

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
Board Room

Tuesday, May 18, 2010
12:30 PM

ZONING COMMISSIONERS

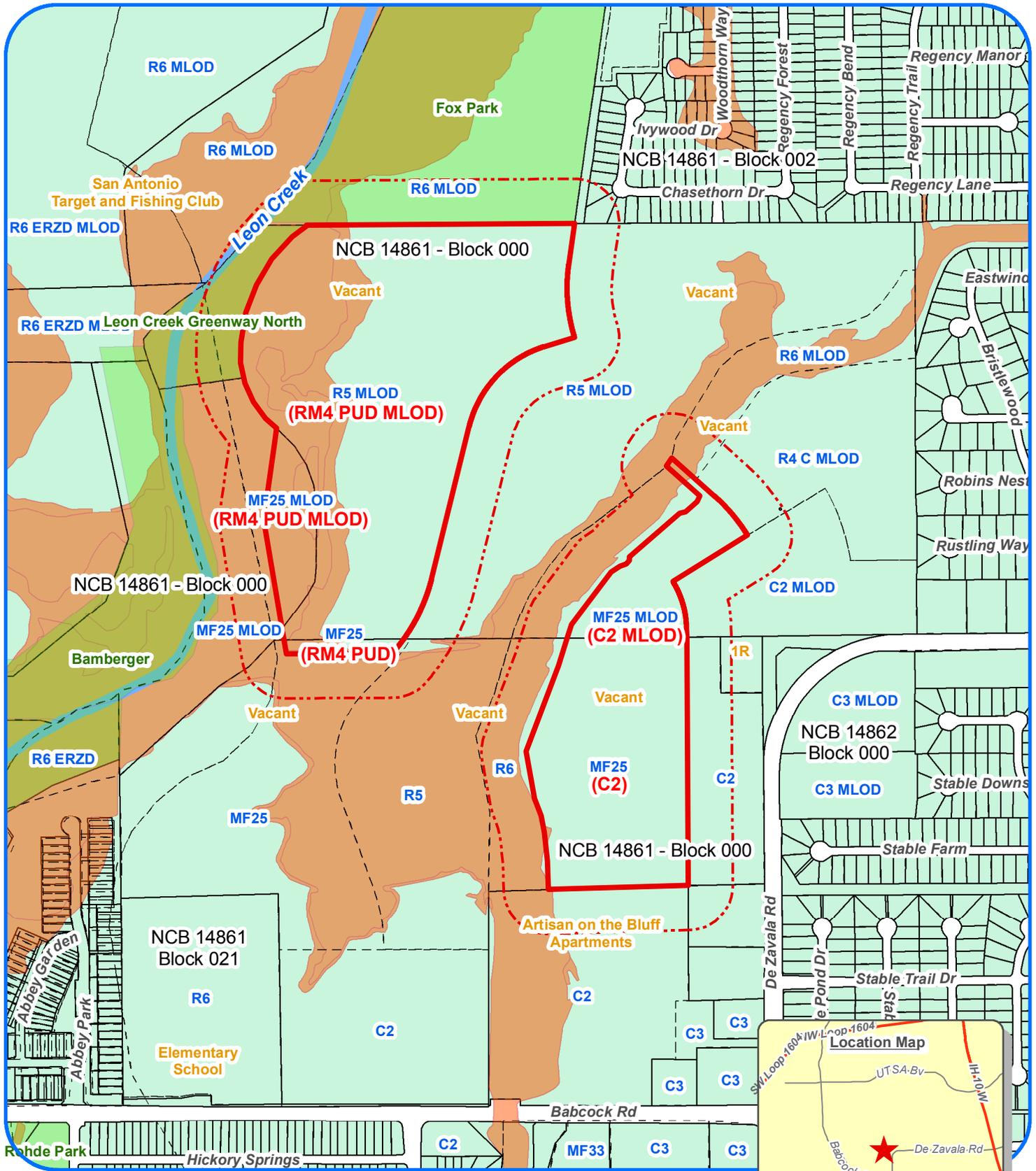
Carolyn Kelley – District 1	Christopher Martinez – District 6
Bennie Cole – District 2	David Christian – District 7
Andrew Anguiano – District 3	Billy J. Tiller – District 8
Jim Myers – District 4	Milton R. McFarland – District 10
Joe Valadez – District 5	Brenna Nava – District Mayor
Susan Wright – District 9 Chair	

1. **12:30 PM** - Work Session discussion of policies and administrative procedures, future city code amendments and any items for consideration on the agenda for May 18, 2010.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of May 4, 2010 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2010075:** A request for a change in zoning from “R-5 MLOD-1” Residential Single-Family Military Lighting Overlay District, “MF-25 MLOD-1” Multi-Family Military Lighting Overlay District and “MF-25” Multi-Family District to “PUD RM-4 MLOD-1” Planned Unit Development Residential Mixed Military Lighting Overlay District and “PUD RM-4” Planned Unit Development Residential Mixed District (43.74 acres), “C-2 MLOD-1” Commercial Military Lighting Overlay District and “C-2” Commercial District (22.24 acres) on 65.98 acres out of NCB 14861, 6600 & 6700 Block of Babcock Road and the 6400 Block of De Zavalva Road. (Council District 8)
7. **ZONING CASE NUMBER Z2010092:** A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “MF-18 AHOD” Multi-Family Airport Hazard Overlay District on Lot 7, Block 2, NCB 2571, 211 and 213 Rehmann Street. (Council District 1)
8. **ZONING CASE NUMBER Z2010096 CD:** A request for a change in zoning from “C-2 CD GC-1 MLOD-1” Commercial Gateway Corridor Military Lighting Overlay District with a Conditional Use for a Office Warehouse and Motel and “C-1 S GC-1 MLOD-1” Light Commercial Gateway Corridor Military Lighting Overlay District with a Specific Use Authorization for a Bed and Breakfast to “C-2 CD GC-1 MLOD-1” Commercial Gateway Corridor Military Lighting Overlay District with a Conditional Use for a Motor Vehicles Sales - Full Service on A 6.121 acre tract of land out of NCB 35733 and NCB 18337, 21400 Block of Interstate Highway 10. (Council District 8)

9. **ZONING CASE NUMBER Z2010097:** A request for a change in zoning from “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to “C-3 AHOD” General Commercial Airport Hazard Overlay District on Lot 24, Block 1, NCB 18285, 7507 Potranco Road, (Council District 6)
10. **ZONING CASE NUMBER Z2010098:** A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District, “C-2 AHOD” Commercial Airport Hazard Overlay District, and “C-3 AHOD” General Commercial Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District on Lots 15, 10, 9, the south 26.65 feet of Lot 8, the south 26.6 feet of the east 97.51 feet Lot 2, and Lot 1, Block 3, NCB 6586 save and except the parts of Lots 1 and 2 conveyed to the City of San Antonio in Volume 7183, Page 598, Deed Records, Bexar County, Texas and in Volume 7757, Page 455, Deed Records, Bexar County, Texas, 1601, 1607 and 1611 NW 23rd Street and 1602, 1606 and 1614 NW 24th Street. (Council District 5)
11. **ZONING CASE NUMBER Z2010099 CD:** A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Airport District to “R-4 CD AHOD” Residential Single-Family Airport Hazard Airport District with a Conditional Use for a Professional Office on Lot 13, Block 7, NCB 9120, 303 West Mandalay Drive. (Council District 1)
12. **ZONING CASE NUMBER Z2010085 ERZD:** A request for a change in zoning from multiple zoning districts to multiple zoning districts with the application of the Bulverde Road Preservation Corridor District (PC-1) on multiple lots located within the municipal boundary of the City of San Antonio and located within 300 feet of the outer right-of-way boundary line of Bulverde Road. A portion of Bulverde Road generally bound by Evans Road to the north and North Loop 1604 East to the south. (Council Districts 9 and 10)
13. Public hearing and consideration of proposed recommendations from the Historic Preservation Strategic Plan including amendments to Chapter 35 of the Municipal Code, Unified Development Code, regarding changes to various articles including Article I, Purpose and Scope; Article III, Zoning; Article IV, Procedures; Article VI, Historic Preservation and Urban Design; Article VIII, Administrative Agencies; and Appendices A, B and C.
14. Public hearing and consideration of amendments to Chapter 35 of the City Code to establish a “MSAO” Military Sound Attenuation Overlay District.
15. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
16. **ADJOURNMENT.**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z-2010-075

Council District 8

Scale: 1" approx. = 600 Feet

Subject Property Legal Description(s): 65.98 acres out of NCB 14861

Legend

- Subject Property (65.98 acres) ■■■■■■■■■■
- 200' Notification Area ■■■■■■■■■■
- Current Zoning ■■■■■■■■■■
- Requested Zoning Change ■■■■■■■■■■
- 100-Year DFIRM Floodplain ■■■■■■■■■■

TEXT
(TEXT)



Planning & Development Services Dept
City of San Antonio
(05/03/2010 - E Hart)

CASE NO: Z2010075

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 8

Ferguson Map: 548 A1

Applicant Name:
Garnett Steubing

Owner Name:
Steubing Farm Ltd.

Zoning Request: From "R-5 MLOD-1 " Residential Single-Family Military Lighting Overlay District, "MF-25 MLOD-1" Multi-Family Military Lighting Overlay District and "MF-25" Multi-Family District to "PUD RM-4 MLOD-1" Planned Unit Development Residential Mixed Military Lighting Overlay District and "PUD RM -4" Planned Unit Development Residential Mixed District (43.74 acres), "C-2 MLOD-1" Commercial Military Lighting Overlay District and "C-2" Commercial District (22.24 acres).

Property Location: 65.98 acres out of NCB 14861

6600 & 6700 Block of Babcock Road and the 6400 Block of De Zavala Road

Located northwest of the Intersection of De Zavala Road and Babcock Road

Proposal: To allow a residential and commercial development.

Neigh. Assoc.: The Woodthorn Homeowner's Association is within 200 feet.

Neigh. Plan: None

TIA Statement: A level 3 Traffic Impact Analysis has been submitted and is under review.

Staff Recommendation:
Approval.

The subject property is currently undeveloped and located northwest of the intersection of De Zavala and Babcock. The property is adjacent to "R-4", "R-5" and "R-6" residential zoning to the north, "R-5", "MF-25" and "C-2" zoning to the south, "R-5", "R-6" and "MF-25" zoning to the west and "C-3" and "R-4", "R-5", "R-6" and "C-2" zoning to the east. The surrounding land uses consist of undeveloped land to the west, south, east, and north, a park and residential dwellings to the north, apartments and commercial retail uses to the south. The subject property, consisting of 65.98 acres was the subject of rezoning case Z2006281 in which the applicant was granted a zoning change from R-6 Residential Single-Family District to "R-5" Residential Single-Family District and "MF-25" Multi-Family District.

The applicant is requesting a zoning change to allow a mixed-use development consisting of commercial retail and office uses as well as multi-family dwellings. Medium and high-density developments are encouraged in areas where adequate public facilities and services exist with the capacity to serve development. The site is located in an area where there is accessibility to commercial facilities and traffic circulation to major thoroughfares; De Zavala road (a Secondary Arterial "Type A" street) to the east and Babcock road (a Secondary Arterial "Type A" street) to the south.

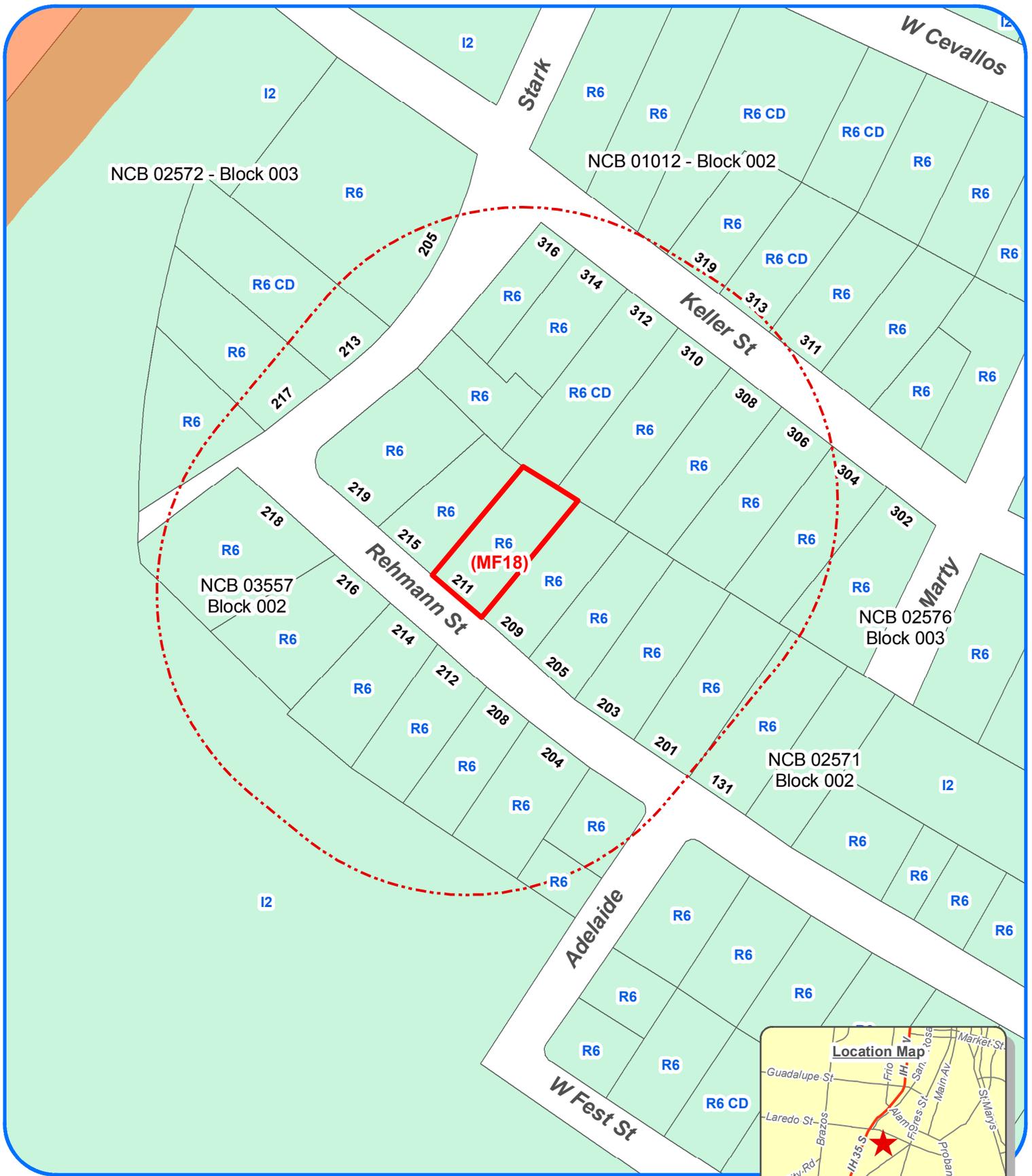
Staff finds the request for RM-4 and C-2 zoning to be appropriate at this location given the prevalence of multi-family, office and commercial uses in the general area. Multi-family dwellings are most appropriate on the periphery of single-family neighborhoods, and in close proximity to arterials or major thoroughfares. This property meets all of the above criteria for a multi-family development, given the road classification and the general location near Babcock Road and De Zavala and other apartment communities and commercial uses to the south. The subject property is also bound by existing commercial zoning to both the south and the east, making commercial development of the property along the major roadways appropriate as well.

CASE NO: Z2010075

Final Staff Recommendation - Zoning Commission

Portions of the subject property are located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, the Garrison Commander did not review the zoning request because the tract is not immediately adjacent to Camp Bullis, and is located south of Loop 1604.

CASE MANAGER: Brenda Valadez 207-7945



Zoning Case Notification Plan

Case Z-2010-092

Council District 1

Scale: 1" approx. = 100 Feet

Subject Property Legal Description(s): NCB 02571 - Block 002 - Lot 7

Legend

- Subject Property (0.1267 Acres)
- 200' Notification Area
- Current Zoning TEXT
- Requested Zoning Change TEXT
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
 City of San Antonio
 (04/27/2010 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

CASE NO: Z2010092

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 1

Ferguson Map: 616 C7

Applicant Name:
Israel and Maria C. Garza

Owner Name:
Israel and Maria C. Garza

Zoning Request: From "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD" Multi-Family Airport Hazard Overlay District.

Property Location: Lot 7, Block 2, NCB 2571

211and 213 Rehmann Street

On the northeast side of Rehmann Street

Proposal: To make existing land uses conforming (Two Single-Family Dwellings)

Neigh. Assoc.: None

Neigh. Plan: South Central Community Plan

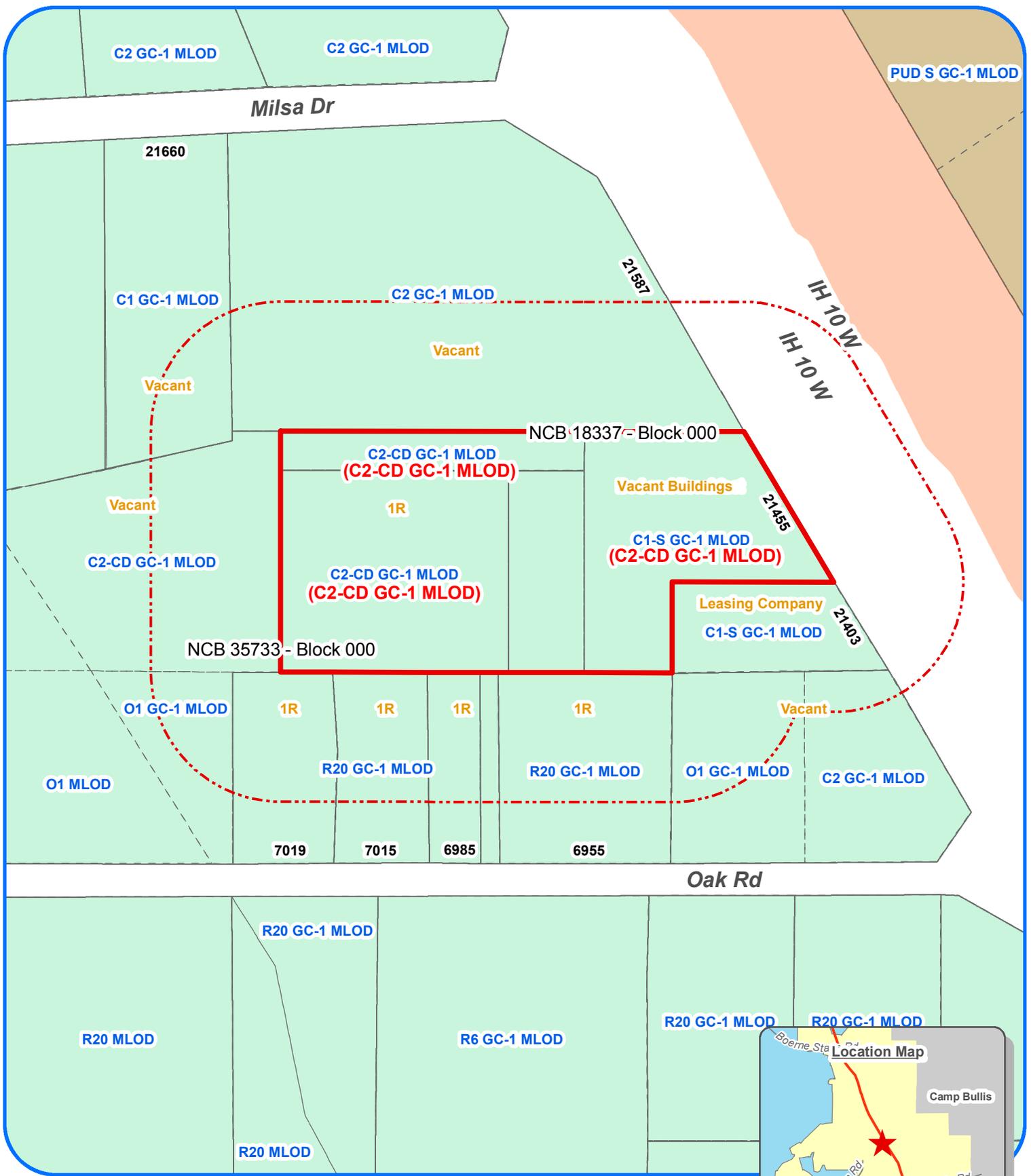
TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:
Approval.

The subject property is located south of Downtown, on the northeast side of Rehmann Street. The subject property is occupied by two vacant single-family dwellings and has frontage on Rehmann Street, a local street. The existing vacant two-family dwellings on the subject property measures approximately 904 square feet and were built in the 1930s. The subject property was originally zoned "L" First Manufacturing District. Upon adoption of the 2001 Unified Development Code, the "L" First Manufacturing District zoning converted to "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District. In November of 2006, the parcel was part of a large area rezoning that changed the zoning to "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District. The subject property is completely surrounded by "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District. The subject property never established non-conforming rights.

The applicant is requesting a change of zoning in order to conform zoning to the existing land use (two-family dwellings). Although the general area is primarily zoned "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, there is a existing mix of residential uses in the general area. The current zoning of "R-6 AHOD" permits only single-family dwelling with a minimum lot size of 6,000 square feet. The "MF-18 AHOD" permits multi-family dwellings, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, with a maximum density of 18 units per acre but due to the lot's size would allow two units maximum. Staff finds the requested "MF-18 AHOD" Multi-Family Airport Hazard Overlay District to be appropriate for the subject property as it is consistent with the South Central Community Plan and would not alter the character of the neighborhood. The proposed rezoning would allow the applicant to make improvements to the subject property.

CASE MANAGER: Pedro Vega 207-7980



Zoning Case Notification Plan

Case Z-2010-096 CD

Council District 8

Scale: 1" approx. = 200 Feet

Subject Property Legal Description(s): NCB 18337 - Block 000 - N Irr 271.31 ft of Lot 1 and a Portion of NCB 35733 - Block 000 - Lots 4N, 4S, 3N & W 534 ft of TR-6

Legend

- Subject Property (6.121 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning TEXT
- Requested Zoning Change TEXT
- 100-Year DFIRM Floodplain ———



Planning & Development Services Dept
 City of San Antonio
 (05/11/2010 - E Hart)

CASE NO: Z2010096 CD

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 8

Ferguson Map: 480 A6

Applicant Name:
Kahlig Moto Co. (c/o Billy Vaughn)

Owner Name:
JOMO, Ltd.

Zoning Request: From "C-2 CD GC-1 MLOD-1" Commercial Gateway Corridor Military Lighting Overlay District with a Conditional Use for a Office Warehouse and Motel and "C-1 S GC-1 MLOD-1" Light Commercial Gateway Corridor Military Lighting Overlay District with a Specific Use Authorization for a restaurant, theater, and sales of alcoholic beverages incidental to consumption of food sales to "C-2 CD GC-1 MLOD-1" Commercial Gateway Corridor Military Lighting Overlay District with a Conditional Use for a Motor Vehicles Sales - Full Service.

Property Location: A 6.121 acre tract of land out of NCB 35733 and NCB 18337

21455 Interstate Highway 10 West

Interstate Highway 10 West between Oak Drive and Milsa Drive

Proposal: To allow for a full service automobile dealership

Neigh. Assoc.: Friends of Friedrich Wilderness Park

Neigh. Plan: None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval.

