

City of San Antonio



AGENDA

City Council A Session

Municipal Plaza Building
114 W. Commerce Street
San Antonio, Texas 78205

Thursday, September 8, 2022

9:00 AM

City Hall Complex

The City Council will hold its regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at the above referenced date and time for the following items. Once convened, the City Council will take up the following items in any order during the meeting but no sooner than the designated times.

9:00AM: Call to Order

Members of the public can comment on items on the agenda. To sign up to speak visit www.saspeakup.com. Click on meetings and events and select the meeting you'd like to participate in. Sign up to speak or submit a written comment. Questions relating to these rules may be directed to the Office of the City Clerk at (210) 207-7253.

Individuals signing up for public comment may register for VIA bus fare or parking validation at www.saspeakup.com. VIA bus fare or parking at City Tower Garage (located at 100 Blk N. Main) will be provided to individuals who request the assistance. Staff will provide VIA bus fare passes and parking validation tickets in the lobby of City Council Chambers.

To view the Live meeting please view our [Live Stream](#)

During the meeting, the City Council may meet in executive session for consultation with the City Attorney's Office concerning attorney-client matters under Chapter 551 of the Texas

Government Code.

ACCESS STATEMENT

The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-2098 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help to ensure availability.

Intérpretes en español estarán disponibles durante la junta del consejo de la ciudad para los asistentes que lo requieran. También se proveerán intérpretes para los ciudadanos que deseen exponer su punto de vista al consejo de la ciudad. Para más información, llame al (210) 207-7253

For additional information on any item on this agenda, please visit www.sanantonio.gov or call (210) 207-7080.

12.

2022-09-08-0668

Ordinance amending Chapter 12 Entitled "Vacant Structures" of the City Code to adopt Deconstruction Regulations for Residential and Accessory Structures within the City of San Antonio And Establishing Penalties. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Director, Office of Historic Preservation]

THE CITY COUNCIL MAY RECESS FOR LUNCH AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS

6:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.

Posted on: 07/03/2024 04:25 AM



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 12

Agenda Date: September 8, 2022

In Control: City Council A Session

DEPARTMENT: Office of Historic Preservation

DEPARTMENT HEAD: Shanon Shea Miller

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

An ordinance adopting deconstruction requirements for the city's oldest small-scale housing stock.

SUMMARY:

Consideration of an ordinance adopting requirements for deconstruction of the city's oldest small-scale housing stock. The ordinance includes three phases, to take effect October 1, 2022, January 1, 2023, and January 1, 2025, respectively.

BACKGROUND INFORMATION:

General

A 2017 Council Consideration Request (CCR) directed the Office of Historic Preservation to explore a deconstruction policy as a tool to mitigate cultural, environmental, social, economic, and community concerns related to the mechanical demolition of older housing stock. Sometimes called "construction in reverse" or "unbuilding," deconstruction removes a building by selective disassembly of structural and non-structural building components to maximize the recovery and reuse of material. Since 2018, OHP has worked with community stakeholders, peer cities, and the Deconstruction Advisory Committee (DAC) to develop the ordinance.

The Planning and Community Development Committee unanimously referred to the ordinance to City Council on August 1, 2022. The Community Health, Environment, and Culture Committee was briefed on February 8, 2022. The former Planning and Community Development Committee and Arts, Culture, and Heritage Committee were briefed in 2019 and 2020 respectively.

Initiative Overview

The proposed deconstruction ordinance is a result of nearly four years of collaborative, integrative, community-driven work and engagement. This deconstruction ordinance is designed to provide deconstruction requirements to safeguard the public safety, health, and general welfare associated with building removal, including the reduction of airborne toxic pollutants, carbon emissions, water consumption, and the dumping of refuse and demolition waste as well as to promote a circular economy. OHP will implement this ordinance through a phased approach to support incremental market growth.

Prior to ordinance implementation, the Office of Historic Preservation has taken several steps to ensure that the program will be successful:

- Formed a Deconstruction Advisory Committee (DAC) in 2018 to guide policy development with the inclusion of technical input and expertise from stakeholders. The DAC includes representatives from the following:
 - Demolition, deconstruction, real estate and development, reuse retail, architecture, solid waste, historic preservation, and general contracting industries, plus City representatives from the Development Services Department, Office of Sustainability, Solid Waste Management Department, Metro Health, Office of Innovation, and Neighborhood and Housing Services Department.
- Organized two Certified Deconstruction Contractor trainings, with another planned for fall 2022.
- Secured multiple solid waste grants from the Alamo Area Council of Governments (AACOG) to support community engagement, the undertaking of a deconstruction strategic plan, the creation of a deconstruction grant program, and the purchase of equipment to support deconstruction contractors and the Material Innovation Center at Port San Antonio.
- Hosted a Deconstruction “think tank” of peer cities and industry professionals to provide additional input and share new ideas for achieving common waste diversion and material reuse goals, which provided multiple opportunities for local public participation.
- Published the report *Treasure in the Walls: Reclaiming Value Through Material Reuse in San Antonio*, which illustrates how a deconstruction ordinance can meet or advance explicit goals and strategies in the City’s adopted Climate Action and Adaptation Plan (CAAP), Solid Waste Management Plan, and Strategic Housing Implementation Plan (SHIP), as well as advance local economic growth.
- Integrated permit workflows for deconstruction projects into the development of the Build SA portal.
- Developed strategic relationships with UTSA facility and researchers to further collaborative, data-driven projects that advance building material recovery, building product innovation, and competitiveness for federal grants supporting landfill waste reduction, disaster resiliency, and urban equity.

- Participated in the Office of Innovation’s inaugural Innovation Academy to develop evaluation metrics for the Material Innovation Center.
- Developed a comprehensive public engagement strategy to notify the community of the policy prior to Phase II of the ordinance taking effect.
- Implemented deconstruction training into the City’s Ready to Work training catalogue.

Additionally, an early need identified by the Deconstruction Advisory Committee was for the City to provide space for excess building materials recovered as a result of a deconstruction ordinance. In March 2022, the Office of Historic Preservation announced that its Living Heritage Trades Academy and new Material Innovation Center would be located at the Port San Antonio Bungalow Colony. A multi-year lease agreement between Port San Antonio and the City of San Antonio was approved by City Council in June 2022. The Material Innovation Center will divert construction and demolition materials while providing support for the Academy's workforce training programs and serving as a community tool library. This innovative endeavor will serve as a site for material receivership and temporary lay-down space; provide a community education and workforce development hub; and jumpstart a center for material innovation and technological advancement in the reuse of building materials.

Policy Components & Anticipated Outcomes

As proposed, the deconstruction ordinance includes the following policy components: Deconstructions will be administered by OHP through the existing demolition permitting process. A requirement to deconstruct the property will be based on construction date and building type; anyone can initiate a permit request, but permits will only be issued to Certified Deconstruction Contractors, who will be responsible for meeting requirements. Contractors must complete a pre-deconstruction materials inventory and salvage plan on a digital form provided by OHP. Contractors must submit a close-out report to OHP when the deconstruction project is complete. For data collection purposes, the close-out report will include information about the quantity of materials that were salvaged and where the salvaged materials went (retail shop, storage, or reuse on either another project or on site) to evaluate program impact. Materials must be sorted and secured on site during deconstruction unless otherwise documented by the contractor. Materials may be distributed or sold from the site. Material ownership for private deconstructions is at the discretion of the property owner.

Applicability of the ordinance will be phased as follows:

PHASE I	Effective October 1, 2022	City-executed demolitions that fall within the parameters of the ordinance would capture approximately 3% of demolition permits.
PHASE 2	Effective January 1, 2023	Residential single family structures, multi-unit structures four stories or less, and accessory structures that were constructed on or before December 31, 2019, plus residential single family structures, multi-unit structures four stories or less, and accessory structures that were constructed on or before December 31, 2019 that have either: been locally designated and carry a historic zoning overlay (HS, or HE), or are located within a Neighborhood Conservation District that carry a NCD zoning overlay. This phase would capture approximately 7% of demolition permits.

