Briefing & Recommendation Relating to Historic District Designation and Demolition Penalties

Item 14, City Council A Session, October 29, 2015
Background

• Council Consideration Request submitted by District 2 Councilman Warrick
  – Consideration of changes to historic district designation process
    • Initiation threshold
    • Voting process
    • Application life
  – Clarification of demolition penalty and when it applies
## District Designation Overview

<table>
<thead>
<tr>
<th>before 2010</th>
<th>2010 - 2012</th>
<th>2012 - present</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Minimum threshold: support from 51% of properties or property owners</td>
<td>• Minimum threshold: none</td>
<td>• Minimum threshold: 30% of properties to initiate the process</td>
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<td>• Concerns: lack of responsiveness; apathy</td>
<td>• Public process begins in 90 days from public hearing</td>
<td>• Petition generated by proponents</td>
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<tr>
<td>• Application valid for one year</td>
<td>• 51% verified opposition stops process</td>
<td>• Application valid for two years</td>
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</tbody>
</table>

**In all cases, abstention not considered as a vote in either direction**
Current Process

Application
- Application submitted to staff
- Applicant provides proposed boundaries and petition (30%)

Verification
- Staff verifies expressed support
- Staff confirms whether proposed area is eligible; possible survey

Notification
- Residents within proposed boundary receive notice
- Public information meeting is scheduled

Public Hearings
- Item goes to HDRC for its recommendation
- Zoning Commission, City Council
Current Process

- 30% petition only initiates the process; does **not** grant designation
- A record of all verifiable support or opposition is maintained throughout the process
Initiation

• CCR proposes 51% minimum threshold for initiation of the public hearing process
Voting Process

• CCR proposes a mailed ballot provided by the City of San Antonio
Voting Process

- CCR reduces the application life from two years to one year
Demolition Process

Owner - initiated

- Economic hardship presented
- Proposed replacement
- HDRC approval required

Code - initiated

- Owner notified
- Dangerous Premise case created
- BSB may order demolition
Penalties

- UDC Section 35-615; Demolition by Neglect
- If property is demolished as a public safety hazard, five-year hold on permits may apply
5-Year Penalty

- The 5-year penalty provides a disincentive to neglect properties to the point of demolition
- Safeguards properties purchased with the intent to demolish for new development
- Where there are plans for new development, the standard HDRC process should be followed
- Intended to apply in most extreme cases
Recommendation

• Staff concurs with the proposed changes to the historic district creation process
  – 51% minimum threshold
  – COSA facilitates voting
  – One year application life

• Staff recommends clarifying the language related to the penalty to eliminate confusion
  – At least two notices, two municipal court dispositions and consultation with the owner
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