

**CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

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**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, November 03, 2005

**SUBJECT:** S.P. No. 1186-Request to close, vacate and abandon unimproved Victoria Street and the adjacent Public Right of Way located between Labor Street and the access road of I.H. 37 South adjacent to NCB 709

**PETITIONER:** San Antonio Housing Authority (SAHA)  
Attn: Bradford McMurray, Asset Manager  
818 S. Flores Street  
San Antonio, Texas 78204

**SUMMARY AND RECOMMENDATIONS**

This is a Public Hearing and consideration of an ordinance to close, vacate and abandon unimproved Victoria Street and the adjacent Public Right of Way located between Labor Street and the access road of I.H. 37 South adjacent to NCB 709 in Council District No. 1, in conjunction with the redevelopment of the old Victoria Courts housing project and for the third phase of Victoria Commons, as requested by the San Antonio Housing Authority and with a 100% reduction of the \$73,925.00 closure fee in accordance with the Incentive Scorecard System.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting to close, vacate and abandon unimproved Victoria Street and the adjacent Public Right of Way eight (8) feet behind the southern Right of Way line of Durango Blvd. located between Labor Street and the access road of I.H. 37 South adjacent to NCB 709 in City Council District No. 1, as shown on Exhibit "A". This request is in conjunction with the redevelopment of the old Victoria Courts housing project and for the third phase of Victoria Commons. If approved, the petitioner will enhance the visual impact of the proposed residential development along Durango Street by installing and maintaining landscape improvements as well as moving the proposed development closer to Durango Street. Petitioner desires to create a "Gateway to Downtown", lined with higher density development which complements the planned revitalization outlined in the HemisFair Park Master Plan.

### **POLICY ANALYSIS**

This action is consistent with City Ordinances regulating the closure, vacation and abandonment of Public Right of Way within the Corporate Limits of the City of San Antonio.

### **FISCAL IMPACT**

The fee of \$73,925.00 as consideration for this closure, vacation and abandonment of Public Right of Way qualifies for a 100% reduction in accordance with the Incentive Scorecard System.

### **COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

### **SUPPLEMENTARY COMMENTS**

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 10/26/2005 and its finding will be presented to City Council on 11/3/2005.

The Petitioner is exempt from filing a Discretionary Contracts Disclosure Statement.



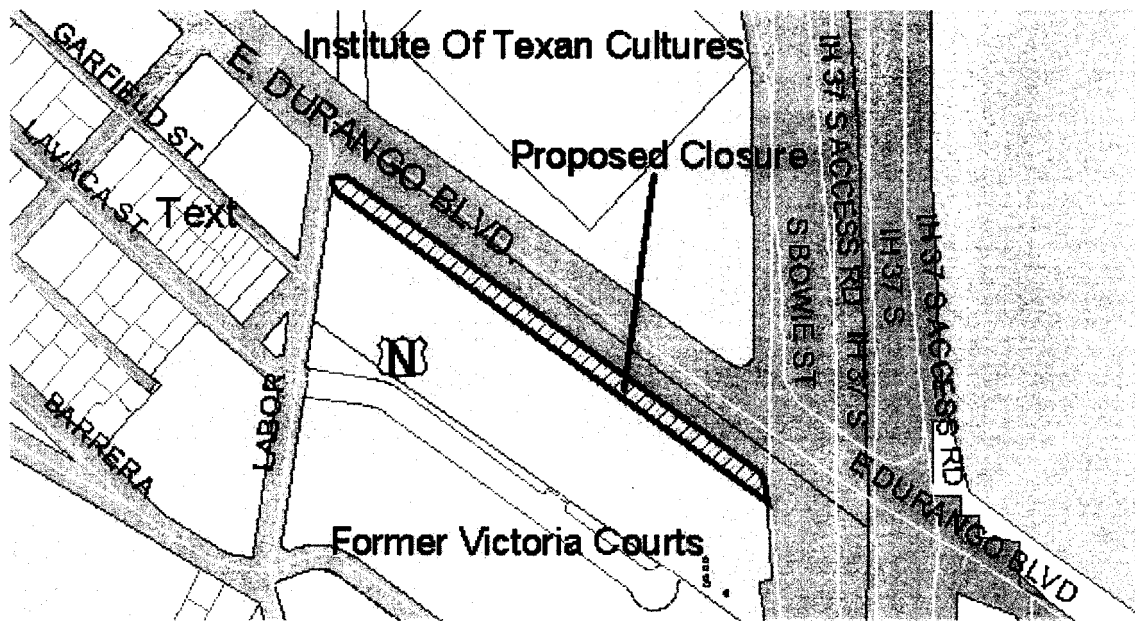
Rebecca Waldman, Director  
Department of Asset Management



