

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0033 – East 11th Street Neighborhood Conservation Combining District (NCCD) Amendment (City Council-Initiated)

DISTRICT: 1

ZONING FROM: Current East 11th Street NCCD development standards

TO: Revised development regulations and land uses (no base zoning district changes)

ADDRESS: IH-35 Northbound frontage road between East 12th Street and the northern alley of East 7th Street; East 11th Street from IH-35 to Navasota Street; Juniper Street between Branch Street and Navasota Street; Rosewood Avenue between Navasota Street and the eastern property line of 1314 Rosewood Avenue; and a segment of San Bernard Street

SITE AREA: 28.15 acres

PROPERTY OWNER: NA

AGENT: City of Austin, Housing and Planning Department

CASE MANAGER: Mark Walters (512-974-7695, mark.walters@austintexas.gov)

STAFF RECOMMENDATION:

The staff recommendation is to support the recommendations made by the Urban Renewal Board except for the creation of a new Subdistrict 4 and associated regulations for that subdistrict. *For an overview of the recommended changes and specific recommendations see Exhibit C: Proposed Changes to The East 11th Street Neighborhood Conservation Combining District (NCCD) beginning on page 6.*

PLANNING COMMISSION ACTION / RECOMMENDATION:
Pending

CITY COUNCIL ACTION:
May 20, 2021

ORDINANCE NUMBER:
NA

ISSUES:

Staff has an alternative recommendation to the Urban Renewal Board's regarding the creation of a new Subdistrict 4 and related subdistrict regulations.

Due to the pandemic, the public's participation in the development of these recommendations has been limited. Staff held a virtual public information meeting on April 20, 2021 to provide general information and to answer questions. 23 people attended. The questions and responses are attached in Exhibit D.

BASIS OF RECOMMENDATION:

- The proposed amendments to the NCCD support the goals of the *Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Area*, “Champion sustainable revitalization reflecting diversity, achieving equity, and preserving East Austin’s cultural history.”
- The segment of East 11th Street between IH-35 and Navasota Street is designated as an *Imagine Austin* Activity Corridor.

“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.”

The proposed changes to the NCCD will support East 11th Street’s evolution into a more complete Activity Corridor.
- Allowing denser mixed use development along East 11th Street and denser residential development along Juniper Street supports the *Austin Strategic Housing Blueprint’s* goal of locating 75% of all new housing within ½ mile of an Activity Corridor.

EXISTING ZONING AND LAND USES:

Varied

NEIGHBORHOOD PLANNING AREA: Central East Austin

TIA: Is not required

WATERSHED: Lady Bird Lake, Waller Creek – Urban

CAPITOL VIEW CORRIDOR: Yes

SCENIC ROADWAY: No

SCHOOLS:

Kealing Middle School Blackshear Elementary School

COMMUNITY REGISTRY LIST:

ID	Organization
1092	Robertson Hill Neighborhood Association
1210	Plaza Saltillo TOD Staff Liaison
1528	Bike Austin
477	El Concilio Mexican-American Neighborhoods
1550	Homeless Neighborhood Association
1363	SELTexas
1228	Sierra Club, Austin Regional Group
1595	Neighbors United for Progress
511	Austin Neighborhoods Council
1530	Friends of Austin Neighborhoods
30	Guadalupe Neighborhood Development Corporation
966	Organization of Central East Austin Neighborhoods
742	Austin Independent School District

1616	Neighborhood Empowerment Foundation
1774	Austin Lost and Found Pets
1393	Waterloo Greenway
1007	Urban Renewal Board of the City of Austin
1444	East Austin Conservancy
1325	East End IBIZ District
925	Blackshear-Prospect Hill
1258	Del Valle Community Coalition
452	Guadalupe Association for an Improved Neighborhood
1424	Preservation Austin

CASE HISTORIES:

NUMBER	Action
Ordinance #910260-C	Established the East 11 th Street NCCD
Ordinance # 010607-23 (The Bennett Tract)	Amended the initial NCCD to allow dense residential development along the NB IH-35 Frontage Road.
Ordinance #20080508-084	Amended initial NCCD to allow dense development along NB IH-35 Frontage Road
Ordinance #20080508-085	Amended initial NCCD to allow dense development along NB IH-35 Frontage Road
Ordinance #20081211-080	This ordinance amended the initial NCCD by establishing the current Subdistrict 4

RELATED CASES:

The Central East Austin Neighborhood Plan rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on 12-13-01 (Ordinance #011213-41).

INDEX OF EXHIBITS AND ATTACHMENTS

Exhibit A: Aerial Map

Exhibit B: Zoning Map

Exhibit C: Proposed Changes to The East 11th Street Neighborhood Conservation Combining District (NCCD)

Exhibit D: Staff Responses to Questions Compiled from Public Information Meeting, SpeakUp Austin! Page, and Emails

Exhibit A: Aerial Map

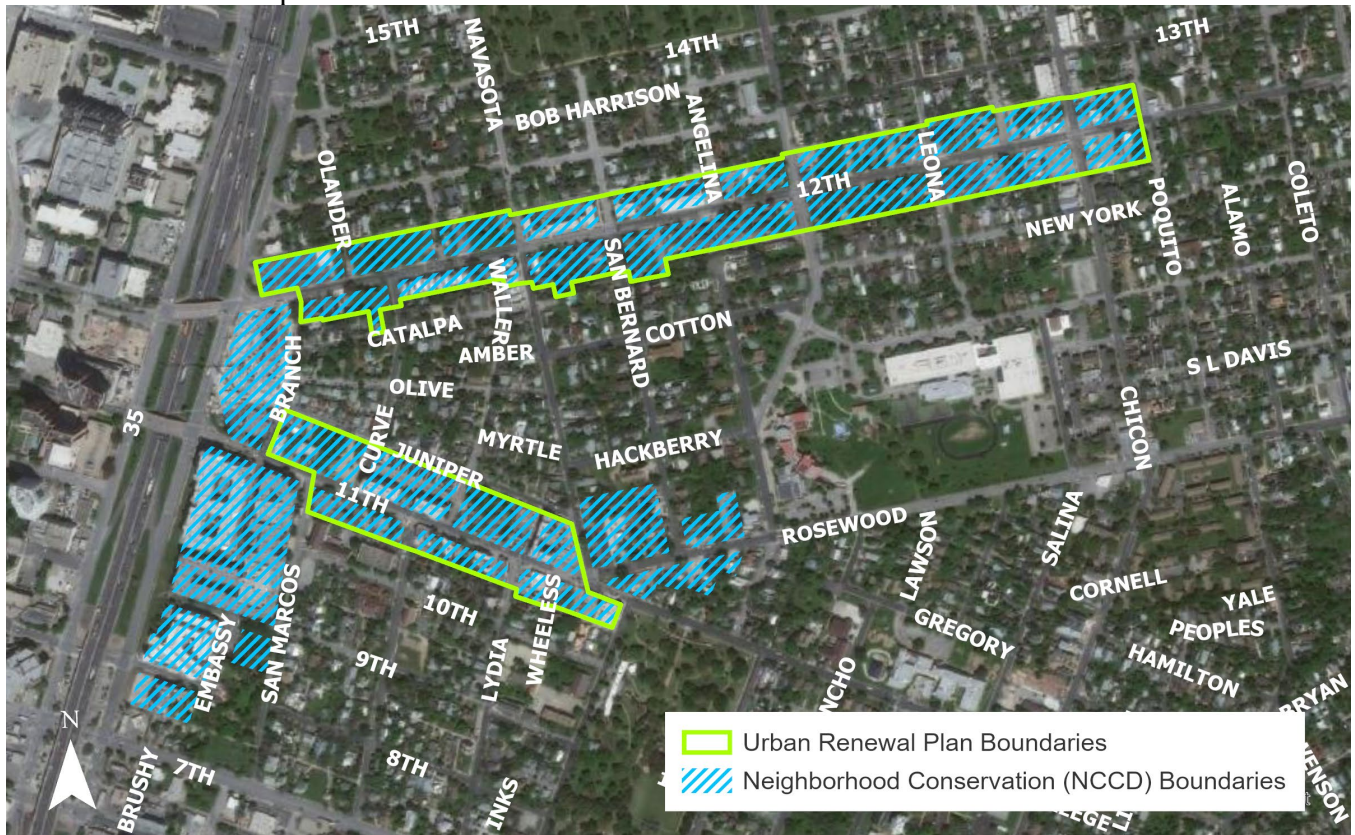


Exhibit B: Zoning Map



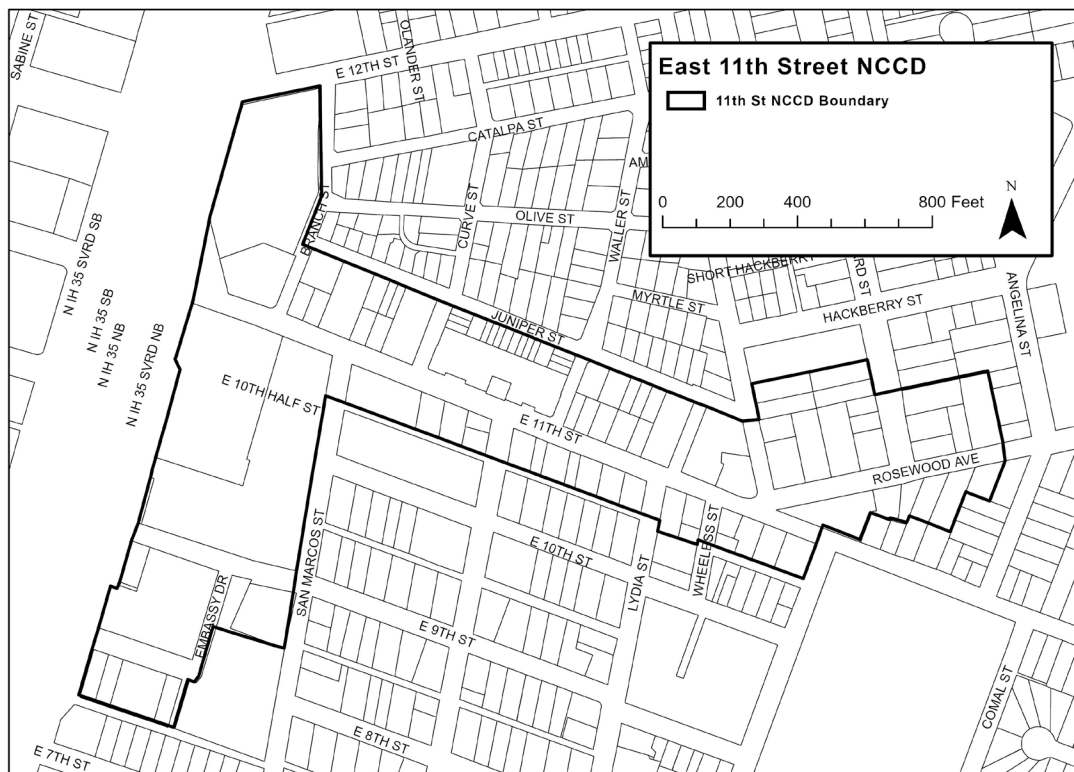
Exhibit C

PROPOSED CHANGES TO THE EAST 11TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD)

BACKGROUND

Beginning in late 2018 the Urban Renewal Board of the City of Austin (URB) began working on updating the *Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Area* (URP) and associated East 11th Street Neighborhood Conservation Combining District (NCCD). The purpose of their efforts was to update and streamline the URP and NCCD and to bring the two into alignment. The City Council authorized amending the NCCD via a resolution.

