

**ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2014-030 Central Health

**Description:**

Consider an ordinance amending Title 25 of the City Code related to allowable uses and site development regulations for the area located within the Central Health downtown campus.

**Staff Recommendation:**

Staff recommends approval of this amendment.

**Board and Commission Actions**

Initiated by City Council on December 11, 2014.

Recommended by the Codes and Ordinances Joint Committee on November 20, 2019.

To be reviewed by Planning Commission on November 26, 2019.

**City Council Action**

NA

**Ordinance Number:** NA

**City Staff:** Jerry Rusthoven

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## CODES AND ORDINANCES JOINT COMMITTEE

## OVERVIEW AND BACKGROUND

Travis County Healthcare District (“Central Health”) is proposing an amendment to Article 3., Division 5 *Combining Districts and Overlays* of the City Code to establish the Central Health Overlay (“CHO”) district for the 14.5-acre former Brackenridge Hospital campus (referred to herein as the Central Health Downtown Property) (See *Exhibit A*: Site Area Map and *Exhibit B*: Site Area Aerial Map). The site would retain its base Public (P) zoning designation (See *Exhibit C*: Area Zoning Map)<sup>1</sup>.

The proposed District is within the boundaries of the Waller Creek Subdistrict of the Downtown Austin Plan (See *Exhibit D*: Downtown Austin Plan Districts Map) and is located within the Waller Creek watershed.

The purpose of the proposed overlay is to establish consistent land use and site development standards for this site to benefit the taxpayers of Central Health and the City and to help provide funds for Central Health’s mission to provide healthcare to the public.

The Central Health Downtown Property is in close proximity to The University of Texas at Austin and The Dell Seton Medical Center at The University of Texas – the three institutions intended to anchor the Innovation Austin Innovation District. The Innovation District is also designed to integrate with Waterloo Park, which is adjacent to the western boundary of the Central Health property, as well as the nearby Red River Cultural District and State Capitol.

Creation of the CHO district would be consistent with the goals set forth by City Council in Resolution No. 20141211-106, which directed the City Manager to explore the creation of an innovation zone generally located in the northeast quadrant of downtown (See *Exhibit E*: Council Resolution).<sup>2</sup> In its resolution, Council: (1) resolved to initiate a Code amendment to establish land use regulations for the innovation zone that considers higher density via higher maximum FAR requirements and no maximum building height limitation; (2) directed the City Manager to negotiate interlocal agreements, as necessary; and (3) directed the City Manager to work with Central Health to confirm land uses permitted on the Central Health downtown campus. The proposed overlay would require an amendment to the City Code to modify the following district, development, and use regulations:

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<sup>1</sup> Per LDC § 25-2-145, Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

<sup>2</sup> As set forth in the resolution, the purpose of the Innovation District is to create a place and framework for innovation that sets the stage for the incubation and development of businesses that help translate scientific discoveries into new products that keep people healthy – in Austin and around the world – while spinning off jobs and startup companies that will supercharge the City’s economy.

**PROPOSED SITE DEVELOPMENT REGULATIONS**

	<b>CBD Zoning</b>	<b>CHO District</b>
<b>Minimum Lot Size</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Maximum Height</b>	N/A	N/A
<b>Minimum Front Yard Setback</b>	N/A	N/A
<b>Minimum Street Side Yard Setback</b>	N/A	N/A
<b>Minimum Interior Side Yard Setback</b>	N/A	N/A
<b>Minimum Rear Yard Setback</b>	N/A	N/A
<b>Maximum Building Coverage</b>	100%	100%
<b>Maximum Impervious Cover</b>	100%	100%
<b>Maximum Floor Area Ratio</b>	8:1	25:1

**PUBLIC (P) DISTRICT REGULATIONS**

In the CHO district, the requirements of § 25-2-625 (*Public District Regulations*) would not apply (See *Exhibit F*: § 25-2-625).  
The Overlay applies only to publicly-owned land.

