

## HISTORIC AND DESIGN REVIEW COMMISSION

April 03, 2019

**HDRC CASE NO:** 2019-145  
**ADDRESS:** 815 E ASHBY PLACE  
825 E ASHBY PLACE  
835 E ASHBY PLACE  
837 E ASHBY PLACE  
841 E ASHBY PLACE  
875 E ASHBY PLACE  
**LEGAL DESCRIPTION:** NCB 3053 BLK LOT 11, 12, 13 & 14 (4.635 AC) & P-100 (0.142 AC) & P-101 (0.3304 AC) TOTAL: 5.1074 AC  
**ZONING:** I-1, RIO-2  
**CITY COUNCIL DIST.:** 1  
**APPLICANT:** Ashley Farrimond/Kaufman & Killen, Inc., Embrey Partners, Ltd., AREA Real Estate, LLC, Humphreys & Partners Architects, L.P.  
**OWNER:** SSGT Borden Park LLC  
**TYPE OF WORK:** Construction of a 5-story, multi-residential structure, rehabilitation of an existing structure  
**APPLICATION RECEIVED:** March 18, 2019  
**60-DAY REVIEW:** May 17, 2019  
**CASE MANAGER:** Edward Hall  
**REQUEST:**

The applicant is requesting conceptual approval to:

1. Perform rehabilitative scopes of work to the Borden Building, the existing structure located at 875 E Ashby Place. Existing rear additions may be removed.
2. Construct a five-story, multi-family residential structure on the lots addressed as 815, 825, 835, 827 and 841 E Ashby Place.
3. Perform river beautification improvements, trail improvements and low impact development features along the San Antonio River.

### APPLICABLE CITATIONS:

UDC Section 35-672. – Neighborhood Wide Design Standards

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

(1) Provide sidewalks that link with existing sidewalks on adjoining properties. If no sidewalk currently exists on an adjoining property, the applicant will have discretion in the placement of the sidewalk provided the following criteria are met:

- A. Provide a sidewalk connection from one (1) side of the applicant's property to the other, parallel to the public right-of way, on the street sides of the property in all river improvement overlay districts
- B. Provide a connection from the street level sidewalk to the Riverwalk at cross streets and bridges and other designated access points. This requirement may be waived if there is already a public connection from the street level to the Riverwalk.
- C. In order to preserve the rural character of "RIO-6," the HPO, in coordination with the development services department, may waive the requirement of sidewalks.
  - In "RIO-3," the width of the pathway along the river shall match those widths established in the historic Hugman drawings. If there are no sidewalks in the Hugman drawings, the path will not exceed eight (8) feet in width.

(2) Link the various functions and spaces on a site with sidewalks in a coordinated system.

Provide pedestrian sidewalks between buildings, parking areas and built features such as outdoor plazas and courtyards.

(3) Paving materials. Paving materials for pedestrian pathways shall use visually and texturally different materials than those used for parking spaces and automobile traffic.

- A. Paving materials for pedestrian pathways shall be either:

- i. Broom-finished, scored, sandblasted or dyed concrete;
- ii. Rough or honed finished stone;
- iii. Brick or concrete pavers; or
- iv. Other materials that meet the performance standards of the above materials.

B. Asphalt is permitted for pedestrian pathways that also are designated as multi-use paths by the City of San Antonio. The public works department will maintain the designated multi-use path locations.

(4) Street Connections to River. Retain the interesting and unique situations where streets dead-end at the river, creating both visual and physical access to the river for the public.

(5) Pedestrian Access Along the Riverwalk Pathway Shall Not Be Blocked.

A. Queuing is prohibited on the Riverwalk pathway.

B. Hostess stations shall be located away from the Riverwalk pathway so as to not inhibit pedestrian flow on the Riverwalk pathway. That is, the hostess station shall not be located in such a manner to cause a patron who has stopped at the hostess stand to be standing on the Riverwalk pathway. Pedestrian flow shall be considered "inhibited" if a pedestrian walking along the pathway has to swerve, dodge, change direction or come to a complete stop to avoid a patron engaged at the hostess stand.

C. Tables and chairs shall be located a sufficient distance from the Riverwalk pathway so that normal dining and service shall not inhibit the flow of pedestrian traffic. See inhibited definition in subsection B. above.

(b) Automobile Access and Parking. Automobile circulation should be efficient, and conflicts with pedestrians minimized. Entry points for automobiles should be clearly defined and connections to auto circulation on adjoining properties are encouraged to facilitate access and reduce traffic on abutting public streets.

(1) Curb Cuts.

A. Limit curb cuts to two (2) on parking areas or structures facing only one (1) street, and one (1) for each additional street face. The prohibition of additional curb cuts may be waived by the HDRC where the intent of the standards are clearly met and specific site circulation patterns require an additional curb cut, such as on long parcels or at nodes.

B. Curb cuts may be no larger than twenty-five (25) feet zero (0) inches. Continuous curb cuts are prohibited.

C. Sharing curb cuts between adjacent properties, such as providing cross property access easements, is permitted.

(2) Location of Parking Areas. Automobile parking in new developments must be balanced with the requirements of active environments. Large expanses of surface parking lots have a negative impact on street activity and the pedestrian experience. New commercial and residential structures can accommodate parking needs and contribute to a pedestrian-friendly streetscape.

A. Locate parking areas, that is any off-street, ground level surface used to park cars or any parking structure, toward the interior of the site or to the side or rear of a building.

B. The extent of parking area that may be located along the street edge or riverside shall be limited to a percentage of the lot line as per Table 672-1 as measured in a lineal direction parallel to the lot line. All parking within a thirty-foot setback from the above mentioned lot line shall comply with the requirements of the table. Where parking is located on corner sites only one (1) lot line has to meet the requirements of the table.

C. Parking lots should be avoided as a primary land use. Parking lots as a primary use are prohibited in RIO-3 and for all properties that fall within one hundred (100) feet of the river right-of-way in all RIO districts.

(3) Screen or Buffer Parking Areas From View of Public Streets, the River or Adjacent Residential Uses. (see Figure 672-2). Parking lots shall be screened with a landscape buffer as per the illustrations of bufferyards and Table 510-2 if the parking area meets one (1) of the following conditions:

A. Within a fifty-foot setback from the edge of the river ROW use, at a minimum, type E; or

B. Within a twenty-foot setback from a property line adjacent to a street use, at a minimum, type B; or

C. Within a twenty-foot setback of commercial or industrial property that abuts a residential property use, at a minimum, type C.

(4) Parking Structures Shall Be Compatible With Buildings in the Surrounding Area. Parking garages should have retail space on the ground floor of a parking structure provided the retail space has at least fifty (50) percent of its linear street frontage as display windows. Parking structures may be made visually appealing with a mural or public art component approved by the HDRC on the parking structure. A parking garage will be considered compatible if:

A. It does not vary in height by more than thirty (30) percent from another building on the same block face; and

B. It uses materials that can be found on other buildings within the block face, or in the block face across the street.

(5) Parking Structures Shall Provide Clearly Defined Pedestrian Access. Pedestrian entrances and exits shall be accentuated with directional signage, lighting or architectural features so that pedestrians can readily discern the

appropriate path of travel to avoid pedestrian/auto conflicts.

(6) Parking lots, structures, and hardscape shall not drain directly into the river without installation of appropriate water quality best management practices (WQ BMPs). Acequias shall not be used for any type of drainage.

(c) Views. The river's course (both natural and manmade), and San Antonio's street pattern, creates unique views of certain properties from the public ROW. These properties often occur at prominent curves in the river or where a street changes direction and a property appears to be a terminus at the end of a street.

(1) Architectural Focal Point. When a property is situated in such a manner as to appear to be the terminus at the end of the street or at a prominent curve in the river, the building shall incorporate into its design an architectural feature that will provide a focal point at the end of the view. (see Figure 672-3) An architectural feature will be considered to be a focal point through any of the following methods, but not limited to:

- A. Additional height.
- B. Creation of a tower.
- C. Variation in roof shape.
- D. Change of color or materials.
- E. Addition of a design enhancement feature such as:
  - i. Embellished entrance areas.
  - ii. Articulated corners, especially when entrance is at corner, rounded or chamfered corners ease the transitions from one street facade to the adjoining facade.
  - iii. Recessed or projecting balconies and entrances.

Billboards, advertising and signage are expressly prohibited as appropriate focal points.

#### UDC Section 35-673. – Site Design Standards

(a) Solar Access. The intent of providing and maintaining solar access to the San Antonio River is to protect the river's specific ecoclimate. The river has a special microclimate of natural and planted vegetation that requires certain levels and balanced amounts of sunlight, space and water. Development must be designed to respect and protect those natural requirements, keeping them in balance and not crowding or altering them so that vegetation does not receive more or less space and water, but particularly sunlight, than is required for normal expected growth.

(1) Building Massing to Provide Solar Access to the River. Building massing shall be so designed as to provide direct sunlight to vegetation in the river channel as defined:

- A. The area to be measured for solar access shall be a thirty-foot setback from the river's edge or from the river's edge to the building face, which ever is lesser, parallel to the river for the length of the property.
- B. The solar calculations shall be measured exclusive to the applicant's property; that is, shades and shadows of other buildings shall not be included in the calculations. The solar calculations shall only measure the impact of new construction and additions. The shading impact of historic buildings on the site may be excluded from the calculations.
- C. The defined area shall receive a minimum of 5.5 hours of direct sunlight, measured at the winter solstice, and 7.5 hours of direct sunlight, measured at the summer solstice.
- D. Those properties located on the south side of the river (whose north face is adjacent to the river) shall only be required to measure the sunlight in the 30-foot setback on the opposite bank of the river.
- E. Those properties within the river improvement overlay district not directly adjacent to the river are still subject to the provisions of this section. To determine the solar access effect of these buildings on the river the applicant must measure the nearest point to the river of an area defined by a thirty-foot setback from the river's edge, parallel to the river for the length of their property that would be affected by their building. For those buildings on the south side of the river, the 30-foot setback shall be measured only on the opposite bank.
- F. However, in those cases where the above conditions cannot be met due to the natural configuration of the river, existing street patterns, or existing buildings, the HDRC may approve a buildings mass and height as allowed by table 674-2.

G. If there is a conflict with this section and another section of this chapter this section shall prevail.

(2) Prohibition of Structures, Buildings, Roofs or Skywalks Over the River Channel. No structure, building, roof or skywalk may be constructed over the river channel, or by-pass channel with the exception of structures for flood control purposes, open air pedestrian bridges at ground or river level, and street bridges. The river channel is the natural course of the river as modified for flood control purposes and the Pershing-Catalpa ditch.

