

ZONING CHANGE REVIEW SHEET**CASE:** C14-2016-0110 – West House, LLC**P.C. DATE:** November 8, 2016
December 13, 2016**ADDRESS:** 1005 West Avenue**DISTRICT AREA:** 9**OWNER/APPLICANT:** West House, LLC
(Adam Moore)**AGENT:** Hajjar / Peters
(Kareem Hajjar)**ZONING FROM:** MF-4 **TO:** DMU-CO, as amended **AREA:** 0.0871 acres
(3,795 square feet)**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The Conditional Overlay limits height to 60 feet.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2016: *APPROVED A POSTPONEMENT TO DECEMBER 13, 2016*
[P. SEEGER; F. KAZI – 2ND] (12-0) A. PINEYRODEHOYOS – ABSENT

December 13, 2016:

ISSUES:

On November 8, 2016, the Applicant amended his request from general office – mixed use (GO-MU) to the DMU-CO district. The Old Austin Neighborhood Association supports the Applicant's amended request.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a legal lot located on West Avenue. The property is developed with a single story office building and a parking area that is accessible from an alley that runs along the south property line. The property is immediately surrounded by a single family residence to the north, apartments and offices to the east, a single family residence and offices to the south, and offices across West Avenue to the west. All of the offices on the east side of West Avenue between West 11th, Rio Grande and West 10th Streets have retained the original residential character. Please refer to Exhibits A and A-1.

A rezoning to downtown mixed use – conditional overlay (DMU-CO) has been requested in order to bring the existing office use into compliance with zoning and also expand

redevelopment options to include residential use, although there is no specific plan at this time.

The property is located in the Northwest District of the Downtown Austin Plan (DAP) approved by City Council in December, 2011, and is within a Regional Center as defined by the Imagine Austin Comprehensive Plan (IACP). Staff is recommending the amended rezoning request as it is supported by both the Proposed Downtown Zoning Changes map in the DAP and the IACP, is consistent with approved and existing zoning densities and intensities on adjacent properties and is compatible with nearby uses, therefore promoting consistency and orderly planning.

Looking at the bigger picture, the Northwest District is an area of transition in building form and height between the Judges Hill District to the west, which is mostly residential buildings of 1-3 stories, and the Uptown/Capitol District to the east, which currently has and is proposed for building heights upwards of 120 feet or more. One of the primary goals of the DAP is to encourage a mix of uses in the downtown area. Therefore, guidance given in the plan suggests zoning changes for particular properties to DMU and also references a suggested height restriction which was based on the height restrictions imposed by the base zoning for each property at that time; MF-4 zoning allows height up to 60 feet. Therefore, the plan references a suggested height restriction of 60 feet. The DAP proposed the zoning changes with height restrictions in order to expand the permissible land uses for properties in the downtown area without granting additional entitlements to height and density on an area-wide basis. It was intended that any request for additional height beyond existing entitlements would be considered on a property-by-property basis so that due diligence is given to determining appropriate height in context with the area and district of each individual property. The property is eligible to participate in the Density Bonus Program. However, at this time, the Applicant’s request for entitlements, including height, does not come with any indication of participating in the Density Bonus Program. Therefore, Staff recommends DMU-CO with the conditional overlay restricting building height at 60 feet. A rezoning to DMU-CO with a 60 foot height restriction will promote a mixture of uses, including residential at a scale that is appropriate to the context of the area and will provide a transition, in form, between the tallest development proposed in the Uptown/Capitol District and the predominantly residential Judges Hill District to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4	Office
<i>North</i>	MF-4	Single family residence
<i>South</i>	GO	Single family residence; Medical offices
<i>East</i>	MF-4; LO	Apartments; Professional offices
<i>West</i>	GO; LR-H	Professional offices

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan (Northwest District)

TIA: Is not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Mathews Elementary School

O Henry Middle School

Austin High School

NEIGHBORHOOD ORGANIZATIONS:

57 – Old Austin Neighborhood Association

402 – Downtown Austin Neighborhood Assn (DANA)

511 – Austin Neighborhoods Council

623 – City of Austin Downtown Commission

742 – Austin Independent School District

998 – West End Austin Alliance

1228 – Sierra Group, Austin Regional Group

1253 – West Downtown Alliance

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1391 – Central Austin Community Development Corporation

1400 – Historic Austin Neighborhood Association

1424 – Preservation Austin

1497 – Shoal Creek Conservancy

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1550 – Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0085 – Creighton – 813 W 11 th St	LO to GO-MU	To Grant GO-MU	Apvd (7-17-2003).

