

ZONING CHANGE REVIEW SHEETCASE: C14-2024-0137 - 1207 S. 1st StreetDISTRICT: 9ADDRESS: 1207 and 1209 South 1st StreetSITE AREA: 0.492 acres (21,431 sq. ft.)

ZONING FROM/TO: CS-MU-V-CO-ETOD-DBETOD-NP, to change conditions of zoning, including the conditional overlay and a modification for the pedestrian-oriented commercial spaces requirement.

PROPERTY OWNER: 1207 – 1209 S 1st Partners LLCAGENT: Drenner Group, PC (Leah Bojo)CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.govSTAFF RECOMMENDATION:

The staff recommendation is to grant a change of conditions to general commercial services – mixed use – vertical mixed use building – conditional overlay – equitable transit-oriented development – density bonus equitable-transit oriented development - neighborhood plan (CS-MU-V-CO-ETOD-DBETOD-NP) combining district zoning. The conditional overlay will be modified to remove a portion of a building or structure that exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street.

Staff recommends granting the applicant's modification request to not provide pedestrian-oriented commercial space (to provide 0% of the requirement).

PLANNING COMMISSION ACTION / RECOMMENDATION:**February 11, 2025:**CITY COUNCIL ACTION:ORDINANCE NUMBER:

ISSUES:

On March 9, 2023, City Council approved Resolution No. 20230309-016 accepting the Equitable Transit-Oriented Development Policy Plan and directing the City Manager regarding next steps for implementation of items intended to benefit the Project Connect Phase 1 Austin Light Rail project. This included development of code amendments to support transit in May of 2024 (Ordinance No. 20240516-005), including creation of the ETOD combining district (restrictions on non-transit supportive uses) and the DBETOD combining district (allowing residential use, and relaxing some development standards including increased height in exchange for income-restricted housing). Properties within one half-mile of the Phase 1 Austin Light Rail alignment and Priority Extensions were included within this overlay, and certain properties were rezoned through a City-initiated process to include the ETOD and DBETOD combining districts. Further, properties rezoned with DBETOD combining district were categorized into Subdistrict 1 (maximum allowable height of 120 feet) or Subdistrict 2 (maximum allowable height of 90 feet), generally based on property distance of ¼-mile or ½-mile from the Phase 1 alignment, respectively.

The subject of this request is to allow change in conditions of zoning: modification to the pedestrian-oriented commercial/civic requirements and modification of Conditional Overlay (CO). The conditional overlay will be modified to remove a portion of a building or structure that exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street. The overall project would consist of approximately 70 residential units and will be seeking a complete (100%) modification for the ground floor commercial space requirement. ***Please refer to Exhibit C (Applicant's Summary Letter) and Tract 34 of Exhibit D (C14-02-0031 - Bouldin Creek Neighborhood).***

CASE MANAGER COMMENTS:

The property in question is approximately 0.49 acres, developed with food sales uses (three food trucks), has access to South 1st Street (level 3) and is zoned general commercial services – mixed use – vertical mixed use building – conditional overlay – equitable transit-oriented development – density bonus equitable-transit oriented development - neighborhood plan (CS-MU-V-CO-ETOD-DBETOD-NP) combining district zoning. The property has unzoned land for The Austin Sign Language School (UNZ) to the east and north along with various commercial uses for offices, restaurants, the 1301 art gallery and the Nicholas Dawson Neighborhood Park Trail and parking lot (CS-MU-V-CO-ETOD-DBETOD-NP and P-NP) to the north, south and west. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

This site is in the equitable transit-oriented development (ETOD) overlay, is 0.5 miles from the bus stop along South First St, has Nicholas Dawson Neighborhood Park across the street and is adjacent to the South First Activity Corridor. The applicant is seeking the modification for ground floor commercial because of environmental constraints on the site, the flood zone. This property has significant flood risk as it is entirely within the 25-year floodplain. The applicant has no intention of developing any ground floor commercial or residential units. The conditional overlay will be modified to remove a portion of a building or structure that

exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street. The other conditional overlays highlighted in Ordinance No. 020523-33 will remain on the property. ***Please refer to Tract 34 of Exhibit D (C14-02-0031 - Bouldin Creek Neighborhood).***

The applicant is requesting general commercial services – mixed use – vertical mixed use building – conditional overlay – equitable transit-oriented development – density bonus equitable-transit oriented development - neighborhood plan (CS-MU-V-CO-ETOD-DBETOD-NP) combining district zoning and to remain in Subdistrict 2 which would allow a development to include multi-family units requiring an affordable component in targeted areas to support future transit. A building constructed under ETOD and DBETOD standards allows for a mix of residential uses and transit-supportive commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. Those uses deemed non-transit-supportive have been prohibited or made as conditional within the ETOD combining district.

A development utilizing the “density bonus ETOD” 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 up to 90 feet in the CS district (60 feet base district plus up to 30 feet height incentive) and relaxation of development and compatibility standards, such as floor to area ratio (FAR), setbacks and building coverage. There are several methods of satisfying DBETOD development affordability requirements, based on whether the proposed units will be offered as rental or for ownership.

For rental units, the options are based on a tiered system tied to achievable maximum height or modified development standards.

- i. To achieve 60 feet in height or to utilize a development standard under DBETOD that is not height-related, a development must provide:
 - a minimum of 10% of the residential units as affordable for lease and occupancy by households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI;
- ii. To achieve 90 feet in height, a development must provide:
 - a minimum of 12% of the residential units as affordable for lease and occupancy by households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
 - a minimum of 10% of the residential units as affordable for lease and occupancy by households earning 50% or less MFI.

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

- 1) a minimum of 12% of the units as affordable for ownership and occupancy by 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 125% of 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 site plan submittal.

BASIS OF RECOMMENDATION:

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

The general commercial services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments

The mixed use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

The 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 conditional overlay 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.

The equitable transit-oriented development combining district promotes transit-supportive uses, increases bicycle, pedestrian, transit connectivity, and housing options, near public transit, and prohibits certain commercial, industrial, and agricultural uses.

The density bonus equitable transit-oriented development combining district allows for residential uses, modifies compatibility standards and site development regulations, and grants additional building height in exchange for income-restricted housing.

The neighborhood plan district denotes a tract located within the boundaries of an adopted neighborhood plan.

2. *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 comply with affordable housing requirements as per the DBETOD combining district regulations. This

request continues to align with City objectives to increase density and affordability in exchange for relaxed development standards.

3. *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 and equitable transit-oriented development, as well as incentivizing vertical mixed use buildings throughout the City.

4. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Part of the ETOD policy implementation included mitigation measures to help reduce displacement pressures during redevelopment. The implementation measures require development utilizing the DBETOD program to comply with residential redevelopment requirements to preserve existing affordable and/or attainable housing opportunities for low- and middle-income households. Further, implementation measures require new development utilizing the DBETOD program to provide the right to return to certain qualifying businesses (certain non-residential uses) in the new development with right to return to affordable, comparably sized spaces. The ETOD policies seek to balance the need for increased density and activity surrounding transit with displacement pressures associated with said redevelopment.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-ETOD-DBETOD-NP	Food Sales (Food Trucks)
<i>North</i>	CS-MU-V-CO-ETOD-DBETOD-NP and UNZ	Offices and The Austin Sign Language School
<i>South</i>	CS-MU-V-CO-ETOD-DBETOD-NP	Art Gallery and Restaurants
<i>East</i>	UNZ	The Austin Sign Language School
<i>West</i>	CS-MU-V-CO-ETOD-DBETOD-NP and P-NP	Parking lot and Nicholas Dawson Neighborhood Park Trail

NEIGHBORHOOD PLANNING AREA: Bouldin Creek

WATERSHED: East Bouldin Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Travis Heights Elementary School Lively Middle School

Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Austin Regional Group
Bouldin Creek Neighborhood Association
Bouldin Creek Neighborhood Plan
Contact Team
Bouldin Creek Zoning Committee

Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Perry Grid 614
Preservation Austin
Save Our Springs Alliance
South Central Coalition
South First IBIZ District

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0081 - Frank South	GR-MU-V-CO-NP to CS-MU-V-CO-NP *As amended	To Grant CS-MU-V-CO-NP with the following CO's; 1) A General Retail Sales (General) use exceeding 20,000 sf of gross floor area is a conditional use. 2) Parking is prohibited in a required front yard. 3) The following land uses are prohibited: Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Communications Services, Convenience Storage, Drive-In Services as an accessory use to commercial uses, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Limited Warehousing and Distribution, Pawn Shop Services, Service Station, and Vehicle Storage. (10/25/2022)	Approved CS-MU-V-CO- NP as Planning Commission Recommended (12/1/2022)
C14-2022-008 - Copeland			
C14-2021-0185 - Copeland South			

RELATED CASES:

C14-2007-0220 - Bouldin Vertical Mixed Use (VMU) Zoning

C14-02-0031 - Bouldin Creek Neighborhood Plan

C14-2017-0026 - Bouldin Creek Neighborhood Plan Garage Placement Zoning

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 1207 S 1ST STREET. C14-2024-0137. Project: 1207 S 1st Street. 0.492 acres from CS-MU-V-CO-NP to CS-MU-V-CO-DB90-NP. Bouldin Creek Neighborhood Plan. FLUM: Mixed Use. Existing: food sales. Proposed: 70 multifamily residential units. Note that while the property may be developed as a neighborhood mixed use building, the application does not describe plans beyond multifamily development. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073), which sets affordability minimums on ownership and rental units, and further allows for an increase of up to 30 ft in height above the base zone allowance, with a maximum limit of 90 feet in total height. DB90 additionally 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 First Activity Corridor
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">• 0.05 miles to bus stop along South First St
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 South First St
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">• Good and Services present along South First St
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none">• 0.5 miles to Becker Elementary School
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none">• 0.2 miles to Nicholas Dawson Neighborhood Park
	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.)

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.
	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
9	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 located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

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.

Fire: There are no comments.

PARD – Planning & Design Review:

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. Land dedication will be required, as well as any remaining fees in-lieu.

This site is within the creek buffer of East Bouldin Creek; the Parks and Recreation Department (PARD) includes creek buffers within the Park Deficiency layer, which identifies areas that should be considered for parkland dedication. For this parkland dedication, PARD would consider a pedestrian connection to South 1st Street, and a buffer area of the creek centerline to include the creek itself. Such a connection would allow people to explore the creek, and would satisfy an acquisition need for East Bouldin Creek, a recommendation identified in the Parks and Recreation Department's Long-Range Plan.