(b) Building Orientation. Buildings should be sited to help define active spaces for area users, provide pedestrian connections between sites, help animate the street scene and define street edges. Consideration to both the street and riverside should be given. The placement of a building on a site should therefore be considered within the context of the

block, as well as how the structure will support the broader design goals for the area.

(1) Two or More Buildings on a Site.

A. Cluster buildings to create active open spaces such as courtyards along the street and river edges. Site plazas and courtyards, if possible, so that they are shaded in the summer and are sunny in the winter.

(2) Primary and Secondary Entrances

A. Orient a building's primary entrance toward the street with subordinate entrances located on the riverside and/or the interior of the property. On a major thoroughfare street it is acceptable to provide the primary entrance through a common courtyard and then to a street.

B. The primary entrance shall be distinguished by architectural features such as, but not limited to: an entry portal; change in material or color; change in scale of other openings; addition of columns, lintels or canopies.

C. Secondary entrances shall have architectural features that are subordinate to the primary entrance in scale and detail. For purposes of this division subordinate means that the entrance is smaller in height and width, and has fewer or simpler architectural elements.

(c) Topography and Drainage. The natural contours of occasional hillsides and riverbanks contribute to the distinct character of the San Antonio River and shall be considered in site designs for new development. Site plans shall minimize the need for cut and fill. It should be considered as an opportunity for positive enhancements through the creative use of terraces and retaining walls.

(1) Visual Impacts of Cut and Fill. Divide a grade change of more than ten (10) vertical feet into a series of benches and terraces. Terrace steep slopes following site contours. When creating site benches, using sloped "transitional areas" as part of the required landscaping is appropriate.

(2) Minimize the Potential for Erosion at the Riverbank. Grade slopes at a stable angle not to exceed four to one (4:1) and provide plant material that will stabilize the soil such as vigorous ground covers, vines or turf planting that are native and noninvasive species as found on the permissible plant list maintained by the parks and recreation department. Use of stabilizing materials such as geo-web or geo-grid is permitted as long as plant material is used to conceal the grid.

Use of terraced walls is permitted when there is a slope of more than four to one (4:1).

(3) Retaining Walls. Limit the height of a retaining wall to less than six (6) feet. If the retaining wall must exceed six (6) feet, a series of six-foot terrace walls is acceptable. Walls at dams and locks are excluded from this requirement. If in the opinion of the historic preservation officer a higher wall is consistent with the adopted conceptual plan of the river, a higher wall (not to exceed twelve (12) feet) is allowed. Materials used for the walls may include limestone, stucco, brick, clay, tile, timber, or textured concrete. (see Figure 673-2)

(4) Enhance or Incorporate Acequias Into The Landscape Design and Drainage Scheme of the Site. Where archeological evidence indicates a site contains or has contained a Spanish colonial acequia, incorporate the original path of the acequia as a natural drainageway or a landscape feature of the site by including it as part of the open space plan, and a feature of the landscape design.

(5) Design of Stormwater Management Facilities to be a Landscape Amenity. Where above ground stormwater management facilities are required, such facilities shall be multi-purpose amenities. For example, water quality features can be included as part of the site landscaping and detention facilities can be included as part of a hardscape patio. Using an open concrete basin as a detention pond is prohibited.

(6) Walls and Fences at Detention Areas.

A. When the topography of the site exceeds a four to one (4:1) slope and it becomes necessary to use a masonry wall as part of the detention area, use a textured surface and incorporate plant materials, from the plant list maintained by the parks department, that will drape over the edge to soften the appearance of the structure.

B. The use of solid board or chain link fence with or without slats is prohibited. A welded wire, tubular steel, wrought iron or garden loop is permitted.

(7) Roof Drainage into the River.

A. All roof drainage and other run-off drainage shall conform to public works department standards so that they \ drain into sewer and storm drains rather than the river. Drainage of this type shall not be piped into the river unless the outlet is below the normal waterline of the river at normal flow rates.

B. All downspouts or gutters draining water from roofs or parapets shall be extended underground under walks and patios to the San Antonio River's edge or stormwater detention facility so that such drainage will not erode or otherwise damage the Riverwalk, landscaping or river retaining walls.

C. All piping and air-conditioning wastewater systems shall be kept in good repair. Water to be drained purposely from these systems, after being tested and adjudged free from pollution, shall be drained in the same manner prescribed in subsection (7)A. above.

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

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

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

(e) Landscape Design. Lush and varied landscapes are part of the tradition of the San Antonio River. These design standards apply to landscaping within an individual site. Additional standards follow that provide more specific standards for the public pathway along the river and street edges.

(1) Provide Variety in Landscape Design. Provide variety in the landscape experience along the river by varying landscape designs between properties. No more than seventy-five (75) percent of the landscape materials, including plants, shall be the same as those on adjacent properties. (see Figure 673-4).

(2) Planting Requirements in Open Space Abutting the River. On publicly-owned land leased by the adjoining property owner, if applicable, and/or within privately owned setbacks adjacent to the river, a minimum percentage of the open space, excluding building footprint, lease space under bridges and parking requirements, are required to be planted according to Table 673-2.

A. Planting requirements in RIO-4, RIO-5, and RIO-6 should continue the restoration landscape efforts along the river banks. Planting in these RIO districts is to be less formal so as to maintain the rural setting of the river.

B. In "RIO-3," if existing conditions don't meet the standards as set out in Table 673-2, the owner or lessee will not have to remove paving to add landscaping in order to meet the standards until there is a substantial remodeling of the outdoor area. Substantial remodeling will include replacement of seventy-five (75) percent of the paving materials, or replacement of balcony and stair structures.

(f) Plant Materials. A number of soil conditions converge in the San Antonio area to create unique vegetation ecosystems. Along the route of the San Antonio River, the soil conditions vary greatly from the northern boundary near Hildebrand to the city limits near Mission San Francisco de la Espada (Mission Espada) and therefore native and indigenous plants will vary accordingly. Landscaping should reflect the unique soil characteristics of the specific site.

(1) Incorporate Existing Vegetation. Extend the use of landscape materials, including plants, shrubs and trees that are used in the public areas of the river onto adjacent private areas to form a cohesive design.

(2) Use indigenous and noninvasive species characteristic of the specific site as found on the permissible plant list maintained by the parks and recreation department or the Unified Development Code Plant List found in Appendix E. In "RIO-3," plantings of tropical and semi-tropical plants with perennial background is permitted.

(3) Install Trees to Provide Shade and to Separate Pedestrians From Automobile Traffic. Install street trees along the property line or in the ROW abutting all streets according to minimum requirement standards established in subsection 35-512(b), except where this conflicts with existing downtown Tri-Party improvements in "RIO-3." In "RIO-3" the owner has the option of placing trees at the property line, or along the street edge.

(g) Paving Materials. An important San Antonio landscape tradition is the use of decorative surfaces for paving and other landscape structures. Paving materials and patterns should be carefully chosen to preserve and enhance the pedestrian experience.

(1) Vary Walkway, Patio and Courtyard Paving to Add Visual Interest on the Riverside of Properties Abutting the River. Pervious paving is encouraged where feasible and appropriate to the site.

A. A maximum of six hundred (600) square feet is allowed for a single paving material before the paving material must be divided or separated with a paving material that is different in texture, pattern, color or material. A separation using a different material must be a minimum of twenty-four (24) inches wide, the full width of the pathway.

B. A maximum of one hundred (100) lineal feet is allowed in a walkway before the pattern must change in districts "RIO-2," "RIO-3," and "RIO-4." A maximum of five hundred twenty-eight (528) lineal feet is allowed before the pattern must change in districts "RIO-1," "RIO-5" and "RIO-6." The change of material at five hundred twenty-eight (528) lineal feet will define and delineate one-tenth-mile markers.

C. In "RIO-3," the Riverwalk pathway shall be delineated by using a separate material that is clearly distinguished from the adjacent patio paving materials. If the historic Hugman drawings indicate a sidewalk width and pattern on the site, that paving pattern and material shall be replicated.

(h) Site Walls and Fences. Site walls and fences are used to help divide spaces, screen unsightly objects and provide privacy. However, the character of the San Antonio River is such that walls shall not be erected in such a way as to block

views of the river from public spaces.

(1) Use of Site Walls to Define Outdoor Spaces.

A. Use of low scale walls (twenty-four (24) inches to forty-eight (48) inches) to divide space, create a variety in landscaping and define edges is permitted.

B. Solid walls (up to seventy-two (72) inches) are permitted to: screen mechanical equipment, garbage receptacles and other unsightly areas; and provide privacy at the back of lots up to the front building face.

(2) Site Wall and Fence Materials.

A. On properties abutting the river, site walls and fence materials may be constructed of: stone, block, tile, stucco, wrought iron, tubular steel, welded wire or a combination of masonry and metal, cedar posts and welded wire or garden loop or other materials having similar characteristics. All other properties, not abutting the river may use the above listed materials plus wood fencing.

B. All chain link fences are prohibited for properties abutting the river. For properties that do not abut the river chain link is only allowed in the rear yard if not readily visible from the right-of-way. Barbed wire, razor wire, and concertina are prohibited in all RIO districts.

(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. The following street furnishings are prohibited within the publicly owned portion of the Riverwalk area, 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.

G. Monitors (i.e., television screens, computer screens).

H. Speakers.

(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.

(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.

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.

(4) Street furnishings, such as tables and chairs may not be stored (other than overnight storage) in such a way as to be visible from the river pathway.

(j) Lighting. Site lighting should be considered an integral element of the landscape design of a property. It should help define activity areas and provide interest at night. At the same time, lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists. Overspill of light and light pollution should be avoided.

(1) Site Lighting. Site lighting shall be shielded by permanent attachments to light fixtures so that the light sources are not visible from a public way and any offsite glare is prevented.

A. Site lighting shall include illumination of parking areas, buildings, pedestrian routes, dining areas, design features and public ways.

B. Outdoor spaces adjoining and visible from the river right-of-way shall have average ambient light levels of between one (1) and three (3) foot-candles with a minimum of 0.5-foot candles and a maximum of six (6) foot-candles at any point measured on the ground plane. Interior spaces visible from the river right-of-way on the river level and ground floor level shall use light sources with no more than the equivalent lumens of a one hundred-watt incandescent bulb. Exterior balconies, porches and canopies adjoining and visible from the river

right-of-way shall use light sources with the equivalent lumens of a sixty-watt incandescent bulb with average ambient light levels no greater than the lumen output of a one hundred-watt incandescent light bulb as long as average foot candle standards are not exceeded. Accent lighting of landscape or building features including specimen plants, gates, entries, water features, art work, stairs, and ramps may exceed these standards by a multiple of 2.5. Recreational fields and activity areas that require higher light levels shall be screened from the river hike and bike pathways with a landscape buffer.

