

## HISTORIC AND DESIGN REVIEW COMMISSION

June 05, 2019

**HDRC CASE NO:** 2019-273  
**ADDRESS:** 1434 FULTON AVE  
**LEGAL DESCRIPTION:** NCB 2752 BLK 58 LOT 4  
**ZONING:** R-4, H  
**CITY COUNCIL DIST.:** 1  
**DISTRICT:** Fulton Historic District  
**APPLICANT:** MATA JESSICA  
**OWNER:** MATA JESSICA  
**TYPE OF WORK:** Demolition of a rear accessory structure  
**APPLICATION RECEIVED:** May 08, 2019  
**60-DAY REVIEW:** July 07, 2019  
**CASE MANAGER:** Huy Pham  
**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for approval to demolish a rear accessory structure

### APPLICABLE CITATIONS:

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

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

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

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

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

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

### *(b) Unreasonable Economic Hardship.*

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

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

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

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

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

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

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

A. For all structures and property:

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

B. For income producing structures and property:

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

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

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

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

#### *(c) Loss of Significance.*

When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition. If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has

provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

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

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

(d) Documentation and Strategy.

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

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

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

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

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

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

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

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

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

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

(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-10-0229, § 4, 4-10-14)(Ord. No. 2015-10-29-0921 , § 2, 10-29-15)(Ord. No. 2015-12-17-1077 , § 2, 12-17-15)

**FINDINGS:**

- a. The primary historic structure at 1434 Fulton was constructed circa 1929 in the Spanish Eclectic style and first appears on the 1938 Sanborn map. The one-story, single-family structure features a clay barrel-tile roof, stucco facades, and a rounded tower at the center entry. The property features a rear accessory structure at the end of the driveway that has been subject to additions and modifications, further outlined in finding d. Both the primary and accessory structures are contributing to the Fulton Historic District.
- b. VIOLATION – On March 13, 2019, following the submission of a Determination of Non-Contributing Status application by another applicant, the owner disclosed that the structure was already partially demolished. Staff conducted a site visit on March 14, 2019, to issue a Stop Work Order. Staff determined the structure to be contributing on March 22, 2019. The owner disagreed with staff's determination and has requested to be expedited to municipal court for demolition without approval instead of the HDRC. The owner subsequently submitted an application on May 8, 2019, to be heard at the next HDRC hearing after a potential buyer and their realtor had contacted staff for compliance status.
- c. REAR ACCESSORY STRUCTURE – The applicant is requesting to demolish a rear accessory structure at rear of 1434 Fulton. Both the original and additional portions have already been demolished and the area currently features an extension of the concrete driveway.
- d. CONTRIBUTING STATUS – Staff determined the structure to be contributing in a Statement of Significance issued on March 22, 2019. The structure features stepped parapet, clapboard siding, exposed rafter tails, and oriented to the alley – which are all features typical to the development pattern of Spanish Eclectic garages on Fulton Ave and Historic District. Staff finds that the structure features reversible additions, but otherwise should remain contributing to the Fulton Historic District.
- e. UNREASONABLE ECONOMIC HARDSHIP – In accordance with UDC Section 35-614, no certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance. In order for unreasonable economic hardship to be met, the owner must provide sufficient evidence for the HDRC to support a finding in favor of demolition. The applicant has only submitted photos at this time. Staff finds that evidence for UDC Section 35-614(b) has not been met based on the documentation provided.
- f. LOSS OF SIGNIFICANCE – In accordance with UDC Section 35-614(c), demolition may be recommended if the owner has provided sufficient evidence to support a finding that the structure has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archaeological significance, qualities or features which qualified the structure or property for such designation. While the structure was subjected to the front-facing addition, staff finds that the original footprint and exposed parapet and siding were intact prior to demolition. Staff finds that the structure has not lost significance.

