HISTORIC AND DESIGN REVIEW COMMISSION

September 20, 2017

HDRC CASE NO:	**2017-410**
ADDRESS:	309 PIERCE
LEGAL DESCRIPTION:	NCB 1276 BLK 8 LOT 14 PIERCE DUPLEX SUBD
ZONING:	R-5 H
CITY COUNCIL DIST.:	2
DISTRICT:	Government Hill Historic District
APPLICANT:	Nicole Garza
OWNER:	Adrienne Davis
TYPE OF WORK:	Construction of a 2-story single family home

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to construct a new 2-story single family home with an attached garage.

APPLICABLE CITATIONS:

Historic Design Guidelines, Chapter 4,Guidelines for New Construction
1. Building and Entrance Orientation
A. FAÇADE ORIENTATION
i. *Setbacks*—Align front facades of new buildings with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Use the median setback of buildings along the street frontage where a variety of setbacks exist. Refer to UDC Article 3, Division 2. Base Zoning Districts for applicable setback requirements.
ii. *Orientation*—Orient the front façade of new buildings to be consistent with the predominant orientation of historic buildings along the street frontage.
B. ENTRANCES
i. *Orientation*—Orient primary building entrances, porches, and landings to be consistent with those historically found along the street frontage. Typically, historic building entrances are oriented towards the primary street.

2. Building Massing and Form
A. SCALE AND MASS
i. *Similar height and scale*—Design new construction so that its height and overall scale are consistent with nearby historic buildings. In residential districts, the height and scale of new construction should not exceed that of the majority of historic buildings by more than one-story. In commercial districts, building height shall conform to the established pattern. If there is no more than a 50% variation in the scale of buildings on the adjacent block faces, then the height of the new building shall not exceed the tallest building on the adjacent block face by more than 10%.
ii. *Transitions*—Utilize step-downs in building height , wall-plane offsets, and other variations in building massing to provide a visual transition when the height of new construction exceeds that of adjacent historic buildings by more than one-half story.
iii. *Foundation and floor heights*—Align foundation and floor-to-floor heights (including porches and balconies) within one foot of floor-to-floor heights on adjacent historic structures.
B. ROOF FORM
i. *Similar roof forms*—Incorporate roof forms—pitch, overhangs, and orientation—that are consistent with those predominantly found on the block. Roof forms on residential building types are typically sloped, while roof forms on non-residential building types are more typically flat and screened by an ornamental parapet wall.
C. RELATIONSHIP OF SOLIDS TO VOIDS
i. *Window and door openings*—Incorporate window and door openings with a similar proportion of wall to window space as typical with nearby historic facades. Windows, doors, porches, entryways, dormers, bays, and pediments shall be considered similar if they are no larger than 25% in size and vary no more than 10% in height to width ratio from adjacent historic facades.
ii. *Façade configuration*— The primary façade of new commercial buildings should be in keeping with established patterns. Maintaining horizontal elements within adjacent cap, middle, and base precedents will establish a consistent

street wall through the alignment of horizontal parts. Avoid blank walls, particularly on elevations visible from the street. No new façade should exceed 40 linear feet without being penetrated by windows, entryways, or other defined bays.

D. LOT COVERAGE

i. *Building to lot ratio*— New construction should be consistent with adjacent historic buildings in terms of the building to lot ratio. Limit the building footprint for new construction to no more than 50 percent of the total lot area, unless adjacent historic buildings establish a precedent with a greater building to lot ratio.

3. Materials and Textures

A. NEW MATERIALS

i. *Complementary materials*—Use materials that complement the type, color, and texture of materials traditionally found in the district. Materials should not be so dissimilar as to distract from the historic interpretation of the district. For example, corrugated metal siding would not be appropriate for a new structure in a district comprised of homes with wood siding.

ii. *Alternative use of traditional materials*—Consider using traditional materials, such as wood siding, in a new way to provide visual interest in new construction while still ensuring compatibility.

iii. *Roof material*s—Select roof materials that are similar in terms of form, color, and texture to traditionally used in the district.

iv. *Metal roofs*—Construct new metal roofs in a similar fashion as historic metal roofs. Refer to the Guidelines for Alterations and Maintenance section for additional specifications regarding metal roofs.

v. *Imitation or synthetic materials*—Do not use vinyl siding, plastic, or corrugated metal sheeting. Contemporary materials not traditionally used in the district, such as brick or simulated stone veneer and Hardie Board or other fiberboard siding, may be appropriate for new construction in some locations as long as new materials are visually similar to the traditional material in dimension, finish, and texture. EIFS is not recommended as a substitute for actual stucco.

B. REUSE OF HISTORIC MATERIALS

Salvaged materials—Incorporate salvaged historic materials where possible within the context of the overall design of the new structure.

4. Architectural Details

A. GENERAL

i. *Historic context*—Design new buildings to reflect their time while respecting the historic context. While new construction should not attempt to mirror or replicate historic features, new structures should not be so dissimilar as to distract from or diminish the historic interpretation of the district.

ii. *Architectural details*—Incorporate architectural details that are in keeping with the predominant architectural style along the block face or within the district when one exists. Details should be simple in design and should complement, but not visually compete with, the character of the adjacent historic structures or other historic structures within the district. Architectural details that are more ornate or elaborate than those found within the district are inappropriate.

iii. *Contemporary interpretations*—Consider integrating contemporary interpretations of traditional designs and details for new construction. Use of contemporary window moldings and door surroundings, for example, can provide visual interest while helping to convey the fact that the structure is new. Modern materials should be implemented in a way that does not distract from the historic structure.

5. Garages and Outbuildings

A. DESIGN AND CHARACTER

i. *Massing and form*—Design new garages and outbuildings to be visually subordinate to the principal historic structure in terms of their height, massing, and form.

ii. *Building size* – New outbuildings should be no larger in plan than 40 percent of the principal historic structure footprint.

iii. *Character*—Relate new garages and outbuildings to the period of construction of the principal building on the lot through the use of complementary materials and simplified architectural details.

iv. *Windows and doors*—Design window and door openings to be similar to those found on historic garages or outbuildings in the district or on the principle historic structure in terms of their spacing and proportions.

v. *Garage doors*—Incorporate garage doors with similar proportions and materials as those traditionally found in the district.

B. SETBACKS AND ORIENTATION

i. *Orientation*—Match the predominant garage orientation found along the block. Do not introduce front-loaded garages or garages attached to the primary structure on blocks where rear or alley-loaded garages were historically used.

ii. *Setbacks*—Follow historic setback pattern of similar structures along the streetscape or district for new garages and outbuildings. Historic garages and outbuildings are most typically located at the rear of the lot, behind the principal building. In some instances, historic setbacks are not consistent with UDC requirements and a variance may be required.

6. Mechanical Equipment and Roof Appurtenances
A. LOCATION AND SITING
i. *Visibility*—Do not locate utility boxes, air conditioners, rooftop mechanical equipment, skylights, satellite dishes, and other roof appurtenances on primary facades, front-facing roof slopes, in front yards, or in other locations that are clearly visible from the public right-of-way.
ii. *Service Areas*—Locate service areas towards the rear of the site to minimize visibility from the public right-of-way.
B. SCREENING
i. *Building-mounted equipment*—Paint devices mounted on secondary facades and other exposed hardware, frames, and piping to match the color scheme of the primary structure or screen them with landscaping.
ii. *Freestanding equipment*—Screen service areas, air conditioning units, and other mechanical equipment from public view using a fence, hedge, or other enclosure.
iii. *Roof-mounted equipment*—Screen and set back devices mounted on the roof to avoid view from public right-of-way.

7. Designing for Energy Efficiency
A. BUILDING DESIGN
i. *Energy efficiency*—Design additions and new construction to maximize energy efficiency.
ii. *Materials*—Utilize green building materials, such as recycled, locally-sourced, and low maintenance materials whenever possible.
iii. *Building elements*—Incorporate building features that allow for natural environmental control – such as operable windows for cross ventilation.
iv. *Roof slopes*—Orient roof slopes to maximize solar access for the installation of future solar collectors where compatible with typical roof slopes and orientations found in the surrounding historic district.
B. SITE DESIGN
i. *Building orientation*—Orient new buildings and additions with consideration for solar and wind exposure in all seasons to the extent possible within the context of the surrounding district.
ii. *Solar access*—Avoid or minimize the impact of new construction on solar access for adjoining properties.
C. SOLAR COLLECTORS
i. *Location*—Locate solar collectors on side or rear roof pitch of the primary historic structure to the maximum extent feasible to minimize visibility from the public right-of-way while maximizing solar access. Alternatively, locate solar collectors on a garage or outbuilding or consider a ground-mount system where solar access to the primary structure is limited.
ii. *Mounting (sloped roof surfaces)*—Mount solar collectors flush with the surface of a sloped roof. Select collectors that are similar in color to the roof surface to reduce visibility.
iii. *Mounting (flat roof surfaces)*—Mount solar collectors flush with the surface of a flat roof to the maximum extent feasible. Where solar access limitations preclude a flush mount, locate panels towards the rear of the roof where visibility from the public right-of-way will be minimized.

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements

1. Topography
A. TOPOGRAPHIC FEATURES
i. *Historic topography*—Avoid significantly altering the topography of a property (i.e., extensive grading). Do not alter character-defining features such as berms or sloped front lawns that help define the character of the public right-of-way. Maintain the established lawn to help prevent erosion. If turf is replaced over time, new plant materials in these areas should be low-growing and suitable for the prevention of erosion.
ii. *New construction*—Match the historic topography of adjacent lots prevalent along the block face for new construction. Do not excavate raised lots to accommodate additional building height or an additional story for new construction.
iii. *New elements*—Minimize changes in topography resulting from new elements, like driveways and walkways, through appropriate siting and design. New site elements should work with, rather than change, character-defining topography when possible.

2. Fences and Walls

A. HISTORIC FENCES AND WALLS

i. *Preserve*—Retain historic fences and walls.

ii. *Repair and replacement*—Replace only deteriorated sections that are beyond repair. Match replacement materials (including mortar) to the color, texture, size, profile, and finish of the original.

iii. *Application of paint and cementitious coatings*—Do not paint historic masonry walls or cover them with stone facing or stucco or other cementitious coatings.

B. NEW FENCES AND WALLS

i. *Design*—New fences and walls should appear similar to those used historically within the district in terms of their scale, transparency, and character. Design of fence should respond to the design and materials of the house or main structure.

ii. *Location*—Avoid installing a fence or wall in a location where one did not historically exist, particularly within the front yard. The appropriateness of a front yard fence or wall is dependent on conditions within a specific historic district. New front yard fences or wall should not be introduced within historic districts that have not historically had them.

iii. *Height*—Limit the height of new fences and walls within the front yard to a maximum of four feet. The appropriateness of a front yard fence is dependent on conditions within a specific historic district. New front yard fences should not be introduced within historic districts that have not historically had them. If a taller fence or wall existed historically, additional height may be considered. The height of a new retaining wall should not exceed the height of the slope it retains.

iv. *Prohibited materials*—Do not use exposed concrete masonry units (CMU), Keystone or similar interlocking retaining wall systems, concrete block, vinyl fencing, or chain link fencing.

v. *Appropriate materials*—Construct new fences or walls of materials similar to fence materials historically used in the district. Select materials that are similar in scale, texture, color, and form as those historically used in the district, and that are compatible with the main structure. Screening incompatible uses—Review alternative fence heights and materials for appropriateness where residential properties are adjacent to commercial or other potentially incompatible uses.

C. PRIVACY FENCES AND WALLS

i. *Relationship to front facade*—Set privacy fences back from the front façade of the building, rather than aligning them with the front façade of the structure to reduce their visual prominence.

ii. *Location* – Do not use privacy fences in front yards.

3. Landscape Design

A. PLANTINGS

i. *Historic Gardens*— Maintain front yard gardens when appropriate within a specific historic district.

ii. *Historic Lawns*—Do not fully remove and replace traditional lawn areas with impervious hardscape. Limit the removal of lawn areas to mulched planting beds or pervious hardscapes in locations where they would historically be found, such as along fences, walkways, or drives. Low-growing plantings should be used in historic lawn areas; invasive or large-scale species should be avoided. Historic lawn areas should never be reduced by more than 50%.

iii. *Native xeric plant materials*—Select native and/or xeric plants that thrive in local conditions and reduce watering usage. See UDC Appendix E: San Antonio Recommended Plant List—All Suited to Xeriscape Planting Methods, for a list of appropriate materials and planting methods. Select plant materials with a similar character, growth habit, and light requirements as those being replaced.

iv. *Plant palettes*—If a varied plant palette is used, incorporate species of taller heights, such informal elements should be restrained to small areas of the front yard or to the rear or side yard so as not to obstruct views of or otherwise distract from the historic structure.

v. *Maintenance*—Maintain existing landscape features. Do not introduce landscape elements that will obscure the historic structure or are located as to retain moisture on walls or foundations (e.g., dense foundation plantings or vines) or as to cause damage.

B. ROCKS OR HARDSCAPE

i. *Impervious surfaces* —Do not introduce large pavers, asphalt, or other impervious surfaces where they were not historically located.

ii. *Pervious and semi-pervious surfaces*—New pervious hardscapes should be limited to areas that are not highly visible, and should not be used as wholesale replacement for plantings. If used, small plantings should be incorporated into the design.

iii. *Rock mulch and gravel* - Do not use rock mulch or gravel as a wholesale replacement for lawn area. If used, plantings should be incorporated into the design.

C. MULCH

Organic mulch – Organic mulch should not be used as a wholesale replacement for plant material. Organic mulch with appropriate plantings should be incorporated in areas where appropriate such as beneath a tree canopy.

i. *Inorganic mulch* – Inorganic mulch should not be used in highly-visible areas and should never be used as a wholesale replacement for plant material. Inorganic mulch with appropriate plantings should be incorporated in areas where appropriate such as along a foundation wall where moisture retention is discouraged.

D. TREES

i. *Preservation*—Preserve and protect from damage existing mature trees and heritage trees. See UDC Section 35-523 (Tree Preservation) for specific requirements.

ii. *New Trees* – Select new trees based on site conditions. Avoid planting new trees in locations that could potentially cause damage to a historic structure or other historic elements. Species selection and planting procedure should be done in accordance with guidance from the City Arborist.

iii. *Maintenance* – Proper pruning encourages healthy growth and can extend the lifespan of trees. Avoid unnecessary or harmful pruning. A certified, licensed arborist is recommended for the pruning of mature trees and heritage trees.

4. Residential Streetscapes

A. PLANTING STRIPS

i. *Street trees*—Protect and encourage healthy street trees in planting strips. Replace damaged or dead trees with trees of a similar species, size, and growth habit as recommended by the City Arborist.

ii. *Lawns*— Maintain the use of traditional lawn in planting strips or low plantings where a consistent pattern has been retained along the block frontage. If mulch or gravel beds are used, low-growing plantings should be incorporated into the design.

iii. *Alternative materials*—Do not introduce impervious hardscape, raised planting beds, or other materials into planting strips where they were not historically found.

