



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 15, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700175 CD

**SUMMARY:**

**Current Zoning:** “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** “R-4 CD AHOD” Residential Single-Family Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 15, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Argo Real Estate Investments LLC

**Applicant:** Ivan Almaguer

**Representative:** Ivan Almaguer

**Location:** 342 Viendo Street

**Legal Description:** the north 93 feet of Lot 1, Block 215, NCB 3942

**Total Acreage:** 0.1067 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 39

**Registered Neighborhood Associations within 200 feet:** Los Angeles Heights Neighborhood Association, Keystone Neighborhood Association

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4"

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** "C-1" "C-1 S" "C-2"

**Current Land Uses:** Residential Dwelling, Vacant

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** "R-4"

**Current Land Uses:** Residential Dwelling

**Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

No special district information.

**Transportation**

**Thoroughfare:** Viendo Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Santa Paula Avenue  
**Existing Character:** Local Street  
**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.  
**Routes Served:** 509, 651

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for a two unit residential property is 1 parking space per unit

**ISSUE:**  
None.

**ALTERNATIVES:**

Current Zoning: “R-4” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: “R-4 CD” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

If approved, the “CD” Conditional Use would permit a duplex on the subject property.

**FISCAL IMPACT:**  
None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is not located within a Regional Center but is within a ½ mile of the Fredericksburg Metro Premium Plus and the Zarzamora Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

1. **Consistency:** The subject property is located within the Near Northwest Community Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “R-4 CD” base zoning district is consistent with the future land use designation.

2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area. The property is in a residential neighborhood and proposes a density compatible with the surrounding area.
3. **Suitability as Presently Zoned:** The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” Residential Single-Family District with a Conditional Use for two units is also appropriate. The property is on a corner lot, which is an ideal location on the block face for residential infill. Additionally, the property has zoning history to benefit from the “B to R-4” conversion exception, which permits a duplex by right despite the single-family base zoning district, but since the property does not comply with the minimum lot size of six thousand (6,000) square feet, the provision is not applicable. The proposal is for a duplex and features the “CD” Conditional Use which will hold the unit layout to a prescribed site plan. Furthermore, the proposal is consistent with the goals of the Strategic Housing Implementation Plan which encourages diverse housing options for all income levels.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does not appear to conflict with any public policy objectives of the Near Northwest Community Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.
- H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
- H P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.
- H P18: Encourage housing to be built with, near or adjacent to retail uses.

Relevant Goals and Objectives of the Near NW Community Plan may include:

- Housing Goal 3 - Preserve and revitalize the community’s unique mix of quality housing.
- Objective 3.1: Rental Housing Provide well-maintained housing for a mix of incomes.
- Objective 3.4 - Encourage new housing development that is compatible with the community’s character.

6. **Size of Tract:** The subject property is 0.1067 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors** The applicant intends to rezone to “R-4 CD” to allow for a duplex to be built on the property.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The subject property is permitted a Duplex by Section 35-D101(j) Duplexes in former 1938 "B" Zoning District. Notwithstanding any provision of this chapter to the contrary, two-family (duplex) residences are a permitted use for any tract or parcel zoned under the 1938 districts as "B" prior to the adoption date of this chapter so long as such tract is in the same configuration and so long as such tract is not the subject of rezoning in accordance with the provisions of this chapter and remains with the 2001 "R-4" zoning district. Pursuant to this subsection, two-family residences may be developed in accordance with the dimensional standards of table 310-1 and section 35-516 except as otherwise provided below:

- 1) Minimum front setback of twenty (20) feet.
- 2) Minimum side setback of five (5) feet.
- 3) Minimum rear setback of twenty (20) percent of the lot depth or twenty (20) feet, whichever is less.
- 4) Minimum lot size of six thousand (6,000) square feet.

The subject property meets all the criteria for the "B to R-4" conversion exception except for the fourth item regarding the lot size - the lot is only 4650 square feet.

The proposed rezoning maintains the residential base district but is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.