

Note: Different colors in editing has no significant meaning.

FINAL DRAFT FOR REVIEW FEBRUARY 10, 2020

**URBAN RENEWAL PLAN**  
**FOR THE**  
**EAST 11TH AND 12TH STREETS URBAN RENEWAL AREA**

[Insert map of URP or of Dr. Urdy Plaza art wall or arch over E 11<sup>th</sup> Street.](#)

(Originally adopted on December 17, 1999; amended on \_\_\_\_\_, 2020.)

Note: Some of the tables and figures from the original 1999 Urban Renewal Plan have been deleted or modified, as they were no longer accurate or relevant. The original plan is available at this website: <http://www.austintexas.gov/departments/urban-renewal-plan>

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## Table of Contents

1. Boundary Description
  2. History
    - 2.1 Accomplishments
  3. Vision, Purpose, Authority and Scope
  4. ~~Site Development~~ [Redevelopment Strategy](#)
  5. Applicability of NCCD Controls
  6. Land Use
  7. Relocation of Persons, Businesses (INCLUDING INDIVIDUALS AND FAMILIES, BUSINESS CONCERNS, AND OTHERS DISPLACED BY THE PROJECT)
  8. Duration and Modification Procedures of URP
- Appendix

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## EAST 11 TH & 12TH STREETS URBAN RENEWAL PLAN (URP)

### 1 BOUNDARY DESCRIPTION

The formal boundaries of the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Area (UR Area) are set forth in Exhibit A and the ordinance approving this URP. In general, the boundaries are:

The East 11<sup>th</sup> Street Corridor, including properties within one-half block of the north frontage of East 11<sup>th</sup> and south frontage of Juniper Street, from Branch Street on the west to Navasota Street on the east; and properties within one-half block of the south frontage of East 11<sup>th</sup>, from San Marcos Street on the west to Navasota Street on the east.

The East 12<sup>th</sup> Street Corridor, including properties within one-half block of the north frontage of East 12<sup>th</sup> Street between the IH-35 Northbound Frontage Road on the west to Poquito Street on the east; and properties within one-half block of the south frontage of East 12<sup>th</sup> Street between Branch Street on the west to Poquito Street on the east

### 2 HISTORY

This East 11<sup>th</sup> and 12th Streets Urban Renewal Plan ("URP" also referred to as the East 11th and 12th Streets Community Redevelopment Plan or "CRP"), is a comprehensive document defining the official public policy guidelines of the City of Austin (City) for driving public and private redevelopment actions of the East 11th and 12th Streets Urban Renewal Area in compliance with Texas Local Government Code, Chapter 374.

The URP's original conceptual approaches and strategies for the entire Central East Austin area were defined as part of the Central East Austin Master Plan ("Master Plan") prepared in January 1999, by representative members and organizations of the Central East Austin community with the professional and technical assistance of the Crane Urban Design Team and the Austin Revitalization Authority (ARA). Two critical Subareas of the Master Plan are the East 11th and 12th Street Corridors, which were identified to be the location of much of the new commercial/office redevelopment called for in the Master Plan. In November 1997, the City of Austin (City) declared this area to be slum and blighted and designated these corridors as appropriate for an urban renewal project.

Under Chapter 374 of the Texas Local Government Code, the Urban Renewal Agency (URA) and the City are granted a series of redevelopment roles and responsibilities regarding urban renewal areas including approval of projects for compliance with an urban renewal plan and the use of eminent domain powers. As originally adopted in 1999, the URP was intended to identify and implement

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mechanisms to eliminate the negative forces of urban blight, distress and impaired development within the area and to pursue a fresh, self-determined vision of Central East Austin as a self-sustaining, progressive community for the 21st century. The overall goals and action priorities of this URP reflected a broad consensus of residents, businesses, property owners, institutions, and community activists. This consensus was the result of substantial cumulative planning and revitalization efforts over a period of three years and has been reconsidered and reestablished through this updated URP.

This East 11th and 12th Streets Urban Renewal Plan (URP) defines specific redevelopment projects and associated regulatory controls intended to assure quality, compatible, mixed-use development along these critical commercial arteries. The redevelopment process has been guided by the URA consistent with state law, the Master Plan, the URP, and a Development Agreement that was negotiated between the City, URA, and the Austin Revitalization Authority (ARA).

