

BOA-20-10300013 - 335 Trail

A notice was added to this record on 2020-01-16.
 Condition: Verify that the project has been reviewed by HDRC Severity: Notice
 Total conditions: 1 (Notice: 1)

[View notice](#)

Menu Help

Application Type: [Board of Adjustment](#)

Initiated by Product: AV360

Application Status: [Under Review](#)

File Date: [01/16/2020](#)

Application Name: [335 Trail](#)

Contact Info:	Name	Organization Name	Contact Type
	Mark Cannan		Applicant
	Mark Cannan		Authorized Agent
	John Hertz		Property Owner

Description of Work:

Application Comments: View ID Comment

Workflow Status:	Task	Assigned To	Status
	Application Intake		Received
	Completeness Review	Zenon Solis	Under Review
	Manager Review		Under Review
	Preliminary Meeting		Under Review
	Legal Ad Posted		Under Review
	Notices Mailed to Prop...		Under Review
	Agenda Coversheet		Under Review
	Staff Report		Under Review
	Board of Adjustments M...		Under Review
	GIS Review		Under Review
	Case Manager Review		Under Review
	Closure		

Adhoc Task Status: Task Assigned To Status

Custom Fields: Applicant Also Known As:

Architect	Al	√
Contractor	En	
Facility Manager	Nc	
Recipient	Su	

VARIANCE REQUESTED

Request Description	Request for
<u>property owner within 200 ft is appealing HDRC denial of COA</u>	
Request for Parking Adjustment	Request for
Request for Special Exception Beauty/Barber Shop	Request for
Request for a Special Exception Short Term Rental (Type 2)	

BOA GENERAL

Homestead Exemption
No

VARIANCE - ZONING

SIGN

PARKING

BEAUTY SHOP

APPEAL

This incorrect decision or interpretation was
see attached

Na
Sh

The correct decision or interpretation should be as follows
see attached

MLOD SPECIAL EXCEPTION

CONTACT INFORMATION

Contact Flag

0

FENCE SPECIAL EXCEPTION

STR SPECIAL EXCEPTION

BOA HEARING

Executive Summary Cc

- -

Staff Recommendation Bc

- -

Board Vote - Abstain

- -

PROPERTY ZONING/LAND USE

Existing Zoning Ex

- -

SURROUNDING ZONING/LAND USE

Orientation (North, South, East, West) Ex

- -

SPECIAL EXCEPTION CRITERIA

SYS_ATTR

UploadedDocTypes

- -

TEMP_EXPR_VALIDATOR

Is expression to be triggered?

N

BOA NOTICES MAILED

Number of Notices Mailed (Number) Registered neighborhood associated within

GIS JURISDICTIONS

Type	Value	Parcel
<u>San Antonio City Limits</u>	City of San Antonio	125847
<u>Council District</u>	1	125847
<u>San Antonio City Limits</u>	City of San Antonio	125848
<u>Council District</u>	1	125848
<u>San Antonio City Limits</u>	City of San Antonio	125849
<u>Council District</u>	1	125849
<u>San Antonio City Limits</u>	City of San Antonio	125850
<u>Council District</u>	1	125850

San Antonio City Limits City of San Antonio 125853
Council District 1 125853
San Antonio City Limits City of San Antonio 125854
Council District 1 125854
San Antonio City Limits City of San Antonio 125855
Council District 1 125855
San Antonio City Limits City of San Antonio 125856
Council District 1 125856

GIS LAND DEVELOPMENT

<u>Type</u>	<u>Value</u>	<u>Parcel</u>
<u>Military Notification ...</u>	Fort Sam Houston MNA	125847
<u>Neighborhood Associati...</u>	River Road - 78	125847
<u>School District</u>	San Antonio ISD	125847
<u>USGS Grid</u>	29098-D4	125847
<u>Counties</u>	Bexar	125847
<u>ParkName</u>	Davis Park	125847
<u>Military Notification ...</u>	Fort Sam Houston MNA	125848
<u>Neighborhood Associati...</u>	River Road - 78	125848
<u>School District</u>	San Antonio ISD	125848
<u>USGS Grid</u>	29098-D4	125848
<u>Counties</u>	Bexar	125848
<u>ParkName</u>	Davis Park	125848
<u>Military Notification ...</u>	Fort Sam Houston MNA	125849
<u>Neighborhood Associati...</u>	River Road - 78	125849
<u>School District</u>	San Antonio ISD	125849
<u>USGS Grid</u>	29098-D4	125849
<u>Counties</u>	Bexar	125849
<u>ParkName</u>	Davis Park	125849
<u>Military Notification ...</u>	Fort Sam Houston MNA	125850
<u>Neighborhood Associati...</u>	River Road - 78	125850
<u>School District</u>	San Antonio ISD	125850
<u>USGS Grid</u>	29098-D4	125850
<u>Counties</u>	Bexar	125850
<u>ParkName</u>	Davis Park	125850
<u>Military Notification ...</u>	Fort Sam Houston MNA	125853
<u>Neighborhood Associati...</u>	River Road - 78	125853
<u>School District</u>	San Antonio ISD	125853
<u>USGS Grid</u>	29098-D4	125853
<u>Counties</u>	Bexar	125853
<u>Military Notification ...</u>	Fort Sam Houston MNA	125854

<u>Neighborhood Associati...</u>	River Road - 78	125854
<u>School District</u>	San Antonio ISD	125854
<u>USGS Grid</u>	29098-D4	125854
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<u>ParkName</u>	Davis Park	125854
<u>Military Notification ...</u>	Fort Sam Houston MNA	125855
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<u>School District</u>	San Antonio ISD	125855
<u>USGS Grid</u>	29098-D4	125855
<u>Counties</u>	Bexar	125855
<u>ParkName</u>	Davis Park	125855
<u>Military Notification ...</u>	Fort Sam Houston MNA	125856
<u>Neighborhood Associati...</u>	River Road - 78	125856
<u>School District</u>	San Antonio ISD	125856
<u>USGS Grid</u>	29098-D4	125856
<u>Counties</u>	Bexar	125856
<u>ParkName</u>	Davis Park	125856

GIS WATER AREAS

Type	Value	Parcel
<u>Watershed Upper SAR</u>	125847	
<u>Watershed Upper SAR</u>	125848	
<u>Watershed Upper SAR</u>	125849	
<u>Watershed Upper SAR</u>	125850	
<u>Watershed Upper SAR</u>	125853	
<u>Watershed Upper SAR</u>	125854	
<u>Watershed Upper SAR</u>	125855	
<u>Watershed Upper SAR</u>	125856	

GIS ZONING BASE

Base Zone	Case Number	Ordinance Number	Special District	Special Conditio
<u>MF-33</u>	20020231	96154		
<u>MF-33</u>	20020231	96154		
<u>MF-33</u>	20020231	96154		
<u>MF-33</u>	20020231	96154		
<u>MF-33</u>	20100023	20100104		
<u>MF-33</u>	20100023	20100104		
<u>MF-33</u>	20100023	20100104		
<u>MF-33</u>	20100023	20100104		

GIS ZONING OVERLAY

Type	Value	Parcel
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<u>Airport Hazard Overlay...</u>	AHOD	125847
<u>Future Land Use</u>	Low Density Residentia...	125847
<u>Neighborhood Community...</u>	River Road	125847
<u>River Improvement Over...</u>	RIO-1	125847
<u>Airport Hazard Overlay...</u>	AHOD	125848
<u>Future Land Use</u>	Low Density Residentia...	125848
<u>Neighborhood Community...</u>	River Road	125848
<u>River Improvement Over...</u>	RIO-1	125848
<u>Airport Hazard Overlay...</u>	AHOD	125849
<u>Future Land Use</u>	Low Density Residentia...	125849
<u>Historic District</u>	River Road	125849
<u>Neighborhood Community...</u>	River Road	125849
<u>River Improvement Over...</u>	RIO-1	125849
<u>Airport Hazard Overlay...</u>	AHOD	125850
<u>Future Land Use</u>	Low Density Residentia...	125850
<u>Neighborhood Community...</u>	River Road	125850
<u>River Improvement Over...</u>	RIO-1	125850
<u>Airport Hazard Overlay...</u>	AHOD	125853
<u>Future Land Use</u>	Low Density Residentia...	125853
<u>Historic District</u>	River Road	125853
<u>Neighborhood Community...</u>	River Road	125853
<u>River Improvement Over...</u>	RIO-1	125853
<u>Airport Hazard Overlay...</u>	AHOD	125854
<u>Future Land Use</u>	Low Density Residentia...	125854
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<u>Neighborhood Community...</u>	River Road	125855
<u>River Improvement Over...</u>	RIO-1	125855
<u>Airport Hazard Overlay...</u>	AHOD	125856
<u>Future Land Use</u>	Low Density Residentia...	125856
<u>Historic District</u>	River Road	125856
<u>Neighborhood Community...</u>	River Road	125856
<u>River Improvement Over...</u>	RIO-1	125856

DELEGATE CONTACTS

Select Contact Type Reference Contact ID Type Name

SAP_PRSS_SG

CAP Processing Status CAP Processing Date Error Desc CAP Assign Date C,

SAP_EVENT_SG

Sequence Number Event Name Creation Date Processing Status Error Descri

SAP_EVENT_HISTORY_SG

Sequence Number Event Name Creation Date Processing Status Error Descri

SAP_RECEIVABLE_DOC

FeeSequenceNumber SAPDocumentNumber ProcessingStatus ErrorDescripti

SAP_POSTING_DOC

AccelaTransactionID FeeSequenceNumber SAPDocumentNumber Processing

Condition Status:	Name	Short Comments	Status
	Verify that the projec...	Verify that the projec...	Applied

Conditions of Approval:	Group	Type	Condition Name
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Documents:	File Name	Document Group	Category
	appeal 1.pdf	BOA	Original Applic...
	appeal 2.pdf	BOA	Proof of Ownership
	appeal 4.pdf	BOA	Property Deed
	appeal 3.pdf	BOA	Site Plan
	Chrysanthemum.jpg	BOA	Tax Appraisal D...
	Show all		

Address:

Parcel No: [125847](#)

Total Fee Assessed: [\\$610.00](#)

Total Fee Invoiced: [\\$610.00](#)

Balance: [\\$0.00](#)



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT

CITY OF SAN ANTONIO

§
§
§

COUNTY OF BEXAR

STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. 9

Block No. 2

NCB: 6078 Property Address: 335 Trail

Per Section 35-481 of the Unified Development Code (UDC), the Zoning Board of Adjustment is empowered to consider appeals of a decision made by an administration official.

The Applicant, John Hertz of Bexar County, alleges that the following administrative official Shanon Miller in her capacity as Historic Preservation Officer made an incorrect decision, or interpretation regarding Section 35-_____ of the UDC. This incorrect decision or interpretation was (List the section(s) of the UDC that was applied incorrectly. Provide details why the decision was incorrect or misinterpreted.): Incorrect decisions or interpretations regarding numerous UDC sections were made as set out on Attachment "A", and its exhibits.

The correct decision or interpretation should be as follows (List the section(s) of the UDC that should be applied in this decision. Provide details how the decision should be made): The application for a Certificate of Appropriateness in HDRC Case #2019-641 should have been denied for the reasons set out on Attachment "A" and its exhibits.

*Note: Local Government Code § 211.010 (b) and San Antonio City Code § 35-481 (b)(1) require that the applicant give notice of the specific grounds for the appeal. Failure to state the reasons for the alleged error and applicable code sections will result in the return of your application. Please attach additional pages if necessary.

Respectfully submitted:

Applicant's name: Mark J. Cannan

Status: Owner () Agent (X)

Mailing address: 700 N. St. Mary's Street, Suite 1500, San Antonio, Texas 78205

Telephone: 210-588-2901 Alternate: _____

Email: cannanm@ckl-lawyers.com

Mark J. Cannan
Applicant's Signature

July 16, 2020
Date

Property Owner: John Hertz

Mailing Address: 125 Anastasia Place

Telephone: 210-413-4100 Alternate: _____

Email: john hertz@hotmail.com

I, John Hertz the owner of the subject property, authorize

Mark J. Cannan to submit this application and represent me in this appeal before the Board of Adjustment.

Please include the following items with this appeal

- Documentation from City of San Antonio representing the decision you are appealing and proof that you are within the mandatory 20 day time limit to file the appeal.
Attachments "B" and "C"
- Sections of the UDC from which the decision was based, including all support sections which potentially reinforce your assertion that an error was made.
Attachments "D" and Attachment "A", Exhibit "2"
- Property Ownership documentation, including a copy of the warranty deed and Bexar County Appraisal District and applicable documentation as required per IB 554.
Attachments "E"
- Filing Fee of \$600 (plus applicable administrative fees).

ATTACHMENT

“A”

An incorrect decision or interpretation was made with regard to the requirements of UDC §35-610 and §35-671 and the guidelines for new construction incorporated in those sections. The applicable guidelines for new construction with respect to Building Massing and Form require that the height and scale of new construction not exceed that of the majority of historic buildings by more than one story. See Exhibit "2". As acknowledged before the HDRC and as set out in more detail in the attached Exhibit "1", the proposed three story structures are in violation of the required guidelines. Additionally, the same guidelines require that new construction be consistent with the adjacent properties in terms of the building to lot ratio and that building footprint for new construction be no more than 50% of the total lot area. As set out in the attached Exhibit "1" and as shown by the documents presented to HDRC, the proposed project does not conform to those required guidelines.

An incorrect decision or interpretation was made regarding UDC §35-672(b)(7). That section includes the mandatory requirement that acequias shall not be used for any type of drainage. As more fully set out on the attached Exhibit "1" and as shown by the documentation before the HDRC, the project as proposed will result in such prohibited drainage.

An incorrect decision or interpretation was made regarding UDC §35-674.01(a). That section requires that new buildings within a river improvement overlay district should reinforce established building traditions and respect the context of neighborhoods. That requirement was ignored in several ways. As set out more fully in the attached Exhibit "1", and as reflected in the records of the HDRC, one of the defining elements of the River Road Neighborhood is front porches, an element totally absent from the proposed project, that was acknowledged before the HDRC. Also, the project features street facing front loaded garage doors, an architectural element not present within the neighborhood. Additionally, UDC §35-674.01(b)(1) requires that

window and doors appear in a regular pattern. As more fully detailed in Exhibit "1", and as shown in the documents before the HDRC, the window layout of the proposed construction is chaotic in nature and does not conform to the requirements of the UDC.

An incorrect decision or interpretation was made regarding UDC §35-523. Although the proposed project purports to comply with the tree preservation provisions of that section by designating certain trees as "preserved", those trees will be severally compromised by construction, given the complete disregard in the proposal for the requirements of UDC §523(j) with respect to a root protection zone. The removal and demolition of tree roots will result in the loss of the trees otherwise labeled as preserved, as set out in more detail on the attached Exhibit "1" and as shown by the documents presented to the HDRC, making the project not in compliance with tree preservation requirements.

An incorrect decision or interpretation was made regarding UDC §35-673(c) that section requires that storm water features be multi-purpose. As set out in more detail on the attached Exhibit "1" and as demonstrated by the documents submitted to the HDRC, the proposed project utilizes a landscaped open basin does not meet the multi-purpose requirement.

EXHIBIT “1”

BoA 1-12-2020

UDC Sec. 35-610(a) - Alteration, Restoration, Rehabilitation, and New Construction. In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and provisions adopted by city council as provided in this article. The historic and design review commission shall also utilize the Historic Design Guidelines as adopted by the city council, and any specific design guidelines adopted pursuant to the Unified Development Code and this article.

UDC Sec. 35-671. - Criteria for a Certificate of Appropriateness—New Construction, Additions and Alterations. In considering whether to recommend approval or disapproval of an application for a certificate of appropriateness for new construction, additions or alterations in a river improvement overlay district, the historic and design review commission shall be guided by the compatibility standards set forth below.

DRAINAGE

UDC 35-672(b)7

The drainage plan has ben an issue of contention during the entire development process of the project, as there is concern about the impact of this project on flooding. 125 Anastacia has over time been subject to intense flooding that has impacted the property and house foundation.

The project proposes allowing 10% of the storm runoff to drain directly on to Trail Street. Trail Street slopes towards the east (towards the San Antonio River) and dead-ends into the (name of) acequia. There is no where else for this runoff to drain. In essence the property drains into the acequia.

The HDRC has criticized the proposed drainage plan both during Design Review Committee meetings (Aug. 13, 2019, Aug. 28, 2019) and at hearings before the Commission. A request for CoA was denied (Oct. 2, 2019) over concern for the drainage plan.

As stated in the UDC:

*UDC 35-672(b)7. The drainage plan shall be approved only if it meets the following criteria:
a. The drainage plan shall provide for the collection, storage, and conveyance of storm water runoff to the San Antonio River or other appropriate water body.
b. The drainage plan shall be designed to prevent flooding of the property and adjacent properties.
c. The drainage plan shall be designed to prevent erosion of the property and adjacent properties.*

As the plan violates UDC 35-672(b)7, it never should have received a CoA.

UDC 35-673(c)

The UDC requires storm water features to be multi-purpose.

Design of Stormwater Management Facilities to be a Landscape Amenity. Stormwater management facilities are required to be aesthetically pleasing and integrated into the landscape. For example, water quality treatment can be incorporated into the site landscape and detention facilities can be designed to be part of the landscape. The design of these facilities should be aesthetically pleasing and integrated into the landscape.

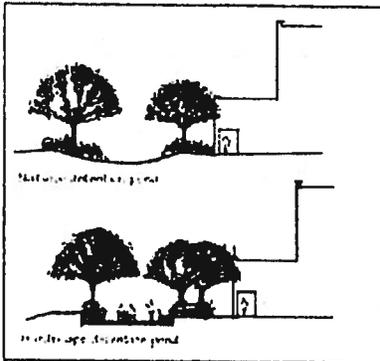
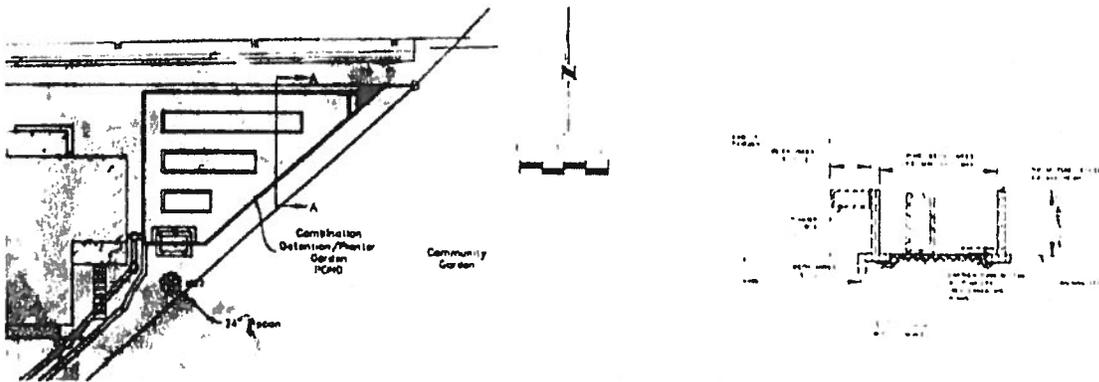


Figure 673-3

The proposed project utilizes what is in effect a landscaped open basin that is not multi-purpose as the UDC envisions. The proposal can be seen in the project submittal of Dec. 18, 2019.



Stormwater Management as shown in application for CoA

BUILDING HEIGHT

The proposed height of the project has been contentious from the very beginning. According to the UDC:

Historic Design Guidelines, Chapter 4, Guidelines for New Construction SCALE AND MASS

- i. Similar height and scale—Design new construction so that its height and overall scale are consistent with nearby historic buildings. In residential districts, the height and scale of new construction should not exceed that of the majority of historic buildings by more than one-story. In commercial districts, building height shall conform to the established pattern. If there is no more than a 50% variation in the scale of buildings on the adjacent

block faces, then the height of the new building shall not exceed the tallest building on the adjacent block face by more than 10%.

- ii. Transitions—Utilize step-downs in building height, wall-plane offsets, and other variations in building massing to provide a visual transition when the height of new construction exceeds that of adjacent historic buildings by more than one-half story.

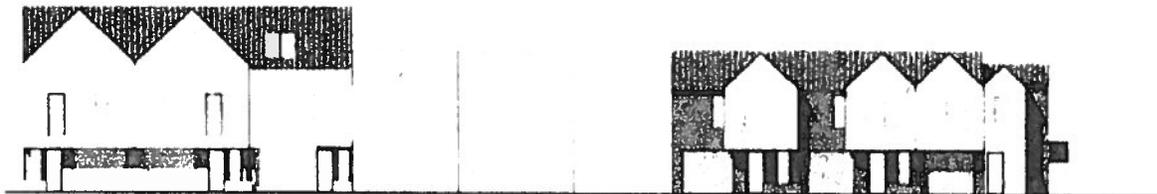
As well the UDC states:

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.

The issue of building heights, especially along Trail Street have been raised at almost all the Design Review Committee meetings (May 7, 2019, July 23, 2019, Aug. 28, 2019). Height issues, especially on Trail Street have been the subject of all Commission hearings.

The Department of Interior Standards, the UDC Guidelines for New Construction (2.A.i.) and the UDC Guidelines for ROI Districts, all underscore that new construction should be compatible in height to existing buildings. New Constructions Guidellnes state that "...in residential districts, the scale and height of new construction should not exceed that of the majority of historic buildings by more than one story." For RIO Districts, "a similarity in height of buildings should be encouraged." OHP Staff continued to recommend that the buildings on Trail Street all be limited to two stories in height.



TRAIL STREET

Trail Street elevation as shown in proposal for CoA

The proposed project is predominantly 3 stories in height, with 19 units of three stories and five two story structures. Along Trail Street three of the eight units are three stories. Where the project abuts existing single-story houses on Huisache, the proposed buildings are three stories as well.

River Road is predominantly single-story homes. There are few two-story buildings. They constitute less than 10% of the housing stock. OHP has consistently underscored the need for the units on Trail Street to be limited to two stories. The project should never have received a CoA based on the excessive scale of the proposed buildings.

The issue of the proposed project along Huisache where it abuts existing single-story homes is also not acceptable. The project should never have received a CoA based on the lack of step-downs or other transitions to the lower scale.



Huisache Avenue looking south, all at same scale

LOT COVERAGE

The density of the proposal and the resulting impervious cover has been an issue from the very conceptualization of the project. This has been consistently mentioned in the Design Review Committee meetings ((Apr. 5, 2019). In each of the reports of the OHP to the HDRC shown on the Agenda, the recommendation to limit impervious areas to less than 50% is expressed

Historic Design Guidelines, Chapter 4, Guidelines for New Construction LOT COVERAGE i. Building to lot ratio—New construction should be consistent with adjacent historic buildings in terms of the building to lot ratio. Limit the building footprint for new construction to no more than 50 percent of the total lot area, unless adjacent historic buildings establish a precedent with a greater building to lot ratio.

As this project exceeds the maximum allowed, especially since the adjacent historic buildings have a much lower lot ratio, it never should have received a CoA.

ARCHITECTURAL DETAILS

Sec. 35-674.01. - Building Design Principles in RIOs 1 through 6.

(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.

A. PORCHES

The UDC is clear that new construction needs to reinforce and respect neighborhood traditions. One of the character defining elements of the River Road neighborhood are its porches. Every residence celebrates its porch. This proposal however is lacking in this detail. This concern has been the subject of multiple Design Review Committee meetings (May 7, 2019, Aug. 12, 2019, Aug. 28, 2019), and at all the HDRC hearings. OHP noted "...elements such as front porches...has not been incarnated into the proposed new construction." The CoA should never have been issued as the design of the project does not "reinforce the basic character-defining features of the area."