**SETBACKS; COMPATIBILITY**

There would be no minimum setback requirement. Article 10 (*Compatibility Standards*) would not apply in the CHO district. There shall be maximum setbacks in the district, as follows:

- Front Yard:** maximum of 10'
- Street Side Yard:** maximum of 10'

Maximum setbacks will not apply to development adjacent to a plaza or a protected tree.

**FLOOR AREA RATIO (“FAR”)**

Proposed maximum FAR is 25:1. Central Health is requesting that structures in the district be eligible for the Downtown Density Bonus Program (“DDBP”) to achieve FAR exceeding 30:1. With a DDBP density bonus, there would be no maximum FAR for a structure satisfying the requirements set forth in § 25-2-586 (*Downtown Density Bonus Program*).

25-2-586 (B)(3) *Downtown Density Bonus Program Maps and Table* and 25-2-586 (C)(1)(b) *Gatekeeper Requirements/Great Streets* (See *Exhibit G*: *Downtown Density Bonus Program*) shall not apply within the overlay.

**DOWNTOWN AUSTIN PLAN**

The proposed CHO district is consistent with the Downtown Austin Plan (the “DAP”), including Number Six of its “Seven Transformative Steps,” which is to, “Amend the Land Development Code. Revise regulations for the downtown area to promote a mix of uses, incentivize well-designed dense development, preserve unique districts and destinations and result in buildings

that contribute to a vibrant public realm.” In addition, redevelopment within the district would comply with DAP PR-3.1, “Maintain, extend and restore Downtown’s grid system of streets and alleys.”

## **PERMITTED AND CONDITIONAL USES**

Most permitted and conditional uses under P and CBD zoning would be permitted uses in the CHO district. However, certain uses that are permitted or conditional uses in the CBD district would not be permitted or conditional in the overlay district, including: Adult-Oriented Business; Adult Lounge; Bail Bonds Services; Carriage Stable; and Vehicle Storage.

### **Proposed Permitted Uses:**

#### **Residential**

Bed & Breakfast (Group 1)  
 Bed & Breakfast (Group 2)  
 Condominium Residential  
 Duplex Residential  
 Group Residential  
 Multifamily Residential  
 Retirement Housing (Small Site)<sup>3</sup>  
 Retirement Housing (Large Site)<sup>4</sup>  
 Single-Family Residential  
 Townhouse Residential  
 Short-Term Rental

#### **Commercial**

Administrative and Business Offices  
 Art Gallery  
 Art Workshop  
 Automotive Rentals  
 Automotive Sales (indoor only)  
 Business or Trade School  
 Business Support Services  
 Cocktail Lounge  
 Commercial Blood Plasma Center<sup>5</sup>  
 Commercial Off-Street Parking  
 Communications Services  
 Consumer Convenience Services  
 Consumer Repair Services  
 Electronic Prototype Assembly<sup>6</sup>

<sup>3</sup> Permitted in: SF-3; SF-5; SF-6; MF-1; MF-2; MF-3; MF-4; MF-5; and MF-6.

<sup>4</sup> Conditional in SF-5; SF-6; MF-1; MF-2; MF-3; MF-4; MF-5; and MF-6.

<sup>5</sup> Permitted in: CS; and CH.

<sup>6</sup> Permitted in: W/LO; CS; CH; IP; MI; and LI. “Electronic Prototype Assembly” use is the use of a site for the assembly of prototype electrical and electronic components for computers, computer peripherals, scientific or

**Electronic Testing<sup>7</sup>**

Exterminating Services

Financial Services

Food Preparation

Food Sales

Funeral Services

General Retail Sales (Convenience)

General Retail Sales (General)

Hotel-Motel

Indoor Entertainment

Indoor Sports and Recreation

Laundry Services

Liquor Sales

Medical Offices - exceeding 5000 sq. ft. gross floor area

Medical Offices - not exceeding 5000 sq. ft. gross floor area

Off-Site Accessory Parking

Outdoor Sports and Recreation

Pedicab Storage and Dispatch

Personal Improvement Services

Personal Services

**Pet Services<sup>8</sup>**

Printing and Publishing

Professional Office

**Research Assembly Services<sup>9</sup>**

Research Services

**Research Testing Services<sup>10</sup>****Research Warehousing Services<sup>11</sup>**

Restaurant (General)

Restaurant (Limited)

Software Development

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medical measuring or analyzing instruments, radio, telephone, and similar equipment. This use excludes the production of goods for sale to customers, and chip, wafer, or semiconductor prototype assembly.

