

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET****NEIGHORHOOD PLAN:** East Cesar Chavez**CASE#:** NPA-2015-0002.02      **DATE FILED:** July 31, 2015 (In-cycle)**PROJECT NAME:** 901 Spence St. Austin, 78702**PC DATE:**    March 22, 2016  
                  February 23, 2016  
                  December 8, 2015  
                  November 10, 2015**ADDRESS:** 901 Spence Street**DISTRICT AREA:** 3**SITE AREA:** 6,097 sq. ft.**OWNER/APPLICANT:** Margot Perez-Greene, Executor Estate of Ananias B. Perez**AGENT:** Gail Rosenthal, Attorney/Broker**TYPE OF AMENDMENT:****Change in Future Land Use Designation****From:** Single Family**To:** Mixed Use/Office**Base District Zoning Change****Related Zoning Case:** C14-2015-0109**From:** SF-3-NP**To:** GO-MU-NP**NEIGHBORHOOD PLAN ADOPTION DATE:** May 13, 1999**PLANNING COMMISSION RECOMMENDATION:****March 22, 2016 -****February 23, 2016** – Postponed to March 22, 2016 on the consent agenda at the request of staff. [J. Schissler – 1<sup>st</sup>; J. Vela – 2<sup>nd</sup>] Vote: 11-0 [J. Shieh absent; one vacancy]**December 8, 2015** – Postponed to February 23, 2016 on the consent agenda at the request of the applicant. [J. Vela – 1<sup>st</sup>; F. Kazi – 2<sup>nd</sup>] Vote: 11-0 [J. Shieh absent for passage of consent agenda and J. Thompson absent].

**November 10, 2015** – Postponed to December 8, 2015 on the consent agenda at the request of the applicant. [N. Zaragoza – 1<sup>st</sup>; P. Seeger – 2<sup>nd</sup>] Vote: 10-0-2 [F. Kazi and J. Stevens absent; one vacancy].

**STAFF RECOMMENDATION:** Not recommended.

**BASIS FOR STAFF’S RECOMMENDATION:** The applicant’s request to change the land use on the future land use map from Single Family land use to Mixed Use/Office is not supported by staff because the East Cesar Chavez neighborhood plan stresses the importance of preserving the residential and historic character of the planning area. This property is located within the Willow-Spence Historic District and has single family land use and zoning to the north, east, and south. The plan also does not support commercial encroachment into the residential area.

Below are relevant sections from the East Cesar Chavez Neighborhood Plan:

## Critical Development Issues

In 1997, the East César Chávez Neighborhood Planning Leadership Team was established for the purpose of developing a neighborhood plan. The Leadership Team included homeowners, tenants, neighborhood associations, businesses and non-profit organizations. In August of 1997, the East César Chávez Neighborhood was selected to be one of the first neighborhoods to participate in the City of Austin's Neighborhood Planning Pilot Project. In their application for participation in the Neighborhood Planning Project, the neighborhood identified five critical development issues that threatened the neighborhood and made them a good candidate for a neighborhood plan.

1. **The residential and historic character of the neighborhood is threatened.** The opening of the Austin Convention Center, increasing downtown development and rapidly rising property values city-wide have made the neighborhood a target of speculators and commercial and industrial interests that threaten historic homes and the residential character of the neighborhood.
2. **The need for more affordable housing and increased ownership by residents.** There is a very real need to create, renovate and maintain affordable housing for people with limited resources and increase the number of residents who own their own homes (including the children and grandchildren of long-time residents).
3. **Major development is proposed or underway that represents the potential for major change.** A number of projects, including the proposal for light rail along the 4<sup>th</sup>-5<sup>th</sup> Street corridor, the increase in downtown development and the opening of the new Austin-Bergstrom Airport, threaten to change the character of the neighborhood. Increases in traffic and in property taxes are of major concern to the neighborhood.
4. **Zoning and land use issues.** Zoning in the area often does not reflect the actual use of the property. In some locations, property zoned commercial or light industrial are actually occupied by single-family residences. Lack of zoning protection encourages the razing of these houses. In other cases, zoning restrictions have prevented current residents from expanding or rebuilding their homes because they were located on commercial or industrial zoned property. The neighborhood would like to see a shift from industrial and commercial uses that are incompatible with residential uses to less intense more compatible uses.
5. **Crime and safety concerns.** The neighborhood recognizes efforts by the City and the police department to address crime and safety concerns. The residents want to continue to address the problems of gangs, drugs and other crime.

## 1. Land Use, Zoning and Neighborhood Character

**Neighborhood Vision:** The neighborhood envisions commercial corridors that are safe and pedestrian-friendly. These corridors should be mixed use residential, commercial and include civic elements. Mixed residential and retail uses, such as stores with residences above are encouraged. Development should be compatible with the existing neighborhood, economically and environmentally sustainable and conducive to a blend of vibrant economic activity and quality of life. The neighborhood envisions open spaces, plazas and market places that contribute to friendly street activity.

Compatible development is desired to preserve the beauty of the neighborhood and should accommodate existing families. They would like the barrier effect of IH-35 reduced and stronger connections between the East César Chávez Neighborhood and downtown should be developed. The neighborhood will work to retain the history, culture and diversity of the neighborhood and provide visual landmarks to highlight the history and cultural heritage.

**Goal 1:** Provide zoning for a mix of business and residential land uses in the commercial corridors and selected other commercial areas.

*Primary resources: City of Austin and Travis County Tax Appraisal District.*

**Goal 2:** Ensure that new structures and renovations are compatible with the existing neighborhood and protect homes from incompatible business or industry.

*Primary resources: City of Austin and public and private sector.*

**Objective 1:** Ensure that all new or redevelopment projects are compatible with the existing character of the area in scale, density, design, and parking.

**Action 9.** To ensure that all proposed development is compatible with the neighborhood DRID will provide development applicants with a copy of the adopted Neighborhood Plan. All development should be consistent with the Neighborhood Plan and compatible with the existing neighborhood. **Primary implementers: DRID**

**Action 10.** Protect all structures of historic significance from demolitions. Change the ordinance to include notification of affected registered neighborhood associations of the proposed demolitions. **Primary implementers: DRID**



<b>Objective 2:</b> <b>Protect residential neighborhood from incompatible business or industry and from destruction of existing housing.</b>
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**Action 14.**      Neighborhood will work with the Landmark Commission and DRID to survey and identify neighborhood structures of historic and/or cultural value. Investigate the feasibility of creating a historic overlay in some areas of the neighborhood which would offer tax abatements to help existing residents keep their homes and make it affordable to fix up older homes. Amend city ordinance as needed. **Primary implementers: NPT, LC, DRID**

<b>Action 15.</b> Protect the residential neighborhood along IH-35 from encroachment by incompatible commercial uses by establishing a green buffer between the neighborhood and IH-35. Encourage the City to create a land bank and purchase land bordering IH-35 south of 4th Street to Town Lake, as it becomes available, for the long-term purpose of establishing the green buffer. No residential structures will be condemned for the purpose of establishing the buffer. Single family residential uses should continue along the proposed green buffer. Housing in the historic district should continue to be protected from demolition. <b>Primary implementers: PW, NPT</b>
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## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Single family** - Detached or two family residential uses at typical urban and/or suburban densities

### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

### **Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

#### ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use/Office** - An area that is appropriate for a mix of residential and office uses.

