

ZONING CHANGE REVIEW SHEETCASE: C14-2024-0124 – 1109 S. Lamar BlvdDISTRICT: 9ZONING FROM: CS-1-V-COZONING TO: CS-1-MU-V-CO-DB90ADDRESS: 1109 South Lamar BoulevardSITE AREA: 0.287 acres
(12, 501 sq. ft.)PROPERTY OWNER: GSGB, LPAGENT: Drenner Group, PC (Leah Bojo)CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.govSTAFF RECOMMENDATION:

The staff recommendation is to grant commercial-liquor sales – vertical mixed use building – conditional overlay – density bonus 90 (CS-1-V-CO-DB90) combining district.

The Conditional Overlay would prohibit the following uses in the CS-1 base zoning district: Liquor sales use.

PLANNING COMMISSION ACTION / RECOMMENDATION:**March 11, 2025:**CITY COUNCIL ACTION: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 zoning district, 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.

Staff is recommending an alternative to the applicant’s request. The staff supports commercial-liquor sales – vertical mixed use building – conditional overlay – density bonus

90 (CS-1-V-CO-DB90) combining district for this property. The requested -MU combining district designation is unnecessary for the intended purpose of development and could potentially conflict with the affordable housing requirements of DB90.

The conditions establishing prohibited use in the Conditional Overlay for case number C14-05-0137 are requested to be continued by the applicant, however seeks to remove the following restriction: A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day. In general, the City's Transportation and Public Works Department no longer supports vehicle trip caps as conditional overlays to zoning cases, though it will still be assessed for a site if requested or it seems warranted. The appropriate time to assess a site for transportation impact and mitigation is with the site plan application, when land use and intensity is known, and site access has been finalized. Therefore, for both the current applicant request and Staff recommended zoning, the Staff recommendation is to maintain the use prohibition in the CO, but to remove the limit on vehicle trips per day.

CASE MANAGER COMMENTS:

The subject site is located at 1109 S Lamar Boulevard and is approximately 0.287 acres of developed land, situated at the northeast corner of S Lamar Boulevard and W Gibson Street. It is currently operating as a bar/cocktail lounge use with a food truck onsite. The site is adjacent to S Lamar Boulevard, which is an Imagine Austin and Core Transit Corridor. It is within in the South Lamar Combined Neighborhood Planning Area – Zilker Subdistrict, which is currently suspended. The site has no Future Land Use Map designation and will not require a neighborhood plan amendment, nor a Traffic Impact Analysis. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

The applicant is requesting commercial-liquor sales – mixed use – vertical mixed use building – conditional overlay – density bonus 90 (CS-1-MU-V-CO-DB90) combining district for a proposed development that would include multi-family units requiring an affordable components. 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, with residential units on upper levels. The overall project would consist of approximately 39 for-sale residential units as well as pedestrian oriented commercial use (an 1,800 sq ft restaurant). ***Please refer to Exhibit C (Applicant's Summary Letter).***

A development utilizing the “density bonus 90” incentives is permitted with a base CS-1 district and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS-1 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 including 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 residential 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.

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. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073, which replaced the invalidated “VMU2” option.

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

Commercial-Liquor Sales (CS-1) district is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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.

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.

Density Bonus 90 (DB90) combining district is intended, in exchange for providing affordable housing units and in combination with commercial base zoning districts, to allow

a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

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.

4. *Zoning changes should promote an orderly relationship among land uses.*

Staff recommends CS-1-V-CO-DB90 combining district zoning for the subject property based on the following considerations:

- a) Recognizing the site's location on S. Lamar Blvd., which is a Core Transit Corridor, Imagine Austin Activity Corridor, and exhibits high diversity of neighborhood and regional serving uses;
- b) There are numerous multifamily mixed use projects located all along S. Lamar Blvd;
- c) Number of units and housing choice that could be produced would suit a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint;
- d) It is within a ¼-mile of a Metro Rapid Bus stop, which runs frequent service to UT and downtown, and a bus stop at the corner of site which serves two other bus lines (local and crosstown).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1-V-CO	Bar
<i>North</i>	CS CS-V	Coffee shop; Apartments
<i>South</i>	CS-MU-V-CO MF-6-CO CS-V	Apartments; Restaurants
<i>East</i>	CS SF-3	Retail; Automotive services; Small office; Event space; Single-family housing
<i>West</i>	GR-V CS-V	Personal services; Coffee shop; Retail; Restaurants; Entertainment

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Zilker - *Suspended*)

WATERSHED: West Bouldin Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Zilker Elementary School

O Henry Middle School

Austin 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 Zoning Committee
Bouldin Creek Neighborhood Plan
Contact Team
Friends of Austin Neighborhoods
Friends of Zilker
Homeless Neighborhood Association

Neighborhood Empowerment Foundation
Perry Grid 614
Preservation Austin
SELTexas
Save Our Springs Alliance
Sierra Club
South Central Coalition
TNR BCP - Travis County Natural
Resources
Zilker Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0122 – SOUTH LAMAR VMU	CS-CO and CS-V- CO to CS-V	To Grant CS-V-CO as recommended by Staff (2/13/2018)	Approved CS-V-CO as Planning Commission Recommended (3/8/2018)
C14-2023-0039 – 1705 AND 1707 EVERGREEN AVE	SF-3 to CS-MU	To Grant CS-MU as recommended by Staff (6/13/2023)	Approved CS-MU as Planning Commission Recommended (8/31/2023)

RELATED CASES:

C14-05-0137 – 1109 S Lamar – Approved applicant rezoning from CS to CS-1-CO prohibiting liquor sale uses and limiting traffic trips per day to 2,000 effective April 17, 2006.

