

HISTORIC AND DESIGN REVIEW COMMISSION

September 19, 2018

HDRC CASE NO: 2018-405
ADDRESS: 404 E MISTLETOE
LEGAL DESCRIPTION: NCB 868 BLK LOT 17 & 30 X 50 FT STRIP IN REAR
ZONING: RM-4
CITY COUNCIL DIST.: 1
APPLICANT: Albert Arias
OWNER: Lynn Swanson
TYPE OF WORK: A request for review by the Historic and Design Review Commission regarding eligibility of the property located at 404 E Mistletoe for landmark designation.

REQUEST:

A request for review by the HDRC regarding eligibility of the property located at 404 E Mistletoe for landmark designation.

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.

(3) **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.

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

(a) **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection (b) and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.

(b) **Criteria For Evaluation.**

(5) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development;

FINDINGS:

- a. On June 23, 2018, a demolition application was submitted to the Office of Historic Preservation (OHP) by the property owner of 404 E Mistletoe which is located in the Tobin Hill Community Association registered neighborhood. OHP Staff conducted research to determine eligibility and contacted the neighborhood association during the 30 day review period provided by UDC 35-455.
- b. On July 30, 2018, a Request for Review of Historic Significance for 404 E Mistletoe was submitted to OHP by the applicant.
- c. On May 4, 2018, OHP staff visited the property. Staff noted that the structure is in good structural condition; the home retains its original wood windows, original wood lap siding under added asbestos siding. Also noted the structure maintained a relationship to the context which included residential structures of similar style, scale and setback. Based on the deed records, Sanborn Fire Insurance maps, and City Directories, staff finds it likely that the original 1890 home was subsumed by several additions over many years, including those completed in 1928, but no original exterior materials could be identified during the site visit.
- d. If the HDRC agrees with the request, OHP will seek concurrence from the owner. If the owner is in favor of designation, the request may proceed in the designation process and will be presented to the Zoning Commission. In the case where an owner is not in favor, OHP must first forward the recommendation of the HDRC to City Council for consideration of a resolution to initiate the landmark designation process as outlined in UDC 35-606. If the HDRC does not agree with the request, a resolution from City Council to initiate the landmark designation will not be sought.
- e. The property is in the Tobin Hill Community Association registered neighborhood, but outside the bounds of the Tobin Hill Historic District. The property is located in the 2017 proposed Tobin Hill North Historic District; the district was determined eligible by the Historic & Design Review Commission in 2017, and this structure was noted as a contributing structure to the historic district.
- f. The two-story structure at 404 E Mistletoe was built c. 1924, for Mrs. Josie Smith. It is built in the American Foursquare form, which was popular from the mid-1890s to the 1930s as a vernacular form as a reaction against Victorian architecture and other ornate styles of the late 19th century. The form is seen predominantly at the beginning of the 20th century and provided more affordable housing for San Antonio's middle class.
- g. **ARCHITECTURAL DESCRIPTION** – This two-story four-square Craftsman structure has a pier and beam foundation and a low pitched hipped roof with composition shingles. The first floor front porch flooring has been removed, exposing the foundation beams and dirt underneath. Non-original square wood posts support the second story enclosed porch. The supports sit in a round cement footing, indicating the previous porch supports were round. The front of the house has two entrance doors, and each is flanked by double wood one-over-one windows. Most of the windows on the front and sides of the house are wood one-over-one windows, whereas the wood windows at the rear of the structure are two-over-two. The primary siding material is cement board or hardi-shingles, which are covering up wood lap siding. The rear of the structure features a metal staircase leading to the second floor and two doors, each a separate entrance to an apartment. There is a rear door that leads into the first floor of the house, which is one unit. The west elevation features a brick fireplace without a chimney.

