

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: June 14, 2021

CASE NUMBER: C16-2021-0008

☐ Y ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ - ☐ Melissa Hawthorne **Abstain**
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruett
☐ Y ☐ Agustina Rodriguez
☐ - ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ - ☐ Vacant
☐ - ☐ Kelly Blume (Alternate)
☐ Y ☐ Carrie Waller (Alternate)
☐ - ☐ Vacant (Alternate)

APPLICANT: Leah Bojo

OWNER: The Standard at Austin, LLC

ADDRESS: 715 W 23RD ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s), a total of 6 signs on the property from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*)

(H) to allow for a total of six (6) signs to all be illuminated, five (5) LED illuminated wall signs and one (1) internally illuminated cabinet wall sign in a “CS-NP”, General Commercial Services – Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs: (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD’S DECISION: BOA JUNE 14, 2021 MEETING June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Darryl Pruett motions to Postpone to August 9, 2021; Board Member Brooke Bailey seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO AUGUST 9, 2021.

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because:

OR,

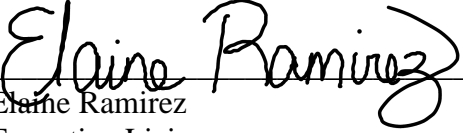
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:


Elaine Ramirez
Executive Liaison

Diana Ramirez for
Jessica Cohen
Chairman

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ORDINANCE NO. 20070726-132**AN ORDINANCE AMENDING SECTION 25-2-763 AND CHAPTER 25-10 OF THE CITY CODE RELATING TO SIGN REGULATIONS FOR THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

PART 1. Section 25-2-763 (*Certain Regulations Inapplicable Or Superseded*) of the City Code is amended to add Subsection (D) to read:

- (D) Special regulations governing signs in university neighborhood overlay district are in Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*).

PART 2. Chapter 25-10 (*Sign Regulations*) of the City Code is amended to add Section 25-10-133 to read:

§ 25-10-133 UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT SIGNS.

- (A) This section applies to property that is:
 - (1) within the university neighborhood overlay (UNO) zoning district; and
 - (2) outside a historic sign district.
- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:
 - (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
 - (2) West 24th Street, from Guadalupe Street to Leon Street;
 - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
 - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.

(E) A roof sign is prohibited.

(F) A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.

(G) A wall sign may be a projecting sign if the sign complies with this subsection.

(1) One projecting sign for each building facade is permitted.

(2) The sign area of a projecting sign may not exceed 35 square feet.

(3) A sign may extend from the building facade not more than the lesser of:

(a) six feet; or

(b) a distance equal to two-thirds the width of the abutting sidewalk.

(4) For a sign that projects over state right-of-way, the state must approve the sign.

PART 3. Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*) of the City Code is amended to amend the section name and Subsection (A) to read:

§ 25-10-153 SIDEWALK SIGNS [~~SIGN IN DOWNTOWN SIGN DISTRICT~~].

(A) A sidewalk sign is permitted in the downtown sign district or on property in the university neighborhood overlay (UNO) zoning district.

PART 4. This ordinance takes effect on August 6, 2007.

PASSED AND APPROVED

<p>_____, July 26 _____, 2007</p>	<p>§ § §</p>	<p>_____ Will Wynn Mayor</p>
<p>APPROVED: _____ David Allan Smith City Attorney</p>	<p>ATTEST: _____ Shirley A. Gentry City Clerk</p>	

ORDINANCE NO. 20170817-072**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-10 RELATING TO SIGN REGULATION.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

PART 1. City Code Chapter 25-10, Article 1 (*General Provisions*) is amended to repeal Section 25-10-1 (*Applicability*) and replace it with a new Section 25-10-1 to read as follows; to add a new Section 25-10-2 to read as follows; and to renumber the remaining sections of Article 1 accordingly:

§ 25-10-1 PURPOSE AND APPLICABILITY.

- (A) This chapter establishes a comprehensive system for the regulation of signs within the City of Austin and its extraterritorial jurisdiction, to serve the following purposes:
- (1) To protect the health, safety, and general welfare of the City and its residents and to implement the policies of the City's Comprehensive Plan.
 - (2) To allow adequate opportunity for free speech in the form of messages or images displayed on signs, while balancing that interest against public safety and aesthetic concerns impacted by signs.
 - (3) To ensure that the design, location, construction, illumination, installation, repair, and maintenance of signs:
 - (a) Does not interfere with traffic safety or otherwise endanger public safety;
 - (b) Enhances and protects the aesthetic value of the City by reducing visual clutter that is potentially harmful to property values, economic development, and quality of life; and
 - (c) Is consistent with the character of districts in which the signs are located, including areas specially designated for historic, scenic or architectural value.

- (4) To protect the safety and efficiency of the City's transportation system by reducing confusion and distractions to pedestrians and motorists, while enhancing motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs.
 - (5) Recognizing the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life, to restrict new off-premise signs and minimize the impact of existing off-premise signs.
 - (6) To prevent the inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech based on its content.
- (B) The requirements of this chapter apply to signs within the planning jurisdiction.

§ 25-10-2 NONCOMMERCIAL MESSAGE SUBSTITUTION.

- (A) Signs containing noncommercial speech are permitted anywhere that signs regulated by this chapter are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this chapter prohibits an ideological, political, or other noncommercial message on a sign otherwise allowed and lawfully displayed under this chapter.
- (B) The owner of any sign allowed and lawfully displayed under this chapter may substitute non-commercial speech in lieu of any other commercial or non-commercial speech, with no permit or other approval required from the City solely for the substitution of copy.
- (C) This section does not authorize the substitution of an off-premise commercial message in place of a noncommercial or on-premise commercial message.

PART 2. City Code Section 25-10-3 (*Definitions*) is amended to read:

§ 25-10-4[3] DEFINITIONS.

In this chapter:

- ~~[(1) ADVERTISING SEARCHLIGHT means a searchlight used to direct beams of light upward for advertising purposes].~~

~~[(2) COMMERCIAL FLAG means a piece of fabric or other flexible material displayed for commercial purposes, but excluding the official flag of a nation or of a state.]~~

~~(1)~~[(3)] CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

(2) FLAG means a piece of fabric attached to a flag pole or other support on one side, where the length at right angles to the support is at least as long as the length of the attached side.

~~(3)~~[(4)] FUTURE CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors, Future" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

~~(4)~~[(5)] FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.

~~(5)~~[(6)] MAINTENANCE means the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.

~~[(7) MEMORIAL MARKER means a marker honoring a City of Austin public safety officer killed in the line of duty.]~~

~~(6)~~[(8)] MOBILE BILLBOARD means a sign installed or displayed on a motorized vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on:

- (a) a non-motorized vehicle, including but not limited to pedi-cabs;
- (b) a bus that is used primarily for the purpose of transporting multiple passengers;
- (c) a taxicab or transportation network provider operator, if the sign complies with the requirements of City Code Section ~~[13-2-388]~~ 13-2-488 (*Advertising on Taxicabs Permitted*) ; or

- (d) a vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business.
- ~~(8)~~~~(9)~~ MULTI-TENANT CENTER SIGN means a sign ~~[advertising]~~ associated with two or more uses with common facilities.
- ~~(9)~~~~(10)~~ NONCONFORMING SIGN means a sign that was lawfully installed at its current location but does not comply with the requirements of this chapter.
- ~~(10)~~~~(11)~~ OFF-PREMISE SIGN means a sign that displays any message directing attention to ~~[advertising]~~ a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises ~~[person, activity, goods, products, or services not located on the site]~~ where the sign is located ~~[installed, or that directs persons to any location not on that site]~~. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with Title 14 (*Use of Streets and Public Property*) shall be considered a single premises.
- ~~(11)~~ ON-PREMISE SIGN means a sign that is not an off-premise sign.
- (12) PROJECTING SIGN means a wall sign that extends over street right-of-way for a distance of more than 18 perpendicular inches from the building facade.
- (13) PROJECTED SPECIAL EVENT SIGN means an image or series of images displayed on a building façade and conveyed to the building façade via beams of light in connection with a special event ~~[for the purpose of identifying a special event]~~.
- (14) PUBLIC RIGHT-OF-WAY means land dedicated or reserved for street right-of-way, utilities, or other public facilities.
- (15) RIGHT-OF-WAY INSTALLATION means a legally permitted bicycle kiosk, bus stop, or transit facility that is located in the public right-of-way.
- (16) ROOF SIGN means a sign installed over or on the roof of a building.
- ~~(17)~~ SEARCHLIGHT SIGN means a sign consisting of a bright light source that projects a beam.

(18)[(47)] SIDEWALK SIGN means a sign located on a sidewalk, either within street right-of-way or on private property within a unified development[, advertising the business abutting the sidewalk where the sign is located].

(19) SIGN means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public right-of-way open to vehicular or pedestrian traffic. A sign includes both on- and off-premise signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not signs for purposes of this chapter:

- (a) An image displayed on the interior wall of a building;
- (b) Decorative or architectural features of buildings or onsite landscape features which do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
- (c) Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed;
- (d) Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- (e) Identifying marks on tangible products that customarily remain attached to the product even after sale;
- (f) Merchandise on public display and presently available for purchase on-site;
- (g) News racks and newsstands;
- (h) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories, other than commercial mascots or hand-held placards or appliances worn for the principal purpose of holding a placard; or
- (i) Vending machines, product dispensing devices, and automated product intake devices which do not display off-premise commercial messages,

including depositories for recycled materials, slots for returning lent books, media, or other material, laundry boxes, and similar depositories.

(20)~~[(48)]~~ SPECIAL EVENT means an event that:

- (a) has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;
- (b) impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closure*); or
- (c) is temporary, involves 100 or more attendees per day, and
 - (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
 - (ii) includes one of the following:
 - Set up of temporary structures including, but not limited to tents, stages, or fences;
 - Sound equipment, as defined in Section 9-2-1 (*Definitions*); or
 - Consumption of food or alcohol.

(21)~~[(49)]~~ STREET BANNER means a fabric sign hung over a street maintained by the City.

(22)~~[(20)]~~ STREET RIGHT-OF-WAY means the entirety of a public street right-of-way, including the roadway and pedestrianway.

(23)~~[(21)]~~ WALL SIGN means a sign attached to the exterior of a building or a freestanding structure with a roof but not walls.

PART 3. City Code Chapter 25-10 (*Sign Regulations*) is amended to repeal Article 4 (*Removal of Certain Signs; Compensation*) and to renumber the remaining articles accordingly.

PART 4. City Code Chapter 25-10, Article 6 (*Regulations Applicable to All Sign Districts*) is renumbered as Article 5 and amended to repeal Section 25-10-101 (*Signs Allowed in All*

Sign Districts Without an Installation Permit) and to add new Sections 25-10-101 and 25-10-102 to read:

§ 25-10-101 GENERAL ON-PREMISE SIGNS.

(A) ***Purpose and Applicability.*** This section establishes general requirements for on-premise signs associated with particular land uses. A sign allowed under this section:

- (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
- (2) is in addition to other signs allowed by this section or by another provision of this chapter.

(B) ***Signs for Commercial, Multi-Family, Civic and Industrial Uses.*** Unless specifically limited to a particular use, the following signs are allowed on a site containing any lawfully permitted commercial, multi-family, civic, or industrial use:

- (1) A freestanding or wall sign, such as those typically used to direct the movement or placement of vehicular or pedestrian traffic, provided that:
 - (a) no more than one sign is allowed for each building or curb cut;
 - (b) sign area may not exceed 12 square feet; and
 - (c) sign height may not exceed:
 - (i) four feet, for a freestanding sign; or
 - (ii) the height of the building facade, for a wall sign.
- (2) Outside of the low-density or multifamily residential sign districts, one or more small wall signs, such as emblems and decals typically associated with on-premise goods, services or facilities, which may not exceed a total of six square feet per site.
- (3) For a permitted restaurant use that includes drive-through service, no more than two signs for each drive-through lane that:
 - (a) may not exceed:
 - (i) 32 square feet in area per sign; or

- (ii) a height of eight feet above grade; and
 - (b) must be located within or adjacent to a drive-through lane and substantially screened from view of the street right-of-way.
- (4) For a permitted retail use, a sign accompanying the display of an item for sale or affixed to a product dispenser.
- (5) For a civic use, one or more signs such as a bulletin board, directory, or other changeable copy sign, that may not exceed:
 - (a) a height of six feet above grade; or
 - (b) a total area of 32 square feet for all signs.
- (C) ***Signs for Residential Uses.*** Unless otherwise specified, the following signs are allowed on a site containing any lawfully permitted residential use:
 - (1) One or more non-illuminated signs that:
 - (a) have no moving parts; and
 - (b) may not exceed:
 - (i) a height of eight feet; or
 - (ii) a total area of 36 square feet for all signs.
 - (2) Within a single-family zoning district, flags that meet the following requirements:
 - (a) The maximum number of flags may not exceed three flags per acre of site area, rounded up to the nearest whole acre.
 - (b) The maximum area of a flag may not exceed 15 square feet.
- (D) ***Signs for All Land Uses.*** Unless otherwise specified, the following signs are allowed on any property:
 - (1) Outside of the historic, low-density residential, or traditional neighborhood sign districts:
 - (a) One or more wall signs that:
 - (i) are non-electrical and are securely affixed to a building, fence, or wall;

- (ii) may not exceed a total of 32 square feet in area for all wall signs associated with an individual building or, if a site contains no building, a total area of 32 square feet; and
 - (iii) may not exceed a thickness of 3 inches.
- (b) One freestanding sign that:
 - (i) is non-electrical; and
 - (ii) may not exceed 20 square feet in area or a height of eight feet above grade.
- (2) Outside of a single-family zoning district, flags that meet the following requirements:
 - (a) Except as provided in Paragraph (2)(b):
 - (i) the maximum number of flags may not exceed two flags per 25 feet of frontage up to a maximum of eight flags per premises; and
 - (ii) the maximum area of a flag may not exceed 25 square feet.
 - (b) For an automotive rentals or sales use, one small flag may be attached to each vehicle, provided that the flag may not exceed:
 - (i) one square foot in area; or
 - (ii) a height of two feet above the vehicle or other item, measured as if it were displayed at grade level.
- (3) An engraved sign, such as those traditionally associated with building name, provided that the sign:
 - (a) is cut into a building surface or inlaid to become part of the building; and
 - (b) does not exceed an area of ten percent of the building's façade; and
 - (c) when aggregated with all other wall signs on the building, does not exceed a total area of 32 square feet.
- (4) One or more non-electrical electrical signs, such as those typically used to identify an address or occupant, which may not exceed a total of three

square feet in area for each site associated with the address on which the sign is located.

§ 25-10-102 TEMPORARY ON-PREMISE SIGNS.

(A) ***Purpose and Applicability.*** This section establishes general requirements for signs that are allowed on a temporary basis. A sign allowed under this section:

- (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
- (2) is in addition to other signs allowed by this section or by another provision of this chapter.

(B) ***Signs Associated with Activity Affecting Real Property.***

- (1) For purposes of this subsection, an “activity affecting real property” means the construction, remodeling, improvement, development, sale, or lease of a building or the land on which the building is located.
- (2) One freestanding or wall sign that meets the following requirements may be displayed no sooner than 30 days before an activity affecting real property begins and no later than 30 days after that same activity ends:
 - (a) No more than one sign for each lot is allowed or, for a unified development, one sign for each access point.
 - (b) For a freestanding sign, the maximum sign area is the lesser of:
 - (i) 128 square feet;
 - (ii) in a low-density residential sign district, 12 square feet; or
 - (iii) in a multifamily residential sign district, 48 square feet.
 - (c) For a wall sign, the maximum sign area is ten percent of the area of the building façade.
 - (d) The height of a freestanding or wall sign may not exceed:
 - (i) 22 feet above grade; or
 - (ii) for a low-density residential sign district, six feet above grade.

- (C) ***Decorative Signs.*** A decoration, such as those which displayed during a holiday season, that would otherwise not be allowed under this chapter may be displayed on a property for no more than 45 consecutive days or 90 days per year.
- (D) ***Signs Associated with Commercial Events, Sales, Products, and Services.*** A wall sign, such as those typically associated with a commercial event, sale, or similar activity that does not normally occur on a property, is allowed if:
- (1) the property contains a commercial use;
 - (2) the sign is displayed for not more than 30 days, at least one of which must be a day on which a lawfully permitted special event, sale, or other activity that does not normally occur on the property is scheduled to occur; and
 - (3) limited to a maximum sign area of:
 - (a) 96 square feet, for a sign attached to a building; or
 - (b) 30 percent of the window area, for a sign displayed in a window.
- (E) ***Signs Associated with Residential Garage Sales and Neighborhood Meetings.*** A sign, such as those typically associated with a garage sale, yard sale, neighborhood meeting, or similar activity that does not normally occur on a property, is allowed if:
- (1) the property contains a residential use; and
 - (2) the sign is displayed for no more than seven consecutive days, at least one of which must be a day on which a lawfully permitted activity or event that does not normally occur on the property is scheduled to occur.
- (F) ***Signs Associated with Political Elections.*** A freestanding or wall sign that meets the following requirements may be displayed no sooner than 60 days before, and no later than 10 days after, an election is held for any federal, state or local political office representing citizens of the City:
- (1) For each premise, the total sign area of the signs described in this subsection may not exceed 36 square feet.
 - (2) A sign described in this subsection may not:
 - (a) exceed eight feet in height;

(c) have a moving part.

- (G) ***Signs Associated with School Events.*** A sign or banner located on a site containing a public primary or secondary educational facility may be placed on a lawfully permitted building or fence located on the facility's property, but may not be displayed for more than 150 consecutive days.

PART 5. City Code Section 25-10-102 (*Signs Prohibited in All Sign Districts*) is amended to read:

§ 25-10-~~103~~102 SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the accountable ~~[building]~~ official determines that the sign is a nonconforming sign, the following signs are prohibited:

- (1) an off-premise sign, unless the sign is authorized by another provision of this chapter;
- (2) a sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign;
- (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers, and pinwheels;
- (4) a sign not permanently affixed to a building, structure, or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes, excluding a sidewalk sign described in Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*);
- (5) a tethered, pilotless balloon or other gas-filled device used as a sign;
- (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an electronically controlled changeable-copy sign; and
- (7) a mobile billboard within the City's full-purpose jurisdiction~~[, except that a mobile billboard operator with an office located within the boundaries of the Capitol Area Metropolitan Planning Organization on the effective date of Ordinance No. 20080605-076 is not subject to the prohibition until two years after the effective date of the ordinance].~~

PART 6. City Code Section 25-10-103 (*Signs Prohibited in Public Right-of-Way*) is renumbered and recaptioned as Section 25-10-104 (*Signs Prohibited in Public Easements and Right-of-Way*) and Subsections (A) and (H) of that section are amended to read:

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over [a] public right-of-way or other public property, including any public easement or other public encumbrance over private property [~~or public right-of-way~~], except as authorized by this chapter.
- (H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:
 - (1) a sidewalk sign;
 - (2) a projecting sign in the downtown sign district;
 - (3) a street banner;
 - (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or
 - (5) a sign installed by a governmental agency for a governmental purpose [~~memorial marker~~].

PART 7. Subsection (C) of City Code Section 25-10-121 (*Historic Sign District Regulations*) is amended to read:

- (C) A person may not place a handbill, poster, placard, or other temporary sign [~~advertising device of a temporary nature~~] on a structure in the historic sign district, except inside a window or on a bulletin board with the consent of the owner or tenant.

PART 8. Subsection (A) of City Code Section 25-10-122 (*Historic Landmark Commission Review*) is amended to read:

- (A) If a person files an application for a sign permit in the historic sign district and the application complies with all applicable regulations of this chapter and the Building Code, the building official shall immediately notify the historic preservation officer.

PART 9. Subsection (E) of City Code Section 25-10-123 (*Expressway Corridor Sign District Regulations*) is amended to read:

- (E) One [~~commercial~~] flag for each curb cut is permitted.

PART 10. Subsection (G) of City Code Section 25-10-124 (*Scenic Roadway Sign District Regulations*) is amended to read:

- (G) In addition to the sign setback requirements established by Section 25-10-191 (*Sign Setback Requirements*), a sign or sign support must be installed at least 12 feet from the street right-of-way, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street. This subsection does not apply to a ~~[political]~~ sign permitted by Section 25-10-102(F) ~~[101(L)]~~ (*Signs Associated with Political Elections* ~~[Allowed In All Sign Districts Without An Installation Permit]~~).

PART 11. Subsection (D) of City Code Section 25-10-127 (*Multifamily Residential Sign District Regulations*) is amended to read:

- (D) One ~~[commercial]~~ flag for each curb cut is permitted. The sign height may not exceed 30 feet.

PART 12. Subsection (D) of City Code Section 25-10-128 (*Neighborhood Commercial Sign District Regulations*) is amended to read:

- (D) One ~~[commercial]~~ flag for each curb cut is permitted.

PART 13. Subsection (E) of City Code Section 25-10-129 (*Downtown Sign District Regulations*) is amended to read:

- (E) One ~~[commercial]~~ flag for each curb cut is permitted. A ~~[commercial]~~ flag may be suspended over public right-of-way.

PART 14. Subsection (E) of City Code Section 25-10-130 (*Commercial Sign District Regulations*) is amended to read:

- (E) One ~~[commercial]~~ flag for each curb cut is permitted.

PART 15. Subsection (F) of City Code Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) is amended to read:

- (F) ~~[A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.]~~ No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.

PART 16. City Code Section 25-10-151 (*Advertising Searchlights*) is amended to read:

§ 25-10-151 SEARCHLIGHT SIGNS [~~ADVERTISING SEARCHLIGHTS~~].

- (A) A person may use a searchlight sign [~~an advertising searchlight~~] if the building official issues a permit for the use.
- (B) Except as provided in Subsection (C), the building official shall issue a permit for the use of a searchlight sign [~~an advertising searchlight~~] if the applicant demonstrates compliance with this subsection.
 - (1) Not more than four beams of light may be projected from a lot.
 - (2) The aggregate light intensity of [~~the searchlights~~] searchlight signs on a lot may not exceed 1,600 million foot candles.
 - (3) A searchlight sign located within 25 feet of street right-of-way may not project beams at an angle of less than 30 degrees above grade.
 - (4) A searchlight sign may not:
 - (a) project a beam at a street right-of-way or adjoining property; or
 - (b) impair the vision of a driver of a vehicle.
 - (5) A [~~An advertising~~] searchlight sign may not be operated between the hours of 1:00 a.m. and 7:00 a.m.
 - (6) A [~~An advertising~~] searchlight sign may not be operated on a lot for more than 10 consecutive days.
- (C) The building official may not issue a permit to operate a searchlight sign [~~an advertising searchlight~~] at a location at which a searchlight sign [~~an advertising searchlight~~] was used within the two months preceding the date of the permit application.

PART 17. City Code Section 25-10-154 (*Subdivision Identification Sign*) is amended to read:

§ 25-10-154 SUBDIVISION ~~[IDENTIFICATION]~~ SIGN.

For each major entry to a multi-lot, master planned subdivision, two permanent ~~[subdivision identification]~~ signs with combined sign area of not more than 128 square feet are permitted.

PART 18. Subsection (A) of City Code Section 25-10-156 (*Home Occupation Signs*) is amended to read as follows:

- (A) A home occupation that is allowed under Section 25-2-900 (*Home Occupations*) may display one on-premise sign ~~[bearing the name of the home occupation]~~ if the following requirements are met:
 - (1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor.
 - (2) The home occupation sign may not exceed:
 - (a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or
 - (b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.

PART 19. City Code Chapter 25-10, Article 8 (*Special Signs*) is amended to repeal City Section 25-10-157 (*Memorial Markers*) and to renumber the remaining sections of Article 8 accordingly.

PART 20. City Code Section 25-10-158 (*Special Events Signs*) is renumbered Section 25-10-157, Subsections (B)(3) and (C)(2) thereof are repealed, and remaining Subsections (B)(4), (B)(5), and (C)(3) are renumbered accordingly.