Porches as shown in proposal for CoA

B. GARAGE DOORS

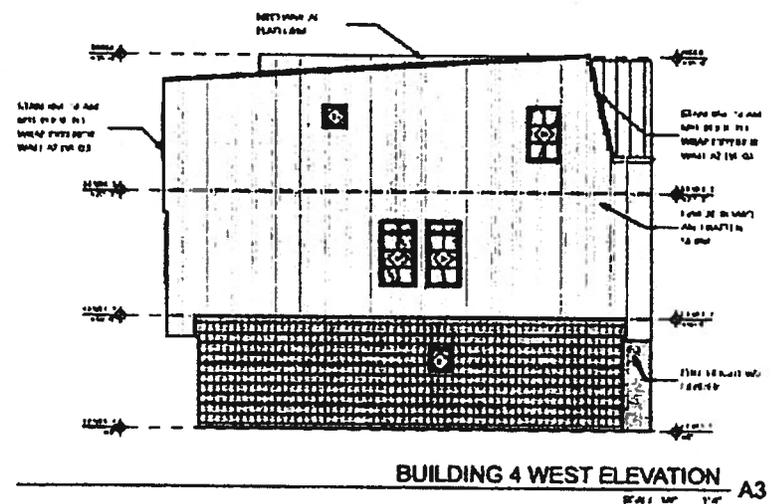
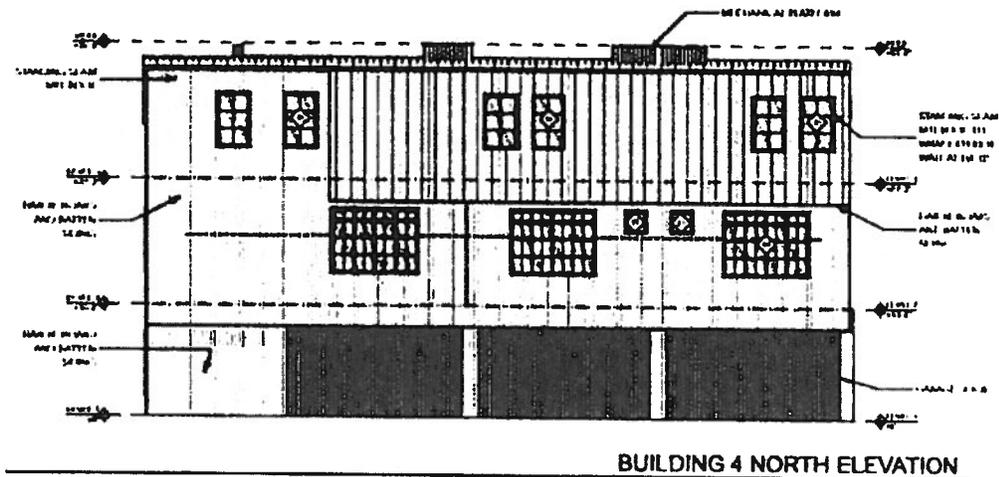
OHP has been consistent in recommending denial of the application every time based on the incompatibility of the location of garage doors along Trail Street. "Staff does not recommend approval based on finding q, which notes the inclusion of street facing front loaded garage doors, an architectural element that is not present within the River Road Historic District. Staff finds this detail to be inappropriate and inconsistent with the Guidelines."

Given Sec. 35-674.01. - Building Design Principles in RIOs 1 through 6, the CoA should be denied.

C. WINDOWS

Sec. 35-674.01. - Building Design Principles In RIOs 1 through 6. (b) Mass and Scale. (1) Express facade components in ways that will help to establish building scale. A. Treatment of architectural facades shall contain a discernable 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.

One of the concerns has been the chaotic nature of the window layout, which diverges radically from the pattern of River Road Historic District. The project should not have been given a CoA based on this criterion.



Elevations as shown in proposal for CoA

TREES

One of the character defining conditions of the River Road neighborhood is the canopy of large trees found on nearly every property. The proposed development on this site will remove or damage nearly every tree on the property, and effect trees off-site on public park land as well.

The UDC requires the Tree Preservation of 40% of the Significant trees on a site, and 100% of the Heritage trees within the entire site. Section 35-523, Table 523-1A states that for Multi-family Uses, "Up to 80% of significant and heritage trees may be mitigated rather than preserved".

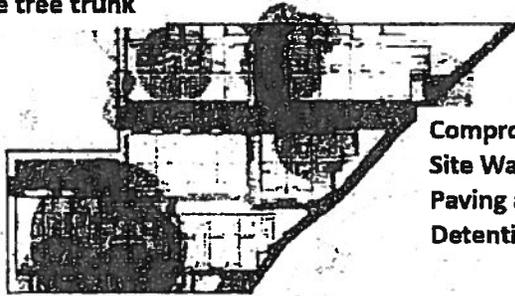
Table 523-1A

Significant Trees	Single-Family Dwellings	Multi-family and Nonresidential Uses
6" DBH or greater	35% within each platted lot, excluding street right-of-way and easements. Plus each builder on a single-family dwelling lot shall also be required to plant two (2) one and one-half (1.5) inch caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements; or for athletic fields, 25% of the entire site to be developed as such.
Significant Trees under 6" DBH	35% within each platted lot, excluding the street right-of-way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street rights-of-way, and easements; or 40% of the number of total count of all such trees; or for athletic fields, 25% of the entire site to be developed as such.
Heritage Trees	100% within each platted lot	100% within the entire site.
100-year floodplain(s)	80% of all the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the lot.	30% of the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the site.
Environmentally Sensitive Areas	80% of all the trees within the environmentally sensitive area including easements and rights-of-way. Such areas shall apply toward preservation on the remainder of the site.	80% of all the trees within the environmentally sensitive area including easements and rights-of-way. Such areas shall apply toward preservation of the remainder of the site.
Mitigation Maximum	Up to 80% of significant and heritage trees may be mitigated rather than preserved.	Up to 80% of significant and heritage trees may be mitigated rather than preserved.

The proposed project's site design shows the removal of all but 4 trees on the site. These trees are shown on the plans as "Preserved", even though buildings are shown within 6 or 8 feet of large trees, trenches and walls are shown to extend through the tree Root protection Zones. Trees will be compromised severely by construction and over a foot of fill material placed over the Root Protection Zone, according to the grading plans for the project.

Trees shown to "remain" ... ALL are severely compromised by the site design.

**Compromised
Heritage Tree:
Construction Within 7
feet of the tree trunk**



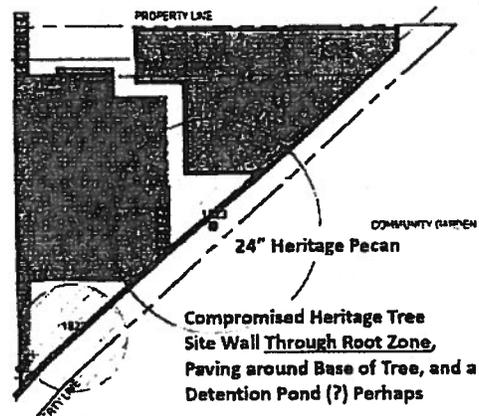
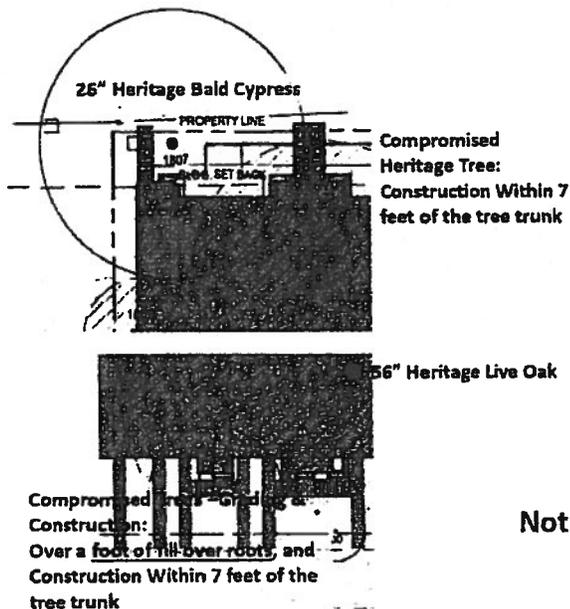
**Compromised Heritage Tree
Site Wall Through Root Zone,
Paving around Base of Tree, and a
Detention Pond**

**Compromised Trees –Grading &
Construction:
Over a foot of fill over roots, and
Construction Within 7 feet of the
tree trunk**

The UDC requires a Root Protection Zone extending out from the trunk of the tree one-foot of radius for each inch of caliper of the tree. The proposed plans call for removal and demolition of tree roots within most of these required areas, and will result in the loss of "protected" trees.

Sec 523 (j) Root Protection Zone.

(1) Root Protection Zone. A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and nonresidential construction the root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). The root protection zone area shall be preserved at natural grade, with natural groundcover. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts (including installation of silt fencing that exceeds a depth of three (3) inches) shall occur closer to the trunk than one-half ($\frac{1}{2}$) the root protection zone radius except in parking areas where approved alternative materials and methods are used, construction may be as close as five (5) feet from the root flares on one (1) side of the tree.



Not A Problem of the Site-
A Problem of the Site Design

The loss of trees on this site has been a major concern, not only for the character and aesthetic value of trees, but also for their positive impact on stormwater runoff reductions, cooling effect, and for ecosystem preservation within the environmentally sensitive San Antonio river corridor.

Tree Preservation

While allowing the reasonable improvement of land within the city and city's ETJ, it is stated public policy of the city to maintain, to the greatest extent possible, existing trees within the city and the ETJ, and to add to the tree population within the city and the ETJ to promote a high tree canopy goal. The planting of additional trees and preservation of existing trees in the city and the ETJ is intended to accomplish, where possible, the following objectives:

- *To preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment.*
- *To encourage the preservation of existing trees and the planting of new trees for the enjoyment of future generations.*
- *To encourage the preservation of existing trees and the planting of new trees to provide health benefits by the cleansing and cooling of the air and contributing to psychological wellness.*
- *To encourage the preservation of existing trees and the planting of new trees to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees.*
- *To encourage the preservation of existing trees and the planting of new trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem.*

- *To provide tree preservation requirements and incentives to exceed those requirements that encourage the maximum preservation of trees and planting that will achieve greater overall tree canopy.*
- *To promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.*
- *To encourage the preservation of environmentally sensitive areas that protect and enhance the water quality, ecosystem and the aesthetic environment.*
- *To increase tree canopy coverage for the city and ETJ.*
- *To recognize the economic value added to properties with trees and high tree canopy coverage.*

EXHIBIT “2”

4. Guidelines for New Construction

City of San Antonio Historic Design Guidelines
Office of Historic Preservation



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Using the Historic Design Guidelines

The City of San Antonio Historic Design Guidelines ("Historic Design Guidelines") establish baseline guidelines for historic preservation and design. The Historic Design Guidelines apply to all **exterior** modifications for properties that are individually designated landmarks or within a locally designated historic district. All applicants are encouraged to review the Historic Design Guidelines early in their project to facilitate an efficient review process. In addition to compliance with the Unified Development Code ("UDC"), applicants must obtain a Certificate of Appropriateness ("COA") from the Office of Historic Preservation ("OHP") for all proposed exterior modifications as described in the Using the Historic Design Guidelines section of the Historic Design Guidelines. The Historic Design Guidelines are comprised of eight sections as follows:

- 1. Using the Historic Design Guidelines
- 2. Guidelines for Exterior Maintenance and Alterations
- 3. Guidelines for Additions
- 4. **Guidelines for New Construction**
- 5. Guidelines for Site Elements
- 6. Guidelines for Signage
- 7. A Guide to San Antonio's Historic Resources
- 8. Glossary

The Historic Design Guidelines as a whole are intended to work congruently with other sections, divisions and articles of the UDC but have been separated into individual sections for ease of use. In the event of a conflict between other sections or articles of the UDC and these Historic District Guidelines, the Historic District Guidelines shall control except in the case of signage where the more strict regulation or guideline shall control. Additionally, if an exception from the application of Chapter 28 of the city code of San Antonio has been approved for signage in historic districts, such exception shall remain unless removed by official action of the City Council. The meaning of any and all words, terms or phrases in the Historic District Guidelines shall be construed in accordance with the definitions provided in Appendix A of the UDC. In the case of a conflict regarding a definition as provided in these guidelines and Appendix A of the UDC, the Historic District Guidelines definition shall control. All images courtesy of the City of San Antonio, Clarion Associates, and Hardy, Heck, Moore, Inc. unless otherwise noted.

For questions and guidance please contact the Office of Historic Preservation: Email: ohp@sanantonio.gov | Phone: 210.215.9274

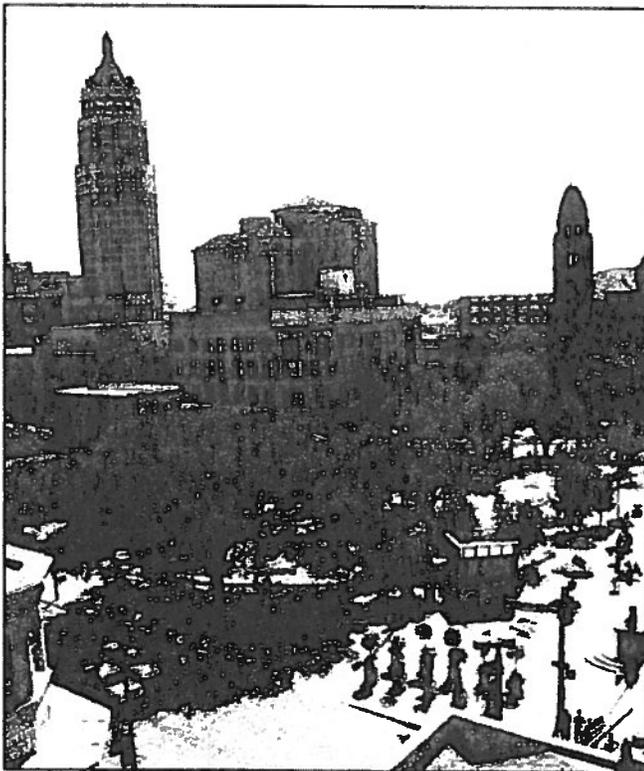
Copyright © 2012 City of San Antonio

Why Preserve?

A message from Historic Preservation Officer, Shanon Shea Miller

We strive to preserve San Antonio's historic buildings and neighborhoods for many reasons. We recognize and celebrate the cultural, aesthetic, environmental and economic value historic preservation brings to San Antonio. It is by definition sustainable and is a proven economic development tool. No example in this country of successful central city revitalization has occurred without preservation as a component.

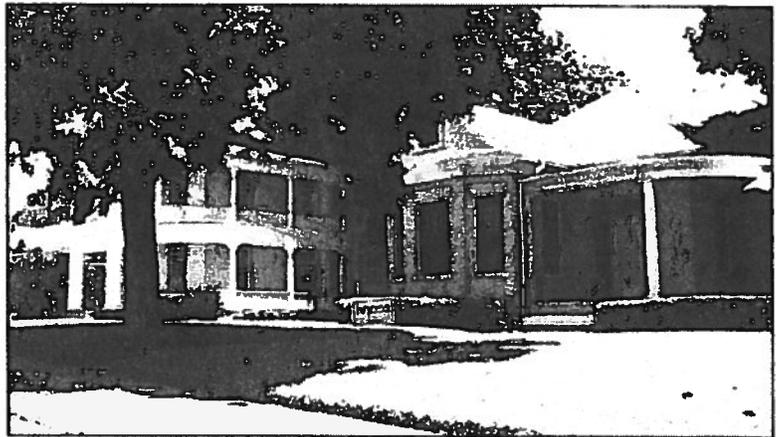
- Preserving our built environment helps tell the **story** of San Antonio's long, rich and diverse history. Taking care of our older buildings and neighborhoods provides a sense of belonging, a collective memory, and a sense of pride in our past. Preservation is about understanding that historic buildings are limited resources and we must be careful to preserve those that tell our many and varied stories. This includes not just major historic sites but neighborhood schools and parks, streets lined with bungalows, theaters, small-scale commercial buildings, shot gun houses, gas stations, and towering downtown landmarks.
- Preservation helps build strong **neighborhoods** by protecting their character. Preservation programs foster community pride, appreciation of history, learning, creativity, and a sense of place, thus making historic neighborhoods desirable places to live and work.



- Preservation is good for the **economy**. Reinvesting in our historic buildings and neighborhoods helps to stabilize our property values and community, and promotes tourism and economic development. Historic preservation is more labor-intensive than new construction and generally utilizes more local materials. Every time a building is rehabilitated or reused, specialized trades and skilled laborers are employed. This creates jobs and puts more money into our local economy.

- Additionally, historic preservation contributes to the **tourism** industry in our city. Studies have shown that the heritage visitor stays longer and spends more than any other category of visitor. These people are looking for the jewels that locals cherish...often it's our historic buildings and neighborhoods that provide that sense of place and community that attracts visitors, while contributing to the quality of life for local citizens. As Donovan Rypkema says, "Place is not a synonym for location. Place is a location that has been claimed by feelings." For that and many other reasons, historic preservation is good for the local economy!

- Preservation helps protect the **environment**. Reusing and adapting historic buildings and neighborhoods reduces our consumption of raw land, new materials, and other resources. Rehabilitating existing buildings and maintaining existing materials are sustainable solutions and are most often more cost effective over the life of the building than replacement or new construction. Fortunately the green movement is recognizing that the greenest building ever built is the one that already exists! Stewardship of the built environment is sustainability as well as preservation.

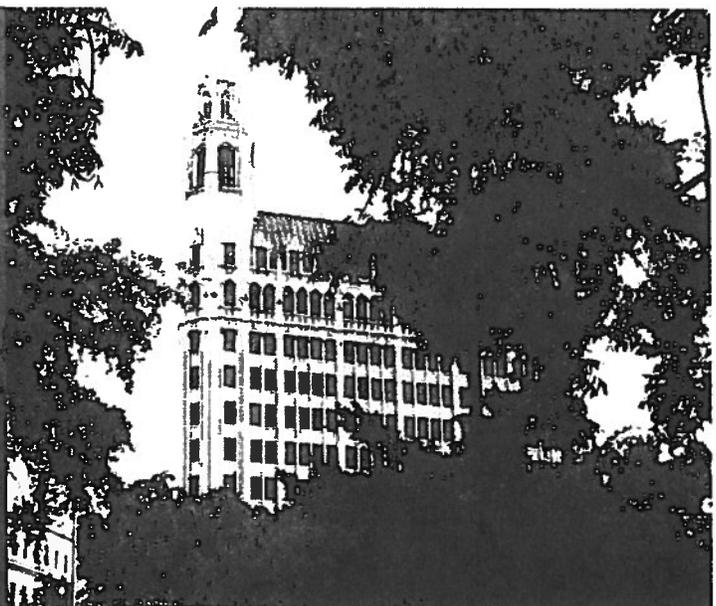


We want our neighborhoods and commercial districts to continue to tell the story of San Antonio's history to those who come after us. This can best be done by preserving the condition of our historic resources and giving them new life and new purpose by making them our homes and places of business. The Historic Design Guidelines are intended to serve the community as we work together to preserve San Antonio's historic resources to provide a quality environment for future generation ***Preservation is not about longing for the past or resisting progress. It's about building on the past toward the future.***

Sharon

"Historic preservation has become a fundamental tool for strengthening American communities. It has proven to be an effective tool for a wide range of public goals including small business incubation, affordable housing, sustainable development, neighborhood stabilization, center city revitalization, job creation, promotion of the arts and culture, small town renewal, heritage tourism, economic development, and others."

- Donovan Rypkema, *Measuring Economic Impacts of Historic Preservation*, 2011



4. Guidelines for New Construction

Introduction

These guidelines provide guidance to property owners, design professionals, homeowners, and decision-makers regarding the construction of a new building within a historic district. They are not intended as a substitute for consultation with qualified architects, contractors, attorneys, City of San Antonio staff, and/or the Historic and Design Review Commission ("HDRC"). All applicants are responsible for the professional, legal and/or other services required for their project. Countless variables in the design and character of new construction exist within San Antonio's historic districts. District-specific guidelines should address issues or elements that are unique within individual historic districts.

In considering whether to recommend approval or disapproval of an application for a COA for new construction, the HDRC shall be guided by the Secretary of the Interior's Standards for Rehabilitation, the UDC, the Historic Design Guidelines, and any additional design guidelines adopted by the City.

Applicability

The Historic Design Guidelines generally apply to all exterior modifications to properties that are located within a locally designated historic district or that are individually designated landmarks. This section specifically applies to all residential properties and non-residential or mixed-use properties new construction as follows:

- New primary buildings; and
- New accessory structures such as garages, sheds, or other outbuildings.

Guidelines

This section contains guidelines for residential and non-residential new construction as follows:

- Building and Entrance Orientation
- Building Massing and Form
- Materials and Textures
- Architectural Details
- Garages and Outbuildings
- Mechanical Equipment and Roof Appurtenances
- Designing for Energy Efficiency

These guidelines contain numerous pictures, illustrations, drawings, and examples of projects that have successfully met, or failed to meet, the qualities that the guidelines address. These examples are provided only to illustrate and show context. They shall not be construed as the only possible design solutions allowed.

General Principles

Each of San Antonio's Historic Districts features a distinct set of site characteristics and architectural styles. As such, each new construction project will be reviewed within the context of its individual block and the surrounding historic district, as applicable. The following General Principles for New Construction will be considered during the review of new construction projects, in conjunction with the guidelines contained in this section:

Principle #1: Ensure that Historic Buildings Remain the Central Focus of the District

Carefully consider the historic context of the block and surrounding district when designing a new structure. New construction should be distinguishable from historic structures in the district without detracting from them.

Principle #2: False Historicism/Conjectural History is Discouraged

Attempting to create an exact replica of historic styles for new construction blurs the distinction between old and new buildings and makes the architectural evolution of the historic district more difficult to interpret. While new construction within historic districts should not attempt to mirror or replicate historic features, new structures should not be so dissimilar as to distract from or diminish the historic interpretation of the district.

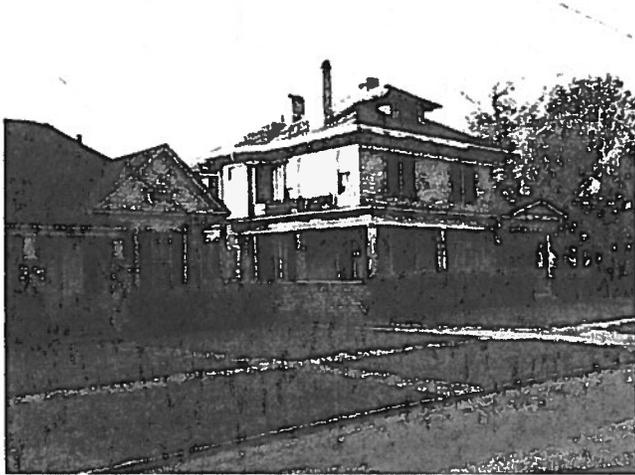
Principle #3: Contemporary Interpretations of Traditional Designs and Details May be Considered

When applied to a compatible building form contemporary materials and architectural details can increase energy efficiency and provide visual interest while helping to convey the fact that the building is new.

1. Building and Entrance Orientation

Why is this Important?

Historic buildings and their front entrances are typically oriented towards the street, creating a rhythm and cohesiveness along the street frontage that helps define the overall character of the public right-of-way and district. When new construction is not oriented properly, that rhythm and cohesiveness is lost.



As is typical in San Antonio's historic districts, the front façade and entrances to these homes are oriented towards the street and front setbacks are consistent.



Typical of neighborhood commercial areas found in San Antonio's historic districts, these storefronts are aligned with the back of the sidewalk and their entrances are clearly visible along the street frontage.

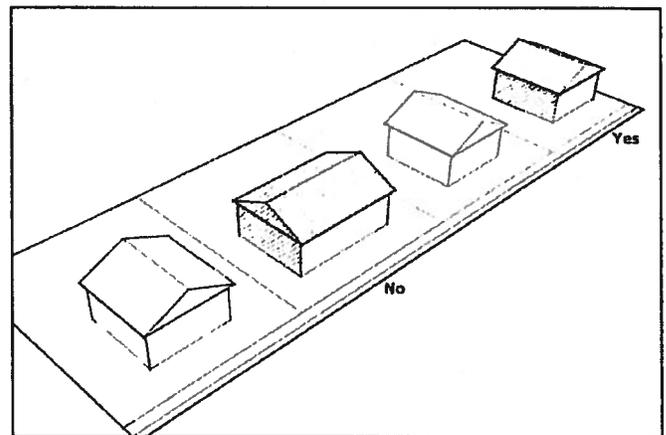
Guidelines

A. FAÇADE ORIENTATION

- i. **Setbacks**—Align front facades of new buildings with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Use the median setback of buildings along the street frontage where a variety of setbacks exist. Refer to UDC Article 3, Division 2. Base Zoning Districts for applicable setback requirements.
- ii. **Orientation**—Orient the front façade of new buildings to be consistent with the predominant orientation of historic buildings along the street frontage.

B. ENTRANCES

- i. **Orientation**—Orient primary building entrances, porches, and landings to be consistent with those historically found along the street frontage. Typically, historic building entrances are oriented towards the primary street.



Orient new construction to be consistent with the predominate orientation of historic buildings along the street frontage.

This



Although building forms vary, consistent building and entrance orientation along the block create a pedestrian-friendly character in this neighborhood commercial district.

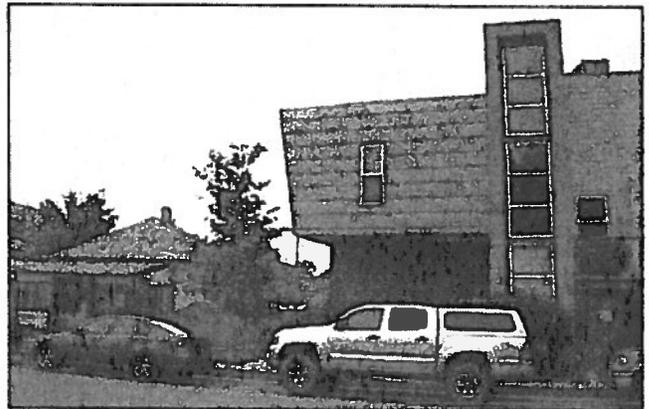
Not This



This new building is oriented to the street but does not contain an entry along the primary street frontage.