#### **Purpose**

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

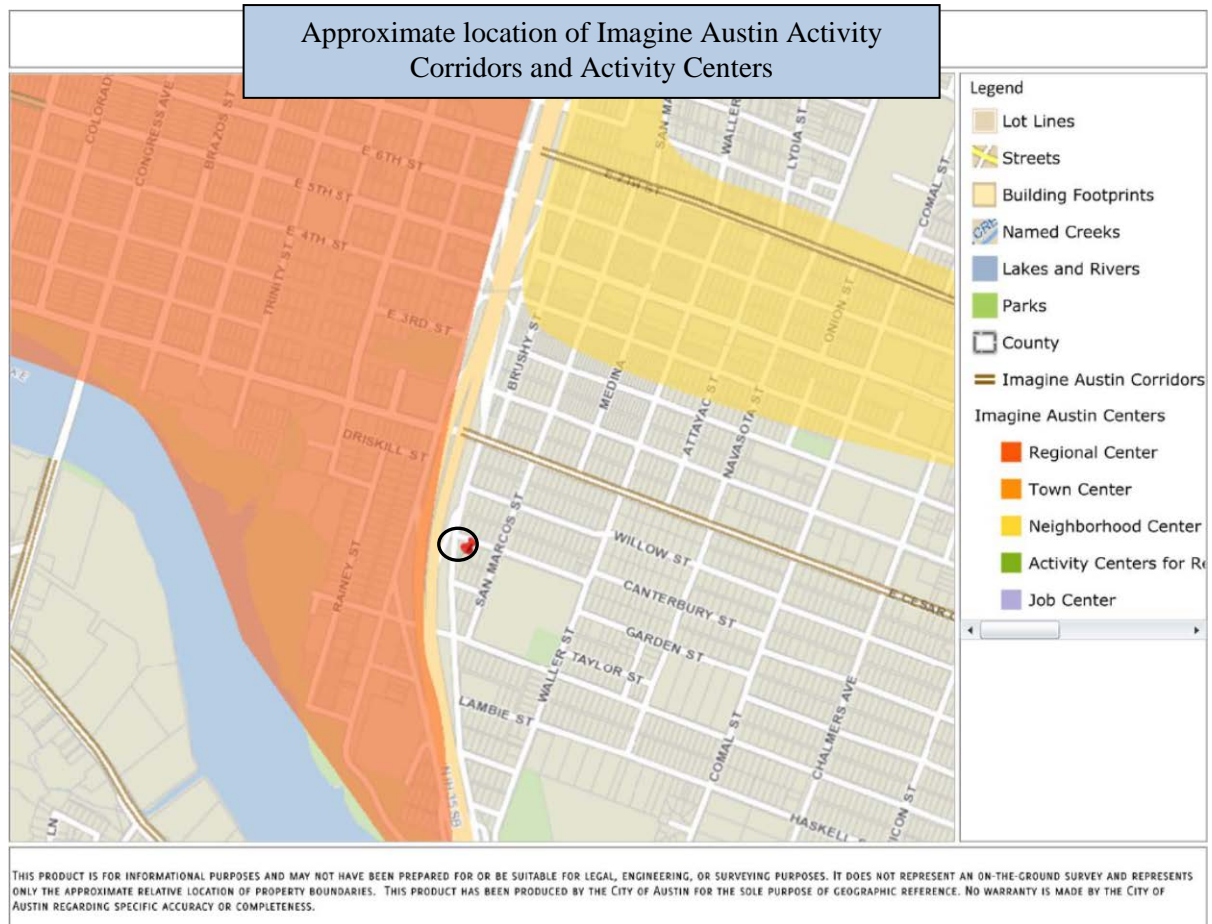
#### **Application**

1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

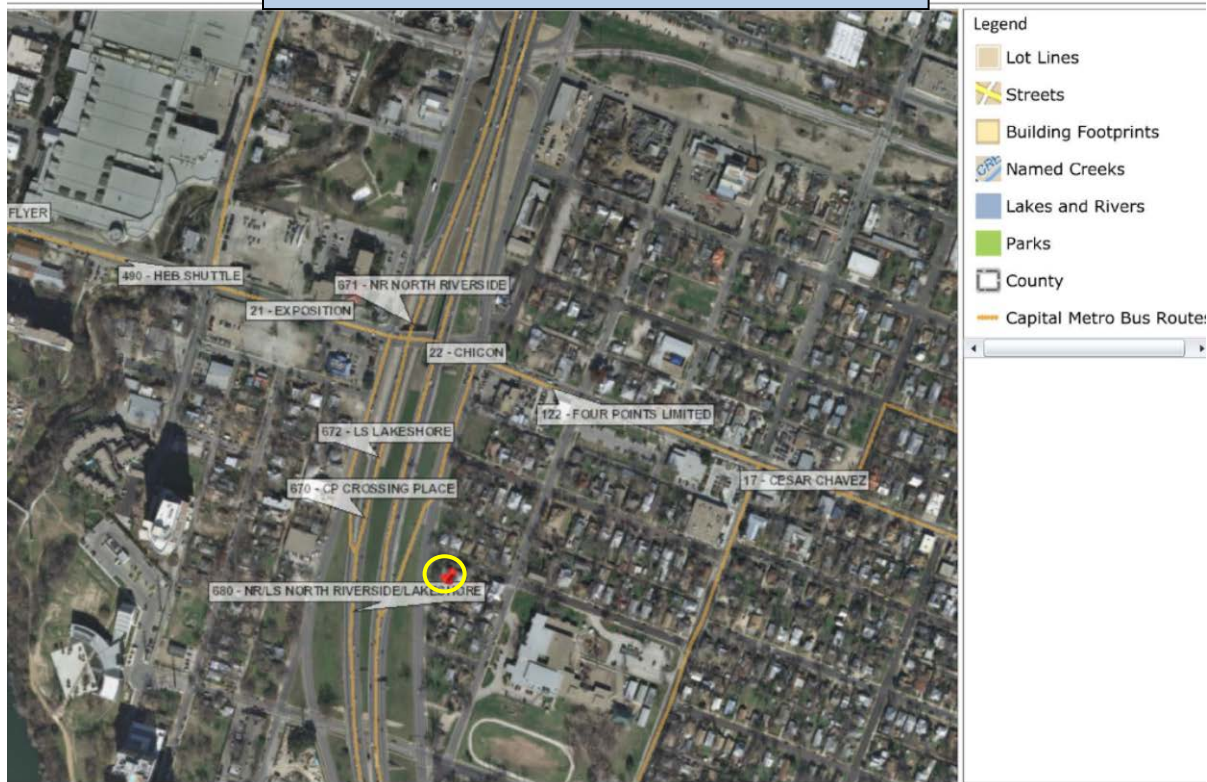
#### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The applicant proposes to change the zoning to allow an office use in addition to a residential use; however, the proposed zoning would not require a residential component. The property is located near Capital Metro bus route. Sanchez Elementary School is less than a block away and the property is within three blocks of East Cesar Chavez commercial corridor.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is three blocks south of the East Cesar Chavez activity corridor as identified on the Growth Concept Map in the Imagine Austin Comprehensive Plan.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.

- *The property is not located on an activity corridor or within an activity center.*
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - *The applicant is proposing a mixed use land use and zoning which would allow a residential component of the office use, although it would not be required. A residential home could be lost as part of the rezoning change.*
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - *Between Holly Street and E. Cesar Chavez, the dominant land uses on the future land use map to north and south are single family land uses.*
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - *The property is not located within an environmentally sensitive area.*
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - *Not applicable.*
  8. Protect, preserve and promote historically and culturally significant areas.
    - *The property is located within the Willow-Spence National Register of Historic Districts, which is predominately a single family area.*
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - *Not directly applicable.*
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - *Not applicable.*
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - *Not applicable.*
  12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - *Not applicable.*



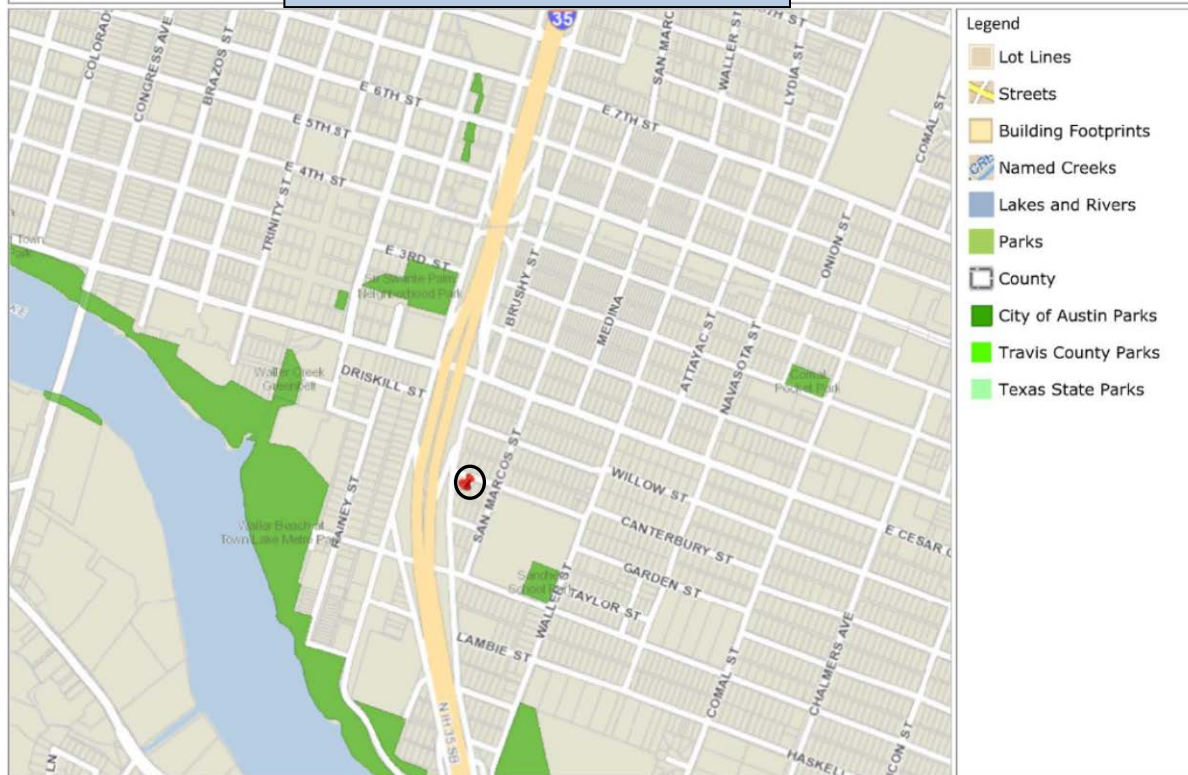
## Capital Metro Bus Routes in Proximity to Property



