

HISTORIC AND DESIGN REVIEW COMMISSION

March 17, 2021

HDRC CASE NO: 2021-115
ADDRESS: 1929 W KINGS HWY
LEGAL DESCRIPTION: NCB 1934 BLK 32 LOT 8
ZONING: R-6, H
CITY COUNCIL DIST.: 7
DISTRICT: Monticello Park Historic District
APPLICANT: Sergio Fernandez/FERNANDEZ SERGIO I
OWNER: Sergio Fernandez/FERNANDEZ SERGIO I
TYPE OF WORK: Demolition of accessory structure
APPLICATION RECEIVED: February 04, 2021
60-DAY REVIEW: Not Applicable Due to City Council Emergency Orders
CASE MANAGER: Rachel Rettaliata

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the 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 structure located at 1929 W Kings Hwy is a 1-story, single-family structure constructed circa 1940. The property first appears on the 1951 Sanborn Map. The structure features a composition shingle cross gable roof with two front gables, minimal eave overhangs, simplified porch columns, light-colored brick cladding, vertical wood gable detailing, and one-over-one windows. The rear accessory structure is located at the end of the driveway and is a 1-story structure featuring a front gable composition shingle roof and wood cladding. The structure features two garage door openings and no window openings. The property is contributing to the Monticello Park Historic District.
- b. **DEMOLITION OF REAR ACCESSORY STRUCTURE** – The applicant is requesting approval for the demolition of the rear accessory structure only. In general, accessory structures contribute to the character of historic properties and the historical development pattern within a historic district.
- c. **CONTRIBUTING STATUS** – The structure is a 1-story structure constructed in approximately the same period as the primary structure. The structure appears on the 1951 Sanborn Map in the approximate location, footprint, and configuration. On March 12, 2021, staff conducted a site visit to evaluate the condition of the property. While most of the original materials exist and the original footprint is intact, the structure shows signs of severe deterioration. The cladding elements have experienced significant deterioration, the roof features multiple openings, the support elements are water damaged and show signs of rot, and the structure has sunken into the soil due to the lack of a foundation. While staff finds that the structure has significantly deteriorated, the structure is contributing to the district.
- d. **UNREASONABLE ECONOMIC HARDSHIP** – In accordance with UDC Section 35-616, 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 to unreasonable economic hardship to be met, the owner must provide sufficient evidence for the HDRC to support a finding in favor of demolition. In the submitted application, the applicant has indicated that the structure no longer serves a purpose and poses a safety and health hazard due to compromised structural integrity. The applicant has provided cost estimates for repair and rehabilitation and for demolition. The submitted cost estimates show that the cost for rehabilitation is nearly 7 times that of the proposed demolition. Staff finds that evidence for UDC Section 35-614(b) has been met based on the documentation provided.
- e. **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 historic, cultural, architectural or archaeological significance, qualities or features which qualified the structure or property for such designation. Staff finds that a loss of significance may have occurred due to the modifications and substantial deterioration of original materials.
- f. **REPLACEMENT PLANS** – The applicant is not requesting to construct a replacement structure at this time. The applicant has proposed to sod or lay concrete at the location of the existing rear accessory structure. While the existing rear accessory structure is contributing to the district and is representative of historical development patterns within the historic district, due to the condition of the existing structure, staff finds the proposal appropriate.

