



### Background

The Neighborhood and Housing Services Department (NHSD) offers the following responses to questions submitted by the UDC Subcommittee of the Tier One Neighborhood Coalition (T1NC). The identified responses are provided by NHSD staff, in consultation with the Development Services Department (DSD), Public Works (PWD), and the San Antonio Fire Department (SAFD).

#### Concern 1: Two electrical meters

What are the carefully controlled provisions to protect neighborhoods, with existing single-family homes with ADUs, from being converted to duplexes and displacing a single-family home? What protections exist to ensure the quality of life in neighborhoods from being displaced by investors for their portfolios?

#### Staff response from NHSD & DSD:

We believe that granting homeowners the option of having a separate meter for their ADU does not pose a threat to neighborhoods. For many homeowners, a separate meter is a more practical option if they do not wish to share utilities with a tenant. Under current code, homeowners would have to rezone their properties to use a separate meter. We believe a rezoning would be more significant for the neighborhood vs a separate meter for an ADU. Under the proposed amendment, separate meters become an option. They are not required.

An owner occupancy provision is in place and is being actively enforced by code compliance. On a single-family zoned lot (i.e. R-6), an accessory dwelling unit is only allowed if the property is owner occupied. If a property is sold to a new owner that does not live on the property, the ADU cannot become a permitted Type 2 if not zoned for 2 units. The new owner would need to rezone to allow the ADU to remain and then apply for an STR permit for the appropriate density review. Existing processes ensure that the additional meter request follows the permitting process which requires DSD to sign off on the zoning eligibility. This process can serve as a review and or pause point for noting trends.

Additionally, the Zoning Commission added a statement that ADU's must comply with the short-term rental ordinance. This is an existing requirement however the addition of this statement can provide further education and awareness for persons seeking to build new or convert existing structures to ADU's.

These new and existing processes combined all serve to offer checks and balances throughout the development and permitting process while also supporting an owner right to build and increase the housing stock to fit their needs and the needs of the community.

#### Concern 2: Setbacks

Life Safety Concerns exist regarding the spatial relationships and age of structures in the built environment of San Antonio. Not all existing conditions in San Antonio abutting a proposed location for an ADU have a 5' setback from the property line. Structures (homes, garages, and ADUs) built in the 1880s-1940s are built on property lines and converted to ADUs without permitting therefore concerns remain for ADUs (new infill or renovation of existing structure) to be 3' from these abutting conditions. New construction of an ADU with a 3' setback, to be fire rated, the ADU would have blank wall with no fenestration pattern, up to 30' in height. Recent home and accessory structure fires in neighborhoods where setbacks are less than 5' from the property lines have resulted in damage to adjacent properties as reported by Chief Hood.



### **Staff response from NHSD and the Fire Marshal:**

The proposed amendment does not alter the requirement for compliance with any building code. These codes remain in effect and can be enforced when in non-compliance. Notably, the amendments have been reviewed by the fire marshal without objection. **A written response from the fire marshal is attached.**

Setback concerns can be mitigated through a variety of provisions and existing protections. An ADU is still required to meet the requirements of the International Residential Code. This code requires that construction less than 5 feet from the sideline will require additional fire rating measures including additional fire-rated exterior walls. Historically, the San Antonio landscape currently has thousands of homes that are built to 3' side setbacks as the Unified Development Code began to require 5' side setbacks for residential construction in 2001.

These buildings are required by code to have additional fire-rated construction. Currently, if the owner wants to renovate an existing accessory structure, they must seek a variance to the BOA to allow a setback variance but still comply with building and fire code.

### **Concern 3: Drainage**

What comments did the City's Storm water department provide for the proposed UDC amendment in regards to the 3' setback? What protections are in place to ensure ADUs do not have an adverse impact to the drainage in the community with only a 3' setback in areas with Mandatory detention and when fill is added to a new construction site?

### **Staff Response from PWD, Storm Water Division:**

As NHSD indicated in their previous response, PWD reviews all Master Drainage Plans at the plat level to ensure new single family residential development does not create an adverse impact to downstream properties or infrastructure. During this technical review, the engineer of record is required to provide detailed drainage calculations for the existing, proposed, and ultimate build out of the watershed to ensure there will be no adverse impacts 2,000 feet downstream. This review is done on a macro level to determine regional impacts and identify if the developer is eligible to participate in our Regional Storm Water Management Program (RSWMP) or commonly referred to our Fee in Lieu Of Detention program (FILO). PWD does not review individual residential permits that are part of an established neighborhood unless it is located within the FEMA 100-year floodplain. If an ADU is proposed in the floodplain, a detailed flood study is required to be submitted by the applicant to ensure there will not be any adverse impacts to adjacent properties or downstream infrastructure.

### **Concern 4: Neighborhood Conservation Districts**

Please state the impacts of the proposed UDC amendment changes will have for the 10 NCDs pertaining to accessory dwelling units (ADUs) with respect to the ADU and impervious coverage limitations. Conflicts may pertain to the NCDs' reference to the existing ADU UDC amendment for design and size limitation. Many of the NCDs have impervious coverage limitations and new infill will still have to proceed to BOA for consideration.

DSD's Administration of the NCD's guidelines during plan review with respect to impervious coverage limitations and design guidelines of the NCD over the ADU amendment changes?

### **Staff Response from DSD:**

UDC Section 35-106(b) requires that, in the event of a conflict in the code, the more restrictive regulation takes precedence. Several NCD's impose requirements in excess of the amendments put forth here, and those will rule in the case of a conflict.



## Accessory Dwelling Unit Responses for T1NC's UDC Committee

Neighborhood & Housing Services Department | August 24, 2022

As for impervious cover limitations, nothing in the proposed amendment supersedes any existing impervious cover limit, whether established in an NCD, or in Table 35-310.01. If the size of the ADU pushes the property over the maximum impervious cover limitation, then the AFDU will need to be redesigned to meet the requirement or seek a variance from the Board of Adjustment.



## CITY OF SAN ANTONIO FIRE DEPARTMENT

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August 24, 2022

RE: UDC Proposed Amendments (Accessory Dwelling Units)


There have been life safety concerns regarding Accessory Dwelling Units (ADU's) and the proposed amendment authorizing the UDC required setback to be reduced from 5 feet to 3 feet under certain conditions. Life safety requirements are ensured during the permit and inspection phase of construction. Code equivalent, or even more restrictive designs, such as increased fire ratings and limited openings, provide acceptable alternatives to the prescribed minimum standards.

SAFD approves code equivalent options, including a reduction in the setback, when these additional safeguards are in place and the structures are designed and constructed according to existing codes and standards. These safeguards should be employed for all new construction, or existing structures that are remodeled for the purpose of an ADU.

Please contact the SAFD Office of the Fire Marshal should you have any other questions or concerns.



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Fire Chief



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