



HISTORIC PRESERVATION

BOA-24-10300075

900, 904, and 906 W Houston and 111 N Frio; 908 W Houston

June 3, 2024

Applicant: Master Property Partners, LTD
Legal Description: NCB 264 BLK 76 LOT 1 (.1295 AC) & 2 (.1295 AC)
Legal Description: NCB 264 BLK 76 LOT 13 (VISTA VERDE NORTH TEX R-109 UT-12)
Address: 900, 904, and 906 W Houston and 111 N Frio; 908 W Houston
Zoned: D, HS

Request:

An appeal of the Historic Preservation Officer's decision to deny the demolition of the historic structure addressed as 900, 904, and 906 W Houston and 111 N Frio, commonly known as the Richbook Building, and to demolish the historic structure addressed as 908 W Houston, commonly known as the SA Dye Works Building.

Case History:

- September 28, 2023: Office of Historic Preservation staff received an application for the demolition of the the historic structure addressed as 900, 904, and 906 W Houston and 111 N Frio, commonly known as the Richbook Building, and to demolish the historic structure addressed as 908 W Houston, commonly known as the SA Dye Works Building. Upon receipt of the application, OHP staff began a completeness review and a demolition review.
- November 16, 2023: Office of Historic Preservation staff, a representative of the property owner, the Design Review Committee and members of the community met on site to discuss the conditions of the buildings and the proposed demolitions.
- December 11, 2023: Office of Historic Preservation staff, a representative of the property owner, the Design Review Committee and members of the community met on site to discuss the conditions of the buildings and the proposed demolitions. All in attendance walked both the interior and exteriors of both buildings.
- February 27, 2024: Office of Historic Preservation staff, a representative of the property owner, and the Design Review Committee met virtually to allow the property owner's representative and Committee members to discuss the proposed demolition prior to the Historic and Design Review Commission hearing date.
- March 20, 2024: The request to demolish both structures (900, 904, 906 W Houston, and 111 W Houston and 908 W Houston) was reviewed by the Historic and Design Review Commission. The application was denied.

Applicable Citations:

UDC Sec. 35-614. Demolition of a Landmark or Contributing Property.

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 or contributing property to a historic district.

(b) **Initiation.** Requests for the demolition of a historic landmark or contributing property to a historic district may be made in accordance with section 35-608(b).

(c) **Completeness Review.** See section 35-608(c).

(d) **Review Process.**

(1) **Review Period.** Whenever an application for a certificate regarding the demolition is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one (1) meeting with the registered neighborhood association and other stakeholders shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

(2) **Changes to Application Status.** If within this sixty (60)-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six (6)-month period:

- The owner shall enter into a binding contract for the sale of the property,
- Approved arrangements shall be made for the structure to be moved to an approved new location, or
- The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.

If within the sixty (60)-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty (60)-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to

demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.

- (3) **Additional Materials.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the public hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
- (e) **Approval Criteria.** No certificate shall be issued for demolition of a historic landmark or property located within a historic district 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 this section in order to receive a historic and design review commission recommendation for a certificate for demolition.

1. **Unreasonable Economic Hardship.**

- A. **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).
- B. **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, terms and conditions of the lender, development agreements entered into by the

owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:

- i. 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;
- ii. 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
- iii. The owner has owned the property for a minimum of two (2) years and 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.
- iv. 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. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.

- C. **Evidence.** 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:

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.

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.

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.

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.

2. **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.

- (f) **Decision.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.
- (g) **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 three hundred (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.
- (h) **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. Permits for demolition and construction shall be issued simultaneously if requirements of this section related to new construction are met and the property

owner provides financial proof of his ability to complete the project. 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. 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.

(i) **Subsequent Applications.** See section 35-608(g).

(j) **Scope of Approval.** See section 35-608(i).

(k) **Recording Procedures.** See section 35-608(j).

(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; Ord. No. 2017-12-14-1010 , § 2, 12-14-17; Ord. No. 2022-11-03-0831 , § 2, 11-3-22, eff. 1-1-23)

Editor's note(s)—Ord. No. 2022-11-03-0831 , § 2, adopted November 3, 2022, changed the title of section 35-614 from "Demolition" to "Demolition of a landmark or contributing property." The historical notation has been preserved for reference purposes.

