

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0112 - 416 W. 12th
HDP-2020-0440 Delta Kappa Gamma

DISTRICT: 9

ZONING FROM: GO

TO: DMU-H -CO

ADDRESS: 416 West 12th Street

SITE AREA: 0.6733 acres (29,330 sq. ft.)

PROPERTY OWNER:

The Delta Kappa Gamma Society International
(Nita Scott)

AGENT:

Armbrust & Brown, PLLC
(Michael J. Whellan, Michael J. Gaudini)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant downtown mixed use – historic landmark - conditional overlay – (DMU – H - CO) combining district zoning. The conditional overlay limits building height to 60 feet. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

HISTORIC LANDMARK COMMISSION:

December 14, 2020: *APPROVED H DISTRICT ZONING, AS STAFF RECOMMENDED [B. TOLLETT, K. KOCH – 2ND] (8-0) A. PAPAVALIOU – ABSENT; M. JACOB & W. FEATHERSTON – ABSTAIN.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 26, 2021 *APPROVED DMU DISTRICT ZONING [G. ANDERSON, C. HEMPEL – 2ND] (11-0) J. SHIEH – ABSTAIN; ONE VACANCY ON THE COMMISSION.*

December 8, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JANUARY 26, 2021.*

[P. HOWARD, C. HEMPEL 2ND] (10-0) Y. FLORES; P. SEEGER – ABSENT; ONE VACANCY ON THE COMMISSION.

CITY COUNCIL ACTION:

March 25, 2021:

March 4, 2021: APPROVED POSTPONEMENT TO MARCH 25, 2021 AS NEIGHBOR REQUESTED. VOTE (6-2) COUNCIL MEMBERS G. CASAR AND P. ELLIS – NAY; S. RENTERIA - ABSTAIN; N. HARPER-MADISON - OFF THE DAIS; K. TOVO - RECUSED

ORDINANCE NUMBER:

ISSUES

Applicant requested DMU district zoning that allows for a maximum of 120-foot building height. Applicant also indicated that they would seek a Downtown Density Bonus to achieve additional building height. The building designs presented to the Historic Landmark Commission in October 2020 were almost 360 feet tall.

The staff recommendation of DMU-H-CO with the Conditional Overlay limiting building height to 60 feet would not permit the proposed building. If the Staff recommendation is approved by Council, a subsequent rezoning application to DMU without a Conditional Overlay would be required to obtain and use the Downtown Density Bonus Program for bonus height and Floor to Area Ratio (FAR) to achieve the entitlement to build over 60 feet.

At their November 16, 2020 meeting, the Historic Landmark Commission (HLC) requested that City staff prepare a Historic zoning application for the Delta Kappa Gamma Building. On December 14, 2020, HLC recommended historic (H) district zoning be added to the zoning string of the property. A historic zoning case was filed on January 13, 2021 and is being processed concurrently (C14H-2021-0006).

Previous Historic Designations

The Delta Kappa Gamma (DKG) International Headquarters Building, built in 1956, is a City of Austin Landmark, designated a Recorded Texas Historic Landmark and listed in the National Register of Historic Places in 2012 at the local level of significance in the areas of education and architecture. The zoning application indicates that demolition is proposed.

Downtown Density Bonus Program

Applicant requested DMU zoning with a 120-foot building height limit and informed staff that additional height is needed to build the proposed residential tower. The land is in Downtown Density Bonus eligible area. Applicant did not request a specific height or number of stories in their application.

The Applicant wishes to discuss the Staff recommendation.

CASE MANAGER COMMENTS:

Location

The Delta Kappa Gamma International Headquarters Building is located in the **Uptown/Capitol District** of the Downtown Austin Plan (DAP) (*exhibit C*). The subject site is two and a half blocks west of the Texas Capitol building in downtown Austin, on the northeast corner of West 12th Street and San Antonio Street. The existing one-story office building, built in 1956,

functions as the headquarters for DKG international operations while their national headquarters is in Denton, Texas. The applicant requests Downtown Mixed Use (DMU) zoning that together with a Downtown Density Bonus would allow redevelopment of their land with a 31-story residential tower over street level commercial uses at 416 West 12th Street.

Building and site plan information is not required with a rezoning application. There was, however, a submittal to the Historic Landmark Commission (HLC) in October 2020 that contained conceptual information about a 31 story, 357-foot-tall building. The architects presented building designs that included elements of the existing building such as a brick wall that looks like the existing wall, Other elements such as the horizontal entry roof line were incorporated into designs for the 31-story tower. None of the design concepts included keeping the existing building.

Zoning

Currently the ownership includes land in two zone districts: An L-shaped general office (GO) zoned area 0.3382 acres) and a rectangular shaped tract zoned downtown mixed use (DMU) (*exhibit G*). The applicant requests rezoning the GO zoned tract to DMU to enable a mixed-use development on the entire parcel within the regulations of a single DMU zone district. The application proposes zoning for a commercial/residential mix of uses with 6,000 square foot ground-floor restaurant and 280 residences above. There are no existing residents that would be displaced.

Height/Floor Area Ratio

The requested DMU zone district typically permits 120-foot maximum building height. Applicant communicated in the application materials that they plan to seek additional height through the Downtown Density Bonus Program (DDBP). Though applicants are not required to provide site plans or building elevations with a rezoning application, those will be required at the time of site plan.

San Antonio Street, on the west of the DKG building, is the boundary between the Uptown / Capitol and Northwest Districts of the DAP. There are many historic buildings within the Northwest District and properties within that district are not eligible for the DDBP. The Uptown / Capitol District permits taller buildings than the Northwest District. The DAP supports DMU-60 zoning on the subject property in the Uptown / Capitol District (see Exhibit D attached).

Based on the Downtown Austin Plan, Proposed Downtown Zoning Changes (*exhibit D*), the 60 foot limit is for the L-shaped GO zoned area and the existing DMU zoning tract permits building to 120 feet. The DMU zoned portion of the site is not included in the application. Note that in the legend of the *exhibit D* map, the number after the DMU indicates the recommended height for the Planning Commission and Council to adopt. Instead of creating separate zone districts, the conditional overlay (CO) tool is used to regulate building height limit if different from standard DMU height limit of 120 feet.

