

EUREKA HOLDINGS, INC.

3001 Knox Street, Suite 400
Dallas, Texas 75205

January 20, 2016

Mr. Stephen Oliver
City of Austin Planning Commission
Via Electronic Mail

RE: Opposition to request by the Urban Renewal Board to initiate a zoning change to a portion of East 12th Street in the NCCD Plan at the January 26, 2016 Planning Commission Meeting,

Dear Mr. Oliver:

Eureka Holdings, Inc. presently owns four lots on East 12th Street, and a fifth under a Purchase and Sale Agreement, all within the area subject to the above-referenced proposed zoning change. Eureka Holdings opposes any zoning amendment to the existing Urban Renewal Plan.

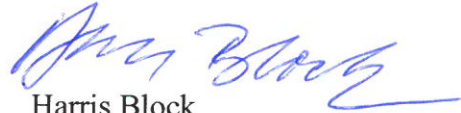
Eureka Holdings opposes any zoning change that adds compatibility standards or otherwise reduces existing entitlements of properties along East 12th Street between Comal Street and Chicon Street. As indicated in the attached staff report for the City Council 4-7-05 Agenda, the existing compatibility standards were developed after years-long work with area businesses, property owners, and adjacent neighborhood associations to develop consensus on the existing compatibility development standards. We understand these standards were developed in part to attract development to this area, for these land parcels consist of shallow lots. Eureka Holdings acquired these properties in reliance on the existing entitlements and zoning, and with the expectation to develop the lots in full-compliance with the same. The proposed compatibility and entitlement changes prohibit Eureka Holdings from developing the properties to their intended highest and best use.

Moreover, as compared to other similarly situated lots covered by the Urban Renewal Plan, the proposed zoning change will arbitrarily and capriciously lower height limits and imposes onerous setback requirements to these targeted lots. These changes will prevent Eureka Holdings from developing the properties, and will effectively limit development of the neighborhood. In addition, the amendments will severely inhibit the goals and intent of the Urban Renewal Plan and the East 11th and East 12th Street Neighborhood Conservation Combining Districts.

Finally, the contemplated rezoning, if approved, will be subject to City of Austin Land Development Code 25-2-284 ("Requirement for approval by Three-Fourths of Council"). Therefore, any approval by Council over the objection of landowners will require a supermajority vote by City Council.

For these reasons, Eureka Holdings strongly opposes the proposed amendment to the East 11th and 12th Streets Urban Renewal Plan.

Very truly yours,



Harris Block

Vice-President

Tract Number	Address	Owner Entity	Deed	TCAD Property ID	Square Footage of Tract	Depth of Tract (feet)
1	1517 E. 12th Street	1517 East 12th Street, LP	Doc. No. 2015013817	197324	9,408	147
2	1521 E. 12th Street	1521 KD NO., 1 LP	Doc. No. 2005139424	197325	8,820	147
3	1603 E. 12th Street	2013 Austin East 12th Street, LP	Doc. No. 2014047499	197327	8,820	147
4	1713 E. 12th Street	2013 Austin East 12th Street, LP	Doc. No. 2014047499	197342	7,405.2	147
5	1611 E. 12th Street	Under agreement to acquire pending clearing of Title.		197328	8,820	147





**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 60
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1

SUBJECT: Conduct a public hearing and approve an ordinance modifying the East 11th and 12th Streets Urban Renewal Plan to designate community parking on East 11th and 12th Streets, change permitted uses, building heights, and parking requirements, and add setback requirements along the East 12th Street Corridor.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required

REQUESTING Neighborhood Housing
DEPARTMENT: and Community
Development

**DIRECTOR'S
AUTHORIZATION:** Paul Hilgers

FOR MORE INFORMATION CONTACT: Paul Hilgers, Director, Neighborhood Housing and Community Development, 974-3108.

PRIOR COUNCIL ACTION: January 14, 1999, approval of East 11th and 12th Streets Urban Renewal Plan; August 2, 2001, approval of first modification of Plan; July 31, 2003, approval of second modification to Plan.

BOARD AND COMMISSION ACTION: Urban Renewal Board and Planning Commission approved the recommendation on the proposed modifications.

