
UDC 2021 Proposed Amendment

Amendment 5-50**Applicant:** Development Services**Amendment Title** – ‘Sec. 35-645. - Signs and Billboards on Public Property or Right-of-Way.’**Amendment Language:**

(f) **Prohibited Signs.** Signs that shall not be permitted include:

- (3) Digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images. Except as provided below:

F. Signs by a Government Agency meeting the definition of a Government Sign, provided that all other applicable design standards and guidelines are met or otherwise approved through a Certificate of Appropriateness.

Amendment Title – ‘Sec. 35-A101. – Definitions and Rules of Interpretation.’**Amendment Language:**

Government Signs - Signs by a Government Agency for the purpose of providing public information, legal notices, or benefit to the general public.

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022*****

Amendment 5-50

Applicant: Development Services

Amendment Title – ‘Sec. 35-645. - Signs and Billboards on Public Property or Right-of-Way.’

Amendment Language:

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F. Signs by a Government Agency meeting the definition of a Government Sign, provided that all other applicable design standards and guidelines are met or otherwise approved through a Certificate of Appropriateness.

Amendment Title – ‘Sec. 35-A101. – Definitions and Rules of Interpretation.’

Amendment Language:

Government Signs - Signs by a Government Agency for the purpose of providing public information, legal notices, or benefit to the general public.



UDC Amendment Request Application for External Parties
(neighborhoods, external agencies, stakeholders, etc.)

Part 1. Applicant Information

Name: Theresa A. Ybanez Organization (if applicable): MSJNA, HWMRNA, Roosevelt NA & Villa Coronado NA
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]
Signature: J.A. Ybanez, President MSJNA Date: 1/21/2022
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☒ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- ☐ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☒ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Sec.35-339.06 change to b.1. to better protect the Missions within the World Heritage Buffer Zone from encroaching development that would harm the Outstanding Universal Value, intangible heritage and authentic experience at and around the World Heritage site. The change would be in sync with SATomorrow plan and the community's goals.

Sec. 35.339.06 MPOD is attached with the suggested text.

UDC 2021 Proposed Amendment

Amendment 13-1**Applicant:** MSJNA, HWMRNA, Roosevelt NA, and Villa Coronado NA**Amendment Title** – ‘Sec. 35-339.06. - "MPOD" Mission Protection Overlay Districts.’**Amendment Language:***STATEMENT OF PURPOSE*

The San Antonio Missions and their historic grounds are an invaluable historic resource within the City of San Antonio. The City of San Antonio recognizes the positive cultural and economic benefits to preserving the scenic and environmental quality of the sites. A new zoning overlay for the four (4) Mission Sites (Mission Concepcion, Mission San Jose, Mission San Juan and Mission Espada) will regulate the height of new construction which may encroach upon or threaten the integrity of the historic mission sites.

Development and land use adjacent or near the Mission sites have the ability to negatively impact the scenic and environmental quality of these important sites. The purposes of these overlay districts is as follows:

- To create a more attractive, cohesive, and safe environment.*
- To safeguard San Antonio's heritage by preventing the despoliation of views of areas and buildings that reflect important elements of the city's cultural, natural, historic, and economic fabric.*
- To create favorable impressions of San Antonio as well as provide environmental enrichment for the citizens of the city.*
- To enhance San Antonio's image as a progressive, scenic, and livable community.*
- To preserve, protect, and enhance areas of high tourist and visitor visibility.*
- To enhance the appearance and economic viability of Mission Protection Overlay Districts.*
- To provide motorists, cyclists and pedestrians with attractive viewing opportunities.*
- To reduce visual clutter and limit distractions modern-day distractions within Mission Protection Districts.*
- To stabilize and strengthen property values within Mission Protection Districts.*

(b) Boundaries.

- (1) Boundaries established for MPOD-1, MPOD-2, MPOD-3 and MPOD-4.** Typically, Mission Protection Districts shall encompass all areas that are visible or potentially visible from a disc. This shall be defined as the area which falls within a 2,500-foot ~~4,500-foot~~ radius originating from a point located exactly one hundred twenty-five (125) feet from the front door of each Mission chapel, as marked by the disc.

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on April 11, 2022 *****

Amendment 13-1

Applicant: MSJNA, HWMRNA, Roosevelt NA, and Villa Coronado NA

Amendment Title – ‘Sec. 35-339.06. - "MPOD" Mission Protection Overlay Districts.’

Amendment Language:

STATEMENT OF PURPOSE

The San Antonio Missions and their historic grounds are an invaluable historic resource within the City of San Antonio. The City of San Antonio recognizes the positive cultural and economic benefits to preserving the scenic and environmental quality of the sites. A new zoning overlay for the four (4) Mission Sites (Mission Concepcion, Mission San Jose, Mission San Juan and Mission Espada) will regulate the height of new construction which may encroach upon or threaten the integrity of the historic mission sites.

Development and land use adjacent or near the Mission sites have the ability to negatively impact the scenic and environmental quality of these important sites. The purposes of these overlay districts is as follows:

- *To create a more attractive, cohesive, and safe environment.*
- *To safeguard San Antonio's heritage by preventing the despoliation of views of areas and buildings that reflect important elements of the city's cultural, natural, historic, and economic fabric.*
- *To create favorable impressions of San Antonio as well as provide environmental enrichment for the citizens of the city.*
- *To enhance San Antonio's image as a progressive, scenic, and livable community.*
- *To preserve, protect, and enhance areas of high tourist and visitor visibility.*
- *To enhance the appearance and economic viability of Mission Protection Overlay Districts.*
- *To provide motorists, cyclists and pedestrians with attractive viewing opportunities.*
- *To reduce visual clutter and limit distractions modern-day distractions within Mission Protection Districts.*
- *To stabilize and strengthen property values within Mission Protection Districts.*


(b) Boundaries.

- (1) **Boundaries established for MPOD-1, MPOD-2, MPOD-3 and MPOD-4.** Typically, Mission Protection Districts shall encompass all areas that are visible or potentially visible from a disc. This shall be defined as the area which falls within a 2,500-foot ~~4,500-feet~~ radius originating from a point located exactly one hundred twenty-five (125) feet from the front door of each Mission chapel, as marked by the disc.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (*RID*)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☒ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-605 District Designation. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-1**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-605. – Designation Process for Historic Districts’**Amendment Language:**

Sec. 35-605. - Designation Process for Historic Districts.

- a. **Authority.** The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts. Such districts shall bear the word "historic" (H) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.
- b. **Initiation.** Any person owning property within the proposed area, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Requests for designation by a person owning property within the proposed area shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Required application materials are listed in section 35-B129 of this chapter. Completed applications shall be returned to the office of historic preservation for review and processing as applicable. Properly submitted applications shall remain valid for one (1) year from the date it is deemed complete and thereafter shall be expired.
- c. **Completeness Review.** See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.
- d. **Review Process**
 1. **Informational Meeting and Notice.** Proposed historic districts shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation staff shall hold at least one (1) public meeting to provide information to property owners in the proposed designation area regarding the application and historic designation process. Prior to the required informational meeting, the historic preservation officer shall send notice by mail of the receipt of an application for a proposed designation to the owner or owners of property within the proposed historic boundary as well as stating the purpose, date, time and place of the meeting. This notice shall be in addition to notice given prior to a public hearing as set forth under the city's zoning code. The historic preservation officer

shall also send notice of the informational meeting to any registered neighborhood associations located within the proposed district boundary.

2. Public Participation.

A. Following an informational meeting and notice of the receipt of an application for a proposed designation, the historic preservation officer shall provide a mailed ballot to the owner or owners of property within the proposed historic boundary. Property ownership shall be verified utilizing the last certified tax rolls of the appropriate county tax assessor collector for the proposed area. For purposes of calculating the support of fifty-one (51) percent of the property owners, each property as listed on the tax rolls shall be counted individually, regardless of whether an individual or group owns multiple properties within the proposed area. Properties owned by governmental entities shall not be counted in the fifty-one (51) percent support requirement, although their written preference may be submitted to any board, commission or to city council for their consideration. Additionally, for properties owned by more than one (1) party, only one (1) property owner need submit written support in order for the historic preservation officer to count the property in the calculation.

B. At any point in the process, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the historic preservation officer to consider as non-contributing to the historic district. Such submission shall be treated in accordance with section 35-619.

C. When the historic preservation officer has received verifiable written support from the owners of at least fifty-one (51) percent of the properties within the proposed historic district boundary, the historic preservation officer shall forward the application to the historic and design review commission for a public hearing and recommendation. The historic preservation officer shall not accept written support for an expired application, however, previous support that is verifiable may be resubmitted to support a new application.

D. If a property within the proposed district boundaries is owned by an organization that is a religious organization under Section 11.20, Tax Code, the property may be included only if the organization consents to inclusion of the property within the proposed district designation.

3. Interim Controls. Once an application for historic district designation is forwarded for public hearing, the provisions of this division shall apply to all properties within the proposed boundaries in accordance with section 35-606(e).

4. Public Hearing Schedule. Property owners within the proposed boundaries included in the application for historic district designation shall be notified in accordance with section 35-403 of this chapter. Consideration of the item by relevant boards and commissions shall be scheduled for the next available public hearing which meets all legal notice and quorum requirements. The historic and design review commission shall make its recommendation for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be

submitted to the zoning commission with the historic and design review commission recommendation.

- e. **Decision.** The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating an area as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.
- f. **Recordation.** Upon designation a historic district, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and City records including the City of San Antonio's official zoning maps.
- g. **Design Guidelines.** The city council may designate specific guidelines for particular historic districts. District specific guidelines may be adopted prior to or following designation.

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022 *****

Amendment 20-1

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-605. – Designation Process for Historic Districts’

Amendment Language:

Sec. 35-605. - Designation Process for Historic Districts.

- a. **Authority.** The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts. Such districts shall bear the word "historic" (H) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.
- b. **Initiation.** Any person owning property within the proposed area, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Requests for designation by a person owning property within the proposed area shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Required application materials are listed in section 35-B129 of this chapter. Completed applications shall be returned to the office of historic preservation for review and processing as applicable. Properly submitted applications shall remain valid for one (1) year from the date it is deemed complete and thereafter shall be expired.
- c. **Completeness Review.** See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.
- d. **Review Process**
 1. **Informational Meeting and Notice.** Proposed historic districts shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation staff shall hold at least one (1) public meeting to provide information to property owners in the proposed designation area regarding the application and historic designation process. Prior to the required informational meeting, the historic preservation officer shall send notice by mail of the receipt of an application for a proposed designation to the owner or owners of property within the proposed historic boundary as well as stating the purpose, date, time and place of the meeting. This notice shall be in addition to notice given prior to a public hearing as set forth under the city's zoning code. The historic preservation officer

shall also send notice of the informational meeting to any registered neighborhood associations located within the proposed district boundary.

2. Public Participation.

A. Following an informational meeting and notice of the receipt of an application for a proposed designation, the historic preservation officer shall provide a mailed ballot to the owner or owners of property within the proposed historic boundary. Property ownership shall be verified utilizing the last certified tax rolls of the appropriate county tax assessor collector for the proposed area. For purposes of calculating the support of fifty-one (51) percent of the property owners, each property as listed on the tax rolls shall be counted individually, regardless of whether an individual or group owns multiple properties within the proposed area. Properties owned by governmental entities shall not be counted in the fifty-one (51) percent support requirement, although their written preference may be submitted to any board, commission or to city council for their consideration. Additionally, for properties owned by more than one (1) party, only one (1) property owner need submit written support in order for the historic preservation officer to count the property in the calculation.

B. At any point in the process, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the historic preservation officer to consider as non-contributing to the historic district. Such submission shall be treated in accordance with section 35-619.

C. When the historic preservation officer has received verifiable written support from the owners of at least fifty-one (51) percent of the properties within the proposed historic district boundary, the historic preservation officer shall forward the application to the historic and design review commission for a public hearing and recommendation. The historic preservation officer shall not accept written support for an expired application, however, previous support that is verifiable may be resubmitted to support a new application.

D. If a property within the proposed district boundaries is owned by an organization that is a religious organization under Section 11.20, Tax Code, the property may be included only if the organization consents to inclusion of the property within the proposed district designation.

3. Interim Controls. Once an application for historic district designation is forwarded for public hearing, the provisions of this division shall apply to all properties within the proposed boundaries in accordance with section 35-606(e).

4. Public Hearing Schedule. Property owners within the proposed boundaries included in the application for historic district designation shall be notified in accordance with section 35-403 of this chapter. Consideration of the item by relevant boards and commissions shall be scheduled for the next available public hearing which meets all legal notice and quorum requirements. The historic and design review commission shall make its recommendation for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be

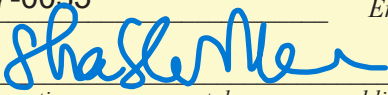
submitted to the zoning commission with the historic and design review commission recommendation.

- e. **Decision.** The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating an area as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.
- f. **Recordation.** Upon designation a historic district, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and City records including the City of San Antonio's official zoning maps.
- g. **Design Guidelines.** The city council may designate specific guidelines for particular historic districts. District specific guidelines may be adopted prior to or following designation.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☒ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-606 Landmark Designation. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-2**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-606. – Designation Process for Historic Landmarks’**Amendment Language:**

Sec. 35-606. - Designation Process for Historic Landmarks.

- a. **Authority.** Requests for landmark designation may only be made by or with the concurrence of the property owner or by City Council. Such landmarks shall bear the words "historic, landmark" (HL) in their zoning designation. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any hearing regarding the designation by the historic and design review commission or zoning commission. Notwithstanding the foregoing, a request for landmark designation may be made and approved by the city council. Additionally, requests for designation by a property owner shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.
- b. **Initiation.**
 1. Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a request for review of historic significance or evaluation for eligibility for historic landmark designation. Owner consent to initiate historic landmark designation shall be required unless a city council resolution to proceed with the designation has been approved. Requests for historic landmark designation may be requested by or with verified written consent of a property owner and shall be made on a form obtained from the city historic preservation officer. Required application materials are listed in section 35-B129 of this chapter. Completed request forms shall be returned to the office of historic preservation for processing. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings, additions, or accessory structures that they wish to be considered as non-contributing to the historic landmark.
 2. Requests made by a person who does not represent the property owner may be made by submitting a Request for Review of Historic Significance. Required application materials are listed in section 35-B129 of this chapter. Completed

request forms shall be returned to the office of historic preservation for processing. Such request does not initiate the historic designation process or automatically result in interim controls. All applications shall be evaluated by the historic preservation officer and may be referred to the Historic and Design Review Commission for a Finding of Historic Significance in accordance with this section.

- c. Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.
- d. Evaluation. Following receipt of a complete application, properties shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. At his or her discretion, the Historic Preservation Officer may request a review and recommendation by the Historic and Design Review Commission for a Finding of Historic Significance.
- e. **Interim Controls.** When an application is made on a building, object, site or structure that has been determined by the historic preservation officer or the historic and design review commission to be an eligible resource for historic designation in accordance with this article, and when written notice informing the property owner of such a determination has been provided, then the provisions of this chapter shall apply to the property until the lesser of one hundred eighty (180) days of the notification or action by city council on the recommendation for designation. This period may be extended at the written request of the property owner at any time. All enforcement provisions outlined in 35-491 shall apply during this period. Should the city council fail to designate the recommended building, object, site, structure or cluster as a historic landmark or the recommended area as a historic district, the director of planning and development services shall issue permits requested providing all City Code requirements are met.
- f. Public Hearing Schedule. Consideration of the item by relevant boards and commissions shall be scheduled for the next available public hearing which meets all legal notice and quorum requirements. If the property owner requests that the public hearing schedule be extended, then the interim controls period shall be extended for the same amount of time as granted.
- g. Decision. A Finding of Historic Significance may be approved by the Historic Preservation Officer or by the historic and design review commission by a majority vote of members present. If approved, the Historic Preservation Officer will seek concurrence from the property owner. Property owners may verify or withdraw consent at any time during the designation process.
 1. All requests for a change in zoning to include a historic zoning overlay having either written, verified owner consent or resolution by City Council to proceed with the historic landmark designation will be processed in accordance with 35-421.
 2. If the subject property owner does not consent to the proposed designation, the Historic Preservation Officer shall request City Council resolution to initiate historic landmark designation.
 3. To designate a historic landmark, the city shall obtain consent to the designation by the owner of the property or approval of designation by three-fourths vote of the Historic and Design Review Commission recommending the designation and a three-fourths vote by the City Council. If the property is owned by an organization that is a religious organization under Section 11.20, Tax Code, the property may be designated as a historic landmark only if the organization consents to the designation.

4. Upon passage of any ordinance designating a historic landmark, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.
- h. Subsequent Applications. Requests seeking a finding of historic significance for a property that was previously determined by OHP or the HDRC to be non-eligible for designation shall require additional evidence that was not previously considered in prior reviews as well as required fees and application materials.
- i. Recordation. Upon designation of a building, object, site, structure, or cluster as a historic landmark, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and City records including the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect exceptional and significant historic landmarks or property in historic districts by inclusion of the words "historic, exceptional" (HE) or "historic, significant" (HS) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.
- j. **Potentially Eligible Resources.**
 1. Previously-Inventoried Resources. Resources previously inventoried by the historic and design review commission but not rated due to age, shall be reviewed upon reaching twenty-five (25) years of age by the commission applying criteria set forth in section 35-607 to determine significance, if any. When a resource is found to meet criteria for historic designation the historic and design review commission at that time may recommend through the zoning commission to city council the designation of such resources following the procedures set forth in this section. Resources listed on federal, state or city inventories, but unevaluated by the historic and design review commission shall be identified in city records.
 2. Uninventoried Resources. As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the office of historic preservation on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of section 35-607. For such inventories, the office of historic preservation shall evaluate the resources based on integrity and/or significance. Those buildings, objects, sites or structures found by the commission to meet the criteria for historic landmarks may be recommended for designation following the procedures in subsection (a) of this section. The city, including the office of historic preservation, shall require an inventory of resources in the extraterritorial jurisdiction as part of the master development plan process and the subdivision letter of certification process within the area subject to the MDP or subdivision application unless the office of historic preservation determines, after an initial review, that such an inventory is not required.
 3. Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the historic preservation officer, following an initial investigation of the resource, may refer the matter to the historic and design review commission for a detailed study, review, and official recommendation of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this chapter. All National Register districts or landmarks, state historic

landmarks or sites, or state archaeological landmarks and sites shall be considered eligible and identified for potential review in order maintain compliance with state requirements.

- k. **Historic Landmarks Previously Designated by City Council.** All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated exceptional historic landmarks under this chapter and shall continue to bear the word (historic) "H" in their zoning designation.
- l. **Use of Property Designated Historic.** Nothing contained in this article or in the designation of property as being a historic landmark or in a historic district shall affect the present legal use of property. Use classifications as to all such property shall continue to be governed by the general zoning ordinance of the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article. No provision herein shall be construed as prohibiting a property owner from continuing to use property for a nonconforming use.
- m. **Removal of Designation.** Upon recommendation of the historic and design review commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this section may be removed by city council following recommendation by the historic and design review commission. Requests shall be filed in accordance with section 35-421 of this chapter.

UDC 2021 Proposed Amendment

*****Recommended Approval by PCTAC on March 14, 2022*****

Amendment 20-2

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-606. – Designation Process for Historic Landmarks’

Amendment Language:

Sec. 35-606. - Designation Process for Historic Landmarks.

- a. **Authority.** Requests for landmark designation may only be made by or with the concurrence of the property owner or by City Council. Such landmarks shall bear the words "historic, landmark" (HL) in their zoning designation. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any hearing regarding the designation by the historic and design review commission or zoning commission. Notwithstanding the foregoing, a request for landmark designation may be made and approved by the city council. Additionally, requests for designation by a property owner shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.
- b. **Initiation.**
 1. Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a request for review of historic significance or evaluation for eligibility for historic landmark designation. Owner consent to initiate historic landmark designation shall be required unless a city council resolution to proceed with the designation has been approved. Requests for historic landmark designation may be requested by or with verified written consent of a property owner and shall be made on a form obtained from the city historic preservation officer. Required application materials are listed in section 35-B129 of this chapter. Completed request forms shall be returned to the office of historic preservation for processing. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings, additions, or accessory structures that they wish to be considered as non-contributing to the historic landmark.
 2. Requests made by a person who does not represent the property owner may be made by submitting a Request for Review of Historic Significance. Required application materials are listed in section 35-B129 of this chapter. Completed

request forms shall be returned to the office of historic preservation for processing. Such request does not initiate the historic designation process or automatically result in interim controls. All applications shall be evaluated by the historic preservation officer and may be referred to the Historic and Design Review Commission for a Finding of Historic Significance in accordance with this section.

c. Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.

d. Evaluation. Following receipt of a complete application, properties shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. At his or her discretion, the Historic Preservation Officer may request a review and recommendation by the Historic and Design Review Commission for a Finding of Historic Significance.

e. **Interim Controls.** When an application is made on a building, object, site or structure that has been determined by the historic preservation officer or the historic and design review commission to be an eligible resource for historic designation in accordance with this article, and when written notice informing the property owner of such a determination has been provided, then the provisions of this chapter shall apply to the property until the lesser of one hundred eighty (180) days of the notification or action by city council on the recommendation for designation. This period may be extended at the written request of the property owner at any time. All enforcement provisions outlined in 35-491 shall apply during this period. Should the city council fail to designate the recommended building, object, site, structure or cluster as a historic landmark or the recommended area as a historic district, the director of planning and development services shall issue permits requested providing all City Code requirements are met.

f. Public Hearing Schedule. Consideration of the item by relevant boards and commissions shall be scheduled for the next available public hearing which meets all legal notice and quorum requirements. If the property owner requests that the public hearing schedule be extended, then the interim controls period shall be extended for the same amount of time as granted.

g. Decision. A Finding of Historic Significance may be approved by the Historic Preservation Officer or by the historic and design review commission by a majority vote of members present. If approved, the Historic Preservation Officer will seek concurrence from the property owner. Property owners may verify or withdraw consent at any time during the designation process.

1. All requests for a change in zoning to include a historic zoning overlay having either written, verified owner consent or resolution by City Council to proceed with the historic landmark designation will be processed in accordance with 35-421.

2. If the subject property owner does not consent to the proposed designation, the Historic Preservation Officer shall request City Council resolution to initiate historic landmark designation.

3. To designate a historic landmark, the city shall obtain consent to the designation by the owner of the property or approval of designation by three-fourths vote of the Historic and Design Review Commission recommending the designation and a three-fourths vote by the City Council. If the property is owned by an organization that is a religious organization under Section 11.20, Tax Code, the property may be designated as a historic landmark only if the organization consents to the designation.

4. Upon passage of any ordinance designating a historic landmark, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.
- h. Subsequent Applications. Requests seeking a finding of historic significance for a property that was previously determined by OHP or the HDRC to be non-eligible for designation shall require additional evidence that was not previously considered in prior reviews as well as required fees and application materials.
- i. Recordation. Upon designation of a building, object, site, structure, or cluster as a historic landmark, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and City records including the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect exceptional and significant historic landmarks or property in historic districts by inclusion of the words "historic, exceptional" (HE) or "historic, significant" (HS) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.
- j. **Potentially Eligible Resources.**
 1. Previously-Inventoried Resources. Resources previously inventoried by the historic and design review commission but not rated due to age, shall be reviewed upon reaching twenty-five (25) years of age by the commission applying criteria set forth in section 35-607 to determine significance, if any. When a resource is found to meet criteria for historic designation the historic and design review commission at that time may recommend through the zoning commission to city council the designation of such resources following the procedures set forth in this section. Resources listed on federal, state or city inventories, but unevaluated by the historic and design review commission shall be identified in city records.
 2. Uninventoried Resources. As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the office of historic preservation on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of section 35-607. For such inventories, the office of historic preservation shall evaluate the resources based on integrity and/or significance. Those buildings, objects, sites or structures found by the commission to meet the criteria for historic landmarks may be recommended for designation following the procedures in subsection (a) of this section. The city, including the office of historic preservation, shall require an inventory of resources in the extraterritorial jurisdiction as part of the master development plan process and the subdivision letter of certification process within the area subject to the MDP or subdivision application unless the office of historic preservation determines, after an initial review, that such an inventory is not required.
 3. Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the historic preservation officer, following an initial investigation of the resource, may refer the matter to the historic and design review commission for a detailed study, review, and official recommendation of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this chapter. All National Register districts or landmarks, state historic

landmarks or sites, or state archaeological landmarks and sites shall be considered eligible and identified for potential review in order maintain compliance with state requirements.

k. **Historic Landmarks Previously Designated by City Council.** All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated exceptional historic landmarks under this chapter and shall continue to bear the word (historic) "H" in their zoning designation.

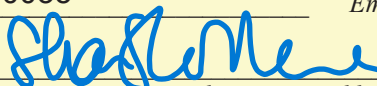
l. **Use of Property Designated Historic.** Nothing contained in this article or in the designation of property as being a historic landmark or in a historic district shall affect the present legal use of property. Use classifications as to all such property shall continue to be governed by the general zoning ordinance of the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article. No provision herein shall be construed as prohibiting a property owner from continuing to use property for a nonconforming use.

m. **Removal of Designation.** Upon recommendation of the historic and design review commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this section may be removed by city council following recommendation by the historic and design review commission. Requests shall be filed in accordance with section 35-421 of this chapter.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (*RID*)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-608, 35-610 COA Process. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-3**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-608. – Certificate of Appropriateness’**Amendment Language:**

Sec. 35-608. - Certificate of Appropriateness ~~and Conceptual Approval – Generally.~~

a. **Applicability.**

1. A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the department of development services before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, property within the river improvement overlay district, property within the downtown business district and subject to the Downtown Design Guide, property within a mission protection overlay district, public property, public rights-of-way, public art, or properties determined by the historic preservation officer or the historic and design review commission to be an eligible resource for historic designation and subject to interim controls in accordance with section 35-606(e). Applications proposing work or changes to the exterior of a subject property shall require review for appropriateness with the provisions of this article, and any adopted design guidelines or standards. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to:

- A. Construction and reconstruction,
- B. Alteration, additions, restoration and rehabilitation,
- C. Relocation,
- D. Stabilization,
- E. Signage,
- F. Landscaping,
- G. Construction or reconstruction of a parking lot,
- H. Construction or reconstruction of an appurtenance,
- I. Acquisition or deaccessioning of artwork,
- J. Demolition, and
- K. Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right-of-way.

2. Non-public interior spaces are exempt from this section unless specifically designated by ordinance. 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. Initiation. Requests for a Certificate of Appropriateness shall be made on a form obtained from the city historic preservation officer. Required application materials are listed

in section 35-B129 of this chapter. Completed request forms shall be returned to the office of historic preservation for processing. Applications for certificates of appropriateness may be referred to the historic and design review commission at the discretion of the historic preservation officer. In the case of an application for demolition, applications shall follow procedures specified in sections 35-614 and 35-619 of this chapter.

c. **Completeness Review.** The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission. Applications determined by the commission to lack sufficient documentation may be considered for conceptual review only.

d. **Conceptual Review.** Conceptual review is the review of general design ideas and principles (such as scale, massing, and design concepts). Specific design details reviewed at this stage are not binding and may only be approved through a certificate of appropriateness for final approval.

e. **Approval Criteria**

1. Alteration, Restoration, Rehabilitation, and New Construction on a Landmark or Contributing Property. 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 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. In reviewing an application for a certificate of appropriateness, the commission shall consider the current needs of the property owner and whether the plans will be reasonable for the property owner to carry out. 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.

2. Signage. 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.

3. [Demolition of a Landmark or Contributing Property. See section 35-614 of this article.](#)
 4. [Demolition of a Non-contributing Property. See section 35-619 of this article.](#)
 5. [Public Property. See section 35-641, 35-642, and 35-643.](#)
 6. [River Improvement Overlay. See section 35-670 through 35-681.](#)
 7. [Downtown Design Guide Area. See Appendix G, Division 1.](#)
- f. **Decision.**
1. [Administrative Approval. See section 35-611.](#)
 2. [Commission Review. The commission shall make its written final recommendation to either approve, deny, or approve with stipulations the application within sixty \(60\) days after the historic preservation officer's receipt of the completed application. Applications for a Certificate of Appropriateness forwarded to the commission shall include all required materials and documents from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and the city manager or her designee shall either approve, deny or approve with conditions the application within five \(5\) days of the applicant's demand. The sixty-day time period may be extended with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. If the property owner requests that the public hearing schedule be extended for any reason, then the sixty-day time period shall be extended for the same amount of time as granted. In cases involving demolition applications, the Historic Preservation Officer may extend this timeline consistent with subsection 35-455\(d\).](#)
 3. [City Manager Review. Upon receipt of the recommendation by the commission, or on their own initiative, the city manager or designee may implement such recommendation by notifying the applicant within ten \(10\) business days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the historic preservation officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on adopted standards and guidelines and was considered by the commission in the determination as to issuance or denial of any certificate.](#)
 4. [Appeal. A decision by the city manager or designee to approve or deny a Certificate of Appropriateness may be appealed to the board of adjustment in accordance with the Local Government Code. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission. New evidence shall not be considered. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions.](#)
- g. **Subsequent Applications.** [In the case of disapproval of an application, a new application for the same work shall not be resubmitted for consideration until one \(1\) year has elapsed from the date of disapproval. The commission, by a majority of its membership, may waive the aforementioned time limitation if the application presents substantial new evidence that was not considered in the previous action, or incorporates changes based on the previous recommendations of the commission. Until such waiver is granted, a new](#)

application shall not be considered complete and is not subject to the review periods outlined in subsection f. If a motion to approve such a waiver fails to receive the requisite number of votes, the application shall be considered disapproved; a revised application may be submitted in accordance with this section.

h. **Amendments.** A certificate of appropriateness shall be amended in the same manner as the approval of the original application.

i. **Scope of Approval.** A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The historic and design review commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.

j. **Recording Procedures.** A certificate of appropriateness need not be recorded, but shall be maintained and displayed by the applicant on the premises. The historic preservation officer shall also retain a copy of the certificate of appropriateness for public inspection.

k. **Enforcement.** See section 45-491.

Sec. 35-609. - Reserved.