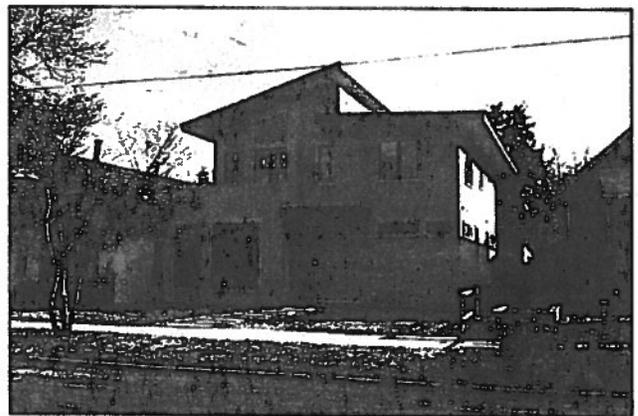
Entrances and front porches on this new multi-family project are oriented towards the street, consistent with nearby historic homes.



Entrances and balconies for this new multi-family project are oriented towards the side yard, disrupting the historic character of the streetscape and creating privacy concerns.



Use of a consistent front setback and building and entrance orientation for the new structures (left) maintain the consistency of the historic streetscape character.



A side-oriented entrance and blank street level façade on this new home conflicts with the pattern established by historic homes along the street frontage.

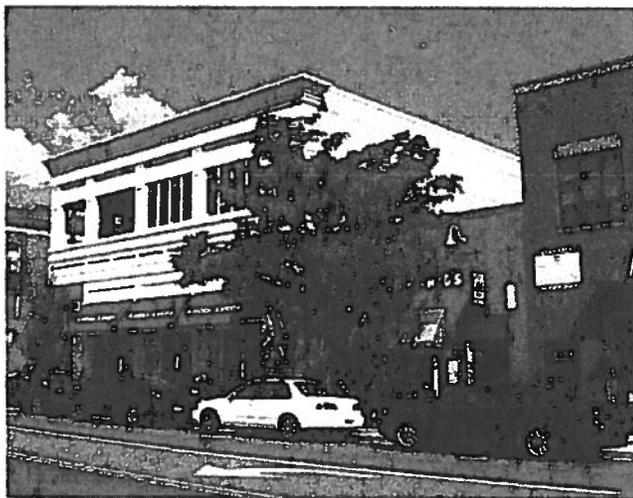
2. Building Massing and Form

Why is this Important?

New construction that is designed with a scale, mass, and form that is dramatically different when compared to historic buildings can appear out of place and detract from the district's character.



The new structure (right) utilizes a scale, mass, and form that complements the historic home at left and other historic homes along the block.



The compatibility of the new structure (left) is accomplished through the use of a similar scale and mass as the nearby historic structures (right) and the use of similar proportion of windows to wall area.

Guidelines

A. SCALE AND MASS

- i. **Similar height and scale**—Design new construction so that its height and overall scale are consistent with nearby historic buildings. In residential districts, the height and scale of new construction should not exceed that of the majority of historic buildings by more than one-story. In commercial districts, building height shall conform to the established pattern. If there is no more than a 50% variation in the scale of buildings on the adjacent block faces, then the height of the new building shall not exceed the tallest building on the adjacent block face by more than 10%.
- ii. **Transitions**—Utilize step-downs in building height, wall-plane offsets, and other variations in building massing to provide a visual transition when the height of new construction exceeds that of adjacent historic buildings by more than one-half story.
- iii. **Foundation and floor heights**—Align foundation and floor-to-floor heights (including porches and balconies) within one foot of floor-to-floor heights on adjacent historic structures.

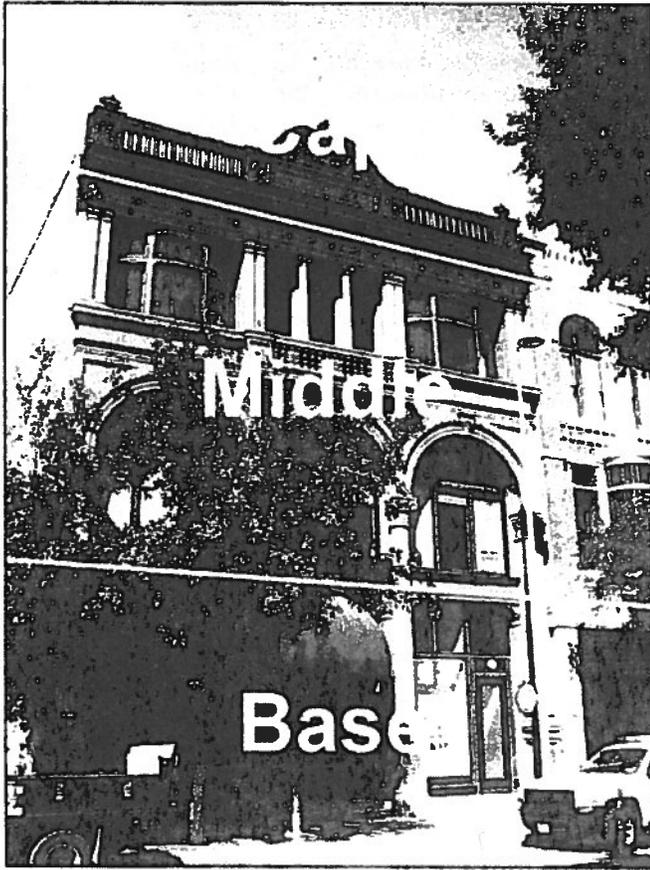
B. ROOF FORM

- i. **Similar roof forms**—Incorporate roof forms—pitch, overhangs, and orientation—that are consistent with those predominantly found on the block. Roof forms on residential building types are typically sloped, while roof forms on non-residential building types are more typically flat and screened by an ornamental parapet wall.

C. RELATIONSHIP OF SOLIDS TO VOIDS

- i. **Window and door openings**—Incorporate window and door openings with a similar proportion of wall to window space as typical with nearby historic facades. Windows, doors, porches, entryways, dormers, bays, and pediments shall be considered similar if they are no larger than 25% in size and vary no more than 10% in height to width ratio from adjacent historic facades.
- ii. **Façade configuration**—The primary façade of new commercial buildings should be in keeping with established patterns. Maintaining horizontal elements within adjacent cap, middle, and base precedents will establish a consistent street wall through the alignment of horizontal parts. Avoid blank walls, particularly on elevations visible from

the street. No new façade should exceed 40 linear feet without being penetrated by windows, entryways, or other defined bays.



D. LOT COVERAGE

- i. **Building to lot ratio**— New construction should be consistent with adjacent historic buildings in terms of the building to lot ratio. Limit the building footprint for new construction to no more than 50 percent of the total lot area, unless adjacent historic buildings establish a precedent with a greater building to lot ratio.

FRESH – Determining Compatibility for New Structures in a Historic District



Determining Compatibility for New Structures in a Historic District

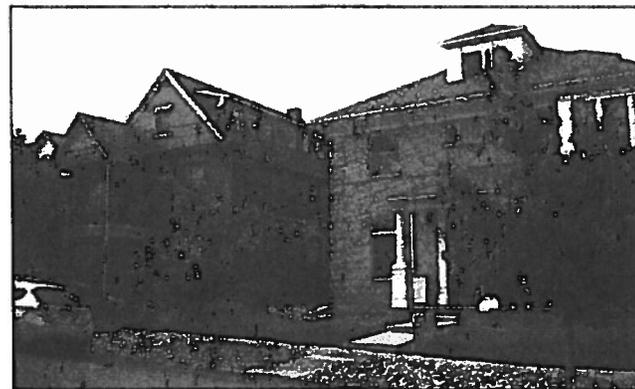
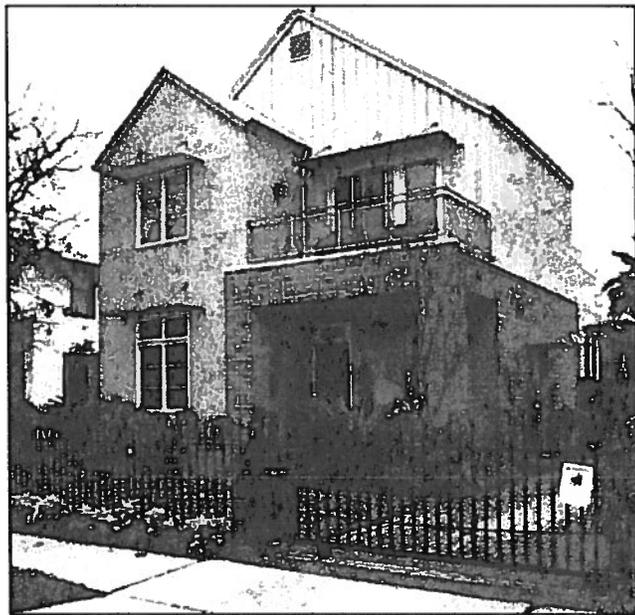
The "FRESH test," developed by Pratt Cassidy, offers a method of determining the compatibility of new structures in historic districts. FRESH is an acronym standing for footprint, roof shape, envelope, skin, and holes. Principles include:

- The **FOOTPRINT** of the new structure should be similar to the footprints surrounding it.
- The new **ROOF** should match existing roofs in pitch, complexity, and orientation.
- The **ENVELOPE** of the new structure should match the existing in projections, bulk, height-to-width ratio, etc.
- New structures should be clad in a visually and physically similar material, or **SKIN**.
- **HOLES** – doors, windows, and other openings – should mimic the style and pattern of opening used on surrounding structures.

This

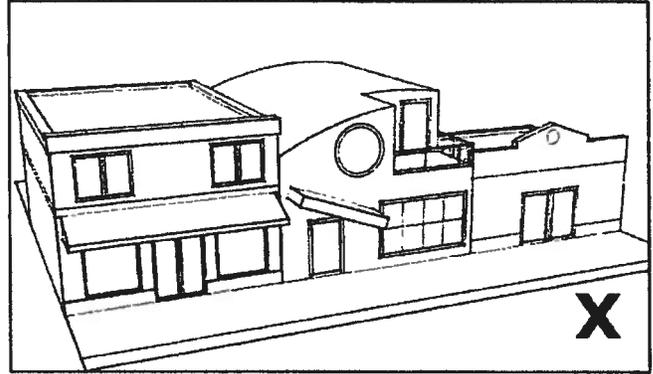


Although much larger overall, the new construction (left) has similar roof form and “steps-down” in height to provide a more gradual transition to existing historic structures.

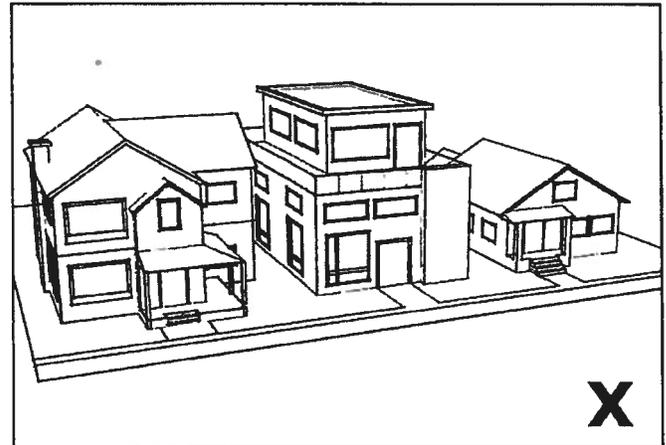


The scale, massing, and form of the new structures above (top) and (bottom right) are generally consistent with nearby historic homes, helping to maintain a consistent rhythm along the street frontage.

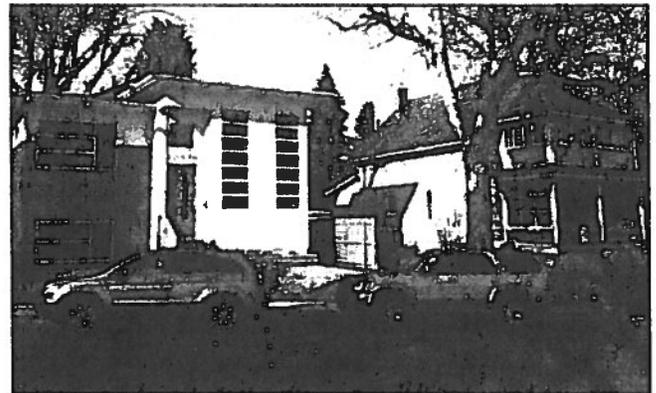
Not This



Although the new building (center) is similar in height and scale as the existing buildings, the roof form is inconsistent with those predominantly found on the block.



The scale, massing and roof form of the new home (center) is inconsistent with those predominantly found on the block.



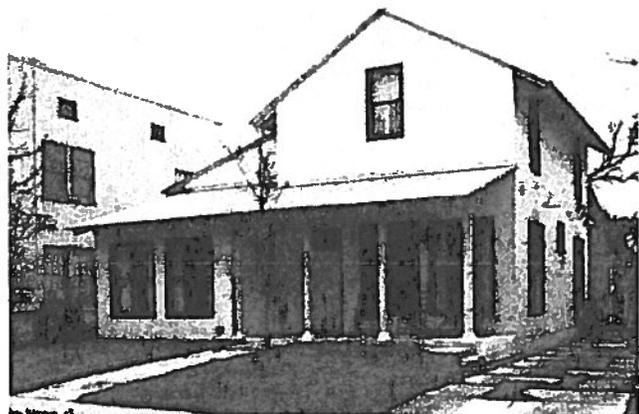
Although the scale and massing of the new home (left) is compatible with historic homes on the block, the ratio and placement of windows to walls and foundation and floor heights varies considerably.

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3. Materials and Textures

Why is this Important?

Materials that are dramatically different in scale, texture, and proportion as those historically used in the district can result in new construction that appears out of place and detracts from the character of the historic district.



The materials and textures used on these new structures complement those traditionally found in the surrounding historic district.

Guidelines

A. NEW MATERIALS

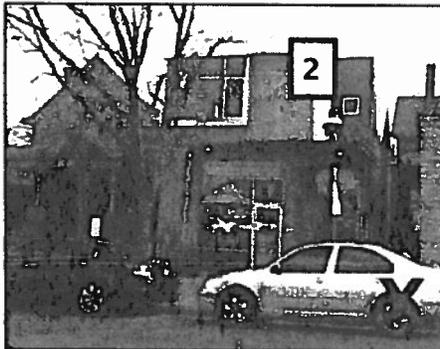
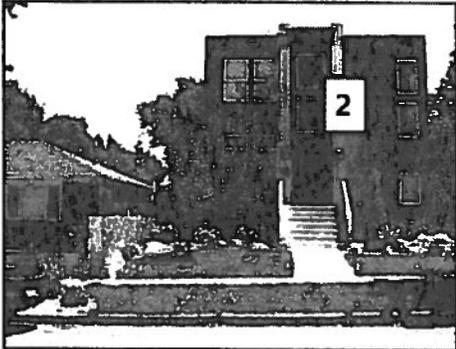
- i. **Complementary materials**—Use materials that complement the type, color, and texture of materials traditionally found in the district. Materials should not be so dissimilar as to distract from the historic interpretation of the district. For example, corrugated metal siding would not be appropriate for a new structure in a district comprised of homes with wood siding.
- ii. **Alternative use of traditional materials**—Consider using traditional materials, such as wood siding, in a new way to provide visual interest in new construction while still ensuring compatibility.
- iii. **Roof materials**—Select roof materials that are similar in terms of form, color, and texture to traditionally used in the district.
- iv. **Metal roofs**—Construct new metal roofs in a similar fashion as historic metal roofs. Refer to the Guidelines for Alterations and Maintenance section for additional specifications regarding metal roofs.
- v. **Imitation or synthetic materials**—Do not use vinyl siding, plastic, or corrugated metal sheeting. Contemporary materials not traditionally used in the district, such as brick or simulated stone veneer and Hardie Board or other fiberboard siding, may be appropriate for new construction in some locations as long as new materials are visually similar to the traditional material in dimension, finish, and texture. EIFS is not recommended as a substitute for actual stucco.

B. REUSE OF HISTORIC MATERIALS

- i. **Salvaged materials**—Incorporate salvaged historic materials where possible within the context of the overall design of the new structure.



This new structure incorporates materials and textures that complement existing homes in the surrounding historic district.



These new structures use materials and textures, such as EIFS, corrugated metal and prefabricated panels, that are not typical of the surrounding historic district, distracting from adjacent historic structures.

Materials and Textures for New Construction

- 1** Use materials and textures that are similar to those traditionally used in the district.
- 2** Do not use materials and textures that distract from the historic character of the district.

4. Architectural Details

Why is this Important?

Attempting to create an exact replica of historic styles for new construction blurs the distinction between old and new buildings and makes the architectural evolution of the historic district more difficult to interpret. While new construction within historic districts should not attempt to mirror or replicate historic features, new structures should not be so dissimilar as to distract from or diminish the historic interpretation of the district.



New construction should incorporate forms and architectural details that complement nearby historic structures and the overall character of the historic district.

Guidelines

A. GENERAL

- i. **Historic context**—Design new buildings to reflect their time while respecting the historic context. While new construction should not attempt to mirror or replicate historic features, new structures should not be so dissimilar as to distract from or diminish the historic interpretation of the district.
- ii. **Architectural details**—Incorporate architectural details that are in keeping with the predominant architectural style along the block face or within the district when one exists. Details should be simple in design and should complement, but not visually compete with, the character of the adjacent historic structures or other historic structures within the district. Architectural details that are more ornate or elaborate than those found within the district are inappropriate.
- iii. **Contemporary interpretations**—Consider integrating contemporary interpretations of traditional designs and details for new construction. Use of contemporary window moldings and door surroundings, for example, can provide visual interest while helping to convey the fact that the structure is new. Modern materials should be implemented in a way that does not distract from the historic structure.

This



Although the architectural details used on the new structure at right are clearly contemporary, the home's compatible scale and massing create a seamless transition.

Not This



The new structure (right) unsuccessfully attempts to achieve compatibility by mimicking historic design elements found on surrounding homes in the district while disregarding issues of scale and massing.



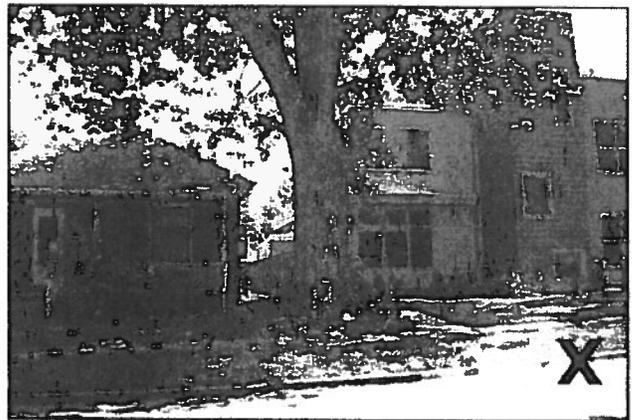
This new structure incorporates architectural details that complement the surrounding historic district while maintaining a contemporary feel.



This new structure lacks sufficient architectural detail to be appropriate within a historic district.



The new structure (right), incorporates simple architectural details that complement those traditionally found in the historic district.

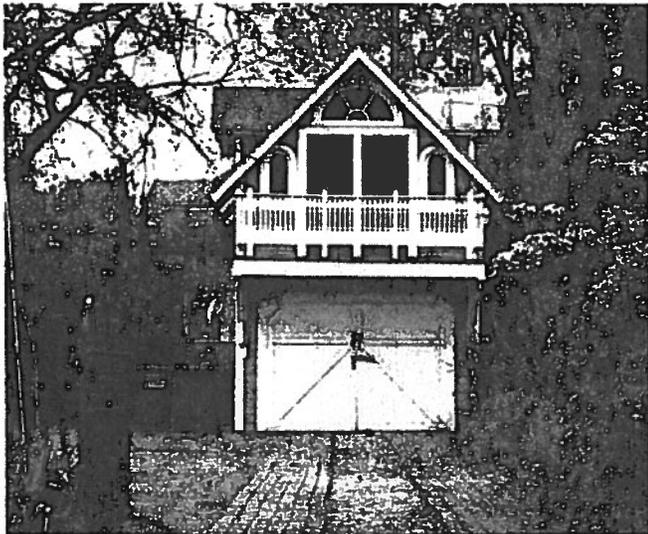


The new structure (right) incorporates a contemporary architectural character not traditionally found in the historic district. Such a stark contrast diminishes the integrity of the district.

5. Garages and Outbuildings

Why is this Important?

Outbuildings help define the character of the district and reinforce the character of the principle historic building. Historic outbuildings in San Antonio are limited in number and declining rapidly.



The architectural features of this outbuilding are similar in character to the primary historic building.



This new garage complements the character of the primary historic building while remaining subordinate to the primary structure.

Guidelines

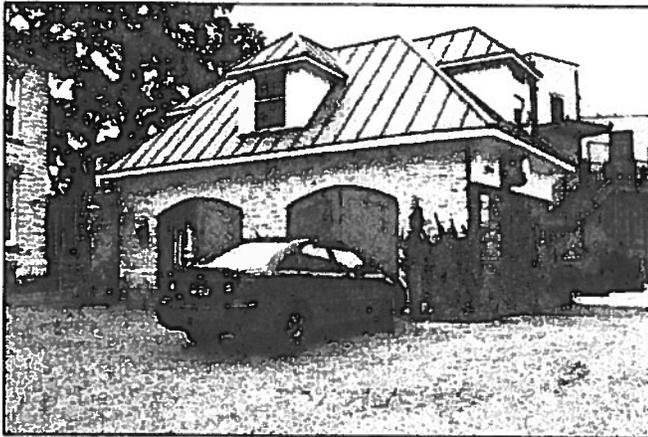
A. DESIGN AND CHARACTER

- i. **Massing and form**—Design new garages and outbuildings to be visually subordinate to the principal historic structure in terms of their height, massing, and form.
- ii. **Building size** – New outbuildings should be no larger in plan than 40 percent of the principal historic structure footprint.
- iii. **Character**—Relate new garages and outbuildings to the period of construction of the principal building on the lot through the use of complementary materials and simplified architectural details.
- iv. **Windows and doors**—Design window and door openings to be similar to those found on historic garages or outbuildings in the district or on the principle historic structure in terms of their spacing and proportions.
- v. **Garage doors**—Incorporate garage doors with similar proportions and materials as those traditionally found in the district.

B. SETBACKS AND ORIENTATION

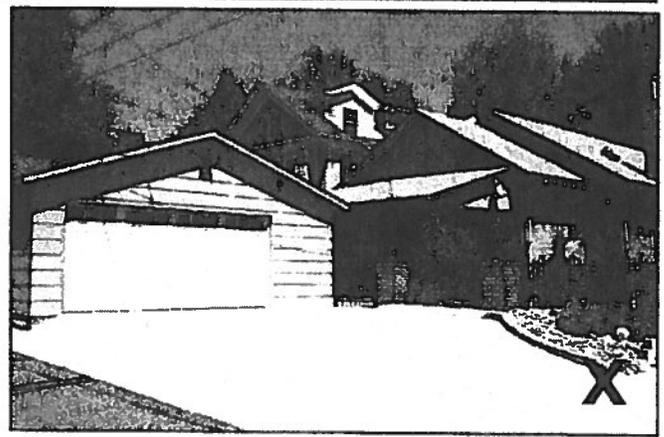
- i. **Orientation**—Match the predominant garage orientation found along the block. Do not introduce front-loaded garages or garages attached to the primary structure on blocks where rear or alley-loaded garages were historically used.
- ii. **Setbacks**—Follow historic setback pattern of similar structures along the streetscape or district for new garages and outbuildings. Historic garages and outbuildings are most typically located at the rear of the lot, behind the principal building. In some instances, historic setbacks are not consistent with UDC requirements and a variance may be required.

This

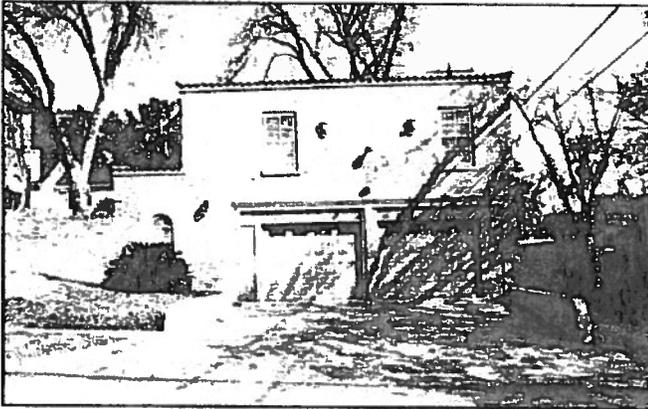


This historic garage has been sensitively adapted for an alternative use to complement the non-residential re-use of the primary structure.

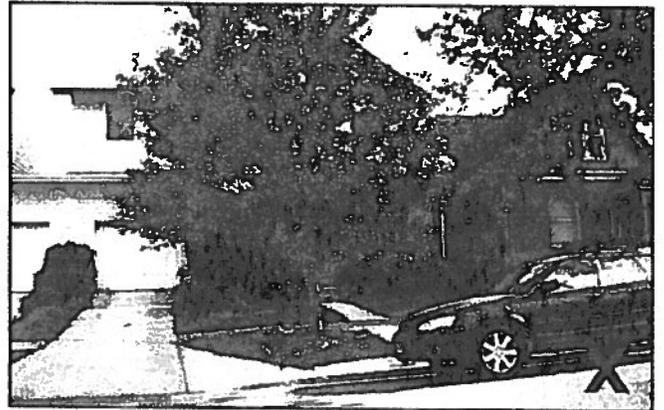
Not This



The scale and orientation of this new garage and driveway apron overwhelms the rear yard of this historic home and detracts from the historic streetscape character.



