

## THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2021-0037 – East 12<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD) Amendment

DISTRICT: 1

REQUEST: Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as the IH-35 Northbound frontage road between East 12<sup>th</sup> Street and the northern alley of East 7<sup>th</sup> Street; East 11<sup>th</sup> 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 (Lady Bird Lake Watershed and Waller Creek Watershed). Applicant's request: To rezone property within the boundaries of the East 11<sup>th</sup> Street NCCD to amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses. The proposed changes will not change any base zoning districts within the NCCD. Second reading approved on June 9, 2022 with a vote 11-0. Agent: City of Austin, Housing and Planning Department. This is a City of Austin initiated zoning change. City Staff: Mark Walters, 512-974-7695. Valid petitions have been filed in opposition to this zoning case.

DEPARTMENT COMMENTS: The valid petition against the NCCD currently stands at 20.14%. This percentage reflects opposition from property owners within 200' of the NCCD boundaries. Staff was informed that more signatures will be submitted, and if valid, the valid petition percentage will likely increase.

OWNER/APPLICANT: City of Austin, Housing and Planning Department

CITY COUNCIL HEARING DATES/ACTION:

May 20, 2021 - This item was postponed to July 29, 2021 at the request of staff on Council Member Kelly's motion, Council Member Renteria's second on an 11-0 vote.

July 29, 2021 - Postponed to September 2, 2021 at request of staff.

September 2, 2021 – Postponed to October 14, 2021 at the request of staff on Council Member Pool's motion, Council Member Ellis' second on a 9-0 vote. Mayor Adler was off the dais.

Council Member Alter was absent.

October 14, 2021 - Postponed to October 21, 2021 at the request of staff on Council Member Renteria's motion, Council Member Ellis' second on an 11-0 vote.

October 21, 2021 - Postponed to December 2, 2021 at the request of Mayor Pro Tem Harper-Madison on Council Member Kitchen's motion, Council Member Kelly's second on a 10-0 vote. Council Member Casar was off the dais.

December 2, 2021 - Postponed to April 21, 2022 on Mayor Pro Tem Harper-Madison's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

April 21, 2022 – Approved unanimously on first reading as amended with Council Member Pool off the dais.

June 9, 2022 – Approved unanimously on second reading on a 11-0 vote on the consent agenda with Council Member Harper-Madison making the motion and seconded by Council Member Renteria. Council Members Tovo and Poole noted that they supported the NCCD, but objected to the allowance of the Cocktail Lounge use on East 12<sup>th</sup> Street.

July 28, 2022 – Postponed to September 1, 2022, at the request of Council member Harper-Madison. Council Member Ellis seconded the motion. The vote was 10-0 with Council member Fuentes off the dais.

ORDINANCE NUMBER:

ASSIGNED STAFF: Mark Walters  
email: mark.walters@austintexas.gov

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2021-0037 – East 12<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD) Amendment (City Council-Initiated)

**DISTRICT:** 1

**ZONING FROM:** Current East 12<sup>th</sup> Street NCCD development standards and land uses

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

**ADDRESS:** North side of East 12th Street between the IH-35 North frontage road and Poquito Street and the south side of East 12th Street between Branch Street and Poquito Street

**SITE AREA:** 22.91 acres

**PROPERTY OWNER:** NA

**AGENT:** City of Austin, Housing and Planning Department

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

**STAFF RECOMMENDATION:**

**The staff recommendation is to support the recommendations made by the Urban Renewal Board. For an overview of the recommended changes and specific recommendations see Exhibit C: Proposed Changes to The East 12th Street Neighborhood Conservation Combining District (NCCD) beginning on page 6.**

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

**June 22, 2021** - Motion by Chair Shaw, seconded by Commissioner Azhar to approve Staff recommendations for URP for East 11th and 12th Street Urban Renewal Area Modification # 12, C14-2021-0033 - East 11th Street NCCD Amendment and C14-2021-0037 - East 12th Street NCCD, as amended, was approved on a vote of 12-0. Commissioner Mushtaler off the dais.

Planning Commission amendments are included in this report alongside the URB and staff recommendations beginning on page 6.

**CITY COUNCIL ACTION:**

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ORDINANCE NUMBER:  
**NA**

ISSUES:

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. Their questions and comments are included 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 12<sup>th</sup> Street between IH-35 and Poquito 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 12<sup>th</sup> Street's evolution into a more complete Activity Corridor.

- Allowing denser mixed use development along East 12<sup>th</sup> Street and denser residential development 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: No

SCENIC ROADWAY: No

SCHOOLS:

Kealing Middle School      Blackshear Elementary School

COMMUNITY REGISTRY LIST:

| ID   | Organization  |
|------|---|
| 1092 | Robertson Hill Neighborhood Association                 |
| 1528 | Bike Austin   |
| 1550 | Homeless Neighborhood Association                       |
| 1363 | SELTexas  |
| 1228 | Sierra Club, Austin Regional Group                      |
| 1595 | Neighbors United for Progress                           |
| 372  | Swede Hill Neighborhood Association                     |
| 511  | Austin Neighborhoods Council                            |
| 1530 | Friends of Austin Neighborhoods                         |
| 966  | Organization of Central East Austin Neighborhoods       |
| 742  | Austin Independent School District                      |
| 1122 | Chestnut Neighborhood Revitalization Corporation (CNRC) |
| 1616 | Neighborhood Empowerment Foundation                     |
| 1774 | Austin Lost and Found Pets                              |
| 974  | Chestnut Neighborhood Plan Contact Team                 |
| 1393 | Waterloo Greenway                                       |
| 1235 | Kealing Neighborhood Association                        |
| 1007 | Urban Renewal Board of the City of Austin               |
| 1444 | East Austin Conservancy                                 |
| 1351 | Davis-Thompson  |
| 760  | Rosewood Neighborhood Plan Contact Team                 |
| 1258 | Del Valle Community Coalition                           |
| 1424 | Preservation Austin                                     |

CASE HISTORIES:

| NUMBER                   | Action  |
|--------------------------|---|
| Ordinance #20080228-087  | Established the East 12 <sup>th</sup> Street NCCD             |
| Ordinance # 20171109-094 | Redrew the NCCD's boundaries and created a new Subdistrict 2a |

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 12th Street Neighborhood Conservation Combining District (NCCD) - updated

