

HISTORIC AND DESIGN REVIEW COMMISSION

July 07, 2021

HDRC CASE NO: 2021-274
ADDRESS: 410 E LOCUST
LEGAL DESCRIPTION: NCB 1740 BLK 7 LOT 3
ZONING: MF-33,H
CITY COUNCIL DIST.: 1
DISTRICT: Tobin Hill Historic District
APPLICANT: ROSA MONTOYA/Empress Transport & Excavation
OWNER: MINSTAT HOLDINGS LLC & LUCK HONORABLE DRAGIN HOLDING LLC
TYPE OF WORK: Demolition of rear accessory structure
APPLICATION RECEIVED: June 02, 2021
60-DAY REVIEW: Not applicable due to City Council Emergency Orders
CASE MANAGER: Stephanie Phillips

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the rear apartment building.

APPLICABLE CITATIONS:

Unified Development Code Sec. 35-614. - Demolition.

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

(a) Applicability. The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.

(1) Historic Landmark. No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.

(2) Entire Historic District. If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.

(3) Property Located in Historic District and Contributing to District Although Not Designated a Landmark. No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c) in order to receive a certificate for demolition of the property.

(b) Unreasonable Economic Hardship.

(1) Generally. The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

(2) Burden of Proof. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e., the current economic climate). When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:

A. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;

B. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

C. The owner has failed to find a purchaser or tenant for the property during the previous two (2) years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.

(3) Criteria. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

A. For all structures and property:

i. The past and current use of the structures and property;

ii. The name and legal status (e.g., partnership, corporation) of the owners;

iii. The original purchase price of the structures and property;

iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;

v. The amount of real estate taxes on the structures and property for the previous two (2) years;

vi. The date of purchase or other acquisition of the structures and property;

vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;

viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;

ix. Any listing of the structures and property for sale or rent, price asked and offers received;

x. Any consideration given by the owner to profitable adaptive uses for the structures and property;

xi. Any replacement construction plans for proposed improvements on the site;

xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and

xiii. The current fair market value of the structure and property as determined by a qualified appraiser.

xiv. Any property tax exemptions claimed in the past five (5) years.

B. For income producing structures and property:

i. Annual gross income from the structure and property for the previous two (2) years;

ii. Itemized operating and maintenance expenses for the previous two (2) years; and

iii. Annual cash flow, if any, for the previous two (2) years.

C. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.

D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

(c) Loss of Significance.

When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition. If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

(d) Documentation and Strategy.

(1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

(2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

(3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.

(4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

(e) Issuance of Permit. When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

10,001—25,000 square feet = \$10,000.00

25,001—50,000 square feet = \$20,000.00

Over 50,000 square feet = \$30,000.00

NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.

(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-10-0229, § 4, 4-10-14)(Ord. No. 2015-10-29-0921 , § 2, 10-29-15)(Ord. No. 2015-12-17-1077 , § 2, 12-17-15)

FINDINGS:

- a. The primary structure at 410 E Locust is a 2-story residence constructed circa 1920 in the Neoclassical style with Craftsman influences. The structure features woodlap siding, a standing seam metal roof with a front dormer, and a partially-enclosed double height front porch. The structure is contributing to the Tobin Hill Historic District. The structure also features a 1-story rear accessory structure with a partial second story, also contributing to the district.
- b. **DEMOLITION OF REAR ACCESSORY STRUCTURE** – The applicant is requesting approval for the demolition of the rear accessory structure. In general, accessory structures contribute to the character of historic properties and the historical development pattern within a historic district. The applicant has not proposed replacement plans at this time.
- c. **CONTRIBUTING STATUS** – The existing rear accessory structure is 1-story with a partial second story in the central bay. The structure features multiple siding types, including woodlap, composite, and horizontal panels; a standing seam metal roof with exposed wooden rafter tails; and multiple window types, including two over two wood windows that appear to be original. The structure appears on the 1951 Sanborn Map in its existing configuration, including the partial second story. The structure is noted as an auto garage and apartments on the map. While several original materials exist that were potentially used historically, the structure has undergone several ill-executed modifications over the years. However, the structure appears to be in sound condition based on the information provided in the application. While staff finds that the structure has deteriorated over time, the structure is still contributing to the district in location, massing, and development pattern.
- d. **UNREASONABLE ECONOMIC HARDSHIP** – In accordance with UDC Section 35-614, no certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance. In order for unreasonable economic hardship to be met, the owner must provide sufficient evidence for the HDRC to support a finding in favor of demolition. In the submitted application, the applicant has included an estimate for repair, which totals \$41,100. The estimate includes restoration items for both the interior and exterior. Staff does not find that evidence for UDC Section 35-614(b) has been met based on the documentation provided.
- e. **LOSS OF SIGNIFICANCE** – In accordance with UDC Section 35-614(c), demolition may be recommended if the owner has provided sufficient evidence to support a finding that the structure has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archaeological significance, qualities or features which qualified the structure or property for such designation. As noted in finding c, the structure appears in the same configuration on the 1951 Sanborn Map and largely retains its original siting and configuration, in addition to several original materials. Staff does not find that a loss of significance has occurred.

