

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Central East Neighborhood Plan

CASE#: NPA-2011-0009.01

PC DATE: October 25, 2011

ADDRESS/ES: 2315 E. 8th Street

SITE AREA: Approx. 0.13 acres

APPLICANT/AGENT: Jim Bennett (Jim Bennett Consulting)

OWNER: Rolling RDR Properties, Rick Wallen

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: NPA-2011-0079

From: SF-3-NP

To: GO-MU-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 13, 2011

PLANNING COMMISSION RECOMMENDATION: On October 25, 2011, the motion to approve the request with the restrictions that were negotiated with Blackshear/Prospect Hill, which consist of uses limited to:

- Art Gallery, Business support services, Religious assembly and residential;
- Height limit of 2 floors;
- Dwelling unit limit of 2 units;
- NO district site development standards;

Motion approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk seconded the motion on a vote of 6-0; Commissioners Dave Anderson, Richard Hatfield and Jean Stevens were absent.

STAFF RECOMMENDATION: Not Recommended

BASIS FOR STAFF'S RECOMMENDATION: The request to change the future land map does not meet the following Goals, Objectives, and Recommendations:

Historic Preservation

Goal 1- Preserve, restore and recognize historic resources and other unique neighborhood features.

Objective 1.1: Maintain and preserve the integrity of current residential districts.

Action 1 – Preserve residential character as shown on the Future Land Use Map (page 12), implement the land use plan. Implementer – NPZD

Housing

Goal 2 - Create housing that is affordable, accessible, and attractive to a diverse range of people.

Objective 2.1: Increase opportunities for home ownership.

Objective 2.4: Preserve the existing housing stock.

Objective 2.2: Increase the amount of housing units available.

Land Use and Public Infrastructure

Goal 3 - Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin.

Objective 3.1: Recognize that this is an urban area and identify areas for increased residential density.

Objective 3.2: Provide incentives for creating or maintaining neighborhood serving businesses.

Objective 3.3: Increase mixed-use opportunities where appropriate on commercial corridors.

Urban Design/Neighborhood Character & History

Goal 9 - Ensure compatibility and encourage a complimentary relationship between adjacent land uses.

Staff Analysis: The request to change the future land use map from single family to mixed use is commercial encroachment into an established residential area. There are currently

spill-over issues in the neighborhood from the commercial establishments along Webberville Road, such as inadequate parking and noise. Expanding commercial uses into the residential area is not supported by the plan when such uses negatively affect the surrounding uses.

BACKGROUND: The application was filed on July 15, 2011, during the open period for City Council-approved neighborhood planning areas located on the east side of I.H. 35.

The property owner purchased the property with the intent to move his existing business onto the property. The business is a juke box and pool table leasing business that falls under the Business Support Services use allowed under the GO – General Office zoning district. The owner proposes to have an art gallery on the front of the property and his business on the back. The site could also have up to two residential units.

The site is only large enough to accommodate three parking spaces, with all other required parking proposed to be provided off-site through a parking agreement.

The Central East Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 13, 2001. The Central East Austin Neighborhood Planning Area is located in the south-central part of Austin's Urban Core. The boundaries for the planning area are Martin Luther King on the north, Interstate Highway Thirty-Five (I-35) on the west, the alley between East 6th and 7th Streets and East 7th Street on the south and Northwestern Avenue, Rosewood Avenue, and Chicon Street on the East.

PUBLIC MEETINGS: The ordinance required neighborhood plan amendment meeting was held on Monday, September 12, 2011. Two hundred fifty-two meeting notices were mailed to people to who live or own property within 500 feet of the property, in addition to neighborhood organizations registered on the community registry. Fifteen people attended the meeting, including one staff member.

After the agent's presentation, the following questions were asked;

Q. How large is the building?

A. 2,100 sq. ft. downstairs and 3000 sq. ft. including upstairs.

Q. What would be your required parking?

A. Eight spaces are required. Three could be provided on-site, the rest through a parking agreement with a property owner on Webberville Road, which is within 1000 feet of the property.

