

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 12th 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.

September 2, 2021 – Postponed to October 14, 2021 at the request of staff on Council Member Pool's motion, Council Member Ellis' second on a 9-0 vote. Mayor Adler was off the dais. Council Member Alter was absent.

October 14, 2021 - Postponed to October 21, 2021 at the request of staff on Council Member Renteria's motion, Council Member Ellis' second on an 11-0 vote.

October 21, 2021 - Postponed to December 2, 2021 at the request of Mayor Pro Tem Harper-Madison on Council Member Kitchen's motion, Council Member Kelly's second on a 10-0 vote. Council Member Casar was off the dais.

December 2, 2021 - Postponed to April 21, 2022 on Mayor Pro Tem Harper-Madison's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

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: NoSCENIC ROADWAY: NoSCHOOLS:

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) - updated

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

Exhibit E: Additional Urban Renewal Board Recommendations

Exhibit F: Petition Summary Map

Exhibit G: Additional Public Comment

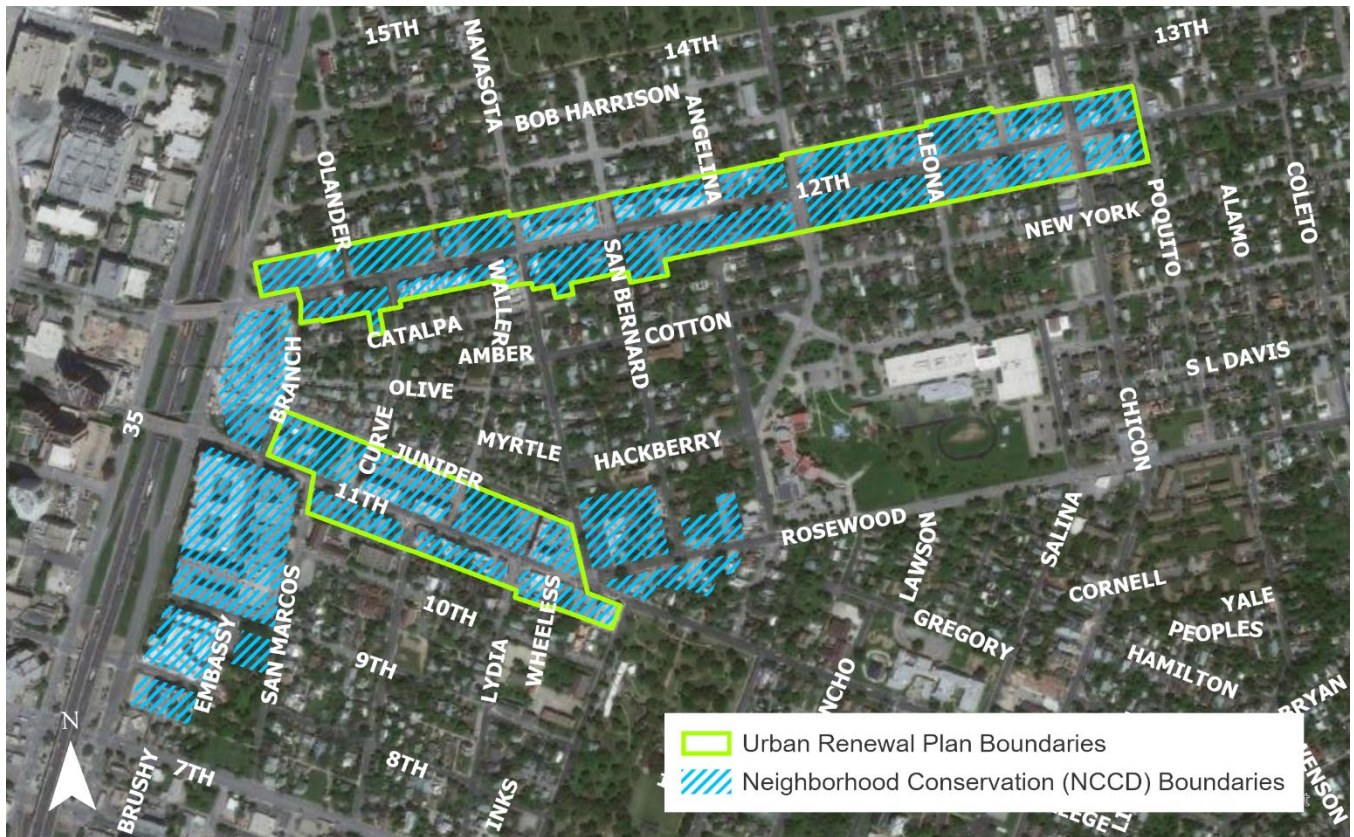
Exhibit A: Aerial Map

Exhibit B: Zoning Map

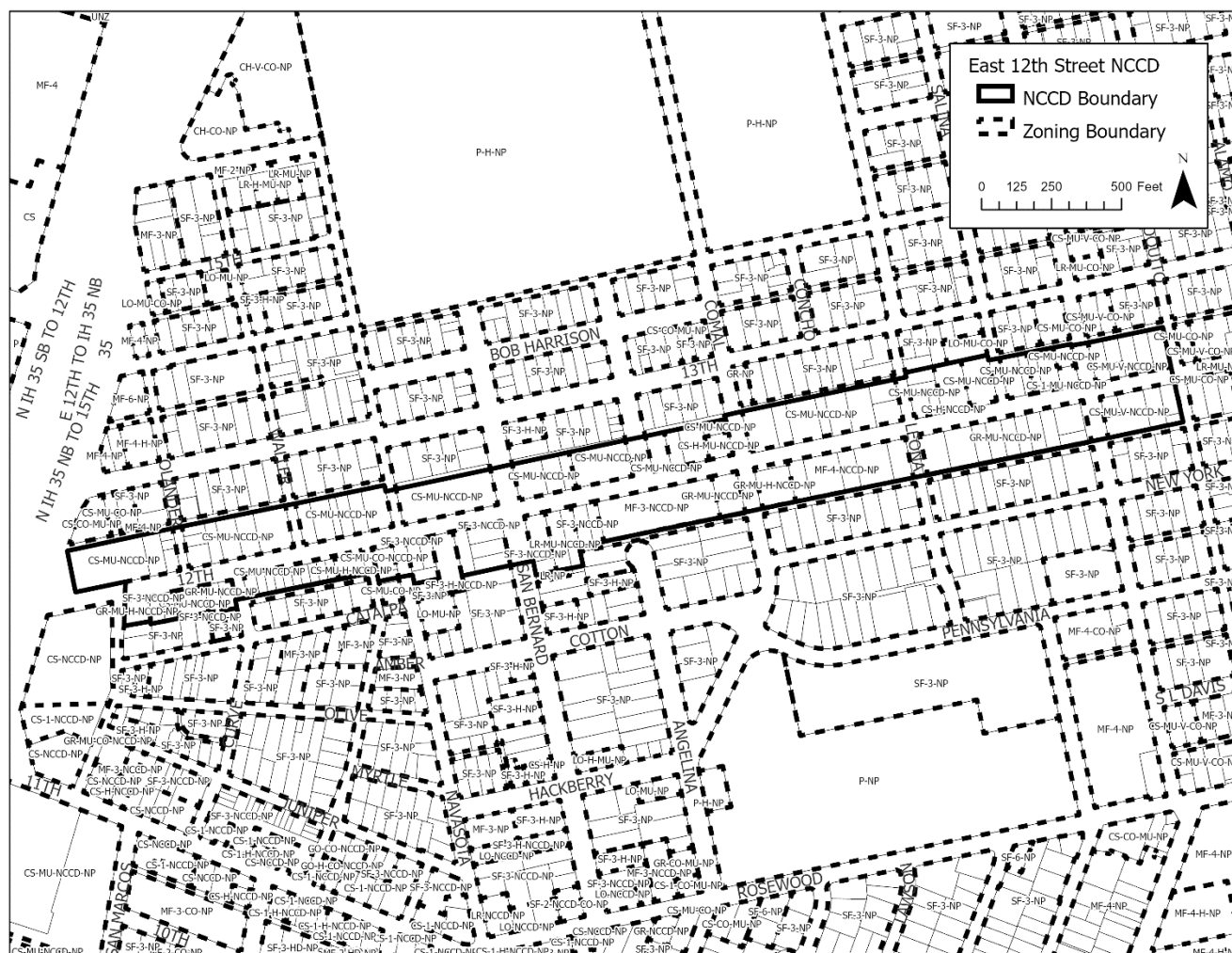
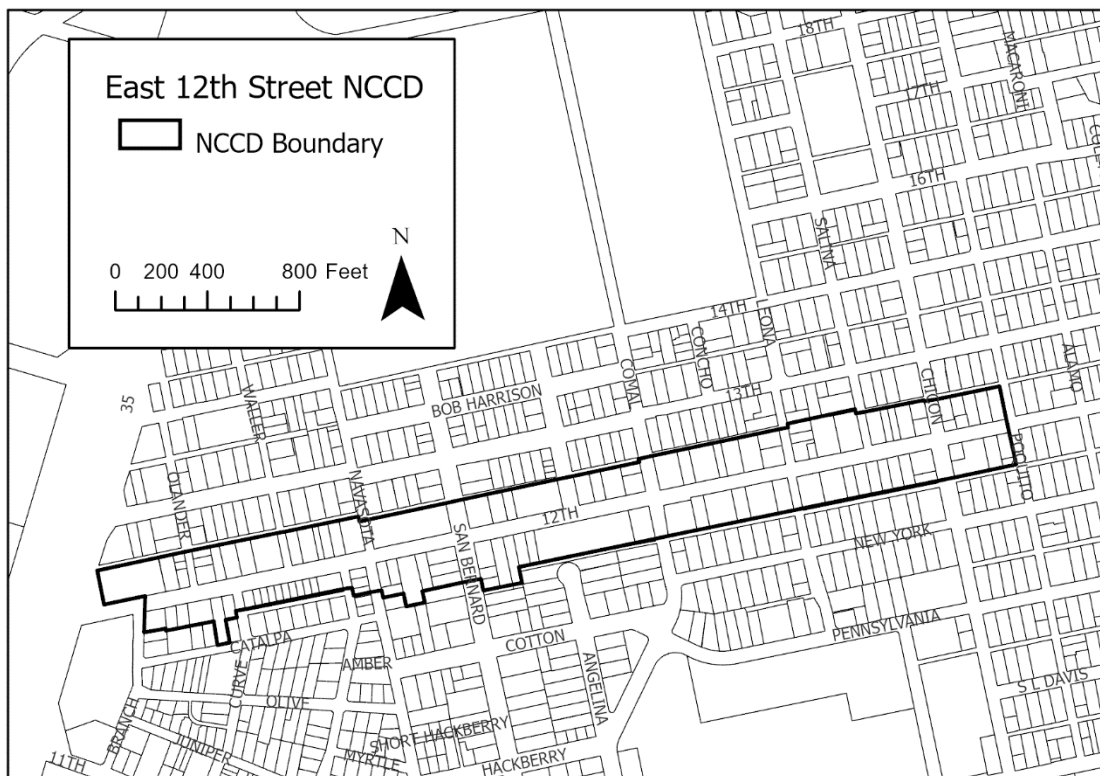