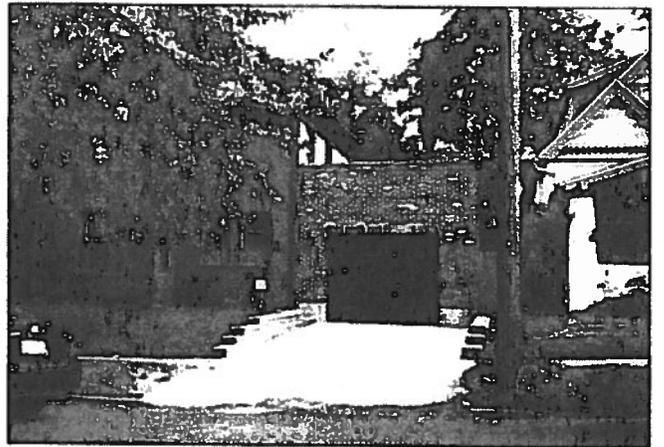
This new garage and accessory dwelling unit have been designed using compatible materials and architectural details to complement the primary structure.



Front-loaded garages should not be introduced through new construction on blocks where rear or alley-loaded garages were historically used.



This new garage is appropriately sited and scaled as to not detract from the historic primary structure.

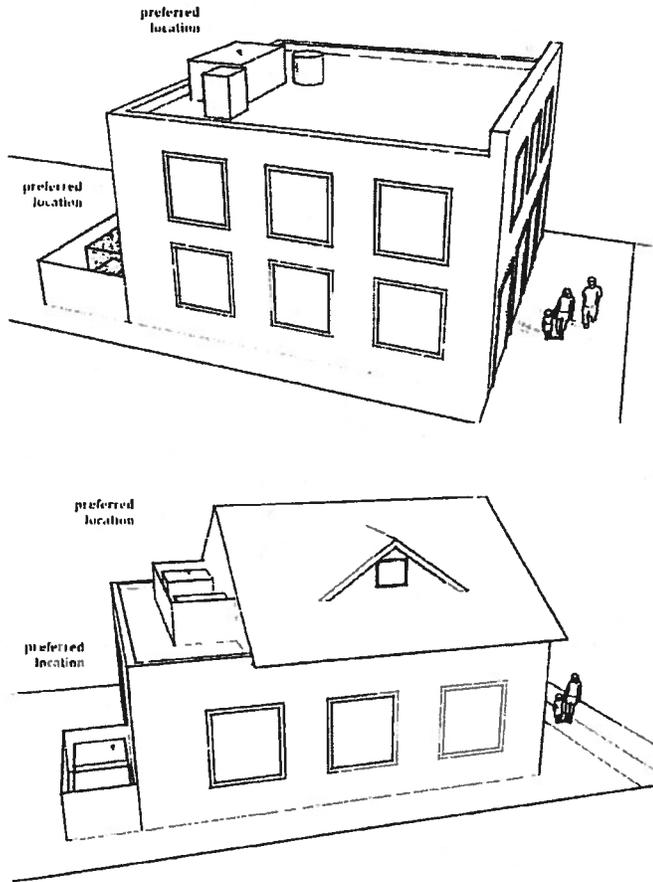


Adding an attached garage where one did not historically exist is not appropriate.

6. Mechanical Equipment and Roof Appurtenances

Why is this Important?

Without proper siting and screening, mechanical equipment and roof appurtenances can detract from the historic character of the building and can expose adjacent properties to noise, unsightly views, and other impacts.



Mechanical equipment and roof appurtenances should be located and screened so as to minimize their visibility from the public right-of-way and to not detract from the historic character of the building they serve or the surrounding district.

Guidelines

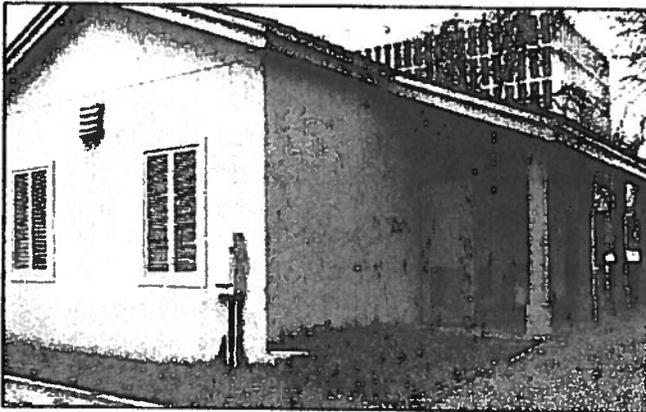
A. LOCATION AND SITING

- i. **Visibility**—Do not locate utility boxes, air conditioners, rooftop mechanical equipment, skylights, satellite dishes, and other roof appurtenances on primary facades, front-facing roof slopes, in front yards, or in other locations that are clearly visible from the public right-of-way.
- ii. **Service Areas**—Locate service areas towards the rear of the site to minimize visibility from the public right-of-way.

B. SCREENING

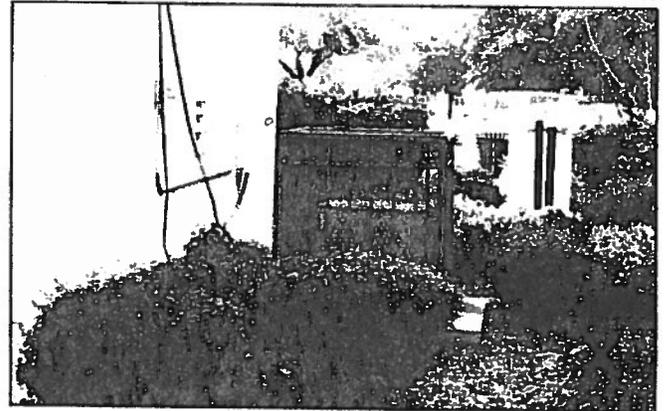
- i. **Building-mounted equipment**—Paint devices mounted on secondary facades and other exposed hardware, frames, and piping to match the color scheme of the primary structure or screen them with landscaping.
- ii. **Freestanding equipment**—Screen service areas, air conditioning units, and other mechanical equipment from public view using a fence, hedge, or other enclosure.
- iii. **Roof-mounted equipment**—Screen and set back devices mounted on the roof to avoid view from public right-of-way.

This

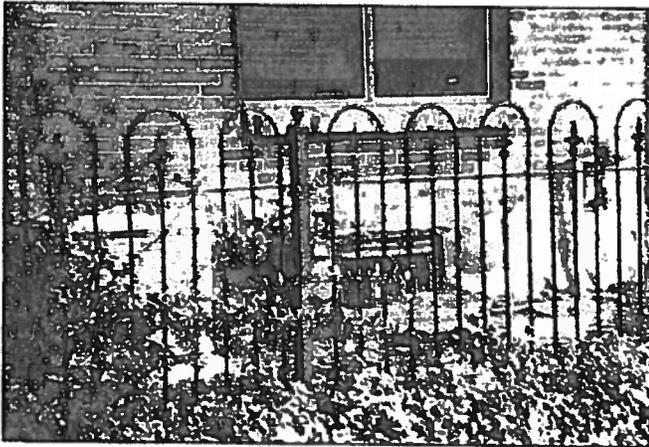


This utility box is located on a secondary façade and painted to match the color of the primary historic structure.

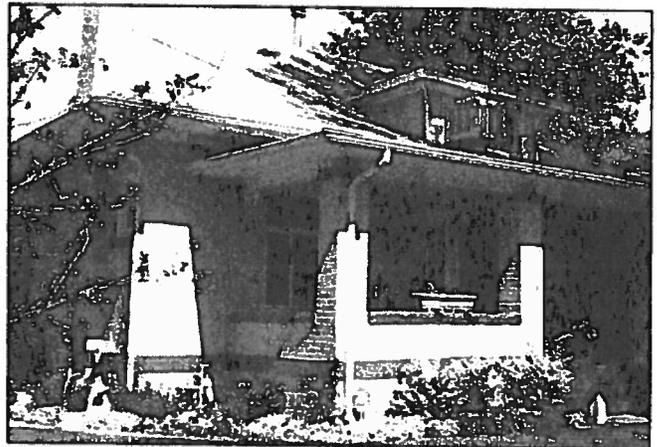
Not This



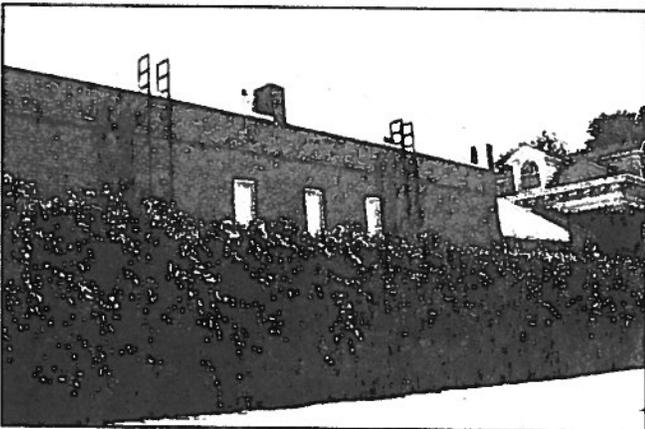
While the air conditioning unit is screened from view, the wall mounted utility box and other wires do not match the color of the building and distract from the overall character.



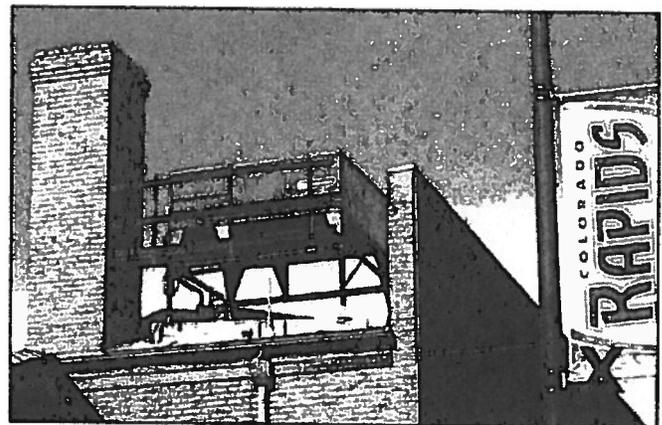
Air conditioning units should be located in a rear yard or along a secondary façade and screened from view.



Air conditioning units should not be placed on the primary façade of historic structures.



Rooftop mechanical equipment on this addition to a historic structure is screened from the public right-of-way.

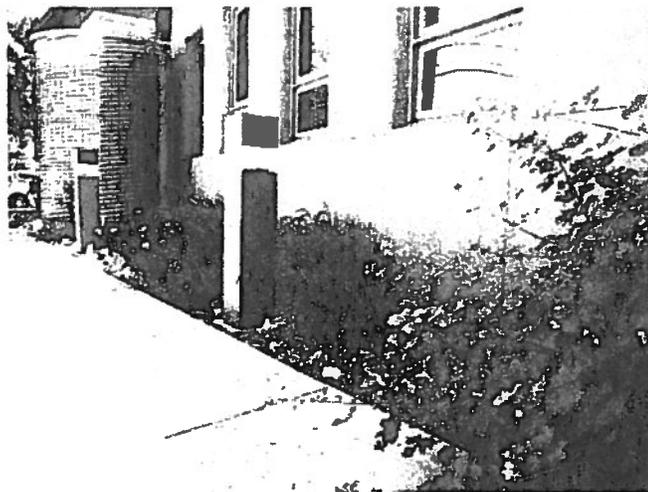


Rooftop mechanical equipment should not be visible from the public right-of-way.

7. Designing for Energy Efficiency

Why is this Important?

The use of energy efficient building features, alternative energy sources, and site design techniques in additions and new construction can help conserve energy and water, reduce heating and cooling costs, and support citywide sustainability goals.



If designed and sited properly, energy and water efficient features such as the solar panels (top) and cistern (bottom) can be incorporated into historic districts with minimal visual impact. Ideally, such features should be located towards the rear of the property to minimize the visual impact on the public right-of-way.

Guidelines

A. BUILDING DESIGN

- i. **Energy efficiency**—Design additions and new construction to maximize energy efficiency.
- ii. **Materials**—Utilize green building materials, such as recycled, locally-sourced, and low maintenance materials whenever possible.
- iii. **Building elements**—Incorporate building features that allow for natural environmental control – such as operable windows for cross ventilation.
- iv. **Roof slopes**—Orient roof slopes to maximize solar access for the installation of future solar collectors where compatible with typical roof slopes and orientations found in the surrounding historic district.

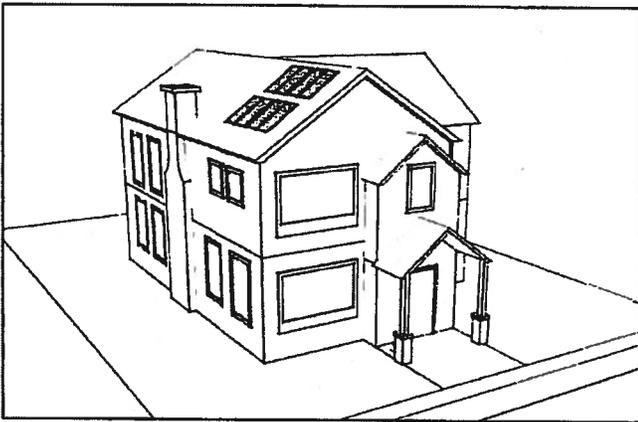
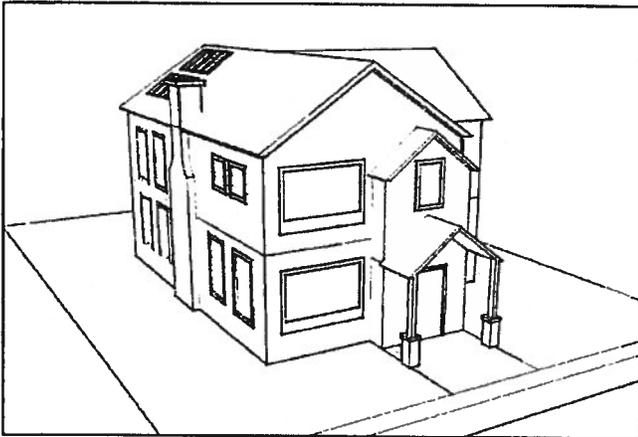
B. SITE DESIGN

- i. **Building orientation**—Orient new buildings and additions with consideration for solar and wind exposure in all seasons to the extent possible within the context of the surrounding district.
- ii. **Solar access**—Avoid or minimize the impact of new construction on solar access for adjoining properties.

C. SOLAR COLLECTORS

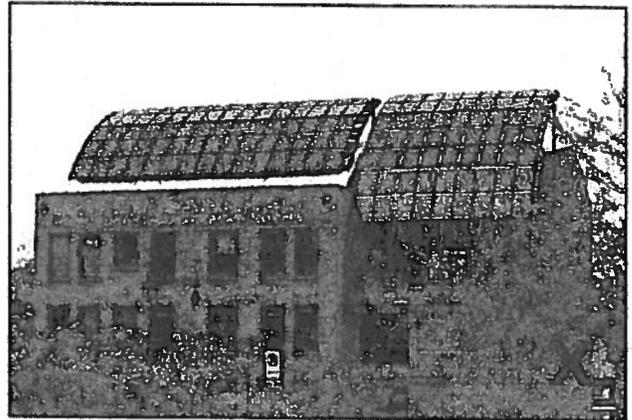
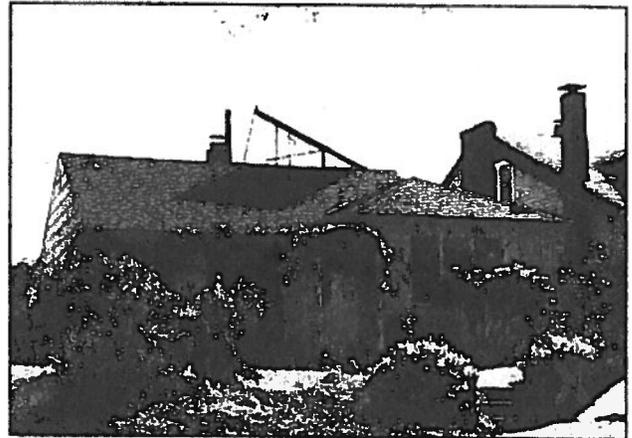
- i. **Location**—Locate solar collectors on side or rear roof pitch of the primary historic structure to the maximum extent feasible to minimize visibility from the public right-of-way while maximizing solar access. Alternatively, locate solar collectors on a garage or outbuilding or consider a ground-mount system where solar access to the primary structure is limited.
- ii. **Mounting (sloped roof surfaces)**—Mount solar collectors flush with the surface of a sloped roof. Select collectors that are similar in color to the roof surface to reduce visibility.
- iii. **Mounting (flat roof surfaces)**—Mount solar collectors flush with the surface of a flat roof to the maximum extent feasible. Where solar access limitations preclude a flush mount, locate panels towards the rear of the roof where visibility from the public right-of-way will be minimized.

This



Siting solar panels towards the rear of a visible roof surface or on a garage located at the rear of the property (top) is preferred to minimize the visual impact on the public right-of-way; however, where solar access is insufficient a more visible location (bottom) may be considered if panels are of a low profile and similar color as the roof surface.

Not This



Solar panels should be mounted flush with the surface of the roof to minimize their visibility from the public right-of-way, regardless of the building type they are attached to. The design and placement of solar panels should not create a visual distraction that detracts from the historic building they are mounted to.

Additional Resources

Incorporating Solar Panels in a Rehabilitation Project, ITS #52, by Jenny Parker.
<http://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS52-SolarPanels.pdf>

Did you know?

The greenest building is one that is already built. Take care to preserve materials, and avoid damaging the historic structure when installing new sustainable technologies.

ATTACHMENT
“B”

Cory Edwards (OHP)

From: Edward Hall (OHP)
Sent: Friday, December 27, 2019 12:01 AM
To: David Morin (david@mnoinvestments.com)
Cc: James Mcknight (jmcknight@brownortiz.law); Cory Edwards (OHP)
Subject: 335 Trail - Historic and Design Review Commission - Commission Action Letter
Attachments: 335 Trail - HDRC CA - December 18, 2019.pdf

David,

Attached is the HDRC Commission Action Letter noting approval with stipulations for the proposed development at 335 Trail. Please review this and let staff know if you have any questions or concerns.

Thank you,
Edward Hall
*Senior Historic Preservation Specialist
Design Review, HDRC & Enforcement*

City of San Antonio · Office of Historic Preservation
1901 South Alamo · San Antonio, TX 78204
Direct: 210.207.4680 · Office: 210.207.0035
www.sanantonio.gov/historic



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION

Visit our website for details on OHP events and activities:
<http://www.sanantonio.gov/historic/events.aspx>





CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

HISTORIC AND DESIGN REVIEW COMMISSION COMMISSION ACTION

This is not a Certificate of Appropriateness and cannot be used to acquire permits

December 18, 2019

HDRC CASE NO: 2019-641
COMMON NAME: 335 TRAIL
LEGAL DESCRIPTION: NCB 6078 BLK 2 LOTS 9 THRU 14 & 17 THRU 20
HISTORIC DISTRICT: River Road
APPLICANT: Mark Odom/Mark Odom Studio - 201 Groveton
OWNER: David Morin - 2028 E Ben White Blvd
TYPE OF WORK: New construction

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to construct a multi-unit residential development on the vacant lot located at 335 Trail. The property features lots that are located within the River Improvement Overlay only, as well as those that are located within both the River Improvement Overlay and the River Road Historic District. The applicant has proposed for the residential structures to feature two and three stories in height. Access to the site will be provided from Trail Street and Huisache Street.

FINDINGS:

- a. The applicant is requesting a Certificate of Appropriateness for approval to construct a multi-unit residential development on the vacant lot located at 335 Trail. The property features lots that are located within the River Improvement Overlay only, as well as those that are located within both the River Improvement Overlay and the River Road Historic District. The applicant has proposed for the residential structures to feature two and three stories in height. Access to the site will be provided from Trail Street and Huisache Street.
- b. PREVIOUS REQUEST – A previous request was denied by the Historic and Design Review Commission on October 2, 2019. Since that time, the applicant has revised the proposed drainage plan and landscaping elements related to pedestrian spaces and site drainage.
- c. CONCEPTUAL APPROVAL (Buildings 1, 2 and 3) – This request received conceptual approval from the Historic and Design Review Commission on January 2, 2019. Conceptual approval was issued with the following stipulations for buildings 1, 2, and 3:
 - i. That the applicant increase the setback on Huisache for Buildings 1 and 2 to feature an overall setback that is equal to or greater than that of the adjacent structure on Huisache.
 - ii. That the applicant comply with all Transportation and Capital Improvements Requirements in regards to access for emergency vehicles and automobile traffic.
 - iii. That the applicant continue to develop the proposed landscaping plan, incorporating additional buffering elements.
 - iv. That foundation heights that are comparable to those found within the district and consistent with the Guidelines.
 - v. That additional implementation of porches and balcony recessions into the front façade massing should occur.
 - vi. That a double-hung, aluminum-clad wood window should be used. Meeting rails must be no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to

- staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening. The recessing of windows at least two inches within walls is also a requirement of the UDC Section 35-674.
- vii. That all mechanical and service equipment be screened from view at the public right of way.
- viii. ARCHAEOLOGY- An archaeological investigation is required. The archaeological scope of work should be submitted to the OHP 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.
- d. CONCEPTUAL APPROVAL (Buildings 4, 5 and 6) – This request received conceptual approval from the Historic and Design Review Commission on January 2, 2019. Conceptual approval was issued with the following stipulations for buildings 4, 5 and 6:
- i. That the applicant increase building 6's setback to match that of Building 5 (the commission clarified that at least an eighteen foot setback be used).
- ii. That the applicant increase the distance between building 4 and the acequia to at least fifteen (15) feet.
- iii. That the applicant comply with all Transportation and Capital Improvements Requirements in regards to access for emergency vehicles and automobile traffic.
- iv. That the applicant continue to develop the proposed landscaping plan, incorporating additional buffering elements.
- v. That foundation heights that are comparable to those found within the district and consistent with the Guidelines.
- vi. That additional implementation of porches and balcony recessions into the front façade massing should occur.
- vii. That a double-hung, aluminum-clad wood window should be used. Meeting rails must be no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening. The recessing of windows at least two inches within walls is also a requirement of the UDC Section 35-674.
- viii. That all mechanical and service equipment be screened from view at the public right of way.
- ix. ARCHAEOLOGY- An archaeological investigation is required. The archaeological scope of work should be submitted to the OHP 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.
- e. DESIGN REVIEW COMMITTEE – This request was reviewed by the Design Review Committee on April 5, 2019. At that meeting, committee members asked questions regarding architectural elements, including roof overhangs, brick detailing, columns, roof forms, window fenestration and commented on the proposed driveways and overall amount of impervious cover.
- f. DESIGN REVIEW COMMITTEE – This request was reviewed a second time by the Design Review Committee on May 7, 2019. At that meeting, the committee noted that the second story should not be a solid mass, but should be divided by balconies or other elements, asked if the three story structures could be reduced in mass, asked questions regarding site paving, that porch elements should be incorporated into the design and that an additional buffer should be considered between the proposed new construction and the acequia.
- g. DESIGN REVIEW COMMITTEE – This request was reviewed a third time by the Design Review Committee on July 23, 2019. At that meeting, committee members asked questions regarding the proposed cantilever, suggested that the critical root zones of surrounding trees be studied, noted that bathroom windows should be increased in size and noted that the decreased setback of building 6 in combination with the increased height is concerning.
- h. DESIGN REVIEW COMMITTEE – This request was reviewed a fourth time by the Design Review Committee on August 13, 2019. At that meeting, the Committee commented on architectural details, the need to incorporate entrance elements, that windows that meet staff's specifications should be installed, that the gabled mass over the garage doors on Building 6 should be redesigned, that eave details should be included and asked questions about plans to protect the acequia.
- i. DESIGN REVIEW COMMITTEE – This request was reviewed a fifth time by the Design Review Committee on August

28, 2019, after it was referred to the DRC by the Historic and Design Review Commission at the August 21, 2019, HDRC hearing. At that meeting, the development team discussed drainage and water retention plans on site. The Committee noted concerns over grading and impacts to drainage onto Trail, noted that entrance design could be refined, noted concerns regarding front facing garages and found that both structures on Trail should not exceed more than two (2) stories in height.

j. PREVIOUS HEARINGS – At each point in this process, including Design Review Committee meetings, conceptual approval, and more recent Commission hearings for final approval, the overall height (of three stories) of the structures on Trail Street has been a concern. Commissioners have also expressed concern regarding architectural details and drainage.

k. DESIGN UPDATES – The applicant has modified Building 5 to feature a reduced massing on the eastern portion of the structure, resulting in a portion of the structure featuring 2 stories in height. Previously, the structure featured only 3 stories in height. Staff finds the reduction in height to be appropriate; however, staff finds that the 2 story portion of the structure should be designed, detailed and dimensioned consistently with the existing two story structure. Additionally, staff finds that the applicant should update all drainage and site documents to reflect the modification in building footprint.