Downtown Austin Plan/Downtown Density Bonus Program

The Downtown Density Bonus Program (DDBP) is a tool that the Land Use Commission and City Council use to authorize additional Floor Area Ratio (FAR) and height for development that

implements the goals of the DAP. In the Uptown/Capitol District the maximum FAR is 15:1 and maximum building height is 400 feet. (*see exhibits E & F*)

In order to qualify for the DDBP, all development proposals are required to meet the Gatekeeper Requirements:

- Comply with Urban Design Guidelines on site and building
- Enter Restrictive Covenant to provide Great Streets streetscape improvements
- Commit to Austin Energy Green Building

And commit to providing Community Benefits per 25-2-586 (E) (1-12).

Staff requested that the agent provide more information about the Community Benefit that the applicant would use to qualify for the proposed Downtown Density Bonus for the additional height needed to build a 357-foot-tall building. Applicant did not respond to the request for additional information. More site and building information will be required when the applicant goes through the DDBP review process.

Capitol View Corridor

Building heights for the subject rezoning tract may be constrained by a Capitol View Corridor (CVC). Applicant will need to locate capitol view corridors in relation to subject site and show on site plan and building elevations.

BASIS OF RECOMMENDATION:

Staff's recommendation is to grant downtown mixed use – conditional overlay (DMU-H-CO) combining district zoning with a 60-foot building height limit in the conditional overlay.

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

DMU – Downtown Mixed Use district is intended for areas on the periphery of CBD classifications in the central core area, permitting a variety of uses compatible with downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development. **H – Historic landmark combining district** is intended to protect, enhance, and preserve structures, sites, or areas that are architectural, historical, archaeological, or cultural significance. **CO – Conditional Overlay combining district** may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The applicant requested DMU zoning as recommended in the Downtown Austin Plan (DAP). Staff recommends a conditional overlay (CO) which provides the means to limit the building height consistent with the DAP recommendation for 60 feet.

2. 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 requested DMU zone district is consistent with the recommendation in the Downtown Austin Plan, an element of the Austin's Comprehensive Plan. The mixed land uses proposed, commercial/residential, are consistent with the recommendation to provide uses other than office in the downtown. The residential units would be in a location that is walkable and bikeable to work in the downtown activity/employment center. Also putting residential units at the subject location encourages the use of MetroRapid transit services a half block away on Guadalupe or a block further on Lavaca. Siting the residential density near the Core Transit Corridor also supports the public investment in transportation infrastructure. The 2017 Housing Blueprint also supports locating residential density within 3/4ths of a mile of the Core Transit Corridors.

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

Imagine Austin recommends adding more variety of land uses in the Downtown other than office; replacing single use zones with mixed use; activating street life with ground floor commercial uses and enhancing the pedestrian and bicycle facilities. The current application proposes mixed use zoning with residential/commercial with a ground floor restaurant. In addition, because they plan to seek a density bonus for height in the DDBP, they will need to commit to building the Great Streets level of streetscape with wide sidewalks, street furniture, street trees and pedestrian lighting. The land uses, the urban design and physical features of the proposed development meet multiple Comprehensive Plan goals.

HISTORIC DESIGNATION CRITERIA:

4. *Character, interest or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States.*
5. *Embodiment of distinguishing characteristics of an architectural type or specimen.*

The building was listed on the National Register of Historic Places in 2012 under Criteria A and C for its significance in the areas of education and architecture; which also fulfills qualifications for city historic landmark designation criteria for architectural significance and historical associations. As a property individual listed on the National Register of Historic Places, under City Code, it does not need to meet additional criteria for designation as a historic landmark.

The applicant opposes city landmark designation, so this case will require a super-majority vote for historic zoning at either the Historic Landmark Commission or the Planning Commission to advance to the City Council.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GO	Office
North	DMU	Across alley, office in historic house, Travis County offices
South	GO, DMU	Parking and church

	Zoning	Land Uses
East	DMU, DMU	Office, parking, office
West	DMU-CO, GO	Offices

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan – Uptown / Capitol District

TIA: The Traffic Impact Analysis has been deferred until site plan application, when land use and intensities will be finalized.

WATERSHED: Shoal Creek – Urban; impervious cover 100%

OVERLAYS: Criminal Justice Center Overlay - Downtown Austin Plan Districts: Uptown / Capital - Downtown Density Bonus: FAR – 15:1 & Max Height – 400 feet. Green Building – Mandatory - Central Business District/Downtown Mixed Use Residential Design Standards: LDC 25-2-Subchapter F - Selected Sign Ordinances

SCHOOLS: AISD

Mathews Elementary

O. Henry Middle

Austin High

COMMUNITY REGISTRY LIST:

Austin Independent School District	Historic Austin Neighborhood Association
Austin Lost and Found Pets	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Old Austin Neighborhood Association
Central Austin Community Development Corporation	Preservation Austin
City of Austin Downtown Commission	SELTexas
Downtown Austin Alliance	Shoal Creek Conservancy
Downtown Austin Neighborhood Assn. (DANA)	Sierra Club
Friends of Austin Neighborhoods	Austin Regional Group
	West Downtown Alliance

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2015-0133a 1204 San Antonio St	Rezone 0.254 acres from GO to DMU-CO. Condition A. Prohibited uses: cocktail lounge, liquor sales, bail bond svcs., pawn shop svcs., outdoor entertainment. B. building height may not exceed 60 feet.	To grant	Apvd. 06/16/2016 Ord.#20160616-037 Apvd. 04/14/2016 Ord.#20160414-021
C14-2018-0041 502 W 12 th St.	Rezone 0.06 acres from GO to DMU-CO. Condition: 60-foot maximum building height.	To grant	Apvd. 06/14/2018 Ord.# 20180614-098

