 Tree Consultant 021 Roof / Waterproofing Consultant \$3,000.00 \$0.00 Flat roof/no waterproofing on gas station. Deferred maintenance on duplex. \$500.00 \$500.00 022 Permit Expediter \$0.00 \$0.00 023 Other Consultant \$34,000.00 Design Subtotal 024 Design Contingency (10%) \$2,300.00 \$3,400.00 Total Design Costs \$37,400.00 \$25,300.00 **Construction Costs** Permit Costs \$500.00 025 Wastewater / Sanitary Sewer Permit \$250.00 Wastewater / Storm Drainage Permit \$250.00 \$500.00 026 027 Development / Planning Permit \$250.00 \$500.00 028 Building Permit Fee \$750.00 \$5,000.00 \$1,500.00 029 Other Permit Costs (Variances) \$0.00 Variances for building lines and replatting \$6,500.00 \$3,000.00 Total Permit Costs **Building Construction Contract** \$7,500.00 \$5,000.00 Hand removal of deferred maintenance damage. 032 Demolition Costs 040 \$3,000.00 \$3,000.00 Landscape 041 Tree Trimming / Removal / Relocation \$0.00 Trees growing into foundation and roof \$3.000.00 100 General Conditions \$15,000.00 \$20,000.00 \$191,679.00 Lead, asbestos, other hazardous material abatement, gas tank removal, and extermination Existing Conditions \$191,679.00 200 300 Concrete \$13,000.00 \$26,000.00 \$5,000.00 400 Masonry \$10,000.00 500 Metals \$4.000.00 \$2,000.00 Woods, Plastics, and Composites \$15,000.00 \$20,000.00 600 Thermal and Moisture Protection \$15,000.00 \$15,000.00 700 800 Openings \$25,000.00 \$45,000.00 \$25,000.00 \$50,000.00 900 Finishes 1000 Specialties \$0.00 \$0.00 \$10,000.00 1100 Equipment \$7,500.00 \$0.00 \$0.00 1200 Furnishings \$5,000.00 \$0.00 Rebuilding details on gas station 1300 Special Construction \$0.00 \$0.00 1400 Conveying Equipment 2200 Plumbing \$22,500.00 \$15,000.00 Wholesale replacement (plumbing,electrical, HVAC estimates will be considerably higher w/ remodel 2300 Heating Ventilating and Air Conditioning \$17,500.00 \$15,000.00 Wholesale replacement \$15,000.00 Wholesale replacement \$20,000.00 2600 Electrical Communications \$3,000.00 \$3,000.00 2700 2800 Electronic Safety and Security \$3.000.00 \$1,500.00 \$5,000.00 \$5,000.00 Regrading and mitigation of drainage 3100 Earthwork \$16,000.00 Rebuilding structure of gas station after hazardous material abatement 3200 Exterior Improvements \$24,000.00 \$3,000.00 3300 Utilities \$3,000.00 Subtotal \$437,679.00 \$466,179.00 \$87,535.80 \$43,767.90 \$93,235.80 \$46,617.90 Fee (20%) Construction Contingency (10%) **Construction Contract Total** \$568,982.70 \$606,032.70 Miscellaneous Costs 051 Owner's Insurance \$4,500.00 \$4,500.00 052 Land Acquisition \$64,000.00 \$64,000.00 \$68,000,00 \$36,000.00 Carrying costs for a 12 month project vs. a 6 month project. 053 Financing Costs Total Miscellaneous Costs \$136,500.00 \$104,500.00 Construction Subtotal \$711,982.70 \$713,532.70 \$71,353.27 \$10,702.99 Material/labor inflation at 3% a year \$71,198.27 \$21,359.48 057 Project Contingency (10%) 058 Escalation (3%) Total Construction Costs \$804,540.45 \$795,588.96 \$841,940.45 \$820,888.96 **Total Project Cost** 

# Westbury Rooting COTEM XII - Exhibit A

me learo J. Martin	CZ Owner
News 605-607 Contland ity Houston States Iteras	8210 Brac Acres         O: 713-981-7715           Horiston, TX 77074         C: 713-306-5663           www.westburyrooting.com         marshall@westburyrooting.com           Since 1965         Oct.
	Doro. May 16,2014
	OR LABOR MATERIAL TAXES, INSURANCE, CLEANUP AND SUPER- ALT COMPOSITION ROOF DIRECTLY OVER THE EXISTING OF THE HOUSE AND
TO BE A 3045 CLASS "A", UL FIRE RATED FIBE	G. A.F. Corp.
OLOR TO BE	TEMS FOR YOUR CONSIDERATION: THESE ITEMS BELOW
MEANS THE ITEM IS INCLUDED X MEANS THE	TEM IS NOT INCLUDED
REMOVE THE EXISTING ROOFS AND HAUL AV	, pp,
1 11101 1	ER THE EDGES OF THE EXISTING ROOF.
NEW GALVANIZED IRON ROOF JACKS AS FOL	3
	GALVD. IRON STEP FLASHING, BUT NOT COUNTERFLASHING, THE
Karlan MII	THE EXISTING ROOF INTO THE NEW ROOF. (ELIMINATES THE
DOUBLE THE STARTING EDGES.	
THE ROOFING IS TO BE APPLIED WITH BIG HE	EADED GALVANIZED ROOFING NAILS. (NO STAPLES.)
REMOVE THE EXISTING HIP AND RIDGE SHIN	
	N'S COMPENSATION AND GENERAL LIABILITY INSURANCE. THE
APPLY CHE PLY OF 30 # FELT C	oven the entire noot deck,
2 CLEAR OUT GUTTERS AND SWEEP YARD WIT	
3 Remove the existing con paper down to the wood	position roof and tar
14. Inspect the decking t	for repairs as needed.
5. The low pitch roof in	the back of the house will
pe covered with the GH. membrane is Reading the	F. Storm Guard weather proof le side fascias with hardie
plank, 17. Recounter fla	sh the wall + fascia interfaces.
18 Install 42 feet of ridge	e ventso
NO PANTING ROTTINI LUMING RAPLA CAMENT OR GUTTER WORK IS INC. UP WIND BY FLATING MODIFIES OF THE COMPACTOR IN TO THE OTHER FLATING WIND BY FLATING MODIFIES OF THE COMPACTOR IN THE OTHER FLATING WIND AND THE OTHER FLATING AND ADDRESS OF THE OTHER FLATING ADDRESS OF THE OTHER FLATING AND ADDRESS OF THE OTHER FLATING ADDRESS OF THE OTHER FLATI	DVM. HIS SECTION OF DECKING
Timberline High Definition Life	time with StainGuard 15 6,000 as
BE PAID On completion as	percontract
coeptance of proposal Regulat	Permits as per code
HE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SAD DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE A	ATISFACTORY AND ARE HEREBY ACCEPTED, YOU'RE AUTHORIZED
gnature	Authorized Signature
and the second	
ighalure	Date

Planning	Commission	12/18/14
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Name Pedro J. Martinez	Proposal
Street 3502 White Oak City Howston State Colds Telephone 713-521-4444 Job Address	WESTBURY ROOFING CO., INC. 8210 Brae Acres Drive Houston, Texas 77074 (713) 981-7715 Dete May 16 2014

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR LABOR, MATERIAL, TAXES, INSURANCE, CLEANUP AND SUPER-VISION TO DO THE FOLLOWING WORK;

11 un a and a U an 10 21 0 71 1.4 5 7 a 101 10, a an up. 5 a 2 5 Jurel 6 5 cole L ulations are included.

NO PAINTING, ROTTEN LUMBER REPLACEMENT OR GUTTER WORK IS INCLUDED UNLESS SPECIFIED. IT IS NOT POSSIBLE TO DETERMINE THE CONDITION OF DECKING COVERED BY EXISTING ROOFING, SO THIS CONTRACTOR IS NOT RESPONSIBLE FOR BAD DECKING, REPAR OF BAD DECKING CAN BE DONE DIA COST FLUE BASIS, WEAK RAFTERS, BEAMS AND OTHER STRUCTURAL DEFECTS ARE THE RESPONSIBLE FOR BAD DECKING, REPAR OF BAD DECKING CAN BE DONE DIA COST FLUEW ROOFING APPLIED THIS CONTRACTOR SHOULD BE NOTIFIED OF ANY EXPOSED DECKING IN CATHEDRAL CELLINGS, PUBLICAD DECKING, CAN BE DONE DIA COST FLUEW ROOFING IS STRUCTURAL DEFLECTION SHOULD BE NOTIFIED OF ANY EXPOSED DECKING IN CATHEDRAL CELLINGS, PUBLING, DISPLANCED OR DAMAGED LIGHT FIXTURES STRUCTURAL DEFLECTION, FOUNDATION SHIFTS, ROOF LEAMAGED OF ANY EXPOSED DECKING IN CATHEDRAL CELLINGS, PUBLING, DISPLANCED OR DAMAGED LIGHT FIXTURES STRUCTURAL DEFLECTION, FOUNDATION SHIFTS, ROOF LEAMAGED OF STRUCTURE FOR MANY BE AND DECKING THESE OR SIMILAR THINGS OCCUR. THEY WOULD HAVE OCCURRED REGARDLE CHARACTERS THE ROOF FOR \_\_\_\_\_\_YEARS AGAINST DEFECTS IN WORKMANSHIP AND THE MANUFACTURERER WARRANTS THE ROOFING FOR THIS CONTRACTOR GUARANTEES THE ROOF FOR \_\_\_\_\_\_YEARS AGAINST DEFECTS IN WORKMANSHIP AND THE MANUFACTURERER WARRANTS THE ROOFING FOR THIS CONTRACT OR CARRY FIRE, STORM DAMAGE TORNADO AND OTHER NECESSARY INSURANCE.

FOR THE SUM OF

TO BE PAID \_

### Acceptance of Proposal

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED, YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED, PAYMENT WILL BE MADE AS OUTLINED ABOVE

Signature

Signature

Date

hrsla

Authorized Signature

an

0

Planning Commission 12/18/14	westbury Kooting Co.
Neme Pedro J. Martin	Marshall Morgan
Street 605-607 Cortland	8210 Brae Acres (0; 713-981-7715
City Houston State Texas	Houston, TX 77074 C; 713-306-5663 www.westburyroofing.com marshall@westburyroofing.com
Telephone 713-521-4444	- M Since 1965
	Dare 11/20 16, 2019
WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES VISION TO DO THE FOLLOWING WORK: APPLY A NEW ASP	FOR LABOR, MATERIAL, TAXES, INSURANCE, CLEANUP AND SUPER- HALT COMPOSITION ROOF DIRECTLY OVER THE EXISTING OF THE HOUSE AND
IS TO BE A BOWS CLASS "A", UL FIRE RATED FI	Ti / /1 /11/ 1 /2/
ASPHALT COMPOSITION SHINGLE AS MANUFACTURED BY	G. A.F. Corp.
COLOR TO BE	TEMS FOR YOUR CONSIDERATION: THESE ITEMS BELOW
MEANS THE ITEM IS INCLUDED X MEANS THE	
	AWAY. The composition roof and tarpager
	OVER THE EDGES OF THE EXISTING ROOF.
3. INSTALL STANDARD Half lacea	I I CAFEL C.
4 NEW GALVANIZED IRON ROOF JACKS AS F	OLLOWS: 8"; 4"; OTHER
5 REFLASH THE SIDES OF THE CHIMNEY WIT TOP AND BOTTOM FLASHING WILL NOT BE	TH GALVD. IRON STEP FLASHING, BUT NOT COUNTERFLASHING. THE COSTURBED.
£ 1 pu	DM THE EXISTING ROOF INTO THE NEW ROOF. (ELIMINATES THE
7 DOUBLE THE STARTING EDGES.	
8 THE ROOFING IS TO BE APPLIED WITH BIG	HEADED GALVANIZED ROOFING NAILS. (NO STAPLES.)
9 REMOVE THE EXISTING HIP AND RIDGE SH	
10OUR WORKMEN ARE COVERED BY WORKM COST OF THESE COVERAGES, \$	IEN'S COMPENSATION AND GENERAL LIABILITY INSURANCE. THE IS INCLUDED.
11 APPLY CHE PLY OF 30 # FEL	TOVER the entire root deck,
12 CLEAR OUT GUTTERS AND SWEEP YARD W	VITH MAGNET BROOM.
	mposition root and tar
Paper down to the woo	d deck and hand away.
IF TO In it I	the spairs as needed.
13. The TOW pitch root II	for repairs as needed. The back of the house will A.F. Storm Guard weather proof
be covered with the GI	4.F. Storm Guard weather proof
membrane, 16, Kepair 7	he side fascias with hardie
plank, 17. Recounter fl	ash the wall + fascia interfaces.
18 Install 42 feat of rid	se vents.
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TO BE PAID On completion as	per contract
Includes all City of Houston	Remits as per cade
Acceptance of Proposal Regular	rions.
THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE	SATISFACTORY AND ARE HEREBY ACCEPTED YOU ARE AUTHORIZED
TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE	AS OUTLINED ABOVE
Signature	Authorized Signature
Signature	Date
6. 1070	110

Proposal Submitted To	Proposal
Name Tedro V. Martinez Street 3502 White Oak	WESTBURY ROOFING CO., INC.
city Houston State Texas	8210 Bras Acres Drive
Telephone_713-521-4444	- Houston, Texas 77074 711 (713) 981-7715
Job Address	Date May 16-2014
WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES F VISION TO DO THE FOLLOWING WORK:	FOR LABOR, MATERIAL, TAXES, INSURANCE, CLEANUP AND SUPER-
D'Removal of the existi	ing metal roof and under-
layment down to the	exposed decking.
2 Repair and replacen	rat of any rotten or
weak decking with r	new wood plantes
3 Install one ply of	The GAL STORM Guard
weather proting men	nbrane To The Mot ateck.
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edra metal to the aler	hang interface
6 Remaile all the ex	isting underside tonge and
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Jascia (7) Addition	nal ratter supports will
be added where nee	eded with cross bracing
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BASIS WEAK PAFTERS BEAMS AND OTHER STRUCTURAL DEFECTS ARE THE RE BASIS WEAK PARTERS BEAMS AND ULD BENOTIFIED OF ANY EXPOSED DECKING NAILS CAN BE USED. THE OWNER WILL NOT HOLD THIS CONTRACTOR LIABLE STRUCTURAL DEFLECTION, FOUNDATION SHIFTS ROOF LEAKAGE OR STORM STRUCTURED REGARDLESS OF WHO APPLIED THE ROOF, AND THEREFORE CA	UDED UNLESS SPECIFIED. IT IS NOT POSSIBLE TO DETERMINE THE CONDITION OF DECKING E FOR BAD DECKING REPAIR OF BAD DECKING CAN BE DONE ON ACGST PLUS SSPONSIBLITY OF THE OWNER AND SHOULD BE CORRECTED BEFORE THE NEW ROOFING IS IN CATHEDRAL CELLINGS, PATIOS OPEN EAVES OR THE LIKE SO THAT THE PROPER LENGTH TO GRACKED SHEET ROCK, WARPED PANELING, DISPLACED OR DAMAGED LIGHT FIXTURES TO GRACKED SHEET ROCK, WARPED PANELING, DISPLACED OR DAMAGED LIGHT FIXTURES NOT GRACKED SHEET ROCK WARPED PANELING, DISPLACED OR DAMAGED LIGHT FIXTURES NOT GRACKED SHEET ROCK WARPED PACE OR THE PANAL DAMAGE DURING REPOOFING IF THESE OR SIMILAR THINGS OCCUR THEY NOT BEATTRIBUTED TO NEGLIGENCE ON THE PARTOFF IN BRANTS THE ROCFING FOR DEFECTS IN WORKMANSHIP AND THE MANUFACTURENCE CONDITIONS OR DELAYS BEYOND OUR NECESSARY INSURANCE.
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TO BE PAID	
Acceptance of Proposal	
THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS A TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MA	RE SATISFACTORY AND ARE HEREBY ACCEPTED, YOU ARE AUTHORIZED
Signature	Authorized Signature

Signature

Signature

Date



Environmental Consulting Services 15407 Park Glen Drive, Sugar Land TX 77478-7019 Telephone (281) 300-6288 Facsimile (281) 933-3387

October 7, 2013

## Summary of Inspection

On September 27, 2013, an asbestos inspection was completed at the property identified as the former gas station/utility building found at 3510 White Oak, Texas. The site is located to the north of White Oak at the northwest corner of Cortlandt and White Oak. Petersen Environmental completed the survey. The survey included the former office area and restrooms of a gas station that has been abandoned for many years and used as a storage facility for the restaurant fund at 3510 White Oak. The building has less than 400 square feet. This inspection resulted in collecting a minimum of three samples from each building material representing a homogenous area within the building on site inspected.

A total of twelve samples have been retrieved from the site during the visit to complete the DSHS requirement of three samples per homogenous area. Items or areas sampled represent floor tile, wall surface, and wall board/ceiling board as well as caulk around exterior windows and doors. The building is brick with a flat asphalt roof. Insulation was noted that includes pink fiberglass within the walls and ceilings. No duct work was noted. The typical building material includes gypsum wall board walls and ceilings with no texture. The floor is concrete with some vinyl floor tile.

A Texas Department of State Health Services (DSHS) approved asbestos survey must be completed prior to any renovation or demolition as per requirements in obtaining a building permit. A full asbestos survey that has a minimum of three samples from each building material is required that defines each of the building materials present and attempts to quantify the square footage in preparation to demolition or renovation. Single samples are allowed if the material is considered a miscellaneous material that does not occur in quantity. This survey qualifies for this type of survey, but it can be expected that additional samples may be required when additional building materials that are hidden or inaccessible and were not tested during the initial inspection. A general estimate is provided as to the estimated quantity of asbestos containing building material (ACBM) possibly present at the site.

Representative samples were randomly collected from several walls, ceilings and floors and had any material that was observed that appeared differently or had a variable appearance. No duct work was noted, but some insulation that has pink coloring is non-suspect. These were not sampled and assumed to be non-asbestos or labeled as such. J3 Resources in Houston, Texas (Tx. Lab License 30-0273) analyzed the asbestos samples collected during our inspection of the site. The method uses polarized light microscopy following EPA test method for bulk analysis EPA/600/R-93/116.

Based on the results, asbestos has been inspected for and has been detected within a single material screened, being identified as exterior caulk around the windows and doors.

Samples one through nine were collected from within the building that has minimal build out. Samples ten to twelve were from the exterior windows with most showing about 4% asbestos present. The caulk can be stripped off with a screw driver and removed for a few hundred dollars. This should be done prior to the building being demolished or the windows removed for renovation.

The state requires that any asbestos that is planned for disturbance be handled properly according to state and federal OSHA regulations. Improper handling, removal and disposal will result in fines and other regulatory measures.

Petersen Environmental Consultants, LLC appreciates your business. Please contact us if you have any other questions at 281-300-6288.

Regards,

lergi

Harry Petersen Asbestos Consultant License # 10-5361

J3 Resources, Inc. 6110 W. 34th Street, Houston, Texas 77092 Phone: (713) 290-0221 - Fax: (713) 290-0248 J3Resources.com



# Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

## EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478 J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 Date Analyzed: 03-Oct-2013 Date Reported: 03-Oct-2013

## 3510 STATION/3510 WHITE OAK

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
FT-001	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
FT-002	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray. Homogeneous	None Detected	Non-Fibrous Material	100%
FT-003	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
WB-004	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Wallboard, Brown/ White, Homogeneou:	None Detected	Cellulose Fiber Non-Fibrous Material	10% 90%

Duane Salinas Analyst

Lee W. Poye Lab Director

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# Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

## EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478 J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 Date Analyzed: 03-Oct-2013 Date Reported: 03-Oct-2013

## 3510 STATION/3510 WHITE OAK

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
WB-005	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Joint Compound, White, Homogen	None Detected	Non-Fibrous Material	100%
	LAYER 4	None Detected	Cellulose Fiber	10%
	Wallboard, Brown/ White, Homoge	neous	Non-Fibrous Material	90%
WB-006	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Joint Compound, White, Homogen	None Detected eous	Non-Fibrous Material	100%
	LAYER 4	None Detected	Cellulose Fiber	10%
	Wallboard, Brown/ White, Homoge	Non-Fibrous Material	90%	
CT-007	Ceiling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%
CT-008	Ceiling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%
CT-009	Ceiling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%

Lee W. Poye Duane Salinas Analyst Lab Director This report relates only to the materials tested. This report is for the exclusive use of the addressed client and shall not be reproduced except in full, without written approval by J3 Resources, Inc. (J3). Samples are analyzed according to the methods listed above and are subject to the inherent limitations of PLM and interference of matrix components. Reporting limit for the above method is a function of the quanity of sample analyzed, matrix interference, sample preparation, fiber size, and distribution. Asbastos may be detected in concentrations of <1% by area if sufficient material is analyzed. J3 recommends TEM confirmation of soils, vermuculite and non-friable organically bound materials (NOB) reported as None Detected or < 1% Asbestos by PLM. All samples received in good condition unless otherwise noted. This report shall not be used to claim product approval, certification, or endorsement by NLAP, NIST, or any agency of the federal government. NVLAP Lab Code: 200525-0; AIHA Lab ID: 157714; TDSHS License: 30-0273 Page 2 of 3

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

# EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478

J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 03-Oct-2013 Date Analyzed: 03-Oct-2013 Date Reported:

### 3510 STATION/3510 WHITE OAK

Sample ID #	Sample Description	Asbestos Constituents		Non-Asbestos Constituents	
C-010	Paint/ Caulk, Multi-colored. Homogeneous	Chrysotile	4%	Non-Fibrous Material	96%
C-011	Paint, Multi-colored, Homogeneous	None Detecte	d	Non-Fibrous Material	100%
C-012	Paint/ Caulk, Multi-colored, Homogeneous	Chrysotile	4%	Non-Fibrous Material	96%

Duane Salinas Analyst

Lee W. Poye Lab Director

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O AHERA O NIOSH 7402 O Level II TEM - WATER O Drinking Water 100.2 / 198.2 Wastewater	<ul> <li>Qualitative + / -</li> <li>NOB 198.4 / Chatfield</li> <li>Gravimetric Reduction</li> </ul> TEM - DUST (ASTM 5756) O Micro-Vac Quantitative O Micro-Vac Qualitative	<ul> <li>EPA 600/R-93/116</li> <li>Point Count (400)</li> <li>NOB 198.6</li> <li>Gravimetric Reductio</li> <li>PCM - AIR</li> <li>NIOSH 7400</li> <li>OSHA: TWA</li> </ul>	O Spore Traps: Non-Viab (Air-O-Cell / Allergence O Culture Plates: Viable n <u>MOLD - BULK</u> O Tape Lift/Bulk: ID Only O Culture Plates: ID Only	<ul> <li>O Dust/Wipes</li> <li>O Air (NIOSH 7082)</li> <li>O TCLP (EPA 1311)</li> <li>LEAD - GFAA</li> <li>O Water (EPA 7421)</li> </ul>
		Sample Informat	ion	0 /11
	NUMBER	LOCAT	ON	VOLUME
FT-001	and the second se			
WB 004-	5-6			
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\* Emergency TAT requires prior lab notification. All samples analyzed outside normal business hours are charged at Emergency rate.

J3 Resources, Inc. + 6110 West 34th Street + Houston, Texas 77092 + tel: 713/290-0221 + fax: 713/290-0248



InControl Technologies, Inc.

"If we're in control, You're in control."

September 25, 2014

Mr. Pete Martinez 5310 Beechnut Street Houston, Texas 77096

Subject: Proposed UST Removal and Closure Activities Former Gas Station 3502 White Oak Drive at Cortlandt Street Houston, Texas

Dear Mr. Martinez:

InControl Technologies, Inc. is pleased to provide this cost estimate and scope of services to address the removal of the underground storage tank (UST) systems for the former gas station site located at 3502 White Oak Drive, located at the northwest corner of White Oak Drive and Cortlandt Street in Houston Texas. This property is immediately adjacent to residences to the north, and redevelopment of the site in the future may change the property use to residential. Therefore, the site history and closure documentation was reviewed to verify that appropriate assessment and confirmation sampling was done during closure in both soil and groundwater to ensure protection of human health and the environment. From a redevelopment standpoint, the presence of UST systems is considered an environmental liability. Therefore, InControl Technologies recommends removing the UST systems and conducting appropriate assessment in order to verify that future residents will be protected from exposure to residual contamination.

This letter is intended to establish the immediate tasks proposed to remove the multiple UST systems at the site as well as to outline a complete list of activities necessary to move the site to closure within the Texas Commission on Environmental Quality (TCEQ) Petroleum Storage Tank (PST) Responsible Party Remediation (RPR) Division. This cost is based on our experience with the regulatory closure of more than 150 gas station sites in Texas. Each response action activity is discussed below and an attached cost provides detailed costs for each of the listed tasks.

## BACKGROUND

InControl Technologies inspected the property on Thursday, August 28, 2014 to identify any site issues that would affect the removal of the UST system from the site. UST systems are located in several areas of the site. A tank hold containing three gasoline/diesel USTs with approximate sizes of 3,200 gallons, 1,800 gallons and 1,800 gallons, a second tank hold containing a 500-1,000 gallon waste oil tank and a third tank hold containing two 1,000-1,750 gallon USTs. The tank hold containing the three USTs is on the southwest corner of the site in a parking area for the adjacent restaurant, immediately adjacent to several trees and landscaping. These USTs are documented as having been abandoned in place by

September 25, 2014 Page 2

filling with concrete. The waste oil tank hold is located on the west property boundary beneath the current decking for the adjacent restaurant and immediately adjacent to a power pole. The third tank hold containing the two tanks is located beneath or immediately adjacent to the columns for the former gas station canopy. A hydraulic lift is located west of the former gas station office. Product piping appears to be present running from the dispenser island on the south end of the canopy west across the parking lot to the former tank system at the southwest corner of the site. Former gas dispenser locations and product piping are also located at the southwest and southeast corners of the former gas station office.

The TCEQ specifies the protocol for removal of tank systems (including the tanks, the dispensers and product piping). These are all recognized as possible leaking points in the UST system. Therefore, all components have to be removed properly so that confirmation samples can be collected to assess if leakage has occurred. Because of the configuration of the tank system components on your property, several concerns are immediately evident with the removal of these tank systems, including:

- The southwestern UST system is located immediately adjacent to several trees which are part of
  the landscaping for the adjacent restaurant property to the west. Removal of the USTs will likely
  result in damage to the trees. Based on the concrete that was replaced when the tanks were
  abandoned years ago, that tanks appear to extend to very near the trees. To remove the tanks
  we will have to excavate beyond the tank ends to remove them from the ground, which appears
  to be very near to the tree bases. The excavation equipment will have to pivot immediately
  adjacent to the trees, also potentially causing damage;
- The waste oil tank on the northwest corner of the gas station property is located under the wood
  deck of the adjacent restaurant to the west (as constructed, the deck overlaps the subject
  property). This deck will have to be removed to access the waste oil UST location;
- The southeastern UST system consists of two tanks, one which is below and the other which is
  immediately adjacent to the canopy pole supports. The excavation will extend to roughly 10 feet
  below ground to get the tanks out of the ground. As discussed earlier, we have to excavate
  beside the tanks to get them out of the ground, which will require digging out below the canopy
  supports. Sidewall failure is likely to occur, resulting in a collapsing of the canopy;
- The canopy itself has several issues that will affect the ability to properly remove the UST system. The steel support columns are badly rusted. The canopy is constructed of wood, and the wood structure is severely deteriorated. The canopy itself is visually sagging in the middle. Removal of the USTs will involve breaking up concrete, which will generate significant pounding and vibration to this dilapidated structure. As a result, the canopy may fail during removal of the USTs;
- The fuel dispenser locations are on the island where the canopy is supported. Without removing the dispenser island, removal of the product piping in this area is not likely, and the ability to collect the appropriate samples is compromised;

InControl Technologies, Inc.

September 25, 2014 Page 3

- Removal of the other former dispenser locations at the southwest and southeast corners of the brick "gas station office" building may result in structural damage to the building corners, further compromising the already dilapidated structure; and
- As discussed above, the canopy materials are badly deteriorated. The paint on the canopy and the gas station office exterior are likely lead based paint. The building interior and exterior may contain asbestos material.

In addition to the above issues, we checked the City of Houston (City) utility mapping for the site which is included as **Attachment A**. The City utility mapping indicates a water line has been installed in the immediate vicinity of the southeastern UST system. This will involve substantial coordination with the City to ensure this water line is not damaged during removal of the southeastern USTs and dispensers/island.

InControl Technologies reviewed the "Underground Storage Tank Closure Report" (ELIM-A-TANK, Inc, September 15, 1994) to verify soil boring locations and data collected during the closure of the UST system. This data is being evaluated to determine if it was collected in a manner and locations consistent with the current TCEQ Guidance Document RG-411 - "Investigating and Reporting Releases From Petroleum Storage Tanks" (April 2012). All potential sources in the UST system must be assessed to ensure the UST systems have been properly characterized. Future land use of the property may change and the exposure risks are based on a comparison to current health based cleanup standards (Petroleum Storage Tank Action Levels). A soil assessment was conducted on April 6th and May 24, 1994. The tanks were abandoned in place on August 29, 1994. The assessment consisted of soil borings conducted around the perimeter of the southwest UST system. No soil samples were collected from the dispenser locations or along the seventy five feet of product piping alignment as specified by RG-411. The concentrations of the primary TCEQ identified gasoline compounds benzene, toluene, ethylbenzene and total xylenes (BTEX) and total petroleum hydrocarbons (TPH) were reviewed in comparison to the current standards, again due to the potential future use of the property for residential development. This data is summarized on Attachment B-1 "Soil BTEX and TPH Data Summary" and Attachment B-2 "Soil RCRA Metals Data Summary". The ELIM-A-TANK data indicates that a benzene concentration detected in soil in the boring SB-7 on the west side of the southwest UST system exceeded Action Levels with a concentration of 2.29 mg/kg (Action Level 0.120 mg/kg). Benzene was not detected above the method detection limit in the remaining twelve soil samples, but the detection limit exceeds the Action Level. So it is possible that some of those twelve soil benzene concentrations exceed the Action Level. Two of the three waste oil tank soil boring sample total petroleum hydrocarbon (TPH) concentrations exceeded the current health based TPH concentration from the Texas Risk Reduction Program Protective Concentration Level (PCL) and all three lead concentrations exceeded the lead groundwater protection PCL (3 mg/kg) and lead Texas Specific Median Background Level (15 mg/kg) with concentrations from 22.5 to 44.7 mg/kg.

The assessment results are incomplete by today's standards, again due to the lack of sampling along the product piping and beneath the dispensers as required by the TCEQ regulatory guidance. Also due to the benzene exceedance in soil, groundwater sampling is necessary to verify that groundwater is not impacted and there is no vapor intrusion potential from impacted groundwater.

September 25, 2014 Page 4

#### SCOPE OF SERVICES

InControl Technologies has developed the following sequence of tasks to ensure that the tanks are removed from the ground but also that the site is suitable for redevelopment as a residential or commercial property and there is no risk of exposure to contamination on or offsite. Given the many concerns with the orientation of the building/canopy relative to the dilapidated gas station structure, it would be virtually impossible to do the project with the canopy and gas station "office" in place. It's an unsafe condition as the canopy could collapse onto the work area and possibly injure workers. We strongly recommend demolition of the structure.

- Baseline Tank Removal: Tasks 1 3 will be completed as part of the tank removal activities. This baseline set of activities includes demolition of the building and canopy.
- Additional Cost A: Tasks 4 6 will be included if soil impact above the TCEQ Action Levels, but no groundwater impact, is identified.
- Additional Cost B: Tasks 7 11 will be included if soil and groundwater impacts above the Action Levels are detected. Additional Cost B assumes no active cleanup activities will be necessary, and after documentation of the groundwater dissolved phase plume is stable closure can be obtained.
- Additional Cost C: Tasks 12 13 are based on a "worst case best scenario" that assumes groundwater is impacted by pure gasoline (Phase Separated Hydrocarbons, or PSH) that is present in the subsurface on the water table. PSH is typically removed by conducting a series of PSH recovery events using a Mobile Dual Phase Extraction (MDPE) system as necessary to remove the PSH. Our experience has been that these MDPE events will address PSH at most sites. However, the Additional Cost C scenario could be complicated by other factors which drive this cost up significantly. These factors (including offsite PSH migration, impact to a drinking water well, vapor intrusion issues on or offsite) are discussed below.

### **Baseline Tank Removal Activities**

<u>Task 1 – Construction Notification and Building/Canopy Demolition:</u> As discussed above, the building structure is in poor condition, and is not expected to be able to sustain the construction activities associated with removal of the tank system, piping and dispensers. A preliminary asbestos assessment will be conducted to verify the presence/absence of asbestos containing materials and to establish a scope for any necessary abatement activities that must occur before the building is demolished. A Comprehensive AHERA asbestos survey will be conducted to identify asbestos containing materials requiring abatement prior to demolition of the structure. The samples will be analyzed for by Polarized Light Microscopy (PLM - EPA 600/M4-82-020/600/R-93/116). Samples will be analyzed on a 5-day laboratory turn-around. There is what appears to be either sheetrock or lath and plaster on the interior walls in the structure. With materials such as sheetrock that exceed the EPA standard, a followup and more detailed method called point counting can be performed to determine if the material truly exceeds the 1% standard. Frequently, the sheetrock can be determined to be non-ACM with this more accurate

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method. Once the results of the asbestos survey are received, a building demolition permit will be obtained to allow demolition of the structure and concrete.

A construction notification form is a TCEQ standard form that must be submitted 30 days before the scheduled removal of the tank system. This allows the TCEQ Regional office to schedule inspectors to be present onsite during removal of the tank.

<u>Task 2 - UST Removal</u>: The removal of the tank system must be completed by a UST licensed contractor qualified in Texas to perform these activities on a UST system. InControl works with licensed contractors in the Houston area. Confirmation sampling is also specified by the TCEQ in Guidance Document RG-411 – "*Investigating and Reporting Releases From Petroleum Storage Tanks*" (August 2012). Analytical requirements are set forth in this document.

Due to the size constraints of the site, each UST system will be done separately, except that the waste oil tank will be done concurrently with the southwest UST system to minimize disruption to the restaurant operation. The fuel dispensers will be removed as part of this scope of work. The southeast UST system will be removed first. No shoring or structural support of the tank hold wall is included in this scope or cost. The following is the relative sequence of activities that will occur:

- Typical TCEQ approval is a 30-day notification as well as a 72-hour notification;
- Mobilize to site and sawcut concrete around southeast tanks and piping to expose soil and UST system.
- Excavate soil above and around the USTs, and place on 6 mil plastic sheeting. Remove any piping (if present);
- Shear open tank tops to expose fill material. Remove fill material from each tank and stockpile;
- We assume no fluids will be present in the tanks, so no fluid removal is included;
- Remove USTs;
- Collect soil samples from below each tank per TCEQ guidance and expedite (24 hour) turnaround;
- Backfill and compact excavation using existing soil or clean fill;
- Complete the same process for the southwestern UST system and waste oil tank;
- Complete TCEQ Release Determination Report documenting removal activities.

The scope of work for removal of the USTs will require each UST to basically be torn open to access the tank fill contents. This material must be removed to reduce the weight of the UST so that it can be lifted from the excavation. This tank fill material will be screened to determine if it is impacted with gasoline contamination. Once the tanks are empty, they can be lifted out of the excavation and placed on a truck for transportation offsite. After removal, the excavation sidewalls and base will be inspected and screened with a photoionization detector (PID) to determine if any contaminated soil is present.

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Confirmatory soil samples will be collected from the excavation base (or sidewalls if groundwater is present) for laboratory analysis. After the USTs are removed they will be labeled for transportation. A tank manifest will be provided documenting disposal of the tank. All site materials generated during removal of the UST will be cleaned up and removed from the site. Any excavated soil or sludge will remain onsite pending disposal authorization, which usually takes approximately 2 weeks. After waste classification and profiling, any contaminated soil will be transported offsite for disposal.

<u>Task 3 - Release Determination Report:</u> A RDR will be submitted to the TCEQ documenting the UST removal activities and confirmation sampling results. The RDR is a form report with attachments for data summaries, tank disposal documentation, disposal of any waste, revised registration documentation showing that the tanks are permanently removed from the site and are no longer abandoned in place. If the site is designated an LPST site, then the remaining tasks will be implemented as necessary to address the groundwater impact.

The following assumptions are established as a basis for the costs included in this budget:

- Assuming all the USTs were appropriately filled with flowable fill, no cleaning of the USTs will be required to ready them for offsite disposal;
- Concrete will not be replaced as part of this scope;
- No asbestos or lead based paint survey is included as part of this scope;
- Soil confirmation sampling (no soil impact) includes 25 confirmation samples (3 samples beneath each of the southwest tanks, two samples beneath each southeast tank, two samples beneath the waste oil tank, two hydraulic lift samples, three product piping samples, one sample beneath each dispenser location, one sample of the clean fill) on a 24-hour laboratory turnaround.

#### Additional Cost A – Soil Impact Identified Above Action Levels

<u>Task 4 – Excavation of impacted Soil:</u> Historical perimeter soil data indicates that soil impact exists on the west side of the southwest UST system and at all three sample locations surrounding the waste oil tank system. Confirmation soil samples will be collected immediately beneath all three UST systems, along the product piping chases and at each dispenser location. If soil results exceed Action Levels, additional soils will be over-excavated in an attempt to achieve regulatory closure. This will be conducted on a time and material basis, and impacted soil will be stockpiled pending waste profiling and transport/disposal offsite. Clean fill will be placed in the tank holds during profiling to avoid infiltration of water during rain events. The additional excavation will require a separate mobilization of equipment to excavate the impacted soils. New confirmation samples will be collected to verify all impacted soil is excavated.

<u>Task 5 – Collection of a Confirmation Groundwater Sample:</u> If impacted soils are identified, the TCEQ will require collection of a groundwater sample to verify that groundwater is not impacted. This will be accomplished via mobilization of a "direct push" probing rig to the site to collect a groundwater sample from each UST location where soil impact is observed. At the soil sample location that exceeded the Action Levels, a four-foot long core barrel will be advanced using the direct push rig to collect a soil and

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groundwater sample. This boring is expected to be approximately 40 feet below the ground surface (bgs) to obtain a groundwater sample. The soil core will be screened using a photo-ionization detection instrument (PID) to determine if volatile organic contaminants are present and the relative level of contamination. At the depth of the highest PID reading, a soil sample will be collected for laboratory analysis. A temporary well screen will be installed and the temporary well will be sampled using a diaphragm pump. Following completion of sampling activities, the well screen will be removed and the boring filled with bentonite.

Each soil and groundwater sample will be placed on ice immediately following collection, preserved according to required analytical method specifications and delivered under standard InControl Technologies chain of custody protocol to an analytical laboratory for analysis. For the purpose of this proposal, the samples will be analyzed for VOCs or BTEX/MTBE using EPA Method 8260b, TPH by TX1005 and PAHs using EPA Method 8270 (for the highest TX1005 C<sub>12</sub> to C<sub>35</sub> analytical result in both soil and groundwater).

<u>Task 6 – Site Closure Request (No Groundwater Impact Identified)</u>: After completion of soil removal activities and collection of a confirmation groundwater sample, a Site Closure Request will be generated for submittal to the TCEQ.

The following assumptions have been established as criteria for development of a cost breakdown for this additional task. It is assumed that no offsite or onsite receptors are impacted that would result in eminent danger to human health and the environment.

- It is assumed that 250 cubic yards of backfill would be necessary to replace 250 cubic yards of impacted soil.
- Compaction of select fill will be accomplished using the backhoe bucket. No compaction testing will be performed;
- · One additional equipment mobilization will be needed to load impacted soils;
- · Reporting to the TCEQ for the "no soil impact" scenario will include only and RDR.
- There will be no effort to support of the canopy or building. This structure will be demolished before the UST removal work begins.

Additional Cost B – Groundwater Impact Identified Above Action Levels - No Active Remediation <u>Task 7 – Drinking Water Survey</u>: A Drinking Water Survey (DWS) is a TCEQ form which is completed according to TCEQ Guidance Document No. RG-428 "*Preparation of a Drinking Water Survey Report*", (November 2005) as soon as an LPST ID No. is assigned. The focus of the Drinking Water Survey is to identify those drinking water wells in the area which may be at risk of exposure to contaminants emanating from the site. Texas Water Code Section §26.408 "requires the TCEQ, within 30 days of the date the TCEQ receives notice or otherwise becomes aware of a case of groundwater contamination, to notify owners of private drinking water wells that may be affected by the groundwater contamination". The TCEQ requires Responsible Parties to complete and submit the Drinking Water Survey within the

InControl Technologies, Inc.

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specified 30 days of the required notification. Based on the TCEQ review of the submitted survey, their review team determines whether notification to offsite well owners is necessary. If deemed necessary, the TCEQ performs the notifications. However, significant time is required in the field to verify the presence of water wells and areas where municipal utility district / city water is provided to residents and businesses;

<u>Task 8 – Groundwater Monitoring Well Installation:</u> Up to six monitoring wells are anticipated as necessary for delineation of the dissolved phase plume, recognizing that the release is not new. Delineation activities will be conducted in coordination with Guidance Document RG-411 – "*Investigating and Reporting Releases From Petroleum Storage Tanks*" (April 2010). Based on the orientation of the UST system relative to the property boundary, more than six monitoring wells may be necessary to delineate the plume if offsite migration is occurring;

<u>Task 9 – Risk Based Assessment:</u> The Risk Based Assessment (RBA) is a TCEQ-based form report with a large number of attachments. The RBA is completed once groundwater and soil contaminants have been delineated to state Action Levels. This document presents the complete investigation effort and verifies that delineation has been achieved;

<u>Task 10 – Groundwater Monitoring:</u> It is anticipated that the TCEQ will require twelve quarterly groundwater monitoring events (three years of monitoring) to verify that any dissolved phase gasoline plume is stable and not migrating toward offsite receptors such as active water wells, drainage ditches, day cares or sensitive habitats. The first year of groundwater monitoring data will be submitted as part of the RBA. The second year of reporting will be submitted in an Annual Groundwater Monitoring Report; and

<u>Task 11 – Reporting/Closure:</u> Reporting for the soil impact, no remediation" scenario, the groundwater impact scenario and the PSH impact scenario will all include the RDR, DWS, RBA, one Annual Groundwater Monitoring Report (GWMR), a Site Closure Request Report and a Final Site Closure Report. Reporting for the "groundwater impact, remediation" scenario will include the above plus five Product Recovery Reports and one additional GWMR;At the completion of groundwater monitoring activities necessary to verify plume stability, a Site Closure Request will be submitted requesting no further action for the site. Abandonment of the piezometers and monitoring wells is included in this task.

