

HISTORIC AND DESIGN REVIEW COMMISSION

May 15, 2019

HDRC CASE NO: 2019-266
ADDRESS: 319 E EVERGREEN
LEGAL DESCRIPTION: NCB 392 BLK 30 LOT N 165.5' OF W 50' OF 11
ZONING: MF-33
CITY COUNCIL DIST.: 1
APPLICANT: Carlos Cardenas/Evergreen Town Homes LLC
OWNER: Carlos Cardenas/Evergreen Town Homes LLC
TYPE OF WORK: Removal of Historic Landmark Designation

REQUEST:

The applicant seeks a recommendation from the Historic and Design Review Commission to remove historic designation from the property at 319 E Evergreen.

APPLICABLE CITATIONS:

Unified Development Code Sec. 35-606. - Designation Process Historic Landmarks.

- g. **Removal of Designation.** Upon recommendation of the historic and design review commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this section may be removed by city council following recommendation by the historic and design review commission.

Unified Development Code Sec. 35-607. – Designation Criteria for Historic Districts and Landmarks.

- a. **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection (b) and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.
- b. **Criteria for Evaluation.** None.

FINDINGS:

- a. The property at 319 E Evergreen was designated an historic landmark by Ordinance 1998-0142222 on August 12, 1998.
- b. The property owner submitted a request for removal of historic designation. Consistent with the UDC Sec 35-606(g), the applicant must present new and compelling evidence that the property no longer meets the criteria for landmark designation. The applicant indicated and staff confirmed there are no remaining buildings on the site.
 - The structure found on the site in 1998 no longer exists. The single-story Craftsman style home was constructed c 1912, and was originally addressed 317 E Evergreen per city directory research. It featured a composite shingle pyramid roof with an intersecting side gable, clapboard siding, and a recessed porch with square wood columns.
 - The structure caught fire in early 1999.
 - On June 22, 1999, the city and the property owner Patricia Garcia signed a contractual lien giving the city permission to demolish a dangerous structure at 319 E Evergreen.
 - On June 23, 1999, a notice was sent to the historic preservation officer (HPO) informing her that the main structure at 319 E Evergreen was being prepared to appear before the Dangerous Structure Determination Board. The HPO stated in response that the structure required HDRC review because of its status as a landmark.
 - At a meeting of the HDRC on August 18, 1999, staff recommended the Demolition Committee, a subcommittee of the HDRC, meet onsite to assess the viability of the structure for rehabilitation.
 - The HPO scheduled a meeting of the Demolition Committee, for August 24, 1999, to review the Department of Code Compliance's request to demolish the structure.
 - On September 1, 1999, the Demolition Committee recommended to the HDRC the demolition permit be approved. HDRC approved the request for demolition as presented.