Number	Request	Commission	City Council
C14-2017-0054 1202 San Antonio St.	Rezone 0.091 acres GO to DMU-CO. 3 Conditions: A vehicle trips not to exceed 2,000 per day; B. 60-foot maximum building height; prohibited uses: bail bond services, liquor sales, cocktail lounge.	To grant	Apvd.09/28/2017 Ord.#20170928-069
C14H-2017-0107 1105 Nueces St Tucker-Winfield Apts.	Rezone from GO to GO-H to grant historic status.	To grant	Apvd. 10/05/2017 Ord.#20171005-050
C14-2007-0030 1104 San Antonio St. Allan Thrasher House	Rezone from CS to DMU	Withdrawn	Not applicable
C14-2012-0103 410 & 416 W. 11 th St Texas PTA	Rezone 0.566 acres CS to DMU-CURE. 5 Conditions: A. vehicle trips not to exceed 2,000. B. 100 foot maximum building height. C. Maximum FAR 6.5:1. D. Conditional uses: bail bond svcs., liquor sales. Prohibited uses: Automotive repair svcs., automotive sales, automotive rentals, automotive washing (of any type) and pawn shop svcs.	To grant	Apvd. 11/01/2012 Ord.#20121101-049
C14-2012-0102 408 W. 11 th St. Texas PTA	Rezone 0.0918 acres from DMU to DMU-CURE. 4 Conditions: A. daily vehicle trips not to exceed 2000. B. FAR not to exceed 6.5:1. C. Conditional uses: bail bond svcs., and liquor sales. D. Prohibited use: pawn shop.	To grant	Apvd. 11/01/2012 Ord.# 20121101-050
C14-2009-0095 1304, 1308 Lavaca and 301-303 W14th St. Capital Terrace	Rezone 0.4059 acres from DMU to CBD-CO. Condition: daily vehicle trips not to exceed 2000 trips.	To grant	Apvd. 12/10/2009 Ord.# 20091210-053
C14-97-0163 406 W. 13 th St. and 1303 San Antonio St. Travis Phillips	Rezone from Go to DMU-CO. 1 Condition: daily vehicle trips not to exceed 2000 trips.	To grant	Apvd. 03/05/1998 Ord.# 980305-C
C14-2018-0041 502 W. 12 th St.	Rezone 0.0569 acres from GO to DMU-CO. Condition: maximum building height 60 feet.	To grant	Apvd. 06/14/2018 Ord.#20180614-098

RELATED CASES:

None

LEGAL DESCRIPTION:

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.3382 ACRE (14,732 SQUARE FEET) OF LAND, BEING ALL OF LOT 1 AND A PORTION OF THE WEST 11 FEET OF LOT 2, BLOCK 150 OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, CONVEYED TO DELTA KAPPA GAMMA SOCIETY IN VOLUME 630, PAGE 334 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING A PORTION OF THE EAST 45 FEET OF THE WEST 56 FEET OF LOT 2, BLOCK 150 OF SAID ORIGINAL CITY OF AUSTIN, CONVEYED TO DELTA KAPPA GAMMA SOCIETY IN VOLUME 2518, PAGE 61 (D.R.T.C.T.), SAID 0.3382 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (see field notes)

OTHER STAFF COMMENTS:Comprehensive Planning

Property is owned by the Delta Kappa Gamma Society International and functions as their office space. Existing building is a single story.

Downtown Austin Plan

The property is in the **Uptown/Capital District** of the Downtown Austin Plan (DAP). The applicant is proposing to change the zoning from General Office (GO), to DMU for the entire site.

Significant Uptown/Capital District specific goals:

- Promote a broader diversity of uses beyond office to contribute to a more vibrant mixed-use district. (pg. 42)
- Enhance streets to be more pedestrian and bicycle-friendly and to create stronger linkages with other parts of the downtown and UT. (pg. 42)

The following DAP goals are relevant to this case:

- AU-1.1: Replace single-use zoning districts with downtown mixed-use zoning designations. (p.22)
- AU-1.2: Prioritize and Incentivize certain uses in certain districts of Downtown. (p.22)
- AU-1.3: Prioritize and Incentivize certain ground-level uses along certain streets. (p. 22)

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. 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

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

CAPITOL VIEW CORRIDOR

SP3. This site is close to the Red Bud Trail Capitol View Corridor. Show the limits of the view corridor(s) on the Site plan. Show a cross-section of the building with the base elevation and maximum height allowed within the corridor(s).

SP4. An application for a Capitol View Corridor Height Determination may need to be submitted to Intake and an application fee paid. When the Determination has been completed, note the allowed maximum heights on the site plan sheet, and note on the cover sheet that the site is within the Red Bud Trail Capitol View Corridor(s) and reference the CVC case number.

DOWNTOWN DESIGN GUIDELINES (CBD/DMU)

SP5. Compliance with Green Building standards of ONE Star is required for all buildings constructed on this site. Contact the Green Building Program at 512-482-5300 for further information.

SP6. A business that offers a drive-in service in the CBD or DMU district must provide a similar service for a pedestrian that does not require the pedestrian to stand or walk in a vehicle lane. [Sec. 25-2-592]

- SP7. In the CBD and DMU districts, a surface parking facility must be at least partially and periodically obscured from the street by landscaping, a berm, a wall, decorative fencing, or another structure. [Sec. 25-2-593(C)]
- SP8. For a parking structure in the CBD and DMU districts, the headlights of automobiles in a parking structure may not be directly visible from an adjacent building or a building across a street, other than an alley, from the parking structure. Automobiles in a parking structure must be screened from public view. [Sec. 25-2-293(D)]
- SP9. For all land uses in a CBD or DMU district except major utilities or local utilities, a trash receptacle, air conditioning or heating equipment, loading area, or external storage must be screened from public view. Equipment located on a roof must be screened from the view of a person standing on the farthest edge of an adjacent public street, other than an alley, unless the Director determines that screening is not practical. [Sec. 25-2-293(E)].
- SP10. In the CBD and DMU districts (with certain exceptions), for the first four stories of a building that are above grade, the maximum front yard setback is 10 feet, and the maximum street side yard setback is 10 feet. These setbacks do not apply to the portion of a building adjacent to a plaza or a protected tree. [Sec. 25-2-594].
- SP11. In the CBD and DMU districts (with certain exceptions), a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691.
- SP12. For information about Great Streets (boundaries are 11th, Lamar, Lady Bird Lake and IH35), please contact Jorge Rousselin, with Urban Design Division at 512-974-2975. If any work is proposed within the ROW in the downtown area or any of the City of Austin's designated Core Transit Corridors, please also contact Jorge Rousselin 512-974-2975 and Arthur Walston with ROW Management, at 512-974-1406. Downtown Guidelines can be found at the following link:
<http://www.austintexas.gov/departments/urban-planning-design>
- SP13. This site is within the Downtown area (boundaries are MLK, Lamar, Lady Bird Lake and IH35). Please contact both the Downtown and Design Commissions to discuss your project.

CRIMINAL JUSTICE CENTER

- SP14. This site is located in the Criminal Justice center overlay district and is subject to 25-2-560. A bail bond services use, cocktail lounge use, or liquor sales use that would otherwise be a permitted use is a conditional use; and a pawn shop services use is prohibited.

DEMOLITION

- SP15. 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.

