

AN ORDINANCE 2015-10-29-0921

AMENDING CHAPTER 6, BUILDINGS, ARTICLE VIII, SECTIONS 6-155.1(a), 6-158(b), AND 6-159 OF THE CITY CODE, TO CHANGE REQUIREMENTS FOR BOARD MEMBERSHIP AND TO AMEND DUTIES OF THE DIRECTOR AND THE BUILDING STANDARDS BOARD RELATIVE TO DESIGNATED STRUCTURES; AND ALSO AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, TO REVISE THE CRITERIA FOR UNREASONABLE ECONOMIC HARDSHIP IN CASES SEEKING DEMOLITION OF HISTORIC LANDMARKS.

WHEREAS, The Development Services Department received a City Council Request (CCR) requesting review of the current law, policies and procedures relating to the rehabilitation or demolition of structures to abate safety hazards as ordered by the Building Standards Board; and

WHEREAS, demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio, and historically significant structures should be preserved from demolition where at all feasible; and

WHEREAS, in order to better protect such structures, the Historic and Design Review Commission (“HDRC”) requires sufficient evidence of the Undue Economic Hardship of rehabilitating those structures from property owners seeking to demolish them; and

WHEREAS, owners who choose to submit construction cost estimates in support of their request must provide sufficient detail to permit HDRC to properly assess the asserted Hardship, and to permit the Office of Historic Preservation to include analysis of such estimates in the staff report accompanying such requests; and

WHEREAS, the Building Standards Board is a quasi-judicial body whose orders may only be reviewed by a judicial district court; and

WHEREAS, the composition of the Building Standards Board was revised from an all-employee board to a board composed of City of San Antonio citizens at the request of City Council in April 2013; and

WHEREAS, to improve the City's process to review and determine the feasibility of rehabilitation or demolition of dangerous structures, sections of Chapter 6, Article VIII require revisions; and

WHEREAS, the Building Standards Board membership composition is to be revised to more accurately reflect the community it serves; and

WHEREAS, the entire Building Standards Board rather than individual panels should address cases involving structures designated as historically significant; and

WHEREAS, the Development Services Director, in special circumstances, should be afforded the discretion to allow additional time to abate a dangerous structure; and

WHEREAS, it is proposed to explore the availability of stabilization funds to assist homeowners with emergency securing measures; and

WHEREAS, it is proposed to research possible methods for clearing titles of dangerous structures to improve potential for purchase, rehabilitation, and/or redevelopment of these structures in coordination with legal experts; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO

SECTION 1. Chapter 6, Article VIII, Sections 6-155.1(a), 6-158(b), and 6-159 of the City Code of San Antonio, Texas are as follows:

“Sec. 6-155.1. - Building Standards Board [standards board] established and authority.

- (a) The Building Standards Board (BSB) is hereby established, and shall consist of fourteen (14) members. Membership of the BSB shall consist of the following:
~~[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 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.]~~

(1) Two architects, one of which shall have demonstrated experience addressing adaptive reuse of existing and historic buildings;

(2) Two engineers, one of which shall have demonstrated experience addressing adaptive reuse of existing and historic buildings;

(3) Two general contractors, one of which shall have demonstrated experience addressing adaptive reuse of existing and historic buildings;

(4) Two social workers;

(5) Two health care professionals;

(6) Two retired persons over the age of 64;

(7) Two veterans of the United States Military; or

(8) A professional property manager who may be substituted for one general contractor and/or one social worker, for a maximum total of two possible substitutions.

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

6-158 – Dangerous Buildings or structures cases.

(b) Historic Structures

- (1) Concurrent with preparation of a dangerous building or structure case for referral to the BSB, and before a hearing, the ~~[code compliance]~~ Development Services director or designee shall advise in writing the city's historic preservation officer of the location of the subject building or structure and the nature of the violation. Such advisement shall commence the timeframe for status determination, in lieu of an application for demolition. Within thirty (30) days of receipt of the information, the city historic preservation officer shall advise the BSB in writing whether or not the building or structure is a landmark or is in an historic district, and if neither a landmark nor in an historic district, whether or not the building or structure has historical, cultural, architectural, or archaeological significance (structure having significance).
- (2) If the building or structure is a landmark, in an historic district, listed or eligible for listing in the National Register of Historical Places, or possesses historical, cultural, architectural, or archaeological significance, BSB shall ensure that an order, finding, or other action taken complies with the requirements set out in the Uniform Development Code § 35-617. Provided, however, within sixty (60) days from the date of receipt of the information from the ~~[code compliance]~~ Development Services director or designee, the historic preservation officer must have obtained the historic and design review commission concurrence that a building or structure having significance should be designated a landmark. Further, the

structure having significance must be so designated by city council one hundred eighty (180) days after the date of receipt of the information from the ~~[code compliance]~~ Development Services director or designee. If any one of the deadlines set out above is not met, the BSB may presume the building or structure does not have historical, cultural, architectural or archaeological significance.

- (3) In instances in which a dangerous building or structure is designated a historic landmark or located within an historic district and has not received a recommendation of demolition from the Historic Design and Review Commission, the case shall be heard by the full membership of the BSB. All quorum requirements shall be met.

6-159 – Standards for repair, vacation, or demolition; BSB review of demolition settlement.

The following standards shall guide the code compliance director in his discretion in ordering a hearing for repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the building standards board.

- (1) The Director of Development Services, at his/her 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) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as the remedy of last resort.

- (2 3) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the hearing officers to be vacated.
- (3 4) In any case where a dangerous building is fifty (50) percent or more damaged or decayed or deteriorated in its structure, or fifty (50) percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Such presumption may be appropriately rebutted by the weight of the evidence.
- (4 5) Principals of sound engineering practices shall be respected.
- (5 6) In all cases of settlement in which a responsible party enters into a voluntary demolition agreement to accept city serviced demolition, all settlement agreements shall be reviewed by the BSB prior to execution by a duly authorized city official possessing settlement authority.”

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is amended as follows:
Chapter 35, Article VI, Section 35-614 is amended as follows:

Sec. 35-614. - Demolition.

(b) Unreasonable Economic Hardship.

(3) **Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission. As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. All other provisions of Chapter 6, Article VIII of the City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by the Ordinance.

SECTION 5. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. Sections 6-158(b) and 6-159 of this Ordinance shall become effective November 1, 2015; Sections 6-155.1(a) and 35-614(b)(3)(D) of this Ordinance shall become effective February 1, 2016.

PASSED AND APPROVED this _____ day of _____, 2015.

M A Y O R
Ivy Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney