

CORPUS CHRISTI — When Joe Silvas wanted to open a music retail store on South Padre Island Drive, he encountered many of the common issues that new business owners face.

What he didn't expect was a monthlong delay as he waited for city inspectors to certify that the existing structure he moved into was safe for occupancy.

"We were ready to make money, and we had to wait," Silvas said.

He is just one of dozens of real estate agents, brokers, new tenants and property owners who have cited inconsistent enforcement of the city's occupancy code, an issue that many say has caused frustration and delays in local business.

Community representatives criticized city staff for impeding commerce and met with City Attorney Carlos Valdez to try to adjust the language of the code so it is more clear.

The issue came up during a City Council meeting last week when the panel moved to approve the updated code. The council must read the item again before it can be passed.

"It's come to a head recently to correct the situation and move forward," Assistant City Manager Johnny Perales said.

Real estate agents and brokers explained that some city employees interpreted the code differently recently, asking some property owners or new tenants to go through the occupancy certification process even though no modifications were made to the site.

For example, if a new restaurant moves into an existing structure that was used for the same purpose, the understanding was that a new occupancy certificate wasn't required.

Matthew Cravey, president of NAI Cravey Real Estate Services, said that depending on who answered the phone for the city, there were inconsistent instructions on whether a new certificate was needed.

"It's causing some problems for the tenants," he said. "We're getting mixed messages."

Cravey said the fee isn't generating a profit for the city because of the unnecessary manpower used.

"Corpus Christi used to think it prided itself on simplicity — a smaller, can-do community," he said. "Why are you giving businesses a hard time?"

Councilman David Loeb said he heard of at least 50 instances of people being held up for weeks and cited changes in city staff as part of the reason why the code had been interpreted differently.

"Three-hundred dollars doesn't sound like a lot of money, but it is for people who are starting a new business," Loeb said.

Romeo Bazan, chief permit officer for the city's development services, said that the certificate of occupancy permit fee costs \$215 for a walk-through for those moving into existing structures. He said there might be additional fees if the city has to review site plans if the business alters the space, which could affect the number of people who can safely occupy a building.

Bazan said the city reviews the square footage of the structure to determine the occupancy limit.

Another reason the city would evaluate the space is if the building needs to be checked for code violations. Bazan said the fire marshal, plumbing and electrical inspections would determine whether a building conforms to safety codes.

City staff said an administrative review committee is expected to address similar issues.

Real estate broker Tray Bates said that local agents were using an occupancy definition that had been in use for at least three decades and that he's pleased that the city was willing to work things out.