PART 21. City Code Section 25-10-159 (*Identification Signs on Public Right-of-Way Installations*) is renumbered Section 25-10-158, and Subsection (A) thereof is amended to read:

- (A) A sign [~~identifying the owner, operator, or sponsor of a right of way installation~~] may be installed on a right-of-way installation in accordance with the requirements of this section.

PART 22. Subsection (G) of City Code Section 25-10-191 (*Sign Setback Requirements*) is amended to read:

- (G) This section does not apply to a [~~political~~] sign permitted by Section 25-10-102(F) [~~101(L)~~] (*Signs Associated with Political Elections [~~Allowed In All Sign Districts Without An Installation Permit~~]*).

PART 23. This ordinance takes effect on August 28, 2017.

PASSED AND APPROVED

<p>_____ August 17, 2017</p>	<p>§ § §</p>	<p>_____ Steve Adler Mayor</p>
<p>APPROVED: _____ Anne L. Morgan City Attorney</p>	<p>ATTEST: _____ Jannette S. Goodall City Clerk</p>	

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday March 12, 2018

CASE NUMBER: C16-2018-0002

<input checked="" type="checkbox"/>	Y	Brooke Bailey
<input checked="" type="checkbox"/>	Y	William Burkhardt
<input checked="" type="checkbox"/>	Y	Christopher Covo
<input checked="" type="checkbox"/>	Y	Eric Goff
<input type="checkbox"/>	-	Melissa Hawthorne (OUT)
<input checked="" type="checkbox"/>	Y	Bryan King
<input checked="" type="checkbox"/>	Y	Don Leighton-Burwell
<input type="checkbox"/>	-	Rahm McDaniel (OUT)
<input checked="" type="checkbox"/>	Y	Veronica Rivera
<input checked="" type="checkbox"/>	Y	James Valadez
<input checked="" type="checkbox"/>	Y	Michael Von Ohlen
<input checked="" type="checkbox"/>	Y	Kelly Blume (Alternate)
<input checked="" type="checkbox"/>	Y	Martha Gonzalez (Alternate)
<input type="checkbox"/>	-	Pim Mayo (Alternate)

OWNER/APPLICANT: Edward Johnson

ADDRESS: 507 23RD ST

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) to:

1. (F) allow a sign to be placed above the second floor of a building that is electric and not engraved, cut into the building surface or otherwise inlaid to become part of the building in order to add 1) one 4th - 6th story electric projecting sign attached to the North side of the building and 2) one top floor electric building sign attached to the South side of the building and 3) one electric building sign attached to the West side of the building above the second floor; and to

2. (G) (2) to increase the sign area of a projecting sign from 35 square feet (required, permitted) to 100 square feet (requested) within a "GO-CO-NP", General Office – Conditional Overlay – Neighborhood Plan and "GO-NP", General Office – Neighborhood Plan zoning district. (University Neighborhood Overlay, Inner)

Note: Section 25-10-133 (F) currently reads, "No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building."

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Item 1.1 for the proposed projecting blade sign on the north side of the building and Grant Item 2 limited to 50 square feet per side for the projecting blade sign on the north side of the building only, Board Member Veronica Rivera second on an 11-0 vote; **GRANTED ITEM 1.1 FOR THE PROPOSED PROJECTING BLADE SIGN ON THE NORTH SIDE OF THE BUILDING**

AND GRANTED ITEM 2 LIMITED TO 50 SQUARE FEET PER SIDE FOR THE PROJECTING BLADE SIGN ON THE NORTH SIDE OF THE BUILDING.

EXPIRATION DATE: MARCH 12, 2019

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because: the blade is the only part of the building above Level 1 where could meet the requirements that a sign engraved cut into the building surface or otherwise inlaid to become a part of the building

OR,

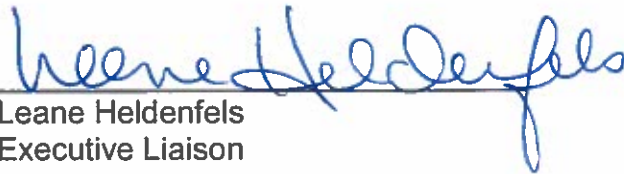
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: these signs would not change the character of the neighborhood buildings

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: they are building identity signs conforming to neighborhood standards and they were in compliance with this Section of the LDC at the time of SDP and Building Permit approval

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: Planned new developments are able to design buildings and building signs in compliance with the new code changes.


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, December 10, 2018

CASE NUMBER: C16-2018-0007

<input type="checkbox"/> N	Brooke Bailey
<input type="checkbox"/> N	William Burkhardt
<input type="checkbox"/> L	Christopher Covo (LATE IN AT 5:56PM)
<input type="checkbox"/> Y	Eric Golf
<input type="checkbox"/> Y	Melissa Hawthorne
<input type="checkbox"/> N	Bryan King
<input type="checkbox"/> N	Don Leighton-Burwell
<input type="checkbox"/> -	Rahm McDaniel
<input type="checkbox"/> Y	Martha Gonzalez (Alternate)
<input type="checkbox"/> Y	Veronica Rivera
<input type="checkbox"/> N	James Valdez
<input type="checkbox"/> Y	Michael Von Ohlen
<input type="checkbox"/> -	Kelly Blume (Alternate)
<input type="checkbox"/> Y	Ada Corral (Alternate)

APPLICANT: Bragg Smith, Phoenix Property Company

OWNER: Jason Runnels, Catholic Church Austin Diocese Arch, Gregory Aymond, IV

ADDRESS: 26TH ST and Nueces PO LTD Partnership

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-10-133 (*University Neighborhood Overlay Zoning*) (F) to allow 2 electrified/LED backlit projecting wall signs to be affixed to the subject building above the second floor (requested) rather than be non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building when located above the second floor (required) in a "CS-NP", General Commercial Services - Neighborhood Plan, Community Commercial - Neighborhood Plan and "MF-4-NP", Multifamily residence moderate-high density - Neighborhood Plan, zoning district. (University Neighborhood Overlay, Inner)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Veronica Rivera second on a 6-5 vote (Board members Brooke Bailey, William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez nay); **GRANTED.**

EXPIRATION DATE: December 10, 2019

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such

as its dimensions, landscape, or topography, because: building was permitted prior to overlay, located on one 1 way street, lack of connection to campus to the main drag, height of sign will allow people to safely find building.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: the signs match other properties in the vicinity.

OR,

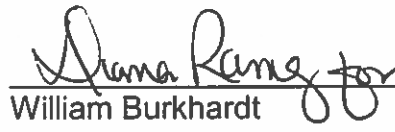
3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: complies to sign, back lite letters

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: sign will match other in the area, structure was built before overlay was established.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

[Department](#) > [Planning](#) > Interactive Development Review Permitting and Inspection

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- [Apply for Right Of Way Permits / Special Events](#)
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FOLDER DETAILS

Permit/Case:	2019-078877 SB
Reference File Name:	
Description:	Install 3'-5 1/4" x 10' illuminated wall sign for Signature 1909 on the façade facing Rio Grande (sign closest to W 21ST ST).
Sub Type:	Sign Permit
Work Type:	Wall

Project Name: 1909 RIO GRANDE STREET

Status: Final

Application Date: May 20, 2019

Issued:

Expiration Date: Nov 26, 2019

PROPERTY DETAILS

Number	Pre	Street	StreetType	Dir	Unit Type	Unit Number	City	State	Zip	Legal Desc
1909		RIO GRANDE	ST				AUSTIN	TX	78705	LOT 1-2 & N35FT LOT 3 OLT 23 DIV D HORSTS LOUIS SUBD

PEOPLE DETAILS

People Type	Name / Address	Phone
Internet User	A1 Signs (Emma Wetz) 20286 FM 2252 RD San Antonio TX 78266	(830) 609-6246
Outdoor Advertising Contractor	A-1 South Texas Sign Erectors, L.P 20286 FM 2252 San Antonio TX 78266	(830) 609-6246
Online Applicant	A1 Signs (Emma Wetz) 20286 FM 2252 RD San Antonio TX 78266	(830) 609-6246

FOLDER FEES

Fee Description	Fee Amount	Balance
Sign Review Fee	\$59.00	\$0.00
Technology Surcharge-DSD	\$2.36	\$0.00

PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Web Application Acceptance	Closed	May 21, 2019	May 22, 2019	May 22, 2019	ABC Sign/Banner	1
Inspection Administration	Open					0
Sign/Banner Intake	Closed	May 22, 2019	May 24, 2019	May 24, 2019	ABC Sign/Banner	1
Administrative Hold	Open					0

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Red Tag Hold	Open					0
Permitting	Open					0
Sign Permit Review	Approved for Permit	May 24, 2019	May 24, 2019	May 24, 2019	Bryan Walker(512-974-2686)	1

Back

ORDINANCE NO. 20191114-067

AN ORDINANCE AMENDING CITY CODE TITLE 25 RELATING TO ALLOWABLE USES, BUILDING HEIGHTS, PARKING REQUIREMENTS, AND SIGN REGULATIONS IN THE UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (D) of City Code Section 25-2-754 (*Use Regulations*) is amended to read as follows:

- (D) Local uses are permitted in any base district, subject to the limitations of this subsection.
 - (1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:
 - (a) has a permitted building height of [~~65~~] 50 feet or greater; or
 - (b) is zoned historic and has a permitted building height of 65 feet or greater.
 - (2) Except as provided in Paragraph (3), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.
 - (3) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure:
 - (a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 65 feet or greater;

(b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 65 feet in height, and is located in the inner west campus or Guadalupe subdistricts; or

(c) is less than 65 feet in height and located on:

(i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;

(ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street; or

(iii) 24th Street between Guadalupe Street and Rio Grande Street.

PART 2. City Code Section 25-2-756 (*Height*) (see map attached as **Exhibit "A"**) is amended to read as follows:

§25-2-756 Height

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, ~~and~~ Height Limits, and Additional Height and Affordability*).

(B) This subsection applies in the outer west campus subdistrict, Guadalupe subdistrict, and inner west campus subdistrict.

~~[(1) In this subsection, HISTORIC PROPERTY means property zoned historic or listed in the City's historic building survey on October 6, 2008.]~~

(1) [2] Except as provided in Paragraph (2[3]), a structure with a multi-family residential use or group residential use may exceed by [15]25 feet in the outer west campus subdistrict or the Guadalupe subdistrict the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, [And] Height Limits, and Additional Height*

and Affordability) if the structure is located in an area with a maximum height of at least 50 feet; ~~[i]f~~or

(2) A structure with a multi-family residential use or group residential use may exceed by 125 feet in the inner west campus subdistrict the maximum height prescribed by Appendix C (University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordability) if the multi-family residential use or group residential use, for a period of not less than 40 years from the date a certificate of occupancy is issued, sets aside at least:

(a) ~~[the structure is located in an area for which the maximum height is at least 50 feet; and]~~

(a) ~~[i]~~10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 60 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office;

(b) ~~[ii]~~10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office; and

(c) ~~[iii]~~The applicant:

1. Pays into the University Neighborhood District Housing Trust Fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use or group residential use development; or,

2. Provides an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area as determined by the director of the Neighborhood Housing and Community Development Office.

(3) A building on a lot in the outer west campus subdistrict that has a common side lot line with a historic property may not exceed by more than 20 feet the maximum building height of the base district in which the historic property is located.

(4) The fee in (B)(2)(c) above will be adjusted annually in accordance with the Consumer Price Index All Urban Consumers, US City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the United States Department of Labor or in accordance with any other similar, applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014, and report the new fee amounts to the city council.

PART 3. Section 25-2-758 (*Building Wall Height, Stepbacks, and Envelope*) is amended to read as follows:

§ 25-2-758 Building Wall Height, Stepbacks, and Envelope.

(A) An exterior building wall that faces a street must be at least 24 feet high.

