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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0079 Wallen/Gamboa

P. C. DATE: 10/25/11

ADDRESS: 2315 E. 8th Street

AREA: 0.13 acres

APPLICANT: Rolling RDR Properties
(Rick Wallen)

AGENT: Jim Bennett Consulting
(Jim Bennett)

NEIGHBORHOOD PLAN AREA: Central East Austin

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: SF-3-NP – Family Residence, Neighborhood Plan

ZONING TO: GO-NP – General Office, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of GO-NP, General Office, Neighborhood Plan zoning. It should be noted that if the zoning is granted, then there might be right-of-way dedication necessary.

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property is currently developed with a one story building that is currently unoccupied. The requested zoning on the property is not in conformance with Future Land Use Map (FLUM) for the Central East Austin Neighborhood Plan. The FLUM calls for “single family residential” for this tract of land and if you look at the zoning map, there is a clear line of distinction, the alley, between the “single family residential” zoning and the “commercial” zoning for properties that front on Webberville Road. It should also be noted that the applicant has requested the highest, most intense “office” district. There is a lesser, more appropriate “office” zoning district and that would be more compatible with the existing neighborhood and that is Neighborhood Office (NO). The Neighborhood Office district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The site as it is currently developed offers little to no parking and parking on the street is one of the neighborhood complaints in this area. There was a petition submitted for this case, however the results are not available at this time.

BASIS FOR RECOMMENDATION:

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

This property is designated as “single family” on the FLUM and changing the zoning to the highest “office” district would be a detriment to the surrounding neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3-NP	Shop
NORTH	SF-3-NP	Single family residence
SOUTH	CS-CO-NP	Single family residence
EAST	SF-3-NP	Undeveloped
WEST	SF-3-NP	Single family residence

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
		No recent histories	

NEIGHBORHOOD ORGANIZATION:

- Organization of Central East Austin Neighborhoods
- Cristo Rey Neighborhood Assoc.
- Austin Neighborhoods Council
- Del Valle Community Coalition
- El Concilio, Coalition of Mexican American Neighborhoods
- United East Austin Coalition
- Blackshear Prospect Hills

SCHOOLS:

Blackshear Elementary School Kealing Middle School Eastside Memorial High School

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

SITE PLAN:

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. If rezoning is only for Lot 8, which measures approximately 47 feet wide, along all property lines adjacent to single family, the following standards will apply with any future development:
- No structure may be built within 15 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No parking or driveways are allowed within 5 feet of the property line.
 - A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION:

- TR1. If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of E. 8th Street in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

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TR2. If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Swenson Avenue in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR4. Existing Street Characteristics:

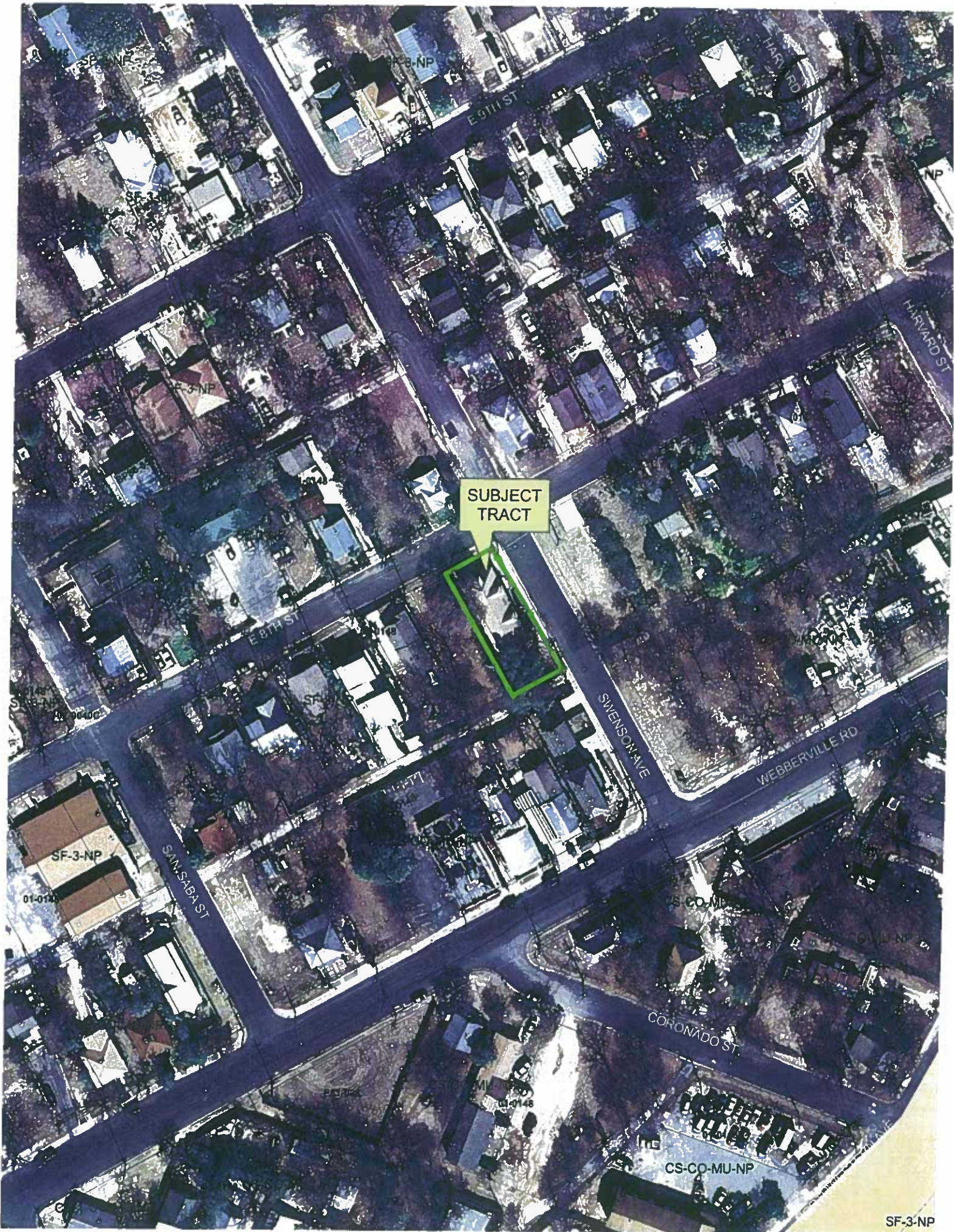
Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Swenson Avenue	40	25	Local	No	No	No
E. 8th Street	40	25	Local	No	No	No