- h. **SITE CONTEXT** – The two-story structure is located at the corner of East Mistletoe and Carleton Court. It sits next to a craftsman style one-story home. Across the street are a variety of one-story and two-story single family homes. On the opposite corner is a stone-story Spanish eclectic with a flat roof and parapet. East Mistletoe Avenue is a residential street with an eclectic mix of architectural styles. The home's front setback matches that of its neighbors, around 20-30 feet. The side setback is similar to that of the home across Carleton Court.
- i. **HISTORIC CONTEXT** - The initial subdivision of East Mistletoe and East Magnolia, originally called Broad and Rural Streets, respectively, occurred in 1913 as part of Sarah F Ostrom's Addition. The Ostrom Homestead and farm sat just east of the plat, between the not-yet-constructed Quarry Road (now N St. Mary's Street) and the Upper Labor Ditch or acequia. Several homes predate the subdivision, some of which are still extant on the north side of E Mistletoe Ave west of Carleton. Construction of new homes in the 1910s and 1920s was rapid, reflecting the city's growth during this period. By 1924, E Mistletoe Ave had received its contemporary name. Home sizes and styles vary along E Mistletoe Ave. There is not a cohesive architectural statement along this street, but the homes represent the styles popular at the time of their construction in the early twentieth century. Good examples of Folk Victorian, Tudor Revival, Craftsman, and Spanish Eclectic are present along the street. Modern infill is minimal, although many homes have been modified with updated materials and additions.
- j. **HISTORIC CONTEXT** - Jeremiah Brown purchased four large lots on the east side of McCullough Avenue from Sarah F. Ostrom in 1887. Alfred and Louisa Brient, British citizens, immigrated to in San Antonio in 1883 and purchased two of the lots from Brown in 1890. The Brients' residence is listed as Broad Avenue beginning in 1891 City Directories, and they remained there through 1905. George M. Martin purchased the property in 1905 and the property was rented until Mr. Martin's widow Cornelias sold the property to R.V. and Josie Smith in 1920. The addressing in the City Directories is not consistent. The first address, 216 Broad, appears in 1901, but changes to 236 in 1903. The property remains 236 Mistletoe until 1921, when the Smiths' address was listed as 304 E Mistletoe. A clear lineage was documented in Bexar County's property records, which consistently list lots 16 and 17 of NCB 868.
- k. **HISTORIC CONTEXT** - The first Sanborn Fire Insurance Map of the property was published in 1912, and shows a two story home with a nearly full one story porch addressed as 236 Broad Ave. This is assumed to be the original Brient homestead, likely constructed in 1890. The footprint of the Brient home does not match that of the current property. A 1928 Builder's & Mechanic's Lien between Josie Smith and James C. Perry lists the following improvements in its contract: "Build porch at side of dwelling, repair garage and build two room servant house at a cost of \$1,000.00 two story frame house of 10 rooms." Based on the deed records, Sanborn Fire Insurance maps, and City Directories, staff finds it likely that the original Brient home was subsumed by several additions over many years, including those completed in 1928, but no original exterior materials could be identified during the site visit.
- l. **HISTORIC CONTEXT** – 404 E Mistletoe represents the residential development of the northern edge of the Tobin Hill neighborhood. The historic fabric of this area just outside of the Tobin Hill Historic District is rapidly disappearing as new development along the Broadway and N St. Mary's corridors intensifies.
- m. **EVALUATION** – In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the 16 criteria listed. Staff evaluated the structure against all 16 criteria and determined that it was consistent with UDC sec. 35-607(b):
 - (5) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;** for its display of a two-story four-square craftsman style, subsuming with several additions in the early 20th century.
 - (10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development;** for its connection and unity with a geographical definable street of East Mistletoe; the properties, primarily residential though some commercial, reflect the established neighborhood and physical plan and development of the subdivision platted by Mrs. Sarah F. Ostrom in 1913.
- n. Per UDC Sec. 35-453, once the commission concurs eligibility of the property and makes a recommendation of approval for designation, interim design review requirements will be in place and the property owners must receive a written approval (a Certificate of Appropriateness) for any exterior work. These interim requirements will remain in place until the City Council makes their final decision on the proposed zoning change or not longer than six months.
- o. 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