The URP has been amended 11 times since its adoption in 1990. The NCCD was adopted in 1991. Although under Texas State law the provisions in an urban renewal plan supersede municipal land use regulations when there are conflicts, it has been the City's practice to align the regulations in URP and the NCCD. Since its adoption, the East 11th Street NCCD has been amended several times and is currently almost 200 pages long. The length and complexity of the current ordinance makes it difficult to administer and difficult for property owners to clearly understand the entitlements associated with their property. Additionally, not every URP amendment had a corresponding NCCD amendment.



The proposed amendments to the East 11th Street NCCD cover changing the ordinance's subdistrict boundaries, development standards (building height, impervious cover, parking, building setbacks, etc.), and land uses. There are no base zoning district changes being recommended as part of this process.

CHANGES TO THE NCCD SUBDISTRICTS

The subdistricts provide the organizational framework for the NCCD. Development standards and land uses are based on what subdistrict a site is located. The URB's proposed amendments to the NCCD establishes four subdistricts:

- Subdistrict 1 is along East 11th Street.
- Subdistrict 2 is along Juniper Street
- Subdistrict 3 is along the Northbound Frontage Road of IH-35
- Subdistrict 4 includes Rosewood Avenue, Navasota Street, and San Bernard Street.

Although Subdistrict 3 and 4 are included in the NCCD, they are not included in the URP area as depicted on the Aerial Map on page 4.

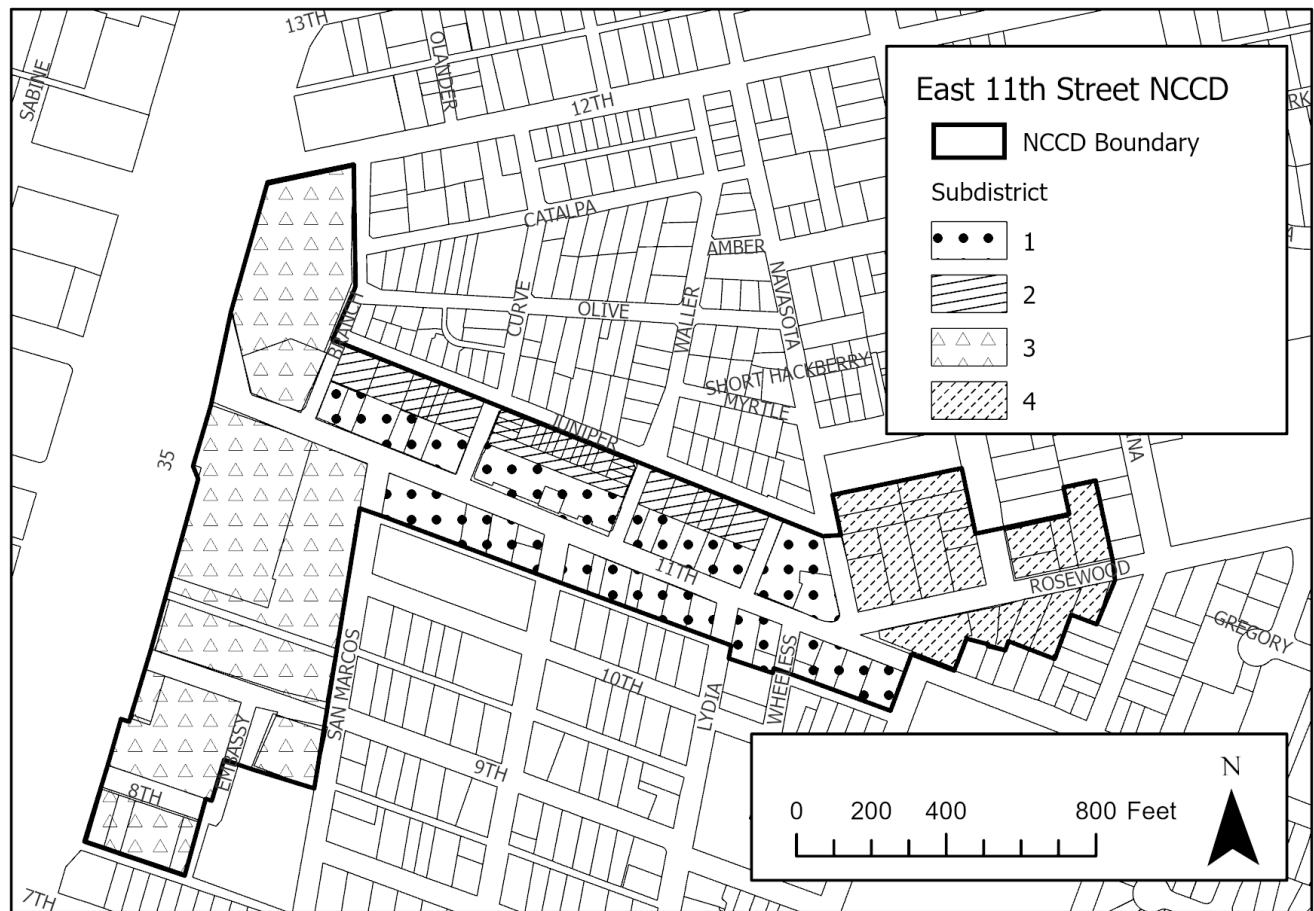
Subdistrict 3 was in the original 1991 NCCD, but has been amended three times to accommodate dense residential development along the NB Frontage Road of IH-35. The recommended amendments to the NCCD combines these amendments as well as standards from the original NCCD for an area not covered by these amendments into a single set of regulations for the subdistrict. The subdistrict's regulations remain mostly unchanged except for simplifying the height standards and elimination of the floor-to-area ratio (FAR) requirements.