Editor's note— Ord. No. 2012-11-08-0877, adopted Nov. 8, 2012, deleted § 35-609, which pertained to criteria for certificate of appropriateness - new construction and derived from Ord. No. 2010-06-24-0616, § 2, adopted June 24, 2010.

~~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~~

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022 *****

Amendment 20-3

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-608. – Certificate of Appropriateness’

Amendment Language:

Sec. 35-608. - Certificate of Appropriateness ~~and Conceptual Approval – Generally.~~

a. **Applicability.**

1. A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the department of development services before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, property within the river improvement overlay district, property within the downtown business district and subject to the Downtown Design Guide, property within a mission protection overlay district, public property, public rights-of-way, public art, or properties determined by the historic preservation officer or the historic and design review commission to be an eligible resource for historic designation and subject to interim controls in accordance with section 35-606(e). Applications proposing work or changes to the exterior of a subject property shall require review for appropriateness with the provisions of this article, and any adopted design guidelines or standards. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to:

- A. Construction and reconstruction,
- B. Alteration, additions, restoration and rehabilitation,
- C. Relocation,
- D. Stabilization,
- E. Signage,
- F. Landscaping,
- G. Construction or reconstruction of a parking lot,
- H. Construction or reconstruction of an appurtenance,
- I. Acquisition or deaccessioning of artwork,
- J. Demolition, and
- K. Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right-of-way.

2. Non-public interior spaces are exempt from this section unless specifically designated by ordinance. 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. Initiation. Requests for a Certificate of Appropriateness shall be made on a form obtained from the city historic preservation officer. Required application materials are listed

in section 35-B129 of this chapter. Completed request forms shall be returned to the office of historic preservation for processing. Applications for certificates of appropriateness may be referred to the historic and design review commission at the discretion of the historic preservation officer. In the case of an application for demolition, applications shall follow procedures specified in sections 35-614 and 35-619 of this chapter.

c. **Completeness Review.** The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission. Applications determined by the commission to lack sufficient documentation may be considered for conceptual review only.

d. **Conceptual Review.** Conceptual review is the review of general design ideas and principles (such as scale, massing, and design concepts). Specific design details reviewed at this stage are not binding and may only be approved through a certificate of appropriateness for final approval.

e. **Approval Criteria**

1. Alteration, Restoration, Rehabilitation, and New Construction on a Landmark or Contributing Property. 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 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. In reviewing an application for a certificate of appropriateness, the commission shall consider the current needs of the property owner and whether the plans will be reasonable for the property owner to carry out. 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.

2. Signage. 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.

3. [Demolition of a Landmark or Contributing Property. See section 35-614 of this article.](#)
 4. [Demolition of a Non-contributing Property. See section 35-619 of this article.](#)
 5. [Public Property. See section 35-641, 35-642, and 35-643.](#)
 6. [River Improvement Overlay. See section 35-670 through 35-681.](#)
 7. [Downtown Design Guide Area. See Appendix G, Division 1.](#)
- f. **Decision.**
1. [Administrative Approval. See section 35-611.](#)
 2. [Commission Review. The commission shall make its written final recommendation to either approve, deny, or approve with stipulations the application within sixty \(60\) days after the historic preservation officer's receipt of the completed application. Applications for a Certificate of Appropriateness forwarded to the commission shall include all required materials and documents from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and the city manager or her designee shall either approve, deny or approve with conditions the application within five \(5\) days of the applicant's demand. The sixty-day time period may be extended with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. If the property owner requests that the public hearing schedule be extended for any reason, then the sixty-day time period shall be extended for the same amount of time as granted. In cases involving demolition applications, the Historic Preservation Officer may extend this timeline consistent with subsection 35-455\(d\).](#)
 3. [City Manager Review. Upon receipt of the recommendation by the commission, or on their own initiative, the city manager or designee may implement such recommendation by notifying the applicant within ten \(10\) business days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the historic preservation officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on adopted standards and guidelines and was considered by the commission in the determination as to issuance or denial of any certificate.](#)
 4. [Appeal. A decision by the city manager or designee to approve or deny a Certificate of Appropriateness may be appealed to the board of adjustment in accordance with the Local Government Code. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission. New evidence shall not be considered. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions.](#)
- g. **Subsequent Applications.** [In the case of disapproval of an application, a new application for the same work shall not be resubmitted for consideration until one \(1\) year has elapsed from the date of disapproval. The commission, by a majority of its membership, may waive the aforementioned time limitation if the application presents substantial new evidence that was not considered in the previous action, or incorporates changes based on the previous recommendations of the commission. Until such waiver is granted, a new](#)

application shall not be considered complete and is not subject to the review periods outlined in subsection f. If a motion to approve such a waiver fails to receive the requisite number of votes, the application shall be considered disapproved; a revised application may be submitted in accordance with this section.

h. **Amendments.** A certificate of appropriateness shall be amended in the same manner as the approval of the original application.

i. **Scope of Approval.** A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The historic and design review commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.

j. **Recording Procedures.** A certificate of appropriateness need not be recorded, but shall be maintained and displayed by the applicant on the premises. The historic preservation officer shall also retain a copy of the certificate of appropriateness for public inspection.

k. **Enforcement.** See section 45-491.

Sec. 35-609. - Reserved.

Editor's note— Ord. No. 2012-11-08-0877, adopted Nov. 8, 2012, deleted § 35-609, which pertained to criteria for certificate of appropriateness - new construction and derived from Ord. No. 2010-06-24-0616, § 2, adopted June 24, 2010.

~~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)

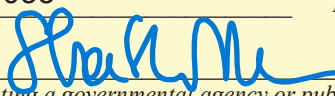
~~shall be reviewed for consistency with the historic or district specific design guidelines adopted by city council. The application shall be reviewed for conformance to the general rules and principles contained in the guidelines. Applications should be approved if in general conformance with the guidelines 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)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-611 Administrative Approval. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-4**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-611. – Certificate of Appropriateness – Administrative Approval’**Amendment Language:**

Sec. 35-611. - Certificate of Appropriateness - Administrative Approval.

Applications for certain alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic and design review commission. All applications are subject to a completeness review in accordance with this chapter. All applications must meet the minimum application requirements and materials outlined in Appendix B of this chapter which includes working scale drawings and specifications, a scaled site plan, photographs (current, clear, and color) of the property, and materials samples or examples where necessary. All applications must also demonstrate conformance with the Historic Design Guidelines or any other adopted guidelines and standards in order to be eligible for administrative approval.

Those activities eligible for administrative approval include but are not limited to:

1. **Administrative Approval – Expedited Review**
 1. **Ordinary Repair and Maintenance**
 - A. Repair using the same material and design as the original and does not require substantial modifications to original designs or materials.
 - B. Repainting of wood and painted masonry.
 - C. Reroofing, using the same type and color of material, or other materials in keeping with the architectural style or construction period of the structure.
 - D. Repair of sidewalks and driveways using the similar type and color of materials or other materials in keeping with the character or historic development pattern of the area.
 2. **Doors/Entrances**
 - A. From non-historic to one in keeping with the character and era in which the home was built. Applies to pedestrian entrances and garage doors.
 - B. Removal of burglar bars.
 - C. Repair or modification to exterior steps or stairways using in-kind material.
 - D. Reopening of porch with proper photo documentation or physical evidence and accurate construction documents.
 - E. Removal of existing wrought iron or non-original columns or porch railing with new architecturally appropriate replacements.

3. Windows

- A. Removal of non-historic or inappropriate windows to replace with windows that are more consistent with adopted standards and guidelines.
- B. Restoring original window openings with documentation and elevation drawings.
- C. Removal of non-original residential metal awnings.
- D. Repairing window framing, sills, casing and trim.
- E. Removing inappropriate exterior shutters that are not of historic age.
- F. Louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels.
- G. Removal of burglar bars.
- H. Existing windows and doors that are original to the structure or historically compatible with the style of the structure, but are deteriorated beyond repair as determined by staff, may be eligible for substantial material replacement or reconstruction. Deteriorated beyond repair is generally defined as loss of 50% or more of the original, existing material due to damage, deterioration, or missing elements, not including hardware, glass, or window glazing. For example, a wood sash is considered eligible for replacement when two out of its four framing members cannot be salvaged using patching or reinforcing joinery. Repair may include full replacement of materials where existing materials are not salvageable. For substantial repair requests that include the full replacement or reconstruction of window components, the applicant must provide: 1) substantial evidence that the door or window assembly is deteriorated beyond repair and unsalvageable to staff, including interior and exterior photographs of each assembly to be cross-referenced on a submitted window or door schedule; and 2) documentation that conveys the scope of the repair and demonstrates that the final reconstructed product will match the existing in material, dimensions, proportions, inset, configuration, and color and meets any adopted standards and guidelines.
- I. Adding or modifying fenestration on the rear or side facades that is architecturally and stylistically appropriate for the structure, provided that the window material, dimensions, proportions, inset, configuration, and color meet OHP's Guidelines and Window Policy Document. Modifications to existing opening sizes, including enclosure or removal, may be considered at the administrative level if 1) the openings have been previously modified and/or are not original, and substantial information to corroborate this is provided by the applicant to staff; or 2) the proposal balances or responds to existing facade details and is deemed appropriate by staff on a case-by-case basis.
- J. Adding window screens that are historically appropriate in design and material. Applicant must provide documentation on proposed design,

dimensions, and installation method. Blackout or heavy duty materials are not eligible for administrative approval.

4.

Siding

A. Removing non-historic siding in order to un-encapsulate historic siding materials

B. Existing, non-original siding may be replaced with a new material provided that substantial evidence is provided by the applicant to staff that demonstrates that the proposed replacement siding material is historically accurate or documented for the style of the structure. Wholesale replacement of historic siding material with matching materials is only eligible for administrative approval where more than 50% of the original material are significantly deteriorated and deemed unsalvageable by staff. Replacement of any existing, historic siding material (stucco, wood lap, stone) with a modern, composite material is not eligible for administrative approval and is highly discouraged.

5. Roofing

A. Removal of composite roof shingles and replacing with clay tiles with historical documentation

B. Removal of composite roof shingles and replacing with metal roofing material with historical documentation and specifications. New metal roofs must conform to the Historic Design Guidelines Checklist for Metal Roofs.

C. Changing color of composite roofing material

D. Changing color of existing metal roof with appropriate specifications and details

E. Removal of existing roofing material if non-original or deteriorated beyond repair and replacing with roofing material that is historically and architecturally appropriate.

6. Additions

A. Additions to any rear accessory structure, provided that the original form: is distinguishable; that the new, total footprint of the accessory does not exceed forty (40) percent of the primary historic structure on the property; and, that materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance are used.

B. Additions to primary historic structures on the property that are less than 400 square feet total area and features materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance. If an inset in wall plane is proposed, composite siding maybe used. If no inset is proposed, matching wood siding shall be used with a vertical trim piece separating the addition from the historic structure. Rear porches must continue to read as porches or open air elements.

7. Painting

A. Repainting wood or other previously-painted surfaces with solid colors. Color selection is generally not reviewed, but may be informed where district-specific guidelines have been adopted.

- B. Paint removal/pressure water washing at appropriate setting; graffiti removal.
 - C. Art mural installations on non-primary facades of commercial buildings that do not include signage elements or permanently obscure or detract from architectural features
- 8. Landscaping
 - A. Replacing paved areas with sod or other landscaping
 - B. Front yard landscaping or xeriscaping proposals that meet OHP's Xeriscaping and Responsible Landscaping Policy Guide and retain at least 50% of the existing landscaped area and incorporate native, drought-tolerant species provided that a detailed site plan is submitted to staff and no significant character defining landscaping features are removed or modified (berms, etc.)
 - C. Sprinkler system with site map
 - D. Backyard landscaping
 - E. Creation of new planting beds or gardens in keeping with the Historic Design Guidelines
- 9. Hardscaping
 - A. Impervious parking pads under one hundred forty-four (144) square feet in historically-appropriate contexts (side or rear yards, sited behind the front wall plane of the primary historic structure on the site)
 - B. Sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)
 - C. Driveway construction if no more than ten (10) feet in width and consistent with guidelines
 - D. Parking with appropriate landscaping (non-historic properties)
- 10. Fencing
 - A. Removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, masonry, or otherwise consistent with the design guidelines
 - B. Replacing or recreating any fence or handrail with historic document and elevation drawings
 - C. Installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front facade plane of historic structure) with appropriate materials and elevation drawings
 - D. Patio or outdoor cafe fencing that is not taller than four feet in height and not located in the public right-of-way
- 11. Signage
 - A. Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area
 - B. Signs that are consistent with HDRC approved master signage plans
 - C. Temporary banners or signs where allowed by this article
 - D. Signs that comply with UDC sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.

E. Signage that is consistent with the UDC Section 35-678; 35-681, the Downtown Design Guide and the Historic Design Guidelines or signage that utilizes new methods or materials to meet the intent of any adopted guidelines and standards

12. New Construction

A. An ADA ramp on the rear or side of a historic structure that does not immediately attach to, deform or modify the structure or historic materials provided that detailed and dimensioned construction documents are submitted along with a detailed site plan. Temporary ramps may be installed on front of a structure provided it is not attached and is removed within 180 days. COAs may be extended with demonstrated need and a timeline for removal.

B. Rear porch with elevation drawings

C. Rear deck with accurate measured site plan

D. Swimming pools, fountains, pergolas, or seating areas in back yard

E. Systematic deconstruction of existing historic rear accessory structure to reassemble in same location on site. Elevation drawings need to be submitted with the request

F. Backyard canopies, pavilions, outdoor kitchens, or other structures that are not visible from the public right of way and meet historic design guidelines.

13. Demolition Activity

A. Reopen enclosed porch

B. Carports and freestanding canopies or pergolas that are made of non-historic materials

14. Miscellaneous

A. Reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics

B. Removal of any prohibited element described in City Code

C. Changes to existing certificates of appropriateness or changes that are in keeping with the Historic Design Guidelines and do not materially or measurably increase the approved scope of work.

D. Emergency installation of temporary features to protect a historic resource or to weatherize or stabilize

E. Foundation with no modifications to skirting design; replacement skirting may utilize a cement board product installed with a similar design as existing

F. Mechanical units

G. Exterior electrical

H. Exterior plumbing

I. Exterior electrical fixtures

J. Glass replacement

K. Screening for dumpsters or service areas

L. Replacement or removal of non-original fixtures or lighting elements

M. Rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building

N. Mission protection overlay district applications being reviewed for height/angle conformity only.

O. Any modifications that restore an original architectural element or modify a non-original element to one that is more in consistent with the Historic Design Guidelines

P. Small sheds in the rear yard (less than 200 sq feet) not on a permanent foundation and featuring materials comparable to the historic structure on site or in the district

Q. Applications for signage in the Downtown Business District consistent with the Downtown Design Guide and all other applicable standards and guidelines.

-

2. Administrative Approval – Standard 10-day Review.
Requests for Certificates of Appropriateness that are eligible for Administrative Approval which do not allow for an expedited review may be approved following a 10-business day review period. Staff reserves the right to refer any request to the Historic and Design Review Commission for any reason. At any time, the Commission may adopt policy documents consistent with the Historic Design Guidelines to inform administrative approval.

1. Fencing

A new front yard fence that meets adopted standards and guidelines and does not exceed 4 feet in height or the height of an adjacent contributing fence, a material and design that is consistent with historic precedents in the district or vicinity does not feature a front gate that spans the driveway at the sidewalk, and that meets all development standards as outlined in UDC Section 35-514. Front yard fences in neighborhoods or areas which do not predominately feature front yard fences shall require review by the Commission.

2. Porch

The enclosure of a rear porch with detailed and dimensioned construction documents, materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance. Porches must continue to read as porches or open air elements. Front porch enclosures or enclosures of highly visible side porches are not eligible for Administrative Approval.

3. Additions

Any rear addition that is fully consistent with the Historic Design Guidelines.

4. Windows & Fenestration Modifications

A. Installation of exterior storm screens or windows provided that the original windows are retained underneath and the following conditions are met: 1) no existing screens or storms are present; 2) the proportion, configuration, dimensions, and materiality of the

screens closely match the existing window pattern; and 3) the screens are inset within the existing window frame.

- B. Adding fenestration that is architecturally and stylistically appropriate for the structure, provided that the window material, dimensions, proportions, inset, configuration, and color meet OHP's Guidelines and Window Policy Document. Modifications to existing opening sizes, including enclosure or removal, may be considered at the administrative level if 1) the openings have been previously modified and/or are not original, and substantial information to corroborate this is provided by the applicant to staff; or 2) the proposal balances or responds to existing facade details and is deemed appropriate by staff on a case-by-case basis.

5. New Construction

- A. Approval of a site plan that is fully consistent with the Historic Design Guidelines for the purposes of recommending a change in zoning request to the Zoning Commission. Infill worksheets must be completed and submitted for consideration.
- B. Detached carports set behind the front façade of the primary structure covering a parking area of no more than 400 sf. Carport designs must be consistent with the Historic Design Guidelines and any adopted standards or guidelines.

6. Repair and Maintenance

Selective replacement of original materials with new, substitute materials that are consistent with adopted guidelines and standards. Replacement materials must be proven to be a match in terms of appearance, texture, and dimension.

7. Telecommunication equipment

- A. Installation of equipment onto existing infrastructure in the public right-of-way including but not limited to utility poles, street light poles, and traffic light poles; the equipment must feature a stealth aesthetic and be flush mounted to the greatest extent possible.
- B. Installation of equipment mounted onto rooftops or parapets of buildings that are minimally visible from public right-of-way, feature a stealth aesthetic, and be flush mounted to the greatest extent possible.
- C. All installation of telecommunication equipment must adhere to UDC Sec-29-139. Attachments to Poles including Division V. Additional Aesthetic Requirements in Design Districts.
- D. Installation of a new pole or the use of a new stealth aesthetic may require additional review by the Historic Preservation Officer and/or the Historic Design Review Commission.

8. Miscellaneous

- A. Finding of Historic Significance reviewed in accordance with 35-607.
- B. Demolition or partial demolition of a non-contributing resources or structures and demolitions of non-contributing additions or portions of a resource or structure reviewed in accordance with 35-619.

- C. The historic and design review commission from time to time may designate additional work types for administrative approval with the adoption of additional standards or guidelines.

Ordinary Repair and Maintenance-

- a) ~~Repair using the same material and design as the original and does not require structural modifications-~~
- b) ~~Repainting, using the same color-~~
- c) ~~Reroofing, using the same type and color of material-~~
- d) ~~Repair of sidewalks and driveways using the same type and color of materials-~~

Exterior Alterations-

Doors/Entrances-

- a) ~~From non-historic to one in keeping with the character and era in which the home was built-~~
- b) ~~Removal of burglar bars-~~
- c) ~~Repair or slight modification to exterior steps or stairways using in-kind material-~~
- d) ~~Reopening of porch with proper photo documentation or physical evidence-~~

Windows-

- a) ~~Removal of non-historic windows to replace with windows that match the original windows as closely as possible in material and design-~~
- b) ~~Restoring original window openings with documentation-~~
- c) ~~Removal of residential metal awnings-~~
- d) ~~Repairing window framing-~~
- e) ~~Removing inappropriate exterior shutters that are not of historic age-~~
- f) ~~Louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels-~~
- g) ~~Removal of burglar bars-~~

Siding-

- a) ~~Removing non-historic siding in order to unencapsulate historic siding materials-~~

Roofing-

- a) ~~Removal of composite roof shingles and replacing with clay tiles with documentation-~~
- b) ~~Removal of composite roof shingles and replacing with metal roofing material with documentation and specifications-~~
- c) ~~Changing color of composite roofing material-~~
- d) ~~Changing color of existing metal roof with appropriate specifications and details-~~

Additions-

- a) ~~Any rear addition under two hundred (200) square feet using same (non-historic) material as existing structure as well as existing roof ridge line for non-contributing structures; must include plans with specification-~~

Painting-

- a) ~~Reasonable changes to paint colors on previously painted surfaces which are consistent with the district or landmark characteristics-~~
- b) ~~Paint removal/pressure water washing/graffiti removal-~~

Landscaping-

- a) ~~Replacing paved areas with sod or other landscaping-~~
- b) ~~Fifty (50) percent or less square feet of front yard replacement-~~
- c) ~~Sprinkler system with site map-~~
- d) ~~Back yard landscaping-~~
- e) ~~Removal of existing landscaping or sod areas and replacing with xeriscaping where not removing character defining landscaping elements-~~
- f) ~~New plantings in keeping with the character of neighborhood-~~

Hardscaping with site map and specifications-

- a) ~~Parking pads under one hundred forty-four (144) square feet-~~
- b) ~~Sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)-~~

~~c) Driveway construction if less than twelve (12) feet in width and consistent with guidelines~~

~~d) Parking with appropriate landscaping (non-historic properties)~~

~~Fencing-~~

~~a) Removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, or masonry-~~

~~b) Replacing or recreating any fence or handrail with historic document-~~

~~c) Installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front facade plane of historic structure) with appropriate materials-~~

~~Signage-~~

~~a) Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area-~~

~~b) Signs that are consistent with HDRC approved master signage plans~~

~~c) Temporary banners or signs where allowed by this article-~~

~~d) Signs that comply with UDC sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.-~~

~~New Construction-~~

~~a) Rear ADA ramps-~~

~~b) Rear porch-~~

~~c) Rear deck-~~

~~d) Swimming pools, fountains in back yard-~~

~~Demolition-~~

~~a) Non-historic accessory structure that is made of non-historic materials-~~

~~b) Non-historic additions that are made of non-historic materials-~~

~~c) Reopen enclosed porch-~~

~~d) Carports that are made of non-historic materials-~~

~~e) Non-contributing structures located in historic district that are made of non-historic materials-~~

~~Miscellaneous-~~

~~a) Reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics-~~

~~b) Renewal of expired certificates of appropriateness-~~

~~c) Removal of any prohibited element described in City Code-~~

~~d) Minor changes to existing certificates of appropriateness-~~

~~e) Emergency installation of temporary features to protect a historic resource or to weatherize or stabilize-~~

~~f) Foundation-~~

~~g) Mechanical units~~

~~h) Exterior electrical~~

~~i) Exterior plumbing-~~

~~j) Exterior electrical fixtures-~~

~~k) Antennas-~~

~~l) Glass replacement-~~

~~m) Dumpsters with screening-~~

~~n) Lighting-~~

~~o) Rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building-~~

~~p) Mission protection overlay district applications being reviewed for height/angle conformity only-~~

~~A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.-~~

~~(Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-10-02-0742, § 2, 10-2-14)~~

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022 *****

Amendment 20-4

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-611. – Certificate of Appropriateness – Administrative Approval’

Amendment Language:

Sec. 35-611. - Certificate of Appropriateness - Administrative Approval.

Applications for certain alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic and design review commission. All applications are subject to a completeness review in accordance with this chapter. All applications must meet the minimum application requirements and materials outlined in Appendix B of this chapter which includes working scale drawings and specifications, a scaled site plan, photographs (current, clear, and color) of the property, and materials samples or examples where necessary. All applications must also demonstrate conformance with the Historic Design Guidelines or any other adopted guidelines and standards in order to be eligible for administrative approval.

Those activities eligible for administrative approval include but are not limited to:

1. **Administrative Approval – Expedited Review**
 1. **Ordinary Repair and Maintenance**
 - A. Repair using the same material and design as the original and does not require substantial modifications to original designs or materials
 - B. Repainting of wood and painted masonry
 - C. Reroofing, using the same type and color of material, or other materials in keeping with the architectural style or construction period of the structure
 - D. Repair of sidewalks and driveways using the similar type and color of materials or other materials in keeping with the character or historic development pattern of the area
 2. **Doors/Entrances**
 - A. From non-historic to one in keeping with the character and era in which the home was built. Applies to pedestrian entrances and garage doors.
 - B. Removal of burglar bars
 - C. Repair or modification to exterior steps or stairways using in-kind material
 - D. Reopening of porch with proper photo documentation or physical evidence and accurate construction documents
 - E. Removal of existing wrought iron or non-original columns or porch railing with new architecturally appropriate replacements

3. Windows

- A. Removal of non-historic or inappropriate windows to replace with windows that are more consistent with adopted standards and guidelines.
- B. Restoring original window openings with documentation and elevation drawings.
- C. Removal of non-original residential metal awnings.
- D. Repairing window framing, sills, casing and trim.
- E. Removing inappropriate exterior shutters that are not of historic age.
- F. Louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels.
- G. Removal of burglar bars.
- H. Existing windows and doors that are original to the structure or historically compatible with the style of the structure, but are deteriorated beyond repair as determined by staff, may be eligible for substantial material replacement or reconstruction. Deteriorated beyond repair is generally defined as loss of 50% or more of the original, existing material due to damage, deterioration, or missing elements, not including hardware, glass, or window glazing. For example, a wood sash is considered eligible for replacement when two out of its four framing members cannot be salvaged using patching or reinforcing joinery. Repair may include full replacement of materials where existing materials are not salvageable. For substantial repair requests that include the full replacement or reconstruction of window components, the applicant must provide: 1) substantial evidence that the door or window assembly is deteriorated beyond repair and unsalvageable to staff, including interior and exterior photographs of each assembly to be cross-referenced on a submitted window or door schedule; and 2) documentation that conveys the scope of the repair and demonstrates that the final reconstructed product will match the existing in material, dimensions, proportions, inset, configuration, and color and meets any adopted standards and guidelines.
- I. Adding or modifying fenestration on the rear or side facades that is architecturally and stylistically appropriate for the structure, provided that the window material, dimensions, proportions, inset, configuration, and color meet OHP's Guidelines and Window Policy Document. Modifications to existing opening sizes, including enclosure or removal, may be considered at the administrative level if 1) the openings have been previously modified and/or are not original, and substantial information to corroborate this is provided by the applicant to staff; or 2) the proposal balances or responds to existing facade details and is deemed appropriate by staff on a case-by-case basis.
- J. Adding window screens that are historically appropriate in design and material. Applicant must provide documentation on proposed design,

dimensions, and installation method. Blackout or heavy duty materials are not eligible for administrative approval.

4.

Siding

A. Removing non-historic siding in order to un-encapsulate historic siding materials

B. Existing, non-original siding may be replaced with a new material provided that substantial evidence is provided by the applicant to staff that demonstrates that the proposed replacement siding material is historically accurate or documented for the style of the structure. Wholesale replacement of historic siding material with matching materials is only eligible for administrative approval where more than 50% of the original material are significantly deteriorated and deemed unsalvageable by staff. Replacement of any existing, historic siding material (stucco, wood lap, stone) with a modern, composite material is not eligible for administrative approval and is highly discouraged.

5. Roofing

A. Removal of composite roof shingles and replacing with clay tiles with historical documentation

B. Removal of composite roof shingles and replacing with metal roofing material with historical documentation and specifications. New metal roofs must conform to the Historic Design Guidelines Checklist for Metal Roofs.

C. Changing color of composite roofing material

D. Changing color of existing metal roof with appropriate specifications and details

E. Removal of existing roofing material if non-original or deteriorated beyond repair and replacing with roofing material that is historically and architecturally appropriate.

6. Additions

A. Additions to any rear accessory structure, provided that the original form: is distinguishable; that the new, total footprint of the accessory does not exceed forty (40) percent of the primary historic structure on the property; and, that materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance are used.

B. Additions to primary historic structures on the property that are less than 400 square feet total area and features materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance. If an inset in wall plane is proposed, composite siding maybe used. If no inset is proposed, matching wood siding shall be used with a vertical trim piece separating the addition from the historic structure. Rear porches must continue to read as porches or open air elements.

7. Painting

A. Repainting wood or other previously-painted surfaces with solid colors. Color selection is generally not reviewed, but may be informed where district-specific guidelines have been adopted.

- B. Paint removal/pressure water washing at appropriate setting; graffiti removal.
 - C. Art mural installations on non-primary facades of commercial buildings that do not include signage elements or permanently obscure or detract from architectural features
8. Landscaping
- A. Replacing paved areas with sod or other landscaping
 - B. Front yard landscaping or xeriscaping proposals that meet OHP's Xeriscaping and Responsible Landscaping Policy Guide and retain at least 50% of the existing landscaped area and incorporate native, drought-tolerant species provided that a detailed site plan is submitted to staff and no significant character defining landscaping features are removed or modified (berms, etc.)
 - C. Sprinkler system with site map
 - D. Backyard landscaping
 - E. Creation of new planting beds or gardens in keeping with the Historic Design Guidelines
9. Hardscaping
- A. Impervious parking pads under one hundred forty-four (144) square feet in historically-appropriate contexts (side or rear yards, sited behind the front wall plane of the primary historic structure on the site)
 - B. Sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)
 - C. Driveway construction if no more than ten (10) feet in width and consistent with guidelines
 - D. Parking with appropriate landscaping (non-historic properties)
10. Fencing
- A. Removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, masonry, or otherwise consistent with the design guidelines
 - B. Replacing or recreating any fence or handrail with historic document and elevation drawings
 - C. Installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front facade plane of historic structure) with appropriate materials and elevation drawings
 - D. Patio or outdoor cafe fencing that is not taller than four feet in height and not located in the public right-of-way
11. Signage
- A. Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area
 - B. Signs that are consistent with HDRC approved master signage plans
 - C. Temporary banners or signs where allowed by this article
 - D. Signs that comply with UDC sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.

E. Signage that is consistent with the UDC Section 35-678; 35-681, the Downtown Design Guide and the Historic Design Guidelines or signage that utilizes new methods or materials to meet the intent of any adopted guidelines and standards

12. New Construction

A. An ADA ramp on the rear or side of a historic structure that does not immediately attach to, deform or modify the structure or historic materials provided that detailed and dimensioned construction documents are submitted along with a detailed site plan. Temporary ramps may be installed on front of a structure provided it is not attached and is removed within 180 days. COAs may be extended with demonstrated need and a timeline for removal.

B. Rear porch with elevation drawings

C. Rear deck with accurate measured site plan

D. Swimming pools, fountains, pergolas, or seating areas in back yard

E. Systematic deconstruction of existing historic rear accessory structure to reassemble in same location on site. Elevation drawings need to be submitted with the request

F. Backyard canopies, pavilions, outdoor kitchens, or other structures that are not visible from the public right of way and meet historic design guidelines.