Exhibit C**PROPOSED CHANGES TO THE EAST 12TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD)****BACKGROUND**

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 supersede 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

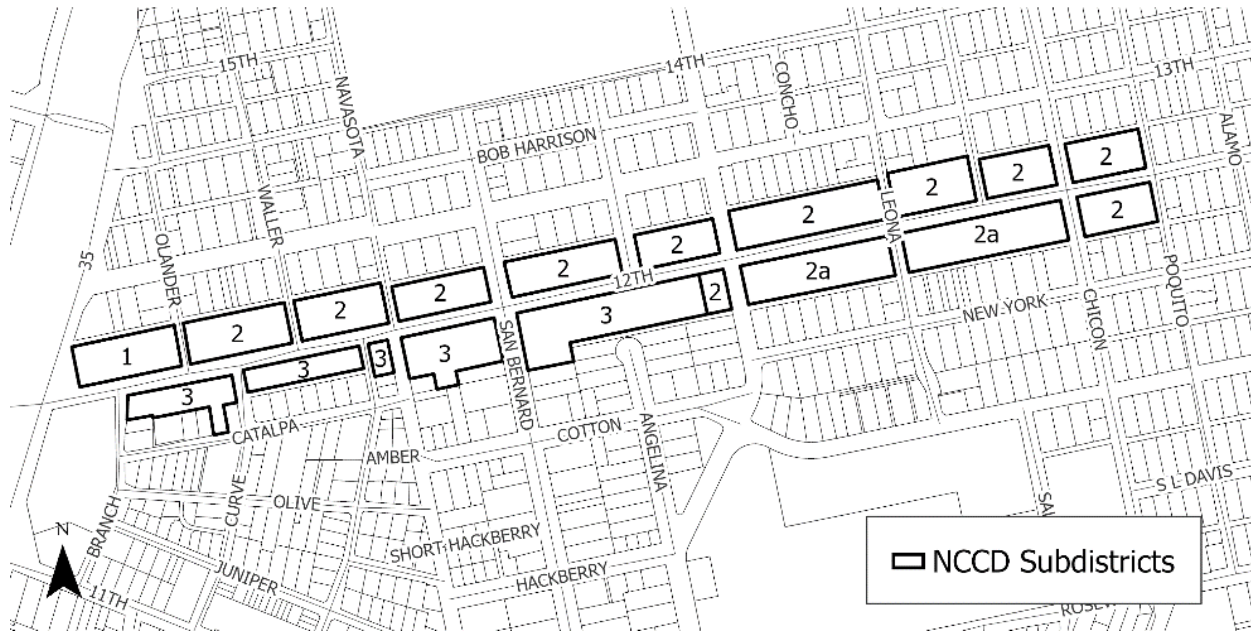
The URB recommended amendments to the NCCD regarding floor-to-area-ratio (FAR); land uses and land uses only permitted on specific addresses; and compatibility standards. No other changes to development standards are being recommended.

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 prescribe a set of uses that are allowed within the NCCD. In the existing NCCD, uses allowed through a property's base zoning and additional uses are prohibited by the NCCD. In the proposed NCCD, a use is allowed on a specific property if it's in the list of uses within the NCCD and allowed through the property's base zoning. For properties zoned SF-3, only the base zoning uses apply.

The table below shows the changes to use allowances for a property with a CS-MU base zoning which consists of 61% of the NCCD. This is the most permissive zoning on the corridor except for a few properties zoned CS-1.

Table Key:

P = Permitted

PC = Permitted with Conditions

C = Conditional

— = Prohibited

Example for Properties with CS-MU Base Zoning			
Uses	Existing NCCD Regulations*	Proposed NCCD Regulations	Conditions and Exceptions
Residential			
Bed and Breakfast Residential (Group 1)	P	—	
Bed and Breakfast Residential (Group 2)	P	—	
Condominium Residential	P	PC	Proposed: Not allowed on the ground floor of a building fronting East 12th Street.
Duplex Residential	P	—	
Group Residential	P	P	
Multifamily Residential	P	P	
Single-Family Residential	P	—	
Small-Lot Single-Family Residential	P	—	
Townhouse Residential	P	PC	Proposed: Not allowed fronting East 12th Street.
Two-Family Residential	P	—	
Short Term Rental	P	—	
Civic			
Club or Lodge	C	—	
College and University Facilities	P	PC	Proposed: Only allowed on the second floor of a building.
Communication Service Facilities	P	—	
Community Events	P	—	

Community Recreation (Private)	P	C	
Community Recreation (Public)	P	C	
Congregate Living	P	C	
Counseling Services	P	PC	Proposed: Not allowed on the ground floor of a building on East 12th Street.
Cultural Services	P	P	
Day Care Services (Commercial)	P	—	
Day Care Services (General)	P	C	
Day Care Services (Limited)	P	P	
Family Home	P	P	
Group Home Class I (General)	P	P	
Group Home Class I (Limited)	P	P	
Group Home Class II	P	P	
Guidance Services	P	PC	Proposed: Not allowed on the ground floor of a building on East 12th Street.
Hospital Service (Limited)	P	—	
Hospital Services (General)	C	—	
Local Utility Services	P	P	
Maintenance and Service Facilities Private	P	—	
Private Primary Educational Services	P	C	
Private Secondary Educational Services	P	C	
Public Primary Educational Services	P	P	
Public Secondary Educational Services	P	P	
Religious Assembly	P	P	
Residential Treatment	P	—	
Safety Services	P	C	
Telecommunication Tower	C	PC	Existing: prohibited if sited on the ground Proposed: Prohibited unless located on a rooftop.
Transitional Housing	C	—	
Transportation Terminal	C	—	

Commercial			
Administrative and Business Offices	P	PC	Proposed: Not allowed on the ground floor of a building fronting East 12th Street.
Agricultural Sales and Services	P	—	
Alternative Financial Services	P		
Art Gallery	P	P	
Art Workshop	P	P	
Building Maintenance Services	P	—	
Business or Trade School	P	—	
Business Support Services	P	—	
Commercial Off-Street Parking	P	—	
Communications Services	P	—	
Construction Sales and Services	P	—	
Consumer Convenience Services	P	—	
Consumer Repair Services	P	—	
Electronic Prototype Assembly	P	—	
Electronic Testing	P	—	
Food Preparation	P	—	
Food Sales	P	PC	Proposed: Only allowed on the ground floor of a building fronting East 12th Street.
Funeral Services	P	—	
Financial Services	P	—	
General Retail Sales (Convenience)	P	PC	Proposed: Only allowed on the ground floor of a building fronting East 12th Street.
General Retail Sales (General)	P	—	
Hotel-Motel	P	PC	Proposed: Bedroom may not be located on the ground floor of a building fronting East 12th Street.
Indoor Entertainment	P	P	
Indoor Sports and Recreation	P	—	
Medical Offices—not exceeding 5,000 sq/ft of gross floor space	P	PC	Proposed: Not allowed on the ground floor of a building fronting East 12th Street.
Medical Offices—exceeding 5,000 sq/ft of gross floor space	P	—	
Monument Retail Sales	P	—	
Off-Site Accessory Parking	P	—	
Pedicab Storage and Dispatch	P		
Personal Improvement Services	P	P	

Personal Services	P	P	
Pet Services	P	—	
Plant Nursery	P	—	
Printing and Publishing Services	P	—	
Professional Office	P	P	
Research Services	P	—	
Restaurant (Limited)	P	PC	Existing: Drive-through services prohibited Proposed: Only allowed on the ground floor of a building fronting East 12th Street.
Restaurant (General)	P	PC	Existing: Drive-through services prohibited Proposed: Only allowed on the ground floor of a building fronting East 12th Street.
Software Development	P	—	
Theater	P	P	
Industrial Uses			
Custom Manufacturing	P	—	
Limited Warehousing and Distribution	P	—	
Agricultural Uses			
Community Garden	P	—	
Indoor Crop Production	P		
Urban farm	P	—	

* Additional use restriction in the Urban Renewal Plan will affect some properties.