**RECOMMENDATION:**

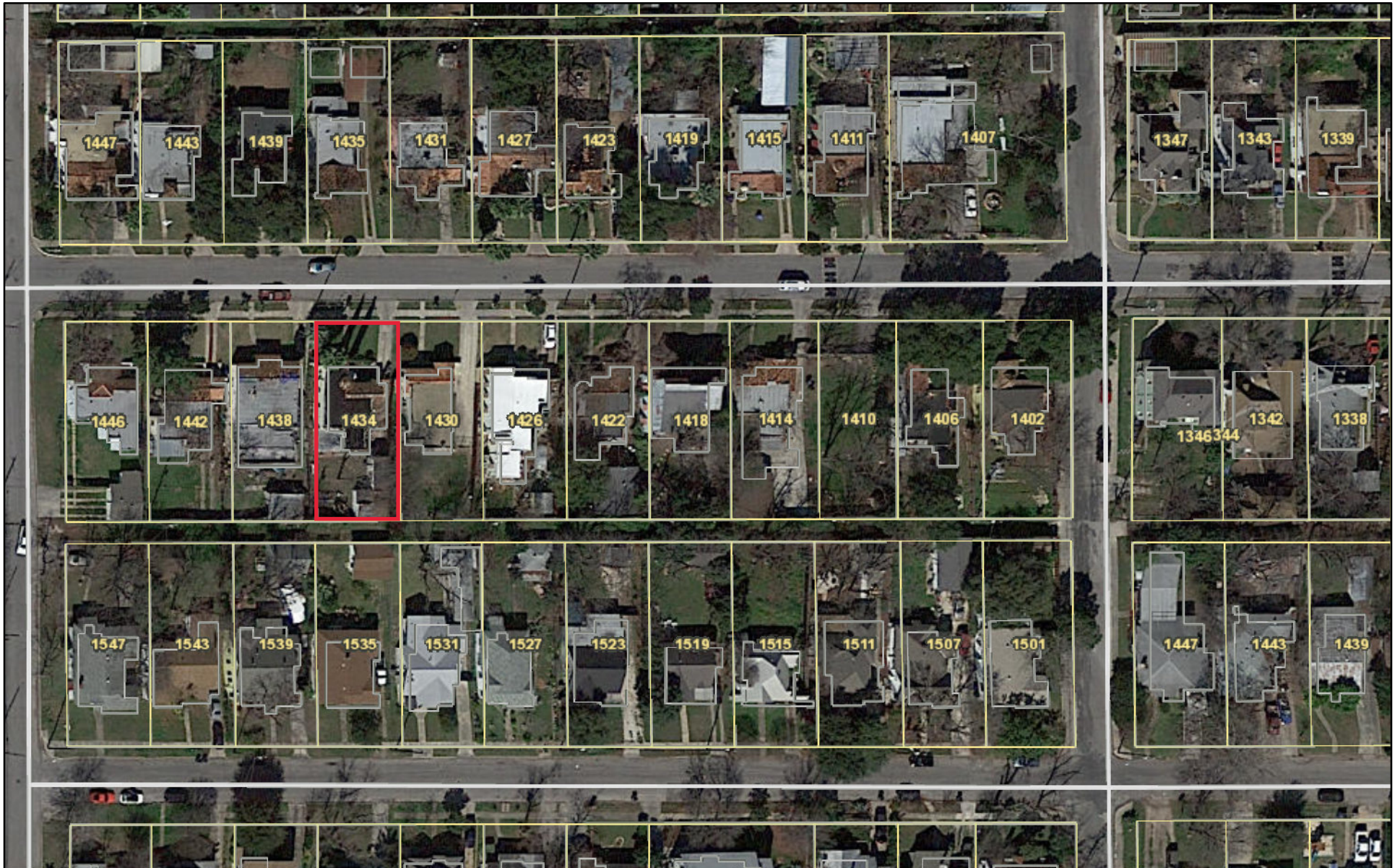
Staff does not recommend approval based on finding b through d. Staff recommends the reconstruction of the lost structure.