Should there be any remaining fees in-lieu, 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 § 25-1-609.

Should the applicant wish to discuss parkland dedication requirements at any time, please contact me at scott.grantham@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

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.

FYI this tract is in the Bouldin Creek Neighborhood Planning area.

FYI this tract is already developed, and the proposed zoning change is a footprint within the existing development.

DBETOD

Subchapter E applies to this site to the extent of conflict

S. 1st Street is your Principal Street. 75% of the building frontage will be required to be commercial.

Development Standards:

FYI: No more than two floors may include non-residential uses.

FYI: Cocktail lounges and performance venues can only be located on the first or second story.

FYI: No residential uses may be located below a cocktail lounge or performance venue.

FYI: Subdistrict 1 building height is limited to a maximum of 60' over base zoning, up to 120'

FYI: Subdistrict 2 building height is limited to a maximum of 30' over base zoning, up to 90'

ETOD

The proposed use is prohibited/conditional within the ETOD district (*check use table, 25-2-653*)

A certification letter from the Housing Department is required before filing for a site development permit.

Austin Transportation Department – Engineering Review:

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for S 1ST ST. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for S 1ST ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
S 1ST ST	Corridor Mobility - Level 3	80 feet	79 feet	44 feet	Existing 5 feet sidewalks	On-street (Helpful Sidewalk)	Yes

Austin Water Utility:

No comments on zoning change.

FYI: 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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. C14-02-0031 - Bouldin Creek Neighborhood Plan (Tract 34)

ZONING CASE#: C14-2024-0137



Exhibit A

$$1'' = 400'$$

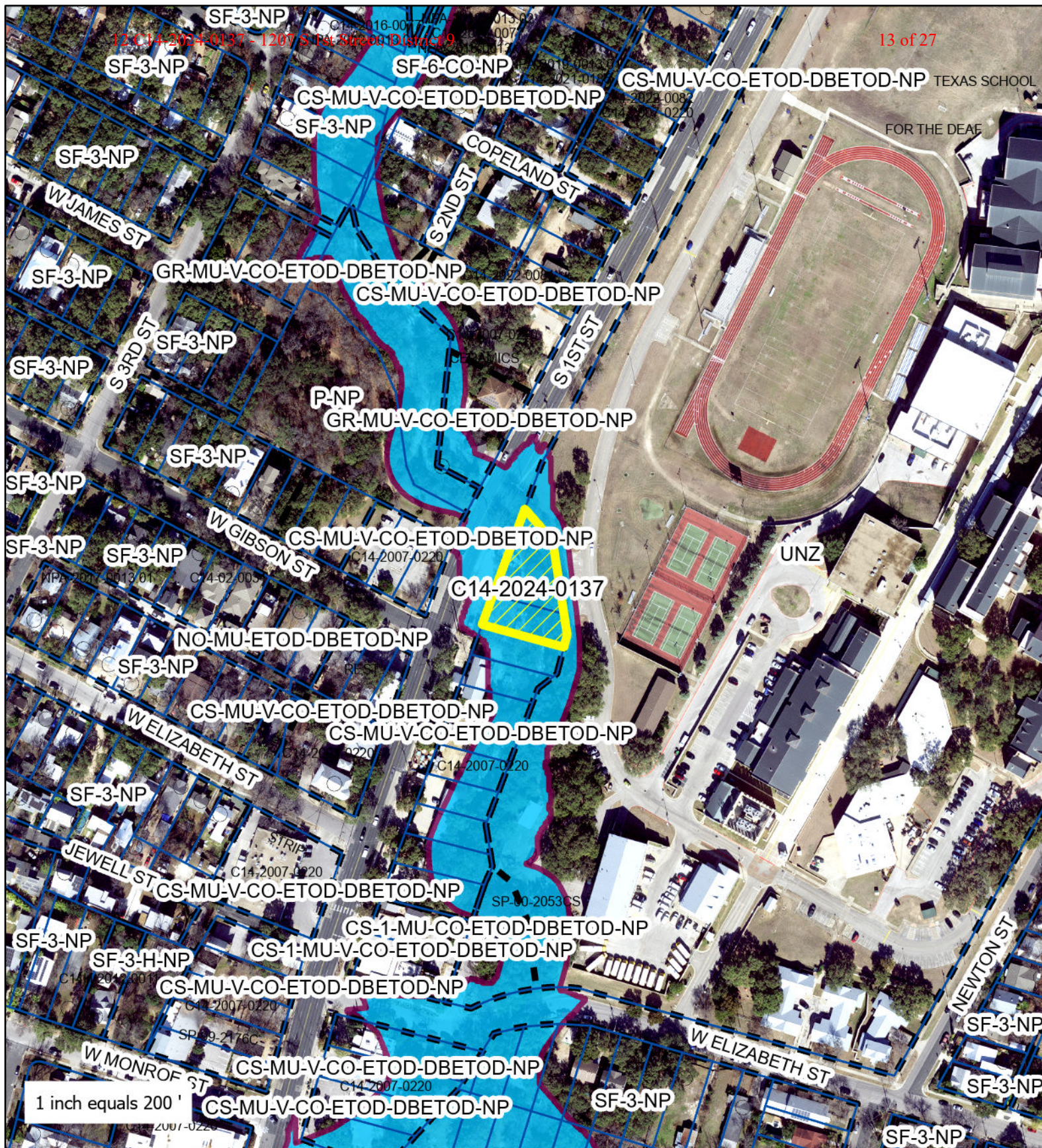
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