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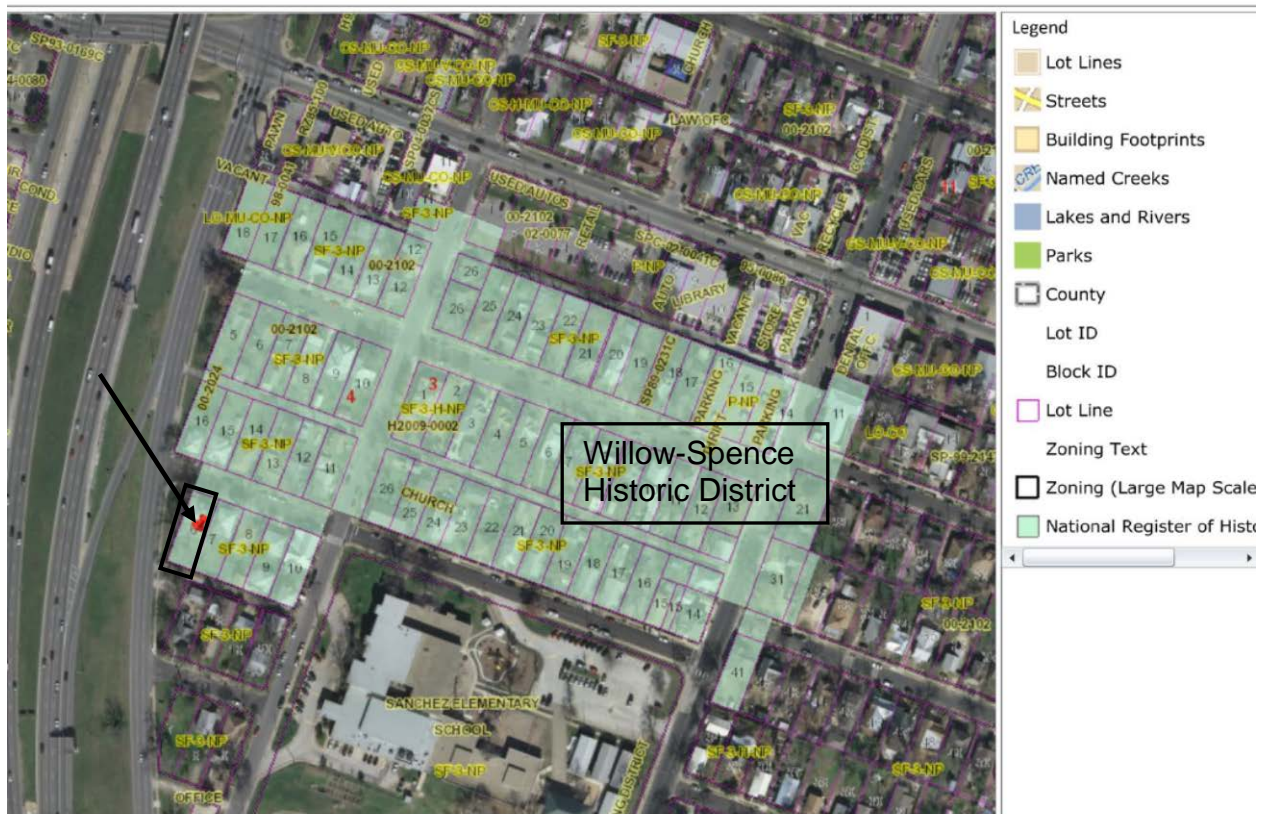


## Parks in the Vicinity of the Property





## CITY OF AUSTIN DEVELOPMENT WEB MAP



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## IMAGINE AUSTIN GROWTH CONCEPT MAP

*Definitions*

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. 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. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on July 31, 2015, which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use/Office. The proposed zoning change is from SF-3-NP to GO-MU-NP. The owners are in the process of selling the property and do not have a proposed specific use for the property. For more information of the proposed zoning case request, see case report for C14-2015-0109.

The applicant's Summary Letter is on page 15.

**PUBLIC MEETINGS:** The ordinance required plan amendment meeting was held on August 27, 2015. Approximately 112 meeting notices were mailed to property owner and utility account holders who live or own property within 500 feet of the property, in addition to neighborhood organizations and environmental groups who have requested notification for the area on the community registry.

After city staff gave a brief presentation describing the applicant plan amendment and zoning request and the plan amendment process, the applicant's agent, Gayle Rosenthal, gave the following presentation.

Gayle Rosenthal, agent for the owners, said that Margo and her four sisters own the home. The parents passed away, they bought the house in 1947. They lived 50-60 years in the home. When they bought the home IH-35 didn't exist, but it was on East Avenue, which was a lovely boulevard. Now IH-35 is a very congested highway with fumes and noise and the outdoor space is unusable. From my standpoint as a realtor/broker and attorney, we won't get what the house is worth because of this. The home needs some work and it needs central air conditioning. The lot alone is worth about \$350,000. The building is worth about \$52,000 to \$100,000. We have it on the market for \$500,000 for about one year. We've had about one or two residential developers interested in it, but they wanted to demolish the home and build new construction. It's hard to get historic zoning on the property. If we were to get office zoning, it would be easier to preserve the home because then the new owners could afford to make the necessary repairs.

After the agent's presentation, the following questions were asked and comments made:

**Q. So you're saying you're not able to sell the house, this is why you want to rezone?**

A. People don't want to buy a house along IH-35.

**Q. I'm a realtor and I think asking \$500,000 for the house too much. I think you should consider reducing your price to \$250,000.**

A. We looked at other comps in the area. We might reduce the price depending on what happens at the public hearings.

**Q. Are you're guaranteeing that if someone purchases the house to use as an office that they won't demolish the home?**

A. No, I can't guarantee that.

**Q. Why did you request GO-General Office zoning and not NO- Neighborhood Office zoning?**

A. Would the PCT support NO zoning?

**Q. Where would you put the parking for an office use?**

A. We can't use TXDOT easement, but we have enough parking out back. We can use the alley as access to the parking at the back of the house. We have space for four to six parking places.

**Q. What benefit would this bring to the neighbors around you?**

A. In the future this area will be commercial. If you well in the future, you might regret that you can't sell it as commercial.

**Q. Wouldn't this trigger the domino effect and cause the other homes to request commercial/office zoning as well?**

A. Right now this home serves as a buffer from the noise from IH-35 which protects the other homes. Other neighborhoods have commercial and residential side-by-side and it works.

**Q. If you apply for Historic zoning, are you guaranteed to get it?**

A. It's not likely, but we would try.

**Q. Why not try now rather than wait until after PC and CC hearings for this case?**

A. It would be a disservice to my client to apply for it now.

**Q. Do you have any neighborhood support?**

A. I thought Malcolm supported me, but it seems like he does not. I know Ray across the street would like Mixed Use so they could have an office on the property.

**Comments:**

- If get rezoned to commercial/office, this could become another Rainey Street.
- You're arguments are used by everyone. You use scare-tactics. We want to fight for the integrity of the neighborhood.
- This is spot zoning. There is no adjacent office zoning.
- We don't want to lower the neighborhood standards.
- We will help you with the historic zoning on the property, instead of asking us to support the GO-General Office zoning.
- We understand about the property's location to IH-35 and the access road, but IH-35 will be redone in the future and the highway will be capped and covered up. The property is not a convenient location for commercial use. If you get rezoned to commercial, it will be an isolated property. Most people who bought residential homes in the area updated them with central air conditioning and closets, they didn't demolish them.
- These cases chip away at the neighborhood. We need to preserve our history. The Landmark Commission standards are so high. Only famous people who live in historic homes get historic protection. Famous people didn't want to live in these homes.
- If you had a buyer with an actual plan, we would be willing to listen to you.
- My parents' home got demolished when IH-35 was built. You still have your parents' home.

