

ZONING CHANGE REVIEW SHEET**CASE:** C14-2024-0030 – South Congress Multifamily**DISTRICT:** 2**ADDRESS:** 8400-8412 South Congress Avenue (even only) & 108 Ralph Ablandado Drive**ZONING FROM:** CS-V-CO**TO:** CS-V-DB90-CO**SITE AREA:** 2.2199 acres**PROPERTY OWNER:** Soco Street Ventures, LLC (Atilla Tuna)**AGENT:** DPR Construction (Stephen Rye)**CASE MANAGER:** Marcelle Boudreaux (512-974-8094, marcelle.boudreaux@austintexas.gov)**STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services –vertical mixed use building – density bonus 90 – conditional overlay (CS-V-DB90-CO) combining district zoning.

The Conditional Overlay:

- 1) Prohibits drive through service as an accessory use to a commercial use; and**
- 2) Prohibits the following uses: Alternative Financial Services, Automotive Rentals, Automotive Repairs & Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Campground, Carriage Stable, Commercial Off-Street Parking, Construction Sales & Services, Convenience Storage, Equipment Repair Services, Equipment Sales, Exterminating Services, Funeral Services, Indoor Sports & Recreation, Laundry Services, Monument Retail Sales, Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Pedicab Storage & Dispatch, Research Services, Service Station, Vehicle Storage, Indoor Crop Production, Urban Farm, Hospital Services (Limited), Custom Manufacturing and Limited Warehousing & Distribution; and**
- 3) Prohibits vehicular access to the property from Ralph Ablandado Drive, with the exception of ingress/egress access for emergency and service vehicles.**

For a summary of the basis of Staff's recommendation, please see pages 2 - 4.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**April 16, 2024**

CITY COUNCIL ACTION:**May 30, 2024**ORDINANCE NUMBER:ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zone, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted this new rezoning application to request the -DB90 combining district.

Zoning and Platting Commission Previous Action:

October 3, 2023: *Approved CS-V-CO district zoning as staff recommended, by consent, with additional Conditional Overlay read into the record as follows: Vehicular access to the property from Ralph Ablanado Drive is prohibited, with the exception of ingress/egress access for emergency and service vehicles.*

[A. FLORES; D. FOUTS – 2ND] (10-0) C. ACOSTA – ABSENT

September 19, 2023: *Approved a Postponement Request by staff to October 3, 2023*

[B. GREENBERG; A. FLORES – 2ND] (7-0) S. BOONE, K. GARRETT, L. STERN, C. THOMPSON – ABSENT

City Council Previous Action:

November 9, 2023: *Approved CS-V-CO district zoning as Zoning and Platting Commission recommended, by consent.*

VOTE: 10-0. Council Member Harper-Madison was absent.

Prior Rezoning Case (C14-2023-0037)

Ordinance No. 20231109-043 approved November 9, 2023.

CASE MANAGER COMMENTS:

The subject rezoning area consists of 2.219 acres and is located at the northwest corner of Ralph Ablanado Drive and South Congress Avenue. Several existing industrial warehouses currently occupy the property.

Since the subject area is located along the South Congress Activity Corridor, it is surrounded by multifamily, mixed use and business parks. To the north is an office, condominiums, and apartments (GR-CO; MF-4-CO; CS-MU-CO) and to the west are commercial business warehouses as well as single family residences (LI-CO; SF-4A-CO). Directly to the east, the site has frontage on South Congress Avenue and is across from undeveloped land. A restaurant is adjacent to the property (LI-CO; SF-2). Ralph Ablanedo Drive is to the south with commercial businesses across the street (CS-CO; CS-1-CO; GR-MU). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

During the original zoning case, the Applicant met with representatives from the following three neighborhood associations in order to provide information regarding the proposed development.

- April 15, 2023 – Peaceful Hill Preservation Association
- May 2, 2023 – Parkridge Gardens Homeowners Association
- May 26, 2023 – Park Ridge Homeowners Association

The applicant is requesting general commercial services – vertical mixed use building - density bonus 90 – conditional overlay (CS-V-DB90-CO) combining district for a proposed development that would include multi-family units requiring an affordable component. A building constructed under density bonus 90 (–DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. The overall project would consist of 346 residential units and 7,000 square feet of retail.

