

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0037 – East 12th Street Neighborhood Conservation Combining District (NCCD) Amendment (City Council-Initiated)

DISTRICT: 1

ZONING FROM: Current East 12^h Street NCCD development standards and land uses

TO: Revised development regulations and land uses (no base zoning district changes)

ADDRESS: North side of East 12th Street between the IH-35 North frontage road and Poquito Street and the south side of East 12th Street between Branch Street and Poquito Street

SITE AREA: 22.91 acres

PROPERTY OWNER: NA

AGENT: City of Austin, Housing and Planning Department

CASE MANAGER: Mark Walters (512-974-7695, mark.walters@austintexas.gov)

STAFF RECOMMENDATION:

The staff recommendation is to support the recommendations made by the Urban Renewal Board For an overview of the recommended changes and specific recommendations see Exhibit C: Proposed Changes to The East 12th Street Neighborhood Conservation Combining District (NCCD) beginning on page 6.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 22, 2021 - Motion by Chair Shaw, seconded by Commissioner Azhar to approve Staff recommendations for URP for East 11th and 12th Street Urban Renewal Area Modification # 12, C14-2021-0033 - East 11th Street NCCD Amendment and C14-2021-0037 - East 12th Street NCCD, as amended, was approved on a vote of 12-0. Commissioner Mushtaler off the dais.

Planning Commission amendments are included in this report alongside the URB and staff recommendations beginning on page 6.

CITY COUNCIL ACTION:

May 20, 2021 - This item was postponed to July 29, 2021 at the request of staff on Council Member Kelly's motion, Council Member Renteria's second on an 11-0 vote.

July 29, 2021 - Postponed to September 2, 2021 at request of staff.

ORDINANCE NUMBER:

NA

ISSUES:

Due to the pandemic, the public’s participation in the development of these recommendations has been limited. Staff held a virtual public information meeting on April 20, 2021 to provide general information and to answer questions. 23 people attended. Their questions and comments are included in Exhibit D.

BASIS OF RECOMMENDATION:

- The proposed amendments to the NCCD support the goals of the *Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Area*, “Champion sustainable revitalization reflecting diversity, achieving equity, and preserving East Austin’s cultural history.”
- The segment of East 12th Street between IH-35 and Poquito Street is designated as an *Imagine Austin* Activity Corridor.

“Corridors are also 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.”

The proposed changes to the NCCD will support East 12th Street’s evolution into a more complete Activity Corridor.

- Allowing denser mixed use development along East 12th Street and denser residential development supports the *Austin Strategic Housing Blueprint’s* goal of locating 75% of all new housing within ½ mile of an Activity Corridor.

EXISTING ZONING AND LAND USES:

Varied

NEIGHBORHOOD PLANNING AREA: Central East Austin

TIA: Is not required

WATERSHED: Lady Bird Lake, Waller Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Kealing Middle School Blackshear Elementary School

COMMUNITY REGISTRY LIST:

ID	Organization
1092	Robertson Hill Neighborhood Association
1528	Bike Austin
1550	Homeless Neighborhood Association
1363	SELTexas
1228	Sierra Club, Austin Regional Group
1595	Neighbors United for Progress

372	Swede Hill Neighborhood Association
511	Austin Neighborhoods Council
1530	Friends of Austin Neighborhoods
966	Organization of Central East Austin Neighborhoods
742	Austin Independent School District
1122	Chestnut Neighborhood Revitalization Corporation (CNRC)
1616	Neighborhood Empowerment Foundation
1774	Austin Lost and Found Pets
974	Chestnut Neighborhood Plan Contact Team
1393	Waterloo Greenway
1235	Kealing Neighborhood Association
1007	Urban Renewal Board of the City of Austin
1444	East Austin Conservancy
1351	Davis-Thompson
760	Rosewood Neighborhood Plan Contact Team
1258	Del Valle Community Coalition
1424	Preservation Austin

CASE HISTORIES:

NUMBER	Action
Ordinance #20080228-087	Established the East 12 th Street NCCD
Ordinance # 20171109-094	Redrew the NCCD’s boundaries and created a new Subdistrict 2a

RELATED CASES:

The Central East Austin Neighborhood Plan rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on 12-13-01 (Ordinance #011213-41).

