ZONING CHANGE REVIEW SHEET

<u>CASE</u>: C14-2023-0146 <u>DISTRICT</u>: 5

ZONING FROM: CS-MU-CO ZONING TO: CS-MU-V-CO

*As amended CS-MU-V-CO-DB90

ADDRESS: 2130 Goodrich Avenue SITE AREA: 0.4234 acres

(18, 443 sq. ft.)

PROPERTY OWNER: Heartwood Real Estate Company (2130 Goodrich Ave Partners LP)

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant general commercial services-mixed use-vertical mixed use building-conditional overlay-density bonus 90 (CS-MU-V-CO-DB90) combined district zoning. The conditional overlay will prohibit the following uses:

Automotive Rental Automotive Sales

Automotive Repair Services Automotive Washing (of any type)

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 23, 2024: APPROVED THE APPLICANT'S REQUEST FOR CS-MU-V-CO-DB90. [A. WOODS; R. JOHNSON-2ND] (10-0) J. MUSHTALER – ABTAINED, C. HEMPEL AND D. SKIDMORE - ABSENT

CITY COUNCIL ACTION:

September 12, 2024:

ORDINANCE NUMBER:

ISSUES:

The applicant had this case on hold for DB90 to go into effect. The application was amended on March 12, 2024 to add DB90 to their request. The case needed to be reviewed by staff for the new request which is why there was a delay in getting this to Commission.

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.

CASE MANAGER COMMENTS:

The property in question is approximately 0.42 acres, developed with one office building and has frontage on Goodrich Avenue (level 1). The site is currently zoned general commercial services-mixed use-conditional overlay (CS-MU-CO). The property has single family residential and multifamily residential (MF-4-CO and SF-3) to the north. There are commercial businesses, a bar, and single family residential (SF-3, CS-V, CS, CS-1-CO) to the south. To the west are multiple multifamily residences and commercial businesses (MF-4-CO, MF-3-CO, MF-3, CS-V, CS, and LO). East of the property are various commercial businesses (CS). The site is within 0.25 miles of a core transit corridor (S. Lamar Blvd) with a bus stop there as well, making this an ideal location to add housing. *Please refer to Exhibits A (Zoning Map) and B (Aerial View)*.

The applicant is requesting general commercial-density bonus 90-neighborhood plan (CS-DB90-NP) 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 approximately 55 residential units and will not be seeking a modification for the commercial requirement. *Please refer to Exhibit C* (*Applicant's Summary Letter*).

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 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 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.

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.

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 density bonus 90 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 Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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	
Site	CS-MU-CO	Office	
North	SF-3	Single Family Residential	
	MF-4-CO	Multifamily Residential	
South	SF-3	Single Family Residential	
	CS-V, CS, CS-1-CO	Commercial Businesses & Commercial-Liquor Sales	
East	CS	Commercial Businesses	
West	MF-4-CO, MF-3-CO, MF-3	Multifamily Residential	
	CS-V, CS, LO	Commercial Businesses	

NEIGHBORHOOD PLANNING AREA: South Lamar Combined Planning Area (Zilker) (Suspended)

WATERSHED: West Bouldin Creek (Urban)

<u>CAPITOL VIEW CORRIDOR:</u> No <u>SCENIC ROADWAY:</u> No

SCHOOLS: Austin Independent School District

Zilker Elementary School O Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District Preservation Austin

Austin Lost and Found Pets SELTexas

Austin Neighborhoods Council Save Our Springs Alliance

Friends of Austin Neighborhoods Sierra Club

Friends of Zilker Austin Regional Group
Goodrich Place Resident Association South Central Coalition

Homeless Neighborhood Association, TNR BCP - Travis County Natural

Neighborhood Empowerment Foundation Resources

Perry Grid 614 Zilker Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0047.SH	MF-3 to MF-4	To Grant staff	Approved MF-4-CO as Planning
- Pathways at		recommendation of MF-4-	Commission Recommended
Goodrich Place		CO. The CO is for a 25-foot	(06/14/2018)
		building setback on	

		Bluebonnet Lane, a maximum height of 40 feet, a maximum impervious cover of 65%, and a maximum number of units of 120 (05/22/2018)	
C14-2017-0021- Pathways at Goodrich	CS to MF-3	To Grant MF-3 (05/23/2017)	Approved MF-3 as Planning Commission Recommended (06/15/2017)
C14-2010-0122 - Cabot-Chase, Ltd.	CS to CS-1	To Grant staff recommendation of CS-1-CO. The CO prohibits cocktail lounge use. (8/10/10)	Approved CS-1-CO as Planning Commission Recommended (09/23/2010)
C14-2009-0039 - Danziger 2	LO to MF-3-CO	To Grant MF-3-CO, the CO is as follows; density limited to 7 units, and vehicle trips allowed per day will not exceed 200. Any future development will be limited to the lesser site development site standards between LO and MF-3 zoning standards for building coverage (50%) and impervious cover (65%). (06/23/2009)	To Grant MF-3-CO as Planning Commission Recommended. (07/23/2009)
C14-06-0079 - Bluebonnet Creek	SF-3 to MF-3	To Grant MF-3-CO, the CO is as follows; A 25-foot setback from the front property line; limited to 30-feet in height or 2 stories for the first 75-feet back from the property line. (06/13/2006)	To Grant MF-3-CO as Planning Commission Recommended. (10/19/2006)

RELATED CASES:

C14-2023-0009 – 2130 Goodrich Avenue:

Rezoning case from CS-MU-CO to CS-MU, removal of the CO will allow for restaurant (general & limited) uses and amend the vehicle trip limit of 340 per day. The Planning Commission granted the rezoning April 11, 2023. City Council approved the rezoning with the following prohibited uses; automotive rental, automotive sales, automotive repair services and automotive washing (of any type) on May 18, 2023.