The NCCD's subdistrict maps on the next three pages depict the existing subdistricts (Subdistrict Map A), the URB's recommendations (Subdistrict Map B), and the staff recommendation (Subdistrict Map C).

Subdistrict Map A: Existing NCCD Subdistricts

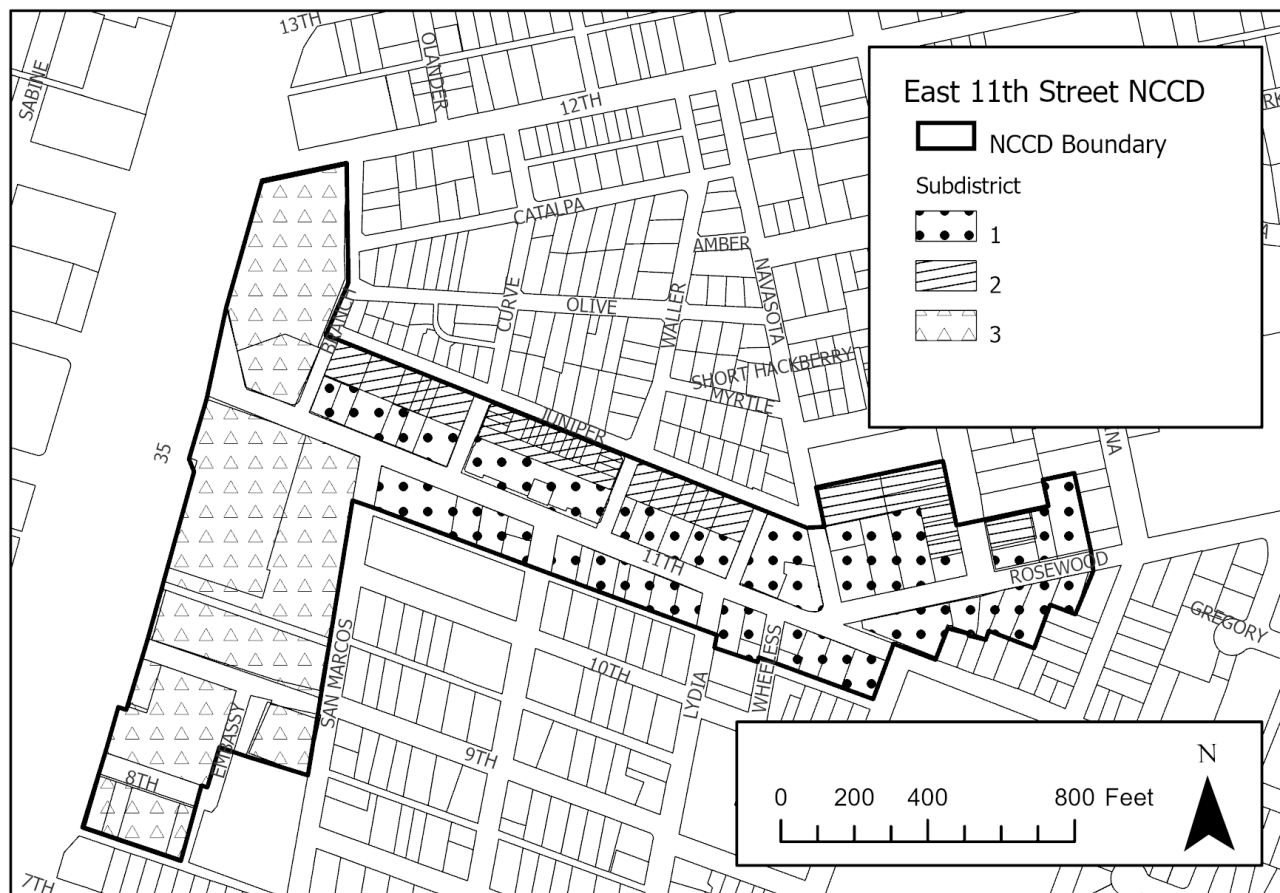


Subdistrict Map B: URB Recommendations



The URB's recommendations would eliminate the existing Subdistrict 4 and create a new Subdistrict 4 at the portion of the NCCD. Property in the new district would be subject to the development standards and land use regulations associated with their base zoning (SF-2, CS, LO, etc.). The existing Subdistrict 4 that fronts East 11th Street and Juniper Street would become a part of Subdistrict 1 (facing East 11th Street) and Subdistrict 2 (facing Juniper Street).