A development utilizing the “density bonus 90” incentives is permitted with a base CS district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements. There are two options for projects which include rental units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

A similar rezoning request was previously approved for this property by the Zoning and Platting Commission (October 3, 2023) and City Council (November 9, 2023). However, the Court's ruling invalidated the bonuses authorized for a "VMU2" building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council.*

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. City Council previously approved rezoning this property to allow for vertical mixed-use buildings. This request is consistent with the "VMU2" option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated "VMU2" option.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. Vertical mixed use building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. The proposed density bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

This rezoning authorizes a property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits. In exchange for increased development potential, the development is required to comply with affordable housing requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO	Industrial warehouse buildings
<i>North</i>	GR-CO; MF-4-CO; CS-MU-CO	Condominiums; Multifamily; Office; Self storage
<i>South</i>	CS-CO; CS-1-CO; GR-MU	Auto body/repair/services; Lounge
<i>East</i>	LI-CO; MF-4-CO	Undeveloped; Self storage
<i>West</i>	LI-CO; SF-4A-CO	Business warehouses; Single family residences

NEIGHBORHOOD PLANNING AREA: N/AWATERSHED: South Boggy Creek and Onion Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS: Austin Independent School District

Williams Elementary School Bedichek Middle School Crockett High School

COMMUNITY REGISTRY LIST:

Austin Independent School District

Austin Neighborhoods Council

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Peaceful Hill Preservation Association

South Austin Neighborhood Alliance (SANA)

Go Austin Vamos Austin 78745

South Boggy Creek Neighborhood Association

Onion Creek HOA

Friends of Austin Neighborhoods

Preservation Austin

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0037 – 8400-8412 (even numbers only) South Congress Avenue; 108 Ralph Ablanedo Drive	LI-CO to CS-V	To Grant CS-V-CO, with certain prohibited uses, and condition read into record restricting ingress/egress on Ralph Ablanedo Drive to emergency and service vehicles	Apvd CS-V-CO with conditions as Commission recommended (11-9- 2023).

C14-2022-0077 – 220 Ralph Ablanedo Rezoning	CS-CO; LI-CO to CS-CO, as amended	Apvd CS-CO w/CO for list of prohibited uses, max 35' building height on the west 35' of the property (Tract 2), max 50' building height on the remainder of the property (Tract 1), require a 30' vegetative buffer on east and west property lines, w/conds of the NTA	Apvd CS-CO w/conds of the NTA as Commission recommended, and an add'l -CO for a 1,000 vehicle trip / day limit (12-1-2022).
C14-2020-0139 – Cullen and Ralph Ablanedo – 8811 Cullen Ln and 203 Ralph Ablanedo Dr	CS-CO; GR- MU-CO to GR- MU on 12.95 acres	To Grant	Apvd (3-4-2021).
C14-2019-0144 – 8601 South Congress Avenue	CS-CO to CS-1	To Grant CS-1	Apvd CS-1 as ZAP recommended, (12-5-2019).
C14-2018-0091 – SOCO II – 8100, 8102 and 8104 South Congress Avenue	CS-CO to CS- MU	To Grant CS-MU-CO w/CO prohibiting adult-oriented businesses, auto rentals, repair, sales & washing, commercial blood plasma center and pawn shop services	Apvd CS-MU-CO as ZAP recommended, (11-29-2018).
C14-2018-0107 – 8200 South Congress Avenue	LI-CO; CS-CO to MF-4	To Grant MF-4-CO	Apvd MF-4-CO as ZAP recommended, (12-13-2018).
2018-0125 – 8534 South Congress Avenue	DR to CS on 2.80 acres	To Grant CS-CO w/ a 2,000 trips/day limit.	Approved CS-CO as ZAP recommended, (1-31-19).
C14-2018-0118 – 8900 South Congress Avenue	CS-CO to CS- CO to remove the 2,000 trips per day limit and replace w/the conds of a TIA	To Grant, as requested	Apvd (4-25-2019).