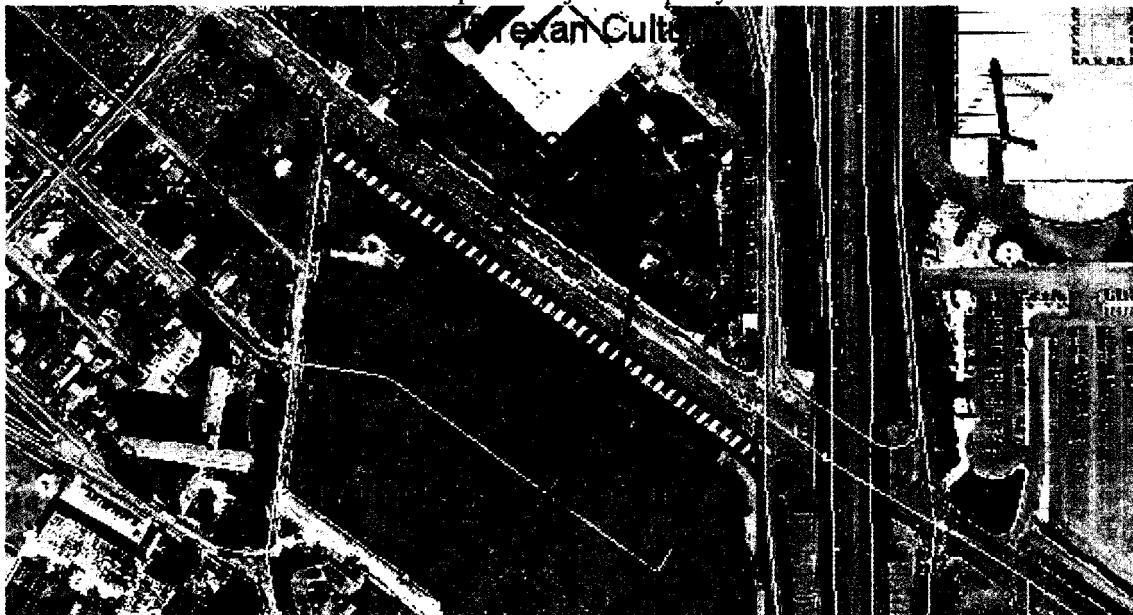
Erik J. Walsh  
Assistant to the City Manager



J. Rolando Bono  
City Manager



Map of Subject Property



Aerial View of Subject Property

**Exhibit "A"**

Page 1 of 2



View of Subject Property Facing East

**Exhibit "A"**

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# Canvassing Checklist

SPNo 1186

**Request:** Petitioner is requesting to close, vacate and abandon unimproved Victoria Street and the adjacent Public Right of Way eight (8) feet behind the southern Right of Way line of Durango Blvd. located between Labor Street and the access road of I.H. 37 South adjacent to NCB 709 in City Council District No. 1, as shown on Exhibit "A". This request is in conjunction with the redevelopment of the old Victoria Courts housing project and for the third phase of Victoria Commons. If approved, the petitioner will enhance the visual impact of the proposed residential development along Durango Street by installing and maintaining landscape improvements as well as moving the proposed development closer to Durango Street to create the desired "Gateway to Downtown" lined with higher density development and compliment the planned revitalization of HemisFair Park as provided in the HemisFair Park Master Plan.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	12/3/2004	1/28/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	12/3/2004	9/12/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	12/3/2004	3/8/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	12/3/2004	1/28/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	12/3/2004	12/14/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

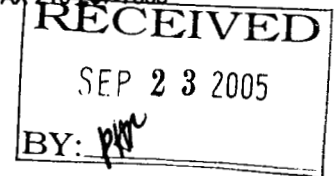
**Canvassing Comments**

This project is not within a neighborhood association.



# CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT  
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966  
TEL. 210-207-4032 FAX 210-207-7888



September 16, 2005

San Antonio Housing Authority  
Attn: Brad McMurray, Asset Manager  
818 S. Flores Street  
San Antonio, Texas 78204

Re: S. P. No. 1186-Request to close, vacate and abandon unimproved Victoria Street and the adjacent Public Right of Way located between Labor Street and the access road of I.H. 37 South adjacent to NCB 709

Dear Mr. McMurray:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

PLANNING DEPARTMENT: The petitioner must provide the necessary site plan information that delineates all landscaping improvements and all structure locations along Durango Boulevard to the Planning Department for approval. No permits will be granted until the Planning Department review is complete and approved.