Subdistrict Map C: Staff Recommendation



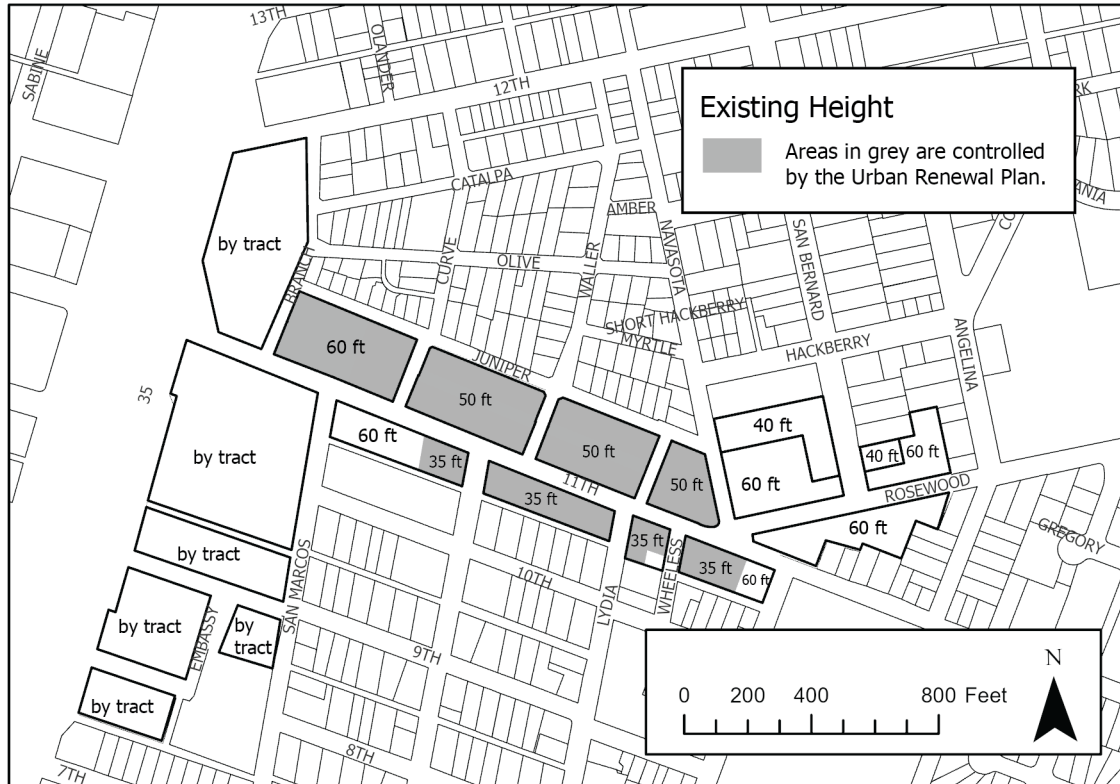
The difference between the URB's recommendation and the staff recommendation is that staff is not recommending the creation of new Subdistrict 4 and to retain the existing NCCD subdistrict boundaries for the area covered by the proposed new subdistrict. This subdistrict falls outside of the boundaries of the URP. Staff is making this recommendation to avoid downzoning properties whose entitlements under the NCCD are greater than what is allowed under the base zoning (e.g., allowing commercial in a residential zone) and to avoid the creation of nonconforming uses or noncompliant structures.

PROPOSED CHANGED TO DEVELOPMENT STANDARDS

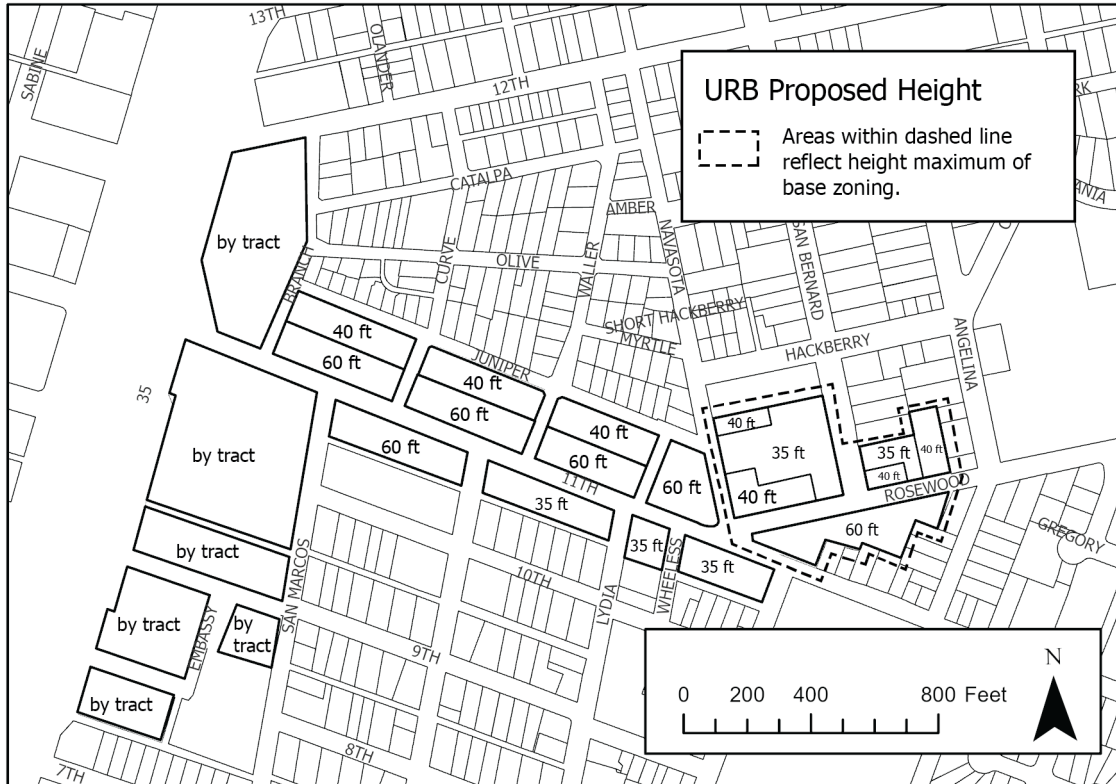
Building Heights

The URB Recommended adjustments in the allowable building heights. The maps on the following three pages depict the current allowable building heights, the URB's recommendation, and staff's recommendation.