INDEX OF EXHIBITS AND ATTACHMENTS

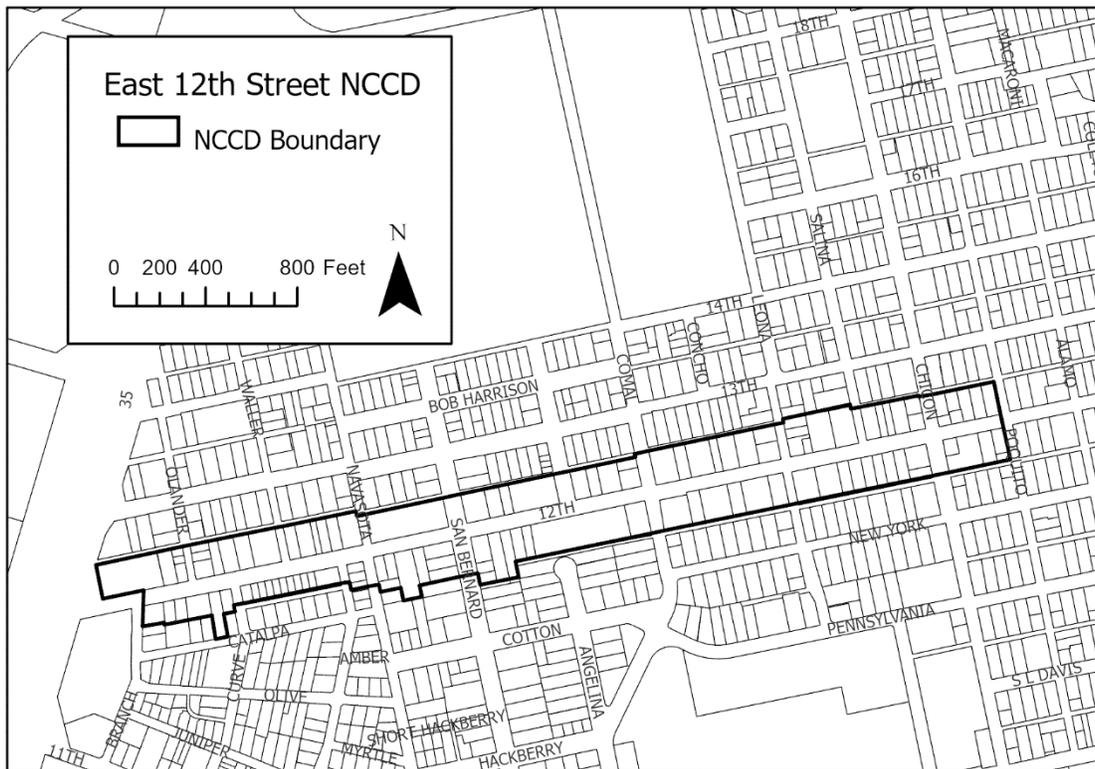
- Exhibit A: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: Proposed Changes to The East 12th Street Neighborhood Conservation Combining District (NCCD)
- Exhibit D: Staff Responses to Questions Compiled from Public Information Meeting, SpeakUp Austin! Page, and Emails

Exhibit C

PROPOSED CHANGES TO THE EAST 12TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD)

BACKGROUND

Beginning in late 2018 the Urban Renewal Board of the City of Austin (URB) began work on updating the *Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Area (URP)*. The purpose of their efforts was to update and streamline the URP and the associated nearly 200-page East 11th Street Neighborhood Conservation Combining District (NCCD) and to bring the two into alignment. As their work progressed, community members expressed concerns that if the URP amendments being proposed were to be adopted, the plan and the East 12th Street NCCD would be out of alignment. Although under Texas State law the provisions of an urban renewal plan supersedes municipal land use regulations when there are conflicts, the community wanted to ensure that property owners, business owners, and residents could clearly understand what regulations applied within the area covered by the NCCD.



