

# HISTORIC AND DESIGN REVIEW COMMISSION

September 21, 2022

**HDRC CASE NO:** 2022-389  
**ADDRESS:** 509 DELAWARE  
**LEGAL DESCRIPTION:** NCB 656 BLK W 1-2 OF 11 LOT E 149.61 FT OF 5 & 6  
**ZONING:** IDZ-3, H  
**CITY COUNCIL DIST.:** 2  
**LANDMARK:** Achtzehn House  
**APPLICANT:** Thomas Glendenning/BRIGHT LAKES REAL ESTATE LLC  
**OWNER:** Thomas Glendenning/BRIGHT LAKES REAL ESTATE LLC  
**TYPE OF WORK:** Demolition of a landmark, approval of a site plan  
**APPLICATION RECEIVED:** July 19, 2022  
**60-DAY REVIEW:** Not applicable due to City Council Emergency Orders  
**CASE MANAGER:** Edward Hall

## REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the historic landmark at 509 Delaware, commonly known as the Achtzehn House.

The applicant has proposed to replace the structure with a food truck park. A proposed, conceptual site plan is included in the exhibits for this case.

## APPLICABLE CITATIONS:

### *UDC Section 35-614. – Demolition*

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

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

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

(b) Unreasonable Economic Hardship.

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

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

G. 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;

H. 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

I. 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;

iii. The assessed value of the structures and property according to the two (2) most recent tax assessments;

v. The amount of real estate taxes on the structures and property for the previous two (2) years;

vi. The date of purchase or other acquisition of the structures and property;

vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures

and property, if any, for the previous two (2) years;

viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with

the owner's purchase, financing or ownership of the structures and property;

ix. Any listing of the structures and property for sale or rent, price asked and offers received;

x. Any consideration given by the owner to profitable adaptive uses for the structures and property;

xi. Any replacement construction plans for proposed improvements on the site;

xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and

xiii. The current fair market value of the structure and property as determined by a qualified appraiser.

xiv. Any property tax exemptions claimed in the past five (5) years.

B. For income producing structures and property:

i. Annual gross income from the structure and property for the previous two (2) years;

ii. Itemized operating and maintenance expenses for the previous two (2) years; and

iii. Annual cash flow, if any, for the previous two (2) years.

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

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

(d) Documentation and Strategy.

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

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

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

(4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as

landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received

approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not

be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan

was approved as a replacement element for the demolished object or structure.

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

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

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

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

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

## *Historic Design Guidelines, Chapter 4, Guidelines for New Construction*

### 1. Building and Entrance Orientation

#### A. FAÇADE ORIENTATION

*i. Setbacks*—Align front facades of new buildings with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Use the median setback of buildings along the street frontage where a variety of setbacks exist. Refer to UDC Article 3, Division 2. Base Zoning Districts for applicable setback requirements.

*ii. Orientation*—Orient the front façade of new buildings to be consistent with the predominant orientation of historic buildings along the street frontage.

#### B. ENTRANCES

*i. Orientation*—Orient primary building entrances, porches, and landings to be consistent with those historically found along the street frontage. Typically, historic building entrances are oriented towards the primary street.

### 2. Building Massing and Form

#### A. SCALE AND MASS

*i. Similar height and scale*—Design new construction so that its height and overall scale are consistent with nearby historic buildings. In residential districts, the height and scale of new construction should not exceed that of the majority of historic buildings by more than one-story. In commercial districts, building height shall conform to the established pattern. If there is no more than a 50% variation in the scale of buildings on the adjacent block faces, then the height of

the new building shall not exceed the tallest building on the adjacent block face by more than 10%.

*ii. Transitions*—Utilize step-downs in building height, wall-plane offsets, and other variations in building massing to provide a visual transition when the height of new construction exceeds that of adjacent historic buildings by more than one-half story.

*iii. Foundation and floor heights*—Align foundation and floor-to-floor heights (including porches and balconies) within one foot of floor-to-floor heights on adjacent historic structures.

#### B. ROOF FORM

*i. Similar roof forms*—Incorporate roof forms—pitch, overhangs, and orientation—that are consistent with those predominantly found on the block. Roof forms on residential building types are typically sloped, while roof forms on nonresidential building types are more typically flat and screened by an ornamental parapet wall.

*ii. Façade configuration*—The primary façade of new commercial buildings should be in keeping with established patterns. Maintaining horizontal elements within adjacent cap, middle, and base precedents will establish a consistent street wall through the alignment of horizontal parts. Avoid blank walls, particularly on elevations visible from the street.

No new façade should exceed 40 linear feet without being penetrated by windows, entryways, or other defined bays.

#### D. LOT COVERAGE

*i. Building to lot ratio*—New construction should be consistent with adjacent historic buildings in terms of the building to lot ratio. Limit the building footprint for new construction to no more than 50 percent of the total lot area, unless adjacent

historic buildings establish a precedent with a greater building to lot ratio.

### 3. Materials and Textures

#### A. NEW MATERIALS

i. *Complementary materials*—Use materials that complement the type, color, and texture of materials traditionally found

in the district. Materials should not be so dissimilar as to distract from the historic interpretation of the district.