Building Height Map A: Existing Building Heights

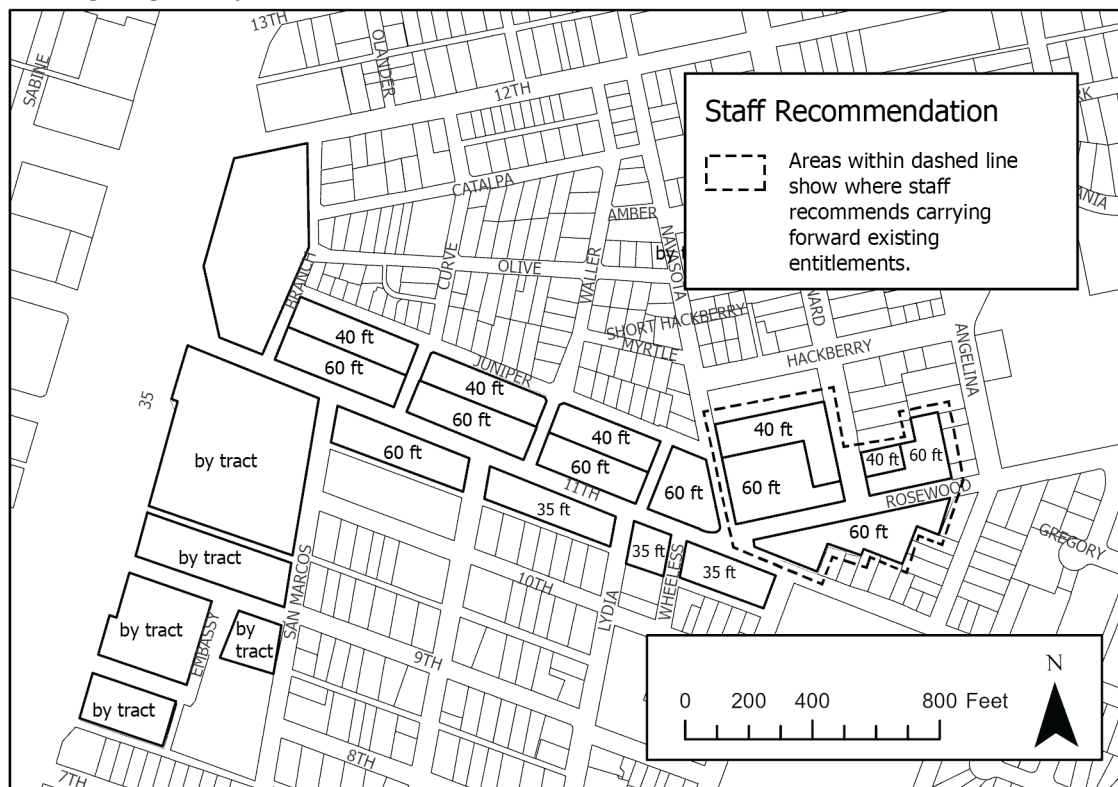


Building Height Map B: URB Recommendation



The URB's recommendation creates a transitional area along Juniper Street (proposed Subdistrict 2) by changing the allowed building height to 40 feet instead of 50 and 60 feet under the current regulations. It also sets a consistent 60-foot building height along the north side of East 11th Street. On the south side of East 11th Street their recommendation maintains the current standards. At the eastern end of the NCCD in the proposed new Subdistrict 4 (indicated by the dashed line in the map above) the recommendation is to allow the base zoning districts dictate maximum building height.

Building Height Map C: Staff Recommendation



Staff's recommendation reflects the URB's except for the building height in the proposed new Subdistrict 4 (indicated by the dashed line in the map above). Instead of allowing the base zoning districts to establish building heights, staff's recommendation is to retain the current standards which allow for 40 and 60 foot buildings.

Setbacks

The URB recommendation would not make changes to minimum setbacks in the 11th St. NCCD for properties within Subdistrict 1, 2, and 3. In the new Subdistrict 4, the base zoning district setbacks apply.

The staff recommendation would not make changes to minimum setback requirements. The difference between staff and the URB's recommendations is that staff is not recommending the creation of a new Subdistrict 4. Consequently, the setbacks allowed under Subdistrict 1 and 2 would regulate development in that area as depicted in **Subdistrict Map C: Staff Recommendation**.

Compatibility

The proposed NCCD amendments would waive compatibility standards that affect height and setbacks for Subdistrict 1 and 2; however, general compatibility standards relating to noise, lighting, and placement of parking, trash, and mechanical equipment.

Impervious Cover

The current NCCD has different impervious cover limits for properties in Subdistrict 1 depending on if the development is new (95%) or existing (100%). The URB recommendation is for 100% impervious cover in Subdistrict 1 and 80% impervious cover in Subdistrict 2. In Subdistrict 3 the impervious cover is based in the percentages listed in the ordinances that amended the initial East 11th Street NCCD. The impervious cover limits for Subdistrict 4 is based on the base zoning district. As stated above, staff is not recommending the inclusion of a new Subdistrict 4 and recommends the impervious cover for that area correspond to the Subdistrict depicted on **Subdistrict Map C: Staff Recommendation**.

Floor Area Ratio (FAR)

The current FAR regulations vary within the URP. Due to inconsistent updating of the NCCD following amendments to the URP, the two are not always aligned. Currently, the FAR depends on the size or use of the site. The URB's recommendations are to remove FAR limits for Subdistrict 1, 2, and 3 and refer to the FAR of the properties Subdistrict 4 to their base zoning. As stated above, staff is not recommending the inclusion of a new Subdistrict 4 and recommends the FAR for that area correspond to the Subdistrict depicted on **Subdistrict Map C: Staff Recommendation**.