In 1999, the City, the URA and the ARA entered into an Acquisition, Development and Loan Agreement (commonly referred to as the “Tri-Party Agreement”) that identified the roles and responsibilities of the City, URA and the ARA as it related to the redevelopment activities of the URP area. This agreement expired in September 30, 2010. The City, in partnership with the URA, is now carrying out the redevelopment activities called for under the URP.

## 2.1 ACCOMPLISHMENTS

Since the adoption of the 1999 Plan, the following has been accomplished:

### Historic Preservation

- Haehnal Building located at 1101 East 11th Street
- Arnold Bakery located at 1010 East 11th Street
- Chapman House located at 901 East 12th Street
- Connelly-Yerwood House, a.k.a. the Pink House located at 1115 East 12th Street
- Dedrick-Hamilton House located at 912 East 11<sup>th</sup> Street: This house along with the African American Cultural and Heritage Facility are the flagship buildings for the African American Cultural and Heritage District.
- Travis County Negro Agricultural Extension Office (a.k.a., Herman-Schieffer House and/or East Room) located at 1154 Lydia Street

### Infrastructure Improvements – East 11<sup>th</sup> Street

- [Streetscape improvements, i.e. sidewalks, furniture](#)
- Upgraded the water and wastewater lines on East 11<sup>th</sup> and Juniper streets
- Converted utility and telecommunication lines from overhead to underground

### Transportation and Streetscape Improvements – East 11<sup>th</sup> Street

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- Completed streetscaping beautification project including widening of sidewalks, installing decorative light posts, the 11<sup>th</sup> Street Archway and the Dr. Charles Urdy Plaza that includes a clock tower and a tile mosaic art wall.
- Completed construction of a 10-space community parking facility at 1205 E 11<sup>th</sup> Street
- Completed construction of a 20-space community parking facility at 1400 E 12<sup>th</sup> Street

#### **Residential Development – East 11<sup>th</sup> Street**

- Juniper Townhomes – Located on the south side of the 1000 Block of East 11<sup>th</sup> Street, between Curve Street and Olive Street. This project consists of 16 units, two of which are owned by the Austin Housing Finance Corporation and will be sold to households at or below 80% of the median family income (MFI) for the Austin-Round Rock area.

#### **Residential Development – East 12<sup>th</sup> Street**

- 1001-1105 East 12<sup>th</sup> Street – Through a competitive process, the City of Austin sold the lots to the Butler Family Partnership, Ltd. Ten townhomes were constructed. One of the units was sold to a household at or below 80% MFI for the Austin-Round Rock area.
- 1190 -1198 Navasota Street – Through a competitive process, the City of Austin sold the lots to the Butler Family Partnership, Ltd. Five townhomes were constructed. One of the units was sold to a household at or below 80% MFI for the Austin-Round Rock area.

#### **Commercial Development – East 11<sup>th</sup> Street**

- Street–Jones and Snell Building Construction– 57,000 SF Office and Retail space (Block 17 on East 11th Street)
  - Total of 50.5 low/mod new jobs
- East Village Lofts – Vertical Mixed-Use Project (Block 19 of East 11th Street)
  - Project is a mix of 20 residential lofts and 11 retail and office units.

#### **New Mixed-Use Development – East 12<sup>th</sup> Street**

- 1120 East 12<sup>th</sup> Street – Through a competitive process, the Urban Renewal Agency sold the lots to the Butler Equity Holdings, Ltd. to develop a mixed-use development in July 2015.
  - March 16, 2017 the property was transferred from Butler Equity Holdings, LLC to MSASSI, LLC.
  - March 16, 2017, the property was transferred from MSASSI, LLC to Badger Boulevard, LP. (Entity is now known as The Gilfillan Group.)
  - While there is no active development at this site, in public meetings the Gilfillan Group has represented to the URA that it is actively planning for the future development of this and other parcels it owns in and around the URP area.
- 1322-1336 East 12<sup>th</sup> Street – Through a competitive process, the Urban Renewal Agency sold the lots to the Butler Equity Holdings, Ltd. to develop a mixed-use development in July 2015. Ten percent of the residential units will be reserved to be sold to households at or below 80% of the median family income (MFI) for the Austin-Round Rock area.
  - The project is under construction with a project completion time of July 2019.