For

example, corrugated metal siding would not be appropriate for a new structure in a district comprised of homes with wood

siding.

ii. *Alternative use of traditional materials*—Consider using traditional materials, such as wood siding, in a new way to

provide visual interest in new construction while still ensuring compatibility.

iii. *Roof materials*—Select roof materials that are similar in terms of form, color, and texture to traditionally used in the

district.

iv. *Metal roofs*—Construct new metal roofs in a similar fashion as historic metal roofs. Refer to the Guidelines for Alterations and Maintenance section for additional specifications regarding metal roofs.

v. *Imitation or synthetic materials*—Do not use vinyl siding, plastic, or corrugated metal sheeting. Contemporary materials not traditionally used in the district, such as brick or simulated stone veneer and Hardie Board or other fiberboard siding, may be appropriate for new construction in some locations as long as new materials are visually similar

to the traditional material in dimension, finish, and texture. EIFS is not recommended as a substitute for actual stucco.

### 4. Architectural Details

#### A. GENERAL

i. *Historic context*—Design new buildings to reflect their time while respecting the historic context. While new construction should not attempt to mirror or replicate historic features, new structures should not be so dissimilar as to

distract from or diminish the historic interpretation of the district.

ii. *Architectural details*—Incorporate architectural details that are in keeping with the predominant architectural style

along the block face or within the district when one exists. Details should be simple in design and should complement, but

not visually compete with, the character of the adjacent historic structures or other historic structures within the district.

Architectural details that are more ornate or elaborate than those found within the district are inappropriate.

iii. *Contemporary interpretations*—Consider integrating contemporary interpretations of traditional designs and details for

new construction. Use of contemporary window moldings and door surroundings, for example, can provide visual interest

while helping to convey the fact that the structure is new. Modern materials should be implemented in a way that does not

distract from the historic structure.

## FINDINGS:

- a. The applicant is requesting a Certificate of Appropriateness for approval to demolish the historic landmark at 509 Delaware, commonly known as the Achtzehn House.
- b. The historic structure at 509 Delaware was constructed in 1896 for Oswald Achtzehn, and is a single-story, brick Italianate-style residential structure. The structure was originally addressed as 201 Delaware and first appears on the 1912 Sanborn Map. The address first appears in the city directories in 1897. The structure is an individually designated landmark, and was landmarked by City Council in 1987 via City Ordinance #64540.
- c. CURRENT CONDITION - The structure was heavily damaged by fire in 2022. The applicant's engineer has recommended demolition due to the extent of the structure's fire damage which has permanently damaged original components of the structure.
- d. DEMOLITION NOTICE – Demolition notice postcards were mailed to properties within a 200 foot radius of the property, as required by the Unified Development Code.
- e. 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:

1. *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 cost estimate of the rehabilitation of the historic structure and notes a total rehabilitation cost of \$1,097,618.00. This cost of rehabilitation includes various fees, insurance premiums, and taxes. Neither additional bids, not a third-party bid has been obtained at this time. Per Bexar County Appraisal District records, assessed value of this lot is \$239,750.]

2. *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 submitted a structural engineer's letter noting that the structure has been damaged to an extent that would prevent reconstruction and preservation. The letter notes that a fire has caused roofing materials to melt and brick to bulge at several locations. Additionally, the letter notes that due to the extent of the fire damage, it would be unlikely that any of the materials could be recovered and reused.]

3. *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.*

[This property is not currently listed for sale. Per Bexar County Appraisal District records, a warranty deed was filed granting Bright Lakes Real Estate, LLC, the property on February 28, 2020.]

- f. Staff finds that the applicant has not fully satisfied the burden of proof requirements to demonstrate an unreasonable economic hardship, as the UDC requires all three criteria, noted above, to be met. Staff finds that

the lack of active marketing of the property has prevented the applicant from meeting the requirements to prove an unreasonable economic hardship.

- g. 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. Due to the extent of damage caused by the fire, as outlined in the engineer's assessment, staff finds that an irreversible loss of significance is warranted.
- h. REPLACEMENT PLANS – The applicant has proposed to install a food truck park and has provided a site plan noting the construction of buildings, dumpster locations and outdoor seating. Generally, staff finds a commercial structure on site would be appropriate; however, staff finds that additional information should be provided, such as information regarding site paving, on-site parking and building setbacks from the right of way.

## **RECOMMENDATION:**

Staff does not find that the applicant has met the burden of proof requirements for economic hardship, as noted in finding f; however, staff finds that a loss of architectural significance has occurred.

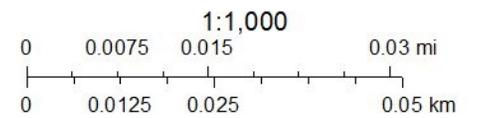
Should the Historic and Design Review Commission find an unreasonable economic hardship or concur that a loss of significance not caused directly or indirectly by the owner has occurred, as noted in finding g, and recommend approval of the demolition of this structure, staff recommends the following:

- i. That the applicant submit a detailed salvage plan for existing architectural materials. If brick is found to be structurally unsound, staff recommends the applicant consider its reuse for site and paving elements.
- ii. That the applicant submit further developed architectural documents for the proposed replacement food truck park.