C. Exterior light fixtures that use the equivalent of more than one hundred-watt incandescent bulbs shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of ninety (90) degrees. Any structural part of the fixture providing this cut-off angle must be permanently affixed.

D. Lighting spillover to the publicly owned areas of the river or across property lines shall not exceed one-half (½) of one (1) foot-candle measured at any point ten (10) feet beyond the property line.

(2) Provide Lighting for Pedestrian Ways That is Low Scaled for Walking. The position of a lamp in a pedestrian-way light shall not exceed fifteen (15) feet in height above the ground.

(3) Light Temperature and Color.

A. Light temperature and color shall be between 2500° K and 3500° K with a color rendition index (CRI) of eighty (80) or higher, respectively. This restriction is limited to all outdoor spaces adjoining and visible from the river right-of-way and from the interior spaces adjoining the river right-of-way on the river level and ground floor level. Levels shall be determined by product specifications.

(4) Minimize the Visual Impacts of Exterior Building Lighting.

A. All security lighting shall be shielded so that the light sources are not visible from a public way.

B. Lighting (uplighting and downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky.

C. Fixtures shall not distract from, or obscure important architectural features of the building. Lighting fixtures shall be a subordinate feature on the building unless they are incorporated into the over-all design scheme of the building.

(5) Prohibited Lighting on the Riverside of Properties Abutting the River.

A. Flashing lights.

B. Rotating lights.

C. Chaser lights.

D. Exposed neon.

E. Seasonal decorating lights such as festoon, string or rope lights, except between November 20 and January 10.

F. Flood lamps.

(6) Minimize the visual impacts of lighting in parking areas in order to enhance the perception of the nighttime sky and to prevent glare onto adjacent properties. Parking lot light poles are limited to thirty (30) feet in height, shall have a 90° cutoff angle so as to not emit light above the horizontal plane.

(k) Curbs and Gutters.

(1) Construct Curb and Gutter Along the Street Edge of a Property.

A. Install curbs and gutter along the street edge at the time of improving a parcel.

B. In order to preserve the rural character of RIO-5 and RIO-6, the HPO in coordination with public works and the development services department may waive the requirement of curbs and gutters.

(l) Access to Public Pathway Along the River. These requirements are specifically for those properties adjacent to the river to provide a connection to the publicly owned pathway along the river. The connections are to stimulate and enhance urban activity, provide path connections in an urban context, enliven street activity, and protect the ambiance and character of the river area.

(1) A stair, ramp or elevator connecting the publicly owned pathway at the river to private property along the river is allowed by right at the following locations:

A. At all street and vehicular bridge crossings over the river.

B. Where publicly owned streets dead end into the river.

C. Where the pedestrian pathway in the Riverwalk area is located at the top of bank and there is a two-foot or less grade change between the private property and the pathway.

(2) If there is a grade change greater than two (2) feet between the private property and the publicly owned pathway at the river then the following conditions apply:

A. Access to the publicly owned pathway is limited to one (1) connection per property, with the exception that connections are always allowed at street and vehicular bridge crossings. For example if one (1) property extends the entire block face from street crossing to street crossing the owner would be allowed three (3) access points if

the distance requirements were met.

B. The minimum distance between access points shall be ninety-five (95) feet. Only street and vehicular bridge connections are exempted. Mid-block access points must meet this requirement.

C. Reciprocal access agreements between property owners are permitted.

(3) Clearly define a key pedestrian gateway into the site from the publicly owned pathway at the river with distinctive architectural or landscape elements.

A. The primary gateway from a development to the publicly owned pathway at the river shall be defined by an architectural or landscape element made of stone, brick, tile, metal, rough hewn cedar or hand-formed concrete or through the use of distinctive plantings or planting beds.

(m) Buffering and Screening. The manner in which screening and buffering elements are designed on a site greatly affects the character of the river districts. In general, service areas shall be screened or buffered. "Buffers" are considered to be landscaped berms, planters or planting beds; whereas, more solid "screens" include fences and walls. When site development creates an unavoidable negative visual impact on abutting properties or to the public right-of-way, it shall be mitigated with a landscape design that will buffer or screen it.

(1) Landscape Buffers Shall be Used in the Following Circumstances: To buffer the edges of a parking lot from pedestrian ways and outdoor use areas, (such as patios, and courtyards), and as an option to screening in order to buffer service areas, garbage disposal areas, mechanical equipment, storage areas, maintenance yards, equipment storage areas and other similar activities that by their nature create unsightly views from pedestrian ways, streets, public ROWs and adjoining property.

(2) Screening Elements Shall be Used in the Following Circumstances: To screen service areas, storage areas, or garbage areas from pedestrian ways.

(3) Exceptions for Site Constraints. Due to site constraints, in all RIOs and specifically for "RIO-3" where there is less than ten (10) feet to provide for the minimum landscape berm, a screen may be used in conjunction with plantings to meet the intent of these standards. For example a low site wall may be combined with plant materials to create a buffer with a lesser cross sectional width.

(4) Applicable Bufferyard Types. Table 510-2 establishes minimum plant materials required for each bufferyard type. For purposes of this section, type C shall be the acceptable minimum type.

(5) Applicable Screening Fence and Wall Types. Screening fences and walls shall be subject to conditions of subsection 35-673(h), Walls and Fences.

(n) Service Areas and Mechanical Equipment. Service areas and mechanical equipment should be visually unobtrusive and should be integrated with the design of the site and building. Noise generated from mechanical equipment shall not exceed city noise regulations.

(1) Locate service entrances, waste disposal areas and other similar uses adjacent to service lanes and away from major streets and the river.

A. Position utility boxes so that they cannot be seen from the public Riverwalk path, or from major streets, by locating them on the sides of buildings and away from pedestrian and vehicular routes. Locating them within interior building corners, at building offsets or other similar locations where the building mass acts as a shield from public view is preferred.

B. Orient the door to a trash enclosure to face away from the street when feasible.

C. Air intake and exhaust systems, or other mechanical equipment that generates noise, smoke or odors, shall not be located at the pedestrian level.

(2) Screening of service entrance shall be compatible with the buildings on the block face.

A. When it would be visible from a public way, a service area shall be visually compatible with the buildings on the block face.

B. A wall will be considered compatible if it uses the same material as other buildings on the block, or is painted a neutral color such as beige, gray or dark green or if it is in keeping with the color scheme of the adjacent building.

(o) Bicycle Parking. On-site bicycle parking helps promote a long term sustainable strategy for development in RIO districts. Bicycle parking shall be placed in a well lit and accessible area. UDC bicycle parking requirements in UDC 35-526 can be met through indoor bicycle storage facilities in lieu of outdoor bike rack fixtures.

## Sec. 35-674. Building Design Principles

(a) Architectural Character. A basic objective for architectural design in the river improvement overlay districts is to encourage the reuse of existing buildings and construction of new, innovative designs that enhance the area, and help to establish distinct identities for each of the zone districts. At the same time, these new buildings should reinforce



established building traditions and respect the contexts of neighborhoods.

When a new building is constructed, it shall be designed in a manner that reinforces the basic character-defining features of the area. Such features include the way in which a building is located on its site, the manner in which it faces the street and its orientation to the river. When these design variables are arranged in a new building to be similar to those seen traditionally, visual compatibility results.

(b) Mass and Scale. A building shall appear to have a "human scale." In general, this scale can be accomplished by using familiar forms and elements interpreted in human dimensions. Exterior wall designs shall help pedestrians establish a sense of scale with relation to each building. Articulating the number of floors in a building can help to establish a building's scale, for example, and prevent larger buildings from dwarfing the pedestrian.

(1) Express facade components in ways that will help to establish building scale.

A. Treatment of architectural facades shall contain a discernible pattern of mass to void, or windows and doors to solid mass. Openings shall appear in a regular pattern, or be clustered to form a cohesive design. Architectural elements such as columns, lintels, sills, canopies, windows and doors should align with other architectural features on the adjacent facades.

(2) Align horizontal building elements with others in the blockface to establish building scale.

A. Align at least one (1) horizontal building element with another horizontal building element on the same block face. It will be considered to be within alignment if it is within three (3) feet, measured vertically, of the existing architectural element.

(3) Express the distinction between upper and lower floors.

A. Develop the first floor as primarily transparent. The building facade facing a major street shall have at least fifty (50) percent of the street level facade area devoted to display windows and/or windows affording some view into the interior areas. Multi-family residential buildings with no retail or office space are exempt from this requirement.

(4) Where a building facade faces the street or river and exceeds the maximum facade length allowed in Table 674-1 divide the facade of building into modules that express traditional dimensions.

A. The maximum length of an individual wall plane that faces a street or the river shall be as shown in Table 674-1.

Table 674-1

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Maximum Facade Length	50 ft.	50 ft.	30 ft.	75 ft.	75 ft.	50 ft.

B. If a building wall plane facing the street or river and exceeds the length allowed in Table 674-1, employ at least two (2) of the following techniques to reduce the perceived mass:

- Change materials with each building module to reduce its perceived mass; or
- Change the height with each building module of a wall plane. The change in height shall be at least ten (10) percent of the vertical height; or
- Change the roof form of each building module to help express the different modules of the building mass; or
- Change the arrangement of windows and other facade articulation features, such as, columns, pilasters or strap work, which divides large planes into smaller components.

(5) Organize the Mass of a Building to Provide Solar Access to the River.

A. One (1) method of doing so is to step the building down toward the river to meet the solar access requirements of subsection 35-673(a).

B. Another method is to set the building back from the river a distance sufficient to meet the solar access requirements of subsection 35-673(a).

(c) Height. Building heights vary along the river corridor, from one-story houses to high-rise hotels and apartments. This diversity of building heights is expected to continue. However, within each zone, a general similarity in building heights should be encouraged in order to help establish a sense of visual continuity. In addition, building heights shall be configured such that a comfortable human scale is established along the edges of properties and views to the river and other significant landmarks are provided while allowing the appropriate density for an area.

(1) The maximum building height shall be as defined in Table 674-2.

A. Solar access standards subsection 35-673(a), and massing standards subsection 35-674(b) also will affect building heights.

Table 674-2

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Maximum # of Stories	5	10	None	7	5	4
Maximum Height in Feet	60 ft.	120 ft.	None	84 ft.	60 ft.	50 ft.

(3) On the street-side, the building facade shall appear similar in height to those of other buildings found traditionally in the area.

