



# City of San Antonio

## Agenda Memorandum

**File Number:**15-3422

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**Agenda Item Number:** 9.

**Agenda Date:** 6/1/2015

**In Control:** Board of Adjustment

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**Case Number:** A-15-098  
**Applicant:** 815 Avenue B L.P.  
**Owner:** 815 Avenue B L.P.  
**Council District:** 1  
**Location:** 815 Avenue B  
**Legal Description:** Lots A, A1, 1,2,3,4,5,6,7,8, and NW 50 feet of 9 & 10, Block 27, NCB 449  
**Zoning:** “FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl AICP, Senior Planner

### **Request**

A request for 1) a variance from the stepback frontage requirement on the fourth story to allow a six story residential building without the ten foot stepback; and 2) a variance from the minimum 15 foot river setback to allow encroachment to within 4 feet on the northwest corner of the building.

### **Executive Summary**

The subject property is located within the River North Neighborhood with San Antonio River frontage. The applicant has assembled an entire block with frontage on Avenue B and the river between 8<sup>th</sup> Street and 9<sup>th</sup> Street. The property is approximately 3 acres and is planned to include 305 apartments, a 3,000 square foot restaurant, and almost 9,000 square feet for leasing and amenities. A parking structure is being built in the middle, with the residential units wrapping around the 4 edges to conceal it. A 6 story building is planned. The restaurant and fitness center are on the river frontage, with a large patio for outdoor dining and native landscaping along the river.

The site is also located within the River Improvement Overlay, which include detailed design regulations regarding the interface with the river. The project has been reviewed and revised according to this regulatory framework, administered by the Office of Historic Preservation. The San Antonio River Authority has also been involved in the project details, one of which is the subject of a requested variance. The applicant is requesting a variance from the minimum 15 foot setback from the river bank to allow a corner of the building to encroach up to within 4 feet. According to the San Antonio River Authority staff, the encroachment is characterized as minimal and has been granted conditional approval. The condition is that the applicant employs *Low Impact Design* practices and components. The intent of this condition is to require “pre-treatment” of stormwater to improve water quality in the river.

The second variance is from a mandatory stepback that is included along some of the streets in the River North neighborhood. This minimum 10 foot stepback is required on the floors above the 4<sup>th</sup> story on Avenue B, the 5<sup>th</sup> story on 8<sup>th</sup> and 9<sup>th</sup> street and the 6<sup>th</sup> story on the river facade. According to the applicant, these stepbacks create challenging construction details and present long-term maintenance problems. The applicant has complied with each of the other form-based code requirements and is seeking variances from these stepbacks.

Lake/Flato Architects have designed a building to satisfy the provisions and the spirit of the “FBZD”. As you can see on the elevations, the building changes materials and details throughout the façade to create interest and reduce massing. With this level of detailed design, the applicant asserts that the stepbacks are unnecessary.



### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District	Underutilized building

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District	Wyndham Garden Hotel

South	“FBZD T6-1 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District	Motor Vehicle Sales
East	“FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District	Auto Repair
West	“FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement Airport Hazard Overlay District	Surface Parking

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

The property is within the boundaries of the River North Master Plan and designated as Mixed Use. The subject property is located within the boundaries of the Downtown Residents Association, a registered 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 the specific guidelines designed to create the urban form envisioned for River North. The architects have proposed a design which addresses the constraints of the site and the goals of the code. As such, the public interest would be served by granting the variance.**

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

**According to the applicant, the special condition present in this case include the myriad of design considerations, including the hidden structured parking and detailed architectural façade elements that make literal enforcement an unnecessary hardship.**

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 being observed by the architectural details incorporated to provide the variation anticipated from the setback. As such, the variances will observe the spirit of the ordinance goals.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “FBZD T6-2 RIO-2 AHOD” Form Based Zoning River North Transect River Improvement 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 project will introduce new housing opportunities, consistent with several of the City’s goals. It will create the desired essential character envisioned in the River North Master Plan. Therefore, the variance**

**will not injure adjacent properties in the district.**

*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 applicant is requesting these variances to allow the addition of over 300 new residential dwelling units in a previously industrial part of downtown. The proposed building is built on or near the three street frontages, has been reviewed and approved by the Historic Design and Review Commission, and provides hidden structured parking. Many of the competing components of the regulations create a unique circumstance warranting consideration.**

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

The applicant needs to redesign the building to provide the setbacks as required by the Unified Development Code.

### **Staff Recommendation**

Staff recommends **APPROVAL of A-15-098** based on the following findings of fact:

1. The property has frontages on all four sides, each of which have different regulatory requirements;
2. The design meets most of the specific requirements and presents a pleasing infill housing project with a commercial component and structured parking.