#### **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0237 – Old West Austin (PART) **P.C. DATE:** March 11, 2008

Vertical Mixed Use Building (V) Rezonings

AREA: Tract 1 (0.14 acres)

**APPLICANT:** City of Austin, Neighborhood Planning and Zoning Department (NPZD)

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD).

Melissa Laursen

#### **NEIGHBORHOOD ORGANIZATIONS:**

2222 Coalition of Neighborhood Associations

Austin Independent School District

Austin Neighborhoods Council

CIM

City of Austin Downtown Commission

Clarksville Community Development Corporation

Downtown Austin Neighborhood Association (DANA)

Downtown Austin Neighborhood Coalition

Greater West Austin Neighborhood Planning Area (Staff Liaison)

Home Builders Association of Greater Austin

Homeless Neighborhood Organization

Old Austin Neighborhood

Old Enfield Homeowners Association

Old West Austin Neighborhood Association

Old West Austin Neighborhood Plan Contact Team

Save Barton Creek Association

Save Town Lake Organization

Sentral Plus East Austin Koalition (SPEAK)

West Austin Neighborhood Group

West End Austin Alliance

Zilker Neighborhood Association

AREA OF PROPOSED ZONING CHANGES: Tract 1, locally known as 1209 Parkway, is within the Old West Austin Neighborhood Planning Area. The Old West Austin Neighborhood Planning Area is bounded by Enfield Road on the north; North Lamar Boulevard on the east; Lady Bird Lake on the south; and North Mopac Expressway on the west. Please refer to attachments.

WATERSHEDS: Shoal Creek- Urban; Johnson Creek- Urban; Town Lake- Urban

**DESIRED DEVELOPMENT ZONE**: Yes

**SCHOOLS:** Mathews Elementary School; Austin High School

<u>APPLICABLE CORE TRANSIT CORRIDORS:</u> West 5<sup>th</sup> Street; West 6<sup>th</sup> Street; North Lamar Boulevard

#### **STAFF COMMENTS:**

The VMU Overlay District includes approximately 30.04 acres. On February 12, 2007 Planning Commission held a public hearing for the Old West Austin VMU application area and recommended the following in accordance with the neighborhood recommendation:

- Apply all VMU related standards on 25.5 acres
- Apply VMU with Additional Ground Floor Office Uses only on 4.4 acres

Tract 1 was postponed at the hearing to allow for additional time for neighborhood representatives from Old West Austin and Old Enfield to meet with City staff to discuss whether the property is actually part of the VMU Overlay District. Based on information provided from the Travis Central Appraisal District and field notes obtained from the property deed, City staff determined that Tract 1 is part of the Overlay District for discussion at the public hearings. The Old West Austin Neighborhood Planning Contact Team (NPCT) in conjunction with Old Enfield Neighborhood Association has recommended to:

Amend the boundaries of the VMU Overlay District to exclude Tract 1 (0.14 acres)

The NPCT made two affordability level recommendations:

- 70% MFI level for 10 % of residential units available for rental within a vertical mixed use building
- 80% MFI level for 10% of residential units available for rental within a vertical mixed use building for properties whose affordable units are at least 1000 square feet in size, and have at least 2 bedrooms.
  - The NPCT desired a higher affordability level on these types of units to encourage the construction of larger apartment units.

#### **LIST OF ATTACHMENTS:**

Attachment 1: Vertical Mixed Use (VMU) Opt-In / Opt-Out Application

Attachment 2: Tract Map Attachment 3: Zoning Map

Attachment 4: Old West Austin VMU Neighborhood Recommendation for Tract 1

**Attachment 5:** Public Comment Form for Tract 1

Attachment 6: Overview of Vertical Mixed Use (VMU) and the Opt-In/Opt-Out Process

#### **PLANNING COMMISSION RECOMMENDATION:**

December 11, 2007: Approved by consent to postpone case to 1/15/08

January 15, 2008: Approved by consent to postpone case to 2/12/08

#### February 12, 2008:

- Postponed tract 1 to March 11, 2008.
- Approved vertical mixed use building (V) zoning with Dimensional Standards, Parking Reduction, and Additional Uses in Office Districts to tracts 2-11, 17, 19-21, 24-26, and 28-34.
- Approved vertical mixed use building (V) zoning with Additional Uses in Office Districts to tracts 12-16, 18, 22-23, and 27.
- Approved an affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building to tracts 2-34 for properties whose affordable units are at least 1000 SF in size and have at least 2 bedrooms. Approved an affordability level of 70% of the median family income for 10% of the rental units in a vertical mixed use building to tracts 2-34 that do not meet the 80% MFI standards.

