

Case Number:	BOA-22-10300254
Applicant:	Zamarripa Real Estate Investments, LLC
Owner:	Zamarripa Real Estate Investments, LLC
Council District:	2
Location:	403 Montana Street
Legal Description:	Lot 9 and the west of 26.04 feet of Lot 10, Block B, NCB 604
Zoning:	"AE-2 HL AHOD" Arts and Entertainment Historic Landmark Airport Hazard Overlay District
Case Manager:	Vincent Trevino, 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 the downtown at the corner of Mesquite Street and Montana Street. The property currently has one (1) existing single-family dwelling. Surrounding uses include single family residential. 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 recently 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 north side of Montana Street in between Mesquite Street and South Hackberry Street. There are seven (7) lots along this block face, and according to available records, there are five (5) 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 22% of the current units.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. The property was then rezoned from "B" Residence District to "R-2" Two Family Residence District by Ordinance 79329 dated December 28, 1993. Under the 2001 Unified Development Code established by Ordinance 93881 dated May, 03, 2001, the property converted from "R-2" Two Family Residence District to "RM-4" Residential Mixed District. The subject property was then rezoned from "RM-4" Residential Mixed District to "AE-2" Arts and Entertainment District by Ordinance

2008-12-04-1128 dated December 4, 2008.

Permit History

This property does not have any history of short-term rental permits. There are several building permits on file.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“AE-2 HL AHOD” Arts and Entertainment Historic Landmark Airport Hazard Overlay District	Single Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“AE-2 HL AHOD” Arts and Entertainment Historic Landmark Airport Hazard Overlay District	Single Family
South	“AE-2 HL AHOD” Arts and Entertainment Historic Landmark Airport Hazard Overlay District	Single Family
East	“AE-2 HL AHOD” Arts and Entertainment Historic Landmark Airport Hazard Overlay District	Single Family
West	“AE-2 HL AHOD” Arts and Entertainment Historic Landmark Airport Hazard Overlay District	Single Family

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

Montana Street is classified as a collector street.

Criteria for Review-Type 2 Short Term Rental

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 Permit 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 in the rear of the property. Surrounding uses include single family residential.

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. 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 facilities have been or are being provided.

There is at least one (1) parking space provided in the rear 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 are currently one (1) approved Type 2 STR Permits 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-22-10300254 based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the block face and allowing a 2nd STR Type 2 permit will exceed the density maximum prescribed by Code.