**CASE COMMENT:**

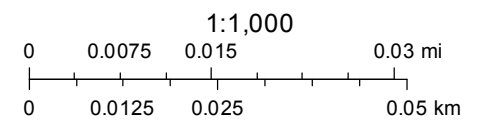
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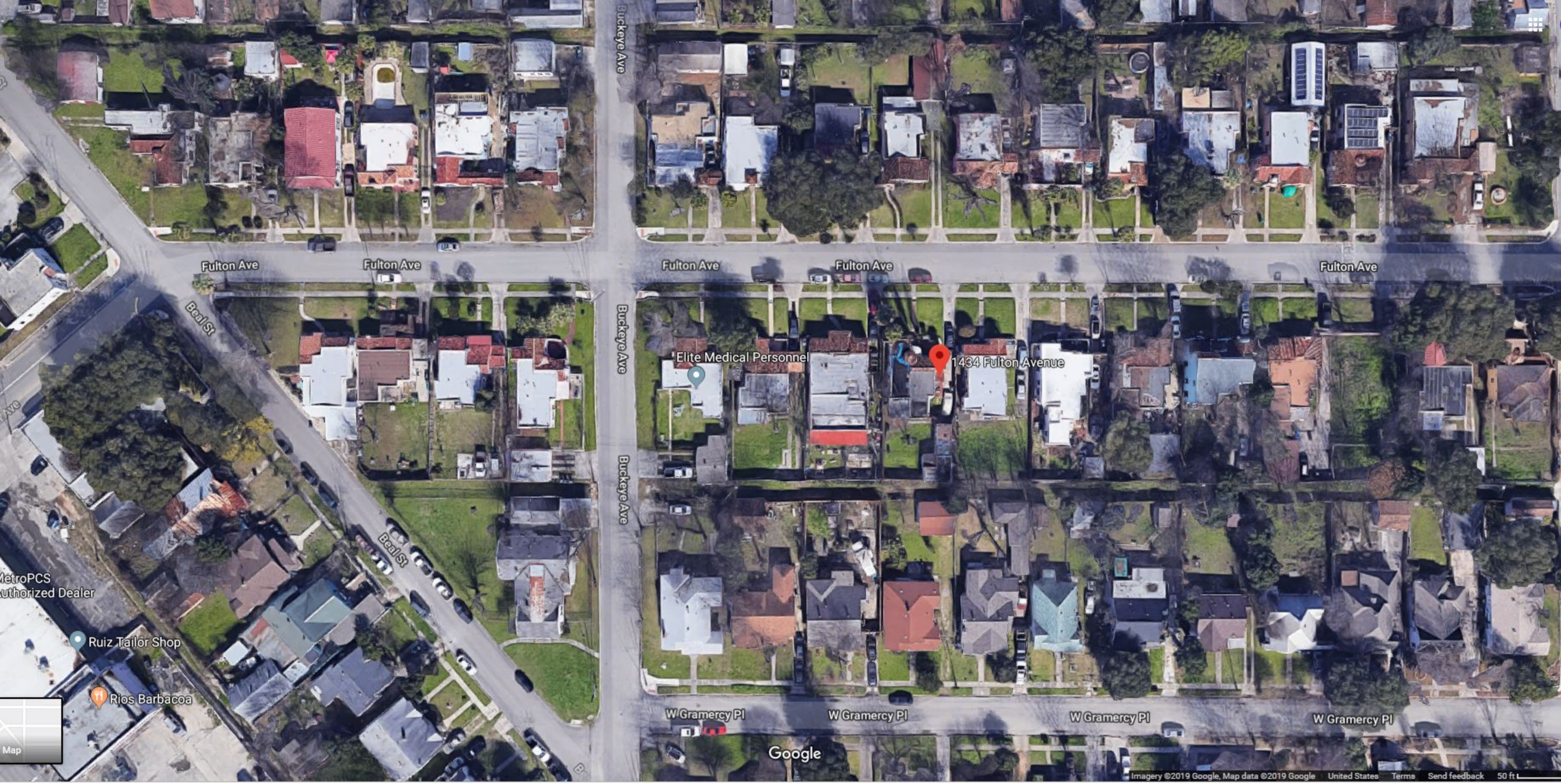
# 1434 Fulton



