

## **Westside Casita Project: zoning, code, policy challenges**

*May 7, 2022*

### **What is at stake?**

*(Narrative summary of the current zoning and codes on the city/Westside.)*

What is at stake is the community's ability to maintain their residency and retain the history and character of the Westside neighborhood. As San Antonio's population increases, so do housing costs and property taxes throughout all communities. This especially impacts low-income homeowners. Ultimately, this is a question of displacement or continuity for Westside residents. To counteract this, it is essential that residents can create economic opportunities within their communities -- one way to achieve this is through more intense land use with the addition of ADUs. This necessitates politically sensitive solutions to city-wide growth by transforming the zone of single-family housing into incremental density, community ownership, and residual income to keep up with rising costs of living.

The City of San Antonio's current zoning laws allow for the construction of ADUs on single family lots. The ADU can be built anywhere on the lot, attached or detached from the main structure, with a maximum occupancy of three people and parking located behind the ADU. In all zoning other than FR/RE, ADUs are limited to one per lot and cannot exceed 800 square feet or 40% of the primary structure's footprint. These ADUs cannot be designed differently than the primary structure and are required to have the same utilities as the primary structure, unless they are 100 feet away from the primary structure. All detached ADUs must have five feet side and rear setbacks. The owner must also occupy one of the residences of the property, whether the primary structure or the ADU.

In the case of ADUs, these rules impose many limitations to the possibilities for community development. One of the biggest challenges that San Antonio's Unified Development Code presents for ADU construction is that the homeowner must reside on the lot in either the primary structure or ADU. This can present a challenge for multigenerational living situations, in which the homeowner shares the property with family members who reside in the home and who may be interested in developing the property (with the homeowner's permission) to improve their socioeconomic standing. Another known challenge is that existing structures must be up to code before any new structure can be built on the same lot. This challenge would come into play at the stage of the process when an inspector would become involved in granting a permit for an ADU to be constructed on the scale of an individual lot. Another layer of this challenge is that we are having a hard time finding specific details about this in writing, on city websites or within other resources we are looking to for guidance, to understand the criteria or requirements an inspector would operate under in this circumstance. It feels a bit like hearsay at this point: a perceived roadblock for one aspect of the project and we are seeking clarification. We will continue to search for these specifics and ask questions from contacts we may have in the city to better understand this stage of the process. This perceived requirement prevents many people from having the opportunity to earn the income from an ADU that would help make improvements to the original structure and bring it up to code. Regarding another aspect of the project, it would be advantageous to allow for greater occupancy of ADUs and more than one structure per lot. Intensifying ADUs is another goal of many similar programs; this would facilitate the incremental development of these areas and give even more financial ownership to residents.

## ADU city codes & Westside Zoning

*(What the Unified Development Code of San Antonio explicitly says about Accessory Dwelling Units)*

### UDC Sec. 35-371. - Accessory Dwellings

City of San Antonio acknowledges ADUs as an important method of affordable housing and neighborhood stability. The requirements are as follows:

- All Single Family Zones
- Allow Attached and Detached ADUs
- 1 ADU per lot
- Minimum Unit Size: N/A
- Max Unit Size
  - Detached: No more than 800 sq. ft. or 40% of the building footprint of the primary structures
  - Attached: 35% of the total living area of the primary structure
  - Zoned "FR" or "RE": may be up to 1200 sq. ft. if zoned "FR" or "RE"
- Only 1 bedroom permitted
- Setbacks
  - Detached: 5 feet side and rear setback,
  - Attached: comply with setbacks required for primary structure
- Max height of 35 ft.
- Scale: Not specified
- Parking must be located behind the front yard
- ADU shall share the same utilities unless the ADU is more than 100ft from primary structure
- Architectural design, style, appearance, and character shall match the primary dwelling including the same roof pitch and window proportions
- Owner of the property must reside in the primary structure or the ADU; cannot exceed 3 people, attached ADU shall not exceed 1 person per 200 sq. ft.
- Max occupancy is 3 people
- Can be built anywhere on a lot, front or back
- The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit.
- ADU permit must be issued before an ADU can be constructed, used, or occupied

(Ord. No. 96564 § 3) (Ord. No. 97568 § 2) (Ord. No. 100126)

## CityLab's BIHOME policy as precedent

*(How did the precedent deal with the challenges and are these applicable in San Antonio?)*

### Zoning

San Antonio is already a step ahead because all single-family zones already allow both attached or detached ADUs. In LA, they had to write a bill to make this possible.

### *Project: Excess LA*

Excess LA explores underutilized residential sites, where lot size almost allows additional units, but not quite. It collects that "excess density potential" to add housing, block by block, without increasing the current allowable density. **It massages the current zoning, rather than changing it.**

*Project: YIMBY*

This project transforms current R-1 zoning in order to permit ADUs while still retaining parking and yards.

Practicalities

Since 2009, single family homes in the City of Los Angeles were allowed to add a second unit, so the zoning permitted “granny flats” like the BIHOME after the bill was established enabling rental units. Of the 500,000 single family homes there, about 20% (or 100,000) rather easily met the further requirements for setbacks, square footage, and so on. Another 15% of the lots would be easy with a few tweaks to the current building regulations. The main constraint that restricted a lot of the remaining lots was the parking requirement.

What questions does this prompt for our project?

- Our requirements in San Antonio for setbacks are 5 feet side and rear for detached structures and compliance with setbacks required or the primary structure for those that are attached. Square footage requirements are no more than 800 sq. ft. or 40% of the building footprint of the primary structures for detached structures, and 35% of the total living area of the primary structure for those that are attached.
- How does this relate to the existing condition? How many homes or percentage of homes in our target area meet these requirements?
- How do the parking requirements in San Antonio affect our project?

Foreclosure

A 2009 CityLAB field survey of three areas with high home mortgage foreclosures in Los Angeles (Cypress Park, Hyde Park, and Pacoima) revealed a large number of ADUs. From a low of 34 percent (Hyde Park) to as many as 80 percent (Cypress Park) of the housing units in those neighborhoods are likely to have ADUs on single-family zoned lots. These adaptations, while almost always illegal and constructed through informal means, have provided strapped homeowners with additional income that has allowed them to remain in their homes while providing a kind of affordable – if not always safe – housing. Life safety issues, including fatal fires, in some of these units have led to sporadic crackdowns on the practice, and existing non-permitted units face an uphill battle to legalization.

What does this tell us about our project?

- Homeowners will do what they can to stay in their homes amid financial challenges. This includes illegally/informally constructing ADUs to rent out and bring in additional income.
- The Casita project gives them a legal, safe option to add ADUs before they are forced to foreclose on their home.

Findings

CityLAB’s lessons learned from backyard homes research

- Build on corner lots, XL sites, and alley lots.
- Follow existing neighborhood patterns.
- Create flexible, sustainable, affordable small-scale backyard prototypes.
- Grow neighborhoods incrementally.
- Seek active participation of community.

CityLAB's evolving public policy to incentivize ADUs

- reduce parking requirements
- lower fees
- streamline approvals
- by-right entitlement (or "by-right" zoning): means that, as long as you comply with the code, the government *HAS* to permit what you're doing
- limited size
- limited set backs

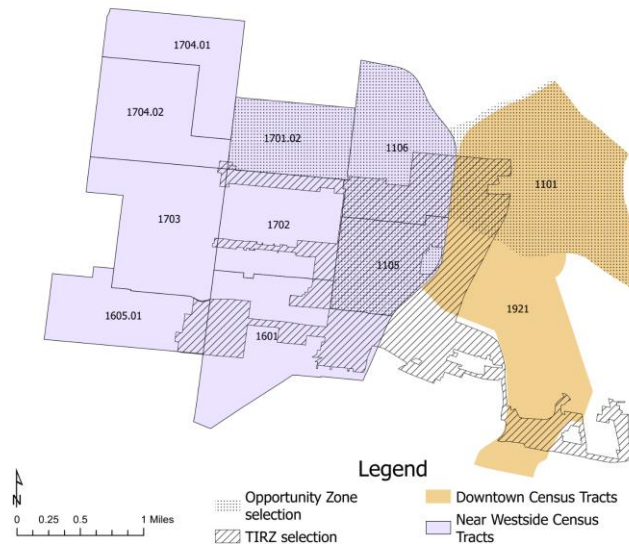
## What are the big challenges?

**Challenge 1:** Owner of the property must reside in the primary structure or the ADU. So an owner cannot live off-site and rent out both the main front house and the ADU. To do this project, we will have to make sure that occupants can be UTSA students and not just the owners/residents/family of the main front house.

\*owners vs renters present a challenge to this challenge

	Census Tract 1105, Bexar County, Texas	Census Tract 1106, Bexar County, Texas	Census Tract 1601, Bexar County, Texas	Census Tract 1605.01, Bexar County, Texas	Census Tract 1701.02, Bexar County, Texas	Census Tract 1702, Bexar County, Texas	Census Tract 1703, Bexar County, Texas	Census Tract 1704.01, Bexar County, Texas	Census Tract 1704.02, Bexar County, Texas
<b>Label</b>	<b>Percent</b>	<b>Percent</b>						<b>Percent</b>	<b>Percent</b>
<b>HOUSING TENURE</b>									
Occupied housing units	838	1,441						1,191	1,413
Owner-occupied	10.1%	17.9%						43.9%	71.3%
Renter-occupied	89.9%	82.1%						56.1%	28.7%

## Westside Census Tracts and Zones



**Challenge 2:** To build an ADU you have to build correctly, abiding by code, in the front property. This challenge would come into play at the stage of the process when an inspector would become involved in granting a permit for an ADU to be constructed on the scale of an individual lot. Another layer of this challenge is that we are having a hard time finding specific details about this in writing, on city websites or within other resources we are looking to for guidance, to understand the criteria or requirements an inspector would operate under in this circumstance. It feels a bit like hearsay at this point: a perceived roadblock for one aspect of the project and we are seeking clarification. We will continue to search for these specifics and ask questions from contacts we may have in the city to better understand this stage of the process.

Challenge 3: Specific changes in the UDC - we've identified explicitly what the UDC says but haven't universally addressed *what* should be amended, *which* words to remove or add, nor *propose* completely new changes.

Challenge 4: We have not yet focused on a particular area of the Westside, such as naming a street or neighborhood where we want to see casitas constructed. Doing this would help us because we need to start exploring the existing conditions in this target area. An idea the group collectively arrived at is that we could focus on the TIRZ zone within the Westside in hopes of going after TIRZ funds. In addition, TIRZ zones seem to overlap with Opportunity Zones, which is another avenue that could provide funding opportunities.

Challenge 5: Regarding funding for the project, it seems there are several opportunities out there, such as Housing Bond funds, TIRZ Zone funds, Opportunity Zone funds, etc. But we don't yet know what we need to put together to start going after these funds. We need to start researching these opportunities and meeting with people who can help point us in the right direction.