**Owner's Comments:**

- There are businesses on Spence Street. We have always had businesses on Spence Street. I remember going to the grocery store on the corner when I was a kid. My father bought the house and paid \$35 a month to pay it off. He had a 3<sup>rd</sup> Grade education. I'm fighting this for my parents. They were hard workers. They worked hard for their family. It's not about money, it's about them. This would be the best for them.

The East Cesar Chavez Planning's letter of recommendation is on page 16.

**CITY COUNCIL DATE:**

December 10, 2015

**ACTION:** Postponed to March 24, 2016 at the request of staff. [D. Zimmerman – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 10-0 [Mayor Adler absent]

March 24, 2015

**ACTION:**

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** maureen.meredith@austintexas.gov



**Summary Letter submitted by the Applicant**

City of Austin Application Packet for Neighborhood Plan Amendment  
For Individual Property Owner

Page 13 of 16

## Neighborhood Plan Amendment

### SUMMARY LETTER

The home at 901 Spence was built in 1920, and is part of the Willow-Spence Historic District. It is located at the south side of the intersection of Spence and the northbound access road to Interstate 35. It is heavily impacted by the stress-inducing view of heavy traffic, the noise of heavy and unrelenting traffic, and the air pollution from exhaust. The home is in a largely original condition and appears to be of traditional Swedish architectural design. It has a rather "grand" floor plan consisting of a deep porch, high ceilings, spacious foyer, large living and dining room. The structure has value but needs modernization, which will be costly.

The home was purchased by the Perez family in 1947, and it was their family home for over 50 years. In the intervening years, Austin's traffic burden has grown substantially. East Avenue gave way to IH- 35. Growth has changed the character of the intersection at IH 35 and Spence St. so that it is no longer desirable for use as a residence. It has been on the market for one year and the only residential inquiries have been for demolition.

The adopted NP P. 28 Action Item 15 recognizes that IH-35 impacts residences materially and sets a goal of installing a green buffer for those homes impacted. The FLUM that accompanied the Plan document erroneously designated parcels along IH-35 as Recreation/Open Space. Action Item 15 also stated that no housing should be lost to developing the green buffer. The patriarch of the family, Ananias Perez, was in his 90s when the NP was adopted and it is believed that he may have interpreted the Plan as a promise of parkland adjacent to his home.

A zoning change to GO-MU-NP use would further the goals of the ECCNP. P 55, Section 5 Economic Development. Rezoning the base zoning district of 901 Spence would provide an opportunity for a local professional or entrepreneur to locate a business inside the NP that is compatible with a residential neighborhood. Such a rezoning could also serve as a catalyst to the preservation of the historic buildings in the Willow Spence Historic District. Older homes are more costly to repair; an office use of the older buildings would provide a beneficial infusion of capital towards renovation of the historic structure.

A zoning change to GO-MU-NP would ensure that properties adjacent to IH-35 are all treated similarly. It would also ensure similar treatment to other older homes in the City which have been rezoned from SF-3 to a commercial use and which are situated in residential areas but bordered by heavily traveled roadways. The Applicant does have a constitutional right to equal protection of the law, and is entitled to be treated the same as other similarly situated properties.

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## Letter from the East Cesar Chavez Planning Contact Team



August 11, 2015

Heather Chaffin  
City of Austin

RE: 901 Spence

Dear Heather,

The East Cesar Chavez Neighborhood Planning Team is writing to oppose the zoning change request at 901 Spence, Case no. C14-2015-0109.

After polling the neighbors surrounding this property, we determined that no one supports the request, or believes it is necessary for the sale of the property. The Contact Team voted unanimously to oppose this change. Furthermore, we believe that granting this request would further deteriorate the integrity of the historic value of this area, something that is disappearing quickly and which we are striving to save.

We hope that you join us in our strong opposition of this zoning change.