DEVELOPMENT SERVICES DEPARTMENT: The site must be assembled with the petitioner's property. Adequate spacing must be retained to meet the future widening of Durango Boulevard, which is designated as an arterial type B.

SAN ANTONIO WATER SYSTEM: Petitioner must agree to reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System at the sole expense of the petitioner.

CITY PUBLIC SERVICE: Petitioner must agree to reserve a perpetual easement for all existing electrical, communications and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service at the sole expense of the petitioner.

DEPARTMENT OF ASSET MANAGEMENT:

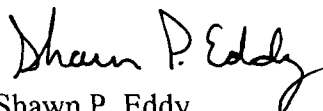
The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance. Petitioner asserts that all evidence of ownership of all proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. Petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner agrees to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioner agrees to allow perpetual access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioners.

The fee established for this Public Right of Way Closure is \$73,925.00; which has been waived in accordance with the 100% reduction provided under the Incentive Scorecard System.

This Letter of Agreement is being offered by the City of San Antonio only to the petitioner named below and will expire (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above-mentioned conditions please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement, we will continue processing your request.

Sincerely,

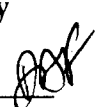


Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

SPE/jq

AGREED AS TO TERMS AND CONDITIONS:

**San Antonio Housing Authority**

By   
Henry A. Alvarez III  
Print Name

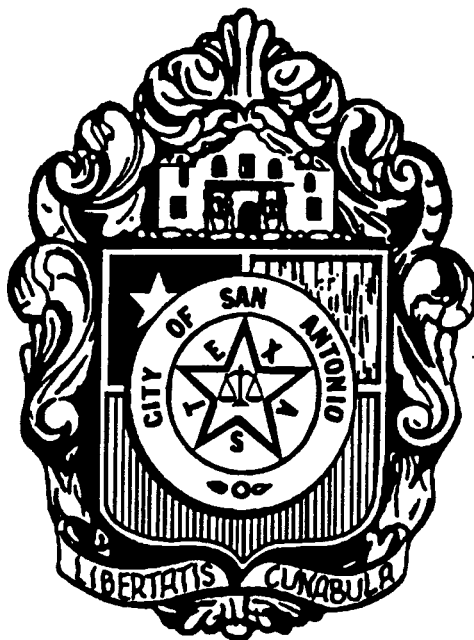
President & CEO

Title  
September 29, 2005

Date

# Incentive Agreement

Between  
**The City of San Antonio**  
And  
**The San Antonio Housing Authority**



## **Victoria Commons III**

(Project #136 -- Incentive Scorecard System)

August 15, 2005

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## **Incentive Agreement Purpose**

In May 2003, the City of San Antonio created the Incentive Scorecard System and Project Scorecard to determine a Total Project Score based on a development project's ability to meet the goals and priorities established by the San Antonio City Council and other desired development criteria that reflect best practices.

The Total Project Score may qualify a project to receive specific incentives based on the criteria established for each respective incentive. The level of incentive (e.g., fee reductions or waivers) would be "scalable" based on the Total Project Score (i.e., 25% fee reduction for score between X & Y). One purpose of this Incentive Agreement is to certify the Total Project Score for this specific project. Once the Total Project Score has been certified, the Developer may use this document to obtain specified fee waivers and/or reductions from the respective City department administering the incentive.

The other purpose of the Incentive Agreement is to document the Developer's agreement to reimburse the City for any awarded incentives if City determines that project has substantially deviated from the scope, outlined below, or if incentives are awarded based on any misrepresentation of information by Developer on the application or scorecard, which is restated below in this Agreement. The Developer also agrees herein to provide the City with any documentation of performance of obligations to support the information contained in this Agreement.