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#### **Façade Improvements**

- East 11th Street
  - 1115 East 11th Street (Blue Dahlia restaurant)
- East 12th Street
  - 901 East 12th Street (SNAP Management Group, Inc.)
  - 1818 East 12th Street (Mission Possible)
  - 1914 East 12th Street (Ideal Barber Shop and Galloway Sandwich Shop)

#### **Private Investment**

- Several private developments on both East 11<sup>th</sup> and 12<sup>th</sup> Street have been completed, including a boutique hotel, restaurants, a grocery/café, bars and mixed-use developments.

**NOTE:** It is important to acknowledge that the above accomplishments in the Urban Renewal Plan (URP) area, but also to note the URP area has not yet fulfilled its potential as a mixed-use, urban community. Numerous vacant parcels and/or vacant buildings still exist in the URP area, and the East 11<sup>th</sup> and 12<sup>th</sup> Street corridors still remain underutilized and somewhat inconsistent with the community vision. In December 2018, and in support of the URP, the Austin City Council extended the Urban Renewal Plan's expiration date until 2024 with a five-year evaluation to determine the continued need for the Urban Renewal Plan and the Urban Renewal Agency.

### **3.0 VISION, PURPOSE, AUTHORITY AND SCOPE**

#### **VISION**

Create a vibrant, diverse, and sustainable revitalization of the East 11<sup>th</sup> and 12<sup>th</sup> Street corridors.

Commented [HS1]: Board/Chair to possibly add additional language. 1.29.2020

#### **PURPOSE**

An Urban Renewal Plan's primary purpose is to eliminate slum and blighting influence within a designated area of the city. The Austin City Council, the municipality, determines the Urban Renewal project powers that can be exercised through an Urban Renewal Agency.

Identify and facilitate the development of mix use projects for the 11<sup>th</sup> and 12<sup>th</sup> Street corridors that enhance where people work, live and play (entertainment) around neighborhood oriented and pedestrian friendly residential, retail, and office space.

#### **AUTHORITY**

Under Texas Local Government Code, Chapter 374, Urban Renewal in Municipalities, upon the completion, adoption and recordation of the URP, the URA gains the authority to apply special urban renewal powers and tools to address existing "slum" and/or "blight" conditions which have

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been found to threaten the public safety, health, and welfare, and which act as impediments to sound private investment, stable property values, and viable conditions for rendering public services.

Under Texas Local Government Code, Section 374.014(f), the adopted urban renewal plan controls the land use and building requirements applicable to properties within an urban renewal area. If the Urban Renewal Plan is silent to provisions found in other adopted codes, ordinances or regulations of the City of Austin, those development regulations shall control. Where there is conflict between the Urban Renewal Plan provisions found in other adopted codes, ordinances or regulations of the City of Austin, the Urban Renewal Plan shall control.

Commented [HS2]: URA Legal Counsel to review. 2.7.2020

## **SCOPE**

This URA and the public purposes it fulfills extend well beyond the levels of public intervention that can occur through normal City development regulations, housing and community development assistance, or capital improvement programs. The following is a summary listing of typical local government tools and tactics that are widely employed in responsive, preservation-oriented redevelopment implementation strategies in many local jurisdictions throughout the United States:

**a. Urban renewal plan/development controls:** These may include: areas within the redevelopment area that are set up as zoning districts; reducing land uses that are incompatible with the accepted development standards; restriction of parking and access to properties; guidelines which restrict design within the development area; and project review and approval procedures.

**i. Review periodically the plan and overlaying documents, i.e. Neighborhood Conservation Combining District (NCCD).**

**ii. Review development requests to modify the URA and make recommendations to Austin City Council.**

**iii. Public improvements and area redevelopment financing:** A varied range of tax-exempt public and private financing mechanisms can be devised to support infrastructure and public facility improvements, property acquisition, site preparation, and other temporary or permanent redevelopment costs. Examples include Section 108 loan funds; G.O. Bonds; and tax-exempt revenue bonds.

**a.b. Special private development incentives:** These may include financing, tax, and regulatory incentives linked with economic development, affordable housing, historic preservation and other public contributions keyed to revitalization of a blighted area. ~~The Austin Central Urban Redevelopment Combining District (CURE) program was a zoning program that relaxes some of the normal zoning requirements and allows the waiver of some~~

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[development fees](#). The Neighborhood Conservation Combining District (NCCD) is a zoning overlay that modifies zoning requirements in a specific area.

[b-c](#). **Property acquisition for public and private re-use sites:** This tool includes options for public acquisition for fair market value (FMV) by negotiated or eminent domain procedures. Special provisions can be designed to encourage private land assembly and/or development project participation by existing property owners and other community-based interests.

