

HISTORIC AND DESIGN REVIEW COMMISSION

March 16, 2022

HDRC CASE NO: 2022-126
ADDRESS: 615 AUGUSTA
LEGAL DESCRIPTION: NCB 806 BLK 23 LOT 10 & W 3.71 FT OF 11
ZONING: FBZ T5-1, H
CITY COUNCIL DIST.: 1
LANDMARK: Individual Landmark
APPLICANT: Patrick Christensen/Patrick Christensen, Attorney at Law
OWNER: RESIDENCES AT MADISON SQUARE PARK LLC
TYPE OF WORK: Demolition of a landmark
APPLICATION RECEIVED: January 10, 2022
60-DAY REVIEW: Not applicable due to City Council Emergency Orders
CASE MANAGER: Rachel Rettaliata

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the primary structure.

APPLICABLE CITATIONS:

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

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

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

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

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

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

(b) Unreasonable Economic Hardship.

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

(2) Burden of Proof. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question

(i.e., the current economic climate). When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:

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

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

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

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

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

A. For all structures and property:

i. The past and current use of the structures and property;

ii. The name and legal status (e.g., partnership, corporation) of the owners;

iii. The original purchase price of the structures and property;

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

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

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

vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;

viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;

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

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

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

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

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

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

B. For income producing structures and property:

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

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

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

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

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

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

(c) Loss of Significance.

When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition. If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

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

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

(d) Documentation and Strategy.

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

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

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

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

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

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

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

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

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

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

(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-10-0229, § 4, 4-10-14)(Ord. No. 2015-10-29-0921 , § 2, 10-29-15)(Ord. No. 2015-12-17-1077 , § 2, 12-17-15)

FINDINGS:

- a. The primary structure located at 615 Augusta is a 2-story, single-family structure constructed circa 1910 in the Queen Anne style. The structure first appears on the 1912 Sanborn Map. The home features an L-plan with a low-pitched composition shingle hop roof, stucco cladding, a deep-set, full-width front porch with brick column supports, and one-over-one and decorative divided lite wood windows. The property is designated as an individual landmark.
- b. The applicant is requesting a Certificate of Appropriateness for approval to demolish the primary structure at 615 Augusta. The applicant is proposing to develop 615 Augusta as a drive thru to the lots facing Dallas Street and use the property as additional parking for the property at 609 Augusta.
- c. PUBLIC NOTICE – Demolition notice postcards were mailed to properties within a 200-foot radius of the property, as well as to the registered neighborhood association on February 22, 2022, as required by the Unified Development Code.
- d. The loss of a landmark is an irreplaceable loss to the quality and character of San Antonio. Demolition of any landmark or contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. For full demolition of primary structures, the UDC requires clear and convincing evidence supporting an unreasonable economic hardship must be presented by the applicant in order for demolition to be considered. The applicant must prove by a preponderance of 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 cost estimate from an engineer that the restoration of the front structure only would cost \$961,559.50. The rear half of the structure is not original to the property and is not included in the repair estimate. The property owner has committed to restoring the neighboring structure at 609 Augusta at an estimated cost of \$950,000. The applicant has not provided a reasonable rate of return nor the current or potential value of a restored property.]

- 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 submitted documentation to satisfy this requirement.]

- 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 not submitted documentation to satisfy this requirement.]

- e. Staff finds that the applicant has not demonstrated an unreasonable economic hardship in accordance with the UDC due to lack of marketing of the property.
- f. LOSS OF SIGNIFICANCE – Per the UDC, 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. There is evidence that the structure is severely deteriorated due to

fire damage and is need of intervention. Staff does not find that the applicant has provided clear and convincing evidence that the structure has lost significance.