Development Standards for Subdistrict 1, 2, and 3

STANDARDS	SUBDISTRICT 1	SUBDISTRICT 2	SUBDISTRICT 3
MINIMUM LOT SIZE	None	None	None
MINIMUM LOT WIDTH	25'	25'	50'
MAXIMUM BUILDING HEIGHT	60' on the northside of E 11 th St and on the southside of E 11 th St between San Marcos St and Waller St 35' on the southside of E 11 th St between Waller St and Navasota St	40'	Tracts 1, 2: 150' Tract 3: 100' Tract 4: 200' Tract 5: 60' Tract 6: 50' Tract 7: 160' Tracts 8, 9, 11, 12: 40' Tract 10: 70'
FRONT YARD SETBACK (MINIMUM)	None	15'	None
STREET SIDE YARD SETBACK	None	10 feet	None
INTERIOR SIDE YARD SETBACK	None	5 feet	None
REAR YARD SETBACK	None	5 feet	None
MAXIMUM IMPERVIOUS COVER	100%	80%	Tracts 1, 2, 3, 4, 7, 12 (100%) Tracts 5, 6, 8, 9, 10, 11 (95%)
MAXIMUM BUILDING COVERAGE	95%	60%	Tracts 1, 2, 3, 4, 7, 12 (100%) Tracts 5, 6, 8, 9, 10, 11 (95%)
MAXIMUM FLOOR AREA RATIO (FAR)	None	None	None

PROPOSED CHANGES TO USE STANDARDS

The use standards for the East 11th Street NCCD are currently spread across five different ordinances, contain uses that are no longer in Austin's Land Development Code (LDC), and have uses that were never part of the LDC (e.g., employee parking). Staff supports the URB's recommendations. The use standards for Subdistrict 3 were taken from past amendments to the East 11th Street NCCD.

Permitted Use, Uses Permitted with Conditions, and Conditional Uses

The proposed changes to the NCCD create three types of allowable uses.

- *Permitted*—Allowed by-right

- *Permitted with Conditions*—Allowed without special permission, but special conditions must be met to have the use. The two most common special requirements are that a use be on the ground floor or that a use must be located on upper floors.
- *Conditional Use*—Allowed only if the Planning Commission approves the use request.

Uses Only Permitted on Specific Addresses

The URB identified properties that have uses that may not overall support the goals of the URP, but are currently in operation. To accommodate these uses, the recommendations call specific uses and addresses. Here are a few examples:

- Club or Lodge (1017 E. 11th)
- Cocktail Lounge (1104 & 1133 E. 11th)
- Single-family (1119 E. 11th).

Subdistrict's 1 and 2 Use Tables

Below are the Use Tables for Subdistricts 1 and 2. If a use is not listed, it is not allowed.

USES	SUBDISTRICT 1	SUBDISTRICT 2	CONDITIONS AND EXCEPTIONS
COMMERCIAL USES			
Administrative and Business Offices	PC	PC	Not allowed on a ground floor of a building fronting E 11 TH Street
Art Gallery	P	P	
Art Workshop	P	P	
Food Sales	PC	—	Only allowed on a ground floor of a building fronting E 11 TH Street
General Retail Sales (Convenience)	PC	—	Only allowed on a ground floor of a building fronting E 11 TH Street
Hotel-Motel	PC	—	Bedroom may not be located on a ground floor of a building fronting E 11 TH Street
Indoor Entertainment	P	—	
Liquor Sales	C	—	Limited to 3,000 square feet of gross floor area
Medical Offices—not exceeding 5,000 sq./ft of gross floor space	PC	P	Not allowed on a ground floor of a building fronting E 11 TH Street
Personal Improvement Services	P	—	
Personal Services	P	—	
Professional Offices	PC	—	Allowed on E 11 TH Street on the ground floor of a building with a historic landmark designation and on all other floors in buildings that do not have a historic landmark designation.
Restaurant (Limited)	PC	—	Only allowed on a ground floor of a building

			fronting E 11 TH Street
Restaurant (General)	PC	—	Only allowed on a ground floor of a building fronting E 11 TH Street
Special Use Historic	C	C	
Theater	PC	PC	Not allowed on a ground floor of a building fronting E 11 TH Street

USES	SUBDISTRICT 1	SUBDISTRICT 2	CONDITIONS AND EXCEPTIONS
RESIDENTIAL USES			
Condominium Residential	PC	PC	Not allowed on a ground floor of a building fronting E 11 TH Street
Group Residential	C	C	
Multi-Family Residential	PC	P	Not allowed on a ground floor of a building on E 11 TH Street
Retirement Housing (Small Site)	P	P	
Townhouse Residential	—	P	
Short-Term Rental	PC	PC	Type 2 Short-term rental is prohibited
CIVIC USES			
College & University facilities	C	C	Not allowed on a ground floor of a building
Community Recreation (Private)	C	C	
Community Recreation (Public)	C	C	
Congregate Living	C	C	
Counseling Services	PC	PC	Not allowed on a Ground floor of a building on E 11 TH Street.
Cultural Services	P	P	
Day Care Services (General)	C	C	
Day Care Services (Limited)	P	P	
Family Home	P	P	
Group Home Class I (General)	P	P	
Group Home Class I (Limited)	P	P	
Group Home Class II	P	P	
Guidance Services	PC	PC	Not allowed on a Ground floor of a building on E 11 TH Street
Local Utility Services	P	P	
Private Primary Educational Services	C	C	
Private Secondary Educational Services	C	C	
Public Primary Educational Services	P	P	
Public Secondary Educational Services	P	P	
Religious Assembly	P	P	
Safety Services	C	C	
Telecommunication Tower	PC	PC	Prohibited unless located on a rooftop

Exhibit D: Staff Responses to Questions Compiled from Public Information Meeting, SpeakUp Austin! Page, and Emails

1. Were there any uses removed from the permitted list on E. 12th Street?

Yes, the current NCCD relies on the base zoning and prohibits additional uses. The proposed uses has a table of permitted uses.