C14-2008-0060 – Zilker Vertical Mixed Use Building (V) Rezoning Opt-In/Opt Out Process – Approved city-initiated rezoning from CS-1-CO to CS-1-V-CO to include vertical mixed use overlay effective October 27th, 2008.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 1109 S LAMAR BOULEVARD. C14-2024-0124. South Lamar Combined Neighborhood Plan – Zilker. Project: 1109 S Lamar Boulevard. 0.287 acres from CS-1-V-CO to CS-1-MU-V-DB90-CO. Existing use: cocktail lounge. Proposed use: multifamily and restaurant. Proposes 39 multifamily dwelling units, an 1,800-sf restaurant and 7 stories in height. Demolition is proposed, with 0 residential units to be

demolished. 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 S Lamar BLVD 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"> • 0.04 miles to Cap Metro Rapid Bus Stop
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk and bike lane present along S Lamar BLVD
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 Lamar BLVD
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"> • 0.5 miles to Thom's Market grocery store
	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"> • 0.4 miles to CareNow urgent care center
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.
Y	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> • 0.1 miles to Alamo Drafthouse Cinema South Lamar
	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
11	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 West 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 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.

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.

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

PARD – Planning & Design Review:

Parkland dedication will be required for the new applicable uses proposed by this development (multifamily, ground floor retail/restaurant with CS-1-MU-V-DB90-CO 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 § 25-1-609, as amended.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: scott.grantham@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.

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

DB90 Rezoning

This site must meet affordability minimums to be eligible for DB90. A signed approval letter from the Housing Department will be required with site plan submittal.

S. Lamar is the Principal Street for this site. Any buildings fronting this street will be required to have 75% of the ground floor as commercial uses.

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 116 feet of right-of-way for S LAMAR BLVD. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for S LAMAR BLVD according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

W GIBSON ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [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)
S LAMAR BLVD	Corridor Mobility - Level 3	116 feet	90 feet	60 feet	Existing 6 feet sidewalks	Shared lane (on-street)	Yes
W GIBSON ST	Local Mobility - Level 1	58 feet	58 feet	32 feet	Existing 6 feet sidewalks	No	Yes

Austin Water Utility:

No comments on zoning change.

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

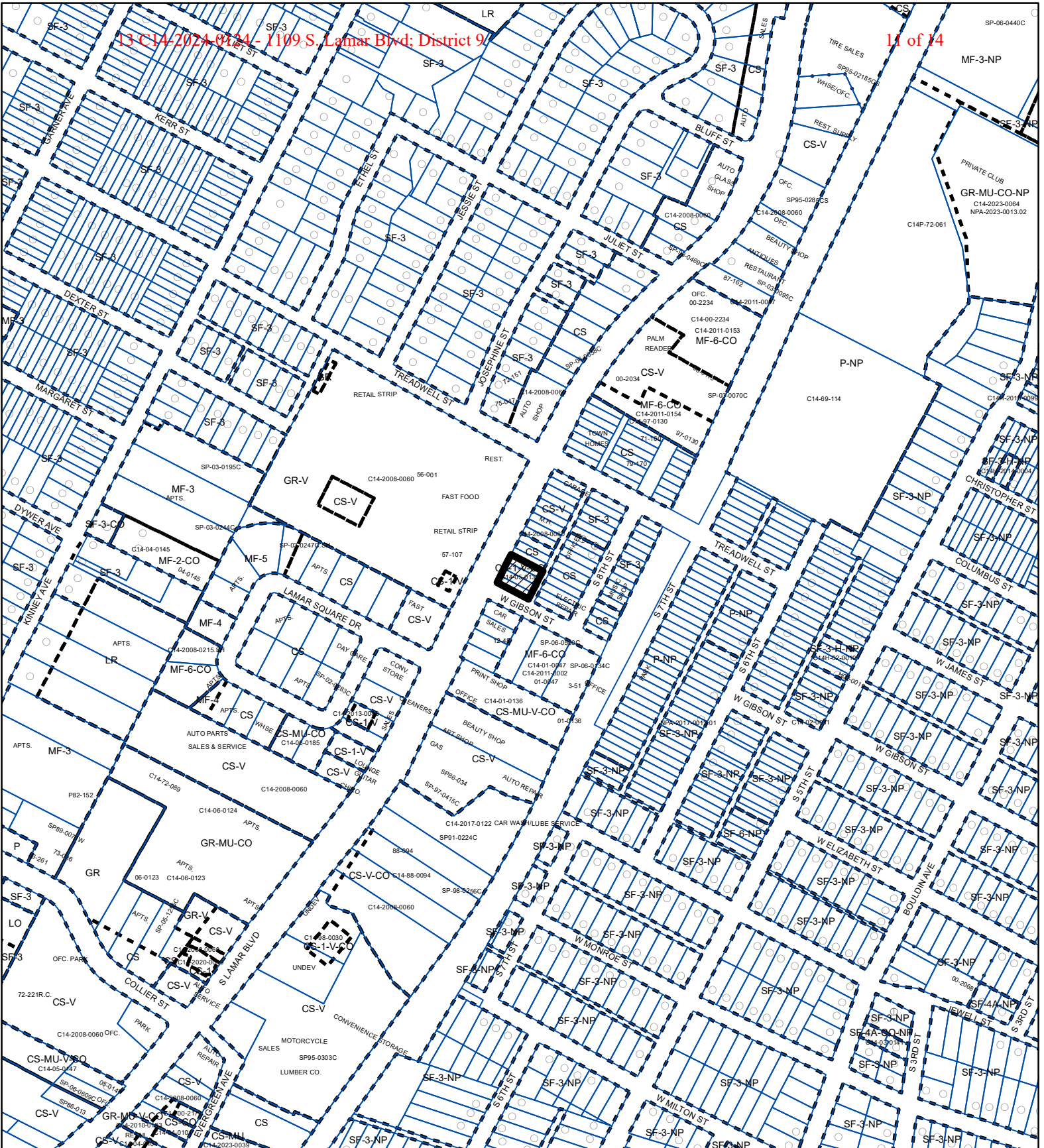
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter

 SUBJECT TRACT

PENDING CASE

 ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2024-0124

A. Zoning Map

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: 8/20/2024

$$1'' = 400'$$



1109 S Lamar Boulevard

ZONING CASE#: C14-2024-0124
 LOCATION: 1109 S Lamar Blvd.
 SUBJECT AREA: 0.287 Acres
 MANAGER: Cynthia Hadri

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



B. Aerial Map

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

Created: 9/3/2024

Leah M. Bojo
lbojo@drennergroupp.com
512-807-2918



C. Applicant's Summary Letter

July 31, 2024

Lauren Middleton-Pratt
Planning Department
City of Austin
6310 Wilhelmina Delco Drive
Austin, TX 78752

Re: 1109 S Lamar Boulevard – Rezoning application for the 0.287-acre property located at 1109 S Lamar Boulevard, Austin, Travis County, Texas 78704 (the "Property").

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning application package. The submittal is titled 1109 S Lamar Boulevard and is approximately 0.287 acres of land, located at the northeast corner of S Lamar Boulevard and W Gibson Street. The Property is located adjacent to S Lamar Boulevard, which is an Imagine Austin and Core Transit Corridor within the full purpose jurisdiction of the City of Austin.

The Property is currently zoned CS-1-V-CO (Commercial-Liquor Sales – Vertical Mixed Use Building – Conditional Overlay). The requested zoning is from CS-1-V-CO to **CS-1-MU-V-DB90-CO** (Commercial-Liquor Sales – Mixed Use – Vertical Mixed Use Building – Density Bonus 90 – Conditional Overlay). The purpose of this rezoning is to allow for a transit-supportive, for-sale multifamily development with a maximum height up to 90 feet, via the Density Bonus 90 ("DB90") combining district, with a restaurant use activating the ground-floor level. In order to utilize the additional height provided through DB90 zoning, a for-sale residential development must reserve a minimum of 12% of the units as affordable for households earning no more than 80% of the area Median Family Income or pay the equivalent fee in-lieu rate adopted annually within the City's fee schedule. The Property is currently developed with a cocktail lounge use and one (1) mobile food truck. No change is contemplated to the conditional overlay that prohibits liquor sales as a permitted use on the Property.

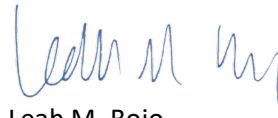
This request is consistent with the Imagine Austin Plan's Land Use and Transportation Policy No. 3, to "[p]romote development in compact centers, communities, or along corridors that are connected by roads and transit..." and Policy No. 7, to "[e]ncourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities." Additionally, this request is supportive of the City Council's initiative to provide both affordable housing and increased density along transportation corridors through DB90 zoning.

The Property is located in the South Lamar Combined Neighborhood Planning Area – Zilker Subdistrict, which is currently suspended. The Property has no Future Land Use Map designation, and therefore a Neighborhood Plan Amendment application is not required with this rezoning.

A neighborhood traffic analysis (NTA) is required with this rezoning request, per the attached TIA Determination waiver dated June 24, 2024 and executed by Ramin Komeili.

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 development.

Sincerely,



Leah M. Bojo

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