



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

TO: Mayor and City Council
FROM: Councilman Roberto C. Treviño, District 1
COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Andrew Segovia, City Attorney; John Peterek; and Christopher Callanen
SUBJECT: Request for Amendment to Burden of Proof Requirement for Demolition in the Unified Development Code .
DATE: April 3, 2017

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 Council Committee:

Concurrence in directing staff to amend the Burden of Proof Requirement for demolition as provided in Section 35-614 of the Uniform Development Code. The current standard of proof required for demolition is a showing of “sufficient evidence” of economic hardship before a certificate of demolition can be issued. This standard of “sufficient evidence” is ambiguous so that even a small amount of evidence could be justified as meeting the standard of “sufficient evidence.” The burden of proof requirement in all parts of Section 35-614, and in those parts of the Uniform Development Code addressing demolition in Neighborhood Conservation Districts, should be amended. The sections should necessitate a much greater burden of proof requirement for showing economic hardship to justify issuance of a certificate of demolition – namely that of “clear and convincing evidence,” or an equivalent burden.

Brief Background

Public policy considerations favoring strict standards for demolition stem from the desire to preserve, enhance, and perpetuate our city’s historic, cultural, and architectural housing stock. A stricter burden of proof requirement for showing economic hardship will help sustain this goal through effective public policy.

Submitted for Council consideration by:

Roberto C. Treviño, City Councilman- District 1

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Supporting Councilmembers' Signatures (4 only)

District

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