The subject property is located in northwest San Antonio, on the southwest side of Interstate Highway 10 West. The subject property was annexed in December of 1989, totals 6.121 acres and is currently occupied by vacant buildings. The surrounding zoning includes "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Military Lighting Overlay District to the northwest and west with "C-1 GC-1 MLOD-1 S" Commercial Hill Country Gateway Corridor Military Lighting Overlay District and "R-20 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Military Lighting Overlay District to the south. A zoning change to the "C-2" district is appropriate along this portion of the Interstate Highway 10 West, as much of the western frontage along Interstate Highway 10 West from Boerne Stage Road south to Camp Bullis Road has several parcels with existing commercial zoning and uses. Locally-oriented commercial uses permitted in the "C-2" zoning district either by right, as a Conditional Use or under a Specific Use Authorization are more appropriate at this location than the "C-3" district, which is the City's most intense commercial zoning district.

The applicant requests adding a Conditional Use for a Motor Vehicles Sales - Full Service in order to allow a full service automobile dealership. Staff finds the requested Conditional Use to be appropriate for the subject property. The applicant has submitted the required site plan with all the required information. The subject property is located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, the Garrison Commander did not review the zoning request because the tract is smaller than 10 acres and is not immediately adjacent to Camp Bullis.

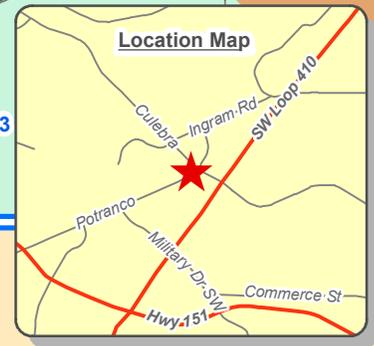
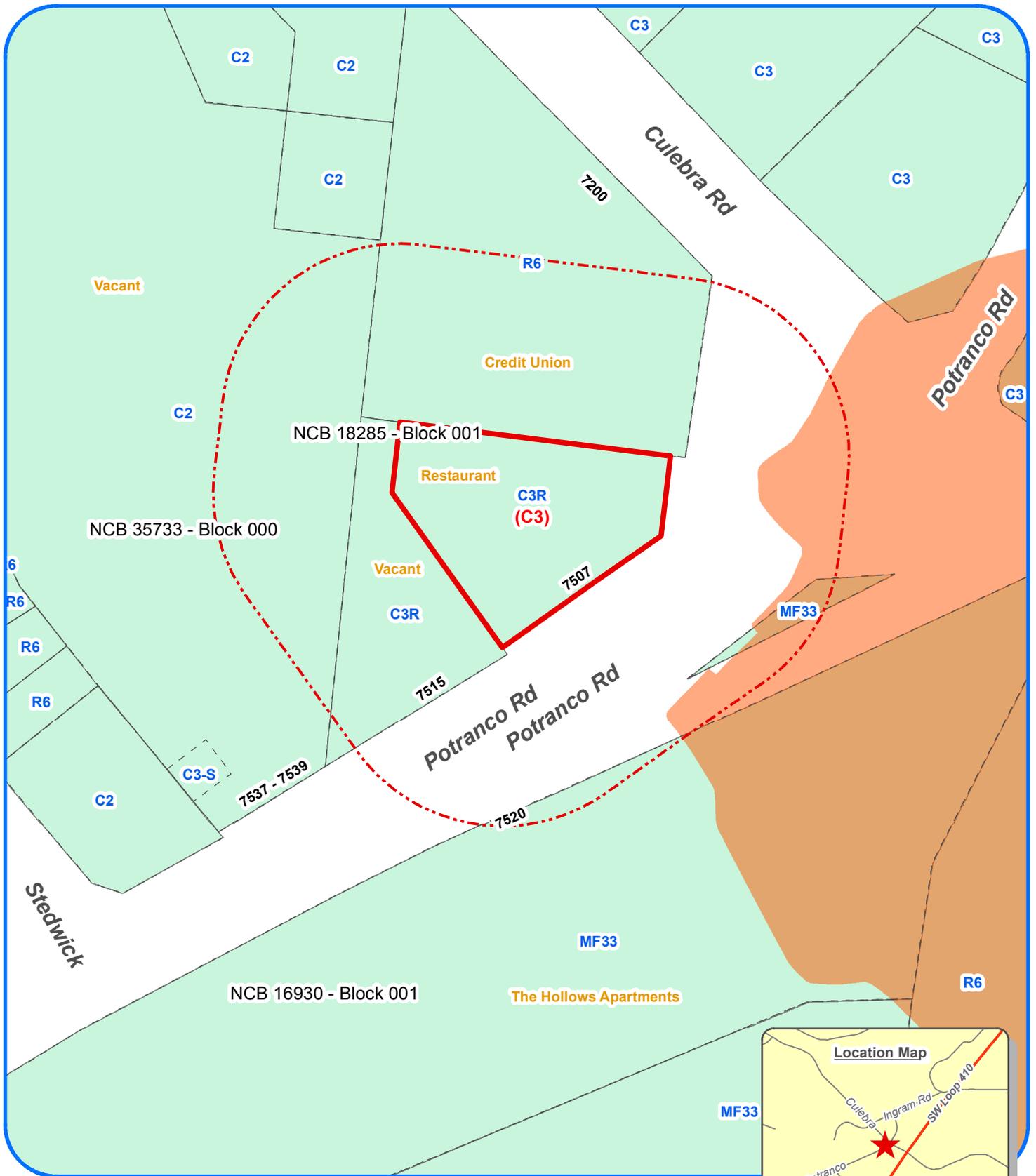
The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be

CASE NO: Z2010096 CD

Final Staff Recommendation - Zoning Commission

compatible with adjacent land uses under given conditions. The granting of a conditional zoning classification shall not be for all of the uses permitted in a given district but shall be only for the conditional use named in the ordinance approving the conditional zoning district.

CASE MANAGER: Pedro Vega 207-7980



Zoning Case Notification Plan

Case Z-2010-097

Council District 6

Scale: 1" approx. = 150 Feet

Subject Property Legal Description(s): NCB 18285 - Block 001 - Lot 24

Legend

- Subject Property (1.008 Acres) ▬
- 200' Notification Area - - -
- Current Zoning TEXT
- Requested Zoning Change (TEXT)
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
City of San Antonio
(04/28/2010 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

CASE NO: Z2010097

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 6

Ferguson Map: 613 E1

Applicant Name:
SJBC Corporation Inc. (c/o Sandra D. Arias)

Owner Name:
SJBC Corporation Inc. (c/o Sandra D. Arias)

Zoning Request: From "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District.

Property Location: Lot 24, Block 1, NCB 18285

7507 Potranco Road

On the north side of Potranco Road, approximately 250 feet west of Culebra Road

Proposal: To allow alcohol sales in the existing restaurant

Neigh. Assoc.: Pipers Meadow Neighborhood Association is the nearest registered association.

Neigh. Plan: None

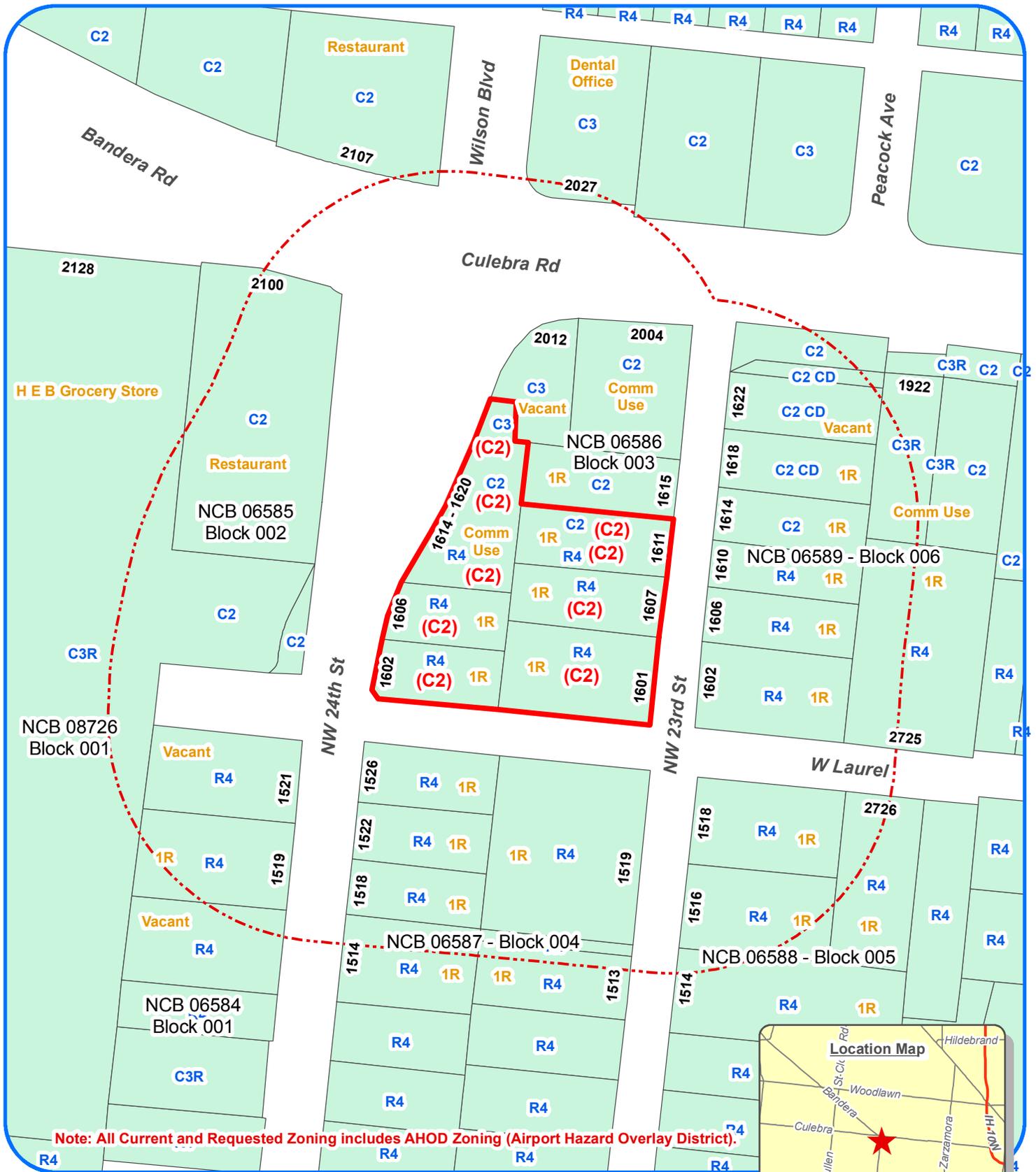
TIA Statement: A Traffic Impact Analysis (TIA) is not required because the traffic generated by the proposed development does not exceed the threshold requirements.

Staff Recommendation:
Approval.

The subject property, located on the northwest corner of Potranco Road and Culebra Road, is 1.008 acres in size. The existing commercial structure measures approximately 4,900 square feet, was constructed in 2009, and is currently used as a restaurant. The property was annexed in December 1986, per Ordinance 64024. The subject property was originally zoned "Temp R-1" Temporary Single Family Residence District. In a 1992 case, the property was rezoned to "B-3R" Restrictive Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-3R" General Commercial Restrictive Alcohol Sales District. Surrounding zoning includes "R-6" Residential Single-Family District to the north; "C-3R" to the west and "C-2" Commercial District further west; with "MF-33" Multi-Family District to the south across Potranco Road and "C-3" General Commercial District to the east across Culebra Road. Surrounding uses include a credit union to the north, undeveloped land to the west, a convenient store to the east across Culebra Road, and an apartment complex to the south across Potranco Road.

The applicant requests removal of the alcohol sales restriction in order to allow the sale and on-premises consumption of alcohol. Staff finds the requested zoning to be appropriate due to the location of and uses surrounding the subject property. Both Potranco Road and Culebra Road are identified as primary arterials in the City's Major Thoroughfare Plan. The intersections of major arterial streets are typically considered appropriate locations for uses permitted in the "C-3" zoning district.

CASE MANAGER: Micah Diaz 207-5876



Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

Zoning Case Notification Plan

Case Z2010098

Council District 5

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 06586 - Block 003 - Lot 1, S 26.6' of the E 97.51' of Lot 2, S26.65' of Lot 8, Lot 9, Lot 10, and Lot 15

- Legend**
- Subject Property (1.097 Acres)
 - 200' Notification Area
 - Current Zoning
 - Requested Zoning Change
 - 100-Year DFIRM Floodplain
 - Single Family Residential

TEXT
(TEXT)
1R



Planning & Development Services Dept
City of San Antonio
(04/30/2010 - E Hart)

CASE NO: Z2010098

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 5

Ferguson Map: 615 E2

Applicant Name:
Capital Growth Buchalter

Owner Name:
Ruben Lopez, Richard Andrew Lopez, Octavio and
Pamela Gonzales, Ofelia and Benny V. Gonzales, Beatrice
Gamez and Rudy Villarreal

Zoning Request: From "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District.

Property Location: Lots 15, 10, 9, the south 26.65 feet of Lot 8, the south 26.6 feet of the east 97.51 feet Lot 2, and Lot 1, Block 3, NCB 6586 save and except the portions of Lots 1 and 2 conveyed to the City of San Antonio in Volume 7183, Page 598, Deed Records, Bexar County, Texas and in Volume 7757, Page 455, Deed Records, Bexar County, Texas

1601, 1607 and 1611 NW 23rd Street and 1602, 1606 and 1614 NW 24th Street

On the east side of Northwest 24th Street and the west side of Northwest 23rd Street, north of West Laurel Street

Proposal: To allow a drugstore

Neigh. Assoc.: Prospect Hill Neighborhood Association

Neigh. Plan: None

TIA Statement: A Traffic Impact Analysis (TIA) is required.

Staff Recommendation:
Approval.

The subject properties, located on 23rd and 24th Streets between West Laurel Street and Culebra Road, consist of six separate lots totaling 1.097 acres in size. Five of the six lots are currently developed as single-family residences, most of which were built in the 1930s and 1940s. The sixth lot is currently developed as a multi-tenant retail center. The properties are located within the City Limits as they were recognized in 1938 and were originally zoned "B" Residence District and "F" Local Retail District. In a 1975 case, a small portion of the property was rezoned to "B-3" Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning districts converted to the current "R-4" Residential Single-Family District, "C-2" Commercial District, and "C-3" General Commercial District, respectively. Surrounding zoning includes a mix of "C-2" and "C-3" districts to the west across 24th Street, to the north, and to the east across 23rd Street; with "R-4" to the east and south. Surrounding land uses include a grocery store and restaurant to the west, retail and service uses to the north and northeast, with single-family residences to the east and south.

The applicant requests the "C-2" Commercial District to allow the construction of a drug store. Staff finds the requested zoning to be appropriate as the subject property is located at a major intersection and along an established commercial corridor. Culebra Road transitions from a Secondary Arterial to a Primary Arterial thoroughfare at the intersection with Northwest 24th Street, which is also identified as a Secondary Arterial roadway.

CASE MANAGER: Micah Diaz 207-5876



Zoning Case Notification Plan

Case Z-2010-099 CD

Council District 1

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 09120 - Block 007 - Lot 13

Legend

- Subject Property (0.224 Acres)
- 200' Notification Area
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **R1**



Planning & Development Services Dept
City of San Antonio
(04/29/2010 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

CASE NO: Z2010099 CD

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 1

Ferguson Map: 582 D5

Applicant Name:
Art Davis

Owner Name:
John B. Dailey and Dorothy M. Dailey

Zoning Request: From "R-4 AHOD" Residential Single-Family Airport Hazard Airport District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Airport District with a Conditional Use for a Professional Office.

Property Location: Lot 13, Block 7, NCB 9120

303 West Mandalay Drive

On the northwest corner of West Mandalay Drive and San Pedro Avenue

Proposal: To allow for a professional office

Neigh. Assoc.: Northmoor Neighborhood Association

Neigh. Plan: North Central Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is required.

Staff Recommendation:
Approval.

The subject property is located in north San Antonio, on the northwest corner of West Mandalay Drive and San Pedro Avenue. There is an existing vacant single-family dwelling on the subject property, which measures approximately 2,152 square feet and was constructed in 1947. The site is limited to one proposed driveway along San Pedro Avenue, a major thoroughfare and one existing driveway along West Mandalay Drive. The primary ingress and egress to the subject property will be from San Pedro Avenue, a major thoroughfare. This eliminates any potential negative impact of traffic being generated by this non-residential use. The subject property was annexed in May of 1940. The property is adjacent to "R-4 AHOD" Residential Single-Family Airport Hazard Airport District to the west with "O-2 AHOD" Office Airport Hazard Airport District to the north, across West Mandalay Drive to the south and across San Pedro Avenue to the east.

The applicant is requesting a Conditional Use to allow a Professional Office. A Professional Office is identified in the Unified Development Code as a use requiring a minimum zoning district of "O-1" Office District to be allowed by-right. In accordance with Section 35-422, Table 422-1 of the Unified Development Code, any use allowed by-right in the "O-1" Office District may be allowed as a Conditional Use in "R-4" Residential Single-Family District. The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties. The "R-4 CD AHOD" zoning district would limit the scope of use allowed and restrict future occupancy should the use cease for an extended period of time. Further, the base zoning district for the subject property will remain "R-4 AHOD" Residential Single-Family Airport Hazard Airport District. The North Central Neighborhood Community Plan designates future land use for this location as Low Density Residential. The zoning request does not include a change to the base zoning so a finding of consistency is not required. The proposed rezoning would allow re-use of the existing vacant single-family dwelling which would be a substantial improvement to the current conditions of the neighborhood and the surrounding area. Furthermore, the base residential zoning is not proposed to be changed and, therefore, the property may at any time be developed for residential uses in the future. The applicant has submitted the required site plan with all the required information.

CASE NO: Z2010099 CD

Final Staff Recommendation - Zoning Commission

The following conditions shall apply to the operation of nonresidential conditional uses permitted within any residential district:

1. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

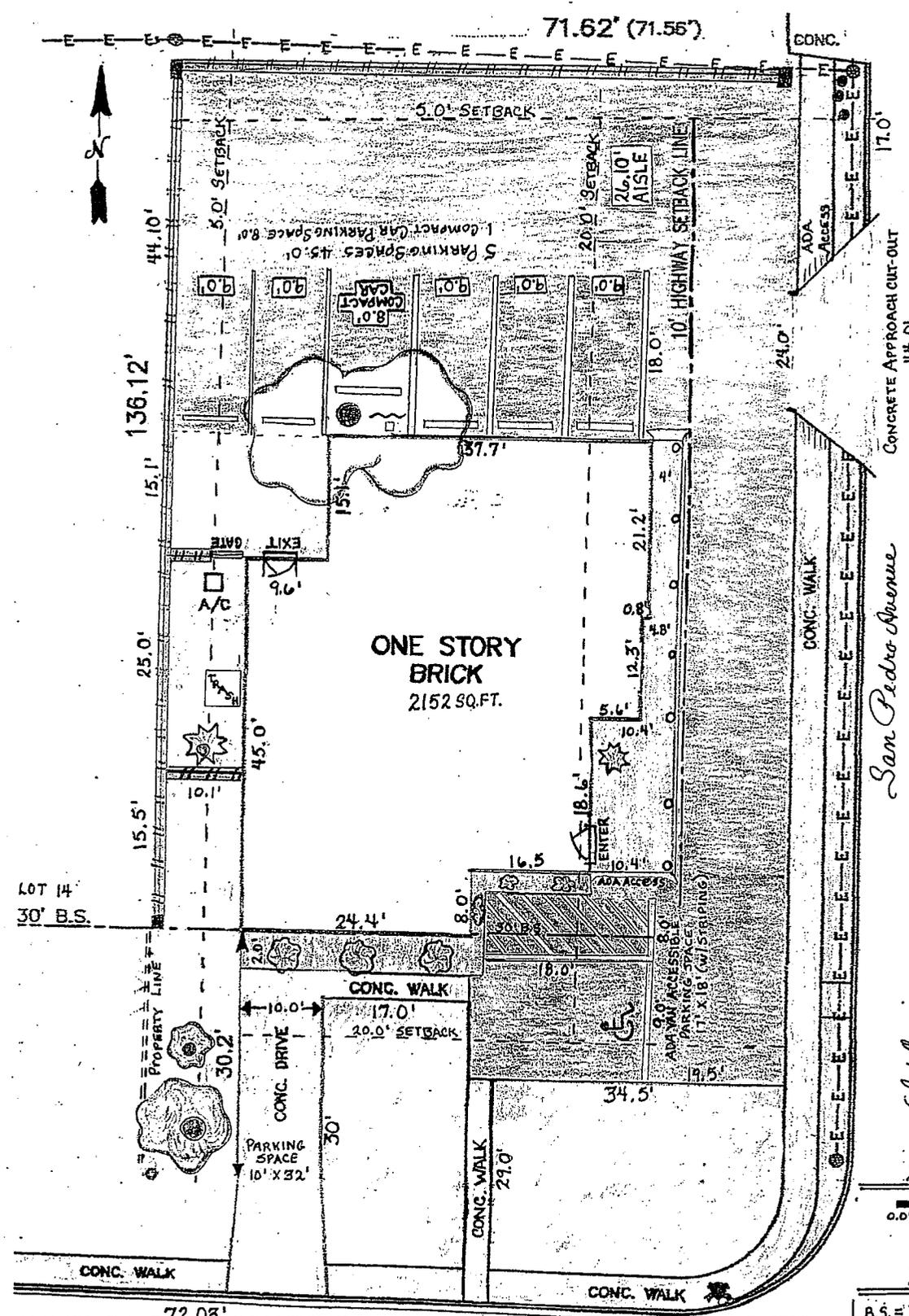
The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning classification shall not be for all of the uses permitted in a given district but shall be only for the conditional use named in the ordinance approving the conditional zoning district.

