

Case Number:	BOA-24-10300005
Applicant:	Capricorn House LLC
Owner:	Jonathan Clarke
Council District:	1
Location:	825 E Park Ave
Legal Description:	Lot 1, Block 1, NCB 832
Zoning:	“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay District with uses permitted for (4) Four Residential Units
Staff Representative:	Juan Alvarez, Planner

### **Request**

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

### **Applicable Code References**

#### **Chapter 16, Article XXII**

##### **Sec. 16-1110**

*The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.*

#### **Chapter 35, Article III**

##### **Sec. 35-374.01 (c)**

*Density Limitations for Short Term Rentals (Type 2) in Residential Areas. In order to preserve the essential character of residential areas, the following density limitations are established. The permitted number of STR's in any block face, or within any multi-family structure, shall not round up.*

*Example: 14 dwelling units on a residential block face x 12.5% = 1.75 STR's (1 Short Term Rental is permitted).*

*(1) Short Term Rentals (Type 2) shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined in Appendix A of this Chapter, in residential zoning districts. At least one (Type 2) short term rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.*

*(2) Short Term Rentals (Type 2) within multi-family (e.g. 5 or more units) buildings or groups of buildings on the same land, lot or parcel, regardless of zoning district, shall be limited to the density requirements in Table 374.01-1. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.*

*In order to establish and operate a Short Term Rental (Type 2) which exceeds the density limitations of this Section, approval of a special exception from the Board of Adjustment shall be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See Section 35-399.03. of this Chapter.*

### **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 permits on the block, having been renewed on March 23, 2022. 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 southeast side of Park Avenue between the northeast corner of Elmira St. There are four (4) lots along 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 50% density of the current units.

### **Code Enforcement History**

No pending Code Enforcement cases.

### **Permit History**

Short Term Rental Permit Number: STR-23-13400490

Permit Request Type: Type 2

Application Submission Date: 12/26/2023

### **Zoning History**

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

### **Board of Adjustment**

The Board of Adjustment is asked to grant a special exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c). The Board of Adjustment has the authority to grant a special exception.

### **Staff Recommendation**

Staff recommends Denial of the applicant's request for a special exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, 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".
- 2) Staff is unable to identify any unique circumstance which warrants nearly doubling the density limitation for Type 2 STRs on this block face.