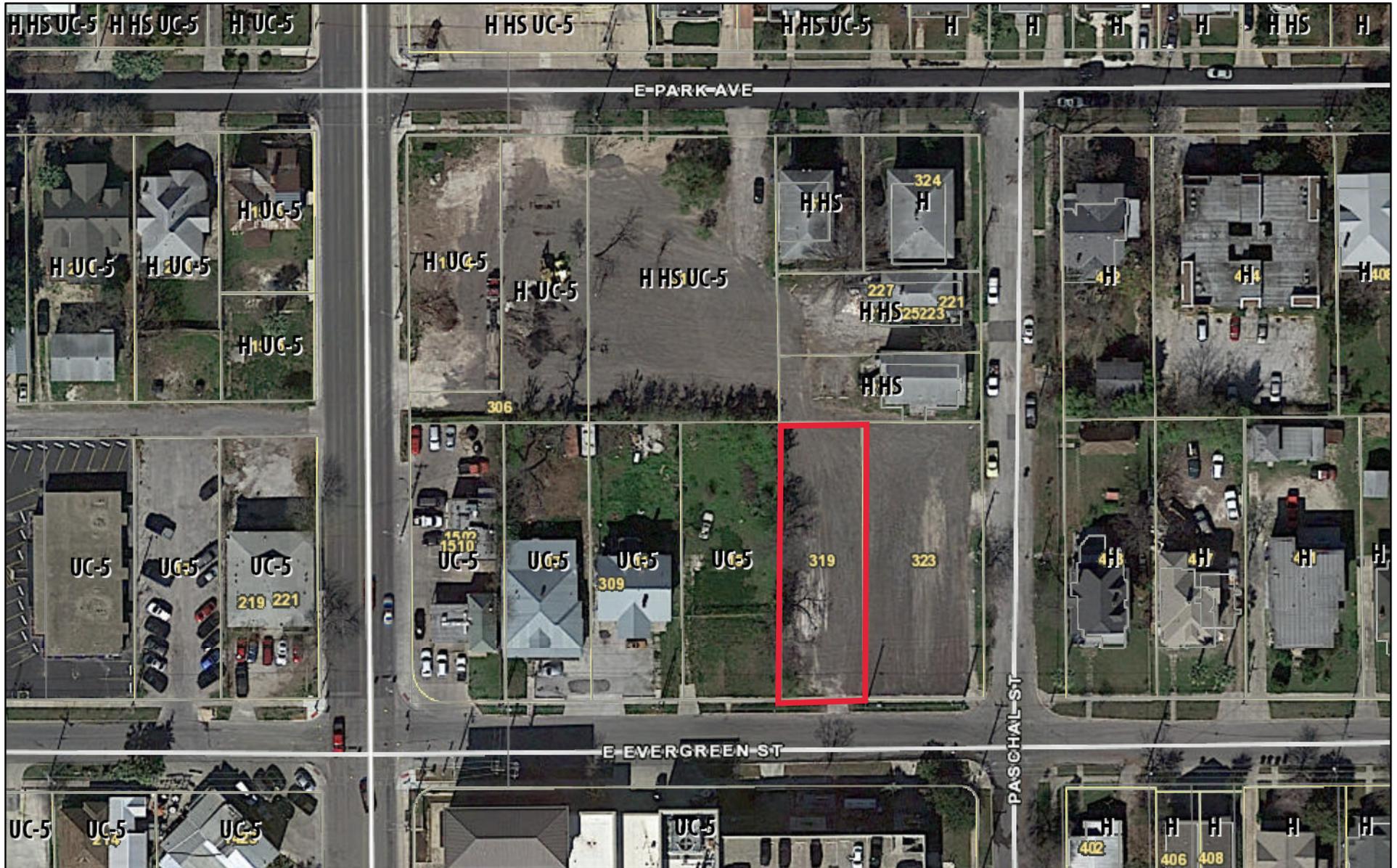
- c. In accordance with the UDC Sec. 35-607, Criteria for designation, staff should evaluate the property based on the criteria for designation. In 1998, the main structure was eligible for designation based coded criteria at the time. If the property were evaluated today according to the UDC, it would not be eligible as the structure no longer exists.

RECOMMENDATION:

Staff finds there is new and compelling evidence that the property no longer remains eligible for designation based on findings b and c. Staff recommends the removal of designation.

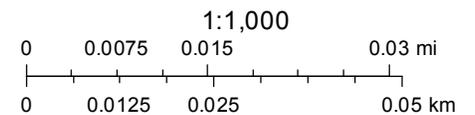
CASE MANAGER: Jessica Anderson

City of San Antonio One Stop



May 6, 2019

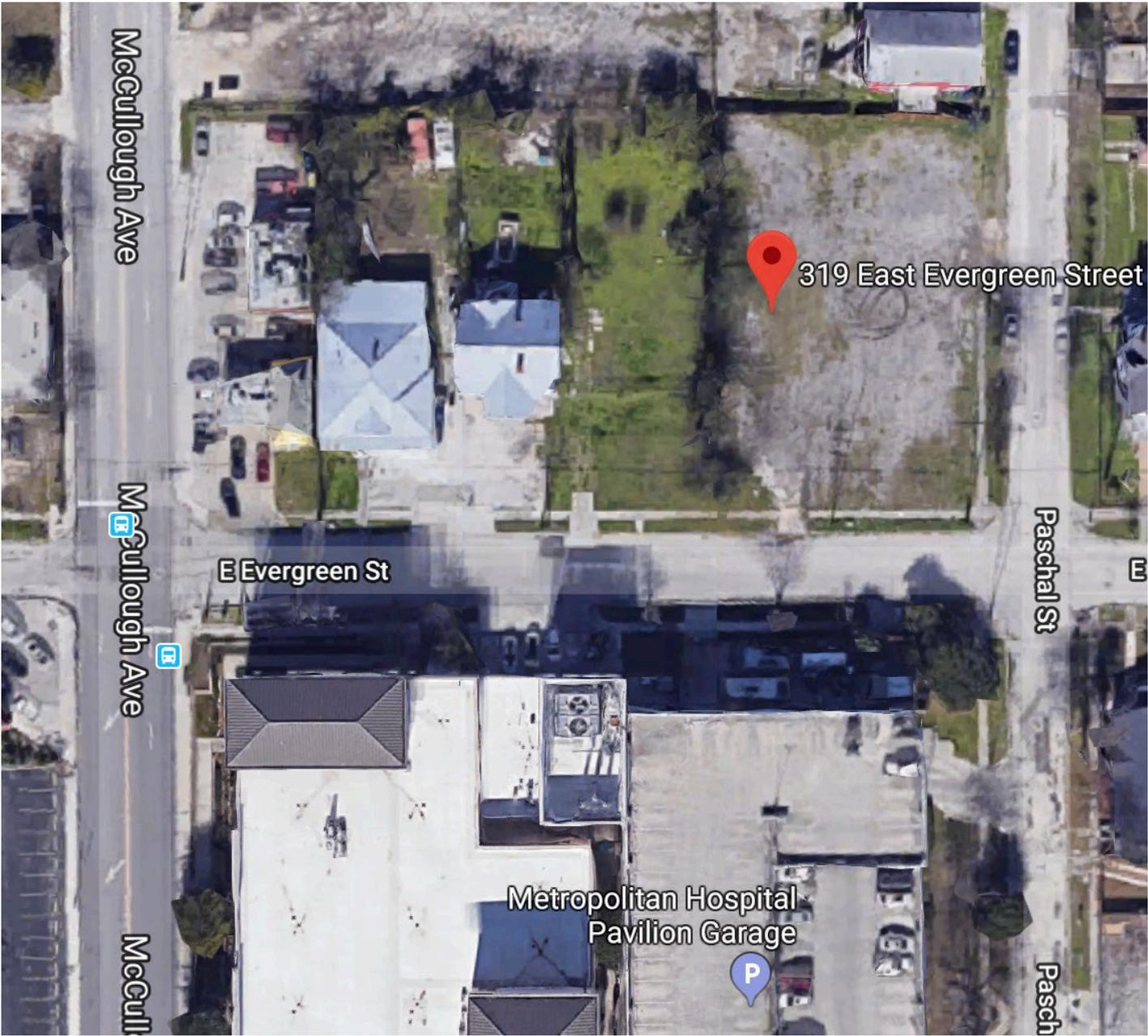
- CoSA Addresses
- CoSA Parcels
- Preliminary Plats
- BCAD Parcels
- CoSA City Limit Boundary
- Recorded Plats
- Community Service Centers
- Pre-K Sites