CASE MANAGER: Pedro Vega 207-7980

22010088

15' ALLEY

71.62' (71.55')

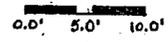


"I, ART DAVIS, the applicant, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with applicable provisions of the Unified Development Code. I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Codes at the time of plan submittal for building permits."
 April 14, 2010
 Art Davis

San Pedro Avenue

Art Davis
 Site Plan
 West Mandalay @ San Pedro Avenue

SCALE



LEGEND

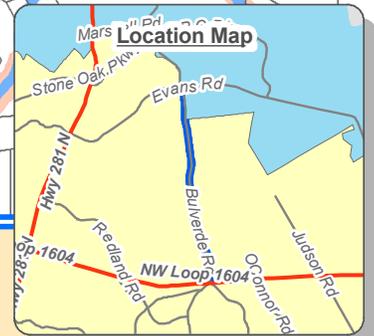
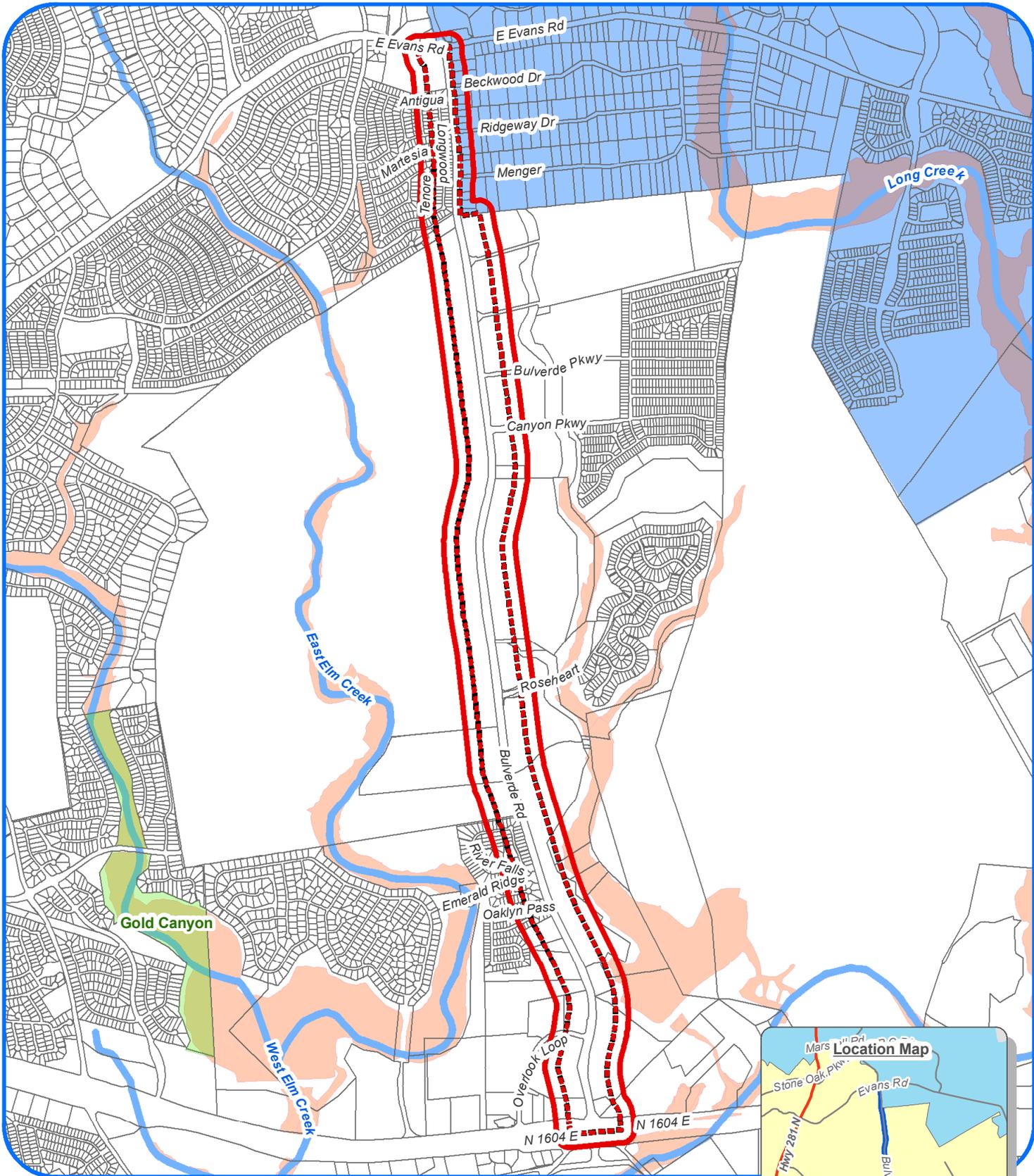
- B.S. = Building Setback
- = Highway Setback
- = 8' Column
- ▤ = 6' Wood Fence
- 🌳 = Landscaping
- 🚐 = Van Accessible
- ◻ = Parking
- ◻ = Concrete
- ◻ = Greenspace
- ◻ = Asphalt

ACRES IN PROPOSED DEVELOPMENT - .224 acre
 Total Number of Lots - 1 Lot
 LOT 14, BLOCK 7, N.C.B. 9120
 Open Space Area - 2616.0 Sq Ft (per proposal)
 Square Footage of Building - 2152.0 Sq Ft
 INTENDED USE - Current Use: Residential R-4
 Proposed Use: Residential/ Professional Office R-4CD

PARKING PROVIDED - Total Number of Spaces: 8
 5 Standard Spaces @ 9' x 18'
 1 Compact Car Space @ 8' x 10'
 1 Existing Driveway Space @ 10' x 30.2'
 1 ADA Van Accessible Space @ 17' x 18'
 Aisle - 26.10' x 75.5'

AREA OF EXISTING and PROPOSED IMPERVIOUS COVER - 6178.7 Sq Ft
 Existing Concrete Driveway - 38.2' x 10' = 382.0 Sq Ft
 Existing Concrete Walk - 17.0' x 3.0' = 51.0 Sq Ft
 Existing Concrete Walk - 29.0' x 3.0' = 87.0 Sq Ft
 Proposed Asphalt Parking Lot - 5321.5 Sq Ft
 Concrete Curb Approach - 44' x 24'

West Mandalay



Zoning Case Notification Plan

Case Z-2010-085 ERZD

Council Districts 9 and 10
 Scale: 1" approx. = 2,100 Feet

Subject Property Legal Description(s): Multiple lots located within the municipal boundary of the City of San Antonio and located within 300' of the outer R-o-W boundary line of Bulverde Rd. This portion of Bulverde Rd is generally bound E by Evans Rd to the North and North Loop 1604 East to the South.

Legend

- Subject Property -----
 - 200' Notification Buffer —————
 - Current Zoning —————
 - Requested Zoning Change —————
 - 100-Year DFIRM Floodplain —————
 - Outside City Limits —————
- Various
"PC-1" applied to current Zoning

Planning & Development Services Dept
 City of San Antonio
 (04/07/2010 - E Hart)

CASE NO: Z2010085 ERZD

Final Staff Recommendation - Zoning Commission

Date: May 18, 2010

Council District: 9, 10

Ferguson Map: 484, 518

Applicant Name:

City of San Antonio

Owner Name:

Multiple Property Owners

Zoning Request: From multiple zoning districts to multiple zoning districts with the application of the Bulverde Road Preservation Corridor District (PC-1)

Property Location: Multiple lots located within the municipal boundary of the City of San Antonio and located within 300 feet of the outer right-of-way boundary line of Bulverde Road. This portion of Bulverde Road is generally bound by Evans Road to the north and North Loop 1604 East to the south

Proposal: To designate Bulverde Road Preservation Corridor District (PC-1)

Neigh. Assoc. Emerald Forest Homeowner's Association, Northwood Hills Improvement Club, Roseheart Homeowner's Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval.

Overview

This zoning case includes designation of the proposed Bulverde Road Preservation Corridor District (PC-1) and was initiated by Resolution 2009-09-03-0029R approved by City Council on September 3, 2009. The proposed PC-1 is an overlay district that includes site and building design standards that would apply to new commercial construction. These standards were developed through a community based process and are intended to help preserve the scenic and natural qualities of the Bulverde Road corridor and protect the area from visual blight as it develops in the future. Examples of PC-1 requirements include a tree and understory preservation requirement within the first 35-feet of property abutting Bulverde Road, a masonry requirement for street wall facades (to include at least 15% sandstone or limestone), cut-off requirements for lighting fixtures to reduce light pollution, and reductions to the allowable height and message area for freestanding and attached signs. (For a complete list of standards, please see the attached draft Bulverde Road Preservation Corridor District Design Standards.)

The proposed PC-1 extends 300 feet from both sides of the Bulverde Road outer right-of-way boundary lines (except for a small portion that is located outside of the municipal boundary of the City of San Antonio) and is bound by Evans Road to the north and North Loop 1604 East to the south. Preservation Corridor Districts are enabled under Section 35-339.01 Corridor Districts of the Unified Development Code (UDC). The proposed Bulverde Road Preservation Corridor District would be the first Preservation Corridor District in the City and would include the designation "PC-1" pursuant to Section 35-339.01 of the UDC.

The properties adjacent to the roadway are primarily undeveloped with the exception of emerging commercial nodes at the intersections of Bulverde Road and North Loop 1604 East and Bulverde and

CASE NO: Z2010085 ERZD

Final Staff Recommendation - Zoning Commission

Evans Roads. However, the planned expansion of Bulverde Road promises to bring increased development potential to the Corridor. The \$33 million road project, with funds coming from the 2007 General Obligation Street Improvement Bond, City Public Service, and the San Antonio Water System, includes reconstructing and widening Bulverde Road with curbs, sidewalks, bicycle facilities, driveway approaches, and necessary drainage and traffic signal improvements. The Corridor District was proposed to ensure future development is compatible with the existing residential neighborhoods, preserve the natural character of the area, and protect the corridor from visual blight.

Designation Criteria

The Corridor District enabling ordinance was adopted by City Council on December 19, 2002. This ordinance amended the Unified Development Code (UDC) by establishing overlay zoning districts for Gateway, Metropolitan, and Preservation Corridors and setting forth a process for designation. The purpose of these overlay districts is to preserve, enhance and perpetuate the value of roadway corridors through the adoption of area-specific site and building design standards. The more specific purpose of a Preservation Corridor is to protect a roadway with unique historical significance, natural vistas and/ or unique scenic environments from visual blight. The Bulverde Road corridor qualifies for designation as a Preservation Corridor because it traverses scenic terrain where natural areas (areas without man made alterations that contain native topography and/ or native plants) are present.

Public Process

The unique site and building design standards proposed for inclusion as part of this overlay district were developed through a public participation process where all property owners within the district and adjacent areas were afforded an opportunity to participate in drafting the proposed regulations. The public process included 3 public meetings, 9 planning team workshops, and an extended comment period. The initial public meeting was held on November 10, 2009 and provided property owners, representatives from neighborhood associations and public entities, and other stakeholders an opportunity to learn more about the proposed overlay district, participate in a visioning exercise, and volunteer to be a member of the Planning Team. Interest in serving on the Planning Team was robust - the Planning Team consisted of 25 dedicated individuals (8 neighborhood/ homeowners association representatives; 5 commercial property owners/ representatives; 5 residential property owners/ representatives; 2 public entity representatives; and 5 alternates). The Planning Team members worked closely with staff from the Planning & Development Services Department during a series of 9 workshops to formulate site and building design standards that would allow for responsible development while preserving the natural and scenic characteristics of the Bulverde Road corridor. Total attendance at the 12 meetings was over 190 with more than 290 volunteer hours devoted to the creation of these design standards.

PC-1 Design Standards

The proposed Bulverde Road Preservation Corridor District includes building and site design standards that would provide a climate where individual actions complement each other and are sensitive to the scenic and natural qualities found within the Corridor. These design standards were developed within the framework established by Section 35-399.01 of the UDC.

The following elements are addressed in the design standards. For specific standards, please refer to the attached draft Bulverde Road Preservation Corridor District Design Standards.

- Increased front and side building setbacks
- Internal pedestrian circulation system location and configuration
- Right-of-way sidewalk configuration
- Off-street parking and loading location
- Fence/ wall materials

CASE NO: Z2010085 ERZD

Final Staff Recommendation - Zoning Commission

- Parking lot screening
- Mechanical equipment, dumpster, and storage area screening
- Screening for lighting fixtures (to reduce light pollution)
- Screening for satellite dishes and solar systems
- Below ground on-site utility placement
- Enhanced landscaping utilizing native plants
- 35-foot wide tree and understory preservation area along Bulverde Road
- Building material requirements (85% masonry and glass, 15% limestone or sandstone for street wall facades, earth tone colors only)
- Billboard prohibition
- Reductions to height and sign message area; sign placement and sign design requirements for freestanding signs
- Reductions to attached sign message area for attached signs

Administration

The proposed Bulverde Road Corridor District (PC-1) would not regulate uses, nor would it require a property owner to rehabilitate an existing structure or sign to conform to the new standards. Permitted uses are determined by the underlying base zoning. Existing businesses may remain in the area and conduct ordinary repair and maintenance of their properties and signs indefinitely without triggering the new standards. Properties with vested rights may be exempt from certain provisions of the PC-1 standards pursuant to Chapter 245 of the V.T.C.A. Local Government Code. Currently state law does not allow a municipality to enforce zoning regulations that affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size when a property has vested rights. The recognition of vested rights is governed by Article VII, Division 2 of the UDC.

When an application for a development permit for property within a Corridor District is received, staff with the Neighborhood Planning and Urban Design section of the Planning and Development Services Department reviews the submitted plans within 10 days to determine compliance with the adopted standards. After staff has reviewed the applicant's plans, a Certificate of Compliance is either issued or denied via the City's online permitting system. If denied, the applicant may resubmit with the appropriate changes or appeal to the Board of Adjustment. Preliminary plan review services are available to applicants who wish to test compliance with the standards before construction plans are finalized.

Conclusion

The proposed Bulverde Road Preservation Corridor District (PC-1) would help ensure that the scenic and natural characteristics of the Bulverde Corridor are maintained and protect the area from visual blight as it is developed in the future. The PC-1 includes site and building design standards that were developed through a public participation process and address site and building design elements including: tree and understory preservation along the Bulverde Road frontage, building setbacks, building materials, lighting, screening, sign height and sign message area (for a complete list of standards, please see the attached draft Bulverde Road Preservation Corridor District Design Standards). The adoption of this overlay district would ensure that the individual actions of property owners contribute to the overall appearance and function of the Corridor and provide for a fair and objective review process for new development projects.

SAWS Summary:

SAWS recommends approval of the proposed Bulverde Road Preservation Corridor District.

CASE MANAGER : Michael Taylor 207-0145

DEVELOPMENT SERVICES
RECEIVED
SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

2010 MAR 31 PM 2:54

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Gregory James, P.G., Michael A. Escalante, Environmental Protection Specialist III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2010085 (Bulverde Road Preservation Corridor)

Date: March 31, 2010

SUMMARY

A request for a change in zoning has been made for an approximate 214-acre tract located on the city's north east side. A change in zoning from "Multiple Zoning Districts ERZD" to "Multiple Zoning Districts to Adopt Bulverde Rd. Preservation Corridor ERZD PC-1" is being requested by the City of San Antonio, Michael Taylor. The change in zoning has been requested to allow for Bulverde Rd. Preservation Corridor Overlay District.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends approval of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council Districts 9 & 10, on Bulverde Rd. between the intersections of Loop 1604 and Evans Rd. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from "Multiple Zoning Districts ERZD" to "Multiple Zoning Districts to Adopt Bulverde Rd. Preservation Corridor ERZD PC-1" and will allow for a Bulverde Rd. Preservation Corridor Overlay District. Currently Bulverde Rd. is an existing 2 lane roadway 110' to 120' in width and stretching 16, 874 linear feet.

2. Surrounding Land Uses:

Evans Rd. borders the northern intersection of Bulverde Rd. and Loop 1604 borders the southern intersection of Bulverde Rd. Various developed (commercial/residential) and undeveloped properties are adjacent to the eastern and western boundaries along Bulverde Rd.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on March 24, 2010, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed as "Right of Way" (ROW) on both sides of Bulverde Road, extending to an average distance of 110 to 120 feet, from Loop 1604 to Evans Road. The subject property was observed to be developed as a two lane public thoroughfare, with occasional middle turn lanes and abutting driveways throughout. Public utility infrastructure excavations were observed to be in progress on both sides of Bulverde Road, within the observed ROW, throughout the extent of the subject site.

Little exposure of bedrock was observed within the subject site. The subject property was observed with asphalt roadway paving along the extent of Bulverde Road, and a moderate soil cover of several inches depth throughout its entire extent within the ROW. Observation of current stratigraphy within adjacent utility infrastructure excavation trenches indicate the average soil cover to be approximately 12 inches in depth. Additionally, previously installed and currently ongoing utility infrastructure excavations have extensively disturbed native soils within the site ROW.

The site appeared to have varying slopes throughout its extent. Stormwater occurring on the subject site would drain either to the west into an unnamed tributary to Mud Creek, or to the east into an unnamed tributary to Elm Waterhole Creek.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine, Leached and Collapsed and Regional Dense Members of the Person Formation; and the Dolomitic and Grainstone Members of the Kainer Formation of the Edwards Aquifer.

The Leached and Collapsed Member of the Person Formation is characterized by the presence of crystalline limestone, grainstone, and mudstone, with chert nodules and breccia conglomerations. This Member is known to have fabric related porosity. The full section thickness of this member is approximately 70 to 90 feet thick.

The Dolomitic Member of the Kainer Formation is characterized by the presence of massively bedded mudstone, grainstone, and recrystallized limestone with abundant chert nodules. The full section thickness of this member is approximately 110 to 130 feet thick.

The Grainstone Member of the Kainer Formation is characterized by the presence of crossbedded lime mudstone, wackestone, and chert nodules. Recrystallization reduces porosity within this member. The full section thickness of this member is 50 to 60 feet.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick.

The Regional Dense Member of the Person Formation is characterized by the presence of dense massive limestone and mudstone with sparse vertical jointing resulting in low porosity. The full section thickness of this member is approximately 20 to 24 feet thick.

- C. The subject site was noted to cross four (4) mapped faults associated with the Balcones Fault Zone. No surface expressions of any of these faults were visually observed along the site.

A mapped cave, known as Black Cat Cave (Veni, 1988), was observed on the eastern side of the subject site within the ROW, south of Menger Road (see Figure 3). This cave entrance is approximately 7 feet in diameter, and is known to extend under Bulverde Road, in excess of 100 feet, and to a depth of approximately 30 feet. This cave was observed to serve as the drainage point for an adjacent field, in excess of 1.6 acres. Based on these observations, this cave is considered both sensitive and significant.

Black Cat Cave has been mapped and known to exist for several years. The potential for contamination of this feature from a spill or accident has been a concern for some time. While it is the intent of the Aquifer Quality Ordinance to preserve significant recharge features, this cave is located where the concern of pollution impact to the Edwards Aquifer

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. The close proximity of Black Cat Cave to Bulverde Road and the potential for contamination directly affecting water quality.
2. Future developments within the Bulverde Road Preservation Overlay District have the proper protective measures in place to protect the Edwards Aquifer Recharge Zone.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The SAWS Aquifer Protection & Evaluation Section shall require a final disposition plan to be submitted for review and approval prior to the sealing of the cave.
2. The land uses within the zoned area shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use within the Bulverde Road Preservation Corridor Overlay District be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.

3. Wells that are no longer in use or abandoned shall be properly plugged in accordance with SAWS water well plugging procedures. The Ground Water Resource Protection Section should be notified at 233-3546 upon discovery and plugging of such wells.
4. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

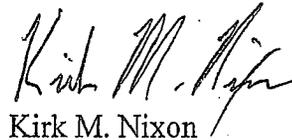
General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.

3. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
4. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
5. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade or subsurface basins shall not be allowed to be constructed within the corridor unless approved by the Aquifer Protection & Evaluation Section.
 - B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - C. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.

6. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
7. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



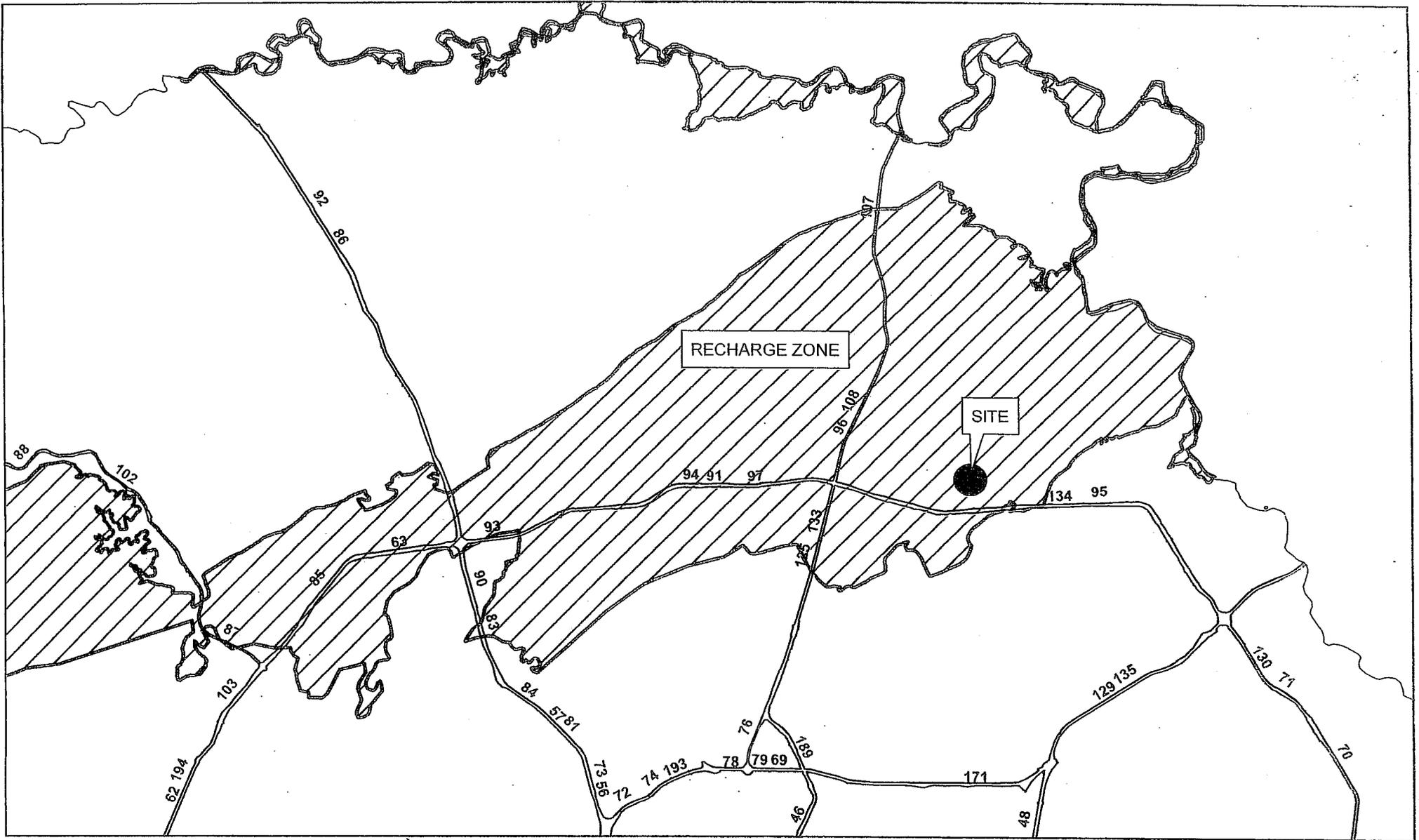
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MAE