CHANGES TO THE EAST 12TH STREET NCCD

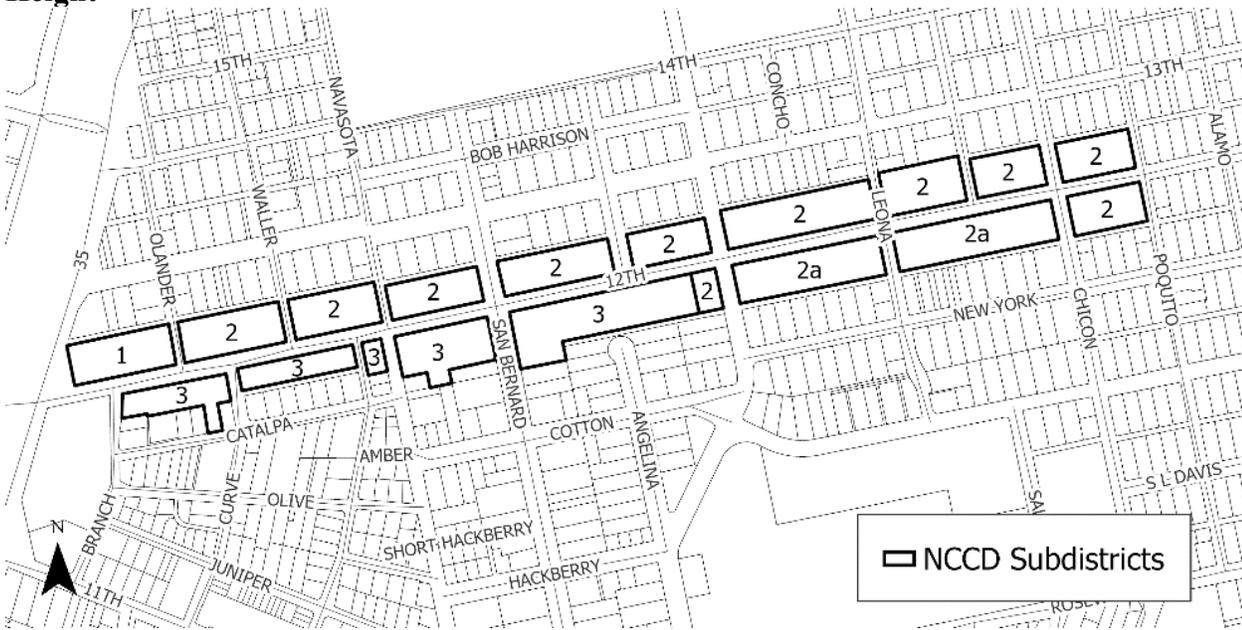
The URB recommended amendments to the NCCD regarding floor-to-area-ratio (FAR); land uses and land uses only permitted on specific addresses; and compatibility standards. No other changes to development standards are being recommended.

Floor-to-Area-Ratio (FAR)



Current Regulations	There is no FAR limit for any properties within an URP “project area” shown above. All other properties are subject to the FAR of their base zoning.
URB Recommendation	Remove FAR limitations for all properties.
PC Recommendation	All properties are subject to the FAR of their base zoning except where this creates a nonconforming structure.
Staff Recommendation	Aligns with the URB recommendation. <i>Staff notes: There is no clear way to modify site development regulations without potentially causing current buildings to be considered noncomplying.</i>

Height



Current Regulations	Subdistrict 1: 60 ft Subdistrict 2: 50 ft Subdistrict 2a & 3: 35ft
URB Recommendation	No change to current regulations.
PC Recommendation	Subdistrict 2: 35 ft Except where it creates a nonconforming structure. No change to other subdistricts.
Staff Recommendation	No change to current regulations. <i>Staff notes: There is no clear way to modify site development regulations without potentially causing current buildings to be considered noncomplying.</i>

Allowable Uses

The proposed changes proscribe a set of uses that are allowed within the NCCD. For one of these uses to be allowed on a site, the use must be allowed in site’s base zoning district. For example, if a site has multi-family zoning (MF-1 through MF-6) then the Multi-Family Residential use would be allowed because it is allowed in that zone; however, a Theater use would not be allowed because it is not available in that zone. Below is a list of the possible uses allowed in the NCCD.

- Condominium Residential*
- Group Residential
- Multi-Family Residential
- Townhouse Residential (not allowed facing East 12th Street)
- Administrative and Business Offices*
- Art Gallery
- Art Workshop
- A Cocktail Lounge is a permitted use limited to the ground floor of a building

located at 1808-1812 East 12th Street. A cocktail lounge use is otherwise prohibited except as an accessory use to a hotel/motel use.

- Food Sales**
- Funeral Service (permitted use at 1300 East 12th Street and 1410 East 12th Street)
- General Retail Sales (Convenience)**
- Hotel/Motel (bedrooms may not be located on the ground floor of a building fronting East 12th Street except at 810 and 900 East 12th Street)
- Indoor Entertainment
- Liquor Sales (C) (limited to 3,000 square feet of gross floor area)
- Medical Offices—not exceeding 5,000 sq./ft of gross floor space*
- Personal Improvement Services
- Personal Services
- Professional Offices
- Restaurant (Limited)**
- Restaurant (General)**
- Special Use Historic (C)
- Theater
- College & University Facilities (only allowed on the second floor of a building)
- Community Recreation (Private) (C)
- Community Recreation (Public) (C)
- Congregate Living (C)
- Counseling Services (not allowed on the ground floor of a building on East 12th Street)*
- Cultural Services
- Day Care Services (General) (C)
- Day Care Services (Limited)
- Family Home
- Group Home Class I (General)
- Group Home Class I (Limited)
- Group Home Class II
- Guidance Services (not allowed on the ground floor of a building on East 12th Street)*
- Local Utility Services
- Private Primary Educational Services (C)
- Private Secondary Educational (C)
- Services
- Public Primary Educational Services
- Public Secondary Educational Services
- Religious Assembly
- Safety Services (C)
- Telecommunication Tower (prohibited unless on a rooftop)