13. Demolition Activity

A. Reopen enclosed porch

B. Carports and freestanding canopies or pergolas that are made of non-historic materials

14. Miscellaneous

A. Reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics

B. Removal of any prohibited element described in City Code

C. Changes to existing certificates of appropriateness or changes that are in keeping with the Historic Design Guidelines and do not materially or measurably increase the approved scope of work.

D. Emergency installation of temporary features to protect a historic resource or to weatherize or stabilize

E. Foundation with no modifications to skirting design; replacement skirting may utilize a cement board product installed with a similar design as existing

F. Mechanical units

G. Exterior electrical

H. Exterior plumbing

I. Exterior electrical fixtures

J. Glass replacement

K. Screening for dumpsters or service areas

L. Replacement or removal of non-original fixtures or lighting elements

M. Rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building

N. Mission protection overlay district applications being reviewed for height/angle conformity only.

O. Any modifications that restore an original architectural element or modify a non-original element to one that is more in consistent with the Historic Design Guidelines

P. Small sheds in the rear yard (less than 200 sq feet) not on a permanent foundation and featuring materials comparable to the historic structure on site or in the district

Q. Applications for signage in the Downtown Business District consistent with the Downtown Design Guide and all other applicable standards and guidelines.

-

2. Administrative Approval – Standard 10-day Review.
Requests for Certificates of Appropriateness that are eligible for Administrative Approval which do not allow for an expedited review may be approved following a 10-business day review period. Staff reserves the right to refer any request to the Historic and Design Review Commission for any reason. At any time, the Commission may adopt policy documents consistent with the Historic Design Guidelines to inform administrative approval.

1. Fencing

A new front yard fence that meets adopted standards and guidelines and does not exceed 4 feet in height or the height of an adjacent contributing fence, a material and design that is consistent with historic precedents in the district or vicinity does not feature a front gate that spans the driveway at the sidewalk, and that meets all development standards as outlined in UDC Section 35-514. Front yard fences in neighborhoods or areas which do not predominately feature front yard fences shall require review by the Commission.

2. Porch

The enclosure of a rear porch with detailed and dimensioned construction documents, materials that match that of the primary historic structure, or materials that meet staff's specifications in regards to profile, texture, detailing and appearance. Porches must continue to read as porches or open air elements. Front porch enclosures or enclosures of highly visible side porches are not eligible for Administrative Approval.

3. Additions

Any rear addition that is fully consistent with the Historic Design Guidelines.

4. Windows & Fenestration Modifications

A. Installation of exterior storm screens or windows provided that the original windows are retained underneath and the following conditions are met: 1) no existing screens or storms are present; 2) the proportion, configuration, dimensions, and materiality of the

screens closely match the existing window pattern; and 3) the screens are inset within the existing window frame.

- B. Adding fenestration that is architecturally and stylistically appropriate for the structure, provided that the window material, dimensions, proportions, inset, configuration, and color meet OHP's Guidelines and Window Policy Document. Modifications to existing opening sizes, including enclosure or removal, may be considered at the administrative level if 1) the openings have been previously modified and/or are not original, and substantial information to corroborate this is provided by the applicant to staff; or 2) the proposal balances or responds to existing facade details and is deemed appropriate by staff on a case-by-case basis.

5. New Construction

- A. Approval of a site plan that is fully consistent with the Historic Design Guidelines for the purposes of recommending a change in zoning request to the Zoning Commission. Infill worksheets must be completed and submitted for consideration.
- B. Detached carports set behind the front façade of the primary structure covering a parking area of no more than 400 sf. Carport designs must be consistent with the Historic Design Guidelines and any adopted standards or guidelines.

6. Repair and Maintenance

Selective replacement of original materials with new, substitute materials that are consistent with adopted guidelines and standards. Replacement materials must be proven to be a match in terms of appearance, texture, and dimension.

7. Telecommunication equipment

- A. Installation of equipment onto existing infrastructure in the public right-of-way including but not limited to utility poles, street light poles, and traffic light poles; the equipment must feature a stealth aesthetic and be flush mounted to the greatest extent possible.
- B. Installation of equipment mounted onto rooftops or parapets of buildings that are minimally visible from public right-of-way, feature a stealth aesthetic, and be flush mounted to the greatest extent possible.
- C. All installation of telecommunication equipment must adhere to UDC Sec-29-139. Attachments to Poles including Division V. Additional Aesthetic Requirements in Design Districts.
- D. Installation of a new pole or the use of a new stealth aesthetic may require additional review by the Historic Preservation Officer and/or the Historic Design Review Commission.

8. Miscellaneous

- A. Finding of Historic Significance reviewed in accordance with 35-607.
- B. Demolition or partial demolition of a non-contributing resources or structures and demolitions of non-contributing additions or portions of a resource or structure reviewed in accordance with 35-619.

- C. The historic and design review commission from time to time may designate additional work types for administrative approval with the adoption of additional standards or guidelines.

Ordinary Repair and Maintenance-

- a) ~~Repair using the same material and design as the original and does not require structural modifications-~~
- b) ~~Repainting, using the same color-~~
- c) ~~Reroofing, using the same type and color of material-~~
- d) ~~Repair of sidewalks and driveways using the same type and color of materials-~~

Exterior Alterations-

Doors/Entrances-

- a) ~~From non-historic to one in keeping with the character and era in which the home was built-~~
- b) ~~Removal of burglar bars-~~
- c) ~~Repair or slight modification to exterior steps or stairways using in-kind material-~~
- d) ~~Reopening of porch with proper photo documentation or physical evidence-~~

Windows-

- a) ~~Removal of non-historic windows to replace with windows that match the original windows as closely as possible in material and design-~~
- b) ~~Restoring original window openings with documentation-~~
- c) ~~Removal of residential metal awnings-~~
- d) ~~Repairing window framing-~~
- e) ~~Removing inappropriate exterior shutters that are not of historic age-~~
- f) ~~Louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels-~~
- g) ~~Removal of burglar bars-~~

Siding-

- a) ~~Removing non-historic siding in order to unencapsulate historic siding materials-~~

Roofing-

- a) ~~Removal of composite roof shingles and replacing with clay tiles with documentation-~~
- b) ~~Removal of composite roof shingles and replacing with metal roofing material with documentation and specifications-~~
- c) ~~Changing color of composite roofing material-~~
- d) ~~Changing color of existing metal roof with appropriate specifications and details-~~

Additions-

- a) ~~Any rear addition under two hundred (200) square feet using same (non-historic) material as existing structure as well as existing roof ridge line for non-contributing structures; must include plans with specification-~~

Painting-

- a) ~~Reasonable changes to paint colors on previously painted surfaces which are consistent with the district or landmark characteristics-~~
- b) ~~Paint removal/pressure water washing/graffiti removal-~~

Landscaping-

- a) ~~Replacing paved areas with sod or other landscaping-~~
- b) ~~Fifty (50) percent or less square feet of front yard replacement-~~
- c) ~~Sprinkler system with site map-~~
- d) ~~Back yard landscaping-~~
- e) ~~Removal of existing landscaping or sod areas and replacing with xeriscaping where not removing character defining landscaping elements-~~
- f) ~~New plantings in keeping with the character of neighborhood-~~

Hardscaping with site map and specifications-

- a) ~~Parking pads under one hundred forty four (144) square feet-~~
- b) ~~Sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)-~~

~~c) Driveway construction if less than twelve (12) feet in width and consistent with guidelines~~

~~d) Parking with appropriate landscaping (non-historic properties)~~

~~Fencing-~~

~~a) Removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, or masonry-~~

~~b) Replacing or recreating any fence or handrail with historic document-~~

~~c) Installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front facade plane of historic structure) with appropriate materials-~~

~~Signage-~~

~~a) Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area-~~

~~b) Signs that are consistent with HDRC approved master signage plans~~

~~c) Temporary banners or signs where allowed by this article-~~

~~d) Signs that comply with UDC sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.-~~

~~New Construction-~~

~~a) Rear ADA ramps-~~

~~b) Rear porch-~~

~~c) Rear deck-~~

~~d) Swimming pools, fountains in back yard-~~

~~Demolition-~~

~~a) Non-historic accessory structure that is made of non-historic materials-~~

~~b) Non-historic additions that are made of non-historic materials-~~

~~c) Reopen enclosed porch-~~

~~d) Carports that are made of non-historic materials-~~

~~e) Non-contributing structures located in historic district that are made of non-historic materials-~~

~~Miscellaneous-~~

~~a) Reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics-~~

~~b) Renewal of expired certificates of appropriateness-~~

~~c) Removal of any prohibited element described in City Code-~~

~~d) Minor changes to existing certificates of appropriateness-~~

~~e) Emergency installation of temporary features to protect a historic resource or to weatherize or stabilize-~~

~~f) Foundation-~~

~~g) Mechanical units~~

~~h) Exterior electrical~~

~~i) Exterior plumbing-~~

~~j) Exterior electrical fixtures-~~

~~k) Antennas-~~

~~l) Glass replacement-~~

~~m) Dumpsters with screening-~~

~~n) Lighting-~~

~~o) Rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building-~~

~~p) Mission protection overlay district applications being reviewed for height/angle conformity only.-~~


~~A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.-~~

~~(Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-10-02-0742, § 2, 10-2-14)~~



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-614 Demolition of a Landmark. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-5**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-614. – Demolition.’**Amendment Language:**

Sec. 35-614. – Demolition [of a Landmark or Contributing Property](#)

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

1. [Applicability.](#) The provisions of this section apply to any request to demolish a historic landmark or contributing property to a historic district.
2. [Initiation.](#) Requests for the demolition of a historic landmark or contributing property to a historic district may be made in accordance with section 35-608(b).
3. [Completeness Review.](#) See section 35-608(c).
4. [Review Process](#)
 1. [Review Period.](#) Whenever an application for a certificate regarding the demolition is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association and other stakeholders shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

[If within this sixty-day period any one \(1\) of the following three \(3\) events shall occur, the historic and design review commission may defer hearing the application for six \(6\) months and it shall be considered to have been withdrawn by the applicant during such six-month period:](#)

- [The owner shall enter into a binding contract for the sale of the property.](#)
- [Approved arrangements shall be made for the structure to be moved to an approved new location, or](#)

- The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.

If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.

2. Additional Materials. The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the public hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
5. **Approval Criteria.** No certificate shall be issued for demolition of a historic landmark or property located within a historic district unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in this section in order to receive a historic and design review commission recommendation for a certificate for demolition.

1. **Unreasonable Economic Hardship.**

- A. **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

- B. **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the

property in question (i.e., the current economic climate, terms and conditions of the lender, development agreements entered into by the owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:

- i. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;
- ii. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and
- iii. The owner has owned the property for a minimum of two (2) years and has failed to find a purchaser or tenant for the property during the previous two (2) years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.
- iv. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.

C. Criteria. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

- i. For all structures and property:
 1. The past and current use of the structures and property;
 2. The name and legal status (e.g., partnership, corporation) of the owners;
 3. The original purchase price of the structures and property;
 4. The assessed value of the structures and property according to the two (2) most recent tax assessments;

5. The amount of real estate taxes on the structures and property for the previous two (2) years;
 6. The date of purchase or other acquisition of the structures and property;
 7. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
 8. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
 9. Any listing of the structures and property for sale or rent, price asked and offers received;
 10. Any consideration given by the owner to profitable adaptive uses for the structures and property;
 11. Any replacement construction plans for proposed improvements on the site;
 12. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and
 13. The current fair market value of the structure and property as determined by a qualified appraiser.
 14. Any property tax exemptions claimed in the past five (5) years.
- ii. For income producing structures and property:
1. Annual gross income from the structure and property for the previous two (2) years;
 2. Itemized operating and maintenance expenses for the previous two (2) years; and
 3. Annual cash flow, if any, for the previous two (2) years.
- iii. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.
- iv. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

2. **Loss of Significance.** When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

6. **Decision.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.

7. **Documentation and Strategy**

1. Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

2. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

8. **Issuance of Permit.** When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for demolition and construction shall be issued simultaneously if requirements of this section related to new construction are met and the property owner provides financial proof of his ability to complete the project. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

10,001—25,000 square feet = \$10,000.00

25,001—50,000 square feet = \$20,000.00

Over 50,000 square feet = \$30,000.00

NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.

9. **Subsequent Applications.** See section 35-608(g).

10. **Scope of Approval.** See section 35-608(i).

11. **Recording Procedures.** See section 35-608(j).

~~(a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.~~

~~(1) **Historic Landmark.** No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.~~

~~(2) **Entire Historic District.** If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.~~

~~(3) **Property Located in Historic District and Contributing to District Although Not Designated a Landmark.** No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c) in order to receive a certificate for demolition of the property.~~

~~(b) **Unreasonable Economic Hardship.**~~

~~(1) **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).~~

~~(2) **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are~~

~~not unique to the property in question (i.e., the current economic climate, terms and conditions of the lender, development agreements entered into by the owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:-~~

- ~~A. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;-~~
 - ~~B. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and-~~
 - ~~C. The owner has owned the property for a minimum of two (2) years and has failed to find a purchaser or tenant for the property during the previous two (2) years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.-~~
 - ~~D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.-~~
- ~~(3) **Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.-~~

~~As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:-~~

- ~~A. For all structures and property:-~~
 - ~~i. The past and current use of the structures and property;-~~
 - ~~ii. The name and legal status (e.g., partnership, corporation) of the owners;-~~
 - ~~iii. The original purchase price of the structures and property;-~~
 - ~~iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;-~~
 - ~~v. The amount of real estate taxes on the structures and property for the previous two (2) years;-~~
 - ~~vi. The date of purchase or other acquisition of the structures and property;-~~
 - ~~vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;-~~
 - ~~viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;-~~
 - ~~ix. Any listing of the structures and property for sale or rent, price asked and offers received;-~~
 - ~~x. Any consideration given by the owner to profitable adaptive uses for the structures and property;-~~
 - ~~xi. Any replacement construction plans for proposed improvements on the site;-~~
 - ~~xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and-~~
 - ~~xiii. The current fair market value of the structure and property as determined by a qualified appraiser.-~~
 - ~~xiv. Any property tax exemptions claimed in the past five (5) years.-~~
- ~~B. For income-producing structures and property:-~~
 - ~~i. Annual gross income from the structure and property for the previous two (2) years;-~~
 - ~~ii. Itemized operating and maintenance expenses for the previous two (2) years; and-~~
 - ~~iii. Annual cash flow, if any, for the previous two (2) years.-~~
- ~~C. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such~~

~~notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.~~

- ~~D.—Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.~~

~~When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.~~

- ~~(c) —**Loss of Significance.** When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.~~

~~If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.~~

~~The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).~~

~~For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.~~

- ~~(d) —**Documentation and Strategy.**~~

- ~~(1) —Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.~~

- ~~(2) —Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.~~

- ~~(3) —Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.~~

- ~~(4) —When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.~~

- ~~(e) —**Issuance of Permit.** When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be~~

~~assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:-~~

~~0—2,500 square feet = \$2,000.00-
2,501—10,000 square feet = \$5,000.00-
10,001—25,000 square feet = \$10,000.00-
25,001—50,000 square feet = \$20,000.00-
Over 50,000 square feet = \$30,000.00-~~

~~NOTE: Refer to City Code Chapter 10, Subsection 10-119(e) regarding issuance of a permit.~~

~~(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.~~

~~***~~

~~Sec. 35-455. Demolition Permit Applications.~~

~~(a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (section 35-614 of this chapter). The provisions of this section apply to any historic landmark or any property located within a historic district.~~

~~(b) **Initiation.**~~

~~(1) **Historic Landmarks and Contributing Properties.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the HPO hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.~~

~~(2) **Other Demolition Permits.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks, contributing properties, or an intrusion in the district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance.~~

~~(c) **Completeness Review.** The historic preservation officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~

~~(d) **Decision.**~~

~~(1) **Historic Landmarks.** Whenever an application for a certificate regarding the demolition of a landmark is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a report to the historic and design review~~

~~commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.~~

~~If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:~~

- ~~• The owner shall enter into a binding contract for the sale of the property;~~
- ~~• Approved arrangements shall be made for the structure to be moved to an approved new location; or~~
- ~~• The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.~~

~~If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.~~

~~(2) — **Other Demolition Permits.** If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. In making this determination, the historic preservation officer shall apply the appropriate definitions in appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to be an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. The historic preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws as followed by the city clerk's office. The historic preservation officer shall make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend that the building, object, site, or structure be designated as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.~~

~~(e) — **Approval Criteria.** See article VI, section 35-614 of this chapter.~~

~~(1) — **Historic Landmark.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(2) — **Contributing Property.** Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the property, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(3) — **Property Deemed to be an Intrusion Into the District.** In those cases in which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a~~

~~historic district, but is considered an intrusion in the district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~

~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~

~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~

~~(h) **Scope of Approval.**~~

~~(1) **Other Agency Approval Required.** When the historic and design review commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~

~~(2) **Replacement Plans.** Following recommendation for approval of demolition, the applicant must seek approval of replacement plans consistent with the criteria set forth in sections 35-609 to 35-613 prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and master development plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. Applicants that have received a recommendation for a certificate and approval of required replacement plans shall be permitted to receive such demolition permit without additional historic and design review commission action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.~~

~~(3) **Certificate for New Construction.** Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional historic and design review commission action on demolition, following the historic and design review commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.~~

~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.~~

(Ord No. 98697 § 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. [2015-12-17-1077](#), § 2, 12-17-15; Ord. No. [2017-10-05-0756](#), § 1(Att. A), 10-5-17; Ord. No. [2017-12-14-1010](#), § 2, 12-14-17)

UDC 2021 Proposed Amendment

*****Revised and Recommended Approval by PCTAC on May 9, 2022*****

Amendment 20-5

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-614. – Demolition.’

Amendment Language:

Sec. 35-614. – Demolition of a Landmark or Contributing Property

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

- (a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark ~~(including those previously designated as historic exceptional or historic significant)~~ or contributing property to a historic district.

- ~~(1) Historic Landmark. No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided is subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.~~
- ~~(2) Entire Historic District. If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.~~
- ~~(3) Property Located in Historic District and Contributing to District Although Not Designated a Landmark. No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided is subsection (c) in order to receive a certificate for demolition of the property.~~

(b) Initiation. Requests for the demolition of a historic landmark or contributing property to a historic district may be made in accordance with section 35-608(b).

(c) Completeness Review. See section 35-608(c).

(d) Review Process.

1. Review Period. Whenever an application for a certificate regarding the demolition is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association and other stakeholders shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a

report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

2. Changes to Application Status. If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:

- The owner shall enter into a binding contract for the sale of the property.
- Approved arrangements shall be made for the structure to be moved to an approved new location, or
- The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.

If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.

3. Additional Materials. The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the public hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(e) Approval Criteria. No certificate shall be issued for demolition of a historic landmark or property located within a historic district unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in this section in order to receive a historic and design review commission recommendation for a certificate for demolition.

1. ~~(b)~~ **-Unreasonable Economic Hardship.**

A. ~~(1)~~ **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

B. ~~(2)~~ **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e., the current economic climate, terms and conditions of the lender, development agreements entered into by the owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:

i. ~~A.~~ The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;

ii. ~~B.~~ The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

iii. ~~C.~~ The owner has owned the property for a minimum of two (2) years and has failed to find a purchaser or tenant for the property during the previous two (2) years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.

iv. ~~D.~~ Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.

C. ~~(3)~~ **Evidence Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

A. ~~For all structures and property:~~

- i. The past and current use of the structures and property;
- ii. The name and legal status (e.g., partnership, corporation) of the owners;
- iii. The original purchase price of the structures and property;
- iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;
- v. The amount of real estate taxes on the structures and property for the previous two (2) years;
- vi. The date of purchase or other acquisition of the structures and property;
- vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;

- viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
- ix. Any listing of the structures and property for sale or rent, price asked and offers received;
- x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
- xi. Any replacement construction plans for proposed improvements on the site;
- xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and
- xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
- xiv. Any property tax exemptions claimed in the past five (5) years.

~~B.~~ For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two (2) years;
- ii. Itemized operating and maintenance expenses for the previous two (2) years; and
- iii. Annual cash flow, if any, for the previous two (2) years.

~~C.~~ In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.

~~D.~~ Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

2.-(e) Loss of Significance. When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

(f) Decision. Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.

(g)-(e) Documentation and Strategy.

- (1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.
- (2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.
- (3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.
- (4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

(h)-(e) Issuance of Permit. When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for demolition and construction shall be issued simultaneously if requirements of this section related to new construction are met and the property owner provides financial proof of his ability to complete the project. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

10,001—25,000 square feet = \$10,000.00

25,001—50,000 square feet = \$20,000.00

Over 50,000 square feet = \$30,000.00

NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.

(i) Subsequent Applications. See section 35-608(g).

(j) Scope of Approval. See section 35-608(i).

(k) Recording Procedures. See section 35-608(j).


~~(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.~~

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-10-0229, § 4, 4-10-14)(Ord. No. [2015-10-29-0921](#), § 2, 10-29-15)(Ord. No. [2015-12-17-1077](#), § 2, 12-17-15; Ord. No. [2017-12-14-1010](#), § 2, 12-14-17)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-803 HDRC. See attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-6**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-803. – Historic and Design Review Commission.’**Amendment Language:****ARTICLE VIII - ADMINISTRATIVE AGENCIES****Sec. 35-803. - Historic and Design Review Commission.**

1. Established and Composition. The historic and design review commission is hereby established. The historic and design review commission shall consist of eleven (11) members and eleven (11) alternate members to be appointed by the mayor and city council. The mayor and city council shall each appoint one (1) member and one (1) alternate member to the commission. All members and alternate members must be residents of the City of San Antonio.
2. Duties and Functions. Members including alternate members shall serve to assist in an advisory capacity to the City of San Antonio office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:
 1. To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;
 2. To investigate and recommend through the city zoning commission the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;
 3. To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the Riverwalk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;
 4. To recommend and adopt specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;

5. To recommend and adopt policy documents and guides that are in keeping with any formally adopted design guidelines or standards;
 6. To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and works of art for each historic district, each landmark, the Riverwalk area, and for public property and public rights-of-way;
 7. To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;
 8. To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;
 9. To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the Riverwalk area, or public property;
 10. To review all proposed National Register nominations within the City of San Antonio upon recommendation of the city's historic preservation officer;
 11. To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;
 12. To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;
 13. To review periodically the zoning ordinance of the City of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;
 14. To create committees of persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission; and
 15. To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission.
 16. To hold public hearings and review and make recommendations on applications for new development or redevelopment on property zoned "D" Downtown Zoning District, in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).
3. Composition and Qualifications. In appointing members and alternate members to the commission, the mayor and city council shall make appointments that are sensitive to the preservation and development goals of the city and complete the category representation

set forth below to enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."

- i. Preference shall be given to the following disciplines or backgrounds: preservation related professions defined by the National Park Service (Architecture, History, Architectural History, Planning, Prehistoric and Historic Archaeology, Folklore, Cultural Anthropology, Curation, Conservation, and Landscape Architecture.); real estate; economic development; law; and engineering.
 - ii. Members of the commission shall represent the general ethnic and gender makeup of the community. All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.
 2. Terms of Office. Commission members, including alternates shall be appointed for a term of office of two (2) years. The term of office for each member and alternate member will run concurrently with the terms of office of the city council that appoints each member. Any vacancy shall be filled for the remainder of the term by city council.
 3. Attendance. Any member of the commission who is absent from three consecutive regular meetings of the commission or whose attendance at regularly scheduled meetings falls below fifty percent on an annual basis from the appointment date may be removed from the commission and replaced by the alternate member without any further action by the City Council. Additionally, if member is absent from six or more regular meetings during a twelve month period he or she may be removed from the Commission.
 3. Continuing Education. Members, including alternates of the commission are expected to continue to demonstrate an interest in historic preservation through participation in meetings, workshops, and conferences related to historic preservation. Each commission member and alternate member shall attend a related educational event each year. The historic preservation officer will provide at least one training opportunity per year, which will satisfy this requirement. Each commission member and alternate member shall be thoroughly familiar with the Unified Development Code Article VI, the State Enabling Legislation, and the adopted historic district design guidelines.
 4. Election of Officers. In January of each year, or the first available meeting thereafter, members of the commission shall elect a chair and vice chair from among its members. On the day of the election of officers, the chair shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chair and vice chair. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term. The chair and vice chair shall serve for a one-year term, but no person shall serve more than two consecutive city council appointed terms in the same office.

1. Chair and Vice Chair. The chair shall preside over all meetings of the commission. The vice chair shall preside in the absence or at the request of the chair. An additional presiding officer pro-tem may be selected by the commission members to preside over meetings in the absence of both the chair and vice chair.
2. Secretary. The historic preservation officer or his or her representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote. The minutes shall show pertinent facts presented during discussion, and the vote of each member on each decision of the Commission, or if absent or failing to vote, indicating that fact.
5. Commission Meetings. Regular meetings shall be held on the first and third Wednesday of each month at 3:00 p.m, unless otherwise rescheduled by the Commission. Meetings falling on an official City of San Antonio holiday shall be held the following Friday, unless otherwise rescheduled by the Commission. Special meetings may be called by the chair, or upon request by the historic preservation officer, when a matter requires urgent consideration. All meetings of the commission shall be open to the public and shall provide notice in accordance with the Texas Open Meetings Act.
 1. Quorum. A quorum of the commission shall require six (6) members or alternate members present, except in the case to recommend designate a property as a local historic landmark over owner objection, which shall be nine (9) members or alternate members. The affirmative votes of a majority of the members present is required for action, except in the case of an application for demolition which shall require a two-thirds (2/3) majority of the members present for a recommendation of approval, and in the case to designate a property as a local historic landmark where the property owner does not consent to designation, which shall require a three-fourths (3/4) vote of the commission to recommend approval of designation.
 2. Motions. Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the chair shall so rule. Except when considering an application for demolition, landmark designation, or a question of procedure or qualification, when a motion to approve, deny, or approve with conditions fails to pass with the requisite number of votes, such outcome shall be deemed to be the approval of a motion to reconsider the question, and an automatic continuance to the next regularly scheduled meeting of the commission. If the commission has continued an item at two (2) consecutive meetings, such action shall be deemed to be a negative recommendation. This section shall apply only when an application has been heard and the chair calls for motions, and so long as no subsequent motions on the application are made.
 3. Procedures. The commission shall conduct public hearings in accordance with Section 35-404 Public Hearings Procedures. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group. The order of proceedings shall be as follows:

- i. The applicable director or appropriate staff member shall present a description of the proposed development and a written or oral recommendation. The recommendation shall address each factor required by this chapter to be considered prior to action or approval on the development permit.
 - ii. The property owner or authorized representative (applicant) shall be provided the opportunity to present any information that the applicant deems appropriate. The applicant shall have a total of 12 minutes to present such information unless additional time is granted by the presiding Chair.
 - iii. A person providing public comment on an item shall have a total of three minutes. Speakers may yield their full time to another speaker as determined by the Chair.
 - iv. The applicable city department director or other staff member may respond to any statement made by the applicant or any public comment.
 - v. The applicant may respond to any testimony or evidence presented by the staff or public and shall have a maximum of 3 minutes to respond to such testimony unless additional time is granted by the presiding Chair.
 - vi. At any point, members including alternate members conducting the public hearing may ask questions of the applicant, staff or public.
 - vii. The chair shall have the discretion to extend or limit the time of each speaker for due cause.
 - viii. The chair shall rule whenever any question of procedure or qualification may be raised at a commission meeting. A member may move to overrule the chair's decision which may be done only by a majority vote of the members present.
4. Voting. Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.
5. Conflict of Interest. No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall refrain from all discussions of the matter with other commissioners, not be present when the matter is considered, not vote on the matter, and file all required written recusal documents prior to consideration of the item.
6. Final Decision. All Certificates of Appropriateness shall be mailed to the applicant or his or her agent within 10 days of the date of the decision.
7. Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.
6. Press and Statements. Releases and statements to the public and press in the name of the Commission shall be made only by the chair, and must be made in accordance with the City of San Antonio's Communication Policy.
7. Work/Study Session. The commission may hold work or study sessions. These may be called by the chair, vice chair or the historic preservation officer by giving at least seventy-two hours written public notice, or may be scheduled by a majority of the Commission at

any previous meeting, provided that no deliberation or vote shall take place regarding the work or study session.

8. Commission Committees. Committees and subcommittees of the commission, which shall be approved by a majority vote of the commission. The chair may create task forces related to specific issues which do not need to be approved by the commission. The chair shall appoint members to committees, subcommittees, and task forces with the advice and consent of a majority vote of the commission.

1. Membership of committees, subcommittees and task forces shall be established annually by vote of the commission. At least two members of the commission and two alternate members must be appointed to each committee, but in no event shall the membership number total a quorum of the commission or a quorum of the Compliance and Technical Advisory Board. At least two members or alternate members of the commission must be present to conduct business. A written report with comments shall be submitted back to the commission at the next scheduled meeting. Vacancies on the committees may be filled by appointment of the Chair until the next regularly scheduled commission meeting at which the committee appointments can be placed on the agenda for a vote by the commission.

2. All committees shall submit a committee report to the commission at its next regular meeting. A summary of committee comments and meeting notes shall be filed in the office of the city historic preservation officer and shall be a public record.

3. The following standing committees shall be established and shall meet as required by vote of the commission or at the request of the historic preservation officer or the chair:.

A. Design Review Committee. The Design Review Committee shall provide feedback to applicants prior to full submittal or shall consider items referred to the committee. The Design Review Committee will meet on a reoccurring basis as to be set by the Chair. It shall also hold on-site meetings when referred by the Commission.

B. Designations and Demolitions Committee. The Designations and Demolitions Committee shall work with staff to provide feedback on applications for demolition of a landmark, referred citywide demolitions, pending a finding of historic significance, pending historic district designation, and designation initiatives

C. Any other committees created in the future shall provide purpose and guidelines to the historic preservation officer and commission for review and approval.

9. Commission Compliance and Technical Advisory Board

1. Creation of the Compliance and Technical Advisory Board. The Compliance and Technical Advisory Board (CTAB) is hereby created. CTAB shall consist of the (11) alternate members appointed by the mayor and city council. Members shall be residents of the City of San Antonio and may serve as an alternate member to the historic and design review commission for their council district.

2. Duties and Functions. Members shall serve to assist in an advisory capacity to the City of San Antonio, make site visits related to repair and replacement materials, evaluate compliance cases and post-work approvals, and review OHP policy

documents and historic design guidelines. Additionally, members shall perform duties and functions, described in 35-803 (b).

3. Terms of Office. All members shall be appointed for a term of office of two (2) years. The term of office for each member will run concurrently with the terms of office of the city council that appoints each member.

4. Composition and Qualifications. The CTAB shall meet the composition and qualification requirements established for the HDRC in this section.

5. Quorum. A quorum of the Compliance and Technical Advisory Board shall consist of six (6) members. No final action shall be taken on any matter except pursuant to a majority vote of the members present.

6. The Compliance and Technical Advisory Board will observe the following:

A. CTAB shall conduct meetings once per month (Fourth Fridays at 9:00 am) to evaluate compliance cases and requests to replace original architectural components such as doors, windows, and porches; and may recommend approval or denial of COA requests. Additional special meetings may be called by the chair or by the historic preservation officer, when a matter requires urgent consideration. All meetings shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Meeting minutes shall be filed in the office of the city historic preservation officer and shall be a public record. The minutes shall show pertinent facts presented during discussion, and the vote of each member on each decision of the Commission, or if absent or failing to vote, indicating that fact.

B. The CTAB membership shall elect a chair and vice from its own membership who shall serve for a one-year term, but no person shall serve as chairman for more than two (2) consecutive terms. On the day of the election of officers, the chair shall turn the meeting over to historic preservation officer, who will accept nominations from the membership for chair and vice chair. Officers must receive a majority vote of the CTAB. The term of office shall begin the day of the election. An additional presiding officer pro-tem may be selected by the membership to preside over meetings in place of the chair and vice-chair.

C. The CTAB shall follow all other procedures as established for the Commission.

~~(a) **Appointment.** The historic and design review commission is hereby established. The historic and design review commission shall consist of eleven (11) members who reside in the City of San Antonio and are appointed by the city council.~~

~~(b) **Duties and Functions.** The commission shall serve to assist in an advisory capacity to the City of San Antonio directors of parks and recreation, planning and community development, development services, code enforcement services, public works, arts and cultural affairs, office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:~~

~~(1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;~~

- ~~(2) To investigate and recommend through the city zoning commission the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;~~
- ~~(3) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the Riverwalk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;~~
- ~~(4) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;~~
- ~~(5) To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and works of art for each historic district, each landmark, the Riverwalk area, and for public property and public rights-of-way;~~
- ~~(6) To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;~~
- ~~(7) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;~~
- ~~(8) To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the Riverwalk area, or public property;~~
- ~~(9) To review all proposed National Register nominations within the City of San Antonio upon recommendation of the city's historic preservation officer;~~
- ~~(10) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;~~
- ~~(11) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;~~
- ~~(12) To review periodically the zoning ordinance of the City of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;~~
- ~~(13) To create committees of no more than four (4) persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission; and~~
- ~~(14) To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission.~~
- ~~(15) To hold public hearings and review and make recommendations on applications for new development or redevelopment on property zoned "D" Downtown Zoning District, in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).~~
- ~~(c) **Composition and Qualifications.** In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."~~
- ~~(1) Composition. Composition shall be from three (3) categories of members from the following disciplines or backgrounds:—~~

- ~~A. One (1) representative shall be selected from each of the following disciplines: architecture (licensed in the State of Texas), history, architectural history, archaeology, and planning. Memberships from these five (5) disciplines are required in order to achieve compliance with the U.S. Historic Preservation Act, as well as applicable Texas law.~~
- ~~B. One (1) representative from each of the following disciplines: landscape architecture (licensed in the State of Texas), and a professional in the field of public art or art history. Membership from these two (2) disciplines are required to provide design expertise related to the Riverwalk and public art.~~
- ~~C. Four (4) individuals in business/professional categories which shall include disciplines and backgrounds in real estate/commercial development, economic development, law, banking or accounting, or civil engineering and in a general category which shall include experience or background in urban design, visual arts, public art, neighborhood representation, or design enhancements, or who shall be a citizen-at-large.~~

~~Members of the commission shall represent the general ethnic and gender makeup of the community. All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.~~

- ~~(2) Appointment. The mayor and city council will each appoint one (1) member of the commission to complete category representation.~~
- ~~(3) Terms of Members. Members are appointed for a term of office of two (2) years. The term of office for each board or commission member will run concurrently with the terms of office of the city council that appoints each member. Any vacancy shall be filled for the remainder of the term by the city council.~~
- ~~(d) **Chairman and Vice Chairman.** Members of the commission shall elect a chairman and vice chairman from among those members who have served at least one (1) year as commission members. The chairman and vice chairman shall serve for a one-year term, but no person shall serve more than two (2) consecutive city council appointed terms in the same office. The chairman shall preside over all meetings of the commission. The vice chairman shall preside in the absence or at the request of the chairman. An additional presiding officer pro tem may be selected by the commission members to preside over meetings in the absence of both the chairman and vice chairman.~~
- ~~(e) **Election of Officers.** Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term.~~
- ~~(f) **Secretary.** The historic preservation officer or his or her representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote.~~
- ~~(g) **Meetings of the Commission.** The commission shall hold each regular meeting on the basis of not less than once each month, and more frequently if necessary, at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional special meetings may be called by the chairman, or upon written request to the historic preservation officer signed by a majority of the members, when a matter requires urgent consideration of the commission. All meetings of the commission shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Minutes of the commission's proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.~~
- ~~(h) **Meeting Procedures.** The commission shall observe the following procedures:~~
 - ~~(1) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members or by opponents or proponents of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.~~
 - ~~(2) Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision which may be done by a majority vote of the members present.~~

- ~~(3) Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.~~
- ~~(4) Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer and in accordance with the Texas Open Records Act.~~
- ~~(5) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.~~
- ~~(i) **Meetings of Commission Committees.** All decisions of committees shall be submitted to the commission at its next regular meeting. Any applicant who is dissatisfied with a recommendation by a committee shall have the right to appeal to the full commission at its next regularly scheduled meeting. Minutes of committee proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.~~
- ~~(j) **Quorum.**~~
- ~~(1) A quorum of the commission shall require six (6) members present. The affirmative votes of a majority of the members present is required for action, except in the case of an application for demolition which shall require a two-thirds (2/3) majority of the members present for a recommendation of approval.~~
- ~~(2) Except when considering an application for demolition or a question of procedure or qualification, when a motion to approve, deny, or approve with conditions fails to pass with the requisite number of five votes, such outcome shall be deemed to be the approval of a motion to reconsider the question, and an automatic continuance to the next regularly scheduled meeting of the commission. If the commission has continued an item at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation.~~
- ~~(3) Subpart (2) shall apply only when an application has been heard and the chair calls for motions, and so long as no subsequent motions on the application are made.~~
- ~~(k) **Conflicts of Interest.** No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall refrain from all discussions of the matter with other commissioners, not be present when the matter is considered, not vote on the matter, and file all required written recusal documents prior to consideration of the item.~~

(Ord. No. 98697 §§ 1 and 6) (Ord. No. 2007-05-30-0593, § 2, 5-30-07)(Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10) (Ord. No. 2014-04-03-0206, § 6, 4-3-14)(Ord. No. [2015-12-17-1077](#), § 2, 12-17-15)

UDC 2021 Proposed Amendment

***** Revised and Recommended Approval by PCTAC on April 25, 2022 *****

Amendment 20-6

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-803. – Historic and Design Review Commission.’

Amendment Language:

ARTICLE VIII - ADMINISTRATIVE AGENCIES

Sec. 35-803. - Historic and Design Review Commission.

- (a) **Established and Composition.** The historic and design review commission is hereby established. The historic and design review commission shall consist of eleven (11) members and eleven (11) alternate members to be appointed by the mayor and city council. The mayor and city council shall each appoint one (1) member and one (1) alternate member to the commission. All members and alternate members must be residents of the City of San Antonio. ~~Appointment. The historic and design review commission is hereby established. The historic and design review commission shall consist of eleven (11) members who reside in the City of San Antonio and are appointed by the city council.~~
- (b) **Duties and Functions.** Members including alternate members ~~The commission~~ shall serve to assist in an advisory capacity to the City of San Antonio ~~directors of parks and recreation, planning and community development, development services, code enforcement services, public works, arts and cultural affairs,~~ office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:
 - (1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;
 - (2) To investigate and recommend to city council ~~through the city zoning commission~~ the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;
 - (3) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the Riverwalk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;
 - (4) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;
 - (5) To recommend and adopt policy documents and guides that are in keeping with any formally adopted design guidelines or standards;
 - ~~(56)~~ To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and works of art for each historic district, each landmark, the Riverwalk area, and for public property and public rights-of-way;
 - ~~(6-7)~~ To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval

of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;

- (~~7-8~~) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;
 - (~~8-9~~) To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the Riverwalk area, or public property;
 - (~~9-10~~) To review all proposed National Register nominations within the City of San Antonio upon recommendation of the city's historic preservation officer;
 - (~~10-11~~) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;
 - (~~11-12~~) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;
 - (~~12-13~~) To review periodically the zoning ordinance of the City of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;
 - (~~13-14~~) To create committees of no more than four (4) persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission; and
 - (~~14-15~~) To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission.
 - (~~15-16~~) To hold public hearings and review and make recommendations on applications for new development or redevelopment on property zoned "D" Downtown Zoning District, in accordance with the Downtown Design Guide in Appendix G of this chapter (35-G101).
- (c) **Composition and Qualifications.** In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."
- (1) Preference shall be given to the following disciplines or backgrounds: preservation related professions defined by the National Park Service (Architecture, History, Architectural History, Planning, Prehistoric and Historic Archaeology, Folklore, Cultural Anthropology, Curation, Conservation, and Landscape Architecture.); real estate; economic development; law; and engineering. **Composition.** ~~Composition shall be from three (3) categories of members from the following disciplines or backgrounds:-~~
- ~~A. One (1) representative shall be selected from each of the following disciplines: architecture (licensed in the State of Texas), history, architectural history, archaeology, and planning. Memberships from these five (5) disciplines are required in order to achieve compliance with the U.S. Historic Preservation Act, as well as applicable Texas law.~~
 - ~~B. One (1) representative from each of the following disciplines: landscape architecture (licensed in the State of Texas), and a professional in the field of public art or art history. Membership from these two (2) disciplines are required to provide design expertise related to the Riverwalk and public art.~~
 - ~~C. Four (4) individuals in business/professional categories which shall include disciplines and backgrounds in real estate/commercial development, economic development, law, banking or accounting, or civil engineering and in a general category which shall include experience or background in urban design, visual arts, public art, neighborhood representation, or design enhancements, or who shall be a citizen-at-large.~~

~~Members of the commission shall represent the general ethnic and gender makeup of the community. All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.~~

(2) ~~Appointment.~~ The mayor and city council will each appoint one (1) member of the commission to complete category representation.

(3) ~~Terms of Office Members.~~ Commission members, including alternates members ~~Members~~ are appointed for a term of office of two (2) years. The term of office for each ~~board or commission~~ member and alternate member will run concurrently with the terms of office of the city council that appoints each member. Any vacancy shall be filled for the remainder of the term by the city council.

(3.) Attendance. Any member of the commission who is absent from three consecutive regular meetings of the commission or whose attendance at regularly scheduled meetings falls below fifty percent on an annual basis from the appointment date may be removed from the commission and replaced by the alternate member without any further action by the City Council. Additionally, if member is absent from six or more regular meetings during a twelve-month period he or she may be removed from the Commission.

(4.) Continuing Education. Members, including alternates of the commission are expected to continue to demonstrate an interest in historic preservation through participation in meetings, workshops, and conferences related to historic preservation. Each commission member and alternate member shall attend a related educational event each year. The historic preservation officer will provide at least one training opportunity per year, which will satisfy this requirement. Each commission member and alternate member shall be thoroughly familiar with the Unified Development Code Article VI, the State Enabling Legislation, and the adopted historic district design guidelines.

(d) Election of Officers. In January of each year, or the first available meeting thereafter, members of the commission shall elect a chair and vice chair from among its members. On the day of the election of officers, the chair shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chair and vice chair. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term. The chair and vice chair shall serve for a one-year term, but no person shall serve more than two consecutive city council appointed terms in the same office.

(1.) Chair and Vice Chair. The chair shall preside over all meetings of the commission. The vice chair shall preside in the absence or at the request of the chair. An additional presiding officer pro-tempore may be selected by the commission members to preside over meetings in the absence of both the chair and vice chair.

(2.) Secretary. The historic preservation officer or his or her representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote. The minutes shall show pertinent facts presented during discussion, and the vote of each member on each decision of the Commission, or if absent or failing to vote, indicating that fact.

~~Chairman and Vice Chairman.~~ Members of the commission shall elect a chairman and vice chairman from among those members who have served at least one (1) year as commission members. The chairman and vice chairman shall serve for a one-year term, but no person shall serve more than two (2) consecutive city council appointed terms in the same office. The chairman shall preside over all meetings of the commission. The vice chairman shall preside in the absence or at the request of the chairman. An additional presiding officer pro tem may be selected by the commission members to preside over meetings in the absence of both the chairman and vice chairman.

- (e) **Commission Meetings.** Regular meetings shall be held at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Special meetings may be called by the chair, or upon request by the historic preservation officer, when a matter requires urgent consideration. All meetings of the commission shall be open to the public and provide notice in accordance with the Texas Open Meetings Act.
- (1.) **Quorum.** A quorum of the commission shall require six (6) members or alternate members present, except in the case to recommend designate a property as a local historic landmark over owner objection, which shall be nine (9) members or alternate members. The affirmative votes of a majority of the members present is required for action, except in the case of an application for demolition which shall require a two-thirds (2/3) majority of the members present for a recommendation of approval, and in the case to designate a property as a local historic landmark where the property owner does not consent to designation, which shall require a three-fourths (3/4) vote of the commission to recommend approval of designation.
 - (2.) **Motions.** Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the chair shall so rule. Except when considering an application for demolition, landmark designation, or a question of procedure or qualification, when a motion to approve, deny, or approve with conditions fails to pass with the requisite number of votes, such outcome shall be deemed to be the approval of a motion to reconsider the question, and an automatic continuance to the next regularly scheduled meeting of the commission. If the commission has continued an item at two (2) consecutive meetings, such action shall be deemed to be a negative recommendation. This section shall apply only when an application has been heard and the chair calls for motions, and so long as no subsequent motions on the application are made.
 - (3.) **Procedures.** The commission shall conduct public hearings in accordance with Section 35-404 Public Hearings Procedures. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group. Speaking times and order will be determined by the chair at the beginning of each meeting. The chair shall have the discretion to extend or limit the time of each speaker for due cause. The chair shall rule whenever any question of procedure or qualification may be raised at a commission meeting.
 - (4.) **Voting.** Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.
 - (5.) **Press and Statements.** Releases and statements to the public and press in the name of the Commission shall be made only by the chair and must be made in accordance with the City of San Antonio's Communication Policy.
 - (6.) **Work/Study Session.** The commission may hold work or study sessions. These may be called by the chair, vice chair or the historic preservation officer by giving at least seventy-two hours written public notice, or may be scheduled by a majority of the Commission at any previous meeting, provided that no deliberation or vote shall take place regarding the work or study session.
 - (7.) **Conflict of Interest.** No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall refrain from all discussions of the matter with other commissioners, not be present when the matter is considered, not vote on the matter, and file all required written recusal documents prior to consideration of the item.

- (8.) Final Decision. All Certificates of Appropriateness shall be mailed to the applicant or his or her agent within 10 days of the date of the decision.
- (9.) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.
- (b) Commission Committees. Committees and subcommittees of the commission, which shall be approved by a majority vote of the commission. The chair may create task forces related to specific issues which do not need to be approved by the commission. The chair shall appoint members to committees, subcommittees, and task forces with the advice and consent of a majority vote of the commission.
- (1.) Membership of committees, subcommittees and task forces shall be established annually by vote of the commission. At least two members of the commission and two alternate members must be appointed to each committee, but in no event shall the membership number total a quorum of the commission or a quorum of the Compliance and Technical Advisory Board. At least two members or alternate members of the commission must be present to conduct business. A written report with comments shall be submitted back to the commission at the next scheduled meeting. Vacancies on the committees may be filled by appointment of the Chair until the next regularly scheduled commission meeting at which the committee appointments can be placed on the agenda for a vote by the commission.
- (2.) All committees shall submit a committee report to the commission at its next regular meeting. A summary of committee comments and meeting notes shall be filed in the office of the city historic preservation officer and shall be a public record.
- (3.) The following standing committees shall be established and shall meet as required by vote of the commission or at the request of the historic preservation officer or the chair:.
- A. Design Review Committee. The Design Review Committee shall provide feedback to applicants prior to full submittal or shall consider items referred to the committee. The Design Review Committee will meet on a reoccurring basis as to be set by the Chair. It shall also hold on-site meetings when referred by the Commission.
- B. Designations and Demolitions Committee. The Designations and Demolitions Committee shall work with staff to provide feedback on applications for demolition of a landmark, referred citywide demolitions, pending a finding of historic significance, pending historic district designation, and designation initiatives
- C. Any other committees created in the future shall provide purpose and guidelines to the historic preservation officer and commission for review and approval.
- (c) Commission Compliance and Technical Advisory Board.
- (1.) Creation of the Compliance and Technical Advisory Board. The Compliance and Technical Advisory Board (CTAB) is hereby created. CTAB shall consist of the (11) alternate members appointed by the mayor and city council. Members shall be residents of the City of San Antonio and may serve as an alternate member to the historic and design review commission for their council district.
- (2.) Duties and Functions. Members shall serve to assist in an advisory capacity to the City of San Antonio, make site visits related to repair and replacement materials, evaluate compliance cases and post-work approvals, and review OHP policy documents and historic design guidelines. Additionally, members shall perform duties and functions, described in 35-803 (b).

- (3.) Terms of Office. All members shall be appointed for a term of office of two (2) years. The term of office for each member will run concurrently with the terms of office of the city council that appoints each member.
- (4.) Composition and Qualifications. The CTAB shall meet the composition and qualification requirements established for the HDRC in this section.
- (5.) Quorum. A quorum of the Compliance and Technical Advisory Board shall consist of six (6) members. No final action shall be taken on any matter except pursuant to a majority vote of the members present.
- (6.) The Compliance and Technical Advisory Board will observe the following:
 - A. CTAB shall conduct meetings once per month to evaluate compliance cases and requests to replace original architectural components such as doors, windows, and porches; and may recommend approval or denial of COA requests. Additional special meetings may be called by the chair or by the historic preservation officer when a matter requires urgent consideration. All meetings shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Meeting minutes shall be filed in the office of the city historic preservation officer and shall be a public record. The minutes shall show pertinent facts presented during discussion, and the vote of each member on each decision of the Commission, or if absent or failing to vote, indicating that fact.
 - B. The CTAB membership shall elect a chair and vice from its own membership who shall serve for a one-year term, but no person shall serve as chairman for more than two (2) consecutive terms. On the day of the election of officers, the chair shall turn the meeting over to historic preservation officer, who will accept nominations from the membership for chair and vice chair. Officers must receive a majority vote of the CTAB. The term of office shall begin the day of the election. An additional presiding officer pro-tempore may be selected by the membership to preside over meetings in place of the chair and vice-chair.
 - C. The CTAB shall follow all other procedures as established for the Commission.

~~**Election of Officers.** Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term.~~

~~(f) **Secretary.** The historic preservation officer or his or her representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote.~~

~~(g) **Meetings of the Commission.** The commission shall hold each regular meeting on the basis of not less than once each month, and more frequently if necessary, at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional special meetings may be called by the chairman, or upon written request to the historic preservation officer signed by a majority of the members, when a matter requires urgent consideration of the commission. All meetings of the commission shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Minutes of the commission's proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.~~

~~(h) **Meeting Procedures.** The commission shall observe the following procedures:-~~

- ~~(1) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members or by opponents or proponents of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.-~~
- ~~(2) Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision which may be done by a majority vote of the members present.-~~
- ~~(3) Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.-~~
- ~~(4) Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer and in accordance with the Texas Open Records Act.-~~
- ~~(5) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.-~~

~~(i) **Meetings of Commission Committees.** All decisions of committees shall be submitted to the commission at its next regular meeting. Any applicant who is dissatisfied with a recommendation by a committee shall have the right to appeal to the full commission at its next regularly scheduled meeting. Minutes of committee proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.-~~

~~(j) **Quorum-**~~

- ~~(1) A quorum of the commission shall require six (6) members present. The affirmative votes of a majority of the members present is required for action, except in the case of an application for demolition which shall require a two-thirds (2/3) majority of the members present for a recommendation of approval.-~~
- ~~(2) Except when considering an application for demolition or a question of procedure or qualification, when a motion to approve, deny, or approve with conditions fails to pass with the requisite number of five votes, such outcome shall be deemed to be the approval of a motion to reconsider the question, and an automatic continuance to the next regularly scheduled meeting of the commission. If the commission has continued an item at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation.-~~
- ~~(3) Subpart (2) shall apply only when an application has been heard and the chair calls for motions, and so long as no subsequent motions on the application are made.-~~

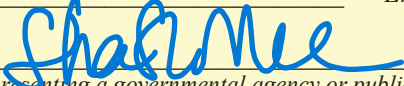
~~(k) **Conflicts of Interest.** No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall refrain from all discussions of the matter with other commissioners, not be present when the matter is considered, not vote on the matter, and file all required written recusal documents prior to consideration of the item.-~~

(Ord. No. 98697 §§ 1 and 6) (Ord. No. 2007-05-30-0593, § 2, 5-30-07)(Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10) (Ord. No. 2014-04-03-0206, § 6, 4-3-14)(Ord. No. [2015-12-17-1077](#), § 2, 12-17-15)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (*RID*)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-403 Notice Provisions. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-7**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-403. – Notice Provisions.’**Amendment Language:**

Sec. 35-403. - Notice Provisions.

Table 403-1
Notice Requirements

(A)	****	(I)	****	(K)	(L)	****	(N)
Type of Notice	****	Certificate of Appropriateness <u>Requiring a Public Hearing (Not Including Administrative Approval Certificates)</u>	****	Request for Demolition of a Historic Landmark <u>or Contributing Property or Potential Historic Landmark</u>	Historic Designation Application Approved by Historic Preservation Officer	****	<u>Finding of Historic Significance Requiring a Public Hearing</u>
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	****	—	****	—	—	****	
Mail : Written notice of the public hearing shall be sent.	****	—	****	*(1)(2)	*(2)(8)(10)	****	<u>*(2)</u>
Internet: Post notice on the city's Internet website until the process has been completed.	****	*	****	*	—	****	
Signage: Post a sign on the property subject to the application. Signs to be installed and provided by the city	****	* (3)	****	*	—	****	

Notes:

- (1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the tenth day before the date of the public hearing at the zoning commission. Notice for demolition applications shall be sent prior to the seventh day before the date of the public hearing at the historic design and review commission. Notice shall not be required for text amendments to the Community, Neighborhood, Perimeter or Sector Plans.
- (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- (3) The sign shall measure not less than eighteen by twenty-four inches and shall contain: City's name,
[Address of subject property](#)
[Description of request](#)
~~HDRC Case # _____;~~
~~Name of Case Manager;~~ and
Contact _____ telephone _____ number.
The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible fluorescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.
- (4) The sign shall measure not less than twenty-four (24) by thirty-six (36) inches and shall contain:
City's _____ name,
Zoning _____ Case# _____
Contact _____ telephone _____ number _____ of _____ case _____ manager
(General) Purpose: _____ From _____ To _____
The sign shall be constructed of corrugated plastic sign stock and shall be in highly visible fluorescent style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the sign size.
- (5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated area-wide rezoning consisting of six (6) or more individual lots. However, signs will be placed at the general location of the boundary of the area-wide zoning project and its intersection with major arterial and collector streets that provide ingress/egress to the area subject to rezoning.
- (6) Notice for replat applications shall be sent in accordance with Local Government Code Ch. 212.015.
- (7) Notice will include project name, number of acres, and approximate location.
- (8) The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing at least thirty (30) days prior to the historic and design review commission hearing on the historic district designation.
- (9) Notice of Courtesy Reports of general building permits, sign permits, and Preliminary Plan Review meeting requests shall be sent weekly to all registered neighborhood associations. These notices are sent as a courtesy. Any failure to send or receive courtesy reports shall not restrict the issuance of the applicable permit. (
- 10) [No later than the 15th day before the date of the initial hearing on historic designation of a property as an individual landmark, the historic preservation officer shall provide the property owner a historic designation impact statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property. The historic designation impact statement shall include the:](#)
 - a. [Regulations that may be applied to any structure on the property after designation;](#)
 - b. [Procedures for the designation;](#)
 - c. [Tax benefits that may be applied to the property after the designation; and](#)
 - d. [Rehabilitation or repair programs that the municipality offers for a property designated as historic.](#)

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on April 11, 2022 *****

Amendment 20-7

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-403. – Notice Provisions.’

Amendment Language:

Sec. 35-403. - Notice Provisions.

Table 403-1
Notice Requirements

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Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	****	—	****	—	—	****	
Mail : Written notice of the public hearing shall be sent.	****	—	****	*(1)(2)	*(2)(8)(10)	****	<u>*(2)</u>
Internet: Post notice on the city's Internet website until the process has been completed.	****	*	****	*	—	****	
Signage: Post a sign on the property subject to the application. Signs to be installed and provided by the city	****	* (3)	****	*	—	****	

Notes:

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- (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- (3) The sign shall measure not less than eighteen by twenty-four inches and shall contain: City's name,
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~~Name of Case Manager;~~ and
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Contact _____ telephone _____ number _____ of _____ case _____ manager
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- (7) Notice will include project name, number of acres, and approximate location.
- (8) The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing at least thirty (30) days prior to the historic and design review commission hearing on the historic district designation.
- (9) Notice of Courtesy Reports of general building permits, sign permits, and Preliminary Plan Review meeting requests shall be sent weekly to all registered neighborhood associations. These notices are sent as a courtesy. Any failure to send or receive courtesy reports shall not restrict the issuance of the applicable permit. (

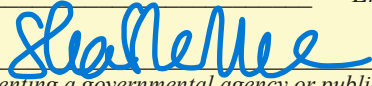
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- a. [Regulations that may be applied to any structure on the property after designation;](#)
- b. [Procedures for the designation;](#)
- c. [Tax benefits that may be applied to the property after the designation; and](#)
- d. [Rehabilitation or repair programs that the municipality offers for a property designated as historic.](#)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Strike of Article IV, Division 5. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-8

Applicant: Office of Historic Preservation

Amendment Title – ‘Article IV. Division 5. – Historic and Design Review’

Amendment Language:

DIVISION 5. - HISTORIC AND DESIGN REVIEW

Procedures related to Historic Preservation and Urban Design are located in Article VI of this chapter – Historic Preservation and Urban Design.

