

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0063 – 501 Pedernales Street

DISTRICT: 3

ADDRESS: 501 Pedernales Street, 2503, 2505, 2507, 2511 East 6th Street

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

TO: CS-MU-V-CO-DB90-NP

SITE AREA: 1.79 acres

PROPERTY OWNER: Pedernales Property Holdings, LLC (Jesus Turullols)

AGENT: Land Use Solutions (Michele Hausmann)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,
marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

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

The Conditional Overlay would:

- 1) Prohibit the following uses: Adult Oriented Business, Campground, Convenience Storage, Exterminating Services, Kennels, and Pawn Shop Services; and**
- 2) Make the following uses as Conditional: Automotive Washing (of any type) and Commercial Off-Street Parking**

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 25, 2024: *APPROVED CS-MU-V-CO-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.*

[R. JOHNSTON; F. MAXWELL – 2ND] (7-0) J. MUSHTALER, A. AZHAR, C. HEMPEL, A. HAYNES. G. COX, A. PHILLIPS – ABSENT

CITY COUNCIL ACTION:

July 18, 2024:

ORDINANCE NUMBER:

ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base 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.

The conditional and prohibited uses for this tract included in the Conditional Overlay for case number C14-2023-0013, which originated in the Holly Neighborhood Plan rezonings (2001), are continued to be recommended in this new rezoning, as requested by the applicant.

Planning Commission Previous Action

September 12, 2023: *Approved CS-MU-V-CO-NP combining district zoning as staff recommended, by consent.*

[C. HEMPEL; A. AZHAR – 2ND] (12-0) ONE VACANCY ON THE DAIS

July 25, 2023: *Approved a Postponement Request by Applicant to September 12, 2023*

[A. WOODS; CONOLLY – 2ND] (11-0) J. MUSHTALER – ABSENT; ONE VACANCY ON THE DAIS.

June 13, 2023: *Approved a Postponement Request by Neighborhood to July 25, 2023, on consent.*

[A. WOODS; A. AZHAR – 2ND] (11-0) C. HEMPEL – ABSENT; ONE VACANCY ON THE DAIS

City Council Previous Action

October 19, 2023: *Approved CS-MU-V-CO-NP combining district zoning as Planning Commission recommended, by consent.*

[Mayor Pro Tem Ellis; Council Member Pool – 2nd] VOTE: 10-0. Council Member Harper-Madison was absent.

Prior Rezoning Case C14-2023-0013

Ordinance No. 20231019-061, approved October 19, 2023

CASE MANAGER COMMENTS:

The subject lot is currently zoned CS-MU-V-CO-NP, and is developed with the Pedernales Station, including Performance venue, Cocktail lounge, Convenience Retail Sales, Personal Improvements service uses. To the north includes multi-family and single-family residences, mostly newer structures with at least two units per lot (MF-2-NP). Across the railroad tracks to the south, are a variety of uses, including Restaurant (Limited), Administrative and Business office, single family uses, and a telecommunications yard under redevelopment

(CS-CO-MU-NP, CS-MU-V-CO-NP, and GR-CO-MU-NP). To the east is the East Poultry Company warehouse (CS-MU-V-CO-NP). To the west across Pedernales Street is multifamily with ground floor retail fronting on East 6th Street, the Pedernales Lofts, (CS-CO-MU-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The applicant is requesting general commercial services – mixed use – vertical mixed use – conditional overlay - density bonus 90 – neighborhood plan (CS-MU-V-CO-DB90-NP) combining district zoning 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 200 residential units and mix of uses.

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.

A similar rezoning request was previously approved for this property by the Planning Commission and City Council. However, the Court’s ruling invalidated the bonuses authorized for a “VMU2” building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

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

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. City Council previously approved rezoning this property to allow for vertical

mixed-use buildings. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated “VMU2” option.

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

The general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

Mixed Use combining district (MU) 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.

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 (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.