B. PARKWAYS AND PLANTED MEDIANS

i. *Historic plantings*—Maintain the park-like character of historic parkways and planted medians by preserving mature vegetation and retaining historic design elements. Replace damaged or dead plant materials with species of a like size, growth habit, and ornamental characteristics.

ii. *Hardscape*—Do not introduce new pavers, concrete, or other hardscape materials into parkways and planted medians where they were not historically found.

C. STREET ELEMENTS

i. *Site elements*—Preserve historic street lights, street markers, roundabouts, and other unique site elements found within the public right-of-way as street improvements and other public works projects are completed over time.

ii. *Historic paving materials*—Retain historic paving materials, such as brick pavers or colored paving, within the public right-of-way and repair in place with like materials.

5. Sidewalks, Walkways, Driveways, and Curbing

A. SIDEWALKS AND WALKWAYS

i. *Maintenance*—Repair minor cracking, settling, or jamming along sidewalks to prevent uneven surfaces. Retain and repair historic sidewalk and walkway paving materials—often brick or concrete—in place.

ii. *Replacement materials*—Replace those portions of sidewalks or walkways that are deteriorated beyond repair. Every effort should be made to match existing sidewalk color and material.

iii. *Width and alignment*— Follow the historic alignment, configuration, and width of sidewalks and walkways. Alter the historic width or alignment only where absolutely necessary to accommodate the preservation of a significant tree.

iv. *Stamped concrete*—Preserve stamped street names, business insignias, or other historic elements of sidewalks and walkways when replacement is necessary.

v. *ADA compliance*—Limit removal of historic sidewalk materials to the immediate intersection when ramps are added to address ADA requirements.

B. DRIVEWAYS

i. *Driveway configuration*—Retain and repair in place historic driveway configurations, such as ribbon drives. Incorporate a similar driveway configuration—materials, width, and design—to that historically found on the site. Historic driveways are typically no wider than 10 feet. Pervious paving surfaces may be considered where replacement is necessary to increase stormwater infiltration.

ii. *Curb cuts and ramps*—Maintain the width and configuration of original curb cuts when replacing historic driveways. Avoid introducing new curb cuts where not historically found.

C. CURBING

i. *Historic curbing*—Retain historic curbing wherever possible. Historic curbing in San Antonio is typically constructed of concrete with a curved or angular profile.

ii. *Replacement curbing*—Replace curbing in-kind when deteriorated beyond repair. Where in-kind replacement is not be

feasible, use a comparable substitute that duplicates the color, texture, durability, and profile of the original. Retaining walls and curbing should not be added to the sidewalk design unless absolutely necessary.

7. Off-Street Parking
A. LOCATION
i. *Preferred location*—Place parking areas for non-residential and mixed-use structures at the rear of the site, behind primary structures to hide them from the public right-of-way. On corner lots, place parking areas behind the primary structure and set them back as far as possible from the side streets. Parking areas to the side of the primary structure are acceptable when location behind the structure is not feasible. See UDC Section 35-310 for district-specific standards.
ii. *Front*—Do not add off-street parking areas within the front yard setback as to not disrupt the continuity of the streetscape.
iii. *Access*—Design off-street parking areas to be accessed from alleys or secondary streets rather than from principal streets whenever possible.
B. DESIGN
i. *Screening*—Screen off-street parking areas with a landscape buffer, wall, or ornamental fence two to four feet high—or a combination of these methods. Landscape buffers are preferred due to their ability to absorb carbon dioxide. See UDC Section 35-510 for buffer requirements.
ii. *Materials*—Use permeable parking surfaces when possible to reduce run-off and flooding. See UDC Section 35-526(j) for specific standards.

OHP Window Policy Document
Windows used in new construction should:
- Maintain traditional dimensions and profiles;
- Be recessed within the window frame. Windows with a nailing strip are not recommended;
- Feature traditional materials or appearance. Wood windows are most appropriate. Double-hung, block frame windows that feature alternative materials may be considered on a case-by-case basis;
- Feature traditional trim and sill details. Paired windows should be separated by a wood mullion. The use of low-e glass is appropriate in new construction provided that hue and reflectivity are not drastically different from regular glass.

FINDINGS:

a. The applicant has proposed to construct a 2-story single family home on the vacant lot located at 309 Pierce. The lot is located within the boundary of the Government Hill Historic District and is flanked to the north by a 1-story historic single family home, to the west by a 1.5-story historic single family home, and to the east by a vacant lot and a cluster of contributing residential structures ranging from 1 to 2 stories in height. The lot is also adjacent to Interstate 35 Frontage Road to the south. This area of the Government Hill Historic District is characterized primarily by 1, 1.5, and 2-story single family homes, many with rear accessory structures. However, the configurations of the lots in the area vary in orientation, setback, lot coverage, and lot size.
b. Conceptual approval is the review of general design ideas and principles (such as scale and setback). Specific design details reviewed at this stage are not binding and may only be approved through a Certificate of Appropriateness for final approval.
c. The applicant met with the Design Review Committee (DRC) on July 11, 2017. The DRC noted that the attached garage is a departure from typical configurations in the district, but recognized the limitations of the lot size and the associated easements, stating that the solution is appropriate for the constraints. A key concept discussed was the massing of the building and its proposed roof forms. The DRC noted that the typical configuration of structures in the area is a projection of the front entryway towards the streetscape, which is the opposite condition indicated in the submission; the proposed structure's garage mass is the element that projects closest to Pierce. The DRC suggested simplifying the various roof forms and incorporating shed dormers to make ridgelines less complex, and to allow the central mass to read as one distinct element, which responds more closely to the historic massing found in the surrounding vicinity. The applicant met again with the DRC on July 25, 2017. The DRC discussed the development pattern in the area and the configuration of the roof forms of the historic houses in the vicinity, suggesting that the applicant take inspiration from neighboring precedents. The DRC recommended that the applicant explore adding a front porch to remain consistent with the neighboring homes fronting IH 35 N. The DRC also recommended exploring raising the foundation height

in response to historic precedents. Façade materials were discussed, including the lack of board and baton siding precedents in the historic district, and the DRC recommended incorporating horizontal lap siding or another façade element that responded to the neighborhood materials. The DRC recommended that rock veneer be avoided.

d. SETBACKS – According to the Guidelines for New Construction, the front facades of new buildings are to align with front facades of adjacent buildings where a consistent setback has been established along the street frontage. The orientation of new construction should be consistent with the historic example found on the block. Additionally, established setbacks average to approximately 10 feet from the public right-of-way. The proposed structure will be set back from Pierce by 10 feet. Staff finds the proposal generally consistent with the Guidelines.
e. ORIENTATION – The applicant has proposed to orient the structure towards Pierce. According to the Guidelines for New Construction, the front façade should be oriented to be consistent with those historically found along the street frontage. The adjacent single family homes orient towards the Interstate 35 Frontage Road. Staff finds the primary orientation inconsistent with the Guidelines.
f. ENTRANCES AND MASSING – In the surrounding vicinity, historic structures are situated on narrow, deep lots, allowing for the front façade to be smaller in width than the side facades; however, the lot condition at 309 Pierce is wide and shallow. Therefore, the primary entrance will be located on the longest elevation, facing west towards Pierce. The applicant has included a porch element that partially wraps around the southwestern edge of the structure; however, the front door will be located on the elevation facing Pierce. This is a departure from standard entrance configurations in the district. Staff finds the entrance configuration inconsistent with typical patterns of the district.
g. SCALE – The applicant has proposed a 2-story single family structure. Per the submitted elevations, the ridgeline of the highest point appears to measure approximately 24 feet in height. Guideline 2.A.i stipulates that the height and scale of new construction should be consistent with nearby historic buildings and should not exceed that of the majority of historic buildings by more than one-story. Staff finds the proposed scale acceptable for the surrounding context of the district.
h. FOUNDATION & FLOOR HEIGHTS – According to the Guidelines for New Construction 2.A.iii., foundation and floor heights should be aligned within one (1) foot of neighboring structure's foundations. Throughout this block, the foundation heights of historic structures are between two and three feet. The submitted elevations do not indicate the dimension of the foundation height, but it appears to be approximately 1 foot. Staff finds the proposal generally consistent with the Guidelines based on the submitted documentation.
i. ROOF FORM – The Historic Design Guidelines for New Construction state that new structures should incorporate roof forms, including pitch, overhangs, and orientation, that are consistent with those predominantly found on the block. The applicant has proposed an overall hipped roof form that is reflective of historic homes in the area; however, each elevation contains several ridgelines with associated overhangs. Staff finds the number of roof forms and projections to be inconsistent with development patterns of the district.
j. WINDOW & DOOR OPENINGS – According to the Historic Design Guidelines for New Construction, window openings with a similar proportion of wall to window as compared to nearby historic facades should be incorporated. Similarity is defined by windows that are no larger than 25% in size and vary no more than 10% in height to width ratio from adjacent historic facades. Overall, the applicant has incorporated window sizes and proportions that are consistent with the OHP Window Policy Document and historic fenestration precedents in the district. However, staff finds vinyl windows to be inconsistent with the Guidelines and OHP Window Policy Document. Staff finds wood or aluminum clad wood windows should be installed that feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening.
k. GARAGE – The applicant has proposed to construct an attached garage. The garage will be located at the northeastern portion of the property and will be the mass projecting closest to the Pierce right-of-way. The garage door will be a double-wide overhead door and orient towards the north, facing the adjacent house. The garage mass will measure 20'-4" in width. According to the Historic Design Guidelines, new garages should follow the historic pattern of similar structures along the streetscape or district for new garages and

outbuildings. Historic garages and outbuildings are most typically located at the rear of the lot, behind the principal building. There is no historic precedent for an attached garage in the Government Hill Historic District. The development pattern in the vicinity is most commonly a detached rear accessory structure accessed from a rear alley or secondary or side street. According to Sanborn Maps, the lot was originally divided along the approximate location of the existing curb cut and contained two historic houses. The lot width is similar to the width of the adjacent homes to west of the property. The lot can accommodate a rear accessory structure accessed from Pierce Avenue and feature enough remaining space to construct a 2-story single family home. Staff does not find the proposed garage configuration appropriate for the district or consistent with the Guidelines.

l. MATERIALS – The applicant has proposed materials that include vertical board and batten siding with trim, horizontal woodlap siding, a standing seam metal roof, and a wooden front door. According to the Historic Design Guidelines for New Construction, materials should complement the type, color, and texture of materials traditionally found in the district. Additionally, materials should not be so dissimilar as to distract from the historic interpretation of the district. Contemporary interpretations of traditional materials are encouraged. Staff finds the proposed material palette appropriate for the context of the district.

m. ARCHITECTURAL DETAILS – New buildings should be designed to reflect their time while representing the historic context of the district. Additionally, architectural details should be complementary in nature and should not detract from nearby historic structures. Staff finds the proposal consistent with the Guidelines with the stipulations outlined in the recommendation.

n. MECHANICAL EQUIPMENT – The applicant has not noted the location and screening of mechanical equipment. The applicant is responsible for screening all mechanical equipment from view of the public right of way.

o. TREE REMOVAL – The applicant has proposed to remove several trees from the property, including a tree located in approximately the center of the lot, and several trees along the property's lot line. The tree located in the center of the lot is not a heritage tree. The trees located along the lot line are smaller and are not heritage trees. The applicant has consulted with an arborist on their significance. Staff finds the proposal acceptable.

p. LANDSCAPING – The applicant has provided a full landscaping plan to staff that includes decomposed granite, ample grass, and a variety of landscaping species, including crape myrtles, esperanza, blue cypress,

q. HARDSCAPING – The applicant has proposed to remove an existing concrete apron near the center of the lot on Pierce and install a new concrete driveway measuring 10'-0" in width. The driveway will expand to a pad towards the interior of the lot. The applicant has also proposed to construct a concrete walkway measuring 13'-4" in length near the center of the property, slightly south of the concrete apron to be removed. Staff finds the proposed walkway width and material consistent with historic precedents in the district, but finds that its entrance should terminate at the façade facing IH-35 Frontage Road to be more consistent with entrance patterns along the block as noted in finding g. Regarding the driveway, concrete driveways are contextually appropriate and historically common in the Government Hill Historic District. According to the Historic Design Guidelines for Site Elements, driveways should be limited to 10'-0" in width. Staff finds the proposed width consistent with the Guidelines.

r. FENCING – The applicant has proposed to install a six foot cedar plank privacy fence in the rear yard, and a 4 foot tall horizontal cedar plank fence in the front and side yards. The proposed front and side yard fencing is made of horizontal wooden fencing. According to the Historic Design Guidelines, front and side yard fences should be limited to a height of 4 feet. Wood plank fences are common in the Government Hill Historic District. Staff finds the proposal consistent with the Guidelines.

RECOMMENDATION:

Staff does not recommend final approval as submitted based on findings a through r. The proposed structure is incompatible with the development pattern of the Government Hill Historic District and is a departure from primary and accessory structure relationships. Staff recommends that the applicant address the following items if they wish to return with a new design proposal:

1. That the applicant orients the primary entrance of the structure towards Interstate 35 Frontage Road to be more consistent with the development pattern of the block as noted in finding f.
2. That the applicant explores ways to incorporate a detached garage as noted in finding k to be more consistent with the overall development pattern of the Government Hill Historic District.
3. That the applicant simplifies the overall massing and configuration of the roof form to be more consistent with

the historic roofs found in the district as noted in finding i.

4. That the applicant installs wood or aluminum clad wood windows that feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening
5. That the applicant complies with the OHP Checklist for Metal Roofs. The roof must feature panels that are 18 to 21 inches wide, seams that are 1 to 2 inches tall, a standard galvalume finish, and a crimped ridge seam. The applicant must contact staff 24 hours prior to installation in order to schedule an inspection to verify that metal roof specifications are met.
6. That the board and batten siding features a smooth finish, an exposure of four inches, that the board and batten siding feature boards that are twelve (12) inches wide with battens that are 1 – ½" wide.

CASE MANAGER:

Stephanie Phillips

N

Flex Viewer

Powered by ArcGIS Server

Printed:Jul 07, 2017


309 Pierce Avenue
Pierce Ave
Pierce Ave
Gloucheester St
Gloucheester St
Gloucheester St
Interstate 35 Frontage Rd


CITY of SAN ANTONIO
NOTICE of HEARING
HISTORIC & DESIGN
REVIEW COMMISSION
ADDRESS:
REQUEST:
HEARING DATE: , 201 Time: 3:00 PM
FOR MORE INFORMATION CONTACT
(210) 207-0035
ALL HDRC MEETINGS TAKE PLACE AT 1901 S. ALAMO

1950 SANBORN MAP

June 21, 2017
To: Historic and Design Review Commission
From: Adrienne Davis and Nicole Garza
Subject: Narrative: 309 Pierce Avenue San Antonio, TX 78208

The following is requesting approval for a new home build in Government Hill at 309 Pierce Avenue, San Antonio, Texas.