The following assumptions are established as a basis for the costs included below:

- The six groundwater monitoring wells will be sufficient to delineate the dissolved phase gasoline plume;
- The well depth of 40 feet will be sufficient to intersect the shallow groundwater transmissive unit;
- Three years of ground water monitoring will be sufficient for the TCEQ to concur with the plume delineation and stability criteria needed for closure; and
- The Drinking Water Survey does not identify any drinking water wells near the site that are screened in the same transmissive unit that is impacted as a result of leakage from this site.

InControl Technologies, Inc.

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#### Additional Cost C - Phase Separated Hydrocarbons (PSH) Present - Active Remediation

Active remediation at this level of impact can and commonly does combine multiple technologies, depending on the complexity of the hydrogeology and the extent and form of contaminant mass (dissolved phase versus PSH). The following two tasks assume that the PSH is easily recoverable and is not widely distributed in the subsurface. The site is small and the UST systems were immediately adjacent to the property boundaries. If PSH extends offsite or a dissolved phase plume extends significantly offsite, significant additional cost could result in the form of additional recovery wells and/or groundwater recovery (pump and treat system) to gain hydraulic control. Installation of a pump and treat system and operation for a year to control plume movement and enhance PSH recovery would add roughly \$220,000 to the current Additional Cost C cost.

<u>Task 12 – Recovery Well Installation</u>: The response action program involves the installation of four 4-inch recovery wells and five 2-inch monitoring wells. The primary distribution of these points will be the area adjacent to the UST hold in the area of the PSH mass. The wells are anticipated to be approximately 40 feet deep.

<u>Task 13 - PSH Recovery:</u> will be accomplished via completion of Mobile Dual Phase Extraction (MDPE) events. These events utilize a strong vacuum to extract PSH in both liquid and vapor phase from the groundwater surface as well as shallow impacted soils. The instrumentation within the MDPE equipment is capable of monitoring vacuum, vapor flow, vapor volatile organic compound (VOC) concentrations and vapor temperature. These measurements are used to provide calculations of gasoline mass removed in both vapor and liquid. The TCEQ typically requires all measureable PSH to be removed from the subsurface before closure is considered. This type of MDPE equipment is necessary for accurate reporting to the TCEQ. During the course of PSH recovery, it is assumed that five 24-hour duration MDPE events will be completed. Reporting will consist of completion of a Product Recovery Report form and applicable attachments (vapor analytical data, product recovery data, waste manifesting, etc.).

#### ESTIMATED COST

The following assumptions are established as a basis for the costs included below:

- Five MDPE events will be sufficient to remove measurable PSH;
- Four recovery wells will provide adequate access to the PSH mass in the subsurface in order to access and remove the floating PSH on the water table;
- The PSH area is generally assumed to be on the site, and may extend slightly into the street (but
  not far enough across the streets to require offsite recovery; and
- There are no vapor intrusion issues on the adjacent properties that would trigger the need for remediation beneath the buildings.

The following costs are presented as conceptual given the lack of knowledge concerning this site. A baseline UST removal cost of \$82,059 is estimated for demolition of the gas station structure, removal of the existing UST and release determination reporting. If impacted soil is present, an additional **Additional Cost A** cost of \$44,819 is estimated for removal of 250 cubic yards of impacted soils. If

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groundwater is impacted and groundwater monitoring verifies no active remediation is needed (groundwater plume is stable and not moving/expanding), then an **Additional Cost B** of \$85,286 is the estimated budget to achieve closure. However, if groundwater is impacted by PSH, then at a minimum, MDPE events will be conducted to remove the PSH. The cost could go significantly higher, depending on the need for multiple technologies. **Additional Cost C** provides the minimum cost for actively remediating a groundwater PSH impact at \$109,620. As previously discussed, this cost could increase significantly if offsite PSH is present or if a water well or other receptor (creek, day care, building interior via vapor intrusion) has occurred. Therefore, the order of magnitude cost for removal of the USTs and remediation of impacted soil and groundwater will likely range from \$82,000 to \$322,000, given the assumptions included in this conceptual scope of services. A detailed breakdown of the costs is included in **Attachment C**.

There are two scenarios where additional costs would be incurred in the remediation of this site. The description of the Additional Cost C items is for a "worst case, best scenario" where with only MDPE equipment on a periodic basis. We have not included the active pumping and treatment of groundwater in this cost, which would add roughly \$220,000 to the \$322,000 above. We have also not included the presence of impacted groundwater beneath the duplex at a level (high dissolved phase concentrations or PSH) where vapor intrusion is possible. Vapor intrusion means that vapors are migrating up through the shallow soils into the residential structure and people are being exposed to gasoline vapors. In this contamination scenario, an active subsurface vapor extraction system would be necessary and ongoing long term mitigation costs would be incurred. The more likely method of eliminating this exposure pathway would be to demolish the duplex structure and go back with a properly constructed structure with an engineered vapor barrier system.

These contamination scenarios and relative costs are based on our experience with similar impacts and cleanup/closure negotiations with the TCEQ. We thank you for the opportunity to provide this cost proposal. If you have any questions regarding the information contained within this proposal, please do not hesitate to call me at (281) 580-8892 x205.

Sincerely, InControl Technologies, Inc.

Thomas Mc Cy

Thomas L. McCurdy, P.E. Associate Engineer

Attachments

J:\Proposals\Pete Martinez\Proposal\Proposal - Remediation and Cost to Closure

InControl Technologies, Inc.

Attachment A

SITE LAYOUT WITH CITY OF HOUSTON UTILITIES



Attachment B

# ELIM-A-TANK SOIL ANALYTICAL DATA

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Notes: <: Analyte detected below the laboratory detection limit</p>

1.814 Aq∃) HqT	mg/kg			65/198		<10	<10	17.05	14.83	<10	29.26	<10	<10	28.4	<10	47.82	317.5	75.73
Methyl tert-butyl ether	mg/kg	2.56	3.9			NAF	NAF	NAF	NAF									
lstoT,cenelyX	mg/kg	117	117			<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	10.44	<0.250	1.99	<0.250	<0.250	<0.250
€thylbenzene	mg/kg	36.8	88.8			<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	3.04	<0.250	<0.250	<0.250	<0.250	<0.250
anauloT	mg/kg	39.1	114			<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	10.68	<0.250	1.68	<0.250	<0.250	<0.250
อนอzนอสู	mg/kg	0.12	1.34		•	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	2.29	<0.250	<0.250	<0.250	<0.250	<0.250
Sample Date			ns			4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	5/24/1994	5/24/1994	5/24/1994	5/24/1994
Sample Depth		PST Program Action Levels	Plan A Target Concentrations	Ing PCL	Comb PCL	5	8'	8'	8'	5'	10'	10'	10'	10'	10'	7'	7'	7'
Sample ID		<b>PST Program</b>	Plan A Targe	Tier 1 <sup>GW</sup> Soil <sub>Ing</sub> PCL	Tier 1 Tot Soil Comb PCL	SB1-1	SB1-2	SB2-1	SB3-1	SB4-1	SB5-1	SB6-1	SB7-1	SB7B-1	SB-8	SB9-1	SB10-1	SB11-1

Attachment B-1 Soil BTEX and TPH Soil Data Summary Former Gas Station 3502 White Oak Drive - Houston, TX Facility ID No. 64837 LPST ID No. 102317

ITEM XII - Exhibit A

ITEM XII - Exhibit A

# Attachment B-2 Soil RCRA Metals Data Summary Former Gas Station 3502 White Oak Drive - Houston, TX Facility ID No. 64837

e D	Sample ID Sample Depth	Sample Date	Arsenic	Barium	muimbeJ	nuimord	peə-	Μετςμηγ	muinələč	ilver
			mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Residential	<sup>Tot</sup> Soil <sub>Comb</sub>		24	9608	52	32607	500	4	309	67
Residential	<sup>GW</sup> Soil <sub>Ing</sub>		5	444	1.51	2400	Э	0.008	2	0.479
Residential	Background		5.9	300		30	15	0.04	0.3	
Critical PCL			5.9	444	1.51	2400	15	0.04	2	0.479
SB9-1	7'	5/24/1994	1.1	<50.0	0.75	10.25	41.6	<0.1	<5	<2.5
SB10-1	7'	5/24/1994	1.1	<50.0	0.85	10.1	22.5	<0.1	<5	<2.5
SB11-1	٦'	5/24/1994	0.65	<50.0	0.8	15	44.7	<0.1	<5	<2.5

Notes:

Exceeds a PCL Detection Limit Exceeds PCL

J: Analyte detected below the quantitation limit

<: Analyte detected below the laboratory detection limit

Planning Commission 12/18/14

ITEM XII - Exhibit A

Attachment C

# **DETAILED COST BREAKDOWN**

# ITEM XII - Exhibit A

Planning	Commission	12/18/14
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				Base Tank	Base Tank Removal		Alterni	tive A - Soi	Alternative A - Soil Over-Excavation	Ivation	A	Alternative B	B - GW Impact, No Active Remediation	t, No Active	Remediatio	6	Alternativ	Alternative C - GW Remediation	mediation
	Unit	-	Task 1 ACM Abate	-	Task 3 RDR & PST	Base	Task 4 Impacted	Task 5 GWM	Task 6 Site	Optional	Task 7 Drinking	Task 8 MW	Task 9 RBA	Task 10- GWM	Task 11 Site	Optional	Task 12 Recovery	Task 13 GW Remed.	Optional
Labor Category	Rate		& Bldg Dem	Removal	Registr	Totals	Soil Excav		Closure	Totals	Water Sur	Install		(12 Qtrs)	Closure	Totals		(5 MDPEs)	Totals
Associate	120	Hour	14		10	\$ 3.840	12	2	12	\$ 3120	ę	10	- u	10	α	\$ 5.280	2	4	\$ 12 \$ 528
H. A. M.	105	Hour	Contraction of the second				Supervision of the supervision o	12 F.1.83	and a second			-		-					070
Assistant Staff	90	Hour	12	24	16	\$ 4,680	16	8	16	\$ 3,600	40	40	80	120	60	\$ 30,600	24	100	\$ 4,960
Data Processing/CAD	80	Hour		-								5							- 5
Word Processor	50	Hour	6	4 4	-	3/5	2		2	\$ 300 \$			4	2		\$ 900	4	15	
Labor Subtotal			2,860	3,620	2,715	0	3,130	960	3,130	7	4,320	5,850	8,475	13,745	7,010	s 39,400	3,250	15,645	\$ 5,504
	3		Task 1	Task 2	Task 3		Task 4	Task 5	Task 6		Task 7	Task 8	Task 9	Task 10-	Task 11		Task 12	Task 13	
Nonlabor Category	Rate	Units 8	& Bldg Dem	Removal	Registr	Base Totals	Soil Excav	GWM	Site Closure	<b>Optional</b> Totals	Drinking Water Sur	MW Install	RBA -	GWM (12 Qtrs)	Closure	<b>Optional</b> Totals	Recovery	GW Remed.	<b>Optional</b> Totals
IDPE Fluid Disposal	0.5	-			1 1	1 69	A STORY									-		-	1
Deck Demolition/Replacement	2500	LS	-	0		\$ 2,500	c												•
Grd Wtr Sampling Equip	350	Day					7			\$ 350				12		\$ 4.200			
Express Mail		Item	E 1 202 0		4	\$ 80	The Designation of the		N. C. C. C.		4		4	12	4			9	
Lab vapor Sample Analysis Samoling Supplies		Dav		5		- 250	5	6									R	20	
Well Surveying	100	Each		>			<b>5</b>	7				5		21		\$ 500	2		
Mileage	0.555	Each	75	150		\$ 125	150	75		\$ 125									
Nonlabor Subtotal			2,542	633	80	\$ 3,255	583	642	a.	4	80	500	80	5,040	80	\$ 10,260	300	15,100	\$ 25,660
	Unit		Task 1 ACM Abate	Task 2 UST	Task 3 RDR & PST	Base	Task 4 Impacted	Task 5 GWM	Task 6 Site	Ontional	Task 7 Drinking	Task 8 MW	Task 9 RRA	Task 10-	Task 11 Site	Ontional	Task 12	Task 13	Ontional
Subcontractor Category	Rate	5	& Bidg Dem	Removal	Registr	Totals	Soil Excav	-	Closure	Totals	Water Sur	Install	•	(12 Qtrs)	Closure	Totals	Wells	(5 MDPEs)	Totals
IST Removal (USTs & Hydraulic Lift)	40000	5				\$ 40,000		No. of Carlo	All Control of the	1	L					1			•
Geoprobe GW Sample Point	2000	s s	in surface in									5				\$ 20,000	4		\$ 20
Soil Cuttings Disposal	H	Drum				- 5		+		1		15				\$ 3,750	12		\$ 180
ab VOUS (8260) ab TPH (TX1005)		Sample				1		~ ~		1		16		68			12		
ab PAH (8270)		Sample	CHARACTER IN					5		5 150		16		89		\$ 4,200	12		\$ 192
Lab VOCs (8260) - 24 Hr.		Sample		25		9	20		1	3									
ab 1PH (1X1005) -24 Hr. Lab PAH (8270) - 48 Hr.	320	Sample		25		\$ 2,500 \$ 1 280	20		-							4			
Mobilization for Overexcavation		LS L					-	6 St. 1		\$ 1400						- 			
Soil Overexcavation	250	Hour				•	16		1	\$ 4,250						1			1
Soul transporturisposal & New Fill Vac Truck	125	Hour	ALL STORE				250												T
probe GW Sample Point	2000	LS L	10-10-5-10-10-10-10-10-10-10-10-10-10-10-10-10-			· ·		1		000 5					0	629		40	
Asbestos Survey and Abatement	5000	LS	1			5										1			
Building Demolition MDPE Event (24 Hour Duration)	8000	S	1			\$ 8,000				i 67 0						3			
Subcontractor Subtotal	-		13.000	47.530		\$ 60.530	26 345	4 785	500	\$ 31 630		06 760		0 600	202	+ +	20 600	2	
Markup Subcontractor Total		15%			 		3,952		75			3,863	•		-			6,750	100
Table Table								5000						4/10			a72 575	001 100	

InControl Technologies, Inc.

Page 1 of 1



September 22, 2014

Mr. Pedro Martinez 820 Gessner Road #1570 Houston TX 77024

Dear Mr. Martinez:

Re: 3500 White Oak, Houston, Texas 605/607 Cortlandt, Houston, Texas

As requested, we are pleased to send you the attached reports for the structural, mechanical, and electrical inspections performed on the above property. The inspection includes: the structure, foundation, roof, load-bearing walls, ceilings, floors, potential and/or existing water penetration, plumbing system (excluding water wells, septic tanks, yard sprinkler systems, or foundation watering systems), electrical power system, heating and cooling equipment, and where applicable, the fireplace, built-in range, ovens, dishwasher, disposal, oven/range exhaust fans, and trash compactor. This inspection specifically excludes any hazardous gases or materials, such as asbestos, radon, etc. A leak test of the gas lines, if desired, should be made by a qualified plumber who has the equipment and time to install a pressure gauge and pressurize the system.

713.664.1264

Registered Engineering Firm #150.

We understand the reason for the inspections to be pursuant to a pre-purchase contract for the property. This property may have many positive qualities, but this report generally includes comments that relate to defects or irregularities. As pointed out in the stated purpose of the reports, all of the comments and observations are strictly my opinions, and they may not necessarily agree with other professionals.

Professional Engineering Inspections, Inc. does not warrant or guarantee the continued performance of any property inspected beyond the day of inspection. If an extended warranty is desired, please contact a home warranty company that provides the level of service you desire.

This report concludes all obligations related to inspection work provided for the above property for the fee paid. Thank you for asking PROFESSIONAL ENGINEERING INSPECTIONS, INC. to perform this inspection work. If you have further questions, please feel free to call on us.

Sincerely yours



Edward Robinson 2014.09.29 12:41:40 -05'00'

Edward Robinson President

EGR/sl Attachments



#### **PROFESSIONAL ENGINEERING INSPECTIONS, INC.**

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

STRUCTURAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

This report is divided into two sections: an opinions section and an observations section. The opinions section is intended to provide an opinion of the building foundation performance, the condition of the roof, the structural performance, and the general status of need for maintenance as compared to other buildings of similar age. The observations section is an attachment intended to provide a list of observations and/or considerations which provide a basis for the opinions stated in section one.

### I. INTRODUCTION

A. Property Description

The property inspected is a duplex, having wood framing, wood siding, a composition shingle roof, and a block foundation. It is understood that the age of the structure is not determined.

B. Purpose

This inspection was to evaluate the condition of the foundation, roof, and structure of the building in order to provide information related to their condition and an opinion as to whether they are in need of repair. The data obtained and included in this report will provide insight into the overall condition of the property and information that will assist in maintaining it in the best possible condition during future years. Some of the comments contained in the observations attachment to this report are related to need for preventative maintenance and may not indicate need for immediate repair.

C. Scope

The scope of this inspection included visual observations of those portions of the foundation, roof, and structural components readily visible without moving or removing items causing visual obstruction. Observations were made at the exterior and interior of the structure, including the attic from the readily accessible interior and the roof from the surface. The items listed in the observations attachment are not claimed to be a total list of problems or defects, but rather a representative list of items on which the stated opinions are based. Estimates of repairs should be obtained from a building contractor who can determine the extent of repairs necessary. There is no warranty implied nor stated as a part of Professional Engineering Inspections, Inc. performing this inspection work. This information is provided for the use of the person to whom this report is addressed and is in no way intended to be used by a third party, who may have different requirements. If a third person chooses to use this information, caution is advised because there may be addendums that affect the information contained herein or the stated opinion.

# STRUCTURAL - HOUSE MARTINEZ

No special testing was performed to determine if leaks existed in the plumbing system below this building's foundation. Below the foundation plumbing leaks which were not detectable as part of a cursory inspection have been attributed to differential movement in the foundation of some buildings in the past. In some cases, the effects of plumbing leaks below a foundation can result in a need for repair of the foundation. If it is determined by the client that they wish to have the plumbing systems tested, then testing should be performed by a qualified plumber who can provide cost estimates for repair if it is found to be necessary.

Inspection for hazardous gases or materials, such as radon or asbestos, or for latent defects in the roof, foundation, or structure is considered beyond the scope of this inspection. This inspector has not been trained to detect such materials, and no tests were performed to discover any latent defects in the foundation, structure, roof, or maintenance of the building that may become evident after taking possession of the building.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

The underside of the building was viewed from the crawlspace, except for portions which were not accessible or visible due to electrical wiring, piping, and/or limitations of space. Possible wood rot, termite damage, and/or other deterioration can exist in some of the areas that cannot be seen.

# II. FOUNDATION OPINION

There is evidence that the foundation of this building has experienced differential settlement that is considered normal for this area and the age of the building. Due to the highly expansive nature of the soil, some amount of differential settlement is to be expected as the building ages. In accordance with the stated purpose of this inspection, no observations were made that would indicate that the foundation is not performing its intended function.

Differential settlement of building foundations is a common problem in this area because of the expansive clay soil and changing weather conditions. As a building resting on the expansive soil ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. Most buildings, with average owner foundation maintenance, may require foundation repair in a period of 35 to 40 years. If the building is to be left unoccupied for an extended period of time, provision should be made to have the yard watered frequently during dry periods. Constant care and/or maintenance is necessary to maintain movement to a minimum. See the attached foundation care information for recommendations.

# III. ROOF OPINION

The roof was inspected to provide information as to its general condition and an opinion as to whether or not it is serviceable. A serviceable roof may leak but it is repairable. STRUCTURAL - HOUSE MARTINEZ

The composition shingle roof was in poor/barely serviceable (if serviceable) condition, with little if any useful life remaining. It is recommended that the roof be replaced now or at any time that maintenance required to prevent leakage becomes excessive.

### IV. STRUCTURE OPINION

No irregularities were observed that would indicate that the basic structure of the building, including load-bearing walls and other framing members, was in need of repair or not performing adequately with the exception: repair of the decking in the bathrooms is recommended where it is failing, allowing the tile to crack.

Rafters in the attic space over the utility room were supported by nails in shear. They were performing satisfactorily at this time, but are normally supported through interference loading.

If there is a desire to make repairs to components of the structure, they should be made by a qualified construction contractor who can determine the extent and cost of repair necessary.

# V. DEFERRED MAINTENANCE OPINION

The number and/or degree of deferred maintenance observations were generally more than normally observed in a building of this age. Deferred maintenance is defined as the need for immediate maintenance related to drainage, water penetration, rotted wood, need for paint, etc.

# VI. SPECIAL NOTICE

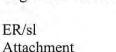
Opinions and comments contained in this report are based on observations made at the time of inspection. The observations contained in the attachment are to be considered a part of this inspection in order that the reader be aware of the items observed or considered that provided a basis for the opinions expressed above. Opinions related to compliance with specifications, legal, and/or code requirements are specifically excluded as being a part of our agreement to perform this inspection. There is no guarantee or warranty as to future performance, life, and/or need for repair of any item inspected, nor should same be assumed.

# PREPARED BY:



The seal appearing on this document was authorized by Edward Robinson, P.E.87035 on 9/29/2014. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act The digital seal is found on the cover page.

Edward Robinson, P. E. Registered Professional Engineer, #87035





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P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

OBSERVATIONS/RECOMMENDATIONS ATTACHMENT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

This attachment, which provides a basis for the opinions stated in the body of the report, is to be considered a part of the inspection report. The following observations are indicative of the conditions considered or existing at the time of the inspection and should not be considered a total list of irregularities but a representative list of items considered.

#### FOUNDATION

- 1. Drainage at the perimeter of the building foundation, which can have an effect on the rate of differential settlement of the foundation, was poor at a portion of the perimeter, where it appears that water stands or runs alongside the foundation during or immediately after rains. The more significant locations included: along the south side of the building, along the west side of the building at Unit 605 and at the utility porch, and along the north side of the building at the bathroom. The recommendations contained in the attached foundation care information should be implemented to maintain the rate of differential settlement to a minimum.
- 2. Sheetrock cracks above doors, windows, and in the ceiling, usually associated with differential settlement, were observed in the following locations: in Unit 605 at the opening between the east bedroom and living room; in the living room at the entry to the bedroom hall and at the south windows; in the west bedroom at the closet door, at the south window, and at the entry door; in Unit 607 in the kitchen in the ceiling and at the north wall; and in the west bedroom at the closet door.
- 3. Out-of-levelness of door tops, window sills, built-in furniture and other horizontal surfaces was more than the norm or average, with the more noticeable areas being in the following locations: in Unit 607 at the living room entry to the hall.
- 4. Separations or differential movement of materials were observed. The degree of separation observed was acceptable for a building of this age. Locations included between: the toe moldings and the walls.
- 5. There were cracks in the ceramic tile in Unit 605 at the bathroom around the window and at the floor; and in Unit 607 at the floor in the kitchen and bathroom that are indicative of differential settlement in the building foundation.
- 6. Doors which would not latch due to misalignment of striker plate and locking mechanism were observed, including: in Unit 607 at the kitchen deadbolt.

- 7. Large trees were observed relatively near the building being inspected. Construction research has indicated that large trees, which grow closer than their mature height to a building that is resting on expansive soil, can cause rapid and severe differential settlement. The effect on the rate of differential settlement, which can result in need for foundation repair, will become more pronounced as the tree grows.
- 8. Block foundations with blocks resting on or near the surface of the soil are not known to be stable where there is expansive clay soil. It is probable that the foundation will shift or settle differentially as the weather causes changes in the moisture content of the soil on which the blocks rest. Periodic releveling of the foundation may be required
- 9. Because the building is believed to be resting on expansive soil which exists in this area, it is recommended that an automatic watering system be installed to maintain a uniform moisture content in the soil. Maintaining a uniform moisture content in the soil will prevent it from shrinking and causing cracks to develop in the walls, floors, and siding.
- 10. Consideration should be given to installing a root barrier between the trees and the building; if installing a barrier is not practical, the trees should be removed if they grow closer to the building than their mature height. If a root barrier is to be installed, a qualified tree expert should be employed to determine where the root barrier should be installed, since cutting off too much of the tree roots may be hazardous to the health of the tree.
- 11. There was evidence of differential settlement at the front steps causing them to slope toward the house, and they should be releveled.

# ROOF

- Most composition shingle roofs have a normal life expectancy of 9 to 18 years in this area, with an average life of 15 years. The life of the roof depends on pitch, color, exposure to chemical fallout, and exposure to the sun. The more reflective colors last longer, and dark roofs usually last from 4 to 6 years less. The age of the composition shingle roof was not determined.
- 2. Deep pits were observed in the roof surface that probably occurred due to defects or roof damage. The pits can be expected to wear through more rapidly than the remainder of the roof surface, which is protected by a coating.
- 3. The composition shingle roof was showing advanced signs of wear and deterioration in the form of: brittle, curled, worn, patched, pitted, and discolored shingles, with rusted flashings. Reference Photograph 1
- 4. Evidences of roof leaks were observed, current or previous: Unit 605 deterioration in the ceiling; Unit 607 seam bulges at the west bedroom and sheetrock patches at the west bedroom. You are cautioned that other

evidences of roof leaks may exist which were not detected at the time of this inspection.

- 5. The heads of some of the fasteners used to secure the composition shingles in place were working through the overlying shingles at locations, including: at the west side of Unit 607 and at the east side of Unit 605. This condition creates a possibility of a leak at each location. There is a need for repair to prevent water penetration at the exposed fasteners. Caution is advised that this condition can exist due to the method or quality of workmanship in installation of the fasteners, and this condition could occur at locations other than those observed. Reference Photograph 2
- 6. Tree limbs were observed to be near or touching the roof and should be trimmed to prevent wear, which can lead to premature failure. The limbs should be cut back at least four feet from the roof surface each year.
- 7. Roofing compound had been applied to the roof surface at the gas flue roof jacks, which would indicate a problem with water penetration. Roof compound is a temporary repair material and should not be necessary on a properly constructed roof. Reference Photograph 3
- 8. The lead roof jacks around the upper edge and/or at the exposed portions of the skirts have been chewed away by squirrels or other animals. The roof jacks must be repaired to prevent water penetration during rains. Reference Photograph 4
- 9. Wood rot could be observed in the roof decking at the eaves. This may be due to water penetration through the roof above these locations. Reference Photograph 5
- 10. The starter strip shingles were installed upside down and were deteriorating at the first course shingle tab slots. As the starter strip erodes through, it will allow water penetration to the roof decking. Reference Photograph 6
- 11. Felt underlayment did not properly lap the drip edge flashing along the lower edge of the roof. Reference Photograph 7
- 12. There was evidence of buckling of the roof decking below the shingles that should be repaired when the roof is replaced. This can occur if the decking is not properly secured or was improperly spaced during installation. Reference Photograph 8
- Shingle tabs were broken off at some locations, including at the east roof, leaving exposed nails and joints in the shingles that can allow water entry. Reference Photograph 9
- 14. The electric service weatherhead roof jack was not laced with the shingles, and the neoprene seal was missing. The roof jack should be replaced and properly installed. Reference Photograph 10

15. Sealant had been applied at the tabs of the shingles at the west roof over Unit 607, indicating problems with water penetration at this location. This is a temporary repair, and the source for water entry should be located and permanently repaired. Reference Photograph 11

# BUILDING STRUCTURE

- 1. It is possible that minor wood-destroying insect damage to the structure exists at the north crawlspace below the living room of Unit 607 which could not be evaluated based upon a cursory inspection. The state Structural Pest Control Board prevents reporting of this damage as being caused by termites by anyone other than a licensed pest control contractor; who consequently cannot characterize the extent or severity of the damage. Observations at the time of this inspection indicate possible damage to the structure characteristic of the type often cause by termites; however, the extent of need for repair could not be evaluated without the owner disassembling parts of the structure to gain access to the damage. Reference Photograph 12
- 2. The ceiling joists were observed to be made of 2x4 inch lumber, which is very common in older houses. Current day buildings have joists made of 2x6 inch or wider materials, depending on the span of the joists. Reference Photograph 13
- 3. The ridge beams were not wide enough to support the entire width of the miter cut on the end of the roof rafters. Even though this is a common observation, the greatest strength requires that the ridge beam be wide enough to uniformly distribute the roof load across all the width of the rafter miter cuts.
- 4. Investigation of the building for termite infestation or damage is not the intent of this inspection. It is recommended that an inspection be performed by a licensed pest control inspector, who will thoroughly check the crawlspace below the building to determine the possibility of termite infestation and/or damage. The inspector should be asked to point out any areas of insect damage or wood rot that may be found during the inspection. It is possible that termite infestation and/or damage exist in the building that are not apparent and cannot be detected without removal of wall covering and/or siding.
- 5. Floor decking was rotted and failing below the bathrooms at Unit 605 and Unit 607. This may be related to evidences of failure of the floor tiles, as indicated by cracking and dislocation in the cracked locations in the tile. Repair would require removal and replacement of the decking and floor. Reference Photograph 14
- 6. Siding was rotting behind the porches and can allow water to run past the siding and reach the girder beam, which may result in premature deterioration if the siding goes unprotected. Reference Photograph 15

- 7. Rafter tails were becoming rotted at the eaves. There is a need for repair at the rafter tails since continued rot would leave the overhang of the roof without sufficient support.
- 8. Roof rafters at the utility room addition were supported by nails in shear, where they were nailed to the sides of the original rafters at the west roof structure. The roof was performing satisfactorily, although it is generally considered unacceptable to support the roof by nails in shear. Reference Photograph 16
- 9. The purlin supporting the midspan of the roof were on their sides rather than on their edge, which is their least stiff dimension. Additionally, they were not uniformly supported, which can allow deflection to occur between supports. Reference Photograph 17
- 10. Termite shields were not observed at the blocks supporting the structure of the building at the crawlspace. Metal termite shields that turn down overt the tops of the blocks are normally installed to resist wood-destroying insect infestation from the ground.
  - 11. Floor joists supporting the floor structure in the area of the bathroom bathtubs at Unit 605 and Unit 607 had been deeply notched where they had been used to reinforce rotted floor joists at this location. The notching reduces the strength of the joists, but they were observed to be performing satisfactorily.

# MAINTENANCE

- 1. B-B holes were observed in windows in Unit 607 at the west bedroom.
- 2. The window counterbalance mechanism did not appear to be functional at some windows because the cords/springs were broken or missing. The windows will have to be propped open if it is desired that they remain open.
- 3. Some of the window pane glazing was observed to be cracked and peeling, indicating a need for reglazing to prevent air infiltration and water entry.
- 4. Window panes were observed to be cracked or broken out, including: in Unit 607 at the living room.
- 5. There is evidence that windows or doors at the bathroom in Unit 605 and Unit 607 are not made with safety glass because no identification marks could be found. Safety glass is required in locations where there are windows with panes of more than 9 square feet in area that begin less than 18 inches from the floor, at windows within 2 feet of the arc of a door, or windows within 60 inches of stairs in the interest of safety. Safety glass can be obtained from a qualified glass company.
- 6. It appeared that the window screens were missing from all the windows. It is necessary to have window screens in this area if the windows are to be opened because of numerous insects, which includes mosquitoes.

- 7. The windows were not all opened and closed to check operation, but it appears that many of the windows are stuck because of being painted while in the closed position.
- 8. Some of the exterior siding was observed to be in need of repair or replacement due to wood rot at the lower edges of the siding at the north side of Unit 607, at the utility porch, at the west side of Unit 607, at the east side of the building at the front porch area, and at the north side of the building at Unit 607.
- 9. The exterior paint was observed to be cracked and peeling. Repainting is suggested to prevent undesirable deterioration in the wood trim and siding.
- 10. The exterior trim paint (window facings, door facings, roof fascia, etc.) was observed to be cracked and peeling; repainting is suggested.
- 11. There appeared to be insufficient ventilation provided at the attic space. A recognized standard for proper attic ventilation is 1 square foot of ventilation for every 150 square feet of attic space.
- 12. The gable vent screens were corroded away, allowing attic access to birds and other small animals. The screens should be replaced with a suitable material.
- 13. No insulation was observed under the floors at the crawlspace. A significant amount of energy loss can occur through the floors.
- 14. It is probable that there is no insulation in the exterior walls of the building since the building was constructed in a period of time when very little insulation was used.
- 15. The wood flooring at Unit 607 was warped, indicating probability of water penetration.
- 16. Air conditioning condensate was observed to be draining adjacent to the building foundation. It is recommended that the condensate be emptied into a sanitary sewer or away from the foundation. Reference Photograph 18
- 17. The weather stripping was noted to be damaged or missing in Unit 607 at the kitchen, Unit 605 at the kitchen, and Unit 607 at the living room, which is a source of energy loss because of air infiltration.
- 18. Wood rot was observed at the exit door jamb from the utility porch to the south yard, at rafter tails at the east side of Unit 605, at the siding trim at the utility room addition, at the east fascia at the rafter tails at the front porch at Unit 605, at the window ledge at the south side of the west bedroom at Unit 605, at the south window ledge and window facing at the living room at Unit 605, at the rafter tails and roof decking at the east side of Unit 605, at the rafter tails at the east side of Unit 605, at the rafter tails and roof decking at the east side of Unit 605, at the rafter tails at the east side of Unit 607, at the north window ledge at Unit 607, and at the north window frame at the living room at Unit 607. The rot

should be further investigated to determine the necessity and extent of repair required.

- 19. Wood rot was observed at window ledges that may extend into the wall framing below the windows. Locations included: in Unit 605 at the west bedroom south window, Unit 605 at the south living room, and Unit 607 at the north living room. There is an indicated need for additional investigation and repair. Reference Photograph 19
- 20. Low windows were observed at the bathtubs at Unit 605 and Unit 607. This creates the potential for water penetration into the wall system if the windows are not kept protected during use of the shower. Additionally, the shower walls were not intended for use as a shower and were relatively low, which could result in deterioration above the tile line. Reference Photograph 20
- 21. Dislocation of floor tile could be observed at Unit 607 around the toilet, indicating deflection in the floor decking. Reference Photograph 21
- 22. The concrete surface of the utility porch extended out past the walls, which could allow water to run under the wall. A steep slope at the porch likely prevents this from occurring. Reference Photograph 22
- 23. The eaves at the west side of the utility room were open because of a missing soffit covering, which can allow animals and insects to gain access to the attic space. Reference Photograph 23
- 24. There was no insulation observed in the attic space. This is a source for significant energy loss. Reference Photograph 24
- 25. Knobs were missing from some of the interior doors, including at the living room door to the dining room at Unit 605 and at the hall closet door at Unit 607.
- 26. Exterior doors were damaged and in need of replacement at locations, including in Unit 605 at the exit from the utility room.
- 27. Cabinetry was in poor condition at some locations, with the most severe damage occurring at the kitchen area in Unit 607.
- 28. Skirting was missing around the perimeter of the crawlspace, which can allow animals access to the crawlspace.
- 29. Rotted window sashes could be observed at some locations, including at Unit 605 at the west bedroom and south living room, and at Unit 607 at the living room.
- 30. The door at the kitchen at Unit 607 dragged the door jamb and was in need of repair.

- 31. There was open space below the bathtubs at the crawlspace, which can allow animals to nest below the tubs.
- 32. Voids could be observed in the soil below the front porches. The voids should be filled to prevent water from standing in these areas.
- 33. There were no handrails at the steps into the building at the front or rear of the building.

# FOUNDATION CARE INFORMATION

Maintenance Recommendations For Foundations On Expansive Clay Soil

# INTRODUCTION

Differential movement of building foundations is a common problem in this area, because of the highly expansive clay soil and changing weather conditions, and costs owners thousands of dollars a year in repair bills. As the building ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. This differential movement does not stop as buildings become older; older structures with a history of minimal differential movement have been known to develop foundation problems in a very short time due to changing conditions at the perimeter of the building foundation.

# REASON FOR FOUNDATION PROBLEMS

The primary reason for foundation problems is the highly expansive nature of the clay soil on which the building rests. The clay expands or contracts as its moisture content changes with the weather. Depending on the area, the amount of contraction or shrinkage ranges from minimal to upwards of 65% of the total wet volume. The average amount of shrinkage that can be expected in this region is approximately 35%, with wide variation depending on the location. For example, a sample of water-saturated clay will shrink up to an average of 35% when dried completely. This shrinkage accounts for the large cracks that form in the soil after an extended dry period. The more expansive the clay, the larger the cracks.

# EFFECT OF PLANTS ON FOUNDATION PERFORMANCE

Because of the highly expansive nature of the soil, trees and other large plants can significantly contribute to differential settlement of a foundation. The roots of trees and large plants consume the moisture from the soil, causing the soil to shrink much faster than other soil areas exposed to the weather. The soil where the moisture is lost more rapidly will sink lower than the surrounding soil, causing evidences and consequences of differential settlement in building structures. Research studies indicate that a tree should be at least as far away from a building as the mature height of the tree to minimize the effect of drying caused by the tree.

# EFFECT OF WET SPOTS AT THE SIDE OF A FOUNDATION

Wet spots caused by dripping faucets, leaking drains, air conditioning condensate drains, leaking water pipes, etc., can cause differential settlement at the location where the soil has been kept wet. The foundation may sink into the soil at a wet area while the soil dries and shrinks at other locations because the drying soil allows the foundation to move downward and overload the wet area.

# EFFECT OF POOR DRAINAGE AT THE PERIMETER OF A FOUNDATION

Water standing or running alongside a foundation after rains may cause differential settlement of a foundation. If soil grading is such that water runs alongside a foundation during rains, the water will run under the edge of the foundation and carry away soil supporting the foundation. The effect is much more pronounced if the soil was very dry prior to the beginning of the rain. In addition, if water is allowed to stand alongside a foundation, it will flow below the foundation and dissolve the clay supporting the foundation, carrying it into the cracks that develop in the yard outside the foundation area during extended dry periods. This problem is more severe if the soil in the general area has been very dry, but it is less severe if the soil has been maintained moist.

# FOUNDATION CARE PROFESSIONAL ENGINEERING INSPECTIONS

# FOUNDATION MAINTENANCE RECOMMENDATIONS

An owner can significantly reduce the rate of differential settlement by observing the following recommendations:

- 1. Try to maintain a constant moisture content in the soil around the foundation. Water the soil evenly and around the entire foundation during extended dry periods. This should prevent a gap from opening between the soil and foundation edge. However, if a gap does appear, water frequently (at least daily) around the entire foundation during extended dry periods (6 to 7 days in the summer). Do <u>not</u> apply water directly into the gap. Instead, water 1 to 2 feet away from the foundation edge. Some homeowners choose to install a fully automated foundation watering system to eliminate the need to remember to water. It is best to add water about three times per day to insure that the applied water has time to soak into the soil.
  - 2. Cut and cap the roots of any large trees growing closer to the foundation than the mature height of the trees. The roots from a large tree or several medium size trees can consume more water from the soil than can be added with a watering system. This will limit the consumption of water from the soil below the foundation and may prevent excessive differential settlement and cracks in the structure. It is recommended that a professional tree expert be used to prevent damage to the trees When a tree grows too close to a building to allow cutting and capping of the roots, it is advisable to remove the tree or make special provision for watering the soil below the foundation.
- 3. Properly grade the soil by filling in low spots and leveling off high spots adjacent to the foundation so that the surface of the soil slopes gradually away from the building. A recommended slope is 1 inch per foot for a distance of 3 to 4 feet from the foundation.
- 4. Control roof water runoff and help prevent soil erosion by using a gutter and downspout system. This is especially important if a building has no eaves which overhang the walls or if the eaves are less than 1 foot wide.
- 5. Water trees and shrubs growing near a building during extended dry periods as they cause shrinking of the soil due to their high water consumption. Keep in mind that moderate to large trees consume 50 to 75 gallons of water from the soil every day.

# SUMMARY

Remember: the intent of foundation maintenance is to maintain a constant moisture content in the soil around and below the entire foundation and to prevent soil erosion that can result from water flowing off the roof or other large flat surfaces near the building.

Edward Robinson Registered Professional Engineer, #87035 PROFESSIONAL ENGINEERING INSPECTIONS, INC. <u>http://www.profengineering.com/</u> (713) 664-1264

# PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ



# September 22, 2014 605-607 Cortlandt, Houston, Texas

1. The composition shingle roof was showing advanced signs of wear and deterioration in the form of: brittle, curled, worn, patched, pitted, and discolored shingles, with rusted flashings.

2. The heads of some of the fasteners used to secure the composition shingles in place were working through the overlying shingles at locations, including: at the west side of Unit 607 and at the east side of Unit 605. This condition creates a possibility of a leak at each location.





3. Roofing compound had been applied to the roof surface at the gas flue roof jacks, which would indicate a problem with water penetration. Roof compound is a temporary repair material and should not be necessary on a properly constructed roof. PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ



- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 4. The lead roof jacks around the upper edge and/or at the exposed portions of the skirts have been chewed away by squirrels or other animals.

5. Wood rot could be observed in the roof decking at the eaves. This may be due to water penetration through the roof above these locations.





6. The starter strip shingles were installed upside down and were deteriorating at the first course shingle tab slots. As the starter strip erodes through, it will allow water penetration to the roof decking. PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ



- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - Felt underlayment did not properly lap the drip edge flashing along the lower edge of the roof.

8. There was evidence of buckling of the roof decking below the shingles that should be repaired when the roof is replaced. This can occur if the decking is not properly secured or was improperly spaced during installation.





9. Shingle tabs were broken off at some locations, including at the east roof, leaving exposed nails and joints in the shingles that can allow water entry.

PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ

# September 22, 2014 605-607 Cortlandt, Houston, Texas

10. The electric service weatherhead roof jack was not laced with the shingles, and the neoprene seal was missing. The roof jack should be replaced and properly installed.

11. Sealant had been applied at the tabs of the shingles at the west roof over Unit 607, indicating problems with water penetration at this location. This is a temporary repair, and the source for water entry should be located and permanently repaired.





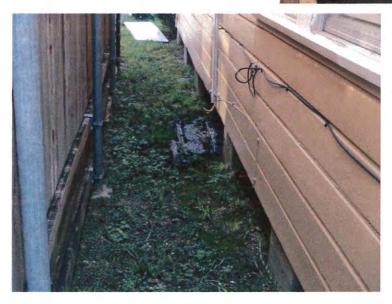
12. It is possible that minor wooddestroying insect damage to the structure exists at the north crawlspace below the living room of Unit 607 which could not be evaluated based upon a cursory inspection. PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ



- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 16. Roof rafters at the utility room addition were supported by nails in shear, where they were nailed to the sides of the original rafters at the west roof structure. The roof was performing satisfactorily, although it is generally considered unacceptable to support the roof by nails in shear.