PURCHASING: N/A

MBE / WBE: N/A

This public hearing is to receive public comment regarding the proposed modifications to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area as required by Chapter 374.014 (e) of the Texas Local Government Code. Proposed modifications will include designating community parking on East 11th and 12th Streets, changing permitted uses, building heights, parking requirements, adding setback requirements along the East 12th Street corridor, and as further defined in Attachment 1 to this RCA.

The East 11th and 12th Streets Urban Renewal Plan (URP) is an integral part of the Central East Austin Master Plan. The Austin Revitalization Authority has worked closely with area businesses, property owners and adjacent neighborhood associations since June 2003, to come to a consensus on the proposed modifications to the URP.

Attachment 1 clarification.

The Language in blue was not presented to the Urban Renewal Board or the Planning Commission but developed to clarify intent. Section Section 3.A.4., where it states that the current regulations in the LDC for compatibility are waived in lieu of the recommendations regarding height, parking, compatibility and impervious cover restrictions will be recommended for Council adoption **contingent upon** the approval of the Watershed Protection & Development Review Department. WPDR is reviewing at this time and will make a determination before the April 7th Council Meeting.

Existing Plan Controls		Final Proposed Changes	
Parking			
East 11th Street: Community Parking	Create "publicly funded" community parking lot in specific location.		
East 12th Street: Number of parking spaces identified for each block depending on amount of development anticipated.	Delete existing controls on 12th Street and proposed changes and replace with the following policy: Require provision of 80% of amount of City-required parking for all buildings (same as exists currently on East 11th Street per East 11th Street NCCD). Create "publicly funded" community parking lot in specific location.		
Parking Garages were not addressed originally.	Parking Garages on 12th St will have specific design criteria and for garages 2 stories or over, such structures are required to have retail on 50% of the ground floor and for structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking)		
Allowable Heights East 12th Street:			
North side/Southside of East 12th Street from Branch Street to San Bernard Street and south side of 12th Street between Angelina Street and Chicon Street - 35' Maximum.	Sub-district 1 - 60' heights (north side of E. 12 th from Interstate 35 frontage road to NW corner		
North side of East 12th Street from San Bernard Street to Poquitos Street and the Southside of 12th Street between Chicon Street and Poquitos Street - 50' Maximum	Sub-district 2 - 80' heights (north side of E. 12 th St from the northeast corner of Olander to F		
	Sub-district 3 - 35' heights (south side of E. 12 th between Branch to Comal except southwest corner of Comal)		
Other Project Controls for East 12th Street			
New commercial space, commercial space to be preserved, new housing units, housing units to be preserved, parking, potential demolition, and FAR.	Deleted existing controls on 12th Street. There are other mechanisms in place to manage these. City's Land Development Code, CURE (Central Urban Redevelopment Combining District, Section 106 Survey (Historical Survey completed in Sept 2000). All FAR standards in LDC shall be waived.		
Setbacks			
Setbacks are not addressed specifically.	Given waiver of compatibility regulations, increase rear setback for properties in Sub-Districts 1 and 2 of E. 12th St. to 10' and sub-district 3 on E. 12th St. are 15' (front), 10' (street yard), 5' (interior side yard), and 5' (rear).		
Impervious Cover			
Impervious cover is not addressed specifically.	90% in Sub-districts 1 and 2 (95% in instances where community detention not available and		
Compatibility for East 12th Street			
Design Compatibility is not addressed specifically.	Defined Lighting, building facade and landscaping design criteria for development on East		
Definitions			

Existing Plan Controls	Final Proposed Changes
Mixed Use - All buildings would have to comply with mixed use definition. Personal services was excluded from list of eligible/allowable businesses.	Mixed Use - Single story buildings and buildings less than 2,000sf on East 12th Street and single story buildings on East 11th Street will not be required to provide a combination of uses, provided the use is retail, office or residential. Personal Services deleted from list of excluded businesses.