Q. How long has the property been vacant?

A. About one year. A family was living in the building before it was vacated.

Q. The neighborhood already has issues with people parking on our residential streets from the church down the road and also from the businesses along Webberville. Once you leave, we will still have parking issues.

A. If we leave, the new owner of the property would have to submit a change of use and would have to provide all the required parking for their use.

Q. If you don't get the zoning change what will you do the property?

A. I don't know; I will probably sell it.

Q. Where is your business now?

A. 905 E. 7th Street.

Q. How much traffic would your business generate?

A. Six vehicles at most, but usually three. Business hours would be 9 a.m. to 6 p.m. Monday through Friday, with occasional meetings on Saturdays with clients.

After the discussion the residents who live in the neighborhood continued to express concerns that the lot cannot accommodate the required parking saying this will exacerbate the neighborhood's parking problem. Even with the parking agreement for parking spaces on another property, the residents expected that people will park on the street near the building choosing not to walk to the off-site parking spaces.

David Thomas, President of the Blackshear Neighborhood Association, said their group met with the applicant prior to the city-sponsored plan amendment meeting and voted unanimously to support both the plan amendment and zoning change applications.

At the city-sponsored meeting, the applicant agreed to additional uses to be prohibited on the property. The Blackshear Neighborhood Association submitted a revised letter to reflect those changes.

The Central East Austin Neighborhood Planning Contact Team met immediately after the city-sponsored meeting to discuss and vote on this case. One resident from the neighborhood attended the meeting asking the planning contact team to not support the cases. (His letter of opposition is provided in this case report on page 9 -10). The president said their by-laws require them to support the recommendation of the neighborhood association in their area. A vote was taken and the Central East Planning Contact Team voted to support both the plan amendment and zoning change request.

CITY COUNCIL DATE: December 8, 2011

ACTION: Pending

CASE MANAGER: Maureen Meredith

PHONE: 974-2695

EMAIL: Maureen.meredith@austintexas.gov

LETTER OF SUPPORT

Blackshear-Prospect Hill Neighborhood Association

On August 25, 2011 the Blackshear-Prospect Hill Neighborhood Association voted to support a request for a zoning change (case# C14-2011-0079) from SF-3-NP to GO-MU-CO-NP for the property located at 2315 East 8th Street. Furthermore we have included a conditional overlay as described below.

The following is a detailed list of ONLY the permitted uses allowed under the requested GO-MU-CO-NP zoning change:

- Art Gallery

- Business Support Services

- Religious Assembly

- Residential

Further conditions that will be limited include:

- Height limit of two floors

- Dwelling unit limit of two units

The list of permitted uses was amended during the NPA meeting on September 12, 2011.

Thank you,

David Thomas

President Blackshear-Prospect Hill Neighborhood Association

LETTER IN OPPOSITION

From: DAVID MENDOZA
Sent: Monday, September 19, 2011 9:00 PM
To: Meredith, Maureen
Subject: Protest C14-2011-0079; NPA-2011-0009.01

Hello Maureen:

Regarding the change of zoning for the property located on 2315 E. 8th and the proposed amendment to the neighborhood plan: Please record my protest to both proposals.

There are several reasons for my protest, which I will try to relate here in some reasonable rational fashion. I am afraid that because of the short time frame on which I have to gather my thoughts and respond, I will not achieve both to my satisfaction. I ask your indulgence and patience on my discourse.

Lack of proper notification: I reside about 1 ½ block from 2315 E. 8th. I understand that only property owners / residents residing within 500 ft of the property are notified of proposed zoning changes. However, it is apparent that the notification list used for the zoning change proposal was the same used to notify owners of the proposed amendment to the neighborhood plan. Specifically, the Blackshear / Robertson Hill neighborhood plan. The Blackshear / Robertson Hill (Blackshear) plan was crafted in the early part of the 2000-2010 decade as one segment of the broader Central East Austin Neighborhood Plan. The Central East Austin Plan, I believe, included the three neighborhoods: Guadalupe, Swedish Hill, and Blackshear / Robertson Hill. The process was comprehensive, notification broad reaching (I believe a neighborhood survey was distributed throughout the Blackshear neighborhood segment) and scheduled over many months.

