



City of San Antonio

Agenda Memorandum

File Number:15-5185

Agenda Item Number: 13.

Agenda Date: 10/29/2015

In Control: City Council A Session

DEPARTMENT: Development Services Department and Office of Historic Preservation

DEPARTMENT HEADS: Roderick Sanchez and Shanon Shea Miller

COUNCIL DISTRICT(S) IMPACTED: City wide

SUBJECT:

Potential amendments to City Code Chapters 6 and 35 related to the process for the review and consideration of “dangerous structures” to determine the feasibility of repair or demolition to abate safety hazards.

SUMMARY:

District 1 Councilman Roberto Treviño has submitted a City Council Resolution (CCR) to amend the process for how city departments, the Development Services Department and the Office of Historic Preservation, and boards and commissions, the Building Standards Board (BSB) and the Historic Design and Review Commission (HDRC), review and determine the feasibility of repair or demolition of “dangerous structures”.

BACKGROUND INFORMATION:

City Code Chapters 6 and 35 currently outline the procedures for how Development Services and Historic Preservation work with the BSB and HDRC to address structures that are defined as “dangerous buildings” due to significant structural and/or safety defects. City Code also outlines the required makeup of the BSB as well as how the BSB and HDRC are utilized to review “dangerous structure” cases involving designated historic structures to determine the feasibility of repair or demolition of dangerous structures. Under the current procedures, Development Services and Historic Preservation work together to review dangerous structure cases and attempt to get the owner of the structure to repair the structure where feasible as demolition is regarded as the remedy of last resort.

Councilman Treviño’s CCR recommended three changes to the current process in order to help ensure that properties, their owners and historic neighborhoods are afforded every opportunity to efficiently rehabilitate structures while maintaining safety throughout the community. In addition, as the HDRC is a recommending body while the BSB is a quasi-judicial body on these matters, one of the recommendations is to modify the interaction between the BSB and HDRC on those “structures having historical significance” by providing an

additional BSB hearing to better protect historically, culturally, architecturally and archeologically significant structures while still ensuring the safety and general welfare of the public.

The three changes proposed in the CCR include the following:

1. Providing that persons over the age of 65 years, veterans of the United States Military; persons who have owned or lived in their houses for 20 years or longer, and persons who have a serious chronic health condition, receive additional time consideration in these proceedings.
2. Mandating modified educational and background requirements for appointees to the BSB to ensure that each panel of the BSB includes an architect, a civil engineer, a general contractor, a social worker, a health care professional, a retired person (over the age of 64) and a veteran of the United States Military.
3. Modifying the current City Code to require a full BSB meeting to convene and consider “dangerous structure” cases for those structures designated “historically significant”.

The Governance Committee reviewed the CCR on May 20, 2015, and recommended that the items be presented to both the Infrastructure and Growth and Quality of Life Subcommittees for discussion and consideration. The Quality of Life Committee reviewed the CCR on June 16, 2015, and recommended proposed changes be forwarded to full City Council for consideration. The Infrastructure and Growth Committee reviewed the CCR on June 18, 2015, and recommended that the item be forwarded to a City Council B Session for further review. Additionally, the Development Services Department presented the proposed changes to the Building Standards Board on July 30, 2015, and City Council during a B Session on September 16, 2015.

ISSUE:

Upon review of Councilman Trevino’s CCR and current City Code, policies and procedures, Development Services and Historic Preservation recommend the following changes in an effort to improve the City’s process to review and determine the feasibility of repair or demolition of “dangerous structures”:

1. In order to give homeowners more time where warranted by special circumstances, modify City Code Section 6-159 - Standards for repair, vacation, or demolition; BSB review of demolition settlement - to include the following:

The Director of Development Services, at his discretion, may allow additional time to develop a rehabilitation plan for occupied homesteads under special circumstances faced by the owner including, but not limited to, mental and or physical hardships; age; income; length of occupancy; and veteran status.
2. Because of the technical nature and extreme importance of the BSB’s work, modify City Code Section 6 -155.1 to include mandatory qualifications for appointees to the BSB as follows.