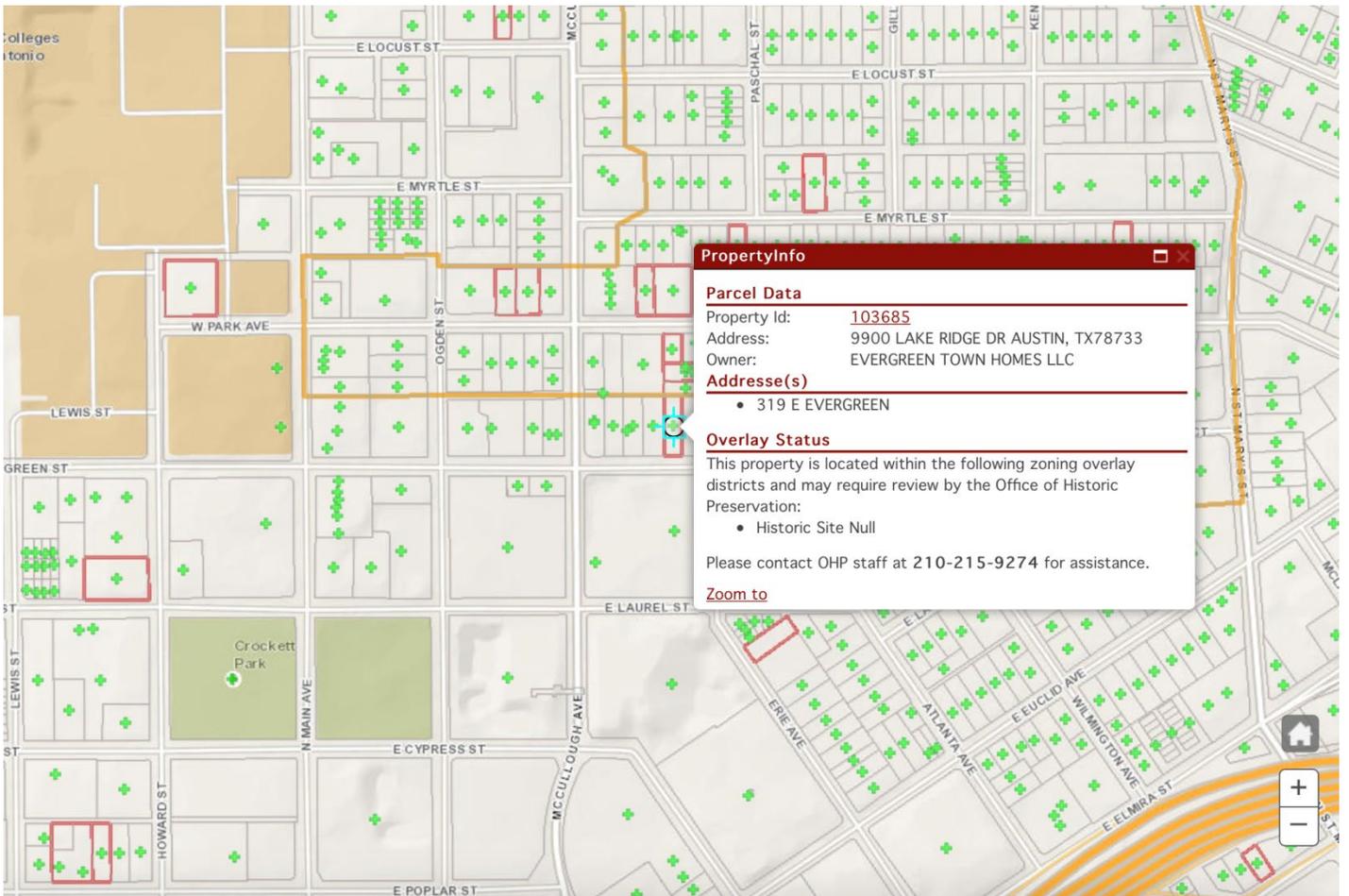


CoSA

Submitted by applicant







Bexar CAD Property Search Map Search

Property Search > 103685 EVERGREEN TOWN HOMES LLC for Year 2019 Tax Year: 2019

[Details](#) [Map](#)

Click on a title bar to expand or collapse the information.

[Expand All](#)

Property

Account			
Property ID:	103685	Legal Description:	NCB 392 BLK 30 LOT N 165.5' OF W 50' OF 11
Geographic ID:	00392-030-0111	Zoning:	MF-33
Type:	Real	Agent Code:	
Property Use Code:	099		
Property Use Description:	VACANT LAND		
Protest			
Protest Status:			
Informal Date:			
Formal Date:			
Location			
Address:	319 E EVERGREEN ST SAN ANTONIO, TX 78212	Mapsc0:	616E2
Neighborhood:	NBHD code10331	Map ID:	
Neighborhood CD:	10331		
Owner			
Name:	EVERGREEN TOWN HOMES LLC	Owner ID:	3153694
Mailing Address:	9900 LAKE RIDGE DR AUSTIN, TX 78733-3123	% Ownership:	100.0000000000%
		Exemptions:	

AK

AN ORDINANCE 88155

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

98- 0142222

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z98090

The designation of landmark Historic Significant the property listed below as follows:

Lots 3, 5, 11, and the south 90 feet of Lot 6, Block 30, NCB 392 310 and 318 Park Avenue, 215 and 219 Paschal and 319 E. Evergreen

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 1024.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. The Director of Planning shall see that the designation is recorded in the applicable County and City records as required in Section 35-3412 (c) of the City Code.

SECTION 5. This ordinance is not severable.



PASSED AND APPROVED THIS 23rd DAY OF July 19 98

Attest: [Signature] City Clerk

[Signature] MAYOR Howard W. Peak

APPROVED AS TO FORM: [Signature] CITY ATTORNEY

BOOK 07598 PAGE 88

98-26

Recd: City of San Antonio
907-7253
To Venice

RECORDING REMINDER

At time of recording this instrument was found to be inadequate for good photographic reproduction due to: (illegibility, carbon or photo copy, discolored paper, deterioration, etc.)

Any provision herein which restricts the sale, rental, or use of the described real property because of race is void and unenforceable under Federal law. STATE OF TEXAS, COUNTY OF BEJAR.
I hereby certify that this instrument was FILED in File Number Sequence or the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

AUG 12 1998



Gary Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed for Record in
BEXAR COUNTY, TX
GERRY RICKHOFF, COUNTY CLERK

On Aug 12 1998

At 9:13am

Receipt #: 152632
Recording: 3.00
Doc/Mgmt: 6.00

Doc/Num: 98-0142222

Deputy - Janie Sanchez

Book 05598 Page 08889

[Handwritten scribbles and signatures]



HISTORIC DESIGN AND REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS

AUGUST 18, 1999

CITY OF SAN ANTONIO

HDCR CASE NO: 1999-182

ADDRESS: 319 E. Evergreen St.

LEGAL DESCRIPTION:

HISTORIC LANDMARK: Historic Significant

APPLICANT: City of San Antonio, Code Compliance, 116 Plaza de Armas
OWNER: Patricia Garcia 115 E. Kings Highway, SATX 78212

TYPE OF WORK: Demolition

REQUEST:

The applicant is requesting a Certificate of Appropriateness to demolish this landmark property.

An arson fire damaged the property in question in early 1999. Property is one of several properties adversely designated by City Council to prevent demolition in 1997.

Staff recommends that the Demolition Committee meet on site to assess the viability of the structure for rehabilitation.

COMMISSION ACTION:

The case was referred to the Demolition Committee.

Ann Benson McGlone
Historic Preservation Officer



**HISTORIC DESIGN AND REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS**

SEPTEMBER 1, 1999

CITY OF SAN ANTONIO

HDRC CASE NO: 1999-182
ADDRESS: 319 E. Evergreen St.
LEGAL DESCRIPTION: NCB 392, Block 30, Lot 10/11, Council District 1
HISTORIC LANDMARK: Historic Significant
APPLICANT: City of San Antonio, Code Compliance, 116 Plaza de Armas
OWNER: Patricia Garcia 115 E. Kings Highway, SATX 78212
TYPE OF WORK: Demolition

REQUEST:

The applicant is requesting a Certificate of Appropriateness to demolish this landmark property.

An arson fire damaged the property in question in early 1999. Property is one of several properties adversely designated by City Council to prevent demolition in 1997.

Staff concurs with the Demolition Committee that the house should be razed as it has been too severely compromised on both the exterior and interior to warrant rehabilitation.

The Demolition Committee met on-site with the applicant and toured the property. The committee recommends that the demolition permit be approved. The house has been too badly burned to warrant rehabilitation.

COMMISSION ACTION:

Approved as presented.

Ann Benson McGlone
Historic Preservation Officer

**CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING**

Interdepartmental Correspondence Sheet

TO: Demolition, RiverWalk and Architectural Committee Members

FROM: Ann Benson McGlone, Historic Preservation Officer, Department of Planning

COPIES TO: File

SUBJECT: COMMITTEE MEETINGS

DATE: August 18, 1999

This is to advise you that arrangements have been made for several committee meetings. The meetings are as follows:

DEMOLITION COMMITTEE MEMBERS

First meeting is schedule for *10:30 A.M. on Tuesday, August 24, 1999.* We will be meeting at *319 E. Evergreen Street.* The applicant City of San Antonio, Department of Code Compliance (HDRC Case 99-182) is requesting approval to demolish this landmark.

Second meeting is schedule for *11:30 A.M. on Tuesday, August 24, 1999.* We will be meeting at *2809 Fredericksburg Road.* The applicant Pompa Construction (HDRC Case 99-183) is requesting approval to demolish a two-story masonry building.

RIVERWALK COMMITTEE MEMBERS

First meeting is schedule for *2:00 P.M. on Monday, August 23, 1999.* We will be meeting at *245 Losoya Street (river side street level).* The applicant Mr. Bill Lyons (HDRC Case 99-184) is requesting approval for signage and renovations.

Second meeting is schedule for *2:30 A.M. on Monday, August 23, 1999.* We will be meeting at *200 S. Alamo Street.* The applicant Mr. Dennis Nisi-Hilton (HDRC Case 99-186) is requesting approval for the re-configuration of the Patio Space/Landscaping.

ARCHITECTURAL COMMITTEE MEMBERS

First meeting is schedule for *2:30 A.M. on Monday, August 23, 1999.* We will be meeting at *200 S. Alamo Street.* The applicant Mr. Dennis Nisi-Hilton (HDRC Case 99-186) is requesting approval for the re-configuration of the Patio Space/Landscaping.

Second meeting is schedule for *11:30 A.M. on Tuesday, August 24, 1999.* We will be meeting at *2809 Fredericksburg Road.* The applicant Pompa Construction (HDRC Case 99-183) is requesting approval to demolish a two-story masonry building.

Page 2
Demo/RW/Arch Committee Meeting
8/16/99

Thank You for your continuing support. If you have any questions prior to the meeting please call Larry at 207-7902.


for Ann Benson McGlone

Historic Preservation Officer
Department of Planning

cc: **Demolition Committee Members**

Dr. Abelardo Valdez
Mr. Charles Schubert
Ms. Margaret Winn
Ms. Rita Ann Cardenas-Gamez

RiverWalk Committee Members

Mr. John Laffoon
Ms. Lucille Cockrell
Mr. Charles Schubert
Mr. Milton Babbitt
Mr. Ron Gossen

Architectural Committee Members

Mr. Milton Babbitt
Mr. Rolando Briseño
Ms. Virginia Van Steenberg
Mr. Eduardo Garcia
Ms. Lucille Cockrell
Mr. Charles Schubert

319 E. EVERGREEN ST.



~~E-mail: Imogen Cooper~~

NOTIFICATION TO HISTORIC PRESERVATION OFFICER

The property located at 319 Evergreen st E is being prepared for hearing before the Dangerous Structure Determination Board. The conditions on this property identified by the Code Compliance Department necessitating this hearing are listed in the attached report.

The subject building/structure for the hearing is the:

- Main Structure
- Accessory Structure
location on property: _____
- Other Structure, specifically: _____

A SEPARATE REQUEST IS SUBMITTED FOR EACH PROBLEM STRUCTURE.

Please contact Code Compliance Officer R. Hernandez 661 at extension 416-2157 if more information is required. 1

Your response advising the Dangerous Structure Determination Board of any significance of this structure is requested to be returned within thirty days of receipt of this notice.

Submitted this 23 day of June, in the year 1999.

MARTIN RODRIGUEZ
Code Compliance Director

STATEMENT FROM HISTORIC PRESERVATION OFFICER

The Historic Preservation Officer hereby advises the Dangerous Structure Determination Board that the above building/structure is:

- A Landmark Needs ADPC review.
- Located Within an Historic District
- Of Historical, Cultural, Architectural, or Archaeological Significance
- Not of Significance nor a Landmark nor Within an Historic District

Returned this 23rd day of June, in the year 1999.

for Imogen R. Cooper
ANN McGLONE
Historic Preservation Officer

ADDRESS NOT ON THE GEOGRAPHIC FILE. MUST BE 'TEMPORARY' IF ADDED.

BIHNM200 BUILDING INSPECTIONS HOUSE NUMBERING GR00095 06/23/99

COMMAND: _____ BIHN

ADDRESS: 319_ EVERGREEN ST E BLDG: ____ SUITE: ____

LICENSE: __ __ TYPE: __ CARRY-OVER: _ LIC-CARRY-OVER: _

LOT: _____ BLOCK: __ NCB: ____

SIZE: _____ EASEMENTS: __ COUNCIL DISTRICT: __

AGENCY: _

ZONE: _____ MAP PAGE: _ - ____ ORDN: _____

X-Y COORD: _____ CENSUS TRACT: _____

PROP USE: _____ TOWN: 00 ETJ: _ TEMP ADDR: Y

REMARKS: _____

ADDRESS: 319_ EVERGREEN ST E BLDG: ____ SUITE: ____

BETWEEN: _____ AND

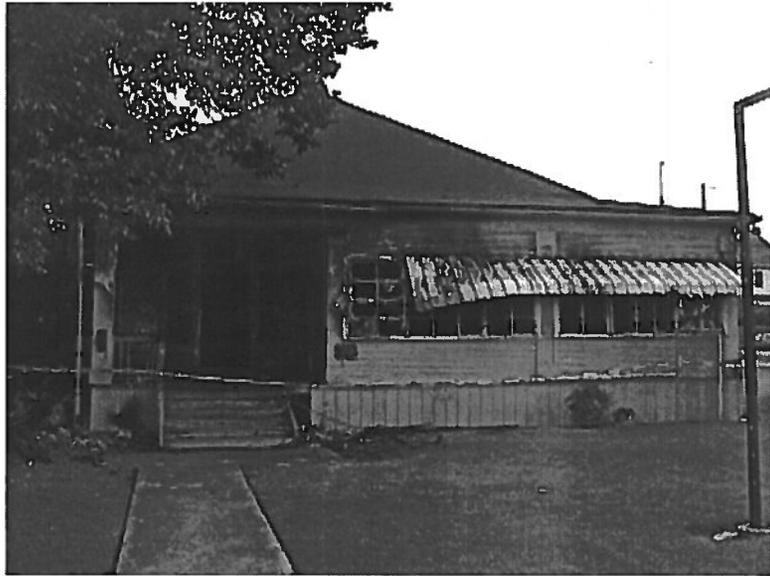
LICENSE: _____ DBA:

PERMIT VIOLATIONS:

ADDED: _____ UPDATED: _____ 00:00:00 CLRD: _____ GQKQ

F1=HELP F2=CLEAR F4=NCB F5=ADD/UPD F6=LIST F9=PRT LEGAL F11=DEL F12=EXIT

319 E. EVERGREEN ST.



STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SETTLEMENT

**CONTRACTUAL LIEN
(Non-Homestead)**

Indemnity/Hold Harmless Agreement

The premises described below have been found to be a threat to public health, safety, and welfare, and the CITY OF SAN ANTONIO (CITY) and the responsible party(ies) desire to clean the premises, secure and/or remove one or more dangerous structures from the property:

known locally as 319 E Evergreen (Street Address),
San Antonio, Bexar County, Texas, being legally described as NCB _____,
BLK _____, LOT _____.