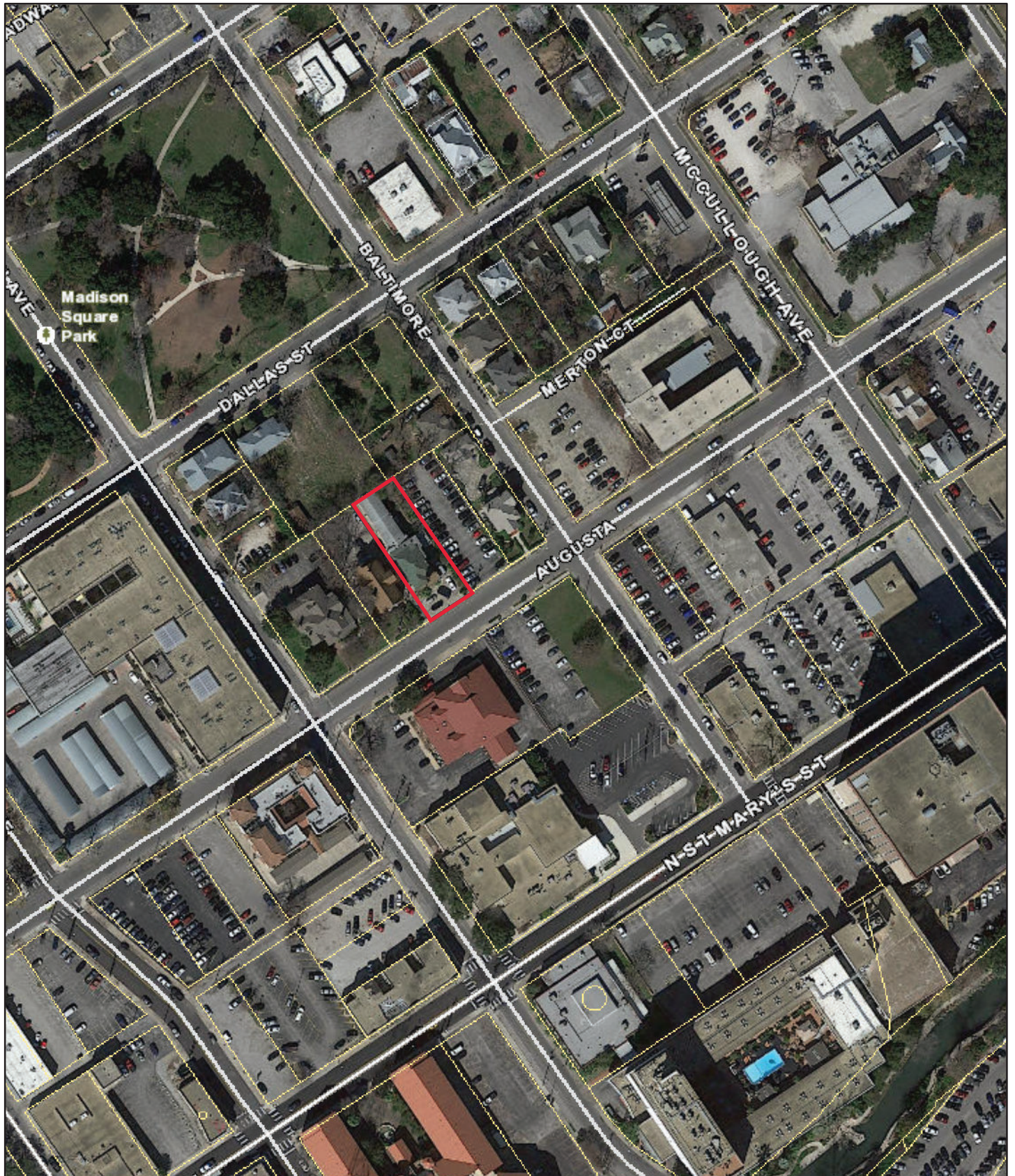
- g. DESIGN REVIEW COMMITTEE – The DRC conducted a site visit to the property on February 23, 2022. Since the site visit, the Commissioners in attendance have requested that the applicant submit replacement plans that go beyond basic site work, an updated site plan to include the planting bed with retained palm tree, and information regarding any additional tree removal. The applicant has not submitted materials to satisfy these requests at this time.
- h. DEMOLITION – The applicant is requesting approval for the demolition of the primary structure. The loss of a contributing 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. Requests for determination of whether an object, building, structure, or sign are contributing or non-contributing to a historic landmark or historic district shall be made on an application obtained from the historic preservation officer through the office of historic preservation. The historic preservation officer shall review the application for completeness and shall make a determination whether the subject of the application is contributing or non-contributing within thirty (30) days of deeming the application complete. The historic preservation officer may, at his or her discretion, present the application to the historic and design review commission for their recommendation. Properties that are determined to be noncontributing are eligible to receive administrative approval for demolition requests by OHP staff.
- i. REPLACEMENT PLANS – The applicant has proposed to replace the structure with site work to develop the property into a drive thru to Dallas Street and additional parking for the neighboring property at 609 Augusta. Staff finds that the applicant should submit replacement plans that go beyond site work and an updated site plan that includes trees and plantings to be retained on the site.