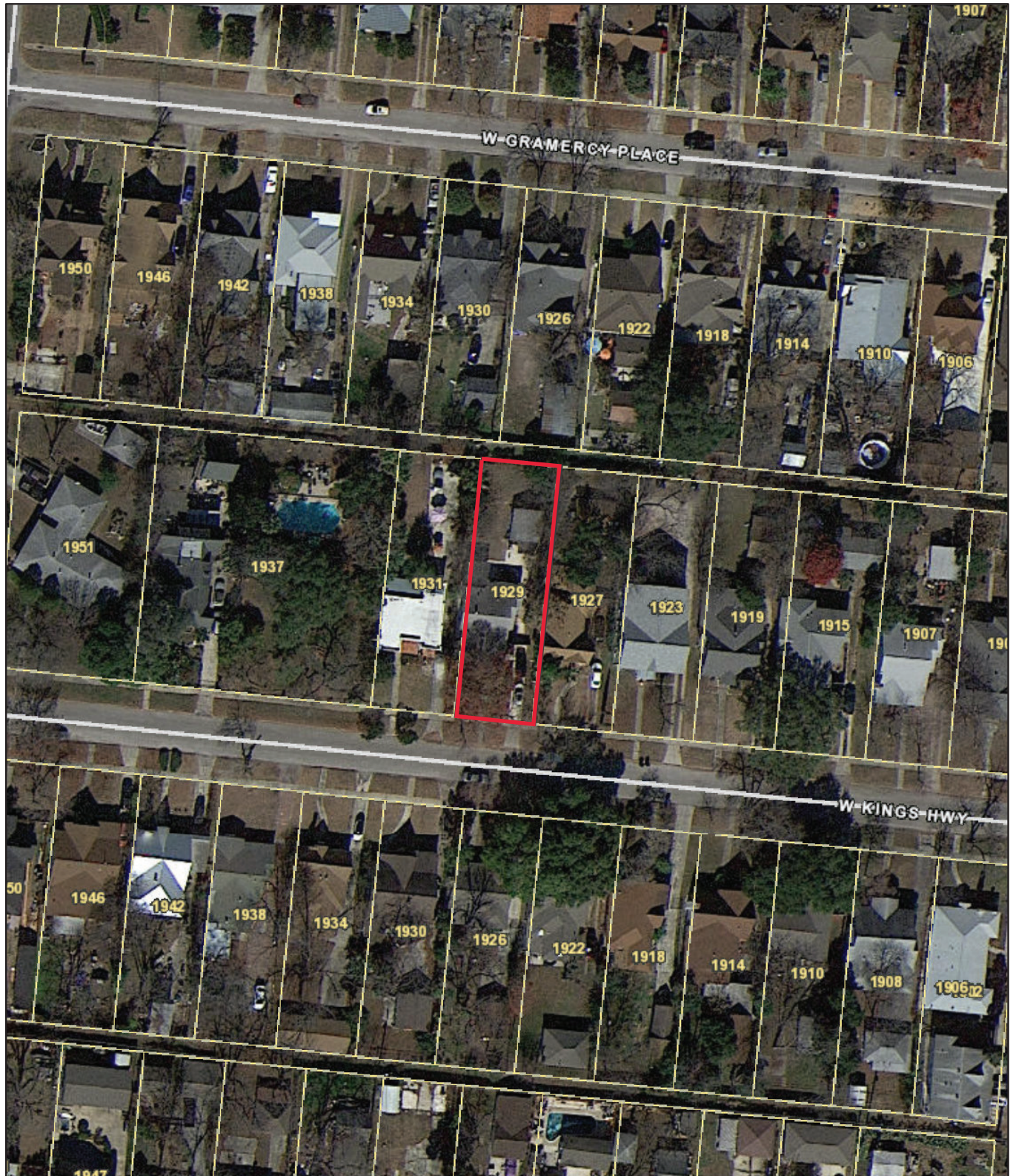
RECOMMENDATION:

Staff recommends demolition of the rear accessory structure based on findings a through f with the following stipulations:

- i. That materials from the historic accessory structure including salvageable wood siding be salvaged and stored on site for use in future construction.

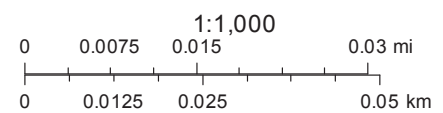
- ii. That the applicant sods the location of the existing structure or lay permeable surfacing in lieu of laying concrete. Proposals for any installation other than sod will require a separate application to be submitted to staff for review and approval.