If fifty (50) percent of the building facades within a block face are predominantly lower than the maximum height allowed, the new building facade on the street-side shall align with the average height of those lower buildings within the block face, or with a particular building that falls within the fifty (50) percent range. However, the remainder of the building may obtain its maximum height by stepping back fifteen (15) feet from the building face.

(4) Designation of a development node provides for the ability to increase the building height by fifty (50) percent from the requirements set out in article VI.

(d) Materials and Finishes. 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 shall be used, especially on major structures.

(1) Use indigenous materials and traditional building materials for primary wall surfaces. A minimum of seventy-five (75) percent of walls (excluding window fenestrations) shall be composed of the following:

- A. Modular masonry materials including brick, stone, and rusticated masonry block, tile, terra-cotta, structural clay tile and cast stone. Concrete masonry units (CMU) are not allowed.
- B. Other new materials that convey the texture, scale, and finish similar to traditional building materials.
- C. Stucco and painted concrete when detailed to express visual interest and convey a sense of scale.
- D. Painted or stained wood in a lap or shingle pattern.

(2) The following materials are not permitted as primary building materials and may be used as a secondary material only:

- A. Large expanses of high gloss or shiny metal panels.
- B. Mirror glass panels. Glass curtain wall buildings are allowed in RIO-3 as long as the river and street levels comply with 35-674(d)(1) above.

(3) Paint or Finish Colors.

- A. Use natural colors of indigenous building materials for properties that abut the Riverwalk area.
- B. Use matte finishes instead of high glossy finishes on wall surfaces. Wood trim and metal trim may be painted with gloss enamel.
- C. Bright colors may highlight entrances or architectural features.

(e) Facade Composition. 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. In order to maintain the sense of scale, buildings should have the same setback as surrounding buildings so as to maintain the street-wall pattern, if clearly established.

In contrast, the traditional treatment of facades along the riverside has been more modest. This treatment is largely a result of the fact that the riverside was a utilitarian edge and was not oriented to the public. Today, even though orienting buildings to the river is a high priority objective, it is appropriate that these river-oriented facades be simpler in character than those facing the street.

(1) Street Facade. Buildings that are taller than the street-wall (sixty (60) feet) shall be articulated at the stop of the street wall or stepped back in order to maintain the rhythm of the street wall. Buildings should be composed to include a base, a middle and a cap.

A. High rise buildings, more than one hundred (100) feet tall, shall terminate with a distinctive top or cap. This can be accomplished by:

- i. Reducing the bulk of the top twenty (20) percent of the building by ten (10) percent.
- ii. By stepping back the top twenty (20) percent of the building.
- iii. Changing the material of the cap.

B. Roof forms shall be used to conceal all mechanical equipment and to add architectural interest to the structure.

C. Roof surfaces should include strategies to reduce heat island effects such as use of green roofs, photo voltaic

- panels, and/or the use of roof materials with high solar reflectivity.
- (2) Fenestration. Windows help provide a human scale and so shall be proportioned accordingly.
    - D. Curtain wall systems shall be designed with modulating features such as projecting horizontal and/or vertical mullions.
  - (3) Entrances. Entrances shall be easy to find, be a special feature of the building, and be appropriately scaled.
    - A. Entrances shall be the most prominent on the street side and less prominent on the river side.
    - B. Entrances shall be placed so as to be highly visible.
    - C. The scale of the entrance is determined by the prominence of the function and or the amount of use.
    - D. Entrances shall have a change in material and/or wall plane.
    - E. Entrances should not use excessive storefront systems.
  - (4) Riverside facade. The riverside facade of a building shall have simpler detailing and composition than the street facade.
    - A. Architectural details such as cornices, sills, lintels, door surrounds, water tables and other similar details should use simple curves and handcrafted detailing.
    - B. Stone detailing shall be rough hewn, and chiseled faced. Smooth faced stone is not permitted as the primary building material, but can be used as accent pieces.
    - C. Facades on the riverside shall be asymmetrical, pedestrian scale, and give the appearance of the back of a building. That is, in traditional building along the river, the backs of building were designed with simpler details, and appear less formal than the street facades.
- (g) Awnings, Canopies and Arcades. (See Figure 674-2) The tradition of sheltering sidewalks with awnings, canopies and arcades on commercial and multi-family buildings is well established in San Antonio and is a practice that should be continued. They offer shade from the hot summer sun and shelter from rainstorms, thereby facilitating pedestrian activity. They also establish a sense of scale for a building, especially at the ground level. Awnings and canopies are appropriate locations for signage. Awnings with signage shall comply with any master signage plan on file with the historic preservation officer for the property. Awnings and canopies installed at street level within the public right-of-way require licensing with the city's capital improvements management services (CIMS) department. Canopies, balconies and awnings installed at river level within the public right-of-way require licensing with the city's downtown operations department.
- (1) If awnings, arcades and canopies are to be used they should accentuate the character-defining features of a building.
    - A. The awning, arcade or canopy shall be located in relationship to the openings of a building. That is, if there are a series of awnings or canopies, they shall be located at the window or door openings. However awnings, canopies and arcades may extend the length of building to provide shade at the first floor for the pedestrian.
    - B. Awnings, arcades and canopies shall be mounted to highlight architectural features such as moldings that may be found above the storefront.
    - C. They should match the shape of the opening.
    - D. Simple shed shapes are appropriate for rectangular openings.
    - E. Odd shapes and bubble awnings are prohibited except where the shape of an opening requires a bubble awning, or historic precedent shows they have been previously used on the building.
    - F. Canopies, awnings and arcades shall not conflict with the building's proportions or with the shape of the openings that the awning or canopy covers.
    - G. Historic canopies shall be repaired or replaced with in-kind materials.
  - (2) Materials and Color.
    - A. Awnings and canopies may be constructed of metal, wood or fabric. Certain vinyl is allowed if it has the appearance of natural fiber as approved by the HDRC.
    - B. Awning color shall coordinate with the building. Natural and earth tone colors are encouraged. Fluorescent colors are not allowed. When used for signage it is appropriate to choose a dark color for the canopy and use light lettering for signage.
  - (3) Incorporating lighting into the design of a canopy is appropriate.
    - A. Lights that illuminate the pedestrian way beneath the awning are appropriate.
    - B. Lights that illuminate the storefront are appropriate.
    - C. Internally illuminated awnings that glow are prohibited.

*UDC Section. 35-675. Archaeology.*

When an HDRC application is submitted for commercial development projects within a river improvement overlay

district the city archeologist shall review the project application to determine if there is potential of containing intact archaeological deposits utilizing the following documents/methods:

- (1) The Texas Sites Atlas for known/recorded sites, site data in the files of the Texas Archeological Research Laboratory and the Texas Historical Commission;
- (2) USGS maps;
- (3) Soil Survey maps;
- (4) Distance to water;
- (5) Topographical data;
- (6) Predictive settlement patterns;
- (7) Archival research and historic maps;
- (8) Data on file at the office of historic preservation.

If after review the city archeologist determines there is potential of containing intact archaeological deposits, an archaeological survey report shall be prepared and submitted. If, after review by the city archeologist, a determination is made that the site has little to no potential of containing intact archaeological deposits, the requirement for an archaeological survey report may be waived.

Upon completion of a survey, owners of property containing inventoried archaeological sites are encouraged to educate the public regarding archaeological components of the site and shall coordinate any efforts with the office of historic preservation.

#### *UDC Section 35-676. – 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, 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.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.
- (d) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building's materials shall not be permitted.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

## **FINDINGS:**

### General findings:

- a. The applicant has proposed to perform rehabilitative scopes of work to the Borden Building, the existing structure located at 875 E Ashby Place; construct a five-story, multi-family residential structure to the west of the Borden Building and perform site and trail improvements adjacent to the San Antonio River.
- b. **EXISTING STRUCTURES** – With the exception of the Borden Building, the site currently features structures that house self-storage units. These self-storage structures do not feature significance and their removal is eligible for Administrative Approval.
- c. **CONCEPTUAL APPROVAL** – 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.
- d. **DESIGN REVIEW COMMITTEE** – This request was reviewed by the Design Review Committee on March 12, 2019. At that meeting, the committee noted that this lot was an edge condition for residential properties and that the proposed new construction was appropriate for the site.
- e. **ARCHAEOLOGY** – The project area is within the River Improvement Overlay District and is adjacent to the historic alignment of the San Antonio River, an area known to contain significant historic and prehistoric archaeological deposits. In addition, the property is in close proximity to previously recorded archaeological site and designated State Antiquities Landmark 41BX13 and the Brackenridge Park National Register of Historic Places District. Thus, the property may contain sites, some of which may be significant. Therefore, archaeological investigations shall be required.
- f. **SAN ANTONIO RIVER AUTHORITY COORDINATION** – Per the UDC Section 35-672(c)8, consultation with the San Antonio River Authority regarding direct access to the San Antonio River, landscaping and maintenance boundaries and storm water control measures prior to the submission for a Certificate of Appropriateness. The applicant is responsible for complying with this section of the UDC.

### Findings related to request item #1:

- 1a. The applicant has proposed to perform rehabilitative scopes of work to the Borden Building, the existing structure located at 875 E Ashby Place. Existing rear additions may be removed.
- 1b. **REHABILITATION** – The UDC Section 35-676 provides standards for alteration, restoration and rehabilitation for structures located within the River Improvement Overlay that feature significant architectural elements. These standards are Secretary of the Interiors standards and are to be followed by the applicant. All repairs are to be made in kind with like materials.

### Findings related to request item #2:

- 2a. On the parcels addressed as 815, 825, 835, 837 and 841 E Ashby Place, the applicant has proposed to construct a five story, multi-family residential structure. The applicant has noted that the proposed new construction will feature approximately 300 residential units.
- 2b. **PEDESTRIAN CIRCULATION** – Per the UDC Section 35-672(a), pedestrian access shall be provided among properties to integrate neighborhoods. Additionally, the various functions and spaces on a site must be linked with sidewalks in a coordinated system. The applicant has proposed both sidewalks parallel to E Ashby as well as sidewalks to the north and east of the site. Staff finds the proposed sidewalks to be appropriate and consistent with the UDC. The applicant is responsible for coordinating with the San Antonio River Authority regarding connections to the San Pedro Creek Pedestrian pathway.
- 2c. **AUTOMOBILE PARKING** – The UDC Section 35-672(b)(2) notes that automobile parking should be located toward the interior of the site. The applicant has proposed both structured parking to be wrapped by residential space as well as surface parking to be located to the east of the proposed new construction and the rear of the Borden Building. Staff finds the proposed parking arrangement to be appropriate and consistent with the UDC. The applicant has proposed various landscaping buffers for automobile parking.
- 2d. **CURB CUTS** – The RIO design objectives outlined in the UDC include the creation of a “positive pedestrian experience” at the street edge. Standards related to curb cuts and interference with pedestrian traffic are also provided. The UDC requires projects to limit curb cuts to two (2) on parking areas or structures facing only one (1) street, and one (1) for each additional street face. The applicant has proposed to utilize the two existing curb cuts. Staff finds this to be appropriate.
- 2e. **SITE DESIGN** – According to the UDC Section 35-673, buildings should be sited to help define active spaces for

area users, provide pedestrian connections between sites, help animate the street scene and define street edges. Primary entrances should be oriented toward the street and shall be distinguishable by an architectural feature. The applicant has proposed to site the new construction adjacent to the right of way at E Ashby. Additionally, the applicant has proposed to remove the existing site paving that extends River Road into the site, adjacent to the San Antonio River. Staff finds the proposed site design to be appropriate and consistent with the UDC.