[e-d](#). **Property disposition and long-term covenants:** Orderly processes of project construction and long-term use agreements can be tailored to circumstances of any project where public development assistance is provided.

The URA desires to continue the consideration of the use of all of these tools, and others, in achieving the vision of this URP.

#### **4. ~~SITE DEVELOPMENT STANDARDS~~ REDEVELOPMENT STRATEGY**

The previous version of the URP envisioned East 11<sup>th</sup> Street as a place for higher-intensity, mixed-use development, where new development can could build on the historical strengths of the corridor for the creation of a dynamic entertainment/retail/housing area. This included potential hubs and mixed-use developments for restaurants, nightclubs, clothing stores, antique stores, bookstores, coffeehouses, live-work offices and studios, and other uses.

The East 11<sup>th</sup> Street corridor has been largely developed since the date of the previous version of the URP [adoption](#), but this URP continues to view this corridor as being appropriate for such developments.

In contrast, East 12<sup>th</sup> Street was considered to be a more residentially compatible opportunity for neighborhood-based retail, small-scale offices, and housing. Consistency with existing housing was of primary importance, and desired uses and development included professional offices, a laundry, convenience stores, bed and breakfasts, duplexes, and townhomes. The expressed community desire included encouraging as much retail development as possible along East 12<sup>th</sup> Street.

The East 12<sup>th</sup> corridor has seen some smaller developments since the date of the previous version of the URP [adoption, but](#) remains largely undeveloped. While the desire for consistent and compatible uses remains very high, some revisions to URP development controls were needed to encourage development while respecting the community vision for the corridor.

[Infrastructure along the East 11<sup>th</sup> Street corridor has benefited in recent years from City investment in streetscape improvements, utility line burial and water/wastewater line upgrades. The infrastructure along East 12<sup>th</sup> Street was identified in the 2012 \[East 11<sup>th</sup> and 12<sup>th</sup> Street Development Strategy, Appendix B\]\(#\), as an area in need of improvement for streetscaping, the undergrounding of utilities and upgrades to water/wastewater lines.](#)

Commented [HS3]: Add footnote for link to strategy



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Since the time of the previous version of the URP, the URP was modified to include a number of specific developmental standards. These are incorporated below.

### INSERT REVISED 11<sup>TH</sup> STREET NCCD MAP

## 5 APPLICABILITY OF NCCD CONTROLS

The previous version of the URP contained several distinct project areas that contained a near lot-by-lot description of development controls, including depictions referred to as “tear sheets” that among other things narrowly described the potential uses of a particular project area or lot. It has been determined that this lot-level of developmental control was far too limiting and confusing, and did not encourage development of the URP area. In addition, at the time of the writing of this URP, overlapping developmental controls known as Neighborhood Combining Conservation Districts (NCCDs) are also being modified and updated in consultation with the URA and with local stakeholders. By streamlining the developmental controls under this URP to refer primarily to the NCCDs, the community vision and community input into development will be preserved, while greatly simplifying the process for interested parties to determine what uses and development are permissible throughout the URP area, and for any particular project area or lot.

The Neighborhood Conservation Combining District (NCCD) modifies use and site development regulations of a base district located in the NCCD in accordance with a neighborhood plan.

The site controls set in the adopted NCCD’s are the site controls under the URP ~~they~~ as they existed on the approved plan date and as attached.

Commented [HS4]: Check with Legal Counsel if NCCD’s can be attached to URPlan as an exhibit.

## 6. LAND USE-

### Permitted, Conditional and Prohibited Uses

A. In this section, unless provided for elsewhere uses in this table not listed as Permitted (P), Permitted with Conditions (PC), Conditional (C) or Prohibited (-) with Save and Except are prohibited.

:-

<u>Uses</u>	<u>Permitted Conditions and Exceptions</u>
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<b>COMMERCIAL USES</b>		
<a href="#">Administrative and Business Offices</a>	<a href="#">PC</a>	<a href="#">Not allowed on ground floor fronting E 11th and 12<sup>th</sup> Street</a>
<a href="#">Art Gallery</a>	<a href="#">P</a>	-
<a href="#">Art Workshop</a>	<a href="#">P</a>	-
<a href="#">Cocktail Lounge</a>	<a href="#">C</a>	<a href="#">Save and Except 1133 E 11<sup>th</sup> Street, 1104 E 11<sup>th</sup> Street, and 1808-1812 East 12<sup>th</sup> Street</a>
<a href="#">Food Sales</a>	<a href="#">PC</a>	<a href="#">Only allowed on ground floor fronting E 11th and 12<sup>th</sup> Street</a>
<a href="#">Funeral Services</a>	-	<a href="#">Save and Except 1300 E 12<sup>th</sup> Street and 1410 E 12<sup>th</sup> Street</a>
<a href="#">General Retail Sales (Convenience)</a>	<a href="#">PC</a>	<a href="#">Only allowed on ground floor fronting E 11th and E 12<sup>th</sup> Street</a>
<a href="#">Hotel-Motel</a>	<a href="#">PC</a>	<a href="#">Not permitted on bottom floor, bottom floor must contain an auxiliary use for E 11<sup>th</sup> and E 12<sup>th</sup> Street</a>
<a href="#">Indoor Entertainment</a>	<a href="#">P</a>	-
<a href="#">Liquor Sales</a>	<a href="#">C</a>	<a href="#">Limited to 3,000 sq. feet.</a>
<a href="#">Medical Offices—not exceeding 5,000 sq./ft of gross floor space</a>	<a href="#">PC</a>	<a href="#">Not allowed on ground floor fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street</a>
<a href="#">Personal Improvement Services</a>	<a href="#">P</a>	-
<a href="#">Personal Services</a>	<a href="#">P</a>	-
<a href="#">Professional Offices</a>	<a href="#">PC</a>	<a href="#">Only allowed in in Historically Designated buildings.</a> <a href="#">Not allowed on ground floor fronting E 11<sup>th</sup> in all other buildings</a>
<a href="#">Restaurant (Limited)</a>	<a href="#">PC</a>	<a href="#">Only allowed on ground floor fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street</a>
<a href="#">Restaurant (General)</a>	<a href="#">PC</a>	<a href="#">Only allowed on ground floor fronting E 11th and E 12<sup>th</sup> Street</a>
<a href="#">Special Use Historic</a>	<a href="#">C</a>	-
<a href="#">Theater</a>	<a href="#">PC</a>	<a href="#">Not allowed on ground floor fronting E 11<sup>th</sup> Street</a>
<b>RESIDENTIAL USES</b>		
<a href="#">Condominium Residential</a>	<a href="#">PC</a>	<a href="#">Not on ground floor fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street. Save and except all existing uses.</a>
<a href="#">Group Residential</a>	<a href="#">C</a>	-
<a href="#">Multi-Family Residential</a>	<a href="#">PC</a>	<a href="#">Permitted except not on Ground Floor on E 11th Street.</a>
<a href="#">Retirement Housing (Small Site)</a>	<a href="#">P</a>	-
<a href="#">Single-Family Attached Residential</a>	<a href="#">PC</a>	<a href="#">Not fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street</a> <a href="#">Save and except all existing uses</a>

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<a href="#">Single-Family Residential</a>	<u>—</u>	<a href="#">Save and except all existing uses</a>
<a href="#">Small Lot Single-Family Residential</a>	<u>—</u>	<a href="#">Save and except all existing uses</a>
<a href="#">Townhouse Residential</a>	<u>PC</u>	<a href="#">Not fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street</a> <a href="#">Save and except all existing uses</a>
<a href="#">Two-Family Residential</a>	<u>—</u>	<a href="#">Save and except all existing uses</a>
<a href="#">Short-Term Rental (STR's)</a>	<u>PC</u>	<a href="#">Prohibit Type 2</a>
<b><u>CIVIC USES</u></b>		
<a href="#">Club or Lodge</a>	<u>—</u>	<a href="#">Save and except 1017 E 11<sup>th</sup> Street and 1704 E 12<sup>th</sup> Street</a>
<a href="#">College &amp; University facilities</a>	<u>C</u>	<a href="#">Only allow on the second floor.</a>
<a href="#">Community Recreation (Private)</a>	<u>C</u>	-
<a href="#">Community Recreation (Public)</a>	<u>C</u>	-
<a href="#">Congregate Living</a>	<u>C</u>	-
<a href="#">Counseling Services</a>	<u>PC</u>	<a href="#">Not allowed on ground floor on E 11<sup>th</sup> and E 12<sup>th</sup> Street.</a>
<a href="#">Cultural Services</a>	<u>P</u>	-
<a href="#">Day Care Services (General)</a>	<u>C</u>	-
<a href="#">Day Care Services (Limited)</a>	<u>P</u>	-
<a href="#">Family Home</a>	<u>P</u>	-
<a href="#">Group Home Class I (General)</a>	<u>P</u>	-
<a href="#">Group Home Class I (Limited)</a>	<u>P</u>	-
<a href="#">Group Home Class II</a>	<u>P</u>	-
<a href="#">Guidance Services</a>	<u>PC</u>	<a href="#">Not allowed on ground floor for E 11<sup>th</sup> and E 12<sup>th</sup></a>
<a href="#">Local Utility Services</a>	<u>C</u>	-
<a href="#">Private Primary Educational Services</a>	<u>C</u>	-
<a href="#">Private Secondary Educational Services</a>	<u>C</u>	-
<a href="#">Public Primary Educational Services</a>	<u>C</u>	-
<a href="#">Public Secondary Educational Services</a>	<u>C</u>	-

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<u>Religious Assembly</u>	<u>P</u>	-
<u>Safety Services</u>	<u>C</u>	-
<u>Telecommunication Tower</u>	<u>PC</u>	<u>Prohibited if sited on ground.</u>

A. Save and Except – is .....

- a. For all properties within the UR area that are not listed as a “save and except” will be considered nonconforming uses or noncomplying structures and shall be subject to Article 7, Nonconforming Uses and Article 8, Noncomplying Structures in the City of Austin’s Land Development Code Sections 25-2-941 through 25-2-964, as amended.

Commented [HS5]: ZAP Staff, URB Attorney to provide language

## 7 RELOCATION OF PERSONS, BUSINESSES (INCLUDING INDIVIDUALS AND FAMILIES), BUSINESS CONCERNS, AND OTHERS DISPLACED BY THE PROJECT

If the URA receives Federal funds for real estate acquisition and relocation, the URA shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, as amended. The URA may also undertake relocation activities for those not entitled to benefit under federal law, as the URA may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e., those tenants who commence tenancy after acquisition by the URA) shall not be eligible for relocation benefits. In the event the URA activities directly result in the displacement of families within the Area, the URA shall relocate such displaced families into decent, safe, and sanitary dwelling accommodations without undue hardship to such families as required by law. For any other activity, the URA will comply with the provisions of the Law regarding relocation. The URA reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as provided under the Act or the Law. All relocation activities of the URA will be conducted by the City of Austin.

## 8. Duration and Modification Procedures of URP ~~and Redevelopment Project Controls~~

- A. Termination of URP and Redevelopment Project Controls. The URP and the Redevelopment Project Controls for the UR Area shall expire, and no longer be in force or effect, after September 30, 2028. In five years, in 2024, the URP will be evaluated to determine if there is a continued need for the URP and the Urban Renewal Agency.

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B. Amendments to the URP. The URP may be modified at any time in the following manner:

1. The amendment proposal shall be submitted to the designated City staff of the Planning Commission and the Urban Renewal Agency (URA).
2. The URA shall submit a written recommendation to the City Council.
3. Planning Commission shall submit a written recommendation to the City Council.
4. Notice of Public Hearing at Planning Commission on the proposed URP amendment will be mailed to all property owners, renters and registered community organizations within 500 feet of the proposed amendment site.
- 4.5. Upon receipt of a recommendation from the URA and the Planning Commission, the City Council shall hold a public hearing related to the proposed amendment.
6. Notice of Public Hearing at Council on the proposed URP amendment shall be published in a newspaper of general circulation three times in advance of the public hearing, in accordance with Chapter 374, Local Government Code.
7. After the public hearing, the City Council will consider the proposed amendment.

[FOR DISCUSSION: Why would we give up the right to waive compliance with portions of the URP?]

B.C. Waiver from Redevelopment Project Controls. Until the Redevelopment Project Controls expire, and provided the procedures set forth in paragraph 4.7.0 are complied with, waivers with respect to the following Redevelopment Project Controls may be granted by a majority vote of the total number of Board of Commissioners of the URA (Board of Commissioners):

- a. changes in the building height range, provided the waiver does not change the URP height by 20%; or
- b. changes in the new commercial space range, provided the waiver does not change the URP commercial space square footage by 20%; or
- c. changes in the number of new housing units, provided the waiver does not decrease the URP minimum number of housing units by 20% or increase the URP maximum number of housing units by 20%

**Commented [HS6]:** "If a proposed modification affects the street layout, land use, public utilities, zoning, if any, open space, or density of the area, the modification may not be made until it is submitted to the planning commission and a report is made to the governing body as provided by Subsection (b)."  
URB attorney provided this language.

