

Case Number:	BOA-22-10300209
Applicant:	Carlos Munoz
Owner:	Carlos Munoz
Council District:	6
Location:	86 Tranquil Terrace
Legal Description:	Lot 2, Block 5, NCB 17673
Zoning:	“PUD RM-4 AHOD” Planned Unit Development Residential Mixed Airport Hazard Overlay District
Case Manager:	Joshua Orton, Senior Planner

**Request**

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

**Executive Summary**

The subject property is generally located east of Sea World near the northwest corner of Serena Vista and Tranquil Terrace. The property currently has one (1) existing single-family dwelling. Surrounding uses include single family homes, multi family apartments, and a multitude of commercial uses. There is currently one other Type 2 STR Permit issued next door to the subject property.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental unit, in addition to the other unit currently permitted on the same block face. 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 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 west side of Tranquil Terrace beginning at the intersection of Tranquil Terrace and Serena Vista and terminating at the mid point of the Tranquil Terrace cul de sac. There are eleven (11) lots along this block face, and according to available records, there are eleven (11) units on this block face, resulting in one (1) Type 2 Short Term Rental unit permitted by right. One (1) Type 2 Short Term Rental Permit has already been approved by right 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 two (2) Type 2 Short Term Rentals on this block face, totaling approximately 18% of the current units.

**Code Enforcement History**

There are no pending code violations for the subject property.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 79036, dated December 30, 1993 and was zoned Temporary "R-1" Single Family Residence District. The property was rezoned to "B-3NA" Business Non-Alcoholic Sales District by Ordinance 80091, dated April 28, 1994. The property was rezoned to "(P-1) R-6" Planned Unit Development Townhouse Residence District by Ordinance 92291, dated August 10, 2000.

Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-6" to the current "RM-4" Residential Mixed District, established by Ordinance 93881, dated May 3, 2001.

**Permit History**

There is no short term rental permit history for this property.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"PUD RM-4 AHOD" Planned Unit Development Residential Mixed Airport Hazard Overlay District	Single Family

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"PUD RM-4 AHOD" Planned Unit Development Residential Mixed Airport Hazard Overlay District	Single Family
South	"PUD RM-4 AHOD" Planned Unit Development Residential Mixed Airport Hazard Overlay District	Single Family
East	"PUD AHOD" Planned Unit Development Airport Hazard Overlay District	Single Family
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Highway 151 and Loop 1604 Area Regional Center and is currently designated as "Urban Mixed Use" in the future land use component of the plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

**Street Classification**

Tranquil Terrace 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) additional Type 2 STR Permits in addition to the one (1) active Type 2 STR Permit on the block face. The subject property appears to be well-kept and provides parking. Surrounding uses include single family residential and neighborhood commercial uses.

- 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 block face. The surrounding area is predominately residential with a mix of densities and commercial uses.

The granting of this special exception will allow for 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 is at least one (1) parking space provided in the front of the subject property which is an adequate amount of parking for one 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 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.

There is one residential structure on the property and there is one (1) approved Type 2 STR Permit for the block face. The subject property is in a single family residential neighborhood. Changes to the essential character of the neighborhood may include potential impacts to occupancy rates and property valuations.

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

Denial of the request would result in the applicant being unable to operate a Type 2 Short Term Rental on this block face, per the UDC Section 35-374.01(c).

### **Staff Recommendation**

Staff recommends DENIAL of BOA-22-10300209 based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the block face.