

Planning Commission: June 28, 2022

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Central West Austin Combined (Windsor Road)

**CASE#:** NPA-2022-0027.01

**DATE FILED:** February 6, 2022 (In-cycle)

**PROJECT NAME:** SHQ W 35th

**PC DATE:** June 28, 2022  
June 14, 2022

**ADDRESS/ES:** 1809 W. 35<sup>th</sup> Street

**DISTRICT AREA:** 10

**SITE AREA:** 0.27 acs / 11,767 sq. ft.

**OWNER/APPLICANT:** MEA Real Estate Ventures, LLC

**AGENT:** Thrower Design, LLC (Ron Thrower and Victoria Haase)

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.Meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Neighborhood Commercial

**To:** Neighborhood Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2022-0021

**From:** LR-NP

**To:** LO-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 23, 2010

**CITY COUNCIL DATE:** TBD

**ACTION:**

**PLANNING COMMISSION RECOMMENDATION:**

*Planning Commission: June 28, 2022*

*June 28, 2022 –*

*June 14, 2022* – Postponed to June 28, 2022 on the consent agenda at the request of the neighborhood. [R. Schneider 1<sup>st</sup>; J. Thompson- 2<sup>nd</sup>] Vote: 9-0 [Y. Flores, C. Hempel, J. Mushtaler and J. Shieh absent].

**STAFF RECOMMENDATION:** Recommended

**BASIS FOR STAFF’S RECOMMENDATION:** Staff supports the applicant’s request for Neighborhood Mixed Use land use to accommodate the inclusion of four residential units to the office use. The property is located with frontage on W. 35<sup>th</sup> Street, which is an activity corridor where mixed use developments are encouraged.

The Central West Austin Neighborhood Plan supports small neighborhood-serving businesses and apartments.

Objective 2: Preserve or enhance, as appropriate, existing multifamily housing and neighborhood-serving commercial districts.

L.2.7

The residential scale and character along W. 35 th Street should be preserved, and in particular its existing building by building, horizontal collection of small neighborhood-serving businesses, stores, and apartments. Harmony with the abutting single-family houses on the south side of this block, facing 34th Street, should be maintained.

Objective 3: All redevelopment should be compatible with the character of the adjacent neighborhood and should be guided by green design principles. (Note these are guidelines, not standards)

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

#### **Neighborhood Commercial**

Lots or parcels containing small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale.

#### **Purpose**

1. Accommodate low-intensity commercial services that serve surrounding neighborhoods; and
2. Encourage small-scale retail within walking distance from residential areas.

**Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used to encourage high intensity commercial to transition to residential uses.

***PROPOSED LAND USE ON THE PROPERTY***

**Neighborhood Mixed Use** - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

**Purpose**

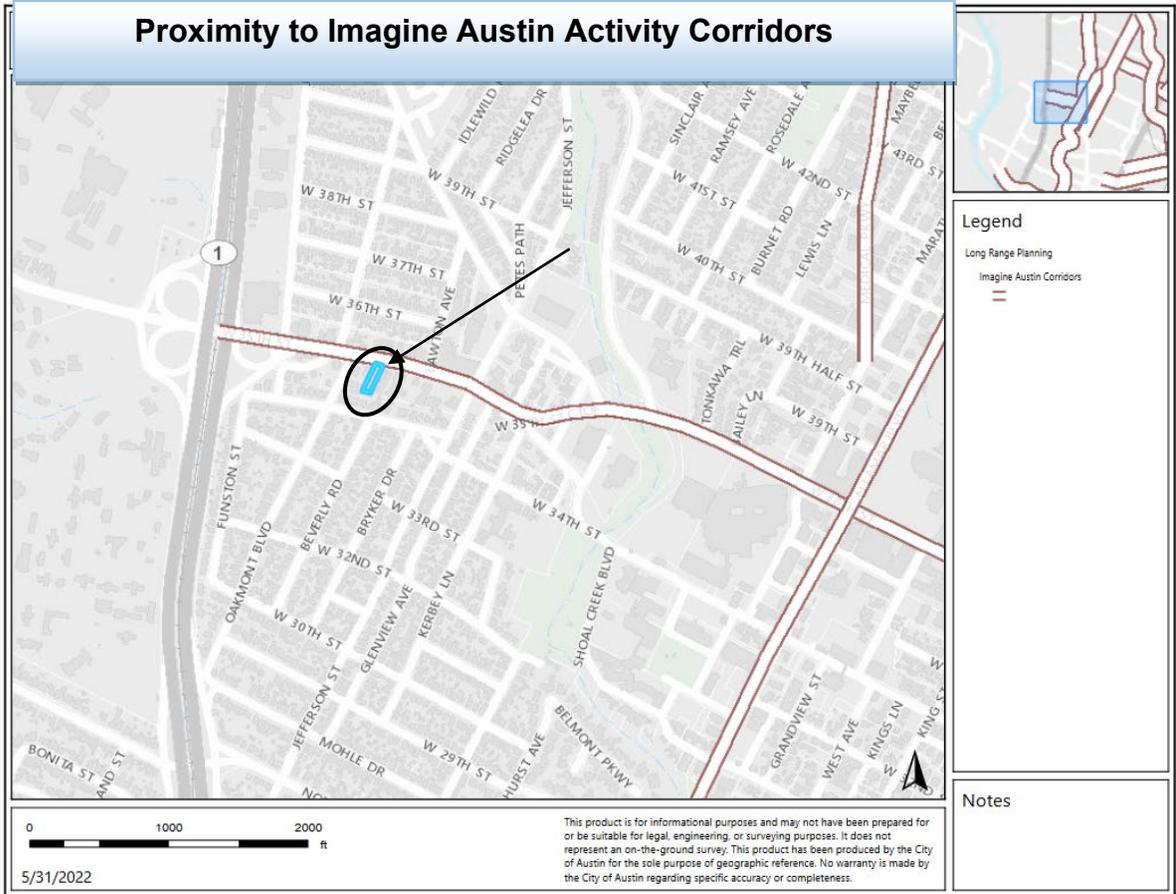
1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