As much time and effort placed into developing the plan; the minimum requirement of any proposed future plan amendments should be that a notification effort near the level of the spirit taken for the original plan in the first place, be made.

Council shortsightedness, lack of historical perspective, and compliant staff leads to neighborhood planning without current residents as principal clients/ beneficiaries.

General history: Central east Austin neighborhoods, similar to Blackshear, have historically been comprised a mosaic of land and structure uses. As recent as the early 1990s, and earlier, it was common to find mom & pop grocery stores and home storefronts, auto repair shops, and warehouse space mixed-in, mixed into, and surrounded by single-family residences. It don't know if any of these businesses were zoning compliant, but irrespective of compliance – the city of Austin appeared not to be bothered, and generally, the diversity of lot/building uses appeared to work for the home residents.

The subject property on East 8th street was for as long as I can remember the “Gamboa Grocery”. Mr Estevan Gamboa lived in the same building as the store. He was not the exception. A block away on 9th near Swensen street, was the tiny Govea storefront; and a

few houses closer to San Saba opposite the street was the tiny storefront bakery that engendered the renowned "Joes Bakery" on 7th street. In the alley between 9th and 10th street near Harvard was a metal and textile recycler; at the top to the hill on 11th and Swensen was the Johnson storefront, and another storefront below the hill on 11th and Bryan.

Circa 2000-2002 under the Kirk Watson mayorship the City of Austin undertook an aggressive neighborhood plan rewrite across the city. It was apparent, working closely with the Blackshear neighborhood association (president Ora Nobles and vice president Jim Butler) that the majority of residents had two principal concerns: (1) retaining and strengthening single-family zoning (2) suspicions about council intentions engendered resistance to participate under the process brought in by staff. In contrast, staff, as well as, business / commercial interest, and new arrivals, weighted-in heavily on mixed-used zoning. Proposals from those interests were couched in terms of best-use, underutilization, and neighborhood empowerment.

The final plan results, as it affected Blackshear, was the adoption of lenient setback rules and allowances of granny flats, etc. The immediate impact of that change was the acceleration of commercial investment activity, rapid escalation of property values, and the subsequent acceleration of displacement of the low-to-moderate income long-term residents. The very consequences that the majority of residents hoped to prevent did not occur. It was not until politically connected higher income West Austin residents (i.e. Enfield, Tarrytown, Brykerwoods, and the like) began to experience the negative effect of over-sized developments in their neighborhoods; was council compelled to listen and ultimately adopt Mac-Mansion zoning rules that helped stem the acceleration of displacement in East Austin Neighborhoods. The economic downturn in 2008 also helped stem the pace of displacement.

In summary, external factors have had more to do with preserving and slowing displacement over a rational pace of time -- whereas, Council neighborhood planning initiatives, and compliant staff, have had the very opposite, detrimental effects of accelerating displacement. I should mention that during the neighborhood planning process a proposal voiced that staff should return to council with a proposal to have no new plan rewrite due to the lack of participation and suspicions of residents towards the planning initiative at that time. Staff would not have any of it, and instead crafted the first draft entirely on its own, with I believe, only 2-3 signees from the Swedish Hill neighborhood association.

Reverting to diverse zoning/land uses of old for the benefit of the new:

The specific zoning & amendment proposal illustrates the cruel irony of shortsighted Austin development and neighborhood planning initiatives. As mentioned earlier, throughout many of the Central East Austin neighborhoods a diversity of structures possibly still exist among residential neighborhood that may attract similar proposals for zoning change. The Planning initiative invoked under mayor Kirk Watson was supposed to create zoning continuity within neighborhood boundaries and in effect establish a base of control and rational expectations for the future -- which supposedly, would be particularly beneficial to Central East Austin neighborhoods comprised of diverse zoning / land / structure uses. Instead, what has, and is occurring is that neighborhood plans in East Austin are being pocked-marked with zoning

exceptions and in-effect reverting to the neighborhoods of old; only this time for the benefit of better funded, politically stronger new residents and business interests. As a born and raised East Austinite, I am able to enjoy and avail myself of many of the beneficial changes that have occurred in East Austin. I am, however, the exception. The planning activities from the City of Austin have ensured that the main (and almost singular) contribution that can be made by old-time East Austin residents (the very clients the planning initiatives were to benefit) towards developing the new East Austin is to pack-up and move-out.