RELATED CASES:

A Land Status Determination was made on July 22, 2013 that excepts this property from the requirement to plat (C8I-2013-0267).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Avenue	80 feet	40 feet	Collector	No	Yes	Yes

CITY COUNCIL DATE: December 8, 2016

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



ZONING

EXHIBIT A

Case#: C14-2016-0110

-  N
-  Subject Tract
-  Pending Case
-  Zoning Boundary

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 100'

Created: 10/4/2016



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

July 22, 2013

File Number: C8I-2013-0267

Address: 1005 WEST AVE

Tax Parcel I.D. #0208001202

Tax Map Date: 06/20/2013

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the **South 55 feet of lot 8, Block 130, Original City of Austin** in the current deed, recorded on **Jul 18, 1975, in Volume 5232, Page 904, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jul 18, 1975, in Volume 5232, Page 904, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **wastewater service on Mar 03, 1921**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



C91-2013-0267

20800

Revision Date: 6/20/2013

0 120 Feet



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet Projection: Lambert Conformal Conic

This map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or reliability of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
6314 Cross Park Drive
Austin, Texas 78754
P.O. Box 148012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512) 434-9517
Appraisal Information (512) 634-6318
TDD (512) 634-3558

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The Conditional Overlay limits height to 60 feet.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The Downtown Mixed Use (DMU) district is intended for areas on the periphery of CBD classifications in the central core area, permitting a variety of uses compatible with downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development.

2. The rezoning should be consistent with the policies and principles adopted by the City Council or by the Planning Commission.

Staff is recommending the amended rezoning request to DMU-CO as it is supported by both the Proposed Downtown Zoning Changes map in the DAP and the IACP, is consistent with approved and existing zoning densities and intensities on adjacent properties and is compatible with nearby uses, therefore promoting consistency and orderly planning. A rezoning to DMU-CO with a 60 foot height restriction will promote a mixture of uses, including residential at a scale that is appropriate to the context of the area and will provide a transition, in form, between the tallest development proposed in the Uptown/Capitol District and the predominantly residential Judges Hill District to the west.

EXISTING CONDITIONS**Site Characteristics**

The subject rezoning area contains an office, and trees and landscaping along West Street.

Impervious Cover

Impervious cover limits are established by the zoning district for this property. The current zoning district of MF-4 establishes a 70% impervious cover limit. The DMU zoning district allows for up to 100% impervious cover.

Comprehensive Planning

Downtown Austin Plan - The subject property is located in the Northwest District of the Downtown Austin Plan. The subject property has been identified in the plan document as a

property that is proposed for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to DMU-CO will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- 1. Preserve the neighborhood's historic residential character.
- 2. Bring residents back to the neighborhood.
- 5. Improve the pedestrian environment.

Imagine Austin Plan - The subject property is located within the boundaries of a '*Regional Center*', as identified in the Imagine Austin's Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

The site is in a Capitol View Corridor (Mopac Bridge). In a Capitol View Corridor, a structure may not exceed the elevation of the plane delineating the corridor. The height limitation exceptions of Section 25-2-531 (Height Limitation Exceptions) do not apply to this subsection. A formal Capital View Corridor determination application will be required.

The site is within the Criminal Justice Center Overlay. In this overlay district, a bail bond services use, cocktail lounge use or liquor sales use that would otherwise be a permitted use is a conditional use; and a pawn shop services use is prohibited.