## **Project Information**

Name of Project:	Victoria Commons III
Project Address:	100 Labor St. San Antonio, Texas 78210
Project Description:	Phase III involves the new construction of 220-unit mixed-income apartment building and 24 mixed-income homeownership units (12 duplex units and 12 townhouse units). The multi-family rental component will provide 49 public housing units and 171 market rate units. Of the 24 homeownership units, 7 will be affordable and 17 will be market rate. The current zoning for the entire site is IDZ. The site is located in the San Antonio Empowerment Zone and the Tax Increment Reinvestment Zone number 11.
Estimated Start Date:	February 15, 2006
Estimated Completion Date:	June 30, 2007

## Project Developer

Project Contact: Brad McMurray, Asset Manager

Organization Name: The San Antonio Housing Authority

Organization Type: Governmental Agency

Contact Address: 818 S. Flores San Antonio, Texas 78204

Contact Phone: (210) 477-6005

Contact Fax: (210) 477-6002

Contact E-Mail: Bradford\_mcmurray@saha.org

## Project Scorecard

(As verified by EDD Staff)

SCORECARD ELEMENT	POINTS
<u>Capital Investment</u>	
\$21 - \$50 million (actual: \$22,707,567.00)	8
<u>Development Type</u>	
Mixed-Income, Multi-Family Housing inside CRAG but outside CBD 30	
<u>Public Enhancement</u>	
New Development or Substantial Improvement that utilizes a UDC Use Pattern or Special District (actual: Infill Development Zone)	15

New Development or Substantial Improvement within a designated Reinvestment Zone (actual: Federal Empowerment Zone)	10
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New Development or Substantial Improvement within a Tax Increment Reinvestment zone (TIRZ)	10
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New Development or Substantial Improvement in which the boundary of the development is within 1,000 feet (about 2 blocks) of a transit station or VIA bus stop	5
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Quality of Housing Units

Over 100 Housing Units (actual: 244 units)	15
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<b>Total Project Score:</b>	<b>93</b>
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## Incentive Agreement Certification

The undersigned Developer certifies that all information in this Agreement and all information furnished in support of this Agreement are true and complete to the best of the Developer's knowledge and belief. Further, the undersigned Developer agrees to furnish to the City of San Antonio additional information in support of this Agreement and may contact any and all sources named for the purposes of evaluation, clarification and verification of the information or performance by Developer of any obligations in relation to the this Agreement and Project Scorecard.

The undersigned Developer agrees to reimburse the City of San Antonio for any awarded incentives received as a result of this Agreement if the City of San Antonio determines that: 1) the project has substantially deviated from the provided scope; 2) the applicant has failed to furnish information related to the performance of any obligations; or 3) if awarded incentives were based on any misrepresentation, intentional or unintentional by the Developer, of information provided in this Agreement or furnished in support of the Project Scorecard. If the City is not reimbursed within a reasonable period of time, the City at its sole option may refuse to issue any building permits, issue any certificate of occupancy, accept any development application, or accept any infrastructure improvements from such applicant. Nothing in this certification shall exclude any and all remedies otherwise provided by law.

The undersigned Developer agrees to comply with all provisions of the City's Tree Ordinance as required by Chapter 35, Article 5, Section 35-523 (a)(1)(D) which requires that all regulations shall apply to any projects receiving any federal, state, and/or local financial assistance.

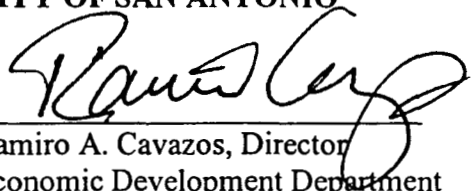
The undersigned Developer understands that this Agreement may only be officially approved by the City of San Antonio in writing by a duly authorized representative of the City of San Antonio, Economic Development Department.

The undersigned Developer further certifies that it shall not, in the provision of services, or in any other manner, discriminate against any person on the basis of race, creed, color, religion, national origin, sex, age, familial status or handicap.

The undersigned Developer attests that he/she has the authority to legally bind the named Developer/Firm/Organization to the terms and conditions associated with this Agreement.

*(signatures on next page)*

## CITY OF SAN ANTONIO

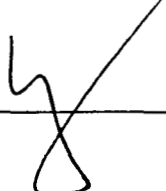
  
\_\_\_\_\_  
Ramiro A. Cavazos, Director  
Economic Development Department

Date

7-1-05

## DEVELOPER/FIRM/ORGANIZATION

By

  
\_\_\_\_\_  
Henry A. Alvarez III  
Printed Name

\_\_\_\_\_  
President & CEO  
Title

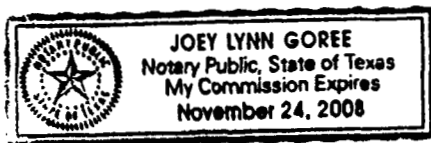
\_\_\_\_\_  
August 15, 2005  
Date

## ACKNOWLEDGEMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

This instrument was acknowledged before me on this 15th day of August, 2005 by Henry A. Alvarez III, President & CEO of the San Antonio Housing Authority, a Texas Housing Authority, on behalf of said Housing Authority.