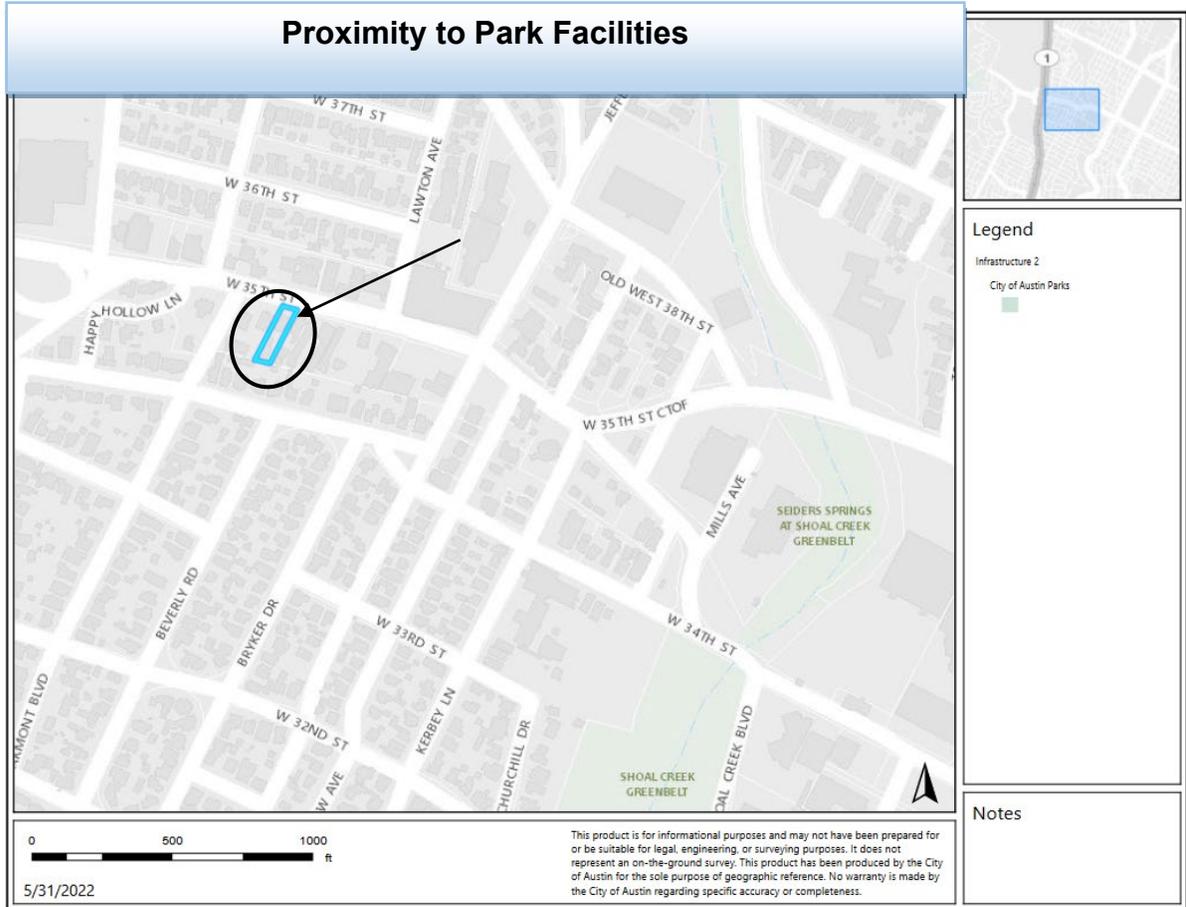
**Application**

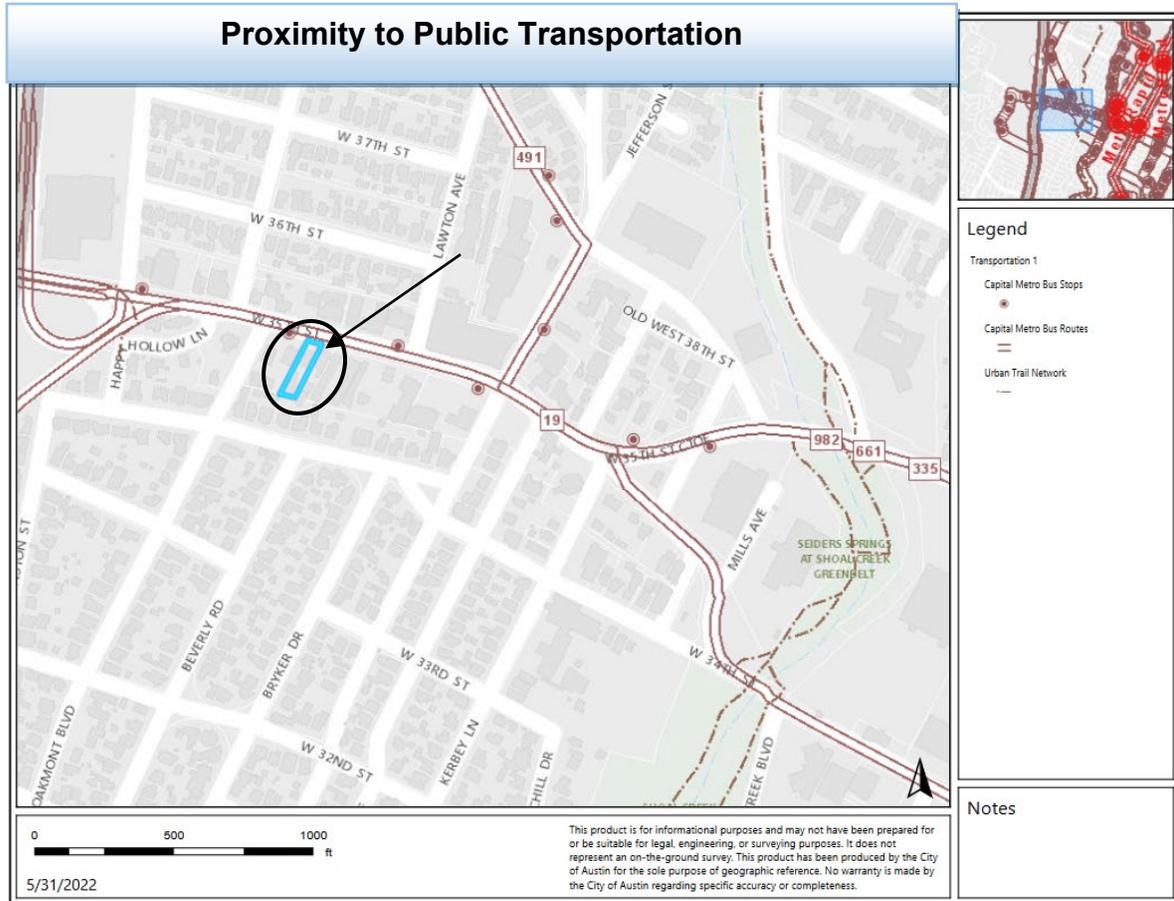
1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