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 a new permitted use, conforming, that will allow existing legal uses to continue.*
 - *Use regulation changes need to be made in the URP as well to align with the NCCD.*
2. Liquor sales is currently prohibited by the existing NCCD. The URB originally recommended that this use would be conditional which would only affect a few properties that are zoned CS-1. PC recommended that liquor sales be prohibited and in response, the URB revised its recommendation to continue the prohibition of the liquor sales use in the NCCD.

Staff notes:

- *Staff recommends a new permitted use, conforming, that will allow existing legal uses to continue.*
- *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	<p>Aligns with the URB and PC recommendation.</p> <p>After consulting with the Law Department, staff is recommending the creation of a new permitted use “conforming” that will be defined within the NCCD ordinance.</p> <p>CONFORMING means a use that conformed to the regulations in effect at the time the use was established and existed on X (date ordinance adopted).</p> <p>We will need to add an exhibit to the ordinance that will show what existing on the date the ordinance is adopted so future staff/property owners will be able to figure out what conforms.</p> <p><i>Notes: The PC’s recommendation meets the intent of the URB’s recommendation.</i></p> <p><i>Use regulation changes need to be made in the URP as well to align with the NCCD.</i></p>

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 Compiled 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 re
address with
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.

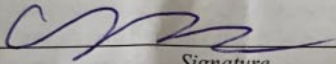
Case Number: C14-2021-0037
Contact: Mark Walters, 512-974-7695
Public Hearing: April 27, 2021, Planning Commission

ANDREA BEADLES
Your Name (please print)

908 CATALPA 78702

☐ I am in favor
☒ I object

Your address(es) affected by this application (OPTIONAL)


Signature

4/20/21
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



Exhibit E:
Additional Urban Renewal Board Recommendations

URBAN RENEWAL BOARD RECOMMENDATION 20210816-2a

Date: August 16, 2021

Subject: Response to Planning Commission Action

Motioned By: Motwani

Seconded By: Tetey

Recommendation

Response to Planning Commission's recommendations on the proposed modifications to the East 11th and 12th Street Urban Renewal Plan and Neighborhood Conservation Combining Districts.

Description of Recommendation to Council

See attached

Vote

For: Escobar, Pierce, Motwani, Tetey, Watson, Bradford

Against: None

Abstain: None

Absent: Skidmore

Attest: Laura Keating

Laura Keating

To: City Council of Austin
From: Urban Renewal Board
Date: August 16, 2021
Subject: Response to Planning Commission's action on the Urban Renewal Plan and Neighborhood Conservation Combining Districts

The Urban Renewal Board (URB) engaged in a multiyear effort to update the Urban Renewal Plan (URP) and the East 11th and 12th Street Neighborhood Conservation Combining Districts (NCCDs). The goal of this effort was to update the zoning regulations to support the URP and to provide consistency and clarity regarding entitlements. The Board's recommendations were formed with the assistance of consultants, staff, and community input. The following response to the Planning Commission's (PC) amendments to the URP and NCCDs is to provide more background on the URB's recommendations.

- The URB does not support the amended vision statement proposed by PC.

The URB crafted and recommended the following vision statement for the URP:

Champion sustainable revitalization reflecting diversity, achieving equity, and preserving East Austin's cultural history.

While the URB agrees with PC that development should be community informed, compatible, and mixed use and previously considered the inclusion of this language in the vision statement, the URB does not believe this language should be in the vision statement. These elements either are currently addressed directly in the URP and NCCDs or will be included in the strategic plan to be developed by the URB that will drive its future efforts.

- The URB does not support FAR limits for Subdistrict 1, 2, and 3 in the East 11th Street NCCD.

On 11th Street, Council Resolution 20200423-039 directed modifications to the NCCD to both put in place the zoning to support the URP to maximize the value of the Urban Renewal Agency's properties while continuing to promote the vision set by the community and succinctly and clearly communicate property owners' entitlements. The URB considered and accepted the recommendation from staff and consultants that site development standards such as height, setbacks and impervious cover will effectively control the size of development and floor-to-area ratio (FAR) standards are not needed.

- The URB does not support FAR limits for all properties in the East 12th Street NCCD which would be a reduction in entitlements for many properties.
- The URB does not support the reduction of height entitlements for Subdistrict 2 in the East 12th Street NCCD.

On 12th Street, Council Resolution 20210127-054 directed modifications to the NCCD to both update the zoning regulations to ensure consistency with anticipated modifications to the URP and include any additional amendments necessary to succinctly and clearly communicate property owners' entitlements. The URB does not believe a reduction to currently existing height and FAR entitlements recommended by PC aligns with this direction.