Created: 9/17/2024



1207 S 1st Street

ZONING CASE#: C14-2024-0137
 LOCATION: 1207, 1209 S 1st St.
 SUBJECT AREA: 0.492 Acres
 MANAGER: Joi Harden



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



DRENNER GROUP

July 26, 2024

Ms. Lauren Middleton-Pratt, Planning Director
City of Austin Planning Department
Permitting and Development Center (PDC)
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery

Re: 1207 S 1st Street – Zoning application for the 0.492-acre combined properties located at 1207 and 1209 S 1st Street, Austin, TX 78704, comprised of TCAD IDs: 0101000112 and 0101000111 (the "Property")

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 1207 S 1st Street and is 0.492-acre of combined land, located on the east side of S 1st Street between W Elizabeth Street and Barton Springs Road. The Property is in the Full Purpose Jurisdiction of the City of Austin.

The Property is currently zoned CS-MU-V-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan). The requested zoning is to CS-MU-V-CO-DB90-NP (General Commercial Services – Mixed Use – Vertical Mixed-Use Building – Conditional Overlay – Density Bonus 90 – Neighborhood Plan).

Zoning Ordinance No. 020523-33 established the Neighborhood Planning Area and includes a Conditional Overlay as shown below, we are proposing the following modifications:

Conditions to remain:

- The Property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.
- The following use is a conditional use: a general retail sales (general) use that exceeds 20,000 square feet in gross floor area

Condition to be removed:

- A portion of a building or structure that exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street

This request includes the DB90 (Density Bonus 90) combining district, that was recently approved on February 29, 2024, via Ordinance No. 20240229-073. With this rezoning request, the owner requests to waive the requirement for ground-floor commercial uses, per LDC 25-2-652.F.3. Environmental constraints on the site prohibit ground-floor development, and the owner requests to waive the requirement in accordance with LDC 25-2-652.F.6.

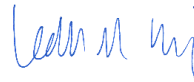
Exhibit C

The Property is located in the Bouldin Creek Neighborhood Planning Area (NPA) and has a Future Land Use Map (FLUM) designation of Mixed Use. The FLUM designation will remain as Mixed Use and a Neighborhood Plan Amendment is not necessary.

A Traffic Impact Analysis (TIA) is not required per the attached TIA determination waiver dated 7/22/2024, by Mustafa Wali from Transportation Department Services.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)

ORDINANCE NO. 020523-33

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 761.7 ACRES OF LAND GENERALLY KNOWN AS THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA ("BOULDIN CREEK") AND TO CHANGE THE BASE ZONING DISTRICTS ON 101 TRACTS OF LAND IN BOULDIN CREEK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 101 tracts of land within the property described in File C14-02-0031, as follows:

Approximately 761.7 acres of land, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A", (the "Property"),

generally known as the Bouldin Creek Neighborhood Plan (NP) combining district, locally known as the property bounded by Town Lake on the north, South Congress Avenue on the east, Oltorf Street on the south and the Union Pacific Railroad tracks on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 101 tracts of land are changed from family residence (SF-3) district, family residence-historic (SF-3-H) combining district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence medium density-historic (MF-3-H) combining district, multifamily residence moderate high density (MF-4) district, neighborhood office (NO) district, neighborhood office-conditional overlay (NO-CO) combining district, limited office (LO) district, general office-conditional overlay (GO-CO) combining district, neighborhood commercial (LR) district, neighborhood commercial-historic (LR-H) combining district, neighborhood commercial-conditional overlay (LR-CO) combining district, community commercial (GR) district, general commercial services (CS) district, general commercial services-historic (CS-H) combining district, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district, commercial-liquor sales (CS-1) district, and commercial-liquor sales-conditional overlay (CS-1-CO)

combining district to family residence-neighborhood plan (SF-3-NP) combining district, single family residence small lot-neighborhood plan (SF-4A-NP) combining district, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district, neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, community commercial-mixed used-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed used-historic-conditional overlay-neighborhood plan (GR-MU-H-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, general commercial services-historic-conditional overlay-neighborhood plan (CS-H-CO-NP) combining district, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district, commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

Tract #	PROPERTY ADDRESS	FROM	TO
1	502 DAWSON RD	CS-1	CS-1-NP
2a	1005 & 1023 BARTON SPRINGS RD	CS-1	CS-1-NP
2b	901, 903, 907, & 921 BARTON SPRINGS RD	CS, CS-1	CS-NP
3	0 (1.0 AC OF LOT 6 BLK B BOULDIN J E ESTATE), 801 & 811 BARTON SPRINGS RD	CS, CS-1, & LO	CS-1-NP
4	601 & 605 BARTON SPRINGS RD	CS-1	CS-1-NP
5	600 S 1ST ST (2.33 AC OF LOT 1 BLK B BOULDIN J E ESTATE)	MF-4	CS-MU-CO-NP
6	721 BARTON SPRINGS RD	CS & CS-1	P-NP
7	505 & 507 BARTON SPRINGS RD	CS-1	P-NP
8	700 S. 1ST ST	LO	LO-MU-NP
9	0 (LOTS 4-6 BLK B, CAPITAL HEIGHTS PLUS 1/2 ADJ VAC ALLEY) & 1402 S 5TH STREET	CS	SF-6-NP
11	1010 & 1012 W MARY ST	LO	LO-MU-NP
12	1800 S 5 TH ST	CS	LR-MU-CO-NP
13	1001 W MARY ST	CS & SF-3	GR-MU-H-CO-NP
14	1807 S 5 TH ST	CS	LR-MU-CO-NP

Tract #	PROPERTY ADDRESS	FROM	TO
15	912 W MARY ST	CS	CS-MU-CO-NP
16	915 W MARY ST	CS	CS-MU-CO-NP
17	913 W MARY ST	GR	LR-MU-CO-NP
18	909 W MARY ST	GR	LR-MU-CO-NP
19	908 W MARY ST	SF-3 & CS	SF-3-NP
20	2200, 2206, 2208, 2300 & 2302 S 5TH ST	MF-3	MF-4-NP
21	2207 S 5 TH ST	MF-3 & LR	MF-4-NP
22	811 W LIVE OAK ST	CS-H, LR-H, SF-3-H & MF-3-H	GR-MU-H-CO-NP
23	2301& 2311 S 5TH ST, 910 W OLTORF ST	LR & MF-3	GR-MU-CO-NP
24	900 & 904 S 2 ND ST(Lots 9 & 10 Abe Williams Subd.)	SF-3	GR-MU-CO-NP
25	900, 902, 904 & 906 S 1ST ST, 901, 903, 905 & 907 S 2ND ST	SF-3	GR-MU-CO-NP
26	908, 910, 912, 1000, 1002, 1004 & 1006 S 1ST ST	SF-3	GR-MU-CO-NP
27	1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114 & 1200 S 1ST ST, 605 & 607 COPELAND ST	SF-3 & LO	GR-MU-CO-NP
28	0 DAWSON ROAD (12.225 ACRES OF LOT 8 BLK B, BOULDIN J E ESTATE), 1104 & 1200 S 6TH ST, 1101, 1105 & 1107 S 7TH ST	MF-2 & SF-3	P-NP
29	1401 S 7 TH ST	SF-3	P-NP
30	1200 S 6 TH ST	SF-3	P-NP
31	0 W GIBSON ST (LOTS 14-17 BLK 2, SOUTH HEIGHTS)	CS & GO-CO	CS-MU-CO-NP
32	607 W GIBSON ST	NO-CO	NO-MU-NP
33	1302, 1308 & 1312 S 1ST ST, 605 W GIBSON ST	CS & SF-3	CS-MU-CO-NP
34	1207, 1209, 1301, 1311, 1413, 1415 & 1417 S 1 ST ST	CS	CS-MU-CO-NP
35	500 W ELIZABETH ST	CS-1	CS-1-MU-CO-NP
36	1400 S 1 ST ST	CS	CS-MU-CO-NP
37	1500, 1502 & 1506 S 1ST ST	CS	CS-MU-CO-NP
38	1501 & 1503 S 1ST ST	CS	CS-MU-CO-NP
39	1602, 1628, 1632, 1636, 1700, 1708 & 1720 S 1 ST ST, 602 W ANNIE ST	CS, CS-MU-CO & NO-CO	CS-MU-CO-NP
40	1601, 1603, 1605, 1609, 1611, 1613, 1615, 1617, 1619, 1701, 1703, 1711, 1713 & 1715 S 1ST ST, 514 & 516 W ANNIE ST, 409 W MONROE ST	CS	CS-MU-CO-NP
41	1800 S 1 ST ST & 603 W ANNIE ST	CS	CS-MU-CO-NP
42	1816 S 1 ST ST	CS	CS-MU-CO-NP
43	1801, 1803, 1805, 1807, 1809 & 1811 S 1ST ST	CS	CS-MU-CO-NP
44	607 W MARY ST	LO	LO-MU-CO-NP
45	1902 S 1 ST ST	CS	CS-MU-CO-NP
46	604 W JOHANNA ST	LR	LR-MU-CO-NP
47	1906 & 1924 S 1ST ST	CS	CS-MU-CO-NP
48	1903, 1905 & 1919 S 1ST ST	CS	CS-MU-CO-NP
49	2002, 2004, 2006 & 2008 S 1ST ST	CS	CS-MU-CO-NP
50	2104 S 1ST ST	CS & SF-3	CS-MU-CO-NP
51	2003, 2007, 2009, 2103 & 2105 S 1ST ST, 508 & 510 W LIVE OAK ST	CS	CS-MU-CO-NP
52	603 W LIVE OAK ST	LR & NO-CO	LR-MU-CO-NP
53	601 W LIVE OAK ST	CS	CS-MU-CO-NP
54	2209, 2213, 2215, 2217, 2301 & 2313 S 1ST ST, 501, 503, 507 & 511 W LIVE OAK ST	CS & SF-3	CS-MU-CO-NP
55	2210 S 1 ST ST	CS	CS-MU-CO-NP

Tract #	PROPERTY ADDRESS	FROM	TO
56	2214 S 1 ST ST & 600 FLETCHER ST	CS	CS-MU-CO-NP
57	2300, 2304, 2306, 2308, 2310 & 2312 S 1ST ST	CS	CS-MU-CO-NP
58	703, 704, 705, 706 & 708 JAMES ST, 0 (E 31FT OF LOT 11 BLK 2, SOUTH HEIGHTS) & 608 W GIBSON ST, 1202 S 1ST ST	SF-3 & LO	P-NP
59	604, 606 & 608 W OLTORF ST	NO & SF-3	LO-CO-NP
60	2316 S 1ST ST & 602 W OLTORF ST	CS	CS-CO-NP
61	516 W OLTORF ST	CS, GR	CS-CO-NP
62	510 W OLTORF ST	GR	GR-CO-NP
63	500, 502 & 504 W OLTORF ST	LO & LR-CO	LR-CO-NP
64	306, 310 & 312 W OLTORF ST	NO	LO-CO-NP
65	2314, 2322 & 2354 WILSON ST	MF-3	SF-3-NP
66	115A, 115B, 115C & 115D NELLIE ST	SF-3	SF-4A-NP
67	1200 & 1220 S CONGRESS AVE	CS	CS-CO-NP
68	108 W GIBSON ST (LOTS 28-32 BLK 13 ECK NORA RESUB PLUS VAC ALLEY)	CS, SF-3	MF-4-NP
69	1316 S CONGRESS AVE	CS-1-CO	CS-1-CO-NP
70	1300 & 1306 S CONGRESS AVE, 105 JAMES ST	CS-1	CS-1-CO-NP
71	1316 S CONGRESS AVE & 108 W GIBSON ST (LOT 19 & 3.82 FT OF LOT 18 NEWNING RESUB OF BLK 13 & 2A)	CS	CS-CO-NP
72	1403 & 1407 EVA ST, 110 W ELIZABETH ST	CS	CS-MU-CO-NP
73	1400 & 1410 S CONGRESS AVE	CS	CS-CO-NP
74	1412 S CONGRESS AVE	CS-H	CS-H-CO-NP
75	1500, 1504, 1510, 1512, 1516 & 1522 S CONGRESS AVE	CS	CS-CO-NP
76	1600, 1602, 1604 & 1608 S CONGRESS AVE	CS	CS-CO-NP
77	1606 S CONGRESS AVE	CS & CS-1	CS-1-CO-NP
78	1612 S CONGRESS AVE	CS	CS-CO-NP
79	0 (LOT 4 AND 5 FT OF LOT 3 BLK 27, SWISHER ADDN), 1700, 1704, 1710, 1712 & 1722 S CONGRESS AVE	CS	CS-CO-NP
80	1800, 1802, 1806 & 1822 S CONGRESS AVE	CS	CS-CO-NP
81	1900, 1902, 1904, 1906 & 1920 S CONGRESS AVE	CS	CS-CO-NP
82	2002 & 2004 S CONGRESS AVE	CS	CS-CO-NP
83	2008 S CONGRESS AVE	CS-1	CS-1-CO-NP
84	2020 S CONGRESS AVE	CS	CS-MU-CO-NP
85	0 (LOT 2 BLK A, RICHARDSON P L), 2110, 2114, 2116, 2118 & 2130 S CONGRESS AV	CS	CS-CO-NP
86	2206 & 2210 S CONGRESS AVE	CS & LR	CS-MU-CO-NP
87	2300, 2304 & 2326 S CONGRESS AVE	CS	CS-MU-CO-NP
88	2336 S CONGRESS AVE	CS-H	CS-MU-H-CO-NP
89a	2216 & 2218 COLLEGE AVE, 2212 S CONGRESS AVE	LR	GR-MU-CO-NP
89b	2222 COLLEGE AVE	GR	GR-MU-CO-NP
90	312 W MARY ST	MF-2	SF-3-NP
91	2004 WILSON ST	MF-4	SF-3-NP
92	1908 & 1910 EVA ST	MF-3	SF-3-NP
93	1911 EVA ST	MF-3	SF-3-NP
94	0 BRODIE ST (GUERRERO PARK)	SF-3	P-NP
95	700, 702, 704 & 706 W OLTORF ST	SF-3	SF-6-NP
96	800 & 804 W OLTORF ST	SF-3	SF-6-NP

Tract #	PROPERTY ADDRESS	FROM	TO
97	806, 808, 810 & 812 W OLTORF ST	SF-3	SF-6-NP
98	2309 & 2311 S 4TH ST	SF-3	SF-6-NP
99	2308, 2310 & 2312 S 4TH ST, 900 & 902 W OLTORF ST	SF-3	SF-6-NP
100	1000, 1002, 1004, 1006, 1100, 1102 & 1104 W OLTORF ST	SF-3	SF-6-NP
101	1108 W OLTORF ST	SF-3	SF-6-NP
102	1112, 1114, 1200, 1202, 1204, 1206, 1208, 1210, 1212 & 1214 W OLTORF ST	SF-3	SF-6-NP