# City of San Antonio One Stop

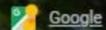


September 16, 2022





509 Delaware St  
San Antonio, Texas



Street View - Mar 2019



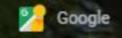
Currently shown: Mar 2019

2007

2022



509 Delaware St  
San Antonio, Texas



Street View - Apr 2022



Currently shown: Apr 2022

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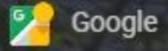








509 Delaware St  
San Antonio, Texas



Street View - Apr 2022

Expand side panel



Google

509 Delaware St

San Antonio, Texas



Google



Street View - Apr 2022



Google







April 26, 2022

Craig Glendenning  
Bright Lakes Real Estate, LLC  
1008 Hoefgen Ave.  
San Antonio, TX 78210  
[Cglendennings61@yahoo.com](mailto:Cglendennings61@yahoo.com)

**RE: *Limited Asbestos Survey Report***  
**Commercial Property - Demolition Project**  
**509 Delaware Street**  
**San Antonio, TX 78210**  
**CJEC Project No: 22042601**

Dear Mr. Glendenning:

The purpose of this report is to present the results of the asbestos survey performed on April 26, 2022, at the commercial building located at 509 Delaware Street, San Antonio, Texas. CJEC understands that this survey was requested to provide information prior to the demolition at the commercial site.

No suspect asbestos materials were observed during site inspection; therefore, no samples were collected. Please refer to the attached report for details.

CJ Environmental Consulting, LLC (CJEC) appreciates the opportunity to provide this service to Bright Lakes Real Estate, LLC. If there are any questions or concerns regarding this report, please contact CJEC at (210) 788-7330.

Sincerely,

**CJ Environmental Consulting, LLC**  
TDSHS Asbestos Consulting Agency  
License No. 10-0547

Prepared By:

Casie Jupe, MSES  
TDSHS Individual Asbestos Consultant  
License No. 10-5809

Inspected By:

Corban Minor  
TDSHS Asbestos Inspector  
License No. 60-3536

This report documents the methods and findings of an Asbestos Survey for **509 Delaware Street, San Antonio, Texas.**

### Scope of Work

The purpose of the survey was to sample and assess the condition of the **building materials** within the impacted areas prior to the start of demolition and that were suspected of containing greater than one percent (1%) asbestos.

The limited survey was performed on **April 26, 2022**, by Corban Minor of CJEC, a State of Texas Individual Asbestos Inspector (DSHS #60-3536). The asbestos inspection was performed in accordance with the sampling protocols outlined in Environmental Protection Agency (EPA) regulation 40 CFR 763 (Asbestos Hazard Emergency Response Act, AHERA) and the Texas Department of State Health Services (TDSHS) Texas Asbestos Health Protection Rules (TAHPR). Samples were delivered to a National Voluntary Laboratory Accreditation Program (NVLAP) accredited and TDSHS licensed laboratory for analysis by Polarized Light Microscopy (PLM) protocol.

### Limitations

The data presented and the opinions expressed in this report are qualified as follows:

- The sole purpose of the investigation and of this report is to assess the Site with respect to asbestos materials as defined in CJEC's Scope of Work and the applicable State, Federal, and local environmental laws and regulations.
- CJEC derived the data in this report primarily from visual inspections, interviews with individuals with information about the Site and a limited number of environmental samples. The passage of time, manifestation of latent conditions, or occurrence of future events may require further exploration at the Site, analysis of the data, and reevaluations of the findings, observations, conclusions, and recommendations expressed in the report.
- The data reported and the findings, observations, conclusions, and recommendations expressed in the report are limited by the Scope of Services, including the extent of environmental sampling and other tests. The Scope of Services was defined by the requests of the Client, the time and budgetary constraints imposed by the Client, and the availability of access to the Site.
- The collection of bulk building material samples for analysis is a destructive procedure and may cause damage to the integrity of building systems. CJEC will take normal precautions to minimize damage, however CJEC will not be held responsible for damage to the building systems as a result of sample collection.
- Because of the limitations stated above, the findings, observations, conclusions, and recommendations expressed by CJEC in this report are limited to the information obtained and the surface and subsurface investigation undertaken and should not be considered an opinion concerning the compliance of any past or current owner(s) or operator(s) of the Site with any Federal, State or local laws or regulations. No warranty or guarantee, whether express or implied, is made with respect to the data reported or findings, observations, conclusions, or recommendations expressed in this report. Furthermore, such data, findings,

observations, conclusions, and recommendations are based solely upon Site conditions in existence at the time of investigation.

- This report has been prepared on behalf of and for the exclusive use of the Client, and is subject to and issued in connection with the Agreement and the provisions thereof.

### **Methodology**

The survey was conducted by Ms. Corban Minor: a TDSHS licensed and EPA accredited Asbestos Inspector. The survey was conducted in general accordance with the sample collection protocols established in the TAHPR and/or EPA regulation 40 CFR 763, the Asbestos Hazard Emergency Response Act (AHERA).

### **Visual Assessment**

Our survey activities began with visual observation of the areas of the site where renovation activities are planned to identify homogeneous areas of suspect ACM. A homogeneous area consists of building materials that appear similar throughout in terms of color, texture and date of application. Interior assessment was conducted within the visually accessible area of the **Commercial Building**.

### **Physical Assessment**

A physical assessment of the homogeneous area of suspect ACM was conducted to assess the friability and condition of the materials. Friable materials are defined by the EPA as a material which can be crumbled, pulverized or reduced to powder by hand pressure when dry. Friability was assessed by physically touching suspect materials.

