

## RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 95
Customer RID	<input checked="" type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. **Project Name:** River North Development
2. **Project Number:** None  
(Plat #, Zoning Case #, etc.)
3. **Project Street Address:** Jones Street/San Antonio River  
(If not available nearest intersection of two public streets)
4. **Applicant Name:** City of San Antonio
5. **Applicant Address:** N/A
6. **Applicant Telephone:** (210) 207-8229
7. **Applicant e-mail Address: #:** andrew.spurgin@sanantonio.gov
8. **Rule in Question:** 35-523(h)  
(Section and/or policy of UDC, Sign Code, etc)
9. **Applicant's Position:**  
(Including date position presented and name of city staff point of contact)  
**Date:** January 19, 2011    **Contact:** Andrew Spurgin    **Contact Telephone #:** 207-8229

The Unified Development Code establishes formulas to calculate minimum tree preservation requirements. Higher preservation percentages exist for both the 100-year flood plain and environmentally sensitive areas, which is defined in the UDC to include steep slopes (e.g. slopes exceeding 20%) and a riparian buffer area ranging from 30 to 60 feet beyond the 100-year floodplain.

Applicant's position is that the additional tree preservation requirements for floodplains and environmentally sensitive areas, as defined, are intended for areas with natural watercourses such as the Salado and Leon Creek watersheds where protection of the natural features in floodplains and riparian areas promotes water quality and the local ecosystem. Applicant contends that such requirements were not intended for channelized portions of the San Antonio River that have deviated from their natural watercourses and that contain locks, dams and other engineered improvements.

10. **Staff Finding:**  
(Including date of finding and name of city staff person formulating finding)

**Date:** January 19, 2011    **Contact:** Andrew Spurgin    **Contact Telephone #:** 207-8229

In 2002, the City of San Antonio adopted the six River Improvement Overlay (RIO) districts to provide design guidelines for areas adjacent to the improvements to the San Antonio River, stretching from Hildebrand to the north to Mission Espada to the south.

The requirements of RIO-2 and RIO-3, in particular, were drafted to relate to the highly urbanized nature of central San Antonio.

As stated on the City of San Antonio Office of Historic Preservation webpage (see <http://www.sanantonio.gov/historic/rio.aspx>):

*Extending south from US Highway 281 North to Lexington in the northern portion of downtown San Antonio, the area encompassed by RIO-2 includes small single-family residential pockets surrounded by a variety of higher-density and commercial uses.*

*The design objectives for RIO-2 are: to encourage high-density, mixed-use developments as extensions of the downtown core; to encourage neighborhood and cultural tourism oriented uses as well as those that provide additional housing for downtown workers; to enhance the pedestrian experience with high quality streetscape designs and links to the public Riverwalk; and to enhance the pedestrian experience with high-quality building designs that include balconies facing the river and primary entrances facing the street.*

*Extending from Lexington south to West Durango Boulevard, RIO-3 includes the traditional Riverwalk "horseshoe" that still maintains many of the original features designed by architect Robert H. H. Hugman.*

*The design objectives for RIO-3 are: the historic work of Robert Hugman, CCC and WPA construction work, Ethel Harris tile work, and work of the National Youth Administration shall be respected and preserved in all construction efforts, and adherence to the intent and spirit of those plans is essential in all construction; traditional, formal street level design precedents shall be respected, but at the river level, the more informal, handcrafted style shall be maintained; the integrity of historic properties shall be preserved, and historic differences between street level designs and river level designs shall be respected; the traditional design context of the area shall be respected at two levels: the broader downtown context and the immediate block as it faces the river; the microclimate of the river walk level shall be maintained and, during construction, shall be given extra protection, and River operations staff will be consulted to provide specific instructions for construction procedures.*

Given the recognition within the RIO-2 and-3 districts of the urbanized nature of the River in these segments and given the higher standard provided to the design of new development and their landscaping requirements, there are potential conflicts with the tree preservation requirements of the Unified Development Code as amended in 2009.