PHASE 3	Effective January 1, 2025	Residential single family structures, multi-unit structures eight accessory structures that were constructed on or before December 31, 2012, plus residential single family structures, multi-unit structures and accessory structures that were constructed on or before December 31, 2012 that have either: been locally designated and carry a historic zoning overlay (HS, or HE), or are located within a Neighborhood Conservation District that carry a NCD zoning overlay. This phase would capture all demolition permits.
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Key anticipated outcomes from the implementation of this ordinance include:

- Increase in the availability, accessibility, and affordability of locally available, high quality building materials sourced from San Antonio’s “urban forest,” mitigating dependency on new materials that are currently subject to volatile and economically burdensome material supply chains;
- Fostering of a local circular economy, where existing materials are kept in productive use or given new life (aligning with mitigation strategies in the Climate Action and Adaptation Plan);
- Reduction of water consumption, construction and demolition landfill waste, and carbon emissions associated with demolition;
- Generation of new local jobs in deconstruction, warehousing, retailing, trades, and value-added manufacturing sectors (on average, deconstruction and reuse creates 300 jobs for every 10,000 tons of material, compared to 6 for demolition);
- Inclusion of new participants in the salvage exchange market, including those traditionally excluded;
- Increased likelihood of safe abatement of hazardous materials in older structures, among other public health and air quality benefits;
- Generation of a stockpile of quality reclaimed materials to be used in affordable housing repair and production, including City programs like REHABARAMA, Shotgun House Initiative, and Minor Repair Program; properties identified through the Building Standards Board (BSB) and Historic and Design Review Commission (HDRC) review processes; and future innovative housing initiatives like the creation of a Salvage-to-ADU program; and
- Promotion of reuse, upcycling, and other creative and sustainable waste habits citywide.

ISSUE:

A shift from demolition to deconstruction of older housing stock reduces the hazardous particles entering communities, reduces landfill waste and thus GHG emissions, and promotes the economy through the salvage of valuable materials and creation of green jobs.

Key Issues in San Antonio:

- Over the past 10 years, more than \$16 million worth of salvageable building materials were sent to local landfills, amounting to nearly 170,000 tons of irrecoverable resources.
- More than 500 buildings are demolished in San Antonio every year, an increase of 68% since 2012.

- Over the past 10 years, more than 1,500 pre-1960 houses in San Antonio were demolished. This type of housing, which disproportionately provides shelter for the city's low-income residents, is increasingly vulnerable to demolition.
- More than 30% of existing residential buildings in San Antonio are of historic age and were constructed using old-growth hardwoods that are no longer available. Maintaining and repairing older buildings is most successful when reclaimed and salvaged historic materials are locally accessible.
- According to the EPA's Environmental Justice Screening Tool, the areas where pre-1960 residential structures are most demolished – Districts 1, 2, and 5 – are in the 92nd percentile for lead paint, 82nd percentile for 2.5 particulate matter (the smallest and most harmful airborne pollutant size), and 83rd percentile for toxic air respiratory exposure, compared to the national average.

Deconstruction is proven to mitigate the release of particulates into the air by carefully dismantling materials by hand versus crushing them with machines and releasing dust into and onto the surrounding air, ground, and structures. Every instance of material breakage that is prevented by deconstruction means less harm to area residents that live and breathe near the structure.

San Antonio is part of a growing network of cities around the world seeking to disrupt this pattern by advancing the circular economy, an economic system that prioritizes reuse, repair, and product longevity to tackle waste, pollution, and the overconsumption of finite and natural resources. A deconstruction ordinance is critical to facilitating an increase in building material recovery for reuse and for the development of vibrant building materials reuse industry that prioritizes equitable access to resources.

In sum, the proposed deconstruction of select building types in San Antonio would divert waste and provide new opportunities for reuse, job growth, and affordability, while mitigating public health disparities.

ALTERNATIVES:

An alternative to ordinance adoption would be continued stakeholder meetings and the continued mechanical demolition of pre-1945 housing stock.

FISCAL IMPACT:

Funding is available from an Alamo Area Council of Governments (AACOG) Solid Waste Pass-Through grant and the Office of Historic Preservation's FY 2022 General Fund budget. Costs associated with any City-executed deconstructions will be paid out of existing funding for City-ordered demolitions.

RECOMMENDATION:

Staff recommends that the deconstruction ordinance be adopted.

FINAL DRAFT

ORDINANCE

AMENDING CHAPTER 12 ENTITLED “VACANT STRUCTURES” OF THE CITY CODE TO ADOPT DECONSTRUCTION REGULATIONS FOR RESIDENTIAL AND ACCESSORY STRUCTURES WITHIN THE CITY OF SAN ANTONIO AND ESTABLISHING PENALTIES.

* * * * *

WHEREAS, over the past 10 years, more than \$16 million worth of salvageable building materials were sent to local landfills, amounting to nearly 170,000 tons of irrecoverable resources, and more than 1,500 pre-1960 houses in San Antonio were demolished; and

WHEREAS, more than 500 buildings are demolished in San Antonio every year, an increase of 68% since 2012; and

WHEREAS, deconstruction is proven to mitigate the release of particulates into the air by carefully dismantling materials by hand versus crushing them with machines and releasing dust into and onto the surrounding air, ground, and structures; and

WHEREAS, the proposed deconstruction ordinance is designed to provide deconstruction requirements to safeguard the public safety, health, and general welfare associated with building removal, including the reduction of airborne toxic pollutants, carbon emissions, water consumption, and the dumping of refuse and demolition waste as well as to promote a circular economy; and

WHEREAS, maintaining, stabilizing, and preserving older and historic buildings, including naturally occurring affordable housing, is most successful when reclaimed and salvaged materials are locally accessible; and

WHEREAS, the proposed deconstruction of select small-scale housing stock would result in an increase in the availability, accessibility, and affordability of locally-available, high-quality building materials sourced from San Antonio’s “urban forest,” facilitating inclusion of new participants in the local salvage exchange market, including those traditionally excluded; and

WHEREAS, an increased local availability of building materials and robust exchange networks represent valuable pre-disaster mitigation strategies that improve community health and resilience; and

WHEREAS, the economic and workforce potential of deconstruction is on average six times that of demolition, generating new local opportunities in deconstruction, warehousing, retailing, trades, and value-added manufacturing sectors; and

WHEREAS, the proposed deconstruction ordinance aligns with City priorities outlined in the Climate Action and Adaptation Plan (CAAP), Strategic Housing Implementation Plan (SHIP), Recycling and Resource Recovery Plan, and Ready to Work Program; and

FINAL DRAFT

WHEREAS, the City’s Office of Historic Preservation (OHP) will administer the deconstruction ordinance through the existing demolition permitting process, which will apply to residential and accessory structures based on the construction date and building type; and

WHEREAS, OHP staff briefed the Community Health, Environment, and Culture Committee on February 8, 2022, the former Planning and Community Development Committee and Arts, Culture, and Heritage Committee in 2019 and 2020; and

WHEREAS, OHP staff recently presented the proposed Deconstruction Ordinance to the Planning and Community Development Committee, which unanimously voted to advance the recommended ordinance to City Council A Session; **NOW THEREFORE:**

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

SECTION 1. Chapter 12 of the City Code of San Antonio, Texas, is amended by adding the language that is underlined to the existing title, and by adding Article II. Deconstruction, to the existing text as set forth in this Ordinance. Chapter 12 of the City Code of San Antonio, Texas, is amended as follows:

CHAPTER 12 – VACANT BUILDINGS AND DECONSTRUCTION

Article II. DECONSTRUCTION.

This article of the City of San Antonio City Code is the Deconstruction Code.

Sec. 12-20. Purpose and Scope.

- (a) *Purpose.* This article shall be construed to secure its expressed intent, which is to provide demolition and deconstruction requirements to safeguard the public safety, health, and general welfare associated with building removal, including the reduction of airborne toxic pollutants, carbon emissions, water consumption, and the dumping of refuse and demolition waste. In addition, this article seeks to increase the availability of high-quality and reclaimed building materials for local reuse; improve equity of access to building materials for use in affordable housing preservation and production; encourage neighborhood continuity; retain historic building materials in the communities from which they originated; develop and sustain a local workforce in construction, heritage trades, and deconstruction; and achieve citywide sustainability goals and mitigation strategies outlined in the City’s adopted Climate Action and Adaptation Plan (CAAP), including the development of a local circular economy. The purpose of this article is not to create or to establish a standard for a building product, material or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building.
- (b) *Scope.* This article provides the procedures to be followed by all persons engaged in the removal of residential and accessory structures within the territorial limits of the City of San Antonio, Texas that meet the criteria for deconstruction established herein.

Sec. 12-21. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Accessory structure means a building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples include garages carriage houses, accessory dwelling units, or tool sheds.

Certified Deconstruction Contractor means any person doing work within the building trades or construction professions that has successfully completed a deconstruction certification program as administered through the City of San Antonio Office of Historic Preservation.

City means the City of San Antonio, Texas.

Deconstruction means the systematic dismantling of a structure, typically in the opposite order it was constructed, from roof to foundation, in order to maximize the salvage of materials for reuse, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill.

Demolition means the complete or partial removal of a structure from a site.

Director means the director of the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas, and his/her designee.

