



CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

APPLICATION FOR CHANGE OF ZONING

Request:

Per City Council Resolution 2020-10-08-0045R, the Office of Historic Preservation requests a change of zoning to add "HL" Historic Landmark designation to 403 Montana. *OHP staff recommends approval.*

Case Comments:

On September 2, 2020, the Historic and Design Review Commission (HDRC) agreed with the applicant's finding of historic significance and supported the designation of the property as a local landmark. On October 8, 2020, City Council directed City Staff to move forward with landmark designation. On November 18, 2020, the HDRC recommended designation of 4007 S Flores to the Zoning Commission.

Case History:

December 1, 2020	Zoning Commission hearing
November 18, 2020	Second Historic & Design Review Commission (HDRC) hearing to consider CCR
October 8, 2020	City Council directs City staff to initiate designation
September 2, 2020	Historic & Design Review Commission (HDRC) hearing

Applicable Citations:

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

- a. **Authority.** Requests for landmark designation may only be made by or with the concurrence of the property owner. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any zoning commission hearing. Notwithstanding the foregoing, a request for landmark designation may be made and approved by the city council. To the extent that this subsection conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites. Additionally, requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.
- b. **Designation of Historic Landmarks.**
 1. **Initiation.** Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a historic landmark designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of historic preservation for processing. Owner consent for historic landmark designation shall be required unless a city council resolution to proceed with the designation has been approved. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they wish to be considered for designation as non-contributing to the historic landmark.

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2. **Decision.** The historic preservation officer shall refer a completed application for historic landmark designation to the historic and design review commission. Property owners of proposed historic landmarks shall be notified of the historic and design review commission hearing by the historic preservation officer by mail prior to a historic and design review commission hearing for historic landmark designation. Notice to property owners shall state the place, date, time and purpose of the historic and design review commission hearing. The historic preservation officer shall also send notice of the meeting to any registered neighborhood associations located within the proposed district boundary. The historic and design review commission shall make and forward its recommendation to the zoning commission within forty-five (45) days from the date of submittal of the designation request by the historic preservation officer. Upon submittal of the historic and design review commission's recommendation, the proposed historic district or landmark designation shall be submitted to the zoning commission for its review recommendations along with its finding of historic significance. The zoning commission and the city council shall process the application as prescribed in [section 35-421](#) of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission recommendation to be held within sixty (60) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) days of council's receipt of such recommendation. Upon passage of any ordinance designating a historic landmark, or removing or upgrading the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

Findings of Fact:

- a. On September 2, 2020, the Historic and Design Review Commission approved a Finding of Historic Significance for the property at 403 Montana. On October 8, 2020, City Council approved Resolution 2020-10-08-0045R initiating a change in zoning for the property to include a historic landmark overlay. As a step in the zoning process, a recommendation regarding the proposed designation is required from the HDRC.
- b. The City offers a tax incentive for the substantial rehabilitation of historic properties because historic landmarks possess cultural and historical value and contribute to the overall quality and character of the City and its neighborhoods. If historic designation is approved, rehabilitation and restoration work may be eligible for this incentive. State and Federal tax incentives are also available for properties listed on the National Register of Historic Places and provide substantial relief for rehabilitation projects.
- c. City Council has the ultimate authority to approve the historic designation zoning overlay. A recommendation from HDRC will be forwarded to City Council.
- d. Per UDC Sec. 35-453, once the commission makes a recommendation for designation, property owners must receive a written approval (a Certificate of Appropriateness) for any exterior work until the City Council makes their final decision.

ATTACHMENTS:

City Council Resolution 2020-10-08-0045R
HDRC recommendation
HDRC published exhibits

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