City of San Antonio One Stop

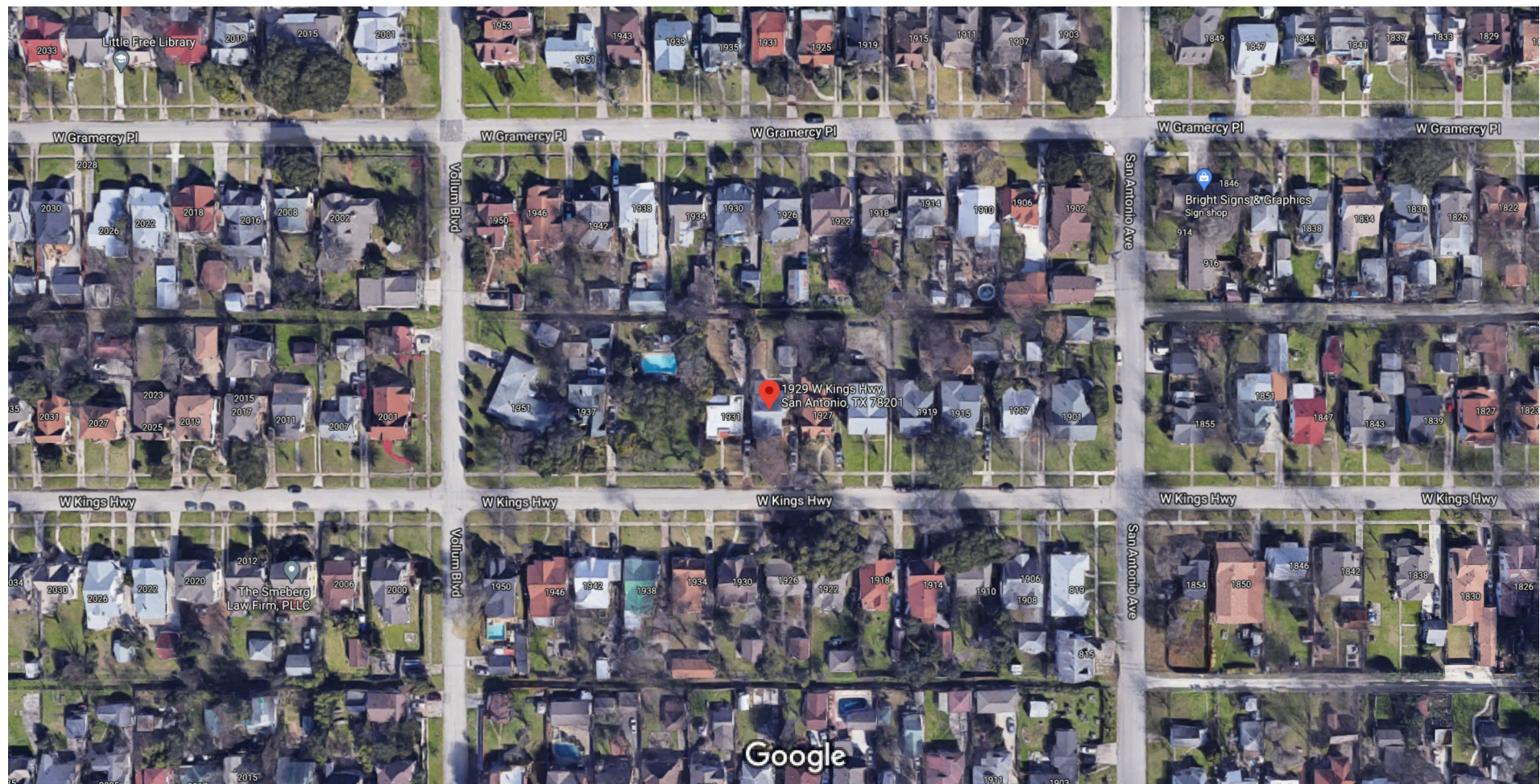


March 12, 2021

— User drawn lines



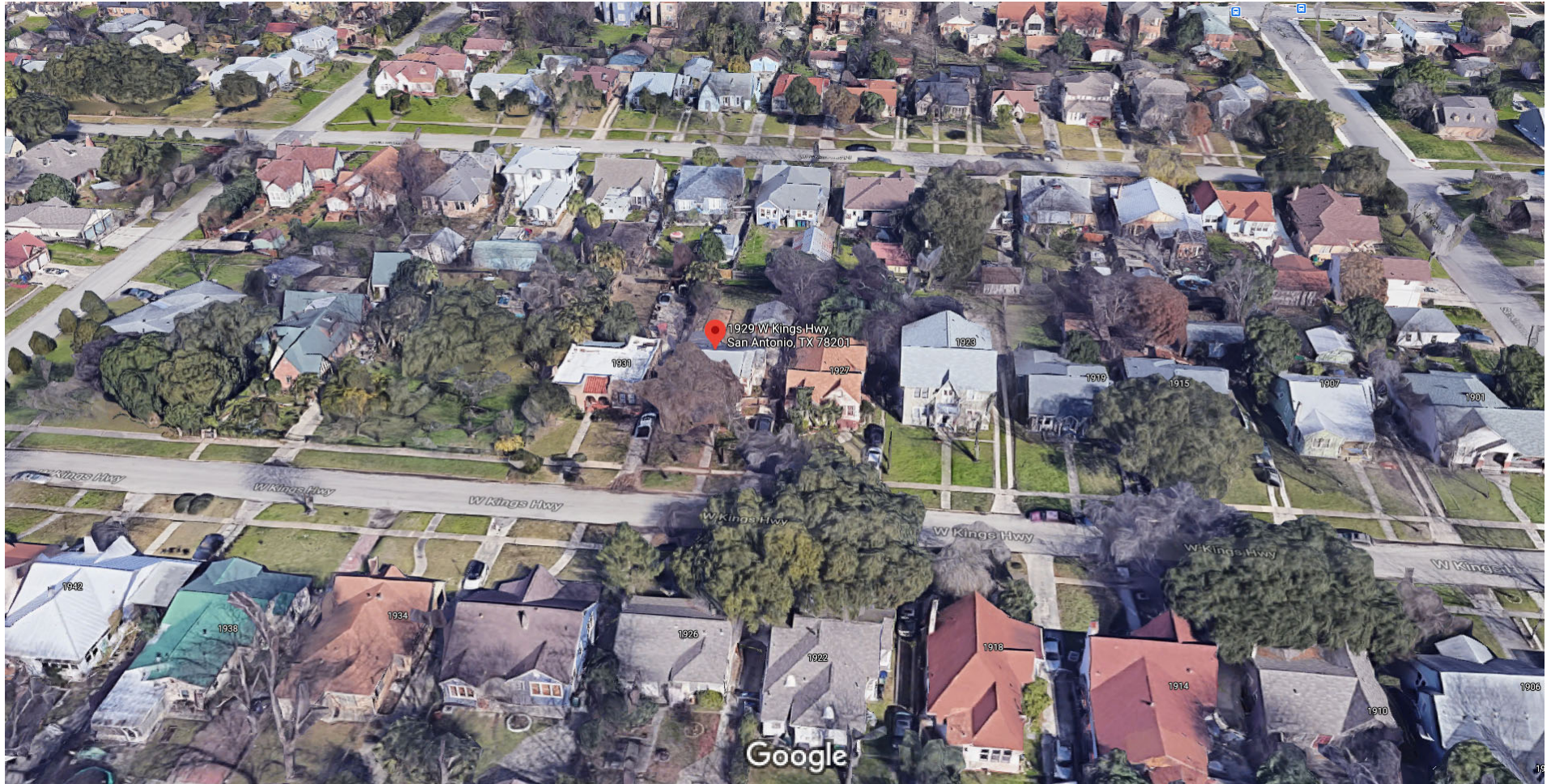