Multi-unit structure means a residential structures with two (2) or more residential attached dwelling units including, but not limited to, duplexes, apartments, townhomes, and condominiums.

Period of Deconstruction means the period beginning on the date the City issues a demolition permit with deconstruction requirements and ending on the date the City approves the Post-Deconstruction Form, which shall be a maximum of sixty (60) calendar days or as specifically provided in the permit requirements of the subject application, whichever period is greater.

Post-Deconstruction Form means an inventory of actual materials salvaged for reuse or donation, as well as materials discarded or landfilled, to be completed and submitted after deconstruction is fully complete to initiate permit closure by the Director.

Pre-Deconstruction Form or *Salvage Plan* means an inventory of materials to be salvaged for reuse or donation as part of an application to deconstruct.

Recycling means the processing of waste materials into new products or material feedstock for products. Materials that can be recycled include, but are not limited to, concrete, metal piping, and asphalt roofing shingles.

Re-use means the utilization of a product or material that was previously installed for the same or similar function to extend its life cycle. Materials salvageable for reuse include, but are not limited to, cabinets, doors, hardware, fixtures, flooring, siding, and framing lumber.

Single-family structure means a dwelling unit for one family.

Structure means a walled or roofed building that was constructed to provide occupied or unoccupied shelter or enclosure.

Sec. 12-22. Applicability and Administration.

This article applies to any request for demolition of residential and accessory structures within the territorial limits of the City of San Antonio that meet the criteria for deconstruction as established in this article.

- (a) *Criteria.* Any application for demolition of a structure that is determined by the Director to meet the criteria for deconstruction shall consider the construction date and original use of the structure. The Director, at his or her discretion, may refer the applicability of criteria to a property to the Historic and Design Review Commission (HDRC) for a recommendation before determination is made.
- (1) **Construction Date.** The construction date of a structure shall be informed by available primary sources including, but not limited to, Sanborn Maps, deed records, appraisal district data, and/or other applicable research methods.
 - (2) **Original Use.** The original use of the property shall be determined by the Director after a visual assessment of construction type and reference to the 1968 City Plan. The current zoning or use of the property does not determine whether the requirements of this section apply.
- (b) *Phasing.* This article shall take effect in phases as set forth below.
- (1) Phase I shall take effect on October 1, 2022. Deconstruction requirements shall apply to demolition permit applications for City-executed demolitions for:
 - A. Residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1920, regardless of zoning overlay; and
 - B. Residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1945, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.
 - (2) Phase II shall take effect on January 1, 2023. Deconstruction requirements shall apply to demolition permit applications for:
 - A. Residential single-family structures, multi-unit structures four (4) units or less, and accessory structures that were constructed on or before December 31, 1920, regardless of zoning overlay; and

FINAL DRAFT

- B. Residential single-family structures, multi-unit structures four (4) units or less, and accessory structures that were constructed on or before December 31, 1945, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.
- (3) Phase III shall take effect on January 1, 2025. Deconstruction requirements shall apply to demolition permit applications for:
- A. Residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1945, regardless of zoning overlay; and
 - B. Residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1960, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, that are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.
- (c) The Director is authorized to administer and enforce the provisions of this article and adopt rules, procedures, and forms to implement the provisions of this article.
- (d) The Director may temporarily suspend or modify the requirements of this article based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director shall temporarily suspend the requirements of this article if, at any time, there are less than three (3) Certified Deconstruction Contractors registered with the City.

Sec. 12-23. Demolition Permit and Deconstruction Requirements.

- (a) *Permit Required.* No person shall demolish a residential or accessory structure that is eligible for deconstruction under this article without first obtaining a demolition permit from the City.
- (1) *Pre-Application Conference.* An applicant requesting to demolish a structure that meets the criteria for deconstruction, may meet with the Office of Historic Preservation to discuss the procedures and requirements pursuant to this Code. The required forms may be obtained from the Office of Historic Preservation prior to or at the time of application.
 - (2) *Applications.* All applications for demolition of a residential structure shall be referred to the Office of Historic Preservation for a determination of applicability for deconstruction. The Director shall determine, in writing, the construction date, original use, and applicability for deconstruction. If the provisions of this article apply, the City shall notify the applicant of the Director's decision and of the deconstruction requirements of the demolition permit within ten (10) business days after an application for demolition permit is filed with the City's Development

FINAL DRAFT

Services Department. The Director, at his or her discretion, may refer the applicability of criteria to a property to the Historic and Design Review Commission (HDRC) for a recommendation before determination is made. An appeal of the Director's decision may be made as set forth in section 12-25 of this article.

- (3) *Issuance of a Permit.* A demolition permit for deconstruction shall only be issued to a Certified Deconstruction Contractor who shall be responsible for the deconstruction activities of the subject application throughout the Period of Deconstruction.
- (b) *Deconstruction Requirements.* Upon issuance of a permit, a Certified Deconstruction Contractor shall adhere to the applicable deconstruction requirements and submit to the Office of Historic Preservation the following forms and documentation for review and approval before the post-work evaluation is performed.
 - (1) *Pre-Deconstruction Form.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall complete and submit a Pre-Deconstruction Form to the Office of Historic Preservation.
 - (2) *Post-Deconstruction Form.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall complete and submit a Post-Deconstruction Form to the Office of Historic Preservation within ten (10) calendar days after completion of the deconstruction work.
 - (3) *Documentation.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall submit documentation identifying the destination for all materials removed to the Office of Historic Preservation no more than ten (10) calendar days after completion of the deconstruction work as part of a complete Post-Deconstruction Form. The Office of Historic Preservation shall review and approve the documentation before conducting the post-work evaluation. The Certified Deconstruction Contractor shall be responsible for providing the Office of Historic Preservation Office copies of documentation requirements as provided by staff:
 - A. Photographs of deconstruction in progress, to be taken weekly at a minimum;
 - B. Itemized receipt of materials and quantities donated to a nonprofit or community organization;
 - C. Itemized receipt of materials and quantities sold;
 - D. Itemized list and photographs of salvaged material that will be re-used on site or at another site;
 - E. Transaction receipt or weight tickets for the disposal of hazardous material abated during the course of deconstruction; and

FINAL DRAFT

- F. Transaction receipts or weight tickets for all materials taken to a transfer facility, material recovery facility, and/or landfill.
- (4) *Site Posting.* The Office of Historic Preservation shall provide the Certified Deconstruction Contractor a sign(s) when the deconstruction permit is issued. The Certified Deconstruction Contractor shall post the sign(s) on site before the first day of deconstruction activity and it shall remain on site until the deconstruction is complete. The sign(s) shall indicate that the structure is being deconstructed and must provide City contact information for questions or concerns.
- A. The sign(s) must remain in place throughout the Period of Deconstruction;
- B. The sign(s) must be placed on each street frontage of the site; and
- C. The sign(s) must be posted within 5 (five) feet of a street lot line and must remain visible to pedestrians and motorists. Signs are not required along street frontages that are not improved or not named, and/or do not allow motor vehicle access.
- (5) *Building removal.* Building removal shall be performed by a Certified Deconstruction Contractor as follows:
- A. Building removal shall be completed within the Period of Deconstruction;
- B. Materials shall be removed by hand to the fullest extent possible while maintaining original sizes and dimensions;
- C. Nails, screws, or items used to secure materials in place shall be removed and prepared for re-use where feasible; and
- D. Removal and disposal of hazardous materials shall be in accordance with this article, and any other local, state, or federal laws, rules, or regulations.
- (6) *Salvageable Materials.* The property owner may re-use, sell, or donate salvage materials from a deconstruction site before the materials leave the site, provided that the distribution of the materials meets the documentation requirements under section 12-23 (b) of this article. The rules and procedures outlined in Chapter 16, Article XIII. – Garage Sales do not apply to active deconstruction sites.
- (7) *Site Storage.* Materials shall be stored and covered to protect them from exposure to rain and permeable ground contact during the Period of Deconstruction. Materials from the deconstructed building may only be safely stored on site during the Period of Deconstruction, provided that they are safely stacked and secured. The property owner shall remove all materials not sold, donated, or re-used from the deconstruction site by the deconstruction completion date and within the Period of Deconstruction.