(C) Conditional use requires Planning Commission approval

* Not allowed on a ground floor of a building facing East 12th Street

**Only allowed on the ground floor of a building facing East 12th Street

Planning Commission Recommendation:

1. Hotel-Motel should be a conditional use in the entire district, except where it creates a nonconforming use (with the intention that hotel-motel be a prohibited or conditional use in the district).

Staff notes:

- *Currently, Hotel-motel use is permitted on properties if the use is allowed in the base zoning district.*
- *Staff recommends adding any existing uses to the “save and except” provision to meet the PC’s intent to not create nonconforming uses.*
- *Use regulation changes need to be made in the URP as well to align with the NCCD.*

2. Liquor sales should be prohibited, except on specific sites where this would create a nonconforming use.

Staff notes:

- *Liquor sales are currently prohibited.*
- *Staff recommends adding any existing uses to the “save and except” provision to meet the PC’s intent to not create nonconforming uses.*
- *Use regulation changes need to be made in the URP as well to align with the NCCD.*

Uses Only Permitted on Specific Addresses

The URB identified properties that have uses that may not overall support the goals of the URP, but are currently in operation. To accommodate these uses, the recommendations call specific uses and addresses. Here are a few examples:

- Funeral Services (1330 & 1410 E. 12th)
- Club or Lodge (1704 E. 12th)
- Cocktail Lounge (1808-1812 E. 12th)

Single-Family Use	
Current Regulations	Single-family use is allowed on all properties within the NCCD through their base zoning districts.
URB Recommendation	Single-family use is not permitted but existing single family uses remain legal and are not subject to non-conforming regulations through the “save & except” provision where they are listed by address.
PC Recommendation	Specify that should any existing single-family homes be damaged or destroyed (whether or not the address is named in the save and except carve-out) the property owner can rebuild as single-family. Ensure that homeowners have the right in perpetuity to use and improve their properties with no limits on value of improvement, repair, rebuild or sale as associated with a single-family use currently.
Staff Recommendation	Aligns with the URB and PC recommendation. <i>Notes: The PC’s recommendation meets the intent of the URB’s recommendation. Staff will add the addresses of all existing single family uses to the “save and except” section.</i> <i>Use regulation changes need to be made in the URP as well to align with the NCCD.</i>

Compatibility

The proposed NCCD amendments would waive compatibility standards that affect height and setbacks; however, general compatibility standards relating to noise, lighting, and placement of parking, trash, and mechanical equipment.

Exhibit D: Staff Responses to Questions Complied from Public Information Meeting, SpeakUp Austin! Page, and Emails

1. Were there any uses removed from the permitted list on E. 12th Street?

Yes, the current NCCD relies on the base zoning and prohibits additional uses. The proposed uses has a table of permitted uses.

2. On the ft chart: how many stories is 50 ft?

3 to 4 stories depending on floor to ceiling heights.

3. Why is Rosewood allowed to build to 60' when homes on 11th street adjoin to those lots?

Current entitlement allow 60' in height along Rosewood.

4. Residential lots on Angelia are also adjacent to the Rosewood lots allowing 60' Height WHY???

Adjacent to Angelina, the base zoning allows 40 ft of height.

5. For East 12th street, when the FAR restrictions are removed, will the FAR still be set by the base zoning?

No, the recommendation is that there will be no FAR limits for properties within the 12th St NCCD.

6. With the growth of Austin, these small-scale solutions seem completely out of date. Why are we not making changes for more density? Why aren't we building more housing near the core, and fulfilling "compact and connected" Imagine Austin goal?

Both segments of East 12th Street and East 11th Street covered by NCCDs are Imagine Austin Activity Corridors. The regulations being proposed are in alignment with that designation. The URP and NCCDs permit and encourage a variety of housing types through the use regulations including townhouse, condominium and multifamily. Development standards are designed to allow new development that is compatible to the context. East 11th Street is intended to be a more robust commercial area; whereas East 12th Street is intended to become a more modestly scaled mixed use district.

