



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor & City Council

FROM: Councilman Alan E. Warrick, II, District 2

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Chief of Staff; Christopher Callanen, Assistant to the City Council; Martha G. Sepeda, Acting City Attorney; John Peterek, Senior Management Analyst

SUBJECT: Preservation of Property Rights within a Proposed Historic District

DATE: April 1, 2015

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Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

It is the intent of this City Council Consideration Request to make the designation process of a historic district more transparent and give the affected residents local control of the process and ultimately protection of their property rights.

It also seeks to remedy the situation in which the Historic Design and Review Commission (HDRC) conflict with the Building Standards Board in regards to demolition and reconstruction.

Brief Background

(1) Initiation of the Process

Currently, the UDC requires at least thirty-percent approval of the properties within the proposed historic district to initiate the process. *See* UDC, Sec. 35-605, (b)(3). This threshold is inadequate and it is my recommendation that the initiation should require fifty-one-percent. The burden to initiate the process remains with the property owners.

(2) Designation

Designation of an area as historic is a significant change to the lives of all property owners and may require additional interaction with city staff before making improvements to one's property. The burden to designate an area as historic should require a majority of property owners, or fifty-one-percent. The reasoning behind this is once an area is deemed historic, it is likely to remain historic into perpetuity. It should be the responsibility of the Office of Historic Preservation to send voting slips to all impacted property owners and make every reasonable attempt to secure the votes of the property owners. If a voting slip is not returned, it may be assumed that the property owner is in favor of the historic designation.

(3) Application Life

Currently, once a valid application is submitted, it remains active for a period of (2) years. *See* UDC, Sec.-35-605, (b)(1). Two years is an unreasonable amount of time for an application to remain active. The process should be more streamlined and efficient. It is my recommendation that once a valid application is submitted, the application should remain valid for (1) year. This allows an adequate amount of time for public comment and transparency.

(4) Promotion of Infill Development

Many of our historic neighborhoods are on the cusp of revitalization. In many cases, historic properties are being saved and rehabilitated transforming once neglected neighborhoods. However, due to the age and lack of maintenance to some of these properties, they are beyond salvaging without a great economic hardship to the property owner. If these buildings are deemed to be a hazard to the health and safety of the public by a determination of the Building Standards Board, property owners should not be penalized for wanting to invest and rebuild. Vacant lots do not add to the vitality and aesthetics of a vibrant neighborhood.

Currently, Sec. 35-615, (c)(3)(iv) of the UDC states that if a building must be demolished after being deemed a public hazard, no application for a permit for a project on the property may be considered for a period of (5) years. This section is contrary to the public policy that we should promote investment and infill in our established neighborhoods. It is my recommendation that property owners be allowed to rebuild immediately after the dangerous structure is demolished. The new development will still be required to conform to the set standards of the given historic district.

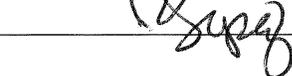
Submitted for Council consideration
by:



Councilman Alan E. Warrick, II, District 2

Supporting Councilmembers' Signatures (4 only)

District No.

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2.		
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