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~~(rounded to the nearest whole number); or~~

- ~~d. changes in the number of community parking spaces, provided the waiver does not decrease the URP minimum number of community parking spaces by 20% or increase the URP maximum number of community parking spaces by 20% (rounded to the nearest whole number); or~~
- ~~e. changes in the number of residential parking spaces provided the waiver does not decrease the URP minimum number of residential parking spaces by 20% or increase the URP maximum number of residential parking spaces by 20% (rounded to the nearest whole number).~~
- ~~f. Procedure to Receive a Waiver from Certain Redevelopment Project Controls. To request a waiver from a Redevelopment Project Control the following procedures must be complied with:~~
- ~~g. Application for a Waiver.~~
- ~~h. Application for a waiver which may be granted only by the Board of Commissioners shall be filed with the City's Community Development Officer of the Neighborhood Housing and Community Development Office, with a copy delivered to the ARA or its successor non-profit corporation.~~
- ~~i. The City's Community Development Officer of the Neighborhood Housing and Community Development Office may request additional information necessary to undertake a complete analysis and evaluation of the waiver request, and determine whether the circumstances prescribed for the granting of a waiver exist.~~
- ~~j. A single application may include requests for waivers from more than one Redevelopment Project Control applicable to the same site, or for similar waivers on two or more adjacent parcels with similar characteristics.~~
- ~~k. Report of the City's Community Development Officer. The City's Community Development Officer of the Neighborhood Housing and Community Development Office shall review and prepare a report on each application for a waiver to be heard by the Board of~~

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~~Commissioners. The City's Community Development Officer of the Neighborhood Housing and Community Development Office's report shall be filed with the Board of Commissioners and be available to the applicant and the public no later than ten days before the public hearing described in paragraph 7.D.4 below.~~

~~l. Public hearing and notice. The Board of Commissions shall hold a public hearing no later than 60 days after the date the application is filed on each application for a waiver. Notice of a public hearing on a waiver shall be given in accordance with the City Code § 13-1-200(a) 25-1-132 and by posting a sign(s).~~

~~m. Action by the Board of Commissions of the URA. Unless otherwise stated in this paragraph 7, the Board of Commissioners shall act upon an application for a waiver no later than the next scheduled URA meeting after the public hearing is closed. Based on the applicable criteria for granting a waiver established by this URP and the evidence in the record, the Board Commissioners may grant a waiver as requested by the applicant or in a modified form, or the application may be denied. A waiver may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board of Commissioners may prescribe.~~

~~n. Effective Date of Waiver. A decision on a waiver is effective as determined by the Board of Commissioners, provided the effective date following the date of the Board of Commissioners' action described in paragraph 7.D.5. above, is no earlier than the date next following the later of the end of the time period during which an appeal may be filed, if no appeal is filed, or upon a final decision on the appeal, if an appeal is filed.~~

~~o. Lapse of Waiver.~~

~~p. If a waiver is granted in association with a permit or plan, the waiver expires and becomes void when the permit or approved plan expires.~~

~~q. Unless a different time period is specifically established as a condition of approval, in all other cases, a waiver shall lapse and become void one year following the date on which the waiver became effective. If a plan or permit is submitted prior to the lapse of the waiver, the~~

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~~waiver shall have the same life as the plan or permit.~~

- ~~r. New Application. Following the denial or revocation of a waiver, no application for the same or substantially the same waiver on the same or substantially the same site shall be filed within one year of the date of denial or revocation.~~
- ~~s. Certificate of Termination. In the event the URA determines that all saleable and buildable properties in the UR Area have been acquired and disposed of, the URA may file a certificate to that effect (Certificate of Termination) in the Real Property Records of Travis County, Texas. Upon filing the Certificate of Termination no further waiver from the Redevelopment Project Controls may be granted by the Board of Commissioners.~~
- ~~t. City Council Appeal. If a waiver application to the Board of Commissioners is approved in a modified form or is denied, the applicant may appeal the action to the City Council in the manner described in paragraph 7.G. below.~~
- ~~u. Procedure and Standing to Appeal a Waiver from a Redevelopment Project Control. An interested party has standing to appeal a waiver decision by the Board of Commissioners to the City Council. The City Council shall decide any disputes related to a person's standing to bring an appeal under this section.~~
- ~~v. Initiating an Appeal. An appeal is initiated by filing a completed notice of appeal with the City's Community Development Officer of the Neighborhood Housing and Community Development Office on a form provided by the City's Community Development Officer of the Neighborhood Housing and Community Development Office no later than 14 calendar days after the date of the decision of the Board of Commissioners. The notice of appeal form shall require the following information:~~
  - ~~w. The name, address, and telephone number of the interested party filing the appeal;~~
  - ~~x. The name of the applicant, if the appeal is brought by an interested party other than an applicant;~~