FINAL DRAFT

- (8) *Deconstruction Review.* Before post-deconstruction review is approved by the Director, the Certified Deconstruction Contractor of a structure shall submit a Post-Deconstruction Form and all required documentation to the Office of Historic Preservation.
- (c) *Site Inspections.* Upon the written consent of the property owner of the subject application, the Director is authorized to conduct site inspections throughout the Period of Deconstruction to assure compliance with this article.
- (d) *Compliance.* Any demolition work that exceeds or violates the provisions of this article shall be subject to penalties set forth in section 12-26 of this article. Compliance with the provisions of this article does not exempt the demolition of buildings or structures from any other requirement.
- (1) Certified Deconstruction Contractors shall follow all deconstruction, building related and licensing requirements, regulations, and laws.
- (2) Failure to complete deconstruction, remove materials, and obtain approval of the Post-Deconstruction Form within the Period of Deconstruction shall result in the City completing the abatement of the property at cost of the property owner.
- (e) *Suspension or Revocation of Deconstruction Certification.* In the event a Certified Deconstruction Contractor fails or refuses to comply with requirements of this article, performs demolition work that exceeds or violates the deconstruction requirements of the demolition permit issued, or does not complete the deconstruction activities and documentation of a permit issued under this article, then the Director may suspend or revoke the deconstruction certification of such contractor, cancel all unexecuted permits issued to such contractor, and stop all work being done by such contractor, and withhold approval of further permits for deconstruction work until any or all incomplete or defective work of such contractor is fully completed by such contractor. Suspension or revocation of deconstruction contractor certification is accomplished by mailing to the holder of such certification a written notice by certified mail stating the permit or certification is suspended or revoked or by personally delivering to the holder thereof a written notice stating the permit or certification is suspended or revoked. An appeal of the Director's decision may be made as set forth in section 12-25 of this article.

Sec. 12-24. Exemptions.

- (a) *Exemptions.* Building conditions, damage, catastrophic events, or other factors may limit suitability for deconstruction and the amount of material that can be reasonably or safely salvaged. The following are exempt from the requirements of this article:
- (1) A structure is unsuitable for deconstruction because:
- A. The structure has been determined to be a clear and imminent danger to life, safety, or property under San Antonio City Code Chapter 6, Section 6-175 Emergency Demolitions; or

FINAL DRAFT

B. A large majority of material in the structure is not suitable for reuse as determined by the Director upon review of a request from exemption from the Certified Deconstruction Contractor assigned to the project.

- (b) *Determination of an Exemption.* The Director will decide exemptions based on evidence submitted as well as by an inspection of the conditions of the property to confirm unsuitability. Upon determining that the request for an exemption contains all the required information, the Office of Historic Preservation will contact the applicant within five (5) business days to request a site visit on a mutually agreed upon date and time. Within five (5) business days of the site visit, the Director will either approve, deny, in whole or in part, or request additional information. Receipt of requested additional information will be reviewed and a determination will be made within five (5) days of receipt. The Director, at his or her discretion, may refer the criteria for exemption to the Historic and Design Review Commission (HDRC) for a recommendation before determination is made. The Director's decision may be appealed in accordance with section 12-25 of this article.

Sec. 12-25. Appeals.

- (a) *Notice of Appeal.* An appeal of the Director's decision may be made by the property owner of the subject application. The property owner shall file a notice of appeal with the Office of Historic Preservation within ten (10) business days after the issuance of the Director's decision. Upon receipt of a notice of appeal, the Director shall transmit to the Board of Adjustment for the City of San Antonio all original documents and materials, or true copies thereof, constituting the record upon which the decision appealed from was based.
- (b) *Appeal Hearing.* The Board of Adjustment (BOA) shall decide the appeal within sixty (60) days after receipt of a notice of appeal. The property owner may appear at the appeal hearing in person or by agent or attorney. The BOA shall consider the same criteria as the Director. The BOA may reverse or affirm, in whole or in part, or modify the Director's decision by the concurring vote of seventy-five percent (75%) of the members.
- (c) *Building Standards Board.* Notwithstanding any other language in this section, demolition orders issued by the Building Standards Board (BSB) requiring compliance with this Article shall follow appeal procedures in accordance with Chapter 6, Article VIII, Section 6-173 of the City Code.

Sec. 12-26. Violations, penalties, and enforcement.

- (a) *Violations.* It shall be unlawful for a person to fail to adhere to any provision of this article. Each violation of a particular section of this article shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this article.

FINAL DRAFT

(b) *Penalties.*

- (1) *Criminal.* A conviction for violation of any provision of this article shall constitute a Class C misdemeanor. A person convicted of a violation shall be fined an amount not to exceed five hundred (\$500) dollars per violation. A culpable mental state is not required to prove an offense under this article.
 - (2) *Civil.* A person found liable for violation of any provision of this article shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1000.00) per violation.
 - (3) *Administrative.* The Director, at his or her discretion, is authorized to take any and all appropriate administrative actions against violators of this Chapter and upon a finding thereof, including but not limited to recommendations that registrations to conduct business within the City be revoked for a set length of time, revocations of certificates of deconstruction, and denial or revocation of present and future permits for a set length of time. Appeals of any administrative action taken will follow the process laid out in their respective chapters.
- (c) Nothing in this article shall limit the remedies available to the City as provided by law in seeking to enforce this Deconstruction Code. The Director shall have authority to designate trained personnel to issue notices of violation and to make accompanying affidavits to enforce this Code for the benefit of the public health, safety, and welfare.

SECTION 3. All other provisions of Chapter 12 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 4. Violations occurring after January 1, 2023, shall be punished as provided in the revised City Code Chapter 12. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, 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 6. The City Clerk is directed to promptly publish public notice of this Ordinance in accordance with Article II, City Council, Section 17 Publication of Ordinance of the City Charter of San Antonio, Texas.

SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted in this ordinance and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

FINAL DRAFT

SECTION 8. Penalties provided for in this revised City Code Chapter 12 shall be effective January 1, 2023, after publication by the City Clerk.

SECTION 9. This Ordinance shall become effective October 1, 2022.

PASSED AND APPROVED this 8th day of September 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

Deconstruction Ordinance

September 8, 2022 | Item #12



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION

Like an organ donor, a structure may have reached the end of its life, but its parts and pieces could help extend the lives of dozens of other local structures.



DEMOLITION

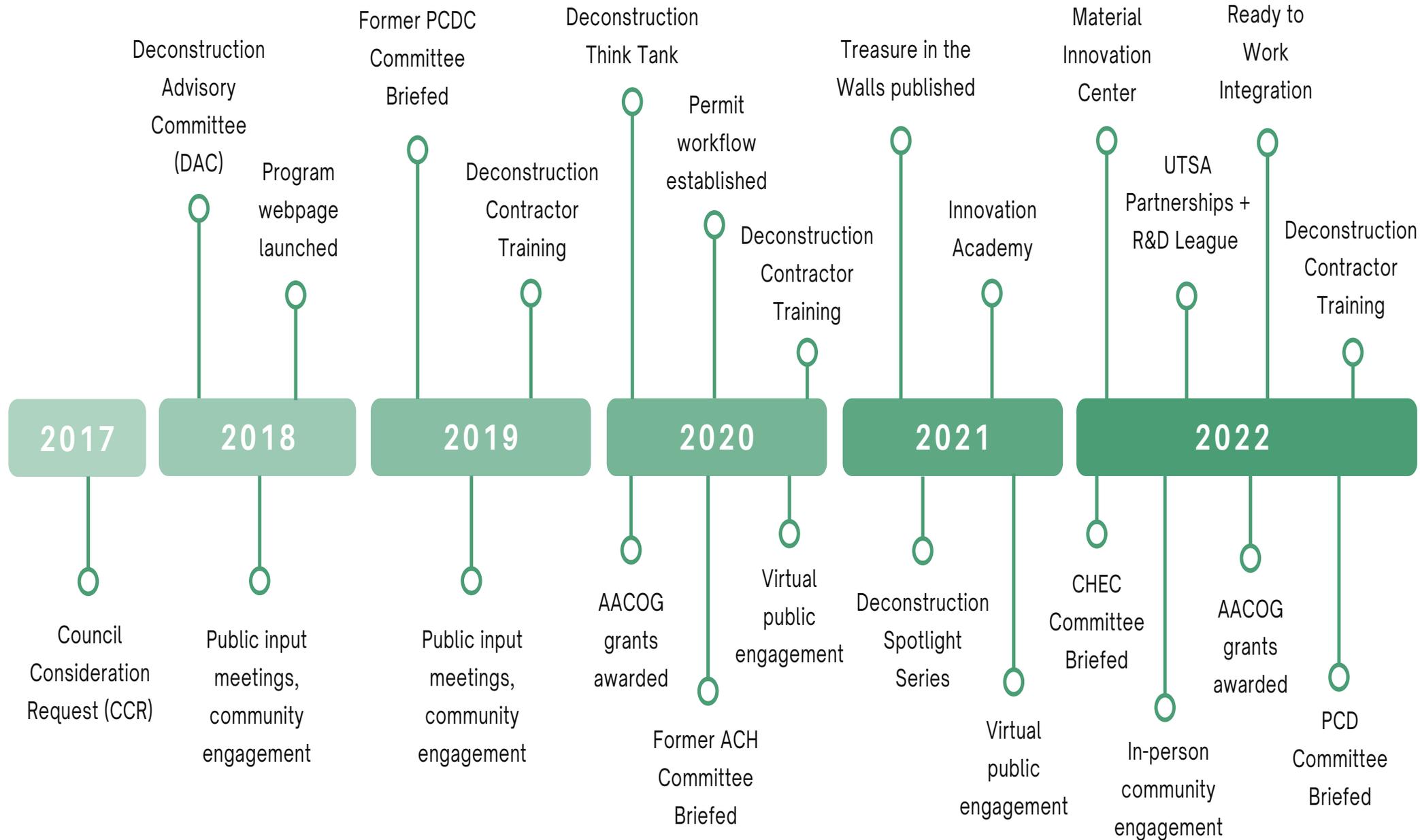
DECONSTRUCTION



Deconstruction Advisory Committee (2018 - present)