17. The purlin supporting the midspan of the roof were on their sides rather than on their edge, which is their least stiff dimension. Additionally, they were not uniformly supported, which can allow deflection to occur between supports.





18. Air conditioning condensate was observed to be draining adjacent to the building foundation. It is recommended that the condensate be emptied into a sanitary sewer or away from the foundation. PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ

# September 22, 2014 605-607 Cortlandt, Houston, Texas

- 19. Wood rot was observed at window ledges that may extend into the wall framing below the windows. Locations included: in Unit 605 at the west bedroom south window, Unit 605 at the south living room, and Unit 607 at the north living room. There is an indicated need for additional investigation and repair.

20. Low windows were observed at the bathtubs at Unit 605 and Unit 607. This creates the potential for water penetration into the wall system if the windows are not kept protected during use of the shower. Additionally, the shower walls were not intended for use as a shower and were relatively low, which could result in deterioration above the tile line.



21. Dislocation of floor tile could be observed at Unit 607 around the toilet, indicating deflection in the floor decking.



# PHOTOGRAPHS – HOUSE STRUCTURE MARTINEZ



# September 22, 2014 605-607 Cortlandt, Houston, Texas

22. The concrete surface of the utility porch extended out past the walls, which could allow water to run under the wall. A steep slope at the porch likely prevents this from occurring.

23. The eaves at the west side of the utility room were open because of a missing soffit covering, which can allow animals and insects to gain access to the attic space.





24. There was no insulation observed in the attic space. This is a source for significant energy loss.

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MECHANICAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

I. SUMMARY OF INSPECTION The following summary lists the specific equipment inspected (and only the equipment inspected) and indicates an opinion of the status of the equipment at the time of the inspection.

# EQUIPMENT INSPECTION SUMMARY FUNCTIONAL REPAIR ITEM

()	(X)	Plumbing
()	(X)	Water Heater
( )	(X)	Smoke Detector
()	(X)	Ceiling Fans

# II. INTRODUCTION

A. Description of Property Inspected The equipment inspected included the built-in appliances, visible plumbing, air conditioning, and heating of the building located at the above address.

# B. Purpose

The purpose of this inspection was to visually inspect and operate the equipment listed above to observe and provide an opinion of any deficiencies apparent at the time of the inspection.

C. Scope

The scope of this inspection included visual observations of the above listed mechanical equipment and appliances without disassembly of any unit inspected and without removing items causing visual obstruction. The functional equipment was operated in at least one mode, but not necessarily every mode, suited to demonstrate its condition. All the comments and information provided in this report are strictly opinions and may not necessarily agree with other professionals. Items which are not listed in this report were not inspected and should not be assumed to be functional or nonfunctional.

Evaluation of kitchen appliances and air conditioning systems was excluded upon request of the client since it was indicated these items were considered normal maintenance items and were not of significant concern.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

### III. OBSERVATIONS

A. PLUMBING

Miscellaneous Plumbing

- 1. Where visible water distribution plumbing was observed, it appeared to be fabricated from galvanized steel and CPVC. The drain plumbing was fabricated from cast iron and PVC, and the vent plumbing was fabricated from cast iron and galvanized steel. (Information)
- 2. A main water service shutoff valve was not located. One may exist, and further inquiry of the owner is recommended to determine its location. If a valve cannot be located at the building, it may be necessary to turn water off at the main water meter which often requires a special tool in the event of an emergency or need to service the water distribution system, which often requires a special tool. (Information)
- 3. The main gas service shutoff valve was located at the gas meter at the west exterior of Unit 607. (Information)
- 4. Anti-siphon devices were not installed at one or more of the hose bibbs around the house. Lack of an anti-siphon device at the hose bibbs may allow non-potable water or other contaminants to be drawn into the water supply pipes in the event of a loss of water pressure. (Information)
- 5. It is recommended that the gas valves located at various rooms of the building be capped for safety purposes, if not used. (Information)
- 6. It was observed that copper and steel pipe had been connected together at the water heaters without appropriate insulators. Dissimilar metals can result in galvanic corrosion, which will cause leaks in the pipe. It is recommended that the joint be repaired using the correct connector. \$35,00 per location Reference Photograph 1
- 7. Drain lines or portions of the drain lines below the building appeared to have been fabricated from cast iron. Cast iron drain line in the Houston area is known to have a life expectancy of 35-45 years with normal use before they corrode through and leak. Because the condition or remaining life expectancy of the drains cannot be determined based upon a visual inspection of this type, further evaluation by a plumber is recommended who can perform hydrostatic testing and, if necessary, camera testing to determine the condition of the drains is recommended.

> Deteriorated drains can be related to failure of the drains and have been linked to adverse foundation performance in some cases. (Information)

- 8. Plug-type gas valves were observed at the following locations: at Unit 605 at the bathroom and at Unit 607. Plug-type gas valves may be prone to leak as the lubricant in the valve dries out over time. The drying lubricant can also make the valve difficult or impossible to operate in an emergency. It is recommended that valves of this type be replaced with "ball-type valves" in the interest of safety. \$40.00 per location.
- 9. The main sewer drain cleanout was not located at the time of this inspection. It is recommended that the cleanout location be obtained from the current owner since the cleanout may be required to unplug the drain. (Information)
- 10. Uninsulated pipe was observed at the crawlspace, which may freeze during cold weather. Exposed pipe should be insulated. (Information)
- 11. Uninsulated pipe was observed at the attic, which may freeze during cold weather. Exposed pipe should be insulated in the attic. (Information)
- 12. There was evidence of severe corrosion of galvanized steel water distribution pipe at the crawlspace, where pinhole leaks could be observed that had corroded and were not currently active. This can indicate a systemic deterioration in the galvanized steel pipe that should be investigated since it may require replumbing of the building, which could be costly. Reference Photograph 2

Utility Room/Area

- 13. The dryer appeared to be vented to the crawlspace. The clothes dryer should be vented to the outside of the building so that lint will not accumulate in the crawlspace. \$50.00
- 14. The dryer vent at the utility porch had an opening for an adjacent dryer that was not installed and was open to the porch. \$10.00 Reference Photograph 3
- 15. It was not evident that there was a vent provided for the washing machine connections at the utility porch. If the plumbing is not properly vented, it can result in siphoning empty at the drain traps. \$60.00

Kitchen Sink (Unit 605)

16. The vegetable spray was loose in the surface of the counter. \$10.00

Kitchen Sink (Unit 607)

17. There was a seeping leak at the drain, as indicated by stains; however, the leak did not appear to be active. It could become active with normal use. (Information)

 The vegetable sprayer was not operating properly at the time of this inspection because it was either clogged, defective, and/or in need of repair. \$75.00

Bathroom (Unit 605)

- 19. There was no caulking around tub/shower valves to prevent water from leaking into the wall cavity. \$20.00
- 20. The lavatory faucet aerator was missing, which allowed water to splash outside the lavatory basin when the faucet was turned on. \$15.00
- 21. The lavatory mechanical drain stopper was not functional. \$25.00
- The tub faucet was leaking at a valve stem when turned on to full flow.
   \$75.00
- 23. The finish of the bathtub was chipped/cracked. There were no indications of leaks as a result of these surface marks. (Information)
- 24. The tub mechanical drain stopper was nonfunctional or difficult to operate at the time of this inspection. \$50.00
- 25. The tub/shower was observed to be draining slower than normal, indicating the possibility of a partially clogged drain. \$45.00
- 26. Valve handles were loose at the bathtub. These should be tightened to prevent the handles from becoming damaged. \$15.00 per location
- 27. The water closet was loose on the floor and requires repair. Excessive movement can result in damage to the wax seal. \$95.00
- 28. There was a low window at the shower, which is prone to allow water penetration into the wall system that can result in wood rot if it is not kept protected. (Information)
- 29. Deterioration was evident at the head of the bathtub where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub and should be investigated. \$25.00-\$500.00 Reference Photograph 4
- 30. The gas valve at the unvented gas heater was difficult to operate, indicating that it is worn. Due to the age of the unvented gas heater, it is recommended that it be removed, and if intended for use, it should be replaced with one having new safety features since it poses a hazard as compared to new equipment. \$700.00

Bathroom (Unit 607)

- 31. The hot and cold water faucets were reversed at the bathtub, so that hot is received when cold water is selected. (Information)
- 32. There was no overflow drain at the lavatory basin. Lavatory basins without overflow drains can overflow to the floor if the faucets drip and the drain stoppers are closed. (Information)
- 33. The finish of the bathtub was chipped/cracked. There were no indications of leaks as a result of these surface marks. (Information)
- 34. The tub mechanical drain stopper was nonfunctional or difficult to operate at the time of this inspection. \$50.00
- The tub/shower faucet dripped when turned off with normal force.
   \$75.00
- 36. The water closet was loose on the floor and requires repair. Excessive movement can result in damage to the wax seal. \$95.00
- 37. Deterioration was evident at the head of the bathtub where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub and should be investigated. \$25.00-\$500.00
- 38. There was an unvented gas heater at the bathroom that could not be tested because there was no valve handle. Due to its age, it is recommended that it be replaced since it lacks basic safety features and is considered a hazard. \$700.00
- 39. There was a low window at the shower, which is prone to allow water penetration into the wall system that can result in wood rot if it is not kept protected. (Information)
- 40. There was no drain grate at the tub to prevent items from being washed down the drain. \$40.00

WATER HEATER (Unit 605)

- 41. The water heater is a gas-fired water heater. (Information)
- 42. There was a seeping leak at the water connection to the water heater that has caused severe corrosion. The leak does not appear to be active at this time, but it could become active under normal use in the future. (Information) Reference Photograph 5
- 43. The temperature/pressure relief valve was not functional at the time of this inspection, as indicated by the valve not opening when a significant force was applied to the test lever. \$55.00

- 44. The double-wall pipe of the hot water heater vent was touching combustible material. Double-wall pipes should have a clearance of 1inch minimum between any combustible surface and the wall of the pipe. \$25.00 Reference Photograph 6
- 45. There was a plastic catch pan below the water heater. Plastic catch pans are easily damaged, and this one was showing evidence of a crack at its top edge. While this may not affect its direct performance, cracks may exist in the basin that were not observed. (Information)
- 46. The flue strapping was unsecured at the water heater flue. \$10.00
- 47. Due to the age and condition of this equipment, it is the opinion of this inspector that its remaining serviceability is limited. (Information)

# WATER HEATER (Unit 607)

- 48. The water heater is a gas-fired water heater. (Information)
- 49. The double-wall pipe of the hot water heater vent was touching combustible material. Double-wall pipes should have a clearance of 1inch minimum between any combustible surface and the wall of the pipe. \$25.00
- B. SMOKE DETECTOR
  - The smoke detector located in Unit 605 did not appear to be functional. \$20.00
  - 2. Additional smoke detectors are recommended to provide full coverage of the building. Smoke detectors should be located in each sleeping room, at the exterior of sleeping rooms and in the path of the air conditioning system return air from each portion of the building. (Information)
  - 3. The battery of the smoke detector located in Unit 607 may be low, as indicated by the continual sounding-off of the detector in short beeps. A new battery should be installed. \$5.00 each location
  - 4. The age of the smoke alarms was not known, but it appeared they could be in excess of 10 years. It is recommended that smoke alarms be replaced at a minimum of 10-year intervals to ensure they perform properly. (Information)

# C. CEILING FAN

- 1. The ceiling fan in Unit 605 at the dining room makes a scraping noise when operating, indicating that the armature or fan is dragging against the case of the assembly. \$50.00
- 2. The light kit appeared to be loose at the living room fan in Unit 607, as indicated by a ticking noise when the fan was operating. \$25.00

# IV. SPECIAL NOTICE

Estimates for repair are provided as a courtesy and are only approximate. These prices are based on the assumption that other services are being performed at the same time; that is, no service charges are included. They are not bids for performance of work. It is recommended that the need for repair, scope of work, and cost be confirmed by a qualified service company. Opinions and comments stated in this report are based solely on observations of apparent performance. Opinions related to compliance with specifications, legal and/or code requirements of any kind are specifically excluded as being covered in our agreement to perform this inspection. No guarantee or warranty as to future life, performance and/or need for repair of any item inspected is intended nor should same be assumed.

### Prepared by



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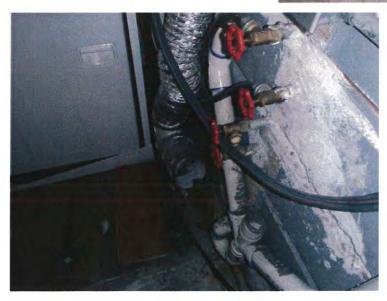
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- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 1. It was observed that copper and steel pipe had been connected together at the water heaters without appropriate insulators. Dissimilar metals can result in galvanic corrosion, which will cause leaks in the pipe.

2. There was evidence of severe corrosion of galvanized steel water distribution pipe at the crawlspace, where pinhole leaks could be observed that had corroded and were not currently active. This can indicate a systemic deterioration in the galvanized steel pipe that should be investigated since it may require replumbing of the building, which could be costly.





3. The dryer vent at the utility porch had an opening for an adjacent dryer that was not installed and was open to the porch. PHOTOGRAPHS – HOUSE MECHANICAL MARTINEZ



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4. Deterioration was evident at the head of the bathtub in Unit 605 where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub.

5. There was a seeping leak at the water connection to the water heater for Unit 605 that has caused severe corrosion. The leak does not appear to be active at this time, but it could become active under normal use in the future.





6. The double-wall pipe of the hot water heater for Unit 605 vent was touching combustible material. Double-wall pipes should have a clearance of 1inch minimum between any combustible surface and the wall of the pipe. **PROFESSIONAL ENGINEERING INSPECTIONS, INC.** 

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ELECTRICAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

#### I. INSPECTION SUMMARY

The following summary lists the equipment inspected (and the only equipment inspected) and indicates the status of the equipment at the time of the inspection.

### INSPECTION SUMMARY

FUNCTIONAL	REPAIR	ITEM
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()	(X)	Ground Check
()	(X)	Light Switches
()	(X)	Wall Outlets
()	(X)	Light Fixtures
()	(X)	Visible Wiring
()	(X)	Breaker Panel Box
INFORM	ATION	Electrical Service
()	(X)	Other

Resistance or visual ground check was performed on the following items and their condition was as follows:

GROUND (	CHECK SUI	MMARY	
GROUNDED	NOT GR	OUNDED	ITEM
()	(X)	Groun	nd Rod
()	(X)	Outlet	S

#### II. INTRODUCTION

A. Description of Property

The property inspected consisted of the visible electrical wiring, circuit breakers, light fixtures, electrical outlets, light switches, and visible wiring connections to the

appliances. Only those specific components of the electrical system listed above in the equipment status summary were inspected.

B. Purpose

The purpose of the inspection was to observe and point out visually apparent deficiencies in the electrical wiring and equipment at the time of the inspection and to determine if it is performing the function for which it was intended. A cursory evaluation was made to determine the adequacy of the capacity. There was no intent to closely examine and evaluate each of the primary or branch circuits. As a courtesy, for the purpose of planning only, a range of repair cost will be provided.

C. Scope

The scope of the inspection included visual observations of the electrical wiring, the main circuit breaker box, the visible wiring at the attic, and connections to the electrical appliances. Observations were made at the readily accessible light switches and electrical outlets. The switches were operated to determine whether or not they were mechanically functional. The readily accessible outlets were checked with a plug-in circuit analyzer to determine if they were properly wired. Only those items accessible without moving furniture, access covers, or other items were observed. It is specifically pointed out that routing of circuitry, adequacy of wiring, and/or compliance with electrical codes are not included as a part of this cursory inspection. An estimated cost of repair is provided for planning purposes only and may vary significantly, depending on the extent of the problem and the method by which repairs are made. If in-depth information is desired on the electrical system or any part thereof, it is recommended that you consult with a licensed electrician.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

#### III. OBSERVATIONS

The following observations are indicative of the type irregularities observed during the course of the cursory electrical inspection. There may be other irregularities that exist but were not apparent and were not pointed out because they could not be seen.

#### A. Improper Grounding

Those items which are indicated as needing repair under this portion of the inspection should be provided with a positive earth ground or otherwise repaired to prevent the possibility of electrical shock to anyone who may use the equipment.

1. The earth ground was not connected or was loose from the ground rod that provides a ground for the breaker panel box. \$20.00

2. Three-prong outlets were detected that had no ground, including the following locations: in Unit 605 at the living room, bathroom, west bedroom, east bedroom, dining room, and kitchen; in Unit 607 at the west bedroom and kitchen. Since the instrument used to detect lack of ground cannot indicate whether the round (ground) portion of the receptacle is grounded or connected to the neutral wire and all outlets were not necessarily checked, other outlets may exist that are not properly grounded. In older buildings with only two wires to the outlets, properly installed two-prong outlets can be used to replace the three-prong outlets for acceptable, inexpensive repair. \$5.00 each. \$75.00 each for outlets to which electrical wiring must be run.

#### B. Light Switches

Some light switches may not have been observed because of location or obstructions, such as stored items or furniture.

- 1. Light switch cover plates were observed to be missing in Unit 607 at the kitchen. \$2.00 per location
- 2. Light switches whose function could not be determined were observed in Unit 605 at the living room. (Information)

#### C. Outlets

Some outlets may not have been observed because of location or obstructions, such as stored items or furniture.

- Outlets were observed that did not function in the following locations: in Unit 605 at the 220-volt outlet at the living room and Unit 607 at the west bedroom.
   \$25.00 to \$75.00
- Outlets were observed which were loose on the wall in Unit 605 at the kitchen.
   \$5.00 per location
- Outlets were observed that had the hot and neutral wires reversed in Unit 605 at the kitchen. Operation of some appliances at these outlets can be hazardous.
   \$5.00 per location
- 4. There was no ground fault interrupter observed in Unit 605 at the kitchen. Ground fault interrupters not installed in locations where they are required by the National Electric Code, Publication 70A, are required to be reported as in need of repair by the Texas Real Estate Commission. It is not uncommon for them to have been omitted in older homes. \$35.00 per location
- 5. The ground fault interrupter in Unit 605 at the bathroom was not functional at the time of this inspection, as indicated by it not tripping when tested with a circuit tester and/or when the button was depressed. \$35.00

D. Light Fixtures

Some light fixtures may not have been observed because of location or obstructions, such as stored items or furniture.

- 1. Light fixtures that did not function were observed at Unit 605 at the front porch. \$20.00
- E. Visible Wiring

Some visible wiring was probably not observed because of obstructions (such as stored items, furniture, or structural portions of the building).

- 1. Electrical wire splices that were not in junction boxes were observed at the attic. \$25.00 per location
- 2. Improperly made splices were observed at the attic. \$15.00 per location
- 3. Flexible conduit had been used around the electric meter and panel boxes. Flexible conduit is normally only intended for interior use since it does not protect the wiring from exposure to water. (Information) Reference Photograph 1
- F. Breaker Panel Box (north)
  - 1. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected. \$20.00 per breaker
  - The breaker box panel has missing knock-outs. These should be replaced.
     \$2.00 each
  - 3. The function of the various circuits was not identified on the circuit breaker box panel. It is recommended that the circuit functions be properly identified. (Information)
  - 4. There were no identifications observed at the panel boxes to determine which panel serviced which unit. (Information)
- G. Breaker Panel Box (south)
  - 1. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected. \$20.00 per breaker Reference Photograph 2
  - The breaker box panel has missing knock-outs. These should be replaced.
     \$2.00 each
  - 3. The function of the various circuits was not identified on the circuit breaker box panel. It is recommended that the circuit functions be properly identified. (Information)

- 4. The bonding strap located inside the breaker panel box was not connected. The bonding strap should be connected to provide a proper ground for the panel box. \$10.00 Reference Photograph 3
- 5. There were missing knock-outs inside the panel. \$10.00 Reference Photograph 4
- H. Electrical Service
  - 1. The main service to the house was observed to be 120/240 volts with a 125amp main disconnect for each unit. (Information)
  - 2. The main service panel was located at the west exterior of Unit 605. (Information)
- I. Additional Comments
  - 1. Knob and tube wiring was observed at the attic, at the crawlspace, and at the interior walls. Because it could not be determined if the wiring was in use at all locations, further investigation by a qualified electrician is suggested since this type of wiring is outdated and very old, possibly making it unsafe. An electrician should be consulted to obtain a cost of replacement of this wiring. Caution is advised that some insurance companies may not insure buildings where this type of wiring is in use. (Information) Reference Photograph 5

#### IV. SPECIAL NOTICE

Opinions and comments stated in this report are based solely on observations of apparent condition and performance. Opinions related to compliance with specification, legal and/or code requirements of any kind are specifically excluded as being covered in our agreement to perform this inspection. No guarantee or warranty as to future life, performance and/or need for repair of any item inspected is intended, nor should same be assumed. The estimated repair costs do not necessarily include all repairs that are needed and are to be used for planning purposes only since the method of repair and extent of repair could vary considerably.

#### Prepared by



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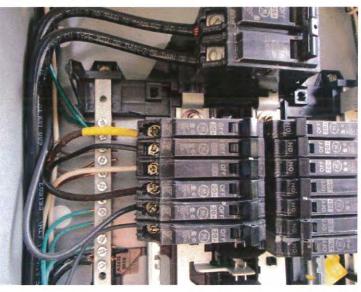
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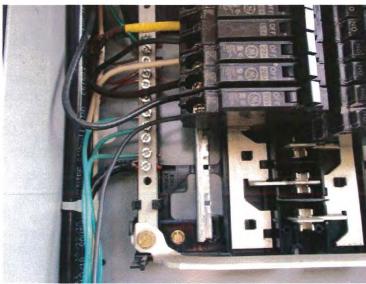
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#### PHOTOGRAPHS - HOUSE ELECTRICAL MARTINEZ

#### September 22, 2014 605-607 Cortlandt, Houston, Texas

- - 2. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected at the south panel box.
- 1. Flexible conduit had been used around the electric meter and panel boxes. Flexible conduit is normally only intended for interior use since it does not protect the wiring from exposure to water.





The bonding strap located inside 3. the south breaker panel box was not connected. The bonding strap should be connected to provide a proper ground for the panel box.

PHOTOGRAPHS – HOUSE ELECTRICAL MARTINEZ

#### September 22, 2014 605-607 Cortlandt, Houston, Texas

4. There were missing knock-outs inside the south panel box.



5. Knob and tube wiring was observed at the attic, at the crawlspace, and at the interior walls. Because it could not be determined if the wiring was in use at all locations, further investigation by a qualified electrician is suggested since this type of wiring is outdated and very old, possibly making it unsafe.



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STRUCTURAL INSPECTION REPORT – GAS STATION BUILDING Mr. Pedro Martinez 3500 White Oak Houston, Texas September 22, 2014

This report is divided into two sections: an opinions section and an observations section. The opinions section is intended to provide an opinion of the building foundation performance, the condition of the roof, the structural performance, and the general status of need for maintenance as compared to other buildings of similar age. The observations section is an attachment intended to provide a list of observations and/or considerations which provide a basis for the opinions stated in section one.

#### I. INTRODUCTION

A. Property Description

The property inspected is a commercial building, having wood and steel framing, brick veneer siding, a flat steel roof, and a concrete slab on grade foundation. It is understood that the age of the structure is not determined.

B. Purpose

This inspection was to evaluate the condition of the foundation, roof, and structure of the building in order to provide information related to their condition and an opinion as to whether they are in need of repair. The data obtained and included in this report will provide insight into the overall condition of the property and information that will assist in maintaining it in the best possible condition during future years. Some of the comments contained in the observations attachment to this report are related to need for preventative maintenance and may not indicate need for immediate repair.

C. Scope

The scope of this inspection included visual observations of those portions of the foundation, roof, and structural components readily visible without moving or removing items causing visual obstruction. Observations were made at the exterior and interior of the structure, and the roof was viewed from the surface. The attic was not viewed because there was apparently no accessible attic. The items listed in the observations attachment are not claimed to be a total list of problems or defects, but rather a representative list of items on which the stated opinions are based. Estimates of repairs should be obtained from a building contractor who can determine the extent of repairs necessary. There is no warranty implied nor stated as a part of Professional Engineering Inspections, Inc. performing this inspection work. This information is provided for the use of the person to whom this report is addressed and is in no way intended to be used by a third party, who may have different requirements. If a third person chooses to use this information, caution is advised because there may be addendums that affect the information contained herein or the stated opinion.

#### STRUCTURAL – GAS STATION BUILDING MARTINEZ

No special testing was performed to determine if leaks existed in the plumbing system below this building's foundation. Below the foundation plumbing leaks which were not detectable as part of a cursory inspection have been attributed to differential movement in the foundation of some buildings in the past. In some cases, the effects of plumbing leaks below a foundation can result in a need for repair of the foundation. If it is determined by the client that they wish to have the plumbing systems tested, then testing should be performed by a qualified plumber who can provide cost estimates for repair if it is found to be necessary.

Inspection for hazardous gases or materials, such as radon or asbestos, or for latent defects in the roof, foundation, or structure is considered beyond the scope of this inspection. This inspector has not been trained to detect such materials, and no tests were performed to discover any latent defects in the foundation, structure, roof, or maintenance of the building that may become evident after taking possession of the building.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

#### II. FOUNDATION OPINION

There is evidence that the foundation of this building has experienced a degree of differential settlement that is considered normal for this area. Due to the highly expansive nature of the soil, some amount of differential settlement is to be expected. In accordance with the stated purpose of this inspection, no observations were made that would indicate that the foundation is not performing its intended function.

The client has indicated that underground storage tanks and associated plumbing systems (UST) are to be removed adjacent to, and below, portions of the building. Based upon a cursory review of documentation provided by the client related to removal of the UST, there is concern that removal of the UST will result in damage to the foundation for the building and awning structure. If it is desirable to maintain the building, there is a need to coordinate removal of the UST with an engineering contractor who can design and implement reinforcements, such a piers, if determined effective, to allow close excavation to the foundation. Evaluation of such reinforcements or repair should be considered to determine if maintaining the building as part of removal of the UST is economically feasible.

Differential settlement of building foundations is a common problem in this area because of the expansive clay soil and changing weather conditions. As a building resting on the expansive soil ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. Most buildings, with average owner foundation maintenance, may require foundation repair in a period of 35 to 40 years. If the building is to be left

#### STRUCTURAL – GAS STATION BUILDING MARTINEZ

unoccupied for an extended period of time, provision should be made to have the yard watered frequently during dry periods. Constant care and/or maintenance is necessary to maintain movement to a minimum. See the attached foundation care information for recommendations.

#### III. ROOF OPINION

The roof was inspected to provide information as to its general condition and an opinion as to whether or not it is serviceable. A serviceable roof may leak but it is repairable.

The flat steel roof was in very poor (not serviceable) condition and at the end of its useful life. Replacement of the roof is recommended at this time.

#### IV. STRUCTURE OPINION

No irregularities were observed that would indicate that the basic structure of the building, including load-bearing walls and other framing members, was in need of repair or not performing adequately with the exception: there is an abnormal sag in the roof structure and supporting beams for the carport awning. It appears this may be as a result of water running through the structure causing it to rot and deflect. Permanent repair of this condition would appear to require reconstruction of the carport cover to eliminate the deflection. Based upon a cursory review of the UST removal recommendations provided by the client, it appears removal and reconstruction will be necessary to accommodate removal of UST on the property. Repair at the carport awning should be coordinated with the UST removal.

Columns supporting the carport cover were becoming severely corroded at their base. Reinforcement or replacement is recommended to maintain their structural integrity.

Evaluation of the ceiling joists across the building at the roof structure is recommended, requiring removal of roof decking and/or ceiling coverings to determine if the joists require replacement in this area due to evidence of long-term water penetration through the structure causing damages to the interior ceilings.

If there is a desire to make repairs to components of the structure, they should be made by a qualified construction contractor who can determine the extent and cost of repair necessary.

#### V. DEFERRED MAINTENANCE OPINION

The number and/or degree of deferred maintenance observations were generally more than normally observed in a building of this age. Deferred maintenance is defined as the need for immediate maintenance related to drainage, water penetration, rotted wood, need for paint, etc.

#### VI. SPECIAL NOTICE

Opinions and comments contained in this report are based on observations made at the time of inspection. The observations contained in the attachment are to be considered a part of this inspection in order that the reader be aware of the items observed or considered that provided a basis for the opinions expressed above. Opinions related to compliance with specifications, legal, and/or code requirements are specifically excluded as being a part of our agreement to perform this inspection.

## STRUCTURAL – GAS STATION BUILDING MARTINEZ

There is no guarantee or warranty as to future performance, life, and/or need for repair of any item inspected, nor should same be assumed.

#### PREPARED BY:



The seal appearing on this document was authorized by Edward Robinson, P.E.87035 on 9/29/2014. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act The digital seal is found on the cover page.

Edward Robinson, P. E. Registered Professional Engineer, #87035

#### ER/sl Attachment



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OBSERVATIONS/RECOMMENDATIONS ATTACHMENT - GAS STATION BUILDING Mr. Pedro Martinez 3500 White Oak Houston, Texas September 22, 2014

This attachment, which provides a basis for the opinions stated in the body of the report, is to be considered a part of the inspection report. The following observations are indicative of the conditions considered or existing at the time of the inspection and should not be considered a total list of irregularities but a representative list of items considered.

#### FOUNDATION

- 1. Drainage at the perimeter of the foundation, which can have an effect on the rate of differential settlement in a building foundation, was generally good around the foundation of this building. The grading of the soil should be maintained so that water does not stand or run alongside the foundation during or immediately after rains. The recommendations contained in the attached foundation care information should be implemented to maintain the rate of differential settlement to a minimum.
- 2. Out-of-levelness of door tops, window sills, built-in furniture, and other horizontal surfaces was normal and acceptable in degree.
- 3. Some cracks were observed in the exterior brick veneer. The degree was slightly more than normally observed for structures in this age group. Locations included: at the south entry to the store front.
- 4. No significant cracks were observed in the floor concrete, but small cracks probably exist since cracks exist in almost all concrete due to its nature. Small or moderate cracks that may exist in the concrete floors below carpeting or other floor coverings would have no bearing on the inspector's opinion of the foundation performance.
- 5. Differential settlement caused by expansion and contraction of the expansive soil on which the concrete driveway rests has caused it to crack and break. This is pointed out even though the drive is not a part of the building foundation because it is indicative of the type of movement caused by the expansive soil on which the building rests.
- 6. Because the building is believed to be resting on expansive soil which exists in this area, it is recommended that an automatic watering system be installed to maintain a uniform moisture content in the soil. Maintaining a uniform moisture content in the soil will prevent it from shrinking and causing cracks to develop in the walls, floors, and siding.

7. It was indicated by the client that fuel tanks existed very near the building's foundation. If the fuel tanks are in close enough proximity, removal of the tanks may have a potential to affect the performance of the foundation in the future unless measures are taken to support the foundation to a depth deeper than the fuel tanks during removal or to ensure proper shoring and recompaction of soil.

#### ROOF

- 1. Except for some roofs made with poor quality materials, steel roofs have a life expectancy of 25 to 40 years, with an average life of 30 to 35 years. The quality of the roof material could not be determined through a visual examination. The age of the flat steel was not determined.
- 2. The steel roof was showing advanced signs of wear and deterioration in the form of: corrosion and patched panels.
- 3. The flat roof system was constructed of steel panels that showed evidence of severe corrosion and had been patched at the joints with roofing compound. A large portion of the roof was coated with a self-adhering membrane in an attempt to extend the roof life expectancy. The observed evidences of deterioration were advanced. Reference Photograph 1
- 4. Depressions could be observed across the roof that corresponded to soft spots at many locations, indicating the roof decking is rotting through. Reference Photograph 2
- 5. Roof decking at the eaves was becoming severely rotted around the perimeter of the building and was in need of replacement. This was occurring due to leaks through the roof above. Reference Photograph 3
- 6. Mildew could be observed inside the building, indicating that water penetration has been occurring. Some of the evidences or consequences of water entry appear to be related to water running through the ceilings from the roof above. Reference Photograph 4
- 7. Wood rot of the loft at the main room could be observed as a result of water penetration through the roof above. Reference Photograph 5
- 8. Paint was spalling off the ceiling, and the ceiling was rotting with missing planks at the main room due to water penetration from the roof above. Water penetration through the roof can rot the structure. Reference Photograph 6
- 9. You should make further inquiry as to the status of the following observed evidences of roof leaks, current or previous: ??. You are cautioned that other evidences of roof leaks may exist which were not detected at the time of this inspection.

#### BUILDING STRUCTURE

- 1. It is possible that minor wood-destroying insect damage to the structure exists at the east window at the store front and at the north window at the outdoor bathroom which could not be evaluated based upon a cursory inspection. The state Structural Pest Control Board prevents reporting of this damage as being caused by termites by anyone other than a licensed pest control contractor; who consequently cannot characterize the extent or severity of the damage. Observations at the time of this inspection indicate possible damage to the structure characteristic of the type often cause by termites; however, the extent of need for repair could not be evaluated without the owner disassembling parts of the structure to gain access to the damage. Reference Photograph 7
- 2. Vulnerability to termite infestation was observed where siding was in contact with the soil. Subterranean termites can enter the structure below or through the siding without being observed.
- 3. Vulnerability to termite infestation was observed where siding was in contact with the soil, and where wood, such as a deck or fence, was in contact with the soil and the sides of the building. Subterranean termites can gain access to the building at these locations through the wood without being observed.
- 4. Investigation of the building for termite infestation or damage was not the intent of this inspection. It is recommended that an inspection be performed by a licensed pest control inspector, who can determine the possibility of termite infestation and/or damage. It is possible that termite infestation and/or damage exist in the building that are not apparent and cannot be detected without removal of wall covering and/or siding.
- 5. Severe corrosion was occurring at the base of the columns supporting the carport cover. This reduces the strength of the columns and could result in failure. Reference Photograph 8
- 6. Abnormal sags could be observed in the roof joists of the carport cover and at the supporting beams. This is believed to be related to deterioration caused by water penetration from the roof, as some wood rot could be observed at the ceiling joists through the exposed open ceiling. Further evaluation, requiring removal of ceiling or roof coverings would be necessary to fully expose these components to determine their condition. In order to eliminate the sags, reframing of the structure at this location would be necessary. Reference Photograph 9
- 7. There was evidence of deterioration of the roof decking. Roof rafters were visibly rotted over the area of the carport. Due to evidences of widespread water penetration through the roof structure at the ceilings below, there is a need for removal of the ceiling coverings to evaluate the extent of wood rot and scope of repair necessary, including areas over the building.

- 8. Support for the loft structure appeared to rely on nails in shear, where the supporting beam at the west end of the loft did not extend into the structural walls. Reference Photograph 10
- 9. The condition of the lower wall structure at the entry to the interior store room could not be determined, and removal of wall coverings is recommended due to evidences of wood rot at the door jamb and evidence of long-term water penetration.
- 10. There was evidence that long-term water penetration may have occurred along the back wall of the building as a result of high soil. This can cause deterioration of the structure that may not be apparent without removal of interior wall coverings.
- 11. There was a notched stud at the west wall of the store room, where wiring had been run over the stud, reducing its stiffness.

#### MAINTENANCE

- 1. The window counterbalance mechanism did not appear to be functional at some windows because the cords/springs were broken or missing. The windows will have to be propped open if it is desired that they remain open.
- 2. There is evidence that windows or doors at the store front adjacent to the entry door are not made with safety glass because no identification marks could be found. Safety glass is required in locations where there are windows with panes of more than 9 square feet in area that begin less than 18 inches from the floor, at windows within 2 feet of the arc of a door, or windows within 60 inches of stairs in the interest of safety. Safety glass can be obtained from a qualified glass company.
- 3. The exterior trim paint (window facings, door facings, roof fascia, etc.) was observed to be cracked and peeling; repainting is suggested.
- 4. The area at much of the interior could not be inspected because of clutter and stored items.
- 5. The grade of the soil at the outside of the building appears to be at or above the level of the floor at the north side of the building. This creates a high potential for water penetration during rains that will be difficult to correct. Reference Photograph 11
- 6. Wood rot was observed ceiling coverings and framing over the carport, ceiling coverings at the interior of the building, at the loft structure at the interior of the building, at the rafter tails around the perimeter of the building, at the door jamb at the outdoor bathroom, at the door jamb at the interior store room, at the window casing at the outdoor bathroom, and at the interior closet door jamb. The rot should be further investigated to determine the necessity and extent of repair required.

- 7. Ceiling coverings were rotted and missing at the interior of the building and at the outdoor carport. These will have to be replaced to prevent animals from gaining access to the ceilings.
- 8. The window at the interior bathroom had been covered over with boards, preventing visual inspection. The interior of the bathroom was not readily accessible.
- 9. Mold or mildew could be observed at the interior of the building as a result of water penetration, apparently from the back wall of the building. Evaluation of mold or mildew as a hazardous material was beyond the scope of this inspection and, if of concern, should be evaluated by a licensed contractor who can make specific recommendations for abatement.
- 10. Glazing was missing around window glass in the building and had been replaced with caulking at some locations. Caulking normally is not as effective as glazing.
- 11. Interior floor coverings were tile. It was not determined if the floor tiles were asbestos type, and further testing is recommended. Asbestos tiles would require special abatement procedures, which may be costly. Reference Photograph 12
- 12. There was no ready access to the outdoor bathroom due to burglar bars installed over the bathroom entry door.
- 13. It was indicated that storage tanks for fuel still existed in the ground around the building. Evaluation of the site for environmental hazards is beyond the scope of this inspection, but due to the indication that fuel tanks exist around the building, this should be performed by a licensed contractor. Caution is advised that removal of tanks and associated plumbing may have the potential to affect the performance of the building structure. Reference Photograph 13
- 14. Because the site was known to have been used as a gas station in the past, evaluation of the site for hazardous materials as part of an environmental survey is recommended.

#### FOUNDATION CARE INFORMATION

Maintenance Recommendations For Foundations On Expansive Clay Soil

#### INTRODUCTION

Differential movement of building foundations is a common problem in this area, because of the highly expansive clay soil and changing weather conditions, and costs owners thousands of dollars a year in repair bills. As the building ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. This differential movement does not stop as buildings become older; older structures with a history of minimal differential movement have been known to develop foundation problems in a very short time due to changing conditions at the perimeter of the building foundation.

#### REASON FOR FOUNDATION PROBLEMS

The primary reason for foundation problems is the highly expansive nature of the clay soil on which the building rests. The clay expands or contracts as its moisture content changes with the weather. Depending on the area, the amount of contraction or shrinkage ranges from minimal to upwards of 65% of the total wet volume. The average amount of shrinkage that can be expected in this region is approximately 35%, with wide variation depending on the location. For example, a sample of water-saturated clay will shrink up to an average of 35% when dried completely. This shrinkage accounts for the large cracks that form in the soil after an extended dry period. The more expansive the clay, the larger the cracks.

#### EFFECT OF PLANTS ON FOUNDATION PERFORMANCE

Because of the highly expansive nature of the soil, trees and other large plants can significantly contribute to differential settlement of a foundation. The roots of trees and large plants consume the moisture from the soil, causing the soil to shrink much faster than other soil areas exposed to the weather. The soil where the moisture is lost more rapidly will sink lower than the surrounding soil, causing evidences and consequences of differential settlement in building structures. Research studies indicate that a tree should be at least as far away from a building as the mature height of the tree to minimize the effect of drying caused by the tree.

#### EFFECT OF WET SPOTS AT THE SIDE OF A FOUNDATION

Wet spots caused by dripping faucets, leaking drains, air conditioning condensate drains, leaking water pipes, etc., can cause differential settlement at the location where the soil has been kept wet. The foundation may sink into the soil at a wet area while the soil dries and shrinks at other locations because the drying soil allows the foundation to move downward and overload the wet area.

#### EFFECT OF POOR DRAINAGE AT THE PERIMETER OF A FOUNDATION

Water standing or running alongside a foundation after rains may cause differential settlement of a foundation. If soil grading is such that water runs alongside a foundation during rains, the water will run under the edge of the foundation and carry away soil supporting the foundation. The effect is much more pronounced if the soil was very dry prior to the beginning of the rain. In addition, if water is allowed to stand alongside a foundation, it will flow below the foundation and dissolve the clay supporting the foundation, carrying it into the cracks that develop in the yard outside the foundation area during extended dry periods. This problem is more severe if the soil in the general area has been very dry, but it is less severe if the soil has been maintained moist.

#### FOUNDATION CARE PROFESSIONAL ENGINEERING INSPECTIONS

#### FOUNDATION MAINTENANCE RECOMMENDATIONS

An owner can significantly reduce the rate of differential settlement by observing the following recommendations:

- 1. Try to maintain a constant moisture content in the soil around the foundation. Water the soil evenly and around the entire foundation during extended dry periods. This should prevent a gap from opening between the soil and foundation edge. However, if a gap does appear, water frequently (at least daily) around the entire foundation during extended dry periods (6 to 7 days in the summer). Do <u>not</u> apply water directly into the gap. Instead, water 1 to 2 feet away from the foundation edge. Some homeowners choose to install a fully automated foundation watering system to eliminate the need to remember to water. It is best to add water about three times per day to insure that the applied water has time to soak into the soil.
- 2. Cut and cap the roots of any large trees growing closer to the foundation than the mature height of the trees. The roots from a large tree or several medium size trees can consume more water from the soil than can be added with a watering system. This will limit the consumption of water from the soil below the foundation and may prevent excessive differential settlement and cracks in the structure. It is recommended that a professional tree expert be used to prevent damage to the trees When a tree grows too close to a building to allow cutting and capping of the roots, it is advisable to remove the tree or make special provision for watering the soil below the foundation.
- 3. Properly grade the soil by filling in low spots and leveling off high spots adjacent to the foundation so that the surface of the soil slopes gradually away from the building. A recommended slope is 1 inch per foot for a distance of 3 to 4 feet from the foundation.
  - 4. Control roof water runoff and help prevent soil erosion by using a gutter and downspout system. This is especially important if a building has no eaves which overhang the walls or if the eaves are less than 1 foot wide.
  - 5. Water trees and shrubs growing near a building during extended dry periods as they cause shrinking of the soil due to their high water consumption. Keep in mind that moderate to large trees consume 50 to 75 gallons of water from the soil every day.

#### SUMMARY

Remember: the intent of foundation maintenance is to maintain a constant moisture content in the soil around and below the entire foundation and to prevent soil erosion that can result from water flowing off the roof or other large flat surfaces near the building.

