

# 810 ½ San Marcos Street

## § 25-2-473 - VARIANCE REQUIREMENTS.

(A) A variance from the requirements of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, may be granted under this division if, because of special circumstances of a property, the strict application of this chapter deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

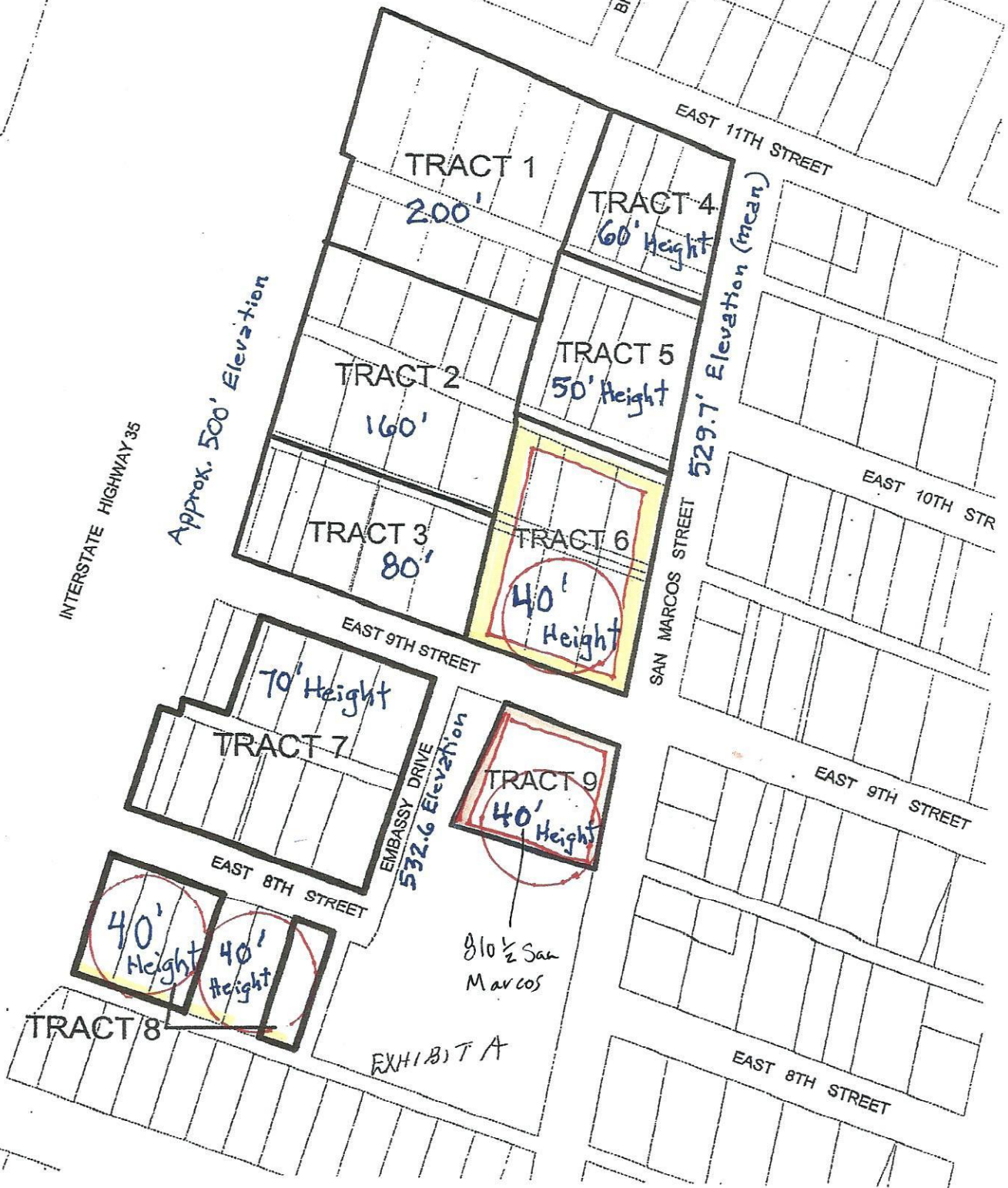
**(B) A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or on the district in which the property is located.**

### The Variance Should Be Denied Because:

Using the mean elevation of San Marcos Street to calculate building height does not create a hardship & it does not deny reasonable use of the property. Tracts 4 through 6 of the same NCCD, all fronting San Marcos Street, were developed using the same mean elevation of San Marcos Street, **the same limitation**, without any a variance. The owners are able to develop the property to its full height by excavating the site. Almost all other properties have been developed within the same NCCD district to their full height by excavating.