~~STATEMENT OF PURPOSE~~

~~This division implements the following policy of the master plan:--~~

- ~~• Urban Design, Policy 1b: Adopt an urban design review process for giving physical design direction to urban growth, conservation and character.--~~
- ~~• Goal 2: Preserve and enhance the city's historic resources.--~~

~~-~~

~~Sec. 35-450. --General Rules.--~~

- ~~(a) --Area of Jurisdiction. A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the department of development services before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, property within the river improvement overlay district, property within a mission protection overlay district, public property, public rights-of-way, or public art.--~~
- ~~(b) --"Commission" Defined. For purposes of this division, the term "commission" refers to the historic and design review commission.--~~
- ~~(Ord. No. 2014-10-02-0742, § 2, 10-2-14)~~

~~Sec. 35-451. --Certificate of Appropriateness.--~~

- ~~(a) --Applications proposing work or changes to the exterior of a landmark, in a historic district, in a river improvement overlay district, viewshed protection or mission protection overlay district, or a property identified as an eligible resource or recommended for historic designation in accordance [with] subsection 35-453(a) shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to:--~~
- ~~(1) --Construction and reconstruction,--~~
 - ~~(2) --Alteration, additions, restoration and rehabilitation,--~~
 - ~~(3) --Relocation,--~~
 - ~~(4) --Stabilization,--~~
 - ~~(5) --Signage,--~~
 - ~~(6) --Landscaping,--~~
 - ~~(7) --Construction or reconstruction of a parking lot,--~~

- ~~(8) Construction or reconstruction of an appurtenance,~~
- ~~(9) Acquisition or deaccessioning of artwork,~~
- ~~(10) Demolition, and~~
- ~~(11) Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right of way.~~
- ~~(b) Initiation. Applications for certificates of appropriateness shall be referred to the commission by the historic preservation officer. In the case of an application for new infill development or redevelopment of property zoned "D" Downtown, the application shall be referred to the commission by the director of the planning and community development department and shall be guided by procedures specified in the Downtown Design Guide in Appendix G of this chapter (35-G101). In the case of an application for demolition, the commission shall be guided by procedures specified in sections 35-614 to 35-617 of this chapter.~~
- ~~(c) Completeness Review. The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) Decision.~~
- ~~(1) Commission Review. The commission shall make its written final recommendation to either approve, deny, or approve with stipulations the application within sixty (60) days after the historic preservation officer's receipt of the completed application. Applications forwarded to the commission shall include all required materials and documents from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and the city manager or her designee shall either approve, deny or approve with conditions the application within five (5) days of the applicant's demand. The sixty-day time period may be extended up to three additional times, with each time not exceeding thirty (30) days, with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. In cases involving demolition applications, the Historic Preservation Officer may extend this timeline consistent with subsection 35-455(d).~~
- ~~(2) City Manager Review. Upon receipt of the recommendation by the commission, or on their own initiative, the city manager or designee may implement such recommendation by notifying the applicant within ten (10) business days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the historic preservation officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on the criteria established by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and was considered by the commission in the determination as to issuance or denial of any certificate.~~
- ~~(3) Appeal. An applicant for a certificate may appeal the decision of the city manager or designee to the board of adjustment within thirty (30) days after receipt of notification of the city manager's action. The applicant shall be advised by the city manager or designee of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the city manager or designee shall immediately advise the applicant and the commission in writing.~~
- ~~(e) Approval Criteria (See article VI of this chapter.)~~
- ~~(f) Subsequent Applications. In the case of disapproval of an application by the board of adjustment, a new application for the same work shall not be resubmitted for consideration until one (1) year has~~

~~elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions have been incorporated into the new application. The commission, by a majority of its membership, may waive the aforementioned time frame if the application presents new substantial evidence. If such waiver is granted, a new application shall be filed with the historic preservation officer.~~

~~(g) **Amendments.** A certificate of appropriateness shall be amended in the same manner as the approval of the original application.~~

~~(h) **Scope of Approval.** A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The historic and design review commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval of final design, defined as eighty (80) percent working drawings, and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.~~

~~(i) **Recording Procedures.** A certificate of appropriateness need not be recorded, but shall be maintained and displayed by the applicant on the premises. The historic preservation officer shall also retain a copy of the certificate of appropriateness for public inspection.~~

~~(Ord. No. 95352 § 4) (Ord. No. 98697 § 1, 4 and 6) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11) (Ord. No. 2014-04-03-0206, § 6, 4-3-14; Ord. No. [2015-12-17-1077](#), § 2, 12-17-15; Ord. No. [2017-10-05-0756](#), § 1(Att. A), 10-5-17; Ord. No. [2017-12-14-1010](#), § 2, 12-14-17)~~

~~Sec. 35-452. Certificate of Appropriateness for Administrative Approval.~~

~~(a) **Applicability.** The provisions of this section apply to a certificate of appropriateness requesting ordinary repair and maintenance and certain minor alterations or additions reviewed and approved administratively.~~

~~(b) **Initiation.** Applications for a certificate of appropriateness to authorize ordinary maintenance and repair or certain minor alterations or additions reviewed and approved administratively shall be submitted to the historic preservation officer.~~

~~(c) **Completeness Review.** The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~

~~(d) **Decision.** Applications for ordinary repair and maintenance may be approved by the city manager or their designee. The decision may be appealed in the same manner as set forth in section 35-481.~~

~~(e) **Approval Criteria.** (See article VI, section 35-611 of this chapter.)~~

~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~

~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~

~~(h) **Scope of Approval.** (See subsection 35-451(h) of this chapter.)~~

~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.)~~

~~(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15)~~

~~Sec. 35-453. Permits Affecting Properties Identified as Eligible Resources or Recommended by the Historic Design and Review Commission for Historic Designation.~~

~~(a) **Applicability.**~~

~~(1) When an application is made on a building, object, site or structure that has been determined by the historic preservation officer to be an eligible resource for historic designation in accordance with this section, and when written notice informing the property owner of such a determination has been~~

- provided, then the provisions of this division shall apply to the property until the lesser of one hundred eighty (180) days of the notification or action by city council on the recommendation for designation.
- ~~(2) When an application is made on a building, object, site or structure recommended by the commission for designation as a historic landmark or of a building, object, site, structure or unimproved land located within an area recommended by the commission for designation as a historic district, then the provisions of this division shall apply to the property until action by city council on the recommendation for designation.~~
- ~~(b) **Initiation.** The applicant may apply to the commission for review of a proposed project prior to final city council action on the designation request.~~
- ~~(c) **Completeness Review.** The historic preservation officer shall review the application in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) **Decision.** The commission shall review the application using criteria set forth in this section and shall follow all regulations and procedures used to review historic landmarks and properties in historic districts. Certificates may be issued following commission approval. Should the commission deny the applicant's request, the applicant may appeal to city council following procedures in this subdivision.~~
- ~~(e) **Approval Criteria.** The city council may authorize issuance of a certificate on a resource recommended by the commission for designation if, by formal resolution, it deems the certificate necessary for public health, welfare, or safety.~~
- ~~(f) **Subsequent Applications.** (Not applicable.)~~
- ~~(g) **Amendments.** (Not applicable.)~~
- ~~(h) **Scope of Approval.** Should the city council fail to designate the recommended building, object, site, structure or cluster as a historic landmark or the recommended area as a historic district, the director of planning and development services shall issue permits requested providing all City Code requirements are met.~~
- ~~(i) **Recording Procedures.** See subsection 35-451(i) of this chapter.~~
- (Ord. No. 98697 § 1, 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17)-

~~Sec. 35-454. -- Review of Plans for City-Owned Properties.--~~

- ~~(a) **Applicability.** The City of San Antonio and all of its boards, agencies and utilities and those corporations, firms or individuals engaged in the furnishing of telephone service, cable television, wireless service, or other public utilities to the public, shall submit plans for any construction, reconstruction, alteration, restoration, rehabilitation, relocation, stabilization, or demolition affecting any public building, object, site, structure, accessory building, fence, or other appurtenance in any city owned property or any activity which may upon completion obstruct any designated vista for review according to procedures set forth by this article, notwithstanding the provisions of section 35-104 of this chapter.~~
- ~~(b) **Initiation.** Prior to accepting construction bids on work to be done on public property, the commission, agency, utility, corporation, firm or individual shall submit to the commission project designs for review and recommendation.~~
- ~~(c) **Completeness Review.** The historic preservation officer shall review the plan review application for completeness in accordance with subsection 35-451(e) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) **Decision.** (See subsection 35-451(d) of this chapter.)~~
- ~~(e) **Approval Criteria.** (See article VI, division 2 of this chapter)~~
- ~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~
- ~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~
- ~~(h) **Scope of Approval.** (See subsection 35-451(h) of this chapter.)~~
- ~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.)~~

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10)

~~Sec. 35-455. Demolition Permit Applications.~~

~~(a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (section 35-614 of this chapter). The provisions of this section apply to any historic landmark or any property located within a historic district.~~

~~(b) **Initiation.**~~

~~(1) **Historic Landmarks and Contributing Properties.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the HPO hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.~~

~~(2) **Other Demolition Permits.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks, contributing properties, or an intrusion in the district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance.~~

~~(c) **Completeness Review.** The historic preservation officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~

~~(d) **Decision.**~~

~~(1) **Historic Landmarks.** Whenever an application for a certificate regarding the demolition of a landmark is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.~~

~~If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:~~

- ~~• The owner shall enter into a binding contract for the sale of the property,~~
- ~~• Approved arrangements shall be made for the structure to be moved to an approved new location, or~~
- ~~• The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.~~

~~If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written~~

~~recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.~~

~~(2) — **Other Demolition Permits.** If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. In making this determination, the historic preservation officer shall apply the appropriate definitions in appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. The historic preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws as followed by the city clerk's office. The historic preservation officer shall make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend that the building, object, site, or structure be designated as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.~~

~~(e) — **Approval Criteria.** See article VI, section 35-614 of this chapter.~~

~~(1) — **Historic Landmark.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(2) — **Contributing Property.** Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the property, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(3) — **Property Deemed to be an Intrusion into the District.** In those cases which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~

~~(f) — **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~

~~(g) — **Amendments.** (See subsection 35-451(g) of this chapter.)~~

~~(h) — **Scope of Approval.**~~

- ~~(1) **Other Agency Approval Required.** When the historic and design review commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~
- ~~(2) **Replacement Plans.** Following recommendation for approval of demolition, the applicant must seek approval of replacement plans consistent with the criteria set forth in sections 35-609 to 35-613 prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and master development plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. Applicants that have received a recommendation for a certificate and approval of required replacement plans shall be permitted to receive such demolition permit without additional historic and design review commission action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.~~
- ~~(3) **Certificate for New Construction.** Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional historic and design review commission action on demolition, following the historic and design review commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.~~
- ~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.~~
- (Ord No. 98697 § 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17; Ord. No. 2017-12-14-1010, § 2, 12-14-17)

~~Sec. 35-456. -- Certificate of Appropriateness for "D" Downtown Zoning District.~~

- ~~(a) Applications proposing infill development projects or redevelopment projects on property zoned "D" Downtown Zoning District shall require review for appropriateness with the provisions of section 35-G101 (Downtown Design Guide).~~
- ~~(b) Initiation. Applications for certificates of appropriateness for projects in the "D" Downtown Zoning District shall be referred to the historic and design review commission by the director of the planning and community development department.~~
- ~~(c) Review Process. The review process shall be as specified in the Downtown Design Guide in Appendix G of this chapter (35-G101).~~

(Ord. No. 2014-04-03-0206, § 6, 4-3-14)

~~Secs. 35-457 to 35-469. -- Reserved.~~

UDC 2021 Proposed Amendment

*****Recommended Approval by PCTAC on February 28, 2022*****

Amendment 20-8

Applicant: Office of Historic Preservation

Amendment Title – ‘Article IV. Division 5. – Historic and Design Review’

Amendment Language:

DIVISION 5. - HISTORIC AND DESIGN REVIEW

Procedures related to Historic Preservation and Urban Design are located in Article VI of this chapter – Historic Preservation and Urban Design.

~~STATEMENT OF PURPOSE~~

~~This division implements the following policy of the master plan:--~~

- ~~• Urban Design, Policy 1b: Adopt an urban design review process for giving physical design direction to urban growth, conservation and character.--~~
- ~~• Goal 2: Preserve and enhance the city's historic resources.--~~

~~-~~

~~Sec. 35-450. General Rules.--~~

- ~~(a) Area of Jurisdiction. A certificate of appropriateness is required and shall be secured by a party prior to the issuance of a permit from the department of development services before said party will be allowed to undertake activities affecting a designated historic landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, property within the river improvement overlay district, property within a mission protection overlay district, public property, public rights-of-way, or public art.--~~
- ~~(b) "Commission" Defined. For purposes of this division, the term "commission" refers to the historic and design review commission.--~~

~~(Ord. No. 2014-10-02-0742, § 2, 10-2-14)~~

~~Sec. 35-451. Certificate of Appropriateness.--~~

- ~~(a) Applications proposing work or changes to the exterior of a landmark, in a historic district, in a river improvement overlay district, viewshed protection or mission protection overlay district, or a property identified as an eligible resource or recommended for historic designation in accordance [with] subsection 35-453(a) shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to:--~~
- ~~(1) Construction and reconstruction,--~~
 - ~~(2) Alteration, additions, restoration and rehabilitation,--~~
 - ~~(3) Relocation,--~~
 - ~~(4) Stabilization,--~~
 - ~~(5) Signage,--~~
 - ~~(6) Landscaping,--~~
 - ~~(7) Construction or reconstruction of a parking lot,--~~

- ~~(8) Construction or reconstruction of an appurtenance,~~
- ~~(9) Acquisition or deaccessioning of artwork,~~
- ~~(10) Demolition, and~~
- ~~(11) Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right of way.~~
- ~~(b) Initiation. Applications for certificates of appropriateness shall be referred to the commission by the historic preservation officer. In the case of an application for new infill development or redevelopment of property zoned "D" Downtown, the application shall be referred to the commission by the director of the planning and community development department and shall be guided by procedures specified in the Downtown Design Guide in Appendix G of this chapter (35-G101). In the case of an application for demolition, the commission shall be guided by procedures specified in sections 35-614 to 35-617 of this chapter.~~
- ~~(c) Completeness Review. The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) Decision.~~
- ~~(1) Commission Review. The commission shall make its written final recommendation to either approve, deny, or approve with stipulations the application within sixty (60) days after the historic preservation officer's receipt of the completed application. Applications forwarded to the commission shall include all required materials and documents from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and the city manager or her designee shall either approve, deny or approve with conditions the application within five (5) days of the applicant's demand. The sixty-day time period may be extended up to three additional times, with each time not exceeding thirty (30) days, with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. In cases involving demolition applications, the Historic Preservation Officer may extend this timeline consistent with subsection 35-455(d).~~
- ~~(2) City Manager Review. Upon receipt of the recommendation by the commission, or on their own initiative, the city manager or designee may implement such recommendation by notifying the applicant within ten (10) business days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the historic preservation officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on the criteria established by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and was considered by the commission in the determination as to issuance or denial of any certificate.~~
- ~~(3) Appeal. An applicant for a certificate may appeal the decision of the city manager or designee to the board of adjustment within thirty (30) days after receipt of notification of the city manager's action. The applicant shall be advised by the city manager or designee of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the city manager or designee shall immediately advise the applicant and the commission in writing.~~
- ~~(e) Approval Criteria (See article VI of this chapter.)~~
- ~~(f) Subsequent Applications. In the case of disapproval of an application by the board of adjustment, a new application for the same work shall not be resubmitted for consideration until one (1) year has~~

~~elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions have been incorporated into the new application. The commission, by a majority of its membership, may waive the aforementioned time frame if the application presents new substantial evidence. If such waiver is granted, a new application shall be filed with the historic preservation officer.~~

~~(g) **Amendments.** A certificate of appropriateness shall be amended in the same manner as the approval of the original application.~~

~~(h) **Scope of Approval.** A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The historic and design review commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval of final design, defined as eighty (80) percent working drawings, and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.~~

~~(i) **Recording Procedures.** A certificate of appropriateness need not be recorded, but shall be maintained and displayed by the applicant on the premises. The historic preservation officer shall also retain a copy of the certificate of appropriateness for public inspection.~~

~~(Ord. No. 95352 § 4) (Ord. No. 98697 § 1, 4 and 6) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11) (Ord. No. 2014-04-03-0206, § 6, 4-3-14; Ord. No. [2015-12-17-1077](#), § 2, 12-17-15; Ord. No. [2017-10-05-0756](#), § 1(Att. A), 10-5-17; Ord. No. [2017-12-14-1010](#), § 2, 12-14-17)~~

~~Sec. 35-452. Certificate of Appropriateness for Administrative Approval.~~

~~(a) **Applicability.** The provisions of this section apply to a certificate of appropriateness requesting ordinary repair and maintenance and certain minor alterations or additions reviewed and approved administratively.~~

~~(b) **Initiation.** Applications for a certificate of appropriateness to authorize ordinary maintenance and repair or certain minor alterations or additions reviewed and approved administratively shall be submitted to the historic preservation officer.~~

~~(c) **Completeness Review.** The historic preservation officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~

~~(d) **Decision.** Applications for ordinary repair and maintenance may be approved by the city manager or their designee. The decision may be appealed in the same manner as set forth in section 35-481.~~

~~(e) **Approval Criteria.** (See article VI, section 35-611 of this chapter.)~~

~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~

~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~

~~(h) **Scope of Approval.** (See subsection 35-451(h) of this chapter.)~~

~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.)~~

~~(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15)~~

~~Sec. 35-453. Permits Affecting Properties Identified as Eligible Resources or Recommended by the Historic Design and Review Commission for Historic Designation.~~

~~(a) **Applicability.**~~

~~(1) When an application is made on a building, object, site or structure that has been determined by the historic preservation officer to be an eligible resource for historic designation in accordance with this section, and when written notice informing the property owner of such a determination has been~~

- provided, then the provisions of this division shall apply to the property until the lesser of one hundred eighty (180) days of the notification or action by city council on the recommendation for designation.
- ~~(2) When an application is made on a building, object, site or structure recommended by the commission for designation as a historic landmark or of a building, object, site, structure or unimproved land located within an area recommended by the commission for designation as a historic district, then the provisions of this division shall apply to the property until action by city council on the recommendation for designation.~~
- ~~(b) **Initiation.** The applicant may apply to the commission for review of a proposed project prior to final city council action on the designation request.~~
- ~~(c) **Completeness Review.** The historic preservation officer shall review the application in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) **Decision.** The commission shall review the application using criteria set forth in this section and shall follow all regulations and procedures used to review historic landmarks and properties in historic districts. Certificates may be issued following commission approval. Should the commission deny the applicant's request, the applicant may appeal to city council following procedures in this subdivision.~~
- ~~(e) **Approval Criteria.** The city council may authorize issuance of a certificate on a resource recommended by the commission for designation if, by formal resolution, it deems the certificate necessary for public health, welfare, or safety.~~
- ~~(f) **Subsequent Applications.** (Not applicable.)~~
- ~~(g) **Amendments.** (Not applicable.)~~
- ~~(h) **Scope of Approval.** Should the city council fail to designate the recommended building, object, site, structure or cluster as a historic landmark or the recommended area as a historic district, the director of planning and development services shall issue permits requested providing all City Code requirements are met.~~
- ~~(i) **Recording Procedures.** See subsection 35-451(i) of this chapter.~~
- (Ord. No. 98697 § 1, 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17)-

~~Sec. 35-454. -- Review of Plans for City-Owned Properties.--~~

- ~~(a) **Applicability.** The City of San Antonio and all of its boards, agencies and utilities and those corporations, firms or individuals engaged in the furnishing of telephone service, cable television, wireless service, or other public utilities to the public, shall submit plans for any construction, reconstruction, alteration, restoration, rehabilitation, relocation, stabilization, or demolition affecting any public building, object, site, structure, accessory building, fence, or other appurtenance in any city owned property or any activity which may upon completion obstruct any designated vista for review according to procedures set forth by this article, notwithstanding the provisions of section 35-104 of this chapter.~~
- ~~(b) **Initiation.** Prior to accepting construction bids on work to be done on public property, the commission, agency, utility, corporation, firm or individual shall submit to the commission project designs for review and recommendation.~~
- ~~(c) **Completeness Review.** The historic preservation officer shall review the plan review application for completeness in accordance with subsection 35-451(e) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~
- ~~(d) **Decision.** (See subsection 35-451(d) of this chapter.)~~
- ~~(e) **Approval Criteria.** (See article VI, division 2 of this chapter)~~
- ~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~
- ~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~
- ~~(h) **Scope of Approval.** (See subsection 35-451(h) of this chapter.)~~
- ~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.)~~

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10)

~~Sec. 35-455. Demolition Permit Applications.~~

~~(a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (section 35-614 of this chapter). The provisions of this section apply to any historic landmark or any property located within a historic district.~~

~~(b) **Initiation.**~~

~~(1) **Historic Landmarks and Contributing Properties.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the HPO hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.~~

~~(2) **Other Demolition Permits.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks, contributing properties, or an intrusion in the district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance.~~

~~(c) **Completeness Review.** The historic preservation officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.~~

~~(d) **Decision.**~~

~~(1) **Historic Landmarks.** Whenever an application for a certificate regarding the demolition of a landmark is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association shall occur within this period if the proposed demolition is located within a historic district. The historic preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.~~

~~If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:~~

- ~~• The owner shall enter into a binding contract for the sale of the property,~~
- ~~• Approved arrangements shall be made for the structure to be moved to an approved new location, or~~
- ~~• The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.~~

~~If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written~~

~~recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.~~

~~(2) **Other Demolition Permits.** If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. In making this determination, the historic preservation officer shall apply the appropriate definitions in appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. The historic preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws as followed by the city clerk's office. The historic preservation officer shall make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend that the building, object, site, or structure be designated as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.~~

~~(e) **Approval Criteria.** See article VI, section 35-614 of this chapter.~~

~~(1) **Historic Landmark.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(2) **Contributing Property.** Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the property, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(3) **Property Deemed to be an Intrusion into the District.** In those cases which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~

~~(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)~~

~~(g) **Amendments.** (See subsection 35-451(g) of this chapter.)~~

~~(h) **Scope of Approval.**~~

- ~~(1) **Other Agency Approval Required.** When the historic and design review commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.~~
- ~~(2) **Replacement Plans.** Following recommendation for approval of demolition, the applicant must seek approval of replacement plans consistent with the criteria set forth in sections 35-609 to 35-613 prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and master development plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. Applicants that have received a recommendation for a certificate and approval of required replacement plans shall be permitted to receive such demolition permit without additional historic and design review commission action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.~~
- ~~(3) **Certificate for New Construction.** Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional historic and design review commission action on demolition, following the historic and design review commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.~~
- ~~(i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.~~
- (Ord No. 98697 § 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17; Ord. No. 2017-12-14-1010, § 2, 12-14-17)

~~Sec. 35-456. -- Certificate of Appropriateness for "D" Downtown Zoning District.~~

- ~~(a) Applications proposing infill development projects or redevelopment projects on property zoned "D" Downtown Zoning District shall require review for appropriateness with the provisions of section 35-G101 (Downtown Design Guide).~~
- ~~(b) Initiation. Applications for certificates of appropriateness for projects in the "D" Downtown Zoning District shall be referred to the historic and design review commission by the director of the planning and community development department.~~
- ~~(c) Review Process. The review process shall be as specified in the Downtown Design Guide in Appendix G of this chapter (35-G101).~~

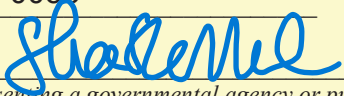
(Ord. No. 2014-04-03-0206, § 6, 4-3-14)

~~Secs. 35-457 to 35-469. -- Reserved.~~



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-601 Procedures. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-9

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-601. – Purpose.’

Amendment Language:

DIVISION 1. - GENERAL

Sec. 35-601. - Purpose.

The purpose of this article is to provide the [procedures](#), standards and criteria for protection of historic, cultural, archaeological and artistic resources.

(Ord. No. 2006-06-15-0718, § 2, 6-15-06)

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022*****

Amendment 20-9

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-601. – Purpose.’

Amendment Language:

DIVISION 1. - GENERAL

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The purpose of this article is to provide the [procedures](#), standards and criteria for protection of historic, cultural, archaeological and artistic resources.

(Ord. No. 2006-06-15-0718, § 2, 6-15-06)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-602 HPO. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-10**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-602. – City Historic Preservation Officer.’**Amendment Language:**

Sec. 35-602. - City Historic Preservation Officer.

The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application under this article that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:

- (a) To approve, deny or approve with conditions, applications submitted to the office of historic preservation when acting as the city manager designee.
- (b) To coordinate with [relevant City departments concerning matters related to historic and design review](#) ~~the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.~~
- (c) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.
- (d) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.
- (e) To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (f) To maintain and hold open for public inspection all records pertaining to the provisions of historic and design regulations as provided for in article VI and article III, and to keep a copy available for public viewing all historic district specific guidelines, Secretary of the Interior Standards, Guidelines for Archeology and Historic Preservation, and any other guidelines which are referenced in article VI. Public viewing may include available office of historic preservation websites.
- (g) To review, approve or deny applications for building and demolition permits required by section 35-108.
- (h) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.
- (i) To administratively review office of historic preservation applications and forms for completeness.
- (j) To approve administrative certificates of appropriateness.
- (k) To convene meetings of the design review committee of the historic and design review commission.
- (l) To designate objects, buildings and structures submitted for review as contributing or noncontributing to a historic landmark or historic district.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-03-0206, § 6, 4-3-14)

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022 *****

Amendment 20-10

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-602. – City Historic Preservation Officer.’

Amendment Language:

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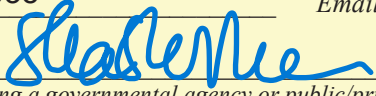
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- (b) To coordinate with relevant City departments concerning matters related to historic and design review ~~the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.~~
- (c) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.
- (d) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.
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- (g) To review, approve or deny applications for building and demolition permits required by section 35-108.
- (h) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.
- (i) To administratively review office of historic preservation applications and forms for completeness.
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- (k) To convene meetings of the design review committee of the historic and design review commission.
- (l) To designate objects, buildings and structures submitted for review as contributing or noncontributing to a historic landmark or historic district.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-03-0206, § 6, 4-3-14)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-603 Commission Defined. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

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B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-11

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-603. – Historic and Design Review Commission’

Amendment Language:

35-603. Historic and Design Review Commission.

(a) "**Commission**" Defined. For purposes of this article, the term "commission" refers to the historic and design review commission. Procedures and administrative functions of the commission are provided in 35-805 of this chapter.

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022*****

Amendment 20-11

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-603. – Historic and Design Review Commission’

Amendment Language:


35-603. Historic and Design Review Commission.

(a) "**Commission**" Defined. For purposes of this article, the term "commission" refers to the historic and design review commission. Procedures and administrative functions of the commission are provided in 35-805 of this chapter.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

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Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

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- ☐ Completed Rule Interpretation Determination (*RID*)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
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Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Article VI, Division 2 Statement of Purpose. See Attached.

Part 5. Cost Impact Statement

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The requested change to the UDC (please check appropriate box):

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N/A

UDC 2021 Proposed Amendment

Amendment 20-12

Applicant: Office of Historic Preservation

Amendment Title – ‘Division 2. – Historic Preservation – Statement of Purpose’

Amendment Language:

DIVISION 2. - HISTORIC PRESERVATION

STATEMENT OF PURPOSE

This division implements the following provisions of the comprehensive ~~master~~ plan:

- *Preserve and enhance the city's historic and cultural resources (~~Urban design, Goal 2~~).*
- *Promote the development of major public and private facilities which support the downtown neighborhood and historic resources (~~Neighborhoods, policy 5c~~).*
- *Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage preservation and enhancement of the city's important historic and cultural characteristics, including architectural styles and historic districts.*

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022*****

Amendment 20-12

Applicant: Office of Historic Preservation

Amendment Title – ‘Division 2. – Historic Preservation – Statement of Purpose’

Amendment Language:

DIVISION 2. - HISTORIC PRESERVATION

STATEMENT OF PURPOSE


This division implements the following provisions of the comprehensive ~~master~~ plan:

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Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-607 Designation Criteria. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

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- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-13**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-607. – Designation Criteria for Historic Districts and Landmarks.’**Amendment Language:**

Sec. 35-607. - Designation Criteria for Historic Districts and Landmarks.

- (a) **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection (b) ~~and the criteria applied to evaluate properties for inclusion in the National Register~~. In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.
- (b) **Criteria For Evaluation.**
1. Its value as a visible or archeological reminder of the cultural heritage of the community, or national event;
 2. Its location as a site of a significant local, county, state, or national event;
 3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
 4. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
 5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
 6. Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
 7. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
 8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
 9. Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development;
 10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development;
 11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States;
 12. It is an important example of a particular architectural type or specimen;
 13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few

intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;

14. It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest;
15. It represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area; or
16. It is designated [or determined eligible](#) as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

Properties eligible for designation include those listed below:

1. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
2. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by internationally known architects or master builders and important works by minor ones;
3. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
4. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
5. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
6. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period;
7. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines;
8. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
9. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
10. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location; or
11. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, including special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10)

UDC 2021 Proposed Amendment

***** Recommended Approval by PCTAC on March 14, 2022 *****

Amendment 20-13

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-607. – Designation Criteria for Historic Districts and Landmarks.’

Amendment Language:

Sec. 35-607. - Designation Criteria for Historic Districts and Landmarks.

- (a) **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection (b) ~~and the criteria applied to evaluate properties for inclusion in the National Register.~~ In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.
- (b) **Criteria For Evaluation.**
1. Its value as a visible or archeological reminder of the cultural heritage of the community, or national event;
 2. Its location as a site of a significant local, county, state, or national event;
 3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
 4. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
 5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
 6. Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
 7. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
 8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
 9. Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development;
 10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development;
 11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States;
 12. It is an important example of a particular architectural type or specimen;
 13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few

intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;

14. It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest;
15. It represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area; or
16. It is designated [or determined eligible](#) as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

Properties eligible for designation include those listed below:

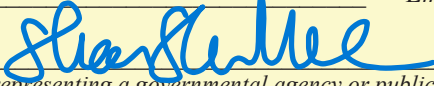
1. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
2. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by internationally known architects or master builders and important works by minor ones;
3. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
4. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
5. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
6. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period;
7. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines;
8. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
9. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
10. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location; or
11. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, including special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling,
grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate
city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-620 Demolition Permit Review. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-14

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-620. – Reserved.’

Amendment Language:

Sec. 35-620. – Demolition Permit Review and Historic Assessment

1. **Applicability.** The provisions of this section apply to any request to demolish or partially demolish any building, object, site, or structure that is not a historic landmark or located within a historic district.
2. **Initiation.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks or located within a historic district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance. Requests for demolition review shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Required application materials are listed in section 35-B129 of this chapter. Completed applications shall be returned to the office of historic preservation for review and processing as applicable.
3. **Completeness Review.** See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.
4. **Assessment and Recommendation.** Following receipt of a complete application, properties shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. The historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. Interim controls for the property shall apply in accordance with section 35-606(e).
5. **Decision.** If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. Interim controls for the property shall apply in accordance with section 35-606(e). The historic preservation officer shall retain a written statement summarizing the reasons for the finding of historic significance for such period as required under applicable

record retention laws as followed by the city clerk's office. At his or her discretion, the historic preservation officer may request a review and recommendation by the Historic and Design Review Commission regarding the Finding of Historic Significance. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in section 35-614.

UDC 2021 Proposed Amendment

*****Recommended Approval by PCTAC on May 9, 2022*****

Amendment 20-14

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-620. – Reserved.’

Amendment Language:

Sec. 35-620. – Demolition Permit Review and Historic Assessment

1. **Applicability.** The provisions of this section apply to any request to demolish or partially demolish any building, object, site, or structure that is not a historic landmark or located within a historic district.
2. **Initiation.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks or located within a historic district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance. Requests for demolition review shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Required application materials are listed in section 35-B129 of this chapter. Completed applications shall be returned to the office of historic preservation for review and processing as applicable.
3. **Completeness Review.** See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support for completeness.
4. **Assessment and Recommendation.** Following receipt of a complete application, properties shall be evaluated for eligibility under the Designation Criteria for Historic Districts and Landmarks outlined in 35-607. The historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. Interim controls for the property shall apply in accordance with section 35-606(e).
5. **Decision.** If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with


this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this

division. Interim controls for the property shall apply in accordance with section 35-606(e). The historic preservation officer shall retain a written statement summarizing the reasons for the finding of historic significance for such period as required under applicable record retention laws as followed by the city clerk's office. At his or her discretion, the historic preservation officer may request a review and recommendation by the Historic and Design Review Commission regarding the Finding of Historic Significance. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in section 35-614.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Appendix A Definitions (various). See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-15

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-A101. – Definition of Rules and Interpretation.’

Amendment Language:

APPENDIX A - DEFINITIONS AND RULES OF INTERPRETATION

- (a) Generally. Words, phrases and terms defined in this appendix shall ~~be~~ be given the defined meaning as set forth below.

Architectural style. Useful tools for analyzing general types of historic resources that tend to be related to the building's era of construction and popular regional trends. See the architectural styles section of A Guide to San Antonio's Historic Resources, [in City of San Antonio's Historic Design Guidelines](#).

Designated resource. A building, object, site, or structure which has been designated "historic" by city council upon recommendation of the historic and design review commission through the zoning commission, following criteria set forth in Article III [and Article VI](#) of this chapter and zoned historic [and subject to review](#) under the provisions of this chapter.