Edward Robinson Registered Professional Engineer, #87035 PROFESSIONAL ENGINEERING INSPECTIONS, INC. <u>http://www.profengineering.com/</u> (713) 664-1264 PHOTOGRAPHS – GAS BUILDING STRUCTURE MARTINEZ



- September 22, 2014 3500 White Oak, Houston, Texas
  - 1. The flat roof system was constructed of steel panels that showed evidence of severe corrosion and had been patched at the joints with roofing compound. A large portion of the roof was coated with a selfadhering membrane in an attempt to extend the roof life expectancy. The observed evidences of deterioration were advanced.

2. Depressions could be observed across the roof that corresponded to soft spots at many locations, indicating the roof decking is rotting through.





3. Roof decking at the eaves was becoming severely rotted around the perimeter of the building and was in need of replacement. This was occurring due to leaks through the roof above. PHOTOGRAPHS – GAS BUILDING STRUCTURE MARTINEZ



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  - 4. Mildew could be observed inside the building, indicating that water penetration has been occurring. Some of the evidences or consequences of water entry appear to be related to water running through the ceilings from the roof above.

5. Wood rot of the loft at the main room could be observed as a result of water penetration through the roof above.





6. Paint was spalling off the ceiling, and the ceiling was rotting with missing planks at the main room due to water penetration from the roof above. Water penetration through the roof can rot the structure.

#### PHOTOGRAPHS – GAS BUILDING STRUCTURE MARTINEZ



#### September 22, 2014 3500 White Oak, Houston, Texas

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  - 10. Support for the loft structure appeared to rely on nails in shear, where the supporting beam at the west end of the loft did not extend into the structural walls.

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12. Interior floor coverings were tile. It was not determined if the floor tiles were asbestos type, and further testing is recommended.

#### PHOTOGRAPHS – GAS BUILDING STRUCTURE MARTINEZ



- September 22, 2014 3500 White Oak, Houston, Texas
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## Demolition Application Materials Sec. 33-247(b)

# (7)

A comparison of the cost of rehabilitation of the existing building with the demolition of the existing building and the construction of a new building

### Property at 3500 White Oak, Houston

Inbox x

Robert Pate	<		
Robert Fate			

11:44 AM (2 hours ago)

Mr. Banks,

ELIM-A-TANK abandoned in-place five underground storage tanks at the above referenced site several years ago and received assurance from the TCEQ that no further action was required for environmental concerns at that time. The owner wants to redevelop the site into residential and wants the abandoned tanks removed from the ground for this purpose.

An old gasoline station and a duplex apartment building will also need to be demolished to clear the area for this purpose.

We anticipate the total cost to remove the two buildings, all the concrete driveways and the tanks to be approximately \$25,000.

Robert W. Pate

Client Name: Pete Martinez Project Address: 3500 White Oak

Date: 10/01/2014

Area of Construction

Estimated Escalation

Est. Cost per Gross Sq. Ft.

Avg. Sales Price per Sq. Ft. \*

Bedrooms

Bathrooms

Garage

#### Spencer Howard Design + Construction Management

**Cost Model Analysis** 

v (20 V vsti Streat Handari – 7.2 Human Till 1922 (1929) Renovation New Construction 4 \* Sales data based on 2014 MLS figures per HAR.com 4.5 2 1 - detached 2 - attached \*\* Notes taken from visual observations, property inspection report by Edward Robinson (PE #87035) dated September 22, 2014, appraisal report by R.A. Robinson (TX 1324007 G) dated January 1, 2014, and hazardous material abatement proposal by InControl Technologies dated September 25, 2014. 3179 4428 \$264.84 \$185.39 3.00% 1.50% \$204.47 \$338.01

	Draft / Loop	G464 666		
	Profit / Loss	-\$191,930.32	\$675,819.32	
Code	Description	Renovation	New Construction	Notes **
-				
	Design Costs			
07	Design Consultant	\$21,000.00		Additional fees to fully document existing conditions.
8	Historic Preservation Consultant	\$1,500.00	\$1,500.00	Majority of Gas Station must be rebuilt upon hazardous material abatement
0	Structural Engineering Consultant	\$4,000.00		Majority of Gas Station must be rebuilt upon nazardous material abatement
9	Survey Consultant Geotechnical Consultant	\$1,000.00 \$1,000.00	\$1,000.00	
20	Tree Consultant	\$2,000.00		Due to proximity to existing structures.
21	Roof / Waterproofing Consultant	\$3,000.00		Flat roof/no waterproofing on gas station. Deferred maintenance on duplex.
2	Permit Expediter	\$500.00	\$500.00	That room a water proofing on gas station. Detended maintenance on oppost
3	Other Consultant	\$0.00	\$0.00	
	Design Subtotal	\$34,000.00	\$23,000.00	
24	Design Contingency (10%)	\$3,400.00	\$2,300.00	
	Total Design Costs	\$37,400.00	\$25,300.00	
-	Construction Costs			
	Permit Costs			
5	Wastewater / Sanitary Sewer Permit	\$250.00	\$500.00	
6	Wastewater / Storm Drainage Permit	\$250.00	\$500.00	
	Development / Planning Permit	\$250.00	\$500.00	
	Building Permit Fee	\$750.00	\$1,500.00	
	Other Permit Costs (Variances)	\$5,000.00		Variances for building lines and replatting
	Total Permit Costs	\$6,500.00	\$3,000.00	
-	Building Construction Contract			
	Demolition Costs	\$7,500.00		Hand removal of deferred maintenance damage.
0	Landscape	\$3,000.00	\$3,000.00	
1	Tree Trimming / Removal / Relocation	\$3,000.00		Trees growing into foundation and roof
0	General Conditions	\$15,000.00	\$20,000.00	
0	Existing Conditions	\$191,679.00		Lead, asbestos, other hazardous material abatement, gas tank removal, and extermination
0	Concrete	\$13,000.00	\$26,000.00	
	Masonry	\$10,000.00	\$5,000.00	
	Metals	\$4,000.00	\$2,000.00	
00	Woods, Plastics, and Composites	\$15,000.00	\$20,000.00	
00	Thermal and Moisture Protection	\$15,000.00	\$15,000.00 \$45,000.00	
00	Openings	\$25,000.00 \$25,000.00	\$50,000.00	
00	Finishes	\$0.00	\$0.00	
	Specialties Equipment	\$7,500.00	\$10,000.00	
	Furnishings	\$0.00	\$10,000.00	
	Special Construction	\$5,000.00		Rebuilding details on gas station
00	Conveying Equipment	\$0.00	\$0.00	
00	Plumbing	\$22,500.00		Wholesale replacement (plumbing, electrical, HVAC estimates will be considerably higher w/ remo
00	Heating Ventilating and Air Conditioning	\$17,500.00		Wholesale replacement
	Electrical	\$20,000.00		Wholesale replacement
	Communications	\$3,000.00	\$3,000.00	
	Electronic Safety and Security	\$3,000.00	\$1,500.00	
	Earthwork	\$5,000.00		Regrading and miligation of drainage
	Exterior Improvements	\$24,000.00	\$16,000.00	Rebuilding structure of gas station after hazardous material abatement
	Utilities	\$3,000.00	\$3,000.00	
	Subtotal	\$437,679.00	\$466,179.00	
	Fee (20%)	\$87,535.80	\$93,235.80	
	Construction Contingency (10%)	\$43,767.90	\$46,617.90	
_	Construction Contract Total	\$568,982.70	\$606,032.70	
	Miscellaneous Costs			
	Owner's Insurance	\$4,500.00	\$4,500.00	
	Land Acquisition	\$64,000.00	\$64,000.00	
53	Financing Costs	\$68,000.00		Carrying costs for a 12 month project vs. a 6 month project.
	Total Miscellaneous Costs	\$136,500.00	\$104,500.00	
-	Construction Subtotal	\$711,982.70	\$713,532.70	
	Project Contingency (10%)	\$71,198.27	\$71,353.27	
58	Escalation (3%) Total Construction Costs	\$21,359.48 \$804,540.45	\$10,702.99 \$795,588.96	Material/labor inflation at 3% a year
	Total Project Cost	\$841,940.45	\$820,888.96	

Timothy Kirwin < > > Monday, November 03, 2014 9:25 AM Harris-Finch, Delaney - PD Izfar, Omar - LGL; ; Spencer Howard' FW: 3500 White Oak- Pedro Martinez

Ms. Harris-Finch: As I stated last week, I asked my consultant to provide the City with information you requested regarding the cost to rehabilitate the duplex structure and the subsequent rental income that could be expected. Mr. Howard's analysis is detailed below.

Thank you, Tim

On Behalf Of Spencer Howard

From: Sent: Sunday, November 02, 2014 2:30 PM To: Timothy Kirwin Subject: Re: 3500 White Oak- Pedro Martinez

Hi Tim,

The estimated cost of rehabilitating the duplex for its current use as two rental units is \$122,400. The estimated value the rehabbed units could be leased for is \$825/month. The lease rate is based on comparable rental units nearby that have been rehabbed. The biggest drawbacks hurting these units as rentals compared to the competition is that they are on the first floor, share a common wall, have no indoor laundry area or room to place one, and the units are far closer to the street (encroaches on the front building line) than any other single-family house or garage apartment nearby. Those issues cannot be fixed with a rehab.

1

Thank you, Spencer

### SPENCER HOWARD

DESIGN + CONSTRUCTION MANAGEMENT

713-213-6333 <u>www.spencerhoward.net</u> <u>www.facebook.com/spencerhoward.net</u> ITEM XII - Exhibit A

## Demolition Application Materials Sec. 33-247(b)

# (8)

# Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable

## CERTIFICATE OF APPROPRIATENESS APPLICATION PART I - GENERAL FORM



Complete all sections and attach all necessary documentation as an incomplete application may cause delays in processing. A complete application includes two parts: part 1- general form; and part 2 - COA checklist(s) for project type and all applicable documentation requested within the checklist(s). Please review the criteria to be considered by the HAHC for Certificates of Appropriateness in the Houston Code of Ordinances, Historic Preservation Ordinance, Chapter 33 VII, Sections 33-240 through 33-249. Refer to the Historic Preservation section on the City of Houston Planning Department website for more information at www.houstontx.gov/planning.

OWNER 1	APPLICANT (if other than owner)
Name PEDRO J. MARTINEZ	Name GEORGE BANKS
Compañy	Company Concer Participation
Mailing	Mailing
Address	Address
City	206 Granberry St.
HOUSTON TX 77096	City HUMPLE State Zip
Phone 112, AAA, DAm	Phone 201 141 2 21
Email	281 446 9034
Signature <sup>2</sup>	
Signature Multon Bate 5/27/2014	Signature Purcher Bran 16 Date, 5/27/2/11/14
SITE	- Jac per part - Starting
Address (ABTI ANDT ST	City HOUTTON State Zip 11017
Subdivision	HOUSION TX 17007
HAGHTS WHITE OAKS ESTATES	Lot Block 278
PROPOSED ACTION (refer to definitions on next page)	
Addition, Alteration, Rehabilitation and/or Restoration <sup>3</sup>	X New Construction in an historic district
□ Relocation <sup>3</sup>	Demolition <sup>3</sup>
Mandatory Repair by order or citation <sup>3</sup>	
internation y Repair by order of ditation	Excavation of an archaeological site
ATTACHED DOCUMENTATION	
Written Description detailing existing site conditions including l setbacks, driveways, and other unique conditions, AND detailed de	ot size, structures on lot, area of structures in square feet,
Current Photographs showing the overall structure for each ele	evation visible from a public right of way
Renderings illustrating existing conditions and proposed activity;	refer to checklists for project apacities and a local
Deed Restriction compliance of proposed activity and approval	of poleboothand an eliterative sector rendering requirements
Application Checklist <sup>4</sup> for each proposed action checked abo	or neighborhood or CIVIC association, if applicable
ior each proposed action checked abo	Ve and all applicable doourgestation listed with the Link ve

Submit a separate checklist for each proposed action (i.e. a project including an Addition to a house and New Construction of a detached garage)

To be completed by Application received by:	Application received by:	Date:	
PLANNING STAFF:	Accepted as complete by:	Date:	-
		Date.	

Owner is the record title property owner. Applicant may be owner, tenant, architect, contractor, etc. 2

Application will not be accepted as complete without a signature of the record title property owner 3

Applies to any landmark, protected landmark, or structure within a historic district or archaeological site

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## CERTIFICATE OF APPROPRIATENESS APPLICATION PART II.B - CHECKLIST AND FORM: NEW CONSTRUCTION



PLANNING & Development Department

Please complete all applicable sections and submit with the Certificate of Appropriateness application; digital application documents preferred. An incomplete application may cause delays in processing or may be deferred to the next agenda. Refer to Houston Code of Ordinances, Ch. 33 VII, Sec. 33-242 for HAHC consideration criteria for approval for new construction in a historic district.

NEW CONSTRUCTION TYPE: (select all applicable)				
Resident	ntial Structure 🔽 Detached Garage or Carport 🗌 Commercial Structure 🔲 Other			
NEW CONS	STRUCTION APPLICATION DOCUMENTATION:			
	hs (label each photo with a description and location)			
Current Co	condition photo(s) of property from front (street) facing facade and side facade if on a corner lot			
Renderings	s (accurately scaled and dimensioned)			
Site P includ	Plan of the property subject to the proposal showing any existing site conditions and footprint of the new construction; de dimensions for all setbacks from property lines			
M Archit	tectural Plans and Elevations of the proposed new construction, including:			
🗹 FI	loor Plans of the proposed new construction			
R	coof Plans of the proposed new construction			
EI EI	levations of all sides of the proposed new construction; include eave and overall height dimensions			
v w	Vindow & Door Schedule specifying types, sizes, material and note or key for locations on floor plans and elevations			
Written Des	scription (include the following items, use the area below and/or attach additional pages)			
Propo	<b>osed Work</b> complete and detailed description of proposed new construction including: square footage; foundation type neight; floor levels; wall, window and door details; roof shape and pitch; and any other architectural or decorative detail			
Materi	rials list and description of materials to be used in the new construction; product information or specification sheets			
	Restriction description of compliance if property is deed restricted; description of correspondence regarding the osal with the local neighborhood or civic association or other public entity that assesses design or land use in the area			
	<b>ia Adherence</b> describe how the proposal satisfies the new construction in an historic district determination criteria as state Historic Preservation Ordinance, Sec. 33-242 (1) through (5):			
<b>1</b>	I) The new construction must match the typical setbacks of existing contributing structures in the historic district			
<b>(2</b> )	2) The exterior features of new construction must be compatible with the exterior features of existing contributing structures in the historic district			
(3)	3) The proportions of the new construction, including width and roofline, must be compatible with the typical proportior of existing contributing structures and objects in the historic district			
<b>(</b> 4)	I) The height of the eaves of new construction intended for use for residential purposes must not be taller than the typical height of the eaves of existing contributing structures used for residential purposes in the historic district			
□ (5)	5) The height of new construction intended for use for commercial purposes must not be taller than the typical height of the existing structures used for commercial purposes in the historic district			
Site Address	CORTLANDT Subdivision HEIGHTS WHITE OAK ESTATES Block 271			
Primary Project C	Contact Pedro Mourtinez Email			
	George Banks			

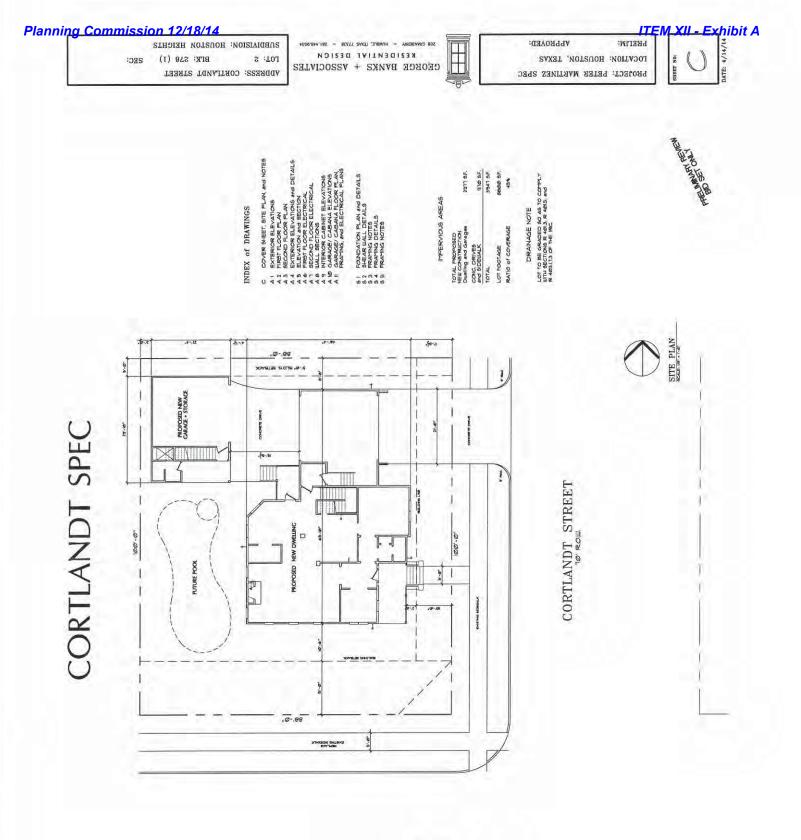
CERTIFICATE OF APPROPRIATENESS APPLICATION PART II.B - CHECKLIST AND FORM: NEW CONSTRUCTION



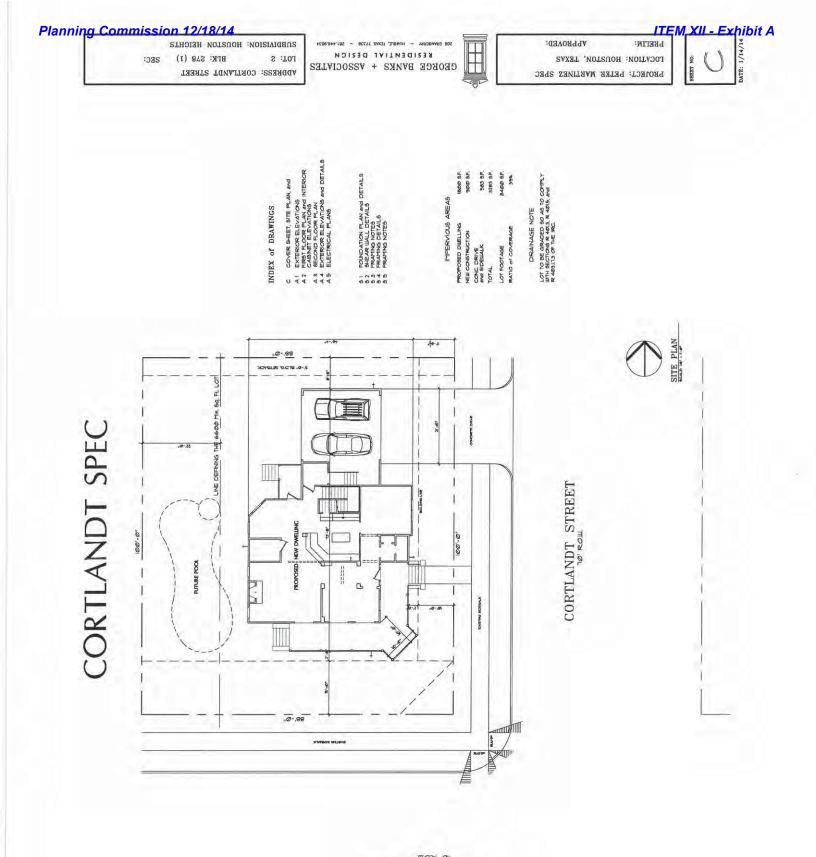
PLANNING & Development Department

I (we) request approval of a Certificate of Appropriateness to...

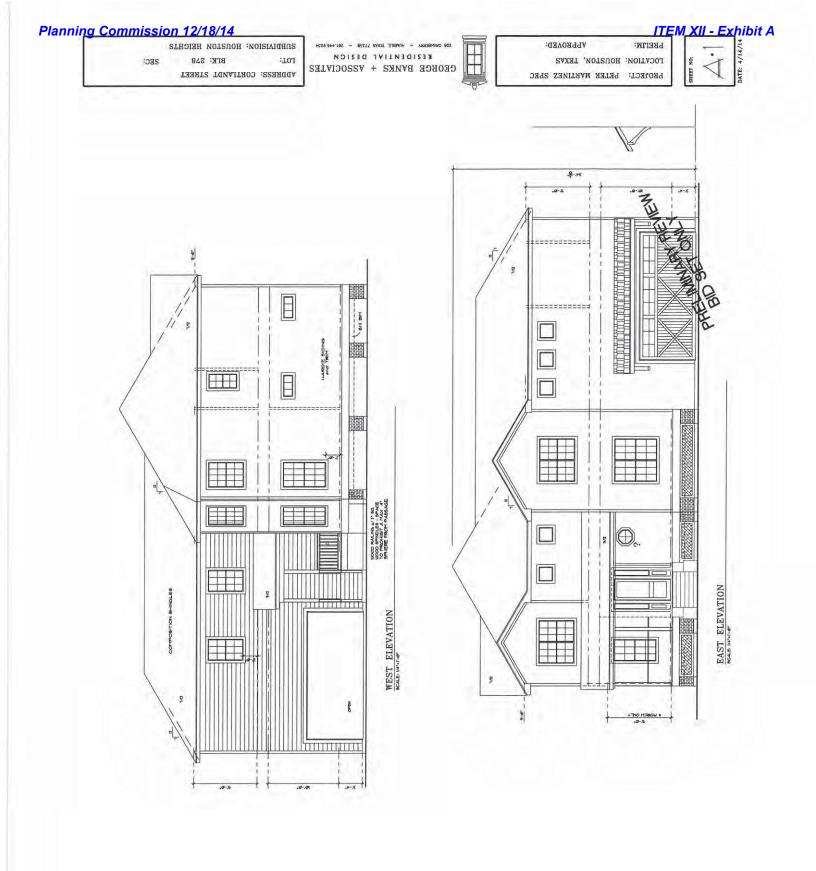
CONSTRUCT A NEW SINGLE FAMILY RESIDENCE CONSISTING OF 3700 SQ.FT. WITH DETACHED GARAGE and CABANA OF 1144 SR.FT. THE CHARACTER, OR STYLE, OF THIS HOME WILL BE SIMILAR TO OTHERS IN THE DISTRICT, INFACT, ON THE SAME STREET, CORTLANDT, WHEATHER NEW CONSTRUCTION OR HISTORIC. THE A COMPANYING SET OF PLANS FOR THE PROPOSED RESIDENCE ADHERE TO THE FIRST 4 CRITERIA UNDER SEC. 33-242 FOR NEW CONSTRUCTION IN THE HISTORIC PISTRICT HE PLANS ACCURATELY DESCRIBE METHODS and MATERIALS TO BE USE IN CONSTRUCTION. STEET A. 8 DETAILS THE FOUNDATION CONSTRUCTION WITH THE FINISTED FLOOR ELEVATION 44" ABOVE EXISTING GRADE. NO ADDRESS IS ASSIGNED, AS THE PRESENT IS SCHEDILED FOR A REPLAT FROM COMMERCIAL TO RESIDENTIAL. TOO. PRESENTLY, NO DEED RESTRICTIONS APPLY TO THE PROPERTY.



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#### ITEM XII - Exhibit A

#### Planning Commission 12/18/14

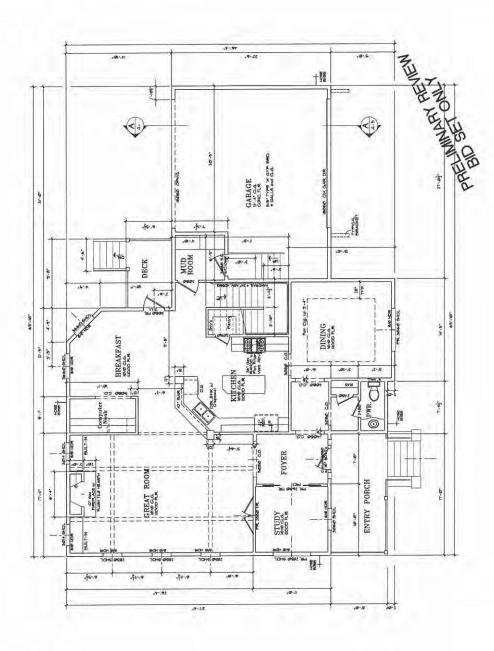
SUBDIVISION: HOUSTON HEIGHTS :TOJ BLK: 278 :DEC: ADDRESS: CORTLANDT STREET

HUNBLE IEXAS 77538 ~ 281.446 9034 RESIDENTIAL DESIGN GEORGE BANKS + ASSOCIATES



вигля: LOCATION: HOUSTON, TEXAS NOS 1000





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#### ITEM XII - Exhibit A

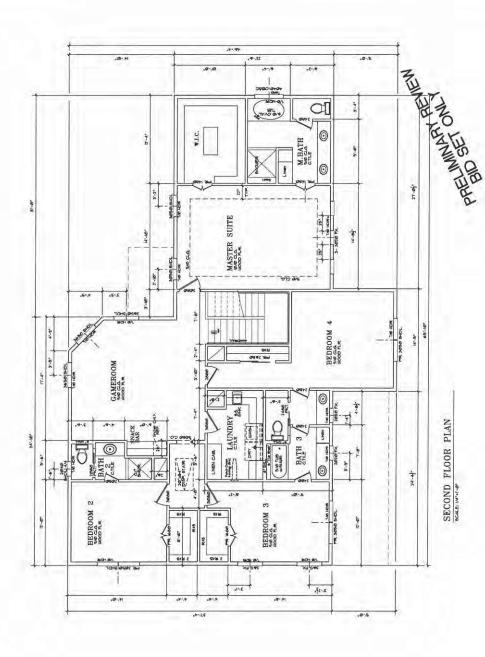


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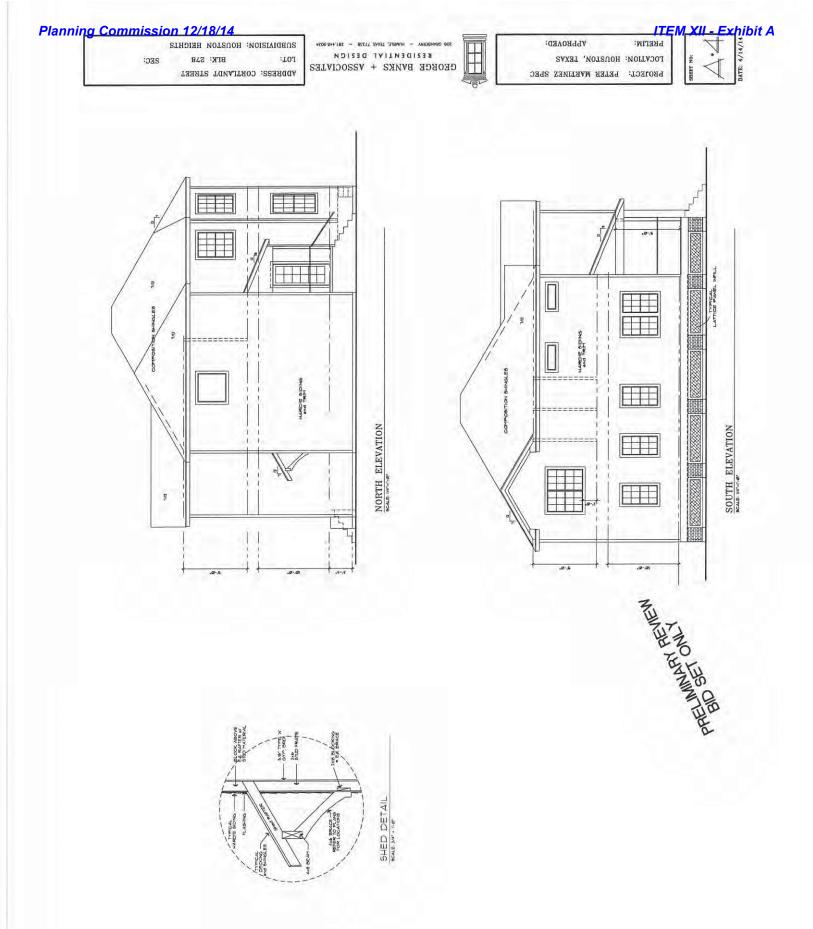
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Planning Commission 12/18/14

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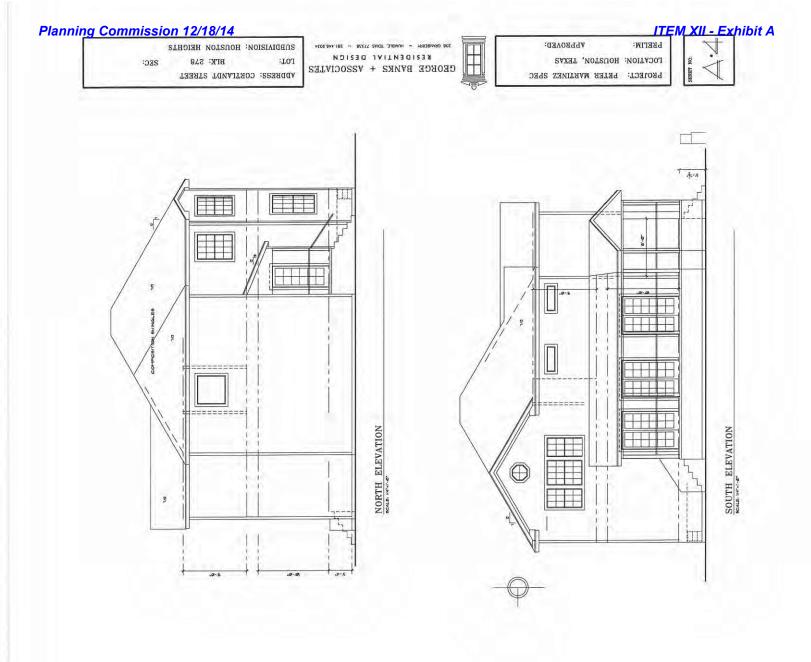


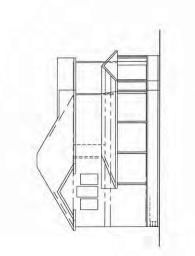
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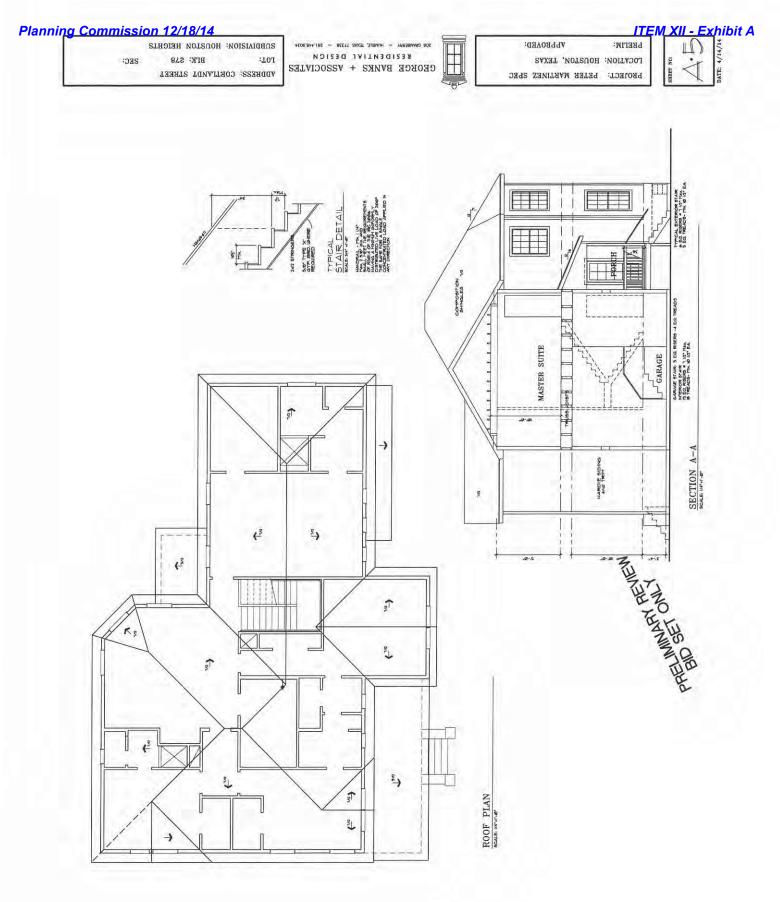
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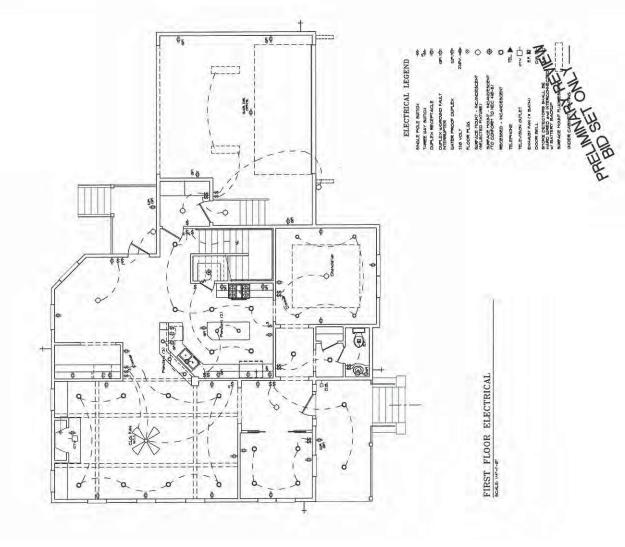
208 067/48E884 ~ HOMBIE' LEWS 12238 ~ 591 446:0034 RESIDENTIVE DESIGN GEORGE BANKS + ASSOCIATES



VPPROVED: PRELIM: LOCATION: HOUSTON, TEXAS

Exhibit A ITEM XII 4/14/1

PROJECT: PETER MARTINEZ SPEC



ADDRESS: CORTLANDT STRRET LOT: BLK: 276 SEC: DDRESS: CORTLANDT STRRET SON SAMARGEN - HAMBET LOVE LINK - SHI WAS BOTH REZIDENTING DEZICA GEORGE BYNKZ + VZSOCIVLES

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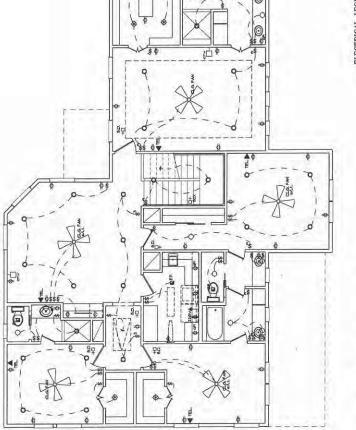


SECOND FLOOR ELECTRICAL

LOCATION: HOUSTON, TEXAS

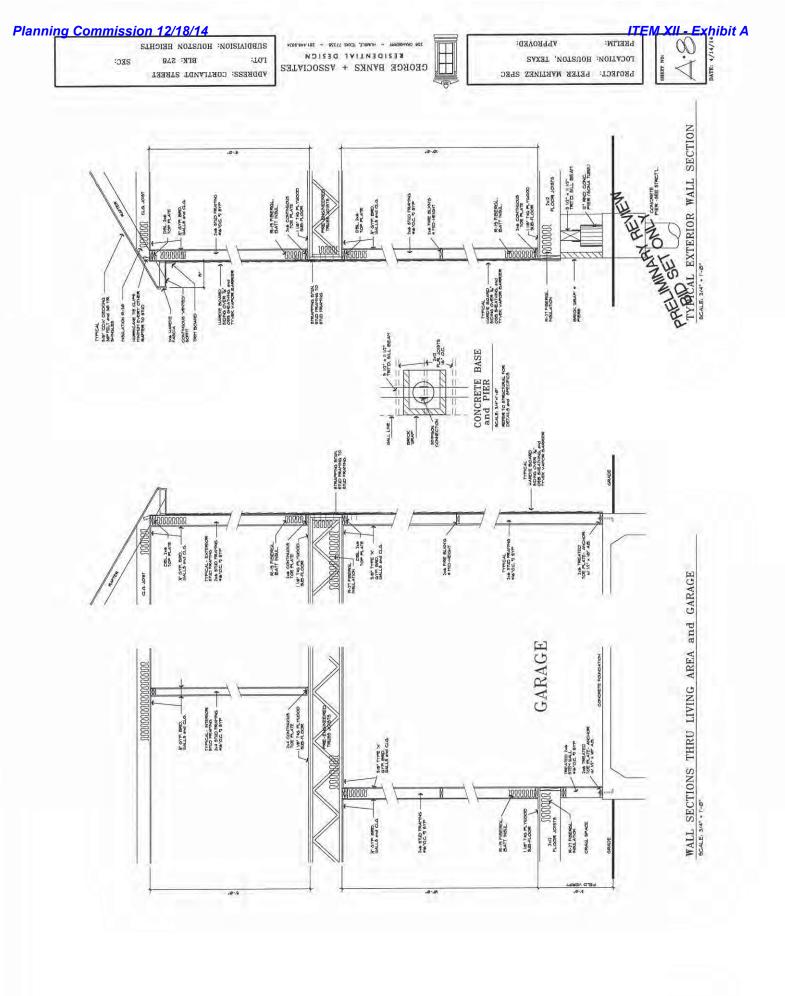
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ITEM XII - Exhibit A





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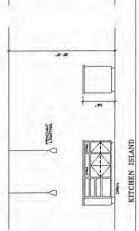
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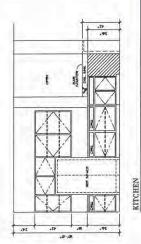
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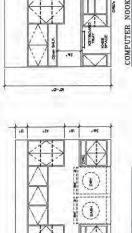






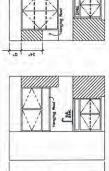


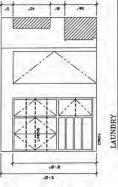


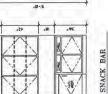


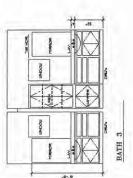
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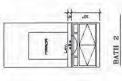
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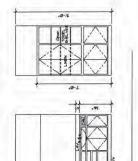










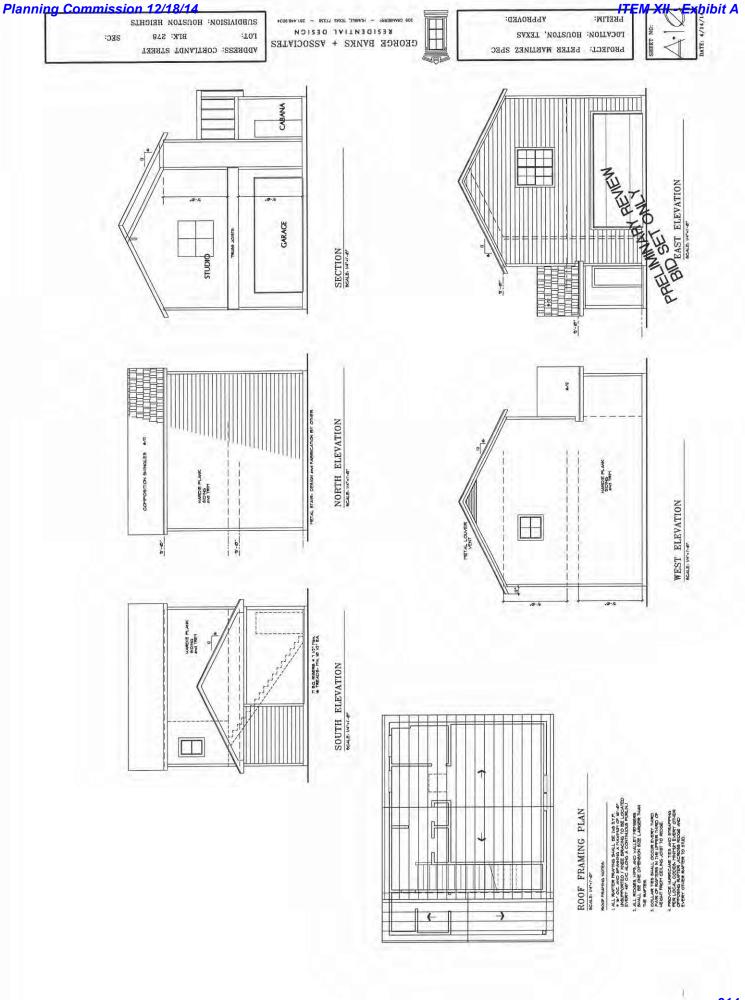


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INTERIOR ELEVATIONS

M.BATH





#### ITEM\_XII - Exhibit A



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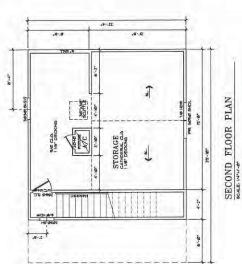
ELECTRICAL LEGEND

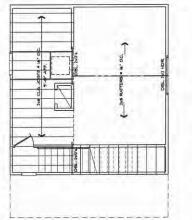
CEILING JOIST LAYOUT

SECOND FLOOR ELECTRICAL

Planning Commission 12/18/14

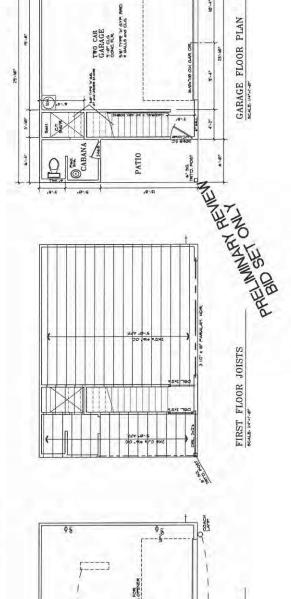
SUBDIVISION: HOUSTON HEIGHTS BLK: 278 :101 :DEC: ADDRESS: CORTLANDT STREET

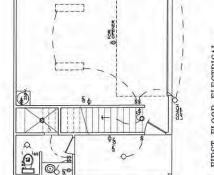




TO AT

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# Demolition Application Materials Sec. 33-247(b)

# (9)

# Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted

Timothy Kirwin		
From:	Timothy Kirwin	
Sent:	Wednesday, September 24, 2014 11:26 AM	
To:		
Subject:	Donation	
Importance:	High	

Hi Lynn: I may have 2 structures that may be demolished. According to your website, Historic Houston can salvage and reuse materials. I just want to confirm that Historic Houston still operates this program. Do you need additional information or once we receive the demolition permit, do we set up salvage with you?

Hope all is well.