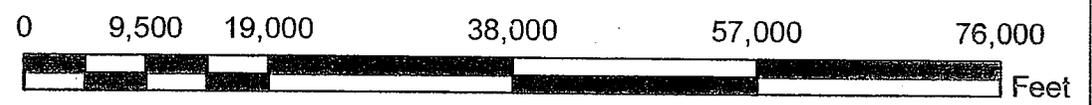


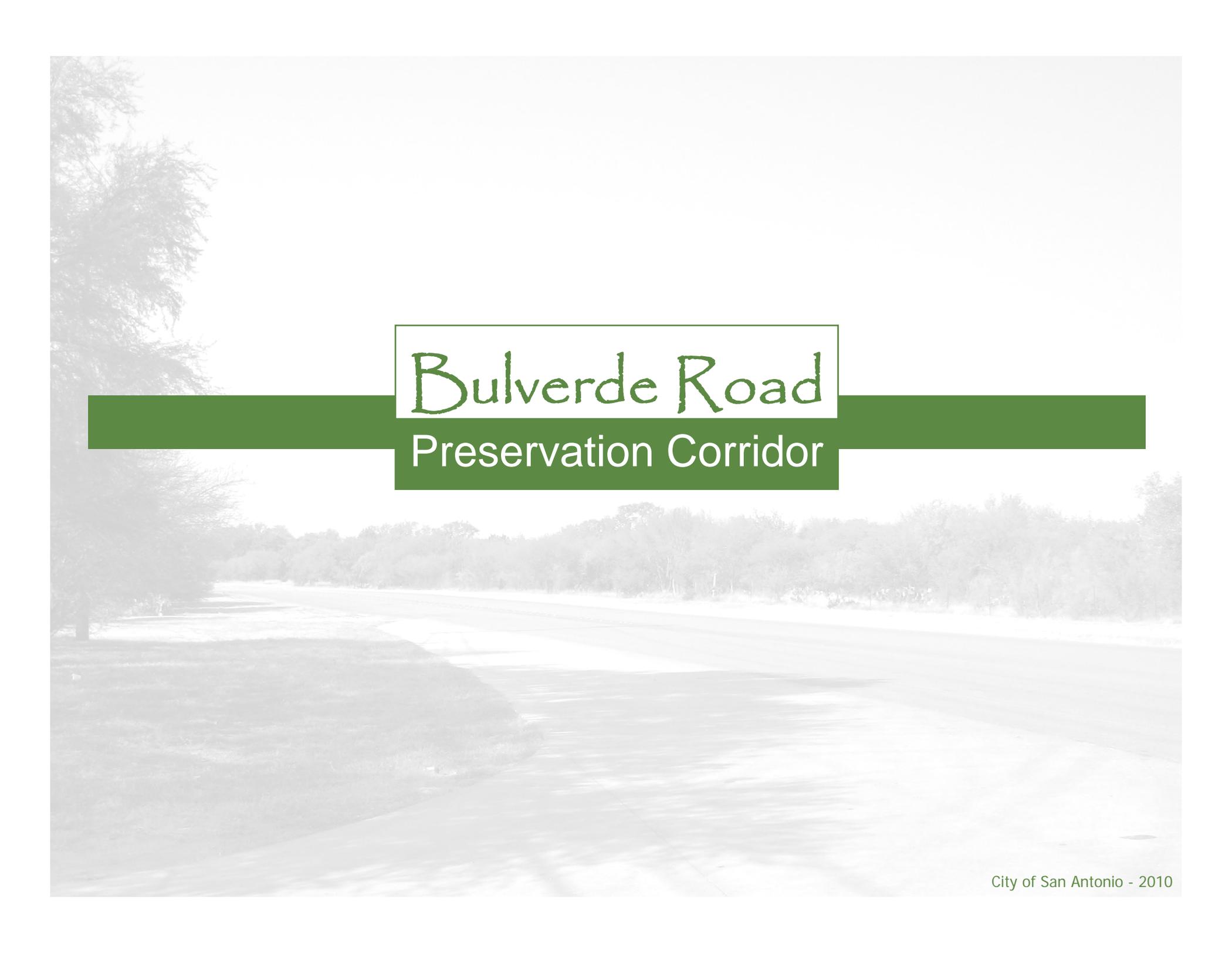
ZONING FILE: BULVERDE ROAD PRESERVATION CORRIDOR (FIGURE 1)

ZONING ID: Z2010085

MAP PAGE: 518, B3 X=2153123 Y=13767521

Map Prepared by Aquifer Protection & Evaluation MAE 3/23/2010





Bulverde Road Preservation Corridor

Bulverde Road Preservation Corridor District

Executive Summary

Background

The Bulverde Road Preservation Corridor includes a 3.26 mile stretch of Bulverde Road from Loop 1604 North to Evans Road and extends 300 feet from the outer right-of-way boundary lines. The properties adjacent to the roadway are primarily undeveloped with the exception of emerging commercial nodes at the intersection of Bulverde Road and Loop 1604 and Bulverde and Evans Roads. However, the planned expansion of Bulverde Road promises to bring increased development potential to the Corridor. The \$33 million road project, with funds coming from the 2007 General Obligation Street Improvement Bond, City Public Service, and the San Antonio Water System, includes reconstructing and widening Bulverde Road with curbs, sidewalks, bicycle facilities, driveway approaches, and necessary drainage and traffic signal improvements. The Corridor Overlay District was established to ensure future development is compatible with the existing residential neighborhoods, preserve the natural character of the area, and protect the corridor from visual blight.

The Corridor District enabling ordinance was adopted by City Council on December 19, 2002. This ordinance amended the Unified Development Code (UDC) by establishing overlay zoning districts for gateway, metropolitan, and preservation corridors and setting forth a process for designation. The purpose of these overlay districts is to preserve, enhance and perpetuate the value of roadway corridors through the adoption of area-specific site and building design standards. The more specific purpose of a preservation corridor is to protect a roadway with unique historical significance, natural vistas and/ or unique scenic environments from visual blight. The Bulverde Road Corridor qualifies for designation as a preservation corridor because it traverses scenic terrain where natural areas (areas without man made alterations that contain native topography and/ or native plants) are present.

The unique site and building design standards adopted with this overlay district were developed through a public participation process where all property owners within the district and adjacent areas were afforded an opportunity to participate in drafting the proposed regulations through public hearings and meetings. The process included an initial public meeting during which volunteers were recruited for the Planning Team. The Planning Team included 25 dedicated individuals (8 neighborhood/ homeowners association representatives; 5 commercial property owners/ representatives; 5 residential property owners/ representatives; 2 public entity representatives; and 5 alternates) who worked closely with staff from the Planning & Development Services Department to formulate site and building design standards that will allow for responsible development while preserving the natural and scenic characteristics of the Bulverde Road corridor.

How to Use this Document

This document includes design standards that apply to new construction projects and to improvements or renovations to existing structures, where the work requires a building permit and is specifically governed by the included standards, within the established boundaries of the Bulverde Road Preservation Corridor Overlay District. ***For specific questions regarding the Bulverde Road Preservation Corridor District design standards or applicability to a particular property or project, please contact the City of San Antonio Planning and Development Services Department.***

Bulverde Road Preservation Corridor District

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Bulverde Road Preservation Corridor District

1. General Purpose Statements

(a) Applicability

- (1) Provisions of these regulations are activated by “shall” when required; and “may” when optional.
- (2) Single family residential structures in platted subdivisions shall not be subject to the design standards of this overlay district.
- (3) In the event of a conflict between this section and other provisions of the Municipal Code, the most restrictive provisions shall apply.

2. Definitions

Earth tone colors – colors that are predominant in the surrounding landscape including desert and woodlands and shall be low reflectance, subtle, or neutral colors. Earth tone colors shall not include primary colors, black, metallic, or fluorescent colors. Earth tone is a color scheme that draws from a color palette of browns, brownish-reds, brownish-oranges, tans, grays, and greens. The colors in an earth tone scheme are muted and flat and emulate the colors found in native soil, trees, and rocks.

Native plants and trees – those species listed in Appendix E of the Unified Development Code

Pedestrian circulation system – improved trails, sidewalks, and/or crosswalks that facilitate pedestrian movement within a site.

Publicly accessible – a building or area accessible to the public, including residents, customers, and employees. Maintenance, service, and outdoor storage yards/ areas are not considered publicly accessible if they are completely enclosed by solid walls so as to not be visible from beyond the maintenance, service, or outdoor storage yard/ area.

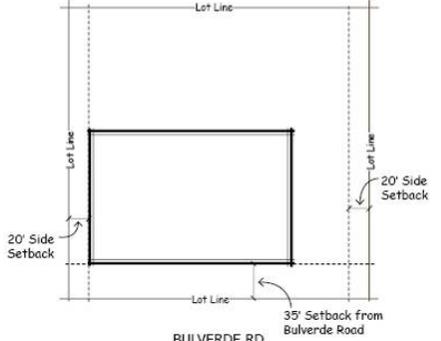
Screen – vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

Street wall façade – That portion or portions of a wall or any permanent structure that is visible from and oriented parallel to a dedicated public right-of-way. For a structure that is not oriented parallel to the right-of-way, the street wall façade shall include all of the facades visible from the right-of-way and oriented at an angle greater than zero degrees but less than sixty (60) degrees to the right-of-way.

Understory – assemblages of natural low level woody, herbaceous, and ground cover species.

Bulverde Road Preservation Corridor District

3. Design Standards

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
(a)	SITE	
(1)	Building Setbacks	
	<ul style="list-style-type: none"> • A minimum 35 foot building setback shall be maintained from lot lines abutting the Bulverde Road right-of-way. • A minimum 20 foot building setback shall be maintained from all other front and side lot lines, except that a minimum side building setback is not required on a lot that utilizes a shared access easement to provide vehicular access from the public right-of-way unless a minimum side building setback is required by the base zoning district. • Rear building setback is established by the base zoning district 	
(2)	Sidewalks	
	<p><u>Internal Sidewalks</u> A minimum 4-foot wide continuous pedestrian circulation system shall connect a publicly accessible building within a site to the right-of-way sidewalk(s) abutting the site, all other publicly accessible buildings within the site, and any existing or planned pedestrian circulation systems to the site.</p> <ul style="list-style-type: none"> • For developments with multiple vehicular ingress/ egress drives, there shall be at least one (1) pedestrian ingress/ egress connection from the right-of-way sidewalk to the pedestrian circulation system on the site for each vehicular ingress/ egress drive provided. • The pedestrian circulation system shall be constructed of concrete, pavers, crushed aggregate, or a combination thereof. • The pedestrian circulation system may meander to protect trees and understory and other natural landscape features. • The continuous pedestrian circulation system shall be separated from parking stalls, streets, and drives with a combination of landscaping and edging. 	

Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
	<ul style="list-style-type: none"> The pedestrian circulation system may cross loading areas, streets, and drives, but in such cases shall include high visibility pavement markings. <p><u>Right-of-way Sidewalks</u> With the exception of sidewalks along Bulverde Road, right-of-way sidewalks shall include a minimum 2-foot wide planting strip. The planting strip width may be reduced where necessary to preserve existing trees or understory. Right-of-way sidewalks shall align with existing sidewalks that serve abutting parcels.</p>	
(3)	Off-street parking and loading	
	<ul style="list-style-type: none"> Off-street parking shall not be permitted in the front yard unless the parking area is screened from view of the public right-of-way through the preservation of existing trees and understory and/ or the planting of trees and understory. All dock height opening and loading doors shall be located to the sides or rear of the building and screened from view of public right-of-ways and private streets. Screening may be achieved by construction of a solid walled enclosure with approved building materials (see section 3.(b)(1) of this document); evergreen plant materials with irrigation, or landscaped earthen berm. Parking and off-street loading areas that abut a single-family residential zoning district shall be screened from view of the abutting single-family residential zoning district with an 8-foot tall masonry fence/ wall in addition to applicable bufferyard requirements specified in §35-510. 	 

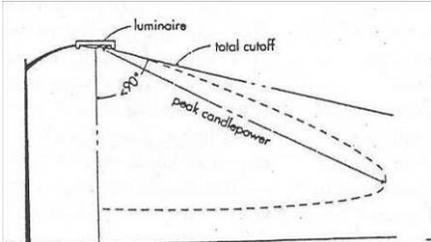
Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
(4)	Fences/ Walls	
	<ul style="list-style-type: none"> • Fences/ walls located within the front yard shall be limited to a height of 3 feet and shall be constructed of, or fully clad with, rough-cut limestone or sandstone (or equivalent material). Other materials shall not be permitted for fences/ walls located in the front yard. If utilized, front yard fences/ walls shall be located on the building side of the front natural buffer (see section 3.(a)(8) of this document), not immediately adjacent to the street. • Residential subdivision perimeter fencing that is adjacent to Bulverde Road shall be constructed of, or fully clad with, rough-cut limestone or sandstone (or equivalent material) and shall include climbing vines, shrubs, trees, or ornamentals along at least 50% of the base of the wall. • No provision of this overlay district shall be construed to limit the height of residential subdivision perimeter fencing or sound barriers/ walls installed by the City of San Antonio, Bexar County, or TxDOT. • Metal security fences enclosing stormwater management facilities shall be screened from view of public right-of-ways and private streets by tall shrubs or other vegetation. 	
(5)	Screening	
	<p><u>Parking Lot Screening</u></p> <ul style="list-style-type: none"> • Parking areas shall be screened from view of public right-of-ways and private streets to a minimum height of 4 feet by dense landscaping, berms and landscaping, or rock walls and landscaping. <ul style="list-style-type: none"> • Planted screens are encouraged to utilize a variety of native plant species that will vary in height and density but where installed shall form a visual barrier at maturity. • Tree and understory preservation may be utilized to satisfy the parking lot screening requirement and shall count toward the tree preservation and canopy requirements in §35-523. • Parking lot screening installed to satisfy this requirement shall be eligible to obtain landscaping points for elective criteria in accordance with §35-511. 	

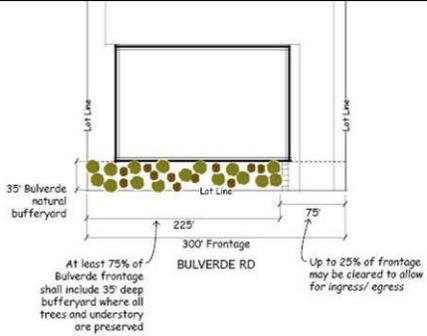
Bulverde Road Preservation Corridor District

<p>Design Standards</p> <p>Design Standards are objective, measurable regulations with which all projects must comply.</p>	<p>Illustrative Pictures/ Diagrams</p> <p>Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.</p>
<ul style="list-style-type: none"> • Parking areas within parking structures shall be screened from view of public right-of-ways and private streets to a minimum height of 1 story. Screening may be achieved by construction of a solid wall with approved building materials (i.e liner building) (see section 3.(b)(1) of this document), dense landscaping, or berms and landscaping. <p><u>Screening for mechanical equipment, dumpsters & storage</u></p> <ul style="list-style-type: none"> • Outside storage and service areas, storage tanks, refuse storage areas, dumpsters, compactors, and air conditioning/ heating equipment, shall be located in the side or rear yards and shall be screened from view of public right-of-ways and private streets. Screening may be achieved by construction of a solid walled enclosure with approved building materials (see section 3.(b)(1) of this document) with metal or wooden gates; evergreen plant materials with irrigation, or landscaped earthen berm. • Sites that include multiple screening enclosures shall utilize a consistent design for all enclosures. • Roof top mounted equipment shall be screened from view of abutting public right-of-ways and private streets through the use of parapet walls, mansard roof forms, or other permanently affixed, solid, opaque building materials (see section 3.(b)(1) of this document) 	 

Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
(6)	Lighting	
	<ul style="list-style-type: none"> Exterior lighting fixtures for parking lots, walkways, and building entrances shall include a cutoff angle of 90 degrees or less and be positioned so as to not emit light above the horizontal plane. Any structural part of the fixture providing this cut-off angle shall be permanently affixed. Building exteriors and features such as architectural details, outdoor artwork, vegetation, and other landscape elements may be illuminated, but only from a light source that is positioned above the building exterior or feature to be illuminated such that the light generated is directed at a downward angle toward the object to be illuminated (downlighting). Fixtures utilized to illuminate building exteriors or features shall include a cutoff angle of 90 degrees or less. A fixture that allows for indirect uplight is permitted under a canopy or awning provided that the canopy or awning is opaque and no portion of the lamp or any part of the lens or diffuser is visible from beyond the canopy or awning and no up-light is emitted beyond the canopy 	 <p style="text-align: center;">LUMINAIRE WITH LESS THAN 90° CUTOFF</p> 
(7)	Landscaping	
	<ul style="list-style-type: none"> In addition to the mandatory landscaping requirements established by §35-511, landscape plans shall be required to earn a minimum of 85 points as awards for elective requirements. Points are awarded based on the criteria specified in §35-511. Plants utilized to fulfill the landscaping requirements shall be selected from the list of native Texas plants in the San Antonio Recommended Plant List found in UDC Appendix E. 	

Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
(8)	Tree Preservation/ Front Natural Bufferyard	
	<ul style="list-style-type: none"> For lots that abut the Bulverde Road right-of-way, all vegetation within the first 35 feet of the property shall be preserved, unless the removal of vegetation is necessary to provide utilities or to provide pedestrian and/ or vehicular access to the site, in which case vegetation removal shall occur on no more than 25% of the total linear frontage. For flag lots platted pursuant to §35-515(h), vegetation removal shall be permitted on a linear frontage not to exceed the minimum required driveway width plus four (4) feet. Non-native, invasive tree species as specified in §35-523 shall not be subject to this requirement. Preserved trees and understory within this area shall be eligible to obtain landscaping points for elective criteria in accordance with §35-511 and count toward the tree preservation and canopy requirements in §35-523. Preserved trees, shrubs and understory within the first 35 feet of the property shall be supplemented with new plantings, as necessary to meet or exceed the equivalent planting units (EPUs) required for a Type D bufferyard as specified in §35-510(d)(2) to extend to a depth of 35 feet along at least 75% of the total linear frontage. <ul style="list-style-type: none"> Fences and/or walls shall not be required for the bufferyard. If a fence and/or wall is installed, the fence and/or wall shall comply with the fencing standards in section 3.(a)(4) of this document. 	 
(9)	Satellite dishes and components	
	Satellite dishes and components shall be screened from view of public right-of-ways and private streets to the extent permitted by federal law. Screening may be achieved by construction of a solid walled enclosure with approved building materials (see section 3.(b)(1) of this document), evergreen plant materials with irrigation, or landscaped earthen berm. Roof top mounted satellite dishes and components shall be screened through the use of parapet walls, mansard roof forms, or other permanently affixed, solid, opaque building materials (see section 3.(b)(1) of this document)	

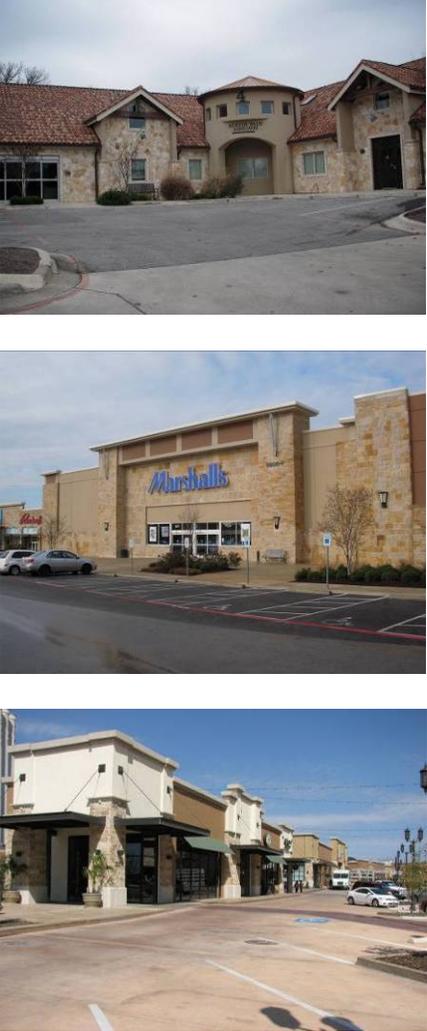
Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.
(10)	Solar systems and components	
	Solar systems and components shall be screened from view of public right-of-ways and private streets. Screening may be achieved by construction of a solid walled enclosure with approved building materials (see section 3.(b)(1) of this document); evergreen plant materials with irrigation, or landscaped earthen berm. Roof top mounted solar systems and components shall be screened through the use of parapet walls, mansard roof forms, or other permanently affixed, solid, opaque building materials (see section 3.(b)(1) of this document). In lieu of screening, solar systems and components may be integrated into the design of the structure.	
(11)	Utilities	
	<ul style="list-style-type: none"> On-site utilities shall be located underground unless required by the utility to be otherwise located. Utility boxes, utility pillars, utility cabinets, and other utility equipment shall be screened from view of public right-of-ways and private streets. Screening may be achieved by construction of a solid walled enclosure with approved building materials (see section 3.(b)(1) of this document); evergreen plant materials with irrigation, or landscaped earthen berm. Screening may be omitted from a single side of the utility box, utility pillar, or utility cabinet where unobstructed access is required by the utility provider. 	
(b)	BUILDING	
(1)	Building materials	
	Street wall facades shall include glass with a reflectance of 20% or less and at least 3 distinct materials and/ or colors, subject to the following requirements: <ul style="list-style-type: none"> Primary building materials shall be selected from the primary building materials list and shall comprise at least 85% of a single elevation, Elevations shall be comprised of at least 15% rough-cut limestone or sandstone (or equivalent material), Accent materials, as defined herein, shall comprise no more than 15% of a single elevation, and 	

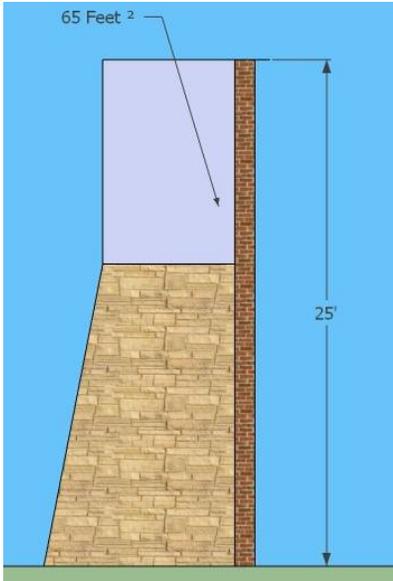
For Reference Only – Duplicative Definitions to be Removed Prior to Adoption

4/28/10 Draft – Subject to Legal Review

Bulverde Road Preservation Corridor District

<h2>Design Standards</h2> <p>Design Standards are objective, measurable regulations with which all projects must comply.</p>	<h2>Illustrative Pictures/ Diagrams</h2> <p>Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.</p>
<ul style="list-style-type: none"> • Building materials (primary and accent) shall include only earth tone colors, regardless of whether color is applied or integral to the material. <p><u>Primary Materials</u> The following building materials are permitted for use as primary building material (i.e. approved building materials):</p> <ul style="list-style-type: none"> • Glass with a reflectance of 20% or less • Natural stone • Brick • Tile • Stucco • EIFS • Cultured stone or cast stone • Architecturally finished block (i.e. burnished block, split-faced block) • Architecturally finished pre-cast or poured in place concrete wall (i.e. tilt-up wall or tilt wall) that is profiled, sculptured, or otherwise provides three dimensional interest • Cement fiber siding <p><u>Accent Materials</u> Materials not included in the approved building materials list or the prohibited building materials list may be used as accent materials for street wall facades. The total area of all accent materials shall not exceed 15% of any single elevation.</p> <p><u>Prohibited Materials</u> The following building materials are prohibited for use as the primary building material or accent material for street wall facades.</p> <ul style="list-style-type: none"> • Metal building panels (this prohibition does not include metal used for awnings, canopies, exposed trusses, or other decorative elements) • Plastic siding • Exposed aggregate • Glass with a reflectance greater than 20% 	 <p>The first photograph shows a residential-style building with a facade of natural stone and a red-tiled roof. The second photograph shows a commercial building facade with stone accents and a 'Marshall's' sign. The third photograph shows a street-level view of a building facade with stone and stucco elements.</p>