ATTACHMENT 1
Proposed Modifications to the East 11th and 12th Street Urban Renewal Plan
2006

Items in Red are the proposed changes.
Items in Blue were not presented to the
URS or Planning Commission

Project Number/Name	Existing Controls	Proposed Changes	ALA Recommendations	Staff Recommendations	URA Recommendations	Planning Commission Recommendations
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ATTACHMENT 1
Recommended Changes to the
East 11th and 12th Streets Community Redevelopment Plan
2005

Existing CRP

Modification to CRP

***ITEMS HIGHLIGHTED IN RED ARE THE PROPOSED CHANGES

Section 1.0 Definitions

"Downtown and Entertainment Oriented Retail"

Means the use of the site to provide retail goods and services typically associated with entertainment, dining and related activities, as referenced in the Central Business District (CBD) designation of the Land Development Code, excluding adult-oriented businesses, automotive rentals, automotive repair services, carriage stable, cocktail lounges, convenience storage, equipment repair services, funeral services, hotel-motel, liquor sales, medical offices exceeding 5,000 square feet, outdoor sports and recreation, personal services, service stations, pawn shops.

"Mixed-use" means a building that provides for a combination of uses, requiring retail or office uses; on the ground floor (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses), and some combination office/retail and/or office and residential uses on the other floors. Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time.

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(Removal Services deleted from list of excluded businesses)

"Mixed-use" means a building that provides for a combination of uses, requiring retail or office uses; on the ground floor (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses), and some combination office/retail and/or office and residential uses on the other floors. Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time. **Single story buildings and buildings less than 2,000sf on East 12th Street and single story buildings on East 11th Street will not be required to provide a combination of uses, provided the use is retail, office or residential (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses). Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time.**

Add to Section 3.0 CRP Illustrative Design Plan:

- A. General Note Regarding Height, Parking, Compatibility and Impervious Cover Restrictions of the CRP as follows (These restrictions are also proposed to be reflected in an East 12th Street NCCD to be proposed to City Council once this modification is adopted):

1. Height

- a. Sub-district 1 - 60' height (north side of E. 12th from Interstate 35 frontage road to NW corner of Olander).
- b. Sub-district 2 - 40' height (north side of E. 12th St from the northeast corner of Olander to Poquito; south side of East 12th St southeast and southwest corners of Comal; south side of E. 12th between Comal and Poquito)
- c. Sub-district 3 - 35' height (south side of E. 12th between Branch to Comal except southwest corner of Comal)

2. Parking

- a. Off-street parking requirements shall be based on the lesser of 80% of that required by the appropriate schedule of the Land Development Code (LDC) or as calculated by existing shared parking provisions of the current LDC.
- b. Create publicly-funded community parking at the northeast and/or northwest corners of E. 12th and Angelina Streets, southeast corners of E. 11th and Whetstone Streets and a minimum of 40 spaces each on lots in the vicinity of E. 12th and Navasota Streets and E. 12th and Chicon Street.
- c. Parking Garages for East 12th Street:
 - If parking garages of 2 stories or over are developed, such structures must have shielded lights and are required to have retail on 50% of the ground floor.
 - For structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking) and 12" masonry wall shielding the structure from residences behind. Complete shielding is required of the north and south walls as well as 50% of sidewalk for both sides of E. 12th Street. Access to structure will be confined to E. 12th Street. Overnight parking is limited to residents and their overnight guests.⁶

3. Impervious Cover for East 12th Street

- a. 90% in Sub-district 1 and 2 (95% in instances where community detention not available and developer provides on-site detention)
- b. 80% in Sub-district 3

A. Compatibility for East 12th Street

The current regulations in the LDC for compatibility are waived in lieu of the following:

- a. Sub-districts one and two shall have a 10' rear setback with all other setback provisions waived. Setback provisions for sub-district 3 is 15' (front), 10' (street yard), 5' (interior side yard), and 5' (rear).
- b. Lighting. All exterior lighting must be hooded or shielded so that the light source is not directly visible across the source property line. At the property line, the lighting may not exceed 0.4-foot candles.
- c. Building Façade. May not extend horizontally in an unbroken line for more than 20 feet, must include windows, balconies, porches, stoops, or similar architectural features; must have awnings along at least 50 percent.
- d. Landscaping. Required, unless street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas, or medians are not required for parking lots with less than 12 spaces.
- e. Drive-through restaurant facilities are prohibited.
- f. All other compatibility standards are waived except as specifically described in the CRP.

*Language in blue was not presented to the Urban Renewal Board or the Planning Commission but developed to clarify intent.