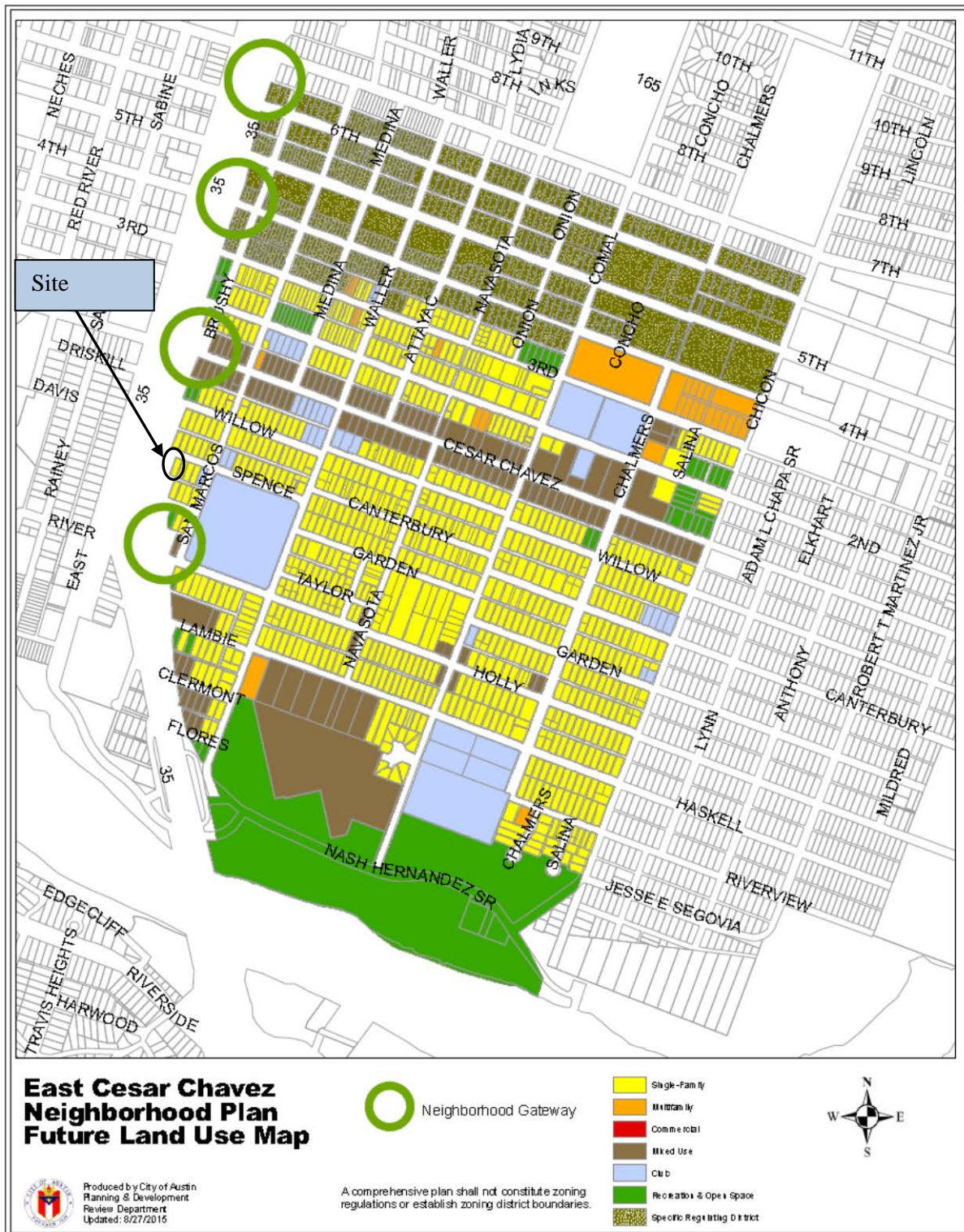
Sincerely yours,

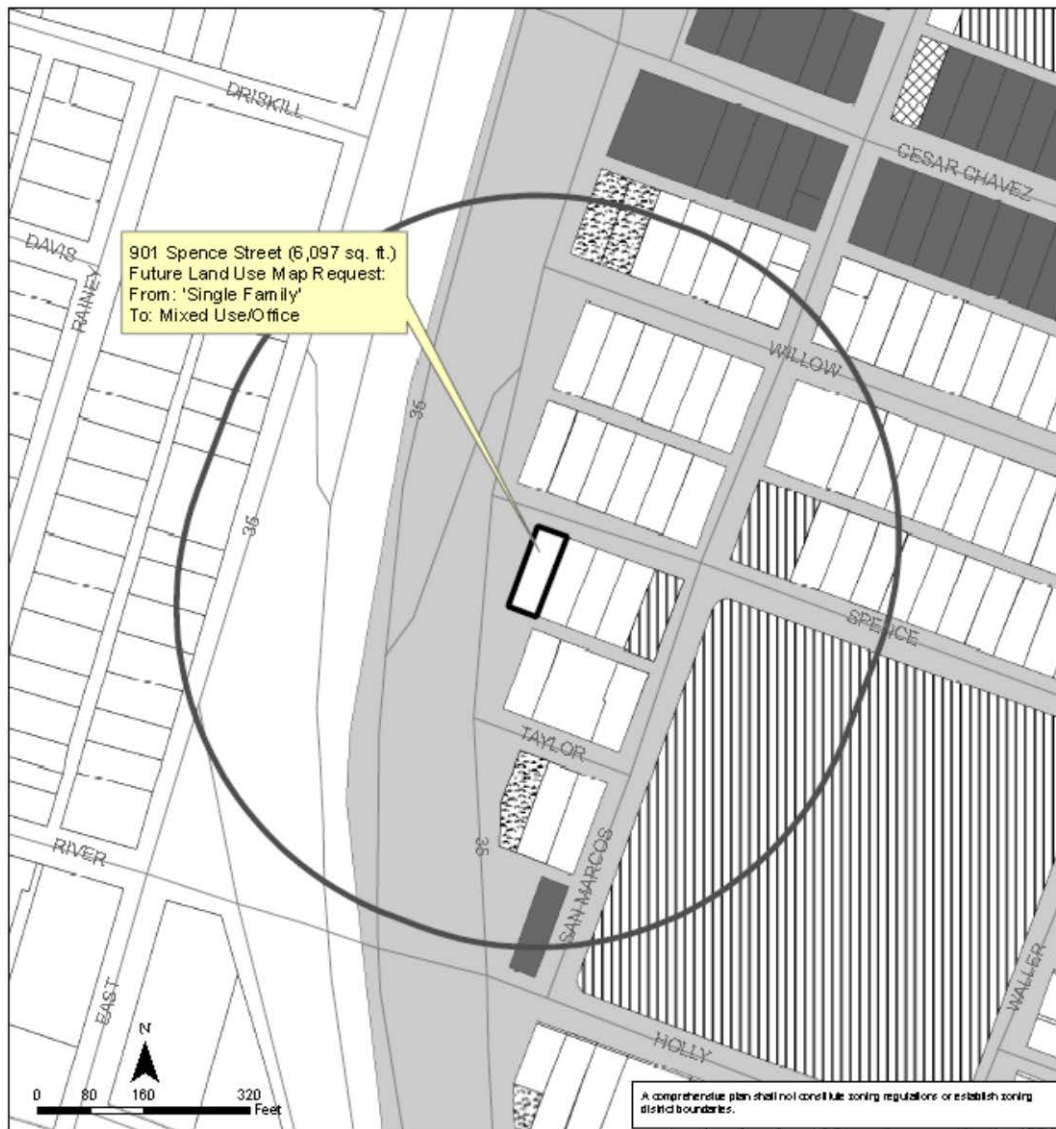
Alberto Martinez

Chair, ECCNPT

cc: Gayle Rosenthal

1234 MAIN STREET ANYTOWN, STATE ZIP (123) 456-7890





### East Cesar Chavez Neighborhood Planning Area NPA-2015-0002.02

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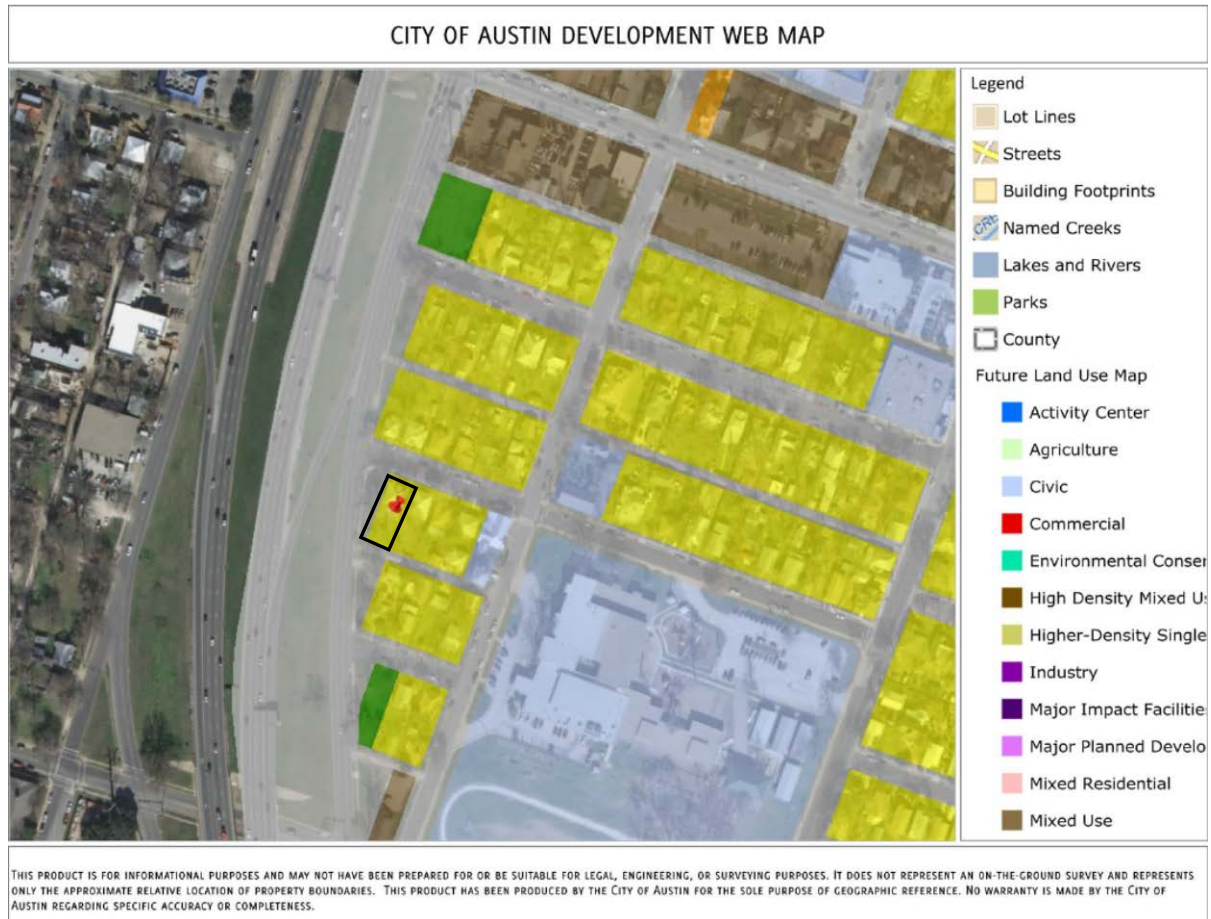
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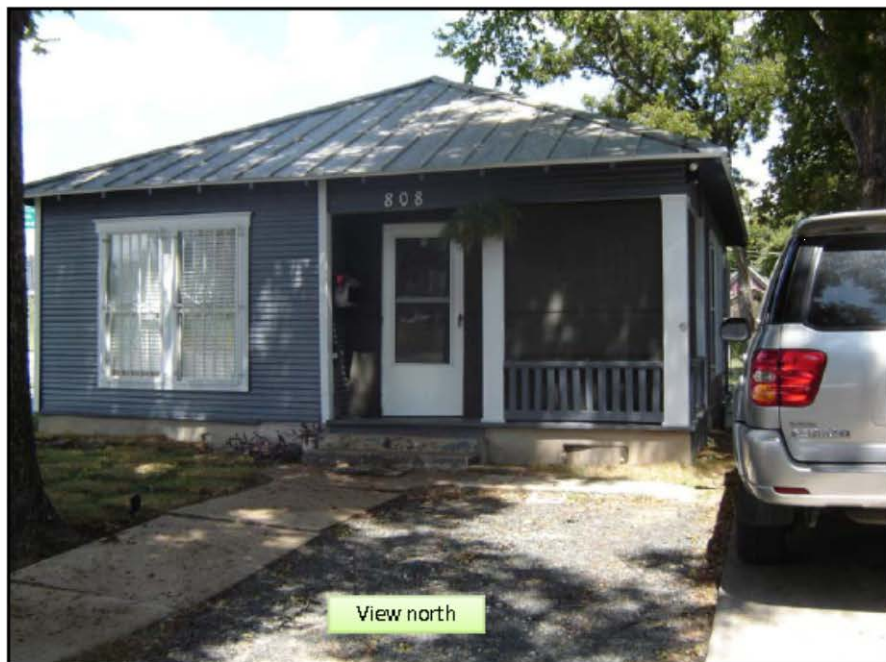
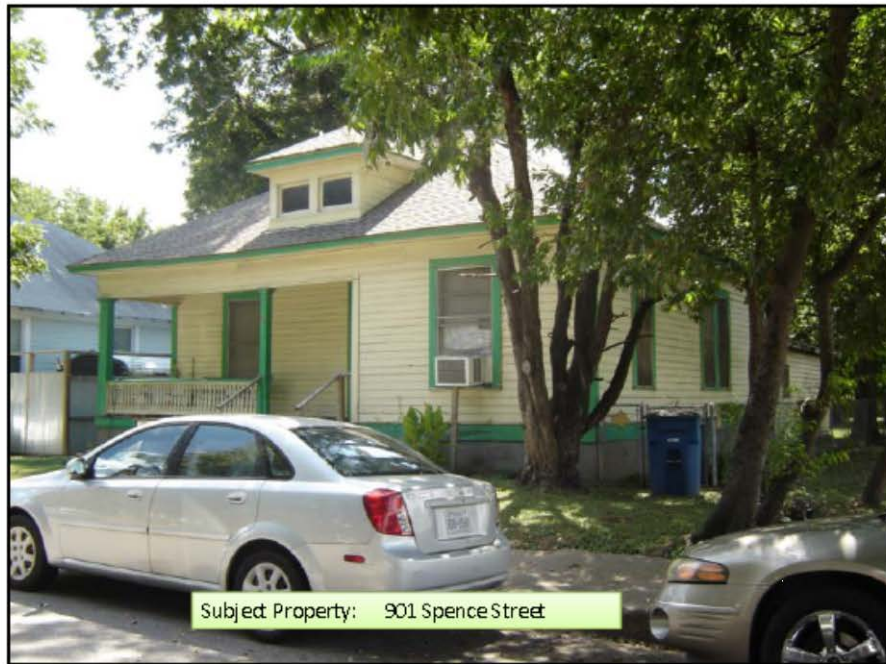
#### Future Land Use