Parks and Recreation Department

Parkland dedication will be required for the new residential units proposed by this development, multifamily with DMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies existing sufficient existing right-of-way W. 12th Street and San Antonio Street. The traffic impact analysis should be deferred to the time of site plan application when land uses and intensities will be known. Mitigation of site traffic may be required if a TIA is not warranted.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W. 12 th Street	~120'	120'	~50'	3	Yes	Yes	Yes
San Antonio Street	~80'	80'	~39'	1	Yes	No	No

Fire Department

No comments

Austin Water Utility

AW1. 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.

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

Attachment 1: Response to PC Questions

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Downtown Austin Plan - Districts Map

Exhibit D: Proposed Downtown Zoning Changes Map (from DAP)

Exhibit E: Overall Downtown – Downtown Density Bonus Map

Exhibit F: Uptown/Capitol District – Downtown Density Bonus Map

Exhibit G: Survey Exhibit for GO zoned tract
Correspondence

Response to PC Questions

Item B-6 on the 1/26/2021 Planning Commission Agenda: C14-2020-0112 – Delta Kappa Gamma Society International

1) Question: If 416 W. 12th St. property is designated historic, will this prevent the demolition of the existing structure? **(See Steve Sadowsky response Case C14H-2021-0006.)**

2) Question. Exhibit E page 16 of 19 – The boundaries are not clearly drawn. Is the property in the zone with limits of 120' height and 5:1 FAR or 400' height and 15:1 FAR? Are these max. limits even with Density Bonuses?

Answer 2) The subject property IS IN the 15:1 FAR and 400' height District and would be eligible to apply for the Downtown Density Bonus to request up to 15:1 FAR and up to 400' of building height if granted their requested DMU zoning. Yes, those are the maximum limits in this district even with Density Bonuses.

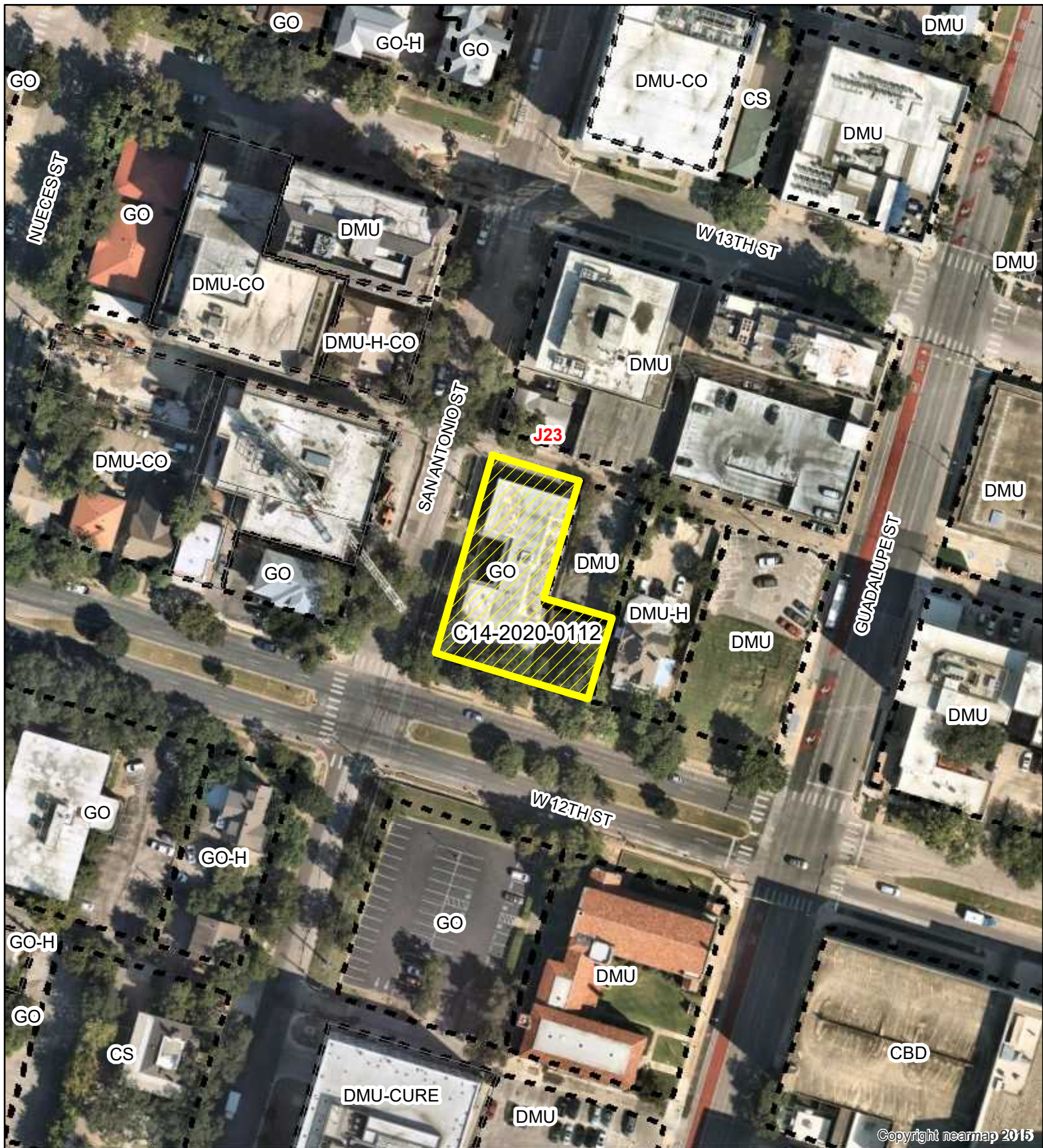
3) Question: Backup notes that applicant has not provided any documentation of community benefits to city proposed to build to a height greater than 120'. Has applicant provided any additional information on community benefits to justify building to height greater than 120'?

Answer 3.) The applicant did not propose community benefits for heights greater than 120'. Typically, an applicant would maximize the site's primary entitlements through zoning before requesting the height or FAR available in the Downtown Density Bonus (DDB) Program. Community Benefits are public amenities that exceed Gatekeeper Requirements. Meeting the "Gatekeeper Requirements" is required in order to obtain bonus area. 25-2-586 (A) (2).

The applicant is requesting DMU zoning for the GO zoned parcel at this location. There is an adjoining parcel, owned by Delta Kappa Gamma, zoned DMU. The applicant is seeking DMU zoning for the entire ownership before proceeding with requests for Downtown Density Bonuses.

