

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2019-0152–Castle East

**DISTRICT:** 9

**ZONING FROM:** MF-5-CO-NP

**TO:** MF-6-NP

**ADDRESS:** 1109 W 11<sup>th</sup> St

**SITE AREA:** 0.5214 acres (22,712 sq. ft.)

**PROPERTY OWNER:**

East Castle Holdings, LLC, (Victor Ayad)

**AGENT:**

A Glasco Consulting, (Alice Glasco)

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

### **STAFF RECOMMENDATION:**

The Staff recommendation is to grant multifamily residence, highest density – conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. The Conditional Overlay limits building height to 60 feet. For a summary of the basis of staff's recommendation, see cause manager comments on page 2.

### **PLANNING COMMISSION ACTION / RECOMMENDATION:**

January 28, 2020. . ***MOTION BY VICE-CHAIR KENNY, SECONDED BY COMMISSIONER AZHAR TO GRANT MF-6-CO-NP COMBINING DISTRICT ZONING FOR C14-2019-0152 –CASTLE EAST LOCATED AT 1109 WEST 11<sup>TH</sup> STREET FAILED ON A VOTE OF 3-6. VICE-CHAIR KENNY AND COMMISSIONERS ANDERSON AND HOWARD VOTED AYE, COMMISSIONERS LLANES-PULIDO AND SEEGER ABSENT. COMMISSIONER HEMPEL RECUSED DUE TO A CONFLICT OF INTEREST (RENDERED PROFESSIONAL SERVICES). FORWARDED TO COUNCIL WITHOUT A RECOMMENDATION DUE TO LACK OF AN AFFIRMATIVE VOTE***

### **CITY COUNCIL ACTION:**

***June 11, 2020:***

***April 23, 2020: APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 11, 2020. VOTE: 11-0***

***February 20, 2020: APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO April 23, 2020. VOTE: 11-0***

### **ORDINANCE NUMBER**

### **ISSUES:**

Residents of the neighborhood requested a path across the subject tract and the adjacent Colorfield tract. Austin Transportation Department reviewed the options for a path and provided a memo discussing the best bicycle and pedestrian option in the area.

Neighbors are concerned about compatibility of the new residential buildings with existing residences. More specifically neighbors mention building height that blocks views of downtown or the view of the historic landmark Castle building from downtown. Applicant is aware of neighborhood concerns and have stated to staff that the buildings will be designed to reduce impacts on nearby properties.

### **CASE MANAGER COMMENTS:**

The Castle East property at 1109 West 11<sup>th</sup> Street, adjoins the “Castle” property and is about half of Tract 1 described in the 2007 Zoning Ordinance (20071213-117) that established the MF-5-CO-NP zoning district. The subject site is approximately a half acre (0.5214 acres) (22,710 square feet) and located on the crest of the hill overlooking North Lamar Boulevard between the historic landmark Texas Military Institute “Castle” building and the downhill property known as The Colorfield at 1006 Baylor Street. The Colorfield property owners are also applying for rezoning (C14-2019-0151) from MF-5 base zoning to MF-6 base zoning.

Although the subject site is vacant, there are remnants of foundations from previous development and use. The foundations are left from a former condominium development and the graffiti on the walls remains from “Graffiti Park” activities. The lots were also known as “Hope Outdoor Gallery” which relocated to southeast Austin in 2019.

### **Existing Conditional Overlay**

There are currently three zoning conditions on the property: 1) The traffic impact of the uses on the two properties (Colorfield & Castle East) were not to exceed 2000 trips per day, 2) the total number of dwelling units on the 2 properties (Colorfield and Castle East) was not to exceed 28, and 3) the density (for both lots) was not to exceed 33.5 dwelling units per acre.

### **Request**

The applicant requests multi-family-highest density (MF-6) zoning to build twelve 3-bedroom residential condominiums. The existing Floor to Area Ratio (FAR) in the MF-5 zone district is 1:1, permitting 22,710 square feet. In the requested MF-6, the applicant proposes to build at FAR of 1.5:1 which would permit 34,065 square feet. The existing MF-5 zone permits buildings to be 60 feet in height. The proposed MF-6 zone would permit 90 foot tall buildings.

