

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon, PE, CBO

COUNCIL DISTRICTS IMPACTED: All

SUBJECT: 2021 Unified Development Code Updates

SUMMARY:

Consideration and recommendation of an amendment to Chapter 35 of the Municipal Code, the Unified Development Code, being amendment 19-1, related to the West Side Creeks Water Quality Protection Area, submitted by the San Antonio River Authority. This amendment is part of the 2021 UDC update program.

BACKGROUND INFORMATION:

The San Antonio City Council adopted the UDC on May 3, 2001. UDC Chapter 35-111 provides for an update process every 5 years. The 2020 UDC amendment process was delayed as a result of the COVID-19 pandemic and resumed in 2021. The UDC authorizes the Zoning Commission, Planning Commission, Board of Adjustment, Historic Design and Review Commission, and City Council to initiate amendments to the UDC for any purpose. Other individuals may submit amendments to the UDC that meet one of the following criteria:

1. Editing amendments to provide for changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statutes or case law.
2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC. Clarification amendments should not change or alter the intent or meaning of existing UDC provisions.
3. Rule Interpretation Determinations (RIDs) are written policies and administrative interpretations made by the development services director, historic preservation officer and planning and community development director for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.

The UDC implements the City's Comprehensive Plan and Master Plan policies. In addition, the UDC includes development regulations for subdivision platting, zoning, and street and drainage design standards, as well as historic preservation. This amendment process is intended to help strengthen and clarify regulations and carry out City Council priorities.

Development Services Department conducted a robust public outreach campaign to educate citizens on what the Unified Development Code is, why we update our development codes, and

how the process is run. Additionally, public outreach focused on facilitating individual proposals for code amendments. Specifically, DSD staff hosted multiple, geographically dispersed community engagement meetings during the application period. Specifically, meetings were held on:

- Northside Community Meeting: October 21, 2021, located at the Phil Hardberger Park Ecology Urban Center
- Eastside Community Meeting: November 9, 2021, located at the Claude Black Community Center
- Southside Community Meeting: December 6, 2021, located at the Mission Library (In Spanish)
- Westside Community Meeting: January 19, 2022, conducted virtually due to a spike in COVID-19 transmission

In addition to these community meetings, Development Services staff also hosted five DSD Academy sessions to inform the public on how to engage in the UDC amendment process. Specifically, these meetings were held on:

- October 16, 2021
- November 20, 2021
- December 18, 2021 (In Spanish)
- January 15, 2022 (conducted virtually due to a spike in COVID-19 transmission)
- June 18, 2022

Moreover, DSD staff also attended neighborhood association meetings and meetings with neighborhood coalitions, as well as other stakeholder groups.

For the last several months, amendments have been reviewed and considered by several stakeholders and the Planning Commissions Technical Advisory Committee (PCTAC), these meetings were open to the public, published in SASpeakUp, and live streamed for public view. Development Services Department served as the administrator over this process and accepted 234 submissions. As the UDC process continues, below is an outline of what has occurred:

The window to submit UDC amendments opened on October 1, 2021 and remained open through February 1, 2022. In all, 234 amendments were submitted by 29 internal/external agencies and/or private citizens and organizations. The internal agencies included:

- Development Services Department
- Public Works Department
- Office of Historic Preservation
- SAWS
- CPS Energy
- Planning Department
- Parks and Recreation Department
- City Attorney's Office
- Office of Sustainability

- Neighborhood and Housing Services Department
- Solid Waste Management Department
- Transportation Department
- Planning Commission
- Zoning Commission
- Board of Adjustment

On February 8, 2022 PCTAC considered 43 external amendments to determine if they were editing, clarification, or more than editing or clarification. PCTAC sent 40 to Planning Commission for further review and deemed that three proposed amendments were only edits or clarifications.

The PCTAC is comprised of 24 members, 22 of whom have voting power (two experience members serve on the committee to provide input and expertise but have no voting authority). In addition to these 24 members, eleven (11) alternates are appointed to serve in the absence of a primary member. These members include engineers, architects, environmentalist, historians, and community leaders. In addition, members include Planning Commissioners, Zoning Commissioners, Board of Adjustments and the Parks Board.

On February 23, 2022 the Planning Commission voted to sponsor 37 of the 40 external amendments deemed more than an edit or clarification by the PCTAC. These external amendments included:

- Food Policy Council – Urban Farming, (7) amendments
- Greater Edwards Aquifer Alliance – Drainage and open space, (9) amendments
- Justin Krobot – Trees, (1) amendment
- Joint Base San Antonio – Zoning, (1) amendment
- Mission San Jose NA – Zoning and notification process (2) amendments
- David Littlefield – Transitional housing, (1) amendment
- James McKnight – Zoning, (1) amendment
- Dawn Davies – Military Lighting Overlay District, (1) amendment
- Marlene Hawkins – Neighborhood association registration, (1) amendment
- Tier One Neighborhood Coalition – Zoning, public notification, STR's, (1) amendment
- Steve Versteeg – Zoning, (1) amendment
- D'ette Cole – Zoning, (1) amendment

The following 3 amendments were not sponsored by the Planning Commission.