Contributing. [See Contributing resource.](#) ~~See Contributing property.~~

Contributing building. [See Contributing resource.](#) ~~See Contributing property.~~

Contributing property. [See Contributing resource.](#) ~~A resource in a historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same considerations as landmarks; a building, site, structure, or object within a historic district that adds to the values or qualities of that district because it was present during the period of significance and possesses historical integrity, or it independently meets National Register of Historic Places criteria.~~

Contributing resource – Buildings, structures, objects, sites, features, or other physical elements that are located within a historic district that have not been determined by either OHP staff or the HDRC to be non-contributing to the district.

Eligible resource. A building, object, site, or structure which has been determined by the historic preservation officer [or the historic and design review commission](#) to meet the designation criteria for historic districts and landmarks set forth in article VI of this chapter.

Exceptional historic landmark. Prior to 20210, historic landmarks were categorized as either “historic exceptional” (HE) or “historic significant” (HS). See designated resource.

- ~~(1) Those buildings, objects, sites, site improvements, appurtenances or structures of the highest and most unique historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio; and~~
- ~~(2) Those interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.~~

Historically significant site in need of tax relief to encourage preservation. A building, site, or structure together with the land necessary for access and use which is determined by the historic and design review commission to be in substantial need of rehabilitation or restoration and is one (1) or more of the following:

- (a) Designated a National Historic Landmark;
- (b) Listed on the National Register of Historic Places; or
- (c) Located in a National Register Historic District and certified by the Secretary of Interior as being of historic significance to the district; or
- (d) Designated as a Recorded Texas Historic Landmark by the Texas Historical Commission; or
- (e) Designated a State Archaeological Landmark; or
- (f) Designated as a landmark by the city as provided in this chapter; or
- (g) A contributing property located in a historic district. ~~Located in a historic district designated by the city and certified by the historic and design review commission as being of historic significance to the district.~~

Historic district. See designated resource. ~~An area, urban or rural, defined as a historic district by city council, state, or federal authority and which may contain within definable geographic boundaries two (2) one (1) or more buildings, objects, sites or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, that, while not of such historical, architectural, archaeological or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.~~

Historic. Any building, object, site, or structure that is: ~~Historic structure. Any structure that is:~~

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior or;
 - 2. Directly by the Secretary of the Interior in states without approved programs.

[Historic landmark. See designated resource.](#)

[Historic structure. See designated resource.](#)

~~Intrusion. See Non-contributing. A building, object, site or structure which detracts from the historical significance of a district or cluster because of its incompatibility with the sense of time and place and historical development of a district or cluster; or its incompatibility of scale, materials, texture, or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes it infeasible to rehabilitate.~~

~~Non-contributing Resource. Buildings, structures, objects, sites, features, or other physical elements that are located within a historic district that have been determined as such by application to OHP staff or the HDRC (see UDC 35-619). Non-contributing buildings or resources are generally considered intrusions to a historic district and may include recent or non-compatible construction types and forms. A building, object, site or structure which neither adds to nor detracts from a sense of time and place or historical development of a district or cluster; a building, site, structure, or object within an historic district that does not add to the values or qualities of that district because it was not present during the period of significance or because it no longer retains integrity.~~

~~Not rated resource. A building, object, site or structure which has been inventoried and reviewed by the historic and design review commission but not rated due to lack of age following criteria set forth in this chapter.~~

~~Not significant resource. A building, object, site or structure older than twenty-five (25) years old which has been inventoried and reviewed by the historic and design review commission using criteria set forth in this chapter, but which lacks sufficient historical, architectural, cultural, or archaeological significance to be recommended for landmark status based on available evidence.~~

~~Rated resource. A building, object, site, or structure which has been inventoried and reviewed by the historic and design review commission using criteria set forth in this chapter, and listed as either exceptional, significant, not significant, or not rated.~~

~~Significant historic landmarks. Prior to 2010, historic landmarks were categorized as either “historic exceptional” (HE) or “historic significant” (HS). See designated resource.~~

~~(1)—Those buildings, objects, sites or structures of historical, cultural, architectural or archaeological importance whose demolition or destruction would constitute a serious loss to the quality and character of San Antonio; and~~

~~(2) Inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.~~

Unusual and compelling circumstances. Those uncommon and extremely rare instances, factually detailed, which would warrant a [Historic](#) ~~historic~~ and Design Review Commission recommendation due to the evidence presented.

UDC 2021 Proposed Amendment

***** Revised and Recommended Approval by PCTAC on April 25, 2022 *****

Amendment 20-15

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-A101. – Definition of Rules and Interpretation.’

Amendment Language:

APPENDIX A - DEFINITIONS AND RULES OF INTERPRETATION

- (a) Generally. Words, phrases and terms defined in this appendix shall ~~be~~ be given the defined meaning as set forth below.

Architectural style. Useful tools for analyzing general types of historic resources that tend to be related to the building's era of construction and popular regional trends. See the architectural styles section of A Guide to San Antonio's Historic Resources, [in City of San Antonio's Historic Design Guidelines](#).

Designated resource. A building, object, site, or structure which has been designated "historic" by city council upon recommendation of the historic and design review commission through the zoning commission, following criteria set forth in Article III [and Article VI](#) of this chapter and zoned historic [and subject to review](#) under the provisions of this chapter.

Contributing. [See Contributing resource.](#) ~~See Contributing property.~~

Contributing building. [See Contributing resource.](#) ~~See Contributing property.~~

Contributing property. [See Contributing resource.](#) ~~A resource in a historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same considerations as landmarks; a building, site, structure, or object within a historic district that adds to the values or qualities of that district because it was present during the period of significance and possesses historical integrity, or it independently meets National Register of Historic Places criteria.~~

Contributing resource – Buildings, structures, objects, sites, features, or other physical elements that are located within a historic district that have not been determined by either OHP staff or the HDRC to be non-contributing to the district.

Eligible resource. A building, object, site, or structure which has been determined by the historic preservation officer [or the historic and design review commission](#) to meet the designation criteria for historic districts and landmarks set forth in article VI of this chapter.

Exceptional historic landmark. Prior to 2010, historic landmarks were categorized as either “historic exceptional” (HE) or “historic significant” (HS). See designated resource.

- ~~(1) Those buildings, objects, sites, site improvements, appurtenances or structures of the highest and most unique historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio; and~~
- ~~(2) Those interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.~~

Historically significant site in need of tax relief to encourage preservation. A building, site, or structure together with the land necessary for access and use which is determined by the historic and design review commission to be in substantial need of rehabilitation or restoration and is one (1) or more of the following:

- (a) Designated a National Historic Landmark;
- (b) Listed on the National Register of Historic Places; or
- (c) Located in a National Register Historic District and certified by the Secretary of Interior as being of historic significance to the district; or
- (d) Designated as a Recorded Texas Historic Landmark by the Texas Historical Commission; or
- (e) Designated a State Archaeological Landmark; or
- (f) Designated as a landmark by the city as provided in this chapter; or
- (g) A contributing property located in a historic district. ~~Located in a historic district designated by the city and certified by the historic and design review commission as being of historic significance to the district.~~

Historic district. See designated resource. ~~An area, urban or rural, defined as a historic district by city council, state, or federal authority and which may contain within definable geographic boundaries two (2) one (1) or more buildings, objects, sites or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, that, while not of such historical, architectural, archaeological or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.~~

Historic. Any building, object, site, or structure that is: ~~Historic structure. Any structure that is:~~

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior or;
 - 2. Directly by the Secretary of the Interior in states without approved programs.

[Historic landmark. See designated resource.](#)

[Historic structure. See designated resource.](#)

~~Intrusion. [See Non-contributing Resource.](#) A building, object, site or structure which detracts from the historical significance of a district or cluster because of its incompatibility with the sense of time and place and historical development of a district or cluster; or its incompatibility of scale, materials, texture, or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes it infeasible to rehabilitate.~~

~~Non-contributing Resource. Buildings, structures, objects, sites, features, or other physical elements that are located within a historic district that have been determined as such by application to OHP staff or the HDRC (see UDC 35-619). Non-contributing buildings or resources are generally considered intrusions to a historic district and may include recent or non-compatible construction types and forms. A building, object, site or structure which neither adds to nor detracts from a sense of time and place or historical development of a district or cluster; a building, site, structure, or object within an historic district that does not add to the values or qualities of that district because it was not present during the period of significance or because it no longer retains integrity.~~

~~Not rated resource. A building, object, site or structure which has been inventoried and reviewed by the historic and design review commission but not rated due to lack of age following criteria set forth in this chapter.~~

~~Not significant resource. A building, object, site or structure older than twenty-five (25) years old which has been inventoried and reviewed by the historic and design review commission using criteria set forth in this chapter, but which lacks sufficient historical, architectural, cultural, or archaeological significance to be recommended for landmark status based on available evidence.~~

~~Rated resource. A building, object, site, or structure which has been inventoried and reviewed by the historic and design review commission using criteria set forth in this chapter, and listed as either exceptional, significant, not significant, or not rated.~~

~~Significant historic landmarks. [Prior to 2010, historic landmarks were categorized as either "historic exceptional" \(HE\) or "historic significant" \(HS\). See designated resource.](#)~~

~~(1)—Those buildings, objects, sites or structures of historical, cultural, architectural or archaeological importance whose demolition or destruction would constitute a serious loss to the quality and character of San Antonio; and~~

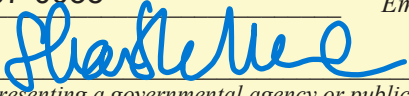
~~(2) Inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.~~

Unusual and compelling circumstances. Those uncommon and extremely rare instances, factually detailed, which would warrant a [Historic](#) ~~historic~~ and Design Review Commission recommendation due to the evidence presented.



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1. 31. 22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-B129 Historic Preservation Materials. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-16**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-B129. – Historic Preservation Materials.’**Amendment Language:**Sec. 35-B129. – Historic Preservation Materialsa. Certificate of Appropriateness.

1. An application for ALL Certificate of Appropriateness requests shall include the following:
 - i. Digital photos of each side the structure being worked on and where work is taking place. All photos must be clear, current, and in full color.
 - ii. A written narrative detailing the proposed scope of work being requested;
 - iii. Drawings and specifications related to the proposed scope of work. All drawings must be accurate, to scale, and representative of the work to take place. Most applications will require only architectural design drawings, although additional drawings may be necessary to fully explain the proposed scope of work.
 - iv. Material samples and specifications where applicable;
 - v. Any required fees where applicable.
2. An application for a Certificate of Appropriateness for ADDITIONS shall include the following:
 - i. Measured and to scale site plan, roof plan, and building elevations of each side of the proposed addition;
 - ii. Measured and to scale floor plan(s) that include window and door locations and an accurate footprint;
 - iii. Measured and to scale demolition plan where applicable;
 - iv. Specifications of proposed windows and doors including a window and door schedule where multiple types and dimensions are proposed.
 - v. Specifications of proposed roofing material;
 - vi. Specifications of proposed siding material;
 - vii. A line of sight diagram or perspective rendering for any rear addition that exceeds the height of the existing structure that demonstrates visibility from the public right of way.

3. Certificate of Appropriateness for NEW CONSTRUCTION shall include the following:

- i. Measured and to scale site plan, floor plan(s), roof plan, and building elevations of each side of the proposed structure;
- ii. Detailed landscaping and hardscaping plan showing proposed driveways and parking areas, fencing, and building footprints;
- iii. Measured and to scale wall section at typical window;
- iv. Schedules and specifications of proposed windows and exterior doors;
- v. Specifications of proposed roofing material, details, color, and accessories;
- vi. Specifications of proposed siding material;
- vii. Infill projects having two or more attached or detached units on a single parcel or two or more detached single-family dwellings developed as part of a platted subdivision in residential historic districts shall also complete and submit the Infill Design Application Supplement worksheets provided by OHP staff.

4. Certificate of Appropriateness for WINDOW REPLACEMENT shall include the following:

- i. Current color photos of the existing structure;
- ii. Window schedule featuring a floor plan indicating each window proposed for replacement;
- iii. Current color photos of the interior and exterior of each window proposed for replacement, numbered to correspond with the floor plan;
- iv. Specifications of proposed replacement windows including material, profile, and dimensions, and a schedule where multiple types and dimensions are proposed.
- v. Requests for window replacement may require a staff site visit to determine if existing windows are deteriorated beyond repair.

5. Certificate of Appropriateness for SIGNAGE shall include the following:

- i. Current color photos of the existing structure or site where proposed signage will be located;
- ii. Site plan of the property that indicates where signage will be located;
- iii. Specifications of proposed signage including dimensions, color, materials, lighting, installation method, etc.;
- iv. Color rendering(s) noting the proposed sign as it would appear once installed. For internally illuminated signs, this should include a night rendering.
- v. Master signage plans should include general sign locations, sizes, lettering, and associated tenant key.

6. Certificate of Appropriateness for FENCING shall include the following:

- i. Current color photos of the front of the house and areas where fence is to be located;
- ii. To scale site plan that illustrates where on the property the fence is to be located;

- iii. Drawing or photos of the proposed fence design including total heights for each section of proposed fencing.

7. Certificate of Appropriateness for DRIVEWAYS/SIDEWALKS/WALKWAYS and PARKING LOTS shall include the following:

- i. Current color photos of the existing conditions where work is taking place;
- ii. To scale site plan that illustrates the location and proposed dimensions of the site elements;
- iii. Details and dimensions showing any proposed designs or materials to be used.
- iv. Site plan for parking lots depicting layout, configuration, areas of impervious coverage, lighting, and landscaping buffers.

8. Certificate of Appropriateness for ROOF REPLACEMENT/REPAIRS shall include the following:

- i. Current color photos of the structure and the existing conditions of the roof;
- ii. Specifications on the proposed replacement materials, details, color, and accessories;
- iii. A roof plan or aerial view of the structure that indicates where work is taking place.

9. Certificate of Appropriateness for LANDSCAPING shall include the following:

- i. Current color photos of the areas where landscaping changes are proposed;
- ii. An accurate site plan that illustrates proposed landscaping changes including location of plantings, ground cover, and other elements;
- iii. Specifications on proposed rock, mulch, stepping stones, etc. indicating color and dimensions.

10. Certificate of Appropriateness for SWIMMING POOLS, FISH PONDS, FOUNTAINS shall include the following:

- i. Current color photos of the areas where items will be installed;
- ii. An accurate site plan that illustrates proposed locations and dimensions;
- iii. Specifications on proposed material, design, dimensions, and any special equipment to operate the proposed feature.

11. Certificate of Appropriateness for GAZEBOs, PLAYGROUNDS, and SPORT COURTS shall include the following:

- i. Current color photos of the areas where items will be installed;
- ii. An accurate site plan that illustrates proposed locations and dimensions;
- iii. Specifications on proposed materials.

12. Certificate of Appropriateness for FOUNDATION/SKIRTING shall include the following:

- i. Current color photos of all four sides of the house that show existing conditions;

- ii. If skirting is being replaced, please provide specific details on proposed skirting material, details, and accessories.

-

13. Certificate of Appropriateness for MECHANICAL EQUIPMENT/UTILITIES shall include the following:

- i. Current color photos of existing conditions of area where equipment will be located;
- ii. A site plan of the property that indicates where equipment will be installed;
- iii. Indicate if any equipment is proposed to be attached to any structures;
- iv. Provide specifications of screening material.

-

14. Certificate of Appropriateness for TELECOMMUNICATION EQUIPMENT ON NEW OR EXISTING POLES shall include the following:

- i. Current color photos of existing conditions of area where equipment will be located;
- ii. A site plan of the property that indicates where equipment will be installed;
- iii. Photo-sim or rendering of the proposed pole and related equipment
- iv. For new poles, a documented study that finds collocation of new equipment onto existing poles to be infeasible collocation within the immediate block or a 250 feet radius.
- v. For installation on private property, a letter of authorization from the private property owner.
- vi. For installation in the public right-of-way, the associated permit number for interdepartmental review.

-

b. Demolition.

1. Applications for demolition review of NON-DESIGNATED PROPERTIES shall include the following:

- i. Current color photos of each side of each structure to be demolished;
- ii. An accurate site plan showing all buildings on the property.

-

2. Applications for a Certificate of Appropriateness for demolition of a DESIGNATED PROPERTY shall include the following:

- i. Current color photos of each side of each structure to be demolished;
- ii. An accurate site plan of the property;
- iii. Proof of economic hardship including engineer's letter, estimates for rehabilitation, and other documentation as outlined in Section 35-614;
- iv. Replacement plans for the property.

-

c. Historic Tax Incentive.

1. Historic Tax Incentive, Part 1 (Historic Tax Certification). Applications for Part 1 of the Historic Rehabilitation Project shall include the following:

- i. Current color photos of the exterior and interior of the structure, and of the front from the street;

- ii. One set of complete plans for restoration and rehabilitation for interior and exterior. This may include drawings or additional photos;
- iii. A detailed written narrative explaining the proposed scope of work;
- iv. Itemized list of expected work to the interior and exterior;
- v. Projected time schedule.

2. Historic Tax Incentive, Part 2. (Historic Tax Verification) Applications for Part 2 of the Historic Rehabilitation Project shall include the following:

- i. Detailed narrative explaining complete work;
- ii. Final itemized list of costs for the rehabilitation work;
- iii. Completed time schedule;
- iv. Current color photos of the finished rehab, interior and exterior;
- v. Final building inspection clearance: this may include closed permits, Certificates of Appropriateness, or Certificates of Occupancy. Please include copies or case numbers.

d. Archaeological Survey Requirements.

- 1. Refer to UDC subsection 35-412(a)(3) and Appendix B, Table 101-1, #27.

e. Historic Assessments

- 1. Applications for designation verification do not require attachments.
- 2. Applications for historic assessments/non-contributing determinations shall include:
 - i. Photos of all structures on property
 - ii. Site plan showing location of structures on parcel

f. Landmark Designations & Requests for Review of Historic Significance

- 1. Applications for designation as an individual landmark may be submitted by the property owner and shall include:
 - i. Photos of all structures on the property
 - ii. Site plan showing location of structures on parcel
 - iii. Documentation of current ownership
 - iv. Statement of significance explaining how the property meets at least three of the criteria listed in Sec. 35-607(b)
- 2. Applications for a finding of historic significance may be submitted by anyone for review and determination of eligibility and shall include:
 - i. Photos of all structures on the property or as available from the public right-of-way
 - ii. Site plan showing location of structures on parcel
 - iii. Documentation of current ownership
 - iv. Statement of significance explaining how the property meets at least three of the criteria listed in Sec. 35-607(b)
 - v. A completed petition (included in the application) which includes the printed names, addresses, and signatures of 15 individuals residing within the City of San Antonio supporting the application
 - vi. Completion of resource worksheet included in the application

g. Archaeological Survey Requirements

1. Refer to UDC subsection 35-412(a)(3) and Appendix B, Table 101-1, #27.

~~Sec. 35-B129. Historic Preservation Materials.~~

- (a) **Certificate of Appropriateness.** ~~An application for a certificate of appropriateness shall include the following:~~

- (1) ~~Applications for new construction shall include preliminary plans with building elevations including:~~

- ~~A. Working scale drawings/specifications;~~
- ~~B. Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~C. Scale site plan;~~
- ~~D. Photographs of building site for new construction;~~
- ~~E. Paint samples with brand name and number;~~
- ~~F. Roofing material sample;~~
- ~~G. Siding sample;~~
- ~~H. Letter of permission from property owner (if the applicant is not the owner).~~

- (2) ~~Applications requesting an addition to an existing building shall include:~~

- ~~A. Preliminary plans with building elevations;~~
- ~~B. Scale drawing of addition in relation to structure;~~
- ~~C. Working scale drawings/specifications;~~
- ~~D. Scale site plan;~~
- ~~E. Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~F. Photographs of structure showing current appearance;~~
- ~~G. Photographs of all exterior sides (include all four (4) sides of building);~~
- ~~H. Colors (sample);~~
- ~~I. Letter of permission from property owner (if the applicant is not the owner).~~

- (3) ~~Applications requesting the installation of signage shall include the following information:~~

- ~~A. Working scale drawings/specifications;~~
- ~~B. Scale drawing of sign in relation to structure;~~
- ~~C. Scale site plan;~~
- ~~D. Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~E. Photograph of location of proposed signage on structure/property;~~
- ~~F. Photographs of structure and all exterior sides affected by proposed work;~~
- ~~G. Type of materials to be used for sign;~~
- ~~H. Colors (samples) as applied to sign;~~
- ~~I. Size/style of lettering;~~

J.—Illumination plan;

K.—Letter of permission from property owner if the applicant is not the owner.

(4) Applications requesting the installation or erection of a fence shall include:

A.—Description of the type/design of fence;

B.—Scale of drawing of members with specifications;

C.—Scale site plan;

D.—Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;

E.—Photographs of structure and all exterior sides affected by proposed work;

F.—Letter of permission from property owner if applicant is not the owner.

(5) Applications requesting the installation of driveways, sidewalks and parking lots shall include:

A.—Description of the type/design of driveway/sidewalk;

B.—Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;

C.—Scale site plan;

D.—Photographs of structure, location and all exterior sides affected by proposed work;

E.—Landscaping plans (if any);

F.—Colors (sample);

G.—Letter of permission from property owner if the applicant is not the owner.

(6) Applications requesting repainting involving a color change shall include:

A.—Type of material;

B.—Colors (sample);

C.—Description of design;

D.—Photographs of structure and all exterior sides affected by proposed work;

E.—Letter of permission from property owner if the applicant is not the owner.

(7) Applications requesting reproofing involving a material/color change shall include:

A.—Type of material (sample or cut sheet);

B.—Colors (sample);

C.—Description of design;

D.—Photographs of structure and all exterior sides affected by proposed work;

E.—Letter of permission from property owner if the applicant is not the owner.

(8) Applications involving the installation of landscaping shall include:

A.—Working scale drawings/specifications;

B.—Scale site plan;

C.—Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;

D.—List of plants or trees;

E.—Photographs of structure and area to be landscaped;

F.—Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses;

~~G.—Letter of permission from property owner (if applicant is NOT owner);~~

~~H.—Sprinkler system (if any).~~

~~(9) Applications involving swimming pools, fish ponds or fountains shall include:~~

~~A.—Working scale drawings/specifications;~~

~~B.—Scale drawing in relation to structure;~~

~~C.—Scale site plan;~~

~~D.—Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~

~~E.—Type/design of swimming pool, fish pond and/or fountain;~~

~~F.—Photographs of structure (all exterior sides) and area affected by proposed work;~~

~~G.—Colors (sample);~~

~~H.—Letter of permission from property owner if the applicant is not the owner.~~

~~(10) Gazebos—Bath house and decking:~~

~~A.—Working scale drawings/specifications;~~

~~B.—Scale drawing in relation to structure;~~

~~C.—Scale site plan;~~

~~D.—Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~

~~E.—Photographs of structure (all exterior sides) and area affected by proposed work;~~

~~F.—Colors (sample);~~

~~G.—Letter of permission from property owner if the applicant is not the owner.~~

~~(11) Tennis courts and playgrounds:~~

~~A.—Working scale drawings/specifications;~~

~~B.—Scale drawing in relation to structure;~~

~~C.—Scale site plan;~~

~~D.—Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~

~~E.—Photographs of structure (all exterior sides) and area affected by proposed work;~~

~~F.—Colors (sample);~~

~~G.—Letter of permission from property owner (if the applicant is not the owner).~~

~~(12) Dumpsters, air conditioning, water coolers, and other mechanical systems:~~

~~A.—Scale site plan;~~

~~B.—Scale drawing of screening plan;~~

~~C.—Photographs of structure and installation sites;~~

~~D.—Location of condensers, transformers, or other systems in relation to building(s) and adjacent properties;~~

~~E.—Underground utility plan;~~

~~F.—Letter of permission from property owner if applicant is not the owner.~~

~~(b) **Demolition.** Applications requesting demolition shall include:~~

~~(1) Photographs of structure;~~

~~(2) — Scale site plan;~~

~~(3) — Proposed use after demolition (conceptual plan);~~

~~(4) — Letter of permission from property owner (if applicant is NOT owner);~~

The application shall include a demolition form as follows:



**CITY OF SAN ANTONIO
Office of Historic Preservation**

DEMOLITION FORM

Please fill in all blanks.



Application for permit to demolish the structure located at _____

NCB _____ Block _____ Lot _____ Zoning _____

Name of Property Owner: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Name of Contractor: _____ License No.: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Approximate Date Built: _____

The structural frame is _____

Historic District: _____ or Historic Landmark: _____

Type of structure: (A) Commercial _____ (B) Residential _____ (C) Accessory _____

Why is structure to be demolished? _____

Submitted by:

Applicant Name: _____ Telephone No.: _____

Address: _____ Zip Code: _____

Applicant Signature: _____

Property Owner Signature: _____

(If different from applicant)

DISPOSITION OF REQUEST

Permit to be issued: _____

Research to be done: _____

Referred to Historic and Design Review Commission: _____

Remarks or special recommendation where applicable: _____

Historic Preservation Officer / /
Date

PHOTOGRAPHS OF THE BUILDING TO BE DEMOLISHED ARE REQUIRED FOR CLEARANCE
(one photo per elevation for a total of 4 photos)

~~(c) — Tax Abatement Project.~~

~~Applications for a tax abatement project shall include the following information:~~

~~(1) — Land use category: Commercial or residential;~~

~~(2) A completed certification form or verification form consistent with the information required by section 35-618 and as set forth below:~~



**CITY OF SAN ANTONIO
APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY
SIGNIFICANT PROPERTY IN NEED OF TAX RELIEF**

CERTIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE : _____ 20 _____
NAME OF APPLICANT: _____
MAILING ADDRESS: _____
BUSINESS TELEPHONE : _____
E-MAIL: _____
NAME (S) OF PROPERTY OWNERS: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED
NCB _____ BLOCK NUMBER _____
LOT(S) NUMBER _____ ZONING _____
COMMON ACCOUNT NUMBER (AS PER BCAD) _____
ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name _____ Zip Code _____

Latest Value of Property as Assessed by the Bexar Appraisal District:
Year: _____

Land Value	Improvements	Total
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To the Historic Preservation Officer, City of San Antonio, Texas:
The property identified above is in need of tax relief as set forth in City of San Antonio Ordinance No. 52281 and 52282. The historic significance of said property is certified by signature below, together with other documents covering the proposed restoration or rehabilitation:

1. One set of complete plans for restoration or rehabilitation
2. Statement of expected costs of improvements
3. The projected time schedule for restoration/rehabilitation
4. Proposed use: () commercial () residential
5. Signature below to allow designated officials to view property and records.

Submitted by: _____
Applicant's Signature

SUBSTANTIAL REHABILITATION TAX EXEMPTION PROCESS

1. Submittal of Certification application
2. Approval of Certification and project plans by the Historic and Design Review Commission (HDRC).
3. Completion of rehabilitation construction according to plans approved by HDRC.
4. Submittal of Verification application. For residential properties, choose exemption option: "tax freeze" or "5 zero/5 fifty"
5. Site visit by Office of Historic Preservation (OHP) staff member to verify that completed work matches the plans that were approved by HDRC.
6. Approval of Verification by HDRC.
7. OHP staff notifies the Bexar County Appraisal District of approved exemption.
8. Tax exemptions are effective on January 1 of the year following HDRC verification.



CITY OF SAN ANTONIO
APPLICATION FOR AD VALORBI TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT
PROPERTY CERTIFIED FOR THE PURPOSES OF TAX EXEMPTION

VERIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to bearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE: _____ 20 _____

CERTIFICATION DATE: _____ HDRC CASE NO.: _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

BUSINESS TELEPHONE: _____

NAME (S) OF PROPERTY OWNER: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED

NECB _____ BLOCK NUMBER _____

LOT(S) NUMBER _____ ZONING _____

COMMON ACCOUNT NUMBER (AS PER RBC-UI) _____

ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name

Zip Code

1. Documentation: Itemized List of Costs

final Building Inspection Clearance

(Permits or Certificate of Occupancy)

Final Photos of Rehabilitation Work (including interior, if applicable)

In accordance with City of San Antonio Ordinances No. 52281 and/or 52282, I hereby swear that substantial rehabilitation of the property listed has been completed according to the criteria and standards of the City of San Antonio Historic and Design Review Commission.

I hereby authorize duly constituted representatives of the City of San Antonio to make an investigation of the property in compliance with code requirements.

Signature _____

(Property Owner)

Date _____

Please read the back regarding tax exemption options.

Residential Properties

Residential properties are eligible for two tax exemption options. The first exemption option freezes your City taxes at the pre-improvement value upon verification for ten (10) years. Therefore, your City taxes would be based upon the assessed value of the property before commencement of the rehabilitation. The other exemption choice calls for the payment of zero City taxes for the first (5) years, and then for the subsequent five (5) years taxes will be based upon 50% of the newly assessed value of the property (50% Zero/50% Fifty).

Please select which of the two options you would prefer:

10 Year Tax **Freeze**

50% Zero/50% Fifty

Commercial Properties

Commercial properties are eligible for the exemption choice that calls for the payment of zero City taxes for the first (5) years and, then, for the subsequent five (5) years taxes will be based upon 50% of the newly assessed value of the property (50% Zero/50% Fifty).

Upon approval of the Verification by the Historic and Design Review Commission, Office of Historic Preservation staff will notify the Bexar County Appraisal District of the approved exemption and option you have selected. Tax exemptions are effective on January 1st of the year following the HDRC Verification.

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ADJfINISTRA TIV E
CERTIFIC4TE OF APPROPRL4TENESS
APPLICATION

DA.1E_____

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer.