The site is within the C.U.R.E overlay. C.U.R.E. Combining District Regulations can be found in the Land Development Code 25-2-312.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Transportation

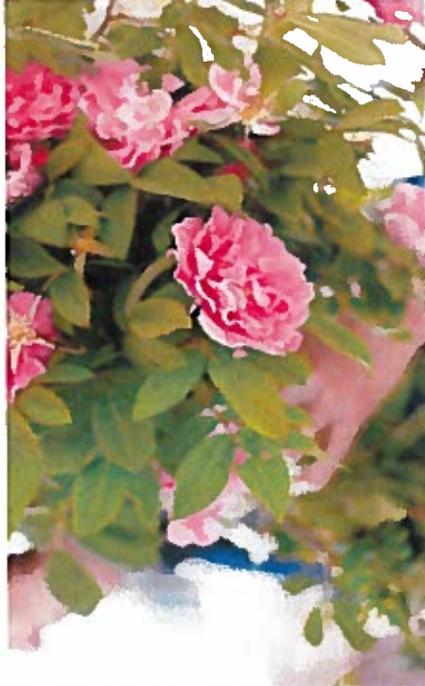
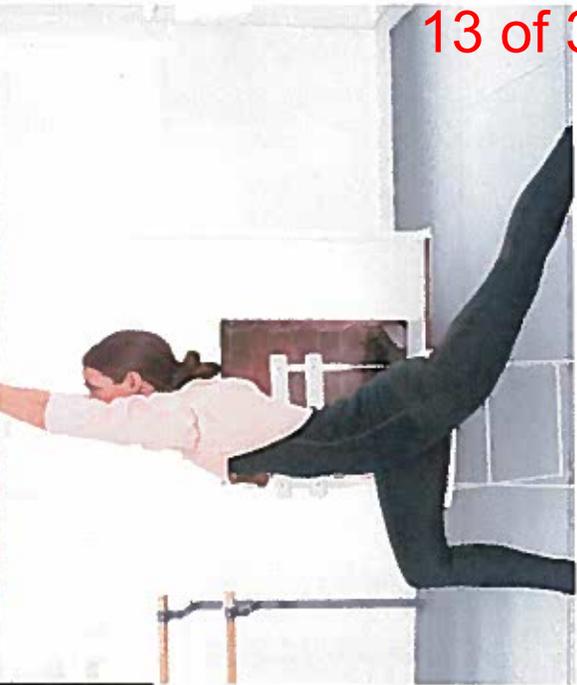
Additional right-of-way may be required at the time of subdivision and/or site plan.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a wide curb bike lane is recommended for West Avenue.

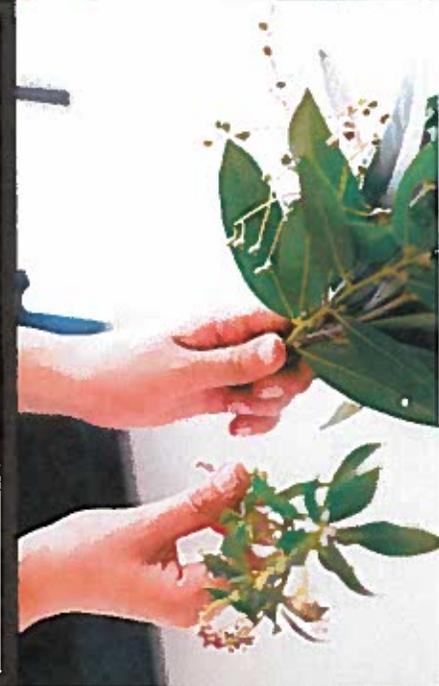
A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

Water / Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements (including connection to reuse if available), offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

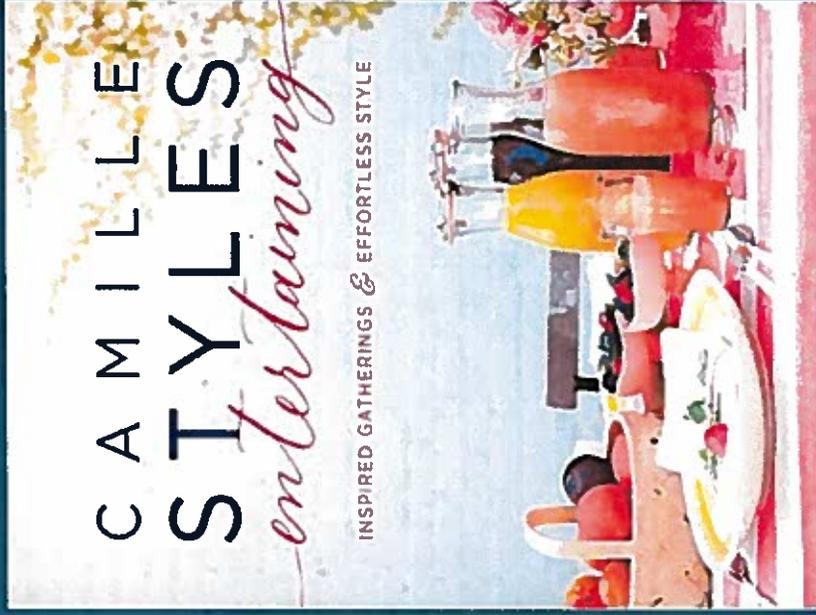


CAMILLE
STYLES



WHO IS CAMILLE STYLES?

1. Texas Business Owner
2. Renowned Home Designer
3. Lifestyle Blogger
 1. Her website, CamilleStyles.com, reaches hundreds of thousands of readers around the country every month!
4. Bestselling Author
5. Contributor to numerous media outlets and national lifestyle brands



A Professional Renovator with National Sponsors

Past Home-Renovation Projects
Featured By **C4**

1. HGTV
2. Pottery Barn
3. West Elm Catalog



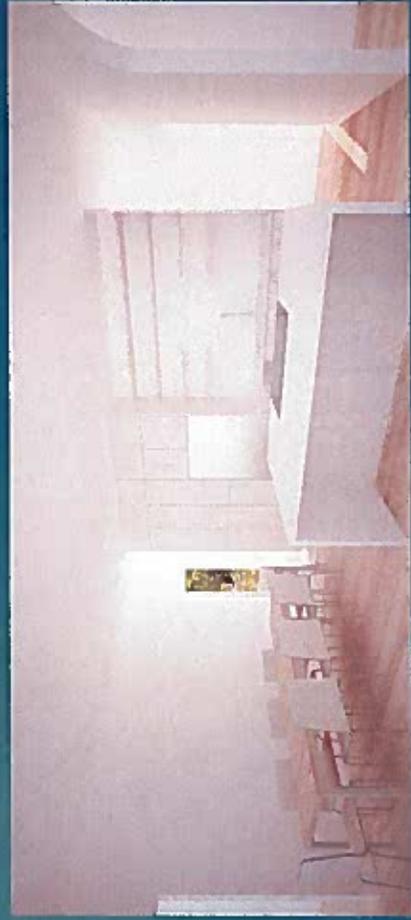
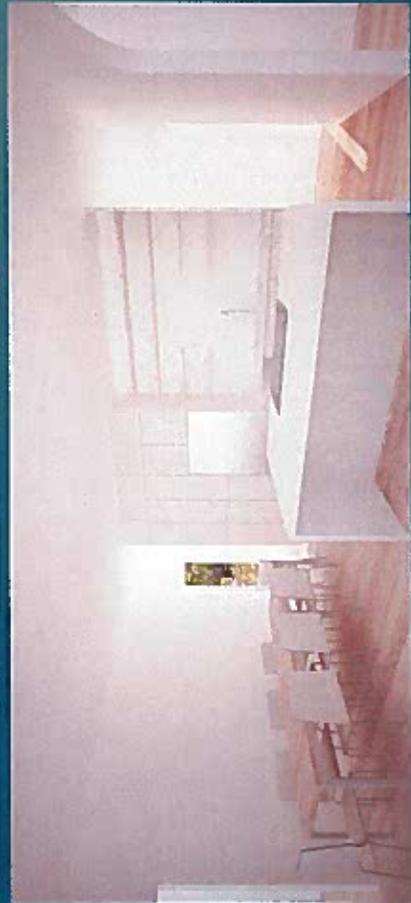
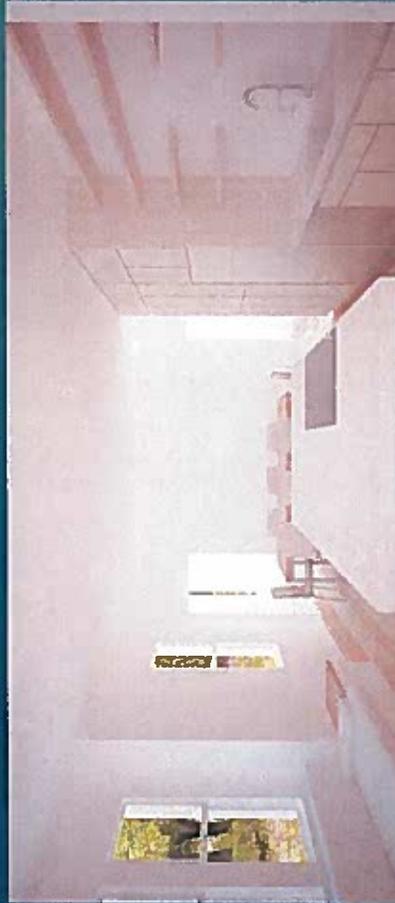
The Current Project:
1005 West Avenue