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

Exhibit E: Additional Urban Renewal Board Recommendations

Exhibit F: Additional Public Comment - updated



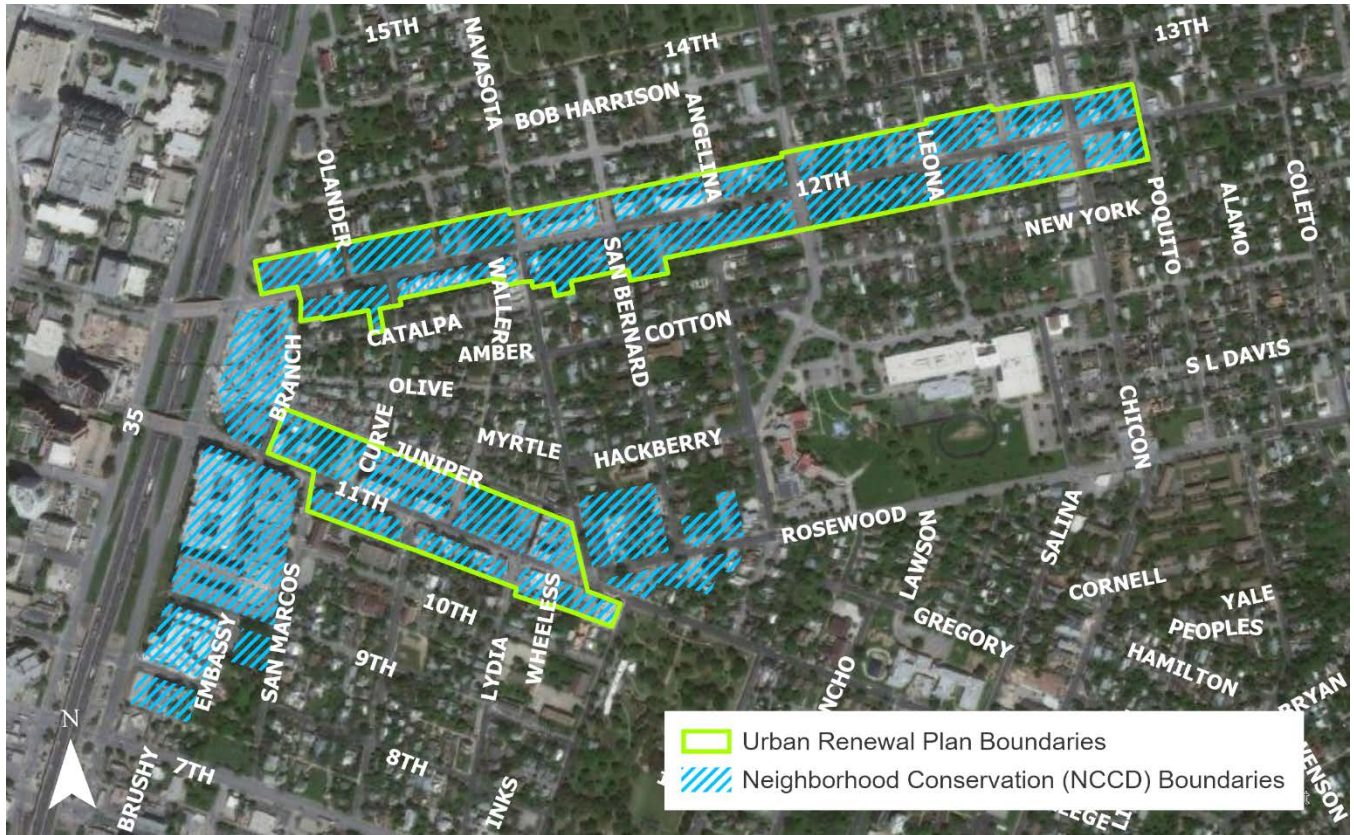
Exhibit A: Aerial Map

Exhibit B: Zoning Map

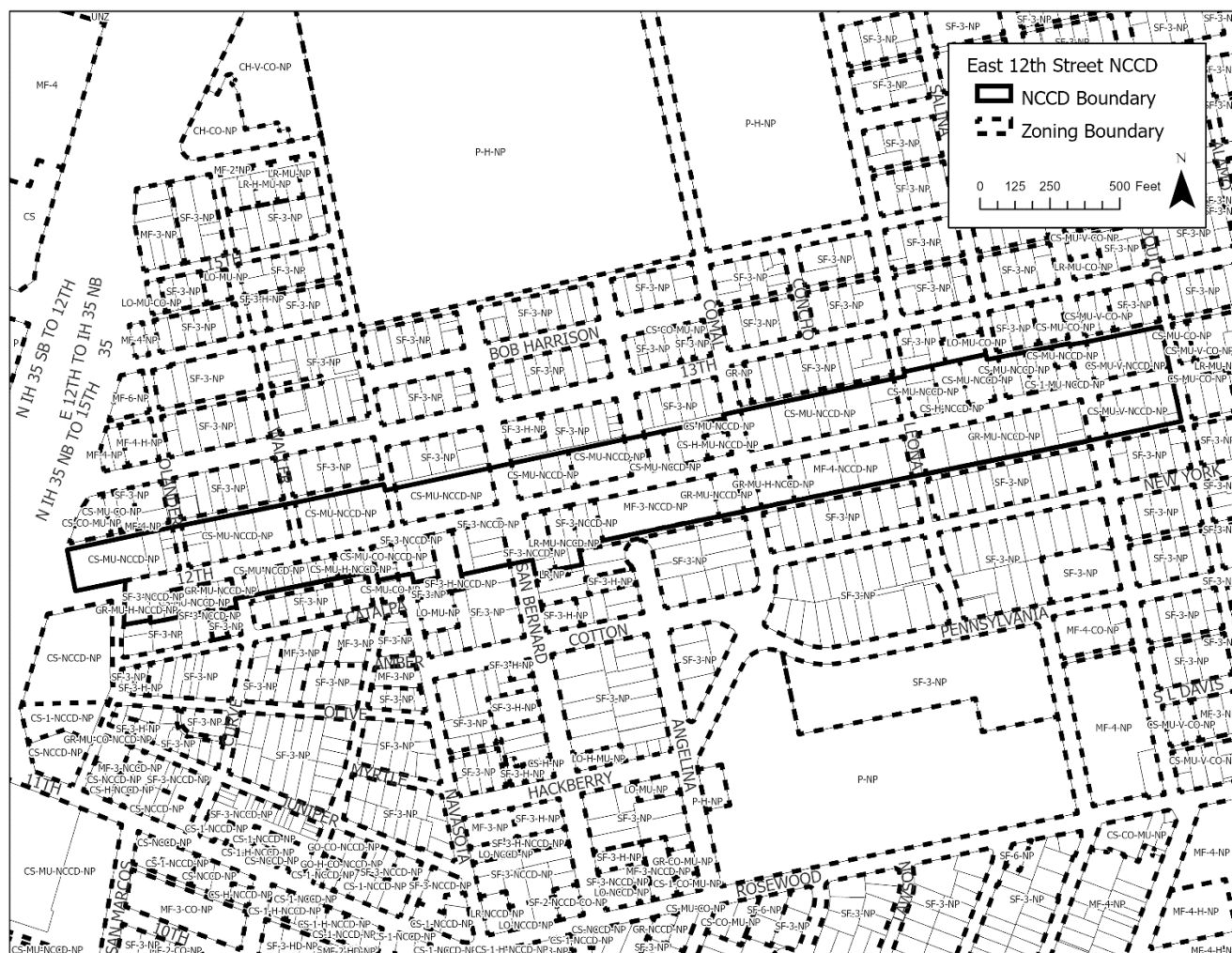
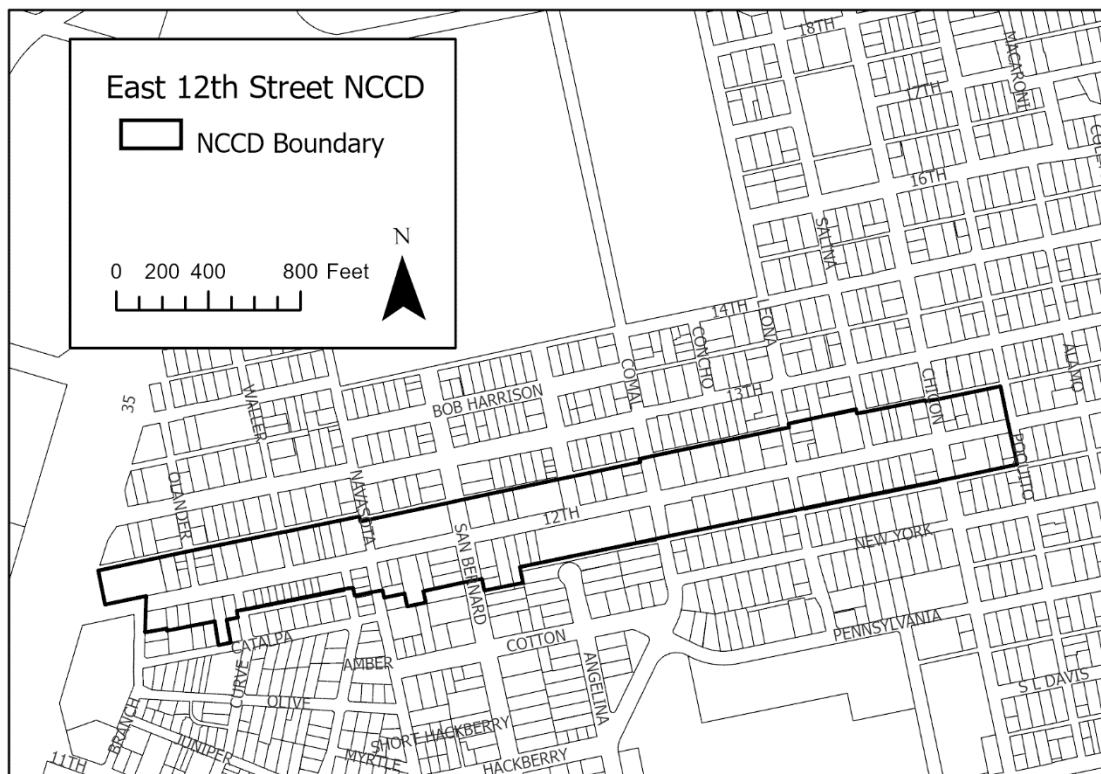