This Settlement is also the Owner(s)' permission and request to the CITY to go upon the property described above for the purposes of securing the structure(s) from entry, demolishing the structure(s) on the premises, and/or cleaning and clearing brush, grass, trash and debris from the premises. These purposes include the CITY's handling and disposal of any special and/or hazardous wastes the CITY may encounter in its efforts to secure, demolish, clean, or clear the property. The Owner(s) understand there are certain risks involved in the kind of work the CITY has agreed to do and in order to give the CITY some protection, the Owner(s) agree they shall and do indemnify, hold harmless, and defend the CITY, its employees, agents, servants, and officials (the Indemnitees) from and against any and all claims, suits, causes of action or liabilities arising from or alleged to have arisen from the CITY's performance of any or all the above recited services the CITY performs at said location and that the Owner(s) shall so indemnify, hold

harmless, and defend the Indemnitees or any one of them even though the claims, suits, causes of action, or liabilities may arise or be alleged to have arisen from the negligence of the CITY and the other Indemnitees or any one of them.

Persons signing this Agreement as Owner(s) declare they [he/she] are the Owner(s) of the above described property and declare the property to be no part of any homestead. The Owner(s) agree that the premises constitute a nuisance as found by the Code Enforcement Office of the CITY OF SAN ANTONIO. In the event the above described property is sold before it is secured, demolished, and/or cleaned, Owner(s) shall notify the Code Compliance Department of the CITY in writing at least two (2) working days before the sale closes. However, Owner(s) understand and agree the foregoing Indemnity, hold harmless, and defense agreement shall survive and continue to bind the Owner(s) even though the Owner(s) may sell the property to a new Owner.

Owner(s) agrees to pay the CITY all costs incurred for any or all the described services performed, plus a 10% Administrative Fee, as necessary to bring the property into compliance with the City Code.

To secure payment of these expenses, Owner(s) hereby grant the CITY OF SAN ANTONIO a lien against the real estate described above for the amount of costs and administrative fees incurred in securing and/or demolishing said structure(s) and/or cleaning/clearing said property. Perfection of this Non-Homestead Contractual Lien shall be accomplished by the CITY's filing this document in the Real Property (Deed) Records of Bexar County, Texas. Owner(s) understand that if Owner(s) fail to make full payment of all expenditures within ten (10) days of billing, or default in meeting an agreed payment schedule, the CITY shall have the right to foreclose this Lien in a Court of Law to collect its service costs, administrative expenses, court costs, and reasonable attorney's fees. Failure to make two (2) consecutive payments as scheduled shall be regarded as default.

The CITY's forbearance or waiver of any failure to meet the payment schedule shall not waive the CITY's right to foreclose should the Owner(s) again default at a later date.

If Owner(s) should default on payment, the CITY shall be allowed to go forward with all its legal remedies.

However, in consideration of the Owner(s)' full performance of this Agreement, the CITY promises it will not pursue the following civil statutory remedies it may have against the Owner(s):

The Texas Local Government Code, Chapter 214, Subchapter A, Dangerous Structures; Chapter 54, Subchapter B, Municipal Health and Safety Ordinances; and/or the Texas Health and Safety Code, Chapter 342, Subchapter A, Municipal Regulation of Sanitation.

Under the above recited statutory remedies, the CITY could petition the appropriate Court for a civil penalty up to \$1,000.00 per day for a premises violation alleged, and for each day the alleged violation has gone uncorrected following due notice, up to a maximum of \$5,000.00.

This Agreement does not waive or compromise the Police power of the CITY for protection of public health, safety, and welfare, which Police power cannot be legally waived or contractually compromised.

I hereby acknowledge that I have read this Agreement and understand the rights and duties created herein.

Accepted for the
CITY OF SAN ANTONIO

BY: _____

Printed Name: _____

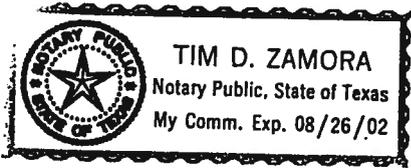
Title: _____

Patricia Marie Garcia
OWNER/GRANTOR

OWNER/GRANTOR

STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, a Notary Public, on this 22nd day of June 19 99, personally appeared Patricia M. Gaccia and _____ known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



Notary Public, State of Texas
Tim D. Zamora
PRINTED NAME: _____
My Commission Expires: 8/26/02

STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, a Notary Public, on this ____ day of _____ 19____, personally appeared _____ who acknowledged to me that he/she executed and accepted the foregoing document in his/her capacity as _____ (title) of the City Of San Antonio, Texas, a Municipal Corporation.