4) Question: Backup includes the following: "Building heights for the subject rezoning tract may be constrained by a Capitol View Corridor (CVC). Applicant will need to locate capitol view corridors in relation to subject site and show on site plan and building elevations." Wouldn't it make more sense for applicant to determine whether CVC applies to this property prior to requesting zoning allowing greater height?

Answer 4) A Capitol View Corridors (CVC) determination is a separate application and not required at the time of rezoning, however, there is a benefit to locating the CVC affecting the property before proceeding to develop a site plan application.

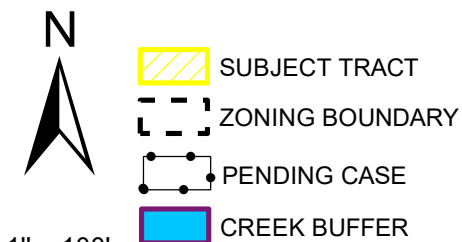


Copyright nearmap 2015

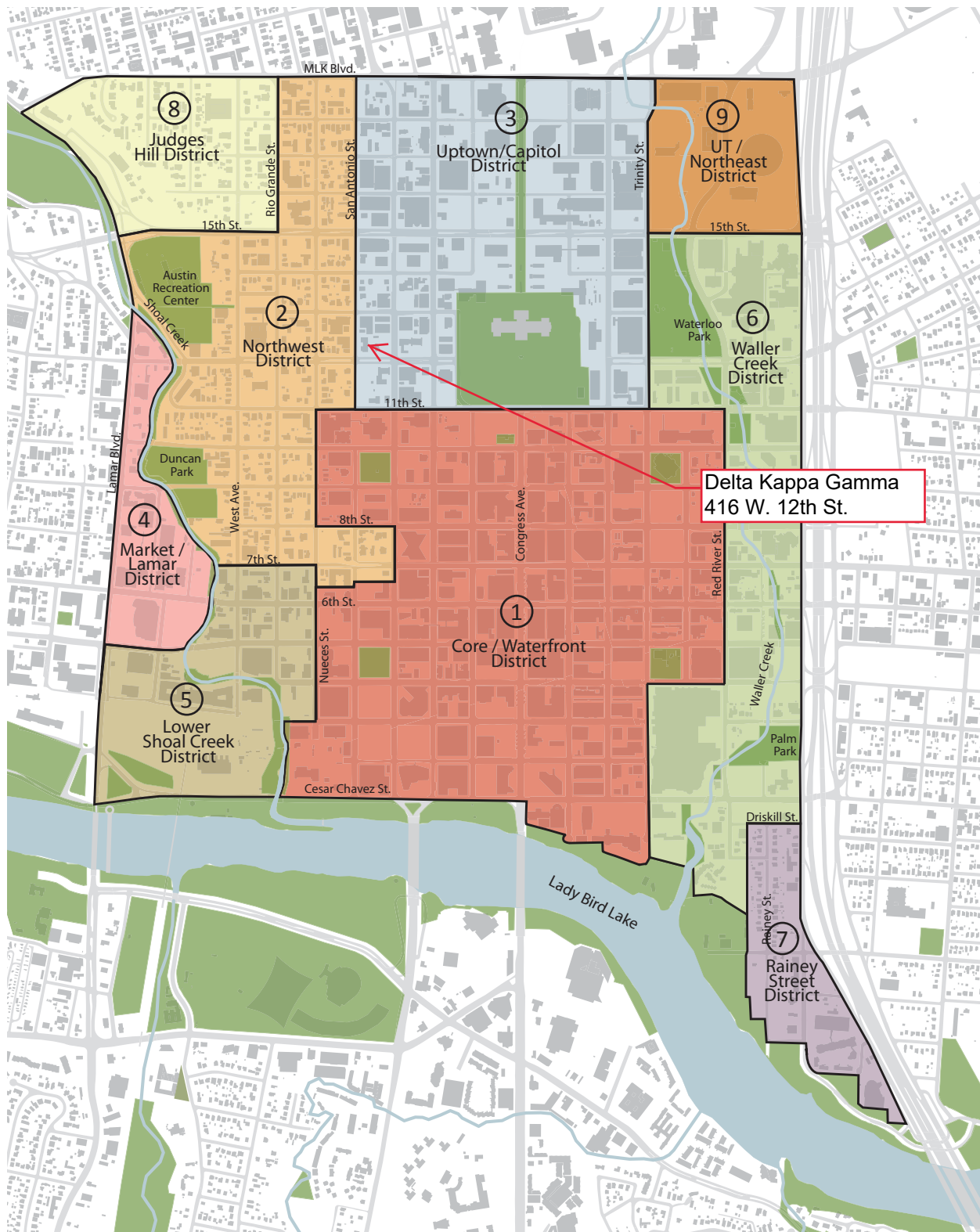
416 W. 12TH

Exhibit B

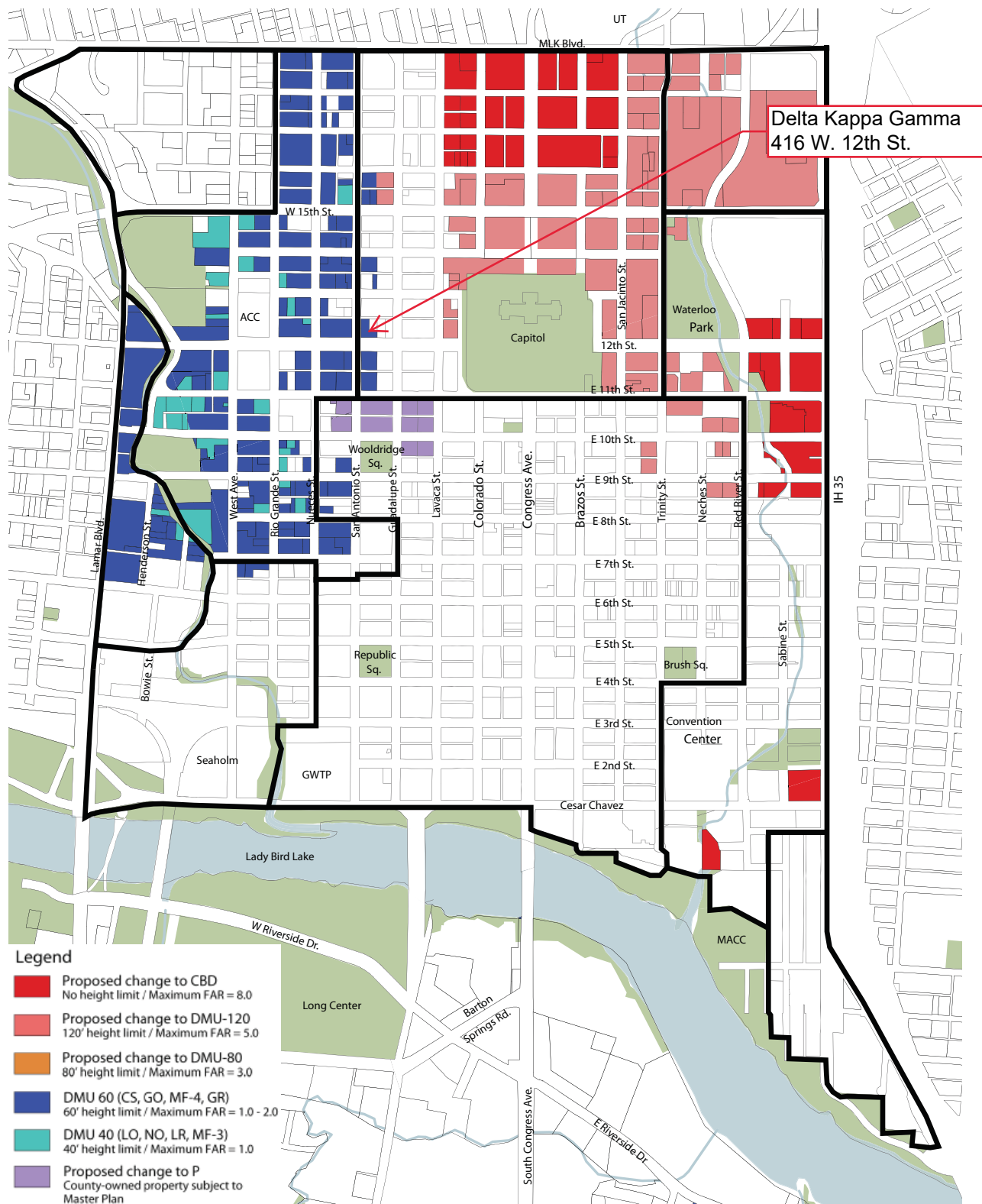
ZONING CASE#: C14-2020-0112
 LOCATION: 416 W. 12TH ST.
 SUBJECT AREA: 0.3382Acres
 GRID: J23
 MANAGER: MARK GRAHAM



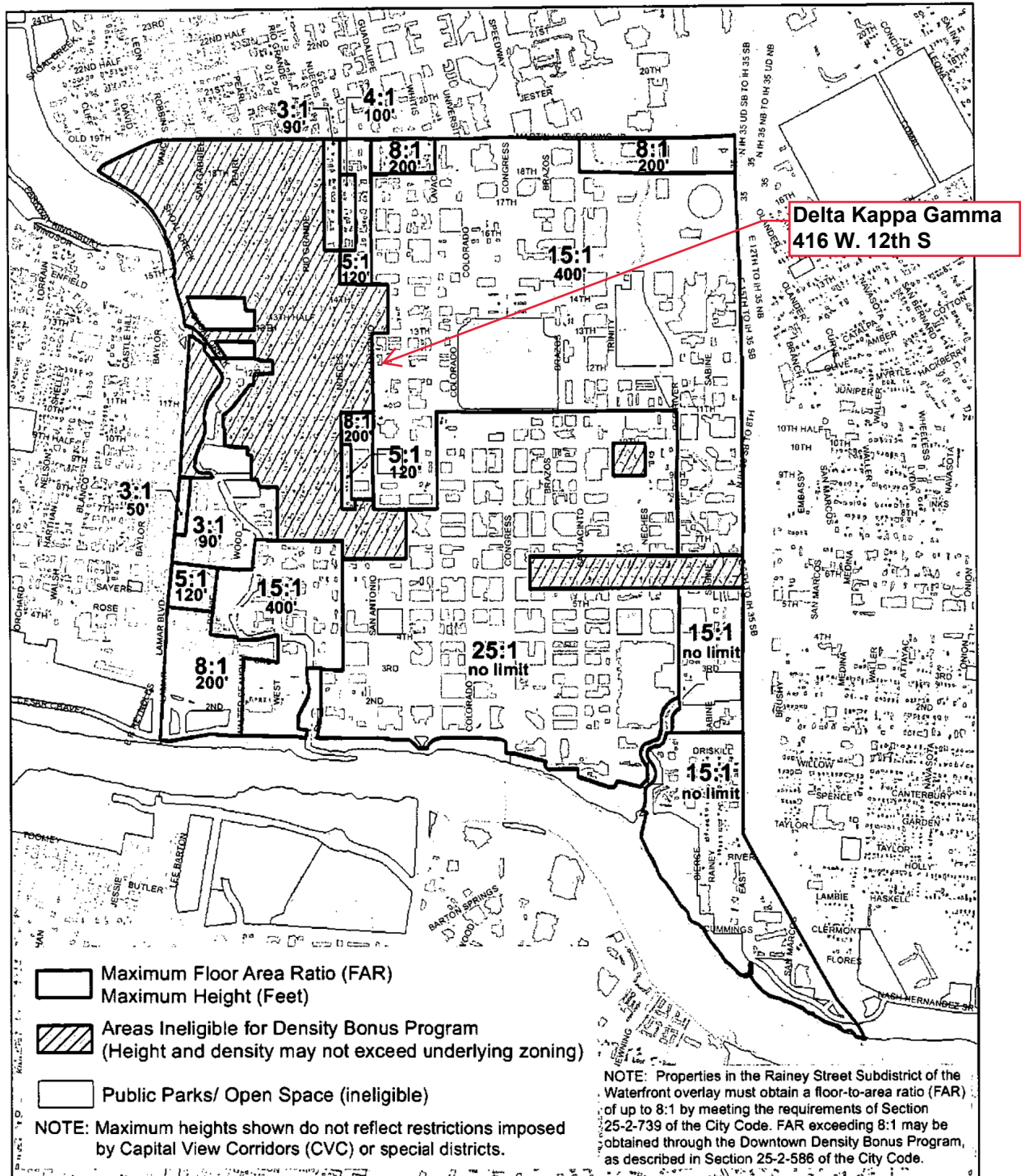
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Downtown Districts Map