(SEAL)



  
\_\_\_\_\_  
Notary Public, State of Texas

Printed Name:

Joey Goree

My Commission Expires:

11/24/08

## City of San Antonio Development Incentive Toolkit Inventory

**Incentive Title:**

Reduction or Waiver of License Fees For Use of Public Right of Way

**Incentive Type:**

- ☒ Fee Incentive
- ☐ Financing Incentive
- ☐ Regulatory Reduction or Exemption
- ☐ Tax Incentive
- ☐ Workforce Development/Business Advocacy

**Description:**

City Council has established fees for each non-pipeline use of Public Right of Way at the greater of five thousand dollars (\$5,000.00), or ten percent (10%) per year of the average of Bexar County Appraisal District assessed values in the vicinity for surface rights, seven and one-half percent (7.5%) per year of the average of Bexar County Appraisal District assessed values in the vicinity for air rights or five percent (5%) per year of the average of Bexar County Appraisal District assessed values in the vicinity for sub-surface rights. Staff is authorized to negotiate the license fee for any pipeline in Public Right of Way. Applicant must submit a petition, including a non-refundable processing fee of \$500.00, for a license to use Public Right of Way and be recommended for approval by staff.

**Eligibility Criteria:**

Staff may recommend to City Council the reduction or waiver of the license fee if the petitioner requests to 1) use sub-surface space under a Public Right of Way for an existing basement or utility vault; 2) make improvements specifically beneficial to the public; or 3) preserve, protect, or enhance historically, culturally, architecturally, or archaeologically significant sites or structures, on a case by case basis.

The following incentives are authorized:

- 25% reduction in license fees for Project Scorecard score between 60 and 69.
- 50% reduction in license fees for Project Scorecard score between 70 and 79.
- 75% reduction in license fees for Project Scorecard score between 80 and 89.
- 100% waiver of license fees for Project Scorecard score of 90 or greater.

Applicant must also submit a Development Incentive Application and Project Scorecard to be eligible for authorized fee incentives.

**Contact Information:**

City of San Antonio, Department of Asset Management, Property Disposition Division, (210) 207-6971.

## **City of San Antonio Development Incentive Toolkit Inventory**

**Incentive Title:**

Reduction or Waiver of Consideration for Closure of Public Right of Way

**Incentive Type:**

- ☒ Fee Incentive
- ☐ Financing Incentive
- ☐ Regulatory Reduction or Exemption
- ☐ Tax Incentive
- ☐ Workforce Development/Business Advocacy

**Description:**

City staff shall calculate a fee ("consideration") for such closure and Petitioner(s) shall remit payment of the consideration for the closure based on an average of Bexar County Appraisal District assessed values of property in the vicinity of the proposed closure. The average of Bexar County Appraisal District assessed values will be reduced by twenty-five percent (25%) when the Public Right of Way sought to be closed cannot be used independently under Chapter 35 of the City Code of the City of San Antonio, Texas or utility easements are retained. Developer must submit a petition, including a non-refundable processing fee of \$500.00, to close, vacate and abandon Public Right of Way and be recommended for approval by staff.

**Eligibility Criteria:**

Staff may recommend to City Council the reduction or waiver of the consideration for closure if 1) any petitioner originally granted the subject Public Right of Way at no cost, e.g. by dedication through plat or other instrument, to the City; or 2) the calculated consideration for closure does not accurately reflect the value of the Public Right of Way proposed to be closed, vacated and abandoned, on a case by case basis.

The following incentives are authorized:

- Additional 25% reduction in consideration for Project Scorecard score between 60 and 69.
- Additional 50% reduction in consideration for Project Scorecard score between 70 and 79.
- Additional 75% reduction in consideration for Project Scorecard score between 80 and 89.
- 100% waiver of consideration for Project Scorecard score of 90 or greater.

Applicant must also submit a Development Incentive Application and Project Scorecard to be eligible for authorized fee incentives.

**Contact Information:**

City of San Antonio, Department of Asset Management, Property Disposition Division, (210) 207-6971.