l. SETBACKS (Trail) – Both the UDC Section 35-672(b)(A) and the Guidelines for New Construction note that front facades on new construction are to align with the front facades of adjacent buildings where a consistent setback has been established along the street frontage. The applicant has noted setbacks on Trail of eighteen (18) feet for both buildings 5 and 6. Generally, staff finds this setback to be appropriate.

m. SETBACKS (Huisache) The applicant has proposed setbacks on Huisache to align with the single-family residential structures to the immediate west. Staff finds the proposed setbacks to be appropriate and consistent with both the Guidelines and UDC.

n. ENTRANCES – Both the UDC Section 35-672(b)(A) and the Guidelines for New Construction note that a structure's primary entrance is to be orientated toward the street. The proposed new construction is consistent with the Guidelines and the UDC in regards to entrance orientation.

o. SCALE & MASS – The applicant has proposed buildings 1 through 5 to feature three stories in height, while building 6 is to feature two stories in height. Per the Guidelines for New Construction 2.A.i., a height and massing similar to historic structures in the vicinity of the proposed new construction should be used. In residential districts, the height and scale of new construction should not exceed that of the majority of historic buildings by more than one-story. The UDC Section 35-673(c) notes that the maximum construction height for RIO-1 is 5 stories, or sixty (60) feet in height. Additionally, the UDC notes that within each RIO District, a general similarity in building heights should be encouraged in order to help establish a sense of visual continuity and that building heights shall be configured such that a comfortable human scale is established along edges of properties. The River Road Historic District is comprised mainly of single family residential structures. Multi-family residential structures that exist within the District often feature two stories in height. At the time of conceptual review, staff found that not only should building 6 feature a reduced height of only two stories, but that building 5 should also, as they are closest in proximity to structures located within the River Road Historic District. Generally, staff continues to find this to be the most appropriate approach to massing on Trail.

p. ROOF FORM – The applicant has proposed roof forms that include front facing gabled roofs, and compound roof structures that feature both gabled and shed elements. At various locations, the applicant has also incorporated side gables. Generally, staff finds the use of gabled roofs to be appropriate, as well as the shed roof forms that the applicant has incorporated to reduce the overall height and massing of each structure.

q. WINDOW & DOOR OPENINGS – Per the Guidelines for New Construction 2.C.i., window and door openings with similar proportions of wall to window space as typical with nearby historic facades should be incorporated into new construction. Per the UDC Section 35-674(e)(5), fenestration should be well-detailed to add depth and scale to a building's façade. Additionally, window placement, size, material and style should help define a building's architectural style and integrity. Generally, the applicant has proposed window openings that relate to those found historically within the River Road Historic District in regards to both the locations and profiles; however, staff finds that the small, square windows that are in locations that are visible from the right of way, or on primary facades be increased in size.

r. LOT COVERAGE – Per the Guidelines for New Construction, the building footprint for new construction should be no more than fifty (50) percent of the size of the total lot area. The proposed footprint exceeds that which is recommended by the Guidelines. Staff finds that given the lack of an established block pattern for this lot, additional lot coverage is appropriate. The applicant has incorporated recessed building masses and additional landscaping materials to reduce the impact of the proposed development's footprint.

s. PROXIMITY TO ACEQUIA – The applicant has proposed a setback of fifteen (15) feet from building 4 to the acequia, as well as a setback of more than fifteen (15) feet from building 6. While staff finds the increased

setbacks to be appropriate; staff finds that additional steps must be taken to further protect the acequia. Staff finds that the applicant must submit a construction management plan. The construction management plan should outline the steps taken to protect the acequia throughout the course of construction. Moreover, the formal construction plans should identify no subsurface work (utilities, grading, etc.) within 5 feet of the extant acequia. In-field protection of the acequia should include orange construction fencing and silt fencing at a buffer distance of 5 feet from the feature. No construction activities will occur within the buffer area. This fencing should be present onsite until construction is completed. As stated previously, the acequia shall not be used for storm water drainage. Furthermore, the acequia shall not be used for storage, equipment cleaning, or any other use during development that could impact the feature.

t. ARCHITECTURAL DETAILS – The applicant has incorporated a number of architectural elements that are contemporary interpretations of historic elements found within the River Road Historic District. These elements include gabled roofs, grouped windows, and the use of various materials. Staff finds however, the elements such as front porches or distinct entrance massing has not been incarnated into the proposed new construction. These two elements are found consistently throughout historic structures within the district. Staff finds that both porches and distinct entrance elements should be incorporated into each outward (street) facing façade. Additionally, staff finds that other architectural elements, such as eave details should be incorporated into the design. The applicant has updated porch entrance elements to include square columns and reduced height planters.

u. ARCHITECTURAL DETAILS (Garage doors) – The applicant has proposed for the structures on Trail to feature front loaded garages. This is inconsistent with the historic development pattern found within the River Road Historic District. Detached parking structures located to the rear of each structure follows the historic development pattern and would be more appropriate for the River Road Historic District.

v. MATERIALS – The applicant has proposed materials that include standing seam metal roofs, Hardie siding with a board and batten profile, and brick. The applicant has noted both light and dark brick. Generally, staff finds the proposed materials to be appropriate. The proposed standing seam metal roofs should feature panels that are 18 to 21 inches wide, seams that are 1 to 2 inches in height, crimped ridge seams or low profile ridge caps and a standard galvalume finish. If a low profile ridge cap is to be used, it must be submitted to OHP staff for review and approval.

w. WINDOW MATERIALS – Per the applicant's submitted documents, an aluminum clad wood window is to be installed. Meeting rails must be no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening. The recessing of windows at least two inches within walls is also a requirement of the UDC Section 35-674.

x. MECHANICAL EQUIPMENT – Per the UDC and Historic Design Guidelines, all mechanical and service equipment, to include trash enclosures are to be screened from view at the public right of way.

y. AUTOMOBILE ACCESS – The applicant has proposed units to be constructed on Trail to the easternmost extent of the lot. As proposed, automobile access would dead end, as currently existing on Trail. The applicant is responsible for all compliance with Transportation and Capital Improvements in regards to access for emergency vehicles and automobile traffic.

z. LANDSCAPING – The applicant has submitted a landscaping plan that notes the locations of various landscaping materials, as well as specific materials. Generally, staff finds the proposed landscaping plan to be appropriate.

aa. DRAINAGE – The applicant has revised the proposed drainage plan to include an on-site rainwater catchment system (cisterns) and permeable pavers within driveways to handle rooftop and pavement drainage. The cisterns and pavers will be designed to capture a two year (2-yr) storm event, or approximately the first four (4) inches of rainfall. Rainfall in excess of the 2-yr storm or in areas that do not drain to the pavers would be captured by drains throughout the site and conveyed to the proposed on-site detention pond at the northeast corner of the site. The detention pond will release water along Huisache. Additionally, the applicant has proposed a small wall/curb to deter runoff from entering the acequia from the site. This overall drainage plan would result in a reduction of runoff entering the acequia adjacent to the site when compared to existing conditions. The proposed drainage plan has been reviewed by TCI, who concurs that the design is generally compliant with storm water code requirements and does not use the acequia as part of the proposed drainage infrastructure.

bb. SIDEWALKS – The UDC requires that a pedestrian sidewalk be provided across properties. The applicant has received an administrative variance to not install sidewalks from Development Services Department. The applicant and neighborhood are in agreement on not installing sidewalks.

cc. TREE PRESERVATION – The applicant has submitted a tree preservation plan noting percentages of trees,

including heritage trees that have been preserved.

dd. PROXIMITY TO ACEQUIA - The applicant has proposed a setback of fifteen (15) feet from building 4 to the acequia, as well as a setback of more than fifteen (15) feet from building 6. While staff finds the increased setbacks to be appropriate; staff finds that additional steps must be taken to further protect the acequia. Staff finds that the applicant must submit a construction management plan. The construction management plan should outline the steps taken to protect the acequia throughout the course of construction. Moreover, the formal construction plans should identify no subsurface work (utilities, grading, etc.) within 5 feet of the extant acequia. In-field protection of the acequia should include orange construction fencing and silt fencing at a buffer distance of 5 feet from the feature. No construction activities will occur within the buffer area. This fencing should be present onsite until construction is completed. As stated previously, the acequia shall not be used for storm water drainage. Furthermore, the acequia shall not be used for storage, equipment cleaning, or any other use during development that could impact the feature.

ee. ARCHAEOLOGY - The archaeological investigation has been completed. The development project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology.

ff. ARCHAEOLOGY - Staff has general concern about the sensitivity of the site and the impacts of construction to the acequia. Detailed construction management plans should be developed and provided prior to final approval that includes the limits of construction in proximity to the historic acequia and measures taken to mitigate potential impacts during construction. The UDC Section 35-672 does not allow drainage into the acequia.

RECOMMENDATION:

Staff does not recommend approval based on finding q, which notes the inclusion of street facing, front loaded garage

doors, an architectural element that is not present within the River Road Historic District. Staff finds this detail to be inappropriate and inconsistent with the Guidelines.

If the Historic and Design Review Commission finds the submitted design to be appropriate, staff recommends the following:

i. That the proposed small square windows found in bathrooms be modified to feature both a size and profile that are more consistent with those found historically within the district, when located on primary facades or where visible from the public right of way as noted in finding q. (The applicant has noted that they will comply with this stipulation.)

ii. That the applicant must submit a construction management plan. The construction management plan should outline the steps taken to protect the acequia throughout the course of construction. Moreover, the formal construction plans should identify no subsurface work (utilities, grading, etc.) within 5 feet of the extant acequia. In-field protection of the acequia should include orange construction fencing and silt fencing at a buffer distance of 5 feet from the feature. No construction activities will occur within the buffer area. This fencing should be present onsite until construction is completed. As stated previously, the acequia shall not be used for storm water drainage. Furthermore, the acequia shall not be used for storage, equipment cleaning, or any other use during development that could impact the feature. (The applicant has noted that they will comply with this stipulation.)

iii. That the proposed standing seam metal roofs feature panels that are 18 to 21 inches wide, seams that are 1 to 2 inches in height, a crimped ridge seam or a low profile ridge cap, and a standard galvalume finish. If a low profile ridge cap is used, it must be submitted to OHP staff for review and approval. (The applicant has noted that they will comply with this stipulation.)

iv. That the proposed aluminum clad wood windows feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening. The recessing of windows at least two inches within walls is also a requirement of the UDC Section 35-674. (The applicant has noted that they will comply with this stipulation.)

v. That all mechanical equipment be screened from view at the public right of way as noted in finding x. (The applicant has noted that they will comply with this stipulation.)

vi. That the applicant comply with all Transportation and Capital Improvements department requirements regarding emergency vehicle access, automobile access, storm water management and parking. (The applicant has noted

that they will comply with this stipulation.)

vii. ARCHAEOLOGY - That the applicant must submit a construction management plan. The construction management plan should outline the steps taken to protect the acequia throughout the course of construction. Moreover, the formal construction plans should identify no subsurface work (utilities, grading, etc.) within 5 feet of the extant acequia. In-field protection of the acequia should include orange construction fencing and silt fencing at a buffer distance of 5 feet from the feature. No construction activities will occur within the buffer area. This fencing should be present on-site until construction is completed. As stated previously, the acequia shall not be used for storm water drainage. Furthermore, the acequia shall not be used for storage, equipment cleaning, or any other use during development that could impact the feature. (The applicant has noted that they will comply with this stipulation.)

viii. ARCHAEOLOGY - The archaeological investigation has been completed. The development project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology. The Upper Labor Acequia shall be preserved and shall not be impacted by new construction. Staff has general concern about the sensitivity of the site and the impacts of construction to the acequia. Detailed construction management plans should be developed and provided prior to final approval that includes the limits of construction in proximity to the historic acequia and measures taken to mitigate potential impacts during construction. The UDC Section 35-672 does not allow drainage into the acequia.

ix. That the applicant add additional on-site rainwater catchment systems (cisterns) to collect water from building 5 to provide drainage relief to Trail Street.

Staff recommends conceptual approval of the modified design to Building 5 with the following stipulation:

i. That the reduced height portion of Building 5 be designed, dimensioned and detailed to be consistent with the other two story structure on site, Building 6. Additionally, the applicant shall update all site, construction and drainage documents to reflect the modification in footprint.

A foundation inspection must be scheduled with OHP staff to ensure that appropriate setbacks are being installed. The foundation inspection shall be scheduled prior to the pouring of the foundation.

A roofing inspection must be scheduled with OHP staff to ensure that an industrial or large ridge cap is not installed. The roofing inspection shall be scheduling prior to the installation of roofing materials.

COMMISSION ACTION:

Approved with staff's stipulations, and the additional stipulation that Building 5 be designed and detailed consistently with Building 6 as detailed in the existing construction document. Building 5's design is to be submitted to OHP staff for review for consistency with Building 6's design and detailing.



Shanon Shea Miller
Historic Preservation Officer

ATTACHMENT

“C”

Mark Cannan

From: Raleigh Wood <rdwood@me.com>
Sent: Monday, January 13, 2020 9:16 AM
To: Mark Cannan
Subject: Fwd: [EXTERNAL] Trail Street

Sent from my iPhone

Begin forwarded message:

From: "Cory Edwards (OHP)" <Cory.Edwards@sanantonio.gov>
Date: December 23, 2019 at 8:05:05 AM CST
To: Raleigh Wood <rdwood@me.com>
Subject: RE: [EXTERNAL] Trail Street

There's a little more time than that. The UDC says that we issue the COA after 10 days of the hearing. With the upcoming holiday, we will generate the letter and schedule an email to deliver the COA on day 10. Once the letter has been issued, an appeal must be filed within 20 days. This would result in a deadline of January 17 to file an appeal if there is interest.

I can meet on the 3rd. How does 10 am look?

Thanks,

Cory Edwards
Deputy Historic Preservation Officer
HDRC, Design Review & Enforcement

1901 South Alamo • San Antonio, TX 78204
direct: 210.207.1496 • office: 210.207.0035
www.sapreservation.com

-----Original Message-----

From: Raleigh Wood [<mailto:rdwood@me.com>]
Sent: Saturday, December 21, 2019 9:53 AM
To: Cory Edwards (OHP)
Subject: [EXTERNAL] Trail Street

Hi Cory,

I was out of town for the 12/18 HDRC and have heard there is a 20 day window to file an appeal. Is it possible a small group of neighbors could meet with you on Friday January 3rd to discuss the appeal process? If I am calculating the 20 days correctly, the appeal would have to be in by the following Tuesday, January 7th.

Thanks for your help and happy holidays!

Raleigh

ATTACHMENT “D”

Sec. 35-610. - Alteration, Restoration, Rehabilitation, and New Construction.

- (a) In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and provisions adopted by city council as provided in this article. The historic and design review commission shall also utilize the Historic Design Guidelines as adopted by the city council, and any specific design guidelines adopted pursuant to the Unified Development Code and this article. If conflicting provisions of this chapter and city council approved guidelines have been approved, the city manager or the city manager's designee shall reconcile the conflict if possible so that effect may be given to each. If the conflict is irreconcilable, this chapter shall prevail. Applications shall be reviewed for consistency with the historic or district specific design guidelines adopted by city council. The application shall be reviewed for conformance to the general rules and principles contained in the guidelines. Applications should be approved if in general conformance with the guidelines but denial of an application by the city manager or the city manager's designee may be based on any inconsistency or nonconformance with the approved guidelines. Non-public interior spaces are exempt from this section. The only interior spaces to be considered for review, and therefore not exempt, are those publicly owned spaces that are, or were, accessible to the public (e.g., lobbies, corridors, rotundas, meeting halls, courtrooms), and those spaces, both public and privately owned, that are individually designated and are important to the public because of any significant historical, architectural, cultural or ceremonial value.
- (b) Signs shall conform to chapter 28 of the City Code as well as any other applicable provision of this chapter. Additionally, if an exception from the application of chapter 28 of the City Code of San Antonio has been approved for signage in historic districts or on historic landmarks, such exception shall control. If conflicting provisions of this chapter and city council approved guidelines have been approved, the city manager or the city manager's designee shall reconcile the conflict if possible so that effect may be given to each. If the conflict is irreconcilable, this chapter shall prevail. Applications shall be reviewed for consistency with the historic or district specific design guidelines adopted by city council. The application shall be reviewed for conformance to the general rules and principles contained in the guidelines. Applications should be approved if in general conformance with the guidelines but denial of an application by the city manager or the city manager's designee may be based on any inconsistency or nonconformance with the approved guidelines.

(Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2012-11-08-0877, § 2, 11-8-12; Ord. No. 2013-10-03-0680, § 2, 10-3-13)

Sec. 35-671. - Criteria for a Certificate of Appropriateness—New Construction, Additions and Alterations.

In considering whether to recommend approval or disapproval of an application for a certificate of appropriateness for new construction, additions or alterations in a river improvement overlay district, the historic and design review commission shall be guided by the compatibility standards set forth below. In making recommendations affecting new buildings or structures which will have more than one (1) important facade, such as those which will face both a street and the river or creek, the historic and design review commission shall consider the visual compatibility standards below with respect to each facade.

The application shall be reviewed for conformance to the general rules and principles contained in this chapter and the applicable guidelines. Applications should be approved if in general conformance with the this chapter and the applicable guidelines but denial of an application by the city manager or the city manager's designee may be based on inconsistency or nonconformance with the approved guidelines.

(Ord. No. 95352 § 3 Attachment 2; Ord. No. 2016-10-13-0798, § 1(Att. A), 10-13-16)

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

STATEMENT OF PURPOSE

This section focuses on the urban design concepts that connect individual properties and help knit them together into the fabric of the community. These concepts include the basic arrangement of streets and lots, view corridors and circulation patterns. The standards apply to all development in the seven (7) river improvement overlay districts.

- (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 or creek 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 or creek.
 - 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.
 - D. In RIO-7, two (2) distinct public paths, a High Bank Paseo and a Low Bank Paseo exist along the San Pedro Creek. Where a High Bank Paseo condition does not exist along the creekside of a property, a shared sidewalk and/or patio space is strongly encouraged to connect one (1) side of the applicant's property to the other along the top of the bank within the creekside setback established in this section.

Figure 672-1

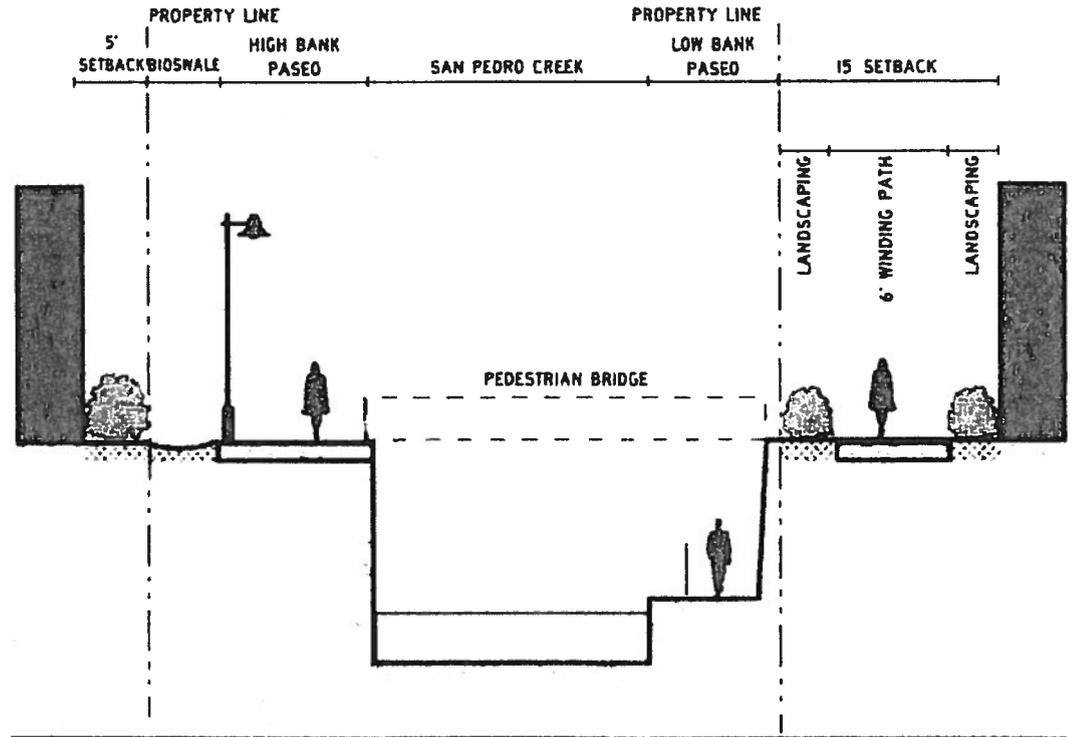
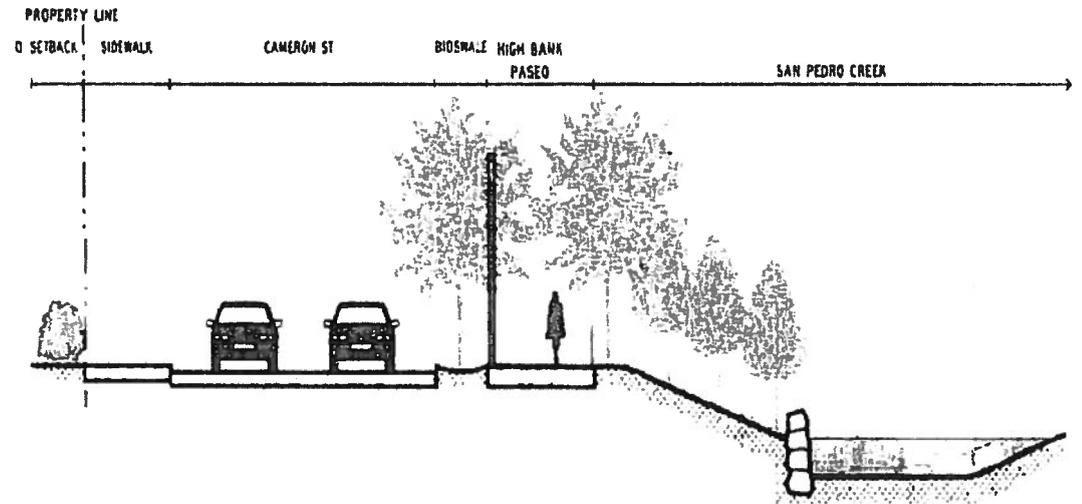
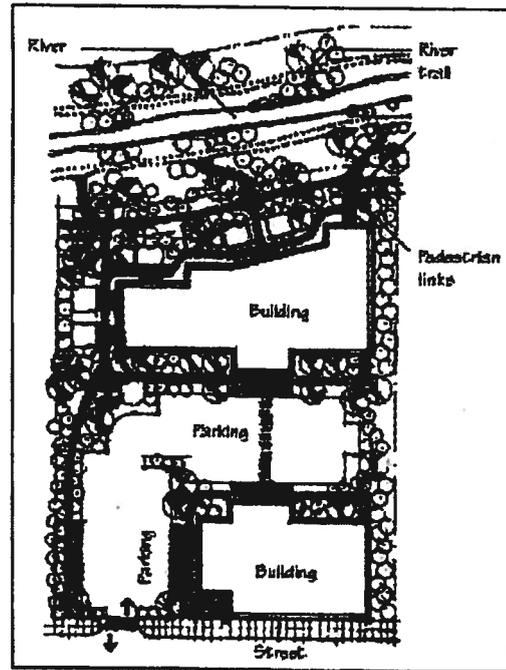


Figure 672-2



- (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. (see Figure 672-1)

Figure 672-3



- (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 Transportation and Capital Improvements department will maintain the designated multi-use path locations.
- (4) **Street Connections to River or Creek.** Retain the interesting and unique situations where streets dead-end at the river or creek, creating both visual and physical access to the river or creek for the public.
- (5) **Pedestrian Access Along the Public Pathways Shall Not Be Blocked.**
- A. Queuing is prohibited on the public pathway.
 - B. Hostess stations shall be located away from the public pathway so as to not inhibit pedestrian flow on the public 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 public 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 public 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.
- D. In RIO-7, block dimensions along San Pedro Creek pose unique challenges in developing pedestrian friendly site plans. The following guidelines should be used in designing site access and circulation.
 - i. Primary Pedestrian Frontage Streets—Houston, Commerce, and north side of Nueva St.
 - a. New curb cuts are not allowed except:
 - I. Lots with no other access.
 - II. Lots with block faces over three hundred (300) feet long along Houston, Commerce St., or Nueva St. where the curb cut is part of through block circulation that includes shade trees with an arcade, sidewalk, pedestrian oriented street, or parking street.
 - ii. Secondary Pedestrian Frontage Streets—Flores and Camaron.
 - a. New curb cuts are only allowed where:
 - I. Lots front on Houston, Commerce Street, or the north side of Nueva St.
 - II. Lots have no other access.
 - III. Lots with block faces over three hundred (300) feet long along

Camaron or Flores St. where the curb cut is part of through block circulation that includes shade trees with an arcade, sidewalk, pedestrian oriented street, or parking street.

iii. All other streets:

- a. Curb cuts are allowed when placed consistent with the Unified Development Code and the Downtown Design Guidelines.