- John Gonzales – Zoning process, (2) amendments
- Steve Versteeg – Application withdrawal process, (1) amendment

From February 14, 2022 through May 9, 2022 PCTAC met ten times to review all internal amendments, as well as external amendments that were sponsored by the Planning Commission or deemed only an edit or clarification by the PCTAC.

- 59 Category 1 (edit/clarify)

- 127 Category 2 (beyond edit/clarify)
- 48 Category 3 (detailed discussion)

After PCTAC consideration of UDC amendments, a total of 198 are moving forward in the process to boards and commissions.

- PCTAC Recommendation of Approval/Approval with Edits: 193
- PCTAC Recommendation of Denial: 5
- Withdrawn: 33 (includes items formerly recommended for approval or denial by PCTAC and subsequently withdrawn by applicant)
- Not Sponsored: 3

Briefings on proposed UDC amendments for each board or commission were held on:

Board of Adjustment:

- July 18, 2022

Historic Design and Review Commission:

- June 1, 2022

Zoning Commission:

- June 7, 2022
- June 21, 2022

Planning Commission:

- May 25, 2022
- June 8, 2022
- June 22, 2022
- July 13, 2022

Public Hearing and Action:

- Zoning Commission (62 amendments) – July 5, 2022
- Board of Adjustment (11 amendments) – July 18, 2022
- Historic Design and Review Commission (21 amendments) – July 20, 2022
- Planning Commission (198 amendments) – July 27, 2022

Next Steps include:

- Planning and Community Development Committee consideration: September 22, 2022
- City Council consideration and action: October 2022
- Training on approved amendments: November through December 2022
- Effective date of amendments: January 1, 2023

On July 5, 2022 the Zoning Commission recommended approval of 54 UDC amendments that were recommended for approval by the Planning Commission Technical Advisory Committee.

Additionally, the Zoning Commission recommended approval to five (5) additional proposed UDC amendments, with edits. These include:

- Amendment 5-29, related to the definition of an Entertainment Venue (Indoor), submitted by Development Services Department
- Amendment 23-6, related to accessory dwelling unit regulations, submitted by the Neighborhood and Housing Services Department
- Amendment 10-4, related to renotification requirements for change of zoning applications, submitted by the Zoning Commission
- Amendment 13-1, related to the Mission Protection Overlay District, submitted by the Mission San Jose Neighborhood Association
- Amendment 30-1, related to Supportive Housing Campuses, submitted by James McKnight

Additionally, the Zoning Commission recommended denial of one (1) amendment recommended for denial by the Planning Commission Technical Advisory Committee:

- Amendment 1-1, related to Qualified Transitional Housing, submitted by David Littlefield

The Zoning Commission also withdrew the following amendment:

- Amendment 10-3, related to requiring an “S” Specific Use Authorization for Gas Stations in the “C-2” Commercial base zoning district, submitted by the Zoning Commissions

ISSUE:

PCTAC recommended approval or approval with edits on 193 of the 234 submitted amendment proposals. 33 additional amendments have been withdrawn by the applicant, and three were not sponsored by the Planning Commission. The remaining five were recommended for denial by the PCATC and are proceeding to boards and commission for a recommendation.

PCTAC recommendation of denial:

- Amendment 1-1, related qualified transitional housing (Submitted by David Littlefield)
- Amendment 10-3, related to requiring an “S” Specific use Authorization for gas stations in the “C-2” Commercial base zoning district (Submitted by the Zoning Commission)
- Amendment 14-9, related to parkland dedication requirement (submitted by the Greater Edwards Aquifer Alliance)
- Amendment 23-5, related to tree preservation calculations (submitted by Neighborhood and Housing Services Department)
- Amendment 29-1, related to neighborhood association registration (submitted by Marlene Hawkins)

ALTERNATIVES:

The board/commission may choose to support, in whole or in part, the proposed amendment, or modify the proposed amendment. On each amendment the board may leave the Unified Development Code as it exists today, without an amendment. All recommendations are forwarded to City Council for a final decision.

FISCAL IMPACT:

There is no anticipated fiscal impact to the City's general fund or the Development Services Department's enterprise fund with this proposed ordinance.

RECOMMENDATION:

COSA staff recommends modifying one (1) UDC amendment that was recommended for approval by the Planning Commission Technical Advisory Committee:

- Amendment 19-1, related to West Side Creek Water Quality Protection Area (submitted by San Antonio River Authority)