

# HISTORIC AND DESIGN REVIEW COMMISSION

March 06, 2019

**HDRC CASE NO:** 2019-097  
**ADDRESS:** 620 E CARSON  
**LEGAL DESCRIPTION:** NCB 1264 BLK 3 LOT 5  
**ZONING:** R-6  
**CITY COUNCIL DIST.:** 2  
**DISTRICT:** Government Hill Historic District  
**APPLICANT:** Office of Historic Preservation  
**OWNER:** Frank Estrada Jr. L/E Rosa Elia Saucedo  
**TYPE OF WORK:** Demolition review due to fire damage of the primary historic structure  
**APPLICATION RECEIVED:** February 15, 2019  
**60-DAY REVIEW:** April 16, 2019  
**REQUEST:**

The applicant is requesting the review of demolition for the historic structure at 620 E Carson. The structure was damaged by fire on February 1, 2019.

## APPLICABLE CITATIONS:

UDC Section 35-614. – Demolition

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

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

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

(b)Unreasonable Economic Hardship.

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

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

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

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

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

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

historic and design review commission.

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

A. For all structures and property:

- i. The past and current use of the structures and property;
- ii. The name and legal status (e.g., partnership, corporation) of the owners;
- iii. The original purchase price of the structures and property;
- iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;
- v. The amount of real estate taxes on the structures and property for the previous two (2) years;
- vi. The date of purchase or other acquisition of the structures and property;
- vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
- viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
- ix. Any listing of the structures and property for sale or rent, price asked and offers received;
- x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
- xi. Any replacement construction plans for proposed improvements on the site;
- xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
- xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
- xiv. Any property tax exemptions claimed in the past five (5) years.

B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two (2) years;
- ii. Itemized operating and maintenance expenses for the previous two (2) years; and
- iii. Annual cash flow, if any, for the previous two (2) years.

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

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

(d) Documentation and Strategy.

(1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer.

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

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

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

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

benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00  
2,501—10,000 square feet = \$5,000.00  
10,001—25,000 square feet = \$10,000.00  
25,001—50,000 square feet = \$20,000.00  
Over 50,000 square feet = \$30,000.00

## **FINDINGS:**

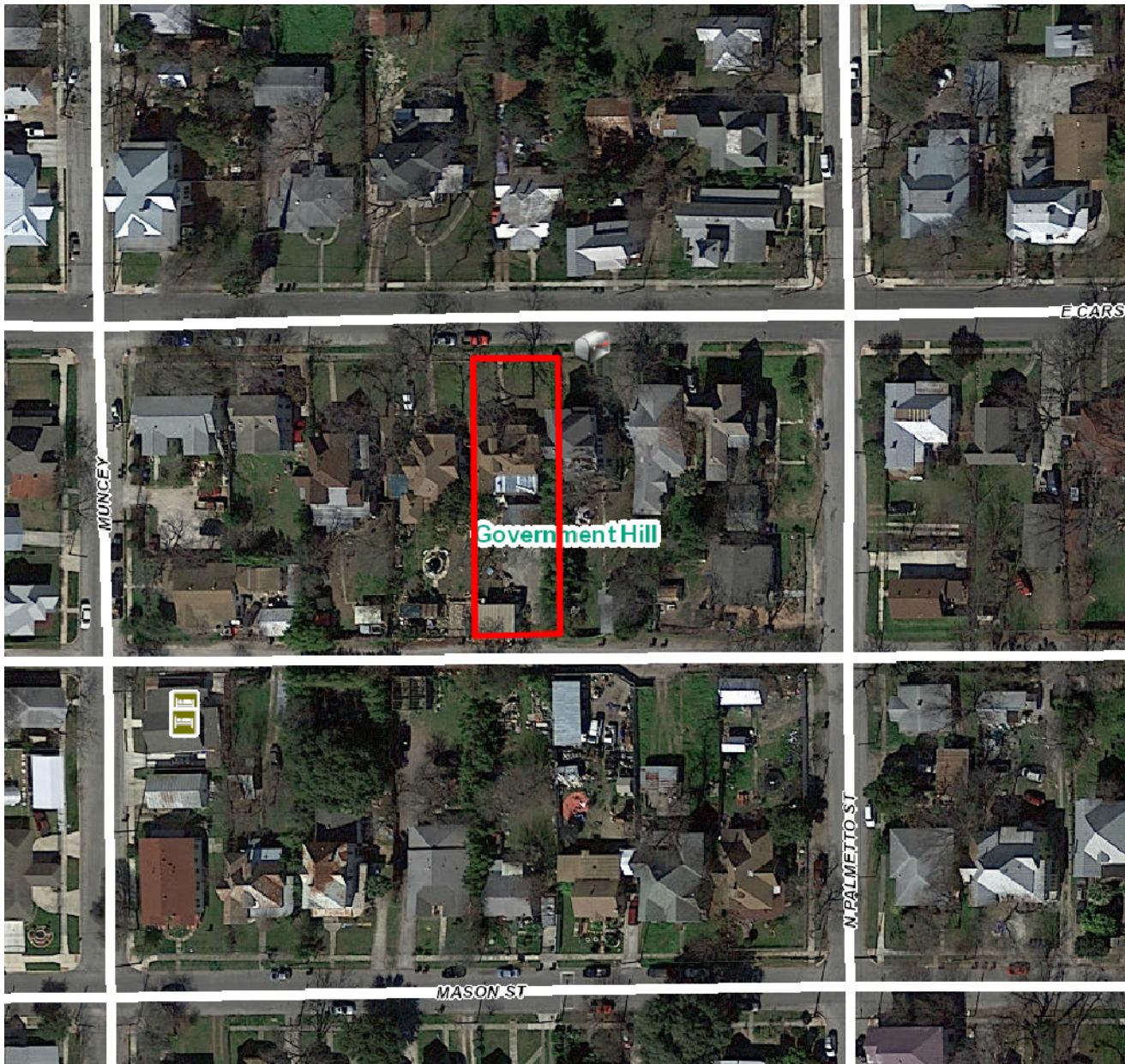
- a. The applicant is requesting the review of demolition by the Historic and Design Review Commission for the historic structure at 620 E Carson. The structure was damaged by fire on February 1, 2019.
- b. DESIGN REVIEW COMMITTEE – A site visit was performed by Office of Historic Preservation staff as well as the Design Review Committee on February 13, 2019. At that site visit, staff viewed the damage to the structure, which includes the loss of the roof structure, the loss of many interior walls, the loss of exterior walls and a combination of fire, smoke and water damage. Committee members noted that the structure was damaged beyond repair.
- c. CODE ENFORCEMENT REVIEW – Development Services Department Code Enforcement staff has noted that the damage to the structure does not warrant an emergency demolition; however, demolition of the structure has been deemed necessary.
- d. LOSS OF SIGNIFICANCE – Staff finds that a loss of significance has occurred due to the substantial loss of original materials and architectural elements. Staff finds that any salvageable materials that do not feature fire, smoke or water damage should be salvaged and not discarded during the demolition.