### **Sample Collection**

Based on results of the visual observation, bulk samples of suspect ACM were not collected.

### **Sample Analysis**

No samples were collected for analysis.

### **Regulatory Overview**

The State of Texas has established the Texas Asbestos Health Protection Rules (TAHPR); which requires any asbestos-related activity to be performed by an individual licensed by the State of Texas, through the TDSHS. An asbestos related activity consists of the disturbance (whether intentional or unintentional), removal, encapsulation, or enclosure of asbestos, including preparations or final clearance, the performance of asbestos surveys, the development of management plans and response actions, asbestos project design, the collection or analysis of asbestos samples, monitoring for airborne asbestos, bidding for a contract for any of these activities, or any other activity required to be licensed under TAHPR.

***Abatement must be performed by a State of Texas licensed asbestos abatement contractor in accordance with a project design prepared by a State of Texas licensed asbestos consultant. In addition, third party air monitoring must be conducted during the abatement activities.***

The asbestos NESHAP (40 CFR Part 61 Subpart M) regulates asbestos fiber emission and asbestos waste disposal practices. It also requires the identification and classification of existing building materials prior to demolition or renovation activity. Under NESHAP, asbestos containing building materials are classified as either friable, Category I non-friable or Category II non-friable ACM. Friable materials are those that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure. Category I non-friable ACM includes packing, gaskets, resilient floor coverings and asphalt roofing products containing more than 1% asbestos. Category II non-friable ACM are any materials other than Category I materials that contain more than 1% asbestos.

Friable ACM, Category I and II non-friable ACM in poor condition and has become friable or which will be subject to drilling, sanding, grinding, cutting, or abrading and which could be crushed or pulverized during anticipated renovation or demolition activities are considered regulated ACM (RACM). RACM must be removed prior to renovation or demolition activities.

The TAHPR and NESHAP require that written notification be submitted before beginning renovation projects; which include the disturbance of any asbestos-containing material (ACM) in a building or facility, or before the demolition of a building or facility, even when no asbestos is present. This written notification must be provided to the TDSHS at least 10 working days prior to the commencement of asbestos abatement or demolition activities. ***Removal of RACM must be conducted by a State of Texas licensed asbestos contractor. In addition, third party air monitoring must be performed during the abatement.***

The OSHA Asbestos standard for the construction industry (29 CFR 1926.1101) regulates workplace exposure to asbestos. The OSHA standard requires employee exposure to airborne asbestos fibers be maintained below 0.1 asbestos fibers per cubic centimeter of air (0.1 f/cc).

The OSHA standard classifies construction and maintenance activities; which could disturb ACM and specifies work practices and precautions; which employers must follow when engaging in each class of regulated work. States that administer their own federally approved state OSHA programs may require other precautions.

## Summary

**No suspect asbestos materials were observed during site inspection; therefore, no samples were collected.** No further action regarding asbestos is required for this project, at this time.

## Recommendations

It should be noted that suspect materials, other than those identified during the **April 26, 2022**, survey might exist within the building. Should suspect materials other than those within this survey become uncovered prior to or during the renovation process, those materials should be assumed asbestos containing until sampling and analysis can confirm or deny their asbestos content.

If the Client does not intend to renovate or demolish the buildings, the asbestos-containing materials associated with the building, should be managed in place. This in-place management should include such operations as repairing any damaged materials, protecting the remaining asbestos-containing materials from further damage, and developing a plan to periodically monitor the condition of the asbestos-containing materials. Notification of the presence of the materials should also be made to residents, employees and outside contractors so that they do not inadvertently disturb the remaining asbestos-containing materials.

If repair, renovation or demolition operations that may disturb the asbestos-containing materials are planned, it is recommended that the affected materials be removed. The TDSHS TAHPR requires that any removal of asbestos containing materials associated with the Site be conducted by trained and licensed asbestos abatement personnel.

The Texas Asbestos Health Protection Rules (TAHPR) require all abatement or removal projects not under an Operation and Maintenance Program be designed (specifications and drawings) by a Texas licensed Asbestos Consultant, TAC 295.34(g). Additionally, a TDSHS Licensed Project Manager/Air Monitor (daily on-site air monitoring) must monitor all projects per TAC 295.58. CJEC would be pleased to provide a proposal to provide these services.

It is important to note the TAHPR and NESHAP require that written notification be submitted before beginning renovation projects; which include the disturbance of any asbestos containing material (ACM) in a building or facility, or before the demolition of a building or facility, even when no asbestos is present. This written notification must be provided to the TDSHS at least 10 working days prior to the commencement of asbestos abatement or demolition activities. These activities must be performed in accordance with the current TDSHS, EPA, and OSHA guidelines.