- 2f. LANDSCAPE DESIGN – The applicant has provided landscaping information on the conceptual site plan. The applicant is responsible for complying with the UDC in regards to landscape design.
- 2g. MECHANICAL & SERVICE EQUIPMENT – The UDC Section 35-673(n) addresses service areas and mechanical equipment and their impact on the public. Service areas and mechanical equipment should be visually unobtrusive and should be integrated with the design of the site and building. Noise generated from mechanical equipment shall not exceed city noise regulations. The applicant is responsible for complying with this section of the UDC.
- 2h. HUMAN SCALE – According to the UDC Section 35-674(b) a building shall appear to have a “human scale”. To comply with this, a building must (1) express façade components in ways that will help to establish building scale, (2) align horizontal building elements with others in the blockface to establish building scale, (3) express the distinction between upper and lower levels, (4) in this instance, divide the façade of the building into modules that express traditional and (5) organize the mass of a building to provide solar access to the river. The applicant has provided a human scale in multiple instances, including the installation of recessed balconies and human scaled facade openings. The applicant has also proposed various materials, including brick that features a human scale. Staff finds this to be consistent with the Guidelines.
- 2i. FAÇADE SEPARATION – The UDC Section 35-674 (b)(4) notes that a façade in RIO-2 that features more than fifty (50) feet in length should be divided into modules that express traditional dimensions. The applicant has proposed façade segments that are separated by both vertical and horizontal banding, variations in materials and textures and varying façade planes. This is consistent with the UDC.
- 2j. BUILDING MASSING & HEIGHT – The UDC regulates building height within the River Improvement Overlay Districts. For RIO-2, the maximum height for new construction is ten (10) stories or 120 feet. Staff finds the proposed height to be appropriate and consistent with the UDC.
- 2k. MATERIALS – The applicant has proposed materials that include brick and cementitious façade materials. Additionally, the applicant has proposed metal windows and metal balcony railings. The proposed materials are consistent with the UDC; however, when returning for final approval, the applicant should provide additional information regarding materials and their application.
- 2l. FAÇADE COMPOSITION – The UDC Section 35-678(e) notes that traditionally, buildings have been organized into three distinct segments; a base, midsection and cap. This organization helps to give a sense of scale to a building and its use should be encouraged. The applicant has clearly defined a base through the use of materials, façade arrangement and massing, a midsection through varying materials and a horizontal façade emphasis, and a cap through parapet cap banding, cornice banding and rooftop railings. Staff finds the proposed façade composition to be appropriate and consistent with the UDC.
- 2m. FAÇADE COMPOSITION – Generally, staff finds the proposed new construction to be appropriate in regards to height and massing; however, staff finds that the applicant should further evaluate the proposed façade arrangement to explore ways to reduce the perceived massing.
- 2n. WINDOWS – At this time, the applicant has not provided information regarding windows. Staff finds that dark colored frames that are recessed at least two (2) inches within façade planes should be used.
- 2o. SIGNAGE – At this time, the applicant has not provided information regarding signage. The applicant should submit this information to the HDRC when returning for final approval.

#### Findings related to request item #3:

- 3a. The applicant has proposed to perform river beautification improvements, trail improvements and low impact development features along the San Antonio River. As noted in finding d, the applicant is responsible for coordinating with the San Antonio River Authority regarding any direct access to the river, storm water control and landscaping and maintenance boundaries.

#### **RECOMMENDATION:**

Staff recommends approval of item #1 through #3 based on findings a through 3a with the following stipulations:

- i. That the applicant further evaluate the proposed façade arrangement to explore ways to reduce the structure’s perceived massing.

- ii. That the applicant coordinate with the San Antonio River Authority regarding landscaping and maintenance boundaries, direct access to the river and storm water control.
- iii. That all rehabilitative scopes of work to the Borden Building be done in kind with like materials.
- iv. That all mechanical equipment be screened from view at the public right of way.
- v. That the applicant recess windows at least two inches within walls and that windows feature dark colors.
- vi. **ARCHAEOLOGY** – Archaeological investigations shall be required. The archaeological scope of work should be submitted to the Office of Historic Preservation archaeologists for review and approval prior to beginning the archaeological investigation. The development project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology.

# **HDRC Application**

**815 E. Ashby**

**Embrey Partners, Ltd. &  
AREA Real Estate, LLC**

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# **Photos**

**HDRC Application – 815 E. Ashby  
Embrey Partners, Ltd. & AREA Real Estate LLC**

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# **Project Description**

**HDRC Application – 815 E. Ashby  
Embrey Partners, Ltd. & AREA Real Estate LLC**

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## **Project Description**

### **815 E. Ashby**

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815 E. Ashby is a proposed mixed-use project, including multi-family housing and commercial, office, and retail uses. The project site is 5.107 acres currently used for self-storage units. The project will consist of an approximately 300 multi-family units, with parking at the lower levels and residential living on top. The existing Borden building will be redeveloped primarily for office use, along with some commercial and retail uses. Some of the more recent additions to the backside of the structure may be removed, but otherwise the plan is to redevelop and restore the existing Borden building. The overall project is also planned to include River beautification improvements, trail improvements, and Low Impact Development features.

A zoning application has been filed to change the zoning to “IDZ-3” and is scheduled for Zoning Commission on April 16, 2019. The property is located within the Tobin Hill Community Plan and has a future land use designation of "Mixed Use". This proposed project is consistent with this land use designation.

The Developer is seeking conceptual approval of the site plan and elevations prior to Zoning Commission on April 16, 2019.