The proposed density bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

The neighborhood plan (NP) 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-NP	Performance venue, Cocktail lounge, Convenience Retail Sales, Personal Improvements service (Pedernales Station)

<i>North</i>	MF-2-NP	Multi-Family and Single-Family residences, mostly newer structures with at least two units per lot.
<i>South</i>	CS-CO-MU-NP CS-MU-V-CO-NP, and GR-CO-MU-NP	Restaurant (limited), Administrative and Business offices, single-family residences, telecommunications yard in redevelopment
<i>East</i>	CS-MU-V-CO-NP	East Poultry Company warehouse
<i>West</i>	CS-CO-MU-NP	Multifamily with ground floor retail (Pedernales Lofts)

NEIGHBORHOOD PLANNING AREA: Holly

WATERSHED: Lady Bird Lake

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Elementary: Govalle

Middle: Martin

High: Eastside Memorial

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Barrio Unido Neighborhood Assn., Capital Metro, Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, Tejano Town, Buena Vista Neighborhood Association, Holly Neighborhood Association, Red Line Parkway Initiative

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0013 – 501 Pedernales	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP as Staff recommended with Prohibited and conditional uses (9/12/2023)	Apvd as Commission recommended (10/19/2023)
C14-2023-0111 – 518 N. Pleasant Valley Road	From LI-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP with conditions to continue prohibition on some uses as per NP, and add some uses as Conditional	Apvd CS-MU-V-CO-NP as Commission recommended (2/1/2024)
C14-2022-0112 - 2615 - 2617 East 6th Street	LI-CO-NP to CS-MU-V-CO-NP	3/14/2022: approved CS-MU-V-CO-NP as staff	5/18/2022: To grant CS-MU-V-CO-NP

		recommended on consent.	
C14-2021-0179 Govalle Twin Liquors	GR-NP to CS-1-NP	To grant CS-1-NP with the added condition that Cocktail Lounge land use be prohibited	6/9/2022: To grant CS-1-CO-NP
C14-2021-0011 712 & 714 Pedernales St. and 2409 Coronado St.	SF-3-NP to CS-MU-NP	To grant GR-MU-CO-NP with the prohibited and conditional uses.	7/29/2021: To grant GR-MU-CO-NP
C14-2020-0145 2700, 2716, 2726 E 5th St	CS-MU-CO-NP to CS-MU-V-CO-NP	To grant CS-MU-V-CO-NP with conditional and prohibited uses.	06/10/21: to grant

RELATED CASES:

C14-2023-0013 501 Pedernales rezoning to CS-MU-V-CO-NP (Ordinance No. 20231019-061)

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 501 PEDERNALES STREET. C14-2024-0063. Holly NP. FLUM: Mixed Use. Project: Pedernales Property Holdings LLC. 1.79 acres from CS-MU-V-CO-NP to CS-MU-V-DB90-CO-NP. Existing: retail (8,450 sf) and office (21,550 sf). Proposed: 200 units of multifamily mid-rise, and specialty retail (10,000 sf). Demolition is proposed with no existing residential units. 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"> Plaza Saltillo Neighborhood Center; within nexus of E 7th St Activity Corridor, Pleasant Valley Activity Corridor, and East Cesar Chavez 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"> 0.14 miles to bus stops at intersection of Pedernales St and E 7th St
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> Sidewalks present along E 7th St and Pedernales St, with bike lane present on Pedernales St

Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
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"> • 0.2 miles to HEB along Calles St
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.4 miles to Zavala 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"> • 0.4 miles to Parque Zaragoza Neighborhood Park
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 Austing Regional Clinic at E 7th St and N Pleasant Valley Rd
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"> • 0.4 miles to Cepeda Branch Austin Public Library
	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
13	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 Lady Bird Lake 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.

PARD – Planning & Design Review

Parkland dedication may 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. As such, a partial land dedication may be required, as well as any remaining fees in-lieu.

The Parks and Recreation Department (PARD) would consider a connection along the rail line, from Pedernales Street to Calles Street, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for the Mokan Corridor Trail, 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 § 25-1-607 (B)(1) & (2).

Should the applicant wish 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 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.

This site would be subject to LDC 25-2-652.

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

This site is in the Holly Neighborhood Plan.

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for East 5th Street. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for East 5th Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Pedernales Street. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Pedernales Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

There are two proposed Urban Trails adjacent to this site (East Link Trail along Pedernales Street and Mogan Corridor Trail along East 5th Street), along the southern and western property boundaries. The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity.

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)
East 5 th Street	Level 2	84'	57'	35'	Yes	Yes	Yes
Pedernales Street	Level 2	84'	59'	29'	Yes	Yes	Yes
East 6 th Street	Level 1	58'	60'	29'	Yes	No	Yes

Austin Water Utility

No comments on zoning change.

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

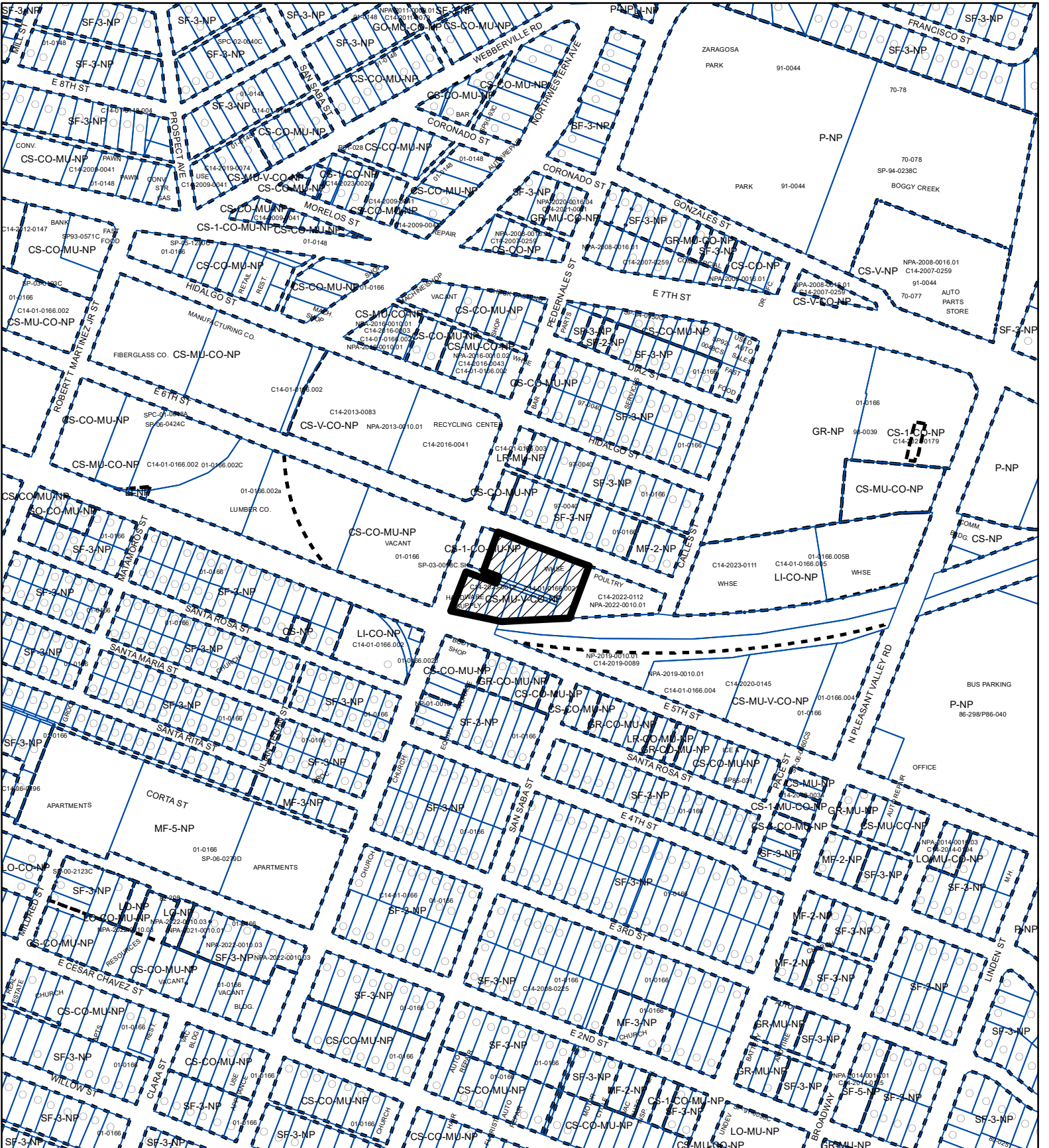
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map