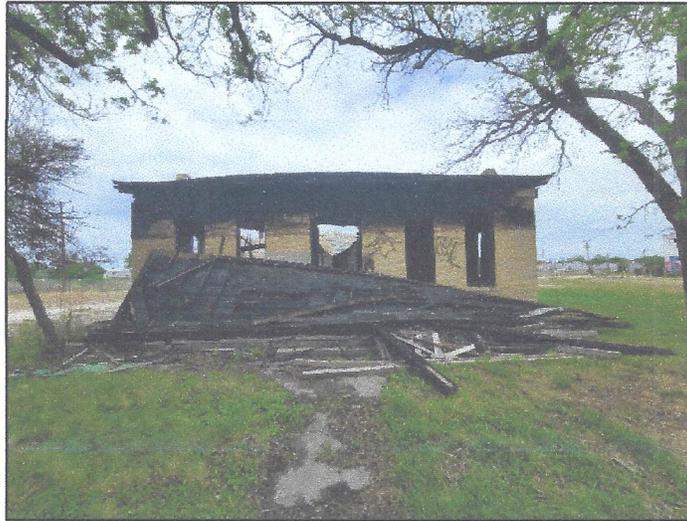
### **General Comments**

This asbestos survey was conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the same locale. The results, findings, conclusions and recommendations expressed in this report are based on conditions observed during our survey of the **Commercial Building, 509 Delaware Street, San Antonio, Texas**. The information contained in this report is relevant to the date on which this survey was performed, and should not be relied upon to represent conditions at a later date.

This report has been prepared on behalf of and exclusively for use by **Bright Lakes Real Estate, LLC** for specific application to their project as discussed.

This report is not a bidding document. Contractors or consultants reviewing this report must draw their own conclusions regarding further investigation or remediation deemed necessary. CJEC does not warrant the work of regulatory agencies, laboratories, or other third parties supplying information, which may have been used in the preparation of this report. No warranty, express, or implied is made.

## **PHOTOGRAPHIC DOCUMENTATION**



Commercial Building located at 509 Delaware Street, San Antonio, Texas.



View of north side of building.



View of west side of building.



Photo taken through window on west side of building. Burned debris inside building. Wood, metal, and brick debris - Not suspect ACM.



South side of building where metal and wooden debris from roof has fallen. Not suspect ACM.



View inside the building showing where the subflooring has burned and fallen into crawlspace. Piping in crawlspace has no insulation. Not suspect ACM.



View of rock lath remnants on wall. Photo taken through window on east side of building. The cellar is located below this area. Not suspect ACM.

## **MEANS and METHOD STATEMENT**

### **DEMOLITION OF BURNED OUT BLDG.**

**509 DELAWARE ST SAN ANTONIO, TEXAS**

---

The focus of our work will be the safety for our people and the whole community. There will be a foreman on site during work hours. This foreman will be fully aware of the scope and methods for this job and will comply with all City, State, and Federal requirements. The safety of the community will be enhanced by a surrounding 6 ft fence that will be maintained daily, isolating the demolition site. The safety of our people will include hardhats, safety glasses, steel toed shoes, gloves, and high visibility vest. Safety classes will be a regular part of our day and will be held in our onsite first aid station.

Our goal is to finish this job in a safe and timely manner. It is important to satisfy the owner, make a profit and provide a secure drug free work place for our people. To that end we propose to use the following equipment and adhere to the following schedule.

#### **EQUIPMENT**

329 CAT EXCAVATOR WITH THUMB; BOBCAT T650 TRACK LOADER WITH BUCKET, FORKS, IMPACT HAMMER AND GRAPPLE; 1 TON DODGE TRUCK WITH TRAILER; 30 YARD CONTAINERS AS NEEDED FOR REMOVAL AND PROPER DISPOSAL OF SCRAP MATERIAL; CUTTING TORCHES & HAND TOOLS AS NEEDED.

#### **SCHEDULE**

##### **1<sup>ST</sup> WEEK:**

- 1: Complete 6 ft. fence to secure jobsite and post safety signage prior to any other work.
- 2: Set up field office, break room, restrooms, and first aid area in on site building.
- 3: Move equipment to jobsite and set up area for service, maintenance, and storage.
- 4: Have containers for debris delivered and set up a salvage and disposal area.
- 5: Clear all debris, inside and outside of building remove to salvage and disposal area.
- 6: Inspect job for safety and compliance then conduct safety meeting.

##### **2<sup>nd</sup> WEEK:**

- 1: Take down building with excavator and sort debris.
- 2: Load debris and dispose of it properly.
- 3: Inspect job for safety and compliance, then conduct safety meeting.

3<sup>rd</sup> WEEK:

1: Fill basement and compact using on site material.

2: Walk through job with owner for final inspection.