	500 ft. notif. boundary		Specific Regulating District
	Subject Property		Civic
	Single-Family		Recreation & Open Space
	Multi-Family		Transportation
	Mixed Use		

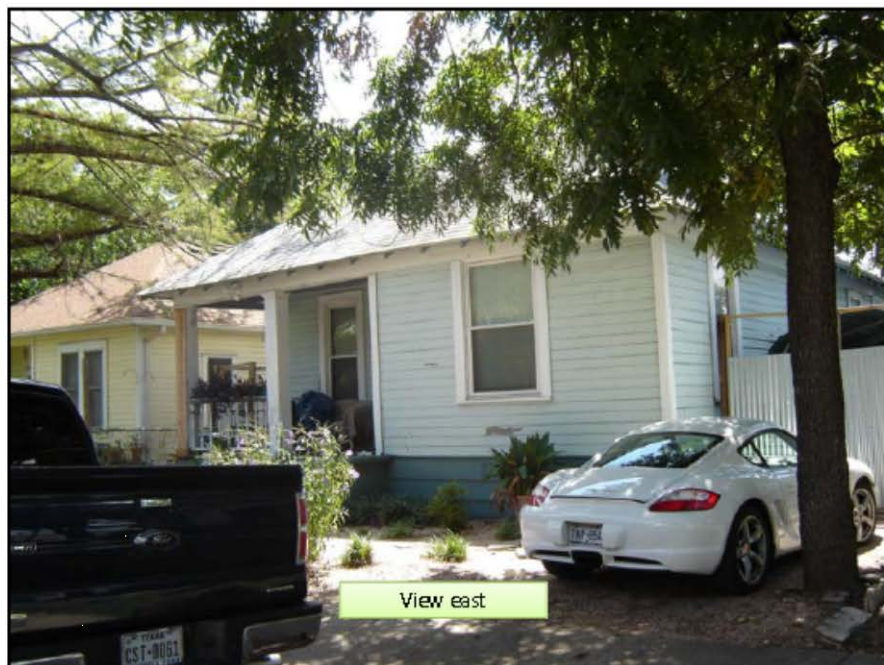






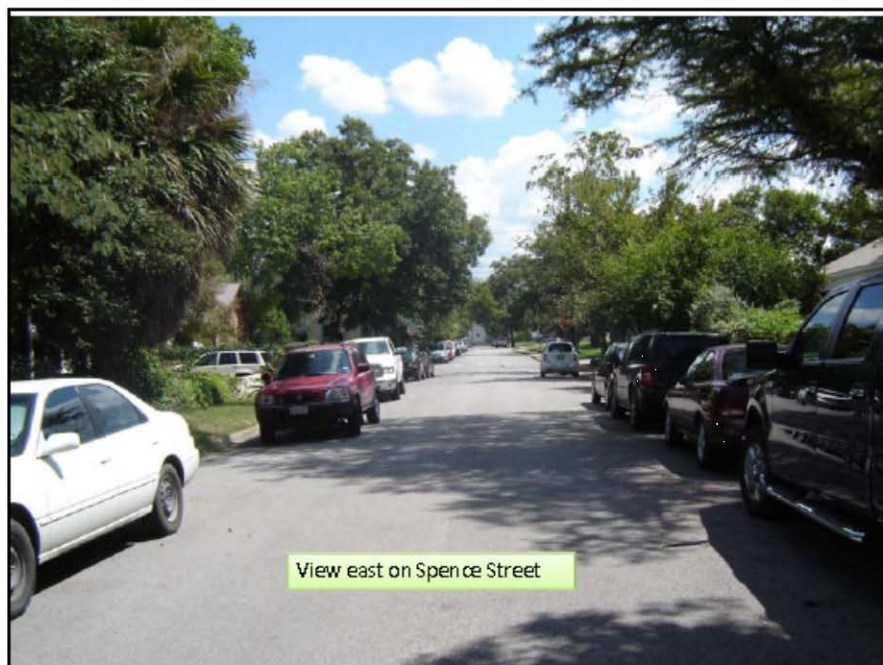














NPA-2015-0002.01  
901 Spence St.

Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? X Yes \_\_\_ No

If there was a mapping error, explain here and provide documentation: Action Item 15 states that a green buffer should be developed along IH-35 to buffer homes materially impacted by IH-35 and that no housing should be lost to developing a green buffer. As an apparent consequence, the FLUM erroneously designated all parcels along IH-35, some with homes and some without homes without homes, as Recreation /Open Space. \* Though a correction was made in 2014 to designate 901 Spence as SF-3-NP, the Applicant states that there was an error or omission in the original planning process that failed to take into account that no land is available to provide a green buffer for the residences along IH-35. The residence at 901 Spence St. actually serves as a "buffer" to other homes on Spence, and is more would more appropriately be zoned as GO-MU-NP. Had this factor been analyzed properly at the time the NP was adopted, parcels immediately adjacent and heavily impacted by IH-35 would have been designated for commercial use and as a transitional buffer to the residences interior to the neighborhood. In this way, the goal to recognize and ameliorate the negative impact of IH-35 on the residential character of properties adjacent to IH-35 would have been accomplished.

\* The FLUM for 901 Spence St. which was in the ECCNP in July of 2014 is attached for reference.

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? \_\_\_ Yes \_\_\_ No

If this condition applies, explain here \_\_\_\_\_

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? \_\_\_ Yes \_\_\_ No

If yes, explain here \_\_\_\_\_

## (4) the proposed project:

- (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? \_\_\_ Yes \_\_\_ No

If yes, explain here \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ or

- (b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? \_\_\_ Yes \_\_\_ No

If yes, explain here \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary:

From Page 3 of the NP document :

1. Provide zoning for a mix of business and residential land uses in commercial areas.

Many older homes in the ECCNP have been converted from residential to commercial use due to their locations on busy commercial streets such as East Cesar Chavez and 2nd Street. This zoning principle is widely accepted land use concept and it is even more applicable to 901 Spence St. because it is adjacent to and heavily impacted by IH-35. An office use for 901 Spence St. is not only appropriate due to its location, it is compelled by the Equal Protection Clause of the U.S. Constitution's requirement of equal treatment of similarly situated properties. There are compatibility standards for site plan, specific use, and development in Austin's Land Development Code the protection of the residential interior of the neighborhood. Protection of the residential character of the Willow Spence District is not grounds for the denial of commercial zoning to the owners of 901 Spence St. Rezoning 901 Spence St. actually furthers the goal of providing compatible mixed business and residential uses within the NP.