#### March 11, 2008: Approved motion to amend the boundaries of the VMU Overlay District to exclude tract 1 (1209 Parkway)

**ISSUES:** The application lists a recommendation to limit outdoor amplified sound on the Core Transit Corridors in order to encourage compatible development. The conditional overlay combining district (CO) cannot be used for this type of recommendation; in addition. staff is not processing conditional overlays as part of the VMU Opt-In/Opt-Out process. The Neighborhood Planning Contact Team is pursuing other methods to address this request.

#### CITY COUNCIL DATE: **ACTION:**

January 10, 2008 Postponed case to 1/31/08

January 31, 2008 Postponed case to 2/28/08

Approved the following motions on 1st Reading by February 28, 2008 consent:

• Postponed Tract 1 to 3/27/08

- Approved vertical mixed use building (V) zoning with Dimensional Standards, Parking Reduction, and Additional Uses in Office Districts to tracts 2-11, 17, 19-21, 24-26, and
- Approved vertical mixed use building (V) zoning with Additional Uses in Office Districts to tracts 12-16, 18, 22-23, and 27.
- Approved an affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building to tracts 2-34 for properties whose affordable units are at least

1000 SF in size and have at least 2 bedrooms. Approved an affordability level of 70% of the median family income for 10% of the rental units in a vertical mixed use building to tracts 2-34 that do not meet the 80% MFI standards.

March 6, 2008

Approved the following motions on 2<sup>nd</sup> and 3<sup>rd</sup> Readings by consent:

- Approved vertical mixed use building (V) zoning with Dimensional Standards, Parking Reduction, and Additional Uses in Office Districts to tracts 2-11, 17, 19-21, 24-26, and 28-34.
- Approved vertical mixed use building (V) zoning with Additional Uses in Office Districts to tracts 12-16, 18, 22-23, and 27.
- Approved an affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building to tracts 2-34 for properties whose affordable units are at least 1000 SF in size and have at least 2 bedrooms. Approved an affordability level of 70% of the median family income for 10% of the rental units in a vertical mixed use building to tracts 2-34 that do not meet the 80% MFI standards.

**PHONE:** 974-7226

March 27, 2008

#### **ORDINANCE READINGS:**

The following readings exclude Tract 1:

1<sup>st</sup> February 28, 2008 2<sup>nd</sup> March 6, 2008

**2<sup>nd</sup>** March 6, 2008 **3<sup>rd</sup>** March 6, 2008

#### **ORDINANCE NUMBER:**

<u>CASE MANAGER:</u> Melissa Laursen E-mail: melissa.laursen@ci.austin.tx.us

#### **NEIGHBORHOOD RECOMMENDATION**

The Old West Austin Neighborhood Planning Contact Team (NPCT) is comprised of three individuals who represent the Clarksville Community Development Corporation (CCDC), Old West Austin Neighborhood Association (OWANA), and the West End Austin Alliance (WEAA). Each of these organizations held general meetings to provide input regarding VMU to their NPCT representative. The NPCT submitted an amended Vertical Mixed Use (VMU) Opt-In / Opt-Out Application to the City on August 7, 2007. Please refer to the Application (Attachment 1) for more details regarding the neighborhood recommendation.

