



City of San Antonio

Agenda Memorandum

File Number:16-1090

Agenda Item Number: 10.

Agenda Date: 1/11/2016

In Control: Board of Adjustment

Case Number: A-16-028
Applicant: River Road Neighborhood Association
Owner: Five Aces/SA
Council District: 1
Location: 112 Lindell Place
Legal Description: Lot 1, Block 15, NCB 6204
Zoning: "MF-33 H RIO-1 AHOD" Multi-Family Residential River Road
Historic River Improvement Overlay Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

An appeal by the River Road Neighborhood Association of the Historic Preservation Officer's decision regarding an application for a Certificate of Appropriateness granted for property within the River Road Historic District.

Applicable Code References

- (a) UDC 35-608. Certificate of Appropriateness- Generally. In reviewing an application for a certificate of appropriateness, the Historic and Design Review Commission (HDRC) shall consider the current needs of the property owner. The HDRC shall also consider whether the plans will be reasonable for the property owner to carry out. Where the City Council has adopted specific design guidelines for the district, no application shall be recommended for approval unless the proposed application is consistent with the design guidelines.
- (b) UDC 35-481. Appeals to the Board of Adjustment. The Board of Adjustment is empowered to consider an appeal of a decision by an administrative official, in this case, the Historic Preservation Officer (HPO). The appeal must be submitted by a person aggrieved the decision. The appeal must include details regarding the incorrect interpretation made by the administrative official, along with any supporting evidence. The Board must consider the appeal at a quasi-judicial public hearing, pursuant to UDC Section 35-404. Their authority allows the Board to affirm, modify or reverse the HPO's determination from which the appeal is taken and make the correct order, requirement, decision or determination, with the concurring vote of 75% of its members.

Background and Interpretation

The currently proposed rehabilitation and new construction at 112 Lindell Place was originally heard by the Design Review Committee on January 27, 2015, as part of an application for conceptual approval. That meeting primarily focused on the design and concerns of the neighborhood. The request for conceptual approval of the proposed rehabilitation and new construction was heard by the Historic and Design Review Commission on February 4, 2015. At that hearing, a number of individuals from the River Road Neighborhood Association voiced their concern over the proposed design, the possibility of additional traffic and the preservation of the existing tree canopy. The request was referred to the Design Review Committee by the HDRC at that hearing.

The request for conceptual approval of the proposed rehabilitation and new construction was reviewed a second time by the Design Review Committee on March 24, 2015. At that meeting, the Design Review Committee reviewed a modified site plan which addressed many of the neighborhood's and HDRC's concerns including the preservation of a mature anacua tree, proposed parking and the proposed vehicular circulation.

The request for conceptual approval of the proposed rehabilitation and new construction was heard a second time by the Historic and Design Review Commission on April 11, 2015, where it received conceptual approval with the stipulations that the owner's team make due diligence to meet with the neighborhood in person regarding their concerns over the current request and that the applicant attend the Design Review Committee.

On November 18, 2015, this request for final approval of the proposed rehabilitation and new construction was reviewed by the Design Review Committee. At that meeting, committee members noted that the original concerns of the neighborhood had been met. The request for final approval was heard by the Historic and Design Review Commission on November 18, 2015, where it was recommended for approval with staff's stipulations, which included the requirement of an archaeological investigation.

The Office of Historic Preservation recommendation cites the *Historic Design Guidelines, Chapter 2, Guidelines for Exterior Maintenance and Alterations*, the *Historic Design Guidelines, Chapter 4, Guidelines for New Construction*, and the *Historic Design Guidelines, Chapter 5, Guidelines for Site Elements* and the *Unified Development Code*.

- OHP staff found the applicant's request to rehabilitate the existing structure at 112 Lindell Place consistent with the *Historic Design Guidelines, Chapter 2, Guidelines for Exterior Maintenance and Alterations*. Specifically within this request, the applicant proposed to restore the existing, original stucco façade, replace the existing asphalt shingle roof with a new, standing seam metal roof, preserve and restore all existing window and door openings. The request also included the removal of later additions found to be non-contributing by OHP staff based on physical evidence and Sanborn Fire Insurance maps (included as an attachment) that indicate the original footprint of the structure.
- Regarding the approved new construction, OHP staff found the applicant's request to be consistent with the *Historic Design Guidelines, Chapter 4, Guidelines for New Construction*. OHP staff reviews applications for new construction to ensure consistency with the *Historic Design Guidelines* and/or the UDC. Within this request, OHP staff reviewed building setbacks, building orientation, height, massing, building to lot ratio, building materials, roof form, architectural elements, façade arrangement and location of mechanical equipment.
- Regarding the approved site and landscaping plans, OHP staff found the applicant's request to be consistent with the *Historic Design Guidelines, Chapter 5, Guidelines for Site Elements*. Within this

request, OHP staff reviewed the construction of a privacy fence, a detailed landscaping plan, a tree survey, driveway placement, on-site parking and ADA dedicated parking.

The Office of Historic Preservation's recommendation as well as the Historic and Design Review Commission's actions are consistent with those from similar requests. For example, in 2015 alone, the OHP reviewed approximately ten Historic and Design Review Commission applications in which the removal of a non-contributing addition was part of the request for rehabilitation of a designated structure. In each instance, OHP staff recommended the removal of these additions and the HDRC approved these requests as part of the overall rehabilitation. These are not considered as separate demolition requests. The review and decision is consistent with other similar types of cases.

The applicant has asserted that a demolition application should have been required for the removal of the addition. This is not the case. To illustrate, UDC Section 35-611, gives authority for administrative approval of a number of types of work categorized as demolition. None of these require a separate demolition application or an argument of economic hardship or loss of significance.

The applicant has also asserted that an application for non-contributing status is mandatory. This is also not the case. The UDC does not require an application for staff to find a portion of a structure non-contributing during the course of the review of a project. This is a task performed routinely by staff in reviewing HDRC applications and proposed work.

The applicant states that the HPO approved the removal based on it being a "minor outbuilding." This is also not the case. Findings e, f, g, and h in the Certificate of Appropriateness from November 18, 2015, were used as the basis for approval (see attachment). As articulated in Finding e, the portions for removal were found to be later additions to the historic structure.

In conclusion, the portion of the structure that was approved for removal was non-contributing to the historic structure as shown through evidence reviewed by staff. No demonstration of economic hardship or loss of significance was required in this case. The historic structure contributing to the River Road Historic District is to remain and will be rehabilitated as part of the proposed project. The requested rehabilitation and new construction approved by the Historic and Design Review Commission at 112 Lindell Place is consistent with the Historic Design Guidelines.

Staff Recommendation

Staff recommends that the Board of Adjustment uphold the Historic Preservation Officer's decision to approve the rehabilitation of the existing structure at 112 Lindell Place and the construction of a two-story building housing six residential units along the corner of Woodlawn Avenue and Lindell Place with the stipulation that the excavations meet all requirements for archaeology outlined in UDC Article 6, Sections 35-630, 35-634, 35-675 and 35-606.