



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4239

**Agenda Item Number:** 5.

**Agenda Date:** 7/20/2020

**In Control:** Board of Adjustment

Case Number:	BOA-20-10300058
Applicant:	Korling Duren
Owner:	Korling Duren
Council District:	1
Location:	322 Baltimore Avenue
Legal Description:	Lot F, the North 7.75 Feet of Lot E, and 18.6 ft of Lot E, Block 24, NCB 816
Zoning:	"FBZ T5-1 RIO-2 AHOD" Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard 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 located downtown on the corner of Baltimore Avenue and Dallas Street. The zoning of the property is "FBZ T5-1 RIO-2 AHOD" Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard Overlay District and currently has a duplex constructed on the property. The subject property is surrounded by a mixture of uses such as other duplexes, multi-family, parking, office, and recreational, including Madison Square Park. There is currently no Type 2 STR Permit issued for the subject property. There are two (2) Type 2 STR Permits issued for the adjacent property, who are both grandfathered.

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 two (2) 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 face, regardless of the total number of units on the block face. In this case, the block face is defined as the northeast side of Baltimore Avenue between Dallas Street and Merton Court. There are three (3) lots along this block face, and according to available records, there are six (6) units on this block face, resulting in one (1) Type 2 Short Term Rental units permitted by right. Two (2) Type 2 Short Term Rental Permit have already been approved by right at 318 and 320 Baltimore Avenue, due to them being grandfathered. These two dwelling units had active Hotel Occupancy Tax Accounts prior to the adoption of the STR Ordinance, allowing them to be grandfathered and permitted once implementation of the ordinance occurred. Any other Type 2 Short Term Rentals on this block face must seek a Special Exception from the Board of Adjustment. If this special exception is approved, there will be a total of three (3) Type 2 Short Term Rentals on this block face, resulting in 50% 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 “I” Business District. In 2010, the zoning changed from “I-1” Light Industry District to the current “FBZ (T5-1)” Form Base Zone Transect T5 Calibrated T5-1 base zoning district established by Ordinance 2010-04-01-0279, dated April 1, 2010.

### **Permit History**

The applicant applied for a Type 2 Short Term Rental (STR) Permit in March of 2020. The permit is pending the decision of the Board of Adjustment for a Special Exception.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“FBZ T5-1 RIO-2 AHOD” Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard Overlay District	Duplex

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“FBZ T5-1 AHOD” Form Base Zone Transect T5 Calibrated T5-1 Airport Hazard Overlay District	Medical Office, Single-Family Residence, Vacant Lot, Parking
South	“FBZ T5-1 RIO-2 AHOD” Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard Overlay District	Duplexes, Single-Family Residence, Parking Lots

East	“FBZ T5-1 RIO-2 AHOD” Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard Overlay District	Duplexes, Gas Station, Apartment Complex
West	“FBZ T5-1 RIO-2 AHOD” Form Base Zone Transect T5 Calibrated T5-1 River Improvement Overlay-2 Airport Hazard Overlay District	Vacant Lots, Duplex, Madison Square Park, Church

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Downtown Regional Center Plan and currently designated as “Regional Mixed Use” in the future land use component of the plan. The subject property is located within the boundaries of the Downtown Residents’ Association.

### **Street Classification**

Baltimore Avenue 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 two (2) active Type 2 STR Permits on the block face. The subject property appears to be well-kept and appears to be recently renovated. Surrounding uses include a public park to the north and a mixture of uses such as duplexes, apartments, and commercial.

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

Approval of the special exception would permit a total of three (3) Type 2 STRs operating on the block face, each in separate units. The surrounding area is predominately duplexes, multi-family, and some single-family residential uses, and is near many commercial uses. The granting of this special exception allows one (1) additional Type 2 STR. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood will not be impacted which could mitigate any potential for a public nuisance.

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 three (3) parking spaces provided in the driveway at the subject property which is an adequate amount of parking for a duplex. 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 two approved Type 2 STR Permits for the block face. The subject property is surrounded with residential uses, mostly consisting of duplexes. Vehicular access to the property is located off Baltimore Avenue. The essential character of the neighborhood may include potential impacts to occupancy rates and property valuations. 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.

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

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

### **Staff Recommendation**

Staff recommends **DENIAL of BOA-20-10300058** based on the following findings of fact:

1. There are currently two (2) active Type 2 Short Term Rental units on the block face.