### **Location**

The subject site is near (550 feet) the Downtown Austin Regional Center where highest intensity uses are anticipated and about 450 feet from the Lamar Activity Corridor which supports connectivity. The subject site is within the Old West Austin Neighborhood Area (OWANA) which does not have a Future Land Use Map (FLUM). Nevertheless, the proposal is to rezone from a lower to a higher intensity residential zoning. Ordinarily this would entail building more dwelling units and taller buildings. In this case, the applicant is proposing only twelve dwelling units and is planning to limit the height to three stories over parking rather than using the 90 foot height limits of the proposed MF-6 zone district. The resulting building is lower than characteristic of MF-6 but with the requested 1.5:1 FAR, and with the MF-6 maximum 80% impervious coverage the buildings will be larger than permitted with the current MF-5 zoning.

**BASIS OF RECOMMENDATION:**

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

Multifamily Residence (Highest Density) MF-6 district is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where highest density multifamily use is desirable.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Although buildings can be built up to 90 feet in height in MF-6 zone district, the applicant finds it desirable to limit building height on the subject property to preserve views to and from the adjacent historic landmark Texas Military Institute "Castle." The applicant is proposing to build large 3 bedroom residential condos that require less height but more floor area. The requested 1.5:1 Floor to Area Ratio (FAR) is available in the proposed MF-6 zone district but not in the existing MF-5 zone. In this case, the public need is served with a lower height building. The applicant requests the flexibility of the MF-6 development regulations that permit the increased floor area and lot coverage to offset the opportunity cost of not building more units or a taller building.

3. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Applicant is working with the Old West Austin Neighborhood Association and the owner of the Castle property to understand and address their concerns with the proposed infill development. Limiting building height to mitigate neighborhood concerns results in a more compatible building.

4. *Zoning should allow for reasonable use of the property.*

The existing Multifamily Residence High Density (MF-5) district permits up to 54 dwelling units per acre. The current zoning further limited development to 33.5 dwelling units per acre. The applicant is proposing 12 dwelling units on the subject half acre with an increased Floor to Area Ratio permitting larger units. Typically a developer would build a taller building to take advantage of more units. To keep the views of the historic building and to provide compatibility with the existing adjacent residential land use, the proposed building will be three stories over parking or less.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	MF-5-CO-NP	Vacant
North	MF-4-HD-NP, GO-NP	Residential, office
South	SF-3-HD-NP, MF-4-NP, MF-4-HD-NP	Residential
East	MF-5-CO-NP	Vacant (Proposed for MF-6-NP) then Baylor St., commercial
West	LO-MU-H-CO-HD-NP	Office/residential (locally known as “The Castle”

**NEIGHBORHOOD PLANNING AREA:** Old West Austin

**TIA:** Deferred until Site Plan when use and intensities will be known.

**WATERSHED:** Shoal Creek-Urban

**OVERLAYS:** Old West Austin Neighborhood Plan (NP)

**SCHOOLS:** Austin ISD

Mathews Elementary

O. Henry Middle

Austin High

**NEIGHBORHOOD ORGANIZATIONS**

Austin Independent School District	Austin Lost and Found Pets
Austin Neighborhoods Council Bike Austin	Friends of Austin Neighborhoods
Homeless Neighborhood Association	Neighborhood Empowerment Foundation
Old West Austin Neighborhood Assn	Old West Austin Neighborhood Plan Contact Team
Preservation Austin	Shoal Creek Conservancy
SEL Texas	Sierra Club Austin Regional Group

**AREA CASE HISTORIES:**

Number	Request	Commission	City Council
C14-02-0112 300 ½ Lamar Blvd.	Old West Austin Nbhd Plan Combining District	To Grant	Apvd, 10/07/2002 Ord 020926-26
C14-2007-0201 1008 Baylor St.	MF-5-NP & LO-MU- H-NP	To Grant	Apvd, 12/13/2007 Ord 20071213-117
C14-2019-0151 1006 Baylor St.	MF-6-NP FAR 1.5:1	Scheduled 01/28/20	Scheduled 02/20/2020
C14H-2010-0006	Castle Hill Historic District (initially was Blanco Street Historic District)	To Grant	09/30/2010 Ord 20100930-038