- New Home Build
- 2 Story, 2 Bedroom, 2.5 Bath, with attached 2 Car Garage.
- Exterior Materials:
    - Hazel Nut Cream Horizontal and Vertical Board and Batty Siding with 1x4 Trim
    - Gray Standing Seam Metal Roof 7:12 Roof Pitch
    - Brown Horizontal Wooden Front Door
    - Front Porch to extend to view from frontage road I-35
    - 4ft horizontal wood fence to align with neighboring structures off frontage road I-35 (see options A and B fence Plan)
    - 6 ft. Cedar Privacy fence (designated on plans)
- Exterior Colors/Materials: White/Cream, Grays (taupe), Cedar Wood, and Metal like colors and bat and board siding.
- Style Two Story historic/modern farm style house with accents that align with old and new characteristics of Government Hill.
- Removal of one tree located center of the lot and the property line trees located on the backside of the house. (see attachments)
- Proposed landscaping design. (see attachment)

309 Pierce

Doors:
Front door will be a modern wooden door to accent the home and blend with the new/old of the Historic District.
See Door Design Attachments

Landscape/ Hardscape:

See Garza-Davis Landscape / Hardscape Design

Windows:
Windows will maintain traditional dimensions and profiles of neighboring homes. Windows will be recessed within the window frame. Double Hung energy efficient windows will be built with block framing.
See 309 Pierce Plan 3
Materials:
See pdf 309 Pierce Plan 3

Exterior Colors:
Cedar Wood Accents
Window Shutters: Color: Perfect Taupe
All Side Paneling horizontal and vertical: Hazelnut Cream
See Attached House Exterior Color Choices

Fencing:
Property line fence 6ft cedar wood
Side Yard 35 Fence 4ft horizontal fleshed wood
See Fence Plan attachment

Roofing:
Metal Roof

Plant Removal:

Removal of 5 property line Mulberries

Removal of 2 center lot hackberries.

Removal of 1property China Berry

***See Arborist Report Attachment and Photos**

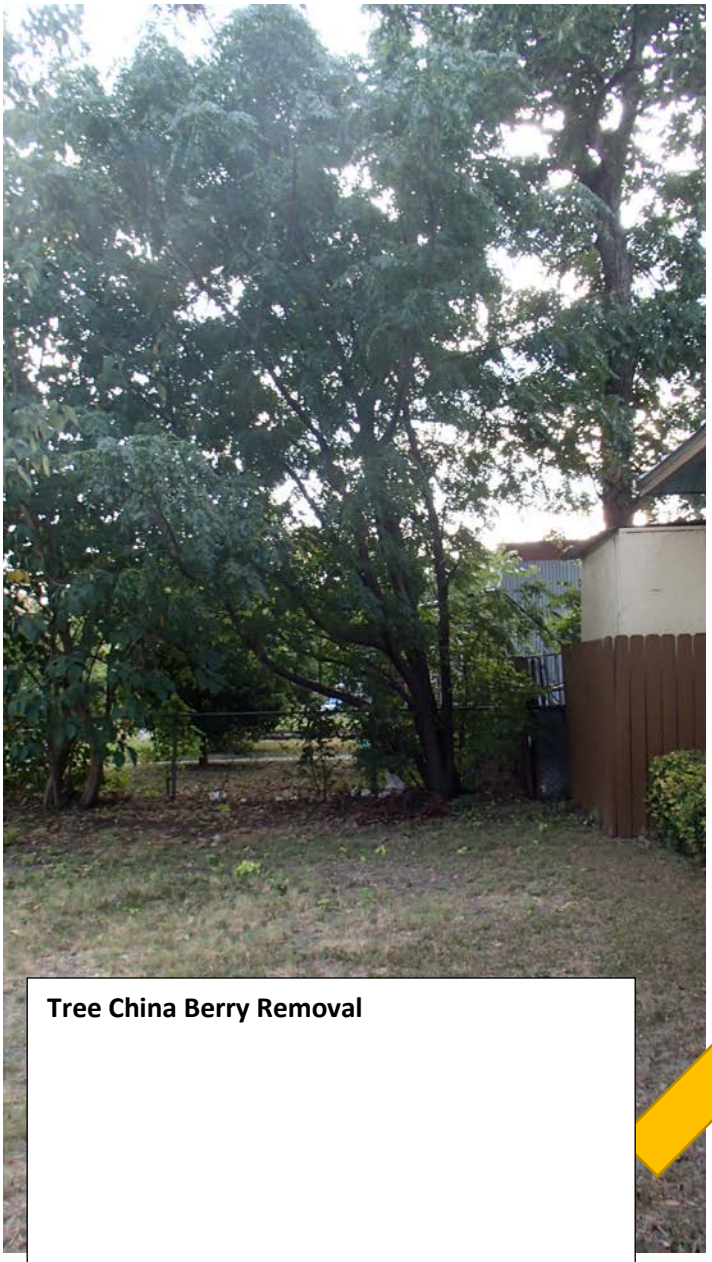
City permit will be obtained prior to removal.

See Arborist land survey report Attachment

309 Pierce Landscape Plan

Removal of the center lot hackberry trees.

Removal of these property line tree/plants. Mulberries



Tree China Berry Removal

Google Maps 309 Pierce Ave

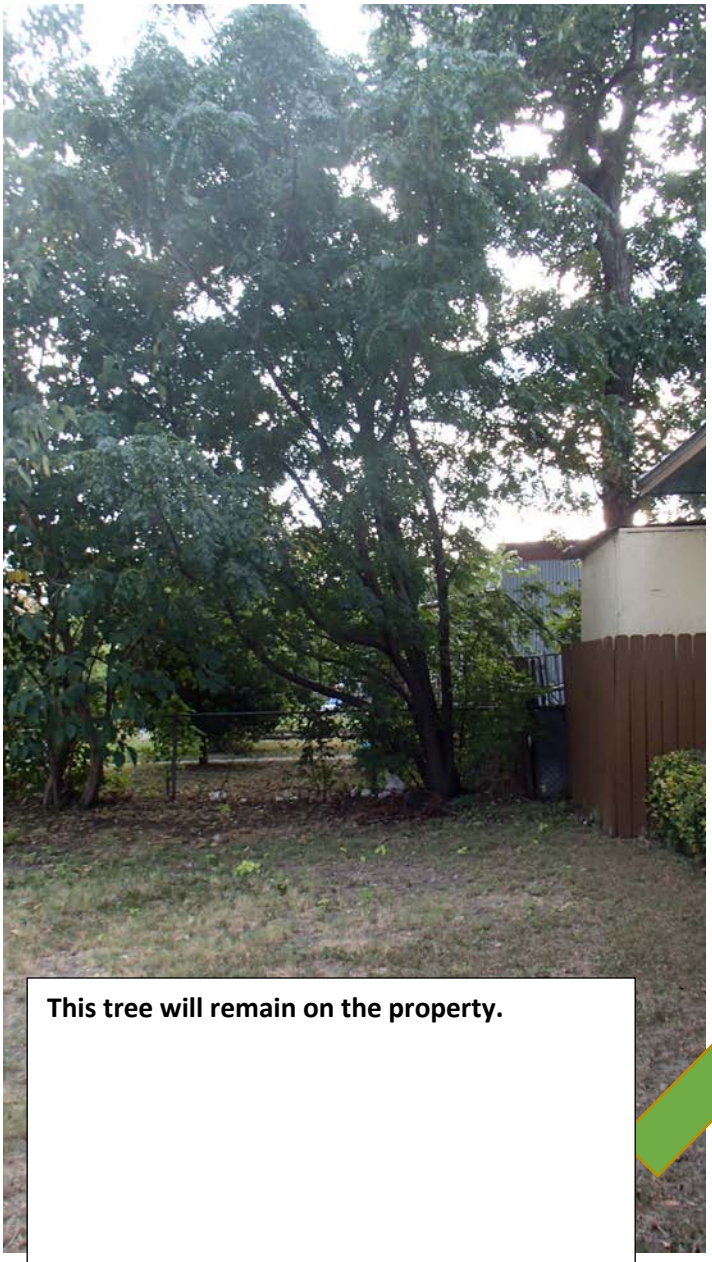
Image capture: Mar 2016 © 2017 Google United States

San Antonio, Texas

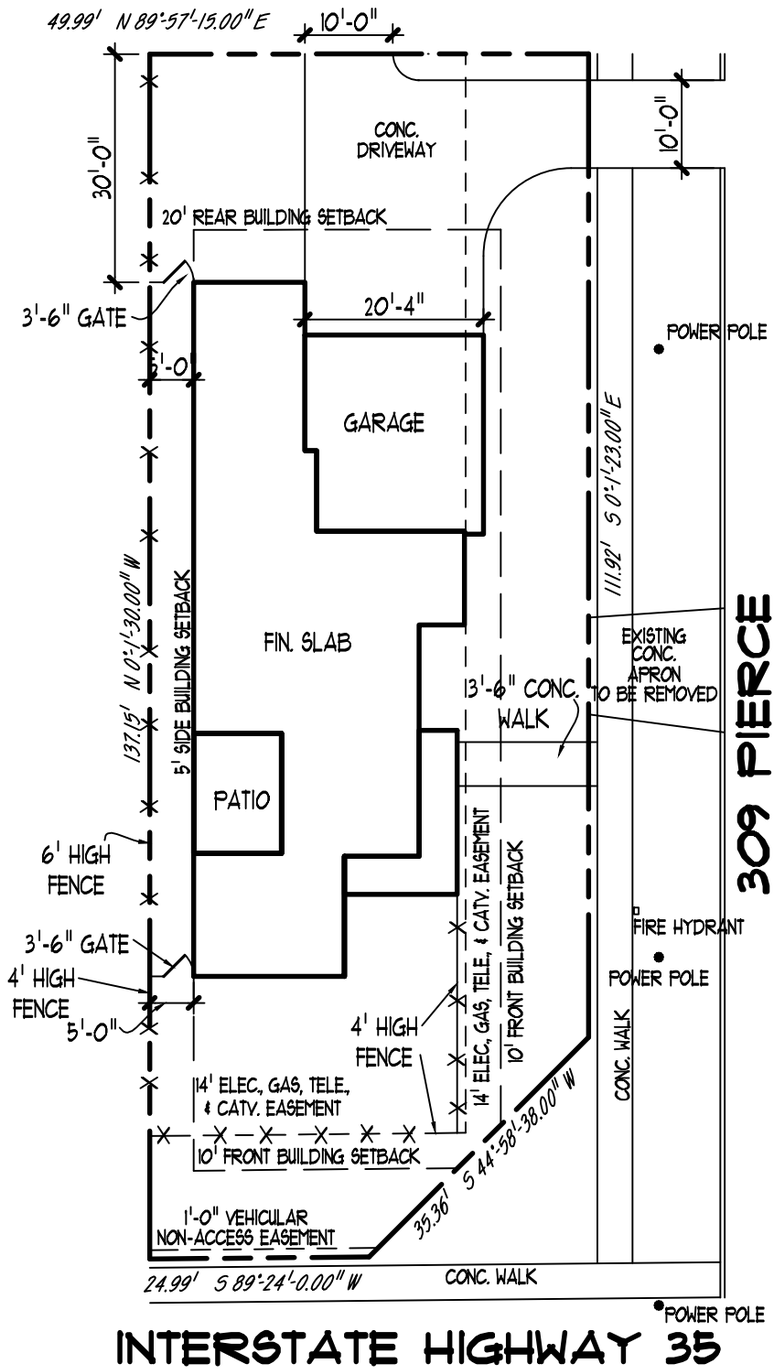
Street View - Mar 2016


STOP


Walmart



This tree will remain on the property.



N

PLOT PLAN

SCALE: 1" = 20'-0"