Yes	Imagine Austin Decision Guidelines
<b>Compact and Connected Measures</b>	
Yes	<p><b>Imagine Austin Growth Concept Map:</b> Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map.  <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b></p> <ul style="list-style-type: none"> <li>• W. 35<sup>th</sup> Street is an activity corridor</li> </ul>
Yes	<p><b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.</p> <ul style="list-style-type: none"> <li>• There is a bus route on W. 35<sup>th</sup> Street</li> </ul>
Yes	<p><b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.</p> <ul style="list-style-type: none"> <li>• This section of W. 35<sup>th</sup> Street is a low-comfort bike lane</li> <li>• There are sidewalks on W. 35<sup>th</sup> Street</li> </ul>
Yes	<p><b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.</p> <ul style="list-style-type: none"> <li>• W. 35<sup>th</sup> Street has numerous businesses</li> </ul>
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education:</b> Is located within 0.50 miles from a public school or university.
	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
Yes	<p><b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)</p> <ul style="list-style-type: none"> <li>• Ascension Seton Hospital is less than one mile to the east on W. 38<sup>th</sup> Street.</li> </ul>

	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable houses.
Yes	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. <ul style="list-style-type: none"> <li>Applicant proposes to add four housing units for employees along with an office building.</li> </ul>
Yes	<b>Mixed Use:</b> Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
7	<b>Total Number of “Yes’s”</b>
<b>Imagine Austin Priority Program Bonus Features (Extra Points)</b>	
Yes	<b>Small Area Plan Policies:</b> Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. <b>Name of Small Area Plan: Central West Austin Combined (Windsor Road)</b> <ul style="list-style-type: none"> <li>See info under Basis for Staff Recommendation in report</li> </ul>
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Culture and Creative Economy:</b> Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	<b>Workforce Development, the Economy and Education:</b> Promotes educational opportunities or workforce development training.
<b>Imagine Austin Priority Program PUD Specific Bonus Features (Extra Points)</b>	
	<b>Public Space Features and Public Art:</b> Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).
	<b>Integrates and/or Expands Green Infrastructure:</b> Preserves or expands Austin’s green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
	<b>Protects the Environment:</b> Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
	<b>Protects Environmentally Sensitive Lands:</b> Protects Austin’s natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources in excess of ordinance requirements.
	<b>Water/Waste Water Infrastructure:</b> Sustainably manages Austin’s water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques in excess of ordinance requirements.
1	<b>Total Number of “Yes’s” Under Bonus Features</b>







## 1809 West 35th Street

Windsor Road, Austin, 78703

Commute to **Downtown Austin**

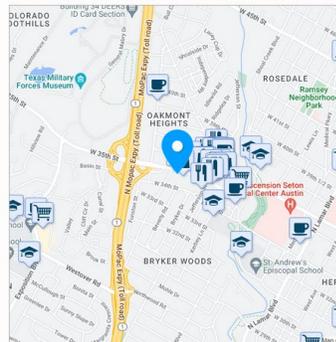
🚗 12 min 🚌 33 min 🚲 18 min 🚶 58 min [View Routes](#)

📍 Favorite 🗺 Map 🔍 [Nearby Austin Apartments on Redfin](#)

[Looking for a home for sale in Austin?](#)

- Walk Score 84**  
Very Walkable  
Most errands can be accomplished on foot.
- Transit Score 42**  
Some Transit  
A few nearby public transportation options.
- Bike Score 88**  
Very Bikeable  
Biking is convenient for most trips.

[About your score](#)  
[Add scores to your site](#)



## IMAGINE AUSTIN GROWTH CONCEPT MAP

### *Definitions*

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Regional Centers** - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

**Activity Centers for Redevelopment in Sensitive Environmental Areas** - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. 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. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The plan amendment application was filed on February 6, 2022 which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

The applicant proposes to change the future land use map from Neighborhood Commercial to Neighborhood Mixed Use land use.

The applicant proposes to change the zoning on the property from LR-NP (Neighborhood Commercial district – Neighborhood Plan) to LO-MU-NP (Limited Office-Mixed Use-Neighborhood Plan) to build a professional office and residential uses. For additional information on the proposed zoning, please see case report C14-2022-0021.

**PUBLIC MEETINGS:** The ordinance-required community meeting was virtually held on March 28, 2022. The recorded meeting can be found here:

<https://www.speakupaustin.org/npa>. Approximately 435 meeting notices were mailed to utility account holders and property owners who live within 500 feet of the subject tract, in addition to neighborhood and environmental groups who requested notification for the area on the Community Registry.

Two city staff members attended the meeting, Mark Walters, Principal Planner and Maureen Meredith, Senior Planner. Two of the applicant’s agents attended, Victoria Haase and Ron Thrower from Thrower Design and the property owner/applicant Mike Ebrahimi. Twenty people from the neighborhood were also in attendance.

After staff gave a brief presentation outlining the applicant’s plan amendment and zoning requests, Victoria Haase made the following comments. Her complete presentation is at the back of this report.

- The property was originally built with a single-family home and was converted to a commercial use.
- A second dwelling unit was built sometime in the 1950’s.
- The mix of uses has existed on this site for several decades, which is why we are asking for a zoning from LR to LO-MU, which is a down-zoning, but the request is to allow the residential uses.
- The main reason the property owners wants to down-zone the property is because the FAR under LO is greater than the FAR under LR. The LO zoning increases the FAR by 0.2 which increases the maximum development from 5,883 sq. ft. to 8,282 sq. ft.

Site Development Parameters					
	Standard Regulations	Maximum Development @1809 W 35th	Standard Regulations	Maximum Development @ 1809 W 35th	
	LR	LR	LO	LO	
Min. Lot Size (sf):	5,750	11,767	5,750	11,767	exceeds
Min. Lot Width:	50	55ft	50	55 ft	exceeds
Max. Height:	40ft. / 3 flrs	40ft. / 3 flrs	40ft. / 3 flrs	40ft. / 3 flrs	same
Min. Setbacks:					
Front:	25ft	20-25ft	25ft	20-25ft	same
Interior Side:	0ft	0ft	5	5 ft	increased
Rear:	0ft	16ft	5	16 ft	same
Coverage:	50%	50% = 5,917.5 sf	50%	50% = 5,917.5sf	same
Max. Impervious Cover:	80%	80% = 9,413.6sf	70%	70% = 8,284.5 sf	decreased
Max. F.A.R.	0.5:1	0.5:1 = 5,883.5sf	0.7:1	0.7:1 = 8,284.5sf	increased

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> - NPA-2022-0027.01  
Neighborhood Plan Amendment Meeting – March 28, 2022

*Thrower Design*  
LAND PLANNERS

- The proposed building will be three-stories, 40-ft height building, podium style with ground floor parking (18 spaces). The second floor will be a 4,300 sq. ft. office and the third floor will be four residential units at approximately 800 sq. ft. each.
- On a normal business day, there will be eight to ten employees. The company has about 20 employees here in Austin but half of them work from home.
- The units will be for rent to house employees of the company who live here in Austin.
- The units will orient to the west.
- One unit is planned to be used periodically by out-of-town employees or their guests. When not in use that unit will have the same ability to be used as an STR as similar

- buildings the area. The property owner and three employees will be on site and have high assurance they will be good neighbor.
- 26 parking spaces will be required and the redevelopment will use parking reduction of 20% reduction for being inside urban core and other parking reduction provisions, such as compact parking.
  - We don't have any concept plans to show at this time.

***Q: Will the applicant agree that variances will not be requested?***

A: Our goal is not having variances, but some projects have waivers, that don't have public hearings, but are more administrative.

***Q: Will VMU be requested?***

A: We have not asked for VMU, only the MU.

***Q: If the property is sloped toward the residential properties, will this be addressed?***

A: Any redevelopment will have to comply with current water quality and detention requirements. We can't speak to how it will be addressed until the site planning stage and an engineer is hired.

***Q: Are you agreeing to not build higher than 40 feet?***

A: We will not seek any bonus for additional height.

***Q: What is the applicant willing to give to the neighborhood for the additional square feet of development?***

A: Much better street presence and pedestrian environment than what exists to day and the site is going to address the issue with drainage leaving the site to the south. What would the neighborhood like to see or what would be helpful in the neighborhood that could be accommodated through this development?

***Q: What assurances will the balconies be oriented to the north and not the south?***

A: The lot is long and narrow, so designing a building on a long narrow lot would be difficult to orient the units to the back. We will take this into consideration with the architect to provide privacy.

***Q: I'd like to know more about the property owner/business owner?***

A: We are a software company based in Austin. We help businesses improve their on-line presence.

***Q: Who will the architect be?***

A: Michael Diani of Mad-works.

***Q: Will the owner be living in one of the units?***

A: There are no plans for owner to live in one of the units, but he will be there during office hours. Employees will live in the units so if something goes wrong, Michael will be notified and make sure the unit is taken care of and used appropriately.

***Q: Will it be a Commercial STR or Homestead one?***

A: It's a commercial property, so I believe it would be a Commercial STR and not a Homestead, but I will have to look into this because I'm not too familiar with STR regulations.

***Q: Will the office be rented to other people?***

A: No, the office space will be used by his employees.

***Q: How many people will be working and living here?***

A: Eight to ten people will be working there on a normal office day with 18 parking spaces. There will not be many people visiting there as customers.

***Q: Where has this been done elsewhere in Austin?***

A: Some of my staff are pushed out of Austin because they can't afford to buy here. We have a hybrid work schedule so not everyone will be working in the office. For people who live outside of Austin, they will need a place to stay in Austin for the few days they are working.

***Q: Do you see in the future a need for more employees where there won't be enough parking spaces and then there is overflow parking in the neighborhood?***

A: I see there will probably be a need for fewer employees because almost everyone prefers to work from home, and it's considered a perk to work from home. There are no plans for overflow parking. Because the property is on an activity corridor that has public transit, my hope is that people will use public transit as well.

***Q: If your business grows and you outgrow the building will you move or expand?***

A: My business has doubled every year with fewer people working in the office. We needed a place so we don't have to move every year. We will make it work.

***Q: What is the occupancy limit for a 700 sq. ft. living space?***

A: I don't know.

***Q: What if you end up being fully remote, will the employee apartments become rentals?***

A: Are intention is not to be fully remote or I wouldn't be investing in this. It's important for us to meet with employees because we are most creative when we meet in person.

***Q: Is there a way to re-route the drainage towards W. 35<sup>th</sup> Street?***

A: It's doubtful because there is no storm sewage line or drainage infrastructures in front of the property for us to tie into, but we can ask.

***Q: What is the required parking?***

A: For office space it's 1 space per 275 square feet. Residential units require 1.5 spaces for every one bedroom and 0.5 space for every additional bedroom, so two space for two-bedroom units for eight parking spaces. There is a parking reduction allowed for urban core and other reductions if you provide showers for bike riders. For 18 spaces that is 30% parking reduction. We are parking the property to Code.

***Comments:***

- It would be good to provide a massing model.
- Tell the architect to lower the plate height per floor so you won't need all 40 feet.
- Appropriate scale and mass - not a max build.
- Give us an idea of what this building will look like, even if it's a sketch on a napkin.

**Applicant Summary Letter from Application**

February 1, 2021

Ms. Rosie Truelove  
Housing & Planning Department  
City of Austin  
1000 E 11<sup>th</sup> Street  
Austin, TX 78702

**Via Electronic Delivery**

RE: SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> Street, Austin, TX 78703

Dear Ms. Truelove,

On behalf of the property owner of 1809 W 35<sup>th</sup> Street, we submit the Neighborhood Plan Amendment and Rezoning applications herein. The subject site is 0.27 acres fronting the south side of W. 35<sup>th</sup> Street and legally described as Lot 1 & 6ft of Lot 2, Blk 10, Camp Mabry Heights subdivision.

The property has Neighborhood Commercial-Neighborhood Plan (LR-NP) district zoning, and the Central West Austin Combined Neighborhood Plan Future Land Use Map applies with a designation of Neighborhood Commercial.

The request is to amend the Future Land Use Map from *Neighborhood Commercial* to *Neighborhood Mixed Use* and to rezone the property from *Neighborhood Commercial (LR)* to *Limited Office – Mixed Use – Neighborhood Plan (LO-MU-NP)* district zoning in preparation for a redevelopment of the site to accommodate a professional office use in combination with residential use.

The LO zoning district is permitted by the current FLUM category of Neighborhood Commercial and alone, does not require a neighborhood plan amendment. However, the longstanding residential use of the property is legal/non-complying with the existing zoning. The FLUM amendment is necessary to bring residential use into compliance with zoning so that the site can retain the ability for a residential use with redevelopment of the site.

The property is in an ideal location to accommodate a mixed-use development and it is supported by the following Imagine Austin Planning Principles.

**P.O. BOX 41957, AUSTIN, TEXAS 78704**

1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy access to daily needs such as schools, retail, employment, community services, and parks and recreations options.
2. Supporting the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and Infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

While the Neighborhood Plan/FLUM does not permit the mixed-use overlay, the site has operating as mixed use for several decades. Corridors like W. 35<sup>th</sup> Street should continue to accommodate a mix of uses, including live/work opportunities that can alleviate workday traffic congestion and encourage use of alternative transit modes since the property is on an ASMP Transit Priority Network with existing transit services.

For these reasons, Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Haase', with a yellow speech bubble icon overlaid on the signature.

Victoria Haase

cc: Wendy Rhoades, Housing & Planning Department (via electronic delivery)

**Letter of Recommendation from the Central West Austin  
Neighborhood Plan Contact Team**

**From:** Mike Cannatti

**Sent:** Wednesday, May 4, 2022 9:17 AM

**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Cc:** 'Victoria' <Victoria@throwerdesign.com>; Ron Thrower <ront@throwerdesign.com>; 'august@' <august@ >; 'panchonixon@' <panchonixon@ >; 'east@' <east@ >; 'harris@' <harris@ >; 'Roya@' <Roya@ >; 'bradypedneau@' <bradypedneau@ >; 'blake.tollett@' <blake.tollett@ >; 'jbasiano@' <jbasiano@ >; 'mcmediate@' <mcmediate@ >; 'Diane Umstead' <dedeumstead@ >; 'rick crump' <rcrumpatx@ >; 'Callie Hester' <callieahester@ >

**Subject:** Central West Austin Neighborhood Plan Amendment NPA-2022-0027.01 (1809 W. 35th)

\*\*\* External Email - Exercise Caution \*\*\*

Dear Maureen:

After considering the information provided by Applicant at the March 28 community meeting with the Central West Austin Neighborhood Plan Contact Team (NPCT) and additional input from neighbors regarding the requested amendment to our neighborhood plan for 1809 W. 35th Street to change the Future Land Use Map (FLUM) from Neighborhood Commercial to Neighborhood Mixed Use, **I am writing to provide the contact team's recommendation that the FLUM amendment request be allowed based on the following conditions.** First, Applicant will agree to entering into a restrictive covenant that is enforceable by nearby neighbors which limits the height of the project to 40 feet and which incorporates the current compatibility setback requirements under the City Code requirements existing on April 28, 2022. Second, Applicant will agree to entering a conditional overlay on the property which specifies that any short term rental use of the property will require a minimum stay of two (2) weeks. Finally, we expect Applicant to fully comply with all legal requirements to prevent flooding or drainage to adjacent property owners from new development by ensuring that any drainage to such properties is at least as good or better than currently exists.

Since these conditions directly reflect the project description provided by Applicant made at the March 28 community meeting, we do not expect there to be any objection from Applicant to complying with these conditions. In addition, Applicant's representative has represented to the neighbors that a restrictive covenant on at least the height limit would be acceptable. Accordingly, this conditional approval would be implemented by having the affected nearby neighbors sign the restrictive covenant concurrently with any zoning change entered for the property in question.

Respectfully submitted,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team

## CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

Organized 2010  
*"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."*

City of Austin - Planning & Development Review Dept. April 28, 2022  
 c/o Maureen Meredith  
 505 Barton Springs Rd.  
 Austin, Texas 78704

*Re: Central West Austin Neighborhood Plan Amendment NPA-2022-0027.01 (1809 W. 35<sup>th</sup>)*

Dear Maureen:

**OFFICERS**

Michael Cannatti  
Chair

August Harris  
Vice Chair

Joyce Basciano  
Secretary

**EXECUTIVE COMMITTEE**

Rick Crump  
Michael Curry  
Callie Hester  
Roya Johnson  
Mark Nixon  
Thomas Pantin  
Brady Pedneau  
Blake Tollett  
Diane Umstead

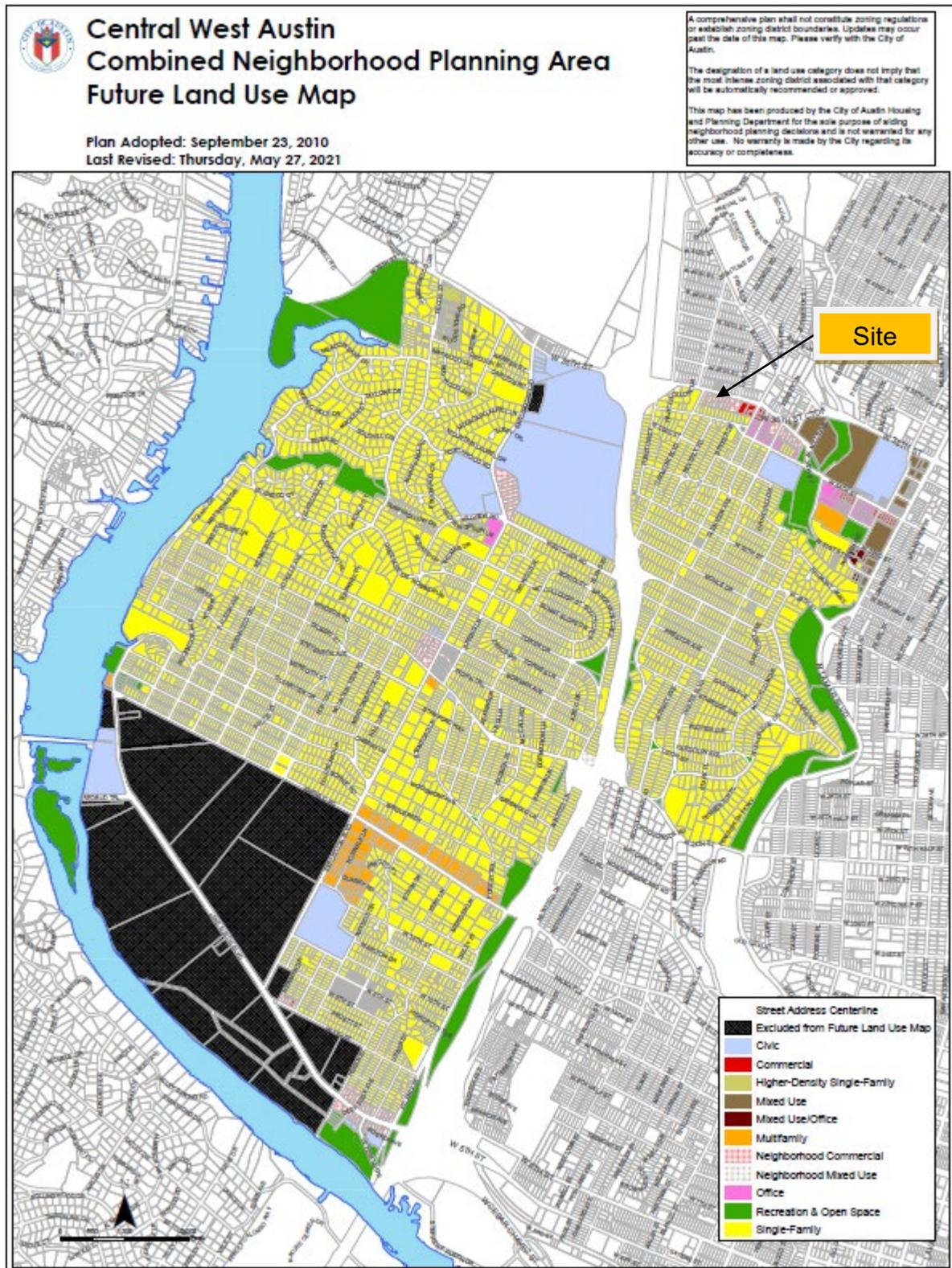
After considering the information provided by Applicant at the March 28 community meeting with the Central West Austin Neighborhood Plan Contact Team (NPCT) and additional input from neighbors regarding the requested amendment to our neighborhood plan for 1809 W. 35th Street to change the Future Land Use Map (FLUM) from Neighborhood Commercial to Neighborhood Mixed Use, **I am writing to provide the contact team's recommendation that the FLUM amendment request be allowed based on the following conditions.** First, Applicant will agree to entering into a restrictive covenant that is enforceable by nearby neighbors which limits the height of the project to 40 feet and which incorporates the current compatibility setback requirements under the City Code requirements existing on April 28, 2022. Second, Applicant will agree to entering a conditional overlay on the property which specifies that any short term rental use of the property will require a minimum stay of two (2) weeks. Finally, we expect Applicant to fully comply with all legal requirements to prevent flooding or drainage to adjacent property owners from new development by ensuring that any drainage to such properties is at least as good or better than currently exists.

