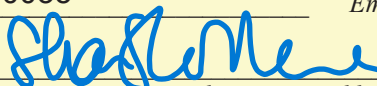




UDC Amendment Request Application for Internal Parties
(City of San Antonio Departments)

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~~

~~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)