



# City of San Antonio

## Agenda Memorandum

**File Number:**14-728

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**Agenda Item Number:** 15.

**Agenda Date:** 4/10/2014

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

An Amendment to the City Code Related to Issuance of Demolition Permits

**SUMMARY:**

This Ordinance authorizes an amendment to Chapter 10, Building Related Code, Article XII, Licensing and Registration, and the addition of a note to Chapter 35, Unified Development Code, Article VI, Historic Preservation and Urban Design, Division 2 Historic Preservation, to provide for a time period of one full business day following the date of the Board or Commission hearing or decision resulting in the issuance of a demolition permit, before the permit is issued.

**BACKGROUND INFORMATION:**

The demolition of the former Univision building located at 411 E. Cesar Chavez raised questions concerning the City's demolition and appeal process. The City's Development Services Department and the Office of Historic Preservation (OHP), in coordination with the City Manager's Office, undertook a review of the events and issues and recommends an amendment to Chapter 10, Building Related Codes, Article XII Licensing and Registration, and the addition of a note in the UDC which provides for a cooling off period before a demolition permit may be issued, after a decision is rendered by a Board or Commission, or an administrative official (i.e. Development Services Director or Historic Preservation Officer) allowing for such demolition. A demolition permit would not be issued until after one full business day following the date of the hearing or decision that results in the issuance of a demolition permit.

The code amendment was considered by the Governance Committee on January 15, 2014 and the Infrastructure and Growth Committee on March 19, 2014 and recommended to move forward to City Council for adoption.

## ISSUE:

Specifically, Chapter 10 Building Related Codes, Article XII Licensing and Registration is proposed to be amended to include language regarding the time period a demolition permit would be issued if the permit is subject to Board or Commission consideration. These instances include following a Board of Adjustment decision to overturn the revocation of the demolition permit or if a demolition permit triggers an application for a finding of historic significance to the Historic and Design Review Commission. Additionally, Article VI, Historic Preservation and Urban Design of the Unified Development Code (UDC) will include a note that refers to Chapter 10 regarding the time period for issuance of a demolition permit.

Below is the specific amendment language to Chapter 10 and Article VI of the UDC (*shown in italics and underlined*):

**Section 10-119 (i) Revocation; appeals.** The building official may revoke a demolition permit required by this chapter when the conditions under which the permit is granted have been violated. Revocation is discretionary on the building official and contractor shall be afforded an appellate hearing in front of the board of adjustment. A person requesting to appeal the decision of the building official must submit a written request and the fee within ten (10) days of the revocation. If the person makes a written request to the director for the decision detailing revocation in writing, such decision shall issue. *If a decision is made by the Board of Adjustment to overturn the revocation of the demolition permit, the decision shall stay any issuance of a demolition permit until the business day following the day after the decision of an administrative official or the final vote of the Board of Adjustment overturning the revocation.*

**Section 10-119 (o) Waiting Period.** A Demolition Permit shall not be issued prior to the business day following the day after the decision of an administrative official or the final vote of the Board of Adjustment authorizing the issuance of the demolition permit if the application for such permit:

- (1) results in the initiation of an application for a determination of historic significance; or
- (2) requires a recommendation from the Historic and Design Review Commission; or
- (3) is subject to consideration by any other board or commission of the City and either Subsection (o)(1), or Subsection (o)(2) applies to the demolition.

Additionally, Article VI, Historic Preservation and Urban Design, Division 2 Historic Preservation, will include the following note in **Section 35-614 (e) Issuance of Permit:** *NOTE: Refer to City Code Chapter 10-119 (o) regarding issuance of a permit.*

## ALTERNATIVES:

City Council could choose not to approve the City Code Amendment which will maintain the current process of issuing demolition permits immediately following the Board or Commission Meeting and decision resulting in the issuance of a demolition permit.

**FISCAL IMPACT:**

There is no fiscal impact with the adoption of the Code Amendments.

**RECOMMENDATION:**

This item was presented to the Building-Related & Fire Codes Appeals and Advisory Board in February and the Board recommended issuance of a permit after one full business day following the date of the hearing or decision. Additionally, staff presented the proposed language to the development stakeholders and received input through the month of February. Their input has been incorporated into the proposed amendments.

The code amendment was considered by the Governance Committee on January 15, 2014 and the Infrastructure and Growth Committee on March 19, 2014 and recommended to move forward to City Council for adoption.

Staff recommends approval of the proposed amendments to Chapter 10 and note in Chapter 35 regarding the time period for issuance of a demolition permit that is subject to Board/Commission consideration.