



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-7431

**Type:** Real Property Lease

**In control:** City Council A Session

**On agenda:** 2/18/2021

**Title:** Ordinance approving the right-of-way encroachment permit of an existing balcony and support columns from a historic building to be preserved as part of Cattleman Square Lofts development, as requested by ACG Cattleman Square Lofts GP, LLC, for a fee of \$5,000.00 and waiving sections of Chapter 37 of the City Code. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Contracts Disclosure Form, 3. Final-Cattleman\_Square\_Permit, 4. Draft Ordinance, 5. Ordinance 2021-02-18-0115

Date	Ver.	Action By	Action	Result
2/18/2021	1	City Council A Session		

**DEPARTMENT:** Public Works

**DEPARTMENT HEAD:** Razi Hosseini, P.E., R.P.L.S.

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**SUBJECT:**

Disposition: Right-of-Way Encroachment Permit for Cattleman Square Lofts Development

**SUMMARY:**

An ordinance authorizing the right-of-way encroachment permit of an existing balcony and support columns from a historic building to be preserved as part of Cattleman Square Lofts development in Council District 5, as requested by ACG Cattleman Square Lofts GP, LLC, for a fee of \$5,000.00 and waiving sections of Chapter 37 of the City Code.

**BACKGROUND INFORMATION:**

ACG Cattleman Square Lofts GP, LLC, Petitioner, requests a right-of-way encroachment permit for an existing balcony and support columns that are part of a historic building, which encroaches onto a city sidewalk at 811

West Houston Street as shown on Exhibit A attached. Petitioner is requesting an increase from the 10-year term currently provided in Chapter 37 of the City Code to an initial 50-year term for the permit. In addition to the 50-year initial term, Petitioner has requested an automatic renewal for two (2) additional twenty-five (25) year renewal terms. City Council must approve permits which exceed the standard ten year term as allowed by Chapter 37 of the City Code.

#### **ISSUE:**

This ordinance authorizes the right-of-way encroachment permit of an existing balcony and support columns from a historic building to be preserved as part of Cattleman Square Lofts development in Council District 5, as requested by ACG Cattleman Square Lofts GP, LLC, for a fee of \$5,000.00 and waiving sections of Chapter 37 of the City Code.

ACG Cattleman Square Lofts GP, LLC, Petitioner, requests a right-of-way encroachment permit for an existing balcony and support columns that are part of a historic building, which encroaches onto a city sidewalk at 811 West Houston Street. Petitioner is requesting an increase from the 10-year term currently provided in Chapter 37 of the City Code to an initial 50-year term for the permit. In addition to the 50-year initial term, Petitioner has requested an automatic renewal for two (2) additional twenty-five (25) year renewal terms. Any future renovation or modifications must be approved through the office of historic preservation and are at the sole expense of the owner.

Chapter 37, Section 37-2, of the City Code states that “permits shall be issued for a period of 10 years.” In accordance with Section 37-22, Fee and Consideration Schedule, the fee for a 10-year permit is \$500.00. City Council has the authority to approve permits which exceed the 10-year term.

#### **ALTERNATIVES:**

City Council could choose not to approve this request; however, doing so may be a safety hazard to the petitioner’s endeavor to maintain the balcony and columns over the public right-of-way.

#### **FISCAL IMPACT:**

The right-of-way encroachment permit fee is \$5,000.00. As provided by Chapter 37, Section 22 of the City Code, the City may issue a 10-year permit for a fee of \$500.00. The fee for the initial 50 year term is \$2,500.00 and the additional (2) 25 year terms is an additional \$2,500.00 thus resulting in a total permit fee of \$5,000.00. This revenue will be deposited into the general fund in accordance with the fiscal year 2021 Adopted Budget.

#### **RECOMMENDATION:**

Staff recommends approval of this request to authorize a right-of-way encroachment permit of an existing balcony and support columns from a historic building to be preserved as part of Cattleman Square Lofts development in Council District 5, as requested by ACG Cattleman Square Lofts GP, LLC for a fee of \$5,000.00 and waiving sections of Chapter 37 of the City Code.