## City of San Antonio Development Incentive Toolkit Inventory

**Incentive Title:**

Reduction of Barricade Permit Fee (R.O.W. Lane and Sidewalk Closure Fee)

**Incentive Type:**

- ☒ Fee Incentive
- ☐ Financing Incentive
- ☐ Regulatory Reduction or Exemption
- ☐ Tax Incentive
- ☐ Workforce Development/Business Advocacy

**Description:**

The City of San Antonio charges a fee for the temporary closure of a lane of traffic or a portion of a sidewalk that is in the Public Right of Way for the purposes of construction. The fees are as follows:

Application Fee	\$20.00
Inspection Fee	\$20.00
Per Square Foot Fee	\$0.0525
Technology and Development Fee	6% of total fee

**Eligibility Criteria:**

Application for Barricade Permit Fee may be made through the City's Department of Public Works. The Police Department may require the presence of a peace officer during such closures. *All reductions or waivers will be subject to time restrictions determined and imposed by the Department of Public Works.*

The following incentives are authorized for Non-Profit Organizations:

- 25% reduction of Per Square Foot Fee for Project Scorecard score between 60 and 69.
- 50% reduction of Per Square Foot Fee for Project Scorecard score between 70 and 79.
- 75% reduction of Per Square Foot Fee for Project Scorecard score between 80 and 89.
- 100% waiver of Per Square Foot Fee for Project Scorecard score of 90 or greater.

The following incentives are authorized for For-Profit Businesses/Corporations:

- 25% reduction of Per Square Foot Fee for Project Scorecard score between 60 and 79.
- 50% reduction of Per Square Foot Fee for Project Scorecard score of 80 or greater.

Applicant must also submit a Development Incentive Application and Project Scorecard to be eligible for authorized fee incentives.

**Contact Information:**

City of San Antonio, Department of Public Works, (210) 207-7755.



# City of San Antonio

## Development Incentive Toolkit Inventory

### Incentive Title:

Reduction or Waiver of Temporary Street Closure Fee

### Incentive Type:

- ☒ Fee Incentive
- ☐ Financing Incentive
- ☐ Regulatory Reduction or Exemption
- ☐ Tax Incentive
- ☐ Workforce Development/Business Advocacy

### Description:

The City of San Antonio charges a fee of \$75.00 per block, per day for Temporary Street Closure that would include barricading all lanes of traffic of a street. Such temporary closures are granted for events such as parades, block parties, fiestas, etc.

### Eligibility Criteria:

Application for Temporary Street Closure Fee may be made through the City's Department of Public Works. The Police Department may require the presence of a peace officer during such closures. *All reductions or waivers will be subject to time restrictions determined and imposed by the Department of Public Works.*

The following incentives are authorized for Non-Profit Organizations:

- 25% reduction of Temp. Street Closure Fee for Project Scorecard score between 60 and 69.
- 50% reduction of Temp. Street Closure Fee for Project Scorecard score between 70 and 79.
- 75% reduction of Temp. Street Closure Fee for Project Scorecard score between 80 and 89.
- 100% waiver of Temp. Street Closure Fee for Project Scorecard score of 90 or greater.

The following incentives are authorized for For-Profit Businesses/Corporations:

- 25% reduction of Temp. Street Closure Fee for Project Scorecard score between 60 and 79.
- 50% reduction of Temp. Street Closure Fee for Project Scorecard score of 80 or greater.

Applicant must also submit a Development Incentive Application and Project Scorecard to be eligible for authorized fee incentives.

### Contact Information:

City of San Antonio, Department of Public Works, (210) 207-7755.

## City of San Antonio Development Incentive Toolkit Inventory

**Incentive Title:**

Waiver of Preliminary Review Fees

**Incentive Type:**

- ☒ Fee Incentive
- ☐ Financing Incentive
- ☐ Regulatory Reduction or Exemption
- ☐ Tax Incentive
- ☐ Workforce Development/Business Advocacy

**Description:**

The Department of Development Services staff are available to meet with developers to provide a preliminary review of their proposed plans and provide insight on continuing design, possible inconsistencies and make suggestions on methods to possibly streamline review and approval of plans. The established fee for such meetings is \$75.00 per hour, per development service subject matter staff expert.

**Eligibility Criteria:**

Application for Preliminary Review may be made through the City's Department of Development Services. The City of San Antonio is offering 100% waiver of these fees in an effort to promote the efficient development of projects that qualify for incentives.

The following incentive is authorized:

- 100% waiver of Preliminary Review Fees for Project Scorecard score greater than 60.

Applicant must also submit a Development Incentive Application and Project Scorecard to be eligible for authorized incentives.

**Contact Information:**

City of San Antonio, Department of Development Services, (210) 207-7776.