



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT

CITY OF SAN ANTONIO

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COUNTY OF BEXAR

STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description where Certificate Appropriateness was requested:

Lot no. Part of A-2, A-4, A-52 (208 Ac)Block No. N/ANCB A-49 Property Address: Brackenridge RdBrackenridge Way

Per Section 35-451 of the Unified Development Code (UDC), the Zoning Board of Adjustment is empowered to consider an appeal from an applicant for a Certificate of Appropriateness.

The Applicant, Ethel Moore + Neighbors of Bexar County, alleges that the City

Manager or designee erred in the decision regarding Case No. 2027-091, rendered on

April 19, 2023? (add date).

The correct decision or interpretation should be as follows:

^{Three}
~~Three~~ structural engineers told the development committee that the walls could be repaired WITHOUT DAMAGING OR MOVING ANY TREES.

No trees need to be disturbed to fix the walls -
The cost planners ignored their info and refused their FREE ASSISTANCE!

Respectfully submitted:

Applicant's name:

Ethel Moore • Tuleta White and Neighbors
on River Road

Status: Owner (X) Agent ()

Mailing address:

603 River Road

Telephone:

210-213-8400

Alternate:

Email:

myfe@mwmLC.com

Applicant's Signature

Ethel Moore

Date

5-16-23

Property Owner:

Ethel Moore and Neighbors

Mailing address:

603 River Road

Telephone:

210 213 8400

Alternate:

Email:

myfe@mwmLC.comI, Ethel Moore neighbors

the owner of the subject property, authorize

Ethel Moore

to submit this application and represent me in this

appeal before the Board of Adjustment.

Please include the following items with this appeal

- ☐ Documentation from City of San Antonio Office of Historic Preservation representing the decision you are appealing and proof that you are within the mandatory 20 day time limit to file the appeal.
- ☐ Sections of the UDC, or the Historic Design Guidelines from which the decision was based, including all support sections which potentially reinforce your assertion that an error was made.
- ☐ Property Ownership documentation, including a copy of the warranty deed and Bexar County Appraisal District and applicable documentation as required by IB 554
- ☐ Filing Fee of \$600 (plus applicable administrative fees)

HISTORIC AND DESIGN REVIEW COMMISSION

April 19, 2023

HDRC CASE NO: 2022-091
COMMON NAME: Brackenridge Park, Lambert Beach
ADDRESS: 3700 N ST MARYS ST
LEGAL DESCRIPTION: NCB A49 PART OF A-2, A-4, A-52 (208 AC)
ZONING: R-6,HS
CITY COUNCIL DIST.: 2
LANDMARK: Individual Landmark
APPLICANT: Jamaal Moreno/City of San Antonio, PWD
OWNER: City of San Antonio
TYPE OF WORK: Phase 1 of FY17 Bond Improvements to Lambert Beach Area
APPLICATION RECEIVED: April 04, 2023
60-DAY REVIEW: Not applicable due to City Council emergency orders
CASE MANAGER: Cory Edwards
REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to construct improvements to the Lambert Beach area in Brackenridge Park as Phase I of the FY17 Bond Project. Request items include:

1. Stabilization and restoration of the historic stone walls that have not yet failed
2. Reconstruction of walls that have already failed to match existing
3. Stabilization and reconstruction of the Grand Staircase to improve safety and accessibility
4. Underpinning of the 1877 Pump House for foundation stabilization in preparation for Phase II improvements
5. Selective removal of trees located within the project area. In accordance with the UDC, HDRC approval is required for removal of mature trees located on the banks of the San Antonio River.

APPLICABLE CITATIONS:

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.

Sec. 35-680. - Demolition of Historic Features in the River Improvement Overlay Districts.

Demolition of architectural features, artwork, furniture, and other items shown on the Robert Hugman plans as well as other historic Riverwalk construction dating back to Spanish Colonial times and including works by the WPA, the CCC and the National Youth Administration constitutes an irreplaceable loss to the quality, character, ambiance and atmosphere of the San Antonio Riverwalk in the river improvement overlay districts. Accordingly, these procedures provide criteria to prevent unnecessary damage to the unique character of the city's Riverwalk areas and character.

(a) Applicability. The provisions of this section apply to any application for demolition of important architectural features on or immediately adjacent to the river and or the Riverwalk in the river improvement overlay districts. Items shown on the Robert Hugman Plans for the Riverwalk in "RIO-3."