CUSTOM HOME

SUBDIVISION: -
LOT: 14
BLOCK: 8
NCB: 1276
PLAN: GARZA-DAVIS RESIDENCE
DATE: 08-29-2017

Jim Cox DESIGNS
EXPERIENCE | QUALITY | VISION
13333 BLANCO ROAD, SUITE 301, SAN ANTONIO, TEXAS 78216
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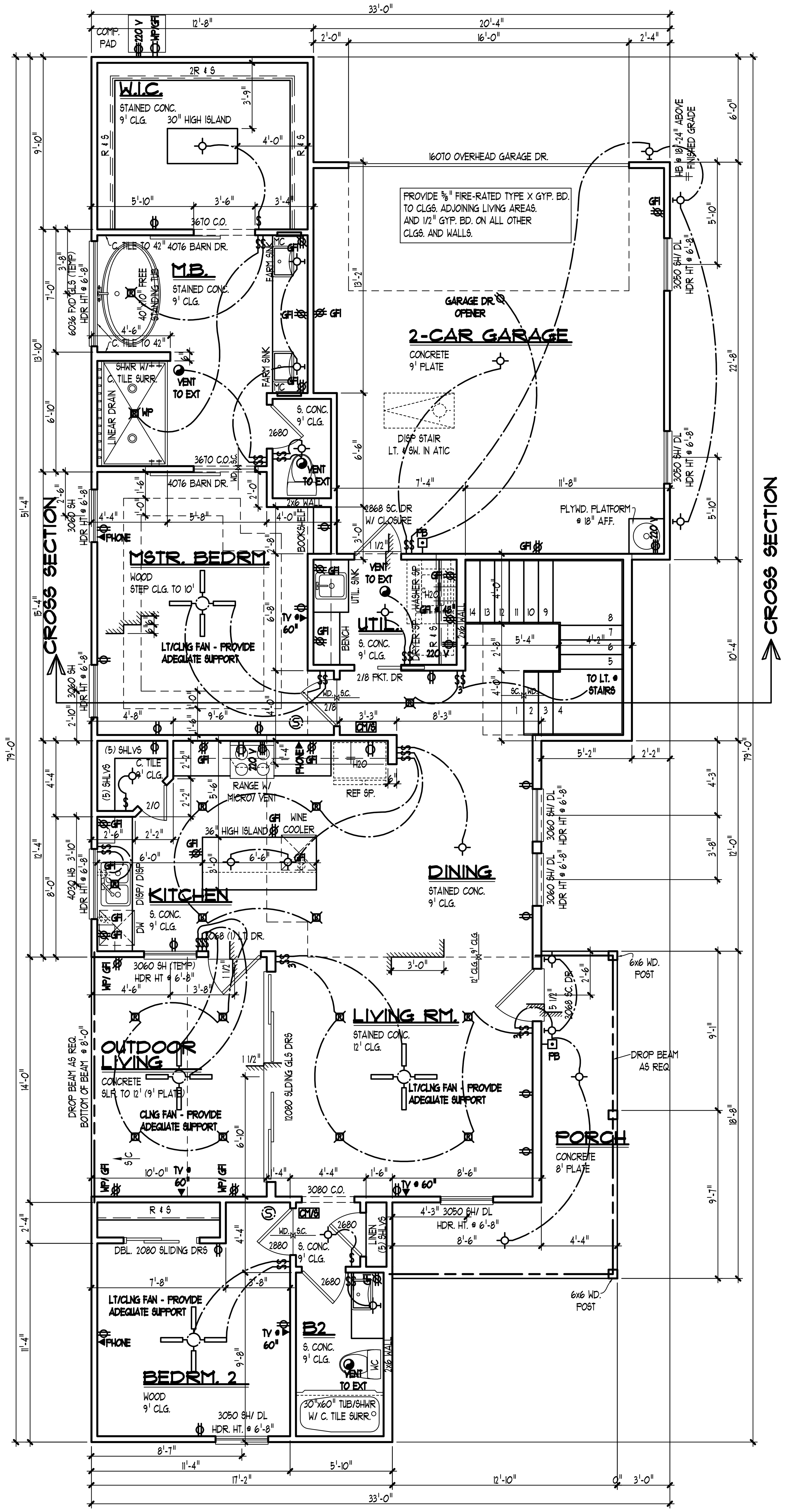
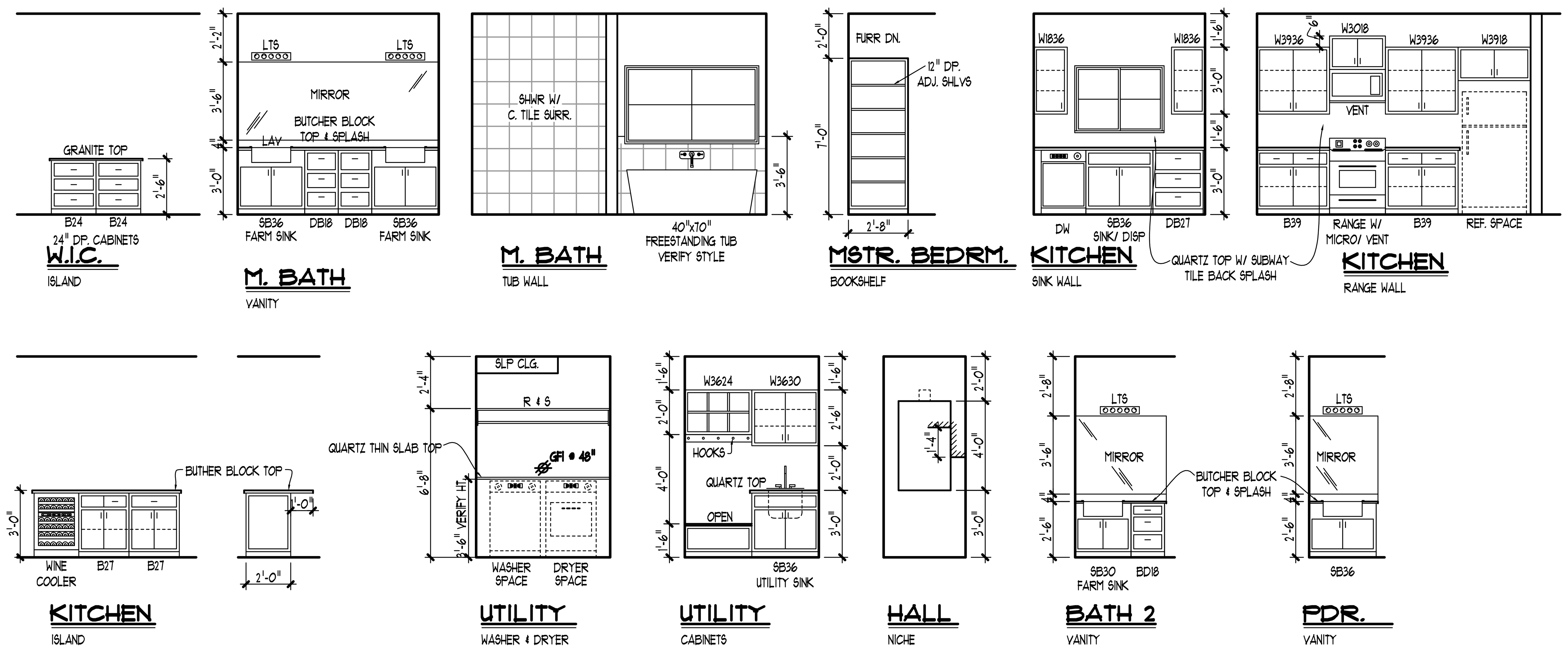


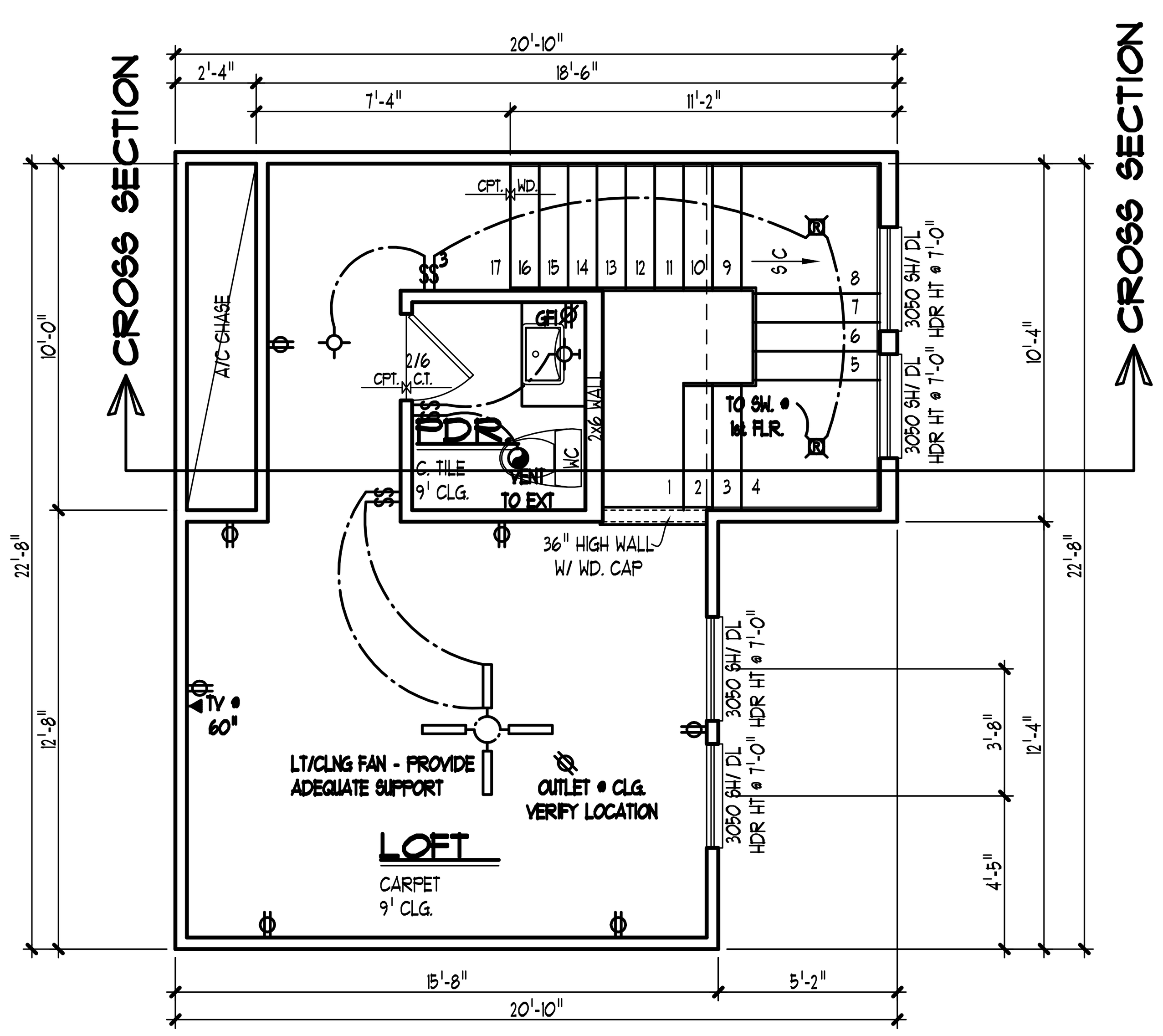
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



INTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

NOTE:
ATTIC A/C UNIT PROVIDE REQ. ELEC. AND/OR GAS W/ OVERFLOW PAN TO OUTSIDE ON (32) SQ. FT. OF PLYWD. DECKING. INSTALL AS PER LOCAL CODE.

FOOTAGES:	
FIRST FLOOR	1474
SECOND FLOOR	291
TOTAL LIVING	1765
PORCH	118
PATIO	137
GARAGE	443
OTHER	
TOTAL COVERED	

DRAWN BY: CHRIS PENA
DATE: 08-26-2017
PRELIM FILE NAME: GARZA-DAVIS

CHECK SET: 08-29-2017
FINAL SET:

NOTES:
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CUSTOM HOME
GARZA-DAVIS RESIDENCE

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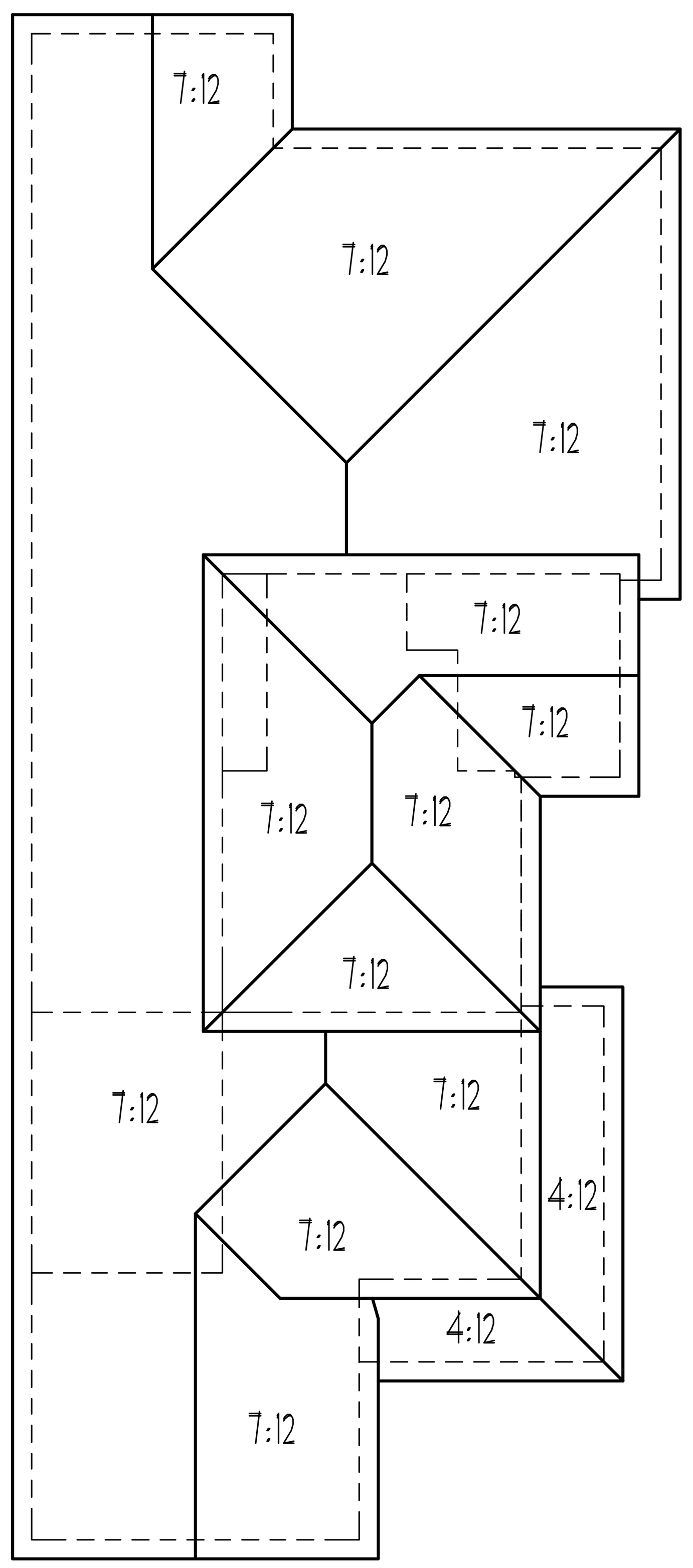
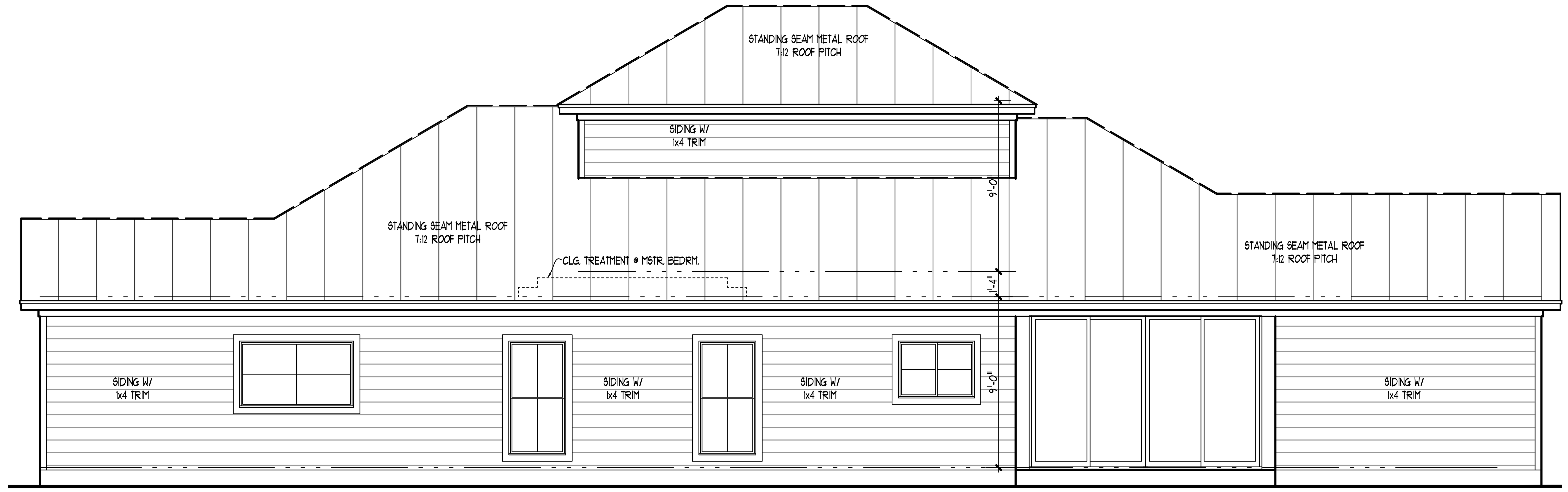


ROOF PLAN

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

ATTIC VENT NOTES

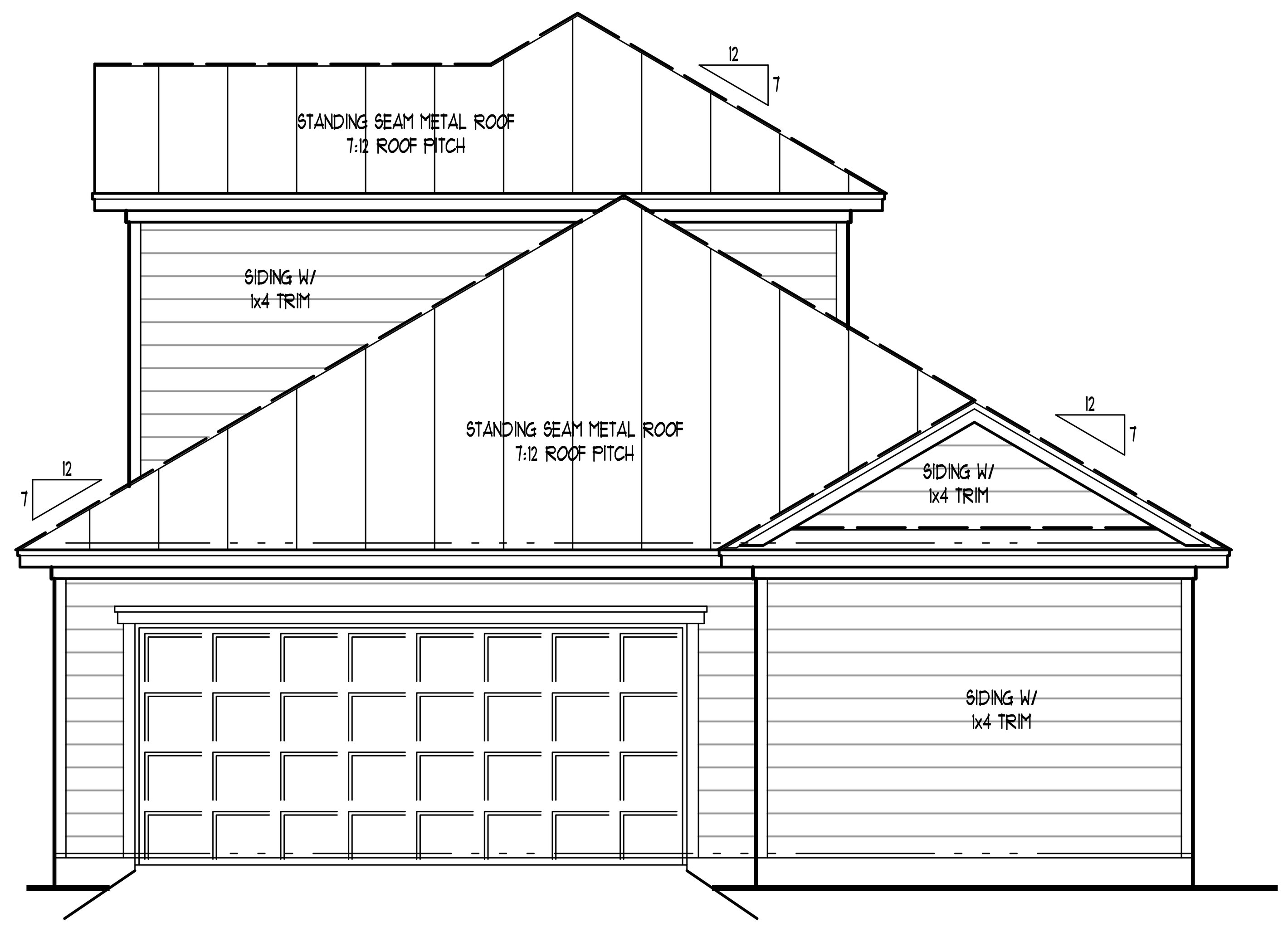
AREA TO BE VENTED:
2172 # / 300 = 7.0 REQ'D. FREE AIR

PROVIDE MINIMUM : 40%-50% TO BE VENTED ABOVE SOFFIT
TURBINES TO ALLOW 2.8 # F.A.
151.68 L.F. 2" CONT. SOFFIT
VENT @ 1.0 # PER. 16'-0" = 4.2 # F.A

TOTAL FREE AIR = 7.0 #

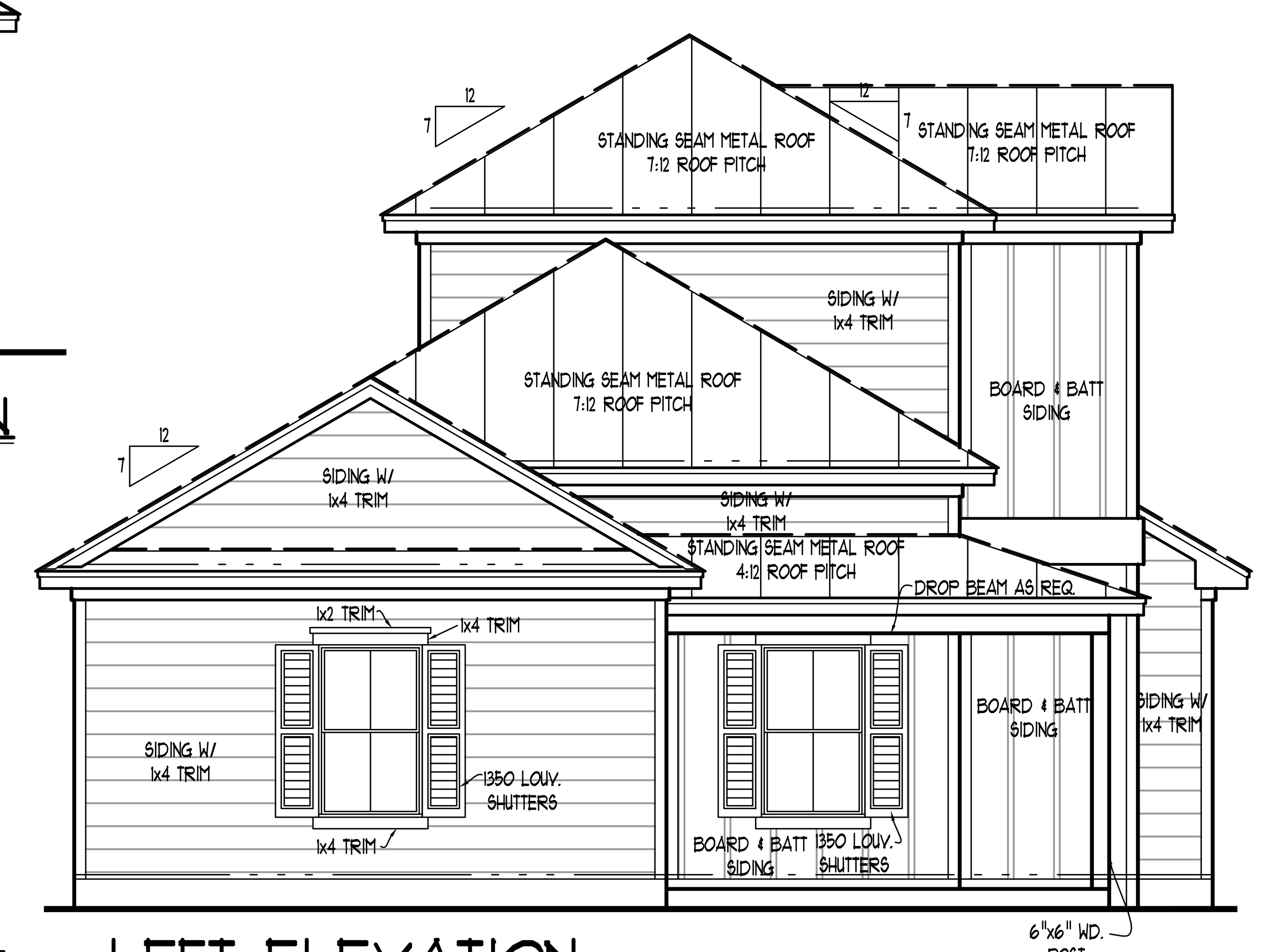
NOTES:

- USE PANELS THAT ARE 18"-21" IN WIDTH
- ENSURE SEAMS ARE APPROPRIATE HEIGHT FOR THE SLOPE OF THE ROOF (1"-2")
- USE CRIMPED RIDGE SEAM THAT IS CONSISTENT WITH HISTORIC APPLICATION



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

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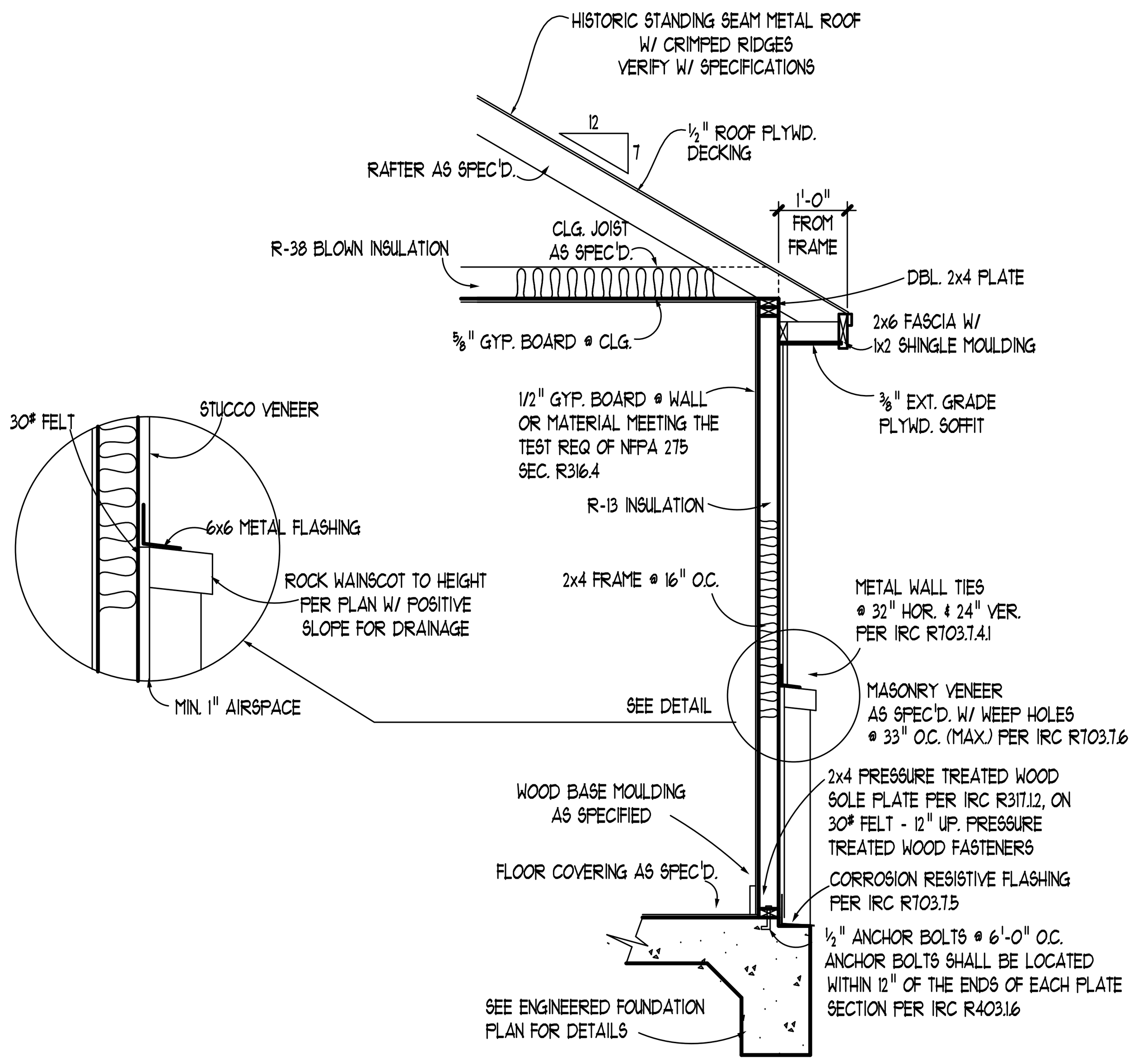
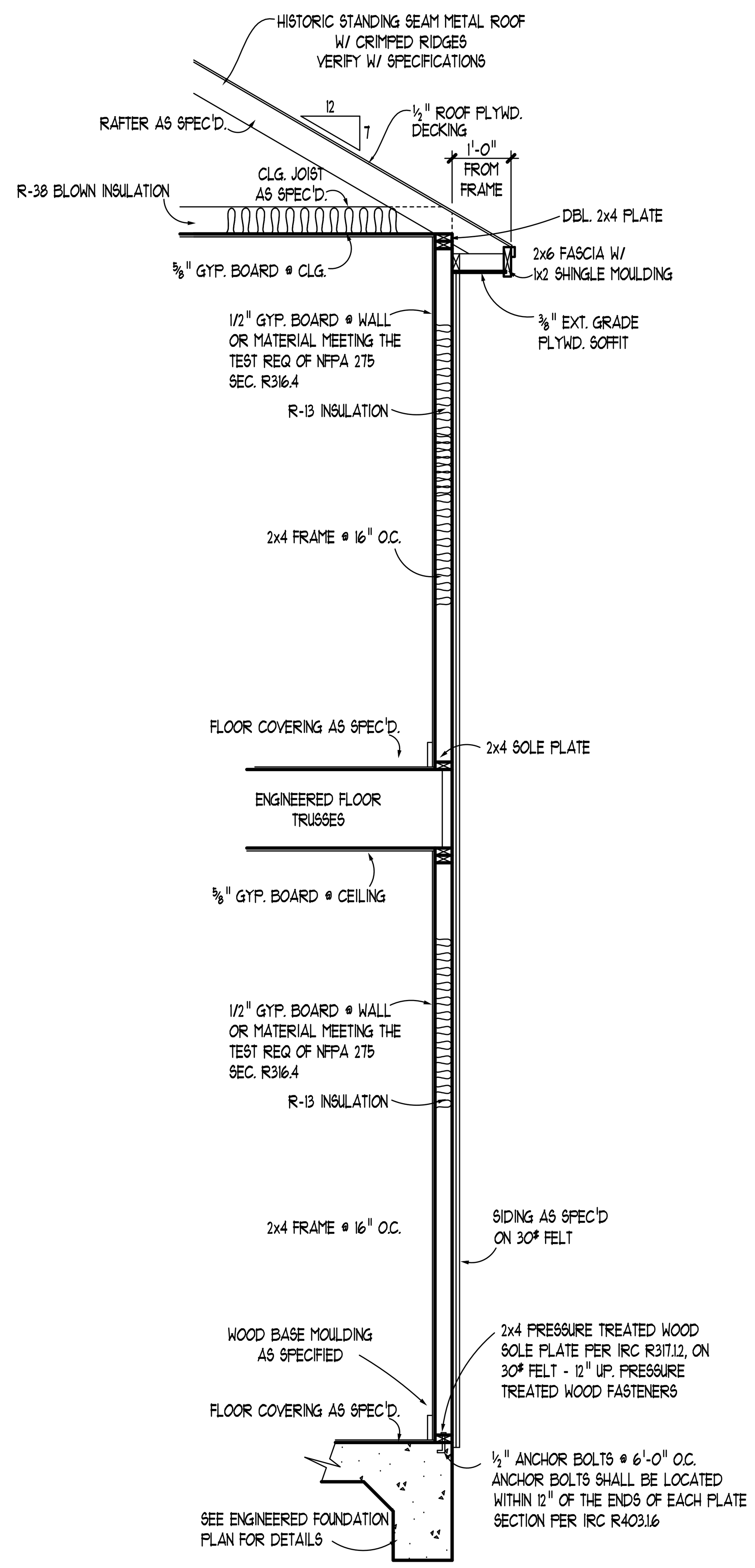