2. Ensure that new structures, renovations, and businesses are compatible with the neighborhood.

The structure at 901 Spence St. is compatible with the neighborhood architecture and is an integral part of the Willow Spence Historic District. The structure will require costly modernization and upgrades for energy efficiency which would be more likely absorbed by an



income producing business than a residential user. A residential user who wished to own an historic home and live in the urban core would most likely wait until a home on the interior of the neighborhood was available. If 901 Spence is not rezoned, it will likely be purchased by an investor as rental property and held in a speculative fashion for later demolition.

Several of the buildings in the Willow Spence Historical District are currently deteriorating. 901 Spence St. is in surprisingly good condition for such an old building, and the family's long term residence there attests to the care they have provided. It's location and sturdy condition makes it a suitable and desirable to sustain as a buffer to the neighborhood from the traffic and congestion of IH-35, however in order to do justice to the owners and to the structure itself, 901 Spence should provide that service as a buffer by existing as mixed use office, not as a residence.

**3. Create and preserve physical features and activities to reinforce the neighborhood's cultural identity and history.**

The structure is of apparent traditional Swedish design. At, and before the turn of the century, and until the mid 1960s, there were many families of European descent who lived in this neighborhood. The Applicant is 5th generation Swede whose grandmother and father lived in the NP until the 1960s. Both brothers went to the old Metz Elementary, which was predominately European immigrant families at the time. Though the ethnic composition has changed over the past many decades, there is still an overwhelming European architectural presence in the neighborhood. Failing to rezone 901 Spence St. would undermine the goals of the NP to encourage the demolition or displacement of this building and serve to erode the cultural and historical identity of our City and this neighborhood. In the event this application is approved, the owners will be applying for Historical Zoning.

**4. Attract or develop businesses that serve essential neighborhood needs.**

It's doubtful this small parcel will be the site of major employer, however it has received the attention of 3 or 4 interested office users who are having trouble finding affordable office space and who are being priced out of Central Austin. This type of small entrepreneur is the lifeblood of a vibrant city such as Austin. As Austin's urban core continues to develop, the availability of office space and locations for a variety of services is desirable.

In addition, smaller commercial properties such as what 901 Spence could become, would serve to ward off speculators who would seek to gather a larger footprint and ultimately challenge height restrictions for more intensive commercial use. Ultimately it is up to government to decide building height. But in the shorter term, it is the feature of land being widely held that dampens the kind of speculation that hastens the pace and intensity of development.

Rezoning 901 Spence St. to a commercial use will further the goals of preserving the neighborhood by bringing a commercial user to the property who can sustain the building and provide compatibility and protection to the interior of the residential neighborhood.

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>) or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? \_\_\_\_ Yes \_\_\_\_ No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development \_\_\_\_\_

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(C) The applicant must demonstrate that:

(1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and

[https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE)

(2) the proposed amendment is consistent with sound planning principles. (See attached)

## LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/department/neighborhood-planning-resources>

If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

### 1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: 901 Spence is located on the access road to IH-35 is similarly situated to other properties located on the access road to IH - 35 . Most of the properties that are located along IH-35 have commercial designation. Failing to rezone 901 Spence for commercial use would be arbitrary considering it is similarly situated to other properties on IH-35.

It is a typical zoning pattern to buffer the transition from highway to residential with light commercial uses. It has also been common practice in the City of Austin to rezone older homes on busy thoroughfares from residential to commercial use due to the development of an urban core and due to changed circumstances brought about by growth of the City and increased density of residential neighborhoods. Again, what would be arbitrary in this case would be to not rezone 901 Spence for commercial use.

There are other structures nearby, at San Marcos and Spence, and at Flores and IH-35 which are zoned for commercial use, and if these are not arbitrary, then zoning 901 Spence as GO-MU-NP would not be arbitrary.

### 2. Ensure an adequate and diverse supply of housing for all income levels;

Provide your analysis here: Not applicable.

### 3. Minimize negative effects between incompatible land uses;

Provide your analysis here: The home at 901 Spence was built in 1920 and is largely in original condition. To preserve the building and bring it up to modern standards of climate control and energy efficiency will be very costly. An income producing use would present a better likelihood for preservation of the building and a more compatible structure with the surrounding homes. In addition, the structure already serves as a buffer between IH-35 and other homes on Spence. It is a typical zoning pattern to buffer the transition from highway to residential with light commercial uses for the purpose of buffering residential and high traffic areas. The compatibility of the structure at 901

Spence, and the desirability of preserving it, would minimize the negative effects of incompatibility of highway use and residential use of the interior neighborhood.

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- 4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;**

Provide your analysis here: This location is suitable for public uses as it is accessible to a major highway and serves as a physical, geographic and compatible buffer to the homes inside the neighborhood.

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- 5. Discourage intense uses within or adjacent to residential areas;**

Provide your analysis here: If left residential, this home is likely to be sold at a heavy discount to a developer for use as rental property, with a long range plan of gathering homes in the immediate vicinity and ultimately replacing them with more intensive uses. Allowing small business office users to invest in a foothold along the periphery of the neighborhood insures continued investment in and higher valuation of the structure itself. Ultimately it is up to City Council to limit height, which will limit intense uses. Diversity of commercial ownership is favorable to the goals of the NP as a whole, and rezoning of this property due to its location at IH-35 furthers that objective.

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- 6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;**

Provide your analysis here: Preservation of the building is key to preserving the character of the neighborhood and minimizing the negative effects of commercial development. The building is more likely to be preserved by a commercial user due to its present undesirability for residential use next to IH-35. In addition, compatibility standards in the Land Development Code will provide protection to the interior neighborhood.

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- 7. Minimize development in floodplains and environmentally sensitive areas;**

Provide your analysis here: Rezoning to a light commercial use will sustain a small footprint and diverse, more widely held commercial ownership interests. This is likely to discourage the development of a larger footprint which could lead to increased allowances of height and impervious cover.

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**8. Promote goals that provide additional environmental protection;**

Provide your analysis here: Preserving the structure is more likely to occur with a commercial, income- producing use. If the structure is not preserved it may end up in a landfill and a concrete structure would most likely replace it. Concrete slabs are less compatible with vegetation and tree cover. Pier and beam buildings are being taken out of the housing stock and replaced by slab structures. The only 2 inquiries from residential users the applicant has received have been from developers who would have sought demolition. The highest form of conservation is to preserve the structures that are currently in existence. In the case of 901 Spence St., it is a change in the allowable use of the building which will insure its conservation and thus conservation of the resources it represents.

**9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);**

Provide your analysis here: Appendix E. The Framework For Decision Making states that for zoning cases, an appropriate consideration is whether the proposed change would "increase the perception of safety." The location of a residence adjacent to a highway is not only unpleasantly noisy and bombarded by health - damaging air pollution it is also incompatible with a feeling of pedestrian and bicycle safety.

**10. Ensure adequate transition between adjacent land uses and development intensities;**

Provide your analysis here: Rezoning to an office use is an appropriate transitional use between a highway and a neighborhood, especially with a potentially historic building. In addition

**11. Protect and promote historically and culturally significant areas;**

Provide your analysis here: The structure is located in the Willow Spence Historic District and on the National Historic Register. The owners have rejected inquiries that involve demolition of the structure and construction of new residences. It is the intention of the owners to apply for historic zoning if this Application for a Plan

Amendment and for a zoning change is successful. The preservation of the structure can best be accomplished by rezoning the property to an office use because an income producing owner would be in the best position to upgrade and modernize the building.

**12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/department/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)**

Provide your analysis here: In addition to the increased perception of public safety mentioned in #9 above, Appendix E states that the "preservation of cultural resources" is a consideration for making the City more Livable. Rezoning of 901 Spence to GO-MU-NP would increase the likelihood of preservation of the structure and give public users more opportunity to experience an historic structure, thus making the City more livable. And as the Applicant states above in section B.5.3., there is a cultural and historic identity in the Willow Spence Historic District that is heavily represented by turn of the century European architecture of the area and well represented by 901 Spence St.

**13. Avoid creating undesirable precedents;**

Provide your analysis here : 901 Spence is similarly situated to properties that front or border IH-35. Rezoning of 901 Spence would not set an undesirable precedent for the rezoning of properties which are not on IH-35.