Since these conditions directly reflect the project description provided by Applicant made at the March 28 community meeting, we do not expect there to be any objection from Applicant to complying with these conditions. In addition, Applicant's representative has represented to the neighbors that a restrictive covenant on at least the height limit would be acceptable. Accordingly, this conditional approval would be implemented by having the affected nearby neighbors sign the restrictive covenant concurrently with any zoning change entered for the property in question.

Respectfully submitted,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team





**Central West Austin Combined (Windsor Road) Neighborhood Planning Area  
 NPA-2022-0027.01**

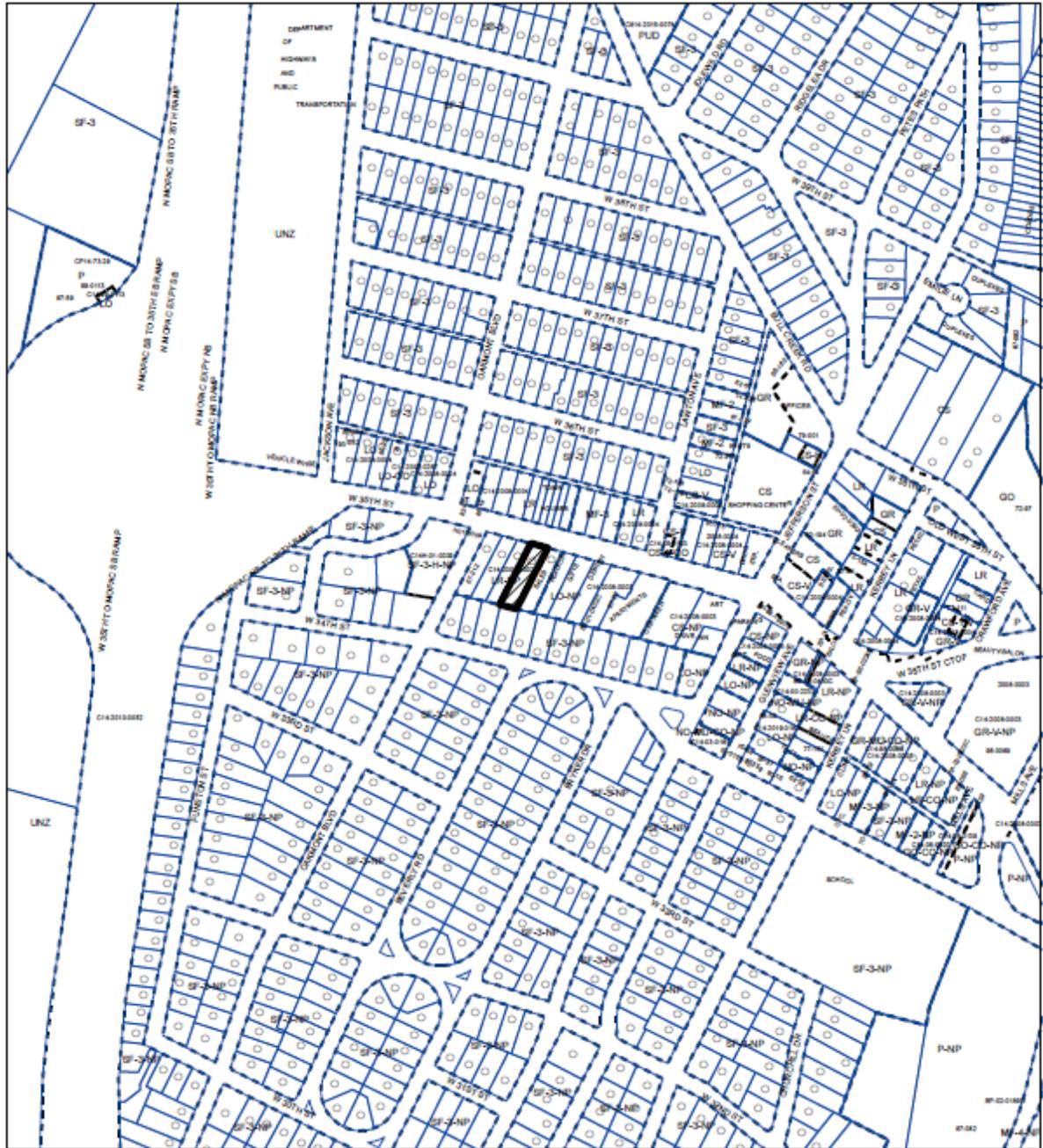
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

 City of Austin  
 Housing and Planning Department  
 Created on 3/1/2022, by: MeeksS

**Future Land Use**

 Subject Tract	 Neighborhood Commercial
 500 ft. notif. boundary	 Office
 Civic	 Recreation & Open Space
 Commercial	 Single-Family
 Mixed Use	



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
ZONING CASE#: C14-2022-0021