PART 3. Tracts 1 through 5, 11 through 18, 22 and 23, 25 through 27, 31, 33 through 57, 59 through 64, 67, and 69 through 89 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 4. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The maximum height of a building or structure or portion of a building or structure is 45 feet measured from ground level on Tracts 22, 23, and 25.
2. The maximum height of a building or structure or portion of a building or structure is 35 feet measured from ground level on Tracts 24, 26 and 27.
3. The maximum impervious coverage is 75 percent on Tracts 22 and 23.
4. The maximum impervious coverage on Tract 24 is 45 percent.
5. The maximum building coverage on Tract 24 is 40 percent.
6. The maximum gross floor area is 15,200 square feet for a hotel-motel use on Tract 24.
7. A 50-foot wide building setback from the center line of East Bouldin Creek is required on Tract 5.
8. A portion of a building or structure that exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street on Tracts 31 and 33 through 57.
9. Parking is prohibited in a required front yard on Tracts 25 through 27, 67, and 69 through 89.

10. The following use is a conditional use on Tracts 5, 25 through 27, 31, 33 through 43, 45 through 57, 67, and 69 through 89:

A general retail sales (general) use that exceeds 20,000 square feet in gross floor area

11. The following use is a conditional use on Tracts 12, 14 through 18 and 59 through 64:

Drive-in services as an accessory use to commercial uses.

12. The following use is a conditional use on Tracts 11, 14 through 18, and 60 through 63:

Service station

13. The following uses are conditional uses on Tracts 15, 16, 60 and 61:

Adult oriented businesses

Building maintenance services

Equipment repair services

Limited warehousing and distribution

Maintenance and service facilities

14. The following use is a conditional use on Tracts 22 and 23:

Medical offices (exceeding 5,000 square feet of gross floor area)

15. The following use is a prohibited use on Tracts 5, 13, 22 through 27 and 89a:

Drive-in services as an accessory use to commercial uses.

16. The following use is a prohibited use on Tracts 5, 13, 15, 16, 22, 23, 25, 26, 27, 60, 61, 62, and 89a:

Pawn shop services

17. The following uses are prohibited uses on Tracts 5, 13, 15, 16, 22, 23, 25, 26, 27 and 89a:

Automotive rentals

Automotive sales

18. The following uses are prohibited uses on Tracts 5, 13, 22, 23, 25, 26, 27 and 89a:

Automotive repair services	Automotive washing (of any type)
Commercial off-street parking	Communications services
Drop-off recycling collection facility	Exterminating services
Funeral services	Service stations

19. The following use is a prohibited use on Tracts 5, 15, and 16:

Vehicle storage

20. The following uses are prohibited uses on Tracts 22 and 23:

Hospital services (general)	General retail sales (general)
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21. The following uses are prohibited uses on Tract 5:

Agricultural sales and services	Building maintenance services
Campground	Construction sales and services
Convenience storage	Electronic prototype assemble
Equipment repair services	Equipment sales
Kennels	Laundry services
Limited warehousing and distribution	Maintenance and service facilities
Monument retail sales	

22. The following uses are prohibited on Tract 24:

Administrative and business office	Art and craft studio (limited)
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Consumer convenience services	Drop-off recycling facility
Exterminating services	Financial services
Food sales	Funeral services
General retail sales (general)	General retail sales (convenience)
Indoor entertainment	Indoor sports and recreation
Medical offices (any size)	Off-site accessory parking
Personal services	Pet services

Plant nursery
 Research services
 Restaurant (general)
 Service station
 Theater
 Congregate living
 Guidance services
 Hospital services (limited)
 Bed and breakfast (Group II)
 Group residential
 Townhouse residential
 Communication services
 Outdoor entertainment
 Pawn shop services
 Urban farm

Professional office
 Restaurant (drive-in, fast food)
 Restaurant (limited)
 Software development
 Custom manufacturing
 Counseling services
 Hospital services (general)
 Residential treatment
 Condominium residential
 Multifamily residential
 Commercial off-street parking
 Consumer repair services
 Outdoor sports and recreation
 Personal improvement services

23. The following uses are conditional uses on Tract 24:

College and university facilities	Community recreation (private)
Community recreation (public)	Cultural services
Day care services (commercial)	Day care services (general)
Local utility services	Private primary educational facilities
Private secondary educational facilities	Safety services

24. For a hotel-motel use on Tract 24:

- a. Except as shown in subsection b the setback for structures, parking areas, and driveways on Lot 9, Abe Williams Subdivision is 200 feet from the west property line. (900 West 2nd Street).
- b. On Lot 9 the setback is 150 feet from the west property line for a detention pond or a drainage facility.
- c. The setback for structures, parking areas, driveways, detention ponds, or drainage facilities on Lot 10, Abe Williams Subdivision is 200 feet from the west property line. (904 West 2nd Street)

PART 5. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base district and other applicable requirements of the City Code.

PART 6. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on June 3, 2002.