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Signed Owner/Applicant

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Staff Comments or Conditions:_____

Staff Inhi.sDate_____



**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC LANDMARK DESIGNATION**

DATE
ME
STAMP

I. LOCATION AND CLASSIFICATION

Property Address: _____

Proposed Landmark Name (Common Name): _____

Parcel Identification: NCB _____ Block _____ Lot _____

Current Zoning _____

☐ Private Property ☐ River Improvement Overlay ☐ Public Property ☐ Other

II. OWNER / APPLICANT (AUTHORIZED AGENT) INFORMATION

Owner Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

Applicant (Authorized Agent) Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a Statement of Significance for why the property meets the criteria as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER(S) TO REQUEST HISTORIC LANDMARK DESIGNATION OF THIS PROPERTY AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of all four sides** of the building
- **Statement of Significance including an architectural description, history of the property, and people associated with the property. Please provide references and sources for any research.**
- **Copy of the current tax appraisal details, available from Bexar County Appraisal District or www.bcad.org**
- **Copy of the current Warranty Deed, on file with the County Clerk or available online at <https://gov.propertyinfo.com/tx-bexar/>.**
- **Signed Authorization form from the Zoning Application granting the Office of Historic Preservation permission to act as the applicant for the historic zoning overlay (available from OHP staff).**

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991

Historic landmark designation is a zoning overlay that provides protection for historic properties from hasty demolition and inappropriate or incompatible development through a design review process for exterior alterations. Please refer to the City of San Antonio Historic Design Guidelines and Standards for additional information, available at: <http://www.sanantonio.or.gov/historic/HistoricDistrictGuidelines.aspx>.

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**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC DISTRICT DESIGNATION**

DATE/TIME
STAMP

I. LOCATION AND CLASSIFICATION

Neighborhood Association Name: _____

Proposed Historic District Name: _____

Approximate number of properties within proposed district boundary: _____

Application must be accompanied by a map of the proposed boundary.

II. APPLICANT INFORMATION

Applicant Name: _____

Address (must be within proposed district): _____

Mailing Address (if different): _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks and historic districts on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the area meets the criteria for historic district designation as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM AN OWNER OR AUTHORIZED AGENT OF AN OWNER(S) OF PROPERTY WITHIN THE PROPOSED BOUNDARY AREA TO REQUEST HISTORIC DESIGNATION OF THIS DISTRICT AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of typical examples of buildings within the proposed district**
- **Statement of Significance** (including a description of the history, architectural styles, and people associated with the district). Please provide references and sources for any research.
- **Map of proposed district boundary**

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991

Historic district designation is a zoning overlay that provides protection for historic properties from hasty demolition and inappropriate or incompatible development through a design review process for exterior alterations. Please refer to the City of San Antonio Historic Design Guidelines and Standards for additional information, available at:
<http://1901.sanantonio.tx.us/historic/HistoricDistrictGuidelines.aspx>.

CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
APPLICATION FORM

Required Items: Plotplan, legal description, building elevations, final building Date Received plans and specifications, samples of paint colors, roofing materials, CT.EAR COLOR photographs of structures and/or sites where construction will talce place. All photographs and exhibits must be submitted in digital fennat on Compact Discs. NO CASE WILL BE SCHEDULED FOR A HEARING UNIL ALL SUPPORTING MATERL<LS ARE RECEIVED. (See check lists onpages 3 - 6)

Property Location (Street Address) _____

☐ Historic District Name _____

☐ Landmark Name _____

☐ River Improvement Overlay (Projects within RIO districts must comply with the San Antonio River: Vision Statement): *The San Antonio River willbea fully /in/red linear park that unifies the cityan:iserves as acommunity gatheringpla::efor all to enjoy. The River wi /J have mcoty specialpla::es and uses; some actiie, somequiet. Fachwil/ beunique genuine, and iary by design.*

☐ Public Property ☐ Other _____

Parcel Identification: NCB _____ Block _____ Lot _____

BCADA Account Nimber _____

Name of Property Owner:

Mailing Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

(If different from Owner)

Name of Applicant:

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-mail Address: _____

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests, an additional sheet may be used. This request will be part of the Certificate of Appropriateness).

1. _____
2. _____
3. _____
4. _____

This completed form is to be submitted in person at 1901 S. Alamo.

APPROVAL BY THE COMMISSION DOES NOT TAKE THE PLACE OF A BUILDING PERMIT. PERMITS MUST BE OBTAINED FROM THE CITY OF SAN ANTONIO, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, 1901 SOUTH ALAMO, AFTER COMMISSION APPROVAL.

**CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
LETTER OF AUTHORIZATION**

DATE: _____

Applicant understands the following

1. If the Commission fails to approve any portion of a request and recommends that changes be made in the plans and specifications, the applicant will have five (5) days in which to inform the Historic Preservation Officer as to whether the applicant agrees to the recommended changes.
2. Following each meeting, the City Manager or designee is notified of the Commission's action. Within ten (10) days from receipt of the recommendation, the City Manager or designee shall notify the applicant as to whether his request has been approved, conditionally approved or denied.
3. If the applicant does not concur with the Commission's recommendation, appeal to the Zoning Board of Adjustment may be made within thirty (30) days after receipt of notification.

IF THE PROPERTY OWNER DOES NOT APPEAR PERSONALLY BEFORE THE COMMISSION, A LETTER OR SIGNATURE OF AUTHORIZATION MUST BE PRESENTED TO THE HISTORIC PRESERVATION OFFICER OR THE CASE WILL NOT BE HEARD.

I hereby authorize _____ of _____
(Name of representative) (Company or agency)

_____ to represent me in matters pertaining to this case.
(Address)

Owner's Name: _____
(Please Print)

Address: _____

City/State _____ Zip Code _____

Owner's Signature: _____

HISTORIC AND DESIGN REVIEW COMMISSION REQUIRED MATERIALS CHECKLIST

All background materials needed to support the applicant's request must be submitted to the Historic Preservation Officer **PRIOR** to scheduling the case before the Commission. **NO CASE** will be placed on the agenda if **ALL** materials are not on file by the deadline date. Any last minute changes must be shown on revised plans. These are to be submitted and placed in file prior to meeting.

I. *Check Where Applicable.*

☐ Conceptual Approval

☐ Final Approval (Previous HDRC Case NO: _____ ..)

II. *Check Where Applicable:*

☐ Residence and/or Duplex

☐ Apartments and/or Commercial

☐ Tax Abatement

III. *PROJECT ID IN CWDE (check where applicable):*

A. ☐ ALTERATION/REPAIR/RESTORATION of an Existing Building or Structure

B. ☐ NEW CONSTRUCTION

C. ☐ ADDITION

D. ☐ DEMOLITION

E. ☐ SIGN REQUIREMENTS

F. ☐ FENCING

G. ☐ DRIVEWAY - SIDEWALKS & PARKING LOTS

H. ☐ REPAINTING (color change)

I. ☐ REROOFING (materials/color change)

J. ☐ LANDSCAPING

K. ☐ SWIMMING POOLS - FISH PONDS & FOUNTAINS

L. ☐ GAZEBOS - BATH HOUSE & DECKING

M. ☐ TENNIS COURTS & PLAYGROUNDS

N. ☐ TAX ABATEMENT PROJECT

O. ☐ PUBLIC ART

P. ☐ WINDOWS

Q. ☐ OTHER _____

A. *ALTERATION/REPAIR /RESTORATION of an existing building or structure*

☐ Scaled drawings, detailed architectural drawings may be required, dependent upon extent of work proposed.

☐ Photographs of the property and surrounding property, showing where work is to be done.

☐ A written list of proposed materials and colors, including manufacturer's specification numbers.

Actual samples of materials and colors should be presented at the meeting.

☐ Written narrative indicating the extent of the proposed alteration

☐ Other information needed to illustrate the proposed alteration.

B. **NEW CONSTRUCTION**

☐ Preliminary plans with building elevations

☐ Working scale drawings/specifications

☐ Drawings 8½" x 11" reproducible sheets

☐ Scale site plan with square footage of the building

- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing materials sample
- ☐ Siding sample

C. ADDITION

- ☐ Preliminary plans with building elevations
- ☐ Scale drawing of addition in relation to structure
- ☐ Working scale drawings/specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure showing current appearance
- ☐ Photographs of all exterior sides (include all four sides of building)
- ☐ Colors (sample)

D. DEMOLITION

- ☐ Photographs of structure (all exterior sides of structure)
- ☐ Scale site plan
- ☐ Proposed use after demolition (conceptual plan)
- ☐ Proof of economic hardship or loss of significance (required for demolition within a historic district or of a landmark UDC Sec.35-614. Demolition)

E. SIGNAGE

- ☐ Working scale drawings/specifications
- ☐ Scale drawing of sign in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photograph of location of proposed sign on structure/property
- ☐ Photographs of structure and all exterior sides affected by proposed work
- ☐ Type of materials to be used for sign
- ☐ Colors (samples) as applied to sign
- ☐ Size/style of lettering
- ☐ Illumination plan

F. FENCING

- ☐ Type/design of fence
- ☐ Scale drawing of members with specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure and all exterior sides affected by proposed work

G. DRIVEWAYS - SIDEWALKS & PARKING LOTS

- ☐ Type/design of driveway/sidewalk
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of structure, location and all exterior sides affected by proposed work
- ☐ Landscaping plans (if any)
- ☐ Colors (sample)

H. REPAINTING (color change)

- ☐ Type of material
- ☐ Colors (sample)
- ☐ Description of design

☐ Photographs of structure and all exterior sides affected by proposed work

L. REROOFING (material/color, or change)

☐ Type of material (sample or cut sheet)

☐ Colors (sample)

☐ Description of design

☐ Photographs of structure and all exterior sides affected by proposed work

J. LANDSCAPING

☐ Working scale drawings/specifications

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ List of plants or trees

☐ Photographs of structure and area to be landscaped

☐ Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses

☐ Sprinkler system (if any)

K. SWIMMING POOLS- FISH PONDS & FOUNTAINS

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Type/design of swimming pool, fish pond and/or fountain

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

L. GAZEBOS -BATHHOUSE & DECKING

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

M. TENNIS COURTS & PLAYGROUNDS

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

N. TAX ABATEMENT PROJECT

1. ☐ Commercial ☐ Residential

2. ☐ Certification ☐ Verification ☐ Project to be sent to State for IRS Certification

3. ☐ Attach completed Certification Form or Verification Form

4. ☐ Photographs

5. ☐ Scope of work

0. PUBLIC ART (The HDRC will hear Public Art projects on the 3rd Wednesday of each month)

☐ Letter of authorization from Public Art San Antonio (PASA)

☐ Working scale drawings/specifications

- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of site
- ☐ Color rendering
- ☐ Description of project (theme, history, etc.)
- ☐ Materials and media

P. *WINDOW REPLACEMENT*

- ☐ Justification for replacement of windows
- ☐ Working scale drawings/specifications (material and color)
- ☐ Sample of proposed window (manufacturer brochure)
- ☐ Scale site plan designating number of windows to be replaced
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work

Q. *OTHER PROJECTS*

- ☐ Preliminary plans with building elevations
- ☐ Working scale drawings/specifications
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing material sample
- ☐ Siding sample

PLEASE BE ADVISED THAT THE COMMISSION HAS A POLICY OF ONLY HEARING A CASE WHEN THE OWNER OR THE OWNER'S REPRESENTATIVE IS PRESENT TO PRESENT THE CASE.

NOTE: PLEASE BE ADVISED THAT A STAFF MEMBER FROM THE OFFICE OF HISTORIC PRESERVATION MAY VIDEO TAPE OR PHOTOGRAPH YOUR PROPERTY FOR THE HISTORIC AND DESIGN REVIEW COMMISSION MEETING.

APPLICANT SIGNATURE

DATE

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(d) **Miscellaneous.** All other applications shall include the following information:

- (1) Preliminary plans with building elevations;
- (2) Working scale drawings/specifications;

~~(3) Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~

~~(4) Scale site plan;~~

~~(5) Photographs of building site for new construction;~~

~~(6) Paint samples with brand name and number;~~

~~(7) Roofing material sample;~~

~~(8) Siding sample;~~

~~(9) Letter of permission from property owner if the applicant is not the owner.~~

~~(e) **Archaeological Survey Requirements.**~~

~~(1) Refer to UDC subsection 35-412(a)(3) and Appendix B, Table 101-1, #27.~~

~~(Ord. No. 97332 § 15) (Ord. No. 98697 § 4) (Ord. No. 2009-01-15-0001, § 2, 1-15-09; Ord. No. 2010-06-24-0616, § 2, 6-24-10)~~

UDC 2021 Proposed Amendment

*****Revised and Recommended Approval by PCTAC on May 9, 2022*****

Amendment 20-16

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-B129. – Historic Preservation Materials.’

Amendment Language:

Sec. 35-B129. - Historic Preservation Materials.

(a) **Certificate of Appropriateness.** An application for a certificate of appropriateness shall include the following:

(1) An application for ANY Certificate of Appropriateness request shall include the following:

~~Applications for new construction shall include preliminary plans with building elevations including:~~

- A. Digital photos of each side the structure being worked on and where work is taking place. All photos must be clear, current, and in full color;
- B. A written narrative detailing the proposed scope of work being requested;
- C. Drawings and specifications related to the proposed scope of work. All drawings must be accurate, to scale, and representative of the work to take place. Most applications will require only architectural design drawings, although additional drawings may be necessary to fully explain the proposed scope of work;
- D. Material samples and specifications where applicable;
- E. Any required fees where applicable.
- F. Authorization from the property owner (if the applicant is not the owner)

~~A. Working scale drawings/specifications;~~

~~B. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;~~

~~C. Scale site plan;~~

~~D. Photographs of building site for new construction;~~

~~E. Paint samples with brand name and number;~~

~~F. Roofing material sample;~~

~~G. Siding sample;~~

~~H. Letter of permission from property owner (if the applicant is not the owner).-~~

(2) An application for a Certificate of Appropriateness for ADDITIONS ~~Applications requesting an addition to an existing building~~ shall include:

- A. Measured and to scale site plan, roof plan, and building elevations of each side of the proposed addition;

- B. Measured and to scale floor plan(s) that include window and door locations and an accurate footprint;
- C. Measured and to scale demolition plan where applicable;
- D. Specifications of proposed windows and doors including a window and door schedule where multiple types and dimensions are proposed.
- E. Specifications of proposed roofing material;
- F. Specifications of proposed siding material;
- G. A line of sight diagram or perspective rendering for any rear addition that exceeds the height of the existing structure that demonstrates visibility from the public right of way.
- ~~A. Preliminary plans with building elevations;-~~
- ~~B. Scale drawing of addition in relation to structure;-~~
- ~~C. Working scale drawings/specifications;-~~
- ~~D. Scale site plan;-~~
- ~~E. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;-~~
- ~~F. Photographs of structure showing current appearance;-~~
- ~~G. Photographs of all exterior sides (include all four (4) sides of building);-~~
- ~~H. Colors (sample);-~~
- ~~I. Letter of permission from property owner (if the applicant is not the owner);-~~

(3) Certificate of Appropriateness for NEW CONSTRUCTION shall include the following:

- A. Measured and to scale site plan, floor plan(s), roof plan, and building elevations of each side of the proposed structure;
- B. Detailed landscaping and hardscaping plan showing proposed driveways and parking areas, fencing, and building footprints;
- C. Measured and to scale wall section at typical window;
- D. Schedules and specifications of proposed windows and exterior doors;
- E. Specifications of proposed roofing material, details, color, and accessories;
- F. Specifications of proposed siding material;
- G. Infill projects having two or more attached or detached units on a single parcel or two or more detached single-family dwellings developed as part of a platted subdivision in residential historic districts shall also complete and submit the Infill Design Application Supplement worksheets provided by OHP staff.

-

(4) Certificate of Appropriateness for WINDOW REPLACEMENT shall include the following:

- A. Current color photos of the existing structure;
- B. Window schedule featuring a floor plan indicating each window proposed for

replacement;

- C. Current color photos of the interior and exterior of each window proposed for replacement, numbered to correspond with the floor plan;
- D. Specifications of proposed replacement windows including material, profile, and dimensions, and a schedule where multiple types and dimensions are proposed.
- E. Requests for window replacement may require a staff site visit to determine if existing windows are deteriorated beyond repair.

~~-(5)-(3)-~~ Certificate of Appropriateness for ~~Applications requesting~~ the installation of signage shall include the following ~~information~~:

- A. Current color photos of the existing structure or site where proposed signage will be located;
- B. Site plan of the property that indicates where signage will be located;
- C. Specifications of proposed signage including dimensions, color, materials, lighting, installation method, etc.;
- D. Color rendering(s) noting the proposed sign as it would appear once installed. For internally illuminated signs, this should include a night rendering.
- E. Master signage plans should include general sign locations, sizes, lettering, and associated tenant key.

- ~~A.— Working scale drawings/specifications;~~
- ~~B.— Scale drawing of sign in relation to structure;~~
- ~~C.— Scale site plan;~~
- ~~D.— Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~E.— Photograph of location of proposed signage on structure/property;~~
- ~~F.— Photographs of structure and all exterior sides affected by proposed work;~~
- ~~G.— Type of materials to be used for sign;~~
- ~~H.— Colors (samples) as applied to sign;~~
- ~~I.— Size/style of lettering;~~
- ~~J.— Illumination plan;~~
- ~~K.— Letter of permission from property owner if the applicant is not the owner.~~

(6) ~~-(4)~~ Applications requesting the installation or erection of a fence shall include:

- A. Current color photos of the front of the house and areas where fence is to be located;
 - B. To scale site plan that illustrates where on the property the fence is to be located;
 - C. Drawing or photos of the proposed fence design including total heights for each section of proposed fencing.
- ~~A.— Description of the type/design of fence;~~
 - ~~B.— Scale of drawing of members with specifications;~~

- ~~C.—Scale site plan;-~~
- ~~D.—Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;-~~
- ~~E.—Photographs of structure and all exterior sides affected by proposed work;-~~
- ~~F.—Letter of permission from property owner if applicant is not the owner.-~~

(7) ~~(5)~~ Applications requesting the installation of driveways, sidewalks and parking lots shall include:

- A. Current color photos of the existing conditions where work is taking place;
- B. To scale site plan that illustrates the location and proposed dimensions of the site elements;
- C. Details and dimensions showing any proposed designs or materials to be used;
- D. Site plan for parking lots depicting layout, configuration, areas of impervious coverage, lighting, and landscaping buffers.
- ~~A.—Description of the type/design of driveway/sidewalk;-~~
- ~~B.—Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;-~~
- ~~C.—Scale site plan;-~~
- ~~D.—Photographs of structure, location and all exterior sides affected by proposed work;-~~
- ~~E.—Landscaping plans (if any);-~~
- ~~F.—Colors (sample);-~~
- ~~G.—Letter of permission from property owner if the applicant is not the owner.-~~

~~(6)~~ Applications requesting repainting involving a color change shall include:-

- ~~A.—Type of material;-~~
- ~~B.—Colors (sample);-~~
- ~~C.—Description of design;-~~
- ~~D.—Photographs of structure and all exterior sides affected by proposed work;-~~
- ~~E.—Letter of permission from property owner if the applicant is not the owner.-~~

(8) ~~(7)~~ Certificate of Appropriateness for ROOF REPLACEMENT/REPAIRS shall include the following: ~~Applications requesting reproofing involving a material/color change shall include:~~

- A. Current color photos of the structure and the existing conditions of the roof;
- B. Specifications on the proposed replacement materials, details, color, and accessories;
- C. A roof plan or aerial view of the structure that indicates where work is taking place.
- ~~A.—Type of material (sample or cut sheet);-~~
- ~~B.—Colors (sample);-~~
- ~~C.—Description of design;-~~
- ~~D.—Photographs of structure and all exterior sides affected by proposed work;-~~
- ~~E.—Letter of permission from property owner if the applicant is not the owner.-~~

(9) ~~(8)~~ Applications involving the installation of landscaping shall include:

- A. Current color photos of the structure and the existing conditions of the roof;
- B. Specifications on the proposed replacement materials, details, color, and accessories;
- C. A roof plan or aerial view of the structure that indicates where work is taking place.
- ~~A. Working scale drawings/specifications;~~
- ~~B. Scale site plan;~~
- ~~C. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~D. List of plants or trees;~~
- ~~E. Photographs of structure and area to be landscaped;~~
- ~~F. Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses;~~
- ~~G. Letter of permission from property owner (if applicant is NOT owner);~~
- ~~H. Sprinkler system (if any);~~

(10) ~~(9)~~ Applications involving swimming pools, fish ponds or fountains shall include:

- A. Current color photos of the areas where items will be installed;
- B. An accurate site plan that illustrates proposed locations and dimensions;
- C. Specifications on proposed material, design, dimensions, and any special equipment to operate the proposed feature.
- ~~A. Working scale drawings/specifications;~~
- ~~B. Scale drawing in relation to structure;~~
- ~~C. Scale site plan;~~
- ~~D. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~E. Type/design of swimming pool, fish pond and/or fountain;~~
- ~~F. Photographs of structure (all exterior sides) and area affected by proposed work;~~
- ~~G. Colors (sample);~~
- ~~H. Letter of permission from property owner if the applicant is not the owner.~~

(11) ~~(10)~~ Certificate of Appropriateness for GAZEBOS, PLAYGROUNDS, and SPORT COURTS shall include the following: Gazebos - Bath house and decking:

- A. Current color photos of the areas where items will be installed;
- B. An accurate site plan that illustrates proposed locations and dimensions;
- C. Specifications on proposed materials.
- ~~A. Working scale drawings/specifications;~~
- ~~B. Scale drawing in relation to structure;~~
- ~~C. Scale site plan;~~
- ~~D. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;~~
- ~~E. Photographs of structure (all exterior sides) and area affected by proposed work;~~
- ~~F. Colors (sample);~~
- ~~G. Letter of permission from property owner if the applicant is not the owner.~~

~~(11) Tennis courts and playgrounds:-~~

- ~~A. Working scale drawings/specifications;-~~
- ~~B. Scale drawing in relation to structure;-~~
- ~~C. Scale site plan;-~~
- ~~D. Drawings eight and one-half by eleven (8½ x 11) inch reproducible sheets;-~~
- ~~E. Photographs of structure (all exterior sides) and area affected by proposed work;-~~
- ~~F. Colors (sample);-~~
- ~~G. Letter of permission from property owner (if the applicant is not the owner).-~~

~~(12) Dumpsters, air conditioning, water coolers, and other mechanical systems:-~~

- ~~A. Scale site plan;-~~
- ~~B. Scale drawing of screening plan;-~~
- ~~C. Photographs of structure and installation sites;-~~
- ~~D. Location of condensers, transformers, or other systems in relation to building(s) and adjacent properties;-~~
- ~~E. Underground utility plan;-~~
- ~~F. Letter of permission from property owner if applicant is not the owner.-~~

(12) Certificate of Appropriateness for FOUNDATION/SKIRTING shall include the following:

- A. Current color photos of all four sides of the house that show existing conditions;
- B. If skirting is being replaced, please provide specific details on proposed skirting material, details, and accessories.

(13) Certificate of Appropriateness for MECHNICAL EQUIPMENT/UTILITIES shall include the following:

- A. Current color photos of existing conditions of area where equipment will be located;
- B. A site plan of the property that indicates where equipment will be installed;
- C. Indicate if any equipment is proposed to be attached to any structures;
- D. Provide specifications of screening material.

(14) Certificate of Appropriateness for TELECOMMUNICATION EQUIPMENT ON NEW OR EXISTING POLES shall include the following:

- A. Current color photos of existing conditions of area where equipment will be located;
- B. A site plan of the property that indicates where equipment will be installed;
- C. Photo-sim or rendering of the proposed pole and related equipment;
- D. For new poles, a documented study that finds collocation of new equipment onto existing poles to be infeasible collocation within the immediate block or a 250 feet radius;
- E. For installation on private property, a letter of authorization from the private property

owner;

F. For installation in the public right-of-way, the associated permit number for interdepartmental review.

(b) **Demolition.** ~~Applications requesting demolition shall include:~~

~~(1) — Photographs of structure;~~

~~(2) — Scale site plan;~~

~~(3) — Proposed use after demolition (conceptual plan);~~

~~(4) — Letter of permission from property owner (if applicant is NOT owner);~~

~~The application shall include a demolition form as follows:-~~

1.Applications for demolition review of NON-DESIGNATED PROPERTIES shall include the following:

i. Current color photos of each side of each structure to be demolished;

ii.An accurate site plan showing all buildings on the property.

2.Applications for a Certificate of Appropriateness for demolition of a DESIGNATED PROPERTY shall include the following:

i.Current color photos of each side of each structure to be demolished;

ii.An accurate site plan of the property;

iii.Proof of economic hardship including engineer's letter, estimates for rehabilitation, and other documentation as outlined in Section 35-614;

iv.Conceptual replacement plans for the property.

(c) **Historic Tax Incentive.**

1. Historic Tax Incentive, Part 1 (Historic Tax Certification). Applications for Part 1 of the Historic Rehabilitation Project shall include the following:

i. Current color photos of the exterior and interior of the structure, and of the front from the street;

ii. One set of complete plans for restoration and rehabilitation for interior and exterior. This may include drawings or additional photos;

iii. A detailed written narrative explaining the proposed scope of work;

iv. Itemized list of expected work to the interior and exterior;

v. Projected time schedule.

2. Historic Tax Incentive, Part 2. (Historic Tax Verification) Applications for Part 2 of the Historic Rehabilitation Project shall include the following:

- i. Detailed narrative explaining complete work;
- ii. Final itemized list of costs for the rehabilitation work;
- iii. Completed time schedule;
- iv. Current color photos of the finished rehab, interior and exterior;
- v. Final building inspection clearance: this may include closed permits, Certificates of Appropriateness, or Certificates of Occupancy. Please include copies or case numbers.

(d) Archaeological Survey Requirements.

1. Refer to UDC subsection 35-412(a)(3) and Appendix B, Table 101-1, #27.

(e) Historic Assessments


1. Applications for designation verification do not require attachments.
2. Applications for historic assessments/non-contributing determinations shall include:
 - i. Photos of all structures on property
 - ii. Site plan showing location of structures on parcel

(f) Landmark Designations & Requests for Review of Historic Significance

1. Applications for designation as an individual landmark may be submitted by the property owner and shall include:
 - i. Photos of all structures on the property
 - ii. Site plan showing location of structures on parcel
 - iii. Documentation of current ownership
 - iv. Statement of significance explaining how the property meets at least three of the criteria listed in Sec. 35-607(b)
2. Applications for a finding of historic significance may be submitted by anyone for review and determination of eligibility and shall include:
 - i. Photos of all structures on the property or as available from the public right-of-way
 - ii. Site plan showing location of structures on parcel
 - iii. Documentation of current ownership
 - iv. Statement of significance explaining how the property meets at least three of the criteria listed in Sec. 35-607(b)

- v. [A completed petition \(included in the application\) which includes the printed names, addresses, and signatures of 15 individuals residing within the City of San Antonio supporting the application](#)
- vi. [Completion of resource worksheet included in the application](#)

Delete forms below:-


	CITY OF SAN ANTONIO Office of Historic Preservation <div style="border: 1px solid black; padding: 2px; display: inline-block;">DEMOLITION FORM</div>	<div style="border: 1px solid black; width: 150px; height: 70px; margin: 0 auto;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: small;">STAMP</div>
Please fill in all blanks.		
Application for permit to demolish the structure located at: _____		
NCB _____ Block _____ Lot _____ Zoning _____		
Name of Property Owner: _____		
Mailing Address: _____		
Business Telephone: _____ Home Telephone: _____		
Name of Contractor: _____ License No.: _____		
Mailing Address: _____		
Business Telephone: _____ Home Telephone: _____		
Approximate Date Built: _____		
The structural frame is _____		
Historic District: _____ or Historic Landmark: _____		
Type of structure: (A) Commercial _____ (B) Residential _____ (C) Accessory _____		
Why is structure to be demolished? _____		
Submitted by: _____		
Applicant Name: _____ Telephone No.: _____		
Address: _____ Zip Code: _____		
Applicant Signature: _____		
Property Owner Signature: _____		
(If different from applicant)		
<u>DISPOSITION OF REQUEST</u>		
Permit to be issued: _____		
Research to be done: _____		
Referred to Historic and Design Review Commission: _____		
Remarks or special recommendation where applicable: _____		
_____ Historic Preservation Officer	_____ Date	
PHOTOGRAPHS OF THE BUILDING TO BE DEMOLISHED ARE REQUIRED FOR CLEARANCE (one photo per elevation for a total of 4 photos)		

~~(e) Tax Abatement Project.~~

~~Applications for a tax abatement project shall include the following information:-~~

~~(1) Land use category: Commercial or residential;-~~

~~(2) A completed certification form or verification form consistent with the information required by section 35-618 and as set forth below:-~~

CITY OF SAN ANTONIO		
APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT PROPERTY IN NEED OF TAX RELIEF		
CERTIFICATION FORM		
		
To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.		
DATE : _____ 20 _____		
NAME OF APPLICANT: _____		
MAILING ADDRESS: _____		
BUSINESS TELEPHONE : _____		
E-MAIL: _____		
NAME (S) OF PROPERTY OWNERS: _____		
EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED		
NCB _____ BLOCK NUMBER _____		
LOT(S) NUMBER _____ ZONING _____		
COMMON ACCOUNT NUMBER (AS PER BCAD) _____		
ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:		
Street Number and Name		Zip Code
Latest Value of Property as Assessed by the Bexar Appraisal District:		
Year: _____		
Land Value	Improvements	Total
To the Historic Preservation Officer, City of San Antonio, Texas: The property identified above is in need of tax relief as set forth in City of San Antonio Ordinance No. 52281 and 52282. The historic significance of said property is certified by signature below, together with other documents covering the proposed restoration or rehabilitation:		
1. One set of complete plans for restoration or rehabilitation 2. Statement of expected costs of improvements 3. The projected time schedule for restoration/rehabilitation 4. Proposed use: () commercial () residential 5. Signature below to allow designated officials to view property and records.		
Submitted by: _____		
Applicant's Signature		
SUBSTANTIAL REHABILITATION TAX EXEMPTION PROCESS		
1. Submittal of Certification application. 2. Approval of Certification and project plans by the Historic and Design Review Commission (HDRC). 3. Completion of rehabilitation construction according to plans approved by HDRC. 4. Submittal of Verification application. For residential properties, choose exemption option: "tax freeze" or "5 zero 5 fifty" 5. Site visit by Office of Historic Preservation (OHP) staff member to verify that completed work matches the plans that were approved by HDRC. 6. Approval of Verification by HDRC. 7. OHP staff notifies the Bexar County Appraisal District of approved exemption. 8. Tax exemptions are effective on January 1 of the year following HDRC verification.		