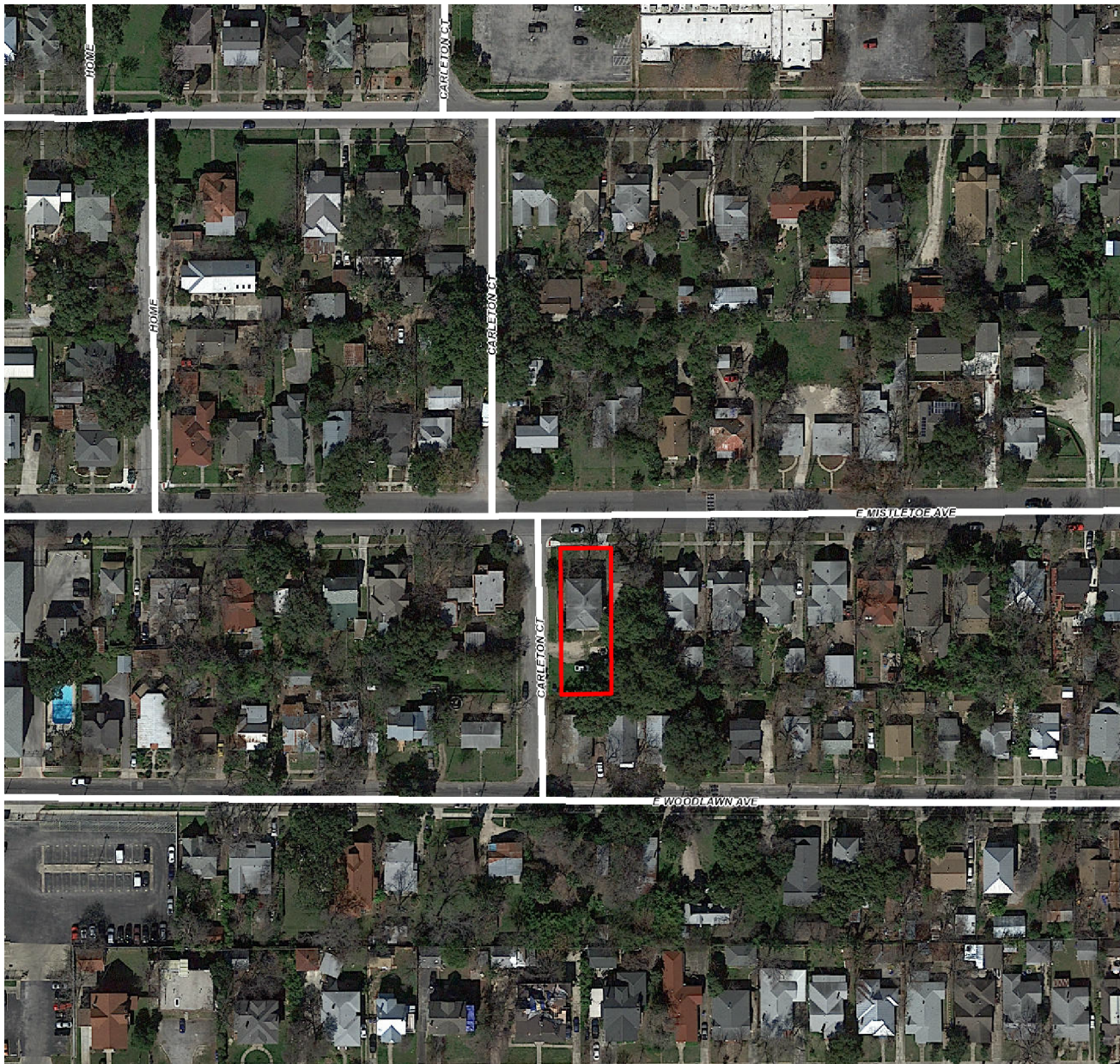
Historic Places and provide substantial relief for rehabilitation projects.

RECOMMENDATION:

Staff does not recommend approval of the request. Staff finds that the property at 404 E Mistletoe does not meet at least 3 of the 16 criteria for evaluation and is not eligible for landmark designation based on findings c through m. If the Historic and Design Review Commission (HDRC) determines the property is eligible, the HDRC will become the applicant and will request a resolution from City Council to initiate the designation process.

CASE MANAGER:

Lauren Sage



Flex Viewer

Powered by ArcGIS Server

Printed: Sep 09, 2018

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FRONT





CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

Historic Assessment

Property Address: 404 E Mistletoe

Tier: 3

1. Application Details

Applicant: Albert Arias

Owner: Lynn Swanson

Type: Historic Assessment

Date: September 19, 2018

2. Findings

The structure at 404 E Mistletoe Ave is a two story residence built c. 1924 for Mrs. Josie Smith. Lynn Swanson currently owns the property.