(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, river, or creek edge 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 30-foot setback from the above mentioned lot line shall comply with the requirements of the table. Where parking is located on corner sites only the lot line along the primary street 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 RIO-7 for all properties that fall within one hundred (100) feet of the river or creek right-of-way in all RIO districts.

Table 672-1a

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Max. % Coverage of Lot Line*	50%	40%	N/A	40%	40%	30%
Buffering Required?	Yes	Yes	Yes	Yes	Yes	Yes

Table 672-1b

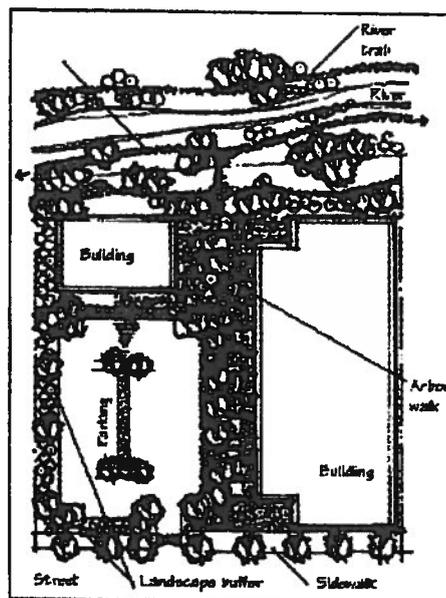
Description	RIO-7A	RIO-7B	RIO-7C	RIO-7D	RIO-7E
-------------	--------	--------	--------	--------	--------

Max. % Coverage of Lot Line *	40%	N/A	40%	40%	40%
Buffering Required?	Yes	Yes	Yes	Yes	Yes

* Maximum length of parking lot allowed along the property line at the street. If applicable, maximum length of parking lot allowed along the river or creek side edges.

- (3) Screen or Buffer Parking Areas from View of Public Streets, the River, Creek, 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 50-foot setback from the edge of the river or creek ROW use, at a minimum, type E; or
 - B. Within a 20-foot setback from a property line adjacent to a street use, at a minimum, type B; or
 - C. Within a 20-foot setback of commercial or industrial property that abuts a residential property use, at a minimum, type C.

Figure 672-4



- (4) Parking Structures Shall Be Compatible With Buildings in the Surrounding Area in RIOs 1—6. Parking garages should have retail space or office space on the ground

floor of a parking structure provided the retail or office space has at least fifty (50) percent of its linear street frontage as windows or 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) In RIO-7, Parking Structures should be designed in conformance with the Downtown Design Guide.

- A. Provide an exterior screen comprised of high quality materials that screen the underlying structure and contribute to the overall quality of the built environment. This can include heavy-gage metal screen, precast concrete panels; live green wall (landscaped), masonry, laminated glass or photovoltaic panels.
- B. The ground floor of garages along primary streets or of garage elevations oriented towards the San Pedro Creek shall provide active ground floor uses. On all other streets the ground floor treatment should provide a low screening element that blocks views of parked vehicle bumpers and headlights from pedestrians using the adjacent sidewalk.
- C. Integrate the design of signage, public art, and lighting with the architecture of the structure to reinforce its unique identity.
- D. Interior garage lighting should not produce glaring sources toward adjacent residential units while providing safe and adequate lighting levels per code.

(6) **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.

(7) Parking lots, structures, and hardscape shall not drain directly into the river or creek 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 or creek 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.

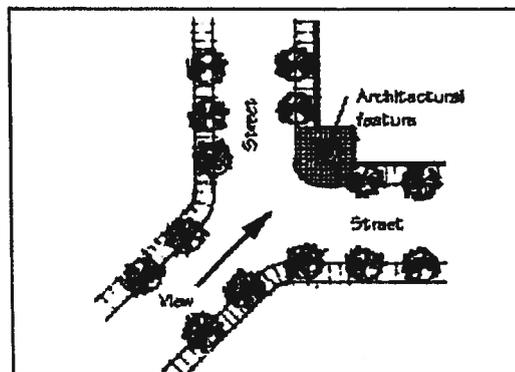
(1) **Architectural Focal Point.** When a property is situated in such a manner as to appear

to be the terminus at the end of the street or at a prominent curve in the river or creek, 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.

Figure 672-5



(Ord. No. 95352 § 3 Attachment 2) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11)(Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2016-10-13-0798, § 1(Att. A), 10-13-16)

Sec. 35-674.01. - Building Design Principles in RIOs 1 through 6.

This section provides policies and standards for the design of commercial, multi-family developments in excess of eight (8) units, and single-family developments in excess of five (5) units or five (5) acres, institutional developments, and industrial buildings within the river improvement overlay districts. In general, principles focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are part of the San Antonio design traditions. The policies and standards also promote designs that enhance the streets in the area, as well as the Riverwalk, as places for pedestrians. As such, the policies and guidelines address only broad-scale topics and do not dictate specific design solutions, architectural styles, or details with the exception that the standards for "RIO-3" contain more specific requirements.

- (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 discernable 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.

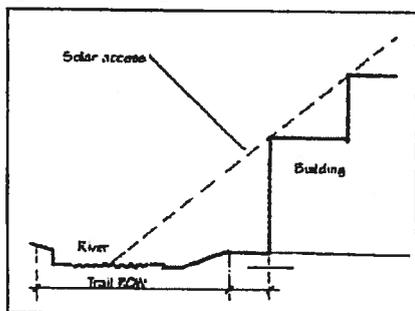
Table 674-1

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. (see Figure 674-1).

Figure 674-1



- 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).
- (6) Except in RIO-3, for properties greater than three (3) sides abutting the river, organize the mass of the building(s) to create a courtyard facing the river with one (1) open side to the river.
- (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.

- (2) Organize the mass of the building to step back from established residential neighborhoods. Where a commercial, mixed-use residential, multi-family or industrial use abuts a single-family residential development, or is across the street from a single-family residential development, the following standards shall apply:

The massing of the building shall not exceed twenty-five (25) feet in height at the setback line. The building mass can continue upward within a forty-five-degree building envelope for a distance of fifty (50) feet measured horizontally from the building face, at which point the building massing may continue vertically to the height established in subsection 35-674(c).

- (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.
 - A. Windows shall be recessed at least two (2) inches within solid walls (not part of a curtain wall system).
 - B. Windows should relate in design and scale to the spaces behind them.
 - C. Windows shall be used in hierarchy to articulate important places on the facade and grouped to establish rhythms.
 - 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.

- (f) **Staircases.**

- (1) **Staircases to the River Level Shall be Uniquely Designed.**
- A. Stairs shall not replicate other stairs in a single project.
 - B. Stairs shall be constructed of handcrafted materials. The applicant shall use traditional building materials.
 - C. Stairs shall not exceed ten (10) feet in width.
- (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.

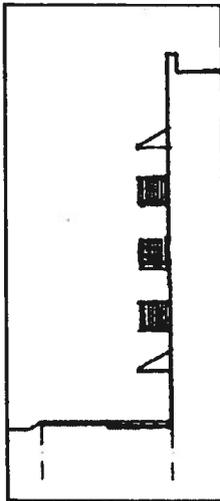


Figure 674-2

- (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.

(Ord. No. 95352 § 3 Attachment 2) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11; Ord. No. 2016-10-13-0798, § 1(Att. A), 10-13-16)

Editor's note— Ord. No. 2016-10-13-0798, § 1(Att. A), adopted October 13, 2016, redesignated the former section 35-674 as section 35-674.01. The historical notation has been preserved for reference purposes.

Sec. 35-523. - Tree Preservation.

STATEMENT OF PURPOSE

While allowing the reasonable improvement of land within the city and city's ETJ, it is stated public policy of the city to maintain, to the greatest extent possible, existing trees within the city and the ETJ, and to add to the tree population within the city and the ETJ to promote a high tree canopy goal. The planting of additional trees and preservation of existing trees in the city and the ETJ is intended to accomplish, where possible, the following objectives:

- *To preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment.*
- *To encourage the preservation of existing trees and the planting of new trees for the enjoyment of future generations.*
- *To encourage the preservation of existing trees and the planting of new trees to provide health benefits by the cleansing and cooling of the air and contributing to psychological wellness.*
- *To encourage the preservation of existing trees and the planting of new trees to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees.*
- *To encourage the preservation of existing trees and the planting of new trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem.*
- *To provide tree preservation requirements and incentives to exceed those requirements that encourage the maximum preservation of trees and planting that will achieve greater overall tree canopy.*
- *To promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.*
- *To encourage the preservation of environmentally sensitive areas that protect and enhance the water quality, ecosystem and the aesthetic environment.*
- *To increase tree canopy coverage for the city and ETJ.*
- *To recognize the economic value added to properties with trees and high tree canopy coverage.*

This section implements the following provisions of the master plan:

Neighborhoods, Policy 3c: Continue to implement the tree preservation ordinance and strengthen as needed.

(a) **Applicability.**(1) **Generally.**

- A. The regulations contained in this division shall apply to any private property located within the city limits and the ETJ of the city.
- B. The regulations contained in this division shall apply to all public property held by or for the benefit of the city or any agency, board or commission thereof in accordance with the provisions of subsection (p) of this division.
- C. The regulations contained in this division shall regulate all activities that result or may result in the removal of significant or heritage trees or areas of tree canopy as defined herein. Said activities include any of the following:
 1. Industrial, commercial, office, multi-family, residential and institutional development, including all new construction and any additions that increase the total floor area of a structure by more than two thousand five hundred (2,500) square feet.
 2. Construction of a new parking lot larger than two thousand five hundred (2,500) square feet or

expansion of an existing parking lot by more two thousand five hundred (2,500) square feet.

3. Any grading, filling or clearing of land.
 4. Any clear, selective or individual cutting or removal of any significant or heritage tree or areas of tree canopy as defined.
 5. Chemical or biological treatment of trees that may result in the death or destruction of any significant or heritage tree or areas of tree canopy as defined.
 6. Trenching or excavation that may damage or destroy any significant or heritage tree or areas of tree canopy as defined.
- D. The regulations in this section shall apply to any projects receiving any federal, state, and/or local financial assistance.
- E. Tree Credit Certificate 001 issued February 10, 2000 and Tree Credit Certificate 002 issued March 26, 2002 are acknowledged and the express language of those certificates apply whenever and wherever until fully redeemed with no limitations as to any time vesting projects as expressed in those contracts or certificates. Tree credits may be used for mitigation of preservation when utilizing the tree survey method or to mitigate surveyed heritage trees utilizing the tree stand delineation method.
- (2) **Activities Exempt.** The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.
- (3) **Categories of Development Exempt.** The provisions of this section shall not apply to any conservation subdivision as defined in section 35-203.
- (4) **Trees Exempt .** This division shall not apply to:
- A. Any significant or heritage trees or areas of tree canopy determined to be diseased, overly-mature dying or dead, by the city arborist.
 - B. Any significant or heritage trees or areas of tree canopy determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.
 - C. Any significant or heritage tree or areas of tree canopy located on property on which construction of single-family, two-family or three-family residential dwelling units has been completed.
 - D. Trees or areas of tree canopy located in the clear vision area, as defined in the street improvement standards, subsection 35-506(d)(5), intersection sight distance.
 - E. Trees or areas of tree canopy preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.

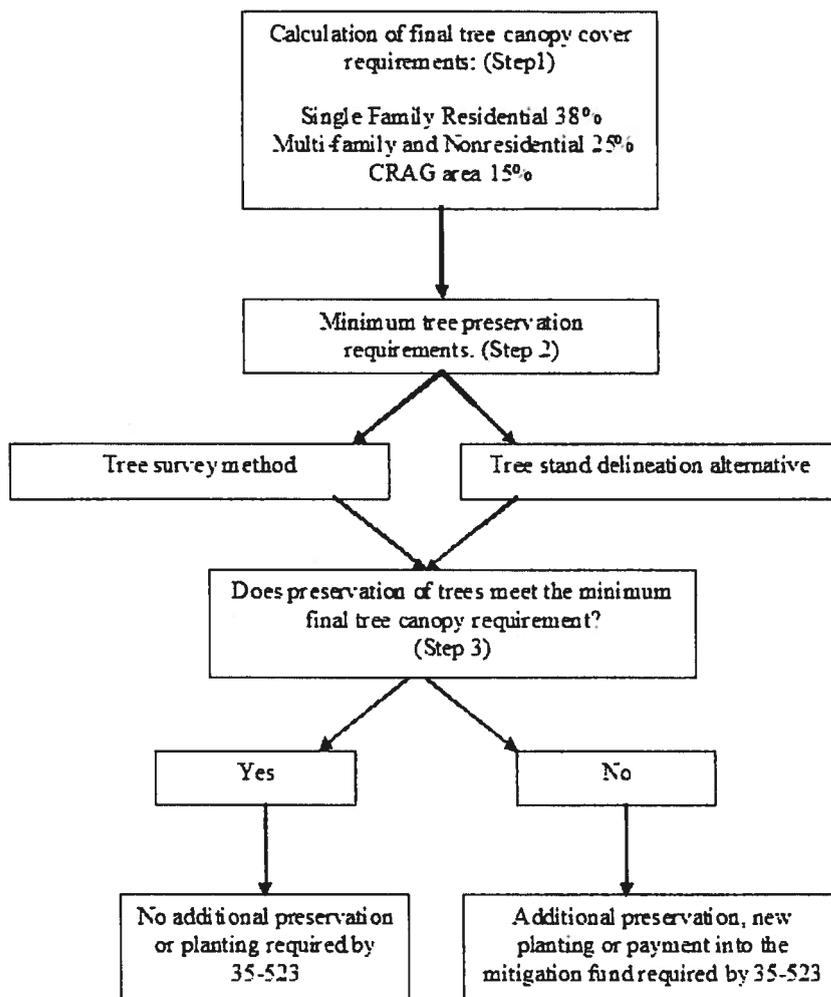
The provisions contained in this section shall control in the event and to the extent they may conflict with other provisions contained in this chapter that do not relate to health and safety.

- (b) **Administration.** The provisions of this section shall be implemented by the city arborist under the direction of the director of planning and development services. The city arborist shall oversee regulation of the maintenance and removal of significant or heritage trees or areas of tree canopy and shall enforce and administer the provisions of this section.

The city arborist shall work closely with all city departments and governmental entities and licensees, and franchisees thereof in order to promote and ensure the maximum protection of trees by the implementation and administration of this section. City departments with which the city arborist is authorized to interact pursuant to subsection (p) of this section include, but are not limited to the following:

- (1) Department of development services shall coordinate:

- A. Tree preservation in the review of master development plans, planned unit development plans, subdivision grading filling and spoil activities when applicable.
 - B. Maximize the preservation of tree(s) or areas of tree canopy through the implementation of the city's landscape and streetscape standards and through the approval process contained in this chapter.
- (2) In accordance with subsection 35-104(b), all city departments or its agencies or instrumentalities shall maximize the preservation of trees or areas of tree canopy for public improvements such as, but not limited to, utility installation, street construction and maintenance, drainage construction and maintenance, grading, filling, placement of soil, etc., and coordinate any projects that modify natural drainage areas in a way that negatively affects trees on private property or public property.
 - (3) San Antonio Water System shall maximize the preservation of trees or areas of tree canopy during capital improvement projects. The arborist shall review any policies related to trees or areas of tree canopy.
 - (4) CPS Energy shall maximize the preservation of trees or areas of tree canopy during capital improvement projects. The arborist shall review any policies related to trees or areas of tree canopy.
 - (5) Parks and recreation shall maximize the preservation of trees or areas of tree canopy during capital improvement projects. The arborist shall review any policies related to trees or areas of tree canopy.
 - (6) Any other entities which may require easements or rights-of-way shall maximize the preservation of trees or areas of tree canopy during the project. The arborist shall review any policies related to trees or areas of tree canopy.
- (c) **Violation, Enforcement and Penalties** . The provisions of this section shall be enforced as provided in article IV, section 35-493 of this chapter.
 - (d) **Overview of Tree Preservation and Tree Canopy Calculation Process**. The following are the steps to be undertaken by the applicant and the City of San Antonio as part of the final tree canopy and tree preservation requirements as outlined below in subsections (e) and (f).
 - (1) Step 1: Identify "final tree canopy" percent (%) based on the land use and as noted on section (e).
 - (2) Step 2: Choose method for tree preservation (survey or tree stand delineation).
 - (3) Step 3: Compare the results of step 2 and step 1.
 - A. If step 2 tree preservation provides an equal or larger tree canopy cover percentage than step 1 then the final tree canopy goal has been met.
 - B. If step 2 tree preservation provides a smaller tree canopy cover percentage than step 1, then additional preservation, planting or payment to the tree mitigation fund is necessary to comply with this division.
 - (4) The following diagram illustrates the hierarchy of the tree preservation and tree canopy cover process.



(e) Final Tree Canopy Cover. The intent of this subsection is to promote tree canopy coverage in the city and the ETJ. The development of any property shall meet the final canopy percent requirements as described below based on the land use and can be accomplished by maximizing the preservation of trees through a tree survey method or tree stand delineation alternative and by tree planting (if necessary) or payment into the mitigation fund.

(1) Standards. Developments of all sites must provide a minimum final tree canopy cover as listed below for the entire gross project area outside of the regulatory floodplain.

- A. Minimum final tree canopy coverage shall be provided at the percentages indicated below:
 - i. Single-family residential thirty-eight (38) percent;
 - ii. Multi-family and nonresidential twenty-five (25) percent;
 - iii. CRAG area fifteen (15) percent;
- B. The final tree canopy requirements shall be accomplished after meeting all preservation requirements and other planting requirements as set forth in this chapter;
- C. When the final tree canopy is required at platting, the city arborist may allow the applicant to defer the minimum tree canopy cover requirements as follows:
 - a) To the building permit phase of the development if inside of city limits; or
 - b) To the building phase in ETJ with plans depicting final canopy cover of preserved trees and newly planted trees and the method to assure that the requirements will be met before the issuance of a building permit (sections 35-B123, 35-B125, 35-B107, 35-477, 35-476) (note: per subsection 35-523(f) (3) Table 523-1B, when using the tree stand delineation option, tree save areas must be designated as such when the area is platted); or

c) With a guarantee of performance executed and filed with the City of San Antonio.

The city arborist shall determine the probable maximum amount of tree mitigation required (measured in dollars) that may be attributable to the development.

(f) **Minimum Tree Preservation Requirements.** To comply with the minimum final tree canopy cover requirements of subsection (e) an applicant shall elect either to perform a tree survey to identify trees for preservation in accordance with the provisions of this subsection below or to conduct a tree stand delineation as an alternative to the tree survey technique.

(1) **Protected Tree Designations.** The significant or heritage tree designations establish a threshold trunk size, measured in diameter at breast height (DBH), for various tree species for purposes of applying the requirements of this chapter. A significant or heritage tree is defined by DBH as set forth below. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus fifty (50) percent of the DBH sum of the additional trunks, if the tree is classified as significant. (Tree species listed below shall have at least one (1) trunk greater than five (5) inches for small tree species and at least one (1) trunk greater than ten (10) inches for large tree species to be considered significant). The value of the largest trunk is the value given to the small tree species listed below.

A. **Significant Trees.** A significant tree means a tree of six (6) inches or greater DBH for all tree species except the following species are significant with at least one (1) trunk being equal or greater than the respective size (DBH):

- i. Ashe Juniper (*Juniperus ashei*) - ten (10) inch DBH;
- ii. Huisache (*Acacia farnesiana*) - ten (10) inch DBH;
- iii. Mesquite (*Prosopis glandulosa*) - ten (10) inch DBH;
- iv. Arizona Ash (*Fraxinus Velutina*) - ten (10) inch DBH;
- v. Hackberry (*Celtis spp.*) - ten (10) inch DBH;
- vi. Texas persimmon (*Diospyros texana*) - five (5) inch DBH;
- vii. Texas redbud (var. *texensis*) - five (5) inch DBH;
- viii. Texas Mountain laurel (*Sophora secundiflora*) - five (5) inch DBH;
- ix. Condalia (*Condalia hookeri*) - five (5) inch DBH;
- x. Possum haw (*Ilex decidua* - in floodplain only) - five (5) inch DBH;
- xi. Hawthorne (*crataegus texana*) - five (5) inch.

B. **Heritage Trees.** A heritage tree means a tree of twenty-four (24) inches or greater DBH for all tree species except the following species are heritage with at least one (1) trunk being twelve (12) inches or greater DBH (the value of the twelve (12) inches or greater trunk is the value given to these small tree species):

- i. Texas persimmon (*Diospyros texana*);
- ii. Texas redbud (var. *texensis*);
- iii. Texas Mountain laurel (*Sophora secundiflora*);
- iv. Condalia (*Condalia hookeri*);
- v. Possum haw (*Ilex decidua* - in floodplain only);
- vi. Hawthorne (*crataegus texana*).

C. **Non-native Trees.** Non-native invasive tree species are not protected and will be omitted from the tree survey. Non-native invasive tree species means the following tree species:

- i. Chinese Pistache (*Pistacia chinensis*);
- ii. Chinaberry (*Melia azedarach*);
- iii. Chinese Tallow (*Sapium sebiferum*);

- iv. Tree of Heaven (*Ailanthus altissima*);
- v. Salt Cedar (*Taxodium species*).
- vi. Japanese Ligustrum (*Ligustrum japonicum*).
- vi. Japanese Ligustrum (*Ligustrum japonicum*);
- vii. Nandina (*Nandina domestica*);
- viii. Paper Mulberry (*Broussonetia papyrifera*).

(2) Tree Survey Methodology.

A. Standards. Table 523-1A establishes the minimum percentage of all diameter inches of significant or heritage trees or tree stand delineation canopy area that must be preserved or mitigated. In environmentally sensitive areas, the minimum percentage shall include the understory of the preserved trees. For all development projects, applicants may elect to preserve trees at the MDP, platting or permitting stage; if an applicant elects to preserve trees at the MDP or platting stage, this method must be used throughout completion of the project.

Table 523-1A

Significant Trees	Single-Family Dwellings	Multi-family and Nonresidential Uses
6" DBH or greater	35% within each platted lot, excluding street right-of-way and easements. Plus each builder on a single-family dwelling lot shall also be required to plant two (2) one and one-half (1.5) inch caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements; or for athletic fields, 25% of the entire site to be developed as such.
Significant Trees under 6" DBH	35% within each platted lot, excluding the street right-of-way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street rights-of-way, and easements; or 40% of the number of total count of all such trees; or for athletic fields, 25% of the entire site to be developed as such.
Heritage Trees	100% within each platted lot	100% within the entire site.
100-year floodplain(s)	80% of all the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the lot.	80% of the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the site.

Environmentally Sensitive Areas	80% of all the trees within the environmentally sensitive area including easements and rights-of-way. Such areas shall apply toward preservation on the remainder of the site.	80% of all the trees within the environmentally sensitive area including easements and rights-of-way. Such areas shall apply toward preservation of the remainder of the site.
Mitigation Maximum	Up to 80% of significant and heritage trees may be mitigated rather than preserved.	Up to 80% of significant and heritage trees may be mitigated rather than preserved.

B. **Calculation of Preservation Ratios.** All percentages relating to preservation stated within this section shall be based on the initial tree survey. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total diameter inches of protected trees as indicated by the initial tree survey. To receive preservation credit in environmentally sensitive areas when using the tree survey or tree canopy method, the canopy area can be converted into diameter inches utilizing the following formula based on the dominant tree species in the area(s). Canopy area divided by shade value (Appendix E) equals number of trees, times the radius of the shade value area which will equal the diameter inches present in the environmentally sensitive area.

Formula:

$$\begin{aligned} \text{Diameter (inches)} &= \text{Number of Trees} \times \text{Radius} \\ \text{Number of trees} &= \text{Canopy Area (sq-ft)} / \text{Shade Value (sq-ft/tree)} \\ \text{Radius} &= \text{Square Root}(\text{Shade Value Area} \div 3.14) \end{aligned}$$

Commentary: the value is based upon the one foot tree canopy radius to one inch trunk diameter relationship.

- (3) **Tree Stand Delineation Alternative.** Mitigation trees will be as set forth in the standards of table 523-2 using the shade value in Appendix E.
 - A. **Standards.** As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements section 35-B125). In order to utilize this provision the site must have area(s) of tree canopy; however, the presence of understory is not required except in environmentally sensitive areas where the minimum percentage shall include the understory of the preserved trees. The application of this provision will be based on the total tree canopy of a site or project outside the 100-year floodplain and environmentally sensitive areas, with no exclusions for rights-of-way or easements. A tree stand delineation shall meet the following standards:

Table 523-1B

	Minimum Preservation Requirements	Other Requirements

Total tree canopy cover on site outside of the regulatory floodplain	35% of total non-heritage tree canopy with subdivision, building permit or other permit after the master development plan stage or 30% of total non-heritage tree canopy with master development plan.	Tree save areas must be designated as such when the area is platted. Tree canopy area(s) to be preserved as tree save area(s) must include tree canopy in environmentally sensitive areas if such are present on site.
Heritage trees	Heritage trees shall be preserved at 100% using the tree stand delineation method only.	
Environmentally sensitive areas within the project boundaries	80% of the total canopy area and 100% of the heritage trees.	Tree save areas in environmentally sensitive areas shall count toward preservation on the remainder of the site.
Regulatory floodplain	80% of the total canopy area and 100% of the heritage trees.	The trees or tree canopy in the floodplain may not be used to meet preservation requirements set forth above for the developable portion of the land.
Mitigation Maximum	Up to 80% of the total tree canopy area and up to 80% of the heritage trees may be mitigated rather than preserved.	A minimum of 20% of the existing pre-development tree canopy and 20% of the heritage trees shall be preserved and may not be mitigated.