- Solid Waste Management Department
- Office of Sustainability
- Development Services Department
- Neighborhood and Housing Services Department
- Metro Health
- Real Estate Council
- Build San Antonio Green
- Habitat for Humanity
- Alamo Area Council of Governments (AACOG)
- Local demolition, salvage, and house moving contractors
- Developers and real estate industry representatives
- UTSA Construction Science and Architecture educators
- The Conservation Society of San Antonio
- Community advocates
- Local architects and designers

Deconstruction Initiative Timeline



KEY ISSUES IN SAN ANTONIO



\$16 million of building materials were landfilled in the past decade

This amounts to nearly 170,000 tons of irrecoverable resources



More than 500 buildings are demolished annually

A 68% increase since 2012; the most common building type demolished is older housing



Demolition disproportionality affects vulnerable populations

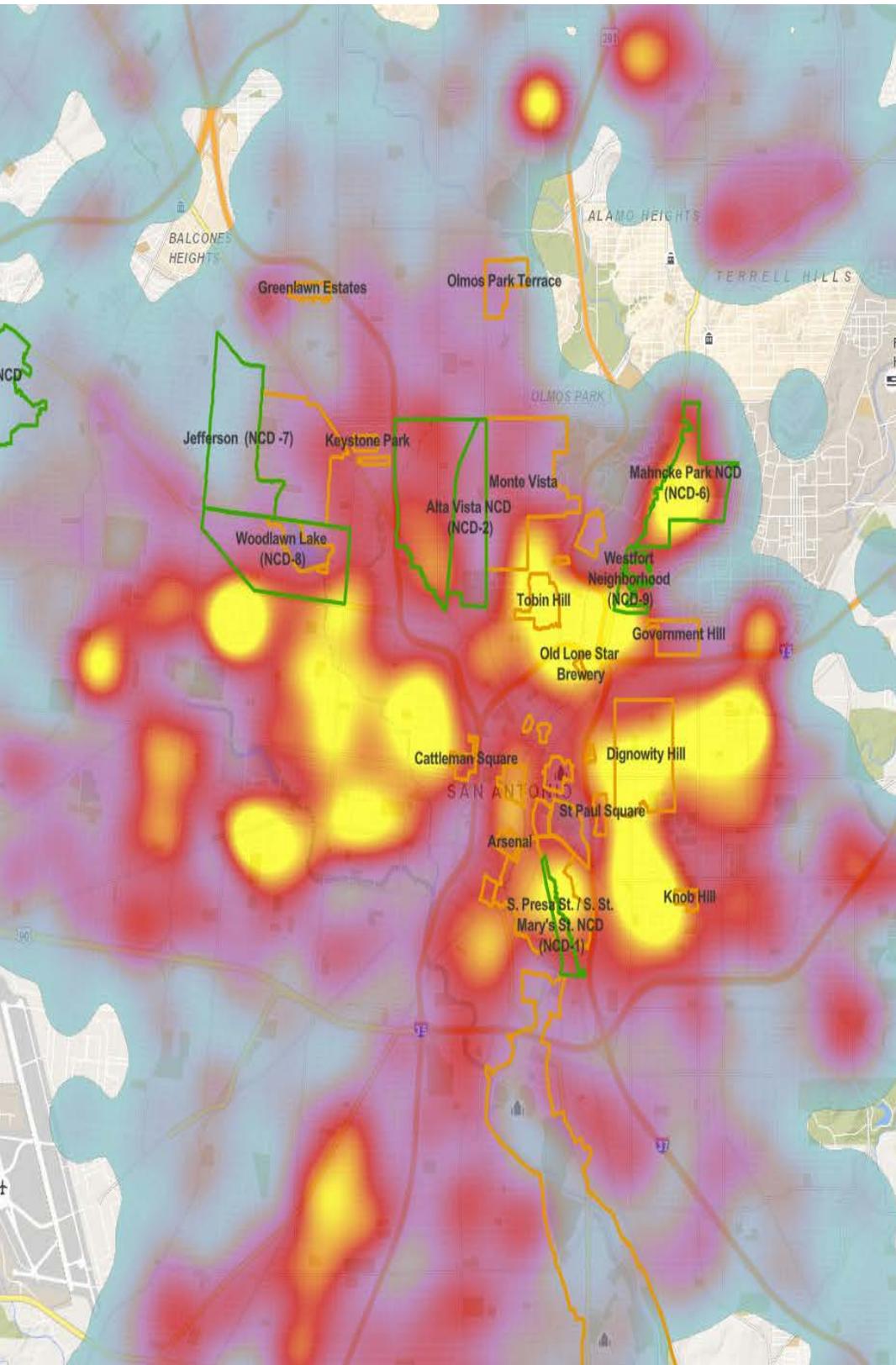
Hazardous dust permeates air, water, and soil; public health and environmental equity consideration



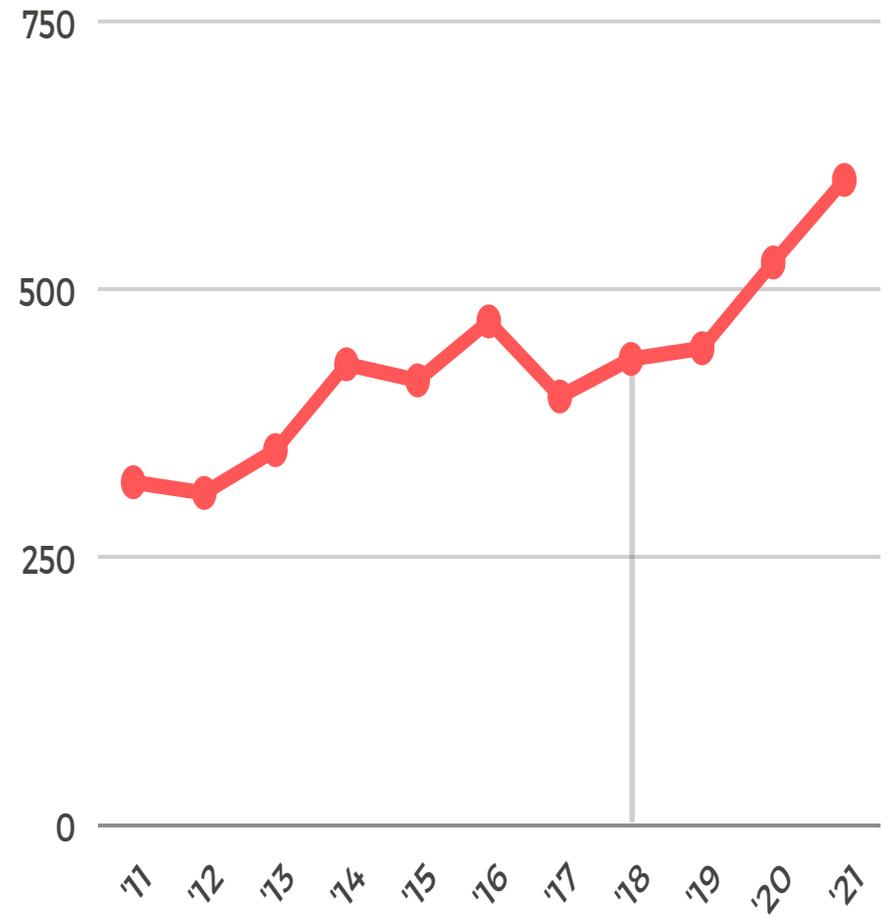
There is an equity disparity in material access & availability

Limited reclaimed materials means limited access by a diverse array of stakeholders

San Antonio



DEMOLITIONS BY FISCAL YEAR (PERMIT DATA)



Overview: Program Priorities



Promote the health, safety, welfare, and public health of residents (*public health, sustainability, resilience*)



Support affordable housing repair & production, increase access to affordable materials (*housing, codes, equity*)



Increase local pool of tradespeople and make renovation more cost competitive (*workforce, heritage, housing, equity*)



Grow local industries in salvage, upcycling, value-added manufacturing, and creative industries (*workforce, sustainability, heritage*)

ORDINANCE PHASING AND ADMINISTRATION

<p>Phase I</p>	<p>Effective October 1, 2022</p>	<p>City-executed demolitions that fall within the parameters of Phase II.</p>	<p>Approximately 3% of demolition permits.</p>
<p>Phase II</p>	<p>Effective January 1, 2023</p>	<p>Residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1920, regardless of zoning overlay; and residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1945, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.</p>	<p>Approximately 28% of demolition permits.</p>
<p>Phase III</p>	<p>Effective January 1, 2025</p>	<p>Residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1945, regardless of zoning overlay; and residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1960, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, that are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.</p>	<p>Approximately 40% of demolition permits.</p>

PROGRAM COMPONENTS THAT SUPPORT THE ORDINANCE

Deconstruction Contractor Training and Workforce Development



LIVING HERITAGE
TRADES ACADEMY



Upcoming dates:
October 23 - November 16

Contractor Cohort
Workforce Cohort



Material Innovation Center

Last stop before the landfill

A reclaimed material campus, training center, and community education space that expands the local market for reclaimed materials and advances the local circular economy.



San Antonio Tool Library

Building 107



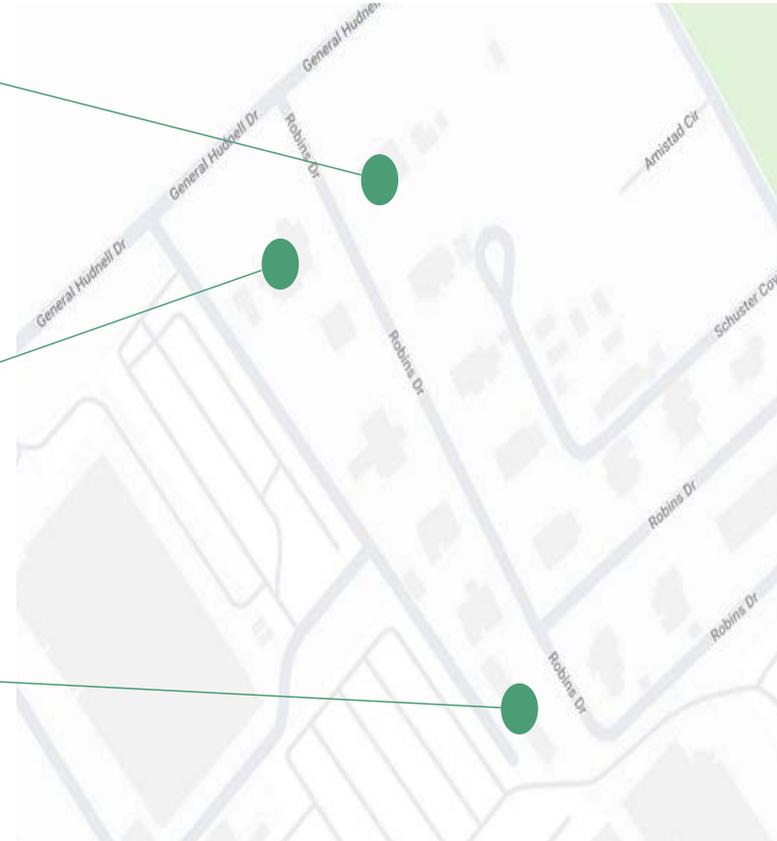
Living Heritage Trades Academy HQ

Building 108



Material Innovation Center

12-bay garage + small office



LIVING HERITAGE
TRADES ACADEMY



Affordable Housing + Repair Programs



Community Engagement + Resources

- Creation of resource guides and technical assistance
- Contractor list
- Promoting awareness of program through community partners and organizations (neighborhood associations, housing organizations, City departments, etc.)
- Community engagement focused on crowd sourcing, knowledge sharing, and making material reuse accessible + possible



A Homeowner's Guide to
Salvage & Reuse



ANTICIPATED OUTCOMES



Improved equity of material availability & accessibility

Sourcing local materials from our "urban forest" for near-immediate reuse



Advancement of climate action goals

Increased safe abatement; reduction of water usage, GHG emissions, & waste



Generation of local jobs in reuse-focused industries

Deconstruction, warehousing, retailing, trades, value-added manufacturing



Advancement of affordable housing goals

Stockpile of quality materials for City and partner preservation & production projects

YEAR 1 GOALS



CLIMATE ACTION & WASTE DIVERSION

Diverts a minimum of 2,800 tons of materials salvaged from 50 demolished homes from the landfill, valued at \$350,000

WORKFORCE DEVELOPMENT

Trains at least 40 students in highly skilled, highly desired trades in the construction and sustainable development industries

PRE-DISASTER MITIGATION

Develops an inventory of locally-sourced construction materials that are available in the case of a disaster

AFFORDABLE HOUSING REPAIR

Partners with the Living Heritage Trades Academy, NHSD, non-profits, neighborhoods, and community development organizations to provide low-cost or free salvaged materials for affordable housing units

A photograph of a large stack of lumber, with a sign leaning against it. The sign is a vertical board with a rounded top, and it has the words "SAVE OTHER TREES USE THESE LUMBS" written on it in a simple, hand-drawn font. The entire image has a green tint.

SAVE
OTHER
TREES
USE
THESE
LUMBS

Staff recommends adoption of the
deconstruction ordinance.

Deconstruction Ordinance

September 8, 2022 | Item #12



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION

ORDINANCE

2022-09-08-0668

**AMENDING CHAPTER 12 ENTITLED “VACANT STRUCTURES”
OF THE CITY CODE TO ADOPT DECONSTRUCTION
REGULATIONS FOR RESIDENTIAL AND ACCESSORY
STRUCTURES WITHIN THE CITY OF SAN ANTONIO AND
ESTABLISHING PENALTIES.**

* * * * *

WHEREAS, over the past 10 years, more than \$16 million worth of salvageable building materials were sent to local landfills, amounting to nearly 170,000 tons of irrecoverable resources, and more than 1,500 pre-1960 houses in San Antonio were demolished; and

WHEREAS, more than 500 buildings are demolished in San Antonio every year, an increase of 68% since 2012; and

WHEREAS, deconstruction is proven to mitigate the release of particulates into the air by carefully dismantling materials by hand versus crushing them with machines and releasing dust into and onto the surrounding air, ground, and structures; and

WHEREAS, the proposed deconstruction ordinance is designed to provide deconstruction requirements to safeguard the public safety, health, and general welfare associated with building removal, including the reduction of airborne toxic pollutants, carbon emissions, water consumption, and the dumping of refuse and demolition waste as well as to promote a circular economy; and

WHEREAS, maintaining, stabilizing, and preserving older and historic buildings, including naturally occurring affordable housing, is most successful when reclaimed and salvaged materials are locally accessible; and

WHEREAS, the proposed deconstruction of select small-scale housing stock would result in an increase in the availability, accessibility, and affordability of local high-quality building materials sourced from San Antonio’s “urban forest,” facilitating inclusion of new participants in the local salvage exchange market, including those traditionally excluded; and

WHEREAS, an increased local availability of building materials and robust exchange networks represent valuable pre-disaster mitigation strategies that improve community health and resilience; and

WHEREAS, the economic and workforce potential of deconstruction is on average six times that of demolition, generating new local opportunities in deconstruction, warehousing, retailing, trades, and value-added manufacturing sectors; and

WHEREAS, the proposed deconstruction ordinance aligns with City priorities outlined in the Climate Action and Adaptation Plan (CAAP), Strategic Housing Implementation Plan (SHIP), Recycling and Resource Recovery Plan, and Ready to Work Program; and

WHEREAS, the City’s Office of Historic Preservation (OHP) will administer the deconstruction ordinance through the existing demolition permitting process, which will apply to residential and accessory structures based on the construction date and building type; and

WHEREAS, OHP staff briefed the Community Health, Environment, and Culture Committee on February 8, 2022, the former Planning and Community Development Committee and Arts, Culture, and Heritage Committee in 2019 and 2020; and

WHEREAS, OHP staff recently presented the proposed Deconstruction Ordinance to the Planning and Community Development Committee, which unanimously voted to advance the recommended ordinance to City Council A Session; **NOW THEREFORE:**

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

SECTION 1. Chapter 12 of the City Code of San Antonio, Texas, is amended by adding the language that is underlined to the existing title, and by adding Article II. Deconstruction, to the existing text as set forth in this Ordinance. Chapter 12 of the City Code of San Antonio, Texas, is amended as follows:

CHAPTER 12 – VACANT BUILDINGS AND DECONSTRUCTION

Article II. DECONSTRUCTION.