- AMLI Eastside Apartments, directly to the north of 810 ½ San Marcos Street, has the first floor in many places below the level of the street & sidewalk. No variance was needed or requested. The average elevation of San Marcos Street (529.7'), to the site's east, approximately 9 feet below the AMLI's original grade was used to calculate height.
- The Tyndall condominiums to the west of 810 ½ San Marcos excavated the site and has parts of the first story below the level of the street and sidewalk in order to achieve maximum allowed height. No variance was needed or requested. The average elevation of Embassy Drive (532.6'), to the site's east, approximately 8 feet below the Tyndall's original grade was used to calculate height.
- One Two East, north of East 11th Street, also within the same Sub-district 3 of the NCCD, is being excavated in order to achieve its maximum allowed height. No variance was needed or requested. The average elevation of Branch Street (513.25'), to the site's east, approximately 8 feet below One Two East's original grade is being used to calculate height.

C14-00-2062  
East 11th St. NCCD  
South of East 11th St.





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**ORDINANCE NO. 010607-23**

**AN ORDINANCE AMENDING ORDINANCE NO. 910620-C TO REZONE AND CHANGE THE ZONING MAP FOR THE PROPERTY IDENTIFIED AS NINE TRACTS OF LAND OUT OF SUBDISTRICT THREE OF THE EAST 11<sup>TH</sup> STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FROM FAMILY RESIDENCE (SF-3-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT AND GENERAL COMMERCIAL SERVICES (CS-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE (CS-MU-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR TRACTS ONE THROUGH EIGHT AND COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR TRACT NINE. — 810½ S. Marcos**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Ordinance No. 910620-C is amended to rezone and change the base districts from family residence (SF-3-NCCD) neighborhood conservation combining district and general commercial services (CS-NCCD) neighborhood conservation combining district to general commercial services-mixed use (CS-MU-NCCD) neighborhood conservation combining district for Tracts 1 through 8 and community commercial-mixed use-conditional overlay (GR-MU-CO-NCCD) neighborhood conservation combining district for Tract 9 described in File C14-00-2062, as follows:

Nine tracts of land consisting of 9.95 acres of land more or less, locally known as the East 11<sup>th</sup> Street Neighborhood Conservation Combining District more particularly described in Exhibit "A" attached and incorporated into this ordinance, (the "Property")

located generally in the area bounded by East 11<sup>th</sup> Street on the north, the alley between East 8<sup>th</sup> Street and East 7<sup>th</sup> Street on the south, IH-35 South on the west, and San Marcos Street on the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as modified in Parts 3 through 12, the Property is subject to the use and site development regulations established in Ordinance No. 910620-C.

### PART 3. Building Height

- (A) Except as otherwise provided in Subsections (B), (C), and (D), the maximum building height for each tract is as follows:

Tract Number	Height Limit (feet)
1	200
2	160
3	80
4	60
5	50
6	40 *
7	70
8	40 *
9	40 * 810 1/2 S. Marcos

- (B) On Tract 1, within 30 feet of East 11<sup>th</sup> Street the maximum building height is 60 feet.
- (C) On Tract 3, within 30 feet of East 9<sup>th</sup> Street the maximum building height is 50 feet.
- (D) On Tract 7, within 50 feet of East 9<sup>th</sup> Street the maximum building height is 50 feet.

### PART 4. Use Regulations

- (A) A residential use is permitted on the Property.
- (B) The following uses are prohibited on the Property:
- |                                  |                                  |
|----------------------------------|----------------------------------|
| Service station                  | Automotive sales                 |
| Restaurant (drive-in, fast food) | Automotive washing (of any type) |
| Building maintenance services    | Business or trade schools        |
- (C) Transportation terminal use is prohibited as a use on Tracts 2, 3, and 5 through 9.
- (D) An automotive rentals use and cocktail lounge use are prohibited on the Property except as an accessory use to a hotel/motel use.