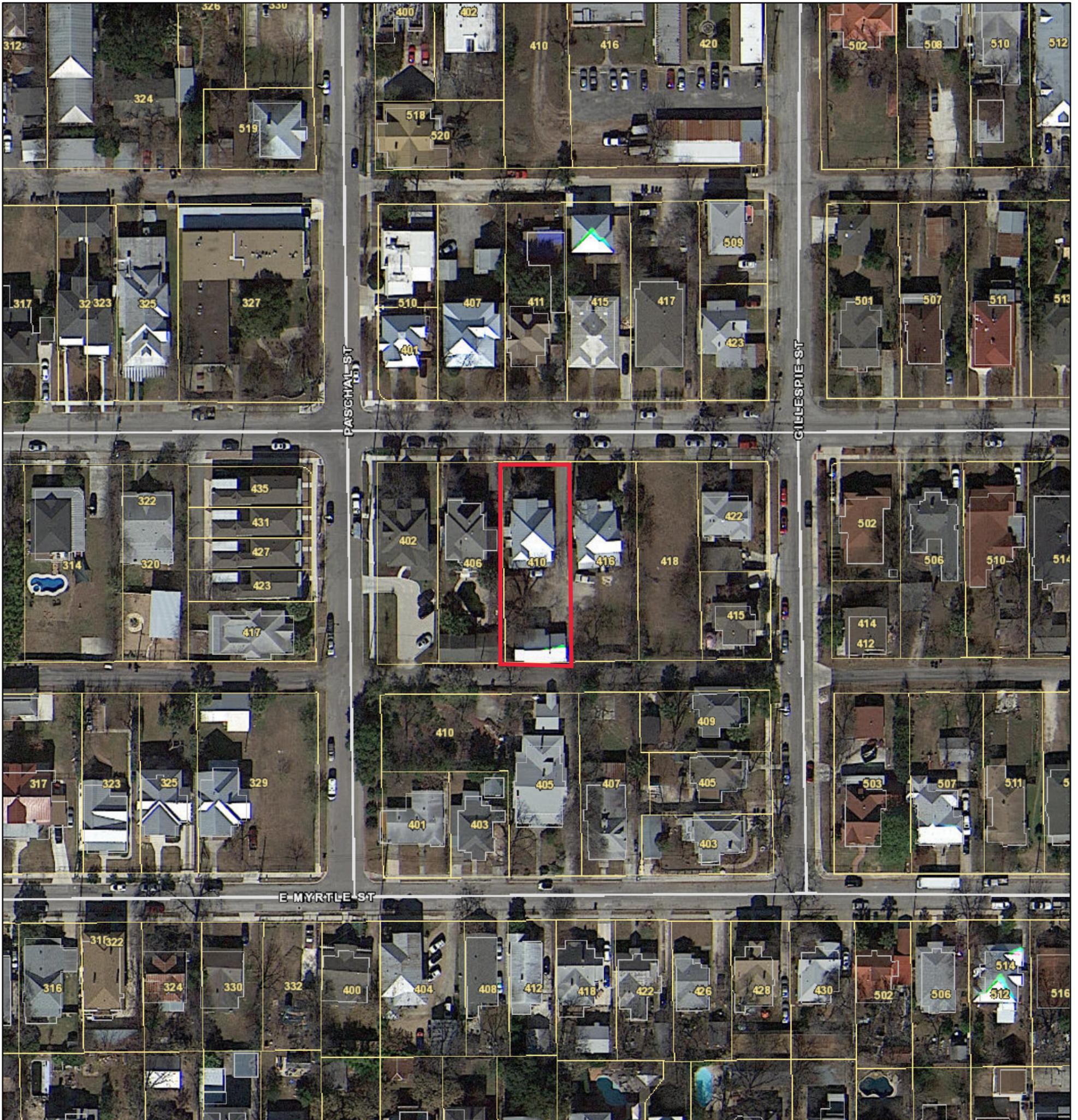
RECOMMENDATION:

Staff does not recommend approval based on findings b through e. Staff finds that the applicant should rehabilitate the existing rear accessory structure.