Notary Public, State of Texas

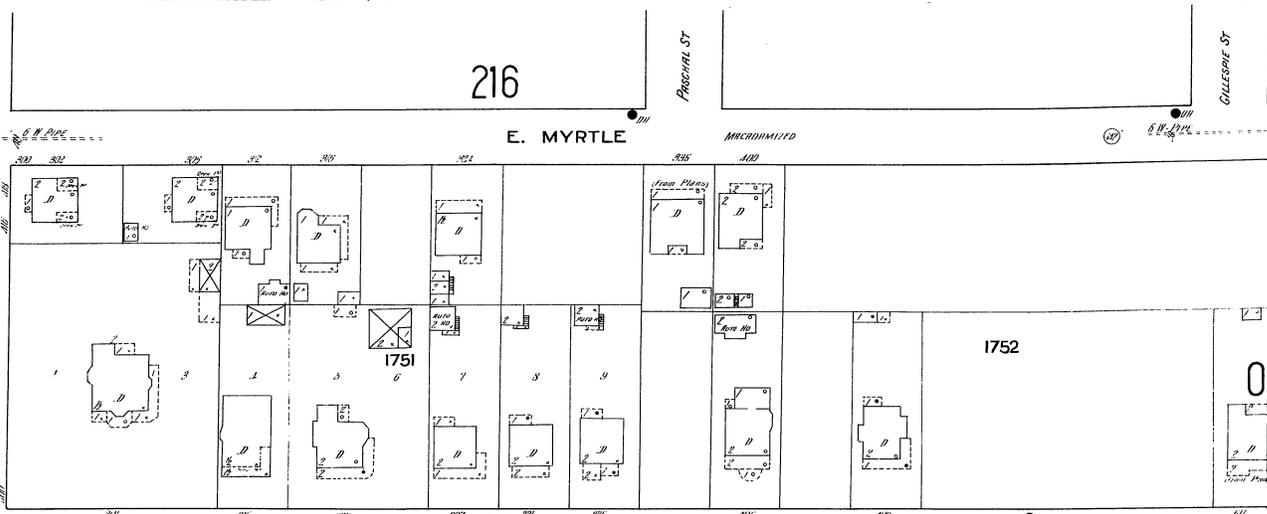
PRINTED NAME: _____
My Commission Expires: _____

211

216

E. MYRTLE

MACROIMIZED

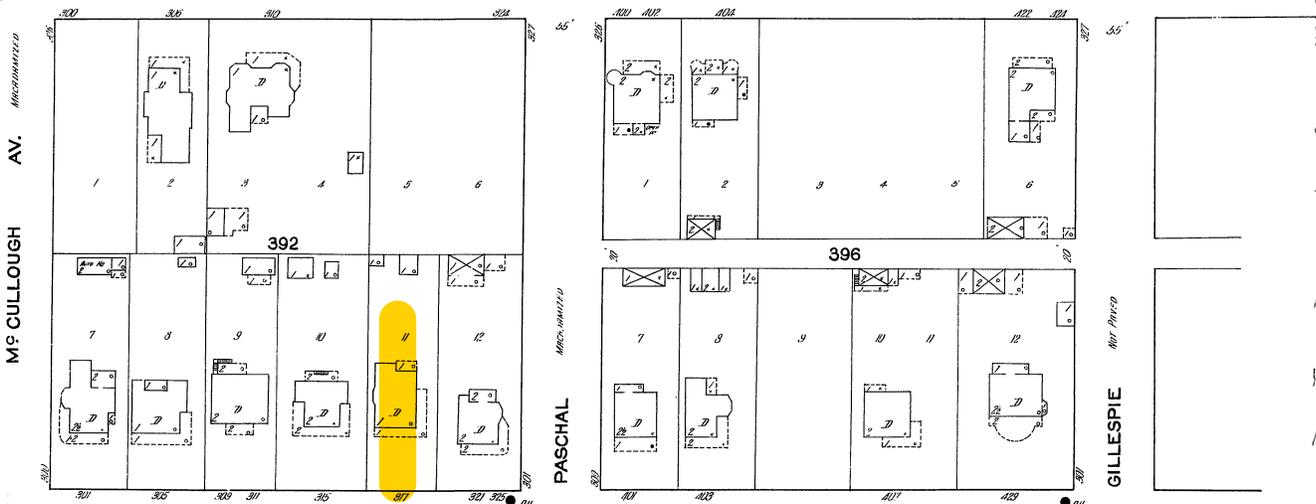


207

E. PARK

AV.

MACROIMIZED



E. EVERGREEN

MACROIMIZED

212

208

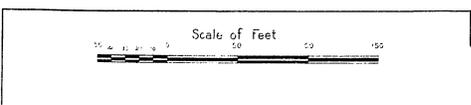
393

395

E. LAUREL

MACROIMIZED

209



M^c CULLOUGH AV.

PASCHAL

GILLESPIE

ATLANTA AV

HOEPLING ST

211

1753

337