- The URB does not support making hotel-motel use conditional in the East 11th and 12th Street NCCD.

The URB refined the list of allowed land uses in the URP and NCCDs to support an active street and uses that serve the community. With respect to hotel-motel uses on 11th Street, the URB accepted the recommendation from staff and consultants that the corridor has developed sufficiently to permit hotel-motel use generally, which will make it consistent with what currently is permitted on 12th Street. Hotel-motel use is currently permitted on 12th Street, and the URB believes that making this use conditional on both corridors does not align with the direction provided under the two Council Resolutions.

- The URB supports PC's recommendation to prohibit liquor sales use in the East 12th Street NCCD.

The original URB recommendation proposed that liquor sales, currently prohibited, be a conditional use on 12th Street. Because the use must also be allowed in the base zoning, only a few properties would be affected. The URB has reconsidered this change and supports liquor sales use remaining prohibited.

- The URB supports PC's intent that all existing single family uses will be able to rebuild with no restrictions.

The URB intended through the "save & except" provision to ensure that all existing single-family houses remain legal and are not subject to non-conforming regulations. The URB supports the PC action to ensure that if existing single-family homes are damaged or destroyed the property owner can rebuild as single-family and 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.

The URB would respectfully ask City Council to support the Urban Renewal Plan and Neighborhood Conservation Combining Districts as presented by the URB and as reflected above.



URBAN RENEWAL BOARD RECOMMENDATION 20211115-3a

Date: November 15, 2021

Subject: Land Use Regulations in the proposed Urban Renewal Plan and Neighborhood Conservation
Combining Districts

Motioned By: Escobar

Seconded By: Watson

Recommendation

See attached letter.

Vote

For: Escobar, Pierce, Skidmore, Motwani, Watson

Against: None

Abstain: None

Absent: Tetey, Bradford

Attest: Laura Keating

Laura Keating

To: Mayor & City Council of Austin

From: Urban Renewal Board

Date: November 15, 2021

Subject: Land Use Regulations in the proposed Urban Renewal Plan and Neighborhood Conservation Combining Districts

The Urban Renewal Board (URB) engaged in a multiyear effort to update the Urban Renewal Plan (URP) and the East 11th and 12th Street Neighborhood Conservation Combining Districts (NCCDs). The Board's recommendations were formed with the assistance of consultants, city staff, and community input.

The URB refined the list of neighborhood-oriented and pedestrian-friendly land uses in the URP and NCCDs to support active streets that serve the community. In response to concerns from stakeholders about the reduction of uses allowed for some properties:

- The Board supports proposed regulations which continue to allow uses that are permitted or conditional under current regulations if they support the goals of the URP.

The URB intended outcome through the “save and except” provision in the proposed URP and NCCDs was for the uses listed by address, including existing single-family houses, to remain legal and not to be subject to non-conforming regulations. In response to legal concerns about this section, City legal is recommending the creation of a new permitted use, “conforming”, that will be defined as a use that conformed to the regulations in effect at the time the use was established and existed on the date of adoption of the proposed ordinance.

- The Board supports the most appropriate mechanism to reduce the impact of non-conforming regulations on existing legal uses outlined in the “save and except” provision. This may include but is not limited to, inclusion of the “conforming” land use or other adjustments to the land use charts.

The URB does not see significant value in its holding additional meetings to specifically discuss proposed land use regulations and will defer to Council to identify the best practice strategies regarding the aforementioned changes.

Further, the URB encourages Council to prioritize taking immediate action on changes recommended to the NCCD and URP documents. Additional delays will have a direct impact on the URB's ability to move forward with developing Blocks 16 and 18 and facilitating the spirit of parts of the resolution (no. 20210902-48) recently approved by Council related to the African American Cultural Arts District.

Exhibit F:

E. 12th St. NCCD Petition Summary



E. 12th St. Petition Summary

12-A Petition Language: We, the undersigned owners of real property located in District #1 and affected by the proposed East 12th Street Neighborhood Conservation Combining District ("NCCD") amendment, Zoning Case Number C14-2021-0037, do hereby protest against any change in the existing NCCD development regulations, including, but not limited to, the proposed changes recommended by the Planning Commission on June 22, 2021 (Items B. 12-14) that will lower the maximum heights, reduce the allowed F.A.R. and restrict uses within the 12th Street NCCD. This petition is circulated pursuant to the zoning protest procedure in Section 25-2-284, and any other applicable section of the City of Austin Land Development Code. We oppose the proposed amendment as recommended by the Planning Commission. The attachment map lists the individual property information.

12-B Petition Language: I, Suraj Demla am the person authorized by the DBG AUSTIN VENTURE LLC to sign this petition protesting the proposed change in zoning that would make a Hotel/Motel Use a conditional use. My family's ability to make significant improvements or redevelop the existing motel, located at 900 E 12 ST AUSTIN TX78702 would be adversely affected by the zoning change. I respectfully request that City Council increase the allowable height for this site to 150. Due to my residence in Plano Texas and the ongoing pandemic I was unable to participate in discussions regarding this property.