7. Doesn't base zoning govern use on both 11th and 12th now? i.e., a use must be allowed by base zoning and also by the URP/NCCD use charts? On both streets?

Currently the 12th Street NCCD relies on a property's base zoning for uses and the 11th Street has a list of permitted/conditional uses by subdistrict. Additionally the URP included use regulations.

The proposed NCCDs have a list of permitted, permitted with conditions and conditional uses and in some cases the use must also be allowed by the base zoning. The use table in the proposed URP mirror the regulations in the NCCD.

8. Driving on the side streets between East 11th and East 12th Street is a challenge due to parking on both sides of the street. Does the zoning address the possibility of changing some of the streets into one way streets?

This does not fall under zoning regulations.

9. Telephone poles blocking the entrance on 12th Street Properties for construction purposes they have to be lowered.

This does not fall under zoning regulations.

10. Does the zoning address Short Term Rental's on East 12th Street?

Short Term Rentals are not allowed within the East 12th St NCCD.

11. How could these changes be impacted by a future citywide LDC rewrite?

The land use regulations and development standards for the proposed Urban Renewal Plan (URP) amendments are contained in the East 11th Street and East 12th Street NCCDs. Under the recent code revision process, NCCDs were left unchanged. Additionally, because the URP supersedes the Land Development Code and NCCDs, those standards will remain in place until the plan is amended or expires.

12. What was the purpose behind the creation of subdistrict 4 within the 11th St NCCD? By reverting to the base zoning it seems that the section bordering Rosewood Ave is effectively being removed from the NCCD for all intents and purposes.

The NCCD refers to the properties within Subdistrict 4 to their base zoning standards. There are no additional regulations for subdistrict 4 within the proposed draft.

13. If we want East 12th to be walkable why aren't more uses being permitted so that people have a diversity of destinations close to where they live?

The uses on East 12th Street allow for a variety of shops, restaurants, and services. The use list was designed to create an active pedestrian-oriented street.

14. If there are carve outs to preserve existing businesses that are part of existing culture, should there not be carve outs for changes to zoning to help preserve historic structures to help preserve the character and history of the neighborhood?

There are properties in both NCCDs that have historic zoning which is the zoning tool to protect historic structures. There was community concern that allowing too many bars could adversely affect the area.

15. "In Subdistrict 1 and 2, height tailored to be compatible with adjacent properties outside the NCCD." Why not do this with subdistrict 4? 60' is significantly higher than the residential lots that border the adjacent properties on Angelina St.

The current proposal is that properties within subdistrict 4 are subject to their base zoning entitlements. Properties fronting Rosewood Avenue currently have a height maximum of 60 feet.

16. Does base zoning standards apply to the properties on Rosewood that allow the 60' height restriction?

Along the south side of Rosewood Avenue, base zoning allows 60' height. Height maximums are lower along the north side.

17. Can you share again please, in layman's terms, what the goal is of this meeting is and what is being proposed?

The public meeting on April 20th was held to give information and answer questions about the proposed changes. The proposed Urban Renewal Plan and NCCDs are being updated to modernize and align the regulations.

18. 12th and Chicon has maintained some long running and unique bars for the neighborhood. Any growth here has been severely restricted, is there a reason for that? (clarified: cocktail bars, or bars in general)

Limiting bars/cocktail lounges to existing locations was done to address community concerns that by not limiting them, there could be a surge of new bars locating to the area.

19. Were billboards considered in the land use standards?

Billboards are not considered as a part of rezoning. Regulations on billboards can be found in the sign chapter of the Land Development Code.

20. Is there any plan to bury the many unsightly power and telecommunications lines on E12th St?

Staff is not aware of any plans to bury utility lines.

21. Why are the heights not all the same? Why is height higher on North side?

In the East 12th Street NCCD the heights reflect current entitlements. In the East 11th Street NCCD, heights have been applied based on the allowable height on adjacent parcels.

Ordinance that we have received for favor llame dentro de 2021-0037

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2021-0037
 Contact: Mark Walters, 512-974-7695
 Public Hearing: April 27, 2021, Planning Commission

ANDREA BEADLES
 Your Name (please print)

908 CATALPA 78702
 Your address(es) affected by this application (OPTIONAL)

[Signature] 4/20/21
 Signature Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:
 City of Austin, Housing and Planning Department
 Mark Walters
 P. O. Box 1088, Austin, TX 78767
 Or email to:
 mark.walters@austintexas.gov

I am in favor
 I object