Thanks so much.

Tim

Timothy B. Kirwin Randle Law Office Ltd., L.L.P. Memorial Plaza II 820 Gessner, Suite 1570 Houston, Texas 77024 (281) 657-2000- Telephone (832) 476-9554- Facsimile Email | Profile | Website | V-Card



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#### **Timothy Kirwin**

From: Sent: To: Subject: Lynn Edmundson < Wednesday, September 24, 2014 11:55 AM Timothy Kirwin Re: Donation

Hi Tim

We now ask the donor to underwrite the deconstruction expense and that is a charitable gift and then you also get a charitable gift for all the materials we are able to reclaim.

If you want me to look at the structures I can give you a proposal. If you need it done before the end of the year we would have to move pretty quickly as our schedule is getting full.

Let me know if you want me to take a look at the houses.

Best regards, Lynn

Sent from my iPhone Lynn Edmundson, Executive Director Historic Houston

On Sep 24, 2014, at 11:25 AM, Timothy Kirwin > wrote:

Hi Lynn: I may have 2 structures that may be demolished. According to your website, Historic Houston can salvage and reuse materials. I just want to confirm that Historic Houston still operates this program. Do you need additional information or once we receive the demolition permit, do we set up salvage with you?

Hope all is well.

Thanks so much.

Tim

#### Timothy B. Kirwin

Randle Law Office Ltd., L.L.P. Memorial Plaza II 820 Gessner, Suite 1570 Houston, Texas 77024 (281) 657-2000- Telephone (832) 476-9554- Facsimile Email | Profile | Website | V-Card

<image001.jpg>

CONFIDENTIALITY NOTICE

#### ITEM XII - Exhibit A

Site Map



Landmark Plaque

Support HH

Home /Projects /Salvage

About Us

Projects

## Salvage

Home

Relocation	Search Historic Houston
Salvage	
Education	Search

Contact Us

Historic Houston's Salvage Program reclaims historic building materials from houses slated for demolition that could not be relocated. Historic Houston's salvage crew deconstructs and removes the valuable, structural and nonstructural historic building components, such as doors, windows, floors, interior

**Resource** Library

shiplap, exterior siding as well as all light and plumbing fixtures, to divert this material from entering Texas landfills. Historic Houston's Salvage Warehouse provides an outlet for the public to purchase this material and encourages the reuse and recycling of a wide variety of materials.

Salvage Warehouse

Historic Houston's unique approach to preservation and conservation through reclaiming and recycling entire houses or just the building components has gained Historic Houston local, state and national recognition. In 2005 Historic Houston Relocation and Salvage Programs were selected as one of Metropolitan Homes Design 100, The Best of the Best People, Places and Extraordinary Things in the World of Design. In November 2005, Historic Houston's Relocation and Salvage Programs received an Earth Mover Award from Natural Home and Gardens Magazine. In 2006 Historic Houston's Relocation and Salvage Programs received the 2006 Environmental Leadership Award for Construction and Demolition Recycling and Reuse by The Recycling Alliance of Texas.

#### FACT: THE SALVAGE PROGRAM HAS DIVERTED OVER 883,000,000 TONS OF BUILDING MATERIAL FROM THE LANDFILL.

"Historic Houston can provide charitable contribution receipts for houses, in-kind material, and monetary donations to our Salvage and Relocation Programs."

 Home
 About Us
 Projects
 Salvage Warehouse
 Resource Library

 Landmark Plaque
 Support HH
 Contact Us

Historic Houston | P.O. Box 130463 | Houston, Texas 77219 | 713.522.0542 |

Join Our Mailing List

Email: Go

ITEM XII - Exhibit A NATIONAL TRUST FOR HISTORIC PRESERVATION<sup>®</sup>

### Preservation Law Educational Materials . . .

### ASSESSING ECONOMIC HARDSHIP CLAIMS UNDER HISTORIC PRESERVATION ORDINANCES

Historic preservation ordinances in effect around the country often include a process for administrative relief from preservation restrictions in situations of "economic hardship." Under typical economic hardship procedures, an applicant may apply for a "certificate of economic hardship" after a preservation commission has denied his or her request to alter or demolish a historic property protected under a preservation ordinance. In support of an application for relief on economic hardship grounds, the applicant must submit evidence sufficient to enable the decisionmaking body to render a decision. The type of evidence required is generally spelled out in preservation ordinances or interpreting regulations. The burden of proof is on the applicant.

The exact meaning of the term "economic hardship" depends on how the standard is defined in the ordinance. Under many preservation ordinances economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that he or she has been denied all reasonable beneficial use or return on the property as a result of the commission's denial of a permit for alteration or demolition.

Requests for relief on economic hardship grounds are usually decided by historic preservation commissions, although some preservation ordinances allow the commission's decision to be appealed to the city council. In some jurisdictions, the commission may be assisted by a hearing officer. A few localities have established a special economic review panel, comprised of members representing both the development and preservation community.

#### **Economic Impact**

In acting upon an application for a certificate of economic hardship, a commission is required to determine whether the economic impact of a historic preservation law, as applied to the property owner, has risen to the level of economic hardship. Thus, the first and most critical step in understanding economic hardship is to understand how to evaluate economic impact.

Commissions should look at a variety of factors in evaluating the economic impact of a proposed action on a particular property. Consideration of expenditures alone will not provide a complete or accurate picture of economic impact, whether income-producing property or owner-occupied residential property. Revenue, vacancy rates, operating expenses, financing, tax incentives, and other issues are all relevant considerations. With respect to income-producing property, economic impact is generally measured by looking at the effect of a particular course of action on a property's overall value or return. This approach allows a commission to focus on the "bottom line" of the transaction rather than on individual expenditures.

In addition to economic impact, the Supreme Court has said that "reasonable" or "beneficial use" of the property is also an important factor. Thus, in evaluating an economic hardship claim based

on the constitutional standard for a regulatory taking, commissions will need to consider an owner's ability to continue to carry out the traditional use of the property, or whether another viable use for the property remains. In *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), the landmark decision upholding the use of preservation ordinances to regulate historic property, the Supreme Court found that a taking did not arise because the owner could continue to use its property as a railroad station.

The Supreme Court has also said that the applicant's "reasonable investment-backed expectations" should be taken into consideration. Although the meaning of this phrase has not been delineated with precision, it is clear that "reasonable" expectations do not include those that are contrary to law. Thus, an applicant's expectation of demolishing a historic property subject to a preservation ordinance at the time of purchase, or likely to be subject to a preservation ordinance, would not be "reasonable." Also pertinent is whether the owner's objectives were realistic given the condition of the property at the time of purchase, or whether the owner simply overpaid for the property. Under takings law, government is not required to compensate property owners for bad business decisions. Nor is the government required to guarantee a return on a speculative investment.

Commissions may also be able to take into account whether the alleged hardship is "self created." Clearly relevant is whether the value of the property declined or rehabilitation expenses increased because the owner allowed the building to deteriorate.

Application of the takings standard in the context of investment or income-producing property is usually fairly straightforward. The issue can be more complex, however, in situations involving hardship claims raised by homeowners. In the context of home-ownership, it is extremely difficult for an applicant to meet the standard for a regulatory taking, that is, to establish that he or she has been denied all reasonable use of the property. Even if a commission insists that houses be painted rather than covered with vinyl siding, and windows be repaired rather than replaced, the applicant can still live in the house. The fact that these repairs may be more costly is not enough. Even if extensive rehabilitation is required, the applicant must show that the house cannot be sold "as is," or that the fair market value of the property in its current condition plus rehabilitation expenditures will exceed the fair market value of the house upon rehabilitation. *See City of Pittsburgh v. Weinberg*, 676 A.2d 207 (Pa. 1996). It is also important to note that "investment-backed expectations" are different in the context of home ownership; owners often invest in home improvements or renovations without the expectation of recouping the full cost of the improvement in the form of increased property value.

In addressing hardship claims involving historic homes, commissions must be careful to be objective and consistent in their approach. Otherwise, a commission may undermine the integrity of its preservation program and raise due process concerns as well. Ideally, grant money, tax relief, and other programs should be made available to historic homeowners who need financial assistance.

Special standards for economic hardship may apply to nonprofit organizations. Because these entities serve charitable rather than commercial purposes, it is appropriate to focus on the beneficial use of their property, rather than rate of return, taking into account the particular circumstances of the owner (i.e., the obligation to serve a charitable purpose.) In such situations, hardship analysis generally entails looking at a distinct set of questions, such as: the organization's charitable purpose; whether the regulation interferes with the organization's ability to carry out its charitable purpose; the condition of the building and the need and cost for

repairs; and whether the organization can afford to pay for the repairs, if required? (Note, however, that while consideration of financial impact may be appropriate, a non-profit organization is not entitled to relief simply on the basis that it could raise or retain more money without the restriction.)

#### The Proceeding

Under a typical hardship process, the applicant will be required to submit specific evidence in support of his or her claim. Once a completed application has been filed, a hearing will be scheduled, at which time the applicant generally presents expert testimony in support of the economic hardship claim on issues such as the structural integrity of the historic building, estimated costs of rehabilitation, and the projected market value of the property after rehabilitation. Once the applicant has presented its case, parties in opposition or others may then present their own evidence. The commission may also bring in its own expert witnesses to testify. As noted above, the burden of proof rests on the property owner.

In hearing economic hardship matters, commissions must be prepared to make a legally defensible decision based on all the evidence presented. In the event of conflicting expert testimony, which is often the case in economic hardship proceedings, the commission must be prepared to weigh the evidence, making specific findings on the relative credibility or competency of expert witnesses.

In evaluating the evidence, the commission should ask itself five distinct questions:

1) **Is the evidence sufficient**? Does the commission have all the information it needs to understand the entire picture, or is something missing. The application is not complete unless all the required information has been submitted. If additional information is needed, ask for it.

2) **Is the evidence relevant**? Weed out any information that is not relevant to the issue of economic hardship in the case before you. Commissions may be given more information than they need or information on issues that are not germane to the issue, such as how much money the project could make if the historic property were demolished. The property owner is not entitled to the highest and best use of the property.

3) **Is the evidence competent**? Make an assessment as to whether the evidence establishes what it purports to show.

4) **Is the evidence credible**? Consider whether the evidence is believable. For example, ask whether the figures make sense. A commission will need to take into consideration the source of the evidence and its reliability. (If the evidence is based on expert testimony, the commission should determine whether the expert is biased or qualified on the issue being addressed. For example, it may matter whether a contractor testifying on rehabilitation expenditures actually has experience in doing historic rehabilitations.)

5) **Is the evidence consistent?** Look for inconsistencies in the testimony or the evidence submitted. Request that inconsistencies be explained. If there is contradictory evidence, the commission needs to determine which evidence is credible and why.

In many instances the applicant's own evidence will fail to establish economic hardship. However, in some situations, the question may be less clear. The participation of preservation organizations in economic hardship proceedings can be helpful in developing the record. Commissions should also be prepared to hire or obtain experts of their own. For example, if a property owner submits evidence from a structural engineer that the property is structurally unsound, the commission may need to make an independent determination, through the use of a governmental engineer or other qualified expert, as to the accuracy of that information. It may be impossible to evaluate the credibility or competency of information submitted without expert advice.

The record as a whole becomes exceedingly important if the case goes to court. Under most standards of judicial review, a decision will be upheld if it is supported by substantial evidence. Thus, in conducting administrative proceedings, it is important that evidence provides a true and accurate story of the facts and circumstances and that the commission's decision is based directly on that evidence.

#### **EVIDENTIARY CHECKLIST**

The following checklist is a useful tool for local commissions and other regulatory agencies considering economic hardship claims:

- 1. Current level of economic return
  - Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
  - Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;
  - Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;
  - All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
  - Any state or federal income tax returns relating to the property for the last two years.
- 2. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
  - · Any real estate broker or firm engaged to sell or lease the property;
  - · Reasonableness of price or rent sought by the applicant;
  - · Any advertisements placed for the sale or rent of the property.
- 3. Feasibility of alternative uses for the property that could earn a reasonable economic return:
  - · Report from a licensed engineer or architect with experience in rehabilitation as to the

structural soundness of any buildings on the property and their suitability for rehabilitation;

- Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;
- Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;
- Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation.
- 4. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property.
- 5. Knowledge of landmark designation or potential designation at time of acquisition.
- 6. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

From: Catherine & Roger Watkins [mailto: Sent: Saturday, November 15, 2014 10:15 AM To: PD - Planning Public Subject: 605 Cortlandt / 3500 White Oak

**HAHC Members** 

It would appear that the submitted COA for 605 Cortlandt / 3500 White Oak is essentially the same as the previous submittal which was deferred at a previous meeting and again we strongly object to the granting of a COA. These are both contributing structures which will require demolition so that a completely inappropriate 3,700 sq ft residence can be constructed. This a very visible location on White Oak which requires a much more sympathetic solution. This is exactly the type of properties that the Historic Ordinance was drafted to protect. It's hard to imagine that economic conditions can be the basis for totally demolishing these historic properties.

Regards

Roger Watkins 816 Arlington Street Houston, TX 77007

**Heights Historic District South** 

#### Transcription of Item B.35 – 605 Cortlandt/3500 White Oak Street HAHC November 20, 2014

(Unofficial transcript, prepared by Planning staff from audio of meeting for informational purposes)

**Staff** – Good afternoon Mr. Chair and members of the Commission. My name is Delaney Harris-Finch and I submit for your consideration item B 35. The applicant proposes to demolish a Contributing duplex bungalow and a Contributing filling station. The structures are situated on an 8,800 square foot corner lot that is assessed as a single property with two structures. The filling station is on the corner of White Oak and Cortland and the duplex is on the interior property. The applicant would like to remove the structures to construct a single family residence. The application was first heard in by the HAHC in their June of 2014 meeting. The Commission deferred the item to allow the applicant time to provide further information. The applicant has requested further time to prepare the application, choosing not to be heard at the latest several HAHC meetings.

There are two situations in which the HAHC may approve demolition of a Contributing Structure within the district. One: establishment of an unreasonable economic hardship or two: establishment of an unusual and compelling circumstance. To establish an unreasonable economic hardship, the applicant must establish that they satisfy three criteria. The first is that the property is incapable of earning a reasonable return, without regard to whether the return is most profitable, including without (inaudible) whether the cost of maintenance or improvement of the property exceed fair market value. The owner purchased the property in 1989 for \$64,000. The most recent HCAD appraisal for the property is \$427,000. In the twelve month period between August 2013 and July 2014, the applicant earned \$33,000 from leasing the property: \$18,000 from the duplex and \$15,000 for use of the space around the filling station for parking. Recently, the units have been leased for between \$650 and \$1,000 per month for each unit. According to the owner, the \$650 unit is being leased below market value as a favor to the tenant.

The information provided indicates that the duplex may be rehabilitated at a cost of \$122,000 to \$137,000 and leased as updated units. The applicant's materials indicate that post rehab units could be rented for \$825 per month, however this seems to be undervalued and is under the current rental rate of one of the units for \$900. A more reasonable lease estimate for each unit post renovation would be \$1300 or more per month, indicating that the duplex is capable of earning a reasonable return.

Information was not provided on what the filling station could be leased for currently or if rehabilitated. Whether the filling station is reused or removed, the underground tanks will need to be removed. In July the applicant provided an estimate of \$7,000 to remove the tanks and then another \$7,000 to demolish the filling station. In October, the applicant provided a new estimate of \$82,000 to \$322,000 to remove the underground storage tanks and demolish the filling station. Both estimate reports indicated that the work to remove the tanks may substantially damage the filling station canopy. No information was provided on any methods available to protect the filling station structure during tank removal, or options to partially de-

construct than reconstruct. It is not uncommon for the reuse of filling station structures that tanks are able to be removed without damage to the structures above.

The second criteria states that the applicant must establish that the property cannot be adapted for any other use that would result in a reasonable return. Estimates provided by the applicant for conversion of the duplex to a single-family residence, and rehab of the property, range from \$23,000 to \$841,000. Staff discussed options with the applicant to re-plat the property, swapping portions of the lot with the neighboring business, as well as the option to convert the duplex into a single family residence, construct an addition, and utilize the filling station as an accessory structure to the residence. No information was provided on the exploration of feasibility of such plans or other plans to adapt the property. Based upon the information provided, an inability for adapting the property for any other use has not been established.

The third criteria, to establish an unreasonable economic hardship, that efforts to find a purchaser or leasee interested in acquiring the property and preserving it have failed. Documentation and discussions with staff indicate the prior tenant of the filling station parking area, which is an adjacent business, may have been given the option of purchasing the property. However, no information was provided regarding these discussions. In a lease agreement between the former tenant and owners of the neighboring business, at the end of each year the tenant was to be given the option to purchase the leased property. Staff discussed with the applicant the option I mentioned before: to swap land from the neighboring property, returning the lots back to approximately their original configuration of two 6,600 square foot lots. This would allow the filling station to become part of the neighboring restaurant business and provide the duplex with a backyard and access to the alley. No information was provided on if a sale was discussed with the neighbors, or if any efforts to sell or lease the property to a party interested in preserving the contributing structures.

Under the second set of demolition criteria, the applicant must establish an unusual and compelling circumstance satisfying the following three criteria. First, the applicant must prove that the historic significance of the structure, or its importance to the integrity of the historic district is supported through current evidence. None of the application materials provided by the applicant suggests that the duplex or filling station are not contributing historic structures. The Houston Heights Historic District South Designation Report states the value of simple small frame or brick filling stations as valuable historic resources which served an important supporting function when Houston Heights evolved from an early dependence on mass transit to the use of the car. The filling station at 3500 White Oak was cited in the report as one of these valuable stations. And based on the research performed by staff, it is the last remaining historic filling station in the area. The architectural significance section of the designation report includes bungalow duplexes as part of the District's character. Both the duplex and filling station are original structures on the property and both retain their original footprint, materials, architectural character and contribute to the historic district. The second criteria requires that the applicant explain if there are any definite plans for use of the property if the proposed demolition is carried out and what impact the plans have on the surrounding character. The applicant intends to construct a new two-story 3,700 square foot single family residence facing Cortlandt that complies with the criteria for new construction. The proposed residential construction alters

the configuration of the corner of White Oak and Cortlandt, which originally had structures facing White Oak on all four corners.

The third criteria requires establishment of whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism, or neglect. The information provided indicates that measures can be taken to reverse deterioration and neglect. No condition of collapse or vandalism is present.

Based on review of the information provided, staff finds that the application does not meet the approval criteria for either demolition criteria set. Staff is recommending denial of the COA. We received one letter in opposition to the demo, it's Attachment C in your packets, and if it pleases the Commission, I can now take questions or listen to speakers.

**Chairman Maverick Welsh** – Actually I do have several speakers signed up to speak so I'd like them to have a chance to speak first. Our first speaker is Mr. Pedro Martinez, who I believe is the applicant.

Timothy Kirwin - Can I go first instead?

**Chairman Maverick Welsh** – Of course Mr. Kirwin. By all means. I will assume you are speaking for the applicant?

Timothy Kirwin - Yes.

Chairman Maverick Welsh – Go right ahead.

**Timothy Kirwin** – My name is Timothy Kirwin. I represent the applicant and the owner of 3500 White Oak. We are asking this Commission to grant a Certificate of Appropriateness to demolish the duplex as well as the abandoned commercial gas station that is on the property (58:00).

To receive a COA to demolish a contributing structure in a historic district the applicant and owner must demonstrate by a preponderance of credible evidence that an unreasonable economic hardship exists or that there is an unusual and compelling circumstance. Think about it like a scale: if the scale is balanced and we tip the scale, according to the law you are required to issue a Certificate of Appropriateness. And I will get back to that at the end of my presentation.

When applying for a COA to demolish a contributing structure, section 33-247 of the City's ordinance requires the applicant and the owner to produce 9 categories of information. We produced all 9 categories of information. But we did more than that. We went out and hired experts to tell us what we could or could not do with this property. Based on their expert reports. First, we hired a certified real estate appraiser. That real estate appraiser stated that there is no value to the structures on that property. The only value is the land itself. And that is supported by the Harris County Central Appraisal District's evaluation of the property, as well as the Tax Assessor. Both of those entities, as well as the appraisal report say that the duplex and the gas station have no value.

We then hired Peterson Environmental Consulting LLC to conduct an asbestos study and inspection of the gas station. Asbestos is present and will have to be remediated. We then hired In Control Technologies Incorporated to conduct an inspection and analysis to remove and remediate underground petroleum storage tanks located on the property. There are three underground petroleum storage tanks that held gasoline or diesel on the southwest corner of the site. There is an underground waste oil tank on the west property. There are two underground storage tanks that are underneath the canopy, and there's gas dispensing locations as well as all of the product piping. We then hired Professional Engineering Inspections to conduct a full inspection of the duplex as well as the gas station. We then took the appraisal report, we took the asbestos report, we took the full inspection report, and we took the environmental ground report, and we hired an architect who works in historic districts and we asked them – what can we feasibly do with this property based on all of these experts. And that is in your packet... (Bell rings) I've only gone three minutes (60:50).

Chairman Maverick Welsh – I'm sorry Mr. Kirwin that's time.

Timothy Kirwin – But I have 5 minutes to speak.

**Chairman Maverick Welsh** – The next speaker I have is Mr. Pedro Martinez. That's time Mr. Kirwin. Thank you. Mr. Martinez?

Pedro Martinez - How y'all doing. Pedro Martinez. I'm the property owner. I bought the property in 1989 and it was very hard to keep it up. Now it's come time for me to do something with it because there's nothing more I can do with it. I can't fix it up reasonably. The ordinance itself has restricted me from advancing any dollars on it, meaning there's no way I can feasibly keep renting it as it is, in the same condition as it is with the taxes and the maintenance, and fix it up and make it a viable piece of land. Also, the way the ordinance is written, it has rendered my property valueless. I'm going to have to spend a ton of money to try to get it to some type of workable order to make it sellable to anyone who actually wants to buy it. I've gone through an extensive expense and I've hired many experts, including Mr. Kirwin here who was supposed to finish his presentation. We've gone through a great expense, there's a large report with all of the inspections in it. They're all licensed we've looked at this thing carefully and even hired some people in the neighborhood that do these, you know, add on to the back of it to try to do any type of configuration with whatever is there. The cost alone is going to be prohibitive. So then I decided, well, I'm kind of a moderate on the whole issue. I've talked to some folks in the neighborhood up and down the street, a couple of neighbors who have been in the neighborhood for 25 years, and they said. Pete, if you just want to put up a nice house there that's kind of like the rest of the area, we don't have a problem with that. What we don't want is for somebody to put Pete's Lawnmower Repair or a bar or something that's not going to be conducive with the area. I don't think anyone can go in there and spend money on it, and fix it up, and keep up with the latest costs... everything is going up in the area.

We've also had a candid conversation with the gentleman who performed the report on the underground storage tanks, that you've got the newer tanks on the ground on one side and the old tanks under the building on the other side because they were probably leaking or had some kind of other problem, so they installed new tanks. So now nobody wants to buy this property

now that... I used to have offers and folks coming after me saying let's build, let's do something, no one wants to touch it anymore because that could be a problem in itself. So we said, we have 4 or 5 tanks there that need to be removed, that potentially have issues, it has to be removed, it has to be addressed. It *could* be, I'm not saying it is, it could be a problem in the future. But what it does is it stops anybody, reasonably, from wanting to buy the place for any reasonable amount of money. They're going to look at this and say, wait a minute, we've got a tank issue, we're going to have to take these out.

Staff has suggested that I build onto the back of it and put a swimming pool in next to the gas station, then put a garage on the other side, and all of these marvelous ideas. I don't know, if I was a young attorney or someone who wanted to live in this area, that I would want to buy into a piece of property that has tanks in the ground, a swimming pool next to it, and a big something or another built on the back of the building... You just can't configure it to make it usable or sellable. You can't take what is there, any investor, and plunk down a bunch of money to make it into some type of workable business. Not to mention it's going to put a large parking load on the streets already that the neighbors are not happy about, and I've directly talked to them about that. No matter what we do to try to configure that property, and I've studied it for years. This didn't just happen yesterday. With what I've got there, nothing I can do, and then if you go and invest the money on it, anybody who's going to be putting a lot of money on top of a potential problem. I don't think anybody would reasonably want to do that.

And again, I want to build a nice house. The one I first suggested to y'all was kind of a little bit too big or the doors are in the wrong place or whatever. I'm glad to build a house any which way, size wise or siding wise that would accommodate the area, which some of the neighbors who have lived there for a long time said that's all they really want. I think we should study the report carefully. Have y'all had a chance to look at it? Every item was covered and looked at in detail. I don't know what else to say. It's overwhelming for me. Are there any questions that I can help you with or answer the best I can?

Chairman Maverick Welsh - Do we have any questions for the applicant? Ms. Collum.

Commissioner Ann Collum - You've had the property for 25 years?

Pedro Martinez – Yes ma'am.

Commissioner Ann Collum - When was the last time it was used as a gas station?

Pedro Martinez – Oh my gosh...

**Commissioner Ann Collum -** My question is, when it quit being a gas station why didn't you remove the tanks then?

**Pedro Martinez** - Oh, poor. It's a huge expense. It was one of those things... Twice in life I've been caught under the wheels of justice. (Inaudible) rcc came out and said if you're not using it you've got to seal them in place or we're going to start fining you \$1000 a day. I didn't have any money. I went to the dead man's estate and said guys we've got a problem. They loaned me

the money and Mr. Pete, I don't know if his report is in there as well, he does tanks and construction and everything, and we got the Fire Marshal out and we sealed all of the tanks in place with a concrete slurry solution. And it kind of gave me a payment program. Boy that got me out of a bunch of trouble.

Commissioner Ann Collum – Okay so you've had previous offers to purchase this property.

Pedro Martinez - Yeah.

Ann Collum - And you didn't act on it then?

Pedro Martinez - No.

**Commissioner Ann Collum -** If you knew it was a problem for you, you should have sold it a long time ago.

**Pedro Martinez -** I don't have a crystal ball. I couldn't look into the future and realize that all of the sudden, what everybody in the area was calling an eyesore. I don't know if any of y'all have grown up in The Heights, I've lived there my whole life. They dreaded those gas stations, you didn't want one of them next to you. After 2010 the Ordinance came in all of the sudden it became a *fabric of the community* and it became a *historical* thing. I could have never foreseen that. I don't think I had the intent back then of demolishing it. It kind of worked. My taxes were cheap. I kept renting it, I kept working and everything is moving along. Well, I'm a little older now and 25 years later, I think that I can make it into a nice productive corner, put a nice house there, get rid of a potential problem, the tanks are there. I wish I knew how to answer that for you. I just couldn't look in the future. And it's a real question but there's no way I could have known that.

Chairman Maverick Welsh - Do we have any other questions for the applicant?

**Commissioner Doug Elliott** – I have a question. The idea is that this property if fixed up or rehabbed would not be capable of earning a reasonable return on the additional investment required. And I think the estimates in there are about \$122,000 to rehab the rental units and they would be able to rent for \$825 a month, was within the estimate provided. Are you renting the lot for parking right now?

**Pedro Martinez** – Yes we are. And we're very lucky. It is a good corner. It has viability. It's just... the structures that are on it, anybody who wants to... there are no people out there who want to buy it right now as is.

**Doug Elliott** – I understand and I know that is your concern. But when we are looking at the Ordinance... Is the requirement to rehab instead of demolish depriving you of the ability to earn a return on the property? And what I am looking at is if you rehab it, it is \$122,000, \$825 for two units so it would be a total of \$1,650 a month, is that correct? Okay so that's over \$15,000 a year, more than a 10% return on that rehab cost not including the parking. So, to me, you'd have to be making the argument that that's an unreasonable economic return. That that's a hardship. I think that's going to be a hard case to make. And I don't know if you're looking at it

in terms of, I could be making a lot more if you'd let me sell something and build something, and I would probably agree with you, that makes sense. If those other buyers knew about these underground tanks that need to be remediated. I don't know if they did. But that's not what the Ordinance is asking. There actually is a cost to this. It means that these things get preserved as long as long as it does not deprive you of any economic return, any reasonable economic return. But you are able to make an economic return on this as it is. Or even with the rehab expense it would still seem to me to be a reasonable economic return. And so that's what I'm really narrowing in on the issue there. It seems like from your own evidence, it's possible to rehab it and still make an economic return on the property, although it's not really what you want to do.

**Pedro Martinez** – Right. What's happened is with the increase in land value, they just took my taxes up now to \$13,000, I'm having to fight them on that as well. \$1,000 a month in taxes just to own it. The figures I first presented are extremely conservative. I went and got some other folks that have the license and that's what they do for a living, and they said you're in outer space. It's going to be a lot more money than that. I used some extremely conservative figures. That's just addressing the house itself. The station itself, you can't put two barber chairs in there, and a table, and turn around in there. There's not enough room to do anything. You'd have to expand off to the side of it, again invest money on top of old tanks, nobody's going to walk in there and do that, instead of me going... The taxes are going north and the value is going south and there's a big difference. And when I get into, if I ever have the opportunity to remove it, there's no telling what kind of hornet's nest I'm going to get into. I don't know how to explain the numbers here. I do know that I'm already at the point of what I'm bringing in and what I'm going to have to potentially spend just to keep it up, it's going to drown me. There's not even an and/if. We're already at that breaking point and I went to the bank and said I've got this neat piece of property. Let's develop it, and let me get out from under that before I'm forced to do something. Then when I'm forced to do something, who's going to want to buy it for any reasonable return. Even for what they are appraising it at. Who's going to want to 'wait a minute Pete you've got tanks in the ground. Wait a minute Pete, they're not going to let us tear it down and rebuild anything.' They are going to be restricted to the fact that the people who want to buy it, the pool is very small. I'm all ears for somebody who wants to come in and do something with it. That was my intent.

**Commissioner Doug Elliott** – Let me ask you also, one of the criteria is that *efforts to find a purchaser have failed*. Did you have it listed for sale as is at any time in the past?

**Pedro Martinez** – I have not. Over the years people have come to me, Houston Door Check, Acres Electric, and it was going to be an open yard, park your truck, stuff out there, which people don't want. They want a nice looking house. Something that's nice for the area and that's what I'm willing to do with it.

**Chairman Maverick Welsh** – Any more questions for the applicant? Thank you, Mr. Martinez. We have two more speakers signed up, Mr. Brian Wozniak, followed by Mr. Kent Marsh.

**Brian Wozniak** – Thank you Mr. Chairman. I'm actually one of the neighbors in the area. I don't represent anybody. I've been talking to Mr. Martinez over the past couple of months and

the conversation that of. I've been talking with the owner of the restaurant in the area and I've found out a couple of things. They had offered a little bit of a land swap to get the area back in so that he could have at least something behind it. I'm not exactly sure where their discussions... The neighbors themselves that actually live in the area, we're the ones who actually fought for the Preservation Ordinance. We want to keep stuff like this. We do like these ideas that include the gas station being there. It's kind of funky, it's what the Heights was about, we've been that way for a long time, and we kind of want to preserve some of it. It has gone through and done a lot to help contribute to our area and the neighborhood itself. We followed a lot of what the Sixth Ward did when they did their historic preservation ordinance, we learned from that and we had to get it in. The neighbors themselves do not want to have a 3,700 square foot home put in. They like the idea of having the bungalow there. We have a nice apartment complex that's living right next door. I empathize with Mr. Martinez. I know that he has had the opportunity to sell it in the past, and trying to cull the market is an awful tough thing to do when you're trying to cull it at the top. It's not the City that brought this forward, we brought it forward, to get this ordinance in place. Even if you look on page 40 of the presentation, there is a picture of the designation from the street, across the street, that says we've got our designation. We did this so our stuff wouldn't be torn down anymore. We don't want to have our houses torn apart and that's one of the reasons we got into it. There were some neighbors that weren't happy about it because they weren't grandfathered in. Yes, they tore down some of the bigger structures and put up some bigger houses that, guite frankly, do not fit the neighborhood. We like our bungalows with the camel back, we like our bungalows the way they sit, we like some of the smaller duplexes, we like the old apartment complex that's down the street. We urge you to deny the application. Any questions that I can answer?

Commissioner Maverick Welsh – Any questions? Okay thank you.

Commissioner Anna Mod – Thank you for coming down.

Commissioner Maverick Welsh – Okay Mr. Kent Marsh.

**Kent Marsh** – Mr. Chairman, members of the Commission, for the record, Kent Marsh, 1538 Arlington of the Houston Heights East Historic District. I object to the demolition of these structures based on a lack of evidence that these structures on site are not original and constructed within the time frame of the Historic District development, which opts that particular point out completely. Also, no evidence of attempting to reuse the structure has been presented. The residential structure provides a current return on investment and consideration should be presented to upgrade the existing structures. They are part of the historical context of the south district and should be retained, repaired, and restored. The loss of one of these few historic filling stations remaining within the Houston Heights South Historic District would be very detrimental to the existing context of this district. The brick veneer structure seems to be in fair shape. The roof can be repaired. Reuse of the structure with a sympathetic addition can be obtained (inaudible). There is no evidence that a reuse for this structure has been contemplated as such. This application should be denied. A couple of points also, I used to be on the City of Houston's Brownfield Redevelopment Committee. Their whole purpose was to provide phase 1 and phase 2 environmental funds, taking out tax. I haven't heard anything at all about that particular address being used and would suggest that as an option for the developer and the owner, that they may want to look into. Thank you.

Chairman Maverick Welsh – Thank you Mr. Marsh. I believe that is all of our speakers.

#### Timothy Kirwin – Rebuttal?

**Chairman Maverick Welsh-** Go ahead Mr. Kirwin. We'll give you your three minute rebuttal. Three minutes.

**Timothy Kirwin -** To address your question Mr. Elliott, when you look at the cost analysis to rehabilitate that building, that includes net. That does not include the taxes, the insurance, the interest, the note that we have to carry, and the maintenance on the property. That all has to be taken into consideration when you look at the economic analysis. So what you're looking at is just the net. It doesn't include those four items.

These buildings are also connected to each other. There is a pipe that runs from the filling station to the duplex. They're connected. If we go pull a permit to rehabilitate, because it's one piece of property, the duplex, I can imagine they would want us to remediate those tanks. Because we don't know what the soil is on that side of the property. It's only three feet away and they're connected with each other. And as for *have you offered to sell it*, we have been in talks with the neighbors, the restaurant next door to us. They are the ones who lease the parking space. Mr. Martinez has been in talks with them for quite some time to purchase it. Not an offer. There's talks but no offer. And also what I want to point out, if you look at the report from In Control Technologies, it states that currently there are soil issues on the property. It states that the current soil that is on the property does not meet current standards. Because this was done back in 1994 when they tested it. They also didn't test 75 feet where the product piping is, nor did they test underneath the portico right there. So we don't know what the soil is. But we do know that this commission has a report in front of you that says there are soil issues that have to be remediated. And when you remediate it, that report says it is nearly impossible to save the structure. That is not me just saying that. That is an expert in the field.

And when you look at the analysis, I told you at the beginning, that if you have a scale at 50/50, we have to show you by 51% that we meet the Ordinance for unreasonable economic hardship or an unusual and compelling circumstance. And Mr. Cosgrove, you were willing to look at termites as an unusual and compelling circumstance. How is underground storage tanks that we know has problems in the soil not an unusual of compelling circumstance?

When you look at the scales, look at this: appraisal, no value, inspection, architectural report on the cost analysis, asbestos study, and the environmental study. This is how much we tip the scales, Mr. Elliott. This is how we meet the Ordinance. It is absolutely an economic hardship. There is nothing that can be done with this property and we have multiple reports from experts that tell you that. And we do meet the unusual and compelling circumstance, because if we don't, if we sit on underground contaminated storage tanks, and that doesn't make it than nothing will.

**Chairman Maverick Welsh** – That's time Mr. Kirwin, thank you. Could staff please approach and give their recommendation?

Staff - Staff is recommending denial of the COA.

**Chairman Maverick Welsh** – Staff is recommending denial, do we have any questions for staff? Okay Mr. Garcia-Herreros

**Commissioner Jorge Garcia-Herreros** – You mentioned earlier that this may be one of the last gas stations within the area?

Staff - Correct.

**Commissioner Jorge Garcia-Herreros** – Has anybody approached the concept of that this one of the last gas stations that there may be some tax breaks?

Staff – Both of these structures would be considered for tax incentives for rehabilitation.

**Commissioner Jorge Garcia-Herreros** – So I would like to suggest to the client that they go in that direction to lower the taxes on their property.

**Commissioner Rob Hellyer** – You say tax breaks on rehabilitation costs but not just tax breaks on...

**Staff** – I am not completely fluent on our current tax system, but yes, rehabilitation costs and renovations.

**Commissioner Jorge Garcia-Herreros** – Off the property taxes, if it is a historical structure.

**Commissioner Anna Mod** – For income producing properties there is a new State of Texas 25% rehabilitation tax credit available to income producing properties, which this one would qualify. It could be combined with the 20% federal income tax credit. And then of course it's listed on the National Register so they don't have to pay sales tax on labor. Then the city provides the abatement on the improvement, ad-valorem City of Houston taxes. So all of those can be packaged and combined, and sold for cash.

**Chairman Maverick Welsh** – Any other questions for staff? Okay staff has recommended denial, do I hear a motion to deny? Okay Commissioner Collum motions that we deny the certificate. Do I hear a second? Commissioner Mod seconds. All of those in favor please raise your hands. Any opposed? Okay one opposed. Any abstained? One abstained. So that item has been denied a Certificate of Appropriateness.

#### DuCroz, Diana - PD

From: Sent: To: Subject: Izfar, Omar - LGL Monday, November 24, 2014 9:52 AM Wallace Brown, Margaret - PD; DuCroz, Diana - PD FW: Notice of appeal

S. Omar Izfar Assistant City Attorney Real Estate Section 900 Bagby, 3<sup>rd</sup> Floor Houston, Tx 77002 832 393 6295 832 393 6259 fax omar.izfar@houstontx.gov

From: Timothy Kirwin [mailto:Tim@jgradyrandlepc.com]
Sent: Friday, November 21, 2014 6:58 PM
To: Walsh, Patrick - PD
Cc: Izfar, Omar - LGL; Grady Randle
Subject: Notice of appeal

Mr. Walsh. Pursuant to Section 33-253 of the City of Houston Code of Ordinances, please consider this written correspondence as the Applicant and Owner of 605 Cortlandt Street/ 3500 White Oak Drive in the Houston Heights Historic District South Notice of Appeal to the Houston Planning Commission from the denial of a Certificate of Appropriateness by the Houston Archeological and Historical Commission.

Grounds for the Appeal: The City misapplied the law, and the Applicant and Owner met all elements of the City's Ordinance being an unreasonable economic hardship and unusual and compelling circumstance to demolish the duplex and commercial gas station structures.

We look forward to appearing before the Planning Commission at its December 4<sup>th</sup> meeting.

Tim Kirwin

820 Gessner, Suite 1570

Houston, TX 77024

Sent from my Sprint Samsung Galaxy® Note 4.

Appeal to the Houston Planning Commission from a denial of a Certificate of Appropriateness by the Houston Archeological and Historical Commission to demolish a duplex and gas station in the Houston Heights South District on November 20, 2014.

To: Patrick Walsh, Director, Planning Department, City of Houston.

CC. Omar Izfar, City Attorney's Office, City of Houston

Submitted by: Timothy Kirwin, 820 Gessner Road, Suite 1570, Houston, Texas 77024, representative of Applicant and Owner.

Date: November 26, 2014

# 605 Cortlandt Street/3500 White Oak Drive

# **GROUNDS FOR APPEAL**

# Applicant satisfies the Ordinance criteria.

## Background

The property at 605 Cortlandt Street/3500 White Oak Drive is a single parcel of land that contains a duplex (Cortlandt address) and an abandoned commercial gas station (White Oak address).

There are underground petroleum storage tanks on the property, an oil waste tank, dispenser stations, and product piping.

Applicant and owner presented substantial amounts of evidence to the Houston Archeological and Historical Commission on November 20, 2014, detailing the conditions of the property and costs associated with rehabilitation of the property compared to demolition and building a new single-family residential structure on the property.

Applicant and owner appeal to the Houston Planning Commission and request a certificate of appropriateness to demolish the duplex and gas station because both an unreasonable economic hardship and an unusual and compelling circumstance exist that justifies demolition.

### <u>The Law</u>

City of Houston Ordinance Section 33-247 sets forth the requirements that an Applicant must satisfy in order to demolish a structure in a historic district as follows:

"(a) The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for demolition of a building, structure or object on or in an archaeological site shall be subject to the establishment by the applicant of an unreasonable economic hardship or the establishment of an unusual and compelling circumstance.

(b) An application for a certificate of appropriateness for demolition shall contain the following information:

(1) A certified appraisal of the value of the property conducted by a certified real estate appraiser;

(2) The assessed value of the land and improvements thereon according to the two most recent assessments unless the property is exempt from local property taxes;

(3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property;

(4) All listings of the property for sale or rent that are less than a year old at the time of the application;

(5) Evidence of any consideration by the owner of uses and adaptive reuses of the property;

(6) Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates;

(7) A comparison of the cost of rehabilitation of the existing building with the demolition of the existing building and the construction of a new building;

(8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable;

(9) Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted;

(10) An applicant who is a nonprofit organization shall provide the following additional information:

a. A comparison of the cost of performance of the mission or function of the nonprofit organization in the existing building and in a new building;

b. The impact of the reuse of the existing building on the organization's program, function or mission;

c. The additional cost, if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area;

d. Grants received, applied for or available to maintain or improve the property; and

e. The nonprofit organization's budget for the current and immediately past fiscal years.

(c) Determination of an unreasonable economic hardship shall be based upon the following criteria:

(1) That the property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return, including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;

(2) That the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;

(3) That efforts to find a purchaser or lessee interested in acquiring the property and preserving it have failed; and

(4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.

(d) Determination of the existence of an unusual or compelling circumstance shall be based upon the following criteria:

(1) That current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of an historic district, if applicable;

(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the surrounding area; and

(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.

(e) If the HAHC determines by a preponderance of credible evidence that the applicant has demonstrated an unreasonable hardship or that an unusual or compelling circumstance exists, the HAHC shall issue a certificate of appropriateness for demolition.

(f) If the HAHC does not issue a certificate of appropriateness for demolition pursuant to subsection (a), the director and the applicant shall explore alternatives to demolition. It shall be the duty of an applicant for a certificate of appropriateness for demolition to participate in good faith in a diligent effort to identify alternatives to demolition. The HAHC, the director and the applicant may consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens to determine the feasibility of:

(1) Public or other acquisition of the property, structure, building or object;

(2) Relocating one or more of the structures or features of the property if to do so would preserve its historic or architectural value; or

(3) Any other reasonable means of preserving the property, structure, building or object's historic or architectural value."