RELATED CASES:

C14-2023-0037 – Rezoning request from LI-CO to CS-V-CO, enacted by Ordinance No. 20231109-043

C8-93-0202.0A – Quinlan Subdivision

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

C14-2024-0030. Project: South Congress Multifamily. 2.2199 acres from CS-V-CO to CS-V-DB90-CO. Existing: 21,967 sq ft industrial. Proposed: 346 multifamily units, and 7,000 sq ft retail with demolition of existing site. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073). Density Bonus 90 (DB90) sets affordability minimums on ownership units to 12 percent of residential units at 80 percent or less of the area's MFI, for rental units requires a minimum of 12 percent of residential units be affordable for households at or below 60 percent of the areas MFI, and additionally sets a minimum of 10 percent of residential rental units to be affordable based on the area's MFI. DB90 further allows for an increase of up to 30 ft above the base zone's height with a maximum limit of 90 feet in total height, and releases the site from some base zoning district development standards, including maximum floor area ratio.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to South Congress Activity Corridor • 0.18 miles north of South Park Meadows Town Center
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • Bus Stop located 0.05 miles north along S Congress Ave
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along S Congress Ave
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and services present along S Congress Ave to the south of the site.
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • HEB 0.3 miles south
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • Village Medical at Walgreens 0.5 miles south
Y	Housing Choice *: 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.
Y	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).

	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
10	Number of "Yes's"

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy Creek and Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with CS-V-DB90 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 165 feet of right-of-way for South Congress Avenue. It is recommended that 82.5 feet of right-of-way from the existing centerline should be dedicated for South Congress Avenue according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Ralph Ablanedo Drive. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Ralph Ablanedo Drive according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Congress Avenue	Level 3	170'	110'	70'	No	Yes	Yes
Ralph Ablanedo Drive	Level 2	72'	76'	27'	Yes	Yes	Yes

Austin Water Utility

No comments on zoning change.

The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

City records indicate the site is served by an On-Site Sewage Facility (OSSF). With the change of use, the owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact the AW OSSF team at OSSF@austintexas.gov or call (512)-972-0050. The cutover process may also initiate a required review by the Industrial Waste Division depending on building usage.

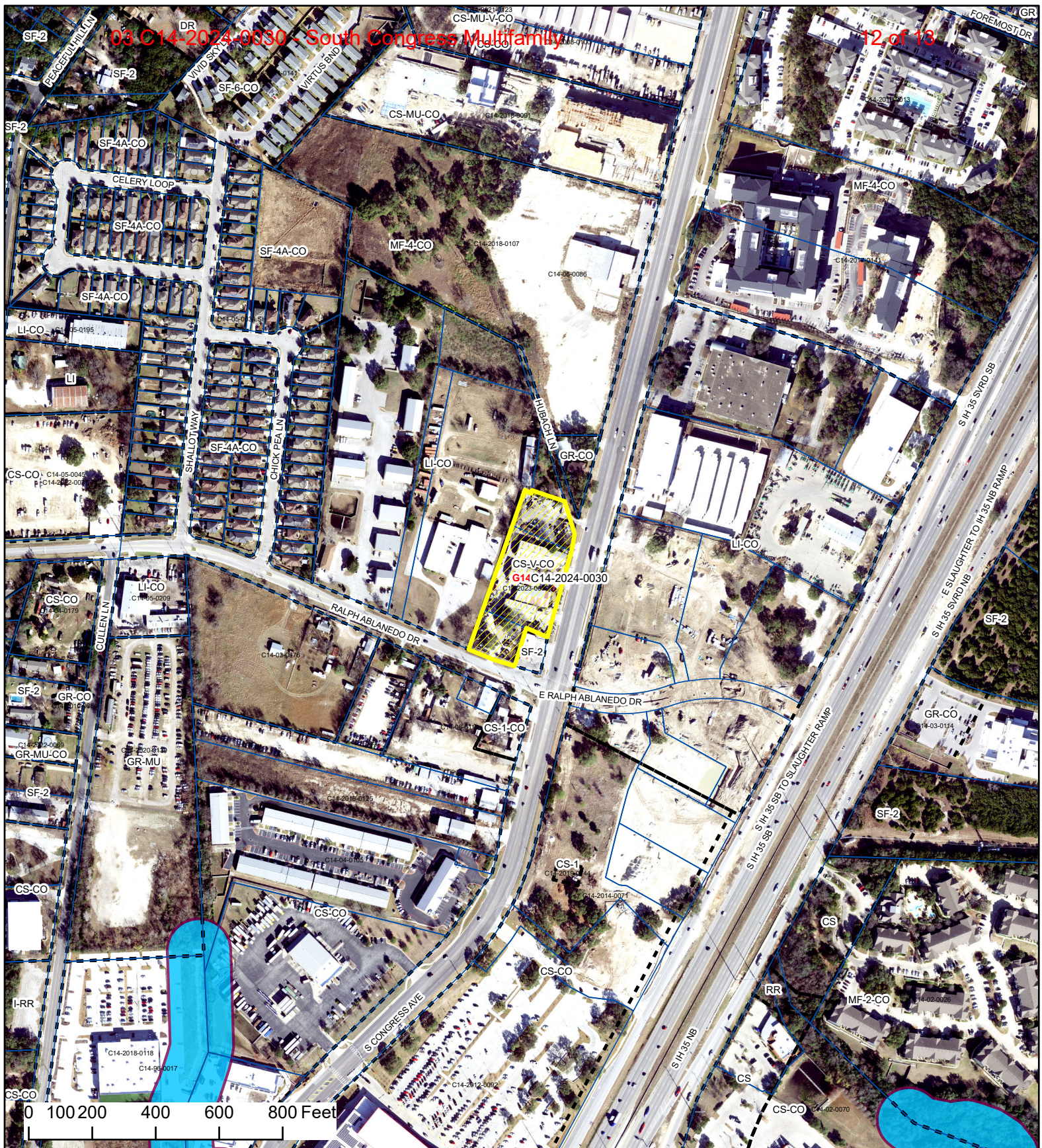
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map