May 27, 2019







Fulton Ave

Fulton Ave

Fulton Ave

Fulton Ave

Fulton Ave

Beal St

Beal St

Buckeye Ave

Buckeye Ave

Elite Medical Personnel

1434 Fulton Avenue

W Gramercy Pl

W Gramercy Pl

W Gramercy Pl

W Gramercy Pl

MetroPCS  
Authorized Dealer

Ruiz Tailor Shop

Rios Barbacoa

Map

Google

Imagery ©2019 Google, Map data ©2019 Google United States Terms Send feedback 50 ft L





Elite Medical Personnel

1434 Fulton Avenue

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1434 Fulton Avenue

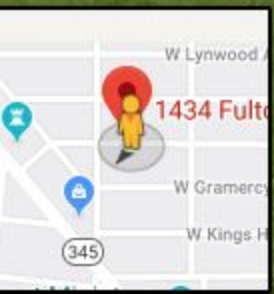
Fulton Ave

W. Gammon St

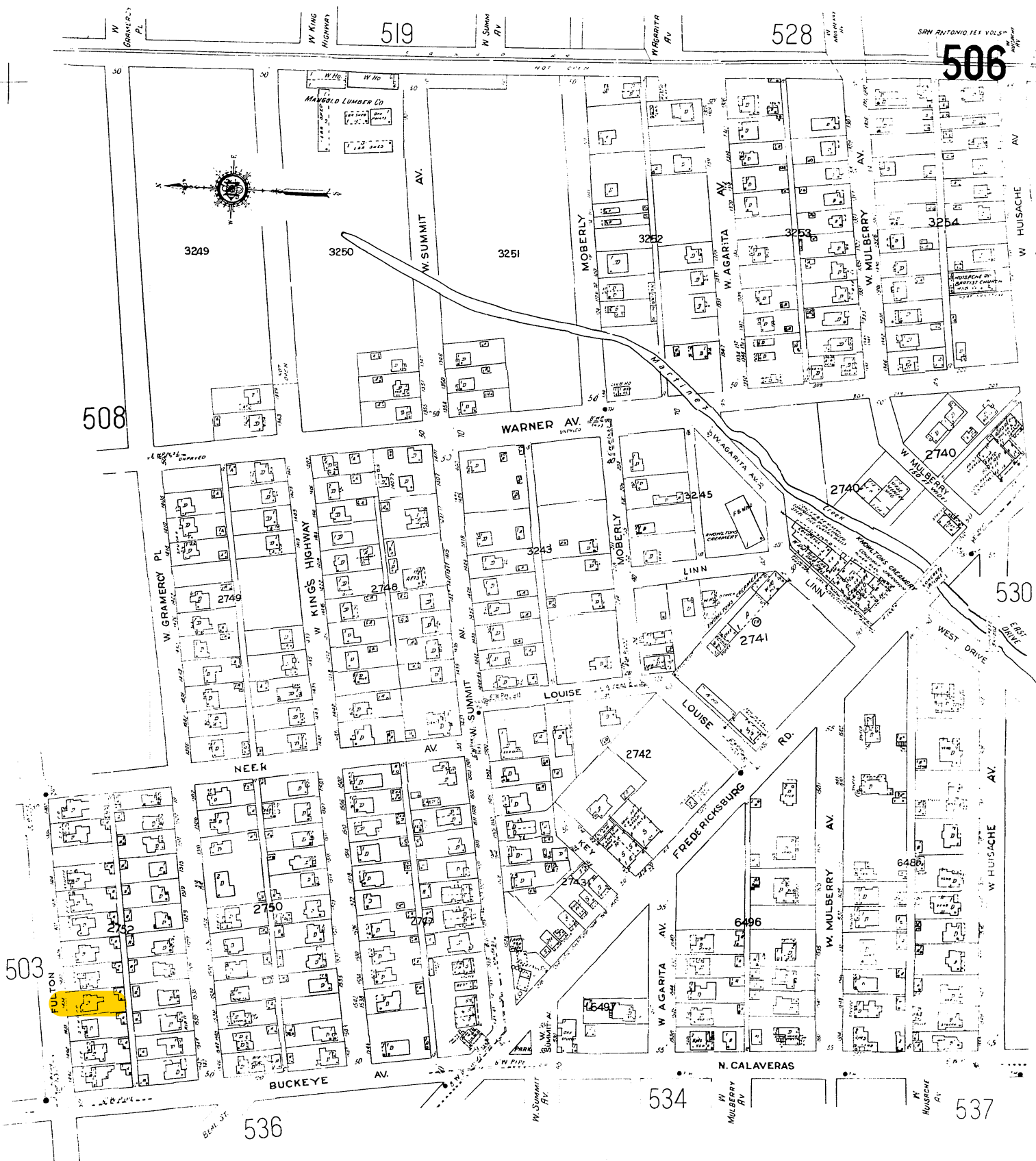
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## CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