CITY COUNCIL DATE: November 10th, 2011 **ACTION:**

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

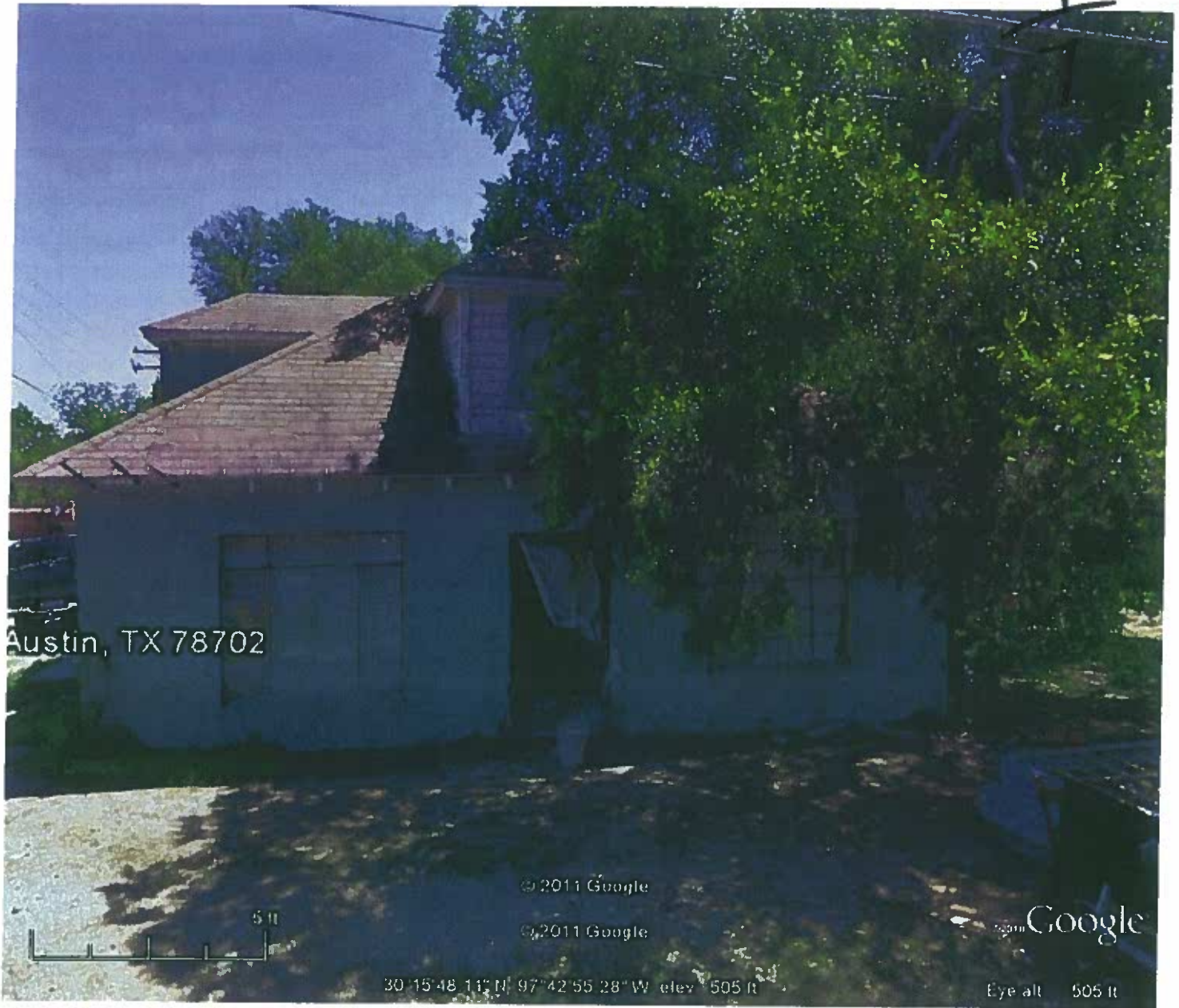
CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



SUBJECT TRACT

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Austin, TX 78702

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30°15'48.11" N 97°42'55.28" W elev 505 ft

Eye alt 505 ft

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30°15'47.95" N 97°42'55.04" W elev 502 ft

Eye alt 503 ft

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A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

















 Notes proposed sites for a Neighborhood Urban Center Special Use, boundaries:
 1. Webberville, 7th and Northwestern
 2. IH-35, 12th, Branch and 11th



Central East Austin Neighborhood Planning Area
Future Land Use Map
 Updated May 12, 2011
 Planning and Development Review Department

-  Neighborhood Planning Areas
-  Bennett Tract & 11th Street NCCD
-  Austin Revitalization Authority 11th & 12th Street Corridors

-  Single-Family
-  Higher-Density Single-Family
-  Multifamily
-  Commercial
-  Neighborhood Mixed Use
-  Mixed Use
-  Office
-  Mixed Use/Office
-  Industry
-  Civic
-  Recreation & Open Space
-  Transportation
-  Specific Regulating District

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Blackshear-Prospect Hill Neighborhood Association

On August 25, 2011 the Blackshear-Prospect Hill Neighborhood Association voted to support a request for a zoning change (case# C14-2011-0079) from SF-3-NP to GO-MU-CO-NP for the property located at 2315 East 8th Street. Furthermore we have included a conditional overlay as described below.

The following is a detailed list of ONLY the permitted uses allowed under the requested GO-MU-CO-NP zoning change:

Art Gallery

Business Support Services

Religious Assembly

Residential

Further conditions that will be limited include:

Height limit of two floors

Dwelling unit limit of two units

The list of permitted uses was amended during the NPA meeting on September 12, 2011.

Thank you,

David Thomas

President Blackshear-Prospect Hill Neighborhood Association

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/**Patterson, Clark**

From: Meredith, Maureen
Sent: Monday, October 17, 2011 1:36 PM
To: Patterson, Clark
Subject: FW: Protest C14-2011-0079; NPA-2011-0009.01

From: DAVID MENDOZA [mailto:dmendoza478@gmail.com]
Sent: Monday, September 19, 2011 9:00 PM
To: Meredith, Maureen
Subject: Protest C14-2011-0079; NPA-2011-0009.01

Hello Maureen:

Regarding the change of zoning for the property located on 2315 E. 8th and the proposed amendment to the neighborhood plan: Please record my protest to both proposals.