If the Historic and Design Review Commission (HDRC) finds the demolition request appropriate and recommends approval, staff recommends that the following stipulations apply:

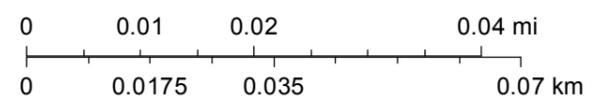
- i. That materials from the historic accessory structure including salvageable wood siding and framing be salvaged and utilized in the new construction on site, stored for future repairs or use, or donated. A salvage plan must be submitted to staff prior to the issuance of a Certificate of Appropriateness.

City of San Antonio One Stop



July 1, 2021

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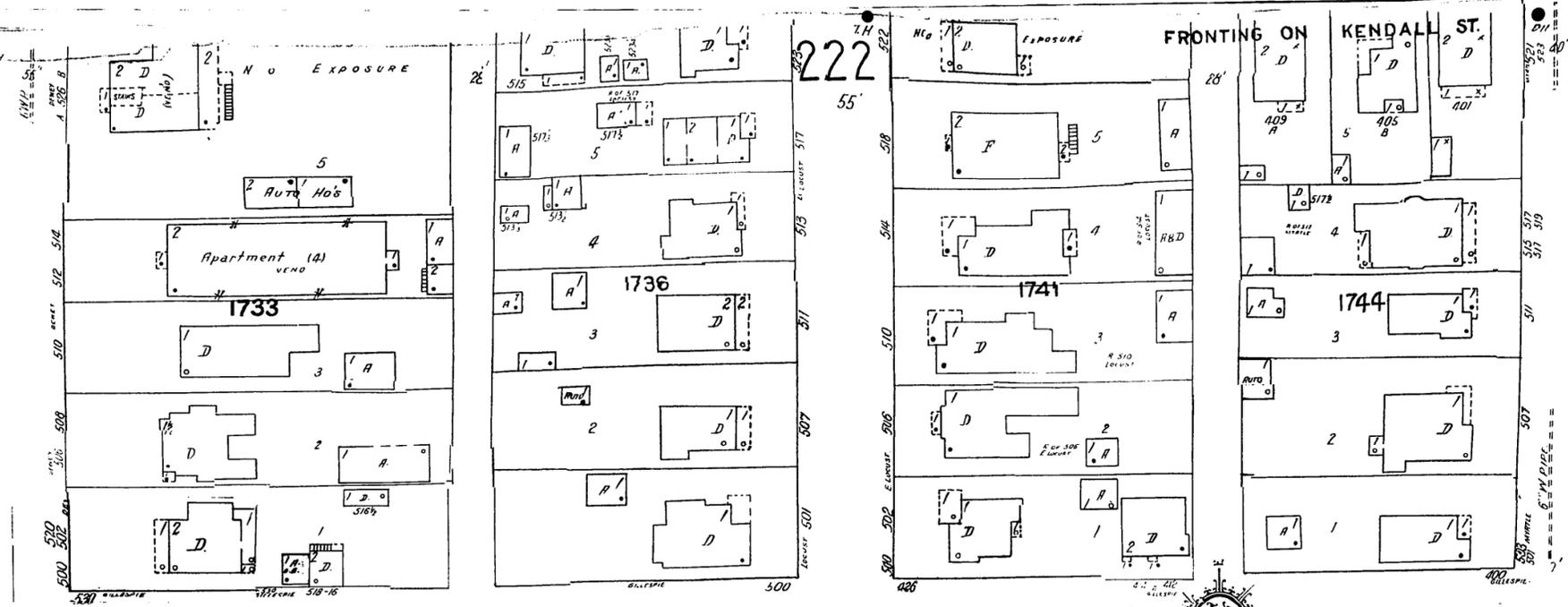