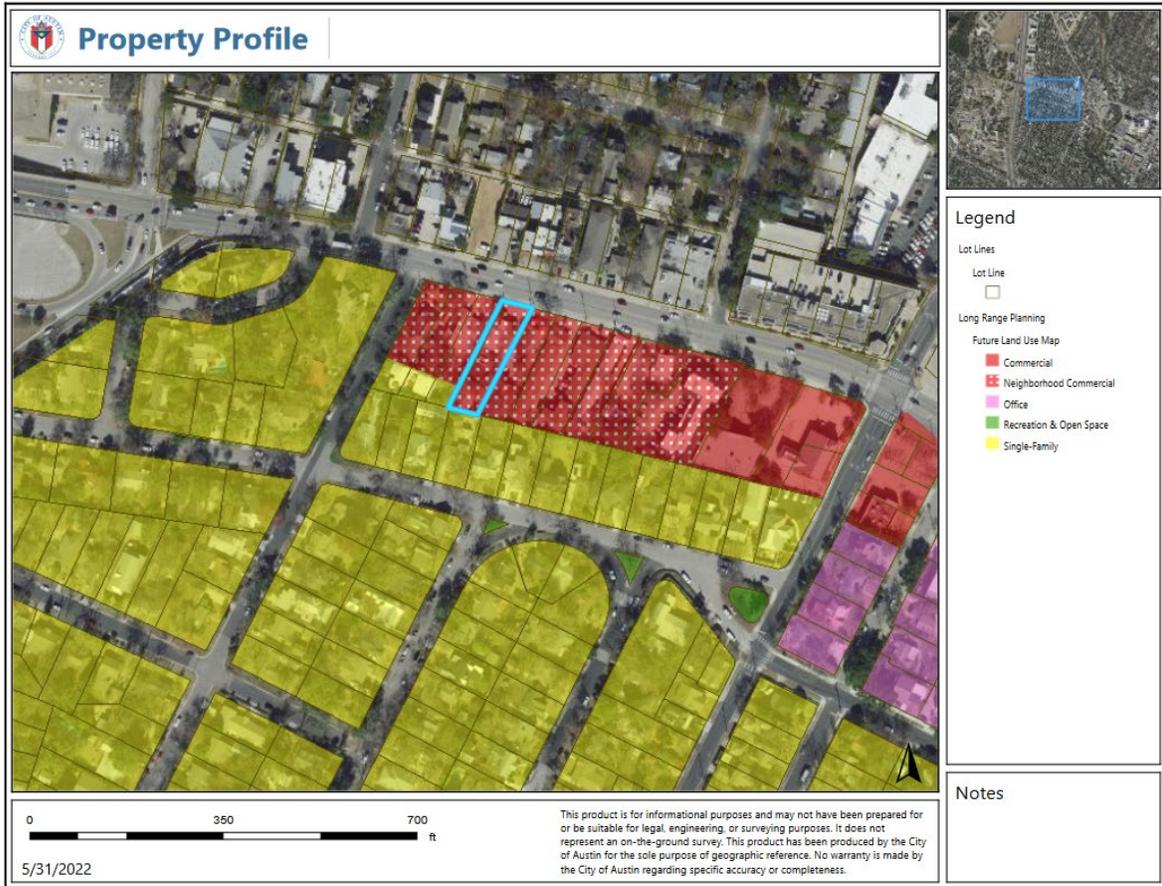
1" = 400'

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.

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Created: 3/2/2022







1809 W. 35<sup>th</sup> Street – subject tract



View north of property on W. 35<sup>th</sup> St.



View east on W. 35th Street



View south on W. 34th Street



View west of W. 35th Street

**Applicant's Presentation at the March 28, 2022  
Community Meeting**

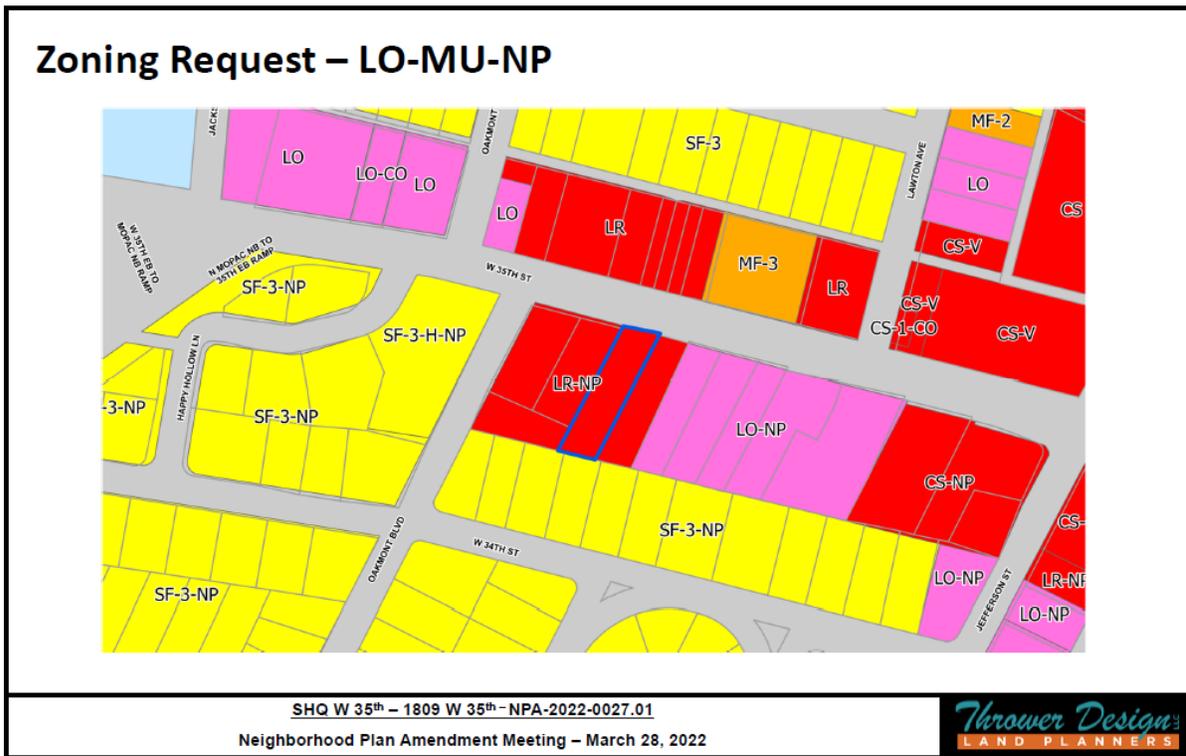
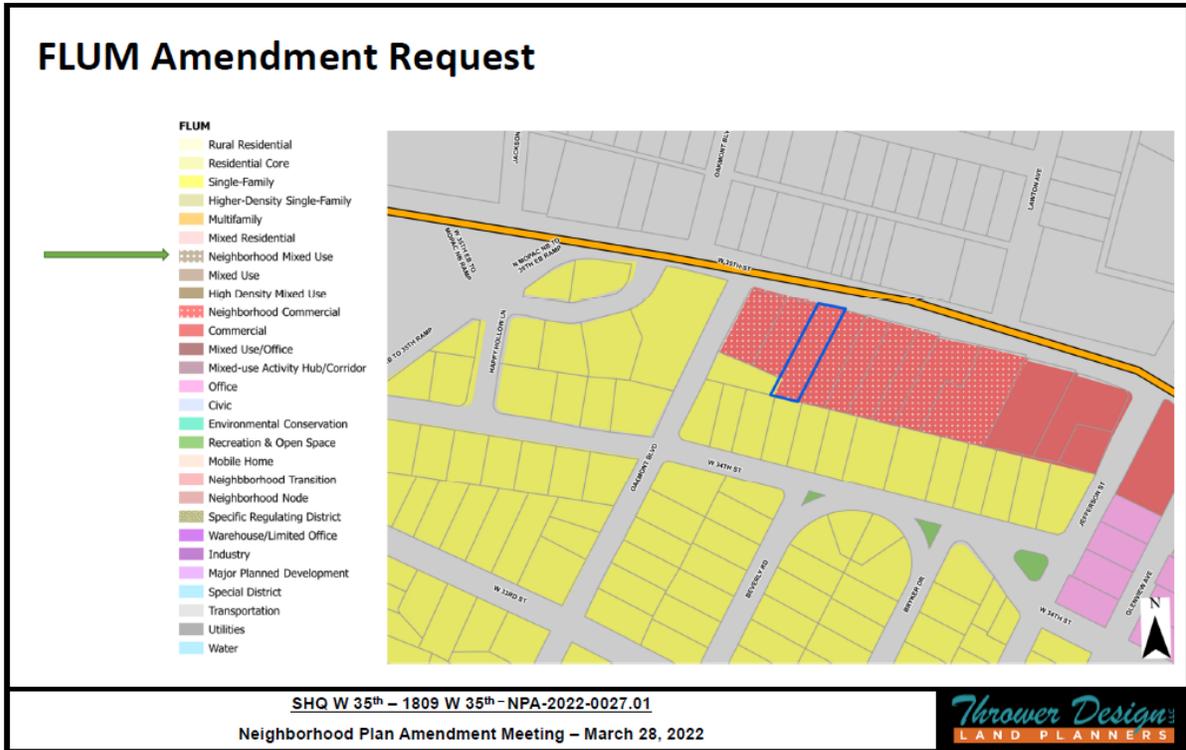


SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01  
Neighborhood Plan Amendment Meeting – March 28, 2022



SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01  
Neighborhood Plan Amendment Meeting – March 28, 2022





## Commercial Zoning Districts

Less Intense ← More Intense

	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/LO	CS	CS-1	CH*	IP	MI	LI
<b>Max Lot Size (sf):</b>	5,750	5,750	5,750	20,000	5,750	5,750	5,750	—	—	43,560**	5,750	5,750	20,000	43,560	50 ac.	5,750
<b>Min. Lot Width:</b>	50	50	50	100	50	50	50	—	—	100	50	50	100	100	250	50
<b>Max. Height:</b>	35 or 2 flrs	40 or 3 flrs	60	40	40 or 3 flrs	60	200	*	120	25 or 1 flr **	60	60	*	60	120	60
<b>Min. Setbacks:</b>																
<b>Front:</b>	25	25	15	50	25	10	10	—	—	25	10	10	50	25	—	—
<b>Street Side:</b>	15	15	15	50	15	10	10	—	—	25	10	10	50	25	—	—
<b>Interior Side:</b>	5	5	5	20	—	—	—	—	—	5	—	—	25	*	*	*
<b>Rear:</b>	5	5	5	20	—	—	—	—	—	25	—	—	25	*	*	*
<b>Coverage:</b>	35%	50%	60%	25%	50%	75%	50%	100%	100%	—	95%	95%	85%	50%	75%	75%
<b>Cover:</b>	60%	70%	80%	60%	80%	90%	50%	100%	100%	70%	95%	95%	85%	80%	80%	80%
<b>Max. F.A.R.</b>	0.35:1	0.7:1	1:1	0.25:1	0.5:1	1:1	8:1	8:1	5:1	0.25:1	2:1	2:1	3:1	1:1	1:1	1:1

Requested

Current

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01

Neighborhood Plan Amendment Meeting – March 28, 2022

## Uses by Zoning District

**Uses Lost**

- Alternative Financial Services
- Consumer Convenience
- Consumer Repair
- Financial Services
- Food Sales
- General Retail Sales (Convenience)
- General Retail Sales (General)
- Pedicab Storage and Dispatch
- Personal Improvement Services
- Pet Services
- Plant Nursery
- Printing and Publishing
- Restaurant (General)
- Restaurant (Limited)
- Services Station
- Custom Manufacturing
- Guidance Services

**Uses Gained**

- Communication Services
- Convalescent Services
- + Residential Uses

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01

Neighborhood Plan Amendment Meeting – March 28, 2022

### Site Development Parameters

	Standard Regulations	Maximum Development @1809 W 35th	Standard Regulations	Maximum Development @ 1809 W 35th	
	LR	LR	LO	LO	
Min. Lot Size (sf):	5,750	11,767	5,750	11,767	exceeds
Min. Lot Width:	50	55ft	50	55 ft	exceeds
Max. Height:	40ft. / 3 flrs	40ft. / 3 flrs	40ft. / 3 flrs	40ft. / 3 flrs	same
Min. Setbacks:					
Front:	25ft	20-25ft	25ft	20-25ft	same
Interior Side:	0ft	0ft	5	5 ft	increased
Rear:	0ft	16ft	5	16 ft	same
Coverage:	50%	50% = 5,917.5 sf	50%	50% = 5,917.5sf	same
Max. Impervious Cover:	80%	80% = 9,413.6sf	70%	70% = 8,284.5 sf	decreased
Max. F.A.R.	0.5:1	0.5:1 = 5,883.5sf	0.7:1	0.7:1 = 8,284.5sf	increased

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> - NPA-2022-0027.01  
 Neighborhood Plan Amendment Meeting – March 28, 2022



### Proposed Re-Development

- 3 story/ 40ft Building – Podium Style
- Ground floor = Parking (18 spaces)
  - 2<sup>nd</sup> Floor = Office @ 4,300sf
  - 3<sup>rd</sup> Floor = Residential (4 units @ 800sf)

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> - NPA-2022-0027.01  
 Neighborhood Plan Amendment Meeting – March 28, 2022



## Proposed Development



SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01

Neighborhood Plan Amendment Meeting – March 28, 2022



## Bryker Woods Neighborhood Meeting

February 23, 2022

- How many residential units?
- How many employees?
- Units for sale or rent?
- How will the residential units orient?
- Will the units have balconies?
- Is there a willingness to prohibit STR?
- What assurance can be given that the development will not seek additional height through a “bonus program” offered by the City?
- Is there a design vision for the development?
- How many parking spaces will be required?
- Will the project request reductions?

SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> – NPA-2022-0027.01

Neighborhood Plan Amendment Meeting – March 28, 2022