There are several reasons for my protest, which I will try to relate here in some reasonable rational fashion. I am afraid that because of the short time frame on which I have to gather my thoughts and respond, I will not achieve both to my satisfaction. I ask your indulgence and patience on my discourse.

Lack of proper notification: I reside about 1 ½ block from 2315 E. 8th. I understand that only property owners / residents residing within 500 ft of the property are notified of proposed zoning changes. However, it is apparent that the notification list used for the zoning change proposal was the same used to notify owners of the proposed amendment to the neighborhood plan. Specifically, the Blackshear / Robertson Hill neighborhood plan. The Blackshear / Robertson Hill (Blackshear) plan was crafted in the early part of the 2000-2010 decade as one segment of the broader Central East Austin Neighborhood Plan. The Central East Austin Plan, I believe, included the three neighborhoods: Guadalupe, Swedish Hill, and Blackshear / Robertson Hill. The process was comprehensive, notification broad reaching (I believe a neighborhood survey was distributed throughout the Blackshear neighborhood segment) and scheduled over many months.

As much time and effort placed into developing the plan; the minimum requirement of any proposed future plan amendments should be that a notification effort near the level of the spirit taken for the original plan in the first place, be made.

Council shortsightedness, lack of historical perspective, and compliant staff leads to neighborhood planning without current residents as principal clients/ beneficiaries.

General history: Central east Austin neighborhoods, similar to Blackshear, have historically been comprised a mosaic of land and structure uses. As recent as the early 1990s, and earlier, it was common to find mom & pop grocery stores and home storefronts, auto repair shops, and warehouse space mixed-in, mixed into, and surrounded by single-family residences. It don't know if any of these businesses were zoning compliant, but irrespective of compliance – the city of Austin appeared not to be bothered, and generally, the diversity of lot/building uses appeared to work for the home residents.

The subject property on East 8th street was for as long as I can remember the “Gamboa

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Grocery". Mr Estevan Gamboa lived in the same building as the store. He was not the exception. A block away on 9th, near Swensen street, was the tiny Govea storefront; and a few houses closer to Saba Saba opposite the street was the tiny storefront bakery that engendered the renowned "Joes Bakery" on 7th street. In the alley between 9th and 10th street near Harvard was a metal and textile recycler; at the top to the hill on 11th and Swensen was the Johnson storefront, and another storefront below the hill on 11th and Bryan.

Circa 2000-2002 under the Kirk Watson mayorship the City of Austin undertook an aggressive neighborhood plan rewrite across the city. It was apparent, working closely with the Blackshear neighborhood association (president Ora Nobles and vice president Jim Butler) that the majority of residents had two principal concerns: (1) retaining and strengthening single-family zoning (2) suspicions about council intentions engendered resistance to participate under the process brought in by staff. In contrast, staff, as well as, business / commercial interest, and new arrivals, weighted-in heavily on mixed-used zoning. Proposals from those interests were couched in terms of best-use, underutilization, and neighborhood empowerment.

The final plan results, as it affected Blackshear, was the adoption of lenient setback rules and allowances of granny flats, etc. The immediate impact of that change was the acceleration of commercial investment activity, rapid escalation of property values, and the subsequent acceleration of displacement of the low-to-moderate income long-term residents. The very consequences that the majority of residents hoped to prevent did not occur. It was not until politically connected higher income West Austin residents (i.e. Enfield, Tarrytown, Brykerwoods, and the like) began to experience the negative effect of over-sized developments in their neighborhoods; was council compelled to listen and ultimately adopt Mac-Mansion zoning rules that helped stem the acceleration of displacement in East Austin Neighborhoods. The economic downturn in 2008 also helped stem the pace of displacement.

In summary, external factors have had more to do with preserving and slowing displacement over a rational pace of time -- whereas, Council neighborhood planning initiatives, and compliant staff, have had the very opposite, detrimental effects of accelerating displacement. I should mention that during the neighborhood planning process a proposal voiced that staff should return to council with a proposal to have no new plan rewrite due to the lack of participation and suspicions of residents towards the planning initiative at that time. Staff would not have any of it, and instead crafted the first draft entirely on its own, with I believe, only 2-3 signees from the Swedish Hill neighborhood association.