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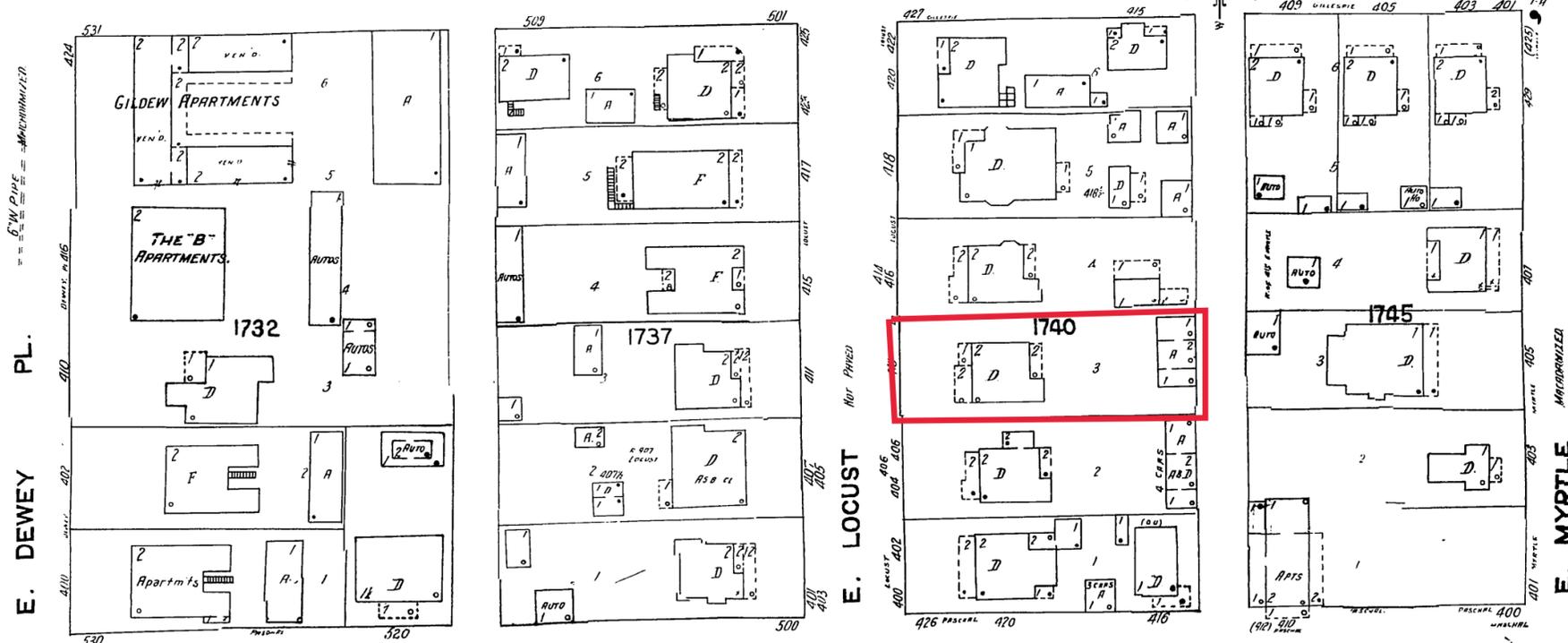
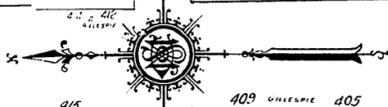
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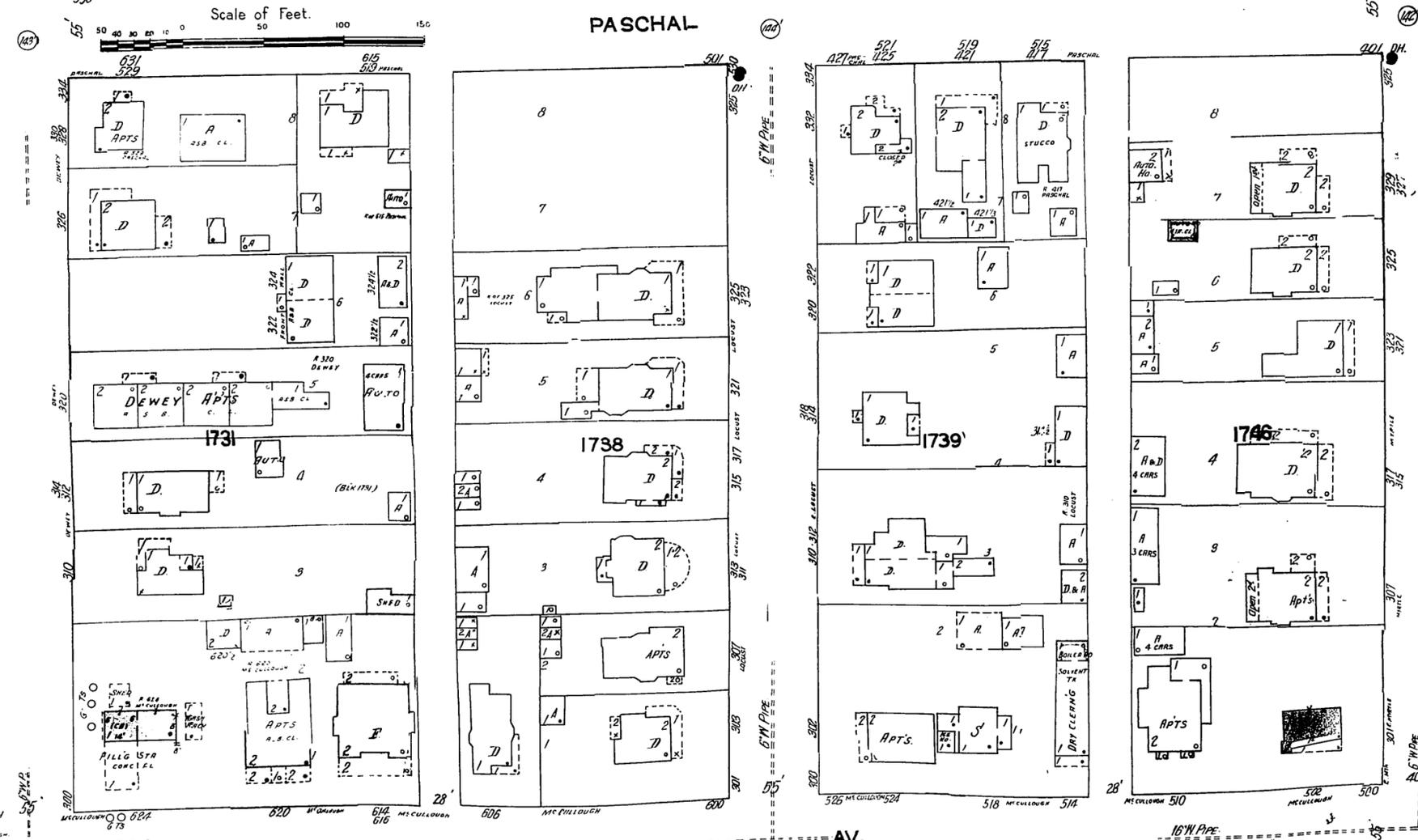
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Not PAVED



