

## SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2019-0156– 707 Rio Grande Street     DISTRICT: 9

ADDRESS: 707 Rio Grande Street

PROPERTY OWNER: Rio Grande Street Partners, LP (Diana G. Zuniga)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

REQUEST:                    **Approve Second and Third Readings**  
                                     **From general office (GO)**  
                                     **To downtown mixed use – conditional overlay (DMU – CO).**  
  
                                     **The Conditional Overlay limits building height to 60 feet and prohibits the following uses: cocktail lounge, pawnshop services, outdoor entertainment, bail bond services, liquor sales, exterminating services, funeral services, hospital services (general and limited), and limited warehouse and distribution.**

PREVIOUS CITY COUNCIL ACTION:

**March 12, 2020:**

**February 20th:     *APPROVED DMU-CO DISTRICT ZONING***  
                                     ***ON 1<sup>ST</sup> READING. VOTE: 10-1, COUNCIL MEMBER J.***  
                                     ***Flannigan– Nay.***

ORDINANCE NUMBER:

ISSUES:

Old Austin Neighborhood Association (OANA) offered qualified support of the zoning change subject to prohibiting certain uses (listed above) on the property. There is also a private covenant between OANA and the property owner restricting amplified sound.

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2019-0156– 707 Rio Grande Street**DISTRICT:** 9**ZONING FROM:** GO**TO:** DMU-CO**ADDRESS:** 707 Rio Grande Street**SITE AREA:** 0.2069 acres (9,012 sq. ft.)**PROPERTY OWNER:**Rio Grande Street Partners, LP  
(Diana G. Zuniga)**AGENT:**Jackson Walker L.L. P.  
(Pam Madere)**CASE MANAGER** Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov) )**STAFF RECOMMENDATION:**

Staff recommends Downtown Mixed Use – Conditional Overlay (DMU-CO) combining district zoning. The Conditional Overlay would limit height to 60 feet. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

***JANUARY 14, 2020: APPROVED DMU-CO COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT. [J. THOMPSON, C. KENNY 2<sup>ND</sup>] (10-0) ABSENT: C. HEMPEL, P. SEEGER; NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA: C. LLANES-PULIDO.***

**CITY COUNCIL ACTION:****March 12, 2020:**

**February 20, 2020: APPROVED DMU-CO WITH THE CONDITIONAL OVERLAY LIMITING BUILDING HEIGHT TO 60 FEET AND PROHIBITING THE FOLLOWING USES: COCKTAIL LOUNGE, PAWNSHOP SERVICES, OUTDOOR ENTERTAINMENT, BAILBOND SERVICES, LIQUOR SALES, EXTERMINATING SERVICES, FUNERAL SERVICES, HOSPITAL SERVICES (GENERAL AND LIMITED), LIMITED WAREHOUSE AND DISTRIBUTION. [D. GARZA, S. RENTERIA 2<sup>ND</sup>] (10-1) J. FLANNIGAN - NAY.**

**ORDINANCE NUMBER:****ISSUES**

No issues have been identified for this request.

**CASE MANAGER COMMENTS:**

The site at 707 Rio Grande is at the west edge of the Central Business District. The 0.21 acre (9,012 sq. ft.) parcel currently has a two story office building and surface parking. There are two historic landmarks next to the subject site, Sayers and Gilfillan House, both used for office purposes.

Applicant requests a change from general office (GO) zone district to downtown mixed use (DMU) zone district to permit re-development of the site with a larger building. The current GO zone district permits 60 feet in height, a Floor to Area Ratio (FAR) of 1:1, maximum building coverage of 60%, and maximum impervious coverage of 80%.

The proposed DMU zone district permits 120 foot height, FAR of 5:1, and maximum building and impervious coverage of 100%. The height is capped by a Capitol View Corridor Overlay: Barton Creek Pedestrian Bridge.

The subject property is located in the Downtown Austin Plan (DAP): Northwest district and mapped as proposed DMU-60 district. That district would be Downtown Mixed Use (DMU) uses with a 60 foot height maximum.

The requested DMU zone district is intended to be a transition to Central Business District (CBD) zoning. The request is consistent with the DAP and pattern of rezoning in the Northwest district. There are many parcels zoned DMU within a 2 block radius of the subject site including the adjacent properties to the south. CBD zoned properties are about one block south and 3 blocks east.

**BASIS OF RECOMMENDATION:**

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The properties immediately south of the subject property are zoned DMU-CO, and GO-H. There are properties in the block west of Rio Grande Street zoned DMU-CO. There is also DMU zoning north, across West 8<sup>th</sup> Street.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has CBD zoning. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.

3. *Zoning should allow for a reasonable use of the property.*

The DMU zone district with a 60 foot height limit is consistent with the zoning recommended in the Northwest district of the Downtown Austin Plan.

The proposed DMU is also consistent with the pattern of rezoning cases listed in the Area Case Histories section of this report.

4. *The rezoning should be consistent with the policies and principles adopted by the City or by the Planning Commission.*

Imagine Austin encourages infill and redevelopment, specifically in those areas classified as a Regional Center on the Imagine Austin Growth Concept Map.

**EXISTING ZONING AND LAND USES:**

|       | Zoning  | Land Uses                              |
|-------|---------|--|
| Site  | GO      | Administrative offices                 |
| North | GO-MU-H | Historic residence                     |
| South | DMU-CO  | Offices                                |
| East  | GO-H    | Historic residence, office, receptions |
| West  | GO      | Office                                 |

**NEIGHBORHOOD PLANNING AREA:** Downtown Austin Master Plan – Northwest District

**TIA:** Deferred to site plan application when use and intensities will be known

**WATERSHED:** Shoal Creek - Urban

**OVERLAYS:** Capital View Corridors; Downtown Austin Plan Districts: Northwest; ADU Approximate Area Reduced Parking; Barton Creek Pedestrian Bridge – SDCC; Criminal Justice Center Overlay; Residential Design Standards: LDC/25-2-Subchapter F

**SCHOOLS:**

Mathews Elementary

O. Henry Middle

Austin H.S.

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

City of Austin Downtown Commission  
Downtown Austin Alliance  
Downtown Austin Neighborhood Assn.  
(DANA)  
Friends of Austin Neighborhoods  
Historic Austin Neighborhood Association  
Homeless Neighborhood Association  
Neighborhood Empowerment Foundation

Old Austin Neighborhood Association  
Preservation Austin  
SELTexas  
Shoal Creek Conservancy  
Sierra Club, Austin Regional Group  
West Downtown Alliance

### **AREA CASE HISTORIES:**

| Number  | Request                               | Commission                              | City Council   |
|---|---------------------------------------|---|--|
| C14-2015-0111<br>Gilfillan House<br>603 W. 8 <sup>th</sup> St.  | GO-H to DMU-H                         | case expired<br>07/30/2016              | Not applicable   |
| C14-2017- 0074<br>Gilfillan Place<br>603 W. 8 <sup>th</sup> St. | GO-H, GO-MU,<br>and GO to<br>DMU-H    | case expired<br>06/19/2017              | Not Applicable   |
| C14-2019 -0157<br>603 W. 8 <sup>th</sup> St.                    | GO-H, GO-MU-<br>H, and GO to<br>DMU-H | Pending,<br>Scheduled for<br>02/25/2020 | Pending, Scheduled for<br>03/26/2020   |
| C14H - 04 - 0005<br>Sayers House<br>709 Rio Grande St.          | GO-MU to GO-<br>MU-H                  | To Grant                                | Apvd (06/24/2004)  |
| C14-2013-0147<br>707 West Ave.                                  | CS-CO to DMU                          | To Grant                                | Apvd (06/12/2014)<br>DMU-CO; height maximum 60<br>feet, vehicle trips limited to<br>2,000/day.   |
| C14-2011-0124<br>702 San Antonio St.                            | GO-H to DMU-H                         | To Grant                                | Apvd (02/09/2012)<br>Height maximum 60 feet, vehicle<br>trips limited to 2,000/day,<br>minimum 15 foot wide building<br>setback from ROW on San<br>Antonio St., list of prohibited uses. |
| C14-2012-0105<br>702 San Antonio St                             | DMU-H-CO to<br>DMU-H-CO               | To Grant                                | Apvd (11/08/2012)<br>Fewer than 2000 trips/day, Uses<br>prohibited: Auto sales, repair<br>washing or service station;  |