- The NPCT made the following recommendations for properties within the VMU Overlay District.
  - o Apply all VMU related standards to tracts 2-11, 17, 19-21, 24-26, and 28-34.
  - Apply VMU with Additional Ground Floor Uses only on tracts 12-16, 18, 22-23, and 27.
  - Amend the boundaries of the VMU Overlay to exclude tract 1. (This tract is within the boundaries of the Old Enfield Neighborhood Association. The NPCT worked together with Old Enfield on this recommendation.)
- The NPCT recommended applying only the Additional Ground Floor uses to the properties listed above to avoid providing an incentive for redevelopment which may have negative impacts on unique characteristics of the neighborhood.
- The recommended level of affordability for future VMU rental units is 70% MFI level for 10 % of residential units available for rental within a vertical mixed use building and 80% MFI level for 10% of residential units available for rental within a vertical mixed use building for properties whose affordable units are at least 1000 square feet in size, and have at least 2 bedrooms.
  - o The NPCT desired a higher affordability level on these types of units to encourage the construction of larger apartment units.

#### **BACKGROUND**

On August 31, 2006, the City Council adopted the "Design Standards & Mixed Use" ordinance as Subchapter E of Chapter 25-2 of the City Code. Most of the provisions of the ordinance went into effect on January 13, 2007. However, a separate process and schedule was established within the ordinance for Vertical Mixed Use.

The VMU Opt-In/Opt-Out process provides an opportunity for neighborhoods to offer recommendations regarding the location and development standards for Vertical Mixed Use Buildings. The primary focus of this process is on property fronting certain major arterials defined as Core Transit Corridors; however, other properties may also be eligible for VMU. With some exceptions, properties fronting on a Core Transit Corridor are eligible for VMU unless "opted-out". Properties not fronting on the Core Transit Corridors are not eligible for VMU unless "opted-in".

As part of the Vertical Mixed Use (VMU) Opt-In/Opt-Out process the city of Austin was divided into approximately 80 neighborhood planning and/or VMU application areas. Over the next several months each of the application areas affected by the VMU process will be the subject of a zoning case. The Planning Commission will review these cases and provide recommendations to the City Council who will make the final determination as to the applicability of VMU. Zoning case C14-2007-0237 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Old West Austin application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 6.

#### **Impervious Cover**

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
W/LO, Warehouse Limited Office	70%
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
LO, Limited Office	70 %
MH, Mobile Home	N / A
MF-4, Multifamily Residence Moderate - Hi	gh Density 70%
MF-3, Multi-family Residence (Medium Den	sity) 65 %
MF-2, Multi-family Residence (Low Density	60 %
SF-6, Townhouse & Condominium Residence	e 55%
SF-5, Urban Family Residence	55%
SF-3, Family Residence	45 %
SF-2, Single Family Residence - Standard Lo	ot 45 %
P, Public	varies (refer to the Land Development Code)

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

#### **Transportation**

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses as would typically be provided.

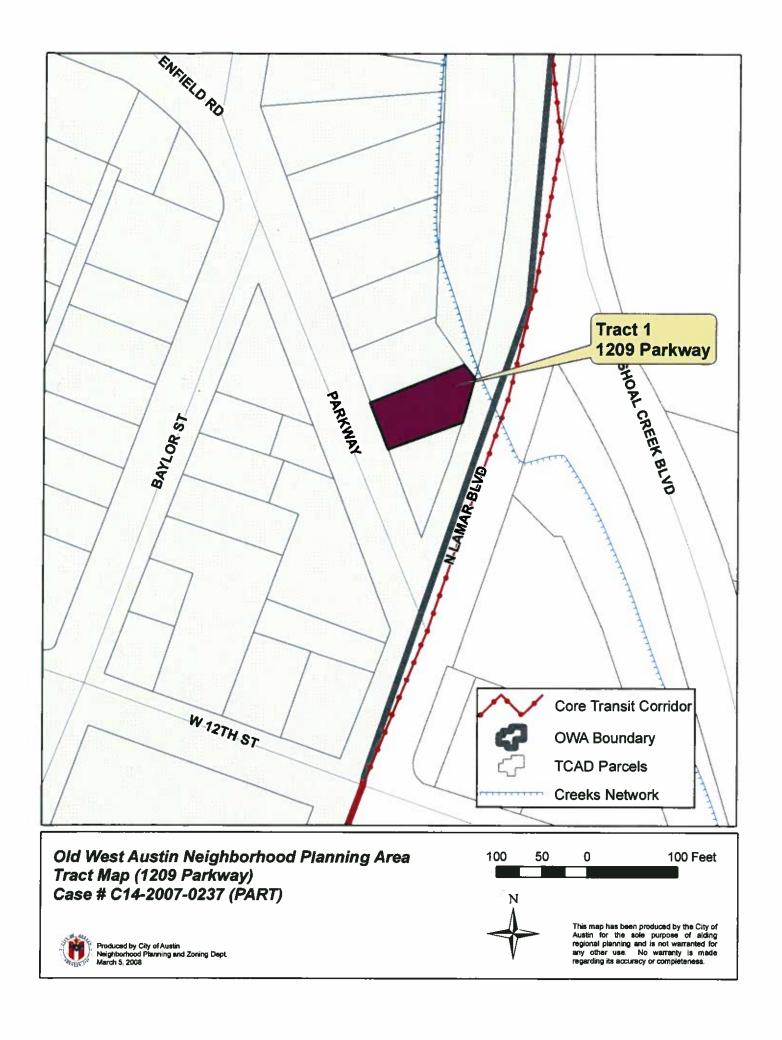
A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