12-C Petition Language: We, the undersigned owners of property affected by the request or proposed zoning changes described in the above referenced files, protest against any change to zoning regulations, boundaries, or districts in the City's Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area (URP) and/or the East 12th Street Neighborhood Conservation Combining District (NCCD) that applies our respective properties and/or to any property located within 200 feet of our property that:

- 1) Increases maximum permitted heights by right, via a density bonus, or by any other program or means beyond the current height maximums set by the NCCD, as laid out on P3¹ of this petition, and the 20% waiver available under the current URP;
- 2) Loosens express prohibition of cocktail lounge and/or liquor sale uses, as these are currently prohibited by the base zoning and NCCD use regulations;
- 3) Loosens the current restrictions on any of the uses prohibited or otherwise limited by the NCCD, as provided on P4² of this petition;
- 4) Prohibits single-family use of in any way diminishes or restricts the rights of properties currently used for single-family, whatever the zoning classification, including as to the repair, expansion, reconstruction or ability to shift use back and forth between single-family and other uses permitted on the property;
- 5) Prohibits or in any way diminishes or restricts condominium residential or townhouse residential uses, including as to their location on the ground floor of or fronting East 12th Street, as these uses provide housing options and align with the vision for a mix of neighborhood-scale housing, office and retail along this street; and/or

- 6) Increases maximum FAR by right, via a density bonus, or by any other program or means beyond that permitted by the underlying base zoning, as unlimited FARs are unnecessary to achieve full build-out at current maximum heights.

The petition is presented to invoke the protections in Section 25-2-284 of the City of Austin Land Development Code and Section 211.006 (d) of the Texas Local Government Code. I reserve my right to protest further changes as they are raised from the Austin City Council dais through third reading of any/all cases.

¹P3 includes regulations from the current NCCD regarding prohibited uses, conditional uses, and limits on drive through uses.

²P4 includes a map showing height maximums under current regulations.

Exhibit G: Additional Public Comment

From: [darcy nuffer](#)
To: [Walters, Mark](#)
Subject: Re: Case #C14-2021-0037
Date: Thursday, August 26, 2021 7:12:48 AM

Hi Mark,

Hopefully these aren't too late.

I live at 1507 E. 13th Street and my property backs up to E. 12th Street. I have lived here 9 1/2 years.

I support greater density on 12th Street, but it needs to be done right. This is a once-in-a-generation chance to create good development along this corridor. Given its location at the heart of the city and the dire need for housing, the 35 foot development limits are too low. I support 50-65 feet along the entire corridor. At the same time, allowing 50 foot limits along the back lot line of some of the parcels is too high. Development should step down to 35 feet at the back of the lots to be compatible with neighboring uses.

The NCCD should be simplified as much as possible to encourage the developer to get things built. The neighborhood has been waiting a long time.

The City should prioritize burying utilities along this corridor. The current spaghetti of wires and poles is not pedestrian-friendly and is frankly embarrassing for a city that claims to value urban space and the 12th Street community.

Thanks so much for your time and consideration.

Darcy
Darcy Nuffer
Landscape Architect
512-567-6278

On Mon, Aug 23, 2021 at 10:46 AM Walters, Mark <Mark.Walters@austintexas.gov> wrote:

Darcy,

You may email your comments to me and I will include them in late backup to Council.

Mark

From: darcy nuffer <> **Sent:** Friday, August 20, 2021 6:12 PM
To: Walters, Mark <Mark.Walters@austintexas.gov>
Subject: Case #C14-2021-0037

*** External Email - Exercise Caution ***

Hi Mark,

I live at 1507 E. 13th Street and the rezoning case above affects my property. I have questions about the changes, including understanding the best way to provide comments if I am unable to attend the Council meeting. Thanks for your help!

Sincerely,

Darcy

Darcy Nuffer
Landscape Architect
512-567-6278

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

Dear Austin City Council Members:

We are writing this letter and providing comments as concerned constituents of District 1.

We want to begin by thanking you for your service. Thank you for your commitment to affordable housing and our East 12th Street neighborhood. The growth of a vibrant, cultural, and business focused hub creates opportunities for our families to live, work, and play in our community.

It is our understanding that there are proposed zoning changes that would affect our neighborhood that we all love and call home. These outlined changes will jeopardize our shared core value of achieving affordability. We fear these changes will cost property owners money, diminish the value of our homes, and diminish our future ability to maintain affordable housing in our community. The changes will stifle the economic opportunities for our East Austin families.