Findings Considered by the HDRC:

a. The applicant is requesting a Certificate of Appropriateness for approval to demolish two historic landmarks. The first, the Richbook Building is addressed as 900, 904, and 906 W Houston, and 111 N Frio, and is located at the corner of W Houston and N Frio. The second, the SA Dye Works is located mid-block and is addressed as 908 W Houston.

b. DEMOLITION NOTICE – Demolition notice postcards were mailed to properties within a 200 foot radius of the property, as required by the Unified Development Code. Additional notice and an opportunity to meet regarding the request was provided to the Historic Westside Residents Association.

- c. DESIGN REVIEW COMMITTEE – The Design Review Committee met on site on November 16, 2023. At that meeting, Commissioners asked questions regarding attempts to rehabilitate both structures, asked questions regarding the structural condition of both structures, and requested a follow-up site visit to view the interior of both structures. A second Design Review Committee meeting was held on site on December 11, 2023. At that meeting, the DRC viewed the interior of both structures and asked questions regarding past redevelopment attempts and the structural condition of both landmarks. This request was reviewed a third time by the Design Review Committee on February 27, 2024. At that meeting, the applicant presented updated information and answered questions regarding the proposed demolition, the structure's condition and the potential replacement plans.
- d. REPLACEMENT PLANS – The applicant has not provided full replacement plans at this time. A rendering indicates a new, 5 story building with the first two levels recreating the appearance of the historic Richbook Building. Final approval and permitting of new construction are required in order to release a demolition permit under the UDC.
- e. ASSESSMENT REPORT & STRUCTURAL CONDITION ASSESSMENT – The applicant has submitted a property condition assessment for the historic structure addressed as 900, 904 and 906 W Houston and 111 N Frio, commonly known as the Richbook Building. This report is included in the case exhibits. An additional condition assessment of both buildings' structural integrity has been submitted by the applicant. The submitted structural condition assessments note that the extent of reinforcement and repair required to make the structural serviceable and code compliant make rehabilitation impractical.
- f. 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.

Findings related to request item #1:

g. The historic structure at 900, 904, and 906 W Houston and 111 N Frio is commonly known as the Richbook Building, was constructed circa 1923 and was originally addressed 1200-1208 W Houston. According to phone directories from that time, the building housed multiple businesses including the Cloth Model Shop, Whitt & Co. Printers (who published La Prensa), The Majestic Cafe, and a barber shop. The second floor was occupied by the Fausto Hotel. The building appears to have had multiple additions over time, including the two, westernmost structural bays. Separation of the buildings by a party wall is indicated by a dotted line on the Sanborn Maps. The structure is contributing to the Cattleman Square Historic District and was landmarked on November 18, 1988, by City Council as part of ordinance 68210.

h. The loss of a landmark structure is an irreplaceable loss to the quality and character of San Antonio. Demolition of any contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. Clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved must be presented by the applicant in order for demolition to be considered. The criteria for establishing unreasonable economic hardship are listed in UDC Section 35-614 (b)(3). The applicant 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;*

[The applicant has provided two estimates for the rehabilitation of the structure, both totaling more than \$6 Million. The most recent bid provides an itemized list of issues, recommended solutions and an anticipated budget for each. The applicant has not provided a fair market appraisal at this time. The applicant has submitted a structural engineer's condition assessment which notes that the extent of reinforcement and repair required to make the structure serviceable and code compliant makes rehabilitation impractical. Staff finds this requirement has been satisfied.]

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;*

[The applicant has provided a contractor's estimate for the rehabilitation of the structure into office use. The applicant has noted that uses other than office could potentially increase the rehabilitation estimate by 25%. Consideration for partial demolition, additions, and new construction integrated into the existing

buildings have not been submitted. The applicant has submitted a structural engineer's condition assessment which notes that the extent of reinforcement and repair required to make the structure serviceable and code compliant makes rehabilitation impractical. Staff finds this requirement has been satisfied.]

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.

[The applicant has noted that the property has been actively marketed for approximately three (3) years without success. The applicant has provided letters from organizations who have noted a partnership in the redevelopment of this structure is not feasible. Staff finds this requirement has been satisfied.]

i. Staff finds that the applicant has provided sufficient evidence to demonstrate the burden of proof required to substantiate an unreasonable economic hardship, as the UDC requires. Staff finds that a substantial salvage plan should be developed and submitted to staff for review and approval to salvage as many original architectural elements as possible, to include façade brick, cast stone coping and sills, and building letters.