Zoning change specifically for 2315 E. 8th has no merits.

Changing the zoning of the subject property to a general / office use zoning is highly problematic in that the property has very limited parking space. On the street parking will be serious impact on the neighborhood, especially on small lot residents that already have no space for parking. Recently, a business (the happy hobo) on or about the 2500 block of Webberville Rd. (2 blocks from 2315 E. 8th) attempted to acquire parking space exceptions through the city zoning change process. That business existed in a commercial zoned street, however, (I believe) was unsuccessful attaining the exception. It should be noted that while Webberville Rd is a wide street, able to accommodate street parking on both sides without inhibiting two-way moving traffic, the business customers tended to park on the residential streets of Northwestern, Harvard, 8th street. The business owner did not make a case for not detrimentally impacting the neighborhood residents despite of being located on a commercial zoned street (Webberville). The case for zoning change of 2315 E; 8th street has less merit than that of the Webberville business. Denial of the zoning change should be proposed by staff to council. The alternative of allowing the zoning change, is to set in motion precedents for reverting to diverse land / business use and further undermining the principal goals of the Blackshear neighborhood of retaining and strengthening single family zoning.

Thank you,

David Mendoza

LETTER IN OPPOSITION

Dear Ms. Meredith,

As I mentioned in our conversation, my wife, Sharon Aguilar and I, are very much **opposed** to the rezoning of 2315 E. 8th St. We live at 2301 E. 9th St. which is 326 ft. away from the proposed project, and are currently experiencing difficulties with parking in front of our very own home. Given the fact that the proposed project is currently surrounded by undeveloped single family lots and that a significant number of additional undeveloped single family lots exist throughout our neighborhood, along with the fact that there is a current expansion of an existing church in our neighborhood, we expect for our parking situation to degrade as is. We feel this proposed rezoning will only add to an existing and worsening problem. We feel that to move a vending machine and juke box business from a commercial area on E. 7th into our neighborhood, as the owner is proposing, does not serve or benefit our neighborhood in any way.

We were a bit disheartened when we attended the neighborhood meeting you facilitated regarding this project, only to find out that the Blackshear-Prospect Neighborhood Association had already met and were supporting the change, and that immediately following that meeting, OCEAN (the Organization of Central East Austin Neighborhoods) automatically lent their support, stating that they always support Blackshear-Prospect Neighborhood decisions. This seemed so odd that we receive notice to give our input, and when we arrive matters appeared to already be settled. Not to mention that when the project was first made public, I called the individual at the City of Austin listed as case manager, to find out more about the project, and I was told that the project had not been assigned a permanent case manager. I was told that as soon as that person was assigned, I would be contacted, which never happened. So it is not as if we were not being proactive from the very beginning.

We are also disheartened by the fact that in the five years we have lived at this address, we have never been approached by the Blackshear-Prospect Neighborhood Association to join. In fact the website has no way of applying that I can find, and there is minimal contact information given, no address, and not a single telephone number. Only one of the officer's email addresses is provided. We feel that for the Neighborhood association to make a decision like this without notifying those most affected is just wrong.

I researched the Officers of the Neighborhood Association to get a feel for how they themselves might be affected, and found that none lived within 500 ft., and so I do not know that they have a good grasp on the parking situation that we have to deal with. That information is presented below. These distances are direct distances, and of course would be even greater using the streets.

David Thomas (President) 2004 E. 9 th St.	1,350 ft away
Nell Peterson (Vice President) no address listed on TCAD	
Darryl Meuth (Treasurer) 1134 Concho St.	3,109ft away
Martha Zornes (Secretary) 2409 Bryan St.	1,300 ft. away
Marlen Kraemer (Secretary) 1916 Tillotson Ave.	1,601 ft. away

At the meeting you facilitated, we were also made aware that among the conditions for the support of the Blackshear-Prospect Neighborhood Association, the owner agreed to set aside some space to be used as an Art Gallery, and as a meeting space for the association. At the meeting we also found out that one of the Officers of the Blackshear-Prospect Neighborhood Association is an Artist/Photographer who recently had a temporary gallery located at his home shut down by the City of Austin. Learning this information does raise some conflict of interest questions. We are unsure that the interest of Blackshear-Prospect Neighborhood Association and the interests of the Citizens of the Blackshear Neighborhood are really one and the same. We feel that the endorsement by OCEAN and by the Blackshear-Prospect Neighborhood Association will certainly come into question regarding this issue. And while intentions may be good, we feel we need to be very careful as to exactly whose interests are being protected here.

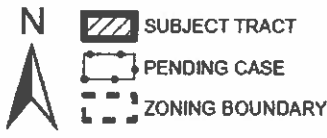
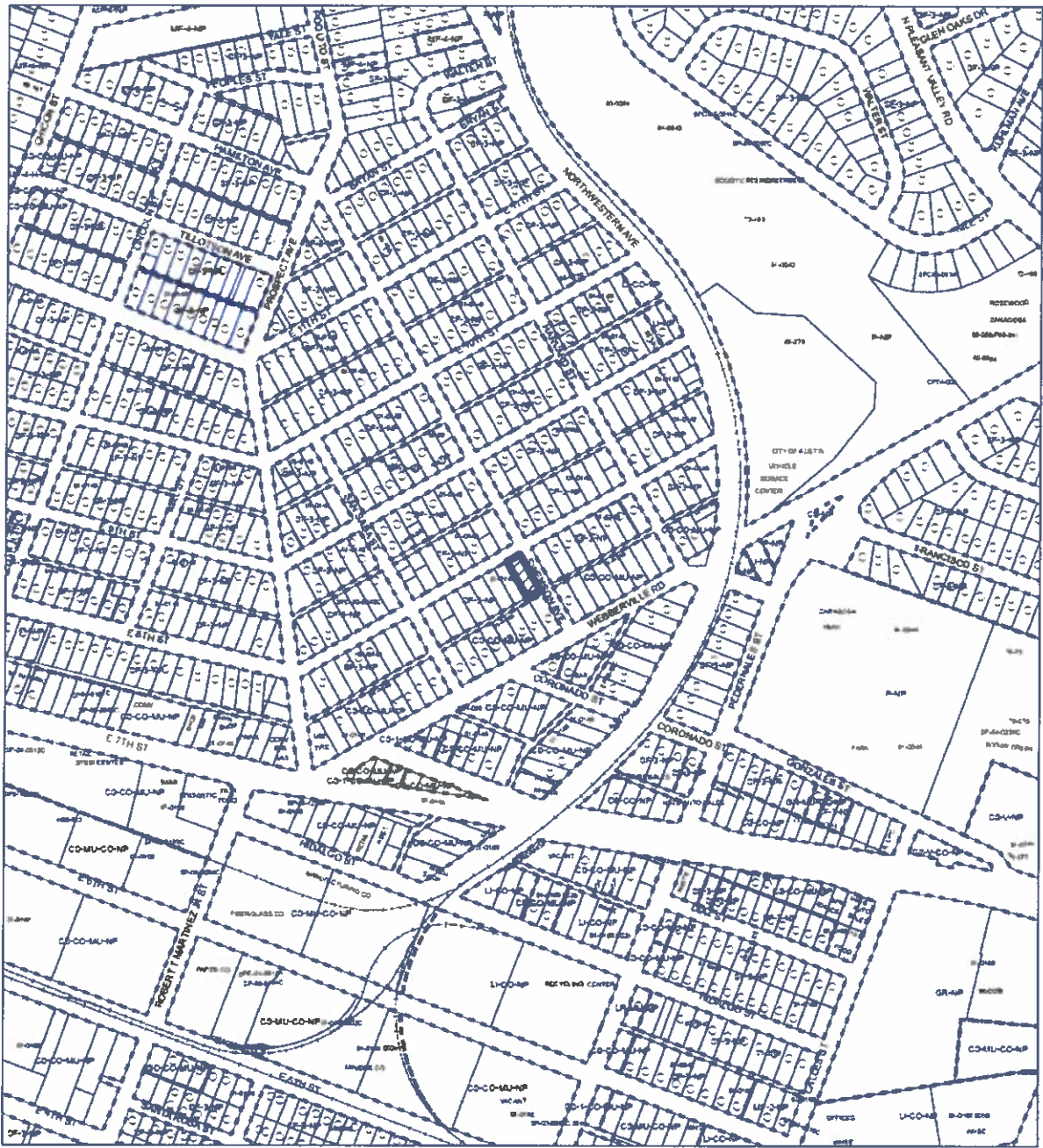
Yesterday after work, we walked our street for a couple of hours with a petition against the rezoning to get a feel for how our closest neighbors felt, and we found that the great majority was opposed to a project like this coming into our neighborhood, and that parking was the main concern. It is important to note that many of these people were elderly, Spanish speaking, physically impaired, and/or worked very long hours, which I'm sure makes it difficult to be as active in the community as they would like to be. Many were very long time residents, some even born in the neighborhood, who did not even know about the proposed rezoning and what that entails. I attached the petition that we have so far.