| Number  | Request     | Commission | City Council  |
|---|-------------|------------|---|
|   |             |            | Services including counseling, exterminating, financial, local utility, bail bond, guidance; pawn shop; Telecommunications tower, residential treatment, restaurant (limited); and outdoor entertainment. height maximum 70 feet, 15 foot building setback on San Antonio St. |
| C14-2011-0058<br>707 West Ave.<br>Rezoning<br>705, 707, 709, 711<br>West Ave. &<br>710 W. 7 <sup>th</sup> St. | GO to CS    | To Grant   | Apvd (10/06/2011)<br>CS-MU-CO vehicles trips limited to 2,000/day; list of prohibited uses; established GO site development regulations.  |
| C14-2011-0036<br>807, 809, 811<br>Nueces St.  | GO to DMU   | To Grant   | Apvd (07/28/2011)<br>DMU-CO; maximum height 90 feet; prohibited bail bond services, pawn shop, liquor sales.<br>Conditional uses: food preparation and food sales.  |
| C14-2010-0069<br>904 San Antonio St.  | MF-4 to DMU | To Grant   | Apvd. (08/19/2010)<br>DMU-CO; vehicle trips limited to 2,000/day; pawn shop services use prohibited; bail bond services, liquor sales and cocktail lounge are conditional uses.   |
| C14-2009-0066<br>Tea Embassy<br>900 Rio Grande St.  | GO-DMU      | To Grant   | Apvd. (10/15/2009)<br>LR-MU-H-CO; service station use prohibited.   |
| C14-2008-0150<br>808 Nueces St.   | GO to DMU   | To Grant   | Apvd. (12/11/2008)<br>DMU-CO: maximum height 60 feet; bail bond services, liquor sales and cocktail lounge are conditional uses; pawn shop use prohibited.  |
| C14-06-0177<br>807 West Ave.  | MF-4 to DMU | To Grant   | Apvd. (11/02/2006)<br>DMU-CO; maximum height 60 feet; list of prohibited uses; drive in service prohibited as accessory use to commercial use.  |
| C14-00-2236<br>609 W 9 <sup>th</sup> St   | GO to GO-MU | To Grant   | Apvd. (02/15/2001)<br>GO-MU   |

| Number                       | Request     | Commission | City Council  |
|------------------------------|-------------|------------|---|
| C14-99-2124<br>805 West Ave. | MF-4 to DMU | To Grant   | Apvd. (03/23/2000)<br>Maximum height 60 feet; list of prohibited uses; residential not exceed 78% of GFA; A parking space may not be located in front street adjacent to West Ave. A structure or portion of a structure may not be located within 15 feet of West Ave. |

**RELATED CASES:**

None

**OTHER STAFF COMMENTS:****Existing Street Characteristics**

A traffic impact analysis (“TIA”) may be required at the time of site plan if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day. Additional right-of-way may be required at the time of subdivision and/or site plan. The adjacent street characteristics table is provided below:

| Name          | ROW | Pavement | Classification | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|---------------|-----|----------|----------------|-----------|---------------|-------------------------------|
| Rio Grande St | 80’ | 40’      | 2              | Yes       | Yes           | Yes                           |

**Comprehensive Planning****Downtown Austin Plan**

The property is in the North West District of the Downtown Austin Plan (DAP). The applicant is proposing to change the zoning from General Office (GO), to Downtown Mixed Use (DMU). Some of the Northwest Street District specific goals are:

- Preserve the neighborhood’s historic character (p.38)

- To improve the pedestrian environment. (p.38)
- Improve conditions for bicycling (p.38)
- Great Streets improvements are a public improvement priority for this district (p.38)

The property is currently the site of a two-story office building, the change to DMU will allow for greater density.

The following DAP goals are relevant to this case:

- **AU-5.1:** Provide incentives for Downtown office and employment use. (p.22)
- **DD-1.1:** Maintain height and density limits as a baseline with some adjustments on the surrounding context. (p.23)
- **DD-3.1:** Promote a compatible relationship between new and historic buildings (p.24)

Based on the information above, Staff believes that the proposed zoning change is supported by the Downtown Austin Plan

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square foot cumulative is exceeded, and on site control for the two-year storm.

### **Site Plan**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use.



4. Additional comments will be made when the site plan is submitted.
5. Additional design regulations will be enforced at the time a site plan is submitted.

### **Demolition and Historic Resources**

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **Residential Design Standards Overlay**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

### **Capitol View Corridor Overlay**

This site is subject to 25-2-642 Capital View Corridor (CVC) Overlay District Regulations. In a Capitol View Corridor (CVC), a structure may not exceed the elevation of the plane delineating the corridor. The maximum height permitted is the lesser of:

- a. The base district maximum height; or
- b. The maximum height provided in this section

### **Austin Water Utility**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.
2. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.
3. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

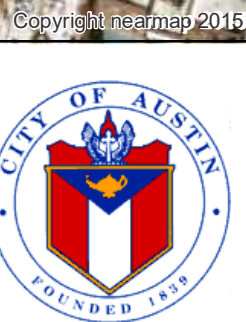
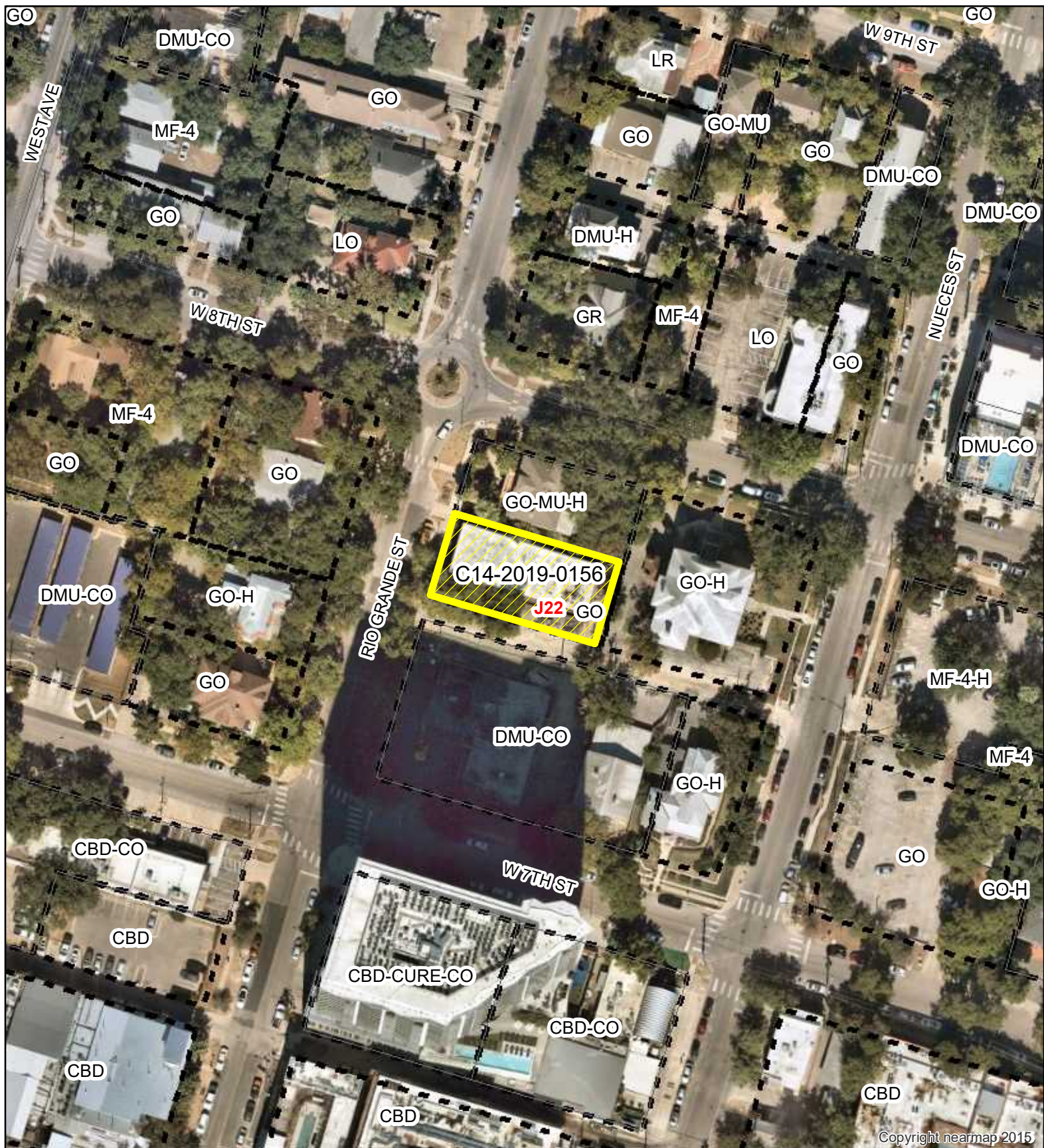
### **INDEX OF EXHIBITS TO FOLLOW**

Exhibit A: Zoning Map

Exhibit B: Aerial Map





**Created: 11/25/2019**





## EXHIBIT B

### 707 RIO GRANDE STREET

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2019-0156  
 LOCATION: 707 RIO GRANDE STREET  
 SUBJECT AREA: .2069 ACRES  
 GRID: J22  
 MANAGER: MARK GRAHAM

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