Exhibit C**PROPOSED CHANGES TO THE EAST 12<sup>TH</sup> STREET NEIGHBORHOOD  
CONSERVATION COMBINING DISTRICT (NCCD)****BACKGROUND**

Beginning in late 2018 the Urban Renewal Board of the City of Austin (URB) began work on updating the *Urban Renewal Plan for the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Area (URP)*. The purpose of their efforts was to update and streamline the URP and the associated nearly 200-page East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD) and to bring the two into alignment. As their work progressed, community members expressed concerns that if the URP amendments being proposed were to be adopted, the plan and the East 12<sup>th</sup> Street NCCD would be out of alignment. Although under Texas State law the provisions of an urban renewal plan supersede municipal land use regulations when there are conflicts, the community wanted to ensure that property owners, business owners, and residents could clearly understand what regulations applied within the area covered by the NCCD.





## CHANGES TO THE EAST 12<sup>TH</sup> STREET NCCD

The proposed amendments to the NCCD include floor-to-area-ratio (FAR); minor changes to land use; and compatibility standards. No other changes to development standards are being recommended.

### Floor-to-Area-Ratio (FAR)



Currently, there is no FAR limit for any properties within an URP “project area” shown above. All other properties are subject to the FAR of their base zoning. The proposed amendments remove FAR limitations from all properties to provide consistency between adjacent properties.

### Compatibility

Current regulations waive compatibility standards that apply generally throughout the city. The proposed amendment would waive compatibility standards that affect height and setbacks; however, general compatibility standards relating to noise, lighting, and placement of parking, trash, and mechanical equipment.

### Allowable Uses

Allowed uses are being carried forward by the proposed amendment. Changes include allowing cocktail lounges not exceeding 3,500 square feet as a conditional use and restricting telecommunication tower use to rooftops.