**OTHER STAFF COMMENTS:****Comprehensive Planning**

The subject tract for this zoning case is located 550 feet west of Downtown Austin, which is a **Regional Center** and approximately 450 feet west of the North Lamar Boulevard, which is an **Activity Corridor**. The 0.521 acres property, which is steeply sloped, is not currently accessible from West 11<sup>th</sup> Street and is located within the boundaries of the **Old West Austin Neighborhood Plan** area on the former site of ‘graffiti park.’ Surrounding land uses includes an office and single family housing to the north; to the south is single family housing; to the east are retail, office and commercial uses; and to the west is an office building and single family housing. The request is to upzone the property to construct a twelve unit condominium project.

**Connectivity:** The entrance to this property is from 11<sup>th</sup> Street, which dead ends on a top of a plateau or an alley from Blanco Street. Public transit is located approximately 500 feet from the subject property on North Lamar Boulevard. The connectivity options in this area, which is located next to Downtown Austin, is above average.

**OLD WEST AUSTIN NEIGHBORHOOD PLAN**

The Old West Austin Neighborhood Plan (OWANP) does not have a Future Land Use Map. However, an excerpt from the vision of this plan states, “Maintaining diversity will mean finding ways to promote construction of moderately priced housing. To this end, the Neighborhood Planning Team recommends allowing compatible infill

development within the neighborhood (new garage apartments and second units, and the use of existing small lots) p. 11.

Below is text and policies excerpted from the OWANP, which reference housing issues in the planning area.

**Obj 2.2** – Protect current pattern of single family uses in neighborhood. (pg. 27)

**Action 6:** If requested by the property owner, allow voluntary zoning rollback on multifamily zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multifamily zoning. This zoning presents a threat to continued single family uses.

**Goal 3** – Maintain Social and Economic Diversity of Residents (p 28)

**Obj. 3.1** - Provide Additional Moderately-Priced Housing

**Smart Housing:** The neighborhood plan supports SMART Housing (Safe, Mixed-income, Accessible, Reasonably-priced, and Transit-oriented), to increase and maintain diversity in Old West Austin. Rather than simply attracting high-end residential development, the neighborhood would also like to attract housing for a variety of income levels, including police officers, fire fighters, teachers, and nurses. (pg. 29)

**Rezoning Proposals:** This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophesy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents. Any proposed rezoning should be consistent with the land use and zoning proposals of this plan. The boundaries of the districts described below are illustrated in the map "Old West Austin Neighborhood Plan – Neighborhood Districts." (pg. 30)

**Residential Core** (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar (facing Pease Park) from Parkway to 15th Street (excluding the first 3 southern-most lots of this section), and finally along 15th Street to Enfield) 1201 and 1203 Baylor Street are excluded from the Residential Core. No zoning changes to a more permissive zoning Old West Austin Neighborhood Plan 31 June 2000 category should be permitted, with the exception of 1008 Baylor Street and 1111 W. 11th Street due to consideration of conditions that insure

compatibility with a residential character of the core. Preservation of existing older residential structures is strongly encouraged. (pgs. 30 – 31)

*Text: Some parts of the neighborhood cannot tolerate additional cut-through traffic. Baylor Street is heavily impacted by the commercial development at 6th and Lamar. The neighborhood planning team is concerned that commercial traffic on the neighborhood's eastern edge is creating an untenable situation for residents. OWANA and the City of Austin will work with residences and business to find an optimal solution to the transportation needs of both parties. We must protect the perimeters of our neighborhood. (pg. 33)*

While it is not known whether these condominium units will be moderately priced, there is a need for a mix of residential uses in the planning area and therefore this residential project appears to partially support OWANP policies.