## **RECOMMENDATION:**

Staff recommends demolition based on findings a through d. Additionally, staff recommends that any salvageable materials that do not feature fire, smoke or water damage should be salvaged and not discarded during the demolition.

## **CASE MANAGER:**

Edward Hall



## Flex Viewer

Powered by ArcGIS Server

Printed: Feb 27, 2019

The City of San Antonio does not guarantee the accuracy, adequacy, completeness or usefulness of any information. The City does not warrant the completeness, timeliness, or positional, thematic, and attribute accuracy of the GIS data. The GIS data, cartographic products, and associated applications are not legal representations of the depicted data. Information shown on these maps is derived from public records that are constantly undergoing revision. Under no circumstances should GIS-derived products be used for final design purposes. The City provides this information on an "as is" basis without warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



DATE: FEBRUARY 13, 2014

HDRC Case#                 

ADDRESS: 620 E CARSON

Meeting Location: 620 E CARSON

APPLICANT: \_\_\_\_\_

DRC Members present: JOHN LAFFOON, ANNE-MARIE GRUBE

Staff present: EDWARD HALL

Others present: PROPERTY OWNERS - SAUCEDO

**REQUEST:** \_\_\_\_\_

COMMENTS/CONCERNS: SAUCEDO - HOUSE IS A TOTAL LOSS. APPLICANT PREFERENCES TO DEMOLISH AND CONSTRUCT A NEW HOUSE, CODE ALLOWED 30 DAYS FOR DEMO - NO COMPANY AVAILABLE THAT QUICKLY, AMG: NO PORTIONS SALVAGEABLE, JLI AGREES, STAFF NOTES - ROOF STRUCTURE - COMPLETE LOSS, MUCH OF INTERIOR IS BEYOND SAVING, MOST WINDOWS DESTROYED, LOTS OF SIDING DESTROYED, BOTH FIRST AND SECOND STORY PORTIONS ARE STRUCTURALLY UNSOUND. WATER DAMAGE.

**COMMITTEE RECOMMENDATION:**      **APPROVE [ ]    DISAPPROVE [ ]**  
**APPROVE WITH COMMENTS/STIPULATIONS:**

Committee Chair Signature (or representative)

Date \_\_\_\_\_



