....

Heritage Trees. Removal or damage to heritage trees such as large Cypress trees and other, old significant trees at top of bank or along the Riverwalk is prohibited in all river improvement overlay districts. Except where the tree is damaged due to disease, age or physical condition and must be removed for the safety reasons. Then with a recommendation from the city arborist, or the official urban forester, the historic and design review commission may grant approval for demolition.

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(b) Unusual and Compelling Circumstances for Demolition of the Above. The historic and design review commission may consider unusual and compelling circumstances in order to approve a certificate of appropriateness for the demolition or removal of the items listed in section 35-680. It shall be guided in its decision by balancing the contribution of the object, site or structure to the character of the river improvement overlay districts with the special merit of the proposed replacement project.

The historic and design review commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- A. The historic or architectural significance of the object, site, or structure;
- B. The importance of the object, site, or structure to the integrity and character of the river improvement overlay district;
- C. The difficulty or the impossibility of reproducing such an object, site, or structure because of its design, texture, material, detail, or unique location;
- D. Whether the object, site, or structure is one (1) of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
- E. Whether reasonable measures can be taken to save the object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.

FINDINGS:

- a) **BACKGROUND** – The proposed scopes for the Lambert Beach area are consistent with the publicly approved Brackenridge Park Master Plan strategy to restore, preserve, and articulate park cultural and historic features and were prioritized in the FY17 Bond as approved by voters. In February 2022, the HDRC reviewed an item that considered removal of protected trees from the top of the river bank. The item was tabled in order to further develop design plans for the area and consider alternatives to tree removal. In this time, the City has conducted additional public outreach and design development and has begun coordination with the Texas Historic Commission regarding required approvals.
- b) **DESIGNATIONS** – Brackenridge Park is a designated State Antiquities Landmark, National Register District, and locally designated landmark located within the River Improvement Overlay District (RIO-1). The 1877 Pump House and structures associated with the Lambert Beach recreational area are considered contributing and part of an important cultural landscape for the City of San Antonio.
- c) **ARCHAEOLOGY** - Furthermore, the property is adjacent to the historical alignment of the San Antonio River, an area known to contain significant historic and prehistoric archaeological deposits. Therefore, an

archaeological investigation is required. An Antiquities Permit is required prior to beginning construction. The project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology, as applicable.

- d) **PERIODS OF CONSTRUCTION** - Lambert Beach was initially developed as a recreational area in 1915. A 1925 renovation resulted in many of the permanent features evident today including stone retaining walls, concrete walkway at the water level, and “grand staircase” with steps extending into the water. In 1940, additional work to the area, including raising of the stone walls, was completed through a WPA project to prevent further erosion of the river bank.
- e) **PUBLIC PARTICIPATION** - The City provided a robust community engagement process that included a walking tour detailing the proposed project scope, information on the cultural resources and proposed impact to trees; hosting a series of seven (7) public input meetings from March 2022 – August 2022; and meetings with the Brackenridge Park Stakeholder Advisory Committee comprised of local stakeholders.
- f) **TEXAS HISTORICAL COMMISSION** – The Executive Committee of the Texas Historical Commission approved an Antiquities Permit for the project on April 10, 2023, as submitted.
- g) **DESIGN REVIEW COMMITTEE** - A site visit of the Design Review Committee was held on April 12, 2023. The committee reviewed the current conditions of the site and gained a better understanding of the project scope and which trees would remain.
- h) **EXISTING WALLS** - The existing walls are a combination of monolithic block and rubble stone construction. These walls have failed in several areas, making the area inaccessible to the public. Additional wall failure will occur without intervention.
- i) **WALL DESIGN** - In order to stabilize the stone walls, a reinforced concrete shadow wall with footing will be introduced along the length of the Lambert Beach walls. The design requires an excavation width of a minimum of 48” from the back of the plumb line of the stone walls. This design will preserve the historic stone walls in place while providing structural support and adequate drainage to prevent future displacement. This treatment method prioritizes retention of original materials in place, consistent with the Secretary of the Interior’s Standards and the UDC.
- j) **GRAND STAIR** – The Grand Stair is in structural decline due to hydrological forces and lack of sufficient foundation. The design proposal will largely reconstruct this feature and include modifications to improve safety and accessibility. The existing stone steps were previously rebuilt with existing stone as part of a 2002 project. Based on feedback from the Texas Historical Commission, two original extant features, the historic bench and portions of the original historic steps will be preserved and repaired in place. The design of the reconstructed stair has also been redesigned to more closely match original conditions. This is consistent with the Secretary of the Interior’s Standards and the UDC.
- k) **PUMP HOUSE** – Restoration of the 1877 Pump House and raceway restoration are planned as part of the Phase II project improvements for the site. The proposed underpinning is necessary for the long term stabilization of the structure and will accompany the proposed work for the adjacent cheek walls which are of similar age.
- l) **EXISTING TREES** - Based on a tree age study conducted in January 2023, the oldest oak trees located on the north bank date to approximately 1945.
- m) **TREES IN THE RIO** – Generally, compliance with the City’s tree preservation requirements is reviewed by the City Arborist and does not require additional review by the HDRC in most instances. Heritage trees and significant trees located at the top of the bank or along the River Walk are not allowed to be removed without HDRC approval per UDC 35-680. On a case-by-case basis, tree removal may be approved by the HDRC with a recommendation from the City Arborist (Development Services) and Forester (Parks Department) in instances of disease, age or physical condition, or if they must be removed for the safety reasons. Current conditions of the site present a safety concern and public access is currently restricted.
- n) **TREE REMOVAL** – Due to the width of excavation required by the approved wall design, tree removal or relocation is needed. The City has worked with a tree relocation consultant to review relocation viability for all trees impacted by the project. In most cases, tree removal cannot be avoided due to a variety of factors.