C14-2015-0008 – 2130 Goodrich:

Rezoning case from CS to CS-MU-CO, the conditional overlay would prohibit restaurant (general and limited) and would limit the vehicle trips to 340 per day. Planning Commission granted the rezoning to CS-MU-CO on April 28, 2015. City Council approved the rezoning as Planning Commission recommended on June 11, 2015.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 2130 GOODRICH AVE. C14-2023-0146. 0.4234 acres from CS-MU-Co to CS-MU-V-CO. **Existing:** House converted into an office building. **Proposed:** To allow the redevelopment of the Property with a mix of uses, including 50 to 60 units multifamily residential and 60,000 square feet of ground floor commercial space, which is less than 150 feet from a high-frequency transit route and Core Transit Corridor. 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		
Comp	lete 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 *:		
	• Less than 100 ft. from the South Lamar Boulevard Activity Corridor		
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail		
	station.		
	Along a core transit corridor		
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. Partial		
	– across the street		
	Sidewalk present along Goodrich Ave		
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to		
	goods and services, and/or employment center.		
	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.		
	0.4 miles to Zilker Elementary School Control of the Control		
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation		
	area, park or walking trail.		
	0.3 miles to Little Zilker 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.		
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.)		
Y	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.

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

Fire:

There are no comments at this time.

PARD – Planning & Design Review:

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with CS-MU-V-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 § 25-1-607 (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, two-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.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards due to the proximity of the SF-3 district to the north.

This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets

C14-2023-0146

city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

<u>Austin Transportation Department – Engineering Review:</u>

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Goodrich Avenue. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Goodrich Avenue according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Traffic Impact Analysis:

The TIA has been waived for the following reason: The site must demonstrate compliance with the Neighborhood Traffic Analysis (NTA) Memo approved with the zoning Case C14-2015-0008. *Please refer to Exhibit D for the NTA Memo from C14-2015-0008*.

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¹ / ₄ mile)
Goodrich Avenue	Level 1	58	50'	21'	Yes	No	Yes

Austin Water Utility:

No comments on zoning change.

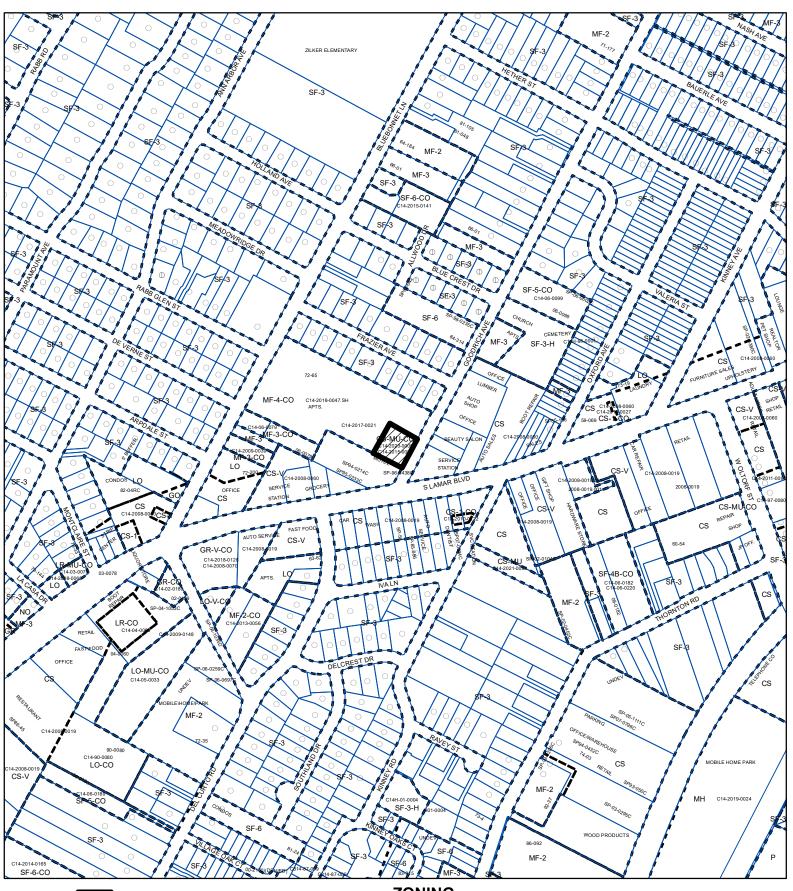
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