Sec. 6-155.1. - Building standards board established and authority.

- (a) The Building Standards Board (BSB) is hereby established, and shall consist of fourteen (14) members. Ten (10) members of the Board shall be district appointments and four (4) members shall be at-large. ~~The at-large positions shall include: one member appointed by the Mayor and three (3) members shall be appointed by the City Council.~~

~~The four (4) at-large appointments by the Mayor and City Council shall consist of:~~

- (1) ~~One professional manager of single-family rental properties;~~
- (2) ~~One professional manager of multifamily rental property;~~
- (3) ~~One professional manager of retail/office/commercial rental property, engineer, architect, or design professional;~~
- (4) ~~One professional in one of the following disciplines: Architecture (licensed in the state), history, architectural history, archaeology, or planning, all having demonstrated experience addressing adaptive reuse of existing and historic buildings.~~

Membership of the Building Standards Board shall be by categories and as follows

- (1) Two licensed architects, one on each panel of the board. One of the licensed architects shall have demonstrated experience addressing adaptive reuse of existing and historic buildings.
- (2) Two licensed civil engineers, one on each panel of the board. One of the licensed civil engineers shall have demonstrated experience addressing adaptive reuse of existing and historic buildings.
- (3) Two general contractors, one on each panel of the board. One of the general contractors shall have demonstrated experience addressing adaptive reuse of existing and historic buildings. A professional property manager may be substituted for one of the two general contractors.
- (4) Two social workers, one on each panel of the board. A professional property manager may be substituted for one of the two social workers.
- (5) Two health care professionals, one on each panel of the board
- (6) Two retired persons over the age of 64, one on each panel of the board
- (7) Two veterans of the United States Military, one on each panel of the board

Appointments shall be governed by chapter 2, article IX entitled "Boards and commission rules."

- 3. Modify City Code Section 6-155.1 by adding the following language to address situations where there is a conflict between the HDRC and BSB recommendations as to whether or not a historic designated dangerous structure should be demolished, as follows:

For structures designated a historic landmark or located within an historic district that may constitute a hazard to public safety and that have not received a recommendation for an order for demolition from the HDRC, the case shall be heard by the full membership of the BSB. In this instance a quorum means a majority of the Board's membership.

- 4. Due to the significance of properties designated historic and to ensure improved balance of historic preservation and the safety of surrounding areas, modify current City Code as follows:
 - a. Add code language to the BSB procedures to require at least one of the designated historic professionals to be present to hear and vote on a dangerous premises case involving an historic property.
 - b. For non-emergency demolition conditions, add code language that the City shall be required to obtain at least two municipal court dispositions before presenting the property to the BSB.
 - c. Add language to Section 35-614(b) that OHP staff may collect and utilize bids from third party contractors to verify economic hardship claims to HDRC
- 5. Development Services shall create policy/criteria to allow partial demolitions as a method to address circumstances where demolishing portions of a structure will abate the hazard while maintaining in-tact those portions of the structure that are safe.
- 6. Development Services and Historic Preservations shall research the availability and possibility of

stabilization funds to be used rather than demolition funds based upon Section 35-617 procedures (i.e., emergency securing measures).

7. Development Services and Historic Preservations shall work with legal experts to develop methods for clearing titles of dangerous properties to help improve the potential for purchase, rehabilitation and redevelopment of these properties.

ALTERNATIVES:

Denial of these recommendations or alternatives identified by City Council.

FISCAL IMPACT:

These proposed ordinance changes above have no fiscal impact. Further review of any fiscal impact of possible stabilization funds would occur through the City's budget development process and recommendations will be considered during the budget process.

RECOMMENDATION:

Staff recommends the approval of the changes to Chapters 6 and 35 of the City Code and the policy recommendations be approved as presented above.