Bulverde Road Preservation Corridor District

	Design Standards Design Standards are objective, measurable regulations with which all projects must comply.	Illustrative Pictures/ Diagrams Illustrative pictures and diagrams are provided for reference. In the event of a conflict, text shall prevail.																																
	<p><u>Overhead Doors</u> Overhead doors shall not be permitted on the street wall facade.</p> <p><u>Roofing Materials</u> Roofing materials visible from a public right-of-way or private street shall be limited to earth tone colors, regardless of whether color is applied, or integral to the material. This provision shall not apply to solar systems and components that are integrated into the design of the structure.</p>																																	
(c)	SIGNS																																	
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(2)	Freestanding On-Premises Signs																																	
	<p>Design standards apply to all freestanding on-premises signs within the boundaries of the overlay district, regardless of whether they are placed adjacent to, or are visible from, Bulverde Road.</p> <p>Maximum sign height and maximum sign message area for freestanding on-premises signs are determined based on the classification of the adjacent roadway as follows:</p> <p><u>Maximum Height</u></p> <table border="1" data-bbox="262 1073 1451 1214"> <thead> <tr> <th></th> <th>Expressway</th> <th>Arterial Type A</th> <th>Arterial Type B</th> </tr> </thead> <tbody> <tr> <td>Single Tenant</td> <td>35 ft.</td> <td>25 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Dual Tenant</td> <td>40 ft.</td> <td>30 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Multiple Tenant</td> <td>40 ft.</td> <td>40 ft.</td> <td>15 ft.</td> </tr> </tbody> </table> <p><u>Maximum Message Area</u></p> <table border="1" data-bbox="262 1281 1451 1422"> <thead> <tr> <th></th> <th>Expressway</th> <th>Arterial Type A</th> <th>Arterial Type B</th> </tr> </thead> <tbody> <tr> <td>Single Tenant</td> <td>200 sq. ft.</td> <td>65 sq. ft.</td> <td>64 sq. ft.</td> </tr> <tr> <td>Dual Tenant</td> <td>250 sq. ft.</td> <td>150 sq. ft.</td> <td>64 sq. ft.</td> </tr> <tr> <td>Multiple Tenant</td> <td>300 sq. ft./</td> <td>200 sq. ft.</td> <td>96 sq. ft.</td> </tr> </tbody> </table>		Expressway	Arterial Type A	Arterial Type B	Single Tenant	35 ft.	25 ft.	10 ft.	Dual Tenant	40 ft.	30 ft.	10 ft.	Multiple Tenant	40 ft.	40 ft.	15 ft.		Expressway	Arterial Type A	Arterial Type B	Single Tenant	200 sq. ft.	65 sq. ft.	64 sq. ft.	Dual Tenant	250 sq. ft.	150 sq. ft.	64 sq. ft.	Multiple Tenant	300 sq. ft./	200 sq. ft.	96 sq. ft.	
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Bulverde Road Preservation Corridor District

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	<p><u>Placement</u> One freestanding on-premises sign per platted lot is permitted. Additional freestanding on-premises signs shall be permitted if a minimum spacing between signs of two hundred (200) feet exists along one side of the street and no sign is within the clear vision area as defined by §35-506. Additional freestanding on-premises signs shall not exceed seventy-five (75) percent of the allowable height and message area of the primary sign as specified above.</p> <p><u>Building Materials</u> Freestanding on-premises signs shall include a finished base to encase/ enclose the support structure(s). The finished base shall be constructed of materials approved for use as primary building materials (see section 3.(b)(1) of this document) and should match or complement the materials used on buildings on the site. Freestanding on-premises signs shall include landscaping consisting of vines, ornamentals, or other groundcover around the finished base. If any portion of the freestanding on-premises sign support structure is painted, only earth tone colors shall be utilized.</p>	
<p>(3)</p>	<p>Attached On-Premises Signs</p> <p>Design standards apply to all attached on-premises signs within the boundaries of the overlay district, regardless of whether they are placed adjacent to, or are visible from, Bulverde Road.</p> <p>Maximum sign message area is calculated as a percentage of the area of each building elevation and is determined based on the classification of the adjacent roadway as follows:</p> <p><u>Expressway</u> 15% cabinet sign 20% channel letters raised or incised 15% painted or flat sign</p> <p><u>Arterial Type A and Arterial Type B</u> 10% cabinet sign 10% channel letters raised or incised 10% painted or flat sign</p>	

PROPOSED HISTORIC UDC CHANGES:

Amendment - 1

Sec. 35-602. City Historic Preservation Officer.

The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:

(a) To approve, deny or approve with conditions, applications submitted to the office of historic preservation.

(b) To coordinate with the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.

(c) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.

(d) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.

(e) To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.

(f) To maintain and hold open for public inspection all records pertaining to the provisions of historic and design regulations as provided for in article VI and article III, and **to keep a copy available for public viewing all historic district specific guidelines, Secretary of the Interior Standards, Guidelines for Archeology and Historic Preservation, and any other guidelines which are referenced in Article VI. Public viewing may include available Office of Historic Preservation websites.**

(g) To review, approve or deny applications for building and demolition permits required by section 35-108.

(h) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.

(i) To administratively review office of historic preservation applications and forms for completeness.

(j) To convene special, called meetings of the architectural committee subcommittee of the historic and design review commission when development projects over five thousand (5,000) square feet merit committee consideration and advice prior to the historic and design review commission meeting.

(k) To designate objects, buildings and structures submitted for review as contributing or noncontributing to a historic landmark or historic district.

Sec. 35-602. Administration.

~~(a) Notification of Affected Property Owners. Prior to historic and design review commission consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the historic preservation officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation. Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the city clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the city's zoning code.~~

~~Property owners within a proposed historic district boundary shall be notified prior to historic and design review commission hearing on the historic district designation. Upon recommendation of the commission, the proposed historic district designation shall be submitted to the zoning commission for its review and recommendation. The zoning commission shall give notice, conduct its hearing, and make recommendations to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of San Antonio. In like manner, the city council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of San Antonio.~~

~~(b) Recommendations of Designation. Recommendations for landmark or historic district designation are made by the historic and design review commission to the city council through the zoning commission. A request for historic district designation requires concurrence of a majority of the property owners within the district, while designation of a historic landmark requires concurrence of the property owner. Notwithstanding the foregoing, a request for landmark or historic district designation may be made by the city. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.~~

~~(c) Initiation. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of the city historic preservation officer for processing. In the event the historic and design review commission does not recommend an applicant's request for designation of a resource, the applicant may petition the zoning~~

~~commission for a hearing, following procedures set forth in section 35-421 of this chapter (zoning amendments).~~

~~(d) Issuance of Certificates of Appropriateness or Other Permits. See division 5 of article IV of this chapter.~~

Secs. 35-603 to 35-604. Reserved.

Amendment - 2

Sec. 35-605. Designation of Process for Historic Districts.

(a) Authority. The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as ~~exceptional or significant~~ historic landmarks. Such districts shall bear the word "historic" in their zoning designation; such landmarks shall bear the words ~~"historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation~~ "historic, landmark (HL) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.

(b) Processing Applications for Designation of Historic Districts.

(1) Initiation. Any person, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. Additionally, Requests requests for historic district designation must have the concurrence of shall not be processed by the office of historic preservation if the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district oppose the designation in writing and present such opposition to the historic preservation officer. Notwithstanding the foregoing, unless a request for historic district designation may be made was authorized by the city council. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.

In addition to any other conditions established by section 35-605, applications for historic designation shall meet the following criteria:

A. Submittal Deadline and Notice. Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation ~~The planning and community development~~

~~department~~ staff shall hold a at least one public meeting to announce the effort to obtain historical designation, ~~and may distribute consent forms at the meeting.~~ When distributed, consent forms must be completed and returned to the historic preservation officer ~~within three hundred sixty five (365) days (one (1) year) following the date of the public meeting.~~

~~B. Resubmittal Deadline. In the event the required signatures were not obtained, consent forms may not be resubmitted within seven hundred thirty (730) days (two (2) years) of the submittal deadline as outlined in subsection A. above.~~

~~C. Interim Deadline. Consent forms in process must be submitted with the required signatures within six (6) months from the effective date of the adoption of this amendment by the city council. Resubmittal of consent forms shall be as designated in subsection B. above. This provision shall expire on October 23, 2007 (six (6) months plus one (1) day after effective date of adoption).~~

~~D. Sub Areas. At the discretion of the initiator and/or the director, consent forms for large areas (defined as two hundred (200) lots or more) may be broken into sub areas. Sub areas shall be determined and based on one (1) or more of the following criteria: historic plat, historic developmental pattern, collection of like architectural styles, or easily definable boundaries such as public streets or alleys. If the application is divided into subparts, the historic preservation officer shall conduct a public meeting for the entire application area to explain the new subparts and reasons for dividing the application.~~

If the required signatures are obtained for any sub area, the consent forms shall be returned to the historic preservation officer in accordance with the provisions of subsection A. above. Prior to the required public meeting, the historic preservation officer shall send notice of the initiation of an application by mail to the owner or owners of affected property stating the purpose, date, time and place of the public meeting. This notice shall be in addition to notice given prior to public hearing as set forth under the city's zoning code. The historic preservation officer shall also send notice of the public meeting to any registered neighborhood associations located within the proposed district boundary.

B. Owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the Historic Preservation Officer to consider for designation as non-contributing to the historic district. Such submission shall be treated in accordance with Section 35-619.

(2) Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review an applications and submitted written opposition for completeness.

(3) Decision. Provided that at least 90 days have passed since the public meeting and the historic preservation officer has not received written opposition from at least 51% of the property owners in the proposed designated area, The the historic preservation officer shall forward the application to the historic and design review commission for a hearing and initial recommendation. The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing prior to the historic and design review commission hearing on the historic district designation. The historic and design review commission shall make its recommendation to be forwarded to the zoning commission for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be submitted to the zoning commission with the historic and design review commission recommendation. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

(d) Historic District Guidelines. The city council may, from time to time, designate specific guidelines for particular historic districts. ~~Where such guidelines have been promulgated, the guidelines will be incorporated by reference in Appendix "F" to this chapter.~~ The designation shall include the formal name of the district, a legal description of the boundaries of the district, and a cross-reference to the design guidelines. ~~Where such design guidelines have been adopted, no application for development approval shall be approved unless the proposed development is consistent with the design guidelines. Proposed developments shall comply with the design guidelines in addition to the criteria set forth in sections 35 608 to 35 613 of this chapter; provided, however, to the extent that there is any inconsistency between a provision of sections 35 608 to 35 613 and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for a historic district, the proposed development shall conform to the criteria set forth in sections 35 608 to 35 613 of this chapter.~~

Amendment - 3

Sec. 35-606. Designation of Process for Historic Landmarks.

(a) ~~Authority. Applicability.~~ Requests for landmark designation may only be made by or with the concurrence of the property owner. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any zoning commission hearing. Notwithstanding the foregoing, a request for landmark ~~district~~ designation may be made and approved by the city council. To the extent that this subsection conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites. Additionally, requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.

(b) Designation of Historic Landmarks.

(1) Initiation. Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a historic landmark designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of historic preservation for processing. Owner consent for historic landmark designation shall be required unless a City Council resolution to proceed with the designation has been approved. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they wish to be considered for designation as non-contributing to the historic landmark.

(2) Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review an application for completeness.

(3) Decision. The historic preservation officer shall refer ~~an~~ a completed application for historic landmark designation to the historic and design review commission. Property owners of proposed historic landmarks shall be notified of the historic and design review commission hearing by the historic preservation officer by certified mail with return receipt requested prior to a historic and design review commission hearing for historic landmark designation. Notice to property owners shall state the place, date, time and purpose of the historic and design review commission hearing. The historic preservation officer shall also send notice of the meeting to any registered neighborhood associations located within the proposed district boundary. The historic and design review commission shall make and forward its recommendation, ~~to be forwarded~~ to the zoning commission within forty-five (45) days from the date of submittal of the designation request by the historic preservation officer. ~~The recommendation shall be made by a two-thirds (2/3) affirmative vote of the members present.~~ Upon submittal of the historic and design review commission's recommendation, the proposed historic district or landmark designation shall be submitted to the zoning commission for its review recommendations along with its finding of ~~"historic exceptional" or "historic significant."~~ historic significance. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission recommendation to be held within sixty (60) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) days of council's receipt of such recommendation. Upon passage of any ordinance designating a historic landmark, or removing or upgrading the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

(c) Resources Not Designated by Initial Ordinance.

(2) Uninventoried Resources. As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the ~~historic and design review commission~~ Office of Historic Preservation on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of section 35-607. For such inventories, the ~~commission~~ Office of Historic Preservation shall rate the resources as ~~exceptional, significant, not significant or not rated~~ based on integrity and/or significance. Those buildings, objects, sites or structures found by the board to meet the criteria for ~~exceptional or significant~~ historic landmarks shall be recommended for designation following the procedures in subsection (a) of this section. The city, including the Office of Historic Preservation, shall require an inventory of resources in the extraterritorial jurisdiction as part of the master development plan process and the subdivision letter of certification process within the area subject to the MDP or subdivision

application unless the Office of Historic Preservation determines, after an initial review, that such an inventory is not required.

(3) Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the historic preservation officer, following an initial investigation of the resource, shall refer the matter to the historic and design review commission for a detailed study, review, and official ~~determination~~ recommendation of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this chapter.

(h) Changes in Evaluation. The historic and design review commission may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for ~~significant or exceptional~~ historic designation based on all documentation provided, the historic and design review commission may recommend a change in designation. Following the same procedures set forth herein in subsection (a) of this section for designation, the city council may change a designation upon recommendation of the historic and design review commission.

Amendment - 4

Sec. 35-607. - Designation Criteria for Historic Districts and Landmarks.

~~(a) Process and Criteria for Considering Designation of Historic Districts and Landmarks.~~

~~(1) The first step in the designation process is to apply the criteria which follow standards set forth by federal, state, and city regulations for evaluating cultural properties. These criteria are to assure that resources are preserved through restoration and adaptive use and to provide that conservation and development interests can consider resources early in the planning process.~~

~~(2) The criteria applied to evaluate properties for inclusion in the National Register designation guidelines shall be followed as a guide for evaluating cultural resource properties.~~

~~(3) The criteria applied to evaluate properties for inclusion in the National Register designation guidelines shall be applied for evaluating the designation of historic districts and historic landmarks, substituting the importance of the resource to San Antonio and Texas rather than the importance to the nation as a whole. As with federal regulation, these criteria are intentionally worded to provide for the diversity of historic resources within the city.~~

Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection b and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least 3 of the criteria listed. Historic districts shall consist of at least two or more structures within a legally defined boundary that meet at least 3 of criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.

~~(b) Initial Evaluation. To qualify for initial evaluation of a historic district or landmark, at least one (1) of the following criteria shall be met:~~

~~(1) Its value as a visible reminder of the cultural heritage of the community, or national event;~~

~~(2) Its location as a site of a significant local, county, state, or national event;~~

~~(3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;~~

~~(4) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;~~

~~(5) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;~~

~~(6) Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;~~

~~(7) Its unique location or singular physical characteristics that make it an established or familiar visual feature;~~

~~(8) Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;~~

~~(9) Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; and~~

~~(10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.~~

~~(c) Final Evaluation. When one (1) or more of the above criteria is met, the second step in the designation process shall consider the following criteria:~~

~~(1) For Architectural and Historic Resources.~~

~~A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;~~

~~B. Properties which are determined to contribute to a San Antonio historic district;~~

~~C. Buildings, objects or structures which constitute a particular or unique example of an architectural type or historic period;~~

~~D. Architectural curiosities, one of a kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by or internationally known architects or master builders and important works by minor ones; and~~

~~E. Resources associated with family persons important to the history of San Antonio.~~

~~(2) For Cultural Resources.~~

~~A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty five (25) years;~~

~~B. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;~~

~~C. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;~~

~~D. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period; and~~

~~E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines.~~

~~(3) Significant to the Environment of the City.~~

~~A. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;~~

~~B. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;~~

~~C. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location;~~

~~D. Resources that contribute significantly to the historic character of the scene, reinforcing the architectural value of a more important structure or resource;~~

~~E. Resources and structures which establish a neighborhood identity by creating a continuity within a area by reinforcing a cluster or significant buildings or the river scene; and~~

~~F. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.~~

(b) Criteria For Evaluation.

1. Its value as a visible or archeological reminder of the cultural heritage of the community, or national event;
2. Its location as a site of a significant local, county, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
4. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
6. Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
7. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
9. Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development;
10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States;
12. It is an important example of a particular architectural type or specimen;

13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;
14. It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest;
15. It represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area; or
16. It is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

Properties Eligible for Designation include the types of properties listed below:

1. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
2. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by internationally known architects or master builders and important works by minor ones;
3. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
4. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
5. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
6. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period;

7. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines;
8. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
9. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
10. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location; or
11. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, including special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

Amendment - 5

Sec. 35-608. Criteria for Certificate of Appropriateness and Conceptual Approval - Generally.

(a) In reviewing an application for a certificate of appropriateness, the historic and design review commission shall consider the current needs of the property owner. The historic and design review commission shall also consider whether the plans will be reasonable for the property owner to carry out. Where city council has adopted specific design guidelines for the district, no application shall be recommended for approval, or approved, unless the proposed application is consistent with the design guidelines. Proposed developments shall comply with the design guidelines in addition to the criteria set forth throughout this chapter; provided, however, to the extent that there is any inconsistency between a provision of section 35-608 to 35-613 and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for a historic district, the proposed development shall conform to the criteria set forth in sections 35-608 to 35-613 of this chapter.

(b) Conceptual approval is the review of general design ideas and principles (such as scale and setback). Specific design details reviewed at this stage are not binding and may only be approved through a certificate of appropriateness for final approval.

Amendment - 6

Sec. 35-609. Criteria for Certificate of Appropriateness - New construction.

In considering whether to recommend approval or disapproval of an application for a certificate for new construction ~~in a historic district~~, the historic and design review commission shall be guided by the National Park Service (NPS) Guidelines, ~~and~~ by the compatibility standards set forth below, and any district specific guidelines adopted pursuant to the Unified Development Code and this article. In making recommendations affecting new buildings or structures which will have more than one (1) important facade, such as those which will face both a street and the San Antonio River, the historic and design review commission shall consider the visual compatibility standards below with respect to each facade as well as the visual impact on nearby historic resources.

Amendment - 7

Sec. 35-610. Certificate of Appropriateness - Alteration, Restoration, and Rehabilitation.

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation in addition to any specific design guidelines ~~included in this subdivision~~, adopted pursuant to the unified development code and this article. Non-public interior spaces are exempt from the authority of this Section. The only interior spaces to be considered for review and therefore not exempt, are those publicly owned spaces that are, or were, accessible to the public (lobbies, corridors, rotundas, meeting halls, courtrooms), and those spaces, both public and privately owned, that are individually designated and are important to the public because of any significant historical, architectural, cultural or ceremonial value.

Amendment - 8

Sec. 35-611. ~~Ordinary Repair and Maintenance;~~ Certificate of Appropriateness - Administrative Approval.

~~Those activities which constitute ordinary repair and maintenance include but are not restricted to:~~

- ~~(a) Repair using the same material and design as the original;~~
- ~~(b) Repainting, using the same color;~~
- ~~(c) Reroofing, using the same type and color of material; and~~
- ~~(d) Repair of sidewalks and driveways using the same type and color of materials.~~

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to:

Ordinary Repair and Maintenance

- a) repair using the same material and design as the original and does not require structural modifications
- b) repainting, using the same color
- c) reroofing, using the same type and color of material
- d) repair of sidewalks and driveways using the same type and color of materials

Exterior Alterations

Doors/Entrances

- a) from non-historic to one in keeping with the character and era in which the home was built
- b) removal of burglar bars
- c) repair or slight modification to exterior steps or stairways using in-kind material
- d) reopening of porch with proper photo documentation or physical evidence

Windows

- a) removal of non-historic windows to replace with windows that match the original windows as closely as possible in material and design
- b) restoring original window openings with documentation
- c) removal of residential metal awnings
- d) repairing window framing
- e) removing inappropriate exterior shutters that are not of historic age
- f) louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels
- g) removal of burglar bars

Siding

- a) removing non-historic siding in order to unencapsulate historic siding materials

Roofing

- a) removal of composite roof shingles and replacing with clay tiles with documentation
- b) removal of composite roof shingles and replacing with metal roofing material with documentation and specifications
- c) changing color of composite roofing material
- d) changing color of existing metal roof with appropriate specifications and details

Additions

- a) any rear addition under 200 Sq. Ft. using same (Non-Historic) material as existing structure as well as existing roof ridgeline for non-contributing structures; must include plans with specification

Painting

- a) reasonable changes to paint colors on previously painted surfaces which are consistent with the district or landmark characteristics.
- b)
- c) paint removal/pressure water washing/graffiti removal

Landscaping

- a) replacing paved areas with sod or other landscaping
- b) 50% or less square feet of front yard replacement
- c) sprinkler system with site map
- d) back yard landscaping
- e) removal of existing landscaping or sod areas and replacing with xeriscaping where not removing character defining landscaping elements
- f) new plantings in keeping with the character of neighborhood

Hardscaping with site map and specifications

- a) parking pads under 144 square feet
- b) sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)
- c) driveway construction if less than 12 feet in width and consistent with guidelines
- d) parking with appropriate landscaping (non-historic properties)

Fencing

- a) removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, or masonry
- b) replacing or recreating any fence or handrail with historic document

- c) installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front façade plane of historic structure) with appropriate materials

Signage

- a) changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area
- b) signs that are consistent with HDRC approved master signage plans
- c) temporary banners or signs where allowed by this Article
- d) signs that comply with UDC Sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.

New Construction

- a) rear ADA ramps
- b) rear porch
- c) rear deck
- d) swimming pools, fountains in back yard

Demolition

- a) non-historic accessory structure that is made of non-historic materials
- b) non-historic additions that are made of non-historic materials
- c) reopen enclosed porch
- d) carports that are made of non-historic materials
- e) non-contributing structures located in historic district that are made of non-historic materials

Miscellaneous

- a) reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics
- b) renewal of expired Certificates of Appropriateness
- c) removal of any prohibited element described in City Code
- d) minor changes to existing Certificates of Appropriateness
- e) emergency installation of temporary features to protect a historic resource or to weatherize or stabilize
- f) foundation
- g) mechanical units
- h) exterior electrical
- i) exterior plumbing
- j) exterior electrical fixtures
- k) antennas
- l) glass replacement
- m) dumpsters with screening
- n) lighting

- o) rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the Historic Preservation Officer.

Amendment - 9

Sec. 35-612. Signs and Billboards.

(a) General Provisions.

(1) All signage within a historic district or on a designated historic landmark shall conform to all city codes and must have approval of the historic and design review commission prior to installation unless the application is for an administrative certificate of appropriateness. Permits must be obtained following the historic and design review commission's ~~approval recommendation for approval of a certificate application and recommendation to the office of historic preservation.~~

(2) Signs should respect and respond to the historic character and period being preserved.

(3) Special consideration should be given to the character of the sign itself, and whether the proposed sign has inherently historic characteristics which may fall outside of the guidelines presented below but which would contribute to the historic district or landmark for which it is being proposed.

(b) Proportion of Signs. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

(c) Number and Size of Signs.