B. **Calculation of Credits.** This subsection shall be used to calculate the minimum preservation requirements in the tree stand delineation alternative.

1. Tree canopy crossing lot lines.

- i. Generally the credit to trees indicated for protection shall only be provided to trees whose primary trunk is located on the site subject to development. Where the primary tree trunk is located on the property subject to development a root protection zone shall be provided as defined in subsection 35-523(j) and any tree canopy area that crosses into the adjacent site shall be applied as follows:
 - (a-1) Where more than fifty (50) percent of the tree canopy area is on the property subject to development, the property will be credited for all of the tree canopy area.
 - (a-2) Where less than fifty (50) percent of the tree canopy area is on the property subject to development, the property will be credited half of the tree canopy area.
- ii. In locations that meet the woodlands criteria, the property line will be used to measure the limits of the canopy to be credited for the subject property(ies) regardless of where the trunk is located. In such cases a woodland canopy cover credit may be available in accordance with

subsection (i)(9).

2. **Tree canopy credit for newly planted trees.** Newly planted trees will receive ninety (90) percent of the mature canopy area per species as listed in Appendix E. To receive tree canopy credit each newly planted tree will require a minimum of one hundred sixty-two (162) square feet in pervious planting area for nonresidential and multi-family uses. Planting standards and soil specifications must adhere to those of the International Society of Arboriculture. Additional canopy area may be claimed if structural soils or low impact development (LID) practices are used as provided in subsection 35-523(i)(10).
- (4) **Subsequent Removal.** Removal of the tree save area or any portion thereof will require the applicant to reforest to the required preservation or tree canopy cover amount. Mitigation trees will be as set forth in the standards of table 523-2 using the shade value in Appendix E.
- (5) **Mitigation.** Protected trees that are required to be preserved are to be mitigated at the ratio described in Table 523-2.
- (6) **Diversity and Desirability.** As the particular site conditions warrant, the applicant shall make a reasonable effort to preserve a diversity of species of trees as determined by the city arborist.
- (7) **Site Design.** The location of all proposed buildings and improvements shall be oriented by the applicant, to the extent the applicant determines possible, in a manner which allows for preserving of the greatest number of trees and in doing so the applicant is encouraged to design by taking into consideration the site's limitations and assets. Trees located within the existing right-of-way shall not be counted as it pertains to the minimum preservation percentage when using the tree survey methodology. Applicants are encouraged to preserve trees to meet the landscape and streetscape standards which could reduce or eliminate the irrigation requirements.
- (8) **Rights-of-Way.** Unless otherwise allowed by this division, trees located within existing rights-of-way or easements may be damaged, destroyed, or removed only if prior approval is granted by the city arborist. If tree(s) are approved to be removed, mitigation will be at 1:1 unless heritage-size which are mitigated at 3:1 (with the exception of species listed in table 523-2, column B, row 1 which will be mitigated at 1:1) and are to be maintained by the project applicant.
- (9) **Trees on Public Property.** The city shall have the right to maintain trees, plants, and shrubs within the lines of all public property as may be necessary to ensure the safety, protect facilities and improvements, and maintain the health and aesthetics of such public grounds. In order to achieve the above, the city or its municipal utility entities may remove or cause or order to be removed any tree which is located on public property and determined to be in conflict with a public purpose or to be a public hazard through coordination with the city arborist or city forester.

Unless specifically authorized by the city, no person shall knowingly cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivances to any tree; or allow any substance, solid, liquid, gas, or fire to injure any tree or portion thereof on public property.
- (10) **Historic Trees.** In order to protect historic trees, as defined, the city arborist shall defer the approval of tree preservation plans to review by the historic preservation officer who shall seek the advice of the historic and design review commission in instances where a historic tree is proposed to be removed. The commission may recommend additional replacement standards, recommend a cash payment to be deposited to the tree mitigation fund to offset the cost of future tree planting on public property, or recommend that the application for permit and tree preservation plan be denied. Provided, however that no later than thirty (30) days after the final application for removal of the historic tree was received, the historic preservation officer shall advise the applicant by certified mail, return requested, or hand delivery of his decision. The final application will be deemed approved if not acted upon by the historic preservation officer before the expiration of the thirty-day time period herein established. Such action may be appealed pursuant to section 35-481 of this chapter.

- (g) **Mitigation/Alternative Mitigation Methods** . Significant or heritage trees may be removed in excess of the minimum preservation requirement contained in subsection (f) provided the excess removal is properly mitigated. If mitigation is required to compensate for removing trees in excess of the number of diameter inches allowed to be removed within the surveyed area to be calculated for tree preservation under the minimum preservation requirements, the mitigation may be achieved in one (1) of the ways prescribed in table 523-2, below:

Table 523-2 Mitigation

(A) Method	(B) Description	(C) Restrictions
Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1 All tree species of Ash (all Fraxinus species) Hackberry (all Celtis species) Huisache, Ashe Juniper and Mesquite will be mitigated at 1:1.	No more than twenty-five (25) percent of the replacement trees shall be of the same species for the purposes of mitigation. Replacement trees must be at least one and one-half (1.5) caliper.
Payment to the tree mitigation fund	In lieu of meeting the minimum preservation or final canopy standards of this section, a payment to the tree mitigation fund may be provided in accordance with <u>35-C110</u> .	See subsection (o) tree mitigation fund for the authorized collection and disbursement of these funds.
Protection and maintenance of smaller trees within surveyed area	Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree.	Such trees must be at least two and one-half (2½) inches DBH. See column B ratios for diameter-inches required.
Protection and maintenance of natural areas within the surveyed area	Protection and maintenance of existing natural areas, i.e., prairie, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.

In considering a mitigation method, the city arborist may weigh the value of smaller trees, clumps of trees, and natural vegetation that could be retained to meet the requirements of this section, such as mitigation method above, or the amount of vegetation to be retained on the site and/or added according to a landscape plan to determine the extent additional trees may not be required. For these reasons, indiscriminate clearing of smaller trees and shrubs or understory is discouraged. Small tree species shall be mitigated based on the one trunk that is five (5) inches or greater for significant status and the one trunk that is twelve (12) inches or greater for heritage status. Small tree species that achieve heritage status shall be mitigated on a 1:1 basis.

- (h) **100-Year Floodplain(s) and Environmentally Sensitive Areas**. Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplains and environmentally

sensitive areas. The 100-year floodplain shall be determined by the floodplain administrator. Mitigation shall be prohibited in floodplains and environmentally sensitive areas except when a variance is granted by the planning commission. If trees are required to be removed by a governmental entity due to existing off-site conditions, then mitigation shall not be required by the applicant. The city arborist, the director of public works, the director of development services, the Bexar County flood control division manager and one (1) representative from the Cibolo Creek Watershed, the Leon Creek Coalition, the Salado Creek Foundation, the San Antonio River Oversight Committee, and the Land Heritage Institute (for the Medina River) shall recommend a standard for treatment of drainageways, which standard shall be approved by the city council. Subsection (h) titled "100-year Floodplain(s) and Environmentally Sensitive Areas" shall not apply to properties located entirely within the boundaries of the RIO-2 and RIO-3 overlay zoning districts, provided however all other subsections of 35-523 shall apply in the RIO-2 and RIO-3 districts.

- (i) **Tree Preservation Incentives** . An individual may apply for, and subject to verification, shall receive incentives for tree preservation as follows:
- (1) **Parking Space Reduction.** Upon application and verification by the city arborist, an individual shall be entitled to a reduction in the minimum parking requirements of section 35-526 of this chapter to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the said minimum parking requirements of section 35-526 of this chapter may be reduced by one (1) parking space for every four (4) diameter inches of trees that have been protected or mitigated on a site. The city arborist shall issue a certificate to the appropriate city department(s) confirming that a reduction has been earned under this section. Up to fifteen (15) percent of the required spaces may be waived, however, a waiver in excess of fifteen (15) percent of the required spaces must be approved by the director of planning and development services or his designee, and no waiver may exceed thirty (30) percent of the required spaces. A waiver of up to fifty (50) percent of the minimum parking spaces required by table 526-3 may be granted if the plan will result in the preservation of woodlands or significant stands of trees in a natural state as in section 35-526. If used, the incentive provided by this subsection shall control over any other conflicting provision of this chapter.
 - (2) **Sidewalks.** Where the director of planning and development services determines that preservation of trees warrants the elimination, reduction in width, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards, a waiver may be granted.
 - (3) **Tree Cluster(s).** In order to emphasize the importance of preserving trees in a cluster during development, additional tree preservation credit will be given as follows:
 - A. Cluster(s) of three (3) or more trees less than ten (10) feet apart without existing understory will be calculated at one hundred five (105) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.
 - B. Cluster(s) of three (3) or more trees less than ten (10) feet apart with existing understory will be calculated at one hundred fifteen (115) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.
 - (4) **Landscape Credits.** Landscape credits may be awarded as provided in section 35-511, above. Trees installed to meet the requirements of the landscape buffer section 35-510 and/or landscape ordinance section 35-511 may be used to meet the requirements of the final tree canopy section 35-523.
 - (5) **Understory.** The city arborist, may determine that the preservation of existing predevelopment native understory plants together with trees grouped in significant stands or native "natural" areas may result in a reduction of new tree plantings needed to meet the requirements of tree canopy in subsection (e). Such areas may receive up to one and one-half (1.5) tree canopy credit. In addition, such areas can be used to meet the landscape requirements and/or an increase of credit given for elective points and/or the elimination of an irrigation system requirement of section 35-511.
 - (6) **Minimum Lot Size and Setbacks.** The board of adjustment may waive the minimum lot size and setback requirements of the applicable zoning district for an individual lot or lots where the applicant demonstrates

the following:

- A. Compliance with the minimum lot size or setback requirement is needed to preserve a significant tree or heritage tree; and
 - B. If the tree permit application is pursuant to a proposed subdivision plat, the average lot size of the proposed subdivision will equal or exceed that of the applicable zoning district; and
 - C. The public purpose involved in protecting the tree exceeds the public purpose of complying with minimum lot size or setback requirements; and
 - D. The resulting lot sizes or setbacks do not violate the master plan or the applicable neighborhood plan.
- (7) **State Certification in Lieu of Compliance.** The city arborist shall assist those who wish to have a site certified under the Texas Parks and Wildlife, Texas Wildscape Program in lieu of meeting city requirements in this division as long as twenty (20) percent of existing trees on-site are preserved.
- (8) **Energy Conservation Credit.** Planted or preserved large canopy shade trees (medium to large designated in Appendix E) located on the western or southern exposures of a habitable building may receive additional tree canopy credit for final tree canopy cover requirements. The trees must be located a minimum of ten (10) feet but a maximum of thirty (30) feet in distance from the building. Tree canopy cover may be credited at one and one-half (1.5) times the existing or newly planted trees meeting the aforementioned specifications.
- (9) **Woodland Canopy Cover Credit.** Woodlands, as defined excluding regulatory floodplains, that are preserved beyond the minimum preservation requirements shall receive a tree canopy cover credit of one and one-half (1.5) times the area and two (2) times if the area joins with an abutting contiguous tree canopy area on the adjacent property. To receive credit, the adjoining properties must indicate tree save areas in perpetuity through subdivision platting or a dedicated conservation easement.
- (10) **Significant Tree Canopy Credit.** A canopy cover credit of one and one-half (1.5) times the tree canopy area of a significant tree preserved beyond the minimum preservation requirements may be counted toward meeting the final canopy coverage using the tree survey method only.
- (11) **Heritage Tree Canopy Credit.** A canopy cover credit of two (2) times the tree canopy area of a heritage tree preserved beyond the minimum preservation requirements may be counted toward meeting the final tree canopy coverage using the tree survey or tree stand delineation method. To use this credit when using the tree stand delineation method a heritage tree survey is required. The minimum root protection zone requirements shall be met to receive this credit. A heritage tree with a tree warranty does not receive two (2) times the tree canopy area credit.
- (12) **Athletic Fields.** Athletic fields shall be deleted from the gross area for the final tree canopy cover requirements, however the tree preservation requirements shall remain at twenty-five (25) percent for both methods tree survey or tree stand delineation.
- (13) **Use of Landscaped Low Impact Development (LID) Practices.** A canopy cover credit of one and one-half (1.5) times the existing canopy cover of trees shall be provided for areas where tree preservation is maintained in conjunction with LID practices such as the use of structured soils including infiltration trenches, bioswales, micro-bioretenion areas and where such locations receive appropriate amounts of stormwater runoff. To receive one and one-half (1.5) times credit, the landscaped LID must be approved by application of the standards in section 35-210 and Appendix H of this chapter.
- Such LID areas may also be used to comply with the buffer and/or landscape requirements of section 35-510 and section 35-511.

Summary of Tree Canopy Credit Options:

	<p>Credit Amount</p> <p>(counted by multiplying the existing canopy cover of trees)</p>
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Understory Preservation	1.0 to 1.5
Energy Conservation	1.5
Woodland Canopy	1.5 (on property) 2.0 (with abutting property)
Significant Tree Canopy	1.5
Heritage Tree Canopy	2.0
Low Impact Development	1.5

(j) **Root Protection Zone.**

- (1) **Root Protection Zone.** A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and nonresidential construction the root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). The root protection zone area shall be preserved at natural grade, with natural groundcover. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts (including installation of silt fencing that exceeds a depth of three (3) inches) shall occur closer to the trunk than one-half (½) the root protection zone radius except in parking areas where approved alternative materials and methods are used, construction may be as close as five (5) feet from the root flares on one (1) side of the tree. Filling shall be allowed to accomplish water conservation goals established by the City of San Antonio or by a public utility. Native understory vegetation within the root protection zone shall be preserved, however this requirement does not apply to root protection zone areas that have been landscaped using native, drought tolerant plants. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half (½) the root protection zone radius. The construction of sidewalks shall be allowed in the root protection zone, as long as excavation does not exceed three (3) inches.
- The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based. These criteria will be updated at least every five (5) years with the assistance of a committee consisting of, at a minimum, the city arborist, the regional urban forester from the Texas Forest Service, a landscape architect and an engineer. During construction activity on the site, at least a six-inch layer of coarse mulch shall be placed and maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.
- (2) **Warranty.** In lieu of establishing root protection zone(s) as prescribed in subsection 35-523(i) or adhering to alternate construction methods as approved by the city arborist, a developer or property owner may choose to provide a tree preservation warranty for multi-family and nonresidential construction only. In the event a developer or property owner chooses to provide a tree preservation warranty as provided for herein the owner of the property must provide a tree preservation warranty to the city arborist, which shall obligate the then owner of the property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be five (5) years from the date that a building permit is filed for building construction projects or five (5) years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty

must be identified on a tree survey prepared in accordance with subsection 35-B123(c)(1)A and submitted with the tree preservation warranty. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the mitigation provisions of subsection 35-523(f). All replacement trees shall be planted in accordance with the standards set forth in subsection 35-523(l). The city may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within ninety (90) days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law.

The tree preservation warranty shall be filed in the records of the department of planning and development services of the city. A fee shall be assessed for each warranty tree identified on the preservation plan.

The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.

(k) Tree Protection During Construction.

- (1) **Generally.** It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project. All trees that will be credited for preservation shall conform to these standards including single-family residential construction. The city arborist shall determine the credit ratio for any tree preserved in a single-family residential construction in which roots are not fully protected and are not subject to the requirements of the root protection zone.
- (2) **Protection Barrier.** A protection barrier shall be erected at the edge of the root protection zone for all trees, understory and/or natural areas to be preserved to meet the requirements of the tree preservation, landscape and/or streetscape standards. The barrier shall be in place before any site work is initiated and maintained throughout the construction process. However, on one (1) side of the tree the protective barrier can be erected a minimum distance of sixty (60) inches from the trunk(s) of individual significant, heritage or mitigation trees or islands of such trees and understory and maintained until construction is completed. This protective barrier may be comprised of snow fencing, vinyl construction fencing, chain link, geotextile material or other similar sturdy material. During construction, no excess soil, additional fill, equipment, liquids or construction debris shall be placed inside the protective barrier nor shall any soil be removed within the barrier.
- (3) **Grading.** The proposed finished grade within the root protection zone of any tree to be preserved shall not be raised or lowered more than three (3) inches. Approved welling methods for tree preservation may be used within the root protection zone. Other welling and/or retaining methods may be used to protect and/or provide lateral support to the area outside the root protection zone.
- (4) **Branch/Root Pruning and Wounded Trees.** All broken branches and exposed roots two (2) inches in diameter or greater of significant, heritage or mitigation trees shall be cut cleanly and in accordance with ANSI-A300 standards. In the case of oak species, in order to prevent infection by oak wilt spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes.
- (5) **Equipment/Vehicle Storage and Parking Areas.** Prior to construction or land development, the developer or builder shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items, as well as stockpile areas for the storage of construction supplies and materials. The location and dimensions of said designated areas shall be clearly identified on construction and site plans and at the construction site.
- (6) **Boring of Utilities.**
 - A. For purposes of this subsection, "boring" means the practice of tunneling below the effective root system of a tree for the purpose of running underground utilities.

- B. Boring is permitted, but not required, under protected trees where needed to provide underground utility a of the bore shall be the width of the tree's canopy. The minimum depth is twenty-four (24) inches.
- (7) **Tree Protection Details.** Tree protection notes and details shall be included on subdivision plans, tree preservation plans and/or landscape plans. The applicant shall also include tree protection notes and details with the bid documents given to the contractor.
- (l) **General Maintenance.** Significant trees, heritage trees, mitigation trees, or trees planted to meet tree canopy requirements must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of all trees as needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (g) at a ratio of one-inch mitigation for every one (1) inch of a significant, heritage, or mitigation trees that dies. However, a significant or heritage or mitigation tree that dies from other than natural causes shall be mitigated at a ratio as defined in Table 523-2. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The director of development services may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this section. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the trees is due to the action of a public utility.
- (m) **General Planting Standards.**
- (1) Mitigation or replacement trees required by this section must have a minimum caliper of one and one-half (1.5) inches measured six (6) inches above grade at the time of installation and, shall be planted in a pervious area of at least one hundred sixty-two (162) square feet per tree.
 - (2) No artificial plant materials may be used to satisfy the requirements of this section.
 - (3) For single-family residential construction, the two (2) trees required to be planted per residential lot shall be one and one-half (1.5) inches caliper, and shall be a species that matures to a minimum height of thirty (30) feet (Appendix "E") unless there is a conflict with overhead utilities where the trunk would be within twelve (12) feet of overhead utilities. In such incidences the tree will be from the small tree species as listed in Appendix "E." The two (2) trees per lot shall be counted towards the final tree canopy requirement.
 - (4) Plant materials required by this section shall be consistent with appendix E and must comply with the following minimum size requirements at the time of installation:
 - A. In satisfying the requirements of this section, the use of mulch material shall be provided at the time of planting.
 - B. Each replacement tree must be planted at least thirty (30) inches away from any impervious surface.
 - C. Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops or other permanent barriers.
 - (5) Transplanting existing trees shall be considered an acceptable method for preserving a tree if:
 - A. The tree is a significant or heritage tree; and
 - B. The tree is transplanted on the same lot, parcel, or development site; and
 - C. The applicant provides a feasibility report prepared by a certified arborist or landscape architect which describes the following:
 1. Digging method;
 2. Relocation sites;
 3. Method of transport;
 4. Time of year transplanting will take place;

5. Storage methods (if any); and,
 6. Maintenance programs before, during, and after transplanting.
- D. The applicant shall comply with the requirements of the feasibility report, which shall be considered a condition of the tree permit.
- (6) No more than twenty-five (25) percent of the replacement trees shall be of the same species for the purpose of mitigation.
- (n) **Variance Procedure.**
- (1) **Variations.** Variations to the terms and requirements of this division may be granted by the city arborist where a literal enforcement of the provisions of this division will result in an unnecessary hardship. No variance may be granted unless:
 - A. Such variance will not be contrary to public interest;
 - B. Such variance will be in harmony with the spirit and purpose of this division;
 - C. The variance will not substantially weaken the general purposes of this division or the regulations herein established for the protection of trees; and
 - D. The variance granted is limited in scope of relief to only that which is necessary to relieve the hardship condition.
 - (2) **Request for Variance.** An applicant who feels they qualify for a variance, under the conditions outlined in subsection (a) "applicability" above, from the literal application of this division to their property may request a variance from such application of one (1) or more of the provisions of this division. All requests for variations shall be made in writing to the city arborist, and shall include:
 - A. The subject of the requested variance; and
 - B. The justification for granting a variance.
 - (3) **Burden.**
 - A. The party requesting a variance has the burden of demonstrating that sufficient evidence exists for the granting of a variance to application of this division. The city arborist shall consider and provide a written response to all such requests for variations as quickly as possible but not more than thirty (30) days from the date a valid request for variance is received. The response shall be served by certified mail, return receipt requested, or by hand delivery.
 - B. If granted. If a variance is granted as requested, or with modification, the recipient of the variance may develop their property according to all applicable provisions of this division, to the extent such provisions have not been waived or modified by the variance.
 - (4) **Appeal.** Any person who properly requests a variance pursuant to this section and objects to the decision of the city arborist which denies all or part of the relief requested may appeal such denial to the director of planning and development services or his designee by filing a request for appeal within ten (10) working days from the date notice of denial is received by the requesting party. All such appeals shall be made in writing to the office of the director of planning and development services and shall include all pertinent information which the person requesting the appeal wishes to be considered. The director of planning and development services may require additional information from or request a meeting with the person making the appeal. The written decision of the director of planning and development services, or authorized designee, on the appeal shall be rendered within fifteen (15) working days and shall be delivered to the appealing party by certified mail, return requested, or by hand delivery. If the director of planning and development services or authorized designee fails to render an opinion on the appeal within the fifteen-day period, the relief requested in the appeal shall be granted.
 - (5) **Planning Commission.**
 - A. If the director of planning and development services denies all or part of the relief requested in an appeal, the aggrieved party may appeal to planning commission by filing a notice of appeal with the

director of planning and development services no later than the tenth working day following the party's receipt of the written decision of the director of planning and development services. The director of planning and development services who, upon receipt of such notice, shall immediately transfer copies of all documents and information relevant to the appeal to the executive secretary to the planning commission. The executive secretary of the planning commission shall schedule the hearing of the appeal at the earliest available regularly scheduled meeting of the planning commission which will allow compliance with the requirements of the Texas Open Meetings Act.

- B. A decision of the planning commission shall be appealable to the city council for final action by filing a notice of final appeal with the office of the city clerk no later than the tenth working day following the party's receipt of the written decision of the planning commission. A true and correct copy of the notice of final appeal must also be filed with the office of the director of development services. The director of development services shall schedule the hearing of final appeal at the next available regularly scheduled meeting of the city council which will allow compliance with the requirements of the Texas Open Meetings Act.
- C. Where this division requires either the city or applicant to respond, or take other action, within a specific number of days, such calculation shall begin on the first working day after the date of receipt of the information that necessitated response or action.

(o) **Tree Mitigation Fund .**

- (1) **Fund Established.** The director of finance is hereby directed to establish a dedicated account to be entitled tree mitigation fund (hereinafter the "fund").
 - (2) **Penalties.** Section 35-493 of this chapter provides for sections imposing civil penalties in addition to criminal penalties. Civil penalties collected pursuant to such section shall be recorded in the fund created pursuant to this section, unless expressly prohibited by law. Likewise, all funds received from the payment of mitigation fees pursuant to subsection (g) shall be recorded in the fund.
 - (3) **Use of Funds.** The funds collected from civil penalties and mitigation fees in the fund shall be utilized to pay for the planting of trees, to include a maintenance period not to exceed three (3) years. Generated funds may be used by the city forester to plant trees on public or private properties. Trees planted with mitigation funds shall not be used to meet any municipal code requirements for preservation, mitigation, landscaping, buffers, streetscape or other requirements. Trees planted with tree mitigation funds are considered mitigation trees as defined in appendix A of the UDC. The funding of tree preservation including the yearly digital imagery and planting programs shall be administered by the parks and recreation department and city forester. The director of the parks and recreation department shall seek the advice of the parks and recreation board in regard to the selection of projects to be funded. A portion of the fund may be used, on an annual basis, to fund activities directed towards educating the public on the importance of trees in the environment, ecological issues and pollution prevention.
 - (4) **Funds to be Kept Separate.** The balance within the fund shall be recorded and accounted for in a manner that distinguishes them from other general funds of the city and shall be disbursed in a manner consistent with the purposes for which this fund has been established. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city's fiscal year shall roll over and become the beginning balance for the next fiscal year.
- (p) **Public Projects.** Municipal and utility entities shall obtain a tree permit before any vegetation is removed or new construction activity takes place (as specified in section 35-B127). Special attention will be given to the preservation of trees in public rights-of-way that are to help satisfy the objectives of the streetscape planting standards of this article (section 35-512). The city arborist shall approve an application for the reasonable removal of a protected tree in connection with construction, maintenance or repair of public facilities in or above a public street, alley, rights-of-way, easement or other public land.
- (1) **Preservation.** A minimum of twenty-five (25) percent of all diameter inches of protected trees within the

project boundary/limits must be preserved, and shall be in accordance with subsection 35-523(h).