#### Water and Wastewater

The area is served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

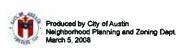
#### **Compatibility Standards**

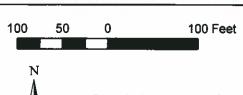
Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district/use will be subject to compatibility development regulations.

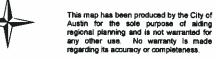


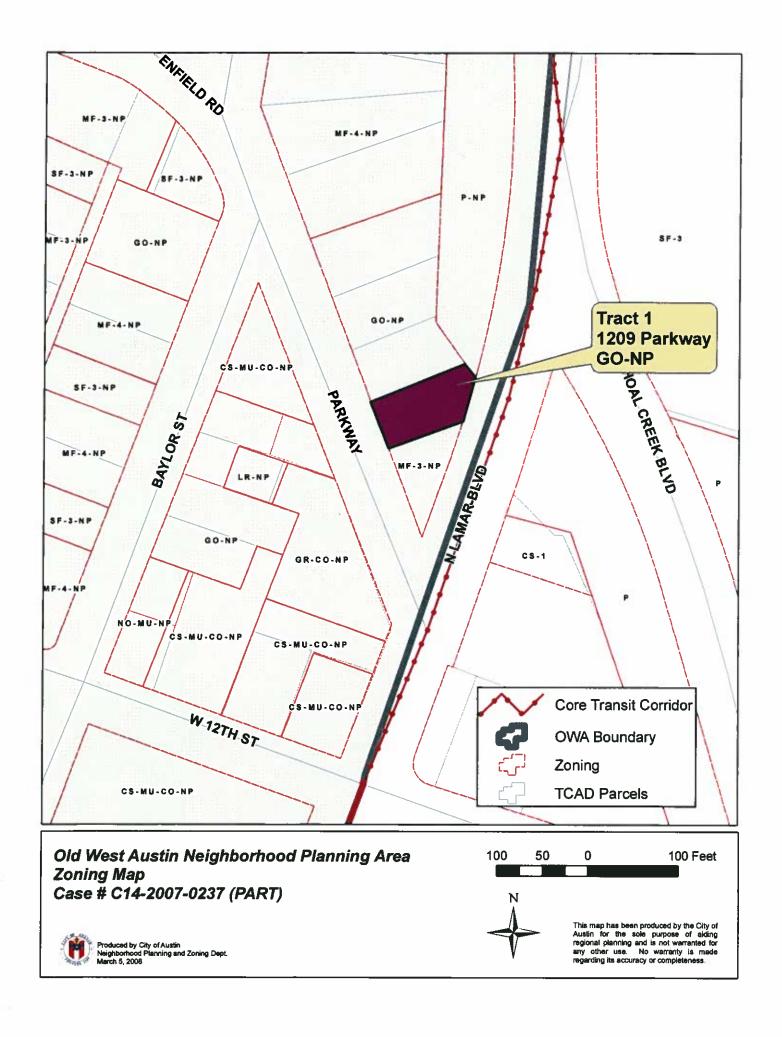


Old West Austin Neighborhood Planning Area 1209 Parkway (Tract 1) Case # C14-2007-0237 (PART)









Melissa Laursen Neighborhood Planning and Zoning Department

RE: OWA VMU Recommendation

WEAA NPCT Representative

Case Number C14-2007-0237 Track No. 1 (1209 Parkway)

Dear Ms. Laursen,

As you are aware, there has been considerable debate as to whether the above mentioned property should be included in the OWA VMU Recommendation. Regardless of the interpretation of boundaries, the OWA Neighborhood Plan Contact Team has discussed this issue and has determined that the OPT-OUT option should be applied to 1209 Parkway.

Please contact me if you have any questions.

2/1/08

Jean Stevens
OWALPCT Representative

Amary Reed
CCDC NPCT Representative

2/8/08

Evan Williams

Date

### PLANNING COMMISSION HEARING

DATE: December 11, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers

301 W. 2nd Street, Austin

#### CITY COUNCIL HEARING

DATE: January 10, 2008 TIME: 4:00 P.M LOCATION: City Hall, Rm. 1002, Council Chambers

301 W. 2nd Street, Austin

For questions regarding the proposed application of Vertical Mixed Use (VMU) regulations in the Old West Austin Neighborhood Planning Area, please call Melissa Laursen at (512) 974-7226 or email at: melissa laursen@ci.austin.tx.us. Si Ud Necesita información en Español, favor de llamar a Andrew Holubeck al (512) 974-2054. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

#### PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0237

Planning Commission Hearing Date: December 11, 2007

Name (please print) Edward Delabarre

I am in favor

Address 1209 Parkway

(Estoy de acuerdo)

☐ I object

(No estoy de acuerdo)

Owner of Tract #1. I request that my property be granted VMU regulations like all the other properties on Lamer Blvd.

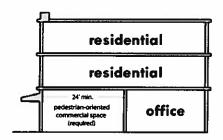
This request for zoning/rezoning will be reviewed and acted upon at two public nearings: First, Delote the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

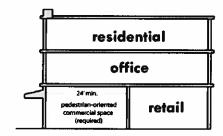
If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

# OVERVIEW OF VERTICAL MIXED USE (VMU) AND THE VMU OPT-IN/OPT-OUT PROCESS

#### WHAT IS A VERTICAL MIXED USE BUILDING?

A vertical mixed use building contains a mix of residential and commercial uses. Typically, commercial uses (i.e. retail shops, restaurants, offices) are located on the ground floor, while residential units (condominiums or apartments) are located on upper levels. Below, are some examples of a vertical mixed use building:





#### WHAT IS THE VERTICAL MIXED USE (VMU) OVERLAY DISTRICT?

In an effort to encourage vertical mixed use buildings, the City Council established a vertical mixed use (VMU) overlay district. The district includes most commercially zoned and used properties along Core Transit Corridors and Future Core Transit Corridors as defined in the Commercial Design Standards. Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Examples include sections of South Congress Avenue, Riverside Drive, North and South Lamar Boulevard, and Guadalupe Street. Properties within this district have the additional option to develop a vertical mixed use building subject to specific design standards.

#### WHY VERTICAL MIXED USE BUILDINGS?

- Encourages density on commercial corridors with higher levels of transit service
- Focused on the creation of a high quality pedestrian and transit-supportive environment
- Consistent with Envision Central Texas (ECT) Preferred Scenario
- Provides a more sustainable development pattern

#### WHAT ARE THE STANDARDS FOR A BUILDING?

- Must have a mix of uses
- Must have pedestrian-oriented spaces on the ground floor
- Must contain residential dwelling units
- Possibility for relaxed site development standards—some of which require a residential affordability component