# **Site Plan**

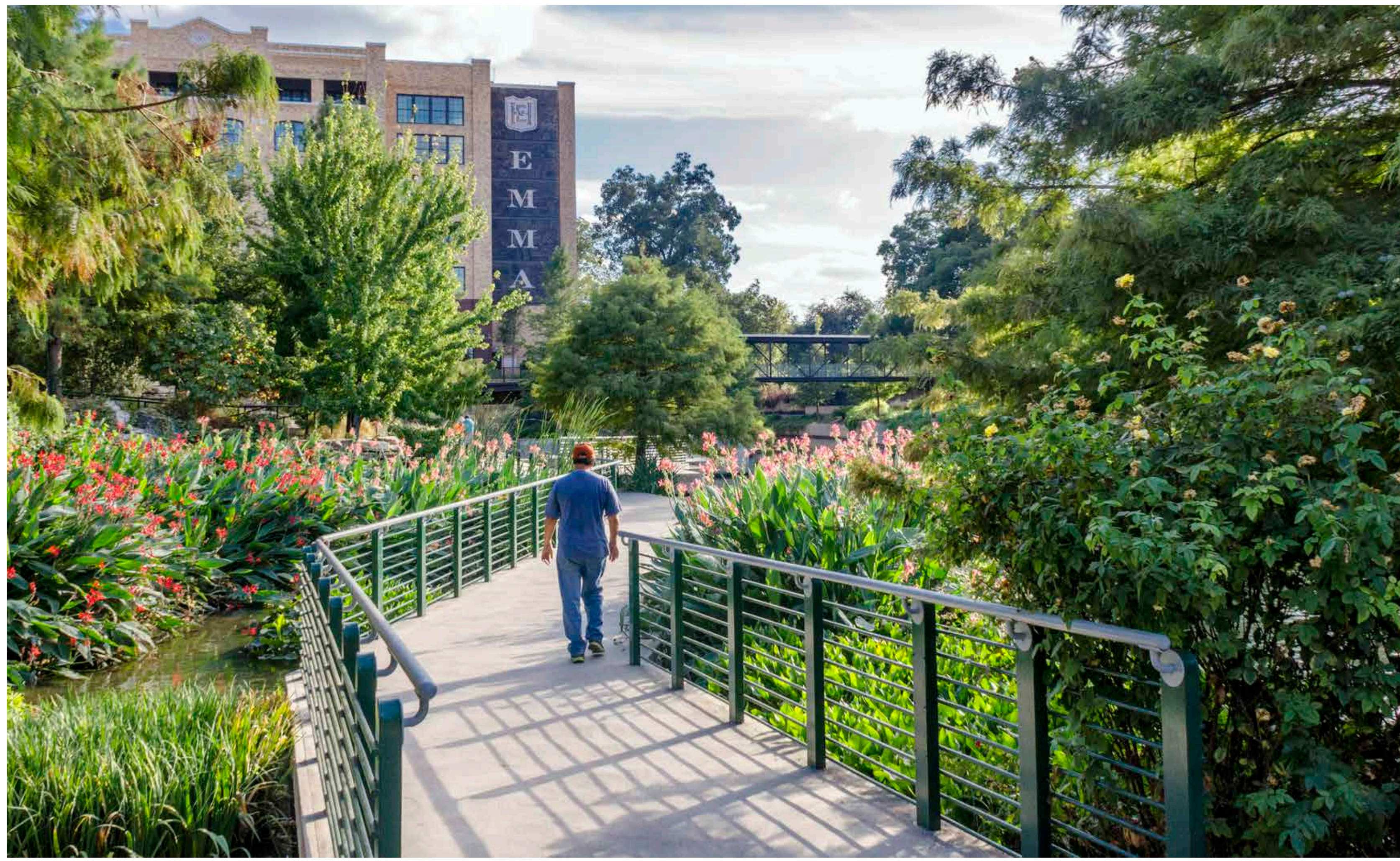
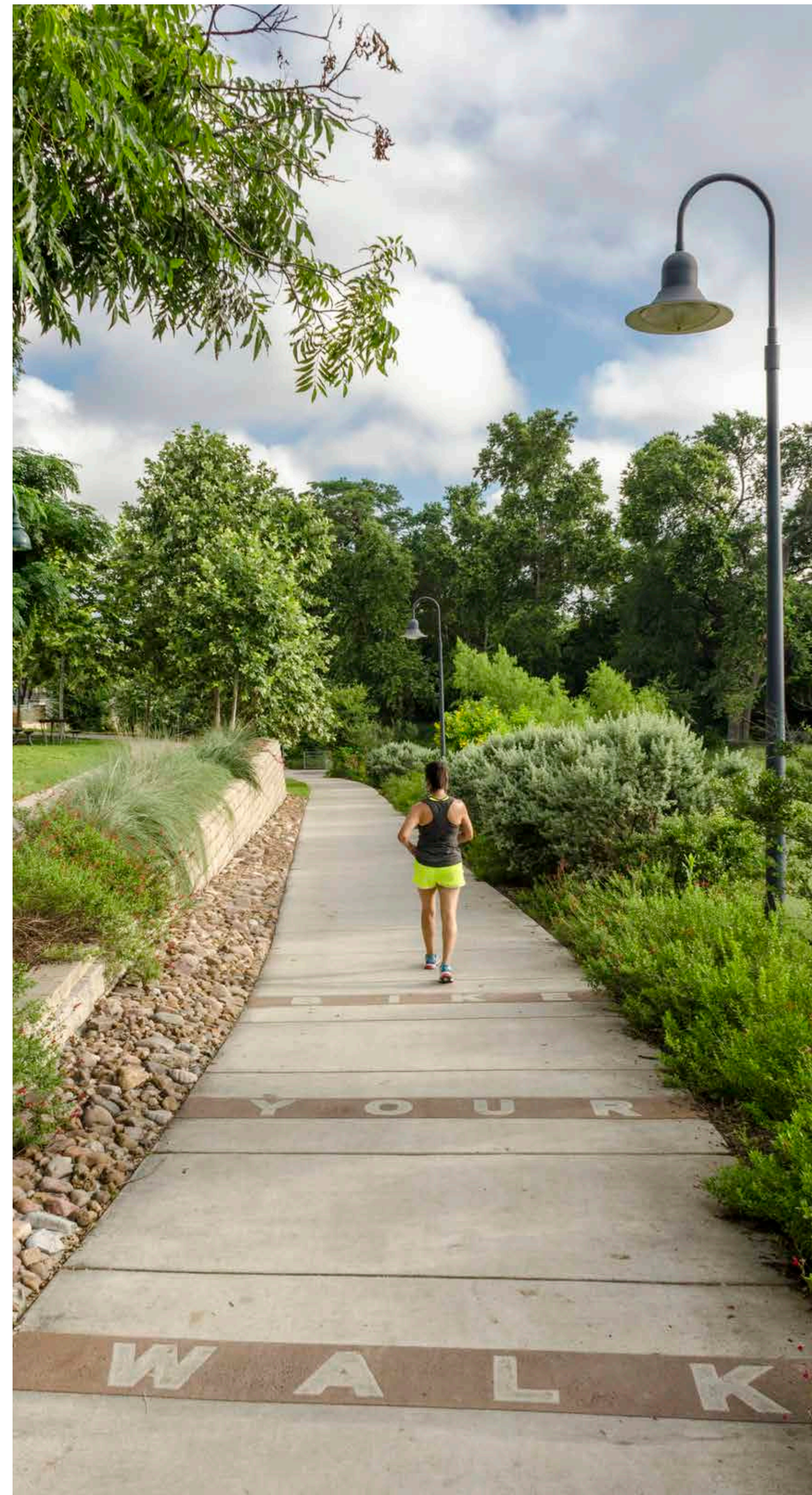
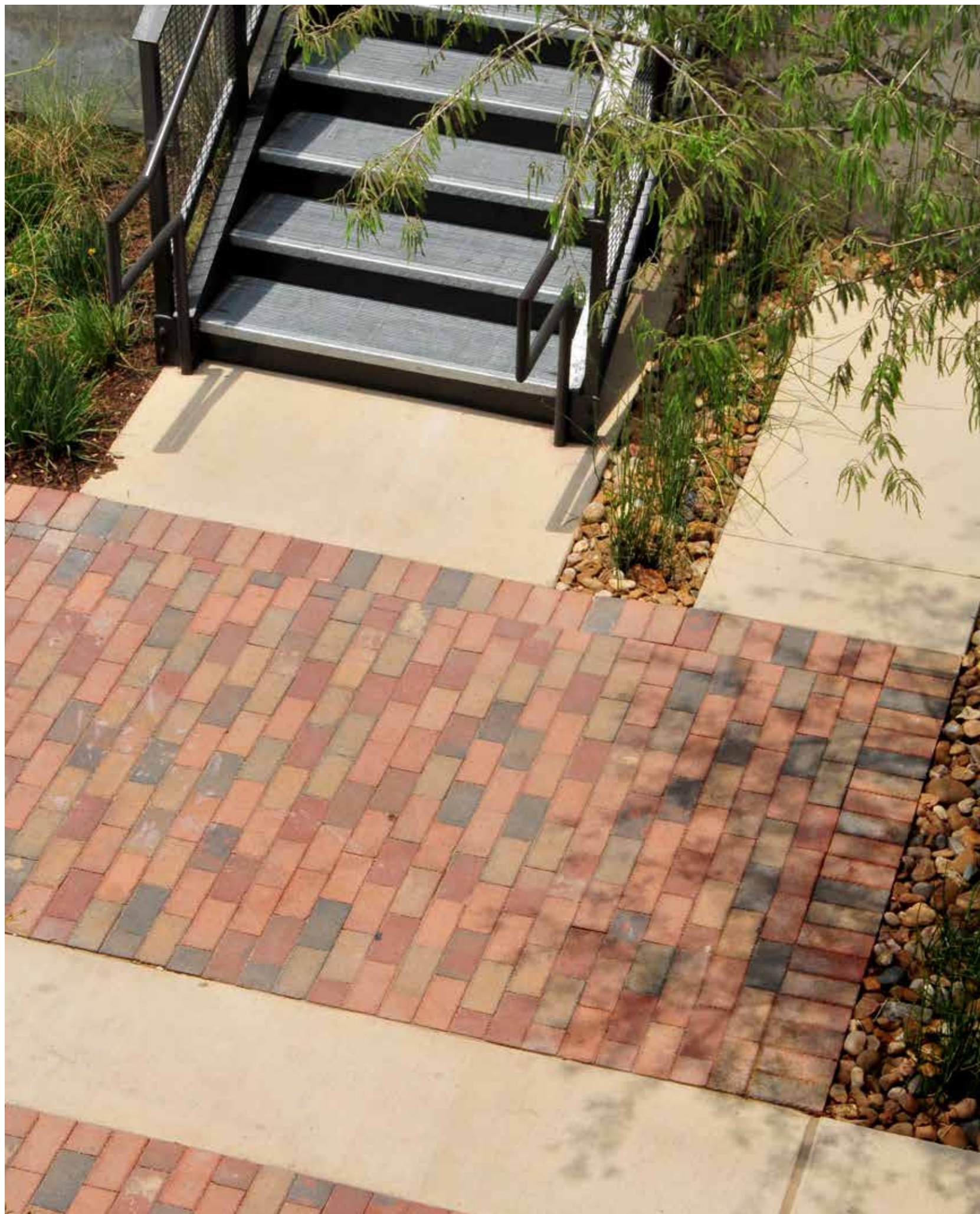
**HDRC Application – 815 E. Ashby  
Embrey Partners, Ltd. & AREA Real Estate LLC**

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# **Elevations**

**HDRC Application – 815 E. Ashby  
Embrey Partners, Ltd. & AREA Real Estate LLC**

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815 E. Ashby - Conceptual Elevation Looking East





815 E. Ashby - Conceptual Elevation Looking East

# **Other Supporting Documents**

**HDRC Application – 815 E. Ashby  
Embrey Partners, Ltd. & AREA Real Estate LLC**

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Property Identification #: 139604

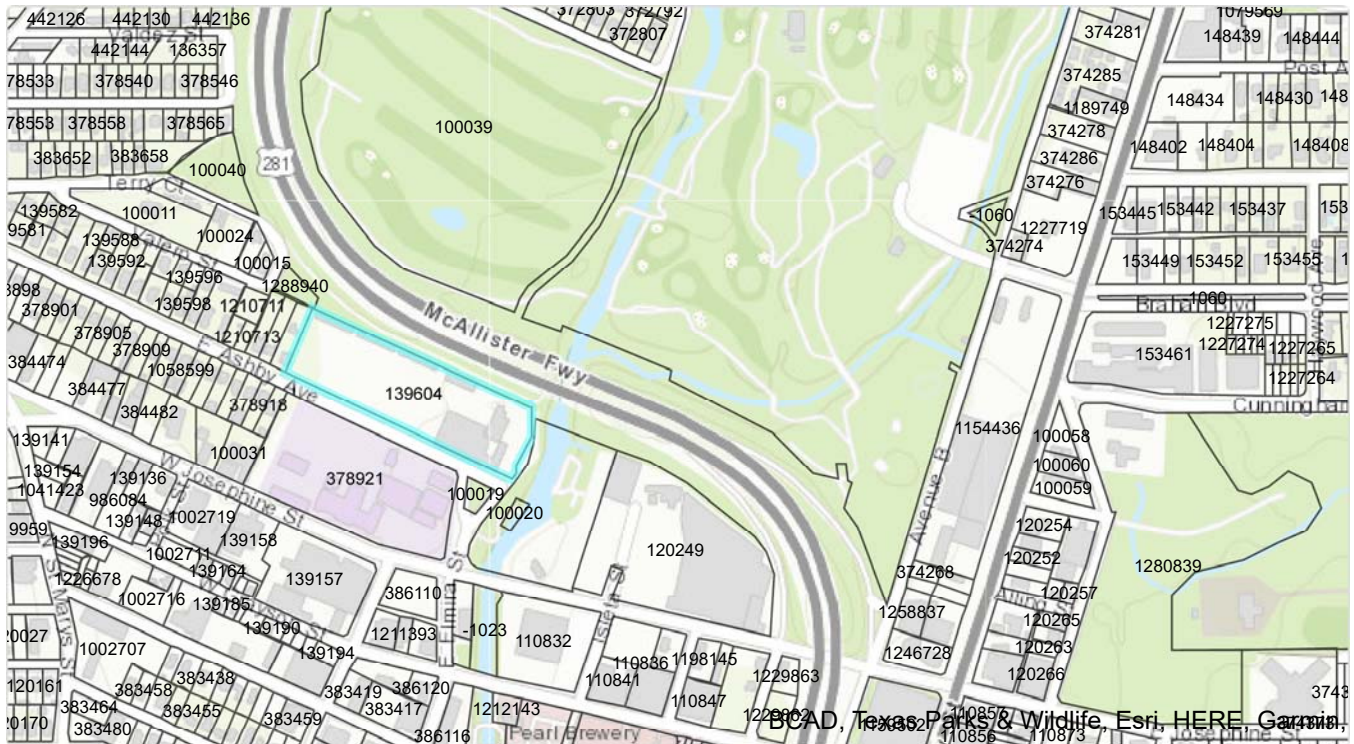
Geo ID: 03053-000-0110  
Situs 815 E ASHBY PL SAN  
Address: ANTONIO, TX 78212  
Property Type: Real  
State Code: F1

Property Information: 2019

Legal NCB 3053 BLK LOT 11, 12,  
Description: 13 & 14 (4.635 AC) & P-100  
(0.142 AC) & P-101 (0.3304  
AC) TOTAL: 5.1074 AC  
Abstract: S03053  
Neighborhood: NBHD code10480  
Appraised Value: N/A  
Jurisdictions: SA031, CAD, 11, 09, 08,  
57, 06, 10, 21

Owner Identification #: 2985144

Name: SSGT BORDEN PARK LLC  
Exemptions:  
DBA: STAR STORAGE



#### Bexar CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Bexar County Appraisal District expressly disclaims any and all liability in connection herewith.