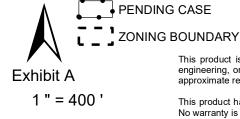
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. NTA Memo from C14-2015-0008

Correspondence from Interested Parties





SUBJECT TRACT

ZONING

ZONING CASE#: C14-2023-0146

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

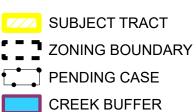
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Created: 11/28/2023







2130 Goodrich

ZONING CASE#: C14-2023-0146 LOCATION: 2130 Goodrich SUBJECT AREA: 0.4234 Acres GRID: G20

MANAGER: Cynthia Hadri



Created: 1/3/2024



March 12, 2024

Ms. Lauren Middleton-Pratt Planning Department City of Austin 1000 E 11th Street Austin, TX 78702 Via Electronic Delivery

Re:

<u>C14-2023-0146 2130 Goodrich Avenue Update</u> – Rezoning application for the approximately 0.424-acre piece of property located at 2130 Goodrich Avenue in the City of Austin, Travis County, Texas ("the Property")

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit this letter to amend the rezoning application request currently in review and assigned case number C14-2023-0146, submitted to the City of Austin (the "City") on November 8, 2023.

The original rezoning request was from CS-MU-CO (General Commercial Services – Mixed Use – Conditional Overlay) to CS-MU-V-CO (General Commercial Services – Mixed Use – Vertical Mixed Use – Conditional Overlay). The existing conditional overlay requires that the following uses are prohibited on the Property: Automotive Rental, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type). With this amendment, the Owner requests to add the DB90 (Density Bonus 90) combining district, that was recently approved on February 29, 2024, via Ordinance No. 20240229-073, attached herein, to the submitted rezoning request.

The Property is located in the Zilker Neighborhood Planning Area, part of the South Lamar Combined Planning Area (SLCPA). This neighborhood plan has not yet been formally adopted by the City of Austin, and planning has been suspended indefinitely. Therefore, the Property also does not have a Future Land Use Map ("FLUM") designation. We have previously been in communication with the Neighborhood Contact Team regarding this application. We intend to resume conversations and meetings with the neighborhood as we move forward with this rezoning request.

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

Exhibit C

CC:



MEMORANDUM

TO:

Tori Haase, Case Manager

CC:

Peter Sebesta

FROM:

Bryan Golden, Planner III

DATE:

April 7, 2015

SUBJECT:

Neighborhood Traffic Analysis for 2130 Goodrich Avenue

Zoning Case # C14-2015-0008

The Transportation Review section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The .424-acre tract is located in south Austin at 2130 Goodrich Avenue. The site is currently zoned General Commercial (CS) and contains a small office building. The proposed zoning is General Commercial Mixed Use (CS-MU). Zoning to the immediate north is multi-family and to the west and south is commercially zoned. The zoning request is to allow for a residential duplex component to be added to the existing site.

24 hour traffic counts were taken on Thursday, March 26, 2015. No Conditional Overlays of trip limitations are proposed.

Roadways

Goodrich Avenue is classified as a Collector road and is proposed to provide the sole access to the site.

The roadway currently has curb and gutter with 50' of right-of-way and 30' of pavement width. Limited sidewalk infrastructure exists and no sidewalks are currently provided on site.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication <u>Trip Generation</u>, the proposed .424 acre development, with the requested zoning of CS-MU, could potentially generate 789 trips at max building out, excluding all setbacks and impervious cover limits

Table 1.				
Zoning	Size	Trip Generation		
CS-MÚ	.424 acres	789		
TOTAL		789		

Table 2 represents the expected distribution of the 789 trips:

Table 2.		
Street Traffic Distribution by Percent		
Goodrich Avenue	100%	
TOTAL	100%	

Table 3 represents a breakdown of existing traffic on the adjacent roadways, proposed site traffic, total traffic after development and percentage increase.

	Table 3.				
Street	Existing Traffic (vpd)			Percentage Increase in Traffic	
Goodrich Avenue	1,616	789	2,405	48%	

According to Section 25-6-116 of the Land Development Code, streets are operating at a desirable level if it does not exceed the following levels:

Pavement Width	Vehicles Per Day
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Recommendations/Conclusions

- 1. The potential trips generated by this site, in conjunction with the existing traffic of Goodrich Avenue, exceeds the requirements established in LDC 25-6-116. Prior to final reading of this zoning case, the applicant will be required to post fiscal for improving the roadway width up to 40 feet of pavement for the entirety of the street frontage for this site. As part of boundary street fiscal surety requirements, the applicant will be responsible for one-half (50%) of the associated roadway improvements, to be determined during the site plan review process. The applicant must submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.
- 2. In accordance with the Complete Streets Policy and Imagine Austin, staff recommends removing one of the existing driveways and installing sidewalks along Goodrich Avenue.
- 3. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by the project combined with existing traffic exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

If you have any questions or require additional information, please contact me 974-3124.

Bryan Golden

Planner III - Transportation Review Development Services Department