Google Maps 1929 W Kings Hwy



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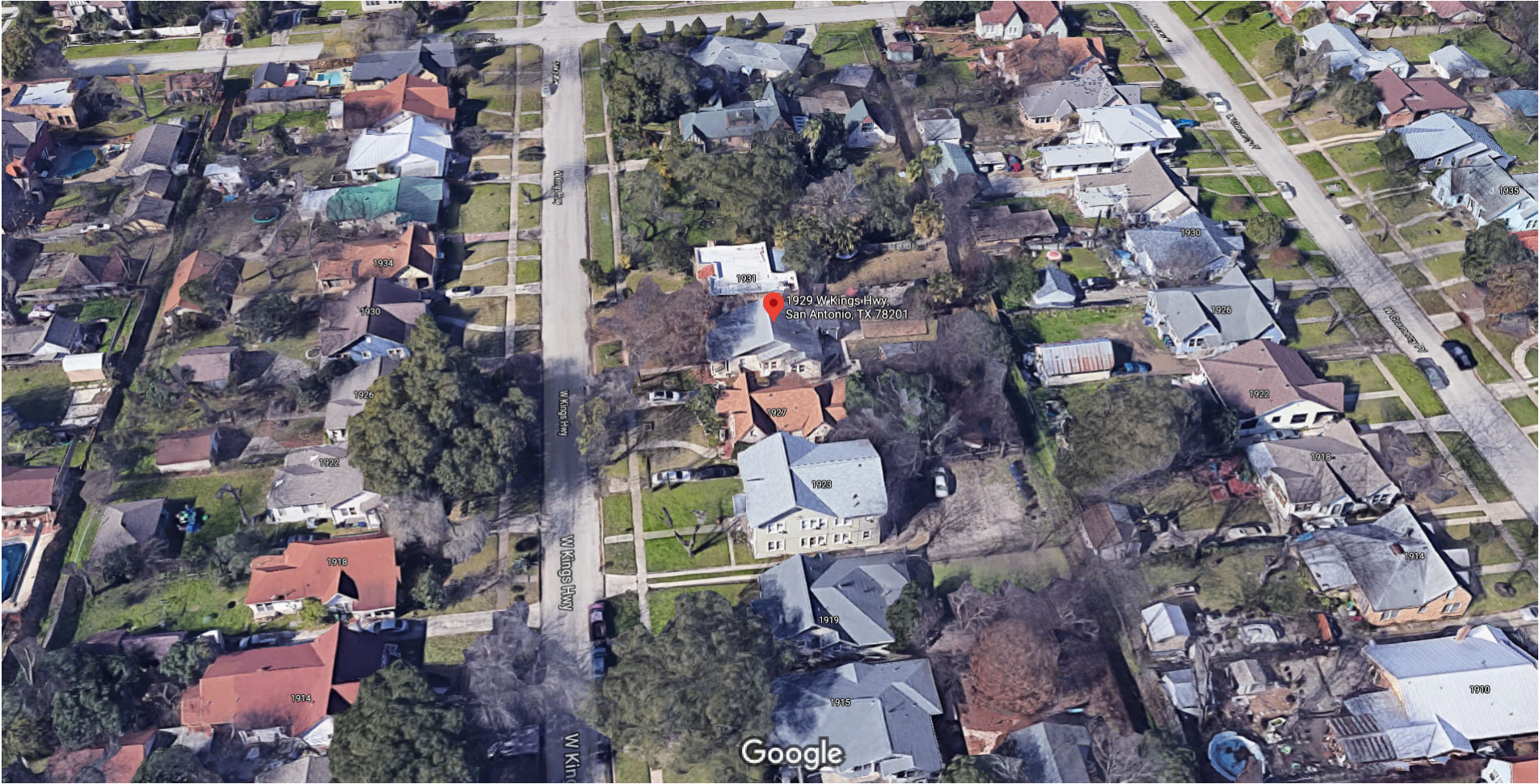
50 ft

Google Maps 1929 W Kings Hwy



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Google Maps 1929 W Kings Hwy



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Google Maps 1929 W Kings Hwy