The Finished Project: The Offices of Camille Styles

Current Zone: MF-4

Proposed: GO - MU



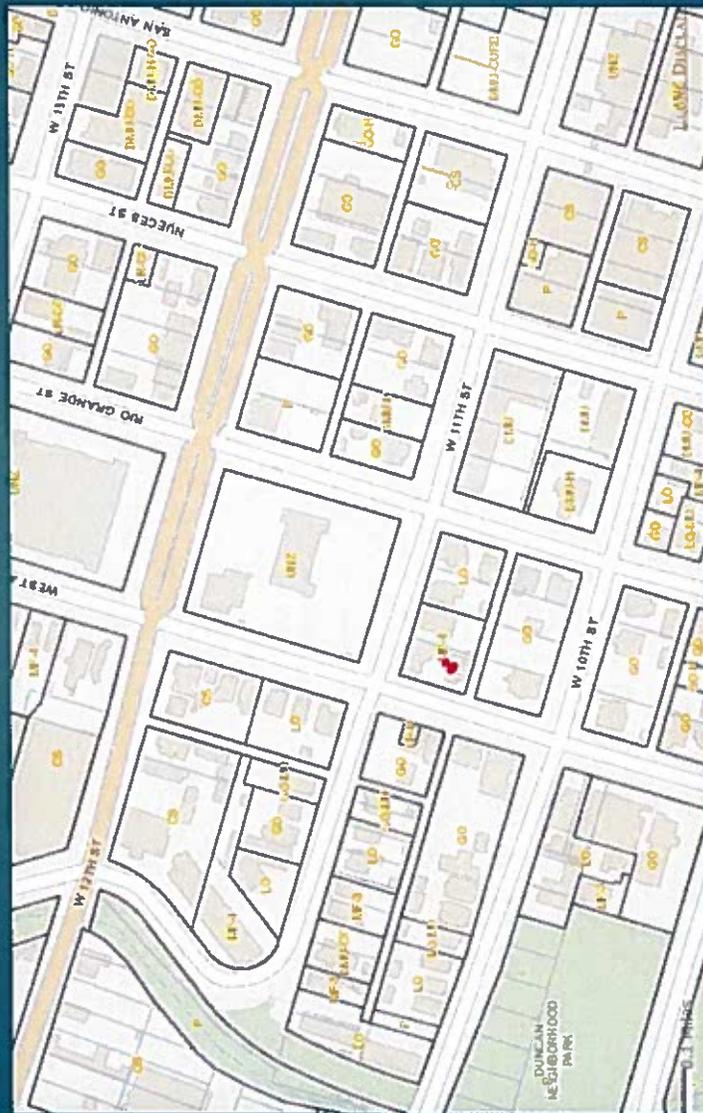


Why GO?