(E) The following uses are permitted on Tract 4:

Administrative and business offices	Indoor entertainment
Arts and crafts studio (limited)	Laundry services
Arts and crafts studio (general)	Medical offices
Business support services	Outdoor sports and recreation
Communications services	Personal improvement services
Consumer convenience services	Consumer repair services
Commercial parking facilities	Personal services
Financial services	Pet services
Food sales	Professional offices
Funeral services	Research services
General retail sales (convenience)	General retail sales (general)
Restaurant (limited)	Hotel-motel
Restaurant (general)	Indoor sports and recreation
Service station	Club or lodge
Community parking facilities	Cultural services
Religious assembly	Guidance services
Safety services	Hospital services (limited)
Residential use	Transportation terminals

(F) The following are conditional uses on Tract 4:

Building maintenance services	Business or trade school
Community recreation	Day care services (limited)
College and university facilities	Day care services (commercial)
Communication service facilities	Private education facilities
Day care services (general)	Public educational facilities

(G) Only residential uses are permitted within 60 feet of the east property line of Tracts 5 and 6 and the south property line of Tract 6.

(H) The following uses are permitted on Tract 9: 810 1/2 San Marcos

Administrative and business offices	Professional offices
Community parking facilities	Religious assembly
Safety services	Residential use
Arts and crafts studio (limited)	Consumer convenience services
Consumer repair services	Financial services
Food sales	General retail sales (convenience)
Medical offices	Personal services

Pet services  
Restaurant (general)  
Cultural services  
Hospital services (limited)

Restaurant (limited)  
Club or lodge  
Guidance services

(I) The following are conditional uses on Tract 9:

Community recreation  
Communication service facilities  
Day care services (limited)  
Private educational facilities

College and university facilities  
Day care services (general)  
Day care services (commercial)  
Public educational facilities

(J) Surface parking is prohibited within 30 feet of the east property lines of Tracts 5 and 6 and the south property lines of Tracts 3 and 6.

(K) Commercial off-street parking use is prohibited on Tracts 7 through 9. On Tracts 1 through 6, commercial off-street parking is prohibited except in a structured parking facility whose main purpose is accessory onsite parking for a principal use.

(L) Only residential uses are permitted on Tract 7.

**PART 5.** The floor to area ratio for Tracts 1 through 9 is as follows:

Tracts 1 through 7	3.6 to 1
Tracts 8 and 9	2 to 1

**PART 6.** A restaurant (general) use on Tract 9 may not exceed 1800 square feet.

**PART 7.** Ten percent open space shall be provided on Tracts 1 through 6, cumulatively.

**PART 8.** Impervious coverage and building coverage on Tracts 3 through 9 may not exceed 95 percent.

**PART 9.** On Tracts 1, 2, and 3, the distance between buildings that are greater than 60 feet in height must be at least 60 feet.

**PART 10.** A 30-foot pedestrian way must be located on Tract 1 or Tract 2 between the north property line of Tract 3 and a line that is 130 feet away from and parallel to the north property line of Tract 1.



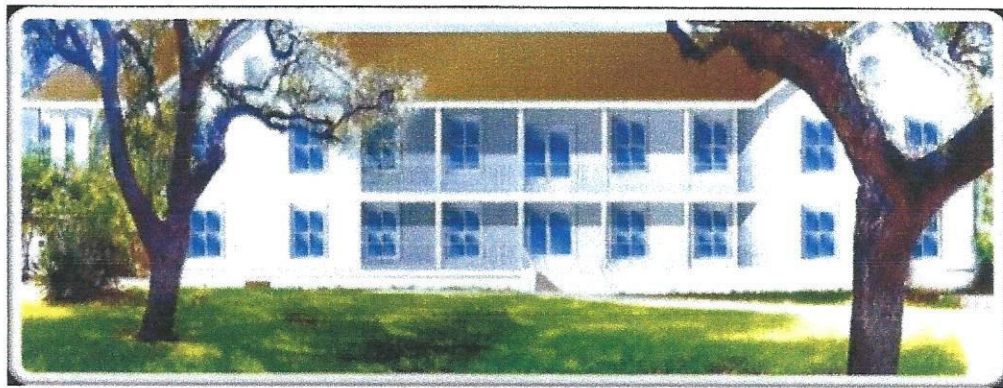


**Tract 6 of the NCCD  
40 foot height using mean elevation of San Marcos Street  
Across East 9<sup>th</sup> Street from 810 ½ San Marcos, Tract 9  
AMLI Eastside Apartments at NW corner of San Marcos & East 9<sup>th</sup> Street  
1<sup>st</sup> Story is below street level.**





DRT 3-story design from around 2017 with one story below grade.  
Lym Miller Architecture



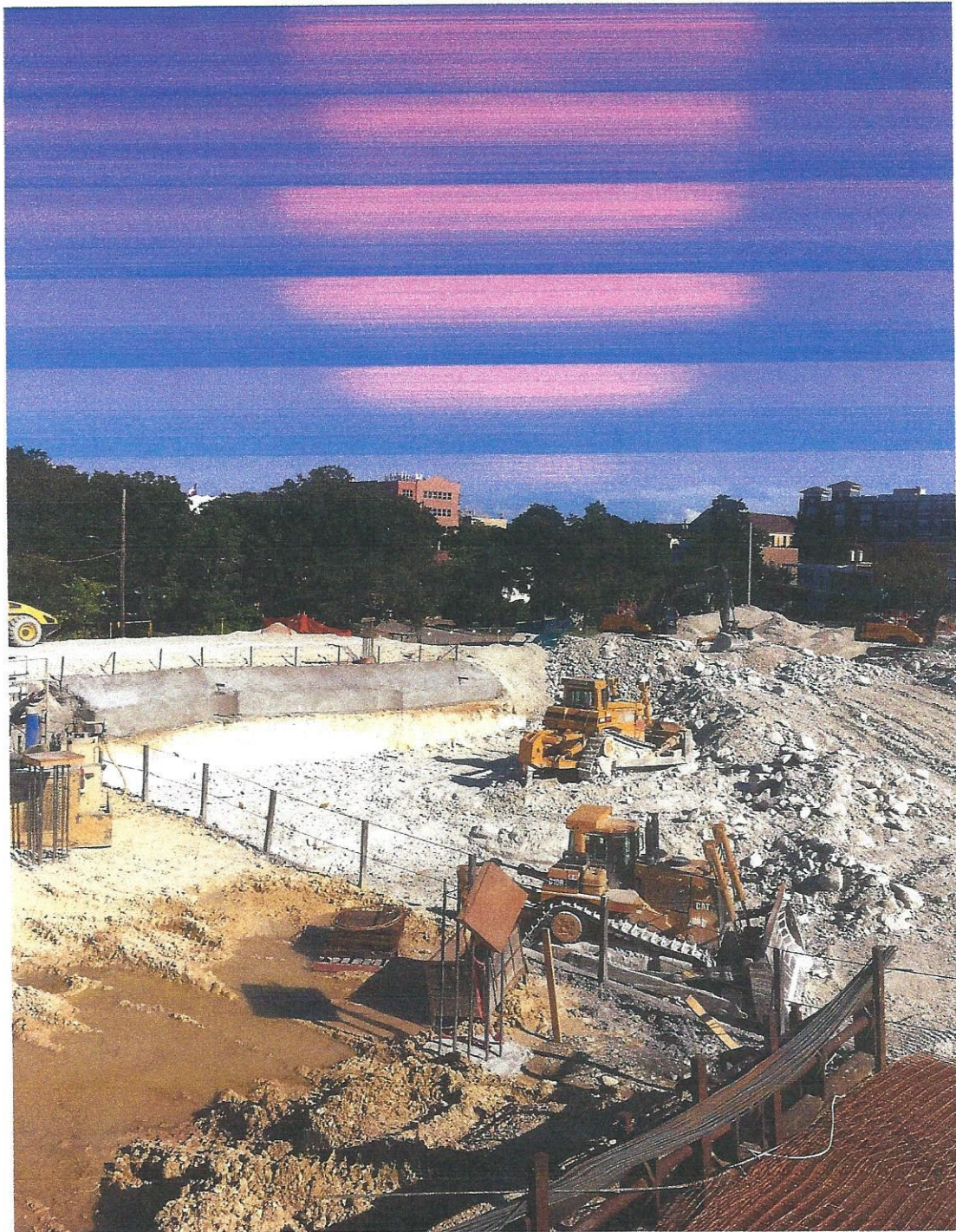
DRT 3-story design with one story below grade from around 2010.  
16,000 square feet  
"Design respects the historic nature of the East Austin neighborhood."  
Hatch + Ulland Owen Architects