This article of the City of San Antonio City Code is the Deconstruction Code.

Sec. 12-20. Purpose and Scope.

- (a) *Purpose.* This article shall be construed to secure its expressed intent, which is to provide demolition and deconstruction requirements to safeguard the public safety, health, and general welfare associated with building removal, including the reduction of airborne toxic pollutants, carbon emissions, water consumption, and the dumping of refuse and demolition waste. In addition, this article seeks to increase the availability of high-quality and reclaimed building materials for local re-use; improve equity of access to building materials for use in affordable housing preservation and production; encourage neighborhood continuity; retain historic building materials in the communities from which they originated; develop and sustain a local workforce in construction, heritage trades, and deconstruction; and achieve citywide sustainability goals and mitigation strategies outlined in the City’s adopted Climate Action and Adaptation Plan (CAAP), including the development of a local circular economy. The purpose of this article is not to create or to establish a standard for a building product, material or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building.
- (b) *Scope.* This article provides the procedures to be followed by all persons engaged in the removal of residential and accessory structures within the territorial limits of the City of San Antonio, Texas that meet the criteria for deconstruction established herein.

Sec. 12-21. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Accessory structure means a building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples include garages carriage houses, accessory dwelling units, or tool sheds.

Certified Deconstruction Contractor means any person doing work within the building trades or construction professions that has successfully completed a deconstruction certification program as administered through the City of San Antonio Office of Historic Preservation.

City means the City of San Antonio, Texas.

Deconstruction means the systematic dismantling of a structure, typically in the opposite order it was constructed, from roof to foundation, in order to maximize the salvage of materials for re-use, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill.

Demolition means the complete or partial removal of a structure from a site.

Director means the director of the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas, and his/her designee.

Multi-unit structure means a residential structure with two (2) or more residential attached dwelling units including, but not limited to, duplexes, apartments, townhomes, and condominiums.

Period of Deconstruction means the period beginning on the date the City issues a demolition permit with deconstruction requirements and ending on the date the City approves the Post-Deconstruction Form, which shall be a maximum of sixty (60) calendar days or as specifically provided in the permit requirements of the subject application, whichever period is greater.

Post-Deconstruction Form means an inventory of actual materials salvaged for re-use or donation, as well as materials discarded or landfilled, to be completed and submitted after deconstruction is fully complete to initiate permit closure by the Director.

Pre-Deconstruction Form or Salvage Plan means an inventory of materials to be salvaged for re-use or donation as part of an application to deconstruct.

Recycling means the processing of waste materials into new products or material feedstock for products. Materials that can be recycled include, but are not limited to, concrete, metal piping, and asphalt roofing shingles.

Re-use means the utilization of a product or material that was previously installed for the same or similar function to extend its life cycle. Materials salvageable for re-use include, but are not limited to, cabinets, doors, hardware, fixtures, flooring, siding, and framing lumber.

Single-family structure means a dwelling unit for one family.

Structure means a walled or roofed building that was constructed to provide occupied or unoccupied shelter or enclosure.

Sec. 12-22. Applicability and Administration.

This article applies to any request for demolition of residential and accessory structures within the territorial limits of the City of San Antonio that meets the criteria for deconstruction as established in this article.

- (a) *Criteria.* Any application for demolition of a structure that is determined by the Director to meet the criteria for deconstruction shall consider the construction date and original use of the structure. The Director, at his or her discretion, may refer the applicability of criteria to a property to the Historic and Design Review Commission (HDRC) for a recommendation before a determination is made.
- (1) *Construction Date.* The construction date of a structure shall be informed by available primary sources including, but not limited to Sanborn Maps, deed records, appraisal district data, and/or other applicable research methods.
 - (2) *Original Use.* The original use of the property shall be determined by the Director after a visual assessment of construction type and reference to the 1968 City Plan. The current zoning or use of the property does not determine whether the requirements of this section apply.
- (b) *Phasing.* This article shall take effect in phases as set forth below.
- (1) Phase I shall take effect on October 1, 2022. Deconstruction requirements shall apply to demolition permit applications for City-executed demolitions for:
 - A. Residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1920, regardless of zoning overlay; and
 - B. Residential single-family structures, multi-unit structures with four (4) units or less, and accessory structures that were constructed on or before December 31, 1945, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.
 - (2) Phase II shall take effect on January 1, 2023. Deconstruction requirements shall apply to demolition permit applications for:
 - A. Residential single-family structures, multi-unit structures four (4) units or less, and accessory structures that were constructed on or before December 31, 1920, regardless of zoning overlay; and
 - B. Residential single-family structures, multi-unit structures four (4) units or less, and accessory structures that were constructed on or before December 31, 1945, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.

- (3) Phase III shall take effect on January 1, 2025. Deconstruction requirements shall apply to demolition permit applications for:
 - A. Residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1945, regardless of zoning overlay; and
 - B. Residential single-family structures, multi-unit structures eight (8) units or less, and accessory structures that were constructed on or before December 31, 1960, and that have either: been locally designated as historic and carry a historic zoning overlay (H, HL, HS, or HE); or, that are located within a Neighborhood Conservation District (NCD) and carry a NCD zoning overlay.
- (c) The Director is authorized to administer and enforce the provisions of this article and adopt rules, procedures, and forms to implement the provisions of this article.
- (d) The Director may temporarily suspend or modify the requirements of this article based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director shall temporarily suspend the requirements of this article if, at any time, there are less than three (3) Certified Deconstruction Contractors registered with the City.

Sec. 12-23. Demolition Permit and Deconstruction Requirements.

- (a) *Permit Required.* No person shall demolish a residential or accessory structure that is eligible for deconstruction under this article without first obtaining a demolition permit from the City.
 - (1) *Pre-Application Conference.* An applicant requesting to demolish a structure that meets the criteria for deconstruction, may meet with the Office of Historic Preservation to discuss the procedures and requirements pursuant to this Code. The required forms may be obtained from the Office of Historic Preservation prior to or at the time of application.
 - (2) *Applications.* All applications for demolition of a residential structure shall be referred to the Office of Historic Preservation for a determination of applicability for deconstruction. The Director shall determine, in writing, the construction date, original use, and applicability for deconstruction. If the provisions of this article apply, the City shall notify the applicant of the Director's decision and of the deconstruction requirements of the demolition permit within ten (10) business days after an application for demolition permit is filed with the City's Development Services Department. The Director, at his or her discretion, may refer the applicability of criteria to a property to the Historic and Design Review Commission (HDRC) for a recommendation before a determination is made. An appeal of the Director's decision may be made as set forth in section 12-25 of this article.
 - (3) *Issuance of a Permit.* A demolition permit for deconstruction shall only be issued to a Certified Deconstruction Contractor who shall be responsible for the deconstruction activities of the subject application throughout the Period of Deconstruction.

- (b) *Deconstruction Requirements.* Upon issuance of a permit, a Certified Deconstruction Contractor shall adhere to the applicable deconstruction requirements and submit to the Office of Historic Preservation the following forms and documentation for review and approval before the post-work evaluation is performed.
- (1) *Pre-Deconstruction Form.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall complete and submit a Pre-Deconstruction Form to the Office of Historic Preservation.
 - (2) *Post-Deconstruction Form.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall complete and submit a Post-Deconstruction Form to the Office of Historic Preservation within ten (10) calendar days after completion of the deconstruction work.
 - (3) *Documentation.* The Certified Deconstruction Contractor of a structure subject to deconstruction under this article shall submit documentation identifying the destination for all materials removed to the Office of Historic Preservation no more than ten (10) calendar days after completion of the deconstruction work as part of a complete Post-Deconstruction Form. The Office of Historic Preservation shall review and approve the documentation before conducting the post-work evaluation. The Certified Deconstruction Contractor shall be responsible for providing the Office of Historic Preservation Office copies of documentation requirements as provided by staff:
 - A. Photographs of deconstruction in progress, to be taken weekly at a minimum;
 - B. Itemized receipt of materials and quantities donated to a nonprofit or community organization;
 - C. Itemized receipt of materials and quantities sold;
 - D. Itemized list and photographs of salvaged material that will be re-used on site or at another site;
 - E. Transaction receipt or weight tickets for the disposal of hazardous material abated during the course of deconstruction; and
 - F. Transaction receipts or weight tickets for all materials taken to a transfer facility, material recovery facility, and/or landfill.
 - (4) *Site Posting.* The Office of Historic Preservation shall provide the Certified Deconstruction Contractor a sign(s) when the deconstruction permit is issued. The Certified Deconstruction Contractor shall post the sign(s) on site before the first day of deconstruction activity and it shall remain on site until the deconstruction is complete. The sign(s) shall indicate that the structure is being deconstructed and must provide City contact information for questions or concerns.
 - A. The sign(s) must remain in place throughout the Period of Deconstruction;