<sup>7</sup> Permitted in: W/LO; CS; CH; IP; MI; and LI. "Electronic Testing" use is the use of a site for testing an electrical or electronic component for a computer, computer peripheral, radio, telephone, scientific or medical instrument, or similar equipment. The use excludes the manufacture of assembly of a product. For additional regulations, see Austin City Code 25-2-811.

<sup>8</sup> Conditional in: L. Permitted use in: LR; GR; CS; CH; and R&D. "Pet Services" use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes uses for livestock and large animals.

<sup>9</sup> Permitted in: R&D. "Research Assembly Services" use is the use of a site for the assembly of products related to research services and used by the owners of the research establishment or affiliated entities in the delivery of services performed by the owner or affiliated entities. This use excludes the mass production of products for general sale to customers.

<sup>10</sup> Permitted in: R&D. "Research Testing Services" use is research activity that may be permitted only with the approval of the Council within a planned development area district."

<sup>11</sup> Permitted in: R&D. "Research Warehousing Services" use is the use of a site for enclosed or screened storage of materials or equipment related to research services, and excludes bulk warehousing or permanent storage of hazardous or toxic substances, except as authorized by a planned development area district ordinance.

Theater  
 Telecommunications Tower  
 Vehicle Storage  
 Veterinary Services<sup>12</sup>

### **Industrial**

Custom Manufacturing  
 Light Manufacturing<sup>13</sup>  
 Limited Warehousing and Distribution

### **Agricultural**

Community Garden  
 Urban Farm

### **Civic**

Administrative Services<sup>14</sup>  
 Club or Lodge  
 College and University Facilities  
 Communication Service Facilities  
 Community Recreation (Private)  
 Community Recreation (Public)  
 Community Events  
 Congregate Living  
 Convention Center  
 Counseling Services  
 Cultural Services  
 Day Care Services (Commercial)  
 Day Care Services (General)  
 Day Care Services (Limited)  
 Family Home  
 Group Home, Class I (General)  
 Group Home, Class I (Limited)  
 Group Home, Class II  
 Guidance Services  
 Hospital Services (General)  
 Hospital Services (Limited)

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<sup>12</sup> Permitted in: CS; CH; LI and R&D. “Pet Services” use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes uses for livestock and large animals.

<sup>13</sup> Permitted in: IP; MI; LI; and R&D. “Light Manufacturing” use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.”

<sup>14</sup> Permitted in: R&D. “Administrative Services” use is the use of a site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes federal, state, county, and city offices.

Local Utility Services  
Private Primary Educational Facilities  
Private Secondary Educational Facilities  
Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Religious Assembly  
Residential Treatment  
Safety Services  
Transitional Housing  
All uses permitted in the public (P) district as set forth in 25-2-624 (A)<sup>15</sup>

**Proposed Conditional Uses:**

Automotive Repair Services  
Automotive Washing (of any type)  
Service Station  
Maintenance and Service Facilities  
Transportation Terminal  
Outdoor Entertainment