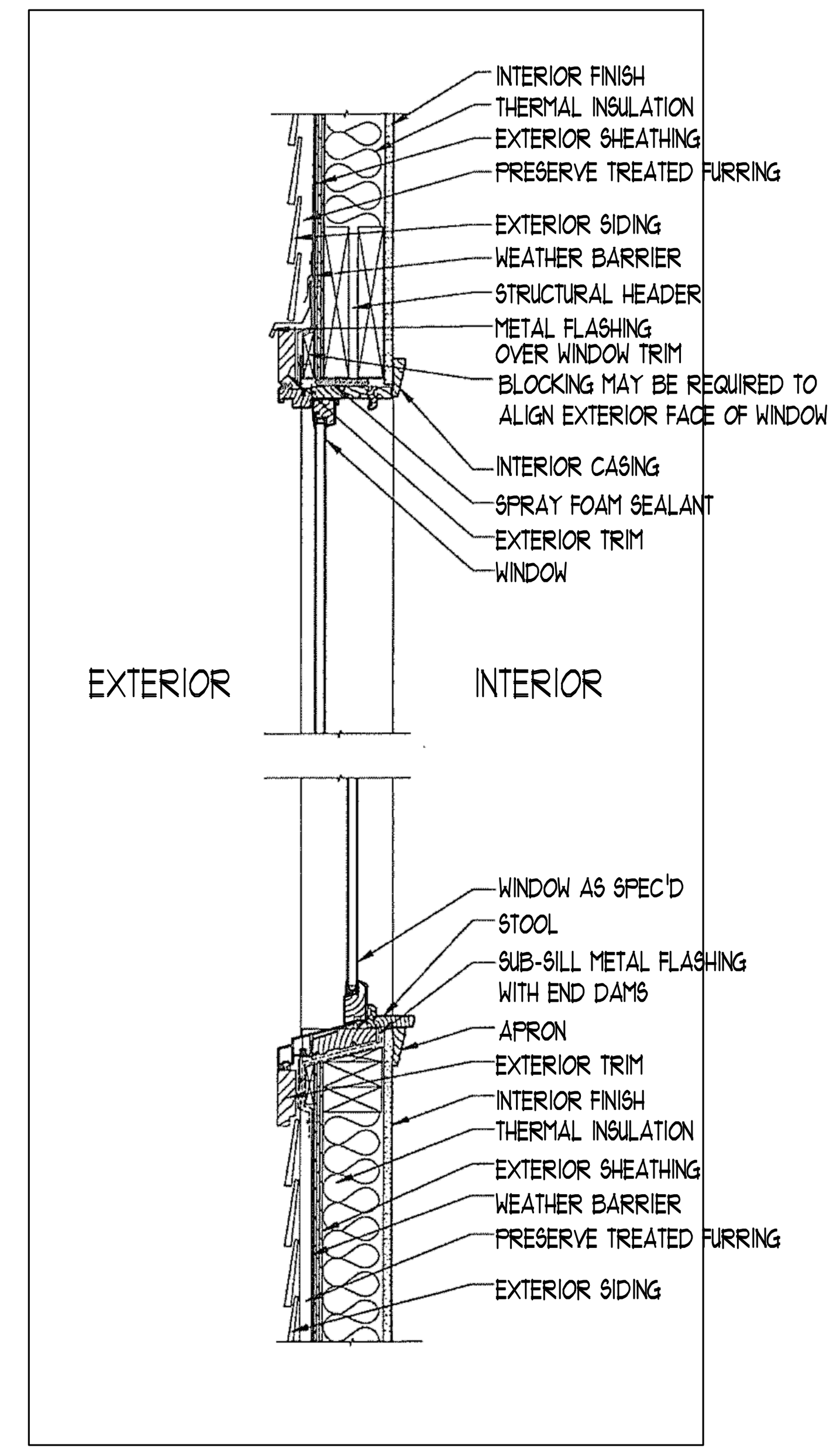
TYP. WALL SECTION W/ ROCK WAINSCOT

SCALE: ½" = 1'-0"



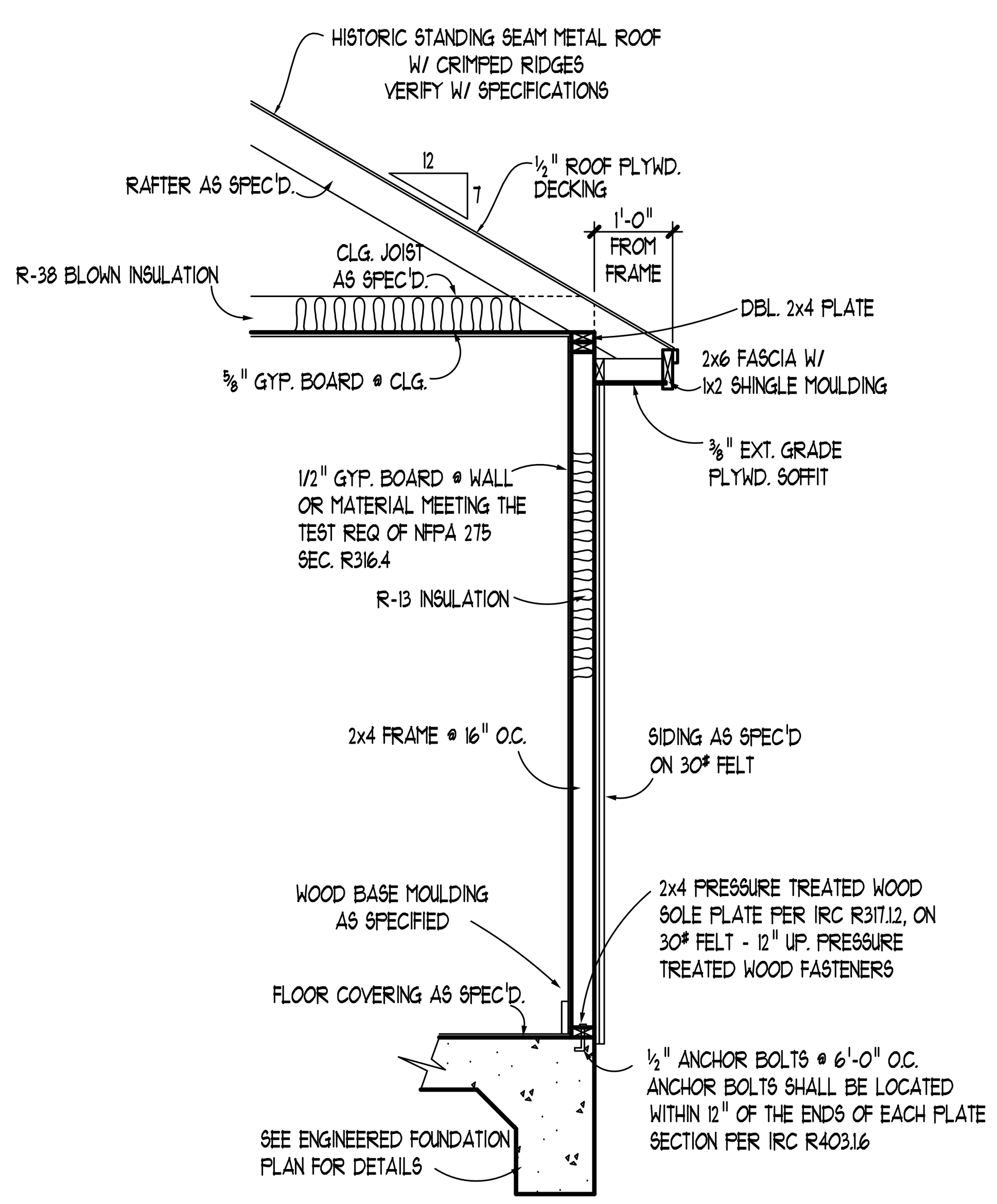
TYP. TWO-STORY WALL SECTION

SCALE: ½" = 1'-0"



GENERAL NOTES FOR 2015 IRC AND IECC

* ALL FRAMING AND STRUCTURAL DESIGN NEEDS TO MEET 90 M.P.H. WIND CRITERIA AS PER SEC. R301.2.1 AND TABLE R301.2 (4).
* PRESSURE TREATED WOOD, OR OTHER APPROVED DECAY-RESISTANT WOOD SILLS, SILLS AND SLEEPERS, OR BOTTOM PLATES THAT REST ON CONCRETE OR MASONRY WALLS OR SLABS ON GRADE TO MEET SEC R404.2
* PRESSURE TREATED WOOD FASTENERS SHALL BE HOT DIPPED GALV. STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER ONLY AS PER SEC 404.2
* HANDRAILS SHALL BE PROVIDED ON ALL STAIRS/STEPS WITH A MINIMUM OF FOUR (4) RISERS AS PER SEC R311.7.8 (MIN STAIR TREAD 10", MAX. RISER 7 3/4") SEC R311.7.5
* MASONRY VENEER TO BE ANCHORED AT 32" HORIZONTALLY AND 24" VERTICALLY AS PER SEC R703.8.4.1 AND WEEP HOLES TO BE AT A MAXIMUM OF 33" O.C. AS PER SEC R703.8.6.
* INFORMATION ABOUT BRACED WALL LINES (BWL'S) LENGTH, SPACING, AND ORIENTATION - SECTION R602.10.1 BRACED WALL PANEL INFORMATION SECTION 602.10.2
* OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED W/ SOLID WOOD DOORS NOT LESS THAN 1 ⅜" THICKNESS, SOLID OR HONEYCOMB CORE STEEL DOORS NOT LESS THAN 1 ⅜" THICK, OR 20 MINUTE FIRE-RATED DOORS, EQUIPPED WITH A SELF-CLOSING DEVICE SECTION R302.5.1
* ALL HABITABLE ROOMS ABOVE THE GARAGE SHALL BE SEPARATED BY NOT LESS THAN ⅝" TYPE X GYPSUM BOARD OR EQUIVALENT AS PER SECTION R302.6 AND TABLE R302.6
* ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER-STAIR SURFACE AND ANY SOFFIT PROTECTED ON THE ENCLOSED SIDE WITH ½" GYPSUM BOARD AS PER SECTION R302.7
* AT LEAST ONE EGRESS DOOR SHALL BE PROVIDED FOR EACH DWELLING UNIT. THE EGRESS DOOR SHALL BE SIDE-HINGED AND SHALL PROVIDE A MIN. CLEAR WIDTH OF 32". THE MIN. CLEAR HEIGHT OF THE DOOR OPENING SHALL NOT BE LESS THAN 78" IN HEIGHT MEASURED FROM TOP OF THRESHOLD TO BOTTOM OF THE STOP AS PER SEC. R311.2
* TYPE I. HANDRAILS WITH A CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF AT LEAST 1 ¼" AND NOT GREATER THAN 2" AS PER SECTION 311.7.8.3
* IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72" ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW SHALL BE MINIMUM OF 24" ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED. OPERABLE SECTIONS OF WINDOWS SHALL NOT PERMIT A 4 INCH DIAMETER SPHERE WHERE SUCH OPENINGS ARE LOCATED WITHIN 24" OF THE FIN. FLOOR. SEC R 312.2.1
* AIR BARRIER AND INSULATION INSTALLATION SHALL COMPLY WITH IECC TABLE R402.4.1.1
* BUILDING THERMAL ENVELOPE SHALL BE INSTALLED AND COMPLY WITH IRC TABLE R103.2.1



TYP. SIDING WALL SECTION

SCALE: ½" = 1'-0"

GENERAL NOTES FOR 2015 IRC AND IECC

* LIGHTING IS PROVIDED DIRECTLY OVER EACH STAIRWAY SEC. AS PER SEC R303.7 WITH LIGHT ACTIVATION AT TOP AND BOTTOM LAND AREA WHERE STAIRWAY HAS SIX OR MORE RISERS. AS PER SEC R303.7.1.
* SMOKE DETECTORS ARE TO BE INSTALLED PER SECTION R314.3
* ALL SMOKE DETECTORS ARE TO BE HARD WIRED WITH A BATTERY BACKUP POWER PER SEC R314.4
* CARBON MONOXIDE DETECTORS TO BE INSTALLED AS PER SECTION R315.2
* ALL WATER HEATERS TO BE MOUNTED ON 18" HIGH PLYWOOD PLATFORM IN GARAGE PER 2015 IRC CHAPTER 28
* LIGHTING FIXTURE CONTROLLED BY A SWITCH LOCATED AT THE OPENING & A RECEPTACLE OUTLET SHALL BE PROVIDED NEAR THE A/C UNIT IN ATTIC PER SECTION M1305.1.3.1
* ATTIC A/C UNIT - PROVIDE OVERFLOW PAN TO OUT-SIDE ON (32) SQ. FT. OF PLYWOOD DECKING.
* ALL APPLIANCES SHALL HAVE 30" OF WORKING SPACE IN FRONT OF THE CONTROL SIDE FOR SERVICE, PER IRC SECTION M1305.1

DRAWN BY: CHRIS PENA
DATE: 05-26-2017
PRELIM FILE NAME: GARZA-DAVIS

CHECK SET: 08-29-2017
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GARZA-DAVIS RESIDENCE

SUBDIVISION:
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LOT: 14 BLOCK: 8 NCB: 1276

PLAN No.: 1765

13333 BLANCO ROAD
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PERENNIAL

- SALVIA LEUCANTHA
- ESPERANZA
- BICOLOR IRIS
- DIANELLA
- SOCIETY GARLIC
- SKULLCAP
- LILY OF THE NILE
- RADIATION LANTANA
- SALVIA GREGGI

EVERGREEN

- SENISA GREENCLOUD
- DAMIANITA
- ROSEMARY
- DWARF HAWTHORN
- BOTTLEBRUSH 'LITTLE JOHN'
- SANTOLINA
- NANA NANDINA
- KNOCKOUT ROSE
- DRIFT ROSE
- JAPANESE BOXWOOD
- DWARF OLEANDER
- BLUE CYPRESS
- VAR. PRIVIT

ORNAMENTAL TREE

- CRAPE MYRTLE 'RED DYNAMITE'
- CRAPE MYRTLE 'CATAWBA'

MATERIALS

- 2IN 'MEDINA' RIVER ROCK
- 2IN 'SHADOW' ROCK
- DECOMPOSED GRANITE
- PET -FRIENDLY ARTIFICIAL TURF
- BERMUDA SOD
- 2FT X 4FT CUT LIMESTONE SLAB STEPPING STONE

NOTES

*ALL PLANTS ARE LOW MAINTENANCE, DROUGHT TOLERANT & ACCLIMATED TO SAN ANTONIO'S YEAR ROUND WEATHER.