We really appreciate the information you emailed to us yesterday, and would very much like if you kept us informed on this case as it progresses. Thank you very much for your time.

Juan Valera and Sharon Aguilar
2301 E. 9th St
Austin, TX 78702
Tel: 512-964-4982
juanmvalera@gmail.com

List of Residents that do not support the rezoning of 2315 E. 8th St., Austin, TX 78702

Name	Address	Do Not Support Rezoning	Signature/Date
Juan Valera	2301 E. 9 th St.	✓	[Signature] 9/13/11
Maria Cruz	2305 E 9 th St	✓	Maria Cruz 9-13-11
Alberto Hernandez	2303 E 9 th St	✓	Alberto Hernandez
Rebecca Castillo	1009 E 10 th St	✓	Rebecca Castillo 9-13-11
Maria Vasquez	2311 E 9 th St	✓	Maria Vasquez 9-13-11
Luis Hernandez	2315 E 9 th St	✓	Luis Hernandez
Kelsey Whittington	2314 E 9 th St	✓	Kelsey Whittington 9-13-11
Stefanie Cannon	2400 E 9 th St	✓	Stefanie Cannon 9-13-11
Steve Anderson	2402 E. 9 th St	✓	Steve Anderson 9-13-11
Ernest Boyle	2402 E 9 th St	✓	Ernest Boyle 9-13-11
Sharon Aguilar	2301 E. 9 th St	✓	Sharon Aguilar 9-13-11
Francisco Garcia	2403 E 9 th St	✓	Francisco Garcia 9-13-11
Lonnie Sneyd	2406 E 9 th St	✓	Lonnie Sneyd 9-13-11
Paul Hays	2413 E. 9 th St.	✓	Paul Hays 9-13-11
Gloria Astor	"	✓	Gloria Astor 9-13-11
Mary Morfya	2411 E. 9 th	✓	Mary Morfya 9-13-11
Maria Ann	2414 E. 9 th	✓	Maria Ann 9-13-11
B R Barr	1306 E 9 th St	✓	B R Barr 9-13-11
Uvette Hill	2209 E. 9 th	✓	Uvette Hill 9-13-11
Tharon Spence	2205 E. 9 th	✓	Tharon Spence 9-13-11
Sophia Maldonado	1997 East E 9 th	✓	Sophia Maldonado 9-13-11
Alex Mendez	2404 East 9 th	✓	Alex Mendez 9-13-11
Cardan Aguilar	2301 E 9 th St	✓	Cardan Aguilar 9-13-11



NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2011-0009.01
LOCATION: 2315 E 8TH ST
SUBJECT AREA: 0.13 ACRES
GRID: K22
MANAGER: MAUREEN MEREDITH



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