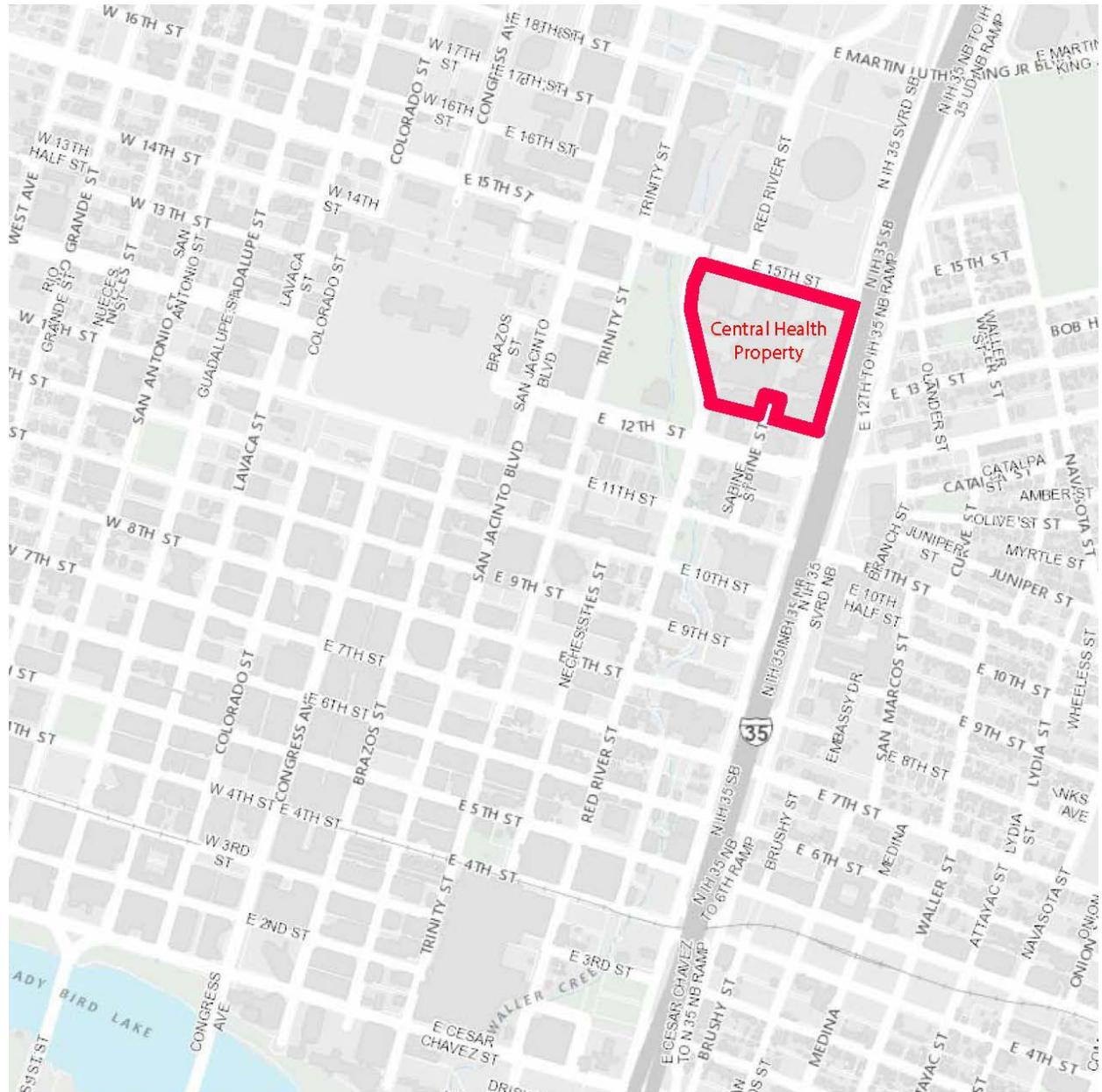
**Exhibits:**

Exhibit A: Site Area Map  
Exhibit B: Site Area Aerial Map  
Exhibit C: Area Zoning Map  
Exhibit D: Downtown Austin Plan Districts Map  
Exhibit E: Council Resolution  
Exhibit F: Public District Regulations  
Exhibit G: Downtown Density Bonus Program

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<sup>15</sup> Those uses include: governmental, civic, public service, and public institutional uses; residential uses associated with educational, military, medical, or similar public uses; commercial or industrial uses that are accessory to or in support of a principal public use on the same site; agricultural uses; and temporary uses.