#### WHAT ARE THE RELAXED SITE DEVELOPMENT STANDARDS?

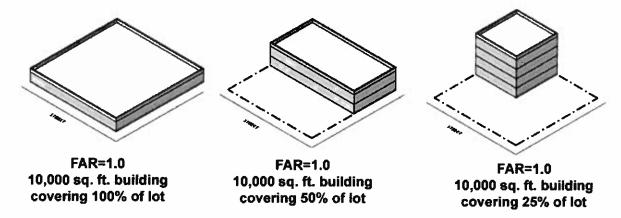
#### **Dimensional Standards**

These dimensional standards listed below are a "package" and must be accepted or rejected as such in the opt-in/opt-out process.

- Setbacks—no minimum front, street side or interior side yard setbacks. A setback refers to how far a building must be placed from a particular property line.
- Floor to Area Ratio—no floor to area ratio (FAR) limit.

The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area in relation to the area of its zoning lot. Each zoning district has an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable in a building on the zoning lot.

For example, on a 10,000 square-foot zoning lot in a district with a maximum FAR of 1.0, the floor area of a building cannot exceed 10,000 square feet.



- Building Coverage—no building coverage limit. Most zoning districts place a percentage
  limit on the amount of a lot that may be covered by a building. This provision would not
  change the amount of impervious cover allowed on site. Impervious cover is anything that
  stops water from being absorbed into the ground and includes such things as buildings,
  driveways, and sidewalks.
- Minimum Site Area—no "minimum site area" requirements. Site area requirements limit the
  number of dwelling units on a site by requiring a certain amount of square footage at a site
  for a specific type of multi-family unit (efficiency, one-bedroom, two-bedroom, etc.). For
  example, if a zoning district for a 10,000 square foot lot requires 2,500 square feet for each
  two-bedroom unit, then four two-bedroom units can be built on that lot.

#### Off-Street Parking Reduction

Minimum off-street parking for the commercial uses within a VMU building can be reduced to 60% of the normal Land Development Code requirements. Residential uses within a VMU building receive this parking reduction by right and cannot be changed through this process. The parking reduction cannot be used in addition to any other parking reduction allowances

such as the one for properties within the Urban Core. Below are some typical uses and the amount of parking required.

- A small restaurant or bar, billiard parlor—one space per 100 sq/ft of floor space
- Convenience Store, bank, bowling alley, liquor store, barber shop, yoga studio, pet shop one space per 275 sq/ft of floor space
- Furniture or carpet store—one space per 500 sq/ft of floor space

#### Additional Ground Floor Commercial Uses in Office Districts

If approved through the opt-in/opt-out process, the following commercial uses will be allowed in a VMU building in an office zoning district (NO, LO, GO):

- Consumer convenience services (allows private postal boxes, safety deposit boxes, and ATMs)
- Food Sales (allows grocery stores, delicatessens, meat markets, retail bakeries, and candy shops),
- General Retail Sales Convenience and General (allows a full range of retail establishments)
- Restaurants Limited and General (without drive-thrus).

Zoning use information can be found starting on page 45 of the following document: <a href="http://www.ci.austin.tx.us/zoning/downloads/np\_guide.pdf">http://www.ci.austin.tx.us/zoning/downloads/np\_guide.pdf</a>.

#### WHAT IS THE OPT-IN/OPT-OUT PROCESS?

The City Council established a one-time process whereby neighborhoods provided recommendations on the location and the development characteristics of Vertical Mixed Use (VMU) buildings. Application materials were sent to each registered neighborhood planning team, or neighborhood association if there was not an established planning team.

The Neighborhood Planning & Zoning Department is currently in the process of reviewing the application submittals and forwarding the neighborhood recommendations to Planning Commission and City Council. The Planning Commission reviews the neighborhood requests and forwards a recommendation to City Council. After considering the Neighborhood's and Planning Commission's recommendations, the City Council makes a decision on the vertical mixed use application.