### Statement of Significance

**Property Address:** 1434 Fulton Ave (detached accessory dwelling/garage)

#### 1. Application Details

Applicant: Jessica Ramirez

Type: Request for Noncontributing Determination

Date Received: 12 March 2019

#### 2. Findings

The detached accessory dwelling and garage at 1434 is a single-story Spanish Eclectic structure with Craftsman influences located in the Fulton Avenue historic district. It was built c. 1929 for Joseph B. Sutcliffe. Jessica Ramirez currently owns the property.

Originally named Parkmoor Place by builder L. E. Fite, the Fulton Avenue Historic District encompasses the residences within the 1300 through the 1500 blocks of Fulton Avenue. The district represents a unique collection of Spanish Eclectic style houses constructed between 1927 and 1929. The Spanish Eclectic style developed in California in the early 20th century and experienced great popularity throughout the 1920s on a national scale, but particularly in the Southwest United States and Florida. Fulton Avenue and the surrounding neighborhood attracted an affluent group of purchasers including professionals and wealthy landowners. Development ceased during the depression, and the style was not revived in the post-depression era.<sup>1</sup>

Joseph B. Sutcliffe along with his father and brother—both named John—worked for F Redondo & Co, a tile and interior finishes company that worked on the Robert E. Lee Hotel<sup>2</sup> and a 1938 remodel of the Vogue Building.<sup>3</sup> Joseph served as plant superintendent of the company. F Redondo was on the staff of Atlee B. and Robert M. Ayres.<sup>4</sup>

The subject structure first appears on the 1938 Sanborn map.<sup>5</sup> The map shows a development pattern of single-family residences with L-plan garages on every parcel that shares a block with the subject structure, and accessory structures are common throughout the neighborhood. The parapet likely marks the original entrance to the garage from the alley that runs along the east side of the parcel. There are what appear to be reversible additions to the original structure, but the parapet and rooflines of the original structure are intact and visible. Modifications over time are common among historic structures; modern additions or changes to the garage such as the French doors visible on the south façade do not impact its relationship to the primary structure or its contribution to the historic fabric of the Fulton Avenue historic district.