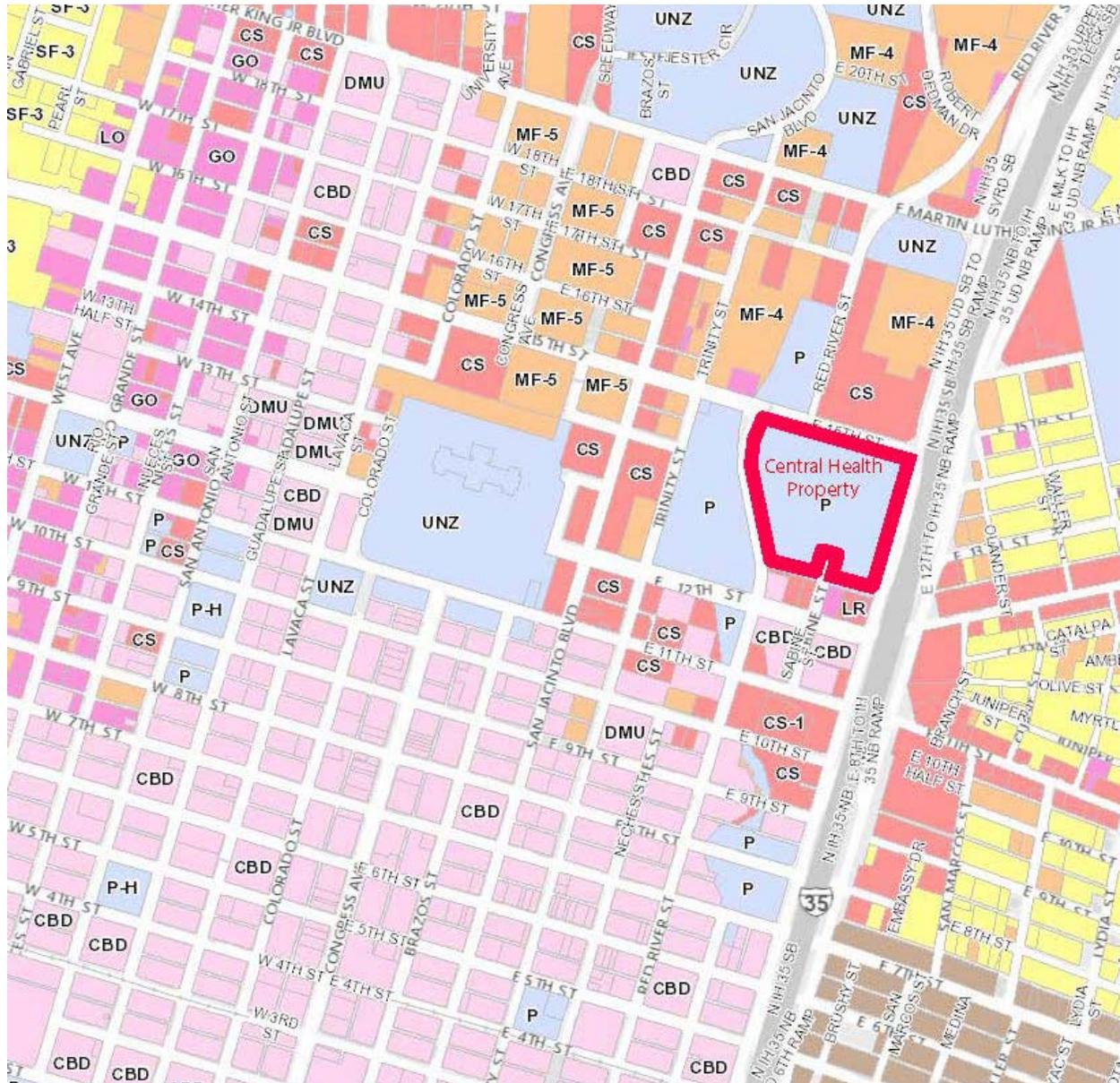
**Exhibit A:  
Site Area Map**



**Exhibit B:  
Site Area Aerial Map**