Findings related to request item #2:

j. The historic structure at 908 W Houston is commonly known as the SA Dye Works, and was constructed circa 1915. The structure features two stories in height, brick facades and a tiered cast concrete parapet. The structure is contributing to the Cattleman Square Historic District. The historic designation of this structure was included with a significant number of other structures on November 18, 1988, and was landmarked by City Council as part of ordinance 68210. This structure is on a parcel that includes the structure fronting and addressed as 118 N Medina. The structure fronting N Medina is not part of this request and has not proposed to be demolished.

k. The loss of a landmark structure is an irreplaceable loss to the quality and character of San Antonio. Demolition of any contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. Clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved must be presented by the applicant in order for demolition to be considered. The criteria for establishing unreasonable economic hardship are listed in UDC Section 35-614 (b)(3). The applicant 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;*

[The applicant has provided a contractor's estimate of the proposed rehabilitation of the structure addressed as 908 W Houston. The submitted estimate totals \$1,187,424.20. Consideration for partial demolition, additions, and new construction integrated into the existing buildings have not been submitted. Additionally, the applicant has provided a structural engineer's condition assessment which notes that extent of reinforcement and repair required to make the structural serviceable and code compliant make rehabilitation impractical. The applicant has not provided a fair market appraisal at this time; however, the applicant has provided a pro forma for a building program and rents. Generally, staff finds this requirement has been satisfied.]

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;*

[The applicant has not provided information regarding plans for the rehabilitation or the adaptive reuse of the property. The applicant has submitted a structural engineer's condition assessment which notes that the extent of reinforcement and repair required to make the structure serviceable and code compliant makes rehabilitation impractical. Consideration for partial demolition, additions and new construction have not been submitted.]

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.*

[The applicant has noted that the property has been actively marketed for approximately three (3) years without success. Staff finds this requirement has been satisfied.]

l. Staff finds that the applicant has provided sufficient evidence to demonstrate the burden of proof required to substantiate an unreasonable economic hardship, as the UDC requires. Staff finds that a substantial salvage plan should be developed and

submitted to staff for review and approval to salvage as many original architectural elements as possible, to include façade brick, cast stone coping and parapet caps and other decorative façade elements.

Given the documented conditions of the buildings and feasibility of necessary structural repairs to accommodate reuse, the Office of Historic Preservation formed a recommendation for approval of the demolition of both structures, having found that the applicant had satisfied the burden of proof requirements to demonstrate an unreasonable economic hardship, per the UDC Section 35-614. OHP staff included the following stipulations in its recommendation for approval:

For 900, 904, 906 W Houston, 111 N Frio

- i. That a substantial salvage plan be developed and submitted to staff for review and approval to salvage as many original architectural elements as possible, to include façade brick, cast stone and façade letters.
- ii. That replacement plans be developed with reconstruction of the original Richbook block faces (north and east facades) in mind, using the building letters and other salvaged materials where feasible. A demolition permit will not be issued until replacement plans are approved and permitted.

For 908 W Houston

- iii. That a substantial salvage plan be developed and submitted to staff for review and approval to salvage as many original architectural elements as possible, to include façade brick, cast stone coping and parapet caps and other decorative façade elements.
- iv. That replacement plans be developed with replication of the W Houston street façade in mind. A demolition permit will not be issued until replacement plans are approved and permitted.

Each of the above stipulations would need to be met prior to the issuance of a Certificate of Appropriateness and a demolition permit. In addition to the above mentioned stipulations, complete documentation and a demolition fee are also required prior to the issuance of a Certificate of Appropriateness and demolition permit.

HDRC Action & Outcome

The HDRC conducted a public hearing which included public testimony. Hearing all of the evidence, the HDRC was not persuaded that an economic hardship had been met in accordance with the UDC. A motion for denial received a majority vote. Consistent with policy, the Historic Preservation Officer issued a Commission Action letter to deny the requested demolitions based on that recommendation.

Board of Adjustment

The Board of Adjustment is asked to determine whether to uphold the denial of demolition as recommended by the HDRC. City staff issued a Commissioner Action letter which follows this recommendation.

UDC 35-608 states:

In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission. New evidence shall not be considered.

Staff's findings and the original exhibits pertaining to this case are provided for BOA consideration.

Approval of this appeal does not automatically result in a demolition permit. In accordance with UDC 35-614, replacement plans for the property would still be reviewed by the HDRC and permits for demolition activity would not be issued until replacement plans have also been fully approved and permitted.

Should the BOA approve the appeal, the original stipulations drafted by OHP staff should be included in the action.