PASSED AND APPROVED

_____, May 23, 2002

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Gustavo L. Garcia

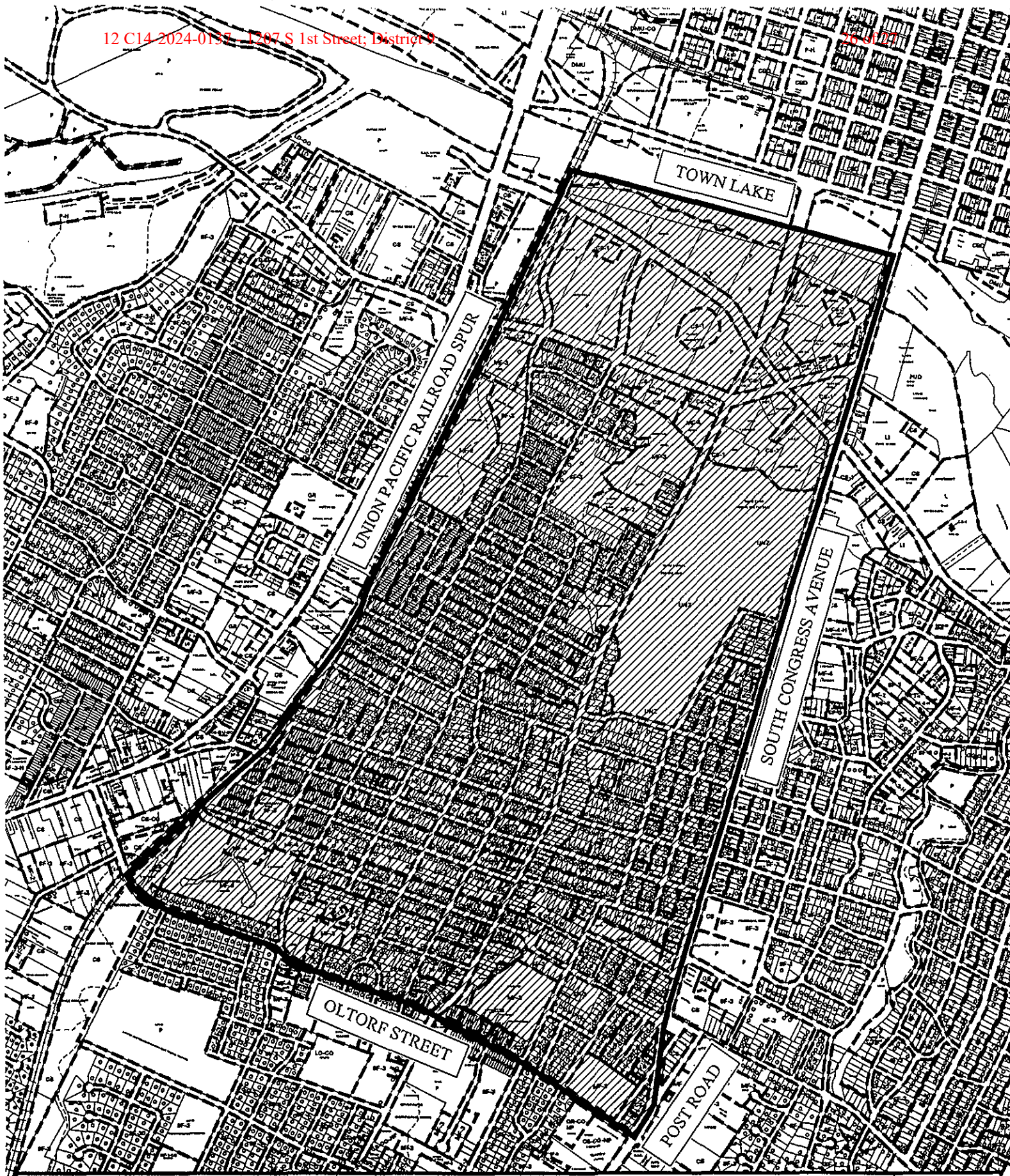
Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W. WALSH

CASE #: C14-02-0031
ADDRESS: BOULDIN CREEK
NEIGHBORHOOD PLANNING AREA
SUBJECT AREA (acres): N/A

ZONING EXHIBIT B

DATE: 02-03
INTLS: SM

CITY GRID
REFERENCE
NUMBER
J20-22,H20-2
2



Feb 4, 2025
Ms. Cynthia Hadri, Case
City of Austin Planning
Permitting and Development Center (PDC)
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery
Manager
Department

RE: C14-2024-0137; Project Address: 1207 and 1209 S 1st St. (District 9)
ITEM: Planning Commission Public Hearing: February 11, 2025

Currently Zoned: CS-MU-V-CO-ETOD-DBETOD-NP (*General Commercial Services – Mixed Use – Vertical Mixed-Use Building – Conditional Overlay – Equitable Transit-Oriented Development – Density Bonus Equitable Transit Oriented Development – Neighborhood Plan*).

Dear Cynthia,

Several members of the BCNA zoning committee have met with Leah Bojo, the applicant's representative, to discuss this case and provide feedback to the applicant.

The applicant is requesting the removal of the compatibility height setback (which has been superseded by more current land use regulations), and the waiver of the pedestrian-oriented ground floor commercial space requirement of the Equitable Transit-Oriented Development Regulations.

The Bouldin Creek Neighborhood Association (BCNA) Steering Committee is unopposed to the removal of the compatibility height setback requirement. However, the Steering Committee is opposed to granting the waiver for pedestrian-ground floor commercial space required under the Equitable Transit-Oriented Development land use code.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Smith", is written over a horizontal line.

Greg Smith, President, Bouldin Creek Neighborhood Association

CC: Leah Bojo

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764