*METAL EDGE TO BE INSTALLED BETWEEN FLOWERBEDS AND SOD.

*DRIP IRRIGATION TO BE INSTALLED IN ALL FLOWERBEDS

0 5' 10'

GARZA-DAVIS' LANDSCAPE DESIGN

GARZA-DAVIS RESIDENCE
309 PIERCE AVE
SAN ANTONIO, TX 78208

SCALE: 1 IN = 10 FT

DRAWN BY	GAY	ISSUE DATE	08.30.2017
DESIGNED BY	SAY & GAY	LAST REVISION	08.30.2017

FRONT & BACK YARD LANDSCAPE DESIGN

WWW.BUILTTOBLOOM.COM
210.995.5691
INFO@BUILTTOBLOOM.COM

Built To Bloom

LP-1

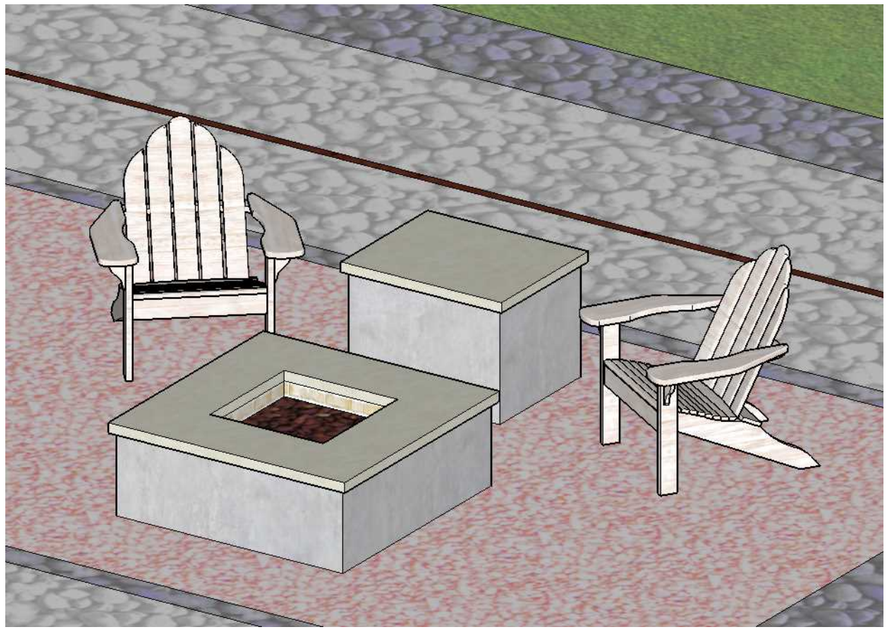
NOTES

BUILT-IN PROPANE FIRE PIT:
4FT W x 4FT D X 18IN H

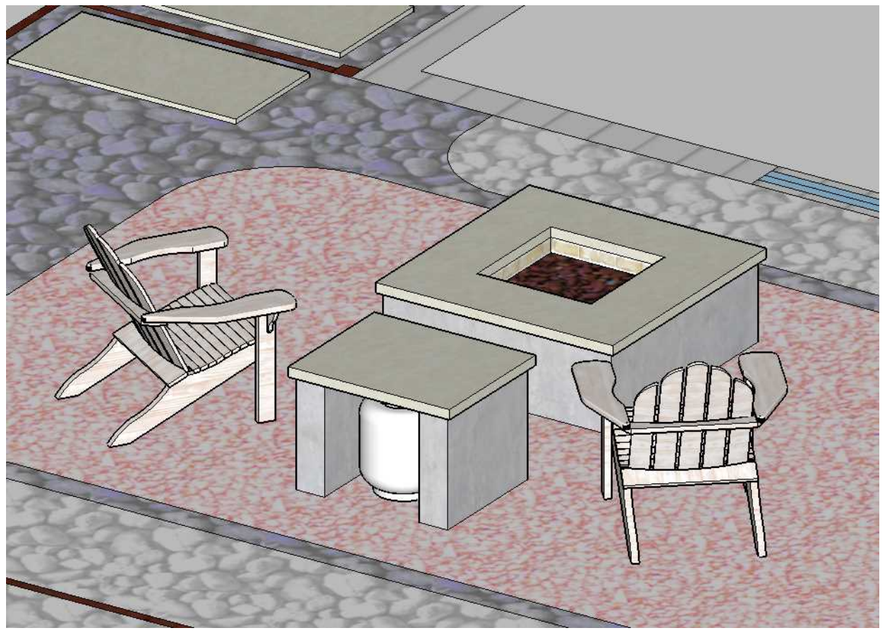
-2FT x 2FT INTERIOR FIRE DIMENSION
-CMU & FIRE BRICK CONSTRUCTION
-CONCRETE FINISH
-LIMESTONE SLAB CAP
-LAVA ROCK

BUILT-IN PROPANE TANK COVER TABLE:
32IN W x 26IN D x 24IN H

-CMU CONSTRUCTION
-CONCRETE FINISH
-LIMESTONE SLAB CAP



FRONT



BACK

GARZA-DAVIS' LANDSCAPE DESIGN

GARZA-DAVIS RESIDENCE
309 PIERCE AVE
SAN ANTONIO, TX 78208

DRAWN BY GAY
DESIGNED BY SAY & GAY

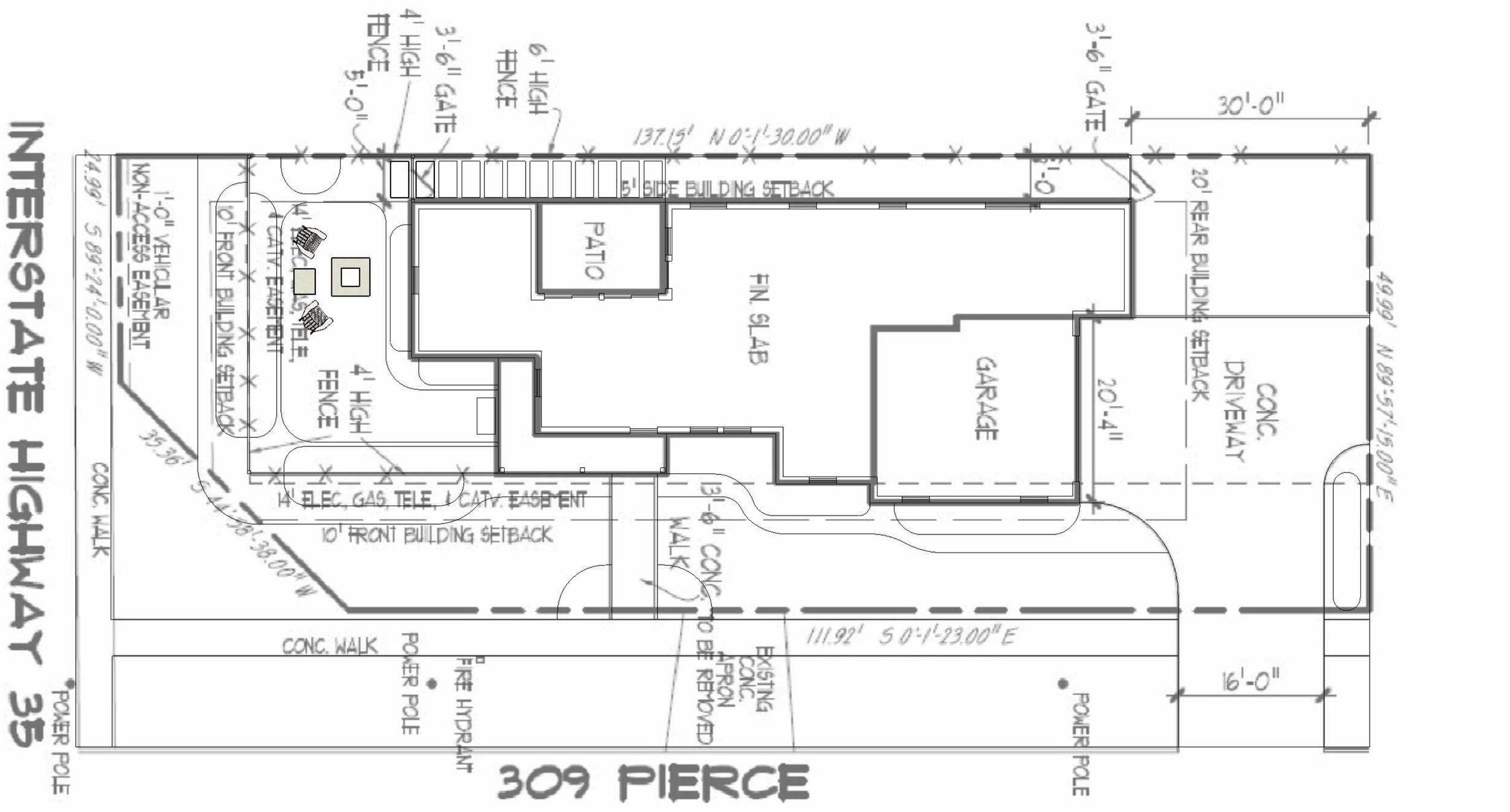
ISSUE DATE 08.30.2017
LAST REVISION 08.30.2017

FIREPIT

WWW.BUILTTOBLOOM.COM
210.995.5691
INFO@BUILTTOBLOOM.COM

LP-2

Built To Bloom



GARZA-DAVIS' LANDSCAPE DESIGN

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DESIGNED BY SAY & GAY

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FRONT & BACK YARD LANDSCAPE DESIGN

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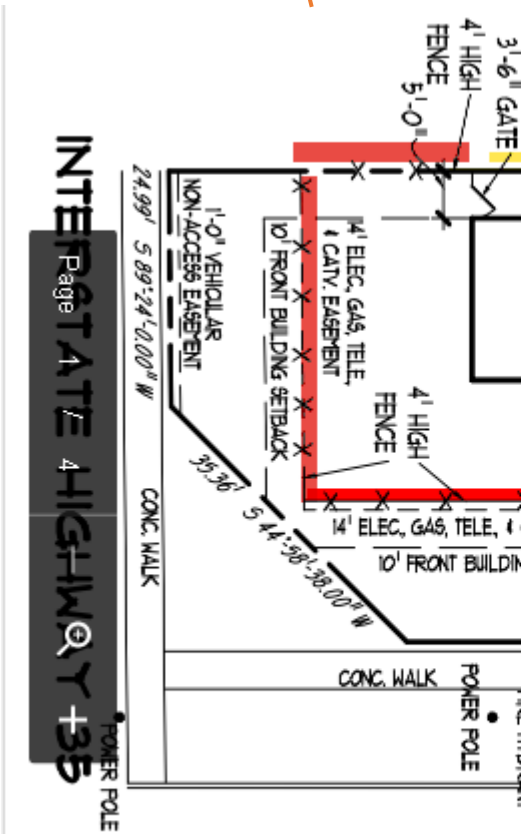
Built To Bloom

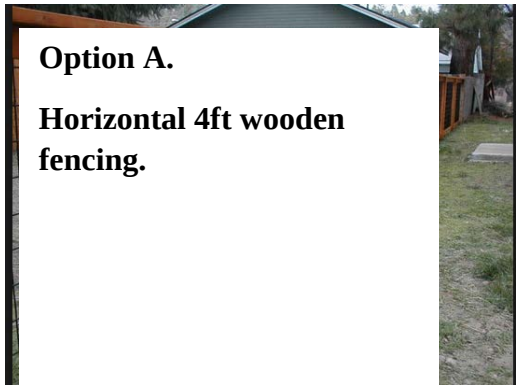
LP-3

309 Pierce Avenue Fence Plan

4ft Side and Front Fence

6ft privacy wood fence





Option A.

Horizontal 4ft wooden fencing.

Option B.

4ft Pig Pen fencing with wooden post and framing.

ARBORIST REPORT

309 Pierce Ave,
San Antonio, TX 78208

I made an onsite visit on Wednesday august 23, 2017 to the address in our job diary. I read the notes, and could not locate the residence. I then called the client and she informed me that, the address was an empty lot. After I was sure, that I was onsite, I reviewed the plan that was forwarded to me, and then I called the client again, to ask her a few questions about the site and what she was expecting of me, as a consultant.

I took six photos, and wish to number them from one to six, and explain what tree is in each photo, and what I feel should be done with each tree. Photo number one, is of a single trunk cedar elm, located along I35 frontage road by the stop sign. This tree I believe should not be touched, it is a juvenile tree, in very good condition, and I also think, it is a city street tree, part of the city streetscape, and it is probably protected, planted, and maintained by the city. I would recommend, that before doing anything to this tree, notify the city first. This tree is an asset, a nice example....healthy.

Photo number two, is of a red oak. This tree is on the neighbor's property, to the south, behind their fence located, on the side of the house. This is also, a very nice tree, it appears to be also in very good, to excellent condition, this example, is a mature, fully grown species. The issues I see with this tree, are that most of the foliage and limbs are growing over and onto your lot. The tree is slammed up against the house, up against the chain link fence, and due to where this bigger tree sits, it is growing into your lot. The growth is on your lot because, the tree is getting its sun ,and where it can root, so that it can stabilize itself. I am of the opinion, that you need to contact the owner of this house, have a conversation about lifting up the canopy, so you can work near and under the tree, as it currently sits, any construction operations would be difficult, that being said, you need to construct a tree protection zone, so that the root system of this tree is not damaged by irresponsible contractors.

Photo number three is of the two trees located in the middle of the lot. These are two hackberries that are also juveniles, but are close to their adult stage. I would absolutely, strongly recommend removal of both of these trees along with the root systems, and here is why. Hackberries are considered trash trees, they are very seldom planted, produce sprouts in other locations, undesirable to the landscape theme, they fail and split when heavy and mature, choke other desirable trees, and have an evasive root system.