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ME CULLOUGH AV.

207

16" W PIPE

OH

E. MYRTLE ST.





















ESTIMATE



Empress Transport
410 E Locust St.
San Antonio , Texas 78212
(210) 385-7446

South Texas Custom Concrete LLC

11631 Culbera Rd #516
San Antonio, Tx 78253

Phone: (210) 374-2779

Email: office@southtexascustomconcrete.com

Web: www.southtexascustomconcrete.com

Estimate # 001303
Date 06/01/2021
Business / Tax # 862873684

Description	Total
Replacement Window Cost	\$3,900.00
: Vinyl frame window with dual pane, 0.35 U factor and low-e glass. Limited lifetime warranty.	
Replacement Window Installation Labor	\$2,400.00
Basic labor to install replacement windows with favorable site conditions. Set unit in rough opening. Shim to achieve level and plumb placement. Set jamb edges flush to finished wall surface. Secure unit to rough opening framing. Insulate perimeter and secure house wrap at window as appropriate. Repair of exterior and interior surfaces is not included. Includes planning, equipment and material acquisition, area preparation and protection, setup and cleanup.	
Replacement Window Installation Job Supplies	\$1,500.00
Cost of related materials and supplies typically required to install replacement windows including: fasteners, shims, flashing, drip cap, perimeter foam insulation and exterior caulking.	
Option: Remove Windows	\$1,500.00
Score perimeter of window frame or casing on interior, where bonded to adjacent surface(s). Remove casing. Remove exterior trim and siding around window perimeter, beyond flashing. Remove accessible fasteners and window frame without damaging adjacent surfaces, finishes or hardware. Remove materials from premises. Material cost includes dump fee.	
Replacement Window Debris Disposal	\$1,500.00
Costs to load and haul away old materials, installation waste and associated debris. Includes all debris from site.	
Exterior Door Cost	\$850.00
: Wood grained fiberglass ready to stain or paint. Slab door with foam in place polyurethane core and bottom sweep.. Quantity includes typical waste overage, material for repair and local delivery.	
Exterior Door Installation Labor	\$1,500.00
Basic labor to hang exterior door with favorable site conditions. Measure, trim and plane door to fit existing door jamb. Mark and mortise hinge locations. Install hinges. Fabricate holes, mortises	