## **BASIS FOR APPEAL**

Argument 1: Applicant provided all materials required by the City's Ordinance and went above and beyond the ordinance requirements and conducted an inspection of both the duplex and gas station, conducted an asbestos inspection of the gas station, conducted an environmental remediation analysis of the property, and retained an architect to devise a cost analysis model based on the condition of the duplex and gas station.

This property cannot earn a reasonable return in any scenario. An HAHC Commission member stated that the duplex could be rehabilitated and leased for a reasonable return. The Commission failed to take into account maintenance costs, property taxes, insurance, permit fees, income taxes, and carrying costs (i.e. bank note payment and interest). The Ordinance requires the HAHC to consider these costs and the HAHC failed to do so.

Moreover, the HAHC ignored the data that stated possible soil issues are present on the property because of its use as a gas station. These soil issues must be addressed, but can only be addressed (per the experts) by demolition. The duplex and gas station are physically connected to each other.

Attached to this appeal are the expert reports retained by the owner.

#### Planning Commission 12/18/14

## **Timothy Kirwin**

From:	Timothy Kirwin
Sent:	Friday, November 21, 2014 6:58 PM
То:	patrick.walsh@houstontx.gov
Cc:	Izfar, Omar - LGL; Grady Randle
Subject:	Notice of appeal

Mr. Walsh. Pursuant to Section 33-253 of the City of Houston Code of Ordinances, please consider this written correspondence as the Applicant and Owner of 605 Cortlandt Street/ 3500 White Oak Drive in the Houston Heights Historic District South Notice of Appeal to the Houston Planning Commission from the denial of a Certificate of Appropriateness by the Houston Archeological and Historical Commission.

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We look forward to appearing before the Planning Commission at its December 4<sup>th</sup> meeting.

Tim Kirwin

820 Gessner, Suite 1570

Houston, TX 77024

Sent from my Sprint Samsung Galaxy® Note 4.

## Spencer Howard Design + Construction Management

1122 Wyatt Straet Hoastaa TX 1723 713 213 2331 1976 - Programmer Programmer

Cost Model Analysis Client Name: Pete Martinez

	Project Address: 3500 White Oak			
	Date: 10/01/2014			
	Date: 10/01/2014	Renovation	New Construction	
	Padroomo	Renovation 3	New Construction	
	Bedrooms Bathrooms	2	4.5	* Sales data based on 2014 MLS figures per HAR.com
			2 - attached	
	Garage	1 - detached		** Notes taken from visual observations, property inspection report by Edward Robinson (PE
	Area of Construction	3179	4428	#87035) dated September 22, 2014, appraisal report by R.A. Robinson (TX 1324007 G) dated
	Est. Cost per Gross Sq. Ft.	\$264.84	\$185.39	January 1, 2014, and hazardous material abatement proposal by InControl Technologies dated
	Estimated Escalation	3.00%	1.50%	September 25, 2014.
	Avg. Sales Price per Sq. Ft. *	\$204.47	\$338.01	
	Profit / Loss	-\$191,930.32	\$675,819.32	
				A 11-12 100 AA
Code	Description	Renovation	New Construction	Notes **
	Design Costs			terrent terrent. All other second and the second blacks
	Design Consultant	\$21,000.00		Additional fees to fully document existing conditions.
	Historic Preservation Consultant	\$1,500.00 \$4,000.00	\$1,500.00	Majority of Gas Station must be rebuilt upon hazardous material abatement
010	Structural Engineering Consultant Survey Consultant	\$1,000.00	\$1,000.00	
	Geotechnical Consultant	\$1,000.00	\$1,000.00	
	Tree Consultant	\$2,000.00		Due to proximity to existing structures.
021	Roof / Waterproofing Consultant	\$3,000.00	\$0.00	Flat roof/no waterproofing on gas station. Deferred maintenance on duplex.
022	Permit Expediter	\$500.00	\$500.00	
023	Other Consultant	\$0.00	\$0.00	
	Design Subtotal	\$34,000.00	\$23,000.00	
024	Design Contingency (10%)	\$3,400.00	\$2,300.00	
	Total Design Costs	\$37,400.00	\$25,300.00	
	Construction Costs			
	Permit Costs	4454 44	0500.00	
	Wastewater / Sanitary Sewer Permit	\$250.00	\$500.00	
	Wastewater / Storm Drainage Permit	\$250.00 \$250.00	\$500.00	
	Development / Planning Permit Building Permit Fee	\$750.00	\$1,500.00	
	Other Permit Costs (Variances)	\$5,000.00		Variances for building lines and replatting
029	Total Permit Costs (Valiances)	\$6,500.00		
		401000100		
	Building Construction Contract			
032	Demolition Costs	\$7,500.00		Hand removal of deferred maintenance damage.
040	Landscape	\$3,000.00	\$3,000.00	
041	Tree Trimming / Removal / Relocation	\$3,000.00		Trees growing into foundation and roof
100	General Conditions	\$15,000.00	\$20,000.00	
200	Existing Conditions	\$191,679.00		Lead, asbestos, other hazardous material abatement, gas tank removal, and extermination
	Concrete	\$13,000.00 \$10,000.00	\$26,000.00 \$5,000.00	
	Masonry	\$10,000.00		
500 600	Metals Woods, Plastics, and Composites	\$15,000.00		
700	Thermal and Moisture Protection	\$15,000.00	\$15,000.00	
800	Openings	\$25,000.00		
	Finishes	\$25,000.00	\$50,000.00	
	Specialties	\$0.00	\$0.00	
	Equipment	\$7,500.00		
	Furnishings	\$0.00		
	Special Construction	\$5,000.00		Rebuilding details on gas station
	Conveying Equipment	\$0.00	\$0.00	Minute and a sector sector will be considerably higher will considerably higher will consider
2200	Plumbing	\$22,500.00		Wholesale replacement (plumbing, electrical, HVAC estimates will be considerably higher w/ remod
	Heating Ventilating and Air Conditioning	\$17,500.00 \$20,000.00		Wholesale replacement Wholesale replacement
	Electrical	\$20,000.00		
	Communications Electronic Safety and Security	\$3,000.00		
	Earthwork	\$5,000.00		Regrading and mitigation of drainage
	Exterior Improvements	\$24,000.00		Rebuilding structure of gas station after hazardous material abatement
	Utilities	\$3,000.00		
	Subtotal	\$437,679.00	\$466,179.00	
	Fee (20%)	\$87,535.80	\$93,235.80	
	Construction Contingency (10%)	\$43,767.90		
	Construction Contract Total	\$568,982.70	\$606,032.70	
	Miscellaneous Costs	C+ 500 00	64 E00 00	
051	Owner's Insurance	\$4,500.00	\$4,500.00 \$64,000.00	
052	Land Acquisition	\$64,000.00 \$68,000.00		Carrying costs for a 12 month project vs. a 6 month project.
053	Financing Costs Total Miscellaneous Costs	\$136,500.00		
	Total Wiscenarieous Costs	φ130,000.00	¥104,000.00	
	Construction Subtotal	\$711,982.70	\$713,532.70	
057	Project Contingency (10%)	\$71,198.27		
	Escalation (3%)	\$21,359.48	\$10,702.99	Material/labor inflation at 3% a year
	Total Construction Costs	\$804,540.45		
	Total Project Cost	\$841,940.45	\$820,888.96	

Printed from a digital solution C



September 22, 2014

Mr. Pedro Martinez 820 Gessner Road #1570 Houston TX 77024

Dear Mr. Martinez:

Re: 3500 White Oak, Houston, Texas 605/607 Cortlandt, Houston, Texas

As requested, we are pleased to send you the attached reports for the structural, mechanical, and electrical inspections performed on the above property. The inspection includes: the structure, foundation, roof, load-bearing walls, ceilings, floors, potential and/or existing water penetration, plumbing system (excluding water wells, septic tanks, yard sprinkler systems, or foundation watering systems), electrical power system, heating and cooling equipment, and where applicable, the fireplace, built-in range, ovens, dishwasher, disposal, oven/range exhaust fans, and trash compactor. This inspection specifically excludes any hazardous gases or materials, such as asbestos, radon, etc. A leak test of the gas lines, if desired, should be made by a qualified plumber who has the equipment and time to install a pressure gauge and pressurize the system.

713.664.1264

Registered Engineering Firm #15

We understand the reason for the inspections to be pursuant to a pre-purchase contract for the property. This property may have many positive qualities, but this report generally includes comments that relate to defects or irregularities. As pointed out in the stated purpose of the reports, all of the comments and observations are strictly my opinions, and they may not necessarily agree with other professionals.

Professional Engineering Inspections, Inc. does not warrant or guarantee the continued performance of any property inspected beyond the day of inspection. If an extended warranty is desired, please contact a home warranty company that provides the level of service you desire.

This report concludes all obligations related to inspection work provided for the above property for the fee paid. Thank you for asking PROFESSIONAL ENGINEERING INSPECTIONS, INC. to perform this inspection work. If you have further questions, please feel free to call on us.

Sincerely yours



Edward Robinson 2014.09.29 12:41:40 -05'00'

Edward Robinson President

EGR/sl Attachments



On Facebook

#### **PROFESSIONAL ENGINEERING INSPECTIONS, INC.**

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

STRUCTURAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

This report is divided into two sections: an opinions section and an observations section. The opinions section is intended to provide an opinion of the building foundation performance, the condition of the roof, the structural performance, and the general status of need for maintenance as compared to other buildings of similar age. The observations section is an attachment intended to provide a list of observations and/or considerations which provide a basis for the opinions stated in section one.

#### I. INTRODUCTION

A. Property Description

The property inspected is a duplex, having wood framing, wood siding, a composition shingle roof, and a block foundation. It is understood that the age of the structure is not determined.

B. Purpose

This inspection was to evaluate the condition of the foundation, roof, and structure of the building in order to provide information related to their condition and an opinion as to whether they are in need of repair. The data obtained and included in this report will provide insight into the overall condition of the property and information that will assist in maintaining it in the best possible condition during future years. Some of the comments contained in the observations attachment to this report are related to need for preventative maintenance and may not indicate need for immediate repair.

C. Scope

The scope of this inspection included visual observations of those portions of the foundation, roof, and structural components readily visible without moving or removing items causing visual obstruction. Observations were made at the exterior and interior of the structure, including the attic from the readily accessible interior and the roof from the surface. The items listed in the observations attachment are not claimed to be a total list of problems or defects, but rather a representative list of items on which the stated opinions are based. Estimates of repairs should be obtained from a building contractor who can determine the extent of repairs necessary. There is no warranty implied nor stated as a part of Professional Engineering Inspections, Inc. performing this inspection work. This information is provided for the use of the person to whom this report is addressed and is in no way intended to be used by a third party, who may have different requirements. If a third person chooses to use this information, caution is advised because there may be addendums that affect the information contained herein or the stated opinion.

## STRUCTURAL - HOUSE MARTINEZ

No special testing was performed to determine if leaks existed in the plumbing system below this building's foundation. Below the foundation plumbing leaks which were not detectable as part of a cursory inspection have been attributed to differential movement in the foundation of some buildings in the past. In some cases, the effects of plumbing leaks below a foundation can result in a need for repair of the foundation. If it is determined by the client that they wish to have the plumbing systems tested, then testing should be performed by a qualified plumber who can provide cost estimates for repair if it is found to be necessary.

Inspection for hazardous gases or materials, such as radon or asbestos, or for latent defects in the roof, foundation, or structure is considered beyond the scope of this inspection. This inspector has not been trained to detect such materials, and no tests were performed to discover any latent defects in the foundation, structure, roof, or maintenance of the building that may become evident after taking possession of the building.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

The underside of the building was viewed from the crawlspace, except for portions which were not accessible or visible due to electrical wiring, piping, and/or limitations of space. Possible wood rot, termite damage, and/or other deterioration can exist in some of the areas that cannot be seen.

#### II. FOUNDATION OPINION

There is evidence that the foundation of this building has experienced differential settlement that is considered normal for this area and the age of the building. Due to the highly expansive nature of the soil, some amount of differential settlement is to be expected as the building ages. In accordance with the stated purpose of this inspection, no observations were made that would indicate that the foundation is not performing its intended function.

Differential settlement of building foundations is a common problem in this area because of the expansive clay soil and changing weather conditions. As a building resting on the expansive soil ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. Most buildings, with average owner foundation maintenance, may require foundation repair in a period of 35 to 40 years. If the building is to be left unoccupied for an extended period of time, provision should be made to have the yard watered frequently during dry periods. Constant care and/or maintenance is necessary to maintain movement to a minimum. See the attached foundation care information for recommendations.

#### III. ROOF OPINION

The roof was inspected to provide information as to its general condition and an opinion as to whether or not it is serviceable. A serviceable roof may leak but it is repairable. STRUCTURAL - HOUSE MARTINEZ

The composition shingle roof was in poor/barely serviceable (if serviceable) condition, with little if any useful life remaining. It is recommended that the roof be replaced now or at any time that maintenance required to prevent leakage becomes excessive.

#### IV. STRUCTURE OPINION

No irregularities were observed that would indicate that the basic structure of the building, including load-bearing walls and other framing members, was in need of repair or not performing adequately with the exception: repair of the decking in the bathrooms is recommended where it is failing, allowing the tile to crack.

Rafters in the attic space over the utility room were supported by nails in shear. They were performing satisfactorily at this time, but are normally supported through interference loading.

If there is a desire to make repairs to components of the structure, they should be made by a qualified construction contractor who can determine the extent and cost of repair necessary.

### V. DEFERRED MAINTENANCE OPINION

The number and/or degree of deferred maintenance observations were generally more than normally observed in a building of this age. Deferred maintenance is defined as the need for immediate maintenance related to drainage, water penetration, rotted wood, need for paint, etc.

#### VI. SPECIAL NOTICE

Opinions and comments contained in this report are based on observations made at the time of inspection. The observations contained in the attachment are to be considered a part of this inspection in order that the reader be aware of the items observed or considered that provided a basis for the opinions expressed above. Opinions related to compliance with specifications, legal, and/or code requirements are specifically excluded as being a part of our agreement to perform this inspection. There is no guarantee or warranty as to future performance, life, and/or need for repair of any item inspected, nor should same be assumed.

## PREPARED BY:

The seal appearing on this document was authorized by Edward Robinson, P.E.87035 on 9/29/2014. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act The digital seal is found on the cover page.

Edward Robinson, P. E. Registered Professional Engineer, #87035



ER/sl Attachment

This document package has been digitally signed. The digital signature is found on the cover page. The signature on this document package can be validated electronically by obtaining a validation certificate from Professional Engineering Inspections, Inc. This signature and subsequently this document is no longer valid if unauthorized modifications are made to it.



PROFESSIONAL ENGINEERING INSPECTIONS, INC.

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

OBSERVATIONS/RECOMMENDATIONS ATTACHMENT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

This attachment, which provides a basis for the opinions stated in the body of the report, is to be considered a part of the inspection report. The following observations are indicative of the conditions considered or existing at the time of the inspection and should not be considered a total list of irregularities but a representative list of items considered.

#### FOUNDATION

- 1. Drainage at the perimeter of the building foundation, which can have an effect on the rate of differential settlement of the foundation, was poor at a portion of the perimeter, where it appears that water stands or runs alongside the foundation during or immediately after rains. The more significant locations included: along the south side of the building, along the west side of the building at Unit 605 and at the utility porch, and along the north side of the building at the bathroom. The recommendations contained in the attached foundation care information should be implemented to maintain the rate of differential settlement to a minimum.
- 2. Sheetrock cracks above doors, windows, and in the ceiling, usually associated with differential settlement, were observed in the following locations: in Unit 605 at the opening between the east bedroom and living room; in the living room at the entry to the bedroom hall and at the south windows; in the west bedroom at the closet door, at the south window, and at the entry door; in Unit 607 in the kitchen in the ceiling and at the north wall; and in the west bedroom at the closet door.
- 3. Out-of-levelness of door tops, window sills, built-in furniture and other horizontal surfaces was more than the norm or average, with the more noticeable areas being in the following locations: in Unit 607 at the living room entry to the hall.
- 4. Separations or differential movement of materials were observed. The degree of separation observed was acceptable for a building of this age. Locations included between: the toe moldings and the walls.
- 5. There were cracks in the ceramic tile in Unit 605 at the bathroom around the window and at the floor; and in Unit 607 at the floor in the kitchen and bathroom that are indicative of differential settlement in the building foundation.
- 6. Doors which would not latch due to misalignment of striker plate and locking mechanism were observed, including: in Unit 607 at the kitchen deadbolt.

- 7. Large trees were observed relatively near the building being inspected. Construction research has indicated that large trees, which grow closer than their mature height to a building that is resting on expansive soil, can cause rapid and severe differential settlement. The effect on the rate of differential settlement, which can result in need for foundation repair, will become more pronounced as the tree grows.
- 8. Block foundations with blocks resting on or near the surface of the soil are not known to be stable where there is expansive clay soil. It is probable that the foundation will shift or settle differentially as the weather causes changes in the moisture content of the soil on which the blocks rest. Periodic releveling of the foundation may be required
- 9. Because the building is believed to be resting on expansive soil which exists in this area, it is recommended that an automatic watering system be installed to maintain a uniform moisture content in the soil. Maintaining a uniform moisture content in the soil will prevent it from shrinking and causing cracks to develop in the walls, floors, and siding.
- 10. Consideration should be given to installing a root barrier between the trees and the building; if installing a barrier is not practical, the trees should be removed if they grow closer to the building than their mature height. If a root barrier is to be installed, a qualified tree expert should be employed to determine where the root barrier should be installed, since cutting off too much of the tree roots may be hazardous to the health of the tree.
- 11. There was evidence of differential settlement at the front steps causing them to slope toward the house, and they should be releveled.

#### ROOF

- Most composition shingle roofs have a normal life expectancy of 9 to 18 years in this area, with an average life of 15 years. The life of the roof depends on pitch, color, exposure to chemical fallout, and exposure to the sun. The more reflective colors last longer, and dark roofs usually last from 4 to 6 years less. The age of the composition shingle roof was not determined.
- 2. Deep pits were observed in the roof surface that probably occurred due to defects or roof damage. The pits can be expected to wear through more rapidly than the remainder of the roof surface, which is protected by a coating.
- 3. The composition shingle roof was showing advanced signs of wear and deterioration in the form of: brittle, curled, worn, patched, pitted, and discolored shingles, with rusted flashings. Reference Photograph 1
- 4. Evidences of roof leaks were observed, current or previous: Unit 605 deterioration in the ceiling; Unit 607 seam bulges at the west bedroom and sheetrock patches at the west bedroom. You are cautioned that other

evidences of roof leaks may exist which were not detected at the time of this inspection.

- 5. The heads of some of the fasteners used to secure the composition shingles in place were working through the overlying shingles at locations, including: at the west side of Unit 607 and at the east side of Unit 605. This condition creates a possibility of a leak at each location. There is a need for repair to prevent water penetration at the exposed fasteners. Caution is advised that this condition can exist due to the method or quality of workmanship in installation of the fasteners, and this condition could occur at locations other than those observed. Reference Photograph 2
- 6. Tree limbs were observed to be near or touching the roof and should be trimmed to prevent wear, which can lead to premature failure. The limbs should be cut back at least four feet from the roof surface each year.
- 7. Roofing compound had been applied to the roof surface at the gas flue roof jacks, which would indicate a problem with water penetration. Roof compound is a temporary repair material and should not be necessary on a properly constructed roof. Reference Photograph 3
- 8. The lead roof jacks around the upper edge and/or at the exposed portions of the skirts have been chewed away by squirrels or other animals. The roof jacks must be repaired to prevent water penetration during rains. Reference Photograph 4
- 9. Wood rot could be observed in the roof decking at the eaves. This may be due to water penetration through the roof above these locations. Reference Photograph 5
- 10. The starter strip shingles were installed upside down and were deteriorating at the first course shingle tab slots. As the starter strip erodes through, it will allow water penetration to the roof decking. Reference Photograph 6
- 11. Felt underlayment did not properly lap the drip edge flashing along the lower edge of the roof. Reference Photograph 7
- 12. There was evidence of buckling of the roof decking below the shingles that should be repaired when the roof is replaced. This can occur if the decking is not properly secured or was improperly spaced during installation. Reference Photograph 8
- Shingle tabs were broken off at some locations, including at the east roof, leaving exposed nails and joints in the shingles that can allow water entry. Reference Photograph 9
- 14. The electric service weatherhead roof jack was not laced with the shingles, and the neoprene seal was missing. The roof jack should be replaced and properly installed. Reference Photograph 10

15. Sealant had been applied at the tabs of the shingles at the west roof over Unit 607, indicating problems with water penetration at this location. This is a temporary repair, and the source for water entry should be located and permanently repaired. Reference Photograph 11

## BUILDING STRUCTURE

- 1. It is possible that minor wood-destroying insect damage to the structure exists at the north crawlspace below the living room of Unit 607 which could not be evaluated based upon a cursory inspection. The state Structural Pest Control Board prevents reporting of this damage as being caused by termites by anyone other than a licensed pest control contractor; who consequently cannot characterize the extent or severity of the damage. Observations at the time of this inspection indicate possible damage to the structure characteristic of the type often cause by termites; however, the extent of need for repair could not be evaluated without the owner disassembling parts of the structure to gain access to the damage. Reference Photograph 12
- 2. The ceiling joists were observed to be made of 2x4 inch lumber, which is very common in older houses. Current day buildings have joists made of 2x6 inch or wider materials, depending on the span of the joists. Reference Photograph 13
- 3. The ridge beams were not wide enough to support the entire width of the miter cut on the end of the roof rafters. Even though this is a common observation, the greatest strength requires that the ridge beam be wide enough to uniformly distribute the roof load across all the width of the rafter miter cuts.
- 4. Investigation of the building for termite infestation or damage is not the intent of this inspection. It is recommended that an inspection be performed by a licensed pest control inspector, who will thoroughly check the crawlspace below the building to determine the possibility of termite infestation and/or damage. The inspector should be asked to point out any areas of insect damage or wood rot that may be found during the inspection. It is possible that termite infestation and/or damage exist in the building that are not apparent and cannot be detected without removal of wall covering and/or siding.
- 5. Floor decking was rotted and failing below the bathrooms at Unit 605 and Unit 607. This may be related to evidences of failure of the floor tiles, as indicated by cracking and dislocation in the cracked locations in the tile. Repair would require removal and replacement of the decking and floor. Reference Photograph 14
- 6. Siding was rotting behind the porches and can allow water to run past the siding and reach the girder beam, which may result in premature deterioration if the siding goes unprotected. Reference Photograph 15

- 7. Rafter tails were becoming rotted at the eaves. There is a need for repair at the rafter tails since continued rot would leave the overhang of the roof without sufficient support.
- 8. Roof rafters at the utility room addition were supported by nails in shear, where they were nailed to the sides of the original rafters at the west roof structure. The roof was performing satisfactorily, although it is generally considered unacceptable to support the roof by nails in shear. Reference Photograph 16
- 9. The purlin supporting the midspan of the roof were on their sides rather than on their edge, which is their least stiff dimension. Additionally, they were not uniformly supported, which can allow deflection to occur between supports. Reference Photograph 17
- 10. Termite shields were not observed at the blocks supporting the structure of the building at the crawlspace. Metal termite shields that turn down overt the tops of the blocks are normally installed to resist wood-destroying insect infestation from the ground.
- 11. Floor joists supporting the floor structure in the area of the bathroom bathtubs at Unit 605 and Unit 607 had been deeply notched where they had been used to reinforce rotted floor joists at this location. The notching reduces the strength of the joists, but they were observed to be performing satisfactorily.

## MAINTENANCE

- 1. B-B holes were observed in windows in Unit 607 at the west bedroom.
- 2. The window counterbalance mechanism did not appear to be functional at some windows because the cords/springs were broken or missing. The windows will have to be propped open if it is desired that they remain open.
- 3. Some of the window pane glazing was observed to be cracked and peeling, indicating a need for reglazing to prevent air infiltration and water entry.
- 4. Window panes were observed to be cracked or broken out, including: in Unit 607 at the living room.
- 5. There is evidence that windows or doors at the bathroom in Unit 605 and Unit 607 are not made with safety glass because no identification marks could be found. Safety glass is required in locations where there are windows with panes of more than 9 square feet in area that begin less than 18 inches from the floor, at windows within 2 feet of the arc of a door, or windows within 60 inches of stairs in the interest of safety. Safety glass can be obtained from a qualified glass company.
- 6. It appeared that the window screens were missing from all the windows. It is necessary to have window screens in this area if the windows are to be opened because of numerous insects, which includes mosquitoes.

- 7. The windows were not all opened and closed to check operation, but it appears that many of the windows are stuck because of being painted while in the closed position.
- 8. Some of the exterior siding was observed to be in need of repair or replacement due to wood rot at the lower edges of the siding at the north side of Unit 607, at the utility porch, at the west side of Unit 607, at the east side of the building at the front porch area, and at the north side of the building at Unit 607.
- 9. The exterior paint was observed to be cracked and peeling. Repainting is suggested to prevent undesirable deterioration in the wood trim and siding.
- 10. The exterior trim paint (window facings, door facings, roof fascia, etc.) was observed to be cracked and peeling; repainting is suggested.
- 11. There appeared to be insufficient ventilation provided at the attic space. A recognized standard for proper attic ventilation is 1 square foot of ventilation for every 150 square feet of attic space.
- 12. The gable vent screens were corroded away, allowing attic access to birds and other small animals. The screens should be replaced with a suitable material.
- 13. No insulation was observed under the floors at the crawlspace. A significant amount of energy loss can occur through the floors.
- 14. It is probable that there is no insulation in the exterior walls of the building since the building was constructed in a period of time when very little insulation was used.
- 15. The wood flooring at Unit 607 was warped, indicating probability of water penetration.
- 16. Air conditioning condensate was observed to be draining adjacent to the building foundation. It is recommended that the condensate be emptied into a sanitary sewer or away from the foundation. Reference Photograph 18
- 17. The weather stripping was noted to be damaged or missing in Unit 607 at the kitchen, Unit 605 at the kitchen, and Unit 607 at the living room, which is a source of energy loss because of air infiltration.
- 18. Wood rot was observed at the exit door jamb from the utility porch to the south yard, at rafter tails at the east side of Unit 605, at the siding trim at the utility room addition, at the east fascia at the rafter tails at the front porch at Unit 605, at the window ledge at the south side of the west bedroom at Unit 605, at the south window ledge and window facing at the living room at Unit 605, at the rafter tails and roof decking at the east side of Unit 605, at the rafter tails at the east side of Unit 605, at the rafter tails and roof decking at the east side of Unit 605, at the rafter tails at the east side of Unit 607, at the north window ledge at Unit 607, and at the north window frame at the living room at Unit 607. The rot

should be further investigated to determine the necessity and extent of repair required.

- 19. Wood rot was observed at window ledges that may extend into the wall framing below the windows. Locations included: in Unit 605 at the west bedroom south window, Unit 605 at the south living room, and Unit 607 at the north living room. There is an indicated need for additional investigation and repair. Reference Photograph 19
- 20. Low windows were observed at the bathtubs at Unit 605 and Unit 607. This creates the potential for water penetration into the wall system if the windows are not kept protected during use of the shower. Additionally, the shower walls were not intended for use as a shower and were relatively low, which could result in deterioration above the tile line. Reference Photograph 20
- 21. Dislocation of floor tile could be observed at Unit 607 around the toilet, indicating deflection in the floor decking. Reference Photograph 21
- 22. The concrete surface of the utility porch extended out past the walls, which could allow water to run under the wall. A steep slope at the porch likely prevents this from occurring. Reference Photograph 22
- 23. The eaves at the west side of the utility room were open because of a missing soffit covering, which can allow animals and insects to gain access to the attic space. Reference Photograph 23
- 24. There was no insulation observed in the attic space. This is a source for significant energy loss. Reference Photograph 24
- 25. Knobs were missing from some of the interior doors, including at the living room door to the dining room at Unit 605 and at the hall closet door at Unit 607.
- 26. Exterior doors were damaged and in need of replacement at locations, including in Unit 605 at the exit from the utility room.
- 27. Cabinetry was in poor condition at some locations, with the most severe damage occurring at the kitchen area in Unit 607.
- 28. Skirting was missing around the perimeter of the crawlspace, which can allow animals access to the crawlspace.
- 29. Rotted window sashes could be observed at some locations, including at Unit 605 at the west bedroom and south living room, and at Unit 607 at the living room.
- 30. The door at the kitchen at Unit 607 dragged the door jamb and was in need of repair.

- 31. There was open space below the bathtubs at the crawlspace, which can allow animals to nest below the tubs.
- 32. Voids could be observed in the soil below the front porches. The voids should be filled to prevent water from standing in these areas.
- 33. There were no handrails at the steps into the building at the front or rear of the building.

## FOUNDATION CARE INFORMATION

Maintenance Recommendations For Foundations On Expansive Clay Soil

### INTRODUCTION

Differential movement of building foundations is a common problem in this area, because of the highly expansive clay soil and changing weather conditions, and costs owners thousands of dollars a year in repair bills. As the building ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. This differential movement does not stop as buildings become older; older structures with a history of minimal differential movement have been known to develop foundation problems in a very short time due to changing conditions at the perimeter of the building foundation.

## REASON FOR FOUNDATION PROBLEMS

The primary reason for foundation problems is the highly expansive nature of the clay soil on which the building rests. The clay expands or contracts as its moisture content changes with the weather. Depending on the area, the amount of contraction or shrinkage ranges from minimal to upwards of 65% of the total wet volume. The average amount of shrinkage that can be expected in this region is approximately 35%, with wide variation depending on the location. For example, a sample of water-saturated clay will shrink up to an average of 35% when dried completely. This shrinkage accounts for the large cracks that form in the soil after an extended dry period. The more expansive the clay, the larger the cracks.

## EFFECT OF PLANTS ON FOUNDATION PERFORMANCE

Because of the highly expansive nature of the soil, trees and other large plants can significantly contribute to differential settlement of a foundation. The roots of trees and large plants consume the moisture from the soil, causing the soil to shrink much faster than other soil areas exposed to the weather. The soil where the moisture is lost more rapidly will sink lower than the surrounding soil, causing evidences and consequences of differential settlement in building structures. Research studies indicate that a tree should be at least as far away from a building as the mature height of the tree to minimize the effect of drying caused by the tree.

## EFFECT OF WET SPOTS AT THE SIDE OF A FOUNDATION

Wet spots caused by dripping faucets, leaking drains, air conditioning condensate drains, leaking water pipes, etc., can cause differential settlement at the location where the soil has been kept wet. The foundation may sink into the soil at a wet area while the soil dries and shrinks at other locations because the drying soil allows the foundation to move downward and overload the wet area.

## EFFECT OF POOR DRAINAGE AT THE PERIMETER OF A FOUNDATION

Water standing or running alongside a foundation after rains may cause differential settlement of a foundation. If soil grading is such that water runs alongside a foundation during rains, the water will run under the edge of the foundation and carry away soil supporting the foundation. The effect is much more pronounced if the soil was very dry prior to the beginning of the rain. In addition, if water is allowed to stand alongside a foundation, it will flow below the foundation and dissolve the clay supporting the foundation, carrying it into the cracks that develop in the yard outside the foundation area during extended dry periods. This problem is more severe if the soil in the general area has been very dry, but it is less severe if the soil has been maintained moist.

## FOUNDATION CARE PROFESSIONAL ENGINEERING INSPECTIONS

## FOUNDATION MAINTENANCE RECOMMENDATIONS

An owner can significantly reduce the rate of differential settlement by observing the following recommendations:

- 1. Try to maintain a constant moisture content in the soil around the foundation. Water the soil evenly and around the entire foundation during extended dry periods. This should prevent a gap from opening between the soil and foundation edge. However, if a gap does appear, water frequently (at least daily) around the entire foundation during extended dry periods (6 to 7 days in the summer). Do <u>not</u> apply water directly into the gap. Instead, water 1 to 2 feet away from the foundation edge. Some homeowners choose to install a fully automated foundation watering system to eliminate the need to remember to water. It is best to add water about three times per day to insure that the applied water has time to soak into the soil.
- 2. Cut and cap the roots of any large trees growing closer to the foundation than the mature height of the trees. The roots from a large tree or several medium size trees can consume more water from the soil than can be added with a watering system. This will limit the consumption of water from the soil below the foundation and may prevent excessive differential settlement and cracks in the structure. It is recommended that a professional tree expert be used to prevent damage to the trees When a tree grows too close to a building to allow cutting and capping of the roots, it is advisable to remove the tree or make special provision for watering the soil below the foundation.
- 3. Properly grade the soil by filling in low spots and leveling off high spots adjacent to the foundation so that the surface of the soil slopes gradually away from the building. A recommended slope is 1 inch per foot for a distance of 3 to 4 feet from the foundation.
- 4. Control roof water runoff and help prevent soil erosion by using a gutter and downspout system. This is especially important if a building has no eaves which overhang the walls or if the eaves are less than 1 foot wide.
- 5. Water trees and shrubs growing near a building during extended dry periods as they cause shrinking of the soil due to their high water consumption. Keep in mind that moderate to large trees consume 50 to 75 gallons of water from the soil every day.

## SUMMARY

Remember: the intent of foundation maintenance is to maintain a constant moisture content in the soil around and below the entire foundation and to prevent soil erosion that can result from water flowing off the roof or other large flat surfaces near the building.

Edward Robinson Registered Professional Engineer, #87035 PROFESSIONAL ENGINEERING INSPECTIONS, INC. <u>http://www.profengineering.com/</u> (713) 664-1264



## September 22, 2014 605-607 Cortlandt, Houston, Texas

1. The composition shingle roof was showing advanced signs of wear and deterioration in the form of: brittle, curled, worn, patched, pitted, and discolored shingles, with rusted flashings.

2. The heads of some of the fasteners used to secure the composition shingles in place were working through the overlying shingles at locations, including: at the west side of Unit 607 and at the east side of Unit 605. This condition creates a possibility of a leak at each location.



3. Roofing compound had been applied to the roof surface at the gas flue roof jacks, which would indicate a problem with water penetration. Roof compound is a temporary repair material and should not be necessary on a properly constructed roof.





- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 4. The lead roof jacks around the upper edge and/or at the exposed portions of the skirts have been chewed away by squirrels or other animals.

5. Wood rot could be observed in the roof decking at the eaves. This may be due to water penetration through the roof above these locations.





6. The starter strip shingles were installed upside down and were deteriorating at the first course shingle tab slots. As the starter strip erodes through, it will allow water penetration to the roof decking.

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- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - Felt underlayment did not properly lap the drip edge flashing along the lower edge of the roof.

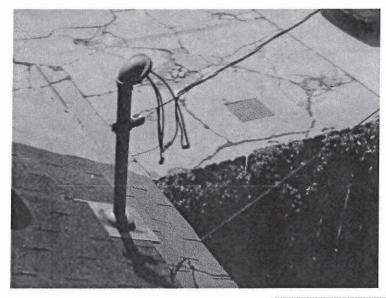
8. There was evidence of buckling of the roof decking below the shingles that should be repaired when the roof is replaced. This can occur if the decking is not properly secured or was improperly spaced during installation.





9. Shingle tabs were broken off at some locations, including at the east roof, leaving exposed nails and joints in the shingles that can allow water entry.

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- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 10. The electric service weatherhead roof jack was not laced with the shingles, and the neoprene seal was missing. The roof jack should be replaced and properly installed.

11. Sealant had been applied at the tabs of the shingles at the west roof over Unit 607, indicating problems with water penetration at this location. This is a temporary repair, and the source for water entry should be located and permanently repaired.





12. It is possible that minor wooddestroying insect damage to the structure exists at the north crawlspace below the living room of Unit 607 which could not be evaluated based upon a cursory inspection.



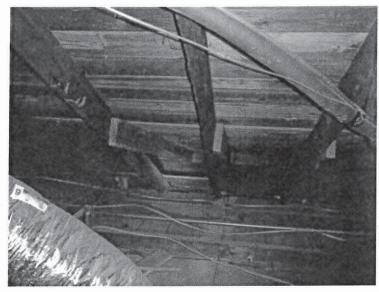
- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 13. The ceiling joists were observed to be made of 2x4 inch lumber, which is very common in older houses. Current day buildings have joists made of 2x6 inch or wider materials, depending on the span of the joists.

14. Floor decking was rotted and failing below the bathrooms at Unit 605 and Unit 607. This may be related to evidences of failure of the floor tiles, as indicated by cracking and dislocation in the cracked locations in the tile.



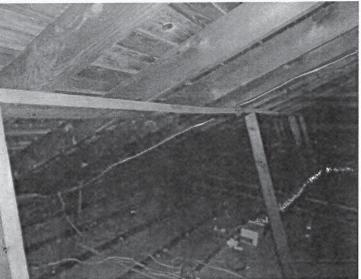


15. Siding was rotting behind the porches and can allow water to run past the siding and reach the girder beam, which may result in premature deterioration if the siding goes unprotected.



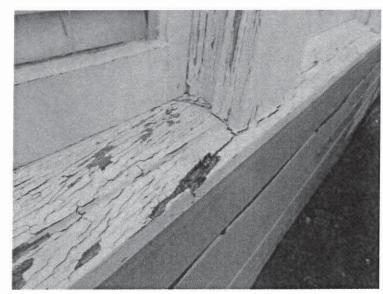
- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 16. Roof rafters at the utility room addition were supported by nails in shear, where they were nailed to the sides of the original rafters at the west roof structure. The roof was performing satisfactorily, although it is generally considered unacceptable to support the roof by nails in shear.

17. The purlin supporting the midspan of the roof were on their sides rather than on their edge, which is their least stiff dimension. Additionally, they were not uniformly supported, which can allow deflection to occur between supports.



18. Air conditioning condensate was observed to be draining adjacent to the building foundation. It is recommended that the condensate be emptied into a sanitary sewer or away from the foundation.





- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 19. Wood rot was observed at window ledges that may extend into the wall framing below the windows. Locations included: in Unit 605 at the west bedroom south window, Unit 605 at the south living room, and Unit 607 at the north living room. There is an indicated need for additional investigation and repair.

20. Low windows were observed at the bathtubs at Unit 605 and Unit 607. This creates the potential for water penetration into the wall system if the windows are not kept protected during use of the shower. Additionally, the shower walls were not intended for use as a shower and were relatively low, which could result in deterioration above the tile line.



21. Dislocation of floor tile could be observed at Unit 607 around the toilet, indicating deflection in the floor decking.



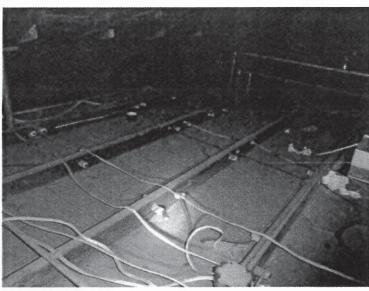
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- September 22, 2014 605-607 Cortlandt, Houston, Texas
  - 22. The concrete surface of the utility porch extended out past the walls, which could allow water to run under the wall. A steep slope at the porch likely prevents this from occurring.

23. The eaves at the west side of the utility room were open because of a missing soffit covering, which can allow animals and insects to gain access to the attic space.





24. There was no insulation observed in the attic space. This is a source for significant energy loss.

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#### **PROFESSIONAL ENGINEERING INSPECTIONS, INC.**

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

MECHANICAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

 SUMMARY OF INSPECTION The following summary lists the specific equipment inspected (and only the equipment inspected) and indicates an opinion of the status of the equipment at the time of the inspection.

#### EQUIPMENT INSPECTION SUMMARY FUNCTIONAL REPAIR ITEM

( )	(X)	Plumbing
( )	(X)	Water Heater
( )	(X)	Smoke Detector
( )	(X)	Ceiling Fans

#### II. INTRODUCTION

- A. Description of Property Inspected The equipment inspected included the built-in appliances, visible plumbing, air conditioning, and heating of the building located at the above address.
- B. Purpose

The purpose of this inspection was to visually inspect and operate the equipment listed above to observe and provide an opinion of any deficiencies apparent at the time of the inspection.

C. Scope

The scope of this inspection included visual observations of the above listed mechanical equipment and appliances without disassembly of any unit inspected and without removing items causing visual obstruction. The functional equipment was operated in at least one mode, but not necessarily every mode, suited to demonstrate its condition. All the comments and information provided in this report are strictly opinions and may not necessarily agree with other professionals. Items which are not listed in this report were not inspected and should not be assumed to be functional or nonfunctional.

Evaluation of kitchen appliances and air conditioning systems was excluded upon request of the client since it was indicated these items were considered normal maintenance items and were not of significant concern.

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### MECHANICAL - HOUSE MARTINEZ

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

#### III. OBSERVATIONS

### A. PLUMBING

Miscellaneous Plumbing

- 1. Where visible water distribution plumbing was observed, it appeared to be fabricated from galvanized steel and CPVC. The drain plumbing was fabricated from cast iron and PVC, and the vent plumbing was fabricated from cast iron and galvanized steel. (Information)
- 2. A main water service shutoff valve was not located. One may exist, and further inquiry of the owner is recommended to determine its location. If a valve cannot be located at the building, it may be necessary to turn water off at the main water meter which often requires a special tool in the event of an emergency or need to service the water distribution system, which often requires a special tool. (Information)
- 3. The main gas service shutoff valve was located at the gas meter at the west exterior of Unit 607. (Information)
- 4. Anti-siphon devices were not installed at one or more of the hose bibbs around the house. Lack of an anti-siphon device at the hose bibbs may allow non-potable water or other contaminants to be drawn into the water supply pipes in the event of a loss of water pressure. (Information)
- 5. It is recommended that the gas valves located at various rooms of the building be capped for safety purposes, if not used. (Information)
- 6. It was observed that copper and steel pipe had been connected together at the water heaters without appropriate insulators. Dissimilar metals can result in galvanic corrosion, which will cause leaks in the pipe. It is recommended that the joint be repaired using the correct connector. \$35.00 per location Reference Photograph 1
- 7. Drain lines or portions of the drain lines below the building appeared to have been fabricated from cast iron. Cast iron drain line in the Houston area is known to have a life expectancy of 35-45 years with normal use before they corrode through and leak. Because the condition or remaining life expectancy of the drains cannot be determined based upon a visual inspection of this type, further evaluation by a plumber is recommended who can perform hydrostatic testing and, if necessary, camera testing to determine the condition of the drains is recommended.