#### 3. Architectural Description

The garage at 1434 Fulton is a single-story Spanish Eclectic structure with wood clapboard siding situated at the northeast corner of the parcel. There is a stepped parapet on the east side of the structure with an end-gable composite shingle roof behind with exposed rafter tails. The structure is slab-on-grade and has a one-over-one window visible on the west side that appears to be vinyl. An addition to the structure is also single

<sup>1</sup> Office of Historic Preservation. Historic Districts: Fulton Avenue. Accessed 29 March 2019.

<https://www.sanantonio.gov/historic/historicsites/HistoricDistricts/FultonAve>

<sup>2</sup> "Sanitation is made possible through tile." *San Antonio Express*, Tuesday morning, 22 May 1923, p. 26.

<sup>3</sup> "Vogue Store First Big remodeling Job of '38." *San Antonio Light*, Sunday, 2 January 1938.

<sup>4</sup> "French Architect, Wife Inspect Buildings Here." *San Antonio Express*, 20 November 1949, p. 31.

<sup>5</sup> Sanborn Fire Insurance Maps: San Antonio, Texas. 1938, Volume 5, p. 506.





## CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

story and slab-on-grade and features a pair of modern French doors on the south elevation that open to the backyard.

Character-defining features of the detached garage at 1434 Fulton Ave include:

- Stepped parapet
- Clapboard siding
- Exposed rafter tails
- Orientation to the alley

#### 4. Landmark Criteria

The property meets the following criterion under UDC 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;** the structure is an example of the Spanish Eclectic style found throughout the Fulton Avenue historic district.
- **8: Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;** the structure is an intact and in situ example of a L-plan garage typical found at every home on the block shared by the subject structure.
- **13: It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;** the garage at 1434 Fulton Ave is part of a collection of properties that feature a primary residential structure with a detached garage at the rear corner of the parcel.

#### 5. Staff Recommendation

A structure must meet at least three of the 16 criteria used to evaluate eligibility for landmark designation, and this assessment determines that the garage at 1434 Fulton Ave meets this threshold. Therefore, staff recommends a maintaining contributing status for the structured. Further research may reveal additional significance associated with this property.



*Images provided by the applicant.*



# CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

## ADMINISTRATIVE CERTIFICATE OF APPROPRIATENESS

April 5, 2019

**ADDRESS:** 1434 FULTON AVE  
**LEGAL DESCRIPTION:** NCB 2752 BLK 58 LOT 4  
**HISTORIC DISTRICT:** Fulton  
**PUBLIC PROPERTY:** No  
**RIVER IMPROVEMENT OVERLAY:** No  
**APPLICANT:** Jessica Rodriguez - 1434 Fulton  
**OWNER:** Jessica Rodriguez - 1434 Fulton

### REQUEST:

The applicant requests a noncontributing determination for the accessory structure located at 1434 Fulton Ave.

### CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

**DATE:** 4/5/2019 2:16:47 PM

**ADMINISTRATIVE APPROVAL TO:** A structure must meet at least three of the 16 criteria used to evaluate eligibility for landmark designation, and this assessment determines that the garage at 1434 Fulton Ave meets this threshold. Therefore, staff recommends a maintaining contributing status for the structured. Further research may reveal additional significance associated with this property.

**APPROVED BY:** Jessica Anderson

Shanon Shea Miller  
Historic Preservation Officer

*A Certificate of Appropriateness (COA) serves as a record of design approval and is valid for 180 days. Work that is not completed in accordance with this certificate may be subject to correction orders and other penalties.*

*A COA does not take the place of any required building permits nor does it authorize the use of a property beyond what is allowed by the Unified Development Code. Prior to beginning your construction project, please contact the Development Services Department at (210) 207-1111 to ensure that all requirements have been met.*

*This Certificate must remain posted on the job site for the duration of your project. Modifications to an approved design or an expired approval will require a re-issue of your Certificate of Appropriateness by OHP staff. Please contact OHP Staff at (210) 207-0035 with any questions.*

ADDRESS: 1434 FULTON AVE  
HDRC: N/A



PRIOR TO DEMOLITION WITHOUT APPROVAL

























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