RECOMMENDATION:

Staff does not recommend approval based on findings a through i. The applicant has not satisfied the documentation requirements for demolition of a landmark and the application is incomplete.

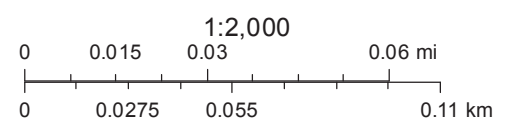
If the HDRC finds the application to be complete, staff does not recommend approval.

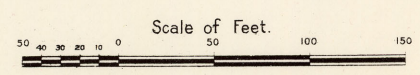
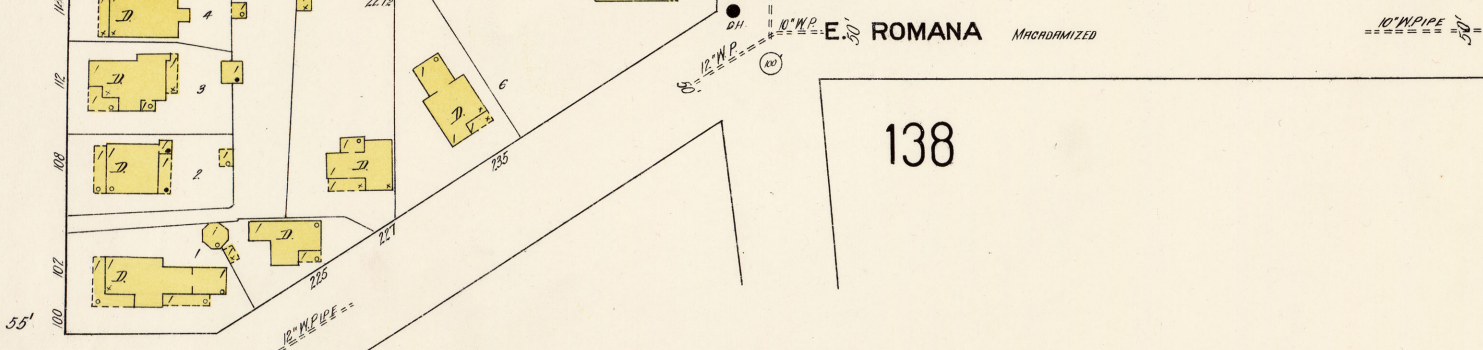
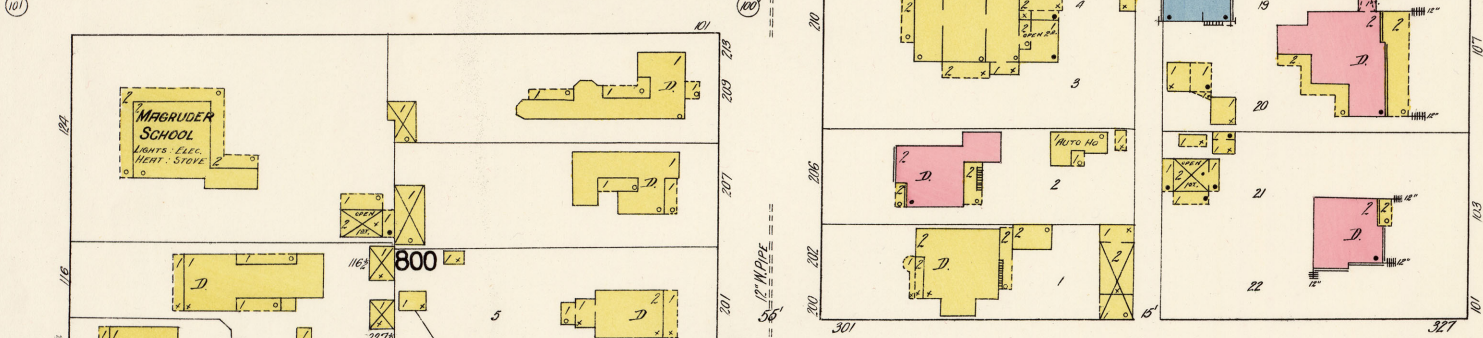
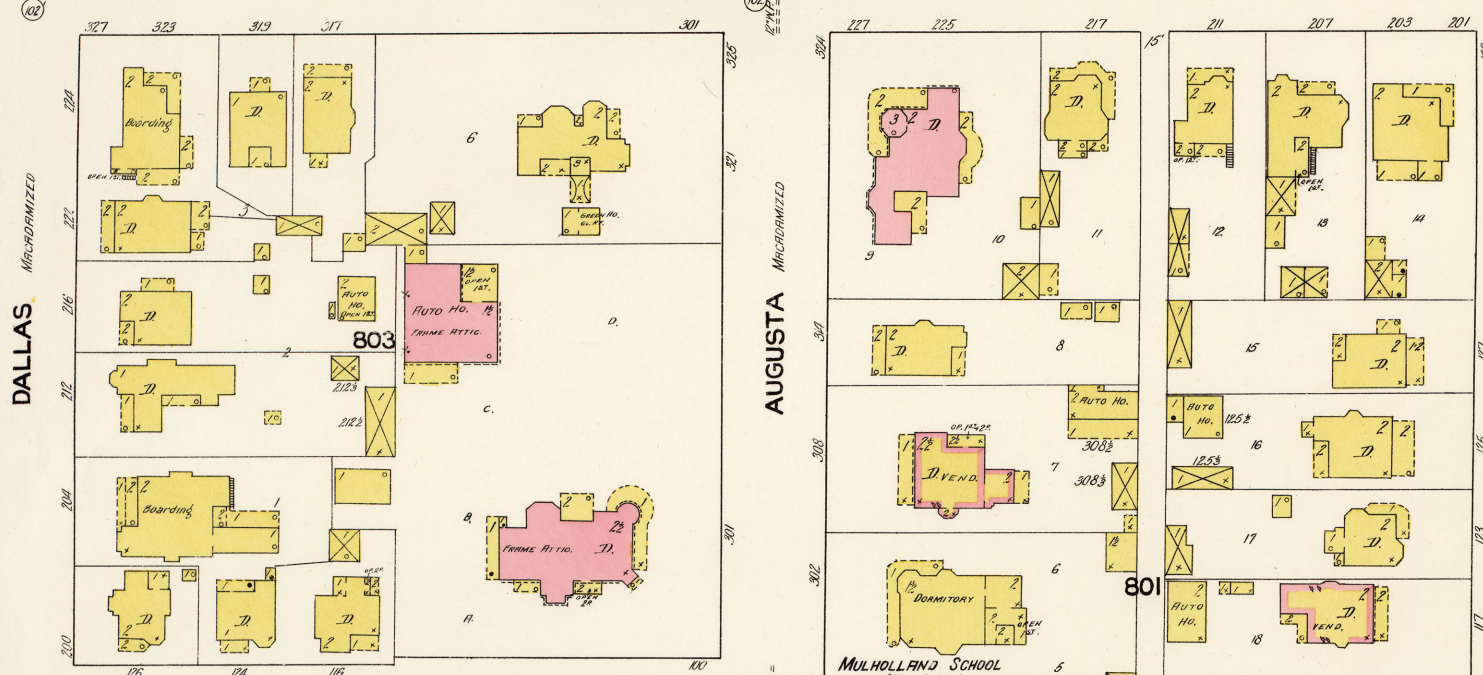
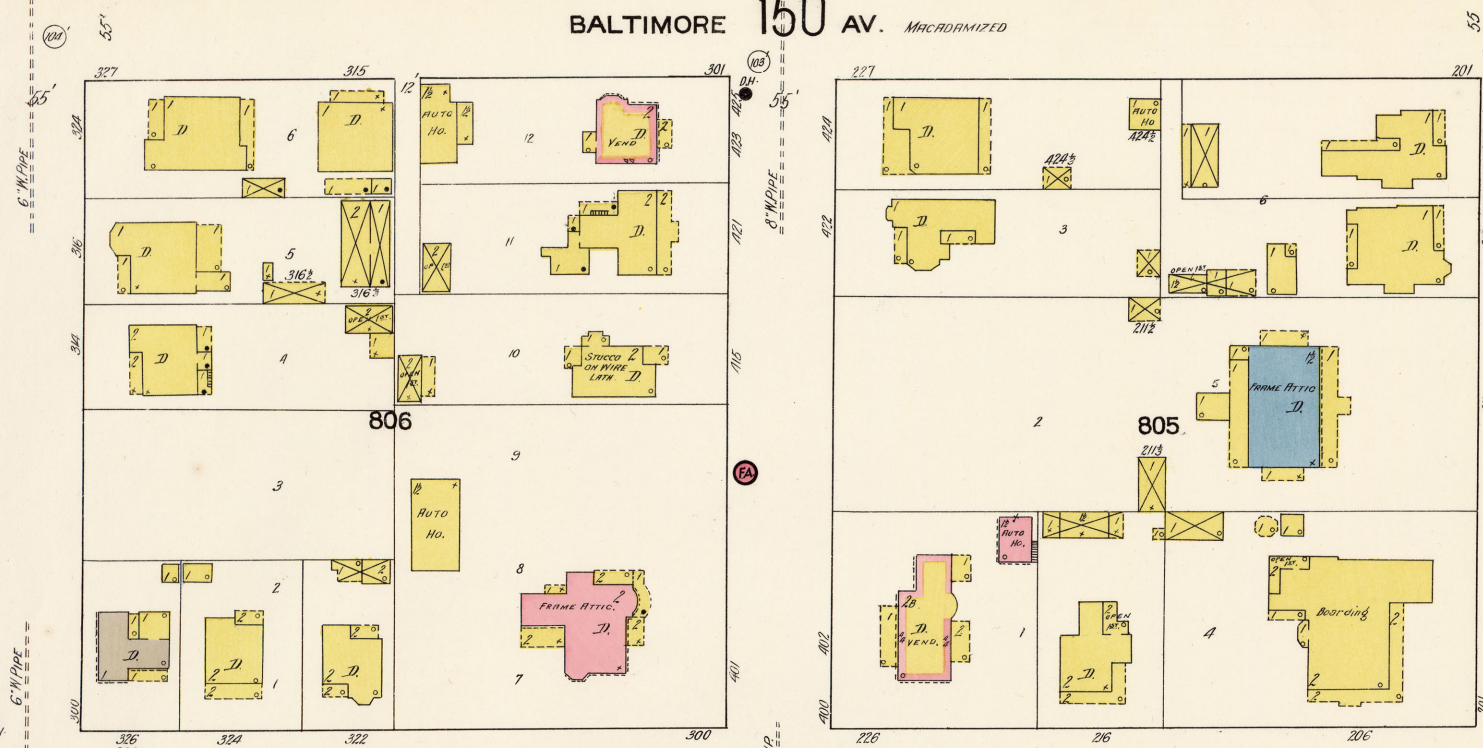
City of San Antonio One Stop