The initial subdivision of East Mistletoe and East Magnolia, originally called Broad and Rural Streets, respectively, occurred in 1913 as part of Sarah F Ostrom's Addition. The Ostrom Homestead and farm sat just east of the plat, between the not-yet-constructed Quarry Road (now N St. Mary's Street) and the Upper Labor Ditch or acequia. Several homes predate the subdivision, some of which are still extant on the north side of E Mistletoe Ave west of Carleton. Construction of new homes in the 1910s and 1920s was rapid, reflecting the city's growth during this period. By 1924, E Mistletoe Ave had received its contemporary name. Home sizes and styles vary along E Mistletoe Ave. There is not a cohesive architectural statement along this street, but the homes represent the styles popular at the time of their construction in the early twentieth century. Good examples of Folk Victorian, Tudor Revival, Craftsman, and Spanish Eclectic are present along the street. Modern infill is minimal, although many homes have been modified with updated materials and additions.

Jeremiah Brown purchased four large lots on the east side of McCullough Avenue from Sarah F. Ostrom in 1887. Alfred and Louisa Brient, British citizens, immigrated to in San Antonio in 1883 and purchased two of the lots from Brown in 1890.¹ The Brients' residence is listed as Broad Avenue beginning in 1891 City Directories, and they remained there through 1905. George M. Martin purchased the property in 1905 and the property was rented until Mr. Martin's widow Cornelias sold the property to R.V. and Josie Smith in 1920. The addressing in the City Directories is not consistent. The first address, 216 Broad, appears in 1901, but changes to 236 in 1903. The property remains 236 Mistletoe until 1921, when the Smiths' address was listed as 304 E Mistletoe. A clear lineage was documented in Bexar County's property records, which consistently list lots 16 and 17 of NCB 868.

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¹ Bexar County Property Records, Deed, A H Brient to George M. Martin, 12/30/1905, V 237 p 476.



CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

records, Sanborn Fire Insurance maps, and City Directories, staff finds it likely that the original Brient home was subsumed by several additions over many years, including those completed in 1928, but no original exterior materials could be identified during the site visit.

3. Architectural Description

The two-story structure is located at the corner of East Mistletoe and Carleton Court. It sits next to a craftsman style one-story home. Across the street are a variety of one-story and two-story single family homes. On the opposite corner is a stone-story Spanish eclectic with a flat roof and parapet. East Mistletoe Avenue is a residential street with an eclectic mix of architectural styles. The home's front setback matches that of its neighbors, around 20-30 feet. The side setback is similar to that of the home across Carleton Court.

This two-story four-square Craftsman structure has a pier and beam foundation and a low pitched hipped roof with composition shingles. The first floor front porch flooring has been removed, exposing the foundation beams and dirt underneath. Non-original square wood posts support the second story enclosed porch. The supports sit in a round cement footing, indicating the previous porch supports were round. The front of the house has two entrance doors, and each is flanked by double wood one-over-one windows. Most of the windows on the front and sides of the house are wood one-over-one windows, whereas the wood windows at the rear of the structure are two-over-two. The primary siding material is cement board or hardi-shingles, which are covering up wood lap siding. The rear of the structure features a metal staircase leading to the second floor and two doors, each a separate entrance to an apartment. There is a rear door that leads into the first floor of the house, which is one unit. The west elevation features a brick fireplace without a chimney.

4. Landmark Criteria

404 E Mistletoe Ave is not currently designated as a local landmark or included in a local historic district. Staff concludes that the property meets the following criteria:

5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; for its display of a two-story four-square craftsman style, subsuming with several additions in the early 20th century.

10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development; for its connection and unity with a geographical definable street of East Mistletoe; the properties, primarily residential though some commercial, reflect the established neighborhood and physical plan and development of the subdivision platted by Mrs. Sarah F. Ostrom in 1913.