# Bexar CAD

## Property Search Results > 139604 SSGT BORDEN PARK LLC for Year 2018

Tax Year: 2018

### Property

#### Account

Property ID:	139604	Legal Description:	NCB 3053 BLK LOT 11, 12, 13 & 14 (4.635 AC) & P-100 (0.142 AC) & P-101 (0.3304 AC) TOTAL: 5.1074 AC
Geographic ID:	03053-000-0110	Zoning:	I-1
Type:	Real	Agent Code:	60074
Property Use Code:	336		
Property Use Description:	HIGH RISE MINI-WAREHOUSE		

#### Protest

Protest Status:  
Informal Date:  
Formal Date:

#### Location

Address:	815 E ASHBY PL SAN ANTONIO, TX 78212	Mapsco:	616F2
Neighborhood:	NBHD code10480	Map ID:	
Neighborhood CD:	10480		

#### Owner

Name:	SSGT BORDEN PARK LLC	Owner ID:	2985144
Mailing Address:	PTA - EX # 8623 PO BOX 320099 ALEXANDRIA, VA 22320-4099	% Ownership:	100.0000000000%
		Exemptions:	

### Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$7,914,680	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$3,559,650	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$11,474,330	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$11,474,330	
(-) HS Cap:	-	\$0	
-----			
(=) Assessed Value:	=	\$11,474,330	

## Taxing Jurisdiction

Owner: SSGT BORDEN PARK LLC

% Ownership: 100.0000000000%

Total Value: \$11,474,330

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
06	BEXAR CO RD & FLOOD	0.023668	\$11,474,330	\$11,474,330	\$2,715.74	
08	SA RIVER AUTH	0.018580	\$11,474,330	\$11,474,330	\$2,131.93	
09	ALAMO COM COLLEGE	0.149150	\$11,474,330	\$11,474,330	\$17,113.97	
10	UNIV HEALTH SYSTEM	0.276235	\$11,474,330	\$11,474,330	\$31,696.11	
11	BEXAR COUNTY	0.277429	\$11,474,330	\$11,474,330	\$31,833.11	
21	CITY OF SAN ANTONIO	0.558270	\$11,474,330	\$11,474,330	\$64,057.74	
57	SAN ANTONIO ISD	1.562600	\$11,474,330	\$11,474,330	\$179,297.88	
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$11,474,330	\$11,474,330	\$0.00	
SA031	San Antonio TIF #31 Midtown	0.000000	\$11,474,330	\$11,474,330	\$0.00	
Total Tax Rate:		2.865932				
Taxes w/Current Exemptions:					\$328,846.48	
Taxes w/o Exemptions:					\$328,846.50	

## Improvement / Building

**Improvement #1:** Commercial State Code: F1 Living Area: sqft Value: \$89,301

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
DLA1	Detached Living Area 1	A - NO	WS	2000	1004.0
OPP	Detached Open Porch	* - A		2000	64.0
GAR	Detached Garage	* - A		2000	400.0
DLA2	Detached Living Area 2	A - NO		2000	524.0

**Improvement #2:** Commercial State Code: F1 Living Area: sqft Value: \$20,617

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - A		0	2376.0

**Improvement #3:** Commercial State Code: F1 Living Area: sqft Value: \$463,805

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CON	Concrete	* - A		0	100850.0

**Improvement #4:** Commercial State Code: F1 Living Area: 104938.0 sqft Value: \$7,340,957

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
401	OFFICE BSMT/STORAGE USABLE	B - A	RC	1930	8304.0
400	OFFICE	B - A	RC	1930	8304.0
335	MINI-WAREHOUSE	C - A	RC	1930	27880.0
335	MINI-WAREHOUSE	C - A	RC	1935	11110.0
SHI	Implement Shed	C - A	RC	1935	648.0
336	HIGH RISE MINI WHSE	B - A	RC	1935	6608.0
336	HIGH RISE MINI WHSE	B - A	RC	1935	3780.0
CNP	Canopy	* - A		0	120.0

400	OFFICE	B - A	RC	1935	184.0
305	MANUFACTURING - LIGHT	C - A	TS	1980	4320.0
335	MINI-WAREHOUSE	C - A	CB	2000	2900.0
335	MINI-WAREHOUSE	C - A	CB	2000	2900.0
335	MINI-WAREHOUSE	C - A	CB	2000	2900.0
LDK	Loading Dock	* - A		1935	1841.0
CNP	Canopy	* - A		1935	105.0
335	MINI-WAREHOUSE	C - A	CB	2000	3600.0
335	MINI-WAREHOUSE	C - A	CB	2001	9874.0
335	MINI-WAREHOUSE	C - A	CB	2001	9874.0
335	MINI-WAREHOUSE	C - A	CB	2001	600.0
335	MINI-WAREHOUSE	C - A	CB	2001	600.0
335	MINI-WAREHOUSE	C - A	CB	2001	600.0
335	MINI-WAREHOUSE	C - A	CB	2001	600.0
CNP	Canopy	* - A		2001	132.0
CNP	Canopy	* - A		2001	40.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	CSS	Commercial Store Site	5.1074	222478.34	0.00	0.00	\$3,559,650	\$0

## Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$7,914,680	\$3,559,650	0	11,474,330	\$0	\$11,474,330
2017	\$9,634,510	\$2,669,740	0	12,304,250	\$0	\$12,304,250
2016	\$9,781,050	\$1,018,950	0	10,800,000	\$0	\$10,800,000
2015	\$2,615,360	\$1,044,190	0	3,659,550	\$0	\$3,659,550

## Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/22/2015	SWD	Special Warranty Deed	BORDEN PARK LP	SSGT BORDEN PARK LLC	17637	1966	20160002117
2	4/16/2012	SWD	Special Warranty Deed	ARRINGTON DAVID H	BORDEN PARK LP	15447	667	20120070395
3	1/14/1999	SWD	Special Warranty Deed	MILK PRODUCTS LLC	BORDEN PARK LP	7801	1677	8882

**2019 data current as of Feb 12 2019 12:45AM.**

**2018 and prior year data current as of Feb 1 2019 6:04PM**

**For property information, contact (210) 242-2432 or (210) 224-8511 or email.**

**For website information, contact (210) 242-2500.**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS    §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF BEXAR     §

THAT, **BORDEN PARK, L.P.**, a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Grantor by **SSGT BORDEN PARK, LLC**, a Delaware limited liability company ("Grantee"), whose mailing address is 111 Corporate Drive, Suite 120, Ladera Ranch, California 92694, Attention: H. Michael Schwartz, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee that certain real property being more particularly described in Exhibit A attached hereto and made a part hereof for all purposes, together with all improvements, structures and fixtures situated thereon (collectively, the "Property"); subject, however, to those matters more particularly described in Exhibit B attached hereto and made a part hereof for all purposes (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever, subject to the Permitted Exceptions; and Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

Grantee, by its acceptance hereof, hereby assumes payment of all standby charges, ad valorem real estate taxes and assessments with respect to the 2016 calendar year and subsequent calendar years not yet due and payable, each to the extent attributable to all or any portion of the Property

Grantor specifically retains and reserves for Grantor and Grantor's successors, transferees and/or assigns all mineral rights, ownership and interest in the Property including but not necessarily limited to oil, gas and all other minerals, as defined herein below, that are in and under the Property together with all associated rights of mineral ownership, royalty ownership and interest. If the mineral estate is subject to existing

production or an existing lease, the production, the lease, and the benefits from it are likewise retained and reserved by Grantor. However, Grantor agrees that Grantor, its successors, transferees, assigns, and/or lessees shall not have the right to enter upon the surface estate of the Property for exploration or retrieving oil, gas or any other minerals from the Property; however, such restriction against use of the surface estate shall not restrict or prohibit the pooling or unitization of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided, however, that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

As used herein, the term "oil, gas and all other minerals" shall be construed in the broadest sense to include all oil, gas, and associated liquid or gaseous hydrocarbons, all sulfur, coal, uranium, lignite, and all other minerals, whether similar or dissimilar to those named above, regardless of how such mineral may be produced, subject however to the restriction on use of the surface estate of the Property. The same term, "oil, gas and all other minerals" shall also include all royalty, overriding royalty, and leasehold interest, leased or unleased mineral interests, and all other interests of any kind in minerals, all interests in pooled or communized units in which all or any part of the Property is included.

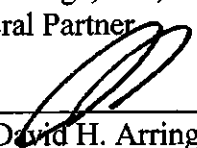
[SEE SIGNATURE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, this Deed has been executed by Grantor to be effective as of the \_\_\_\_\_ day of January, 2016.

**GRANTOR:**

**BORDEN PARK, L.P.,**  
a Texas limited partnership

By: Star Storage, Inc., a Texas corporation, its  
General Partner

By: \_\_\_\_\_  
David H. Arrington, President

ACKNOWLEDGMENT

STATE OF TEXAS

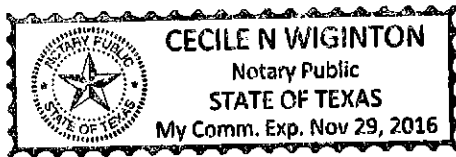
§  
§  
§

COUNTY OF MIDLAND

This instrument was acknowledged before me on this 22<sup>nd</sup> day of December, 2015,  
by David H. Arrington as President of Star Storage, Inc., a Texas corporation, the  
general partner of Borden Park, L.P., a Texas limited partnership, on behalf of said entities.