- (2) **Calculations of Preservation Ratios.** All percentages relating to preservation stated within this section shall be based the initial tree survey. Any subsequent redevelopment of public property must minimally preserve the applicable percentage of the total diameter inches of protected trees as indicated in the initial tree survey.
 - (3) **Tree Retention Ratio.** A minimum of twenty (20) percent of the total diameter inches within the surveyed area must be retained in their original location when possible. Removal of additional trees, up to the percentage prescribed in this section, requires mitigation (see subsection (f) "preservation").
 - (4) **Design, Diversity and Desirability.** The location of all improvements shall be orientated by the applicant, to the extent the applicant determines possible, in a manner which allows for the preserving of the greatest number of trees and in doing so is encouraged to acquire rights-of-way in such a manner. Applicants are also encouraged to preserve trees to meet the landscape and streetscape standards. Also as the particular site conditions warrant, the applicant shall preserve a diversity of species.
- (q) **Tree Canopy Investment Fund.**
- (1) **Fund Established.** The director of finance is hereby directed to establish a dedicated account to be entitled Tree Canopy Investment Fund.
 - (2) **Tree Canopy Investment Fund Fees.**
 - (i) A fee of fifteen dollars (\$15.00) per lot shall be assessed for each residentially platted lot or for each residential building permit issued.
 - (ii) A fee of twenty-five dollars (\$25.00) per acre or portion thereof shall be assessed for each commercially platted lot or a fee of twenty-five dollars (\$25.00) per acre for each lot for which a commercial building permit is issued by the department of planning and development services.
 - (iii) Fees collected pursuant to the Tree Canopy Investment Fund shall be assessed at the time a tree permit is issued and recorded in the fund created pursuant to this section, unless expressly prohibited by law.
 - (3) **Use of Funds.** The funds collected shall be utilized to pay for the planting and maintenance of trees to include a maintenance period not to exceed three (3) years. Generated funds may be used by the city forester to plant trees on public or private properties and the yearly digital imagery to proactively enhance the city's tree canopy area. Trees planted utilizing funds from the tree canopy fund are protected trees, and if approved to be removed, shall be mitigated at 1:1 unless heritage size which are mitigated at 3:1 (with the exception of species listed in table 523-2, column B, row 1 which will be mitigated at 1:1) and are to be maintained by the project applicant. In addition, ten (10) percent of the funds collected will be kept in a separate budget line to be used for any litigation necessary in the enforcement of this section. The program is to be administered by the parks and recreation department. The director of the parks and recreation department and the city forester shall seek the advice of the parks and recreation board on the selection of projects to be funded.
 - (4) **Funds to Be Kept Separate.** The balance within the fund shall be recorded and accounted for in a manner that distinguishes them from other general funds of the city and shall be disbursed in a manner consistent with the purposes for which this fund has been established. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city's fiscal year shall roll over into the balance for the next fiscal year.
- (r) **Definitions.** Definitions that appear below shall apply only to this section and shall prevail if in conflict with definitions found elsewhere in this chapter.

100-year floodplain . Use of the term 100-year floodplain shall refer to the regulatory floodplain as defined in Appendices A and F.

Environmentally sensitive areas . Areas that require protection of native landscape, plant life, wildlife, or ecological values. Environmentally sensitive areas shall include steep slopes and riparian buffers.

Floodplain . Use of the term floodplain shall refer to the regulatory floodplain as defined in Appendices A and F.

Minimum Canopy Unit . The smallest tree canopy area in square feet that can be designated on a tree preservation plan to receive preservation credit.

Riparian Buffer . Vegetated areas, including buffer strips, adjacent to the regulatory floodplain that help to shade and partially protect a stream, creek or tributary from the impact of adjacent land uses. Riparian buffers are measured as follows:

- 1) A sixty-foot wide tree and understory preserve area parallel to the 100-year floodplain in the Edwards Aquifer Recharge Zone or Contributing Zone.
- 2) A thirty-foot wide tree and understory preserve area parallel to the 100-year floodplain outside of the Edwards Aquifer Recharge Zone or Contributing Zone.

Spoil Activities. Disturbances to the earth that include any soil and/or earth material generated from grading and/or clearing a site as well as material in excess from a site subject to development.

Steep slope . A slope exceeding twenty (20) percent or one-foot vertical for every five feet horizontal. For the purpose and applicability of the ESA, the steep slope area shall exceed a minimum of 0.5 acres.

Tree canopy. The outer limits of a tree's foliage consisting of leaves, branches and stems that cover the ground when viewed from above. This may also include understory vegetation.

(Ord. No. 97332 § 2) (Ord. No. 97602 § 2) (Ord. No. 98697 § 1, 4, and 6) (Ord. No. 100126 § 4) (Ord. No. 101816, § 2, 12-15-05) (Ord. No. 2006-11-02-1258, § 2, 11-2-06) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-05-06-0376, § 4, 5-6-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10) (Ord. No. 2012-10-18-0829, § 2, 10-18-12; Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2016-02-18-0107, § 2, 2-18-16)

Sec. 35-673. - Site Design Standards.

This section focuses on the design concepts for an individual site and helps create a cohesive design that recognizes the unique opportunities of developing a site near the river or creek. These include building placement, orientation and setbacks, and the design of the outdoor space.

- (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. Properties in RIO-7 are exempt from Solar Access requirements.
- (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 30-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 five and one-half (5.5) hours of direct sunlight, measured at the winter solstice, and seven and one-half (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 with the exception of RIO-7. 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 30-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 or Creek Channel.** No structure, building, roof or skywalk may be constructed over the river or creek 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. The creek channel is the natural course of San Pedro Creek as modified for flood control purposes between the flood control tunnel Inlet at I-35 to the confluence with Apache Creek.
- (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 river or creek side 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 (2) or More Buildings on a Site.**
- A. Cluster buildings to create active open spaces such as courtyards along the street and river or creek

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** (see Figure 673-1).

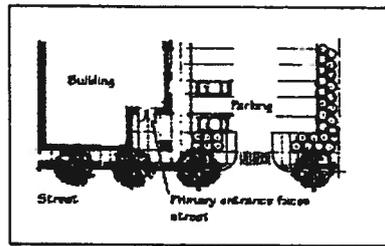
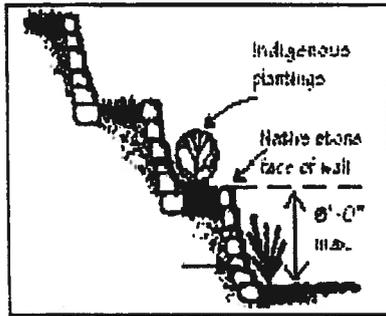
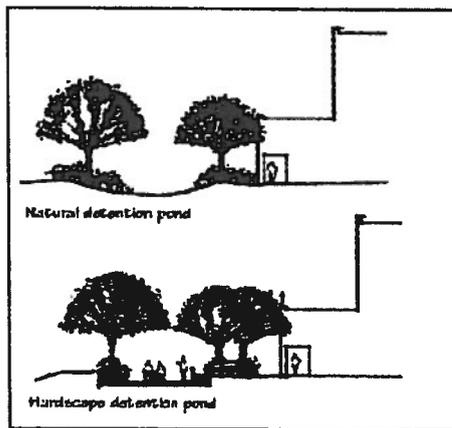


Figure 673-1

- A. Orient a building's primary entrance toward the street with subordinate entrances located on the river or creek side 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 river or creek banks contribute to the distinct character of the San Antonio River and San Pedro Creek 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. Sites abutting the creek must comply with subsection 35-673(c)(8) San Antonio River Authority Consultation.
- (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 or Creekbank.** 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, water detention gates, 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 plans of the river and creek, 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. In RIO-7, new retaining walls should use similar material of nearby existing retaining or channel walls but should not imitate historic walls. Contemporary craft and building techniques should be used. Materials used for the walls may include limestone, concrete, or bio-engineered vegetative walls. (see Figure 673-2)

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 (see Figure 673-3).

**Figure 673-3**

- (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 and Creek.
- A. All roof drainage and other run-off drainage shall conform to the Transportation and Capital Improvements department standards so that they drain into sewer and storm drains rather than by overland flow. Drainage of this type shall not be piped into the river or creek 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 or San Pedro Creek edge or stormwater detention facility so that such drainage will not erode or otherwise damage the public path, landscaping, creek or river retaining walls.

- C. All piping and air-conditioning wastewater systems shall be kept in good repair. Water to be drained purposes after being tested and adjudged free from pollution, shall be drained in the same manner prescribed in sub
- (8) **San Antonio River Authority Consultation.** Consultation with the San Antonio River Authority regarding direct access adjacent to the San Antonio River and San Pedro Creek within RIO-1, RIO-2, RIO-4, RIO-5, RIO-6, and RIO-7, landscaping and maintenance boundaries, and storm water control measures as required in Sections 35-672, 35-673, and 35-678, as applicable, is required prior to a submission for a certificate of appropriateness from the Office of Historic Preservation or plat approval, as applicable, to allow for review and comment by SARA for properties that fall within the RIO Overlay District as defined in UDC 35-338. This section shall apply to newly developed properties and redevelopment of properties.
- A. Access to the San Antonio River within RIO-1, RIO-2, RIO-4, RIO-5, RIO-6, and RIO-7 shall comply with the following:
- i. All tie in points shall provide plans sufficient to show materials and grading for review by SARA;
 - ii. Removal of existing park trail hardscape shall require SARA approval;
 - iii. Development shall make it clear for users of the park to discern public access points from private access points;
 - iv. If during construction the park trail must be temporarily closed, an alternative engineered route shall be identified and temporary signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) provided and maintained for the duration of the project;
 - v. Acceptance of park trail access point(s) shall be the responsibility of SARA.
- B. Landscaping and maintenance boundaries are defined in accordance with a final maintenance agreement (the "Maintenance Agreement") entered into between the developer and SARA, which may occur independently from HDRC review. The maintenance agreement will set out the respective rights and responsibilities of the parties. The purpose of the maintenance agreement is to protect the public investment that has been made in the RIO districts and to ensure public use of the public resources. The maintenance agreement will be designed to maintain and enhance the aesthetics of the property and the function of the hydrology in keeping with the design objectives provided in section 35-670 of this chapter and shall generally conform to best management practices as documented in Appendix E Recommended Plant List and section 35-210 of this chapter.
- C. Developments shall manage site storm water through LID components consistent with section 35-210 of this chapter and shall also comply with the following:
- i. Storm water runoff shall pass to the river through discharge pipes or outfalls that are below water level or through an approved LID feature. Overland flow onto the park is discouraged and shall be reviewed on a case-by-case basis. Modification of this subsection shall require approval by SARA and the director of transportation and capital improvements, or their designee;
 - ii. Open concrete chutes shall be prohibited;
 - iii. Runoff from pools or other non-storm water producing sources shall be treated prior to discharging into the river or creek.
- (d) **Riverside and Creekside Setbacks.** Riverside and creekside 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, creek, and the street. In the more urban areas, buildings should align closer to the river or creek edge, while in more rural areas the buildings should be set farther away.
- (1) Minimum setback requirements are per the following Table 673-1a and 673-1b.

Table 673-1a

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

* Along the riverside, the setback will be measured from the top-of-bank.

Table 673-1b

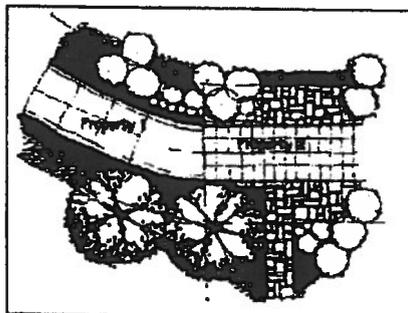
Description	RIO-7a	RIO-7b	RIO-7c	RIO-7d	RIO-7e
Creekside Setback—High Bank Paseo present *	na	5'	5'	5'	15'
Creekside Setback—High Bank Paseo on opposite bank only **	15'	15'	15'	15'	15'

* Along the creek, the setback will be measured from the San Pedro Creek Improvements Project (SPCIP) property line or easement.

** Along the creek, in instances where a High Bank Paseo is only located on one side of the creek right-of-way, the opposite side shall have a 15-foot setback to allow for a shared passageway. The historic preservation officer may reduce the required setback for properties to no less than eight (8) feet for lots less than one hundred (100) feet in depth or on lots with a total area of less than five thousand (5,000) square feet.

- (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 and San Pedro Creek. 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 or creek and street edges.
 - (1) **Provide Variety in Landscape Design.** Provide variety in the landscape experience along the river or creek 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).

Figure 673-4



- (2) **Planting Requirements in Open Space Abutting the River or Creek.** On publicly-owned land leased by the adjoining property owner, if applicable, and/or within privately owned setbacks adjacent to the river or creek, 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, RIO-6, and RIO-7e should continue the restoration landscape efforts along the river or creek banks. Planting in these RIO districts is to be less formal so as to maintain the rural setting of the river.

Table 673-2

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6	RIO-7a	RIO-7b	RIO-7c	RIO-7d	RIO-7e
Required Planting	60%	50%	25%	60%	60%	70%	50%	25%	25%	50%	60%

- 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 and San Pedro Creek area to create unique vegetation ecosystems. Soil conditions vary greatly along these waterways and therefore native and indigenous plants will vary accordingly. Landscaping should reflect the unique soil characteristics of the specific site.

- (1) **Incorporate Existing Native Vegetation.** Extend the use of native landscape materials, including plants, shrubs and trees that are used in the public areas of the river or creek 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 River or Creekside of Properties Abutting the River or Creek.** 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 distinguish paving materials. If the historic Hugman drawings indicate a sidewalk width and pattern on the site, that pattern shall be replicated.
 - D. In RIO-7 paseos, terraces, courtyards, and patios that connect to the High Bank Paseo are encouraged to match the public pathway paving material, color, or pattern to form a more seamless connection between public pathway and on-site open spaces.
- (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 and San Pedro Creek is such that walls shall not be erected in such a way as to block views of the river or creek 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 or creek, 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 or creek may use the above listed materials plus wood fencing.
 - B. All chain link fences are prohibited for properties abutting the river or creek. For properties that do not abut the river or creek 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 and San Pedro Creek Improvements Project.** The following street furnishings are prohibited within the publicly owned portion of the River Walk area and SPCIP, whether or not the property is leased, and on the exterior of the river or creekside of buildings directly adjacent to the publicly owned portion of the river or creek:
 - 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, digital displays, and video boards) except those permitted as part of a performing arts center digital display monitor pursuant to a specific use authorization.
 - H. Speakers, except those permitted as part of a performing arts center digital display monitor pursuant to a specific use authorization.

- (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 or creek 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 or creek right-of-way shall have average ambient light levels of between one (1) and three (3) foot-candles with a minimum of one-half (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 or creek right-of-way on the river or creek level and ground floor level shall use light sources with no more than the equivalent lumens of a 100-watt incandescent bulb. Exterior balconies, porches and canopies adjoining and visible from the river or creek right-of-way shall use light sources with the equivalent lumens of a 60-watt incandescent bulb with average ambient light levels no greater than the lumen output of a 100-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 two and one-half (2.5). Recreational fields and activity areas that require higher light levels shall be screened from the river or creek hike and bike pathways with a landscape buffer.
 - C. Exterior light fixtures that use the equivalent of more than 100-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 creek 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.
 - B. Unique lighting methods, including LED or colored lights, are allowed in RIO-7 in order to enhance architectural elements provided such lighting installations to not conflict with any other requirement in

this section.

- (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 or Creekside of Properties Abutting the River or Creek.**
 - 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) **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 (see Figure 673-8).

Figure 673-8

- (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.
- (m) **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 or creek.
- A. Position utility boxes so that they cannot be seen from the public Riverwalk or San Pedro Creek 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.
- (n) **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.
- (o) **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 in RIOs 1 through 6. 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 or creek 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.
- (p) **Access to the Public Pathway Along the Creek (RIO-7).** These requirements are specifically for those properties adjacent to the creek to provide a connection to the publicly owned pathway along the creek. 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 creek area.
- (1) Connections from private property to the publically owned pathway must maintain the functionality of publically installed Low Impact Development features like bioswales.
 - (2) At the High Bank Paseo a connection is allowed where there is a grade change of less than two (2) feet.
 - (3) Where bio-swales separate the publicly owned pathway from private property, the maximum length of a connection between the pathway and private property is twelve (12) feet.
 - (4) For properties abutting the creek along the Low Bank Paseo, a publicly accessible path should be built at street level along the creek.
 - A. The path may be a walkway, a series of connected patios or terraces, arcade, canopied walkway, or other connected open spaces provided access from one street-creek intersection to the next street-creek intersection.
 - B. Pathways may be paved with hard-surfaces like concrete, masonry pavers, stone, or compacted material like decomposed granite, gravel, or cement-stabilized-dirt. Paving should be appropriate to the context of the site and use of the path.
 - C. Subject to approvals of San Antonio River Authority and City, the path may connect to the high bank paseo on the opposite bank via a pedestrian bridge. Locating pedestrian bridges at building paseos is encouraged. Pedestrian bridges must be a minimum of two hundred seventy (270) feet apart.
 - D. A stair, ramp or elevator connecting the publicly owned Low Bank Paseo to a publicly accessible path or, when the grade change is more than two (2) feet, the High Bank Paseo to an On-site Open Space is allowed when approved by the San Antonio River Authority. Stairs, ramps, and elevators must be installed outside of the SPCIP right-of-way or easement on private property.
- (q) **On-site Open Space.** San Pedro Creek offers a unique opportunity to create privately owned, publicly-accessible spaces along the creek. These spaces expand the park space, provide additional connections to the adjacent neighborhoods, mark the intersection of the creek with the surrounding streets, and create additional amenities enhance the creek experience. One or more of the following must be incorporated into a site design pursuant to Table 673-3.
- A. **Forecourt**— An open space that is part of the building's creek-side entrance. A forecourt shapes the ground floor plan into a 'U' shape. The length along the creek of a forecourts should be at least thirty (30) percent of

the length of the building. Forecourts should be at least fifty (50) percent deep as their creek-side length.

- B. **Courtyard**— An outdoor space primarily surrounded by a building. Courtyards may be gated but must be visible from the creek through a gate, vision panel, or open-air corridor. Courtyards that are not visible from the creek are allowed but do not count as a mandatory On-Site Open Space.
- C. **Mid-Block Paseos**— See Downtown Design Guidelines, chapter 6, paragraph 2.
 - i. Connect from a public street to another public street, public alley or San Pedro Creek.
 - ii. Be at least fifteen (15) feet wide and should be located in the middle one-third (⅓) of a block.
 - iii. Be open to the public during normal business hours.
 - iv. Have a clear line of site from the street to the creek or other street.
 - v. Be at least fifty (50) percent open to the sky or covered with a transparent material. Connected courtyards and forecourts maybe used as part of this calculation
 - vi. Be lined with some ground floor spaced designed for retail, restaurant, office, or cultural institution uses for at least twenty-five (25) percent of its frontage.
 - vii. Include at least one gathering place with a fountain or other focal element.
 - viii. Add effective lighting to enhance visibility and safety.
- D. **Arcade**— A covered pedestrian passage-way defined by a building wall on one-side and columns or arches on the remaining sides.
- E. **Canopy**— A covered pedestrian passage-way defined by a building wall on one-side and open on the remaining sides. Canopies may encroach into creek-side setbacks.
- F. **Pedestrian Oriented Mid-Block Service Drives and Fire Lanes**— Mid-block driveways providing access to parking garages, loading docks, and other service areas or fire lanes required to meet life safety requirements may be required in some development patterns. Where service drives or required fire lanes are visible from the creek, the following landscape features are required:
 - i. A pedestrian path with a clear walking path of six (6) feet is provided.
 - ii. The sidewalk connects the creek to a street or connects two (2) parallel streets.
 - iii. Both sides of the service drive are planted with street trees no more than forty-five feet (45'-0") on-center. Trees may be medium height tree but allow for un-obstructed headroom along the sidewalk.
 - iv. Street trees not protected by a curb must be protected from traffic with bollards, low walls, or other landscape features.
 - v. The view from the sidewalk to dumpsters, service yards, and transformers, and other service and utility areas are screened with a six-foot (6'-0") high wall or landscape buffer.
 - vi. Parallel parking spaces may be provided along the service drive but are not required.
 - vii. Where mid-block service drives or fire lanes are not visible from the creek, connecting them to the creek with a paseo is encouraged but the service drive must have an eight-foot wide, tree lined sidewalk continuing the pedestrian path of the paseo.
- G. **Creek and Street Intersection.** The intersection of the creek with cross streets is a unique opportunity to provide access to the creek, improve pedestrian access and movement, mark the creek's location in the surrounding neighborhood, expand open space, and the amenity provided by the park.
 - i. Provide a publicly accessible open space of at least six hundred twenty-five (625) square feet at street-creek intersections.
 - ii. Provide a hardscape connection to paseos that are no lower than two (2) feet vertically at street intersections. The minimum dimension of this hardscape intersection is twelve (12) feet by twelve (12) feet.
 - iii. Create a distinctive architectural element such as a tower, change in fenestration, building entrance, multi-level porch, or deep arcade to mark the location of the creek-street intersection.

Table 673-3

Length of facade along the creek	90'	91' to 270'	Greater than 270'
Number of required Publicly Accessible Open Spaces	1	2	3

(r) RIO-7 Mid-Block Crosswalks and Mid-Block Paseos or Mid-Block Pedestrian Paths are required to provide pedestrian connections from the commercial streets on either side of the creek to the creek in blocks over five hundred fifty (550) [feet] long. New streets or publicly accessible drives and pedestrian paths may be used to meet this requirement.

- (1) Mid-block crosswalks should be provided on all blocks five hundred fifty (550) feet or longer subject to approval by San Antonio Public Works and or Texas Department of Transportation (TxDOT) if State ROW.
- (2) Mid-Block Paseos or other mid-block pedestrian access paths should be provided in all blocks five hundred fifty (550) feet or longer adjacent to the creek. Mid-block paseos or paths should connect the creek to mid-block crosswalks, streets that dead-end into the creek, nearby civic buildings, parks, cultural or historic sites as listed in subsection 35-670(b)(4)G, Design Objectives for RIO-7. Alternate path alignments may be allowed by the historic preservation officer if the alternate path meets the goals of subsection 35-670(b)(4)G, Design Objectives for RIO-7.

(s) **New Elevator and Building Access.** In order to prevent queuing and inhibition of pedestrian flow on the Riverwalk pathway, a landing that is at minimum six (6) feet in depth shall be provided between an elevator or building access point or doorway and the Riverwalk pathway. The width of the landing shall further comply with ADA (Americans with Disabilities Act) and/or TAS (Texas Accessibility Standards) requirements.

(Ord. No. 95352 § 3 Attachment 2) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11) (Ord. No. 2011-08-18-0673, § 2, 8-18-11) (Ord. No. 2014-05-29-0377, § 2, 5-29-14) (Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2016-10-13-0798, § 1(Att. A), 10-13-16)

Sep-19	\$910.28 \$0.00
Oct-19	\$173.14 (\$173.14)
Nov-19	\$1,015.56 (\$82.42)
Dec-19	\$1,650.75 (\$99.00)
Jan-20	\$102.32
	\$3,497.49

ATTACHMENT
“E”



ALBERT URESTI, MPA, PCC
Bexar County Tax Assessor - Collector

**** IMPORTANT NOTICE ****

09/29/2019
 32453

2019 REAL PROPERTY

00002-000-0190
(ACCOUNT NUMBER)

LEGAL DESCRIPTION:
 NCB A-2 BLK LOT 19 (HAMILTON
 SUBD-AMENDING)

OWNER:
 DAY MARGARET & JOHN B HERTZ
 316 HARRISON AVE
 SAN ANTONIO TX 78209-5127

*Per 7/21/19
 #2349
 \$ 4,393.15*

ACREAGE: 00000.3587

LOCATION: 125 ANASTACIA PL

LAND	APPRaised VALUE	IMPR	CAP VALUE	HOMESTEAD VALUE	NON-QUAL VALUE
	159,200		150,800	310,000	
	AGR. MKT VALUE		PROD VALUE		ASSESSED VALUE
					310,000
TAXING UNIT	EXEMPTIONS	TAXABLE VALUE	TAX RATE	TAX AMOUNT	
ROAD AND FLOOD CON	0	0	0	310,000	73.37
ALAMO COMM COLLEGE	0	0	0	310,000	462.37
HOSPITAL DISTRICT	0	0	0	310,000	856.33
BEXAR COUNTY	0	0	0	310,000	860.03
S A RIVER AUTHORIT	0	0	0	310,000	57.60
CITY / SAN ANTONIO	0	0	0	310,000	1,730.64
SAN ANTONIO ISD	0	0	0	310,000	4,745.95
				TAXES FOR 2019:	58,786.29

IF YOU BELIEVE THIS STATEMENT WAS MAILED TO YOU IN ERROR, PLEASE CALL OUR OFFICE AT (210) 335-2251.

ASSESSMENT RATIO FOR ALL UNITS IS 100%. SEE BACK OF STATEMENT OR NEWSLETTER FOR IMPORTANT TAX INFORMATION.