### **IMAGINE AUSTIN**

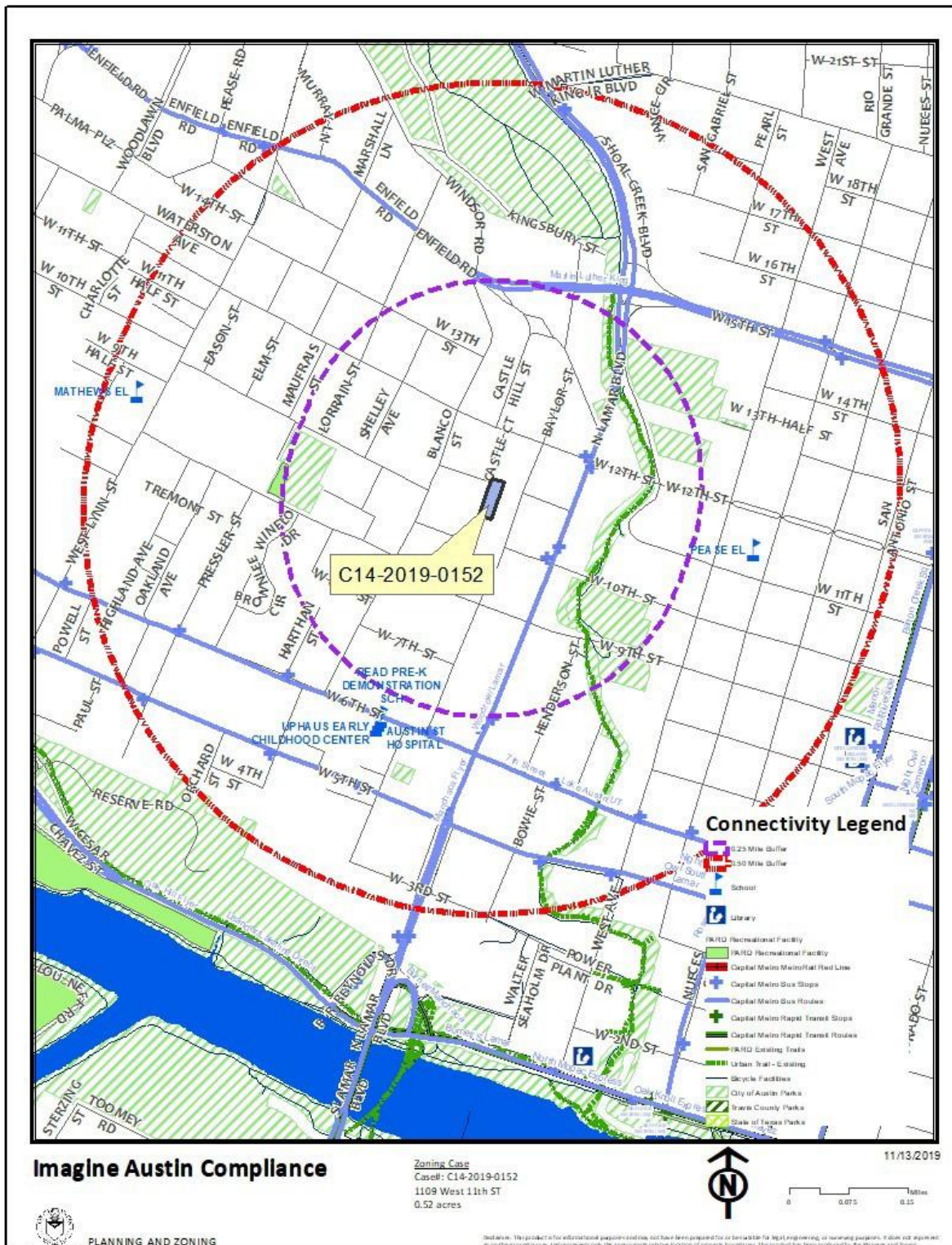
The subject property is located just outside the boundaries of Downtown Austin, a **Regional Center** and close to the

**North Lamar Activity Corridor** as identified on the Imagine Austin's Growth Concept Map. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process.

The Imagine Austin Comprehensive Plan identifies North Lamar Boulevard as an Activity Corridor, characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. The following Imagine Austin policies are also applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.







## **ANALYSIS AND CONCLUSION**

The Imagine Austin Growth Concept Map identifies this area as being adjacent to an Activity Corridor and a Regional Center, which supports residential uses and infill redevelopment. Based on the subject tract's location next to Downtown Austin, connectivity strengths and the infill and housing policies above, the proposed zoning change request supports Imagine Austin.