Photo number four is of five mulberries planted on your property, along the chain link fence, that your neighbor installed. As a certified arborist for almost ten years, I again strongly recommend removal of all five trees, and here is why. The location of these trees, would make it hard to install your fence. Mulberry trees after reaching a height of about 25 feet or so, l get really fat, they swell to about four or five feet wide at the base, their root flares become obese. Finally, mulberries when mature, often suffer limb failure, and get attacked by borer bugs that weaken the tree.

Photo number five, is of a china berry. This is also a volunteer tree, like the hackberry, considered a undesirable species, and should be removed. It provides some privacy from your neighbor to the west, but I believe you could plant a better, more desirable species in its place, in a better location, that will be more attractive, and more valuable.

Photo number six, is of a fully mature pecan located along the sidewalk up against the street. I only put this in the report, because I believe it is on your neighbor's property, and any construction operations should be away from the root plate so as not to open the roots, and kill the tree. I have sent you a quote, to remove all mentioned trees, recommended for removal, along with stump grinding, that can be scheduled through our office, or by calling me directly on my cell number provided below.

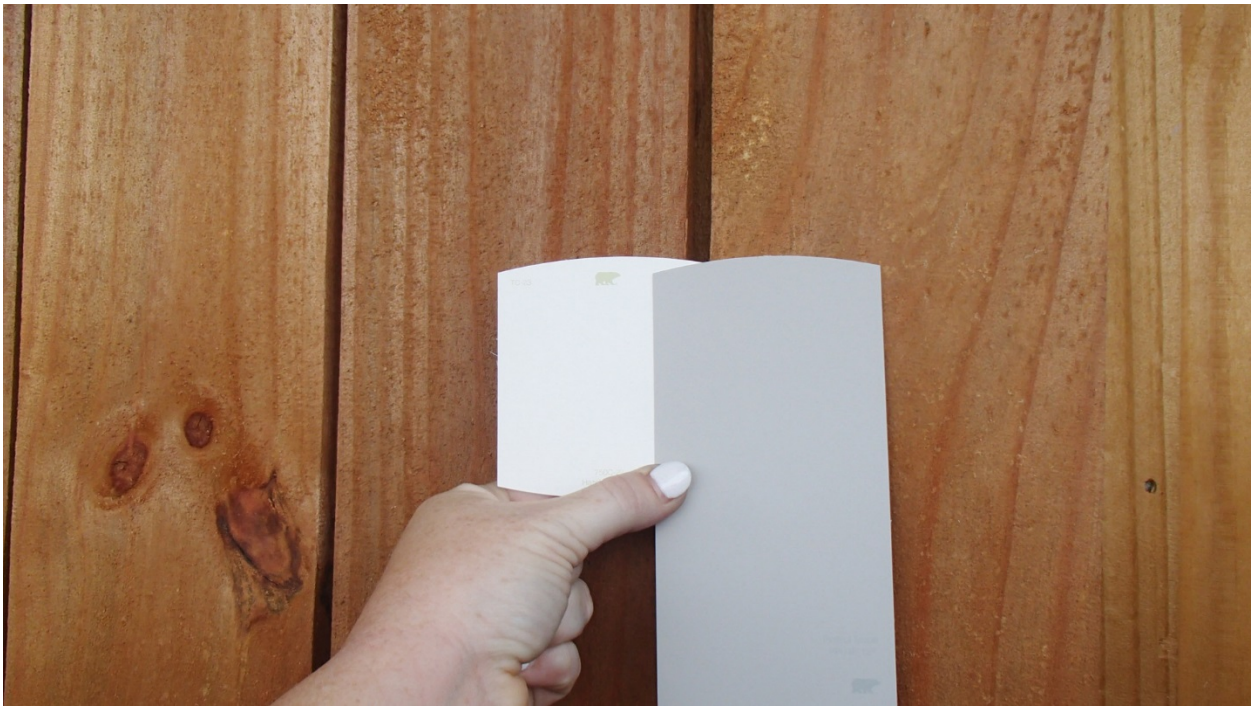
Sincerely,

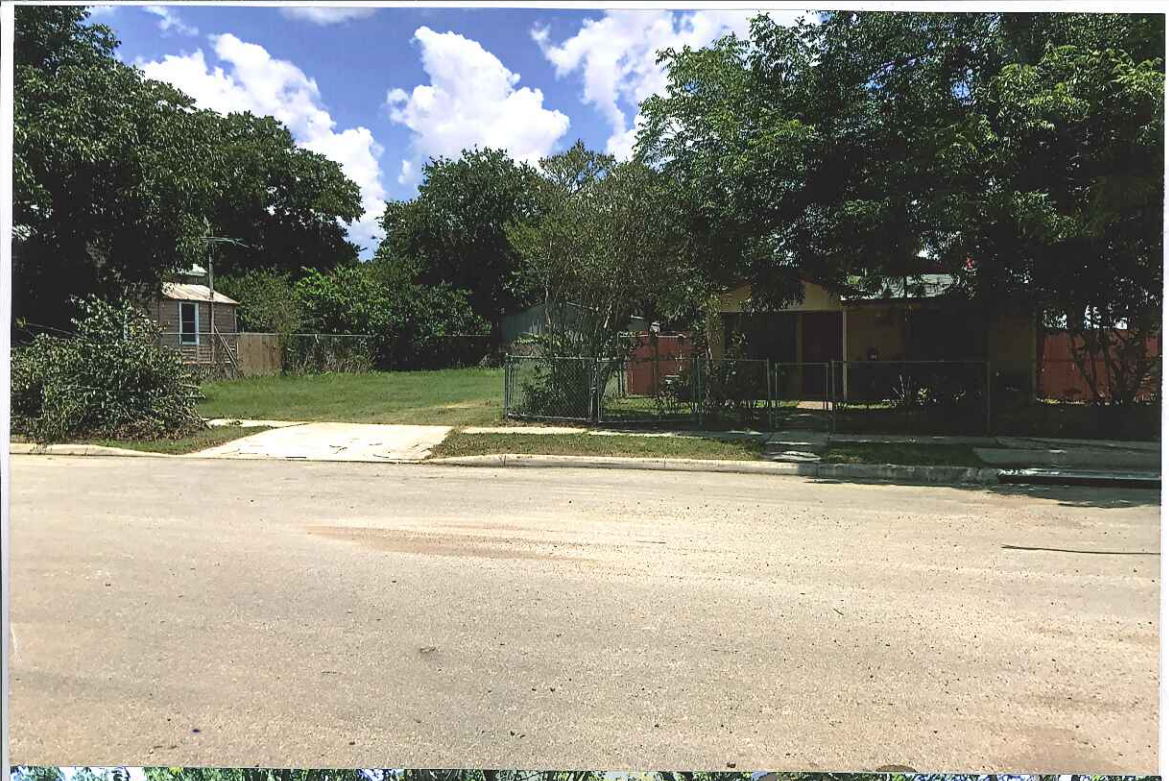
Brian C Dunlevy
International Society of Arboriculture/Certified Arborist since 2010
ISA Number WE-9532A
www.AustinTreeSurgeons.com
512-483-1452

Sincerely,

Brian C Dunlevy
International Society of Arboriculture/Certified Arborist since 2010
ISA Number WE-9532A
www.SanAntonioTreeSurgeons.com
830-499-6129

House Exterior Color Choices:





NOTICE OF CONFIDENTIALTY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS ANY INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CONSENT AND INDEMNITY AGREEMENT
(Amended and Restated)

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR §

WHEREAS, various easements, including a fourteen (14) foot wide electric and gas easement and right-of-way were heretofore dedicated to the CITY OF SAN ANTONIO, as a part of its electric and gas system, CITY PUBLIC SERVICE BOARD, a Municipal Board of the CITY OF SAN ANTONIO, TEXAS, created pursuant to the authority contained in § 1502.070 of the Texas Government Code, and its predecessor statute; as amended, and pursuant to the authority contained in the various bond ordinances affecting CITY PUBLIC SERVICE (CPS Energy) by Plat recorded in Volume 9573, Page 171, Deed and Plat Records of Bexar County, Texas, to-wit:

> Being Lot 14, Block 8, New City Block 1276, PIERCE DUPLEX SUBDIVISION, City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 9400, Page 78 of the Deed and Plat Records, Bexar County, Texas.

WHEREAS, ADRIENNE DAVIS, a single person, is now the owner of Lot 14, Block 8, New City Block 1276, PIERCE DUPLEX SUBDIVISION, City of San Antonio, Bexar County, Texas, as described in deed recorded in Volume 18135, Page 1188, Official Public Records of Real Property, Bexar County, Texas, also known as 309 Pierce Street, San Antonio, Bexar County, Texas.

WHEREAS, ADRIENNE DAVIS, a single person, has proposed to construct a portion of a home onto and into a portion of said fourteen (14) foot wide electric and gas easement and right-of-way constituting an encroachment thereon; and,

WHEREAS, ADRIENNE DAVIS, a single person, desires permission to encroach with said portion of a home onto and into the aforesaid fourteen (14) foot wide electric and gas easement and right of way, as shown by drawing marked Exhibit "A" attached hereto and made a part hereof.

WHEREAS, a prior Consent and Indemnity Agreement covering a separate encroachment, said prior Consent and Indemnity Agreement having been recorded in Book 14955, Page 1901, Official Public Records of Real Property, Bexar County, Texas; and

WHEREAS, the parties desire to amend and modify the terms and conditions of the consent and indemnity as expressed in the said prior Consent and Indemnity Agreement.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the sum of TEN AND NO/DOLLARS ($10.00) and other valuable consideration paid to CPS Energy and in consideration of the foregoing premises, CPS Energy hereby grants unto ADRIENNE DAVIS, a single person, her heirs, successors, assigns and legal representatives, permission to encroach four (4) feet with said portion of a home within the fourteen (14) foot wide electric and gas easement and right-of-way as shown by drawing marked Exhibit "A" attached hereto and made a part hereof located within Lot 14, Block 8, New City Block 1276, PIERCE DUPLEX SUBDIVISION, City of San Antonio, Bexar County, Texas, subject to the covenants and agreements herein set forth.

As additional consideration for the execution of this instrument by CPS Energy, ADRIENNE DAVIS, a single person, for herself, her heirs, successors, assigns and legal representatives, promises, covenants, and agrees with said CITY OF SAN ANTONIO, acting in its capacity as above described, to indemnify, release and forever hold harmless, the CITY OF SAN ANTONIO, its representatives, agents, employees, officers and the Board of Trustees and each Trustee of CPS Energy from and against any and all claims, losses, damages, causes of action, suits, and liability of whatsoever kind or nature, including expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, or for damage to said improvement or any property of any party or person including, without limitation, damage to any improvement located within the encroachment, arising out of or in connection with the encroachment or the construction of the said improvement as shown by the attached drawing marked Exhibit "A" attached hereto and made a part hereof, over, across, upon and within the electric and gas easement and right-of-way dedicated to or used by the CITY OF SAN ANTONIO, as part of its electric and gas system, whether such loss, claim, injuries, deaths, or damages are caused in part by the negligence of CPS Energy, the CITY OF SAN ANTONIO, its representatives, agents, employees or Board of Trustees, except that, ADRIENNE DAVIS, a single person, assumes no liability for and will not indemnify CPS Energy against CPS Energy's sole negligent acts with regard to said encroachment. It is the express intention of the parties hereto, both ADRIENNE DAVIS, a single person, and CPS ENERGY that the indemnity provided for in this paragraph is an indemnity by ADRIENNE DAVIS, a single person, to indemnify and protect CPS Energy from the consequences of CPS Energy's own negligence, where that negligence is the concurring cause of the injury, death, damage or loss.

It is, however, agreed and understood that this agreement is made only upon the understanding that it is for the portion of the home, to a maximum height of thirty-one (31) feet only, as shown by drawing marked Exhibit "A" attached hereto and made a part hereof, and that no other improvements or additions may be installed within the easement by ADRIENNE DAIVS, a single person, her heirs, successors, assigns and legal representatives.

It is, however, agreed and understood that this agreement is made only upon the understanding that should electric and/or gas facilities need to be maintained and/or installed within the fourteen (14) foot wide electric and gas easement at any time hereafter, the then landowner will be given the option of either (i) relocating the portion of the home, or (ii) having CPS Energy install or relocate the electric and/or gas facilities around the location of the portion of the home if CPS Energy determines that there is sufficient clearance within the easement to accommodate the facilities; provided, however, in the latter event, the then landowner shall be responsible for any additional or extraordinary cost of installing or relocating the facilities, such as undergrounding electric facilities, boring, etc.

As a condition to this consent, ADRIENNE DAVIS a single person, covenants and agrees that she specifically releases and waives any and all rights against CPS Energy, and holds CPS Energy harmless, for any and all damages to any improvements located within the easement and right-of-way, whether caused by the negligence of CPS Energy or otherwise, resulting from the exercise by CPS Energy of any of its rights under the herein described electric and gas easement and right-of-way.

It is further expressly agreed and understood that the covenants and agreements herein set forth are to run with the land and shall be binding on all persons and parties owning or claiming an interest in and to all or any part of the above described Lot 14, Block 8, New City Block 1276, PIERCE DUPLEX SUBDIVISION, City of San Antonio, Bexar County, Texas.

This Consent and Indemnity Agreement is given in replacement and substitution of the said prior Consent and Indemnity Agreement recorded in Book 14955, Page 1901, Official Public Records of Real Property, Bexar County, Texas.

SIGNED TO BE EFFECTIVE this 5 day of January, 2017.

CITY OF SAN ANTONIO, TEXAS,
ACTING BY AND THROUGH THE
PUBLIC SERVICE BOARD OF
SAN ANTONIO, A MUNICIPAL BOARD
OF THE CITY OF SAN ANTONIO

Adrienne Davis
ADRIENNE DAVIS

BLAKE WILLIAMS
SENIOR DIRECTOR
SUBSTATION AND TRANSMISSION
ENGINEERING, CONSTRUCTION AND
MAINTENANCE

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 11th day of January, 2017, by BLAKE WILLIAMS, SENIOR DIRECTOR of SUBSTATION AND TRANSMISSION ENGINEERING, CONSTRUCTION AND MAINTENANCE, on behalf of the CITY PUBLIC SERVICE BOARD of the CITY OF SAN ANTONIO, Texas.

CHRISTOPHER G. KRUEGER NOTARY PUBLIC STATE OF TEXAS ID 130327?-6 EXP 09-26-2020

Christopher G Krueger
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 5th day of January, 2017, by ADRIENNE DAVIS.

BENJAMIN TEMPLE
Notary Public, State of Texas
Comm. Expires 08-13-2017
Notary ID 129522541

Benjamin Temple
Notary Public, State of Texas

CGK/ENCROACHMENT
309 Pierce Street

Doc# 20170006024
Pages 5
01/11/2017 3:18PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees $38.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
01/11/2017 3:18PM
COUNTY CLERK, BEXAR COUNTY TEXAS