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- ~~y. The decision which is appealed;~~
- ~~z. The date the decision to be appealed was made;~~
- ~~aa. An indication of the appellant's status as an interested party; and~~
- ~~bb. A statement giving as specifically as possible the reasons the party appealing believes the decision being appealed does not comply with applicable requirements of the URP~~
- ~~cc. No Construction During Appeal. An approved plan or permit shall be suspended upon notice of the timely filing of an appeal of the waiver to the plan or permit. No development authorized by a site plan shall occur during the time period during which an appeal may be initiated. No construction which is affected by the appeal of a plan or permit shall occur pending the final disposition of the appeal.~~
- ~~dd. Public Hearing and Notice Required.~~
- ~~ee. Upon the receipt of a completed notice of appeal, or an amendment or supplement thereto, the City's Community Development Officer of the Neighborhood Housing and Community Development Office shall promptly notify the applicant, if the appeal is brought by an interested party other than the applicant, the City's Community Development Officer and the ARA.~~
- ~~ff. A public hearing on the appeal shall be scheduled for the first available meeting for which notice of the hearing can be timely provided. Notice of a public hearing on an appeal to the Board of Commissioners shall be given in accordance with the requirements of the City Code 5-13-1-200(b). 25-1-132.~~
- ~~gg. Burden of Presenting Evidence; Burden of Persuasion. The burden of establishing that the decision appealed was wrong is on the party bringing the appeal.~~
- ~~hh. Conduct of Public Hearing on an Appeal. Before opening the hearing, preliminary issues raised by the parties, including without limitation a request for a postponement or continuance or arguments that the appellant has no standing to bring the appeal shall be decided. The public hearing on an appeal shall proceed as follows:~~

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- ~~ii. A report from the City's Community Development Officer of the Neighborhood Housing and Community Development Office, or other appropriate city staff;~~
- ~~jj. A report from the ARA's executive officer, or other appropriate ARA staff;~~
- ~~kk. Presentation by the party bringing the appeal;~~
- ~~ll. Comment by parties supporting the appeal;~~
- ~~mm. Comment by parties opposing the appeal;~~
- ~~nn. Rebuttal by the party bringing the appeal.~~

~~Power to act on Appeal. The City Council shall have and may exercise all the powers of the appealed decision of the Board of Commissioners. To that end, on appeal the permit, approval, or decision may be approved or denied, in whole or in part, or may be modified, in accordance with appropriate findings applying the criteria and standards imposed by the URP for review of the permit, approval, or decision.~~

**Commented [HS7]:** Legal Counsel for the Agency attorney will need to advise the Board on this section. February 10, 2020

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## Appendix

### AMENDMENTS TO THE URP SINCE ADOPTION

Original Plan Adoption: Ordinance Number: 990114-G, Dec. 17, 1999.  
Prepared on behalf of the Austin Revitalization Authority by Crane Urban  
Design Group

Plan Modification #1: Ordinance Number: 010802-089, Aug. 3, 2001

Plan Modification #2: Ordinance Number, 030731-049, July, 31, 2003

Plan Modification #3: Ordinance Number, 20050407-060, April 7, 2005

Plan Modification #4: Ordinance Number, 20080228-113, Feb. 28, 2008

Plan Modification #5: Ordinance Number, 20081120-104, Dec. 1, 2008

Plan Modification #6: Ordinance Number, 20120426-125, April 26, 201

Plan Modification #7: Ordinance Number.

Plan Modification #8: Ordinance Number.

Plan Modification #9: Ordinance Number.

Plan Modification #10: Ordinance Number.

Plan Modification #11: Ordinance Number.

**[COPIES OF EACH ORDINANCE WILL FOLLOW.]**