1. Consistency **C5**

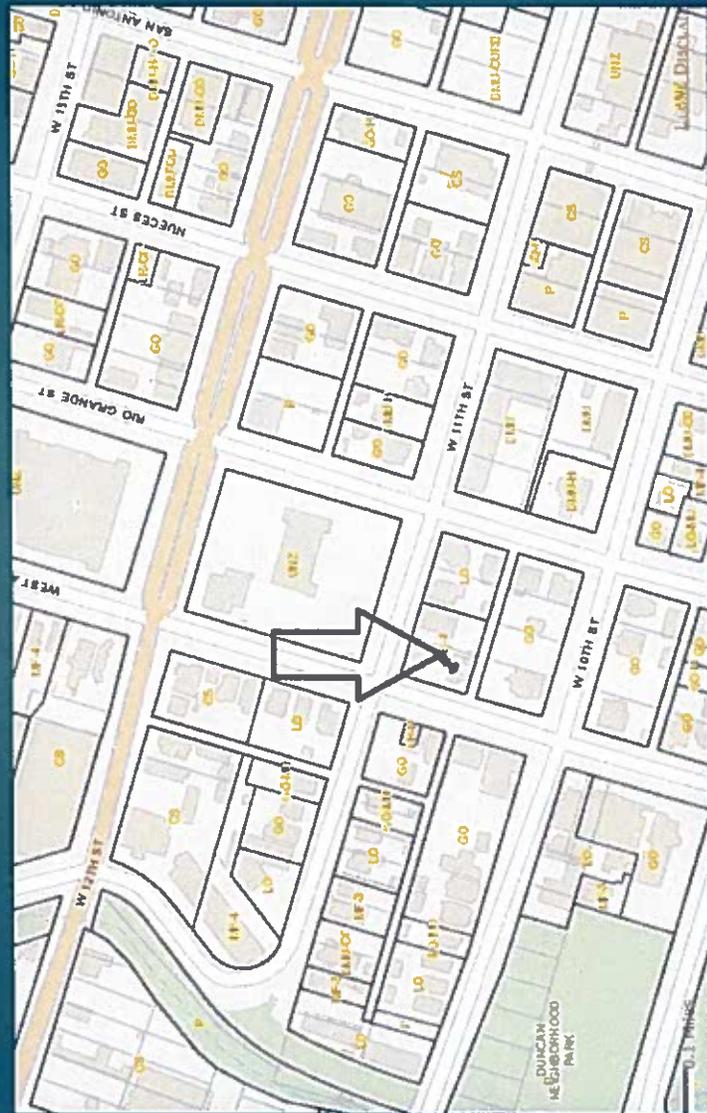


The Neighborhood





Here we are!



Here we are!
Zoned: MF-4 (Green)



Green: MF-4 and MF-3
Red: GO



Green: MF-4 and MF-3
Red: GO
Blue: LO



Green: MF-4 and MF-3
Red: GO
Blue: LO Yellow: MU





Green: MF-4 and MF-3

Red: GO

Blue: LO

Yellow: MU Orange: UNZ



Green: MF-4 and MF-3

Red: GO

Blue: LO

Yellow: MU Orange: UNZ Purple: CS



Why GO?

1. Camille Styles is here to serve Austin and beyond, not just her local neighborhood **C6**

C2

2. The renovation will be sponsored by high-profile national brands and promoted to a sizeable national audience.



Why MU?

1. A True Home Office!
2. Professionally designed and staged as a house
3. The space bedecked with sponsored, state of the art appliances, furniture, and fixtures **C7**
4. Check out her sponsors! **C9**



Why MU?

3. Camille Styles' Home Office will already be suitable for habitation, if that time arrives

C8



Rhoades, Wendy

From: Ted Siff <ted@parkplacepubs.com>
Sent: Tuesday, November 08, 2016 2:13 PM
To: Rhoades, Wendy; Kareem Hajjar
Subject: RE: Case C14-2016-0110
Attachments: Page 79 from DAP_Approved_12-8-2011.pdf

Hi and your welcome Wendy,

I've attached the zoning map from the Downtown Austin Plan (DAP) that recommends the zoning for 1005 West Avenue as DMU-60.