(1) For buildings housing one (1) business or service with a public entrance to that business, one (1) major sign and (2) minor signs ~~per facade with a public entrance to that business on a single facade~~ shall be permitted in historic districts and on designated historic landmarks. A facade shall be considered the entire area of a building elevation extending from the roof or parapet to the ground and from one corner of the building to another including the entire building walls, recessed, wall faces,

parapets, fascia, windows, doors, canopy, and all other components that make one (1) complete architectural elevation.

(2) For buildings housing more than one (1) business or service, the historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or his agent develop a master signage plan or signage guidelines for the total building or property.

(3) For buildings located in a historic district and for all designated landmarks, the total area of signage shall not exceed ~~thirty six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per building.~~ Proposed signage shall be in proportion to the façade it shall be placed on, however, However, in cases where the applicant clearly demonstrates a need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve recommend approval of additional signage. This provision does not apply to districts and landmarks in River Improvement Overlay districts, which shall be guided by 35-678.

(4) For all buildings in a historic district and for all designated landmarks, signs are allowed only for those occupancies that have a separate and distinct public entrance. ~~Signs are allowed only on those building facades (as described in subsection 35 612(c)(1) with a public entrance to the business. Total signage allowances are per facade (as described in subsection 35 612(c)(10)) only. Signage allowances cannot be transferred from one facade (as described in subsection 35 612(c)(1)) to another.~~

(5) The sign area shall be determined in the following manner:

A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or the displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.

B. Three-Dimensional Signs. For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object that can be enclosed.

C. Channel Letter Signs. For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.

(d) Prohibited Signs.

- (1) Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks;
- (2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- (4) Any sign which does not identify a business or service within the historic district or historic landmark;
- (5) Any sign which is abandoned, as defined by Chapter 28 of the city code, ~~for more than six (6) months~~ or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- (7) Roof mounted signs, except in the cases of landmark signs or unless approved by the historic and design review commission in accordance with standards set forth in subsections (b) and (c) of this section. Historic roof mounted billboards may be resurfaced provided that the billboard was legally erected and is registered with the planning and development services department. The square footage of roof mounted signs would be included in the total allowable signage for the building;

(e) Incidental Signs. Allowable incidental signs, including, but not limited to, signs designating business hours, and street numbers, or the acceptance of certain forms of payment, shall be kept to a minimum and conform to standards outlined in this article. and However, such incidental signs shall not be included in the total allowable ~~per facade signage~~ per structure.

(f) Menu Boards. Menu boards shall not exceed three hundred sixty (360) square inches. Permanently displayed menus may be properly installed inside the business' window or in a historic and design review commission approved wall-mounted or freestanding display case adjacent to the business entrance. There may be no more than one (1) menu board per establishment. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.

(g) Special Purpose Signs. All special purpose signs shall be ~~approved~~ reviewed by the historic and design review commission and shall be removed within thirty (30) days from the date of ~~historic and design review commission~~ approval unless otherwise specified in the approval by the historic and design review commission. If within the specified period the applicant feels there is a continued need for the

special purpose sign, they shall schedule a hearing with the historic and design review commission to request additional display time.

(n) Installation. Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, painted or taped to any portion of a building, object, site or structure visible from the public right-of-way.

(o) Violations. In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the department of planning and development services shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Historic Preservation Officer may request that the department of planning and development services ~~may~~ file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(p) Standards for Sign Design and Placement. In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the following standards in addition to any specific design guidelines included within this subdivision.

(1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall historic characteristic of the district and structure.

(2) Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.

(3) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage ~~per facade per structure~~. In buildings housing more than one (1) business, the historic and design review commission may recommend directory signage. In the cases of signs with more than one (1) sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.

(8) Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions shall be awarded nonconforming status upon review of all necessary city departments.

Amendment - 10

Sec. 35-613. Relocation of a Landmark or Property Located in a Historic District.

(a) In considering whether to recommend approval or disapproval of a certificate application to relocate a building, object or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the following considerations:

- (a) (1) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
- (b) (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- (c) (3) Whether the building, structure, or object can be moved without significant damage to its physical integrity;
- (d) (4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.
- (5) Balancing the contribution of the property to the character of the historic district with the special merit of the application.

(b) Should an application to relocate a building, object or structure be approved, the Historic Preservation Officer shall ensure that the new location is already zoned historic or shall review whether such location should be designated.

(c) The historic preservation officer may approve applications for relocation for properties deemed noncontributing to the historic character of a Historic District.

Amendment - 11

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) ~~Exceptional Historic Landmark. No certificate shall be issued for demolition of an exceptional historic landmark unless the applicant demonstrates to the satisfaction of the historic and design review commission clear and convincing evidence that an unreasonable economic hardship would be imposed on the applicant if the application for a certificate is disapproved.~~

~~(2) Significant Historic Landmark. No certificate shall be issued for demolition of a significant historic landmark unless the applicant demonstrates to the satisfaction of the historic and design review commission a preponderance of clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship in the case of a significant historic landmark, the applicant may provide to the historic and design review commission additional information which may show unusual and compelling circumstances regarding loss of significance as provided is subsection (c) (3) in order to receive a historic and design review commission recommendation for a certificate for demolition of the significant historic landmark.~~

~~(3) (2) Entire Historic District. If the applicant wishes to demolish an entire designated historic district, he has to provide to the satisfaction of the historic and design review commission, clear and convincing evidence of economic hardship on the applicant if the application for a certificate is to be approved.~~

~~(4) (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 to the satisfaction of the historic and design review commission a preponderance of 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 to the historic and design review commission additional information which may show unusual and compelling circumstances regarding loss of significance as provided is subsection (c) (3) in order to receive a historic and design review commission recommendation for 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. When a claim of unreasonable economic hardship is made due to the effect of this article, the owner must prove that he cannot realize a reasonable rate of return upon the value of his property. 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:~~

~~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 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. The historic and design review commission shall apply the test utilized by the Supreme Court of Texas in construing Article I, Section 17 of the Constitution of the State of Texas, 1876, as amended, in determining the existence of an unreasonable economic hardship. The owner shall submit, by affidavit to the historic preservation officer for transmittal to a constituted committee of the historic and design review commission for evaluation and recommendation to the full historic and design review commission, at least the following information:~~

~~A. The assessed value of the land and improvements thereon according to the two (2) most recent assessments, including any appeal adjusting value temporarily;~~

- ~~B. Real estate taxes for the previous five (5) years;~~
- ~~C. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;~~
- ~~D. Annual debt service, if any, for the previous five (5) years;~~
- ~~E. All appraisals obtained within the previous five (5) years by the owner or applicant in connection with his purchase, financing or ownership of the property;~~
- ~~F. Any listing of the property for sale or rent, price asked and offers received; if any;~~
- ~~G. Any consideration by the owner as to profitable adaptive uses for the property;~~
- ~~H. Replacement construction plans for the landmark in question;~~
- ~~I. Financial proof of the ability to complete the replacement project 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;~~
- ~~J. The current fair market value of the property, as determined by at least two (2) independent appraisals made by appraisers with competent credentials.~~
- ~~K. 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.~~

~~(4) Additional Criteria for Income Producing Properties. In addition, if the property is income producing:~~

- ~~A. Annual gross income from the property for the previous five (5) years;~~
- ~~B. Itemized operating and maintenance expenses for the previous five (5) years, including proof that adequate and competent management procedures were followed;~~
- ~~C. Annual cash flow, if any, for the previous five (5) years; and~~
- ~~D. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.~~

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 most recent tax assessments;
- v. The amount of real estate taxes on the structures and property for the previous two 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 years;
- viii. All appraisals obtained by the owner or applicant within the previous two 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 years.

B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two years;

- ii. Itemized operating and maintenance expenses for the previous two years; and
- iii. Annual cash flow, if any, for the previous two 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 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.

~~(5) Low Income Homeowners.~~ 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 ~~required~~ 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 ~~shall~~ may request that an appraisal be made by the city.

~~(c) Unusual and Compelling Circumstances and Demolition of a Significant Historic Landmark.~~ Loss of Significance. When an applicant fails to prove unreasonable economic hardship ~~in the case of a significant historic landmark,~~ 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 certificate ~~as to the demolition of the significant historic landmark.~~ The historic and design review commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- ~~(1) The historic or architectural significance of the building, object, site, or structure;~~
- ~~(2) The importance of the building, object, site, or structure to the integrity and character of a historic district;~~

- ~~(3) The importance of the building, object, site, or structure as part of a cluster within the historic district;~~
- ~~(4) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;~~
- ~~(5) Whether the building, object, site, or structure is one (1) of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;~~
- ~~(6) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in subsection 35-803(b) of this chapter as well as the economic impact of the new development;~~
- ~~(7) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect; and~~
- ~~(8) Whether reasonable measures can be taken to relocate the building, object, structure to a new site.~~

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 established by a preponderance of the evidence 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 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, ~~or~~ 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, 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. Fees shall be as follows and are in addition to any fees charged by Planning and Development Services:

- 0 – 2500 square feet = \$2000.00
- 2501 – 10,000 square feet = \$5000.00
- 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

(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.

Amendment - 12

Sec. 35-615. Prevention of Demolition by Neglect.

~~(a) Applicability. All historic landmarks and all buildings, objects, sites, and structures found to have historical significance or located in a historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control, in keeping with the city's minimum housing standards, shall repair such building, object, site, or structure if it is found to have any of the following defects:~~

~~(1) Deteriorated or Inadequate Foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;~~

~~(2) Members of Walls. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;~~

~~(3) Members of Ceilings/Roofs. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;~~

~~(4) Fireplaces/Chimneys. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;~~

~~(5) Weather Protection. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building which renders same structurally unsafe or not properly watertight.~~

In keeping with the city's minimum housing standards, the owner, or other person having legal custody and control of a designated historic landmark or structure in

a local historic district shall preserve the historic landmark or structure against decay and deterioration and shall keep it free from any of the following defects:

(1) Parts which are improperly or inadequately attached so that they may fall and injure persons or property;

(2) Deteriorated or inadequate foundation;

(3) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed safely;

(4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed safely;

(5) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed safely;

(6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;

(7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;

(8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or

(9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.

(b) Compliance With Housing Codes. The owner or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (a) of this section. In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

(c) Enforcement.

(1) The historic preservation officer and the historic and design review commission are authorized to work with a property owner

to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

(2) The historic and design review commission, on its own initiative, or the Historic Preservation Officer may file a petition with ~~the director of code compliance~~ requesting that ~~he~~ the city proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.

(2) (3) Penalties.

(i) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the city of San Antonio in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead. The city of San Antonio may by order assess and recover any such civil penalties against a property owner at the time of an administrative hearing regarding the violations provided the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements and, after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. The city clerk shall file with the district clerk of Bexar County a certified copy of any order issued under this subsection stating the amount and duration of the penalty.

(ii) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in the municipal ordinances of San Antonio.

(iii) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of all applicable city codes.

(iv) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the director of code compliance of

building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of ~~two (2)~~ five (5) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

Amendment - 13

Sec. 35-617. Public Safety Hazards and Emergency Securing Measures.

(a) No structure designated a landmark or located within a historic district may be demolished in whole or in part as a hazard to public safety until the historic preservation officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and ~~the historic and design review commission~~ Historic Preservation Officer has had an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

(b) ~~After~~ If emergency measures are undertaken, the city historic preservation officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the historic and design review commission shall make a recommendation for an order for demolition. When applicable, a recommendation about the feasibility of rehabilitation shall be made by ~~the historic and design review commission~~ based upon a report from the city historic preservation officer and after consultation with the city attorney's office.

Amendment - 14

Sec. 35-618. Tax Exemption Qualifications.

(a) Assessed Valuation. In accordance with the provisions of this article, a building, site, or structure which meets the definition of a historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the historic and design review commission and approved by the city tax assessor-collector,

shall have an assessed value for ad valorem taxation as follows regardless of ownership during the granted time period:

(1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.

(2) A commercial property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

(3) A commercial property converted to a residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.

(b) Applicability. This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided:

~~(1) The the building shall comply with the applicable zoning regulations for its use and location; and~~

~~(2) The deed, grant, sale, bequest, devise or otherwise transfer of ownership in the property, except the donation of a historic easement on an exempt structure which donation shall qualify as a charitable contribution under section 170(f)(3) of the Internal Revenue Code and its regulations as now exist or as they may hereafter be amended, shall cause the exemption provided herein to terminate on the last day of the tax year on which such transfer occurs.~~

(c) Application. Application for a historic structure preservation tax exemption pursuant to this division is to be filed with the ~~historic and design review commission~~ Office of Historic Preservation. The ~~historic and design review commission~~ Historic Preservation Officer shall be the agent of the city for the purposes of administering this division provided that the Historic Preservation Officer request a recommendation from the Historic and Design Review Commission. Each application shall be signed and sworn to by the owner of the property and shall:

(1) State the legal description of the property proposed for certification;

(2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;

(3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;

(4) Include a statement of costs for the restoration or rehabilitation work;

(5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;

(6) Authorize the members of the historic and design review commission, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;

(7) Include a detailed statement of the proposed use for the property; and

(8) Provide any additional information to the historic and design review commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

(d) Certification.

(1) Historic and Design Review Commission Certification. Upon receipt of the owner's sworn application, ~~together with a fee as specified in Appendix "C" of this chapter,~~ the historic and design review commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the historic and design review commission's documentation for recommendation of either approval or disapproval of the application for exemption.

(2) Tax Assessor-Collector Approval. Upon receipt of the certified application for tax exemption as well as the recommendation of the historic and design review commission, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

(e) Verification of Completion. ~~Ownership at the time of verification shall be the same as at the time of application.~~ Upon completion of the restoration and rehabilitation, together with a fee as specified in Appendix "C" of this chapter, the owner, who may not be the same as at the time of application, shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the historic and design review commission. The historic and design review commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall recommend approve or disapprove either approval or disapproval of the fact that the property has been substantially completed as required for certification. If the historic and design review commission determines recommends that it has not been substantially completed as so

required, then the certified applicant ~~shall~~ may be required by the Historic Preservation Officer to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the historic and design review commission shall recommend approval and the Historic Preservation Office may notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

(g) Eligibility.

(1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by ~~one (1) of the following:~~

~~A. Sale of the property; or~~

~~B. If designation status is being removed pursuant to subsection 35-606(g) of this article.~~

(2) An owner of a substantially rehabilitated historic residential property can choose between utilizing the three (3) tax exemptions outlined in subsections (a)(1), (f)(1), and (f)(3) (if after rehabilitation the property still qualifies as "residential" under the definition in Appendix "A" of this chapter) but can qualify for only one (1) of the three (3) rehabilitation tax exemptions for each substantial rehabilitation. ~~Once one (1) rehabilitation exemption is effective, neither of the others is ever available for that specific property.~~

(3) The tax exemption established in subsection (f)(2) of this section is still effective even if the property is receiving one (1) of the four (4) residential or commercial rehabilitation tax exemptions (subsections (a)(1), (a)(2), (f)(1), or (f)(3) of this section). Applicants may lose any tax exemptions granted in association with the property if any unauthorized demolitions, alterations, or relocation of the structure occurs without a proper certificate of appropriateness being issued beforehand, or if work fails to conform to the original scope of work submitted to the Office of Historic Preservation and approved during the certification process.

~~Secs. 35-619 to 35-629. Reserved~~

Sec. 35-619. Non-Contributing Structures.

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 30 days of deeming the application complete. The historic preservation officer may, at his or her discretion, present the form to the historic and design commission for their recommendation.

Secs. 35-620 to 35-629. Reserved

Amendment - 15

DIVISION 3. - ARCHAEOLOGICAL SITES AND CEMETERIES

For purposes of this division, the Historic Preservation Officer may consult with the City Archaeologist when evaluating or reviewing under any of the sections below.

Sec. 35-630. - Designated Archaeological Sites.

- (a) Designated archaeological sites shall be treated as any other exceptional or significant resource and shall be reviewed by the Historic Preservation Office, in consultation with the City Archaeologist and the historic and design review commission following the procedures set forth in sections 35-608 to 35-613 of this article.
- (b) Owners of property containing designated archaeological sites are encouraged to educate the citizens of San Antonio regarding archaeological components of the site and shall coordinate any efforts with the Office of Historic Preservation.

Amendment - 16

Sec. 35-631. - Inventoried Archaeological Sites.

- (f) Upon completion of a survey, owners of property containing inventoried archaeological sites are encouraged to educate the citizens of San Antonio regarding archaeological components of the site and shall coordinate any efforts with the Office of Historic Preservation.

Amendment - 17

Sec. 35-645. - Signs and Billboards.

(d) Special Purpose Signs. All special purpose signs shall be approved by the historic and design review commission require a certificate of appropriateness and shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the property owner feels there is a continued need for the special purpose sign, he shall request additional display time. Non-governmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this chapter and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way.

Amendment - 18

Sec. 35-673. Site Design Standards.

(d) Riverside Setbacks. Riverside setbacks for both buildings and accessory structures are established to reinforce the defined character of the specific river improvement overlay district and help to define an edge at the river pathway that is varied according to the relationship of the river and the street. In the more urban areas, buildings should align closer to the river edge, while in more rural areas the buildings should be set farther away.

(1) Setback requirements are per the following Table 673-1.

Table 673-1
TABLE INSET:

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Riverside Setback *	20 ft.	15 ft.	0 ft.	20 ft.	50 ft.	100 ft.

* Along the riverside, ~~the setback is measured from the inside edge of the riverside property line. If the property line is located below the top of bank, the setback will be measured from the top-of-bank.~~

(2) Designation of a development node district provides for a minimum ~~maximum~~ riverside setback of zero (0) feet.

(i) Street Furnishings. Street furnishings are exterior amenities, including but not limited to, tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and similar items that help to define pedestrian use areas. Handcrafted street furnishings are particularly important in San Antonio, and therefore this tradition of craftsmanship and of providing street furniture is encouraged.

(1) Prohibited Street Furnishings in Riverwalk Area of ~~"RIO-2"~~ and ~~"RIO-3"~~. The following street furnishings are prohibited within the publicly owned portion of the river, whether or not the property is leased, and on the exterior of the riverside of buildings directly adjacent to the publicly owned portion of the river:

A. Vending machines.

B. Automatic teller machines.

C. Pay phones.

D. Photo booths.

E. Automated machines such as, but not limited to, penny crunching machines, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.

F. Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animal, cartoon or human figure. This section does not affect public art as defined in Appendix "A" of this chapter.

(2) Street Furnishing Materials.

A. Street furnishings shall be made of wood, metal, stone, terra cotta, cast stone, hand-sculpted concrete, or solid surfacing material, such as Corian or Surell.

B. Inexpensive plastic resin furnishings are prohibited ~~in~~ ~~"RIO-3"~~, but are permitted in all other districts.

(3) Advertising on Street Furnishings.

A. No commercial logos, trademarks, decals, product names whether specific or generic, or names of businesses and organizations shall be allowed on street furnishings ~~within "RIO 3".~~

B. Product or business advertising is prohibited on all street furnishings.

C. Notwithstanding the restrictions above, applications may be approved for purposes of donor or non-profit recognition.

Amendment - 19

Sec. 35-678. Signs and Billboards.

(a) General Provisions.

(1) All Signage Shall be Subject to Approval of the Historic and Design Review Commission. All signage ~~within "RIO 1", "RIO 2", "RIO 3", "RIO 4", "RIO 5", and "RIO 6" a RIO district, in a designated historic district, or on a designated historic landmark~~ shall conform to all city codes and must have approval of the historic and design review commission prior to installation. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the office of historic preservation. Signs should respect and respond to the ~~river improvement overlay district environment and landmark or district~~ character in which it is constructed.

(2) All Signage on Property Abutting the River Shall Conform in Particular to Subsection 35-678(p). All signage on the riverside of property abutting the river shall conform to all city codes, but in particular shall conform to subsection 35-678(p), below. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the office of historic preservation. Signs should respect and respond to the river improvement overlay districts character and the historic Riverwalk, ~~generally defined as those areas included in the Robert H. Hugman drawings, in particular.~~

(c) Number and Size of Signs.

(1) Buildings Housing One (1) Business. For buildings housing one (1) business or service, one (1) major sign per facade (as per subsection 35-612(c)(1)) with a public entrance to that business and two (2) minor signs shall be permitted in river improvement overlay districts.

(2) Buildings Housing More Than One (1) Business. For buildings housing more than one (1) business or service, the building owner shall develop and submit a master signage plan or signage guidelines for the total building or property prior to the issuance of final approval for a certificate of appropriateness for signage. The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.

(3) Square Footage of Signs. For buildings located in the river improvement overlay districts, the total area of signage shall not exceed ~~thirty six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed~~ fifty (50) square feet total per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.

(p) Signs on the Riverside of Properties Abutting the River

(2) Standards for Signage

B. Size. The maximum allowable size for any sign on the riverside of property abutting the publicly owned Riverwalk and visible from the Riverwalk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet. However, additional square footage may be approved provided that the additional signage is in conformity, and does not interfere with, the pedestrian experience on the Riverwalk. The additional square footage shall be based upon the size and scope of the site.

Sec. 35-803. Historic and Design Review Commission.

(a) Appointment. The historic and design review commission (~~historic and design review commission~~) is hereby established. The historic and design review commission shall consist of eleven (11) members who reside in the City of San Antonio and are appointed by the city council.

(b) Duties and functions. The commission shall serve to assist in an advisory capacity to the City of San Antonio directors of parks and recreation, planning and development services, code compliance, public works, arts and cultural affairs, office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

(1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;

(2) To investigate and recommend through the city zoning commission the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;

(3) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the Riverwalk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;

(4) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;

(5) To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and

works of art for each historic district, each landmark, in the Riverwalk area, and for public property and public rights-of-way;

(6) To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;

(7) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;

(8) To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the Riverwalk area, or public property;

(9) To review all proposed National Register nominations within the City of San Antonio upon recommendation of the city's historic preservation officer;

(10) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;

(11) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;

(12) To review periodically the zoning ordinance of the City of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;

(13) To create committees of no more than ~~seven~~ ~~(7)~~ four (4) persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission;

(14) To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission; and

~~(15) To select four (4) members from within the historic and design review commission who shall serve on the public art~~

~~committee and shall have the responsibilities included in the public art and design enhancement program under article VI, division 5, subsection 35-652(e).~~

(c) Composition and Qualifications. In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, specifically 13 TAC 15.6(f)(3)(C), so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."

(1) Composition. Composition shall be from three (3) categories of members from the following disciplines or backgrounds:

A. One (1) representative shall be selected from each of the following disciplines: architecture (licensed in the State of Texas), history, architectural history, archaeology, and planning. Memberships from these five (5) disciplines are required in order to achieve compliance with the U.S. Historic Preservation Act, as well as applicable Texas law.

B. One (1) representative from each of the following disciplines: landscape architecture (licensed in the State of Texas), and a professional in the field of public art or art history. Membership from these two (2) disciplines are required to provide design expertise related to the Riverwalk and public art.

C. Four (4) individuals in business/professional categories which shall include disciplines and backgrounds in real estate/commercial development, economic development, law, banking or accounting, or civil engineering and in a general category which shall include experience or background in urban design, visual arts, public art, neighborhood representation, or design enhancements, or who shall be a citizen-at-large.

Members of the commission shall represent the general ethnic and gender makeup of the community. ~~The city council shall have the authority to remove any member for good cause.~~ All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.

(2) Appointment. The mayor and city council will each appoint one (1) member of the commission to complete category representation.

(3) Terms of members. ~~Members of the commission shall serve a two-year term not to exceed three (3) consecutive terms.~~ Members are appointed for a term of office of two (2) years. The term of office for each board or commission member will run concurrently with the terms of office of the city council that appoints each member. Any vacancy shall be filled for the remainder of the term by the city council.

(e) Election of Officers. Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term.

(j) Quorum. A quorum of the commission shall require six (6) members present. The affirmative votes of ~~two-thirds (2/3)~~ a majority of the members present is required for action, except in the case of an application for demolition which shall require a 2/3 majority of the members present for a recommendation of approval.

Amendment - 21

Sec. 35-804. City Historic Preservation Officer.

~~The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:~~

- ~~(a) To coordinate with the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.~~
- ~~(b) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.~~
- ~~(c) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.~~
- ~~(d) To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(e) To maintain and hold open for public inspection all record pertaining to the provision of historic and design regulations as provided for in article VI and article III (Riverwalk)~~
- ~~(f) To review, approve or deny applications for building and demolition permits required by section 35-108.~~
- ~~(g) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.~~
- ~~(h) To administratively approve certain certificates of appropriateness for ordinary maintenance, repair and administrative review on routine matters of historic preservation or design review.~~
- ~~(i) To convene special, called meetings of the architectural subcommittee of the historic and design review commission when development projects over five thousand (5,000) square feet merit committee consideration and advice prior to the historic and design review commission meeting.~~

Sec. 35-804. Reserved.

Amendment - 22

Sec. 35-805. Planning Department and Administration.

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and planning and development services, and the Historic Preservation Officer shall ordinarily administer and enforce the provisions of this chapter. The director of planning and development services shall serve as staff to the planning commission, zoning commission, and the city council except where otherwise provided by this chapter. ~~The director of planning shall serve as a regular advisor to the planning commission.~~

Amendment - 23

Sec. 35-403. Notice Provisions.

**Table 403-1
Notice Requirements
TABLE INSET:**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Type of notice	Amendments to Master Plan	Rezoning	Master Development Plan	Appeals to Board of Adjustment	Variations From and/or Granting of Special Exceptions by the Board of Adjustment	Subdivision Plat, Major	Subdivision Plat, Minor	Certificate of Appropriateness (Not including administrative approval certificates)	Permits, Orders or Approvals not Mentioned Requiring Public Hearing	Request for Demolition of a Historic Landmark or Potential Historic Landmark
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	10 days	*	*	--	--	*	--
Mail: Written notice of the public hearing shall be sent.	--	*(1)(2)(3)	*(2)	*(1)(2)	*(1)(2)	*(1)(2)	(1)	—	*(1)	*(1)(2)
Internet: Post a copy of the notice on the city's Internet website until the proceeding has been completed.	*	*	*	*	*	*	*	*	*	*
Signage: Post a sign on the property	--	*(4), (5)	--	--	--	--	--	*	--	*

subject to the application. Signs to be installed and provided by the city (2)										
--	--	--	--	--	--	--	--	--	--	--

Amendment - 24

Sec. 35-644. - Ordinary Repair and Maintenance Certificate of Appropriateness – Administrative Approval.

Those activities which require a permit and constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Reroofing, using the same type and color of material; and
- (c) Repair of sidewalks and driveways using the same type and color of materials.

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to those listed in Section 35-611.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

Amendment - 25

Sec. 35-451. Certificate of Appropriateness.

- (a) Applications proposing work or changes to the exterior of a landmark or district designated historic shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to,

~~(a) Applicability. The provisions of this section apply to the following activities:~~

- ~~(1) Construction and reconstruction,~~
- ~~(2) Alteration, additions, restoration and rehabilitation,~~
- ~~(3) Relocation,~~
- ~~(4) Stabilization,~~
- ~~(5) Signage,~~
- ~~(6) Landscaping,~~
- ~~(7) Construction or reconstruction of a parking lot,~~
- ~~(8) Construction or reconstruction of an appurtenance,~~
- ~~(9) Acquisition or deaccessioning of artwork,~~
- ~~(10) Demolition, and~~
- ~~(11) Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right-of-way.~~

(c) Completeness Review. ~~The director~~ Historic Preservation Officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

(d) Decision.

~~(1) Commission Review. The commission shall make its written final recommendations to either approve, deny, or approve with stipulations the application within sixty (60) days after the historic preservation officer's receipt of the completed application, which Applications forwarded to the commission shall include all required materials and documents, from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and a certificate showing the filing date and the failure to take action on the application within sixty (60) days shall be issued by the director the city manager or her designee shall either approve, deny or approve with conditions the application within 5 days of upon consultation with the historic preservation officer on the applicant's demand. The sixty-day time period may be extended up to three additional times, with each time not exceeding 30 days, with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. Such extension shall suspend the running of the sixty day period within which the commission is required to make its recommendation.~~

(2) City Manager Review. Upon receipt of the recommendation by the commission, the city manager or designee ~~shall~~ may implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the Historic Preservation Officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on the criteria established by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and was considered by the commission in the determination as to issuance or denial of any certificate.

(3) Appeal. An applicant for a certificate may appeal the decision of the city manager or designee to the board of adjustment within thirty (30) days after receipt of notification of the city manager's action. The applicant shall be advised by the city manager or designee of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission, the report of the commission, and any other matters presented at the hearing on the appeal. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the city manager or designee shall immediately advise the applicant and the commission in writing.

(f) Subsequent Applications. In the case of disapproval of an application by the board of adjustment, a new application for the same work shall not be resubmitted for consideration until one (1) year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions have been incorporated into the new application. The commission, by a ~~two-thirds (2/3)~~ majority of its membership, may waive the aforementioned time limitation if the

application presents new substantial evidence. If such waiver is granted, a new application shall be filed with the historic preservation officer.

(h) Scope of Approval. A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The Historic and Design Review Commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval of final design, defined as eighty (80) percent working drawings, and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.

Amendment - 26

Sec. 35-452. Certificate of Appropriateness for ~~Ordinary Repair and Maintenance~~ or Administrative Approval.

(a) Applicability. The provisions of this section apply to a certificate of appropriateness requesting ordinary repair and maintenance and certain minor alterations or additions reviewed and approved administratively.

(b) Initiation. Applications for a certificate of appropriateness to authorize ordinary maintenance and repair or certain minor alterations or additions reviewed and approved administratively shall be submitted to the historic preservation officer.

(c) Completeness Review. The ~~director of planning and development services~~ Historic Preservation Officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 27

Sec. 35-453. Permits Affecting Property Recommended by the Historic Design and Review Commission for Historic Designation.

- (a) Applicability. When an application is made on a building, object, site or structure recommended by the commission for designation as a historic landmark or of a building, object, site, structure or unimproved land located within an area recommended by the commission for designation as a historic district, the applicant shall follow procedures outlined in this subdivision until the final disposition of the recommendation by city council.
- (b) Initiation. The applicant may apply to the commission for review of a proposed project prior to final city council action on the designation request.
- (c) Completeness Review. ~~The director of planning and development services~~ Historic Preservation Officer shall review the application in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 28

Sec. 35-454. - Review of Plans for City-Owned Properties.

- (c) Completeness Review. ~~The director of planning and development services~~ Historic Preservation Officer shall review the plan review application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 29

Sec. 35-455. - Demolition Permit Applications.

(c) Completeness Review. The ~~director of planning and development services~~ Historic Preservation Officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

(d) Decision.

(1) Historic Landmarks. Whenever an application for a certificate regarding the demolition of an ~~exceptional or significant~~ a landmark ~~shall be~~ 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 ~~department of planning and development services~~ Office of Historic Preservation. This time period is intended to permit the city ~~HPO~~ Historic Preservation Officer to discuss the proposed demolition informally with the property owner, other city officials 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. The ~~city HPO~~ 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) Other Demolition Permits. If the property is not a historic landmark, contributing property, or an intrusion in the district, the ~~HPO~~ Historic Preservation Officer shall determine whether or not the building, object, site, or structure may have ~~historical~~ historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application and shall notify the director of planning and development services in writing. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is determined by the ~~city HPO~~ Historic Preservation Officer to have ~~historical~~ historic, cultural, architectural, or archaeological significance, the ~~HPO~~ Historic

Preservation Officer shall promptly make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend to the city council that the building, object, site, or structure be designated, as appropriate, ~~an exceptional or significant~~ as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.

(e) Approval Criteria. See article VI, section 35-614 of this chapter.

~~(1) Exceptional Historic Landmark. Should the applicant for a certificate regarding demolition of an exceptional historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(2) (1) Significant Historic Landmark. Should the applicant for a certificate regarding demolition of a significant 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 unusual and compelling circumstances~~ loss of significance which ~~dictate~~ 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.

~~(3) (2) Contributing Property. Should the applicant for certificate regarding demolition of a contributing property in a historic district 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 unusual and compelling circumstances~~ loss of significance which ~~dictate~~ dictates demolition of the property, approval of a certificate shall be made the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.

~~(4) (3) Property Deemed to be an Intrusion Into the District. In those cases in which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the~~

district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to granting recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

(i) Recording Procedures. (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark 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 HPO Historic Preservation Officer. Applicants shall also prepare for the HPO Historic Preservation Officer a salvage strategy for reuse of building materials deemed valuable by the HPO Historic Preservation Officer for other preservation and restoration activities.

Amendment - 30

Sec. 35-491. - Civil Enforcement.

(c) Penalties.

(3) Civil Penalties Regarding Article VI, Historic Preservation. The civil penalties for violation of any section or other part of article VI of this chapter is as follows:

C. If demolition, partial demolition, or relocation of a landmark or of any building, object, site or structure found to have significance or located in a historic district, or located in the river improvement overlay districts, or located on the publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then any permits on subject property will be denied for a period ~~of three (3)~~ five (5) years with the

exception of a permit to restore such structure or property after obtaining a Certificate of Appropriateness. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of ~~three (3)~~ five (5) years from and after the date of such demolition. No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition or removal. The Historic Preservation Officer shall cause to be filed a verified notice thereof of these penalties in the Real Property Records of Bexar County and all restrictions listed above shall be binding on future owners of the property for the time period specified. Additionally, in the case of an unauthorized demolition, partial demolition, or relocation that damages the building, object or structure, a fine shall be imposed in the amount of 90 percent of the fair market value of the cost of replacement or repair of such building, object or structure as allowed by state law. No future permits shall be issued until such fine is paid, regardless of any five (5) year deadline.

D. If demolition, partial demolition, or relocation of a landmark or of any building, object, site, or structure found to have significance or located in a historic district, or located in the river improvement overlay districts, or located on publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then the license of the company, individual, principal owner; or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.

Amendment - 31

Sec. 35-111. Updates for Amendments.

With the exception of amendments initiated by zoning commission, planning commission, board of adjustments, HDRC, city council, or other appropriate city board or council, amendments submitted during the update program shall be limited to the following:

3. Rule interpretation determinations (RIDs) are written policies and administrative interpretations made by the director of planning and development services or the Historic Preservation Officer for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.

Amendment - 32

Sec. 35-112. Administrative Official.

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and planning and development services, and the Historic Preservation Officer shall ordinarily administer and enforce the provisions of this chapter.

Amendment - 33

Sec. 35-C112. Historic Preservation Fees.

Fees for applications for changes to zoning district boundaries or for any change of the zoning ordinance shall be paid in accordance with all other zoning fees.

TABLE INSET:

(A) Application or Action	(B) Fee Amount
Historic Plaque Application Fee	\$10.00 per plaque
Certificate of Appropriateness (post work commencement)	\$500.00
Historic Design and Review Commission Application (Non Demo; Non Signage) (commercial projects only)	\$100.00
Historic Site Certification <u>Tax Exemption Verification</u>	\$40.00 \$75.00
<u>Demolition Application</u> (commercial projects)	<u>\$100.00</u>
<u>Demolition Application</u> (residential projects)	<u>\$50.00</u>

Signage Application	\$100.00
---------------------	----------

Amendment - 34

Sec. 35-A101. Generally.

Certificate of appropriateness. The certificate issued upon the recommendation of the director of planning by the historic preservation officer after review and final approval of the various applications required herein which must be submitted to the historic and design review commission and for applications for ordinary maintenance and repair which do not require commission approval. The official notice of action issued by the City Manager, or his or her designee, charged with the jurisdiction for permitting or denying the appropriateness of proposed Office of Historic Preservation applications, including changes or additions to historic structures or districts.

Amendment - 35

Sec. 35-672. - Neighborhood Wide Design Standards.

(a) Pedestrian Circulation. Pedestrian access shall be provided among properties to integrate neighborhoods.

(5) ~~In "RIO-3",~~ Pedestrian Access Along the Riverwalk Pathway Shall Not Be Blocked.

Amendment - 36

Sec. 35-674. - Building Design Principles.

(d) Materials and Finishes ~~in "RIO-3".~~ Masonry materials are well established as primary features along the river corridor and their use should be continued. Stucco that is detailed to provide a texture and pattern, which conveys a human scale, is also part of the tradition. In general, materials and finishes that provide a sense of human scale, reduce the perceived mass of a building and appear to blend with the natural setting of the river should be used, especially on major structures.

(e) Facade Composition ~~in "RIO-3"~~. Traditionally, many commercial and multi-family buildings in the core of San Antonio have had facade designs that are organized into three (3) distinct segments: First, a "base" exists, which establishes a scale at the street level; second a "mid-section", or shaft is used, which may include several floors. Finally a "cap" finishes the composition. The cap may take the form of an ornamental roof form or decorative molding and may also include the top floors of the building. This organization helps to give a sense of scale to a building and its use should be encouraged.

(f) Staircases ~~in "RIO-3"~~.

(1) Staircases to the River Level Shall be Uniquely Designed.

A. Stairs shall not replicate other stairs in a single project.

B. Stairs shall be constructed of handcrafted materials. The applicant shall use traditional building materials found in "RIO-3" staircases, especially those used by Hugman.

D. Stairs shall not exceed ten (10) feet to zero (0) inches in width.

Amendment - 37

Sec. 35-676. - Alteration, Restoration and Rehabilitation ~~in "RIO-3"~~.

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure located ~~in "RIO-3"~~, the historic and design review commission shall be guided by the National Park Service Guidelines in addition to any specific design guidelines included in this subdivision.

Amendment - 38

Sec. 35-677. - ~~Ordinary Repair and Maintenance in "RIO-3"~~ Administrative Approval.

~~Those activities in "RIO-3" which constitute ordinary repair and maintenance include but are not restricted to:~~

- A. ~~Repair using the same material and design as the original;~~
- B. ~~Repainting, using the same color;~~
- C. ~~Re-roofing, using the same type and color of material; and~~
- D. ~~Repair of sidewalks and driveways using the same type and color of materials.~~

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to those listed in Section 35-611.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

Amendment - 39

Appendix A – Definitions and Rules.

Accessory Structure. In the Office of Historic Preservation, a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples would include garages or tool sheds.

Administrative Approval. In the Office of Historic Preservation, the process of reviewing certain applications for local regulation compliance and approval without review by the Historic and Design Review Commission.

Alteration. (Generally, as applied to a building or structure): A change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, or maintenance; or any structural changes involving changes in form, texture, materials, or color; or, as applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving from one location to another.

Architectural Features. These include, but are not limited to, the exterior details of a building or structure, such as the type, style, or color of roofs, windows, doors, and appurtenances. Architectural features will include interior architectural features where the interior is authorized for review.

In-Kind. The replacement element is exactly the same as the element it is replacing. For example, wood casement windows that are replaced with wood casement windows identical to those that are being removed.

Top Of Bank. For purposes of determining River Improvement Overlay riverside setbacks in 35-673, the point, stage or elevation at which water overflows the natural or man made banks of the river; alternately, the vertical point along the river where an abrupt change in slope is evident, and where the water level is generally able to overflow the natural bank or man made edge and enter adjacent floodplains (if any) during flows at or exceeding the average annual high water stage.

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Amendment - 40

Section 35B-129 is hereby amended by striking out the current Demolition Form, Certification Form, Verification Form, and Application for Repair/Maintenance, and inserting in place thereof the following forms:-

Sec. 35B-129. Historic Preservation Materials.

DRAFT



CITY OF SAN ANTONIO
Office of Historic Preservation

DEMOLITION FORM



STAMP

Please fill in all blanks.

Application for permit to demolish the structure located at: _____

NCB _____ Block _____ Lot _____ Zoning _____

Name of Property Owner: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Name of Contractor: _____ License No.: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Approximate Date Built _____

The structural frame is _____

Historic District: _____ or Historic Landmark: _____

Type of structure: (A) Commercial _____ (B) Residential _____ (C) Accessory _____

Why is structure to be demolished? _____

Submitted by:

Applicant Name: _____ Telephone No.: _____

Address: _____ Zip Code: _____

Applicant Signature: _____

Property Owner Signature: _____
(if different from applicant)

DISPOSITION OF REQUEST

Permit to be issued: _____

Research to be done: _____

Referred to Historic and Design Review Commission: _____

Remarks or special recommendation where applicable: _____

_____/_____/_____
Historic Preservation Officer Date

PHOTOGRAPHS OF THE BUILDING TO BE DEMOLISHED ARE REQUIRED FOR CLEARANCE
(one photo per elevation for a total of 4 photos)



CITY OF SAN ANTONIO
**APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY
SIGNIFICANT PROPERTY IN NEED OF TAX RELIEF**

CERTIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE: _____ 20 _____
NAME OF APPLICANT: _____
MAILING ADDRESS: _____

BUSINESS TELEPHONE: _____
E-MAIL: _____
NAME (S) OF PROPERTY OWNERS: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED
NCB _____ BLOCK NUMBER _____
LOT(S) NUMBER _____ ZONING _____
COMMON ACCOUNT NUMBER (AS PER BCAD) _____
ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name _____ Zip Code _____

Latest Value of Property as Assessed by the Bexar Appraisal District:
Year: _____

Land Value	Improvements	Total
------------	--------------	-------

To the Historic Preservation Officer, City of San Antonio, Texas:
The property identified above is in need of tax relief as set forth in City of San Antonio Ordinance No. 52281 and 52282. The historic significance of said property is certified by signature below, together with other documents covering the proposed restoration or rehabilitation:

1. One set of complete plans for restoration or rehabilitation
2. Statement of expected costs of improvements
3. The projected time schedule for restoration/rehabilitation
4. Proposed use: () commercial () residential
5. Signature below to allow designated officials to view property and records.

Submitted by: _____
Applicant's Signature

SUBSTANTIAL REHABILITATION TAX EXEMPTION PROCESS

1. Submittal of Certification application.
2. Approval of Certification and project plans by the Historic and Design Review Commission (HDRC).
3. Completion of rehabilitation construction according to plans approved by HDRC.
4. Submittal of Verification application. For residential properties, choose exemption option: "tax freeze" or "5 zero/5 fifty"
5. Site visit by Office of Historic Preservation (OHP) staff member to verify that completed work matches the plans that were approved by HDRC.
6. Approval of Verification by HDRC.
7. OHP staff notifies the Bexar County Appraisal District of approved exemption.
8. Tax exemptions are effective on January 1 of the year following HDRC verification.

Please read the back regarding tax exemption options.

Residential Properties

Residential properties are eligible for two tax exemption options. The first exemption option freezes your City taxes at the pre-improvement value upon verification for ten (10) years. Therefore, your City taxes would be based upon the assessed value of the property before commencement of the rehabilitation. The other exemption choice calls for the payment of zero City taxes for five (5) years, and then for the subsequent five (5) years taxes will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Please select which of the two options you would prefer:

_____ **10 Year Tax Freeze**

_____ **5 Zero/ 5 Fifty**

Commercial Properties

Commercial properties are eligible for the exemption choice that calls for the payment of zero City taxes for five (5) years and, then, for the subsequent five (5) years taxes, will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Upon approval of the Verification by the Historic and Design Review Commission, the Office of Historic Preservation staff will notify the Bexar County Appraisal District of the approved exemption and option you have selected. Tax exemptions are effective on January 1st of the year following the HDRC Verification.

[The rest of this page intentionally left blank]

CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION



ADMINISTRATIVE
CERTIFICATE OF APPROPRIATENESS
APPLICATION

DATE: _____

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer.

Property Location (Street Address) _____

Historic District Landmark River Improvement Overlay Public Property or Other

Name of Property Owner: _____

Mailing Address: _____

Business/Home Telephone: _____ Fax Number: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax Number: _____

This form is used only for:

1. General repair, using "SAME" material and design as original with photographs of area where work is to be done.
2. Repainting with "SAME" color (paint sample MUST be attached to this application).
3. Reroofing, using "SAME" type material and color.
4. Repair of sidewalk/driveways/curbs.

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests; an additional sheet may be used).

1. _____
2. _____
3. _____

THIS FORM DOES NOT TAKE THE PLACE OF A BUILDING PERMIT, which must be obtained from the City of San Antonio, Department of Planning and Development Services. **ALL REPAIR/MAINTENANCE FORMS MUST BE DISPLAYED ON THE JOB SITE.**

Signed: Owner/Applicant _____

Historic Preservation Officer _____

Staff Comments or Conditions: _____ _____ _____	Staff Initials /Date
---	----------------------



**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR LANDMARK or
HISTORIC DISTRICT DESIGNATION**

DATE/TIME STAMP

I. LOCATION AND CLASSIFICATION

Property Address:

Is this request for the formation of a Historic District? _____

If so, this must be accompanied by a letter and a map of the proposed boundary.

Proposed Landmark/Historic District Name (Common Name):

Parcel Identification: NCB _____ Block _____ Lot _____

Current Zoning _____

- Private Property River Improvement Overlay Public Property
 Other

II. OWNER/APPLICANT INFORMATION

Owner Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

Fax: _____ E-Mail: _____

Applicant Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

Fax: _____ E-Mail: _____

The Office of Historic Preservation designates landmarks on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the property meets the criteria as outlined by the Unified Development Code:

I, THE APPLICANT, DECLARE THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER(S) TO REQUEST HISTORIC DESIGNATION OF THIS PROPERTY AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of all four sides** of the building
- Relevant historic items
- Architectural description, history of the property, and people associated with the property – Please provide references and sources for research.
- **Copy of the current tax appraisal details**, available from Bexar County Appraisal District or www.bcad.org
- **Copy of the current Warranty Deed**, on file with the County Clerk or available online at www.countyclerk.bexar.landata.com
- Signed Authorization form from the zoning application granting the Office of Historic Preservation permission to act as the applicant for the Historic zoning overlay (see attached).
- For districts, letter requesting historic district formation
- For districts, map of proposed boundaries

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991

DRAFT



CITY OF SAN ANTONIO

DATE RECEIVED

HISTORIC AND DESIGN REVIEW COMMISSION
APPLICATION FORM

Required Items : Plot plan, legal description, building elevations, final building Date Received plans and specifications, samples of paint colors, roofing materials, CLEAR COLOR photographs of structures and/or sites where construction will take place. All photographs and exhibits must be submitted in digital format on Compact Discs. NO CASE WILL BE SCHEDULED FOR A HEARING UNTIL ALL SUPPORTING MATERIALS ARE RECEIVED. (See check lists on pages 3 - 6)

Property Location (Street Address) _____

[] Historic District Name _____

[] Landmark Name _____

[] River Improvement Overlay (Projects within RIO districts must comply with the San Antonio River: Vision Statement): The San Antonio River will be a fully linked linear park that unifies the city and serves as a community gathering place for all to enjoy. The River will have many special places and uses; some active, some quiet. Each will be unique genuine, and vary by design.

[] Public Property [] Other _____

Parcel Identification: NCB _____ Block _____ Lot _____

BCAD Account Number _____

Name of Property Owner:

Mailing Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests, an additional sheet may be used. This request will be part of the Certificate of Appropriateness).

1. _____
2. _____
3. _____
4. _____

This completed form is to be submitted in person at 1901 S. Alamo.

APPROVAL BY THE COMMISSION DOES NOT TAKE THE PLACE OF A BUILDING PERMIT. PERMITS MUST BE OBTAINED FROM THE CITY OF SAN ANTONIO, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, 1901 SOUTH ALAMO, AFTER COMMISSION APPROVAL.

**CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
*LETTER OF AUTHORIZATION***

DATE: _____

Applicant understands the following:

1. If the Commission fails to approve any portion of a request and recommends that changes be made in the plans and specifications, the applicant will have five (5) days in which to inform the Historic Preservation Officer as to whether the applicant agrees to the recommended changes.
2. Following each meeting, the City Manager or designee is notified of the Commission's action. Within ten (10) days from receipt of the recommendation, the City Manager or designee shall notify the applicant as to whether his request has been approved, conditionally approved or denied.
3. If the applicant does not concur with the Commission's recommendation, appeal to the Zoning Board of Adjustment may be made within thirty (30) days after receipt of notification.

IF THE PROPERTY OWNER DOES NOT APPEAR PERSONALLY BEFORE THE COMMISSION, A LETTER OR SIGNATURE OF AUTHORIZATION MUST BE PRESENTED TO THE HISTORIC PRESERVATION OFFICER OR THE CASE WILL NOT BE HEARD.

I hereby authorize _____ of _____
(Name of representative) (Company or agency)

_____ to represent me in matters pertaining to this case.
(Address)

Owner's Name: _____
(Please Print)

Address: _____

City/State _____ Zip Code _____

Owner's Signature: _____

HISTORIC AND DESIGN REVIEW COMMISSION
REQUIRED MATERIALS CHECK LIST

All background materials needed to support the applicant's request must be submitted to the Historic Preservation Officer **PRIOR** to scheduling the case before the Commission. **NO CASE** will be placed on the agenda if **ALL** materials are not on file by the deadline date. Any last minute changes must be shown on revised plans. These are to be submitted and placed in file prior to meeting.

I. Check Where Applicable:

- Conceptual Approval
- Final Approval (Previous HDRC Case NO: _____.)

II. Check Where Applicable:

- Residence and/or Duplex
- Apartments and/or Commercial
- Tax Abatement

III. PROJECT TO INCLUDE (check where applicable):

- A ALTERATION/REPAIR/RESORATION of an Existing Building or Structure
- B NEW CONSTRUCTION
- C. ADDITION
- D. DEMOLITION
- E. SIGN REQUIREMENTS
- F. FENCING
- G. DRIVEWAY - SIDEWALKS & PARKING LOTS
- H. REPAINTING (color change)
- I. REROOFING (materials/color change)
- J. LANDSCAPING
- K. SWIMMING POOLS - FISH PONDS & FOUNTAINS
- L. GAZEBOS - BATH HOUSE & DECKING
- M. TENNIS COURTS & PLAYGROUNDS
- N. TAX ABATEMENT PROJECT
- O. PUBLIC ART
- P. WINDOWS
- Q. OTHER

A. ALTERATION/REPAIR /RESTORATION of an existing building or structure

- Scaled drawings, detailed architectural drawings may be required, dependent upon extent of work proposed.
- Photographs of the property and surrounding property, showing where work is to be done.
- A written list of proposed materials and colors, including manufacturer's specification numbers.

Actual samples of materials and colors should be presented at the meeting.

- Written narrative indicating the extent of the proposed alteration.
- Other information needed to illustrate the proposed alteration.

B. NEW CONSTRUCTION

- Preliminary plans with building elevations

- Working scale drawings/specifications
- Drawings 8½” x 11” reproducible sheets
- Scale site plan with square footage of the building
- Photographs of building site for new construction
- Paint samples with brand name and number
- Roofing material sample
- Siding sample

C. ADDITION

- Preliminary plans with building elevations
- Scale drawing of addition in relation to structure
- Working scale drawings/specifications
- Scale site plan
- Drawings 8½” x 11” reproducible sheets
- Photographs of structure showing current appearance
- Photographs of all exterior sides (include all four sides of building)
- Colors (sample)

D. DEMOLITION

- Photographs of structure (all exterior sides of structure)
- Scale site plan
- Proposed use after demolition (conceptual plan)
- Proof of economic hardship or [loss of significance](#) (required for demolition within a historic district or of a landmark: UDC Sec. 35-614. Demolition)

E. SIGNAGE

- Working scale drawings/specifications
- Scale drawing of sign in relation to structure
- Scale site plan
- Drawings 8½” x 11” reproducible sheets
- Photograph of location of proposed signage on structure/property
- Photographs of structure and all exterior sides affected by proposed work
- Type of materials to be used for sign
- Colors (samples) as applied to sign
- Size/style of lettering
- Illumination plan

F. FENCING

- Type/design of fence
- Scale of drawing of members with specifications
- Scale site plan
- Drawings 8½” x 11” reproducible sheets
- Photographs of structure and all exterior sides affected by proposed work

G. DRIVEWAYS - SIDEWALKS & PARKING LOTS

- Type/design of driveway/sidewalk
- Drawings 8½” x 11” reproducible sheets
- Scale site plan
- Photographs of structure, location and all exterior sides affected by proposed work
- Landscaping plans (if any)
- Colors (sample)

H. *REPAINTING (color change)*

- Type of material
- Colors (sample)
- Description of design
- Photographs of structure and all exterior sides affected by proposed work

I. *REROOFING (material/color change)*

- Type of material (sample or cut sheet)
- Colors (sample)
- Description of design
- Photographs of structure and all exterior sides affected by proposed work

J. *LANDSCAPING*

- Working scale drawings/specifications
- Scale site plan
- Drawings 8½" x 11" reproducible sheets
- List of plants or trees
- Photographs of structure and area to be landscaped
- Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses
- Sprinkler system (if any)

K. *SWIMMING POOLS - FISH PONDS & FOUNTAINS*

- Working scale drawings/specifications
- Scale drawing in relation to structure
- Scale site plan
- Drawings 8½" x 11" reproducible sheets
- Type/design of swimming pool, fish pond and/or fountain
- Photographs of structure (all exterior sides) and area affected by proposed work
- Colors (sample)

L. *GAZEBOS - BATH HOUSE & DECKING*

- Working scale drawings/specifications
- Scale drawing in relation to structure
- Scale site plan
- Drawings 8½" x 11" reproducible sheets
- Photographs of structure (all exterior sides) and area affected by proposed work
- Colors (sample)

M. *TENNIS COURTS & PLAYGROUNDS*

- Working scale drawings/specifications
- Scale drawing in relation to structure
- Scale site plan
- Drawings 8½" x 11" reproducible sheets
- Photographs of structure (all exterior sides) and area affected by proposed work
- Colors (sample)

N. *TAX ABATEMENT PROJECT*

1. Commercial Residential
2. Certification Verification Project to be sent to State for IRS Certification
3. Attach completed Certification Form or Verification Form
4. Photographs

5. Scope of work

O. **PUBLIC ART** (The HDRC will hear Public Art projects on the 3rd Wednesday of each month)

- Letter of authorization from Public Art San Antonio (PASA)
- Working scale drawings/specifications
- Drawings 8½" x 11" reproducible sheets
- Scale site plan
- Photographs of site
- Color rendering
- Description of project (theme, history ,etc.)
- Materials and media

P. **WINDOW REPLACEMENT**

- Justification for replacement of windows
- Working scale drawings/specifications (material and color)
- Sample of proposed window (manufacturer brochure)
- Scale site plan designating number of windows to be replaced
- Drawings 8½" x 11" reproducible sheets
- Photographs of structure (all exterior sides) and area affected by proposed work

Q. **OTHER PROJECTS**

- Preliminary plans with building elevations
- Working scale drawings/specifications
- Drawings 8½" x 11" reproducible sheets
- Scale site plan
- Photographs of building site for new construction
- Paint samples with brand name and number
- Roofing material sample
- Siding sample

PLEASE BE ADVISED THAT THE COMMISSION HAS A POLICY OF ONLY HEARING A CASE WHEN THE OWNER OR THE OWNER'S REPRESENTATIVE IS PRESENT TO PRESENT THE CASE.

NOTE: PLEASE BE ADVISED THAT A STAFF MEMBER FROM THE OFFICE OF HISTORIC PRESERVATION MAY VIDEO TAPE OR PHOTOGRAPH YOUR PROPERTY FOR THE HISTORIC AND DESIGN REVIEW COMMISSION MEETING.

APPLICANT SIGNATURE

DATE

**CITY OF SAN ANTONIO, TEXAS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

TO: San Antonio Zoning Commission

FROM: Roderick J. Sanchez, AICP, CBO, Director

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: Military Sound Attenuation Overlay district

DATE: May 18, 2010

Summary:

A proposed amendment to Chapter 35 of the City Code, the Unified Development Code (UDC), to create a Military Sound Attenuation Overlay zoning district (MSAO) pursuant to City Council direction as part of the implementation of the Camp Bullis Joint Land Use Study (JLUS).

Background:

Following City Council acceptance and approval of the Camp Bullis JLUS in June of 2009, the City Council outlined nine immediate action initiatives recommended in the study. Included in these initiatives was implementation of a sound attenuation ordinance for the subject area identified in the JLUS. A zoning overlay district was the tool selected for implementation because that would allow the standards to be applied to a specific area impacted by noise from Camp Bullis training activities. Requirements of the overlay would include sound attenuation in residential and other noise sensitive structures.

To provide advice, feedback and suggestions during the ordinance development process, the Planning and Development Services Department formed a committee of stakeholders and building industry experts. Staff also worked closely with military representatives to ensure the ordinance would meet the needs of the military within the scope of the JLUS. Standards and studies of other entities were reviewed and evaluated for their relevance to Camp Bullis, including Houston, TX; Austin, TX; Lakewood, WA; Tucson, AZ; Pima County, AZ; Tempe, AZ; Luke AFB; Hampton, VA; Minneapolis-St. Paul, MN; San Diego, CA, and the Department of the Navy – Naval Facilities Engineering Command.

The City Council's Infrastructure and Growth Committee will consider this item at their meeting in June, 2010 for a recommendation prior to final consideration by City Council. If the zoning overlay district is approved by City Council, the next step would be to conduct a rezoning case and community outreach process to apply the overlay to the subject property.

Issue:

The proposed standards in the overlay would apply only to habitable portions of structures with specified noise sensitive uses: residences, assisted living and nursing facilities, schools, churches, in-patient medical facilities, funeral homes, child care, senior/community centers and libraries. An original goal of the overlay was to make it as flexible as possible. If the requirements were for very specific building materials, it would not accommodate

changes in materials and technology over time. A compliance option is included where structures may either be constructed with identified building methods and materials of a specific rating, or be designed and constructed to achieve a specified decibel reduction. Project applicants will sign a compliance certification statement prior to issuance of a certificate of occupancy, and if a group of noise sensitive structures are built with the same floor plan and construction methods, a single certification statement may be used for all such structures.

The Planning and Development Services Department has continued working with the stakeholder committee and the military on remaining issues. Included in the agenda packet with this memo is the most recent draft resulting from the continued discussions. Some of the items addressed include Sound Transmission Class (STC) ratings for doors and windows and certain exemptions for schools.

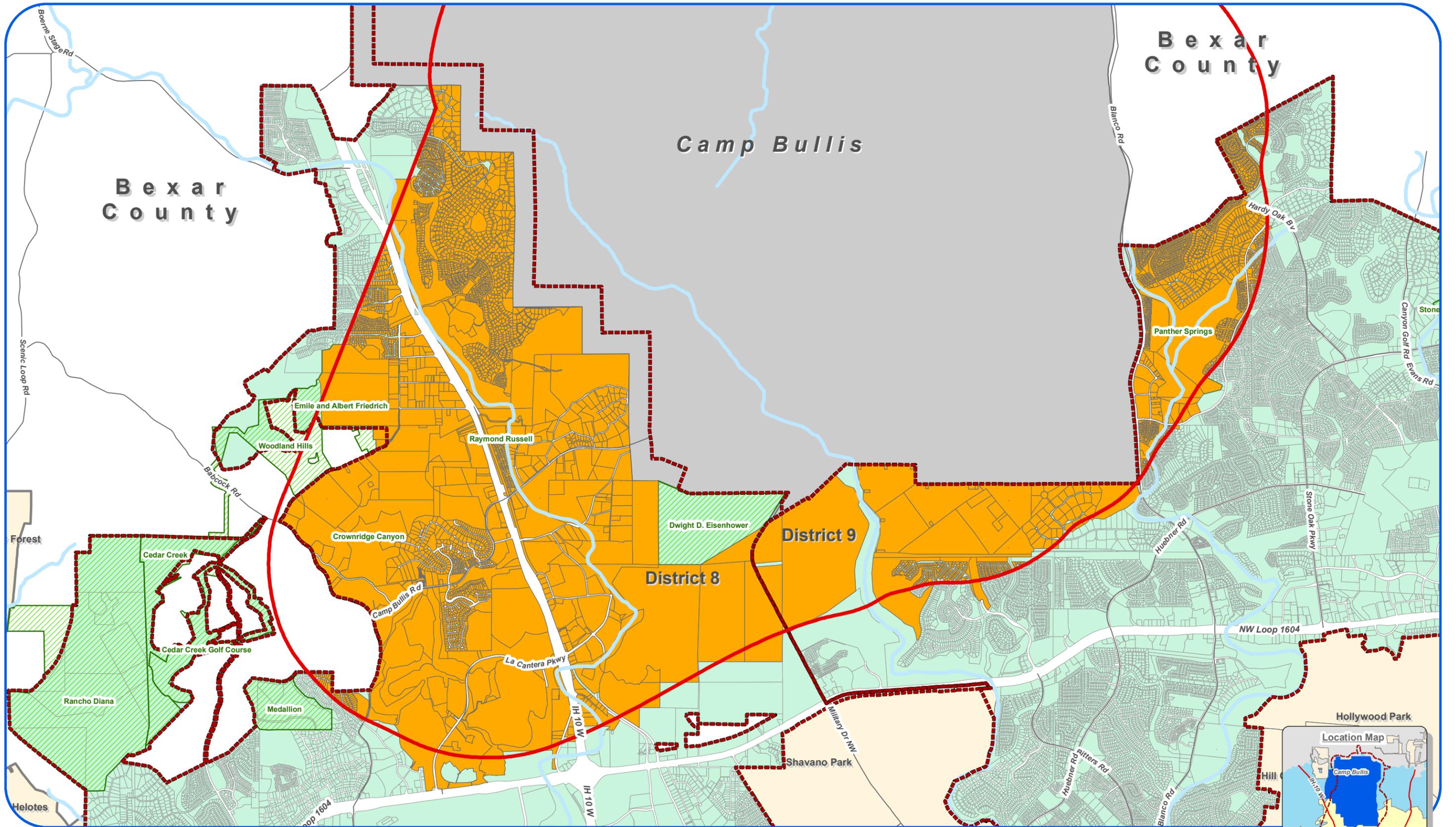
Policy Analysis and Recommendation:

The City recognizes that training is vital to the missions of the military bases, camps and installations in and around San Antonio. Their continued viability is critical to the readiness of the United States military and our nation's defense. Continued complaints of noise from these military activities could result in reduction or loss of military missions at the local installations, which would have a negative impact on San Antonio's economy. Sound attenuation of structures for certain noise sensitive land uses, as recommended in the Camp Bullis JLUS, is a prudent method to ameliorate the noise concerns.

The Planning and Development Services Department recommends approval of the UDC amendment. Staff requests that the Zoning Commission provide a recommendation on the proposed amendment which staff will forward to the City Council for their consideration. Thank you.



Roderick J. Sanchez, AICP, CBO, Director
Planning and Development Services



Sound Attenuation Overlay District (Aaround Camp Bullis)
Properties Within CoSA and Within Noise Corridors

Council Districts 8 and 9
 Scale: 1" approx. = 3/4 Mile

Note: Properties "Mostly Within" the Sound Attenuation Corridor were selected. Those properties "Mostly Outside" the Corridor were Not selected.

Legend			
Properties in CoSA		Properties in CoSA and in Noise Corridor (6,858 Properties)	
City Council District Boundary		Parks	
Military Noise Corridor		Other Towns	



City of San Antonio
 Planning and Development Services Dept
 (01/21/2010 - E Hart)

Proposed Amendments to the Unified Development Code
(Chapter 35 of the City Code)

Sec. 35-303. Establishment of Districts.

Overlay Districts
(Listed in Alphabetical Order)

"MLOD"	Military Lighting Overlay Districts
"MSAO"	Military Sound Attenuation Overlay Districts
"NCD"	Neighborhood Conservation Districts

Sec. 35-339.05. "MSAO" Military Sound Attenuation Overlay District.

Statement of Purpose

Noise generated from military training exercises and aircraft operations affects quality of life for various San Antonio neighborhoods and business districts. This section establishes standards intended to lessen the external noise audible within the interior of noise sensitive structures to a level which greatly mitigates the impact on the general welfare of the public.

(a) Zoning District Establishment and Designation Criteria.

- (1) This section establishes a military sound attenuation overlay district as an overlay to the base zoning districts. Separate ordinances are required to designate an overlay district via the official rezoning process.
- (2) To be designated as a military sound attenuation overlay district, the area must be identified by the United States military, joint land use study or adopted master plan as being situated within a noise military influence area.
- (3) The zoning designation for a military sound attenuation overlay district shall consist of a base zone symbol and the "MSAO" symbol as a suffix. Military sound attenuation overlay districts shall be numbered sequentially to distinguish among different districts, i.e., "MSAO-1", "MSAO-2", etc.

(b) Noise Sensitive Land Uses. The following is a list of noise sensitive land uses subject to this section:

- (1) Residential structures including but not limited to single-family and multi-family dwellings
- (2) Assisted living facilities, nursing facilities, adult day cares and similar congregated living uses
- (3) Schools including but not limited to primary and secondary schools, colleges and universities; **Exceptions:**
 - (A) Public school buildings built with standard masonry construction techniques
 - (B) Non-classroom portions of public or private school gymnasiums

- (4) Facilities for religious worship or study
- (5) In-patient medical facilities including but not limited to hospitals and residential treatment centers
- (6) Funeral homes
- (7) Child care facilities
- (8) Senior/community centers
- (9) Libraries

(c) District Standards – Camp Bullis (MSAO-1)

All habitable portions of structures occupied by noise sensitive land uses shall be designed and constructed to achieve either:

- an outside to inside noise level reduction (NLR) of at least twenty-five (25) a-weighted decibels (dBA), or
- be built to the standards set forth in subsection (c)(4)(B) below.

These standards are required regardless of whether the noise sensitive land use is stand-alone as a single use or part of a larger development that may include more than one land use.

(1) Options for Compliance. Compliance may be demonstrated using one of the following methods:

(A) Use simultaneous noise readings of instantaneous outside and inside noise levels in accordance with ASTM E 966 to ensure the structure achieves an outside to inside NLR of at least twenty-five (25) dBA; or

(B) Utilize construction materials with a minimum tested or listed sound transmission class (STC) rating of forty (40), in accordance with ASTM E 90, for walls and ceilings, and with a minimum tested or listed STC rating for doors and windows as specified below, in accordance with the following construction methods:

1. Walls. The specific exterior wall assemblies listed below shall include the interior finishes set forth therein. **Exception:** Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).

a. Brick veneer. When exterior walls are constructed using brick veneer, a minimum of one-half (½) inch gypsum drywall shall be applied as the interior finish.

b. Vinyl or cement sidings. When exterior walls are constructed using vinyl or cement sidings, a minimum of five-eighths (5/8) inch gypsum drywall shall be applied as the interior finish.

c. Other assemblies and materials. All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of forty (40).

2. Roof/Ceiling Assemblies. Roof/ceiling assemblies shall be constructed in accordance with the requirements of subsections 1 or 2 below. **Exception:** Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).

a. Ceilings with unconditioned attic space shall be insulated with a minimum of one-half (½) inch gypsum drywall on the interior ceiling side covered with a minimum of twelve (12) inches of blown in fiberglass insulation.

b. Ceilings without attic space above shall be insulated with a minimum of five-eighths (5/8) inch gypsum drywall on the interior side filled with a

- minimum of nine (9) inches of fiberglass batt insulation with a one (1) inch air space between the roof sheathing and the fiberglass.
3. **Windows.** The cavity between the wood framing and the window frame shall be insulated with fiberglass insulation or foam insulation to the depth of the window frame.
- a. If the exterior windows and doors together comprise no more than thirty percent (30%) of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of thirty-two (32).
- b. If the exterior windows and doors together comprise more than thirty percent (30%) of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of forty (40).
4. **Doors.**
- a. If the exterior windows and doors together comprise no more than thirty percent (30%) of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of thirty-two (32).
- b. If the exterior windows and doors together comprise more than thirty percent (30%) of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of forty (40). **Exception:** An exterior door may have a tested or listed STC rating of less than forty (40) when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of forty (40).
5. **Mechanical Systems.** Mechanical ventilation systems (HVAC) shall provide minimum air circulation and fresh air requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior. In-window, through-wall, or through-floor air conditioning, ventilating, or heating units shall not be used. **Exceptions:** A ductless system may be utilized if the system's exterior wall penetration(s) are each no greater than three (3) inches in diameter. Additionally, an in-window, through-wall or through-floor unit may be installed if the following is implemented to reduce sound entering through the unit:
- a. Insert a duct extension with at least two (2) ninety degree (90°) turns between the structure and the unit. This may require the installation of a support stand and slab for the unit.
- b. Add acoustically designed "upducts" in the ceiling of each room to allow proper circulation of air while windows are closed.

(2) Certification.

- (A) Prior to approval of final inspection or issuance of a certificate of occupancy, all project applicants shall submit to the planning and development services department a signed statement certifying compliance with this section.
- (B) A single certification statement for multiple structures in the same development may be used as long as the structures implement the same floor plans and construction methods.

Appendix A
Definitions and Rules of Interpretation.

Sec. 35-A101. Generally.

ASTM E 90. The standard test method for laboratory measurement of airborne sound transmission loss of building partitions and elements.

ASTM E 966. The standard guide for field measurements of airborne sound insulation of building facades and façade elements.

A-Weighted Decibel (dBA). The most commonly weighted sound filter used to measure perceived loudness versus actual sound intensity. The human ear responds differently to frequencies. For example, the human hearing system perceives mid-frequency sounds as louder than low and high frequency sounds. To accommodate this condition when measuring sound levels, filters need to be installed into sound meters. The results are a more accurate measurement of sound for the human hearing system.

Decibel (dB). Unit of measurement used to express the intensity or loudness of sound.

Sound Transmission Class (STC). An integer rating relating to the quality of sound attenuation for building partitions such as walls, ceilings, doors, and windows.

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