



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 16, 2024. This case was continued from December 2, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**CASE NUMBER:** BOA-24-10300221

**APPLICANT:** Killen, Griffin & Farrimond, PLLC

**OWNER:** Blue Line Housing, LLC

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 335 East Park Avenue

**LEGAL DESCRIPTION:** Lot 6, Block 6, NCB 1751

**ZONING:** "R-6 H AHOD" Residential Single-Family Historic Tobin Hill Airport Hazard Overlay 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 are currently five (5) active Type 2 Short Term Rental permits on the block. One (1) located at 325 East Park Avenue, being approved on February 6, 2019 and four (4) located at 327 East Park Avenue with Unit 1 being approved on January 18, 2019 and Units 2-4 being approved on January 22, 2019. These five (5) Type 2 permits are grandfathered. 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 defined as the east side of McCullough Avenue between the west side of North St Mary's Street. There are thirty-three (33) units along this block face, resulting in four (4) Type 2 Short Term Rental units permitted by right. Five (5) Type 2 Short Term Rental Permits have already been approved on the block face. 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 six (6) Type 2 Short Term Rentals on this block face, totaling 18% density of the current units.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

Short Term Rental Application Number: STR-24-13401263

Permit Request Type: Type 2

Application Submission Date: 11/06/2024

### **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**

"R-6 H AHOD" Residential Single-Family Historic Tobin Hill Airport Hazard Overlay District

#### **Existing Use**

Residential Single-Family

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

#### **North**

#### **Existing Zoning**

"MF-33 H HS AHOD" Multi-Family Historic Tobin Hill Historic Significance Airport Hazard Overlay District

#### **Existing Use**

Vacant Lot

#### **South**

#### **Existing Zoning**

"R-6 H AHOD" Residential Single-Family Historic Tobin Hill Airport Hazard Overlay District

#### **Existing Use**

Residential Single-Family

**East****Existing Zoning**

“R-6 H AHOD” Residential Single-Family Historic Tobin Hill Airport Hazard Overlay District

**Existing Use**

Residential Single-Family

**West****Existing Zoning**

“MF-33 H AHOD” Multi-Family Historic Tobin Hill Airport Hazard Overlay District

**Existing Use**

Quadplex

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Midtown Area Regional Center and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification areas of the Tobin Hill Neighborhood Association and San Antonio Texas District One Resident Association, and both have been notified of the request. The subject property is located within the notification areas of the NES Foundation, T.H.U.G.G.I.N. for Christ, and Women in Film & Television San Antonio Community Organizations and have been notified of the request.

**Street Classification**

East Park Avenue is classified as a Local Road.

**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*

Staff finds that the request to operate an additional short term rental beyond the 12.5% density cap is likely to materially endanger the public health and/or safety as the density caps were established to ensure that neighborhoods remain, primarily, residential.

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

The density caps were established to prevent public nuisances. Allowing Type 2 STRs to exceed those caps will likely lead to increased cases of public nuisance.

*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 additional STRs on this blockface may substantially injure neighboring properties.

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

The subject property provides off-street parking 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 owner has two licenses that have been revoked at other properties.

*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 density limits established by City Council exist to ensure that neighborhood remain, primarily, residential. Staff finds that exceeding the 12.5% blockface density is likely to alter the essential character of the district.

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

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

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

Staff recommends Denial in BOA-24-10300221 based on the following findings of fact:

1. Per Section 16-1100 of the City Code, staff finds that the approval of an increase in the Type 2 Short Term Rental permit density would be detrimental to “the health and safety of [the] occupant(s) of [the] short term rental property” and to the “integrity of the neighborhood(s) in which [the] short term rental property operates”; and,
2. Staff is unable to identify any unique circumstance which warrants nearly doubling the density limitation for Type 2 STRs on this block face.