> Deteriorated drains can be related to failure of the drains and have been linked to adverse foundation performance in some cases. (Information)

- 8. Plug-type gas valves were observed at the following locations: at Unit 605 at the bathroom and at Unit 607. Plug-type gas valves may be prone to leak as the lubricant in the valve dries out over time. The drying lubricant can also make the valve difficult or impossible to operate in an emergency. It is recommended that valves of this type be replaced with "ball-type valves" in the interest of safety. \$40.00 per location.
- 9. The main sewer drain cleanout was not located at the time of this inspection. It is recommended that the cleanout location be obtained from the current owner since the cleanout may be required to unplug the drain. (Information)
- 10. Uninsulated pipe was observed at the crawlspace, which may freeze during cold weather. Exposed pipe should be insulated. (Information)
- 11. Uninsulated pipe was observed at the attic, which may freeze during cold weather. Exposed pipe should be insulated in the attic. (Information)
- 12. There was evidence of severe corrosion of galvanized steel water distribution pipe at the crawlspace, where pinhole leaks could be observed that had corroded and were not currently active. This can indicate a systemic deterioration in the galvanized steel pipe that should be investigated since it may require replumbing of the building, which could be costly. Reference Photograph 2

Utility Room/Area

- 13. The dryer appeared to be vented to the crawlspace. The clothes dryer should be vented to the outside of the building so that lint will not accumulate in the crawlspace. \$50.00
- 14. The dryer vent at the utility porch had an opening for an adjacent dryer that was not installed and was open to the porch. \$10.00 Reference Photograph 3
- 15. It was not evident that there was a vent provided for the washing machine connections at the utility porch. If the plumbing is not properly vented, it can result in siphoning empty at the drain traps. \$60.00

Kitchen Sink (Unit 605)

16. The vegetable spray was loose in the surface of the counter. \$10.00

Kitchen Sink (Unit 607)

17. There was a seeping leak at the drain, as indicated by stains; however, the leak did not appear to be active. It could become active with normal use. (Information)

> The vegetable sprayer was not operating properly at the time of this inspection because it was either clogged, defective, and/or in need of repair. \$75.00

Bathroom (Unit 605)

- 19. There was no caulking around tub/shower valves to prevent water from leaking into the wall cavity. \$20.00
- 20. The lavatory faucet aerator was missing, which allowed water to splash outside the lavatory basin when the faucet was turned on. \$15.00
- 21. The lavatory mechanical drain stopper was not functional. \$25.00
- 22. The tub faucet was leaking at a valve stem when turned on to full flow.\$75.00
- 23. The finish of the bathtub was chipped/cracked. There were no indications of leaks as a result of these surface marks. (Information)
- 24. The tub mechanical drain stopper was nonfunctional or difficult to operate at the time of this inspection. \$50.00
- 25. The tub/shower was observed to be draining slower than normal, indicating the possibility of a partially clogged drain. \$45.00
- 26. Valve handles were loose at the bathtub. These should be tightened to prevent the handles from becoming damaged. \$15.00 per location
- 27. The water closet was loose on the floor and requires repair. Excessive movement can result in damage to the wax seal. \$95.00
- 28. There was a low window at the shower, which is prone to allow water penetration into the wall system that can result in wood rot if it is not kept protected. (Information)
- 29. Deterioration was evident at the head of the bathtub where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub and should be investigated. \$25.00-\$500.00 Reference Photograph 4
- 30. The gas valve at the unvented gas heater was difficult to operate, indicating that it is worn. Due to the age of the unvented gas heater, it is recommended that it be removed, and if intended for use, it should be replaced with one having new safety features since it poses a hazard as compared to new equipment. \$700.00

Bathroom (Unit 607)

- 31. The hot and cold water faucets were reversed at the bathtub, so that hot is received when cold water is selected. (Information)
- 32. There was no overflow drain at the lavatory basin. Lavatory basins
   without overflow drains can overflow to the floor if the faucets drip and the drain stoppers are closed. (Information)
- 33. The finish of the bathtub was chipped/cracked. There were no indications of leaks as a result of these surface marks. (Information)
- 34. The tub mechanical drain stopper was nonfunctional or difficult to operate at the time of this inspection. \$50.00
- The tub/shower faucet dripped when turned off with normal force.
   \$75.00
- 36. The water closet was loose on the floor and requires repair. Excessive movement can result in damage to the wax seal. \$95.00
- 37. Deterioration was evident at the head of the bathtub where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub and should be investigated. \$25.00-\$500.00
- 38. There was an unvented gas heater at the bathroom that could not be tested because there was no valve handle. Due to its age, it is recommended that it be replaced since it lacks basic safety features and is considered a hazard. \$700.00
- 39. There was a low window at the shower, which is prone to allow water penetration into the wall system that can result in wood rot if it is not kept protected. (Information)
- 40. There was no drain grate at the tub to prevent items from being washed down the drain. \$40.00

WATER HEATER (Unit 605)

- 41. The water heater is a gas-fired water heater. (Information)
- 42. There was a seeping leak at the water connection to the water heater that has caused severe corrosion. The leak does not appear to be active at this time, but it could become active under normal use in the future. (Information) Reference Photograph 5
- 43. The temperature/pressure relief valve was not functional at the time of this inspection, as indicated by the valve not opening when a significant force was applied to the test lever. \$55.00

- 44. The double-wall pipe of the hot water heater vent was touching combustible material. Double-wall pipes should have a clearance of 1-inch minimum between any combustible surface and the wall of the pipe.
   \$25.00 Reference Photograph 6
- 45. There was a plastic catch pan below the water heater. Plastic catch pans are easily damaged, and this one was showing evidence of a crack at its top edge. While this may not affect its direct performance, cracks may exist in the basin that were not observed. (Information)
- 46. The flue strapping was unsecured at the water heater flue. \$10.00
- 47. Due to the age and condition of this equipment, it is the opinion of this inspector that its remaining serviceability is limited. (Information)

#### WATER HEATER (Unit 607)

- 48. The water heater is a gas-fired water heater. (Information)
- 49. The double-wall pipe of the hot water heater vent was touching combustible material. Double-wall pipes should have a clearance of 1inch minimum between any combustible surface and the wall of the pipe. \$25.00

#### B. SMOKE DETECTOR

- The smoke detector located in Unit 605 did not appear to be functional. \$20.00
- 2. Additional smoke detectors are recommended to provide full coverage of the building. Smoke detectors should be located in each sleeping room, at the exterior of sleeping rooms and in the path of the air conditioning system return air from each portion of the building. (Information)
- 3. The battery of the smoke detector located in Unit 607 may be low, as indicated by the continual sounding-off of the detector in short beeps. A new battery should be installed. \$5.00 each location
- 4. The age of the smoke alarms was not known, but it appeared they could be in excess of 10 years. It is recommended that smoke alarms be replaced at a minimum of 10-year intervals to ensure they perform properly. (Information)

#### C. CEILING FAN

- 1. The ceiling fan in Unit 605 at the dining room makes a scraping noise when operating, indicating that the armature or fan is dragging against the case of the assembly. \$50.00
- 2. The light kit appeared to be loose at the living room fan in Unit 607, as indicated by a ticking noise when the fan was operating. \$25.00

#### IV. SPECIAL NOTICE

Estimates for repair are provided as a courtesy and are only approximate. These prices are based on the assumption that other services are being performed at the same time; that is, no service charges are included. They are not bids for performance of work. It is recommended that the need for repair, scope of work, and cost be confirmed by a qualified service company. Opinions and comments stated in this report are based solely on observations of apparent performance. Opinions related to compliance with specifications, legal and/or code requirements of any kind are specifically excluded as being covered in our agreement to perform this inspection. No guarantee or warranty as to future life, performance and/or need for repair of any item inspected is intended nor should same be assumed.

#### Prepared by



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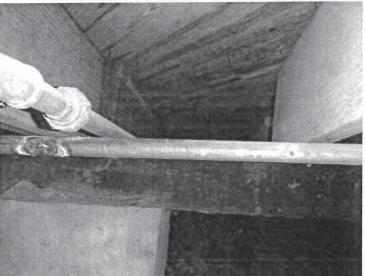
PHOTOGRAPHS – HOUSE MECHANICAL MARTINEZ

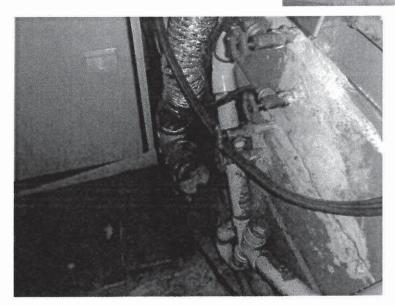


## September 22, 2014 605-607 Cortlandt, Houston, Texas

1. It was observed that copper and steel pipe had been connected together at the water heaters without appropriate insulators. Dissimilar metals can result in galvanic corrosion, which will cause leaks in the pipe.

2. There was evidence of severe corrosion of galvanized steel water distribution pipe at the crawlspace, where pinhole leaks could be observed that had corroded and were not currently active. This can indicate a systemic deterioration in the galvanized steel pipe that should be investigated since it may require replumbing of the building, which could be costly.





3. The dryer vent at the utility porch had an opening for an adjacent dryer that was not installed and was open to the porch.

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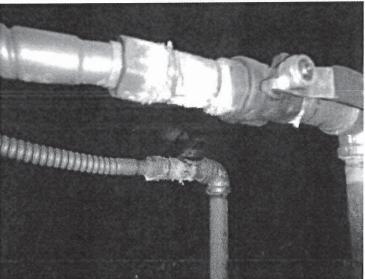
PHOTOGRAPHS – HOUSE MECHANICAL MARTINEZ



## September 22, 2014 605-607 Cortlandt, Houston, Texas

4. Deterioration was evident at the head of the bathtub in Unit 605 where tile was uneven. This may be occurring due to the lack of sealant at the valves. If the deterioration is severe, it can require replacement of the tile wall enclosure at the head of the tub.

5. There was a seeping leak at the water connection to the water heater for Unit 605 that has caused severe corrosion. The leak does not appear to be active at this time, but it could become active under normal use in the future.





 The double-wall pipe of the hot water heater for Unit 605 vent was touching combustible material. Double-wall pipes should have a clearance of 1inch minimum between any combustible surface and the wall of the pipe.

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#### **PROFESSIONAL ENGINEERING INSPECTIONS, INC.**

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

ELECTRICAL INSPECTION REPORT - HOUSE Mr. Pedro Martinez 605-607 Cortlandt Houston, Texas September 22, 2014

#### I. INSPECTION SUMMARY

The following summary lists the equipment inspected (and the only equipment inspected) and indicates the status of the equipment at the time of the inspection.

-----

## INSPECTION SUMMARY

FUNCTIONAL	REPAIR	ITEM	
() (X)		Ground Check	
()	(X)	Light Switches	
()	(X)	Wall Outlets	
()	(X)	Light Fixtures	
()	(X)	Visible Wiring	
()	(X)	Breaker Panel Box	
INFORMAT	Electrical Service		
()	(X)	Other	

Resistance or visual ground check was performed on the following items and their condition was as follows:

GROUND (	CHECK SUN	MMARY		
GROUNDED	NOT GR	NOT GROUNDED ITE		
()	(X)	Groun	Ground Rod	
()	(X)	Outlets		

## II. INTRODUCTION

A. Description of Property

The property inspected consisted of the visible electrical wiring, circuit breakers, light fixtures, electrical outlets, light switches, and visible wiring connections to the

appliances. Only those specific components of the electrical system listed above in the equipment status summary were inspected.

B. Purpose

The purpose of the inspection was to observe and point out visually apparent deficiencies in the electrical wiring and equipment at the time of the inspection and to determine if it is performing the function for which it was intended. A cursory evaluation was made to determine the adequacy of the capacity. There was no intent to closely examine and evaluate each of the primary or branch circuits. As a courtesy, for the purpose of planning only, a range of repair cost will be provided.

C. Scope

The scope of the inspection included visual observations of the electrical wiring, the main circuit breaker box, the visible wiring at the attic, and connections to the electrical appliances. Observations were made at the readily accessible light switches and electrical outlets. The switches were operated to determine whether or not they were mechanically functional. The readily accessible outlets were checked with a plug-in circuit analyzer to determine if they were properly wired. Only those items accessible without moving furniture, access covers, or other items were observed. It is specifically pointed out that routing of circuitry, adequacy of wiring, and/or compliance with electrical codes are not included as a part of this cursory inspection. An estimated cost of repair is provided for planning purposes only and may vary significantly, depending on the extent of the problem and the method by which repairs are made. If in-depth information is desired on the electrical system or any part thereof, it is recommended that you consult with a licensed electrician.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

# III. OBSERVATIONS

The following observations are indicative of the type irregularities observed during the course of the cursory electrical inspection. There may be other irregularities that exist but were not apparent and were not pointed out because they could not be seen.

# A. Improper Grounding

Those items which are indicated as needing repair under this portion of the inspection should be provided with a positive earth ground or otherwise repaired to prevent the possibility of electrical shock to anyone who may use the equipment.

1. The earth ground was not connected or was loose from the ground rod that provides a ground for the breaker panel box. \$20.00

2. Three-prong outlets were detected that had no ground, including the following locations: in Unit 605 at the living room, bathroom, west bedroom, east bedroom, dining room, and kitchen; in Unit 607 at the west bedroom and kitchen. Since the instrument used to detect lack of ground cannot indicate whether the round (ground) portion of the receptacle is grounded or connected to the neutral wire and all outlets were not necessarily checked, other outlets may exist that are not properly grounded. In older buildings with only two wires to the outlets, properly installed two-prong outlets can be used to replace the three-prong outlets for acceptable, inexpensive repair. \$5.00 each. \$75.00 each for outlets to which electrical wiring must be run.

# B. Light Switches

Some light switches may not have been observed because of location or obstructions, such as stored items or furniture.

- 1. Light switch cover plates were observed to be missing in Unit 607 at the kitchen. \$2.00 per location
- 2. Light switches whose function could not be determined were observed in Unit 605 at the living room. (Information)
- C. Outlets

Some outlets may not have been observed because of location or obstructions, such as stored items or furniture.

- Outlets were observed that did not function in the following locations: in Unit 605 at the 220-volt outlet at the living room and Unit 607 at the west bedroom. \$25.00 to \$75.00
- Outlets were observed which were loose on the wall in Unit 605 at the kitchen.
   \$5.00 per location
- Outlets were observed that had the hot and neutral wires reversed in Unit 605 at the kitchen. Operation of some appliances at these outlets can be hazardous.
   \$5.00 per location
- 4. There was no ground fault interrupter observed in Unit 605 at the kitchen. Ground fault interrupters not installed in locations where they are required by the National Electric Code, Publication 70A, are required to be reported as in need of repair by the Texas Real Estate Commission. It is not uncommon for them to have been omitted in older homes. \$35.00 per location
- 5. The ground fault interrupter in Unit 605 at the bathroom was not functional at the time of this inspection, as indicated by it not tripping when tested with a circuit tester and/or when the button was depressed. \$35.00

## D. Light Fixtures

Some light fixtures may not have been observed because of location or obstructions, such as stored items or furniture.

- Light fixtures that did not function were observed at Unit 605 at the front porch. \$20.00
- E. Visible Wiring

Some visible wiring was probably not observed because of obstructions (such as stored items, furniture, or structural portions of the building).

- 1. Electrical wire splices that were not in junction boxes were observed at the attic. \$25.00 per location
- 2. Improperly made splices were observed at the attic. \$15.00 per location
- Flexible conduit had been used around the electric meter and panel boxes. Flexible conduit is normally only intended for interior use since it does not protect the wiring from exposure to water. (Information) Reference Photograph 1
- F. Breaker Panel Box (north)
  - 1. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected, \$20.00 per breaker
  - The breaker box panel has missing knock-outs. These should be replaced.
     \$2.00 each
  - 3. The function of the various circuits was not identified on the circuit breaker box panel. It is recommended that the circuit functions be properly identified. (Information)
  - 4. There were no identifications observed at the panel boxes to determine which panel serviced which unit. (Information)
- G. Breaker Panel Box (south)
  - 1. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected. \$20.00 per breaker Reference Photograph 2
  - The breaker box panel has missing knock-outs. These should be replaced.
     \$2.00 each
  - 3. The function of the various circuits was not identified on the circuit breaker box panel. It is recommended that the circuit functions be properly identified. (Information)

- 4. The bonding strap located inside the breaker panel box was not connected. The bonding strap should be connected to provide a proper ground for the panel box. \$10.00 Reference Photograph 3
- 5. There were missing knock-outs inside the panel. \$10.00 Reference Photograph 4
- H. Electrical Service
  - 1. The main service to the house was observed to be 120/240 volts with a 125amp main disconnect for each unit. (Information)
  - 2. The main service panel was located at the west exterior of Unit 605. (Information)
- I. Additional Comments
  - 1. Knob and tube wiring was observed at the attic, at the crawlspace, and at the interior walls. Because it could not be determined if the wiring was in use at all locations, further investigation by a qualified electrician is suggested since this type of wiring is outdated and very old, possibly making it unsafe. An electrician should be consulted to obtain a cost of replacement of this wiring. Caution is advised that some insurance companies may not insure buildings where this type of wiring is in use. (Information) Reference Photograph 5

# IV. SPECIAL NOTICE

Opinions and comments stated in this report are based solely on observations of apparent condition and performance. Opinions related to compliance with specification, legal and/or code requirements of any kind are specifically excluded as being covered in our agreement to perform this inspection. No guarantee or warranty as to future life, performance and/or need for repair of any item inspected is intended, nor should same be assumed. The estimated repair costs do not necessarily include all repairs that are needed and are to be used for planning purposes only since the method of repair and extent of repair could vary considerably.

#### Prepared by

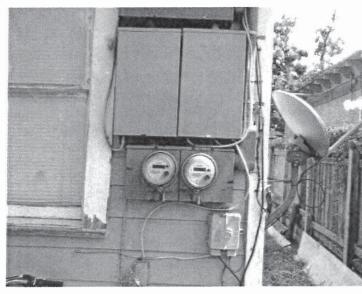


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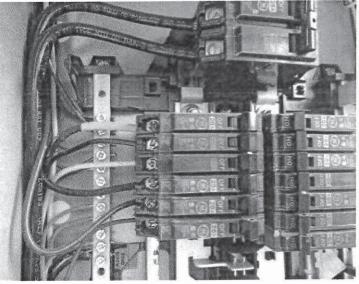
# PHOTOGRAPHS – HOUSE ELECTRICAL MARTINEZ

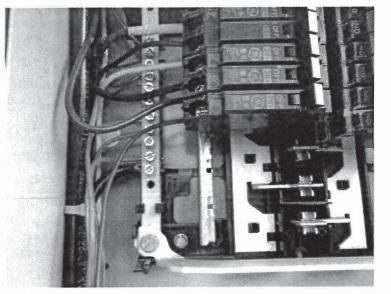


2. Circuit breakers were observed to be of larger capacity than the wire (circuit) to which they are connected at the south panel box.

#### September 22, 2014 605-607 Cortlandt, Houston, Texas

1. Flexible conduit had been used around the electric meter and panel boxes. Flexible conduit is normally only intended for interior use since it does not protect the wiring from exposure to water.





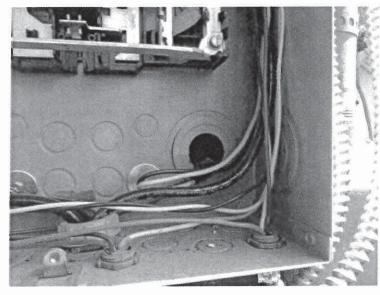
3. The bonding strap located inside the south breaker panel box was not connected. The bonding strap should be connected to provide a proper ground for the panel box.

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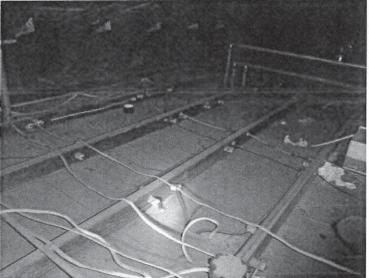
PHOTOGRAPHS – HOUSE ELECTRICAL MARTINEZ

## September 22, 2014 605-607 Cortlandt, Houston, Texas

4. There were missing knock-outs inside the south panel box.



5. Knob and tube wiring was observed at the attic, at the crawlspace, and at the interior walls. Because it could not be determined if the wiring was in use at all locations, further investigation by a qualified electrician is suggested since this type of wiring is outdated and very old, possibly making it unsafe.



#### **PROFESSIONAL ENGINEERING INSPECTIONS, INC.**

P. O. BOX 859 FRIENDSWOOD, TEXAS 77549 <u>http://www.profengineering.com</u> Firm Registration #1503 (713) 664-1264

STRUCTURAL INSPECTION REPORT - GAS STATION BUILDING Mr. Pedro Martinez 3500 White Oak Houston, Texas September 22, 2014

This report is divided into two sections: an opinions section and an observations section. The opinions section is intended to provide an opinion of the building foundation performance, the condition of the roof, the structural performance, and the general status of need for maintenance as compared to other buildings of similar age. The observations section is an attachment intended to provide a list of observations and/or considerations which provide a basis for the opinions stated in section one.

#### I. INTRODUCTION

A. Property Description

The property inspected is a commercial building, having wood and steel framing, brick veneer siding, a flat steel roof, and a concrete slab on grade foundation. It is understood that the age of the structure is not determined.

B. Purpose

This inspection was to evaluate the condition of the foundation, roof, and structure of the building in order to provide information related to their condition and an opinion as to whether they are in need of repair. The data obtained and included in this report will provide insight into the overall condition of the property and information that will assist in maintaining it in the best possible condition during future years. Some of the comments contained in the observations attachment to this report are related to need for preventative maintenance and may not indicate need for immediate repair.

C. Scope

The scope of this inspection included visual observations of those portions of the foundation, roof, and structural components readily visible without moving or removing items causing visual obstruction. Observations were made at the exterior and interior of the structure, and the roof was viewed from the surface. The attic was not viewed because there was apparently no accessible attic. The items listed in the observations attachment are not claimed to be a total list of problems or defects, but rather a representative list of items on which the stated opinions are based. Estimates of repairs should be obtained from a building contractor who can determine the extent of repairs necessary. There is no warranty implied nor stated as a part of Professional Engineering Inspections, Inc. performing this inspection work. This information is provided for the use of the person to whom this report is addressed and is in no way intended to be used by a third party, who may have different requirements. If a third person chooses to use this information, caution is advised because there may be addendums that affect the information contained herein or the stated opinion.

STRUCTURAL – GAS STATION BUILDING MARTINEZ

> No special testing was performed to determine if leaks existed in the plumbing system below this building's foundation. Below the foundation plumbing leaks which were not detectable as part of a cursory inspection have been attributed to differential movement in the foundation of some buildings in the past. In some cases, the effects of plumbing leaks below a foundation can result in a need for repair of the foundation. If it is determined by the client that they wish to have the plumbing systems tested, then testing should be performed by a qualified plumber who can provide cost estimates for repair if it is found to be necessary.

Inspection for hazardous gases or materials, such as radon or asbestos, or for latent defects in the roof, foundation, or structure is considered beyond the scope of this inspection. This inspector has not been trained to detect such materials, and no tests were performed to discover any latent defects in the foundation, structure, roof, or maintenance of the building that may become evident after taking possession of the building.

The photographs included in the photo attachment to this report and referenced by some items in the report are only intended to provide a general representation of the condition discussed in the referencing paragraph. The referenced photographs do not necessarily represent all locations where described conditions exist and such should not be assumed. Photographs are taken at the discretion of the inspector and are not provided for all irregularities observed during the inspection or included in this report.

#### **II. FOUNDATION OPINION**

There is evidence that the foundation of this building has experienced a degree of differential settlement that is considered normal for this area. Due to the highly expansive nature of the soil, some amount of differential settlement is to be expected. In accordance with the stated purpose of this inspection, no observations were made that would indicate that the foundation is not performing its intended function.

The client has indicated that underground storage tanks and associated plumbing systems (UST) are to be removed adjacent to, and below, portions of the building. Based upon a cursory review of documentation provided by the client related to removal of the UST, there is concern that removal of the UST will result in damage to the foundation for the building and awning structure. If it is desirable to maintain the building, there is a need to coordinate removal of the UST with an engineering contractor who can design and implement reinforcements, such a piers, if determined effective, to allow close excavation to the foundation. Evaluation of such reinforcements or repair should be considered to determine if maintaining the building as part of removal of the UST is economically feasible.

Differential settlement of building foundations is a common problem in this area because of the expansive clay soil and changing weather conditions. As a building resting on the expansive soil ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. Most buildings, with average owner foundation maintenance, may require foundation repair in a period of 35 to 40 years. If the building is to be left STRUCTURAL – GAS STATION BUILDING MARTINEZ

> unoccupied for an extended period of time, provision should be made to have the yard watered frequently during dry periods. Constant care and/or maintenance is necessary to maintain movement to a minimum. See the attached foundation care information for recommendations.

#### III. ROOF OPINION

The roof was inspected to provide information as to its general condition and an opinion as to whether or not it is serviceable. A serviceable roof may leak but it is repairable.

The flat steel roof was in very poor (not serviceable) condition and at the end of its useful life. Replacement of the roof is recommended at this time.

#### IV. STRUCTURE OPINION

No irregularities were observed that would indicate that the basic structure of the building, including load-bearing walls and other framing members, was in need of repair or not performing adequately with the exception: there is an abnormal sag in the roof structure and supporting beams for the carport awning. It appears this may be as a result of water running through the structure causing it to rot and deflect. Permanent repair of this condition would appear to require reconstruction of the carport cover to eliminate the deflection. Based upon a cursory review of the UST removal recommendations provided by the client, it appears removal and reconstruction will be necessary to accommodate removal of UST on the property. Repair at the carport awning should be coordinated with the UST removal.

Columns supporting the carport cover were becoming severely corroded at their base. Reinforcement or replacement is recommended to maintain their structural integrity.

Evaluation of the ceiling joists across the building at the roof structure is recommended, requiring removal of roof decking and/or ceiling coverings to determine if the joists require replacement in this area due to evidence of long-term water penetration through the structure causing damages to the interior ceilings.

If there is a desire to make repairs to components of the structure, they should be made by a qualified construction contractor who can determine the extent and cost of repair necessary.

#### V. DEFERRED MAINTENANCE OPINION

The number and/or degree of deferred maintenance observations were generally more than normally observed in a building of this age. Deferred maintenance is defined as the need for immediate maintenance related to drainage, water penetration, rotted wood, need for paint, etc.

#### VI. SPECIAL NOTICE

Opinions and comments contained in this report are based on observations made at the time of inspection. The observations contained in the attachment are to be considered a part of this inspection in order that the reader be aware of the items observed or considered that provided a basis for the opinions expressed above. Opinions related to compliance with specifications, legal, and/or code requirements are specifically excluded as being a part of our agreement to perform this inspection. STRUCTURAL – GAS STATION BUILDING MARTINEZ

There is no guarantee or warranty as to future performance, life, and/or need for repair of any item inspected, nor should same be assumed.

#### PREPARED BY:



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OBSERVATIONS/RECOMMENDATIONS ATTACHMENT - GAS STATION BUILDING Mr. Pedro Martinez 3500 White Oak Houston, Texas September 22, 2014

This attachment, which provides a basis for the opinions stated in the body of the report, is to be considered a part of the inspection report. The following observations are indicative of the conditions considered or existing at the time of the inspection and should not be considered a total list of irregularities but a representative list of items considered.

#### FOUNDATION

- 1. Drainage at the perimeter of the foundation, which can have an effect on the rate of differential settlement in a building foundation, was generally good around the foundation of this building. The grading of the soil should be maintained so that water does not stand or run alongside the foundation during or immediately after rains. The recommendations contained in the attached foundation care information should be implemented to maintain the rate of differential settlement to a minimum.
- 2. Out-of-levelness of door tops, window sills, built-in furniture, and other horizontal surfaces was normal and acceptable in degree.
- 3. Some cracks were observed in the exterior brick veneer. The degree was slightly more than normally observed for structures in this age group. Locations included: at the south entry to the store front.
- 4. No significant cracks were observed in the floor concrete, but small cracks probably exist since cracks exist in almost all concrete due to its nature. Small or moderate cracks that may exist in the concrete floors below carpeting or other floor coverings would have no bearing on the inspector's opinion of the foundation performance.
- 5. Differential settlement caused by expansion and contraction of the expansive soil on which the concrete driveway rests has caused it to crack and break. This is pointed out even though the drive is not a part of the building foundation because it is indicative of the type of movement caused by the expansive soil on which the building rests.
- 6. Because the building is believed to be resting on expansive soil which exists in this area, it is recommended that an automatic watering system be installed to maintain a uniform moisture content in the soil. Maintaining a uniform moisture content in the soil will prevent it from shrinking and causing cracks to develop in the walls, floors, and siding.

7. It was indicated by the client that fuel tanks existed very near the building's foundation. If the fuel tanks are in close enough proximity, removal of the tanks may have a potential to affect the performance of the foundation in the future unless measures are taken to support the foundation to a depth deeper than the fuel tanks during removal or to ensure proper shoring and recompaction of soil.

#### ROOF

- 1. Except for some roofs made with poor quality materials, steel roofs have a life expectancy of 25 to 40 years, with an average life of 30 to 35 years. The quality of the roof material could not be determined through a visual examination. The age of the flat steel was not determined.
- 2. The steel roof was showing advanced signs of wear and deterioration in the form of: corrosion and patched panels.
- 3. The flat roof system was constructed of steel panels that showed evidence of severe corrosion and had been patched at the joints with roofing compound. A large portion of the roof was coated with a self-adhering membrane in an attempt to extend the roof life expectancy. The observed evidences of deterioration were advanced. Reference Photograph 1
- 4. Depressions could be observed across the roof that corresponded to soft spots at many locations, indicating the roof decking is rotting through. Reference Photograph 2
- 5. Roof decking at the eaves was becoming severely rotted around the perimeter of the building and was in need of replacement. This was occurring due to leaks through the roof above. Reference Photograph 3
- 6. Mildew could be observed inside the building, indicating that water penetration has been occurring. Some of the evidences or consequences of water entry appear to be related to water running through the ceilings from the roof above. Reference Photograph 4
- 7. Wood rot of the loft at the main room could be observed as a result of water penetration through the roof above. Reference Photograph 5
- 8. Paint was spalling off the ceiling, and the ceiling was rotting with missing planks at the main room due to water penetration from the roof above. Water penetration through the roof can rot the structure. Reference Photograph 6
- 9. You should make further inquiry as to the status of the following observed evidences of roof leaks, current or previous: ??. You are cautioned that other evidences of roof leaks may exist which were not detected at the time of this inspection.

#### BUILDING STRUCTURE

- 1. It is possible that minor wood-destroying insect damage to the structure exists at the east window at the store front and at the north window at the outdoor bathroom which could not be evaluated based upon a cursory inspection. The state Structural Pest Control Board prevents reporting of this damage as being caused by termites by anyone other than a licensed pest control contractor; who consequently cannot characterize the extent or severity of the damage. Observations at the time of this inspection indicate possible damage to the structure characteristic of the type often cause by termites; however, the extent of need for repair could not be evaluated without the owner disassembling parts of the structure to gain access to the damage. Reference Photograph 7
- 2. Vulnerability to termite infestation was observed where siding was in contact with the soil. Subterranean termites can enter the structure below or through the siding without being observed.
- 3. Vulnerability to termite infestation was observed where siding was in contact with the soil, and where wood, such as a deck or fence, was in contact with the soil and the sides of the building. Subterranean termites can gain access to the building at these locations through the wood without being observed.
- 4. Investigation of the building for termite infestation or damage was not the intent of this inspection. It is recommended that an inspection be performed by a licensed pest control inspector, who can determine the possibility of termite infestation and/or damage. It is possible that termite infestation and/or damage exist in the building that are not apparent and cannot be detected without removal of wall covering and/or siding.
- 5. Severe corrosion was occurring at the base of the columns supporting the carport cover. This reduces the strength of the columns and could result in failure. Reference Photograph 8
- 6. Abnormal sags could be observed in the roof joists of the carport cover and at the supporting beams. This is believed to be related to deterioration caused by water penetration from the roof, as some wood rot could be observed at the ceiling joists through the exposed open ceiling. Further evaluation, requiring removal of ceiling or roof coverings would be necessary to fully expose these components to determine their condition. In order to eliminate the sags, reframing of the structure at this location would be necessary. Reference Photograph 9
- 7. There was evidence of deterioration of the roof decking. Roof rafters were visibly rotted over the area of the carport. Due to evidences of widespread water penetration through the roof structure at the ceilings below, there is a need for removal of the ceiling coverings to evaluate the extent of wood rot and scope of repair necessary, including areas over the building.

- 8. Support for the loft structure appeared to rely on nails in shear, where the supporting beam at the west end of the loft did not extend into the structural walls. Reference Photograph 10
- 9. The condition of the lower wall structure at the entry to the interior store room could not be determined, and removal of wall coverings is recommended due to evidences of wood rot at the door jamb and evidence of long-term water penetration.
- 10. There was evidence that long-term water penetration may have occurred along the back wall of the building as a result of high soil. This can cause deterioration of the structure that may not be apparent without removal of interior wall coverings.
- 11. There was a notched stud at the west wall of the store room, where wiring had been run over the stud, reducing its stiffness.

#### MAINTENANCE

- 1. The window counterbalance mechanism did not appear to be functional at some windows because the cords/springs were broken or missing. The windows will have to be propped open if it is desired that they remain open.
- 2. There is evidence that windows or doors at the store front adjacent to the entry door are not made with safety glass because no identification marks could be found. Safety glass is required in locations where there are windows with panes of more than 9 square feet in area that begin less than 18 inches from the floor, at windows within 2 feet of the arc of a door, or windows within 60 inches of stairs in the interest of safety. Safety glass can be obtained from a qualified glass company.
- 3. The exterior trim paint (window facings, door facings, roof fascia, etc.) was observed to be cracked and peeling; repainting is suggested.
- 4. The area at much of the interior could not be inspected because of clutter and stored items.
- 5. The grade of the soil at the outside of the building appears to be at or above the level of the floor at the north side of the building. This creates a high potential for water penetration during rains that will be difficult to correct. Reference Photograph 11
- 6. Wood rot was observed ceiling coverings and framing over the carport, ceiling coverings at the interior of the building, at the loft structure at the interior of the building, at the rafter tails around the perimeter of the building, at the door jamb at the outdoor bathroom, at the door jamb at the interior store room, at the window casing at the outdoor bathroom, and at the interior closet door jamb. The rot should be further investigated to determine the necessity and extent of repair required.

- 7. Ceiling coverings were rotted and missing at the interior of the building and at the outdoor carport. These will have to be replaced to prevent animals from gaining access to the ceilings.
- 8. The window at the interior bathroom had been covered over with boards, preventing visual inspection. The interior of the bathroom was not readily accessible.
- 9. Mold or mildew could be observed at the interior of the building as a result of water penetration, apparently from the back wall of the building. Evaluation of mold or mildew as a hazardous material was beyond the scope of this inspection and, if of concern, should be evaluated by a licensed contractor who can make specific recommendations for abatement.
- 10. Glazing was missing around window glass in the building and had been replaced with caulking at some locations. Caulking normally is not as effective as glazing.
- 11. Interior floor coverings were tile. It was not determined if the floor tiles were asbestos type, and further testing is recommended. Asbestos tiles would require special abatement procedures, which may be costly. Reference Photograph 12
- 12. There was no ready access to the outdoor bathroom due to burglar bars installed over the bathroom entry door.
- 13. It was indicated that storage tanks for fuel still existed in the ground around the building. Evaluation of the site for environmental hazards is beyond the scope of this inspection, but due to the indication that fuel tanks exist around the building, this should be performed by a licensed contractor. Caution is advised that removal of tanks and associated plumbing may have the potential to affect the performance of the building structure. Reference Photograph 13
- 14. Because the site was known to have been used as a gas station in the past, evaluation of the site for hazardous materials as part of an environmental survey is recommended.

# FOUNDATION CARE INFORMATION

Maintenance Recommendations For Foundations On Expansive Clay Soil

#### INTRODUCTION

Differential movement of building foundations is a common problem in this area, because of the highly expansive clay soil and changing weather conditions, and costs owners thousands of dollars a year in repair bills. As the building ages, it is probable the foundation will continue to experience differential movement, regardless of how well it was constructed or its present condition. This differential movement does not stop as buildings become older; older structures with a history of minimal differential movement have been known to develop foundation problems in a very short time due to changing conditions at the perimeter of the building foundation.

# REASON FOR FOUNDATION PROBLEMS

The primary reason for foundation problems is the highly expansive nature of the clay soil on which the building rests. The clay expands or contracts as its moisture content changes with the weather. Depending on the area, the amount of contraction or shrinkage ranges from minimal to upwards of 65% of the total wet volume. The average amount of shrinkage that can be expected in this region is approximately 35%, with wide variation depending on the location. For example, a sample of water-saturated clay will shrink up to an average of 35% when dried completely. This shrinkage accounts for the large cracks that form in the soil after an extended dry period. The more expansive the clay, the larger the cracks.

# EFFECT OF PLANTS ON FOUNDATION PERFORMANCE

Because of the highly expansive nature of the soil, trees and other large plants can significantly contribute to differential settlement of a foundation. The roots of trees and large plants consume the moisture from the soil, causing the soil to shrink much faster than other soil areas exposed to the weather. The soil where the moisture is lost more rapidly will sink lower than the surrounding soil, causing evidences and consequences of differential settlement in building structures. Research studies indicate that a tree should be at least as far away from a building as the mature height of the tree to minimize the effect of drying caused by the tree.

# EFFECT OF WET SPOTS AT THE SIDE OF A FOUNDATION

Wet spots caused by dripping faucets, leaking drains, air conditioning condensate drains, leaking water pipes, etc., can cause differential settlement at the location where the soil has been kept wet. The foundation may sink into the soil at a wet area while the soil dries and shrinks at other locations because the drying soil allows the foundation to move downward and overload the wet area.

# EFFECT OF POOR DRAINAGE AT THE PERIMETER OF A FOUNDATION

Water standing or running alongside a foundation after rains may cause differential settlement of a foundation. If soil grading is such that water runs alongside a foundation during rains, the water will run under the edge of the foundation and carry away soil supporting the foundation. The effect is much more pronounced if the soil was very dry prior to the beginning of the rain. In addition, if water is allowed to stand alongside a foundation, it will flow below the foundation and dissolve the clay supporting the foundation, carrying it into the cracks that develop in the yard outside the foundation area during extended dry periods. This problem is more severe if the soil in the general area has been very dry, but it is less severe if the soil has been maintained moist.

# FOUNDATION CARE PROFESSIONAL ENGINEERING INSPECTIONS

# FOUNDATION MAINTENANCE RECOMMENDATIONS

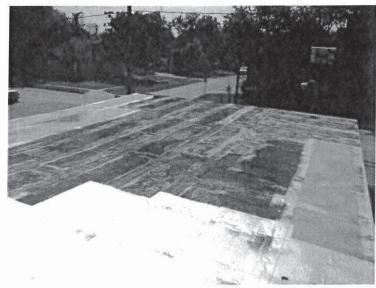
An owner can significantly reduce the rate of differential settlement by observing the following recommendations:

- 1. Try to maintain a constant moisture content in the soil around the foundation. Water the soil evenly and around the entire foundation during extended dry periods. This should prevent a gap from opening between the soil and foundation edge. However, if a gap does appear, water frequently (at least daily) around the entire foundation during extended dry periods (6 to 7 days in the summer). Do <u>not</u> apply water directly into the gap. Instead, water 1 to 2 feet away from the foundation edge. Some homeowners choose to install a fully automated foundation watering system to eliminate the need to remember to water. It is best to add water about three times per day to insure that the applied water has time to soak into the soil.
- 2. Cut and cap the roots of any large trees growing closer to the foundation than the mature height of the trees. The roots from a large tree or several medium size trees can consume more water from the soil than can be added with a watering system. This will limit the consumption of water from the soil below the foundation and may prevent excessive differential settlement and cracks in the structure. It is recommended that a professional tree expert be used to prevent damage to the trees When a tree grows too close to a building to allow cutting and capping of the roots, it is advisable to remove the tree or make special provision for watering the soil below the foundation.
- 3. Properly grade the soil by filling in low spots and leveling off high spots adjacent to the foundation so that the surface of the soil slopes gradually away from the building. A recommended slope is 1 inch per foot for a distance of 3 to 4 feet from the foundation.
- 4. Control roof water runoff and help prevent soil erosion by using a gutter and downspout system. This is especially important if a building has no eaves which overhang the walls or if the eaves are less than 1 foot wide.
- 5. Water trees and shrubs growing near a building during extended dry periods as they cause shrinking of the soil due to their high water consumption. Keep in mind that moderate to large trees consume 50 to 75 gallons of water from the soil every day.

# SUMMARY

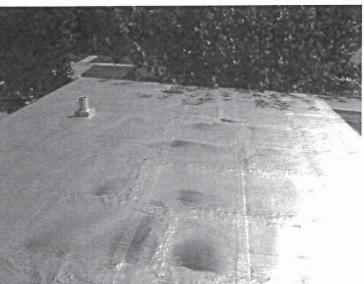
Remember: the intent of foundation maintenance is to maintain a constant moisture content in the soil around and below the entire foundation and to prevent soil erosion that can result from water flowing off the roof or other large flat surfaces near the building.

Edward Robinson Registered Professional Engineer, #87035 PROFESSIONAL ENGINEERING INSPECTIONS, INC. <u>http://www.profengineering.com/</u> (713) 664-1264



- September 22, 2014 3500 White Oak, Houston, Texas
  - 1. The flat roof system was constructed of steel panels that showed evidence of severe corrosion and had been patched at the joints with roofing compound. A large portion of the roof was coated with a selfadhering membrane in an attempt to extend the roof life expectancy. The observed evidences of deterioration were advanced.

2. Depressions could be observed across the roof that corresponded to soft spots at many locations, indicating the roof decking is rotting through.





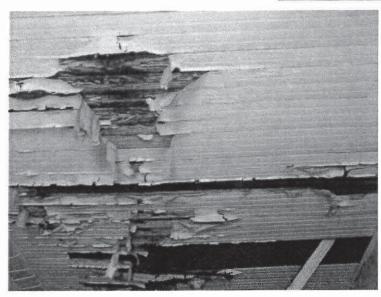
 Roof decking at the eaves was becoming severely rotted around the perimeter of the building and was in need of replacement. This was occurring due to leaks through the roof above.