Applicant's Summary Letter





South Congress Multifamily



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0030
 LOCATION: 8400-8412 S Congress Ave
 (even numbers only);
 108 Ralph Ablanado Dr
 SUBJECT AREA: 2.199 Acres
 GRID: G14
 MANAGER: Marcelle Boudreaux



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Created: 4/3/2024

March 1, 2024

Ms. Joi Harden
Zoning Officer
City of Austin
Housing and Planning Department
6310 Wilhelmina Delco Drive
Austin, Texas 78752

Re: DB90 Zoning application 108 Ralph Ablanedo Drive and 8400-8412 South Congress Avenue, Austin, Travis County, Texas

Dear Ms. Harden,

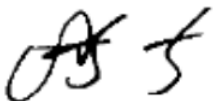
Soco Street Ventures, LLC respectfully submits the enclosed zoning application package for the property located at 108 Ralph Ablanedo Drive and 8402-8412 South Congress Avenue. The property was rezoned in 2023 (zoning case #C14-2023-0037; ordinance #20231109-043) from Limited Industrial Service – Conditional Overlay (LI-CO)to General Commercial Services – Vertical Mixed-Use – Conditional Overlay (CS-V-CO) to permit a Vertical Mixed Use 2 (VMU2) mixed-use development. The owner of the property intends to redevelop the site with a vertical mixed-use project to promote sustainable and transit accessible residential and commercial development.

On February 29, 2024, the City of Austin City Council repealed ordinance 20220609-080 that authorized the VMU2 zoning overlay and approved an ordinance to create a new density bonus overlay (DB90) that permits the density bonus provisions of the previous VMU2 overlay. Per direction from City Council and City staff, the applicant hereby requests to rezone the subject property to include the DB90 overlay. The applicant formally requests the waiver of zoning application fees for this request as approved by the City of Austin City Council.

The proposed project consists of 2.2199 acres with frontage along South Congress Avenue and Ralph Ablanedo Drive. The property is not within the boundaries of an approved or planned neighborhood planning area, and no neighborhood plan or future land use amendment will apply to this site. The applicant will transfer the negotiated conditions included in the existing zoning ordinance conditional overlay into the new zoning application. A traffic impact analysis waiver dated February 28, 2024 and the 2023 zoning ordinance are included in this application for your reference.

Upon your review, please let me know if you would like any additional information on this project or if you or your team have any questions on the application request.

Thank you,



Atilla Tuna
Soco Street Ventures, LLC
4950 Terminal Street
Bellaire, Texas 77401