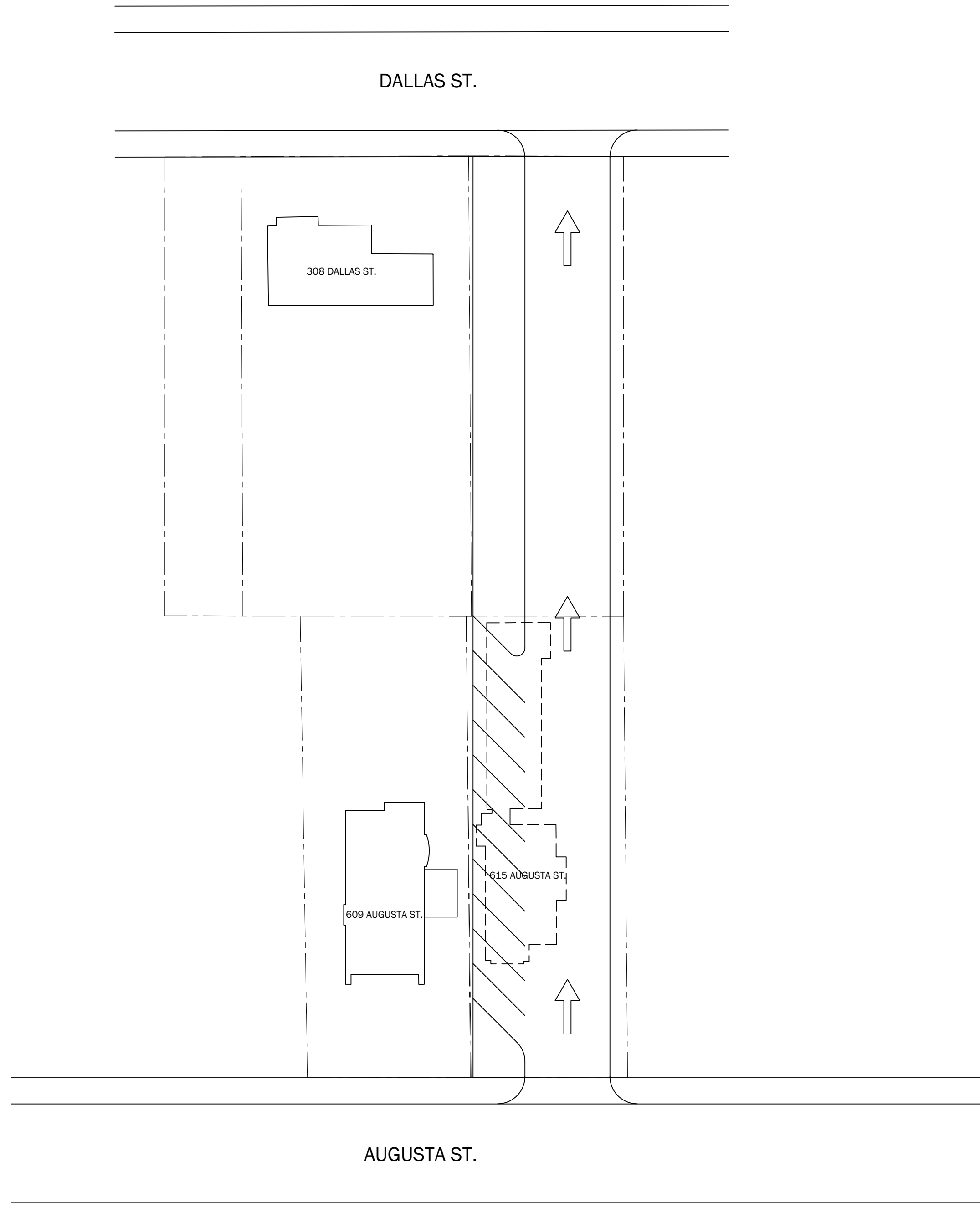


March 11, 2022

— User drawn lines













615





4. The aforementioned designated historic structure or property may generally be described as follows:

2-story L-plan stuccoed dwelling with low-pitched shingled hipped roof. First-floor porch supported by thin brown brick columns. At right, steps lead to entrance door with transom set within recessed wing of building. To left, band of four 1/1 double-hung sash windows with ornamental screens. Thin brick piers support second floor porch with decorative rail with X-shaped wood trim. To right, door with broken pediment above. To left, bay window with double-hung windows. Prominent roof overhang.

5. The name and address of the owner of record of the real property on which the aforementioned designated historic structure or property is located is shown to be as follows in:

Volume number/Page number: 5123/776

Juan Valenzuela
2410 Tillie Drive
San Antonio, TX 78222



SAN ANTONIO HISTORIC SURVEY



Private Residence

615 Augusta St.

Architectural Description

1. Walls-stucco (painted light green)
2. Roof Form-moderate pitch, hipped with ridge
3. Roof-Wall Junction-slight eave overhang with wide band of trim below and multiple supports
4. Dormers-NONE
5. Other Roof Elaborations-Material used-shingle (green)
6. Doors-transom lights
7. Fenestration-2nd story, left side of facade there is an oriel type of structure for three windows, but without top cone
8. Chimneys-NONE
9. Porch Supports-brick, plain-squared pilasters



2.



3.



6.

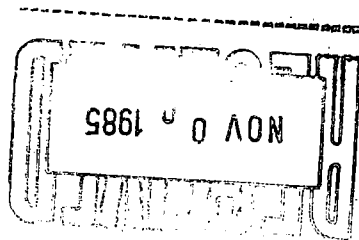


7.