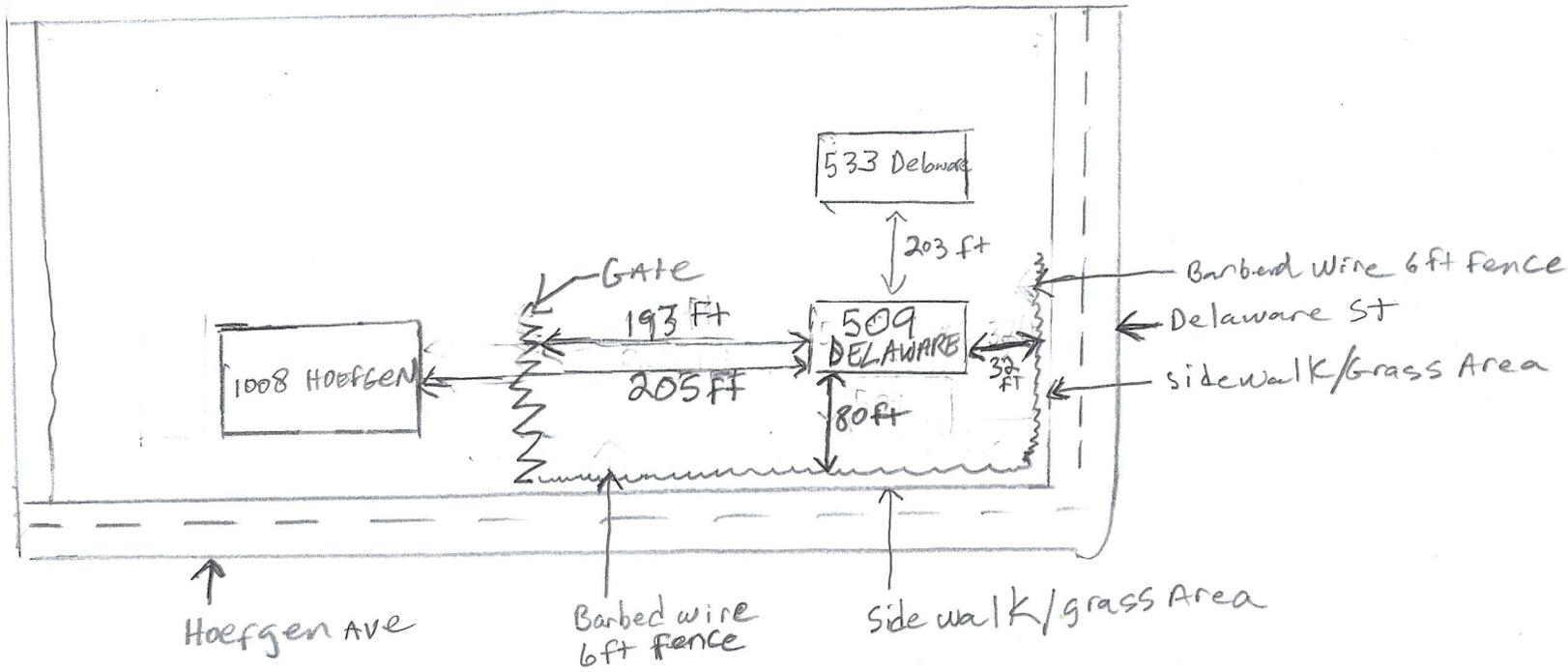
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Job Supervisor Hugh E. Long

<b>Owner-Bright Lakes Real Estate, LLC</b>		
<b>509 Delaware, San Antonio Texas</b>		
<b>Property Address</b>		
<b>509 Delaware, San Antonio TX, 78210</b>		
<b>Cost to Re-Buid 509 Delaware, 78210</b>		
<b>a historical structure, destroyed by fire</b>		
<b>Total Available to Draw</b>		
<b>Item Name</b>	<b>Cost Type</b>	
Elevator Remodel	Hard	n/a
Final Demolition/Interior/Exterior	Hard	\$46,500.00 demo,haul off,earthwork
Site Conditions & Supervision	Hard	\$75,000.00
Architecture, Legal, &Engineering	Soft	\$75,000.00
Material/Man lift Install and Rental	Hard	\$3,000.00
Overhead	Soft	\$18,000.00
	Hard	
	Hard	
HQ Engineering(Structural Study, Design)	Hard	\$21,000.00
MBS Engineering(Civil Engineering)	Hard	\$5,000.00
Coral Studios(Landscape Design)	Hard	\$3,000.00
HIS Charles John, Historic Oversight	Hard	\$10,000.00
Windows	Hard	\$65,000.00
Historic Façade, Brick	Hard	\$75,000.00
Demolition And Migration	Hard	\$10,000.00
Glazing(Doors And Storefronts)	Hard	\$31,500.00
Foundation	Hard	\$80,000.00
Basement Stair/Roof Repair	Hard	\$25,018.00
M&M Lift, Walkway, Swing Stage	Hard	
Framing,Insulation, Sheetrock	Hard	\$170,000.00
Tape,Bed Texture, Paint	Hard	\$25,000.00
Cabinets, Countertops	Hard	\$35,500.00
Appliances(Micro, Stovetop, Ref)	Hard	\$5,600.00
Hardware	Hard	\$3,000.00
Flooring	Hard	
Doors And Frames	Hard	\$17,000.00
Trim Carpentry, Finish	Hard	\$35,000.00
Historic Rock/Approx	Hard	\$7,000.00
Stairs And Railing	Hard	\$1,000.00
Historic Repair	Hard	\$10,000.00
Tenant Finish Allowance (Retail)	Hard	

HVAC	Hard	\$18,000.00
Plumbing (Includes Fixtures)	Hard	\$38,000.00
Electric (Includes Fixtures)	Hard	\$38,000.00
Standing Seam Roof	Hard	\$68,000.00
Insurance	Hard	\$6,000.00
Administration	Hard	\$12,000.00
Security	Hard	\$12,000.00
Permit Fees	Hard	\$5,000.00
Waste Removal	Hard	\$12,000.00
Cleaning	Hard	\$12,000.00
Contingency	Hard	\$50,000.00
Taxes	Hard	\$21,000.00
Total		\$1,097,618.00
Estimated Cost		
Respectfully Submitted	6-Sep-21	
Joseph Roell, Bexar Home Services		
210-833-6720		