#### WHAT TYPES OF RECOMMENDATIONS CAN BE MADE BY THE NEIGHBORHOOD?

- Amend the boundaries of the vertical mixed use overlay district to remove a property from the overlay district. If a property is removed from the overlay district, a vertical mixed use building is not permitted on the property.
- Allow for the vertical mixed use building option on properties outside of the VMU Overlay. A
  neighborhood can recommend to opt-in a commercially zoned property with any of the
  relaxed dimensional standards.
- VMU Overlay District Opt-Out—the neighborhood can recommend to remove some or all of the relaxed site development standards to the VMU eligible properties within the overlay district.

4) Affordability Level—If VMU Buildings are approved through the opt-in/opt-out process and take advantage of the dimensional and/or parking exemptions they are subject to certain affordability requirements.

**Owner-Occupied Units**—Five percent of residential units shall be affordable for households earning no more than 80 percent of the current Median Family Income (MFI). Five percent of the residential units shall be affordable for households earning no more than 100 percent of the MFI. The affordability period is 99 years.

**Rental Units**—Ten percent of the residential units shall be affordable for households earning no more than 80 percent of the current MFI. As part of the opt-in/opt-out process, a neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the median family income. This percentage can range from 80% to as low as 60 percent of the median family income. The affordability period is 40 years.

#### OTHER FREQUENTLY ASKED QUESTIONS:

### DO I HAVE TO BUILD A VERTICAL MIXED USE BUILDING IF I GET REZONED THROUGH THE OPT-IN/OPT-OUT PROCESS?

The vertical mixed use combining district adds an additional development *option* to a property. Any property owner that gets their property rezoned through the opt-in/opt-out process to add the vertical mixed use building "V" combining district will still have the right to (re)develop under their existing base zoning district.

#### **HOW HIGH CAN A VERTICAL MIXED USE BUILDING BE BUILT?**

A vertical mixed use building cannot be built any higher than the base zoning district. For example, if your zoning is GR-V (community commercial-vertical mixed use building-combining district), the height limit would be 60 feet which is permitted under GR zoning.

### IF THERE IS NO MINIMUM FRONT, STREET SIDE OR INTERIOR SIDE YARD SETBACKS CAN A VMU BUILDING BE BUILT RIGHT ON MY PROPERTY LINE?

The City of Austin requires compatibility standards to help minimize negative impacts between low-intensity and high-intensity uses. Any lot zoned for condominium, multifamily, office, commercial, or industrial uses must comply with compatibility standards if it is adjacent to, across the street from, or within 540 feet of a single-family zoning district or use.

### HOW WILL I KNOW IF/WHEN A VERTICAL MIXED USE BUILDING IS BEING CONSTRUCTED?

Any property owner/developer who chooses to construct a vertical mixed use building must submit a site plan to the City. Filing of a site plan requires a notice of application be sent to all property owners and registered neighborhood organizations within 300 feet of the site via US Mail.

#### WHAT CAN I DO IF I DO NOT AGREE WITH THE NEIGHBORHOOD RECOMMENDATION?

The Opt-In/Opt-Out process includes two public hearings, first at Planning Commission and then at City Council. If you do not agree with the neighborhood recommendations you can submit a public comment form or email the zoning case manager with your comments. All comments will be forwarded to both Planning Commission and City Council. There is also an opportunity to attend the public hearings and state your comments directly to the Commissioners and City Council members.

### HOW CAN I GET A VMU BUILDING ON MY PROPERTY IF I AM NOT IN THE OVERLAY DISTRICT?

Any property owner can apply for a rezoning of their property to add the vertical mixed use building "V" combining district. The Planning Commission reviews the applicant's request and forwards a recommendation to City Council.

## IF THERE IS NOT A MINIMUM BUILDING COVERAGE REQUIREMENT, ARE THERE ANY OTHER LIMITATIONS ON BUILDING COVERAGE ON A LOT?

The City's impervious cover limits and compatibility standards will still apply.

### WHERE CAN I FIND MORE INFORMATION ABOUT THE COMMERCIAL DESIGN STANDARDS AND VMU?

http://www.ci.austin.tx.us/planning/downloads/Subchapter\_E\_Design\_Standards.pdf http://www.ci.austin.tx.us/planning/verticalmixeduse.htm