for door handle set and jamb strike plate. Includes planning, equipment and material acquisition, area preparation and protection, setup and cleanup.

Exterior Door Installation Job Supplies \$150.00

Cost of related materials and supplies typically required to hang exterior door including: fasteners, connectors, surface preparation and finishing materials.

Exterior Door Installation Equipment \$100.00

Job related costs of specialty equipment used for job quality and efficiency, including: Pneumatic finish nailer, 10" miter saw, electric jigsaw, 3" belt sander, 3 1/4" electric planer. Daily rental. Consumables extra.

Option: Frame Interior Door Opening \$600.00

Measure, cut and secure header, trimmer studs(2), king studs(2) and cripple studs. Trim bottom plate to opening.

Stairway Installation Labor \$3,500.00

Basic labor to install stairway with favorable site conditions. Cut and secure stringers - to 5m/15ft. Fabricate and fit risers and treads. Balusters and Newel posts are separate if needed. Includes planning, equipment and material acquisition, area preparation and protection, setup and cleanup.

Stairway Installation Job Supplies \$4,500.00

Cost of related materials and supplies typically required to install stairway including: fasteners, connectors, surface preparation and finishing materials.

Stairway Installation Equipment \$2,350.00

Job related costs of specialty equipment used for job quality and efficiency, including: Pneumatic finish nailer, 10" miter saw, electric jigsaw, 3" belt sander, 3 1/4" electric planer. Daily rental. Consumables extra.

Wood Balcony Cost \$2,500.00

: 2" x 6" Select or better grade. 4 sides surfaced. Quantity includes typical waste overage, material for repair and local delivery.

Wood Balcony Installation Labor \$2,500.00

Basic labor to install wood balcony with favorable site conditions. Layout and install 6 in wide decking on existing deck support framing. Fabricate decking and secure with corrosion resistant, flush mount decking screws. Includes planning, equipment and material acquisition, area preparation and protection, setup and cleanup.

Wood Balcony Installation Job Supplies \$1,200.00

Cost of related materials and supplies typically required to install wood balcony including: fasteners, load transfer hardware and connectors.

Wood Balcony Installation Equipment \$750.00

Job related costs of specialty equipment used for job quality and efficiency, including: Pneumatic finish nailer, 10" miter saw, electric jigsaw, 3" belt sander, 3 1/4" electric planer. Daily rental. Consumables extra.

Option: Remove Balcony \$1,200.00

Remove balcony fasteners. Separate deck surface planks from framing. Remove and dispose of old decking. For wood, metal or synthetic deck surfaces. Dump fee additional.

Wood Balcony Debris Disposal \$800.00

Costs to load and haul away old materials, installation waste and associated debris.

Home Exterior Painting Cost \$1,800.00

: Exterior paint. Latex based, paint and primer in one. Flat, eggshell and semi-gloss finish options. For wood, vinyl, masonry, stucco, brick. Mildew resistant. 15 yr warranty. Quantity includes typical waste overage, material for repair and local delivery.

House Exterior Painting Labor \$3,500.00

Basic labor to paint house exterior with favorable site conditions. Prep up to 2 hr per 350SF - remove loose paint, spot prime and caulk edges, gaps. Roll / brush 2 coats of paint on siding. Trim extra. Includes planning, equipment and material acquisition, area preparation and protection, setup and cleanup.

House Exterior Painting Job Supplies \$1,750.00

Cost of related materials and supplies typically required to paint house exterior including: masking tape and paper, surface repair material, solvents and cleanup supplies. Includes a lift.

Option: Power Wash Surface \$750.00

Clear surface of solid debris. Apply cleaner with light scrubbing. Power wash and rinse surface.