509 DELAWARE  
SITE PLAN





August 26, 2022

Hannah Leighner  
City of San Antonio  
Office of Historic Preservation

Re: Burned Out Historic Building at 509 Delaware Street

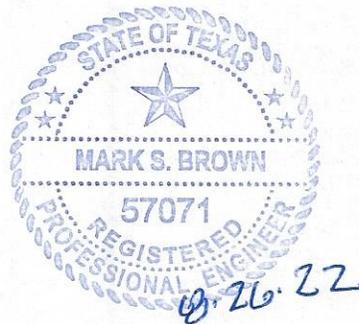
Dear Ms. Leighner:

I conducted an on-site observation last week and determined that this building has been damaged to an extent which prevents reconstruction and preservation. The damage sustained in the fire was hot enough to melt the roof and cause bulging of the brick at several locations. It would be unlikely that any of the materials could be recovered and reused. Unfortunately, my recommendation to the owner is to demolish and remove the remaining debris.

Sincerely,

A handwritten signature in blue ink that reads 'Mark S. Brown'.

Mark S. Brown PE  
MBS Development Services, LLC





## TREE AFFIDAVIT APPLICATION

(No Protected Trees to be Harmed or Removed)

MAJOR/MINOR: \_\_\_\_\_

**(Office Use Only)**

Inspector's initials: \_\_\_\_\_ Date: \_\_\_\_\_  Pass  Fail Comments: \_\_\_\_\_  
Reviewer's initials: \_\_\_\_\_ Date: \_\_\_\_\_  Approved  Denied Comments: \_\_\_\_\_

### Applicant Information

Applicant Name: Craig Glendenning Company Name: Bright Lakes Real Estate, LLC  
Phone #: 210-287-4868 Fax#: \_\_\_\_\_ Email: cglendenning61@yahoo.com  
Address: 3720 SH-1604 Loop East City: San Antonio State: TX Zip: 78210

### Owner's information (if different than applicant)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Project Information

Project Name: DEMO of 509 Delaware Street Parcel ID: ncb 656 Block: W 1/2 OF 11 Lot: E 149.61 FT OF 5 & 6 Zoning: IDZ-3 Unit: NA Plat: \_\_\_\_\_  
Project Address/Location: 509 Delaware Street Outside City Limits: Yes  No  
Project Type:  Residential # \_\_\_\_\_ lots  Non-Residential # \_\_\_\_\_ acres Public Funds: Yes  No  
Class of Work:  Site Work  Platting  New Structure  Geotech  Addition (>2500 ft<sup>2</sup>)  
Parcel Key: (<https://gis.sanantonio.gov/PDS/onestop/index.html>) Street Parcel ID: ncb 656 Block: W 1/2 OF 11 Lot: E 149.61 (Parcel Key must be included)  
Street Parcel ID: ncb 656 Block: W 1/2 OF 11 Lot: E 149.61 FT OF 5 & 6 Zoning: IDZ-3

### Type of Application and Review

**Please note:** Applicant shall provide habitat compliance form as defined in section 35-B133 of the UDC for properties with 2.0 or more acres.

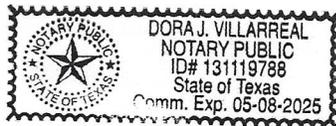
**Please mark the appropriate box for review (ONLY MARK ONE BOX):**

- 1. Site has no protected Trees, Significant Trees, Heritage, or Historic Trees as defined in the UDC (Aerial photo required); or
- 2. Site has Protected Trees, but this work will in no way cause damage to or the destruction of said trees; I understand such is a direct violation of the provisions of the UDC (Aerial photo or Tree Survey required and site plan showing limits of construction/building footprint, if available).

### Affidavit

I, Craig Glendenning (agent/owner), certify that I am aware of Article V, § 35-523 of the U.D.C. and all related appendices regarding Tree Preservation and agree to adhere to the requirements including any additional fees determined to be owed to complete this permit.

State of Texas )  
                          )  
County of Bexar )



*[Handwritten Signature]*  
Signature

Before me, the undersigned authority on this day personally appeared CRAIG GLENDENNING known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, state under oath that all of the facts therein set forth are true and correct.

Sworn to before me, this 5 day of April, 2022 *[Handwritten Signature]*  
Notary Public in and for the State of Texas

AP#: \_\_\_\_\_  
PLAT#: \_\_\_\_\_

# Affidavit for Residential and Commercial Total Demolition Permit Application

Project Address: 509 Delaware St. San Antonio, TX 78210

Legal Description: Parcel ID: ncb 656 Block: W 1/2 OF 11 Lot: E 149.61 FT OF 5 & 6 Zoning: IDZ-3

## Section 1: Owner Information

Owner Name: BRIGHT LAKES REAL ESTATE LLC

Mailing Address: 3720 SH-1604 Loop East San Antonio, TX 78264

Phone: 210-287-4868 Email: cglendenning61@yahoo.com

## Section 2: Contractor Information

Contractor Name: Flats on St. Mary's Inc

Mailing Address: 3720 SH-1604 Loop East San Antonio, TX 78264 (or 1008 Hoefgen Ave. San Antonio, TX 78210

Phone: 210-287-4868 Email: cglendenning61@yahoo.com

## Section 3: Contractor and Owner Authorization Initials

CG CG I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.