The Applicant understands the community's fear of commercial encroachment on the Willow Spence neighborhood. However this property is literally acting as the buffer for other homes in the area. It is not likely that a residential user would invest the funds needed for appropriate renovations, thus denying an appropriate zoning change to GO-MU NP would actually set the stage for further degradation of residential desirability.

**14. Promote expansion of the economic base and create job opportunities;**

Provide your analysis here: This property is not going to offer employment to 100 or more employees, however Applicant has received inquiries from small business

owners who are being priced out of other sites of commercial office space. See B.5.4. above. It would further the goals of the NP to provide a mix of business and residential uses that are compatible with and beneficial to the neighborhood.

\_\_\_\_\_

**15. Ensure similar treatment of land use decisions on similar properties;**

Provide your analysis here: Rezoning 901 Spence to GO-MU-NP will ensure that properties situated on one of the busiest and most congested highways in the nation, IH-35, are treated similarly to one another.

In addition, rezoning will ensure that old homes which are situated on streets which have become heavily traveled or commercialized have been rezoned to appropriate commercial uses compatible with abutting residential neighborhoods.

**16. Balance individual property rights with community interests and goals;**

Provide your analysis here: The Perez family moved into the home when it was along East Avenue. The City's growth has rendered it undesirable for residential use. Rezoning the property GO-MU-NP is a matter of fairness and would recognizes that it is not the property that has been altered in any way by the owner's conduct, but rather that the growth of the City and evolution of an urban core obviates rezoning. In addition, the rezoning of older historic homes has been done on other streets within the ECCNP and in many other locations in the City, and has resulted in fine neighborhoods with elegant older homes used as thriving business that enhance the character of each community and of the City as a whole, and supports interest in the City as a tourist destination.

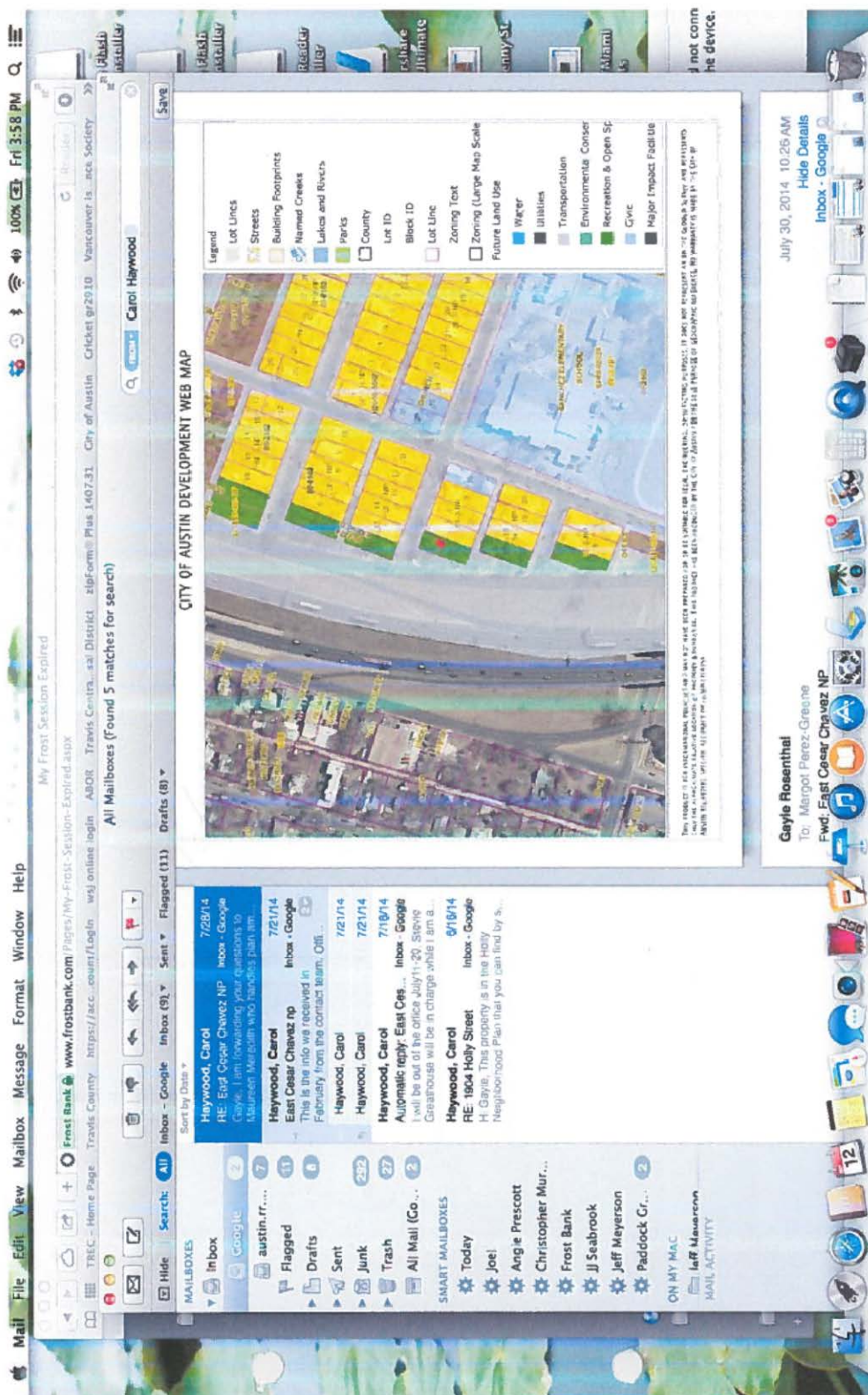
**17. Consider infrastructure when making land use decisions;**

Provide your analysis here: This location is accessible by IH-35 and is walkable from bus stops in the urban core. It is well situated for a use that would be allowable in GO-MU-NP.

**18. Promote development that serves the needs of a diverse population.**

Provide your analysis here: Not applicable.







Planning Commission hearing: March 22, 2016

## PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2015-0002.02  
Contact: Maureen Meredith  
Public Hearings: Nov 10, 2015, Planning Commission  
Dec 10, 2015, City Council

☐ I am in favor  
☒ I object

Your Name (please print)

Jessica Patisio

Your address(es) affected by this application

903 Willow St 78702

Signature

[Signature]

Comments:

Date 11/11/15

Comments: Neighbors clearly oppose any redesign toward any commercial large box on this corner. Only an upgrade of existing home, a historic office project, would be acceptable to neighbors. We are fearful of what may occur if zoning is changed.

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Public Hearings: Nov 10, 2015, Planning Commission  
Dec 10, 2015, City Council

☐ I am in favor  
☒ I object

Your Name (please print)

LORELEI BROWN

1014 SPENCE AND 902 SPENCE

Your address(es) affected by this application

Lorelei B. Brown

Signature

11-4-15

Date

Comments: Neighbors clearly oppose any redesign toward any commercial large box on this corner. Only an upgrade of existing home, a historic office project, would be acceptable to neighbors. We are fearful of what may occur if zoning is changed.

**PUBLIC HEARING INFORMATION**

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin, Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:

<http://www.austintexas.gov/department/neighborhood-planning>.

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Case Number: NPA-2015-0002.02

Contact: Maureen Meredith

Public Hearings: Nov 10, 2015, Planning Commission  
Dec 10, 2015, City Council

Monica Rivera

Your Name (please print)

1100 E Cesar Chavez St

Your address(es) affected by this application

*[Signature]*

Signature

Comments:



PUBLIC HEARING COMMENT FORM	
<p>If you use this form to comment, it may be submitted to:</p> <p>City of Austin Planning and Zoning Department Maureen Meredith P. O. Box 1088 Austin, TX 78767-8810</p> <p><b>RECEIVED</b> 11-5-15</p> <p>If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.</p>	
<p>Case Number: NPA-2015-0002.02 Contact: Maureen Meredith Public Hearings: Nov 10, 2015, Planning Commission Dec 10, 2015, City Council</p>	
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <input type="checkbox"/> I am in favor  <input checked="" type="checkbox"/> I object         </div>	
<p>Your Name (please print) <u>Melody Bird</u></p>	
<p>Your address(es) affected by this application <u>81 San Marcos St. Austin, TX 78702</u></p>	
<p><u>Melody Bird</u> Signature</p>	<p><u>11-3-15</u> Date</p>
<p>Comments: <u>Parking is already an issue in the neighborhood. Bringing in more businesses would only increase the problem. Austin has plenty of office space. We need more affordable homes. Also, we are an historic district. We need to preserve the historic nature of this district.</u></p>	