2. On the ft chart: how many stories is 50 ft?

3 to 4 stories depending on floor to ceiling heights.

3. Why is Rosewood allowed to build to 60' when homes on 11th street adjoin to those lots?

Current entitlement allow 60' in height along Rosewood.

4. Residential lots on Angelia are also adjacent to the Rosewood lots allowing 60' Height WHY???

Adjacent to Angelina, the base zoning allows 40 ft of height.

5. For East 12th street, when the FAR restrictions are removed, will the FAR still be set by the base zoning?

No, the recommendation is that there will be no FAR limits for properties within the 12th St NCCD.

6. With the growth of Austin, these small-scale solutions seem completely out of date. Why are we not making changes for more density? Why aren't we building more housing near the core, and fulfilling "compact and connected" Imagine Austin goal?

Both segments of East 12th Street and East 11th Street covered by NCCDs are Imagine Austin Activity Corridors. The regulations being proposed are in alignment with that designation. The URP and NCCDs permit and encourage a variety of housing types through the use regulations including townhouse, condominium and multifamily. Development standards are designed to allow new development that is compatible to the context. East 11th Street is intended to be a more robust commercial area; whereas East 12th Street is intended to become a more modestly scaled mixed use district.

7. Doesn't base zoning govern use on both 11th and 12th now? i.e., a use must be allowed by base zoning and also by the URP/NCCD use charts? On both streets?

Currently the 12th Street NCCD relies on a property's base zoning for uses and the 11th Street has a list of permitted/conditional uses by subdistrict. Additionally the URP included use regulations. The proposed NCCDs have a list of permitted, permitted with conditions and conditional uses and in some cases the use must also be allowed by the base zoning. The use table in the proposed URP mirror the regulations in the NCCD.

8. Driving on the side streets between East 11th and East 12th Street is a challenge due to parking on both sides of the street. Does the zoning address the possibility of changing some of the streets into one way streets?

This does not fall under zoning regulations.

9. Telephone poles blocking the entrance on 12th Street Properties for construction purposes they have to be lowered.

This does not fall under zoning regulations.

10. Does the zoning address Short Term Rental's on East 12th Street?

Short Term Rentals are not allowed within the East 12th St NCCD.

11. How could these changes be impacted by a future citywide LDC rewrite?

The land use regulations and development standards for the proposed Urban Renewal Plan (URP) amendments are contained in the East 11th Street and East 12th Street NCCDs. Under the recent code

revision process, NCCDs were left unchanged. Additionally, because the URP supersedes the Land Development Code and NCCDs, those standards will remain place until the plan is amended or expires.

12. What was the purpose behind the creation of subdistrict 4 within the 11th St NCCD? By reverting to the base zoning it seems that the section bordering Rosewood Ave is effectively being removed from the NCCD for all intents and purposes.

The NCCD refers to the properties within Subdistrict 4 to their base zoning standards. There are no additional regulations for subdistrict 4 within the proposed draft.

13. If we want East 12th to be walkable why aren't more uses being permitted so that people have a diversity of destinations close to where they live?

The uses on East 12th Street allow for a variety of shops, restaurants, and services. The use list was designed to create an active pedestrian-oriented street.

14. If there are carve outs to preserve existing businesses that are part of existing culture, should there not be carve outs for changes to zoning to help preserve historic structures to help preserve the character and history of the neighborhood?

There are properties in both NCCDs that have historic zoning which is the zoning tool to protect historic structures. There was community concern that allowing too many bars could adversely affect the area.

15. "In Subdistrict 1 and 2, height tailored to be compatible with adjacent properties outside the NCCD." Why not do this with subdistrict 4? 60' is significantly higher than the residential lots that border the adjacent properties on Angelina St.

The current proposal is that properties within subdistrict 4 are subject to their base zoning entitlements. Properties fronting Rosewood Avenue currently have a height maximum of 60 feet.

16. Does base zoning standards apply to the properties on Rosewood that allow the 60' height restriction?

Along the south side of Rosewood Avenue, base zoning allows 60' height. Height maximums are lower along the north side.

17. Can you share again please, in layman's terms, what the goal is of this meeting is and what is being proposed?

The public meeting on April 20th was held to give information and answer questions about the proposed changes. The proposed Urban Renewal Plan and NCCDs are being updated to modernize and align the regulations.

18. 12th and Chicon has maintained some long running and unique bars for the neighborhood. Any growth here has been severely restricted, is there a reason for that? (clarified: cocktail bars, or bars in general)

Limiting bars/cocktail lounges to existing locations was done to address community concerns that by not limiting them, there could be a surge of new bars locating to the area.

19. Were billboards considered in the land use standards?

Billboards are not considered as a part of rezoning. Regulations on billboards can be found in the sign chapter of the Land Development Code.

20. Is there any plan to bury the many unsightly power and telecommunications lines on E12th St?

Staff is not aware of any plans to bury utility lines.

21. Why are the heights not all the same? Why is height higher on North side?

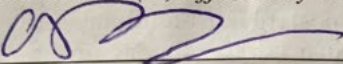
In the East 12th Street NCCD the heights reflect current entitlements. In the East 11th Street NCCD, heights have been applied based on the allowable height on adjacent parcels.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2021-0033
Contact: Mark Walters, 512-974-7695
Public Hearing: April 27, 2021, Planning Commission

ANDREA BEADLES
Your Name (please print)

908 CATALPA 78702
Your address(es) affected by this application (OPTIONAL)

 4/20/21
Signature Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:
City of Austin, Housing and Planning Department
Mark Walters
P. O. Box 1088, Austin, TX 78767
Or email to:
mark.walters@austintexas.gov