o) **TREE PRESERVATION** - There is a total of 83 trees in the project area. The initial design removed 70 trees. The updated design reduces the number of trees to be removed down to 48 including:

- 4 invasive species trees
- 4 trees that are dead/dying
- 10 trees less than 6" in diameter
- 24 trees between 6" and 24" in diameter
- 6 heritage trees

In response to public input, the project has been updated to preserve 35 additional trees:

- The largest heritage oak in the area will be relocated and preserved (Tree 101, 44" Oak)
- 20 additional trees to be relocated and preserved
- 14 trees total will be preserved in place

p) **TREES OF GREATEST CONCERN** - The City has heard the public concerns, specifically regarding removal of the following:

Tree #	Description	Proximity to wall	Est. Age
95	32" Oak	0"	76 yrs.
97	22" Oak	3"	unknown
98	18" Oak	18"	unknown
99	16" Oak	< 5'	unknown
100	37" Oak	15"	78 yrs.

q) **ALTERNATIVES & DUE DILIGENCE** - The City has reviewed proposals for alternative wall designs intended to limit the width of required excavation behind the stone walls in an attempt to lessen the required tree removal, including:

- 1) Introduction of a pier and spandrel system that will require a minimum 16-18" of excavation width. Both drilled, reinforced concrete piers and helical piers have been proposed.
- 2) Full demolition of failing walls, construction of a reinforced concrete spandrel wall, and re-creation of the stone wall as a veneer.

Following review, the City and its consultants have noted the following factors which continue to restrict tree retention:

- Many of the walls are currently out of plumb. For example, trees 95 and 97 are either touching or growing over the out-of-plumb wall and would need to be relocated or removed in order to accommodate wall correction regardless of excavation depth.
- Remaining trees are located between 15" and 28" from the existing wall location and impacts to the roots cannot be avoided with the spandrel design.
- The minimum excavation required by a spandrel system do not take into account OSHA standards.
- The minimum excavation required by a spandrel system can only be achieved by anchoring the stone walls through the front or reconstructing the stone as a veneer, contrary to the Secretary of the Interior's Standards.
- The design of the piers themselves do not make a difference in terms of retaining trees.
- The City's tree location consultant and multiple independent arborists have determined that impacts to trees 95, 97, 98, 99 & 100 cannot be avoided due to the positioning of these trees.

r) **PROJECT LONGEVITY** - Other concerns include the longevity of the project should trees remain in place. Due to proximity to the water, all trees in the area are fast growing and will continue to negatively impact the walls in the future. After carefully considering alternatives, likely outcomes, expense, and likelihood of

future interventions needed, the City maintains that the proposed design will deliver a project that balances tree preservation with delivery of a lasting project that ensures future public access and recreational use and preserves historic features of the park consistent with the Secretary of the Interior Standards.

RECOMMENDATION:

Staff recommends approval of items 1-5 based on the findings. An archaeological investigation is required. The project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology, as applicable.