



City of San Antonio

Agenda Memorandum

File Number:17-1586

Agenda Item Number: 6.

Agenda Date: 2/8/2017

In Control: Governance Committee

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Briefing and discussion of a Council Consideration Request to develop a Neighborhood Protection Policy by amending City's building and development code to penalize chronic bad business.

SUMMARY:

Discussion on amending the City's building and development codes (Chapters 10 and 35, respectively) to add a penalty requiring the withholding of certificates of occupancies to commercial businesses that have previously had their certificates of occupancy revoked at least twice.

BACKGROUND INFORMATION:

On January 18, 2017 District 2 Councilman, Alan E Warrick, II sponsored a Council Consideration Request (CCR) to modify City code to include a penalty requiring the withholding of certificates of occupancy to businesses in commercial operations if their certificate of occupancy had previously been revoked at least for cause. The CCR indicated that the codified penalty should provide for the withholding of a certificate of occupancy for a reasonable amount of time.

Currently, City Code Chapter 10, Article I, Section 10-12, states that after the building official inspects a building or structure and finds no violations of the provisions of this chapter or other laws, the building official shall (i.e., is required to) issue a certificate of occupancy for that business. However, City Code does not currently allow the building official to take into consideration previous significant violations that the business may have incurred to the point that the City had to revoke any previous certificates of occupancy for that business.

While rare, there are instances where bad actor businesses repeatedly create severe violations to the code to the point that the building official has to revoke its certificate of occupancy. In most cases, the certificate of occupancy is only revoked after giving the business multiple notices and opportunities to correct any deficiencies. Repeated severe violations of code can negatively affect the health, safety and overall quality of life of the surrounding community.

ISSUE:

Adding a penalty requiring the withholding of certificates of occupancies to commercial businesses that have previously had their certificates of occupancy revoked at least twice would require amending City Code Chapters 10 (Building-Related Codes) and 35 (Unified Development Code), both of which reference the issuance of certificates of occupancy. Clear code language should be added to give the building official the ability and direction to withhold the issuance of a certificate of occupancy to a business for a determined length of time if that business has previously had its certificate of occupancy revoke for cause.

ALTERNATIVES:

Do not modify City Codes Chapters 10 and 35 so that it continues to not include a penalty for those businesses that have had their certificates of occupancy revoked at least twice.

FISCAL IMPACT:

There is no fiscal impact with this proposed code amendments.

RECOMMENDATION:

Staff recommends moving forward with the proposed changes to City Code Chapters 10 and 35 that will to add a penalty requiring the withholding of certificates of occupancies to commercial businesses that have previously had their certificates of occupancy revoked at least twice.