**Tyndall Condominiums**  
**Entrance on Embassy Drive well below street level.**



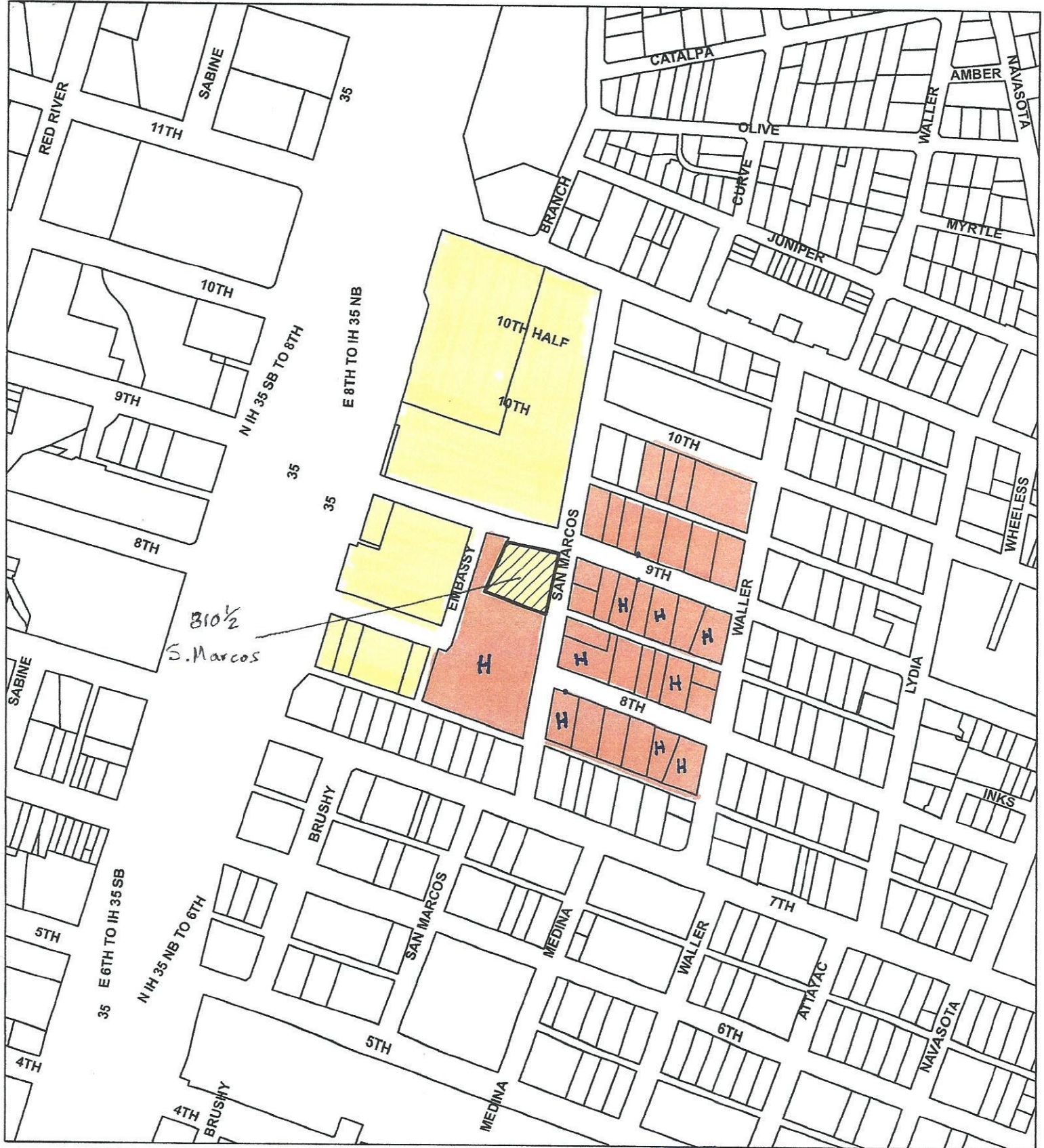


**"One Two East"**

**1109 N. IH-35 Service Road**

**Branch Street, in the distance, about 8' below the grade of the project site, is used to calculate height.**





SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2019-0027

LOCATION: 810 SAN MARCOS STREET

H = Historic Landmark



1" = 333'

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