### **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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

### **Site Plan**

**SP1.** Site plans will be required for any new development other than single-family or duplex residential.

**SP2.** 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.

**SP3.** Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

**SP4.** FYI: Additional design regulations will be enforced at the time a site plan is submitted.

**SP5.** FYI: The subject property is included in an approved site plan (SP-2007-0719C) and subdivision case (C8-2012-0145.0A).

**SP6.** FYI: The subject property is located within a Nationally Registered Historic District.

## **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.

### **Transportation**

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle 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:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
11 <sup>th</sup> St.	60'	30'	Level 1 (local)	No	No	No

### **Austin Water Utility**

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.

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.

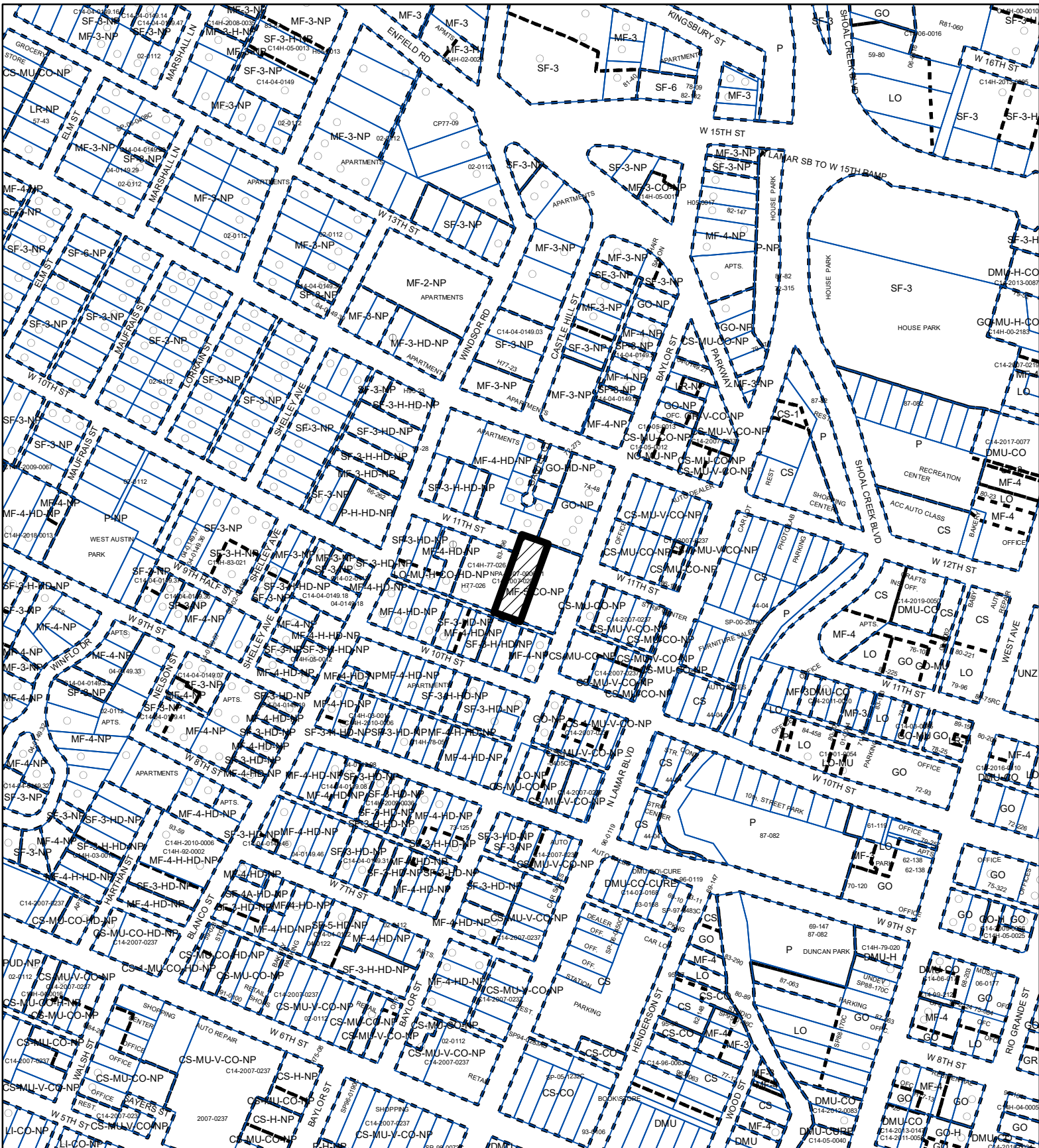
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## **INDEX OF EXHIBITS TO FOLLOW**