Reverting to diverse zoning/land uses of old for the benefit of the new:

The specific zoning & amendment proposal illustrates the cruel irony of shortsighted Austin development and neighborhood planning initiatives. As mentioned earlier, throughout many of the Central East Austin neighborhoods a diversity of structures possibly still exist among residential neighborhood that may attract similar proposals for zoning change. The Planning initiative invoked under mayor Kirk Watson was supposed to create zoning continuity within neighborhood boundaries and in effect establish a base of control and rational expectations for the future -- which supposedly, would be particularly beneficial to Central East Austin neighborhoods comprised of diverse zoning / land / structure uses. Instead, what has, and is occurring is that neighborhood plans in East Austin are being pocked-marked with zoning exceptions and in-effect reverting to the neighborhoods of old; only this time for the benefit of better funded, politically stronger new residents and business interests. As a born and raised East Austinite, I am able to enjoy and avail myself of many of the beneficial changes that have occurred in East Austin. I am, however, the exception. The planning activities from the City of Austin have ensured that the main (and almost singular) contribution that can be made by old-time East Austin residents (the very clients the planning initiatives were to benefit) towards developing the new East Austin is to pack-up and move-out.

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Zoning change specifically for 2315 E. 8th has no merits.

Changing the zoning of the subject property to a general / office use zoning is highly problematic in that the property has very limited parking space. On the street parking will be serious impact on the neighborhood, especially on small lot residents that already have no space for parking. Recently, a business (the happy hobo) on or about the 2500 block of Webberville Rd. (2 blocks from 2315 E. 8th) attempted to acquire parking space exceptions through the city zoning change process. That business existed in a commercial zoned street, however, (I believe) was unsuccessful attaining the exception. It should be noted that while Webberville Rd is a wide street, able to accommodate street parking on both sides without inhibiting two-way moving traffic, the business customers tended to park on the residential streets of Northwestern, Harvard, 8th street. The business owner did not make a case for not detrimentally impacting the neighborhood residents despite of being located on a commercial zoned street (Webberville). The case for zoning change of 2315 E; 8th street has less merit than that of the Webberville business. Denial of the zoning change should be proposed by staff to council. The alternative of allowing the zoning change, is to set in motion precedents for reverting to diverse land / business use and further undermining the principal goals of the Blackshear neighborhood of retaining and strengthening single family zoning.

Thank you,

David Mendoza

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Dear Ms. Meredith,

As I mentioned in our conversation, my wife, Sharon Aguilar and I, are very much opposed to the rezoning of 2315 E. 8th St. We live at 2301 E. 9th St. which is 326 ft. away from the proposed project, and are currently experiencing difficulties with parking in front of our very own home. Given the fact that the proposed project is currently surrounded by undeveloped single family lots and that a significant number of additional undeveloped single family lots exist throughout our neighborhood, along with the fact that there is a current expansion of an existing church in our neighborhood, we expect for our parking situation to degrade as is. We feel this proposed rezoning will only add to an existing and worsening problem. We feel that to move a vending machine and juke box business from a commercial area on E. 7th into our neighborhood, as the owner is proposing, does not serve or benefit our neighborhood in any way.

We were a bit disheartened when we attended the neighborhood meeting you facilitated regarding this project, only to find out that the Blackshear-Prospect Neighborhood Association had already met and were supporting the change, and that immediately following that meeting, OCEAN (the Organization of Central East Austin Neighborhoods) automatically lent their support, stating that they always support Blackshear-Prospect Neighborhood decisions. This seemed so odd that we receive notice to give our input, and when we arrive matters appeared to already be settled. Not to mention that when the project was first made public, I called the individual at the City of Austin listed as case manager, to find out more about the project, and I was told that the project had not been assigned a permanent case manager. I was told that as soon as that person was assigned, I would be contacted, which never happened. So it is not as if we were not being proactive from the very beginning.

We are also disheartened by the fact that in the five years we have lived at this address, we have never been approached by the Blackshear-Prospect Neighborhood Association to join. In fact the website has no way of applying that I can find, and there is minimal contact information given, no address, and not a single telephone number. Only one of the officer's email addresses is provided. We feel that for the Neighborhood association to make a decision like this without notifying those most affected is just wrong.

