



# DEVELOPMENT SERVICES

## RULE INTERPRETATION DETERMINATION

**Determination #:** 2018-004

**Title:** Secondary Structures and Adaptive Reuse of Industrial Buildings in Downtown

**Drafted by:** Citywide Planning Division, Planning Department

**Rule in Question:** Appendix G of the Unified Development Code – “Downtown Design Guide”

**Department Action:**

Michael Shannon, PE, CBO  
Development Services Director

Date 3/9/18

Bridgett White, AICP  
Planning Department Director

Date 3/12/18

**Effective Date of Determination:** immediately upon signature

### **Staff Analysis:**

The intent of this RID is to provide clarification for customers and City staff on the interpretation of Chapter 35 of the City Code of San Antonio, the Unified Development Code (UDC), as it relates to the Downtown Design Guide’s applicability to new construction of a secondary structure when the use is permitted by-right in the “D” Downtown District but the primary structure and lot configuration predate the adoption of the Downtown Design Guide (Appendix G of the UDC). This RID seeks to address and clarify the existing interpretations and business processes associated with the applicability of the

Downtown Design Guide. This RID will not impose any new or additional requirements, but rather provides clarification on a matter that is unaddressed by the Downtown Design Guide (DDG).

The Downtown Design Guide was adopted by City Council as an amendment to the Unified Development Code on March 26, 2014. The introductory chapter explains the application of the design guidelines to projects, defines what constitutes a “project,” and provides a list of exempt projects:

*For the purpose of the Downtown Design Guide, a “project” is the construction or erection, or addition to any building or structure, on a lot located in whole or in part, within the area shown in Figure 1-1, which requires the issuance of a grading permit, foundation permit, building permit, or land use permit. Projects excepted from the Downtown Design Guide are:*

- 1. Demolition;*
- 2. Exterior alterations or additions to a historic structure;*
- 3. Exterior remodeling of any other existing building, unless extensive work such that, the aggregate value of the work in any one 24 month period, is greater than 50 percent of the replacement value of the building or structure before the alterations or addition as determined by the Development Services Department;*
- 4. Interior remodeling of any existing building, or the change of use of a building or land, or the relocation of an existing building.*

The introductory chapter also outlines the intent and goal of the document: “to provide guidance for creating a livable and sustainable Downtown” and “to be a means of balancing the traditional qualities of the downtown with the demands of contemporary use.”

The content chapters of the DDG address lot configuration (sidewalks and setbacks, parking and access, and on-site open space), building design (ground floor treatment, massing and street wall, and architectural detail), and interaction with the public realm (streetscape improvements, signage, sustainable design, and public art). Throughout the DDG, required design standards and encouraged design guidelines are applied to projects based on the following distinctions:

- Type of use: retail uses are differentiated from residential uses; specific design elements are applied to mixed-use development; and the different types of uses are based on the uses that are permitted by-right in the “D” Downtown District (typically residential, office, and retail uses).
- Type of construction: low-rise, mid-rise, and high-rise structures are all addressed differently, as is their relation to overall site configuration.
- Street character: streets throughout downtown are classified as “pedestrian oriented”, “transit friendly”, “service street”, and “other”, each warranting a different level of design scrutiny.

**Staff Position:**

The “D” district typically does not allow industrial or manufacturing uses; therefore, the DDG does not include design elements appropriate for such uses, structures, or streets. However, a portion of the area currently zoned “D” consists of long-standing (non-conforming) industrial uses and vacant industrial structures that are primed for adaptive reuse. The streets in this area are lined with industrial uses and structures, and include very few sidewalk or streetscape improvements.

When a permitted use moves into an existing building, proposed site improvements and building additions can be problematic due to the limited frame of reference of the Downtown Design Guide. Although the stated purview of the DDG includes the construction of “any building or structure”, the document is silent regarding secondary structures on sites that otherwise predate the adoption of the DDG. Enforcement of the current DDG standards on a secondary structure when the primary structure is exempt would create inconsistent and incompatible design within an individual site. The additional scope of work required to bring the site into full compliance is likely to discourage the adaptive reuse of industrial buildings and discourage redevelopment of the area instead of allowing the acknowledgement of the industrial history of the area.

In those instances where the primary structure predates the DDG, and therefore do not require compliance with the DDG, staff finds it to be inappropriate to enforce the design standards on a new secondary building. This finding is limited to those projects that meet all of the following criteria, as determined by the Planning Department:

- Project includes the adaptive reuse of an existing primary structure for a primary use that is permitted by-right in the “D” Downtown District, where any exterior remodeling of the existing primary structure is less than 50% of the replacement cost of the primary structure, as specified in Chapter 1, Section C, Exception 3 of the Downtown Design Guide; and,
- Project includes the construction of a secondary structure on a site where the primary structure pre-dates the adoption of the DDG; and,
- The value of the additional secondary structure is less than 50% of the replacement cost of the primary structure, as specified in Chapter 1, Section C, Exception 3 of the Downtown Design Guide.

Additionally, this finding shall be overturned if the DDG is amended to include design standards and guidelines specifically related to adaptive reuse, and/or include design recommendations related to the redevelopment of historically industrial areas within the “D” Downtown District boundaries.

**Future UDC Amendments:**

This RID does not propose codification of this interpretation, but rather provides clarification on a matter that is unaddressed by the Downtown Design Guide (DDG).