CG CG I agree that upon signing this affidavit that the aforementioned demolition project will maintain compliance with all applicable City, State and Federal Regulations for workplace safety.

CG CG I agree that upon signing this affidavit that the aforementioned demolition project will maintain compliance with all applicable City, State, and Federal regulations for removal and disposal of refrigerants, asbestos, lead, and any other hazardous materials.

### Section 4: Contractor Signature

Dated on the 18 day of April, 2022

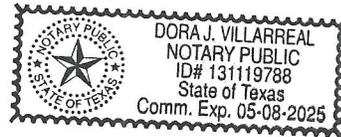
Signature of Affiant (Contractor): \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME, on the 18 day of April, 2022

Signature: \_\_\_\_\_ Seal: \_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: 05-08-2025



### Section 5: Owner Signature

Dated on the 18 day of April, 2022

Signature of Affiant (Owner): \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME, on the 18 day of April, 2022

Signature: \_\_\_\_\_ Seal: \_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: 05-08-2025



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PROJECT:  
**HOEFGEN FOOD TRUCK PARK**  
 509 DELAWARE ST.

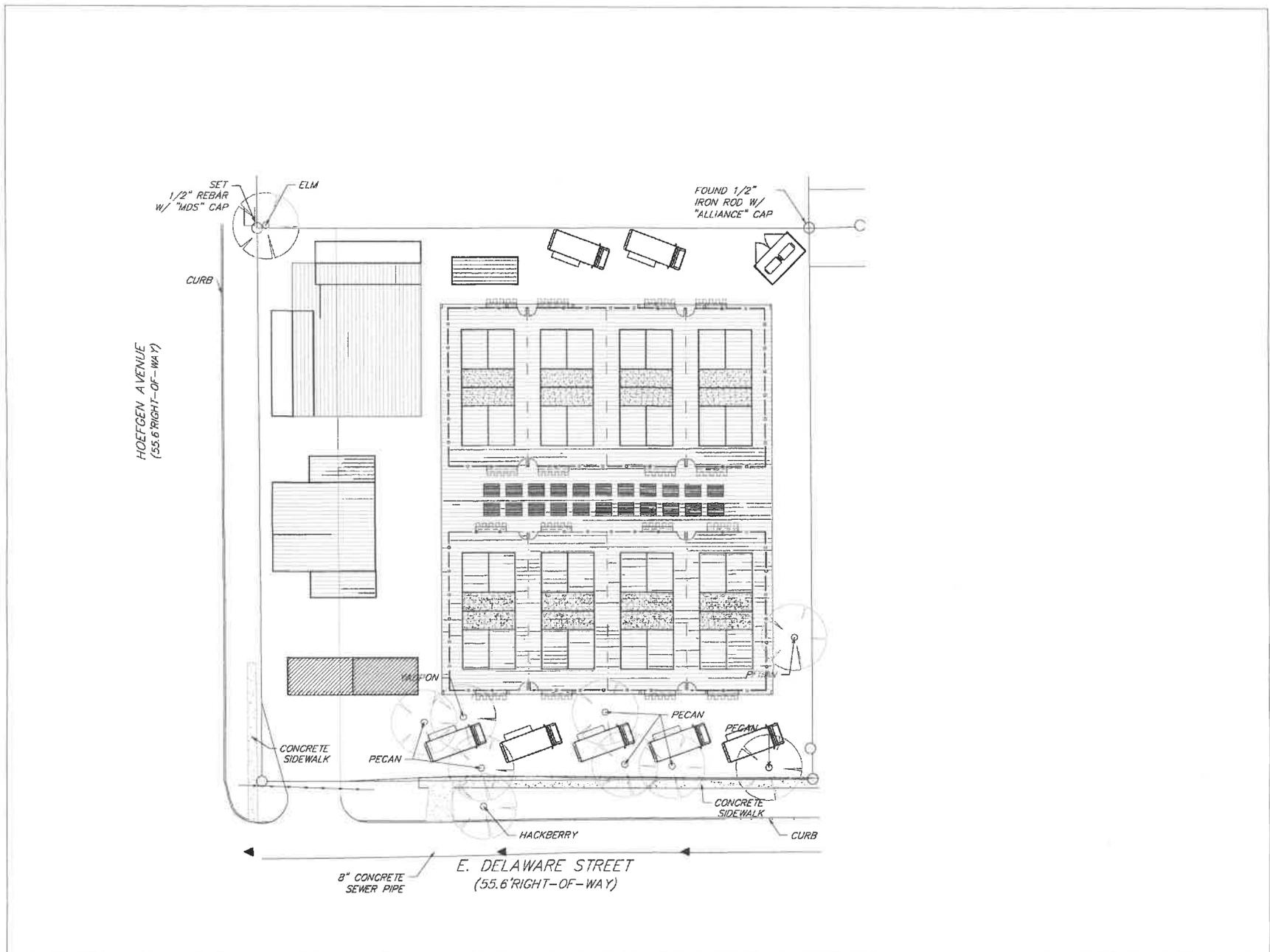
AS-BUILTS

No.	Description	Date

**PROPOSED SITE PLAN**

**A001**

DRAWN BY: JY Project No. 22028  
 REVIEWED BY: JY  
 DATE: 07.28.22



**1** PROPOSED SITE PLAN "A"  
 1/8" = 1'-0"