



# City of San Antonio

## Agenda Memorandum

**File Number:**21-2959

**Agenda Item Number:** 4.

**Agenda Date:** 4/19/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300024
Applicant:	Brandon Sanchez
Owner:	Brandon Sanchez
Council District:	1
Location:	314 Delaware Street
Legal Description:	Lot 4, Block 6, NCB 3008
Zoning:	“RM-4 H AHOD” Residential Mixed Lavaca Historic 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 within the Lavaca Historic District and is toward the dead-end of Delaware Street. The property currently has a single-family home and an Accessory Detached Dwelling Unit. Immediately surrounding uses include a mixture of densities including single-family dwellings and duplexes. Many properties in the immediate area are zoned “RM-4” which would allow up to four units per lot. There are also some commercial and office uses in close proximity along South Presa Street. There is currently one Type 2 STR Permit issued for the subject property. There is one (1) Type 2 STR Permit 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 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 south side of Delaware Street between Boerne Street and the dead-end of Delaware Street. There are five (5) lots along this block face, and according to available records, there are seven (7) units on this blockface, resulting in one (1) Type 2 Short Term Rental units 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 28.6% 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 “D” Apartment District. The zoning changed from “D” to “R-2” Two Family Residence District on December 9, 1991, established by Ordinance 74924. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-2” to the current “RM-4” Residential Mixed District, established by Ordinance 93881, dated May 3, 2001. The Historic District was established by Ordinance 99338, dated June 10, 2004.

#### **Permit History**

The applicant applied for a Type 2 Short Term Rental (STR) Permit for the subject property in June 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>
“RM-4 H AHOD” Residential Mixed Lavaca Historic Airport Hazard Overlay District	Two Dwelling Units

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 H AHOD” Residential Single Family Lavaca Historic Airport Hazard Overlay District	Single-Family Residential
South	“RM-4 H AHOD” Residential Mixed Lavaca Historic Airport Hazard Overlay District	Single-Family Residential
East	“RM-4 H AHOD” Residential Mixed Lavaca Historic Airport Hazard Overlay District	Single-Family Residential
West	“RM-4 H AHOD” Residential Mixed Lavaca Historic Airport Hazard Overlay District	Duplex

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

The property is within the boundaries of the Downtown Area Regional Center 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 Lavaca Neighborhood Association and as such, they were notified of the case.

### **Street Classification**

Delaware 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 mixture of single-family dwellings and duplexes.

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 a few blocks from major commercial corridors along South Presa Street and South St. Mary’s 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 three (3) parking spaces provided in the driveway at the subject property which is an adequate amount of parking for a single-family residence and Accessory Detached Dwelling Unit. 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 holds a Type 2 Short Term Rental permit for the primary structure on the subject property. They do 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 Permit for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family residential and some duplexes. Changes to 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 to operate a Type 2 Short Term Rental, per the UDC.

### **Staff Recommendation**

Staff recommends **DENIAL of BOA-21-10300024** based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the blockface and
2. The additional Short Term Rental Type 2 will bring the block face to 28.6%