- September 22, 2014 3500 White Oak, Houston, Texas
  - 4. Mildew could be observed inside the building, indicating that water penetration has been occurring. Some of the evidences or consequences of water entry appear to be related to water running through the ceilings from the roof above.

5. Wood rot of the loft at the main room could be observed as a result of water penetration through the roof above.





6. Paint was spalling off the ceiling, and the ceiling was rotting with missing planks at the main room due to water penetration from the roof above. Water penetration through the roof can rot the structure.



## September 22, 2014 3500 White Oak, Houston, Texas

7. It is possible that minor wooddestroying insect damage to the structure exists at the east window at the store front and at the north window at the outdoor bathroom which could not be evaluated based upon a cursory inspection.

8. Severe corrosion was occurring at the base of the columns supporting the carport cover. This reduces the strength of the columns and could result in failure.





9. Abnormal sags could be observed in the roof joists of the carport cover and at the supporting beams. This is believed to be related to deterioration caused by water penetration from the roof, as some wood rot could be observed at the ceiling joists through the exposed open ceiling.



- September 22, 2014 3500 White Oak, Houston, Texas
  - Support for the loft structure appeared to rely on nails in shear, where the supporting beam at the west end of the loft did not extend into the structural walls.

11. The grade of the soil at the outside of the building appears to be at or above the level of the floor at the north side of the building. This creates a high potential for water penetration during rains that will be difficult to correct.



12. Interior floor coverings were tile. It was not determined if the floor tiles were asbestos type, and further testing is recommended.





- September 22, 2014 3500 White Oak, Houston, Texas
  - 13. It was indicated that storage tanks for fuel still existed in the ground around the building. Evaluation of the site for environmental hazards is beyond the scope of this inspection, but due to the indication that fuel tanks exist around the building, this should be performed by a licensed contractor.



InControl Technologies, Inc.

"If we're in control, You're in control."

September 25, 2014

Mr. Pete Martinez 5310 Beechnut Street Houston, Texas 77096

Subject: Proposed UST Removal and Closure Activities Former Gas Station 3502 White Oak Drive at Cortlandt Street Houston, Texas

Dear Mr. Martinez:

InControl Technologies, Inc. is pleased to provide this cost estimate and scope of services to address the removal of the underground storage tank (UST) systems for the former gas station site located at 3502 White Oak Drive, located at the northwest corner of White Oak Drive and Cortlandt Street in Houston Texas. This property is immediately adjacent to residences to the north, and redevelopment of the site in the future may change the property use to residential. Therefore, the site history and closure documentation was reviewed to verify that appropriate assessment and confirmation sampling was done during closure in both soil and groundwater to ensure protection of human health and the environment. From a redevelopment standpoint, the presence of UST systems is considered an environmental liability. Therefore, InControl Technologies recommends removing the UST systems and conducting appropriate assessment in order to verify that future residents will be protected from exposure to residual contamination.

This letter is intended to establish the immediate tasks proposed to remove the multiple UST systems at the site as well as to outline a complete list of activities necessary to move the site to closure within the Texas Commission on Environmental Quality (TCEQ) Petroleum Storage Tank (PST) Responsible Party Remediation (RPR) Division. This cost is based on our experience with the regulatory closure of more than 150 gas station sites in Texas. Each response action activity is discussed below and an attached cost provides detailed costs for each of the listed tasks.

#### BACKGROUND

InControl Technologies inspected the property on Thursday, August 28, 2014 to identify any site issues that would affect the removal of the UST system from the site. UST systems are located in several areas of the site. A tank hold containing three gasoline/diesel USTs with approximate sizes of 3,200 gallons, 1,800 gallons and 1,800 gallons, a second tank hold containing a 500-1,000 gallon waste oil tank and a third tank hold containing two 1,000-1,750 gallon USTs. The tank hold containing the three USTs is on the southwest corner of the site in a parking area for the adjacent restaurant, immediately adjacent to several trees and landscaping. These USTs are documented as having been abandoned in place by

filling with concrete. The waste oil tank hold is located on the west property boundary beneath the current decking for the adjacent restaurant and immediately adjacent to a power pole. The third tank hold containing the two tanks is located beneath or immediately adjacent to the columns for the former gas station canopy. A hydraulic lift is located west of the former gas station office. Product piping appears to be present running from the dispenser island on the south end of the canopy west across the parking lot to the former tank system at the southwest corner of the site. Former gas dispenser locations and product piping are also located at the southwest and southeast corners of the former gas station office.

The TCEQ specifies the protocol for removal of tank systems (including the tanks, the dispensers and product piping). These are all recognized as possible leaking points in the UST system. Therefore, all components have to be removed properly so that confirmation samples can be collected to assess if leakage has occurred. Because of the configuration of the tank system components on your property, several concerns are immediately evident with the removal of these tank systems, including:

- The southwestern UST system is located immediately adjacent to several trees which are part of
  the landscaping for the adjacent restaurant property to the west. Removal of the USTs will likely
  result in damage to the trees. Based on the concrete that was replaced when the tanks were
  abandoned years ago, that tanks appear to extend to very near the trees. To remove the tanks
  we will have to excavate beyond the tank ends to remove them from the ground, which appears
  to be very near to the tree bases. The excavation equipment will have to pivot immediately
  adjacent to the trees, also potentially causing damage;
- The waste oil tank on the northwest corner of the gas station property is located under the wood deck of the adjacent restaurant to the west (as constructed, the deck overlaps the subject property). This deck will have to be removed to access the waste oil UST location;
- The southeastern UST system consists of two tanks, one which is below and the other which is
  immediately adjacent to the canopy pole supports. The excavation will extend to roughly 10 feet
  below ground to get the tanks out of the ground. As discussed earlier, we have to excavate
  beside the tanks to get them out of the ground, which will require digging out below the canopy
  supports. Sidewall failure is likely to occur, resulting in a collapsing of the canopy;
- The canopy itself has several issues that will affect the ability to properly remove the UST system. The steel support columns are badly rusted. The canopy is constructed of wood, and the wood structure is severely deteriorated. The canopy itself is visually sagging in the middle. Removal of the USTs will involve breaking up concrete, which will generate significant pounding and vibration to this dilapidated structure. As a result, the canopy may fail during removal of the USTs;
- The fuel dispenser locations are on the island where the canopy is supported. Without removing the dispenser island, removal of the product piping in this area is not likely, and the ability to collect the appropriate samples is compromised;

- Removal of the other former dispenser locations at the southwest and southeast corners of the brick "gas station office" building may result in structural damage to the building corners, further compromising the already dilapidated structure; and
- As discussed above, the canopy materials are badly deteriorated. The paint on the canopy and the gas station office exterior are likely lead based paint. The building interior and exterior may contain asbestos material.

In addition to the above issues, we checked the City of Houston (City) utility mapping for the site which is included as **Attachment A**. The City utility mapping indicates a water line has been installed in the immediate vicinity of the southeastern UST system. This will involve substantial coordination with the City to ensure this water line is not damaged during removal of the southeastern USTs and dispensers/island.

InControl Technologies reviewed the "Underground Storage Tank Closure Report" (ELIM-A-TANK, Inc, September 15, 1994) to verify soil boring locations and data collected during the closure of the UST system. This data is being evaluated to determine if it was collected in a manner and locations consistent with the current TCEQ Guidance Document RG-411 - "Investigating and Reporting Releases From Petroleum Storage Tanks" (April 2012). All potential sources in the UST system must be assessed to ensure the UST systems have been properly characterized. Future land use of the property may change and the exposure risks are based on a comparison to current health based cleanup standards (Petroleum Storage Tank Action Levels). A soil assessment was conducted on April 6th and May 24, 1994. The tanks were abandoned in place on August 29, 1994. The assessment consisted of soil borings conducted around the perimeter of the southwest UST system. No soil samples were collected from the dispenser locations or along the seventy five feet of product piping alignment as specified by RG-411. The concentrations of the primary TCEQ identified gasoline compounds benzene, toluene, ethylbenzene and total xylenes (BTEX) and total petroleum hydrocarbons (TPH) were reviewed in comparison to the current standards, again due to the potential future use of the property for residential development. This data is summarized on Attachment B-1 "Soil BTEX and TPH Data Summary" and Attachment B-2 "Soil RCRA Metals Data Summary". The ELIM-A-TANK data indicates that a benzene concentration detected in soil in the boring SB-7 on the west side of the southwest UST system exceeded Action Levels with a concentration of 2.29 mg/kg (Action Level 0.120 mg/kg). Benzene was not detected above the method detection limit in the remaining twelve soil samples, but the detection limit exceeds the Action Level. So it is possible that some of those twelve soil benzene concentrations exceed the Action Level. Two of the three waste oil tank soil boring sample total petroleum hydrocarbon (TPH) concentrations exceeded the current health based TPH concentration from the Texas Risk Reduction Program Protective Concentration Level (PCL) and all three lead concentrations exceeded the lead groundwater protection PCL (3 mg/kg) and lead Texas Specific Median Background Level (15 mg/kg) with concentrations from 22.5 to 44.7 mg/kg.

The assessment results are incomplete by today's standards, again due to the lack of sampling along the product piping and beneath the dispensers as required by the TCEQ regulatory guidance. Also due to the benzene exceedance in soil, groundwater sampling is necessary to verify that groundwater is not impacted and there is no vapor intrusion potential from impacted groundwater.

#### SCOPE OF SERVICES

InControl Technologies has developed the following sequence of tasks to ensure that the tanks are removed from the ground but also that the site is suitable for redevelopment as a residential or commercial property and there is no risk of exposure to contamination on or offsite. Given the many concerns with the orientation of the building/canopy relative to the dilapidated gas station structure, it would be virtually impossible to do the project with the canopy and gas station "office" in place. It's an unsafe condition as the canopy could collapse onto the work area and possibly injure workers. We strongly recommend demolition of the structure.

- **Baseline Tank Removal: Tasks 1 3** will be completed as part of the tank removal activities. This baseline set of activities includes demolition of the building and canopy.
- Additional Cost A: Tasks 4 6 will be included if soil impact above the TCEQ Action Levels, but no groundwater impact, is identified.
- Additional Cost B: Tasks 7 11 will be included if soil and groundwater impacts above the Action Levels are detected. Additional Cost B assumes no active cleanup activities will be necessary, and after documentation of the groundwater dissolved phase plume is stable closure can be obtained.
- Additional Cost C: Tasks 12 13 are based on a "worst case best scenario" that assumes groundwater is impacted by pure gasoline (Phase Separated Hydrocarbons, or PSH) that is present in the subsurface on the water table. PSH is typically removed by conducting a series of PSH recovery events using a Mobile Dual Phase Extraction (MDPE) system as necessary to remove the PSH. Our experience has been that these MDPE events will address PSH at most sites. However, the Additional Cost C scenario could be complicated by other factors which drive this cost up significantly. These factors (including offsite PSH migration, impact to a drinking water well, vapor intrusion issues on or offsite) are discussed below.

#### **Baseline Tank Removal Activities**

<u>Task 1 – Construction Notification and Building/Canopy Demolition:</u> As discussed above, the building structure is in poor condition, and is not expected to be able to sustain the construction activities associated with removal of the tank system, piping and dispensers. A preliminary asbestos assessment will be conducted to verify the presence/absence of asbestos containing materials and to establish a scope for any necessary abatement activities that must occur before the building is demolished. A Comprehensive AHERA asbestos survey will be conducted to identify asbestos containing materials requiring abatement prior to demolition of the structure. The samples will be analyzed for by Polarized Light Microscopy (PLM - EPA 600/M4-82-020/600/R-93/116). Samples will be analyzed on a 5-day laboratory turn-around. There is what appears to be either sheetrock or lath and plaster on the interior walls in the structure. With materials such as sheetrock that exceed the EPA standard, a followup and more detailed method called point counting can be performed to be non-ACM with this more accurate

method. Once the results of the asbestos survey are received, a building demolition permit will be obtained to allow demolition of the structure and concrete.

A construction notification form is a TCEQ standard form that must be submitted 30 days before the scheduled removal of the tank system. This allows the TCEQ Regional office to schedule inspectors to be present onsite during removal of the tank.

<u>Task 2 - UST Removal</u>: The removal of the tank system must be completed by a UST licensed contractor qualified in Texas to perform these activities on a UST system. InControl works with licensed contractors in the Houston area. Confirmation sampling is also specified by the TCEQ in Guidance Document RG-411 – "*Investigating and Reporting Releases From Petroleum Storage Tanks*" (August 2012). Analytical requirements are set forth in this document.

Due to the size constraints of the site, each UST system will be done separately, except that the waste oil tank will be done concurrently with the southwest UST system to minimize disruption to the restaurant operation. The fuel dispensers will be removed as part of this scope of work. The southeast UST system will be removed first. No shoring or structural support of the tank hold wall is included in this scope or cost. The following is the relative sequence of activities that will occur:

- Typical TCEQ approval is a 30-day notification as well as a 72-hour notification;
- Mobilize to site and sawcut concrete around southeast tanks and piping to expose soil and UST system.
- Excavate soil above and around the USTs, and place on 6 mil plastic sheeting. Remove any piping (if present);
- Shear open tank tops to expose fill material. Remove fill material from each tank and stockpile;
- We assume no fluids will be present in the tanks, so no fluid removal is included;
- Remove USTs;
- Collect soil samples from below each tank per TCEQ guidance and expedite (24 hour) turnaround;
- Backfill and compact excavation using existing soil or clean fill;
- Complete the same process for the southwestern UST system and waste oil tank;
- Complete TCEQ Release Determination Report documenting removal activities.

The scope of work for removal of the USTs will require each UST to basically be torn open to access the tank fill contents. This material must be removed to reduce the weight of the UST so that it can be lifted from the excavation. This tank fill material will be screened to determine if it is impacted with gasoline contamination. Once the tanks are empty, they can be lifted out of the excavation and placed on a truck for transportation offsite. After removal, the excavation sidewalls and base will be inspected and screened with a photoionization detector (PID) to determine if any contaminated soil is present.

Confirmatory soil samples will be collected from the excavation base (or sidewalls if groundwater is present) for laboratory analysis. After the USTs are removed they will be labeled for transportation. A tank manifest will be provided documenting disposal of the tank. All site materials generated during removal of the UST will be cleaned up and removed from the site. Any excavated soil or sludge will remain onsite pending disposal authorization, which usually takes approximately 2 weeks. After waste classification and profiling, any contaminated soil will be transported offsite for disposal.

<u>Task 3 - Release Determination Report</u>: A RDR will be submitted to the TCEQ documenting the UST removal activities and confirmation sampling results. The RDR is a form report with attachments for data summaries, tank disposal documentation, disposal of any waste, revised registration documentation showing that the tanks are permanently removed from the site and are no longer abandoned in place. If the site is designated an LPST site, then the remaining tasks will be implemented as necessary to address the groundwater impact.

The following assumptions are established as a basis for the costs included in this budget:

- Assuming all the USTs were appropriately filled with flowable fill, no cleaning of the USTs will be required to ready them for offsite disposal;
- Concrete will not be replaced as part of this scope;
- · No asbestos or lead based paint survey is included as part of this scope;
- Soil confirmation sampling (no soil impact) includes 25 confirmation samples (3 samples beneath each of the southwest tanks, two samples beneath each southeast tank, two samples beneath the waste oil tank, two hydraulic lift samples, three product piping samples, one sample beneath each dispenser location, one sample of the clean fill) on a 24-hour laboratory turnaround.

#### Additional Cost A – Soil Impact Identified Above Action Levels

<u>Task 4 – Excavation of impacted Soil:</u> Historical perimeter soil data indicates that soil impact exists on the west side of the southwest UST system and at all three sample locations surrounding the waste oil tank system. Confirmation soil samples will be collected immediately beneath all three UST systems, along the product piping chases and at each dispenser location. If soil results exceed Action Levels, additional soils will be over-excavated in an attempt to achieve regulatory closure. This will be conducted on a time and material basis, and impacted soil will be stockpiled pending waste profiling and transport/disposal offsite. Clean fill will be placed in the tank holds during profiling to avoid infiltration of water during rain events. The additional excavation will require a separate mobilization of equipment to excavate the impacted soils. New confirmation samples will be collected to verify all impacted soil is excavated.

<u>Task 5 – Collection of a Confirmation Groundwater Sample:</u> If impacted soils are identified, the TCEQ will require collection of a groundwater sample to verify that groundwater is not impacted. This will be accomplished via mobilization of a "direct push" probing rig to the site to collect a groundwater sample from each UST location where soil impact is observed. At the soil sample location that exceeded the Action Levels, a four-foot long core barrel will be advanced using the direct push rig to collect a soil and

groundwater sample. This boring is expected to be approximately 40 feet below the ground surface (bgs) to obtain a groundwater sample. The soil core will be screened using a photo-ionization detection instrument (PID) to determine if volatile organic contaminants are present and the relative level of contamination. At the depth of the highest PID reading, a soil sample will be collected for laboratory analysis. A temporary well screen will be installed and the temporary well will be sampled using a diaphragm pump. Following completion of sampling activities, the well screen will be removed and the boring filled with bentonite.

Each soil and groundwater sample will be placed on ice immediately following collection, preserved according to required analytical method specifications and delivered under standard InControl Technologies chain of custody protocol to an analytical laboratory for analysis. For the purpose of this proposal, the samples will be analyzed for VOCs or BTEX/MTBE using EPA Method 8260b, TPH by TX1005 and PAHs using EPA Method 8270 (for the highest TX1005  $C_{12}$  to  $C_{35}$  analytical result in both soil and groundwater).

<u>Task 6 – Site Closure Request (No Groundwater Impact Identified)</u>: After completion of soil removal activities and collection of a confirmation groundwater sample, a Site Closure Request will be generated for submittal to the TCEQ.

The following assumptions have been established as criteria for development of a cost breakdown for this additional task. It is assumed that no offsite or onsite receptors are impacted that would result in eminent danger to human health and the environment.

- It is assumed that 250 cubic yards of backfill would be necessary to replace 250 cubic yards of impacted soil.
- Compaction of select fill will be accomplished using the backhoe bucket. No compaction testing will be performed;
- One additional equipment mobilization will be needed to load impacted soils;
- Reporting to the TCEQ for the "no soil impact" scenario will include only and RDR.
- There will be no effort to support of the canopy or building. This structure will be demolished before the UST removal work begins.

Additional Cost B – Groundwater Impact Identified Above Action Levels - No Active Remediation <u>Task 7 – Drinking Water Survey</u>: A Drinking Water Survey (DWS) is a TCEQ form which is completed according to TCEQ Guidance Document No. RG-428 "*Preparation of a Drinking Water Survey Report*", (November 2005) as soon as an LPST ID No. is assigned. The focus of the Drinking Water Survey is to identify those drinking water wells in the area which may be at risk of exposure to contaminants emanating from the site. Texas Water Code Section §26.408 "requires the TCEQ, within 30 days of the date the TCEQ receives notice or otherwise becomes aware of a case of groundwater contamination, to notify owners of private drinking water wells that may be affected by the groundwater contamination". The TCEQ requires Responsible Parties to complete and submit the Drinking Water Survey within the

#### InControl Technologies, Inc.

specified 30 days of the required notification. Based on the TCEQ review of the submitted survey, their review team determines whether notification to offsite well owners is necessary. If deemed necessary, the TCEQ performs the notifications. However, significant time is required in the field to verify the presence of water wells and areas where municipal utility district / city water is provided to residents and businesses;

<u>Task 8 – Groundwater Monitoring Well Installation:</u> Up to six monitoring wells are anticipated as necessary for delineation of the dissolved phase plume, recognizing that the release is not new. Delineation activities will be conducted in coordination with Guidance Document RG-411 – "Investigating and Reporting Releases From Petroleum Storage Tanks" (April 2010). Based on the orientation of the UST system relative to the property boundary, more than six monitoring wells may be necessary to delineate the plume if offsite migration is occurring;

<u>Task 9 – Risk Based Assessment:</u> The Risk Based Assessment (RBA) is a TCEQ-based form report with a large number of attachments. The RBA is completed once groundwater and soil contaminants have been delineated to state Action Levels. This document presents the complete investigation effort and verifies that delineation has been achieved;

<u>Task 10 – Groundwater Monitoring</u>: It is anticipated that the TCEQ will require twelve quarterly groundwater monitoring events (three years of monitoring) to verify that any dissolved phase gasoline plume is stable and not migrating toward offsite receptors such as active water wells, drainage ditches, day cares or sensitive habitats. The first year of groundwater monitoring data will be submitted as part of the RBA. The second year of reporting will be submitted in an Annual Groundwater Monitoring Report; and

<u>Task 11 – Reporting/Closure:</u> Reporting for the soil impact, no remediation" scenario, the groundwater impact scenario and the PSH impact scenario will all include the RDR, DWS, RBA, one Annual Groundwater Monitoring Report (GWMR), a Site Closure Request Report and a Final Site Closure Report. Reporting for the "groundwater impact, remediation" scenario will include the above plus five Product Recovery Reports and one additional GWMR;At the completion of groundwater monitoring activities necessary to verify plume stability, a Site Closure Request will be submitted requesting no further action for the site. Abandonment of the piezometers and monitoring wells is included in this task.

The following assumptions are established as a basis for the costs included below:

- The six groundwater monitoring wells will be sufficient to delineate the dissolved phase gasoline plume;
- The well depth of 40 feet will be sufficient to intersect the shallow groundwater transmissive unit;
- Three years of ground water monitoring will be sufficient for the TCEQ to concur with the plume delineation and stability criteria needed for closure; and
- The Drinking Water Survey does not identify any drinking water wells near the site that are screened in the same transmissive unit that is impacted as a result of leakage from this site.

September 25, 2014 Page 9

#### Additional Cost C - Phase Separated Hydrocarbons (PSH) Present - Active Remediation

Active remediation at this level of impact can and commonly does combine multiple technologies, depending on the complexity of the hydrogeology and the extent and form of contaminant mass (dissolved phase versus PSH). The following two tasks assume that the PSH is easily recoverable and is not widely distributed in the subsurface. The site is small and the UST systems were immediately adjacent to the property boundaries. If PSH extends offsite or a dissolved phase plume extends significantly offsite, significant additional cost could result in the form of additional recovery wells and/or groundwater recovery (pump and treat system) to gain hydraulic control. Installation of a pump and treat system and operation for a year to control plume movement and enhance PSH recovery would add roughly \$220,000 to the current Additional Cost C cost.

<u>Task 12 – Recovery Well Installation</u>: The response action program involves the installation of four 4-inch recovery wells and five 2-inch monitoring wells. The primary distribution of these points will be the area adjacent to the UST hold in the area of the PSH mass. The wells are anticipated to be approximately 40 feet deep.

<u>Task 13 - PSH Recovery:</u> will be accomplished via completion of Mobile Dual Phase Extraction (MDPE) events. These events utilize a strong vacuum to extract PSH in both liquid and vapor phase from the groundwater surface as well as shallow impacted soils. The instrumentation within the MDPE equipment is capable of monitoring vacuum, vapor flow, vapor volatile organic compound (VOC) concentrations and vapor temperature. These measurements are used to provide calculations of gasoline mass removed in both vapor and liquid. The TCEQ typically requires all measureable PSH to be removed from the subsurface before closure is considered. This type of MDPE equipment is necessary for accurate reporting to the TCEQ. During the course of PSH recovery, it is assumed that five 24-hour duration MDPE events will be completed. Reporting will consist of completion of a Product Recovery Report form and applicable attachments (vapor analytical data, product recovery data, waste manifesting, etc.).

#### **ESTIMATED COST**

The following assumptions are established as a basis for the costs included below:

- Five MDPE events will be sufficient to remove measurable PSH;
- Four recovery wells will provide adequate access to the PSH mass in the subsurface in order to access and remove the floating PSH on the water table;
- The PSH area is generally assumed to be on the site, and may extend slightly into the street (but not far enough across the streets to require offsite recovery; and
- There are no vapor intrusion issues on the adjacent properties that would trigger the need for remediation beneath the buildings.

The following costs are presented as conceptual given the lack of knowledge concerning this site. A baseline UST removal cost of \$82,059 is estimated for demolition of the gas station structure, removal of the existing UST and release determination reporting. If impacted soil is present, an additional **Additional Cost A** cost of \$44,819 is estimated for removal of 250 cubic yards of impacted soils. If

#### InControl Technologies, Inc.

September 25, 2014 Page 10

groundwater is impacted and groundwater monitoring verifies no active remediation is needed (groundwater plume is stable and not moving/expanding), then an **Additional Cost B** of \$85,286 is the estimated budget to achieve closure. However, if groundwater is impacted by PSH, then at a minimum, MDPE events will be conducted to remove the PSH. The cost could go significantly higher, depending on the need for multiple technologies. **Additional Cost C** provides the minimum cost for actively remediating a groundwater PSH impact at \$109,620. As previously discussed, this cost could increase significantly if offsite PSH is present or if a water well or other receptor (creek, day care, building interior via vapor intrusion) has occurred. Therefore, the order of magnitude cost for removal of the USTs and remediation of impacted soil and groundwater will likely range from \$82,000 to \$322,000, given the assumptions included in this conceptual scope of services. A detailed breakdown of the costs is included in **Attachment C.** 

There are two scenarios where additional costs would be incurred in the remediation of this site. The description of the **Additional Cost C** items is for a "worst case, best scenario" where with only MDPE equipment on a periodic basis. We have not included the active pumping and treatment of groundwater in this cost, which would add roughly \$220,000 to the \$322,000 above. We have also not included the presence of impacted groundwater beneath the duplex at a level (high dissolved phase concentrations or PSH) where vapor intrusion is possible. Vapor intrusion means that vapors are migrating up through the shallow soils into the residential structure and people are being exposed to gasoline vapors. In this contamination scenario, an active subsurface vapor extraction system would be necessary and ongoing long term mitigation costs would be incurred. The more likely method of eliminating this exposure pathway would be to demolish the duplex structure and go back with a properly constructed structure with an engineered vapor barrier system.

These contamination scenarios and relative costs are based on our experience with similar impacts and cleanup/closure negotiations with the TCEQ. We thank you for the opportunity to provide this cost proposal. If you have any questions regarding the information contained within this proposal, please do not hesitate to call me at (281) 580-8892 x205.

Sincerely, InControl Technologies, Inc.

Thomas Mc Cyde

Thomas L. McCurdy, P.E. Associate Engineer

Attachments

J:\Proposals\Pete Martinez\Proposal\Proposal - Remediation and Cost to Closure

Attachment A

# SITE LAYOUT WITH CITY OF HOUSTON UTILITIES



Attachment B

# ELIM-A-TANK SOIL ANALYTICAL DATA

Notes:
<: Analyte detected below the laboratory detection limit
below the
the laboratory
detection
limit

Planning Commission 12/18/14

SB11-1	SB10-1	SB9-1	SB-8	SB7B-1	SB7-1	SB6-1	SB5-1	SB4-1	SB3-1	SB2-1	SB1-2	SB1-1	Tier 1 TotSoilcomb PCL	Tier 1 <sup>GW</sup> Soil <sub>Ing</sub> PCL	Plan A Targ	PST Progra		Sample
יק	7'	7'	10'	10'	10'	10'	10'	Ω	8	8	8	თ	I <sub>Comb</sub> PCL		Plan A Target Concentrations	PST Program Action Levels		Sample Depth
5/24/1994	5/24/1994	5/24/1994	5/24/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994	4/6/1994			SUC	CO.		Sample Date
<0.250	<0.250	<0.250	<0.250	<0.250	2.29	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250			1.34	0.12	mg/kg	Benzene
<0.250	<0.250	<0.250	1.68	<0.250	10.68	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250		•	114	39.1	mg/kg	Toluene
<0.250	<0.250	<0.250	<0.250	<0.250	3.04	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	•	•	88.8	36.8	mg/kg	Ethylbenzene
<0.250	<0.250	<0.250	1.99	<0.250	10.44	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	<0.250	•	•	117	117	mg/kg	Xylenes,Total
NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	NAF	H	•	3.9	2.56	mg/kg	Methyl tert-butyl ether
75.73	317.5	47.82	<10	28.4	<10	<10	29.26	<10	14.83	17.05	<10	<10		65/198	а	1	mg/kg	TPH (EPA 418.1

Attachment B-1 Soil BTEX and TPH Soil Data Summary

Former Gas Station 3502 White Oak Drive - Houston, TX Facility ID No. 64837 LPST ID No. 102317

Facility ID No. 64837	3502 White Oak Drive - Houston, TX	Former Gas Station	Soil RCRA Metals Data Summary	Attachment B-2
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_	_	-		-			-	
SB11-1	SB10-1	SB9-1	Critical PCL	Residential	Residential	Residential		Sample ID
7'	7'	7'		Background	GWSoilIng	<sup>Tot</sup> Soil <sub>Comb</sub>		Sample ID Sample Depth Sample Date
5/24/1994	5/24/1994	5/24/1994						Sample Date
0.65	1.1	1.1	5.9	5.9	л	24	mg/kg	Arsenic
<50.0	<50.0	<50.0	444	300	444	8096	mg/kg	Barium
0.8	0.85	0.75	1.51		1.51	52	mg/kg	Cadmium
15	10.1	10.25	2400	30	2400	32607	mg/kg	Chromium
44.7	22.5	41.6	15	15	3	500	mg/kg	Lead
<0.1	<0.1	<0.1	0.04	0.04	0.008	4	mg/kg	Mercury
<5	<5	<5	2	0.3	2	309	mg/kg	Selenium
<2.5	<2.5	<2.5	0.479		0.479	97	mg/kg	Silver

Notes:

Exceeds a PCL

Detection Limit Exceeds PCL

J: Analyte detected below the quantitation limit

<: Analyte detected below the laboratory detection limit

Planning Commission 12/18/14

ITEM XII - Exhibit C

Attachment C

# DETAILED COST BREAKDOWN

Subcc	IDPE Event (24 Hour Duration)	<b>ilding Demolition</b>	sbestos Survey and Abatement	eoprobe GW Sample Point	ac Truck	oil Transport/Disposal & New Fill	oil Overexcavation	obilization for Overexcavation	ab PAH (8270) - 48 Hr.	ab TPH (TX1005) -24 Hr.	ab VOCs (8260) - 24 Hr.	ab PAH (8270)	ab TPH (TX1005)	ab VOCs (8260)	oil Cuttings Disposal	eoprobe GW Sample Point	ecovery/Monitoring Well Install	ST Removal (USI's & H	TT D LINE WEIGT OWNER	ubcontractor Category			ileage	lell Surveying	ampling Supplies	ab Vapor Sample Analysis	KORPSS Mail	rd Wtr Sampling Fouin	VA/OVM	eck Demolition/Replacement	DPE Fluid Disposa	onlabor Category			ord Processor	ata Processing	ata Processing/CAD	ssistant Staff	aff	ssociate	rincipal	abor Category			
Subcontractor Subtotal Markup Subcontractor Total Task Total	Ir Duration)		d Abatement	le Point		sal & New Fill		rexcavation	Hr.	4 Hr.	t Hr.				al	le Point	y Well Install	& Hydraulic Lift)			000000	Nonlahor Subtotal				nalvsis	and a state of the	Juip		lacement				Labor Subtotal			0		「日本」のないたのの						
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# Attachment C UST Removal Optonal Soil Excavation/Groundwater Remediation Activities Former Gas Station - 3502 White Oak Dr., Houston, TX

82

# Planning Commission 12/18/14

Page 1 of 1

InControl Technologies, Inc.

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Environmental Consulting Services 15407 Park Glen Drive, Sugar Land TX 77478-7019 Telephone (281) 300-6288 Facsimile (281) 933-3387

October 7, 2013

# Summary of Inspection

On September 27, 2013, an asbestos inspection was completed at the property identified as the former gas station/utility building found at 3510 White Oak, Texas. The site is located to the north of White Oak at the northwest corner of Cortlandt and White Oak. Petersen Environmental completed the survey. The survey included the former office area and restrooms of a gas station that has been abandoned for many years and used as a storage facility for the restaurant fund at 3510 White Oak. The building has less than 400 square feet. This inspection resulted in collecting a minimum of three samples from each building material representing a homogenous area within the building on site inspected.

A total of twelve samples have been retrieved from the site during the visit to complete the DSHS requirement of three samples per homogenous area. Items or areas sampled represent floor tile, wall surface, and wall board/ceiling board as well as caulk around exterior windows and doors. The building is brick with a flat asphalt roof. Insulation was noted that includes pink fiberglass within the walls and ceilings. No duct work was noted. The typical building material includes gypsum wall board walls and ceilings with no texture. The floor is concrete with some vinyl floor tile.

A Texas Department of State Health Services (DSHS) approved asbestos survey must be completed prior to any renovation or demolition as per requirements in obtaining a building permit. A full asbestos survey that has a minimum of three samples from each building material is required that defines each of the building materials present and attempts to quantify the square footage in preparation to demolition or renovation. Single samples are allowed if the material is considered a miscellaneous material that does not occur in quantity. This survey qualifies for this type of survey, but fit can be expected that additional samples may be required when additional building materials that are hidden or inaccessible and were not tested during the initial inspection. A general estimate is provided as to the estimated quantity of asbestos containing building material (ACBM) possibly present at the site.

Representative samples were randomly collected from several walls, ceilings and floors and had any material that was observed that appeared differently or had a variable appearance. No duct work was noted, but some insulation that has pink coloring is non-suspect. These were not sampled and assumed to be non-asbestos or labeled as such. J3 Resources in Houston, Texas (Tx. Lab License 30-0273) analyzed the asbestos samples collected during our inspection of the site. The method uses polarized light microscopy following EPA test method for bulk analysis EPA/600/R-93/116.

Based on the results, asbestos has been inspected for and has been detected within a single material screened, being identified as exterior caulk around the windows and doors.

Samples one through nine were collected from within the building that has minimal build out. Samples ten to twelve were from the exterior windows with most showing about 4% asbestos present. The caulk can be stripped off with a screw driver and removed for a few hundred dollars. This should be done prior to the building being demolished or the windows removed for renovation.

The state requires that any asbestos that is planned for disturbance be handled properly according to state and federal OSHA regulations. Improper handling, removal and disposal will result in fines and other regulatory measures.

Petersen Environmental Consultants, LLC appreciates your business. Please contact us if you have any other questions at 281-300-6288.

Regards,

etersi

Harry Petersen Asbestos Consultant License # 10-5361

J3 Resources, Inc. 6110 W. 34th Street, Houston, Texas 77092 Phone: (713) 290-0221 - Fax: (713) 290-0248 J3Resources.com



Page 1 of 3

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

# EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478 J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 Date Analyzed: 03-Oct-2013 Date Reported: 03-Oct-2013

#### 3510 STATION/3510 WHITE OAK

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
FT-001	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
FT-002	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
FT-003	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic/ Float, Yellow/ Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
WB-004	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Wallboard, Brown/ White, Homogeneo	None Detected	Celluiose Fiber Non-Fibrous Material	10% 90%

Duane Salinas Lab Director Analyst Lee W. Poye This report relates only to the materials tested. This report is for the exclusive use of the addressed client and shall not be reproduced except in full, without written approval by J3 Resources, Inc. (J3). Samples are analyzed according to the methods listed above and are subject to the inherent limitations of PLM and interference of matrix components. Reporting limit for the above method is a function of the quantity of sample analyzed, matrix interference, sample preparation, fiber size, and distribution. Asbestos may be detected in concentrations of <1% by area if sufficient material is analyzed, in and interesting the product approval and non-friable organically bound materials (NOB) reported as None Detected or <1% Asbestos by PLM. All samples received in good condition unless otherwise noted. This report shall not be used to claim product approval, certification, or andorsement by NVLAP, NIST, or any agency of the federal government.

NVLAP Lab Code: 200525-0; AIHA Lab ID: 157714; TDSHS License: 30-0273

11/15/14 - Demolition Application Materials (Revised)

J3 Resources, Inc. 6110 W. 34th Street, Houston, Texas 77092 Phone: (713) 290-0221 - Fax: (713) 290-0248 J3Resources.com



# Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

#### EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478 J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 Date Analyzed: 03-Oct-2013 Date Reported: 03-Oct-2013

#### 3510 STATION/3510 WHITE OAK

Sample iD #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
WB-005	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Joint Compound, White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 4	None Detected	Cellulose Fiber	10%
	Wallboard, Brown/ White, Homogeneou	us	Non-Fibrous Material	90%
WB-006	LAYER 1 Painted Texture, Orange/ White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Tape, Beige, Homogeneous	None Detected	Cellulose Fiber	100%
	LAYER 3 Joint Compound, White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 4	None Detected	Cellulose Fiber	10%
	Wallboard, Brown/ White, Homogeneou	IS	Non-Fibrous Material	90%
CT-007	Celling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%
CT-008	Ceiling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%
CT-009	Ceiling Tile, Brown/ White,	None Detected	Cellulose Fiber	10%
	Homogeneous		Non-Fibrous Material	90%

Duane Salinas Analyst This report relates only to the matenais tested. This report is for the exclusive use of the addressed client and shall not be reproduced except in full, without written approval by J3 Resources, Inc. (J3). Samples are analyzed according to the methods listed above and are subject to the interent limitations of PLM and interference of matrix components. Reporting limit (or the above method is a function of the quanity of sample analyzed, J3 recommends TEM confirmation of sols, vermculite and non-infable organically bound materials (NOB) reported as None Dotected or <1% Absents by PLM. All samples received in good condition unless otherwise neted. This report shall not be used to dain product approvel, certification, or endorsement by NNLAP, NIST, or any agency of the federal government. NVLAP Lab Code: 200525-0; AIHA Lab ID: 157714; TDSHS License: 30-0273 Page 2 of 3

11/15/14 - Demolition Application Materials (Revised)

J3 Resources, Inc. 6110 W. 34th Street, Houston, Texas 77092 Phone: (713) 290-0221 - Fax: (713) 290-0248 J3Resources.com



Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

# EPA 600/M4-82-020; 600/R-93/116

Harry Petersen Petersen Environmental 15407 Park Glen Drive Sugarland TX 77478 J3 Order #: JH1354152 Project #: Date Received: 27-Sep-2013 Date Analyzed: 03-Oct-2013 Date Reported: 03-Oct-2013

#### 3510 STATION/3510 WHITE OAK

***************************************					***************************************
Sample ID #	Sample Description	Asbestos Constituer	584	Non-Asbestos Constituents	
C-010	Paint/ Caulk, Multi-colored, Homogeneous	Chrysotile	4%	Non-Fibrous Material	96%
C-011	Paint, Multi-colored, Homogeneous	None Detecte	d	Non-Fibrous Material	100%
C-012	Paint/ Caulk, Multi-colored, Homogeneous	Chrysotile	4%	Non-Fibrous Material	96%

Duane Salinas Analyst

Lee W. Poye Lab Director

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		4152		
CHAIN OF	CUSTODY			resources, inc.
Your Name:	Pederson E.	evino metal	Bill to: SAM	-
Company:	ADEY PETE		Address:	-
	407 PARK			
5	ueputany	TX 77498	City/State:	Zip:
City/State:		Zip:	PO #:	
		Project Infor	mation	
Project #/Name:	3510 Statio	in 13570 White Ou	E-Mail:	
Results To:	HANNES	/		
Report Options:	Verbal E-Mail	hurrypetentin	Fax:	
		Requested Turna		
Emergency*	1 Day	2 Day [	3 Day	5 Day
		Media and Meth	nodology	
TEM - AIR O AHERA O NIOSH 7402 O Level II	C Qualitative +/-     O Qualitative +/-     NOB 198.4 / Chatfil     O Gravimetric Reduct		) (Air-O-Cell / Allerge O Culture Plates: Viabl	nco) O Dust/Wipes
TEM - WATER	TEM - DUST (ASTM :	5756) PCM - AIR	MOLD - BULK	LEAD - GFAA
O Drinking Water 100.2 / 198.2 O Wastewater	O Micro-Vac Quantita O Micro-Vac Qualitation		O Tape Lift/Bulk: ID Or O Culture Plates: ID Or	
		Sample Infor		
SAMPLE		LOC	ATION	VOLUME
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Received By:			Date:	Time:

\* Emergency TAT requires prior lab notification. All samples analyzed outside normal business hours are charged at Emergency rate.

J3 Resources, Inc. • 6110 West 34th Street • Houston, Texas 77092 • tel: 713/290-0221 + fax: 713/290-0248

December 5, 2014

City of Houston Planning Commission C/o Planning and Development Department 611 Walker, 6<sup>th</sup> Floor Houston, Texas

Re: 3500 White Oak/605 Cortlandt Appeal of HAHC Denial

Dear Planning Commission Members:

It is my understanding that the applicant for the above referenced Certificate of Appropriateness has appealed the denial decision of the Houston Archaeological and Historical Commission (HAHC) regarding a Certificate of Appropriateness application to demolish the two existing buildings on this site. As a homeowner in a Heights Historic District, I strongly support the decision of the HAHC to deny both building demolitions and I request that you too support the decision of the HAHC and do not overturn the HAHC decision on this appeal. My **support of the HAHC decision to deny the Certificate of Appropriateness application** for the demolition of these two contributing historical structures is based on the following:

- Available evidence indicates that both of these two structures, the filling station and the
  residential duplex are original historical structures that were constructed within the timeframe
  of the Houston Heights South Historic District and no evidence has been presented to the
  contrary
- No evidence has been provided to indicate a genuine attempt to reuse the existing historic contributing structures
- No evidence has been provided to indicate either structure is in a condition that is not repairable
- No evidence has been presented to indicate a genuine effort to adapt and re-use the structures for some other use
- Evidence has been provided that indicates the duplex is rentable and the filling station site is leasable for parking and both sites have in the past and could in the future provide a return on investment
- No evidence has been provided to indicate an attempt to sell either property to establish a true market value
- No evidence has been provided to indicate the property owner has contacted the City of Houston Brownfields Committee regarding assistance in Phase 1 and Phase 2 underground storage tank removal
- No evidence has been presented to indicate an error has occurred in the processing of the Certificate of Appropriateness applications
- No evidence has been presented to indicate a compelling reason, other than complete disregard for historic structures in designated historic districts and monetary greed, to demolish these two historic, contributing structures

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These two historic structures are a contributing part of the historic context of the Houston Heights South Historic District and it would be wrong and disgraceful to allow them to be demolished. These buildings can be maintained, repaired and restored to allow a continued useful building life and to loose either building would be a significant detriment to the existing historic context of the Houston Heights South Historic District. I urge you to **deny the appeal** of the applicant and to support the decision of the HAHC to deny the Certificate of Appropriateness to demolish these two buildings.

Sincerely, Jaroh

J. Kent Marsh, AICP CUD 1538 Arlington St. Houston Heights