5. Outcome of Review

Based on this assessment, 404 E Mistletoe Ave meets 2 of the sixteen criteria listed in UDC Section 35-607(b). In order to be eligible for landmark designation, a property must meet at least three of these criteria; thus 404 E Mistletoe Ave does not meet the threshold for designation as an individual local landmark. As noted above, some modifications have been made to the structure over time, including the enclosed second story porch, the replaced porch supports, and the rear additions. Based on a site



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visit and interior observation it is difficult to tell if there is original material from the 1890s structure, if any. If this street were within a historic district, this house would be found to be contributing but the property alone does not appear to be eligible for landmark designation. In 2017, a proposed historic district went through the designation process, however was denied by City Council. This structure was in the boundaries and was noted as a contributing structure.



FRONT



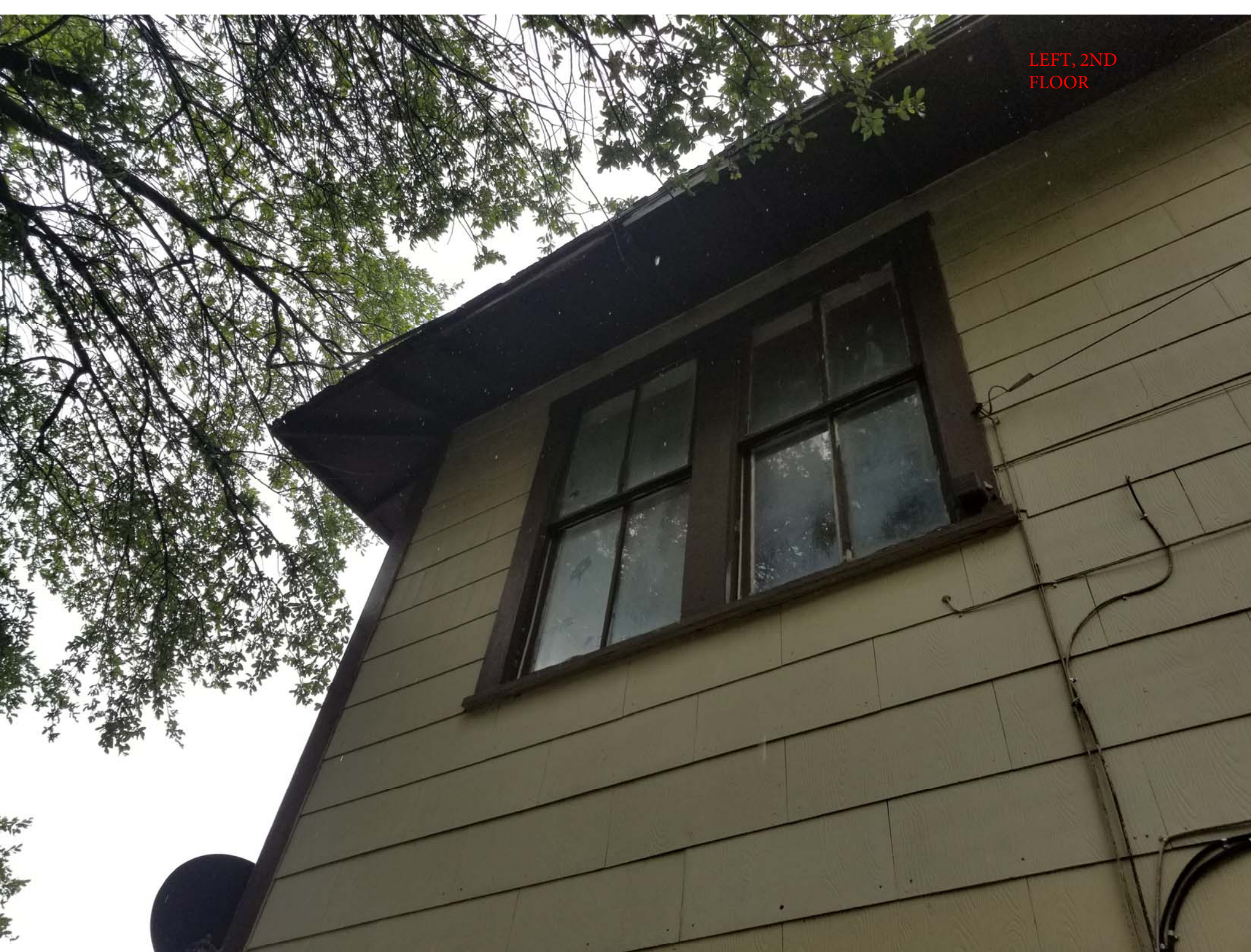
RIGHT



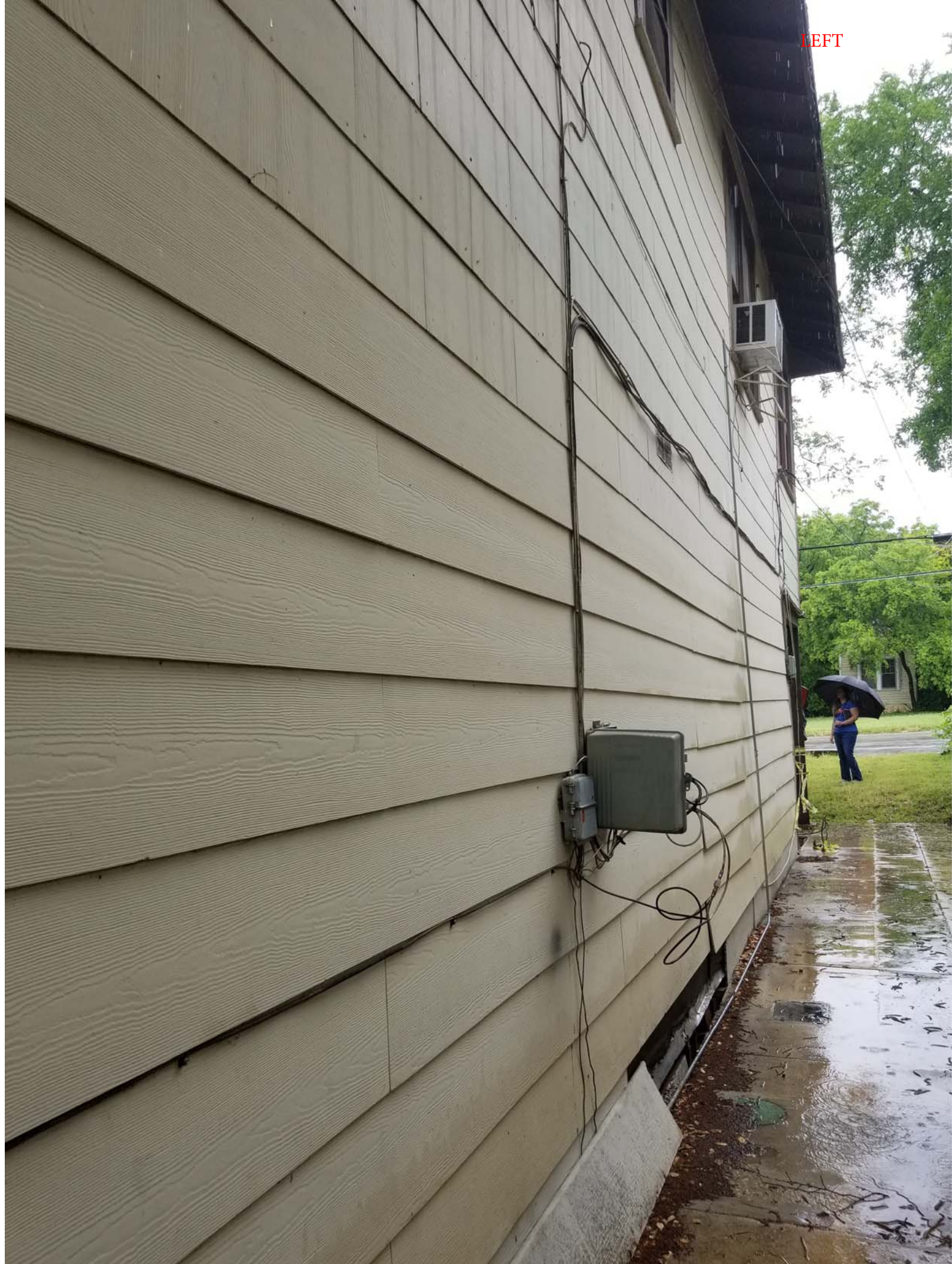
REAR



LEFT, 2ND
FLOOR



LEFT



2ND FLOOR REAR WINDOWS





ONE COLUMN FOOTING;
FRONT PORCH

