

Case Number:	BOA-22-10300029
Applicant:	Gerardo Garcia
Owner:	Gerardo Garcia
Council District:	1
Location:	410 Barrera
Legal Description:	Lot 32, Block 4, NCB 926
Zoning:	“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with single family uses not to exceed 14 units per acre
Case Manager:	Joshua Orton, Senior Planner

**Request**

A request for Special Exceptions from the Short Term Rental Density Limitation, as described in Section 35-374.01, to allow two (2) Type 2 Short Term Rental Permits on the blockface.

**Executive Summary**

The subject property is generally located east of the Lackland Air Force Base Annex near the southwest corner of Refugio Street and Labor Street. The property currently has two (2) newly constructed single-family dwellings. Surrounding uses include single family residential and San Antonio Independent School District Office of Academics. There is currently one other Type 2 STR Permit issued next door to the subject property. This is the only Type 2 STR Permit issued for the blockface.

The applicant is seeking a special exception to allow for the operation of two (2) 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 blockface, regardless of the total number of units on the block face.

In this case, the block face is defined as the south side of Barrera Street in between Canal Street and Labor Street. There are six (6) lots along this block face, and according to available records, there are five (5) developed units on this blockface, 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 blockface. Any other Type 2 Short Term Rentals on this blockface must seek a Special Exception from the Board of Adjustment. If this special exception is approved, there will be a total of three (3) Type 2 Short Term Rentals on this blockface, totaling 60% of the current units.

**Code Enforcement History**

There are no pending code violations for the subject property.

**Permit History**

No Type 2 Short Term Rental (STR) Permits have been issued for the subject property.

**Zoning History**

The subject property is within the original city limits of San Antonio and was zoned “D” Apartment District. The property was rezoned from “D” Apartment District to “R-2” Two-Family Residence District by Ordinance 74924, dated December 9, 1991. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-2” to “RM-4” Residential Mixed District, established by Ordinance 93881, dated May 3, 2001. The property was rezoned from “RM-4” Residential Mixed District to the current “IDZ” Infill Development Zone District by Ordinance 2017-05-18-0358 dated May 18, 2017.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with single family uses not to exceed 14 units per acre	Two Residential Dwelling Units

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Residential
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Mixed Residential
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Mixed Residential
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Mixed Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Downtown Area Regional Center and currently designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Lavaca Neighborhood Association and as such, they were notified of the case.

**Street Classification**

Barrera Avenue 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 two (2) Type 2 STR Permits in addition to one (1) active Type 2 STR Permit on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses includes mixed density residential as well as school district offices.

B. The special exception does not create a public nuisance.

Approval of the special exception would permit a total of three (3) Type 2 STRs operating on the blockface. The surrounding area is predominately residential with school district offices immediately adjacent to the subject property. The granting of this special exception will allow for two (2) additional Type 2 STRs, which may create a public nuisance.

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 are two (2) parking spaces provided in the front of the subject property which is an adequate amount of parking for two units. 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 holds an STR Permit and 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 are two residential structures on the subject property and there is currently one (1) approved Type 2 STR Permit for the blockface. The subject property is in a single family residential neighborhood and adjacent to office uses. 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 denied to operate two Type 2 Short Term Rentals, per the UDC.

### **Staff Recommendation**

Staff recommends DENIAL of BOA-22-10300029 based on the following findings of fact:

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