As you know, the Austin City Council approved the DAP on Dec 8, 2011.

It's recommended zoning changes have yet to be implemented mainly due to being incorporated into the Code Next process.

Old Austin Neighborhood Association supports full adoption of the DAP, included the recommended zoning changes the DAP's Northwest District.

So, we fully support this applicant's amended re-zoning request from MF-4 to DMU-60.

Please contact me with any questions. Thank again for your quick attention to this.

Best, Ted

Ted Siff, Board President
Old Austin Neighborhood Association
www.originalaustin.org
512-657-5414

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Tuesday, November 8, 2016 2:00 PM
To: Kareem Hajjar <khajjar@legalstrategy.com>
Cc: Ted Siff <ted@parkplacepubs.com>
Subject: RE: Case C14-2016-0110

Hello Kareem,

I understand that you are amending the rezoning request from the GO-MU district to DMU-CO with the CO for a 60 foot height limit, as proposed by the Downtown Austin Plan. I will re-notify for Planning Commission on December 13, 2016 and a future Council date in 2017 (next year's meeting schedule is Item #7 on this Thursday's agenda).

Thank you Ted for your assistance with this rezoning case.

Wendy

From: Kareem Hajjar [mailto:khajjar@legalstrategy.com]
Sent: Tuesday, November 08, 2016 12:01 PM
To: Ted Siff; Rhoades, Wendy
Cc: Austin Stowell; Austin Stowell; Kareem Hajjar
Subject: RE: Case C14-2016-0110

Good morning Wendy –

As we just discussed, OANA and the applicant have agreed to postpone until December 13, and request a re-notification to DMU zoning.

OANA will be writing a letter of support for DMU, and I have cc'ed Ted Siff to this email so that he can reply in the affirmative that OANA is in support of DMU.

Thank you very much and we will see you on December 13, 2016 at Planning Commission. I'll be sending my clerk down with a revised notification fee shortly.

KAREEM T. HAJJAR

Partner

 3144 Bee Caves Road | Austin, TX 78746

 Tel: (512) 637-4956 | Fax: (512) 637-4958

 khajjar@legalstrategy.com

 twitter.com/RestaurantLawyr

 www.legalstrategy.com



HAJJAR / PETERS

LLP

NEW ADDRESS: 3144 Bee Caves Road
Austin, Texas 78746

NEW EMAIL: khajjar@legalstrategy.com

NEW WEBSITE: www.legalstrategy.com

Treasury Circular 230 Disclosure: To the extent this communication contains any statement regarding federal taxes, that statement was not written or intended to be used, and it cannot be used, by any person (i) as a basis for avoiding federal tax penalties that may be imposed on that person, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

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From: Ted Siff [<mailto:ted@parkplacepubs.com>]

Sent: Tuesday, November 8, 2016 11:02 AM

To: Kareem Hajjar <khajjar@legalstrategy.com>

Subject: FW: Case C14-2016-0110

Great to talk to you just now. Here's the email I sent to Wendy yesterday.

Best, Ted

Ted Siff, Board President
Old Austin Neighborhood Association
www.originalaustin.org
512-657-5414

From: Ted Siff [mailto:ted@parkplacepubs.com]
Sent: Monday, November 7, 2016 3:26 PM
To: Wendy Rhodes <wendy.rhoades@austintexas.gov>
Subject: Case C14-2016-0110

Hello Wendy,

I just left you a voicemail message about this case.

The Northwest District Plan of the Downtown Austin Plan, which was adopted by Council about 3 years ago calls for all single use zoning in the neighborhood, including 1005 West Avenue, to change to DMU. This change has been pending the completion of Code Next. But in a case like C14-2016-0110 we favor the zoning being changed to DMU rather than GO-MU. In this case the change would be to DMU-60.

Is this something you would support?

I'm happy to discuss this by phone if you wish.

Best, Ted

Ted Siff, Board President
Old Austin Neighborhood Association
www.originalaustin.org
512-657-5414