Proposed Downtown Zoning Changes



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map
Figure 2: Page 1

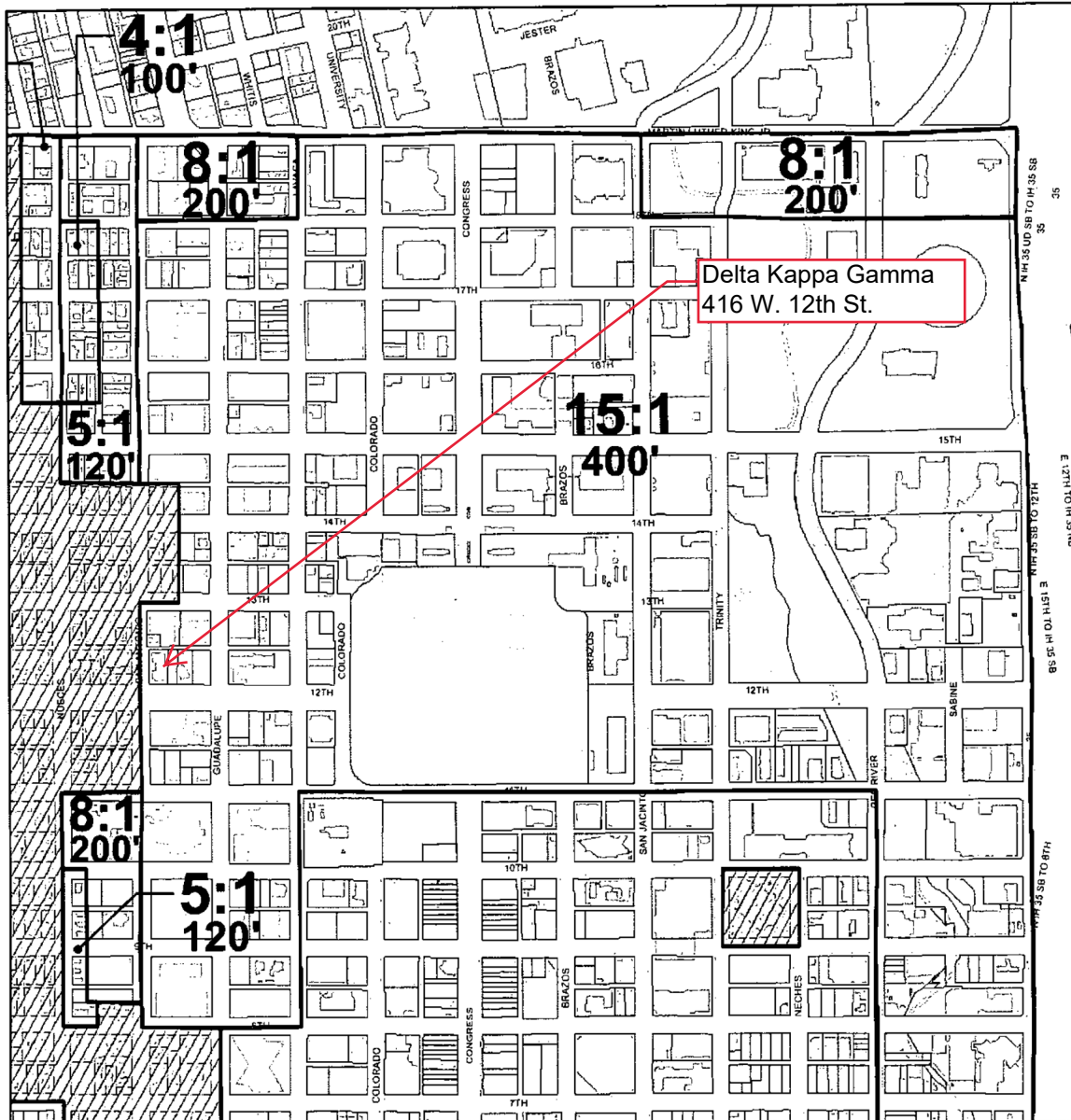


PLANNING AND
DEVELOPMENT REVIEW
DEPARTMENT

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. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1/27/2014



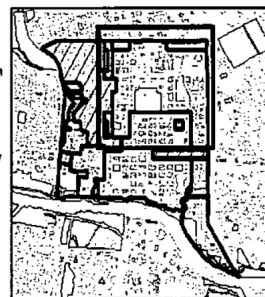
Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map
Figure 2: Page 3

- Maximum Floor Area Ratio (FAR)
Maximum Height (Feet)
- Areas Ineligible for Density Bonus Program
(Height and density may not exceed underlying zoning)
- Public Parks/ Open Space (ineligible)
- TCAD Parcels

NOTE: Properties in the Rainey Street Subdistrict of the Waterfront overlay must obtain a floor-to-area ratio (FAR) of up to 8:1 by meeting the requirements of Section 25-2-739 of the City Code. FAR exceeding 8:1 may be obtained through the Downtown Density Bonus Program, as described in Section 25-2-586 of the City Code.

NOTE: Maximum heights shown do not reflect restrictions imposed by Capital View Corridors (CVC) or special districts.