Subtotal \$41,100.00

Total \$41,100.00

Deposit Due \$20,550.00

Payment Schedule

Deposit (50%) \$20,550.00

Finish balcony - start paint (25%) \$10,275.00

Final payment (25%) \$10,275.00

TERMS AND CONDITIONS: South Texas Custom Concrete will supply all labor, equipment, and materials for the proposed work unless specified above otherwise. This quote is inclusive and based on South Texas Custom Concrete performing all items above. Any deviation from the work described above may require a revised bid. Change orders will only be executed upon written orders. We reserve the right to progress bill for work partially completed. South Texas Custom Concrete will carry General Liability and Workman's Compensation Insurance. It is the customer's responsibility to repair of any utilities buried less than 12 inches deep including private utilities and irrigation. South Texas Custom Concrete will not be held liable for any damage to such utilities, Customer is responsible for irrigation, grass and any Fencing that will need to be put back up. Payment made after specified payment terms could result in late fees, accrued interest, and attorney's fees. Retainage is not to be held unless specified by separate contract.

This proposal is valid for 7 days.

PROPOSAL ACCEPTANCE: The above prices, specifications, terms, and conditions are accepted. Half Payment will be made before we start the rest upon completion of work unless specified otherwise under a separate written agreement. By signing you agree to the terms and conditions.