I researched the Officers of the Neighborhood Association to get a feel for how they themselves might be affected, and found that none lived within 500 ft., and so I do not know that they have a good grasp on the parking situation that we have to deal with. That information is presented below. These distances are direct distances, and of course would be even greater using the streets.

David Thomas (President) 2004 E. 9 th St.	1,350 ft away
Nell Peterson (Vice President) no address listed on TCAD	
Darryl Meuth (Treasurer) 1134 Concho St.	3,109ft away
Martha Zornes (Secretary) 2409 Bryan St.	1,300 ft. away
Marlen Kraemer (Secretary) 1916 Tillotson Ave.	1,601 ft. away

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At the meeting you facilitated, we were also made aware that among the conditions for the support of the Blackshear-Prospect Neighborhood Association, the owner agreed to set aside some space to be used as an Art Gallery, and as a meeting space for the association. At the meeting we also found out that one of the Officers of the Blackshear-Prospect Neighborhood Association is an Artist/Photographer who recently had a temporary gallery located at his home shut down by the City of Austin. Learning this information does raise some conflict of interest questions. We are unsure that the interest of Blackshear-Prospect Neighborhood Association and the interests of the Citizens of the Blackshear Neighborhood are really one and the same. We feel that the endorsement by OCEAN and by the Blackshear-Prospect Neighborhood Association will certainly come into question regarding this issue. And while intentions may be good, we feel we need to be very careful as to exactly whose interests are being protected here.

Yesterday after work, we walked our street for a couple of hours with a petition against the rezoning to get a feel for how our closest neighbors felt, and we found that the great majority was opposed to a project like this coming into our neighborhood, and that parking was the main concern. It is important to note that many of these people were elderly, Spanish speaking, physically impaired, and/or worked very long hours, which I'm sure makes it difficult to be as active in the community as they would like to be. Many were very long time residents, some even born in the neighborhood, who did not even know about the proposed rezoning and what that entails. I attached the petition that we have so far.

We really appreciate the information you emailed to us yesterday, and would very much like if you kept us informed on this case as it progresses. Thank you very much for your time.

Juan Valera and Sharon Aguilar
2301 E. 9th St
Austin, TX 78702
Tel: 512-964-4982
juanmvalera@gmail.com

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List of Residents that do not support the rezoning of 2315 E. 8th St., Austin, TX 78702

Name	Address	Do Not Support Rezoning	Signature/Date
Ivan Valera	2301 E. 9 th St.	✓	[Signature] 9/13/11
Maria Cruz	2305 E 9 th St	✓	Maria Cruz 9-13-11
Alberto Hernandez	2305 E 9 th St	✓	Alberto Hernandez
Rebecca Castillo	1009 E 10 th St 18702	✓	Rebecca Castillo 9-13-11
Maria Vasquez	2311 E 9 th St	✓	Maria Vasquez 9-13-11
Luis Hernandez Lopez	2315 E. 9 th St	✓	[Signature]
Kelsey Whittington	2314 E 9 th St	✓	[Signature]
Stafone Cannon	2400 E 9 th St	✓	9-13-11
Steve Anderson	2402 E. 9 th St	✓	9-13-11
Justin Boyle	2402 E 9 th St	✓	9-13-11
Sharon Aguilar	2301 E. 9 th St	✓	9-13-11
Francisco Gomez	2403 E 9 th St	✓	9-13-11
Lonnie Speed	2406 E 9 th St	✓	9-13-11
Vaughn Astor	2413 E. 9 th St.	✓	9-13-11
Gloria Astor	"	✓	"
Mary Motoya	2411 E. 9 th	✓	"
Mora Owen	2414 E. 9 th	✓	9-13-11
B R Barr	2306 E 9 th St	✓	9-13-11
Uvette Hill	2209 E. 9 th	✓	9-13-11
Tharon Spengler	2205 E. 9 th	✓	9-13-11
Sophia Maldonado	1997 East E 9 th	✓	9-13-11
Alex Mendez	2404 East 9 th	✓	9-13-11
Cardan Aguilar	2301 E 9 th St	✓	9-13-11 [Signature]