



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-5380

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 9/20/2021

**Title:** BOA-21-10300126: A request by Mary Ann MacCartney for a Special Exception from the density limitation to allow a Type 2 Short Term Rental, located at 230 Lucas Street. Staff recommends Denial. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

|                    |   |
|--------------------|---|
| Case Number:       | BOA-21-10300126   |
| Applicant:         | Mary Ann MacCartney   |
| Owner:             | Mary Ann MacCartney   |
| Council District:  | 2   |
| Location:          | 230 Lucas Street  |
| Legal Description: | Lot 29, Block 11, NCB 1084  |
| Zoning:            | “MF-33 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District |
| Case Manager:      | Kayla Leal, Senior Planner  |

### Request

A request for a Special Exception to allow one (1) Type 2 Short Term Rental per the UDC Section 35-482(i).

### Executive Summary

The subject property is generally located north of Fort Sam Houston on the corner of Lucas Street and Calhoun Street. The property currently has four (4) newly constructed single-family dwellings. Immediately surrounding uses include single-family and multi-family residential. There are also some commercial and office uses in close proximity along North New Braunfels Avenue and Broadway Street. The property is also located in close proximity to the San Antonio Botanical Gardens. The applicant permanently resides elsewhere, but often visits

San Antonio and will be utilizing the subject property as their place of stay when they are in San Antonio. There is currently one other Type 2 STR Permit issued for another unit on the subject property. There are one (1) Type 2 STR Permits issued for the blockface.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental unit at a property with a total of four (4) dwelling units. A unit is defined as having its own distinct sleeping area, kitchen, and bathroom. Type 2 indicates that the owner/operator of the property does not occupy the site as their permanent legal residence.

Per the recently adopted code, Type 2 Short Term Rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadplex units on the block face. At least one (1) Type 2 Short Term Rental shall be permitted per block race, regardless of the total number of units on the block face.

In this case, the block face is defined as the south side of Lucas Street between Benton Street and Calhoun Street. There are eight (8) lots along this block face, and according to available records, there are 11 units on this blockface, resulting in one (1) Type 2 Short Term Rental unit permitted by right. One (1) Type 2 Short Term Rental Permit has already been approved by right on the blockface. Any other Type 2 Short Term Rentals on this blockface must seek a Special Exception from the Board of Adjustment. If this special exception is approved, there will be a total of two (2) Type 2 Short Term Rentals on this block face, resulting in 18.2% of the blockface.

**Code Enforcement History**

There are no pending code violations for the subject property.

**Zoning History**

The subject property is within the original city limits of San Antonio and was zoned “C” Apartment District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “C” to the current “MF-33” Multi-Family District, established by Ordinance 93881, dated May 3, 2001.

**Permit History**

The applicant applied for a Type 2 Short Term Rental (STR) Permit for the subject property in July of 2021. The permit is pending the decision of the Board of Adjustment for a Special Exception.

**Subject Property Zoning/Land Use**

| Existing Zoning   | Existing Use |
|---|--------------|
| “MF-33 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District | Four-Plex    |

**Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

|       |  |                           |
|-------|--|---------------------------|
| North | “MF-33 NCD-6 MLOD-3” Multi-Family<br>Mahncke Park Neighborhood Conservation<br>Martindale Army Air Field Military<br>Lighting Overlay District | Single-Family Residential |
| South | “MF-33 NCD-6 MLOD-3” Multi-Family<br>Mahncke Park Neighborhood Conservation<br>Martindale Army Air Field Military<br>Lighting Overlay District | Single-Family Residential |
| East  | “MF-33 NCD-6 MLOD-3” Multi-Family<br>Mahncke Park Neighborhood Conservation<br>Martindale Army Air Field Military<br>Lighting Overlay District | Single-Family Residential |
| West  | “MF-33 NCD-6 MLOD-3” Multi-Family<br>Mahncke Park Neighborhood Conservation<br>Martindale Army Air Field Military<br>Lighting Overlay District | Single-Family Residential |

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Mahncke Park Community Plan and currently designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Mahncke Park Neighborhood Association and as such, they were notified of the case.

**Street Classification**

Lucas Street is classified as a local street.

**Criteria for Review**

According to Section 35-374.01 of the UDC, in order for a special exception to be granted, the applicant must demonstrate all of the following:

- A. The special exception will not materially endanger the public health or safety.

The applicant is requesting the special exception to obtain one (1) Type 2 STR Permit in addition to one (1) active Type 2 STR Permits on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses include a single-family and multi-family residential nearby as well as recreational, commercial and office in close proximity.

- B. The special exception does not create a public nuisance.

Approval of the special exception would permit a total of two (2) Type 2 STRs operating on the blockface. The surrounding area is predominately residential and is near major commercial corridors along North New Braunfels Avenue and Broadway Street. The granting of this special exception allows one (1) additional Type 2 STR.

- C. The neighboring property will not be substantially injured by such proposed use.

The applicant could provide data showing that occupancy rates for long-term rentals in the

neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

- D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

There are six (6) parking spaces provided in the rear of the subject property which is an adequate amount of parking for a four-plex. The subject property appears to have adequate utilities, access, and open space.

- E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant currently is not a permit holder for any Short Term Rental units in San Antonio, therefore does not have any history of revocation, citations, or convictions for violations of Chapter 16.

- F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The residential structure is existing and there is currently one (1) approved Type 2 STR Permits for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family residential and multi-family residential. There are many other types of uses in close proximity to the subject property such as recreational, commercial, and office. Changes to the essential character of the neighborhood may include potential impacts to occupancy rates and property valuations.

### **Alternative to Applicant's Request**

Denial of the request would result in the applicant being denied to operate a Type 2 Short Term Rental, per the UDC.

### **Staff Recommendation**

Staff recommends **DENIAL of BOA-21-10300126** based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the blockface.