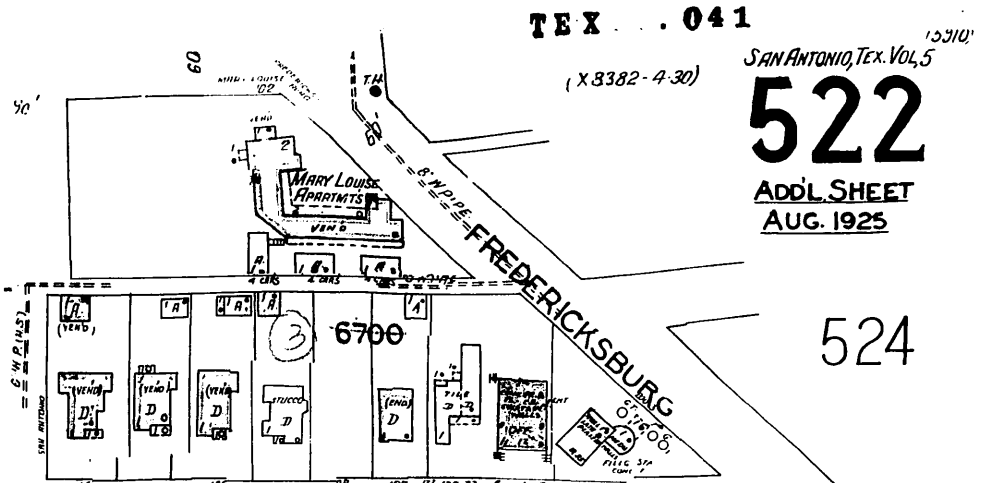
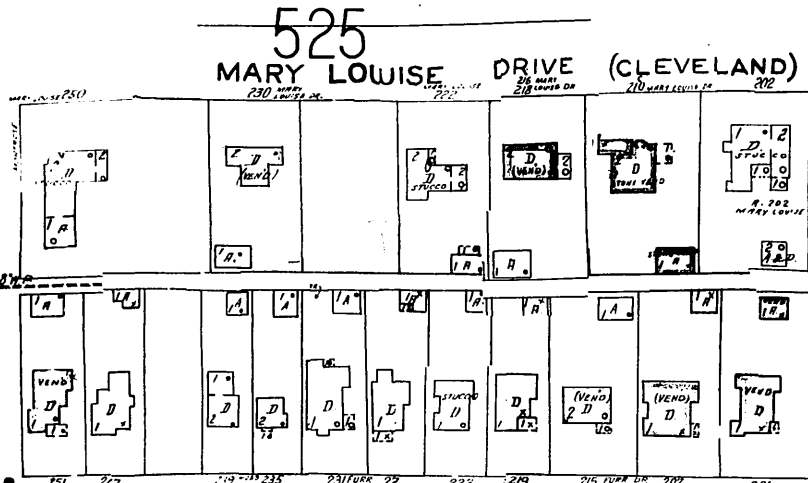
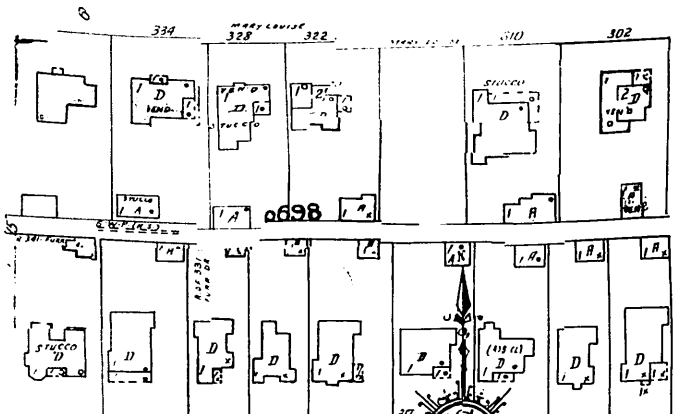


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Google Maps 1929 W Kings Hwy