### Exhibit C: Area Zoning Map



### Exhibit D: Downtown Austin Plan Districts Map

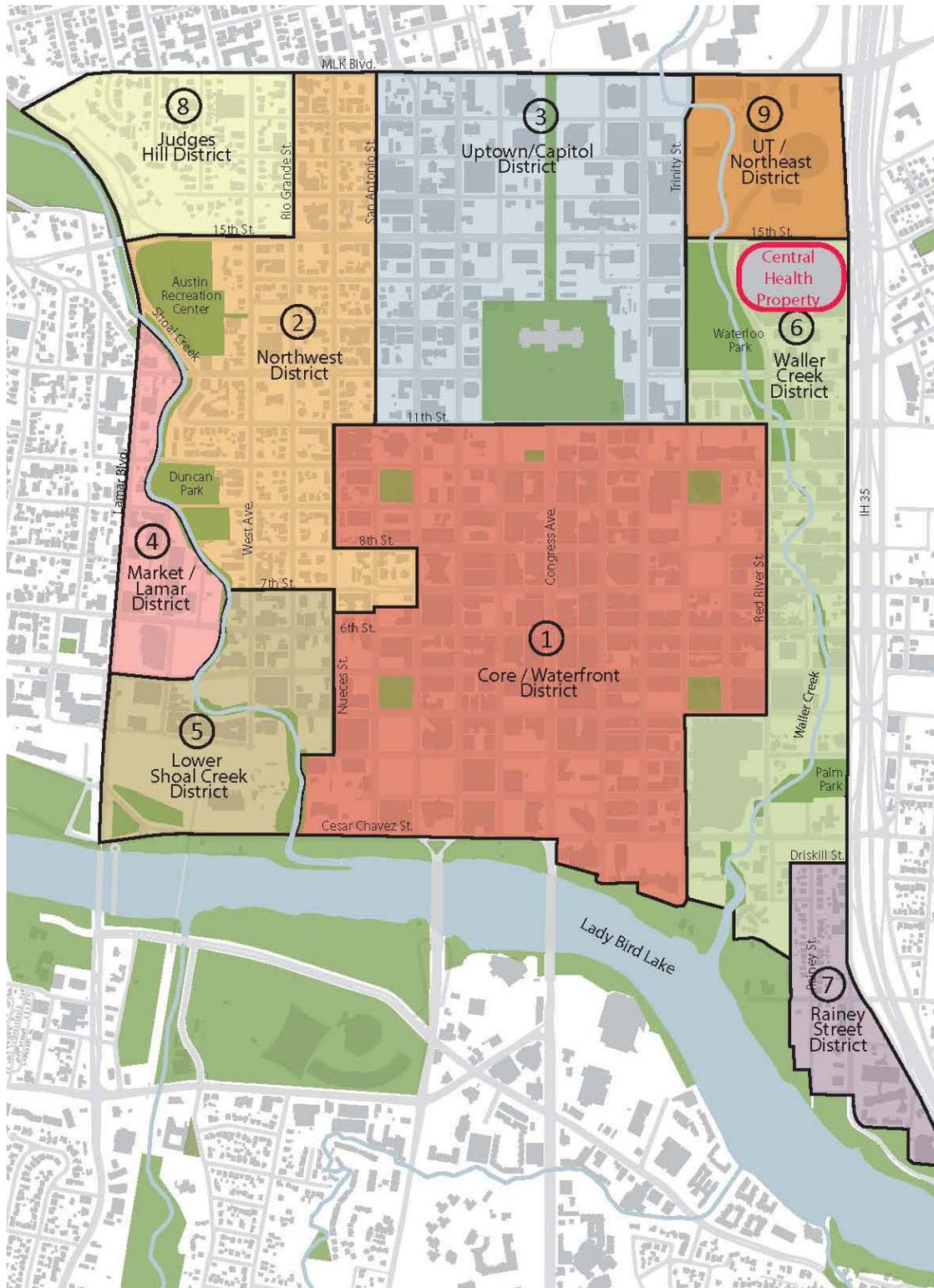


Exhibit E:

**RESOLUTION NO. 20141211-106**

**WHEREAS**, the citizens of the City have taken action to transform and enhance the City's economy by harnessing the power of a new medical school and teaching hospital to create an innovation zone in the Central Business District; and

**WHEREAS**, the purpose of the innovation zone is to create a place and framework for innovation that sets the stage for the incubation and development of businesses that help translate scientific discoveries into new products that keep people healthy – in Austin and around the world – while spinning off jobs and startup companies that will supercharge the City's economy; and

**WHEREAS**, the Travis County Healthcare District d/b/a Central Health is a major landowner within the innovation zone; and

**WHEREAS**, the property owned by Central Health as its downtown campus, including the site of Brackenridge Hospital, will be redeveloped over the next decade to bring revenue into the innovation zone; and

**WHEREAS**, the City has a significant interest in ensuring that development of Central Health's downtown campus and streets are consistent with the goals of

the City's Imagine Austin Comprehensive Plan and Downtown Austin Plan, and comply with the newly-adopted Complete Streets Policy; and

**WHEREAS**, the addition of workforce housing and affordable housing within the innovation zone would enhance the development of the innovation zone; and

**WHEREAS**, the innovation zone would benefit from land use regulations in the zone that would encourage a higher density development that could include minimum floor-to-area ratios of 5.0:1 and no maximum building height limitation; and

**WHEREAS**, the City desires to explore the creation of an innovation zone, to initiate a City Code amendment to establish land use regulations for the innovation zone, and to work with Central Health to confirm the land uses permitted in Central Health's downtown campus; **NOW, THEREFORE,**

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

The City Manager is directed to explore the creation of an innovation zone, generally located in the northeast quadrant of downtown.

**BE IT FURTHER RESOLVED:**

The City Council initiates a City Code amendment to establish land use regulations for the innovation zone that considers the higher density options of a minimum floor-to-area ratio of 5.0:1 and no maximum building height limitation.

**BE IT FURTHER RESOLVED:**

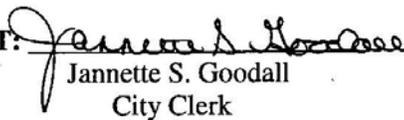
The City Manager is directed to negotiate interlocal agreements, as necessary.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with Central Health to confirm land uses permitted on the Central Health downtown campus.

**ADOPTED:** December 11, 2014

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

**Appendix F:  
Public District Regulations**

**§ 25-2-625 - PUBLIC (P) DISTRICT REGULATIONS.**

- (A) This section applies in a public (P) district, except for a community events use.
- (B) Entities described in Section 25-2-145 ( *Public (P) District Designation* ) must comply with the requirements of this section.
- (C) For a residential use, the site development regulations of the most comparable residential zoning district apply.
- (D) Except as provided in Subsection (E), this subsection applies to a nonresidential use.
  - (1) For a site less than one acre, the site development regulations of an adjoining zoning district apply for a distance of 100 feet into the site. The minimum lot size requirement of an adjoining zoning district does not apply to a use by the City.
  - (2) For a site of one acre or more, the site development regulations are established by the approval of a conditional use site plan.
- (E) This subsection applies to a parks and recreation services (special) use.
  - (1) The minimum site area is 10 acres.
  - (2) Except for the requirement of Subsection (D)(1), the site development regulations are established by the approval of a conditional use site plan.
  - (3) Locations for the sale of beer or wine, if any, must be identified on the site plan.
  - (4) The Land Use Commission may not consider a site plan until it receives a recommendation from the Parks and Recreation Board.

**Appendix G:  
Downtown Density Bonus Program**

**§ 25-2-586 - DOWNTOWN DENSITY BONUS PROGRAM.**

(B) *Downtown Density Bonus Maps and Table.*

- (3) The amount of floor-to-area ratio or height that may be achieved by a downtown density bonus for a site is limited by the maximum height or Floor-to-Area Ratio identified on Figure 2.

[ . . . ]

(C) *Program Requirements.*

(1) Gatekeeper Requirements.

- (b) The applicant shall execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards.