



City of San Antonio

Agenda Memorandum

File Number:18-3468

Agenda Item Number: 3.

Agenda Date: 5/21/2018

In Control: Board of Adjustment

Case Number: A-18-078
Applicant: Graystreet 1611 Broadway, LP
Owner: Graystreet 1611 Broadway, LP and Reynaldo Diaz, Jr.
Council District: 1
Location: 1603, 1611, and 1615 Broadway
Legal: LOTS 6, 7, 8, 9, and 10, Block 18, NCB 964
Description:
Zoning: "IDZ DN RIO-2 UC-2 AHOD" Infill Development Zone
Development Node River Improvement Overlay Urban
Corridor Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 5-story variance and an 80-foot variance from the RIO-2 and Development Node regulations to allow for a structure to be 20 stories and 260 feet in height, as described in Sections 35-338(b)(3), 35-674.01 (c)(4) and Table 674-2 and 2) a 60-foot variance from the AHOD regulations, as described in Section 35-331, to allow for a structure to be 20 stories and 260 feet in height.

Executive Summary

The subject property is located at 1603, 1611, and 1615 Broadway at the intersection of Newell Avenue and Broadway Street. The applicant is seeking variances from the "RIO DN" River Improvement Overlay Development Node regulations that allow a maximum of 10 stories and a 120 feet maximum in height and from the Development Node regulations that currently would limit the height of the proposed structure to 15 stories at a total of 180 feet to allow for the construction of a new high-rise building being 20 stories tall at 260 feet in height. The applicant states that the subject property is currently underutilized and vacant; the proposed development is a mixed-use project consisting of a hotel and office use with structured parking and retail on the ground floor. The proposed development has been reviewed by a Historic and Design Review committee on March 13, 2018 and on April 11, 2018, and again on May 2, 2018. At the most recent hearing, the Historic and

Design Review Commission considered the requests and recommended approval.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ DN RIO-2 UC-2 AHOD” Infill Development Zone Development Node River Improvement Overlay Urban Corridor Airport Hazard Overlay District	Vacant, Proposed High-Rise Structure

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 IDZ RIO-2 UC-2 AHOD” General Industrial Infill Development Zone River Improvement Overlay Urban Corridor Airport Hazard Overlay District	Restaurants and Parking Lots
South	“I-1 RIO-2 UC-2 AHOD” General Industrial River Improvement Overlay Urban Corridor Airport Hazard Overlay District	Auto Detailing and Cleaning
East	“IDZ DN RIO-2 UC-2 AHOD” Infill Development Zone Development Node River Improvement Overlay Urban Corridor Airport Hazard Overlay District	Offices
West	“I-1 RIO-2 UC-2 AHOD” General Industrial River Improvement Overlay Urban Corridor Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Tobin Hill Neighborhood Plan and designated as Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Downtown Residents Association. Also, the subject property is within 200 feet of the Tobin Hill Community Association and the Government Hill Neighborhood Association. As such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by height limitations to ensure that future development is compatible within the context that it is placed. The owner of the property is trying to develop under-utilized tracts for the construction of a mixed-use development with structured parking. The proposed 20-story mixed-use development is surrounded by mixed uses, office space under construction to the north, the interstate highway to the south, and The Pearl to the west. Staff finds that permitting the requested height is warranted and is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Literal enforcement of the ordinance would limit the structure to 15 stories and 180 feet in height. The project as an infill development project presents challenges in its design configuration and location at the intersection of two major highways. Additionally, in that the project will encompass most of the block, there is no abutting property to be directly harmed by the proposal. Any surrounding development will be buffered by, at a minimum, the entire right-of-way (ROW); nearly 80 feet of separation, property line to property line.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the code is to ensure that the scale of new development within is appropriately scaled and compatible with specific design and height criteria. The applicant is not seeking variance to the required design aspects listed in the code, only seeking the additional height. Because there are no properties directly abutting this project, and because of the nature of land use surrounding the subject property, staff finds that the request for additional height observes the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The requested variance will not permit a use not authorized within the “IDZ DN RIO-2 UC-2 AHOD” Infill Development Zone Development Node River Improvement Overlay Urban Corridor Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The proposed development does not directly abut any other properties. Nearby uses will be buffered by the street right-of-way and the project sits at an intersection of two major highways. The applicant is not seeking any other variances, only seeking the additional height.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstance present in this case is the scale of proposed development. Because the most of the block is included within the project area, staff finds that the request for additional height is

warranted.

Alternatives to Applicant's Request

The alternative to the applicant's request is to conform to the height limitations set forth in the Development Node River Improvement Overlay regulations.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-078**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners, and;
2. The proposed height is appropriate because of the nature of surrounding land uses including high-density multi-family, interstate highways, and The Pearl.