My Commission expires:

11-29-2016



Cecile N. Wiginton  
Notary Public

Cecile N. Wiginton  
Printed/Typed Name of Notary

**AFTER RECORDING RETURN TO:**

Mastrogiovanni Mersky & Flynn, P.C.  
2001 Bryan Street, Suite 1250  
Dallas, Texas 75201  
Attn: Scott Flynn



## **EXHIBIT A**

### **Legal Description**

(875 E. Ashby Place, San Antonio, TX)

#### **Tract 1:**

Being 4.635 acres of land, more or less, situated in New City Block 3053, Bexar County, Texas, and being out of and a part of Lots 11, 12, 13 and 14, SOUTH PORTION OF SCHUMANN SUBDIVISION NO. 3, according to the map or plat thereof, recorded in Volume 105, Page 82 of the Deed and Plat Records of Bexar County, Texas, said 4.635 acres of land being more particularly described by metes and bounds as follows:

A Metes and Bounds description of a 4.635 acre (201,913 square feet) tract of land situated in New City Block No.3053, City of San Antonio, Bexar County, Texas: being the remainder of that certain 4.7615 acre tract described in instrument to Borden Park, L.P. recorded in Volume 7801, Page 1677 of the Bexar County Real Property Records; containing all of Lots 11, 12 and 13 a portion of Lot 14 out of South Portion of Schumann Subdivision No.3, plat of which is recorded in Volume 105, Page 82 of the Bexar County Deed and Plat Records; and being more particularly described as follows:

BEGINNING at an "X" found cut in concrete situated in the northeasterly right-of-way line of E. Ashby Place (60 feet wide) marking the southern-most corner of said 4.7615 acre tract and the southwestern-most corner of River Road (width varies – no public access) as described in instrument to the City of San Antonio recorded in Volume 523, Page 415 of the Bexar County Deed Records (said beginning point bears North 64° West, 0.48 feet to another "X" found cut in concrete);

THENCE, North 65°29'41" West, 844.79 feet along said northeasterly right-of-way line of E. Ashby Place to a "PK" nail (with shiner stamped "BROWN ENG") found marking the southern-most corner of Lot 10, New City Block No.3053;

THENCE, North 22°34'46" East, 239.12 feet along the southeasterly boundary of said Lot 10 to a 1/2-inch iron rod found situated in the southwesterly right-of-way line of McAllister Freeway (US Highway 281-width varies);

THENCE, South 66°46'42" East, 767.91 feet along said southwesterly right-of-way line to a 1/2 – inch rod found marking the northwestern-most corner of the aforementioned "River Road" parcel and the northwestern-most corner of that certain 0.142 acre tract conveyed from the City of San Antonio to David H. Arrington by CITY ORDINANCE 97021 recorded in Volume 9820, Pages 1694-1710 of the Bexar County Real Property Records;

THENCE, along the westerly boundaries of said "River Road" parcel the following two (2) courses and distances:

1. South 02°48'04" West; at 232.06 feet passing an "X" found cut in concrete marking the southern-most corner of said 0.142 acre tract; continuing for a total distance of 241.79 feet to an "X" found cut concrete marking an angle point;

2. South 32°16'31" West, 31.84 feet to the POINT OF BEGINNING, containing 4.635 acres of land in Bexar County, Texas as shown on drawing filed under Job No. S0784-001-00 in the office of Jones & Carter, Inc., San Antonio, Texas.

Note: All bearings referenced herein are based upon the Texas State Plane Coordinate System, South Central Zone (NAD'83) as established by Global Positioning System (GPS).

Tract 2:

Being 0.142 acres of land, more or less, situated in the New City Block 3053, Bexar County, Texas, and being out of and a part of Lot 14, SOUTH PORTION OF SCHUMANN SUBDIVISION NO. 3, according to the map or plat thereof, recorded in Volume 105, Page 82 of the Deed and Plat Records of Bexar County, Texas, said 0.142 acres of land being more particularly described by metes and bounds as follows:

A Metes and Bounds description of a 0.142 acre (6,196 square feet) tract of land situated in New City Block No.3053, City of San Antonio, Bexar County, Texas: being all of that certain tract conveyed from the City of San Antonio to David H. Arrington by CITY ORDINANCE 97021 recorded in Volume 9820, Page 1694-1710 of the Bexar County Real Property Records; being a portion of "River Road" as described in instrument to the City of San Antonio, recorded in Volume 523, Page 415 of the Bexar County Deed Records; and more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found situated in the southwesterly right-of-way line of McAllister Freeway (US Highway 281 - width varies ) marking the northwest corner of said "River Road" parcel and the northeast corner of Lot 14, South Portion of Schumann Subdivision No.3, plat of which is recorded in Volume 105, Page 82, of the Bexar County Deed and Plat Records, and marking the northeast corner of that certain 4.7615 acre tract described in instrument to Borden Park, L.P. recorded in Volume 7801, Page 1677 of the Bexar County Real Property Records;

THENCE, South 65°25'56" East, 57.50 feet along said southwesterly right-of-way line of McAllister Freeway to a "PK" nail (with shiner stamper "JONES & CARTER") set at an "X" found in concrete;

THENCE, South 17°01'14" West, 217.39 feet crossing said "River Road" parcel to an "X" found in concrete on the common line of the "River Road" parcel and the aforementioned 4.7615 acre tract;

THENCE, North 02°48'04" East, 232.06 feet along the westerly boundary of said "River Road" parcel and the easterly boundary of said 4.7615 acre tract to the POINT OF BEGINNING, containing 0.142 acre of Jones & Carter, Inc., San Antonio, Texas.

Note: All bearings referenced herein are based upon the Texas State Plane Coordinate System, South Central Zone (NAD'83) as established by Global Positioning System (GPS).

Tract 3:

A 0.3304 of an acre tract of land, being a remaining tract of land, known as River Road, situated between the southwest right-of-way line of U.S. Highway 281, known as McAllister Freeway and the northeast right-of-way line of E. Ashby Place as conveyed to the City of San Antonio of record in Volume 523 Page 415 of the Deed Records of Bexar County, Texas and being out of the New City Block 3053, situated in the City of San Antonio, Bexar County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found  $\frac{1}{2}$ " iron rod with Cap Stamped "Jones Carter" in the southwest right-of-way line of U.S. Highway 281, a variable width right-of-way at its intersection with the northeast right-of-way line of the remaining portion of River Road, for the northeast corner of a 0.142 of an acre tract of land out of River Road, vacated by Ordinance 97021 and conveyed to Borden Park L.P. of record in Volume 15447 Page 667 of the Official Public Records of Bexar County, Texas and for the northwest corner of the tract described herein, from which a found  $\frac{1}{2}$ " iron rod for the northeast corner of 4.7615 acre tract of land conveyed of Borden Park L.P. of record in Volume 7801 Page 1677 of the Official Public Records of Bexar County, Texas, bears N 65° 24' 33" W, a distance of 57.50 feet:

THENCE: Along and with a southwest right-of-way line of U.S. Highway 281, and the northeast termination of River Road, the following calls and distance:

1.S 66° 56' 15" E a distance of 33.30 feet to a set  $\frac{1}{2}$ " iron rod with Blue Plastic Cap Stamped "KFW Surveying" for an angle point of the tract described herein; and

2.S 58° 27' 47" E, a distance of 8.20 feet to a found "PK" nail and for the northwest corner of the remaining portion of a 4.391 acre tract of land conveyed to San Antonio River Authority of record in Volume 4220 Page 152 of the Official Public Records of Bexar County, Texas and for the northeast corner of the tract described herein;

THENCE: Departing the southwest right-of-way line of U.S. Highway 281 and west and northwest line of remaining portion of the 4.391 acre tract of land the following calls and distances:

1.S 00° 12' 00" E, a distance of 100.00 feet to a found "PK" nail for an easterly corner of the tract described herein;

2.S 30° 07' 43" W, a distance of 116.65 feet to a set  $\frac{1}{2}$ " iron with Blue Plastic Cap Stamped "KFW Surveying" for an interior corner of the tract described herein;

3.S 02° 38' 00" W, a distance of 26.28 feet to a set  $\frac{1}{2}$ " iron rod with Blue Plastic Cap Stamped "KFW Surveying" for an east corner of the tract described herein; and

4.S 32° 29' 41" W, a distance of 27.38 feet to a set ½" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the northeast right-of-way-line of E. Ashby Place, a 60 foot right-of-way and for the Southwest corner of the tract described herein;

THENCE: N 65° 57' 56" W along and with the northeast right-of-way line of E. Ashby Place, a distance of 50.58 feet to a found "X" cut in concrete as its intersection with the northwest right-of-way line of River Road and for the southeast corner of the 4.7615 acre tract and the southwest corner of the tract described herein;

THENCE: N 32° 24' 34" E with the southeast line of the 4.7615 acre tract and the northwest right-of-way line of River Road, at a distance of 2.57 feet passing a found "X" cut in the concrete and continuing for a total distance of 34.47 feet to a found "X" cut in concrete for an east corner of the 4.7615 acre tract and an interior corner of the tract described herein;

THENCE: N 02° 50' 41" E continuing with the southeast line of the 4.7615 acre and the northwest right-of-way line of River Road, a distance of 9.67 feet to a found "X" cut in concrete for the south corner of 0.142 of an acre tract and an angle point of the tract described herein;

THENCE: N 17° 01' 13" E with the southeast line of 0.142 of an acre tract and the northwest line of the northwest right-of-way of the remaining portion of River Road, a distance of 217.74 feet to the POINT OF BEGINNING and containing 0.3304 of an acre or 14,393 square feet more or less, in the City of San Antonio, Bexar County, Texas being described in accordance with an survey prepared by KFW Surveying.



## **EXHIBIT B**

### **Permitted Encumbrances**

1. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.
2. Rights of parties in possession, as tenants only, under those certain leases described in the rent roll previously delivered by Grantor to Grantee.
3. All matters shown on that certain survey of the Property dated January 4, 2016, prepared by Michael W. Solitro, R.P.L.S. No. 6505, of Republic National, Job No. 151075-875.

Doc# 20160002117  
# Pages 10  
01/06/2016 1:50PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD C. RICKHOFF  
COUNTY CLERK  
Fees \$58.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
01/06/2016 1:50PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard C. Rickhoff*