CITY OF SAN ANTONIO
APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT
PROPERTY CERTIFIED AS IN NEED OF TAX RELIEF

VERIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE : _____ 20 _____

CERTIFICATION DATE : _____ HDRC CASE NO. : _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

BUSINESS TELEPHONE : _____

NAME (S) OF PROPERTY OWNERS: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED

NCB _____ BLOCK NUMBER _____

LOT(S) NUMBER _____ ZONING _____

COMMON ACCOUNT NUMBER (AS PER BCAD) _____

ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name _____ Zip Code _____

1. Documentation: Itemized List of Costs
 Final Building Inspection Clearance
 (Permits or Certificate of Occupancy)
 Final Photos of Rehabilitation Work (including interior, if applicable)

In accordance with City of San Antonio Ordinances No. 52281 and/or 52282, I hereby swear that substantial rehabilitation of the property listed has been completed according to the criteria and standards of the City of San Antonio Historic and Design Review Commission.

I hereby authorize duly constituted representatives of the City of San Antonio to make an investigation of the property in compliance with code requirements.

Signature _____
 (Property Owner)

Date _____

Please read the back regarding tax exemption options.

Residential Properties

Residential properties are eligible for two tax exemption options. The first exemption option freezes your City taxes at the pre-improvement value upon verification for ten (10) years. Therefore, your City taxes would be based upon the assessed value of the property before commencement of the rehabilitation. The other exemption choice calls for the payment of zero City taxes for five (5) years, and then for the subsequent five (5) years taxes will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Please select which of the two options you would prefer:

☐ 10 Year Tax Freeze

☐ 5 Zero/ 5 Fifty

Commercial Properties

Commercial properties are eligible for the exemption choice that calls for the payment of zero City taxes for five (5) years and, then, for the subsequent five (5) years taxes, will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Upon approval of the Verification by the Historic and Design Review Commission, Office of Historic Preservation staff will notify the Bexar County Appraisal District of the approved exemption and option you have selected. Tax exemptions are effective on January 1st of the year following the HDRC Verification.

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**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION**

*ADMINISTRATIVE
CERTIFICATE OF APPROPRIATENESS
APPLICATION*

DATE: _____

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer.

Property Location (Street Address) _____

Historic District ☐ Landmark ☐ River Improvement Overlay ☐ Public Property ☐ or Other ☐

Name of Property Owner: _____

Mailing Address: _____

Business/Home Telephone: _____ Fax Number: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax Number: _____

This form is used only for:

1. General repair, using "SAME" material and design as original with photographs of area where work is to be done.
2. Repainting with "SAME" color (paint sample MUST be attached to this application).
3. Reroofing, using "SAME" type material and color.
4. Repair of sidewalk/driveway/curbs.

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests; an additional sheet may be used).

1. _____
2. _____
3. _____

THIS FORM DOES NOT TAKE THE PLACE OF A BUILDING PERMIT, which must be obtained from the City of San Antonio, Department of Planning and Development Services. ALL REPAIR/MAINTENANCE FORMS MUST BE DISPLAYED ON THE JOB SITE.

Signed: Owner/Applicant _____

Historic Preservation Officer _____

Staff Comments or Conditions: _____

Staff Initials / Date



**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC LANDMARK DESIGNATION**

DATE/TIME
STAMP

I. LOCATION AND CLASSIFICATION

Property Address: _____

Proposed Landmark Name (Common Name): _____

Parcel Identification: NCB _____ Block _____ Lot _____

Current Zoning _____

☐ Private Property ☐ River Improvement Overlay ☐ Public Property ☐ Other

II. OWNER / APPLICANT (AUTHORIZED AGENT) INFORMATION

Owner Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

Applicant (Authorized Agent) Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the property meets the criteria as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER(S) TO REQUEST HISTORIC LANDMARK DESIGNATION OF THIS PROPERTY AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of all four sides** of the building
- **Statement of Significance** including an architectural description, history of the property, and people associated with the property. Please provide references and sources for any research.
- **Copy of the current tax appraisal details**, available from Bexar County Appraisal District or www.bcad.org
- **Copy of the current Warranty Deed**, on file with the County Clerk or available online at <https://gov.propertyinfo.com/tx-bexar/>.
- **Signed Authorization form from the Zoning Application** granting the Office of Historic Preservation permission to act as the applicant for the historic zoning overlay (available from OHP staff).

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation

Development and Business Services Center

1901 S. Alamo

San Antonio, TX 78283-3966

Telephone: (210) 207-7991

Historic landmark designation is a zoning overlay that provides protection for historic properties from hasty demolition and inappropriate or incompatible development through a design review process for exterior alterations. Please refer to the City of San Antonio Historic Design Guidelines and Standards for additional information, available at: <http://www.sanantonio.gov/historic/HistoricDistrictGuidelines.aspx>.

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**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC DISTRICT DESIGNATION**

DATE/TIME
STAMP

I. LOCATION AND CLASSIFICATION

Neighborhood Association Name: _____

Proposed Historic District Name: _____

Approximate number of properties within proposed district boundary: _____

Application must be accompanied by a map of the proposed boundary.

II. APPLICANT INFORMATION

Applicant Name: _____

Address (must be within proposed district): _____

Mailing Address (if different): _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks and historic districts on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the area meets the criteria for historic district designation as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM AN OWNER OR AUTHORIZED AGENT OF AN OWNER(S) OF PROPERTY WITHIN THE PROPOSED BOUNDARY AREA TO REQUEST HISTORIC DESIGNATION OF THIS DISTRICT AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of typical examples of buildings within the proposed district**
- **Statement of Significance** (including a description of the history, architectural styles, and people associated with the district). Please provide references and sources for any research.
- **Map of proposed district boundary**

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991

Historic district designation is a zoning overlay that provides protection for historic properties from hasty demolition and inappropriate or incompatible development through a design review process for exterior alterations. Please refer to the City of San Antonio Historic Design Guidelines and Standards for additional information, available at:
<http://www.sanantonio.gov/historic/HistoricDistrictGuidelines.aspx>.

CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
APPLICATION FORM

Required Items: Plot plan, legal description, building elevations, final building Date Received plans and specifications, samples of paint colors, roofing materials, CLEAR COLOR photographs of structures and/or sites where construction will take place. All photographs and exhibits must be submitted in digital format on Compact Discs. **NO CASE WILL BE SCHEDULED FOR A HEARING UNTIL ALL SUPPORTING MATERIALS ARE RECEIVED.** (See check lists on pages 3 - 6)

Property Location (Street Address) _____

☐ Historic District Name _____

☐ Landmark Name _____

☐ River Improvement Overlay (Projects within RIO districts must comply with the San Antonio River: Vision Statement): *The San Antonio River will be a fully linked linear park that unifies the city and serves as a community gathering place for all to enjoy. The River will have many special places and uses; some active, some quiet. Each will be unique genuine, and vary by design.*

☐ Public Property ☐ Other _____

Parcel Identification: NCB _____ Block _____ Lot _____

BCAD Account Number _____

Name of Property Owner: _____

Mailing Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests, an additional sheet may be used. This request will be part of the Certificate of Appropriateness).

1. _____
2. _____
3. _____
4. _____

This completed form is to be submitted in person at 1901 S. Alamo.

APPROVAL BY THE COMMISSION DOES NOT TAKE THE PLACE OF A BUILDING PERMIT. PERMITS MUST BE OBTAINED FROM THE CITY OF SAN ANTONIO, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, 1901 SOUTH ALAMO, AFTER COMMISSION APPROVAL.

**CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
LETTER OF AUTHORIZATION**

DATE: _____

Applicant understands the following

1. If the Commission fails to approve any portion of a request and recommends that changes be made in the plans and specifications, the applicant will have five (5) days in which to inform the Historic Preservation Officer as to whether the applicant agrees to the recommended changes.
2. Following each meeting, the City Manager or designee is notified of the Commission's action. Within ten (10) days from receipt of the recommendation, the City Manager or designee shall notify the applicant as to whether his request has been approved, conditionally approved or denied.
3. If the applicant does not concur with the Commission's recommendation, appeal to the Zoning Board of Adjustment may be made within thirty (30) days after receipt of notification.

IF THE PROPERTY OWNER DOES NOT APPEAR PERSONALLY BEFORE THE COMMISSION, A LETTER OR SIGNATURE OF AUTHORIZATION MUST BE PRESENTED TO THE HISTORIC PRESERVATION OFFICER OR THE CASE WILL NOT BE HEARD.

I hereby authorize _____ of _____
(Name of representative) (Company or agency)

_____ to represent me in matters pertaining to this case.
(Address)

Owner's Name: _____
(Please Print)

Address: _____

City/State _____ Zip Code _____

Owner's Signature: _____

HISTORIC AND DESIGN REVIEW COMMISSION REQUIRED MATERIALS CHECK LIST

All background materials needed to support the applicant's request must be submitted to the Historic Preservation Officer **PRIOR** to scheduling the case before the Commission. **NO CASE** will be placed on the agenda if **ALL** materials are not on file by the deadline date. Any last minute changes must be shown on revised plans. These are to be submitted and placed in file prior to meeting.

I. Check Where Applicable:

- ☐ Conceptual Approval
☐ Final Approval (Previous HDRC Case NO: _____.)

II. Check Where Applicable:

- ☐ Residence and/or Duplex
☐ Apartments and/or Commercial
☐ Tax Abatement

III. PROJECT TO INCLUDE (check where applicable):

- A ☐ ALTERATION/REPAIR/RESTORATION of an Existing Building or Structure
 B ☐ NEW CONSTRUCTION
 C ☐ ADDITION
 D ☐ DEMOLITION
 E ☐ SIGN REQUIREMENTS
 F ☐ FENCING
 G ☐ DRIVEWAY - SIDEWALKS & PARKING LOTS
 H ☐ REPAINTING (color change)
 I ☐ REROOFING (materials/color change)
 J ☐ LANDSCAPING
 K ☐ SWIMMING POOLS - FISH PONDS & FOUNTAINS
 L ☐ GAZEBOS - BATH HOUSE & DECKING
 M ☐ TENNIS COURTS & PLAYGROUNDS
 N ☐ TAX ABATEMENT PROJECT
 O ☐ PUBLIC ART
 P ☐ WINDOWS
 Q ☐ OTHER _____

A. ALTERATION/REPAIR/RESTORATION of an existing building or structure

- ☐ Scaled drawings, detailed architectural drawings may be required, dependent upon extent of work proposed.
☐ Photographs of the property and surrounding property, showing where work is to be done.
☐ A written list of proposed materials and colors, including manufacturer's specification numbers.

Actual samples of materials and colors should be presented at the meeting.

- ☐ Written narrative indicating the extent of the proposed alteration.
☐ Other information needed to illustrate the proposed alteration.

B. NEW CONSTRUCTION

- ☐ Preliminary plans with building elevations
☐ Working scale drawings/specifications
☐ Drawings 8½" x 11" reproducible sheets
☐ Scale site plan with square footage of the building

- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing material sample
- ☐ Siding sample

C. ADDITION

- ☐ Preliminary plans with building elevations
- ☐ Scale drawing of addition in relation to structure
- ☐ Working scale drawings/specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure showing current appearance
- ☐ Photographs of all exterior sides (include all four sides of building)
- ☐ Colors (sample)

D. DEMOLITION

- ☐ Photographs of structure (all exterior sides of structure)
- ☐ Scale site plan
- ☐ Proposed use after demolition (conceptual plan)
- ☐ Proof of economic hardship or loss of significance (required for demolition within a historic district or of a landmark UDC Sec. 35-614. Demolition)

E. SIGNAGE

- ☐ Working scale drawings/specifications
- ☐ Scale drawing of sign in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photograph of location of proposed signage on structure/property
- ☐ Photographs of structure and all exterior sides affected by proposed work
- ☐ Type of materials to be used for sign
- ☐ Colors (samples) as applied to sign
- ☐ Size/style of lettering
- ☐ Illumination plan

F. FENCING

- ☐ Type/design of fence
- ☐ Scale of drawing of members with specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure and all exterior sides affected by proposed work

G. DRIVEWAYS - SIDEWALKS & PARKING LOTS

- ☐ Type/design of driveway/sidewalk
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of structure, location and all exterior sides affected by proposed work
- ☐ Landscaping plans (if any)
- ☐ Colors (sample)

H. REPAINTING (color change)

- ☐ Type of material
- ☐ Colors (sample)
- ☐ Description of design

☐ Photographs of structure and all exterior sides affected by proposed work

I. *REEROOFING (material/color change)*

☐ Type of material (sample or cut sheet)

☐ Colors (sample)

☐ Description of design

☐ Photographs of structure and all exterior sides affected by proposed work

J. *LANDSCAPING*

☐ Working scale drawings/specifications

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ List of plants or trees

☐ Photographs of structure and area to be landscaped

☐ Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses

☐ Sprinkler system (if any)

K. *SWIMMING POOLS - FISH PONDS & FOUNTAINS*

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Type/design of swimming pool, fish pond and/or fountain

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

L. *GAZEBOS - BATH HOUSE & DECKING*

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

M. *TENNIS COURTS & PLAYGROUNDS*

☐ Working scale drawings/specifications

☐ Scale drawing in relation to structure

☐ Scale site plan

☐ Drawings 8½" x 11" reproducible sheets

☐ Photographs of structure (all exterior sides) and area affected by proposed work

☐ Colors (sample)

N. *TAX ABATEMENT PROJECT*

1. ☐ Commercial ☐ Residential

2. ☐ Certification ☐ Verification ☐ Project to be sent to State for IRS Certification

3. ☐ Attach completed Certification Form or Verification Form

4. ☐ Photographs

5. ☐ Scope of work

O. *PUBLIC ART* (The HDRC will hear Public Art projects on the 3rd Wednesday of each month)

☐ Letter of authorization from Public Art San Antonio (PASA)

☐ Working scale drawings/specifications

- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of site
- ☐ Color rendering
- ☐ Description of project (theme, history ,etc.)
- ☐ Materials and media

P. WINDOW REPLACEMENT

- ☐ Justification for replacement of windows
- ☐ Working scale drawings/specifications (material and color)
- ☐ Sample of proposed window (manufacturer brochure)
- ☐ Scale site plan designating number of windows to be replaced
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work

Q. OTHER PROJECTS

- ☐ Preliminary plans with building elevations
- ☐ Working scale drawings/specifications
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing material sample
- ☐ Siding sample

PLEASE BE ADVISED THAT THE COMMISSION HAS A POLICY OF ONLY HEARING A CASE WHEN THE OWNER OR THE OWNER'S REPRESENTATIVE IS PRESENT TO PRESENT THE CASE.

NOTE: PLEASE BE ADVISED THAT A STAFF MEMBER FROM THE OFFICE OF HISTORIC PRESERVATION MAY VIDEO TAPE OR PHOTOGRAPH YOUR PROPERTY FOR THE HISTORIC AND DESIGN REVIEW COMMISSION MEETING.

APPLICANT SIGNATURE

DATE

[The rest of this page intentionally left blank]

(d) ~~Miscellaneous.~~ All other applications shall include the following information:-

- (1) ~~Preliminary plans with building elevations;~~
- (2) ~~Working scale drawings/specifications;~~

~~(3) Drawings eight and one half by eleven (8½ x 11) inch reproducible sheets;~~

~~(4) Scale site plan;~~

~~(5) Photographs of building site for new construction;~~

~~(6) Paint samples with brand name and number;~~

~~(7) Roofing material sample;~~

~~(8) Siding sample;~~

~~(9) Letter of permission from property owner if the applicant is not the owner.~~

~~(e) **Archaeological Survey Requirements.**~~

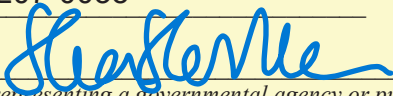
~~(1) Refer to UDC subsection 35-412(a)(3) and Appendix B, Table 101-1, #27.~~

~~(Ord. No. 97332 § 15) (Ord. No. 98697 § 4) (Ord. No. 2009-01-15-0001, § 2, 1-15-09; Ord. No. 2010-06-24-0616, § 2, 6-24-10)~~



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 1.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

35-338 RIO. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (*please check appropriate box*):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

- A. ☒ Will not impact the cost of construction and/or development.
- B. ☐ Will increase the cost of construction and/or development.
- C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- *Consider and indicate initial and long-term maintenance costs;*
- *Consider city cost (i.e. personnel costs and costs to enforce);*
- *Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.*

N/A

UDC 2021 Proposed Amendment

Amendment 20-17**Applicant:** Office of Historic Preservation**Amendment Title** – ‘Sec. 35-338. – “RIO” River Improvement Overlay Districts’**Amendment Language:**

Sec. 35-338. - "RIO" River Improvement Overlay Districts.

STATEMENT OF PURPOSE

The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River, ~~and~~ San Pedro Creek, Woodlawn Lake area, and their improvements by establishing design standards and guidelines for properties located near the river or creek. ~~The San Antonio River and San Pedro creek~~ San Antonio's waterways are a unique and precious natural, cultural and historic resources that provides a physical connection through San Antonio by linking a variety of neighborhoods, cultural sites, public parks and destinations. The districts cover a total of seven (7) geographic areas.

Specific purposes of the river improvement overlay are as follows:

- Protect and enhance the overall character of the San Antonio River, ~~and~~ San Pedro Creek, and Woodlawn Lake area.*
- Protect and enhance the unique experiences along the length of the river or creek as well as define development nodes of greater activity.*
- Preserve and protect the distinctive historic character of the Riverwalk and the Hugman features.*
- Promote the integration of the street and river or creek levels.*
- Prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development.*
- Maintain the openness and natural habitat of the river or creek, access to its trails and provide safety for its users.*
- Assure that development near the river or creek is compatible with a future vision of a series of mixed-use neighborhoods with commercial and residential nodes that orient to the river or creek and/or stimulate redevelopment of existing commercial corridors.*
- Preserve the scenic and natural qualities of Woodlawn Lake including existing outward views from Woodlawn Lake Park.*

The river improvement overlay implements the following policies of the master plan:

- Economic Development, Policy 2b: Promote consistency in the development process.*
- Neighborhoods, Policy 5I (2): Discourage development of parking garages adjacent to the Riverwalk and the city's plazas and parks.*
- Urban Design, Policy 1b (1): Create and adopt design guidelines and standards that will enhance the quality of life in San Antonio.*
- Urban Design, Policy 1b (6): Develop unique and specific design standards for areas throughout the city, including neighborhoods and downtown.*

- *Urban Design, Policy 1e: Apply strategies, which will result in all streetscapes being accessible, safe and stimulating.*
- *Urban Design, Policy 3b: Plan and develop a citywide system of linear parks and hike and bike trails which incorporate drainageways and open spaces which link parks, schools, institutions, and neighborhoods.*

- (a) **Boundaries.** The specific boundaries of the river improvement overlay are shown on the City of San Antonio's Official Zoning Map.
- (b) **Zoning Classification.**
 - (1) **Overlay District.** The river improvement overlay is designed as an overlay to the regular zoning districts. Properties located within these overlay districts must also be designated as being within one of the regular, underlying zoning districts.
 - (2) **Zoning Designation.** The zoning designation of property located within the river improvement overlay shall consist of the regular zone symbol and the overlay district symbol as a suffix. The seven (7) river improvement overlay districts are "RIO-1," "RIO-2," "RIO-3," "RIO-4," "RIO-5," "RIO-6," and "RIO-7." For example, if a parcel is zoned "C-1" and is also located within "RIO" district 2, the zoning designation of the property would be "C-1" ("RIO-2"). A river improvement overlay district development node suffix would be "RIO-2 DN."
 - (3) **Development Nodes.** It is the intent of this section that a river improvement overlay district development node shall be restricted to areas lying fully within a river improvement overlay district that are located at 1) the intersection of a major thoroughfare and the San Antonio River or 2) the intersection of two (2) major thoroughfares or 3) if not located at an above mentioned intersection, abut the San Antonio River and be a minimum of twelve (12) acres. Development nodes must range in size from three (3) to twenty (20) acres and shall be located a minimum of one-half (½) mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two (2) of the following uses: office, retail and multi-family residential. Designation of a development node provides for a minimum setback of zero (0) feet from all property lines including riverside and the ability to increase the building height by fifty (50) percent from the requirements set out in article VI. [Adoption of a new Development Node within a RIO district requires review and recommendation by the Historic and Design Review Commission and Zoning Commission.](#)

UDC 2021 Proposed Amendment

*****Recommended Approval by PCTAC on February 22, 2022*****

Amendment 20-17

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-338. – “RIO” River Improvement Overlay Districts’

Amendment Language:

Sec. 35-338. - "RIO" River Improvement Overlay Districts.

STATEMENT OF PURPOSE

The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River, ~~and~~ San Pedro Creek, Woodlawn Lake area, and their improvements by establishing design standards and guidelines for properties located near the river or creek. ~~The San Antonio River and San Pedro creek~~ San Antonio's waterways are a unique and precious natural, cultural and historic resources that provides a physical connection through San Antonio by linking a variety of neighborhoods, cultural sites, public parks and destinations. The districts cover a total of seven (7) geographic areas.

Specific purposes of the river improvement overlay are as follows:

- *Protect and enhance the overall character of the San Antonio River, ~~and~~ San Pedro Creek, and Woodlawn Lake area.*
- *Protect and enhance the unique experiences along the length of the river or creek as well as define development nodes of greater activity.*
- *Preserve and protect the distinctive historic character of the Riverwalk and the Hugman features.*
- *Promote the integration of the street and river or creek levels.*
- *Prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development.*
- *Maintain the openness and natural habitat of the river or creek, access to its trails and provide safety for its users.*
- *Assure that development near the river or creek is compatible with a future vision of a series of mixed-use neighborhoods with commercial and residential nodes that orient to the river or creek and/or stimulate redevelopment of existing commercial corridors.*
- *Preserve the scenic and natural qualities of Woodlawn Lake including existing outward views from Woodlawn Lake Park.*

The river improvement overlay implements the following policies of the master plan:

- *Economic Development, Policy 2b: Promote consistency in the development process.*
- *Neighborhoods, Policy 5I (2): Discourage development of parking garages adjacent to the Riverwalk and the city's plazas and parks.*
- *Urban Design, Policy 1b (1): Create and adopt design guidelines and standards that will enhance the quality of life in San Antonio.*
- *Urban Design, Policy 1b (6): Develop unique and specific design standards for areas throughout the city, including neighborhoods and downtown.*


- *Urban Design, Policy 1e: Apply strategies, which will result in all streetscapes being accessible, safe and stimulating.*
- *Urban Design, Policy 3b: Plan and develop a citywide system of linear parks and hike and bike trails which incorporate drainageways and open spaces which link parks, schools, institutions, and neighborhoods.*

- (a) **Boundaries.** The specific boundaries of the river improvement overlay are shown on the City of San Antonio's Official Zoning Map.
- (b) **Zoning Classification.**
 - (1) **Overlay District.** The river improvement overlay is designed as an overlay to the regular zoning districts. Properties located within these overlay districts must also be designated as being within one of the regular, underlying zoning districts.
 - (2) **Zoning Designation.** The zoning designation of property located within the river improvement overlay shall consist of the regular zone symbol and the overlay district symbol as a suffix. The seven (7) river improvement overlay districts are "RIO-1," "RIO-2," "RIO-3," "RIO-4," "RIO-5," "RIO-6," and "RIO-7." For example, if a parcel is zoned "C-1" and is also located within "RIO" district 2, the zoning designation of the property would be "C-1" ("RIO-2"). A river improvement overlay district development node suffix would be "RIO-2 DN."
 - (3) **Development Nodes.** It is the intent of this section that a river improvement overlay district development node shall be restricted to areas lying fully within a river improvement overlay district that are located at 1) the intersection of a major thoroughfare and the San Antonio River or 2) the intersection of two (2) major thoroughfares or 3) if not located at an above mentioned intersection, abut the San Antonio River and be a minimum of twelve (12) acres. Development nodes must range in size from three (3) to twenty (20) acres and shall be located a minimum of one-half (½) mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two (2) of the following uses: office, retail and multi-family residential. Designation of a development node provides for a minimum setback of zero (0) feet from all property lines including riverside and the ability to increase the building height by fifty (50) percent from the requirements set out in article VI. [Adoption of a new Development Node within a RIO district requires review and recommendation by the Historic and Design Review Commission and Zoning Commission.](#)



UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

Part 1. Applicant Information

Name: Shanon Miller Organization (if applicable): Office of Historic Preservation
Address: 1901 S Alamo
Phone: 210-207-0035 Email: shanon.miller@sanantonio.gov
Signature:  Date: 4.31.22
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Proposed Article VI, Division 5 related to Downtown Design Guide. See Attached.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

N/A

UDC 2021 Proposed Amendment

Amendment 20-18

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-456 – Certificate of Appropriateness for “D” Downtown Zoning District.’

Amendment Language:

DIVISION 5. - ~~RESERVED[1]~~ [Downtown Design Guide](#)

[Sec. 35-650. - Certificate of Appropriateness for "D" Downtown Zoning District.](#)

[\(a\) Applications proposing infill development projects or redevelopment projects on property zoned "D" Downtown Zoning District shall require review for a certificate of appropriateness under the provisions of section 35-608 and section 35-G101 \(Downtown Design Guide\). In the event of a conflict between the provisions of 35-608 and the Downtown Design Guide, section 35-608 shall prevail.](#)

UDC 2021 Proposed Amendment

*****Recommended Approval by PCTAC on April 25, 2022*****

Amendment 20-18

Applicant: Office of Historic Preservation

Amendment Title – ‘Sec. 35-456 – Certificate of Appropriateness for “D” Downtown Zoning District.’

Amendment Language:

DIVISION 5. - [Downtown Design Guide](#) ~~RESERVED[1]~~.

[Sec. 35-650 - Certificate of Appropriateness for "D" Downtown Zoning District.](#)

[\(a\) Applications proposing infill development projects or redevelopment projects on property zoned "D" Downtown Zoning District shall require review for a certificate of appropriateness under the provisions of section 35-608 and section 35-G101 \(Downtown Design Guide\). In the event of a conflict between the provisions of 35-608 and the Downtown Design Guide, section 35-608 shall prevail.](#)



UDC Amendment Request Application for Internal Parties ***(City of San Antonio Departments)***

Part 1. Applicant Information

Name: Sabrina Santiago Organization (if applicable): Public Works Department
Address: 1901 S Alamo St
Phone: 210-207-0182 Email: sabrina.santiago@sanantonio.gov
Signature: Razi Hosseini Digitally signed by Razi Hosseini
Date: 2022.02.01 09:25:08 -06'00' Date: 1/26/2022
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☐ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☒ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☐ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☒ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The proposed amendments to Sec. 35-673 of the UDC is intended to provide flexibility in the design of LID components
for projects where LID is required i.e. in the RIO overlay districts, for offsite treatment. This would be beneficial to owners/developers where the proposed
improvements on the project site are constrained by the overall size of the site. The additional proposed amendment for this section
will address the acute point source pollution such as dog parks, dumpster pads, etc. and design requirements for treatment.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☒ Will not impact the cost of construction and/or development.

B. ☐ Will increase the cost of construction and/or development. _____

C. ☐ Will decrease the cost of construction and/or development. _____

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

There will not be a cost impact as a result of these proposed amendments for Sec. 35-673. The said amendments are in line with the intent of the City adopted LID Manual as well as the RIO overlay districts. The amendments are providing the developers/owners flexibility in the design to treat offsite runoff that drains through the potential project site rather than treating onsite to allow more buildable area where site's are constrained by size.

UDC 2021 Proposed Amendment

Amendment 27-44**Applicant: Public Works****Amendment Title – ‘Sec. 35-673. - Site Design Standards.’****Amendment Language:**

This section focuses on the design concepts for an individual site and helps create a cohesivedesign that recognizes the unique opportunities of developing a site near the [San Antonio R](#)iver or [San Pedro C](#)reek. These include building placement, orientation and setbacks, and the design of the outdoor space.

- (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.

- (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 maintenanceboundaries, 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.

- C. **Storm Water Management Directly Adjacent to the River or Creek.** Developments shall manage site storm water through Low Impact Development (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 thepark 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~~ Public Works-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.

- iv. Runoff from potentially acute sources of pollutants, such as dog parks, dumpster pads, or oil/grease containers shall be treated for total suspended solids (TSS) and the associated pathogens, oil/grease, and/or heavy metals appropriate for the pollutant source prior to discharging into the river or creek, or prior to discharging into an untreated storm drainage system that flows into the river or creek.
- v. Runoff from the developed site should generally be given preference for treatment. The director of Public Works or his designee may, on a case by case basis, approve treatment of offsite runoff instead of or in combination with onsite runoff. In this case, the design rainfall depth is increased by 10% for all offsite runoff. Offsite treatment must occur within the RIO district. Reference Section 35-210(g)(2) for LID performance standards. Runoff from potentially acute onsite sources of pollutants must be treated, per 35-673(c)(8)(C)(iv), even in cases where treatment of offsite runoff is allowed.

UDC 2021 Proposed Amendment

***** Revised and Recommended Approval by PCTAC on April 25, 2022 *****

Amendment 27-44

Applicant: Public Works

Amendment Title – ‘Sec. 35-673. - Site Design Standards.’

Amendment Language:

This section focuses on the design concepts for an individual site and helps create a cohesivedesign that recognizes the unique opportunities of developing a site near the [San Antonio R](#)iver or [San Pedro C](#)reek. These include building placement, orientation and setbacks, and the design of the outdoor space.

- (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.

- (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 maintenanceboundaries, 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.

- C. **Storm Water Management Directly Adjacent to the River or Creek.** Developments shall manage site storm water through Low Impact Development (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 Public Works ~~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.

- iv. Runoff from potentially acute sources of pollutants, such as dog parks, dumpster pads, or oil/grease containers shall be treated for total suspended solids (TSS) and for the pollutant source prior to discharging into the river or creek, or prior to discharging into an untreated storm drainage system that flows into the river or creek.
- v. Runoff from the developed site should generally be given preference for treatment. The director of Public Works or his designee may, on a case by case basis, approve treatment of offsite runoff instead of or in combination with onsite runoff. In this case, the design rainfall depth is increased by 10% for all offsite runoff. Offsite treatment must occur within the RIO district. Reference Section 35-210(g)(2) for LID performance standards. Runoff from potentially acute onsite sources of pollutants must be treated, per 35-673(c)(8)(C)(iv), even in cases where treatment of offsite runoff is allowed.
