

Case Number:	BOA-22-10300266
Applicant:	Justin Ramirez
Owner:	Justin Ramirez
Council District:	1
Location:	245 West Fest
Legal Description:	The east 26 feet of the west 35 feet of Lot 15
Zoning:	“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Joshua Orton AICP, 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 north of KIPP University Prep High School at the northwest corner of Nogalitos Street and West Fest Street. The property currently has one (1) existing single-family dwelling. Surrounding uses include single family residential home and a high school. There is currently one other Type 2 STR Permit issued down the street from the subject property. This is the only Type 2 STR Permit issued for the block face.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental units, in addition to the other one (1) 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 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 north side of West Fest Street between Adelaide and Nogalitos Street. There are ten (10) lots along this block face, and according to available records, there are ten (10) 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 20% of the current units.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The zoning assigned to the subject property allows the use of a Short-Term Rental.

Permit History

No Type 2 rental permits have been issued for this property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single Family
South	“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single Family
East	“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single Family
West	“R-6 RIO-7 MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single Family

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Lonestar Community Plan and currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Collins Garden Neighborhood Association and, as such, they were notified of the case.

Street Classification

West Fest 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 one (1) active Type 2 STR Permit on the block face. The subject property appears to be well-kept and provides parking. Surrounding uses includes single family residential as well as a high school in close proximity.

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 high school located to the southwest of the subject property. 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 ordinance was established to provide a balance between the need for local housing and the need for operators to be able to operate their STR businesses. Staff does not support special exceptions authorizing Type 2 STR's in excess of the 12.5% block face density limitation in order to maintain this reasonable balance.

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 currently one (1) approved Type 2 STR Permit for the block face. The subject property is in a single-family residential neighborhood. Staff is concerned that allowing more than the density allowed by the STR ordinance may result in changes to the essential character of the neighborhood.

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.

Staff Recommendation

Staff recommends DENIAL of BOA-22-10300266 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”.