



CITY OF SAN ANTONIO

July 3, 2018

Mitch Meyer
Loopy Limited
9033 Aero Street, Suite 202
San Antonio, TX 78217

Subject: Decision regarding HDRC Case Number 2018-D05, 803 N Cherry

Dear Mr. Meyer,

The Historic and Design Review Commission (HDRC) has considered case number 2018-D05, 803 N Cherry, at multiple public meetings. The applicant's request is to construct a five-story, mixed-use structure to feature multi-family residential and retail space on the vacant lot located to the north of the Hay Street Bridge at 803 N Cherry. The proposal also included an open space located between the bridge and the development which is critical to consideration of this request.

The HDRC's purview in this case is limited to design review only and compliance with the Downtown Design Guide.

After hearing all testimony, the HDRC voted 5-3 to recommend denial of the request. On March 23, 2018, I issued a conditional approval for the project subject to the authority of the City Manager in the United Development Code. The Dignowity Hill Neighborhood Association Board reviewed your proposed responses and issued a letter of support on June 3, which is attached. I have reviewed your responses to these conditions and issue the following decision:

CITY MANAGER DECISION

- Approve Case Number 2018-D05 with changes proposed by the applicant in the June 14, 2018, submittal with 8 remaining stipulations outlined below. Three of the original conditions are satisfactorily addressed in the response and require no further action.
- Disapprove Case Number 2018-D05.


Sheryl Sculley, City Manager


Date

Stipulations of Approval:

1. That all lighting, including parking and security lighting, feature hoods and be directed to avoid spillover into neighboring residential properties.
2. That selected window specifications be provided to staff. White vinyl windows are not acceptable. An aluminum-clad window with a darker color is most appropriate.
3. That details regarding location of ventilation and mechanical systems be provided to staff. All undesirable equipment must be screened or located to service areas positioned away from public view.
4. That the roof plan be further developed to include mechanical appurtenances and provided to staff. Any roof-mounted equipment that is visible from the right of way including the Hays Street Bridge must be screened from public view.
5. That the proposal for public art continues to be developed through HDRC and community input.
6. That the structural bays are articulated along the Cherry Street façade as discussed.
7. That architectural elements further reinforce the industrial character of the site and respond to the architectural design and materials of the Hays Street Bridge, particularly on the end of the building closest to the bridge.
8. That the applicant formalize through deed restrictions or some other means the dedicated open space accessible to the public included in the proposed development prior to receiving a building permit.

CC: Historic and Design Review Commission; District 2 Councilman Cruz Shaw; Assistant City Manager, Roderick Sanchez; Assistant City Manager, Lori Houston; Shanon Miller, Director, Office of Historic Preservation; Bridgett White, Director, Planning Department



June 3, 2018

Mitch Meyer
Loopy Limited
9033 Aero, Suite 202
San Antonio, TX 78217

Subject: HDRC Case Number 2018-D05, 803 N. Cherry

Dear Mr. Meyer,

On May 18, 2018 the Dignowity Hill Neighborhood Association (DHNA) Architectural Review Committee (ARC) reviewed the revised plan for HDRC case number 2018-D05, 803 N. Cherry. On May 24, 2018 we submitted a letter via email, respectfully recommending design changes in an effort to further enhance your project. On May 30, 2018 we received your response via email stating you were not willing to make the changes as recommended by the ARC.

After reviewing your response via email stating our requested changes were not feasible, the DHNA Board and ARC support the project in its current design. We believe the changes made to the building facades into smaller modules, as indicated in condition number 7, and the changes to architectural elements, as indicated in condition number 10, were met by the revised plan.

We appreciate your continued willingness to work with our community. We look forward to seeing your vision become a reality in the coming months.

Sincerely,

Chris Barrows
President, Dignowity Hill Neighborhood Association

CC Dignowity Hill Neighborhood Association Board
Dignowity Hill Neighborhood Association Architectural Review Committee



**CITY OF SAN ANTONIO
OFFICE OF THE CITY ATTORNEY
Interdepartmental Correspondence**

TO: Sheryl Sculley, City Manager
COPIES: Mayor and City Council
FROM: Andy Segovia, City Attorney *AS*
SUBJECT: Decision regarding HDRC Case - 803 N Cherry
DATE: July 3, 2018

You asked for a legal opinion on whether your decision to approve or disapprove the HDRC recommendation is impacted by the recent litigation filed by plaintiffs seeking to suspend the issuing of permits for the proposed Hayes Street Bridge project at 803 N Cherry. The answer is no.

On June 12, 2018, the plaintiffs in the Hays Street Bridge lawsuit filed an emergency motion in State District Court seeking “additional security pending appeal.” As you are aware, the matter that is currently pending before the Texas Supreme Court concerns immunity. The plaintiffs sought an order from the trial court judge that would restrain the City from taking any action with respect to the 803 N. Cherry St. property until the Supreme Court issues its opinion. Specifically, the plaintiffs proposed an order that the City would not be allowed to issue any “certifications, permits, approval, or other authorizations, that will permit construction to begin.”

The Motion was held before the Honorable Judge Laura Salinas on June 15, 2018. Judge Salinas has not issued any order to date. Therefore, the City is in no way restrained from proceeding with issuing any decision with respect to the property.