~~[(B) Except as provided in Subsection (C):~~

~~(1) — if an exterior wall of a building is adjacent to a street other than an alley, at a height of 65 feet, the upper portion of the wall must be set back from the property line by a distance of at least 12 feet; and~~

~~(2) — if the north side of a building is adjacent to a street other than an alley and is greater than 65 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane~~

~~that extends from a point on the property line 65 feet high toward the building at an angle of 62 degrees above horizontal.~~

~~(C) Subsection (B) does not apply to up to 15 percent of the length of a building frontage, if that portion of the building frontage is used for an elevator or stairway.]~~

~~(B) [(D)]~~ A parapet may not extend more than five feet above the 65 foot stepback height described in Subsection (B) or more than five feet above the total building height.

~~(C) [(E)]~~ Instead of complying with Subsections (A) ~~[through]~~ and (B) [(D)], a hotel/motel use in the outer west campus subdistrict must comply with the requirements of this subsection.

(1) On property fronting Martin Luther King, Jr. Blvd., all buildings must fit within an envelope delineated by a 45 degree angle starting at a height of 60 feet above the grade of the property line adjacent to Martin Luther King, Jr. Blvd. and extending to a maximum height of 85 feet.

(2) If the property abuts a historic property as defined in Section 25-2-756(B)(3), the property must have open space measuring at least 50 feet deep for at least 50 feet along the street frontage beginning at the common boundary with the historic property. The open space shall contain no buildings, but may contain paving, parking, fountains, fences, patios, terraces, canopies, trellises, and landscaping.

(3) If parking is provided on the site, 75 percent of the spaces must be below grade.

PART 4. City Code Chapter 25-2, Appendix C (*UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS*) is amended as follows:

APPENDIX C. - UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, ~~[AND]~~ HEIGHT LIMITS, AND ADDITIONAL HEIGHT AND AFFORDABILITY

PART 5. Subsection (A) of City Code Section 25-6-591 (*Parking Provisions for Development in the Central Business District (CBD) and the Downtown Mixed Use (DMU) and Public (P) Zoning Districts*) is amended to read as follows:

§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD), ~~[AND]~~ THE DOWNTOWN MIXED USE (DMU) DISTRICT ~~[AND]~~ THE PUBLIC (P) ZONING DISTRICT, AND THE UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT.

- (A) The requirements of this section apply to the:
- (1) central business district (CBD);
 - (2) downtown mixed use (DMU) zoning district; ~~[and]~~
 - (3) public (P) zoning district within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard~~[-];~~ and
 - (4) university neighborhood overlay (UNO) district.

PART 6. Subsections (C) and (G) of City Code Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) are amended to read as follows:

§ 25-10-133 University Neighborhood Overlay Zoning District Signs

- (A) This section applies to property that is:
- (1) within the university neighborhood overlay (UNO) zoning district; and
 - (2) outside a historic sign district.
- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 150 ~~[100]~~ square feet of sign area, except that this limitation does not apply along the following roadways:

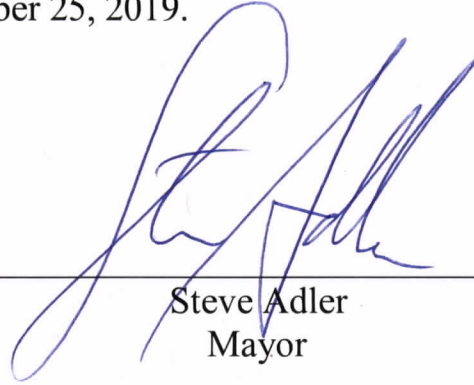
- (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
 - (2) West 24th Street, from Guadalupe Street to Leon Street;
 - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
 - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.
- (E) A roof sign is prohibited.
- (F) ~~[No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.]~~
- [(G)] (F) A wall sign ~~[may be a projecting sign]~~ is permitted if the sign complies with this subsection.
- (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or
 - (b) a distance equal to two-thirds the width of the abutting sidewalk.
 - (4) For a sign that projects over state right-of-way, the state must approve the sign.
- (G) A sign may not be illuminated or contain electronic images or moving parts.

PART 7. This ordinance takes effect on November 25, 2019.

PASSED AND APPROVED

_____, November 14, 2019

§
§
§



Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2019-008 University Neighborhood Overlay – Allowable uses, building heights, parking requirements, and sign regulations.

Description: Amend certain provisions of the City Code relating to provisions of the University Neighborhood Overlay (UNO) concerning use regulations, building heights, parking requirements, and sign regulations.

Overview of Proposed Code Amendments and Staff Recommendations

The Planning Commission recommendations and staff comments and recommendations are in the attached "University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes" beginning next page of this report.

Board and Commission Actions

Planning Commission initiated the code amendments at their March 26, 2019 meeting. They voted 9-1, with one commissioner abstaining (Chair Shieh and Commissioner Shaw absent).

The amendments were initially presented to the Codes and Ordinances Joint Committee on June 19, 2019. Following deliberations, the Committee provided direction to staff to revise the proposed amendments and return at a future meeting.

The Codes and Ordinances Joint Committee continued their discussions on this item on August 21, 2019. They voted 5-0 to recommend the proposed amendments with changes to the Planning Commission (Commissioners Azhar and Barrera-Ramirez absent).

The Planning Commission heard the item on August 27, 2019. They voted 12-1 to recommend the proposed Code amendments with changes as detailed in this report to the City Council (Commissioner Shieh absent).

City Council Action

A public hearing at City Council was set for August 8, 2019 and postponed to September 19, 2019.

City Council postponed this item until November 14, 2019.

Ordinance Number: NA

City Staff: Mark Walters

Phone: 512-974-7695

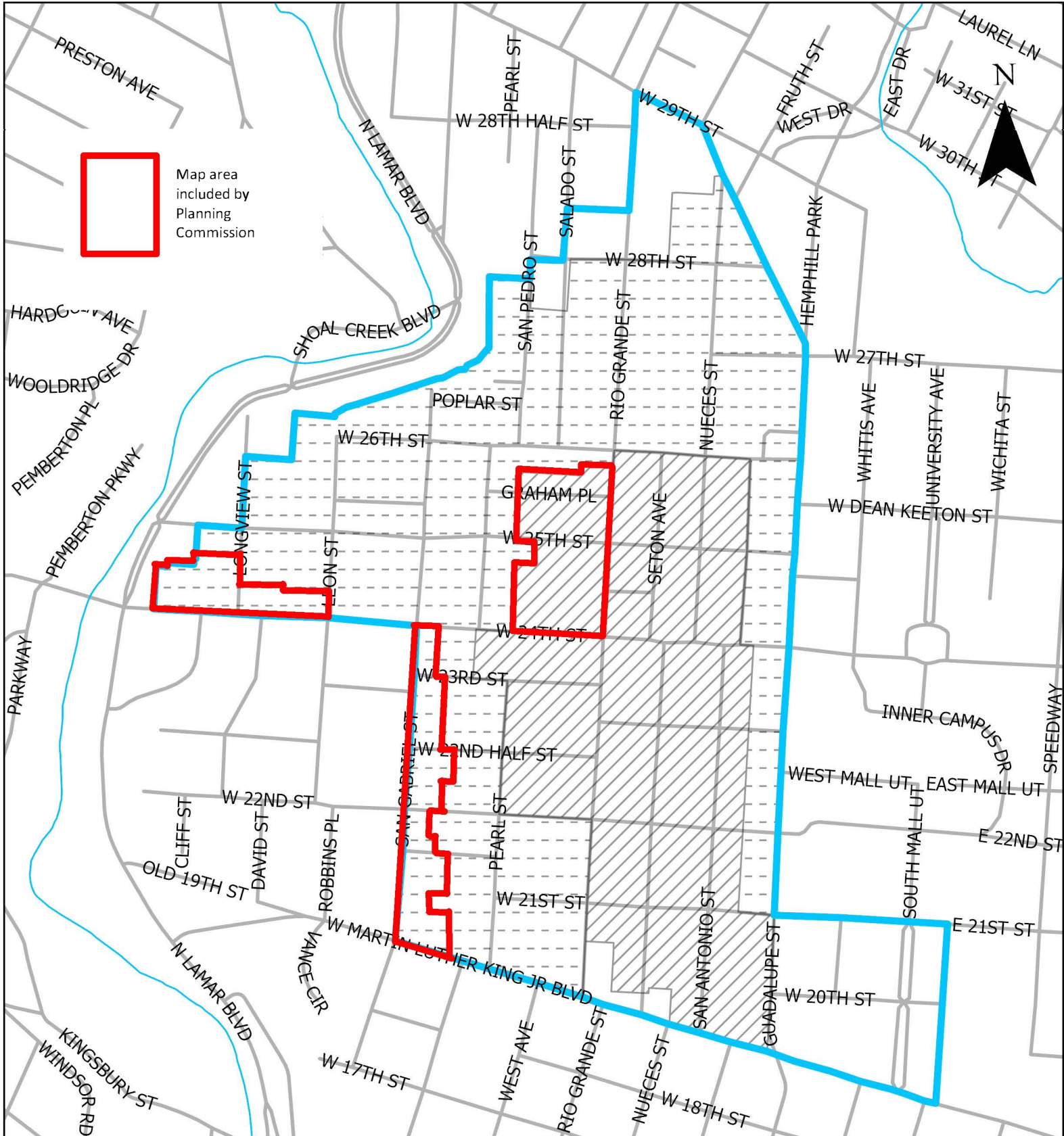
Email: Mark.Walters@AustinTexas.gov

Amend. #	Existing Regulation	Planning Commission Recommendation Building Heights (continued)	Staff Recommendation/Comments
1	<p>Height: 25-2-756(B)(2) A multi-family residential use or group residential use may exceed by 15 feet the maximum height prescribed by Appendix C (<i>University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits</i>) if:</p> <ul style="list-style-type: none"> the structure is located in an area for which the maximum height is at least 50 feet; and 10% of units/bedrooms are set aside for individuals earning 60% of local MFI for 40 years; and 10% of units/bedrooms are set aside for individuals earning 50% of local MFI for 40 years; and An additional 10% of units/bedrooms s are set aside for individuals earning 50% of local MFI for 40 years; or The applicant pays a one-time, annually adjusted fee for each square foot of net rentable residential floor area. 	<p>Height: 25-2-756 The proposed amendment would allow building heights to be increased by 25 feet in the Outer West Campus Subdistrict and Guadalupe Subdistrict if a project is in a height district of 50 feet and greater or by 125 feet in the Inner West Campus Subdistrict if:</p> <ul style="list-style-type: none"> 10% of units/bedrooms are set aside for individuals earning 60% of local MFI for 40 years; 10% of units/bedrooms are set aside for individuals earning 50% of local MFI for 40 years; and An additional 10% of units/bedrooms are set aside for individuals earning 50% of local MFI for 40 years; or The applicant pays a one-time, annually adjusted fee for each square foot of net rentable residential floor area. 	<p>Staff concurs with the Planning Commission Recommendation The affordability percentages are carried over from the current Code. Currently, the project must be in the Outer West Campus Subdistrict in a 50 height district or greater and can only gain an additional 15 feet.</p> <p>This amendment would increase the number of on-site affordable units in West Campus.</p> <p>Based on the potential increased supply of on-site affordable housing, the Neighborhood Housing and Community Development Department (NHCD) has given these amendments a positive Affordability Impact Statement which is included on page 15 of this report.</p>

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Building Heights (continued)		
2	<p>Appendix C (<i>University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits</i>)</p> <p>Appendix C contains the text and maps indicating UNO boundaries, subdistricts, and building heights.</p>	<p>The proposed amendment would add a new map, <i>Additional Height and Affordability</i>, to Appendix C indicating areas where the height bonuses described in Section 25-2-756 (Height) are permitted.</p> <p>The commission recommended that the map originally submitted to them be amended to allow the 25 foot height bonus along the north side of 24th St. between Lamar Blvd. and Leon St., along San Gabriel St. between 24th St. and MLK Jr. Blvd., and expand the Inner West Campus Subdistrict boundary to increase the are for the 125 foot height bonus.</p> <p>See the map as amended by the Planning Commission on page 3 of this report. Planning Commission changes indicated by a red outline.</p>	<p>Staff recommends the map as originally submitted to the Planning Commission</p> <p>The areas indicated on the map where the height bonus are allowed resulted from monthslong discussions among nine community organizations.</p> <p>There is both community opposition and support for the Planning Commission's recommendation.</p> <p>See page 4 of this report for the map as submitted to the Planning Commission.</p>
3	<p>Appendix C (<i>University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits</i>)</p>	<p>Appendix C (<i>University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits</i>)</p> <p>3A. Planning Commission recommended amending the Subdistrict Boundaries map to expand the Inner West Campus Subdistrict boundaries. See page 5 of this report.</p> <p>3B. Planning Commission recommended amending Amend the Height Limits map to expand the 175 foot height district. See page 7 of this report.</p> <p>Planning Commission changes are indicated by a red outline on the maps.</p>	<p>Staff does not recommend the changes</p> <p>The changes made by the PC were not among the amendments forwarded to them from the Codes and Ordinances Joint Committee.</p> <p>Staff believes that the significant impacts of the Planning Commission's recommendations need to be studied and be subject to a broader community conversation involving residents, property owners, business owners, Greek organizations, and nearby neighborhood and community organizations. There is both community opposition and support of the Planning Commission's recommendation.</p> <p>See original maps on pages 6 and 8 of this report.</p>

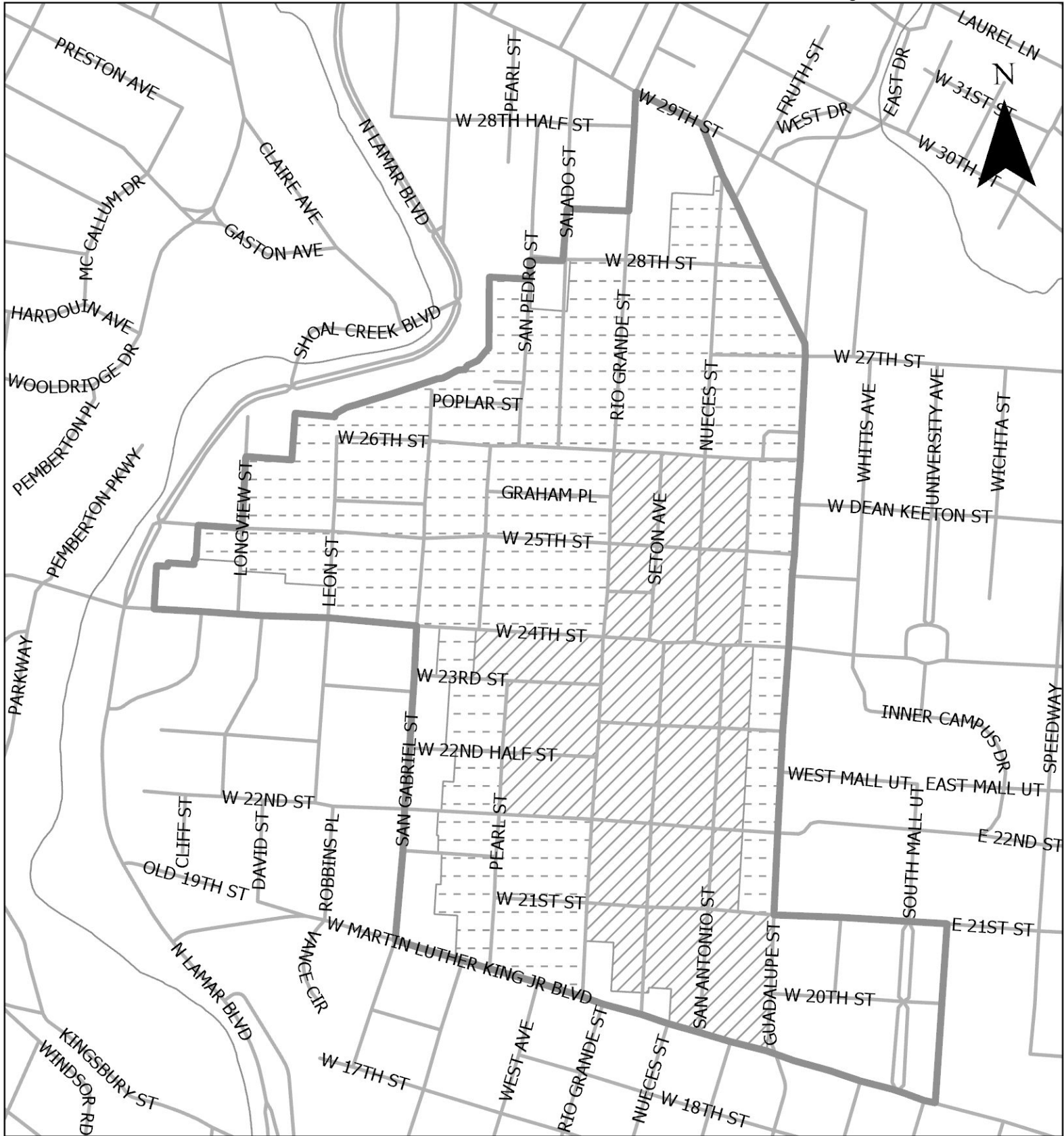
University Neighborhood Overlay Additional Height & Affordability

C-1/42
Planning Commission
recommendation




University Neighborhood Overlay Additional Height & Affordability

C-1/43
Staff Recommendation: Staff recommends this map version as submitted to the Planning Commission.



 University Neighborhood Overlay

Proposed Additional Height

 125 feet

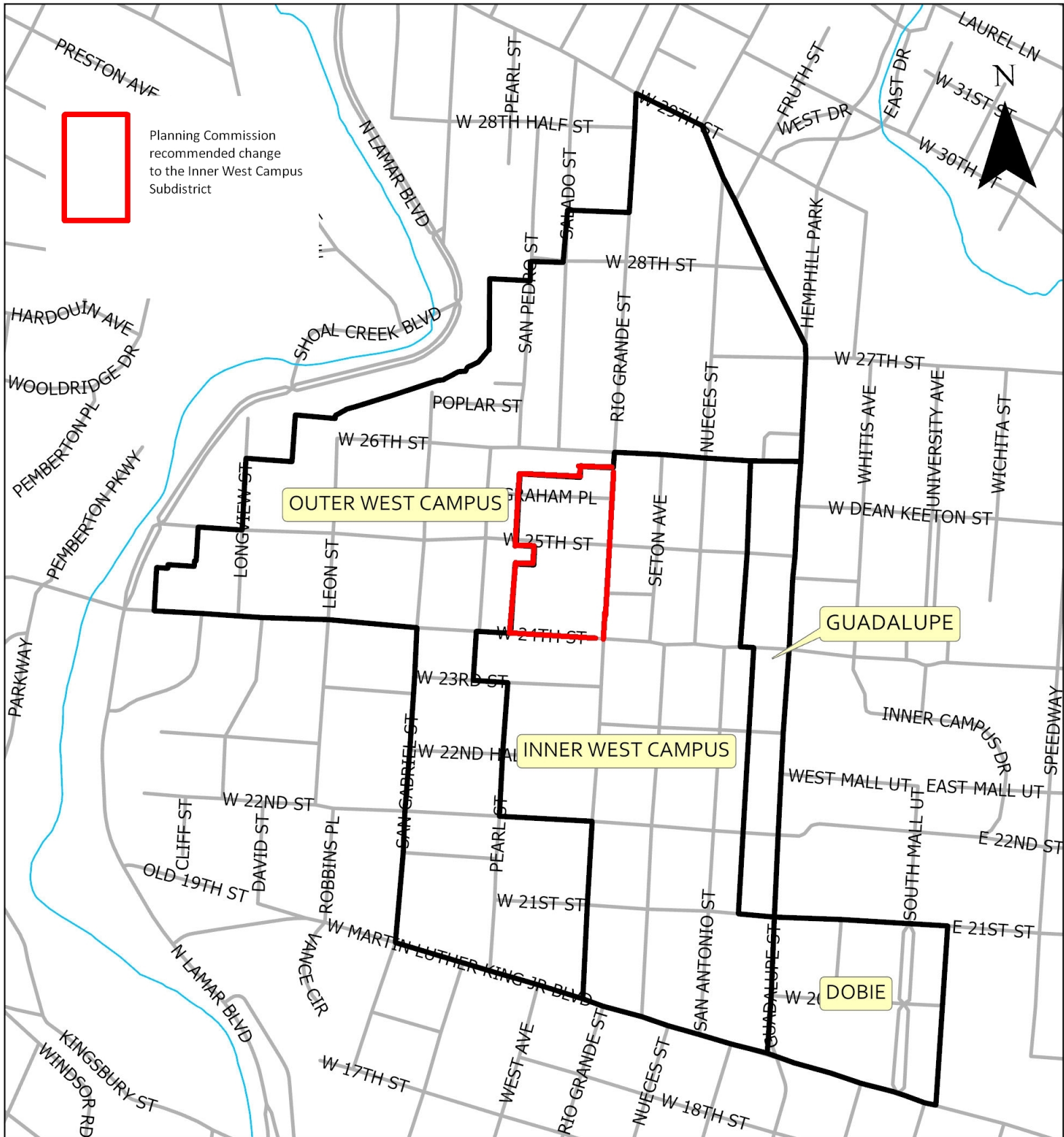
 25 feet

0 250 500 1,000 Feet


University Neighborhood Overlay

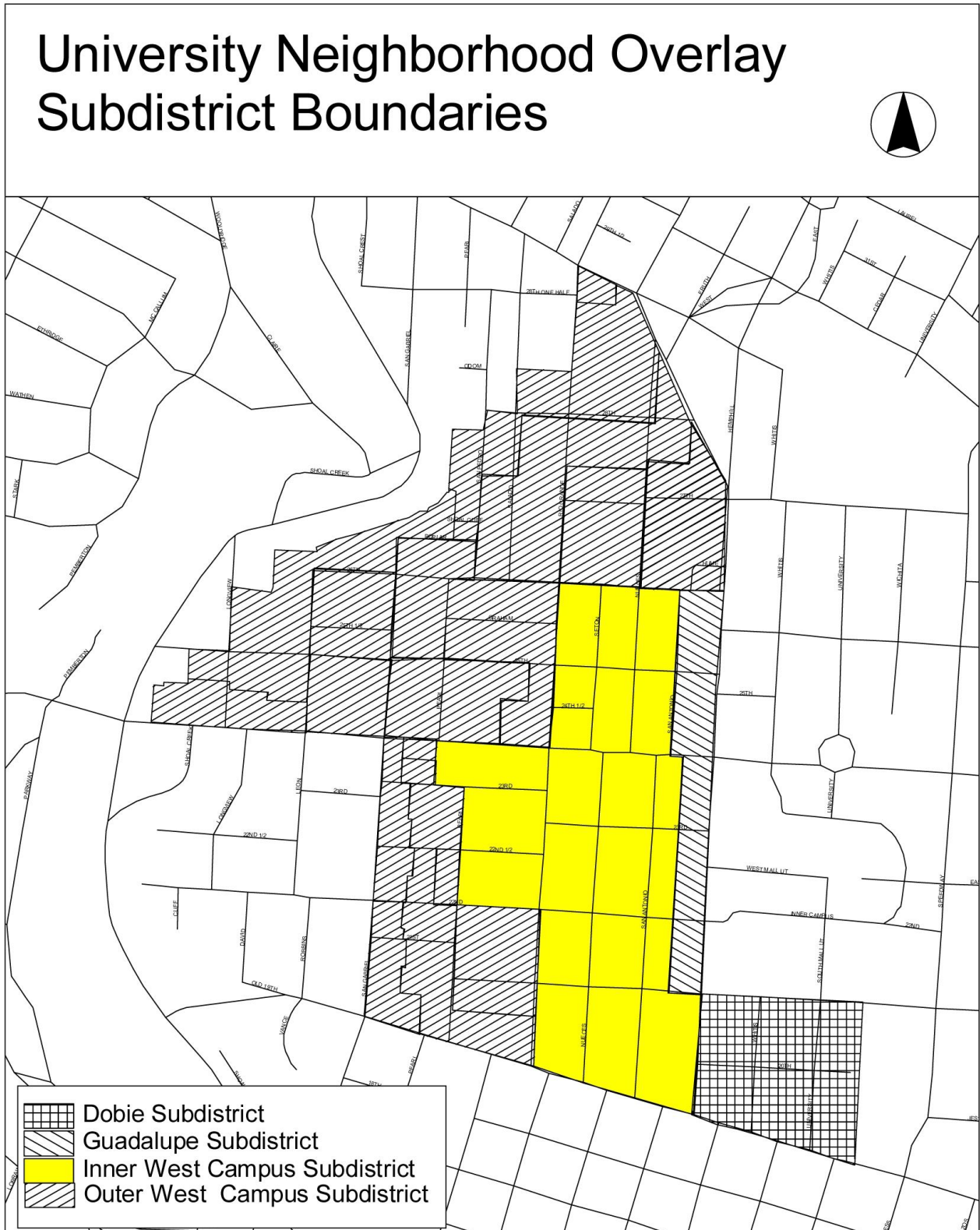
Planning Commission Proposed SubDistricts

C 1/44
Planning Commission recommendation



0 250 500 1,000 Feet

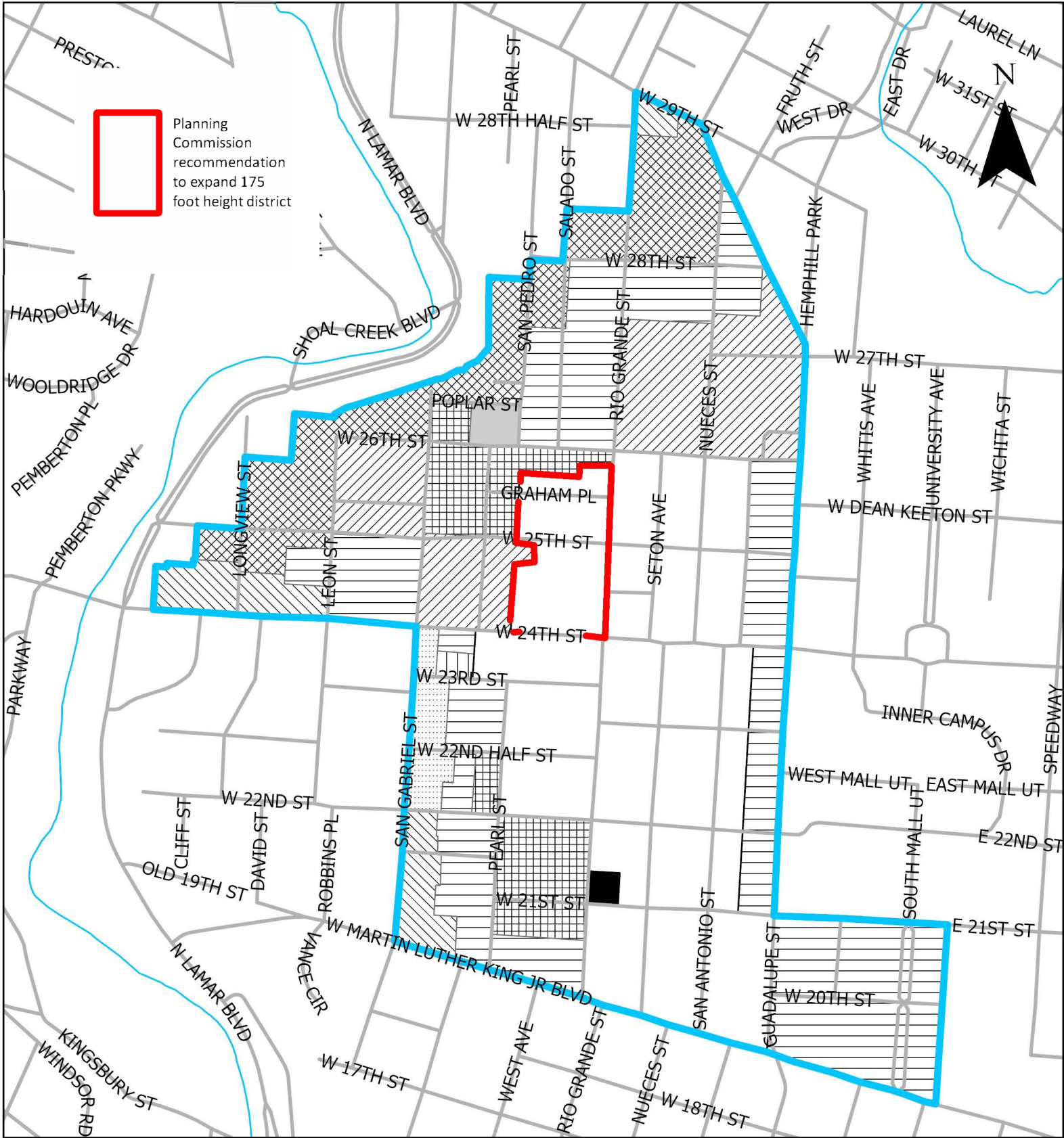
Staff Recommendation: Staff recommends leaving the map in the Code unchanged.



University Neighborhood Overlay District Heights

C 1/46
Planning Commission
Recommendation

Planning
Commission
recommendation
to expand 175
foot height district



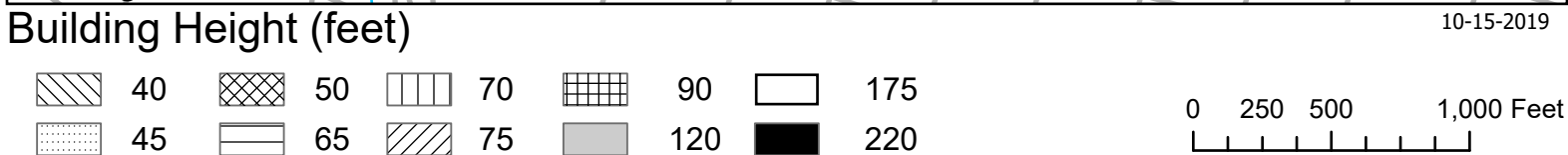
Building Height (feet)

	40		50		70		90		175
	45		65		75		120		220

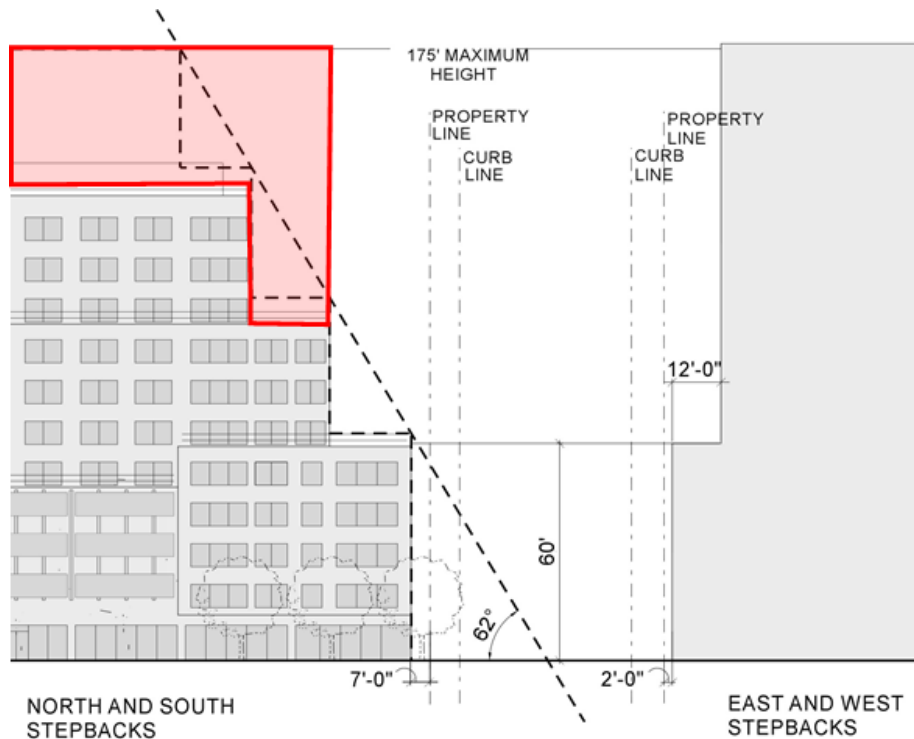
0 250 500 1,000 Feet

10-15-2019

C-1/47
Staff Recommendation
Existing UNO Height map



Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Building Heights (continued)		
4	Heights: 25-2-758 (B)(2) If the north side of a building is adjacent to a street other than an alley and is greater than 65 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from a point on the property line 65 feet high toward the building at an angle of 62 degrees above horizontal.	The proposed amendment would strike Code section 25-2-758 (B) (2).	Staff concurs with the Planning Commission Recommendation 25-2-758 (B) (2) was originally intended to reduce shadows and allow sunlight to penetrate to the ground on the Winter Solstice. However, for north-facing properties in Inner West Campus, this Code provision would preclude these sites from taking advantage of the additional height for the proposed amendments to Section 25-2-756.



This illustration is taken from the "University Neighborhood Overlay Design Guidelines" in the *Central Austin Combined Neighborhood Plan*. The proposed amendment would remove the stepback requirements and allow a building to rise to the maximum height of 175 feet (shaded area) after the first stepback as illustrated by the building on the right side of the graphic.

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Use Regulations		
5	Use Regulations: 25-2-754(D)(1)(a) Local uses (a list of pedestrian-oriented uses in the UNO section of the Code) are allowed in residential base districts with permitted building heights of 75 feet or greater.	The proposed amendment would reduce the building height where local uses are allowed in residential base district to 50 feet.	Staff concurs with the Planning Commission Recommendation This expands opportunities for mixed use development and furthers <i>Imagine Austin's</i> goal of creating complete communities across Austin.
6	New Regulation	The proposed amendments would add new section: Use Regulations: 5-2-754 (K) Existing structures constructed under the provisions of this division may convert non-accessible parking spaces to: <ul style="list-style-type: none"> (1) a multi-family residential use; (2) a group residential use; and (3) local uses: <ul style="list-style-type: none"> (a) local uses allowed under this title must be located above or adjacent to the street wall area; (b) an art gallery use and an art workshop use are limited to 1,500 square feet of floor area; and (4) an indoor crop production use or convenience storage use; and <ul style="list-style-type: none"> (a) these uses shall not be located in or above a street wall area. 	Staff concurs with the Planning Commission Recommendation Multiple factors have contributed to an oversupply of parking spaces in projects developed under UNO: <ul style="list-style-type: none"> • Changing car ownership and driving habits of college students • The advent of micromobility devices • The transit-rich and pedestrian-friendly environment around the University of Texas • UNO's requirement that a car and dwelling unit be leased separately. This amendment would allow unused parking spaces to be repurposed. This possibility was planned for in the initial development of UNO by requiring flat parking decks in parking structures where they face a public street.

Amend. #	Existing Regulation	Planning Commission Recommendation Parking	Staff Recommendation/Comments
7	<p>25-6-601 Parking Requirements For University Neighborhood Overlay District.</p> <p>(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>).</p> <p>(B) Off-street parking is not required for a commercial use if the use:</p> <ol style="list-style-type: none"> (1) occupies less than 6,000 square feet of gross floor area; or (2) is located on: <ol style="list-style-type: none"> (a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or (b) West 24th Street between Guadalupe Street and Rio Grande Street. <p>(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading</i></p>	<p>The proposed amendment would remove all parking minimums for projects being developed under UNO.</p> <p>The Planning Commission provided direction to staff to develop code language to address parking for persons with disabilities. Upon discussions with the Code Revision team, staff recommends adding UNO to the code's parking provisions for accessible spaces for the CBD, DMU, and P zoning districts.</p> <p>25-6-591 - Parking Provisions For Development in The Central Business District (CBD) and The Downtown Mixed Use (DMU) and Public (P) Zoning Districts.</p>	<p>Staff concurs with the Planning Commission Recommendation</p> <p>The Planning Commission's recommendation is in alignment with the May 2, 2019 policy direction Council gave for the code revision regarding eliminating parking:</p> <p>"...in areas that are within the ¼ mile of activity centers, activity corridors, and transit priority network, except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive." P. 13</p> <p>The proposed elimination of required parking in West Campus acknowledges the increasingly urban, pedestrian-friendly, and transit-rich environment around the University of Texas. It also reflects the changing nature of student automobile use as reflected in the increasing number of unused parking spaces in UNO projects that are addressed in Amendment #6 on page 10 of this report.</p>

7 cont'd	<p><i>Requirements</i>) if the multi-family residential use:</p> <ol style="list-style-type: none">(1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or(2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-756 (<i>Affordable Housing</i>).		
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Existing Regulation		Planning Commission Recommendation	Staff Recommendation/Comments
Signs			
8	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:</p> <ol style="list-style-type: none"> (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street; (2) West 24th Street, from Guadalupe Street to Leon Street; (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and (4) West 29th Street, from Guadalupe Street to Rio Grande Street. 	<p>The proposed amendment would change the maximum sign size in 25-2-133(C) from 100 square feet to 150 square feet.</p>	<p>Staff concurs with the Planning Commission Recommendation</p>
9	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(F) No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building</p>	<p>The proposed amendment would amend 25-10-133 (F) to read:</p> <p>(F) An on-premise sign is allowed.</p>	<p>Staff concurs with the Planning Commission Recommendation</p> <p>This amendment would bring the regulations more in line with industry practices. The existing regulation has resulted in numerous Board of Adjustment cases to allow non-engraved or non-inlaid building signs on upper floors of taller projects.</p>

	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Signs		
10	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(G) A wall sign may be a projecting sign if the sign complies with this subsection.</p> <p>(1) One projecting sign for each building facade is permitted.</p> <p>(2) The sign area of a projecting sign may not exceed 35 square feet.</p> <p>(3) A sign may extend from the building facade not more than the lesser of:</p> <p>(a) six feet; or</p> <p>(b) a distance equal to two-thirds the width of the abutting sidewalk.</p> <p>(4) For a sign that projects over state right-of-way, the state must approve the sign.</p>	<p>The proposed amendment to 25-10-133(G):</p> <p>(G) A wall sign is permitted if the sign complies with this subsection.</p> <p>(1) One projecting sign for each building facade is permitted.</p> <p>(2) The sign area of a projecting sign may not exceed 35 square feet.</p> <p>(3) A sign may extend from the building facade not more than the lesser of:</p> <p>(a) six feet; or</p> <p>(b) a distance equal to two-thirds the width of the abutting sidewalk.</p> <p>(4) For a sign that projects over state right-of-way, the state must approve the sign.</p>	<p>Staff concurs with the Planning Commission Recommendation</p>



Affordability Impact Statement
 Neighborhood Housing and Community Development Department
University Neighborhood Overlay Amendments

Proposed Regulation	The proposed ordinance would amend the University Neighborhood Overlay (UNO) regulations in Title 25 of the Land Development Code by increasing the number of lots in the Outer West Campus that may include local uses, allowing existing buildings to convert handicap parking to other uses, increasing the number of subdistricts that are eligible for a height bonus, increasing the bonus height in the Outer West Campus subdistrict, reducing parking requirements by-right, further reducing parking requirements for properties that provide additional affordable housing, and modifying sign regulations.
Land Use/Zoning Impacts on Housing Costs	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance could result in less expensive market rate housing by allowing the cost of land to be distributed among more units.
Impact on Development Cost	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral No impact foreseen.
Impact on Affordable Housing	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance would likely have a positive impact on affordable housing by increasing the number of lots that are eligible for a height bonus and increasing the bonus height in the Outer West Campus subdistrict. If a height bonus is used, it requires the provision of additional income-restricted affordable housing beyond what is required to develop under the UNO site development regulations without the use of a height bonus. The proposed changes would create a new incentive that ties further reduction in parking requirements to the provision of additional income-restricted affordable housing.
Imagine Austin Housing and Neighborhood Policies Implemented	HN P3
Strategic Housing Blueprint Strategies Implemented	Better utilize land for affordable housing
Other Policy Considerations	None.

Proposed Alternative Policy Language	None.
Date Prepared	June 4, 2019
Manager's Signature	

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-1**

DATE: February 8, 2021

CASE NUMBER: C16-2021-0005

☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Ada Corral
☐ Y ☐ Melissa Hawthorne
☐ - ☐ VACANT
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruett
☐ Y ☐ Veronica Rivera
☐ Y ☐ Yasmine Smith
☐ Y ☐ Michael Von Ohlen
☐ - ☐ Kelly Blume (Alternate)
☐ - ☐ Vacant (Alternate)
☐ - ☐ Donny Hamilton (Alternate)

APPLICANT: Jennifer Garcia

OWNER: Michael Mahoney

ADDRESS: 2237 W BRAKER LN

VARIANCE REQUESTED: The applicant is requesting a sign variance(s), a total of 4 signs on the property from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs)

a) (H) to allow for all four (4) signs, one (1) monument sign, one (1) wall sign on each of the on the north, south, and west sides, to all be illuminated
and NBG Ordinance no. 20180412-051:

b) to increase the sign height from 6 feet to 10 feet in order to provide signage for the TownePlace Suites Hotel in a “NBG-NP”, North Burnet Gateway– Neighborhood Plan zoning district. (North Burnet Neighborhood Plan)

Note: *The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs: (H) A sign may not be illuminated or contain electronic images or moving parts.*

North Burnet/Gateway Ordinance No. 20180412-051 (4.8.2 Sign Regulations) (B) For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign should not exceed 6 feet and the sign area may not exceed 100 square feet.

BOARD'S DECISION: BOA meeting Feb 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with conditions that a) all four (4) signs, one (1) monument sign, one (1) wall sign on each of the on the north, south, and west sides, may all be illuminated and b) Maximum height of sign D-1/Presentation-1 to be eight (8) feet maximum height; Board Member Veronica Rivera seconds on a 10-0 vote; GRANT WITH CONDITIONS A) ALL FOUR (4) SIGNS, ONE (1) MONUMENT SIGN, ONE (1) WALL SIGN ON EACH OF THE ON THE NORTH, SOUTH, AND WESTSIDES, MAY ALL BE ILLUMINATED AND B) MAXIMUM HEIGHT OF SIGN D-1/PRESENTATION-1 TO BE EIGHT (8) FEET MAXIMUM HEIGHT.

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because: the proposed sign's size and illumination is in line with the neighboring businesses

OR,

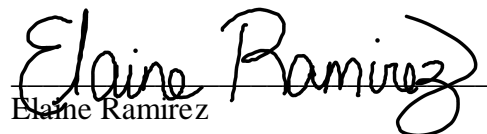
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: other business including but not limited to ABC Bank of Commerce which is located directly in front of the hotel have illuminated signs as well

OR,

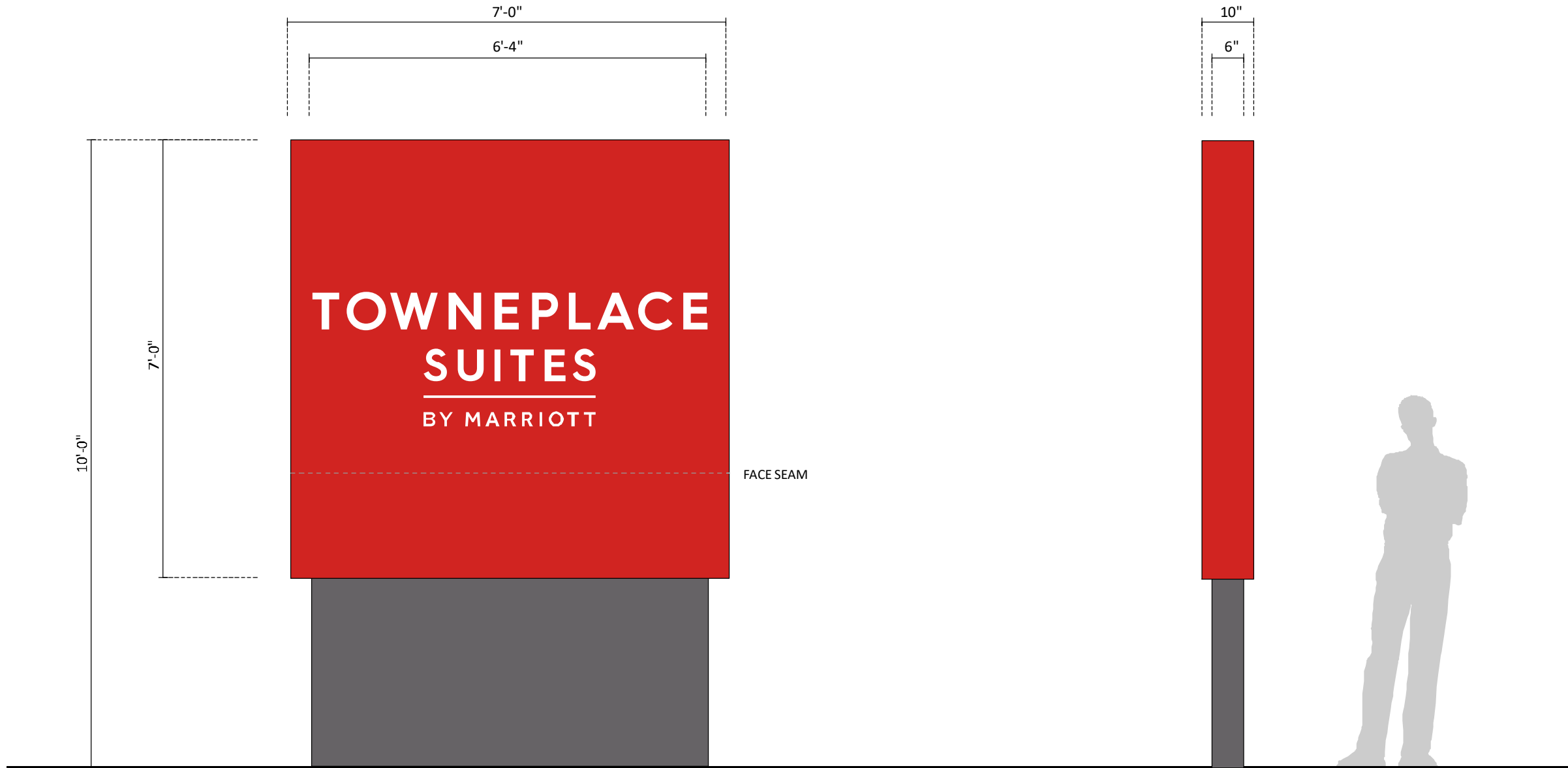
3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: the proposed signs were appropriately scaled to the size of the property and building

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: due to the nature of this business and the area which it is in there will be customers who are unfamiliar with the area trying to find this location at night.


Elaine Ramirez
Executive Liaison

Diana Ramirez for
Don Leighton Burwell
Chairman



A1

D/F MONUMENT SIGN

SCALE: 1/2" = 1'-0"

TPS MON 7' x 7' @ 10'-0" - RED

(1) REQUIRED - MFR. & INSTALL

FABRICATED ALUMINUM CABINET SIGN - ALUMINUM SQUARE TUBE FRAME w/ .090" ALUMINUM FACES / .063 FILLERS - PAINTED TO MATCH PMS 1795c RED (SATIN FINISH) - INSIDE TO BE PAINTED w/ L.E.P.

FACE TO HAVE ROUTED-OUT OPENINGS BACKED UP w/ 7328 WHITE ACRYLIC SHOW-THRU GRAPHICS

INTERNALLY ILLUMINATED w/ WHITE HANLEY LED's

.063" ALUMINUM FABRICATED SUPPORT COVER PAINTED TO MATCH PMS COOL GRAY 11c (SATIN FINISH)

STEEL SIGN SUPPORT (AS REQUIRED) INSIDE ALUMINUM BASE COVER & SIGN CABINET - SET IN CONCRETE PIER TYPE FOUNDATION - SIZES & DEPTH TO BE DETERMINED BY ENGINEERING, LOCAL CODES & CONDITIONS

UNDERGROUND ELECTRICAL PRIMARY SERVICE PROVIDED TO SIGN BY CUSTOMER'S ELECTRICIAN (VERIFY VOLTAGE & COORDINATE w/ CHANDLER SIGNS)

END VIEW

Design #	
0403077Ar3	
Sheet	1 of 8
Client	
TOWNEPLACE SUITES	
Address	
2237 W. BRAKER LN. AUSTIN, TEXAS	
Account Rep.	MIKE D.
Designer	CJR
Date	06/18/19
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision/Date	
R1 JMC 06/20/19: DELETE C2 AND C4	
R2 ES 9/29 remove A2	
R3 KMc 1/22/21: revised site plan	



chandlersigns.com	
National Headquarters	14201 Sovereign Road Fort Worth, TX 76155 (817) 907-2000 Fax (817) 907-2001
San Antonio	17319 San Pedro Avenue Suite 200 San Antonio, TX 78214 (210) 345-2804 Fax (210) 345-8724
West Coast	3770 Executive Ridge Drive Suite 250 Visite, CA 92082 (760) 734-1200 Fax (760) 734-3752
Northeast US	2301 River Road Suite 201 Louisville, KY 40205 (606) 897-8800 Cell (606) 554-2575
Florida	2584 San Cipriano Circle Davenport, FL 33837 (888) 426-1100 Fax (888) 424-1160
Georgia	111 Woodstone Place Dawsonville, GA 30534 (678) 725-8852 Fax (210) 345-8724
South Texas	PO BOX 175 205 Doral Drive Port Antonio, TX 78374 (361) 568-5500 Fax (361) 643-5500

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FINAL ELECTRICAL
CONNECTION BY
CUSTOMER

THIS SIGN IS INTENDED TO BE INSTALLED
IN ACCORDANCE WITH ARTICLE 600 OF THE
NATIONAL ELECTRICAL CODE AND/OR OTHER
APPLICABLE LOCAL CODES. THIS INCLUDES
PROPER GROUNDING & BONDING OF THE SIGN.
SIGN WILL BEAR UL LABEL(S).

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, July 13, 2020

CASE NUMBER: C16-2020-0002

ITEM # D-1

☐ - ☐ Brooke Bailey OUT
☐ Y ☐ Jessica Cohen
☐ - ☐ Ada Corral OUT
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ William Hodge
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruet
☐ Y ☐ Veronica Rivera
☐ Y ☐ Yasmine Smith
☐ Y ☐ Michael Von Ohlen
☐ N ☐ Kelly Blume (Alternate)
☐ Y ☐ Martha Gonzalez (Alternate)

APPLICANT: Alkesh Patel

OWNER: Loin Veldt

ADDRESS: 2600 BROCKTON DR

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (G) to allow for one (1) 6 ft. tall freestanding monument sign and two (2) 217 sq. ft. wall signs, all illuminated in order to provide signage for the new Hilton Garden Inn in a "NBG-NP", North Burnet/Gateway – Neighborhood Plan zoning district. (North Burnet)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (G) states a sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: May 11, 2020 **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to June 8, 2020, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO JUNE 8, 2020. (RE-NOTICE)**

RENOTICE: VARIANCE REQUEST: The applicant is requesting a sign variance(s) from the Land Development Code:

a) Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (C) to exceed sign area from one (1) 150 sq. ft. (maximum allowed) to two (2) 217 sq. ft. each (requested) wall signs on South and West sides.

b) Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (G) illuminate both signs in order to provide signage for the new Hilton Garden Inn in a “NBG-NP”, North Burnet/Gateway – Neighborhood Plan zoning district. (North Burnet)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (G) states a sign may not be illuminated or contain electronic images or moving parts. Applicant is proposing face-lit signs illuminated by LEDs.

BOARD’S DECISION: JUNE 8 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant only the south building elevation sign and Deny the west elevation sign, Board Member Rahm McDaniel seconds on an 11-0 vote; **GRANTED ONLY THE SOUTH BUILDING ELEVATION SIGN AND DENIED THE WEST ELEVATION SIGN. APPLICANT FILED A RECONSIDERATION REQUEST FOR JULY 13, 2020.**

RECONSIDERATION REQUEST: July 13, 2020 Board member Michael Von Ohlen motions to reconsider the reconsideration request, Board member Melissa Hawthorne seconds on 10-0 votes; The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant two signs, one south and one west side with west side illuminated and that it does not exceed 217 square feet, Board Member Darryl Pruett seconds on an 10-1 vote (Board member Kelly Blume nay); **GRANTED TWO SIGNS, ONE SOUTH AND ONE WEST SIDE WITH WEST SIDE ILLUMINATED AND THAT IT DOES NOT EXCEED 217 SQUARE FEET.**

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because: the proposed signs and locations are in line with the existing signs at the neighboring businesses and are appropriately scaled to the size of the building, due to the nature of this business and customers trying to find this location at night illumination of the signs would greatly improve traffic to this upcoming business and get in the turning lane on approach.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: n/a

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: n/a

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: due to the nature of this hotel business there will be customers looking for this location at night time, without illuminated signs and no monument or pylon, it would be very hard to find the location, this is a growing area near the Domain and would benefit all to see this location at night.



Elaine Ramirez
Executive Liaison

Diana Ramirez
Don Leighton-Burwell
Chairman

BOA SIGN REVIEW COVERSHEET

CASE: C16-2021-0008

BOA DATE: June 14th, 2021

ADDRESS: 715 W 23rd St

COUNCIL DISTRICT: 9

OWNER: The Standard at Austin, LLC

AGENT: Leah Bojo

ZONING: CS-NP (West University)

LEGAL DESCRIPTION: 1.2028 AC OF LOTS 28-32 & 0.1402 AC OF LOTS 25-27 OLT 38 DIV F WOOLDRIDGE MARY ANN RESUB PLUS 1/2 ADJ VAC ALLEY (TOTAL ACR: 1.3430)

VARIANCE REQUEST: illuminate 6 signs

SUMMARY: install five (5) LED illuminated wall signs and one (1) internally illuminated cabinet wall sign

ISSUES: Uno Regulations were not intended or agreed to by stakeholders

	ZONING	LAND USES
<i>Site</i>	CS-NP	General Commercial Services
<i>North</i>	CS-NP	General Commercial Services
<i>South</i>	CS-NP	General Commercial Services
<i>East</i>	CS-NP	General Commercial Services
<i>West</i>	MF-4-NP	Multi-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 CANPAC (Central Austin Neigh Plan Area Committee)
 Central Austin Community Development Corporation
 Central Austin Urbanists
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Preservation Austin
 SEL Texas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 University Area Partners
 West Campus Neighborhood Association



June 3, 2021

Leah Bojo
715 W 23rd St
Austin TX, 78705

Property Description: 1.2028 AC OF LOTS 28-32 & 0.1402 AC OF LOTS 25-27 OLT 38 DIV F
WOOLDRIDGE MARY ANN RESUB PLUS 1/2 ADJ VAC ALLEY (TOTAL ACR: 1.3430)

Re: C16-2021-0008

Dear Leah,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a sign variance(s) from the following sections of the Land Development Code;

Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (H);
to allow for a total of six (6) signs to all be illuminated, five (5) LED illuminated wall signs and one (1) internally illuminated cabinet wall sign in a "CS-NP", General Commercial Services – Neighborhood Plan zoning district. (West University Neighborhood Plan)

Austin Energy **does not oppose** the requested sign variances, provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office.

Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

DRENNER
GROUP

May 6, 2021

Via Electronic Delivery

City of Austin – Board of Adjustment

Re: 715 W 23rd Street – Sign variance application for the 1.34-acre piece of property located at 715 W 23rd Street in Austin, Travis County, Texas (the “Property”)

Dear Ms. Ramirez:

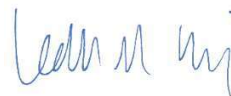
As representatives of the owner of the Property, we respectfully submit the enclosed sign variance application package. The requested variances are from Land Development Code, Sign Ordinance - Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (H) which does not allow illuminated signs, per changes to the code that Council approved in error in November 2019. In total, we are requesting permission to install five (5) LED illuminated wall signs, and one (1) internally illuminated cabinet wall sign.

These variances are necessary because the building’s surrounding area is dark at night and illuminated signs are required so that pedestrians and drivers can find the building. Notably, the granting of these variances ultimately will not conflict with the applicable sign ordinance, as the ordinance will likely be corrected in the future. A memorandum from Jerry Rusthoven, of the Housing and Planning Department, explains that the change to the UNO ordinance prohibiting illuminated signs was “not intended or agreed to by stakeholders.” For your convenience, we have attached that letter, dated May 22, 2020, hereto as Exhibit A.

Since the UNO sign regulations were changed, six variances from this code provision have been granted, including three (3) in the area surrounding the Property. Our variance requests are made on a similar basis, and we suffer from similar hardships, as it will be difficult to see the name of our proposed apartment building without the use of illuminated signs.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo



MEMORANDUM

TO: Members of the Planning Commission

FROM: Jerry Rusthoven, Assistant Director/Interim Lead
Planning and Zoning Department

DATE: May 22, 2020

SUBJECT: UNO Sign Regulations

The Planning and Zoning Department is requesting the Commission initiate an amendment to the UNO ordinance to correct an inadvertent change made to the sign regulations in the ordinance.

In November 2019 the City Council approved changes to the UNO ordinance. One of those changes was intended to address signs above the second story of a building. Those signs were required to be cut in or engraved into the structure of the building. If the name of a building were placed on the facade this made it physically difficult to change the name in the future. It was agreed by the stakeholders to remove this requirement.

In making this change to the ordinance a mistake was made and the result is all illuminated signs were prohibited in the UNO area. This is not what was intended or agreed to by the stakeholders. Also, because the UNO sign regulations are also used in TODs and the North Burnet/Gateway Plan this mistake carries over to other areas.

Staff is asking for the opportunity to correct the ordinance. We will be working with the same stakeholders involved in the November revisions.

If you need additional information, please contact me by email or 512-974-3207.

Cc: Andy Linseisen, Assistant Director, DSD

Board of Adjustment Sign Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 715 W 23rd Street

Subdivision Legal Description:

1.2028 Acres of Lots 28-32 & 0.1402 Acres of Lots 25-27 Outlot 38, Division F, Wooldridge
Mary Ann Resubdivision Plus 1/2 Adj Vac Alley (Total Acreage: 1.3430)

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: CS-NP

Sign District: University Neighborhood Overlay

I/We Leah Bojo on behalf of myself/ourselves as

authorized agent for The Standard at Austin, LLC affirm that on

Month May, Day 3, Year 2021, hereby apply for a hearing before the
 Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Install

Type of Sign: (5) LED illuminated wall signs, (1) internally illuminated cabinet wall sign

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Land Development Code, Sign Ordinance - Section 25-10-133 (University Neighborhood
Overlay Zoning District Signs) (H) which does not allow illuminated signs. We would like to
illuminate six signs in order to provide adequate readable signage during the day and at night
for the multifamily apartment complex--The Standard--under construction at the site.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site such as dimensions, landscaping, or topography, because:

Many apartment buildings & retailers in the area have signage that is illuminated to help direct potential consumers to their front doors. The Commission has granted at least 6 other variances from the applicable sign rule as it was a text change to the code that was approved in error. The area is dark at night & requires an illuminated sign to identify the building.

—OR—

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

The requested illuminated signs will be similar to other signs in UNO.

—OR—

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

The proposed signs are scaled to the size of the property and building and fall in line with the sign sizes of neighboring businesses. Furthermore, the current text of the ordinance was made in error. See attached letter from Jerry Rusthoven.

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:

As previously stated, many of the neighborhood's buildings have illuminated signs, and the Commission continues to grant variances to other similarly-situated businesses. The variance would not provide The Standard with a special privilege not enjoyed currently by its neighbors. The error will eventually be remedied such that denial would unfairly impair the project as compared to others.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 5-3-2021

Applicant Name (typed or printed): Leah M. Bojo

Applicant Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2900

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 5-3-21

Owner Name (typed or printed): The Standard at Austin, LLC

Owner Mailing Address: 315 Oconee Street

City: Athens State: Georgia Zip: 30601

Phone (will be public information): (706) 543-1910

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Leah M. Bojo

Agent Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2900

Email (optional – will be public information): 