- B. The sign(s) must be placed on each street frontage of the site; and
 - C. The sign(s) must be posted within 5 (five) feet of a street lot line and must remain visible to pedestrians and motorists. Signs are not required along street frontages that are not improved or not named, and/or do not allow motor vehicle access.
- (5) *Building removal.* Building removal shall be performed by a Certified Deconstruction Contractor as follows:
- A. Building removal shall be completed within the Period of Deconstruction;
 - B. Materials shall be removed by hand to the fullest extent possible while maintaining original sizes and dimensions;
 - C. Nails, screws, or items used to secure materials in place shall be removed and prepared for re-use where feasible; and
 - D. Removal and disposal of hazardous materials shall be in accordance with this article, and any other local, state, or federal laws, rules, or regulations.
- (6) *Salvageable Materials.* The property owner may re-use, sell, or donate salvage materials from a deconstruction site before the materials leave the site, provided that the distribution of the materials meets the documentation requirements under section 12-23 (b) of this article. The rules and procedures outlined in Chapter 16, Article XIII. – Garage Sales do not apply to active deconstruction sites.
- (7) *Site Storage.* Materials shall be stored and covered to protect them from exposure to rain and permeable ground contact during the Period of Deconstruction. Materials from the deconstructed building may only be safely stored on site during the Period of Deconstruction, provided that they are safely stacked and secured. The property owner shall remove all materials not sold, donated, or re-used from the deconstruction site by the deconstruction completion date and within the Period of Deconstruction.
- (8) *Deconstruction Review.* Before post-deconstruction review is approved by the Director, the Certified Deconstruction Contractor of a structure shall submit a Post-Deconstruction Form and all required documentation to the Office of Historic Preservation.
- (c) *Site Inspections.* Upon the written consent of the property owner of the subject application, the Director is authorized to conduct site inspections throughout the Period of Deconstruction to assure compliance with this article.
- (d) *Compliance.* Any demolition work that exceeds or violates the provisions of this article shall be subject to penalties set forth in section 12-26 of this article. Compliance with the provisions of this article does not exempt the demolition of buildings or structures from any other requirement.

- (1) Certified Deconstruction Contractors shall follow all deconstruction, building related and licensing requirements, regulations, and laws.
 - (2) Failure to complete deconstruction, remove materials, and obtain approval of the Post-Deconstruction Form within the Period of Deconstruction shall result in the City completing the abatement of the property at cost of the property owner.
- (e) *Suspension or Revocation of Deconstruction Certification.* In the event a Certified Deconstruction Contractor fails or refuses to comply with requirements of this article, performs demolition work that exceeds or violates the deconstruction requirements of the demolition permit issued, or does not complete the deconstruction activities and documentation of a permit issued under this article, then the Director may suspend or revoke the deconstruction certification of such contractor, cancel all unexecuted permits issued to such contractor, and stop all work being done by such contractor, and withhold approval of further permits for deconstruction work until any or all incomplete or defective work of such contractor is fully completed by such contractor. Suspension or revocation of deconstruction contractor certification is accomplished by mailing to the holder of such certification a written notice by certified mail stating the permit or certification is suspended or revoked or by personally delivering to the holder thereof a written notice stating the permit or certification is suspended or revoked. An appeal of the Director's decision may be made as set forth in section 12-25 of this article.

Sec. 12-24. Exemptions.

- (a) *Exemptions.* Building conditions, damage, catastrophic events, or other factors may limit suitability for deconstruction and the amount of material that can be reasonably or safely salvaged. The following are exempt from the requirements of this article:
- (1) A structure is unsuitable for deconstruction because:
 - A. The structure has been determined to be a clear and imminent danger to life, safety, or property under San Antonio City Code Chapter 6, Section 6-175 Emergency Demolitions; or
 - B. A large majority of material in the structure is not suitable for re-use as determined by the Director upon review of a request from exemption from the Certified Deconstruction Contractor assigned to the project.
- (b) *Determination of an Exemption.* The Director will decide exemptions based on evidence submitted as well as by an inspection of the conditions of the property to confirm unsuitability. Upon determining that the request for an exemption contains all the required information, the Office of Historic Preservation will contact the applicant within five (5) business days to request a site visit on a mutually agreed upon date and time. Within five (5) business days of the site visit, the Director will either approve, deny, in whole or in part, or request additional information. Receipt of requested additional information will be reviewed and a determination will be made within five (5) days of receipt. The Director, at his or her discretion, may refer the criteria for exemption to the Historic and Design Review Commission (HDRC) for a recommendation before a determination is made. The Director's decision may be appealed in accordance with section 12-25 of this article.

Sec. 12-25. Appeals.

- (a) *Notice of Appeal.* An appeal of the Director's decision may be made by the property owner of the subject application. The property owner shall file a notice of appeal with the Office of Historic Preservation within ten (10) business days after the issuance of the Director's decision. Upon receipt of a notice of appeal, the Director shall transmit to the Board of Adjustment for the City of San Antonio all original documents and materials, or true copies thereof, constituting the record upon which the decision appealed from was based.
- (b) *Appeal Hearing.* The Board of Adjustment (BOA) shall decide the appeal within sixty (60) days after receipt of a notice of appeal. The property owner may appear at the appeal hearing in person or by agent or attorney. The BOA shall consider the same criteria as the Director. The BOA may reverse or affirm, in whole or in part, or modify the Director's decision by the concurring vote of seventy-five percent (75%) of the members.
- (c) *Building Standards Board.* Notwithstanding any other language in this section, demolition orders issued by the Building Standards Board (BSB) requiring compliance with this Article shall follow appeal procedures in accordance with Chapter 6, Article VIII, Section 6-173 of the City Code.

Sec. 12-26. Violations, penalties, and enforcement.

- (a) *Violations.* It shall be unlawful for a person to fail to adhere to any provision of this article. Each violation of a particular section of this article shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this article.
- (b) *Penalties.*
 - (1) *Criminal.* A conviction for violation of any provision of this article shall constitute a Class C misdemeanor. A person convicted of a violation shall be fined an amount not to exceed five hundred (\$500) dollars per violation. A culpable mental state is not required to prove an offense under this article.
 - (2) *Civil.* A person found liable for violation of any provision of this article shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1000.00) per violation.
 - (3) *Administrative.* The Director, at his or her discretion, is authorized to take any and all appropriate administrative actions against violators of this Chapter and upon a finding thereof, including but not limited to recommendations that registrations to conduct business within the City be revoked for a set length of time, revocations of certificates of deconstruction, and denial or revocation of present and future permits for a set length of time. Appeals of any administrative action taken will follow the process set forth in their respective chapters.
- (c) Nothing in this article shall limit the remedies available to the City as provided by law in seeking to enforce this Deconstruction Code. The Director shall have authority to designate trained personnel to issue notices of violation and to make accompanying affidavits to enforce this Code for the benefit of the public health, safety, and welfare.

SECTION 3. All other provisions of Chapter 12 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 4. Violations occurring after January 1, 2023, shall be punished as provided in the revised City Code Chapter 12. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, 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 6. The City Clerk is directed to promptly publish public notice of this Ordinance in accordance with Article II. City Council, Section 17 Publication of Ordinance of the City Charter of San Antonio, Texas.

SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted in this ordinance and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

SECTION 8. Penalties provided for in this revised City Code Chapter 12 shall be effective January 1, 2023, after publication by the City Clerk.

SECTION 9. This Ordinance shall become effective October 1, 2022.

PASSED AND APPROVED this 8th day of September 2022.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting September 8, 2022

12.

2022-09-08-0668

Ordinance amending Chapter 12 Entitled "Vacant Structures" of the City Code to adopt Deconstruction Regulations for Residential and Accessory Structures within the City of San Antonio And Establishing Penalties. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Director, Office of Historic Preservation]

Councilmember Bravo moved to approve. Councilmember Viagran seconded the motion.

The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo,
Cabello Havrda, Sandoval, Pelaez, Courage

No: Perry