



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 21, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-25-10300043

**APPLICANT:** Lee Perenti

**OWNER:** Michael L & Donald J Parker

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 709 East Locust Street

**LEGAL DESCRIPTION:** Lot 47, Block 1, NCB 6789

**ZONING:** "IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District

**CASE MANAGER:** Joseph Leos, Senior Planner

**A request for**

A Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c)).

**Executive Summary**

The applicant is seeking a special exception to allow one (1) additional Type 2 Short Term Rental unit on the block face. There is currently one (1) active Type 2 Short Term Rental permit on the block face, located at 711 East Locust Street and is owned by the same person as this subject property, having been approved on February 25, 2019 (this Type 2 Short Term Rental permit has been renewed twice and does not expire until February 25, 2028).

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 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 along East Locust Street, extending from 709 East Locust Street to 711 East Locust Street. There are two (2) units along this block face, resulting in one (1) Type 2 Short Term Rental unit permitted by right.

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 two (2) Type 2 Short Term Rentals on this block face, totaling 100% of the current units.

On April 16, 2019, this Type 2 Short Term Rental permit was approved by staff and on August 3, 2022, was renewed by staff. Both the initial approval, and the subsequent renewal, were approved in error as neither were forwarded for consideration before the Board of Adjustment for a special exception.

#### **Code Enforcement History**

No Code Enforcement history found.

#### **Permit History**

Short Term Rental Permit Number: STR-19-13500606

Permit Request Type: Type 2

1<sup>st</sup> Renewal Application Date: 08/03/2022

2<sup>nd</sup> Renewal Application Submission Date: 01/28/2025

#### **Zoning History**

The subject property is legally zoned for a Short-Term Rental. Per the ordinance Shorter Term Rentals are prohibited only on properties zoned "C-3" General Commercial District, as well as all Industrial Districts.

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

##### **Existing Zoning**

"IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District

##### **Existing Use**

Residential Single-Family

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

### **North**

#### **Existing Zoning**

"C-1 CD UC-4 AHOD" Light Commercial North St. Mary's Street Urban Corridor Airport Hazard Overlay District with a Conditional Use for Bar and/or Tavern

#### **Existing Use**

Bar and/or Tavern

### **South**

#### **Existing Zoning**

"IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District

#### **Existing Use**

Residential Single-Family

### **East**

#### **Existing Zoning**

"IDZ-2 UC-4 AHOD" Medium Density Infill Development Zone North St. Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted for 50 (fifty) dwelling units per acre

#### **Existing Use**

Multi-Family Residential

### **West**

#### **Existing Zoning**

"IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District

#### **Existing Use**

Residential Single-Family

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

The subject property is in the Midtown Area Regional Center Plan and is designated as "Employment/Flex Mixed-Use" in the future land use component of the plan. The subject property is located within the notification area of Tobin Hill Community Neighborhood Association, and they have been notified of the request. The subject property is located within the notification areas of five registered community organizations, and they have been notified of the request.

## **Street Classification**

East Locust Street is classified as a local street.

## **Criteria for Review –Special Exception**

According to Section 35-374.01(c) 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*

**In that this is the second renewal, and staff has been unable to identify any code enforcement history to the location in the past six (6) years, staff finds that the request to operate an additional short term rental beyond the 12.5% density cap is not likely to materially endanger the public health and/or safety, if approved. Additionally, the structure in which the STR is located within does not pose a hazard to life, health, or public safety.**

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

**The applicant has demonstrated, over the previous six (6) years, that the operation of this STR does not cause a public nuisance. Staff finds that this trend is more than likely to continue, with zero complaints registered against the property or operator.**

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

**The density caps were established to ensure that neighbors are not inundated by the presence of Type 2 STRs. Allowing this additional STR on this blockface will not substantially injure neighboring properties as it has been operating since 2019 and has not impacted the surrounding areas since then.**

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

**The subject property provides the minimum one off-street parking space and 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 or owner does not have previously confirmed citations, adjudicated offenses, or convictions for this property or other properties. The applicant does have a previously revoked license for another property.**

*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 requested special exception is not likely to alter the essential character of the district as the property is zoned "IDZ", which allows for the land use of a STR and general residential land uses. The density limits established by City Council exist to ensure that neighborhood remain, primarily, residential. Staff finds that exceeding the 12.5% block face density is not likely to alter the essential character of the district.**

The board may also consider if any of the following apply, in accordance with UDC Section 35-399.03(h):

- (1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:
  - (a) The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or
  - (b) There is proof that a short term rental (type 2) is the only economically feasible way to finance the preservation of the structure; and
  - (c) The granting of a board of adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.
- (2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must find the public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.
  - (a) That nearby streets will not be substantially impacted by the proposed short term rental (type 2). To make this determination, the board of adjustment shall consider input from the city traffic engineer.
  - (b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.
  - (c) The neighboring property will not be substantially injured by such proposed use.

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

The Board of Adjustment may approve or deny the applicant's request.

#### **Staff Recommendation – Special Exception**

Staff recommends **Approval** in **BOA-25-10300043** based on the following findings of fact:

- 1. Staff finds that the approval of an increase in the Type 2 Short Term Rental permit density would not be detrimental as the request meets the six (6) conditions.**