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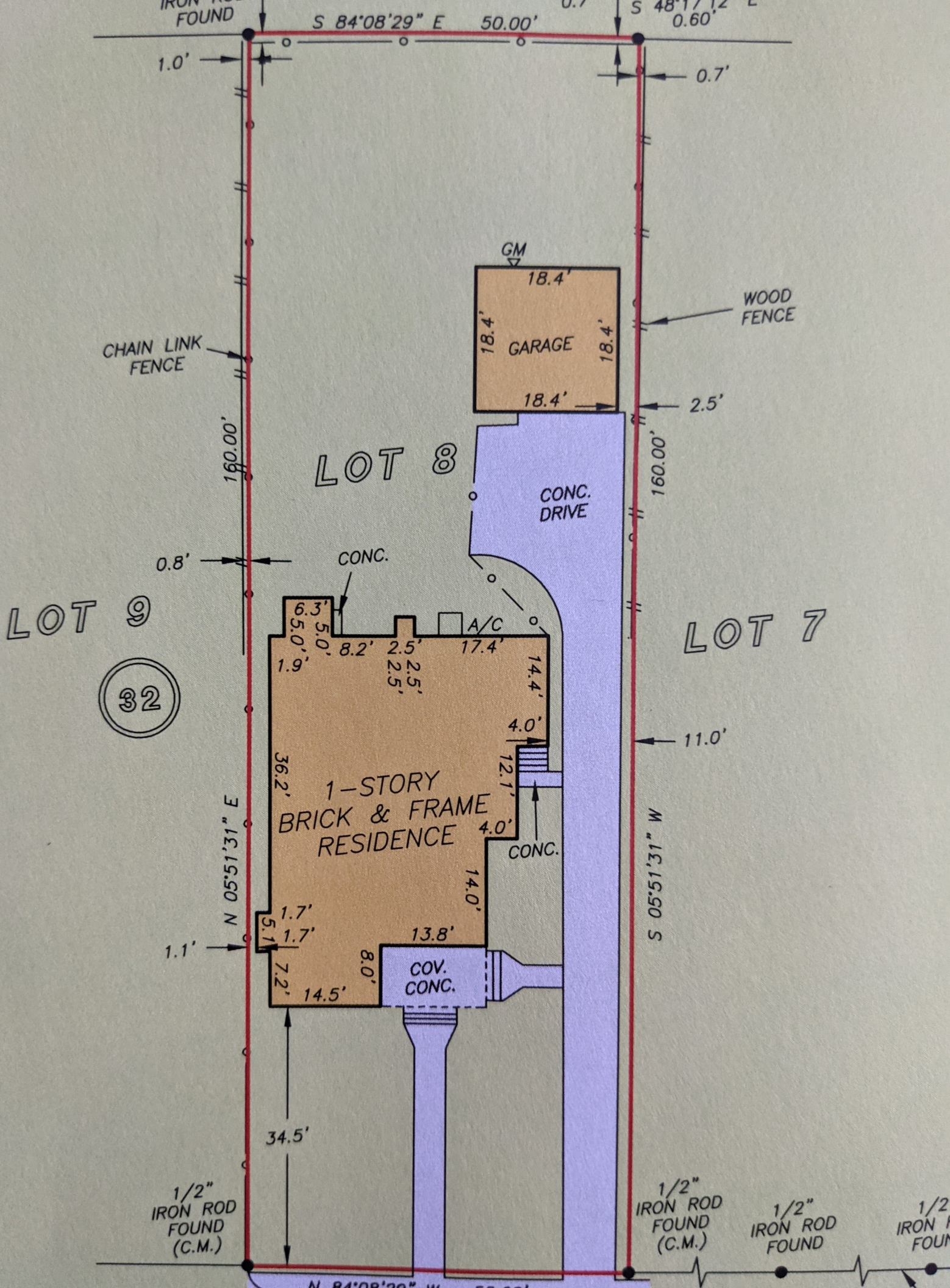












Oasis Custom Framing Construction.
Proposal for removal of garage building at
Mr Fernandez residence
1929 W.King Hwy for the sum of \$2600.
Price Includes total removal of garage and
clean up..
For questions call
210 710 7249 or email
arnoldoromo@att.net

Oasis Custom Framing Construction.

Proposal for garage repair at

Mr Fernandez residence.

1929 W.king Hwy 78201.

For the sum of \$18.000

Includes new concrete slab

New stick framing

New siding

New garage doors / motors

New roof /shingles

New paint

New electrical 8 plugs 2 switches ..

For questions about project call

210 710 7249 or email

arnoldoromo@att.net