South Texas Custom Concrete LLC

Empress Transport

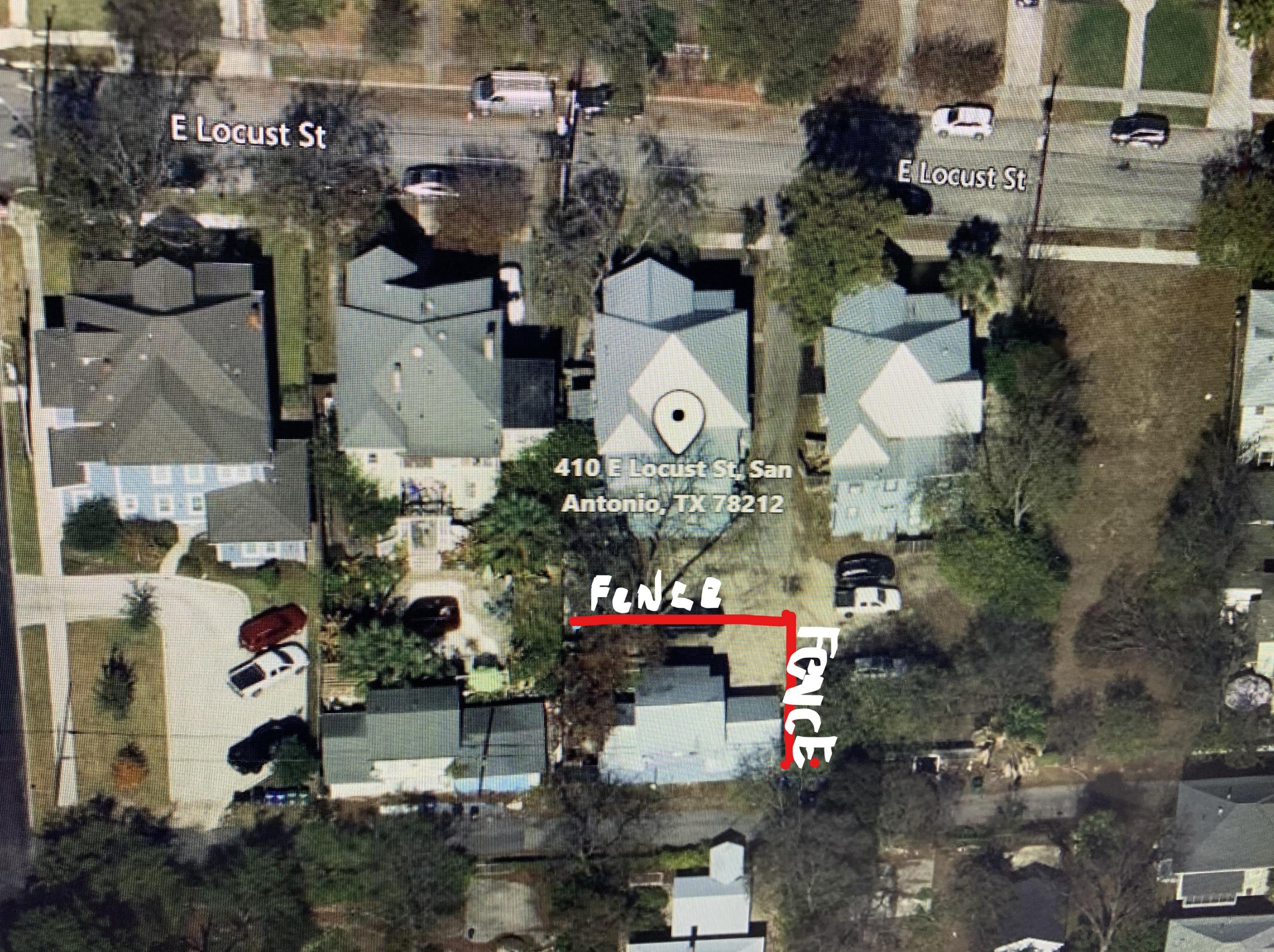
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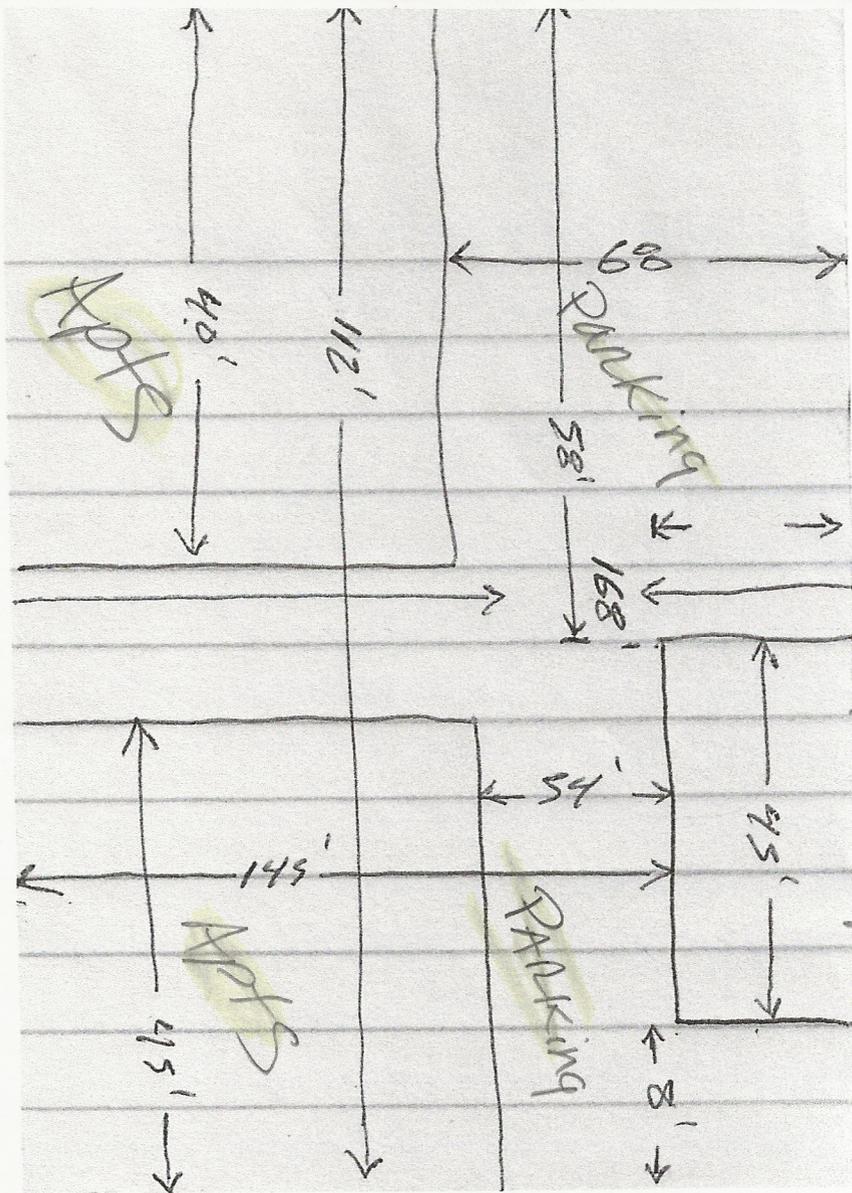
E Locust St

410 E Locust St, San Antonio, TX 78212

FENCE

FENCE





Fence

Site Plan
 410 E. Locust