10. Porches-entry type with simple pediment
11. Other Decorative Details-simple beltcourse
emphasizing the division of the two stories
12. NOTE: Possibly the bracketted tops over the
windows on the second floor were added
recently.



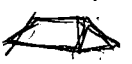
12.




SAN ANTONIO HISTORIC SURVEY

RESOURCE: _____ NCB: _____ BLK: _____ LOT: _____
 PROP NAMES: (HOUSE) COORD: _____
 ADRS: 615 ST: AUGUSTA ST ZP: _____ PADRS: _____ PST: _____
 ORIG USE OU SING FAM: _____ OU COM: _____ OU IND: _____ OU EDU: _____ OU OTHER: _____
 OU MULT FAM: _____ OU PUB: _____ OU MIL: _____ OU REL: _____
 PRES USE PU SING FAM: _____ PU COM: _____ PU IND: _____ PU EDU: _____ PU OTHER: _____
 PU MULT FAM: _____ PU PUB: _____ PU MIL: _____ PU REL: _____ ZONING: _____
 OWNER: _____ BAD TAX#: _____ SA TAX#: _____
 HISTORIC DESIGNATION HISTORIC SURVEYS HISTORIC EVALUATION
 SAHL: _____ NRD: _____ OTHERHD: _____ SAHS: _____ HAER: _____ EXC: _____
 SAHD: _____ NHEL: _____ BHCI: _____ SSTF: _____ SIG: _____
 RTHL: _____ NHS: _____ THRI: _____ OTHERHS: _____ EXC CL: _____
 TSAL: _____ NHL: _____ HABS: _____ SIG CL: _____
 DATE: _____ ARCH STYLE: _____ SQ FT: _____ #STORIES: _____ HT IN FT: _____
 ARCH INFO BSMT: _____ ROOF MTL: _____ SHNGL: _____ WALLS WD: _____ BRK: _____ OTHER: _____
 RSD BSMT: _____ BLT UP: _____ OTHER R: _____ SHNGW: _____ STN: _____
 TILE: _____ ASBST: _____ STC: _____
 PORCH UPPER: _____ BLDG GOOD: _____ BLDG FAIR: _____ BLDG POOR: _____
 LOWER: _____ GNDS GOOD: _____ GNDS FAIR: _____ GNDS POOR: _____ RECORDER: _____


Walls - Stucco (painted light green)

Roof Form - Moderate pitch
 Whipped e ridge
 (Shingle type) green

Roof-wall junction - slight eave
 overhang with wide
 band of trim below
 and multiple supports


Dormers - NONE seen

Other Roof elaborations - NONE


Doors - 

Windows - on facade
 on top floor level
 oriel type, e/out corn




Chimney - NONE

Porch Support -
 Brick - plain squared
 pilaster

Porch - Entry type
 e simple
 pediment


Other Dec. - none other
 details than
 (ult course) plain band
 dividing
 the stories

NOTE:  - this bracketed tops
 added
 recently

April 20, 2018

R.F. Garcia Construction Co.
826 Cincinnati
San Antonio TX 78201

Attention: Charles Garcia

Reference: 615 Augusta St – Building Safety Inspection

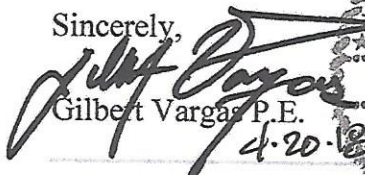
Dear Mr. Garcia,

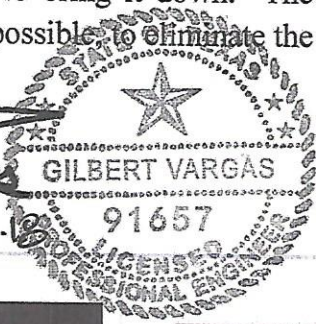
Based on my inspection of the interior framing and charred remains of several load bearing members, I do not believe this structure is safe for entry or repairs. The flooring in some areas has failed and other areas cannot be safely determined. Multiple beams have been charred over 50% of their original size, losing their structural integrity and becoming dangerously brittle.

Hammering, cutting, removing and general movement inside the structure in an effort to shore up or repair the framing could easily trigger a spot failure, creating a domino effect with other areas already compromised. This kind of activity should be avoided.