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Feasibility Study for Pedestrian facility



# ZONING

# EXHIBIT A

ZONING CASE#: C14-2019-0152



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

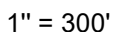
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 11/7/2019





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- A rectangular circuit diagram with four nodes (black dots) at the corners. Four resistors (zigzag lines) are connected between the nodes: one on the top horizontal branch, one on the bottom horizontal branch, one on the left vertical branch, and one on the right vertical branch.

## EXHIBIT B

MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**TO:** Mark Graham, Planning and Zoning

**FROM:** Bryan Golden, Austin Transportation Department

**DATE:** March 18th, 2020

**SUBJECT: Findings of Feasibility for Pedestrian Connectivity Between Blanco and Baylor Street (C14-2019-0151)**

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The Applicant proposes to rezone 0.67 acres from MF-5-CO-NP to MF-6-NP. In consideration of this zoning request, the City Council provided additional direction for the City Manager to convene staff from multiple departments, including Austin Transportation Department (ATD), Public Works Department (PWD), Parks and Recreation Department (PARD) and Watershed Protection to determine if there is a feasible solution to providing pedestrian connectivity on city ROW by way of the alley located between 10<sup>th</sup> and 11<sup>th</sup> streets; and, if a feasible alternative does exist, bring a recommendation for what might be an appropriate cost-share for the applicant.

*“To direct the City Manager to convene staff from different departments, including the Transportation Department, Public Works, PARD and Watershed Protection to address this option of pedestrian connectivity, in particular, to see if there's a feasible solution to providing pedestrian connectivity on the right-of-way. And if a feasible alternative exists, to come forward with recommendations about an appropriate level of cost share between the developer and potentially the City of Austin.”*

Following this directive, city staff from ATD and PWD convened on February 28<sup>th</sup>, 2020. The general consensus from this meeting was that pedestrian connectivity through either the alley right-of-way or public utility easement (north side of the property), would not be feasible, primarily due to a significant 30% grade change.



To verify existing conditions and discussion points, this meeting was followed by an on-site visit conducted by Mark Cole (PWD) and Mike Schofield (ATD) on March 6<sup>th</sup>, 2020. The findings of the site visit, in consideration of the requested Council action to determine if use of the public alley (right-of-way) for pedestrian connectivity is feasible, were as follows:

- ATD and Public Works found this connection to be infeasible.
- A significant elevation change of over 55' between Baylor Street and the western property line presents extremely challenging conditions. This is only compounded by the narrow 15' width of ROW.
- This 15' alley width would not be sufficient for the switchbacks likely needed for ADA compliance.
- Existing trees would likely be problematic.

As part of this exercise, staff has explored other options for potential trail connections in the adjacent area. Based on the assessment, a trail connection along Baylor Street, south of W 10<sup>th</sup> Street appeared to be a feasible connection, despite grade challenges. This potential trail connection would create a continuous connection for pedestrians and bicyclists along Baylor Street from 3rd Street north to Pease Park. According to the zoning change request, the applicant proposes 10 multi-family residential units. Based on this conceptual assessment, the roughly proportionate impact of this development would be approximately \$31,000. If it is the Council's decision to have the applicant contribute towards a potential pedestrian and bicycle connection, it is ATD's recommendation that this be reassessed as off-site mitigation at the time of site plan review when more accurate and detailed land uses, intensities, and site plan information become available .

If you have any questions or need more information on this matter, please do not hesitate to contact me at [Bryan.Golden@austintexas.gov](mailto:Bryan.Golden@austintexas.gov), 512-974-5691.

cc: Upal Barua, Transportation Development Officer (Austin Transportation Department)