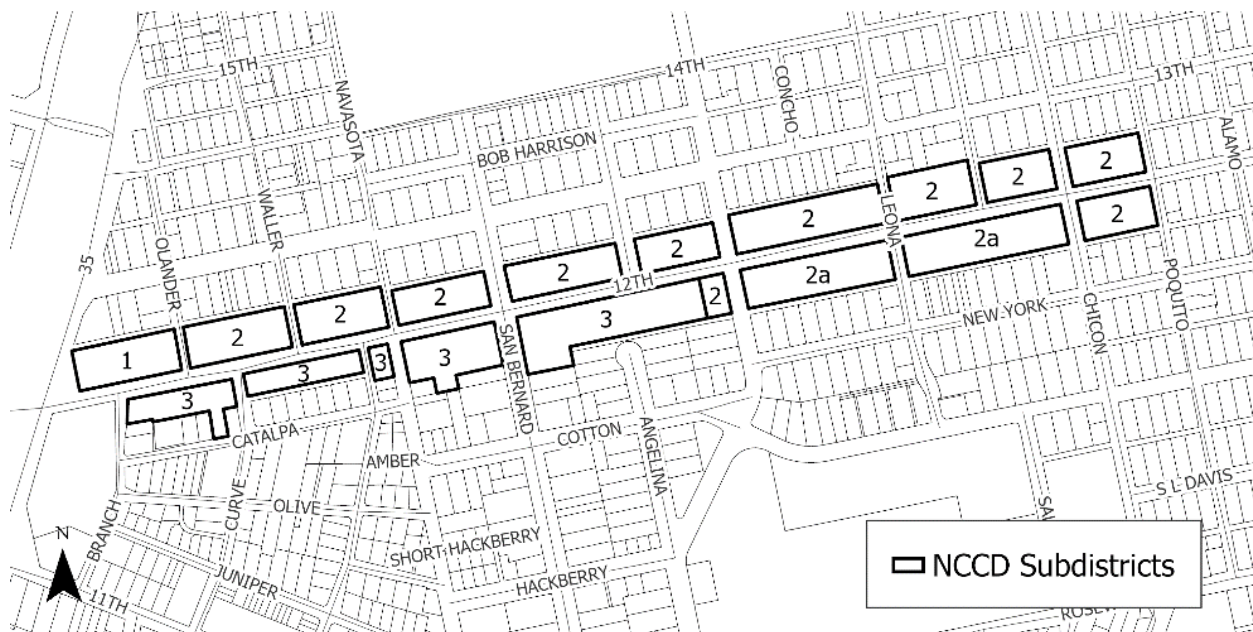
**PLANNING COMMISSION (PC) RECOMMENDATION:**

**FAR**

PC recommended that all properties are subject to the FAR of their base zoning except where this creates a nonconforming structure.

## Height

PC recommended that height maximum in subdistrict 2 (shown below) be lowered from 50 ft to 35 ft.



## Land Use

Hotel-Motel Use: PC recommended Hotel-Motel should be a conditional use in Subdistrict 1, except where it creates a nonconforming use.

Single Family Use: PC specified that existing single-family uses continue without limitations or becoming nonconforming. This is included in the proposed amendment.

Liquor sales: PC recommended that liquor sales use remain prohibited on 12th Street. This is included in the proposed amendment.

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 12<sup>th</sup> 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 12<sup>th</sup> Street and East 11<sup>th</sup> 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 11<sup>th</sup> Street is intended to be a more robust commercial area; whereas East 12<sup>th</sup> 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 12<sup>th</sup> Street NCCD relies on a property's base zoning for uses and the 11<sup>th</sup> 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 12<sup>th</sup> 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 11<sup>th</sup> Street and East 12<sup>th</sup> 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 in 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 12<sup>th</sup> 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 20<sup>th</sup> 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 12<sup>th</sup> Street NCCD the heights reflect current entitlements. In the East 11<sup>th</sup> Street NCCD, heights have been applied based on the allowable height on adjacent parcels.*



Ordinance that we have re  
address with  
dared b  
por favor llame al  
2021-0037

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.

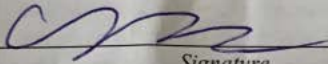
Case Number: C14-2021-0037  
Contact: Mark Walters, 512-974-7695  
Public Hearing: April 27, 2021, Planning Commission

ANDREA BEADLES  
Your Name (please print)

908 CATALPA 78702

☐ I am in favor  
☒ I object

Your address(es) affected by this application (OPTIONAL)

  
Signature

4/20/21  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_  
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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