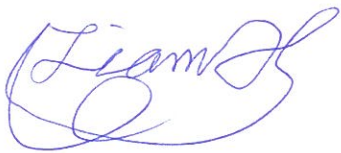
This community does not support proposed changes that limit allowable building heights, limit floor-to-area ratios, limit impervious cover maximums, limit permitted uses, and impose additional conditions on uses.

We ask for your support in fighting for what is best for our future. We appreciate your leadership in pursuing an outcome that promotes diversity, equity, and preservation for East Austin.

Sincerely,

East Austin Community Members

Liam Howard

A handwritten signature in blue ink, appearing to read "Liam Howard", with a stylized, cursive flourish at the end.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Michael Marroquin



October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Christopher Campo

A handwritten signature in black ink, appearing to read 'Christopher Campo', written in a cursive style.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Brian Demgen


October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Dustin Moore


October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Josh Dale

A handwritten signature in black ink that reads "Josh Dale". The signature is written in a cursive, flowing style with a large, prominent "J" and "D".

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

A large, stylized handwritten signature in black ink, likely belonging to a community member. The signature is fluid and cursive, with a long horizontal stroke extending to the left. Below the main signature, there is a smaller, less legible handwritten mark that appears to say "Luna".

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Kristee Price

A handwritten signature in black ink, appearing to read 'Kristee Price', with a stylized, flowing script.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Anthony BACA

A handwritten signature in blue ink, appearing to be "Anthony BACA", with a long horizontal flourish extending to the right.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Halley Dreher 

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Case Number: C14-2021-0037

Contact: Mark Walters, 512-974-7695

Public Hearing: October 21, 2021, City Council

DAVID EDWIN RAMERT

Your Name (please print)

1110 EAST 10TH STREET

Your address(es) affected by this application (optional)

David E. Ramert

Signature

10.7.21

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional):

Comments:

Already discussed for years!

No more height!

City of Austin

OCT 08 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Mark Walters

P. O. Box 1088, Austin, TX 78767

Or email to:

mark.walters@austintexas.gov

Jansson / ZCH
1511 E 13th Street
Austin TX 78702

AUSTIN TX 787
RIO GRANDE DISTRICT
25 AUG 2021 PM 2 L



PS!

Mark Walters
[Redacted]
[Redacted]

PUBLIC HEARING INFORMATION

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Contact: Mark Walters, 512-974-7695

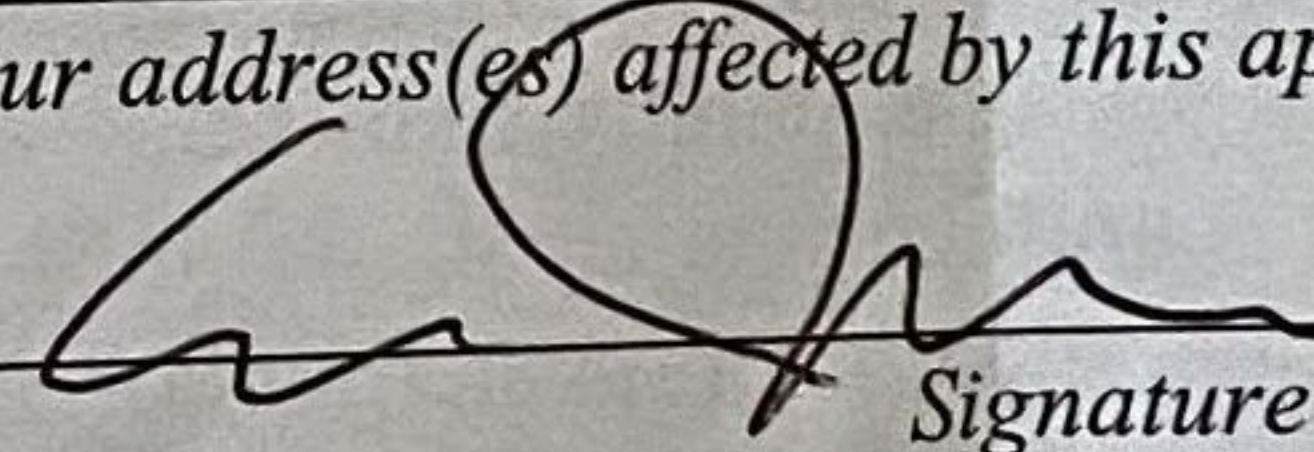
Public Hearing: September 2, City Council

Eric Jansson

Your Name (please print)

1511 East 13th Street

Your address(es) affected by this application (optional)


Signature

8/20/2021
Date

☒ I am in favor
☐ I object

Daytime Telephone (Optional):

Comments: I am generally in favor of proposals but want to voice particular support for proposed amendments 586 (Agenda Item B-14) which are to change lower height and FAR entitlements.

The current NCCD would damage neighborhood character and needs to be amended in these areas. Thanks.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department

Mark Walters
P. O. Box 1088, Austin, TX 78767

Or email to:
mark.walters@austintexas.gov