This structure will only weaken over time as members fall out, rot and/or external loads (wind gust, hail etc.) help to bring it down. The safest recommendation would be to demolish the structure as soon as possible to eliminate the risk of personal injury.

Sincerely,


Gilbert Vargas P.E.
4.20.18



Flooring



Stair Header



Framing

Patrick W. Christensen

Attorney At Law

Patrick W. Christensen
Attorney at Law
patrick@christensensatx.com

2700 Tower Life Building
310 S. St. Mary's Street
San Antonio, Texas 78205
Telephone: 210.320.2540

January 7, 2022

Ms. Shannon Shea Miller, Historic Preservation Officer
City of San Antonio
1901 S. Flores, 2nd Floor
San Antonio, Texas 78204

Via Email Delivery

Re: Request for Demolition of 615 Augusta, Formally Described as Lot 10, Block 23, NCB
806, San Antonio, Bexar County, Texas (the "Subject Property"); Our File No. 9759.001

Dear Ms. Miller:

Attached please find an application for the demolition 615 Augusta. As you know this property has had numerous issues, the most significant being a fire that occurred a few years ago. That fire was caused by persons unauthorized to be in the premises. The owner has had a very difficult time keeping vagrants out of the structure. They constantly break in and cause further damage. Additionally, the structure has received numerous additions, remodeling and changes to where very little if anything is left of the original structure.

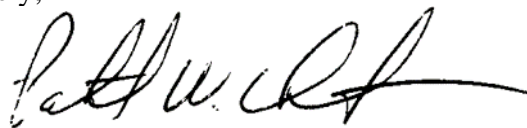
The owner is applying for permission to demolish the Subject Property. Submitted with this application are an engineering report stating that the structure is beyond repair and structurally dangerous. A cost estimate for repairs in the amount of \$961,559.50 for the front "original" structure. The rear half of the structure is not original and was previously approved for demolition. We are requesting permission to demolish the entire structure.

The owner also owns 609 Augusta and as a part of this request he intends to restore that structure at an estimated cost of over \$950,000 for a professional office. He intends to develop 615 Augusta as a drive thru to the lots facing Dallas Street that he also owns and to have some parking for 609 Augusta located off of this driveway.

It is this Firm's belief that the 615 Augusta structure requested for demolition has been altered beyond the point of any reasonable restoration to their original form and the fire has caused irreparable damage. For these reasons, we hope that you will support this request.

If you have any questions with regard to this matter, please do not hesitate to call.

Sincerely,



BY: _____

Patrick W. Christensen
Attorney at Law

R. F. Garcia Const., LLC
826 Cincinnati
San Antonio, Tx. 78201
Cell: 210-771 5912
Email: charles@rfggeneralcontractor.com

December 12, 2021

Patrick Christensen
Attorney at Law
2700 Tower Life Building
310 South St. Mary's Street
San Antonio, TX 78205

Project: 615 Augusta Rehab
At Madison Square Project

Job Reference : Reconstruction of 3,000 SF severally burned Property
Estimate includes Materials and Labor

<u>Supervision</u>	65,760.00
<u>Demolition of Rear Addition to 615 Augusta</u>	50,000.00
<u>Bracing and Securing Property to enter safely</u>	45,000.00
<u>Demo of Charred framing and Wood Framing Reconstruction</u>	165,000.00
<u>Complete Electrical upgrade</u>	68,000.00
<u>Complete Plumbing upgrade</u>	36,000.00
<u>Complete HVAC upgrade</u>	28,635.00
<u>Insulation Walls and ceiling</u>	36,000.00
<u>Drywall</u>	45,000.00
<u>Painting Interior and Exterior including Tape & Float</u>	78,000.00
<u>Finishes- Flooring, Counter Tops, Ceramic Tile</u>	62,000.00
<u>Doors & Hardware</u>	25,750.00
<u>Millwork</u>	10,000.00
<u>Window Reconstruction</u>	24,000.00
<u>Finish Carpentry</u>	88,000.00
<u>Masonry Repairs outside</u>	15,000.00
<u>New Composition Shingle Roof and Gutters and Downspouts</u>	19,000.00
<u>Flat Roof Area</u>	13,000.00
<u>Sub-Total</u>	874,145.00
<u>Profit & Overhead 10%</u>	87,414.50

Budget Estimate **\$ 961,559.50**