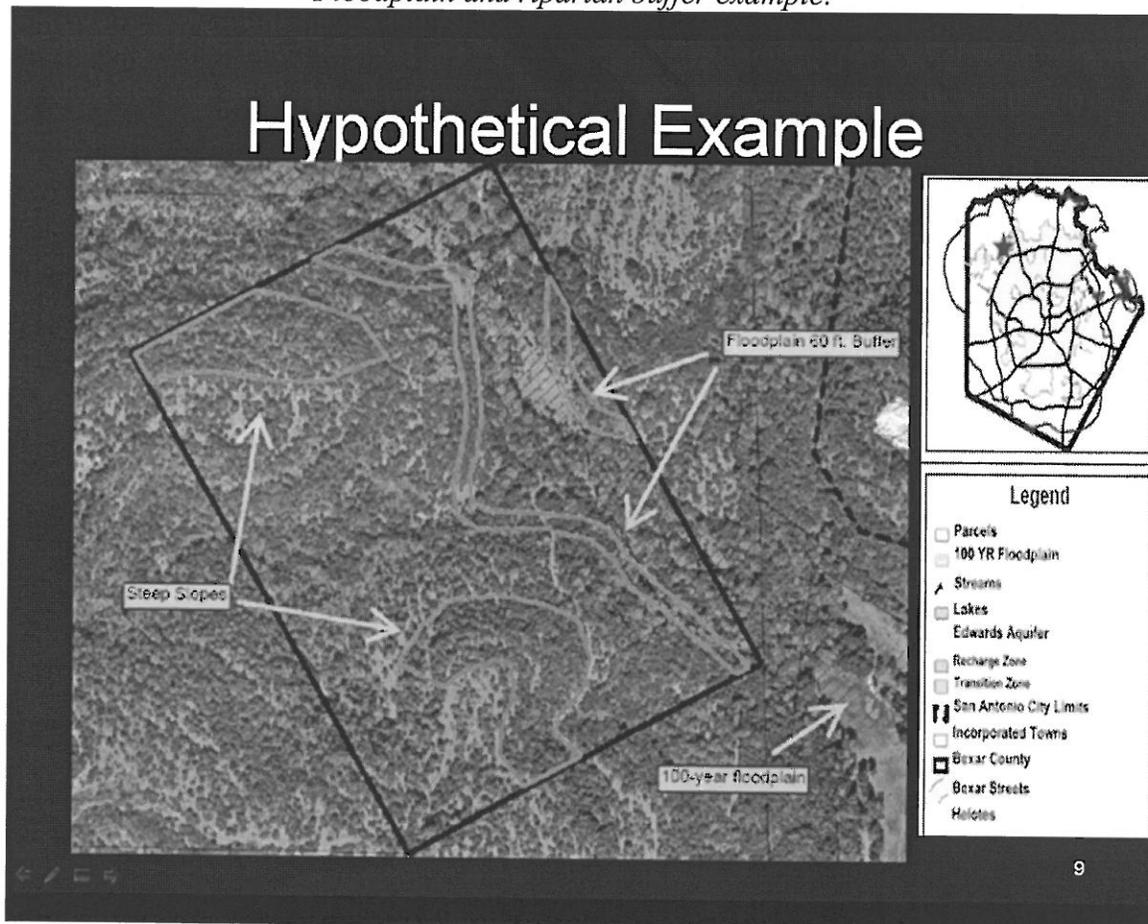
When American Forests produced the *Urban Ecosystem Analysis* a number of observations were reported relative to the water quality impacts of land cover and how increased tree canopy can be beneficial to water quality, water quantity and air quality.

Amending the tree preservation requirements was also part of the Camp Bullis initiatives as directed by a memo from Mayor Julian Castro dated July 18, 2009.

To implement the recommendations of American Forests and the Camp Bullis Taskforce, the City added environmentally sensitive areas provisions to the tree preservation requirements of 35-523 in October 2009.

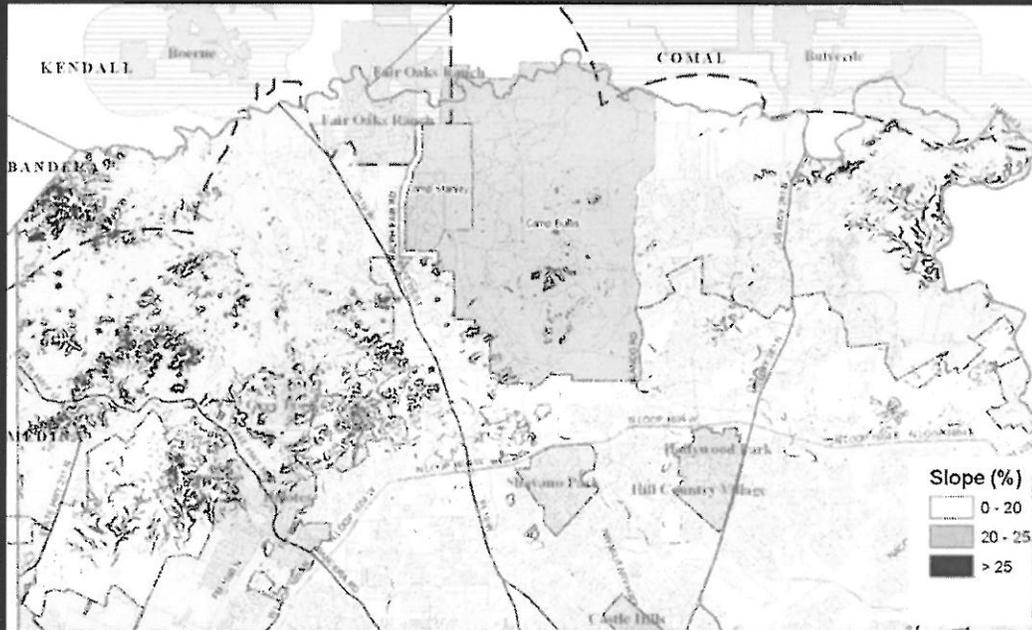
The various presentations on these tree preservation amendments were based on assumptions of suburban, low-density areas where beneficial environmental impacts can be obtained. See following slides from the staff presentation:

*Floodplain and riparian buffer example:*



*Steep Slope Example:*

# Areas With Steep Slopes



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To facilitate flood control and promote a safe environment for the Riverwalk area a number of engineered improvements to the San Antonio River were completed including the diversion tunnel running from just north of downtown to south of downtown, the various dams and the recent construction of a lock system at Lexington Street. These improvements primarily affect the areas within the boundaries of RIO-2 and RIO-3 as identified on the City's zoning maps.

It was not the intent of the environmentally sensitive area amendments to regulate the channelized portions of the San Antonio River where manmade improvements have substantially altered the natural watercourse.

## 11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

**Date:** January 19, 2011    **Contact:** Andrew Spurgin    **Contact Telephone #:** 207-8229

For the reasons stated above, the floodplain and environmentally sensitive area provisions of 35-523(h) should not apply to the channelized portion of the San Antonio River within the boundaries of the RIO-2 and RIO-3 districts.

**12. Departmental Policy or Action:**

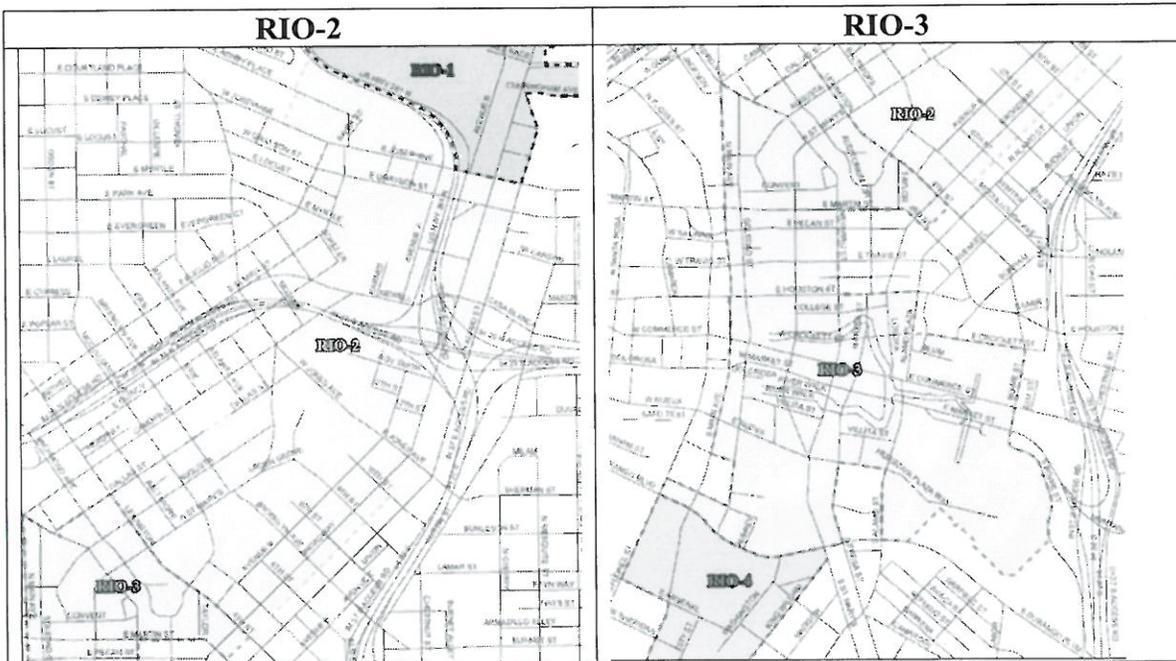
(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: Immediate

Effective Date of policy/action: Immediate

The floodplain and environmentally sensitive area provisions of 35-523(h) shall not apply to the channelized portion of the San Antonio River within the boundaries of the RIO-2 and RIO-3 districts.

For the convenience of the reader, location maps of RIO-2 and -3 are provided below:



  
Roderick Sanchez, AICP, C.B.O  
Director

  
Date