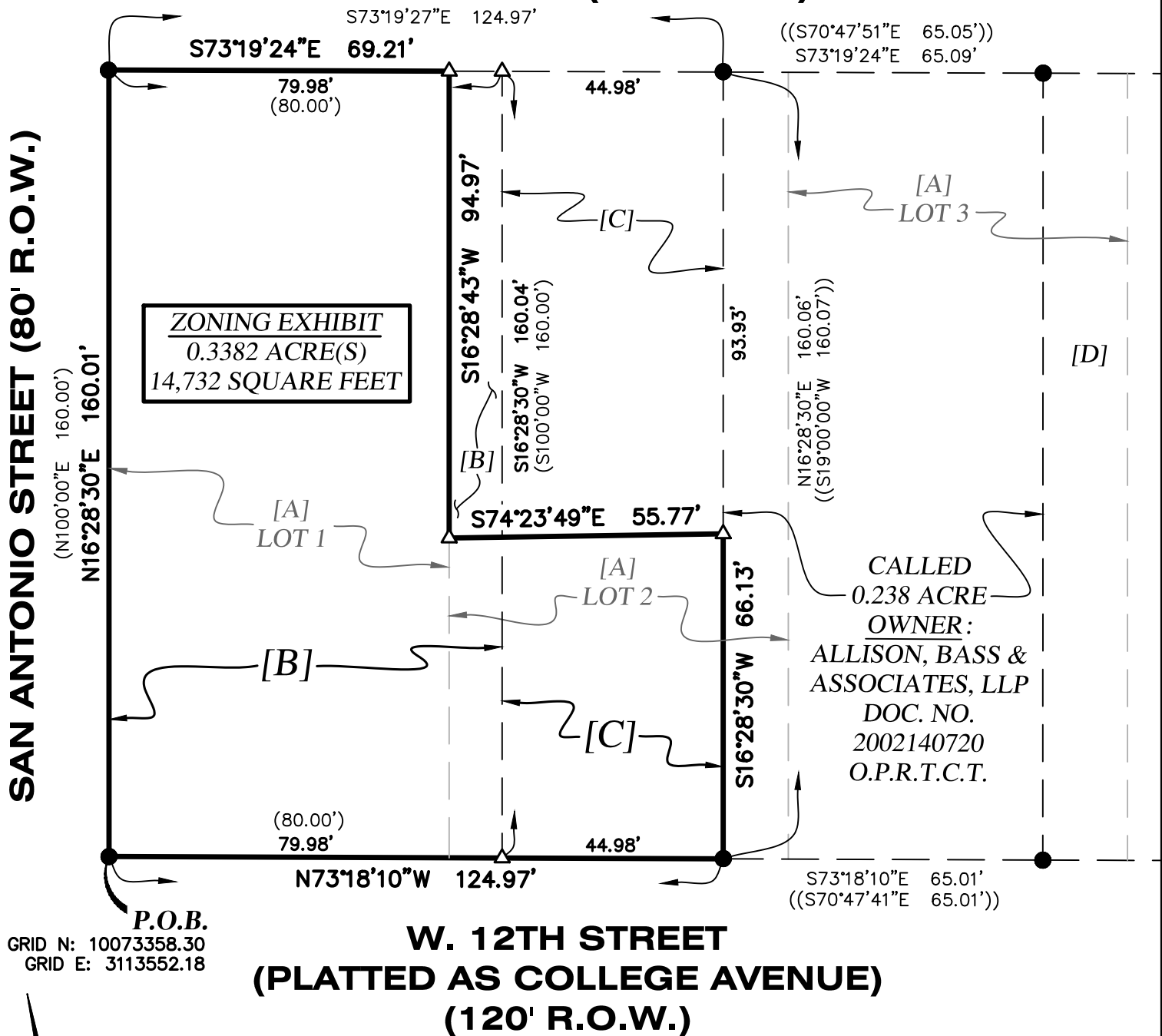
0 0.05 0.1 0.2 Miles



PLANNING AND
DEVELOPMENT REVIEW
DEPARTMENT

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. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1/27/2014

ALLEY (20' R.O.W.)**SAN ANTONIO STREET (80' R.O.W.)**

PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	11/6/2020
Project:	01051
Scale:	1" = 30'
Reviewer:	DV
Tech:	CC
Field Crew:	JCR/KDL
Survey Date:	JUL. 2020
Sheet:	1 OF 2

From: [Blake Tollett](#)
To: [Graham, Mark](#)
Subject: C14-2020-0112; 416 W 12th Street
Date: Wednesday, December 2, 2020 4:56:48 PM

*** External Email - Exercise Caution ***

Case Manager Mark Graham and Members of the Planning Commission:

I write to you today to encourage you to approve the requested rezoning of the property at 412 W. 12th Street from the GO zoning district to the DMU zoning district with the condition that the developmental height be limited to 60 feet as is envisioned in the Downtown Austin Plan (DAP).

Although this property falls within the Uptown/Capitol District (U/CD) of the DAP, just outside the Northwest District, the site's proposed zoning district under the DAP is DMU-60. The U/CD is envisioned in the DAP as a high density area of opportunity, but this property is specifically called out for a lower zoning district classification, a zoning district that reflects the zoning districts directly across San Antonio Street from it.

Specifically on page 44 of the DAP under development opportunity sites, the property is illustrated as a low rise building. It should also be noted that the current structure on the property is an individually listed National Register District property and the DAP refers to the current building as part of a possible Local Historic District along W. 12th Street between West Avenue and Colorado Street.

For decades I owned the property directly across San Antonio Street (1202) from this property and I currently own the properties at 601 & 603 W. 12th. West 12th is a special street, a gateway from the west to the Capitol complex. I would ask that you would keep this in mind in any discussions related to development of the property.

Thank you in advance.

Blake Tollett
3701 Bonnie Road 78703

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Post Office Box 1282

Austin, TX 78767

www.originalaustin.org

22 February 2021

C14H-2021-0006

Dear Mayor and City Council:

The Old Austin Neighborhood Association (OANA) supports the request to change the zoning of 416 W. 12th Street from General Office (GO) to Downtown Mixed-Use (DMU).

Our support of this zoning change is conditioned on the following DMU uses not being permitted: cocktail lounge, liquor sales, bail bond services, pawn shop services, and outdoor entertainment.

Under the applicant's proposal, this project would provide much-needed housing above activated ground-floor restaurant space – exactly the type of walkable, transit-supportive growth that is needed in our Imagine Austin Downtown Center. And, importantly, it would do so by participating in the Downtown Density Bonus Program, which requires a substantial payment to an affordable housing community benefit and allows for payments for other community benefits.

Austin's downtown is an appropriate place for directing growth to help meet our housing goals, especially when that growth is sought through a density bonus program. The proposed project will provide housing within easy walking distance of parks, jobs, services, shops, restaurants, and other amenities, and will help the City further its affordability goals. Consequently, OANA supports the Planning Commission's DMU-120 recommendation and does not support city staff's recommended height restriction.

If this zoning change request is approved and the applicant applies for participation in the Downtown Density Bonus Program, OANA will be advocating for community benefit contributions in addition to the project's expected affordable housing contribution. One such community benefit, logical due to the project's location on W. 12th Street would support of the downtown ['urban greenbelt' project](#) that is envisioned to connect many of Austin's downtown parks spaces. This key public amenity is already supported by the Downtown Austin Alliance, Shoal Creek Conservancy, Waterloo Greenway, The Trail Foundation, Pease Park Conservancy, Friends of Wooldridge Square, and Austin Parks Foundation.

In summary, with these conditions, OANA supports the applicant's request for DMU at 416 W. 12th Street and urges you to support this zoning change.

Sincerely,

Ted Siff, President

Board of Directors

Ted Siff, President

Michael Portman

Perry Lorenz

Charles Peveto

Blake Tollett, Secretary

Austin Stowell

Chris Riley

Ray Canfield, Treasurer

Katie Jackson

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