Exhibit B: Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2024-0063



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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: 4/17/2024



Pedernales Property Holdings LLC

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

CASE#: C14-2024-0063
 LOCATION: 501 Pedernales St;
 2503, 2505, 2507, 2511 E 6th St
 SUBJECT AREA: 1.79 Acres
 GRID: K21
 MANAGER: Marcelle Boudreaux



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Created: 5/28/2024



Michele Haussmann
PRINCIPAL
Michele@LandUseSolutionsTX.com

April 1, 2024

Ms. Joi Harden, Division Manager
Planning Department
City of Austin
[VIA Electronic Mail Joi.Harden@AustinTexas.gov](mailto:Joi.Harden@AustinTexas.gov)

Re: Zoning Application for Project known as 501 Pedernales Street, approximately 1.79 acres located at 501 Pedernales Street and 2503, 2505, 2507, 2511 East 6th Street, in the City of Austin, Travis County, Texas (“Property”)

Dear Ms. Harden:

As representatives of the owner of the above stated Property, Jesus Turullols (“Applicant”), we respectfully submit the enclosed zoning application and submittal package. The Property was rezoned to add the VMU combining district in October 2023 under the VMU2 Ordinance resulting in the CS-MU-CO-V-NP zoning district, Zoning Ordinance 20231019-061. With the rezoning case being approved on October 19, 2023, this places the application within the timeline for the DB90 fee waiver outlined in DB90 Ordinance 20240229-073.

The Property consists of approximately 1.79 acres and is in the Holly Neighborhood Plan area. The Applicant is requesting a rezoning of the Property to allow for the development of a mixed-use project including multifamily units and commercial uses (“Project”). The Project is known as 501 Pedernales Street. The request is to rezone the Property to CS-MU-V-DB90-NP. Please see the enclosed aerials, zoning, neighborhood plan, and other exhibits for your review.

The Property was rezoned in 2003 from LI to CS-MU-CO-NP as part of the adoption of the Holly Neighborhood Plan, Ordinance 030612-Z-13. The Conditional Overlay (“CO”) prohibited the following uses: Adult Oriented Business, Campground, Convenience Storage, Exterminating Services, Kennels, Pawn Shop Services. The Conditional Overlay established Automotive Washing (of any type) and Commercial Off-Street Parking as conditional uses. The same CO was included in the 2023 Zoning Ordinance and the same is being proposed with this zoning case.

The Property is perfectly located to support individuals and families as it is within walking distance of a bus stop and Parque Zaragoza neighborhood park and is near Parque Zaragoza Recreation Center and Zavala Elementary School.

AUSTIN OFFICE 5612 Parade Ridge | Austin, TX 78731 | 512.212.4114

SAN ANTONIO 10003 NW Military Hwy, Ste 2215 | San Antonio, TX 78231 | 210.812.2222



The Property is located on a Core Transit Corridor, Compatibility on Corridors backup material for the draft ordinance approved by City Council on December 1, 2022. Access is proposed to East 6th Street and Pedernales Street.

The Property is surrounded by compatible land use designations including Mixed Use to the north, south, and west. The Property is surrounded by compatible zoning districts including CS-V-CO-NP to the north, CS-MU-V-CO-NP to the south, and CS-MU-CO-NP to the west. The requested DB90 combining district is consistent and compatible with the surrounding zoning and land uses.

Please contact me if you or your team members have any questions or need additional information. Thank you for your time and assistance with the requests.

Respectfully,

A handwritten signature in blue ink that reads 'Michele Haussmann'.

Michele Haussmann

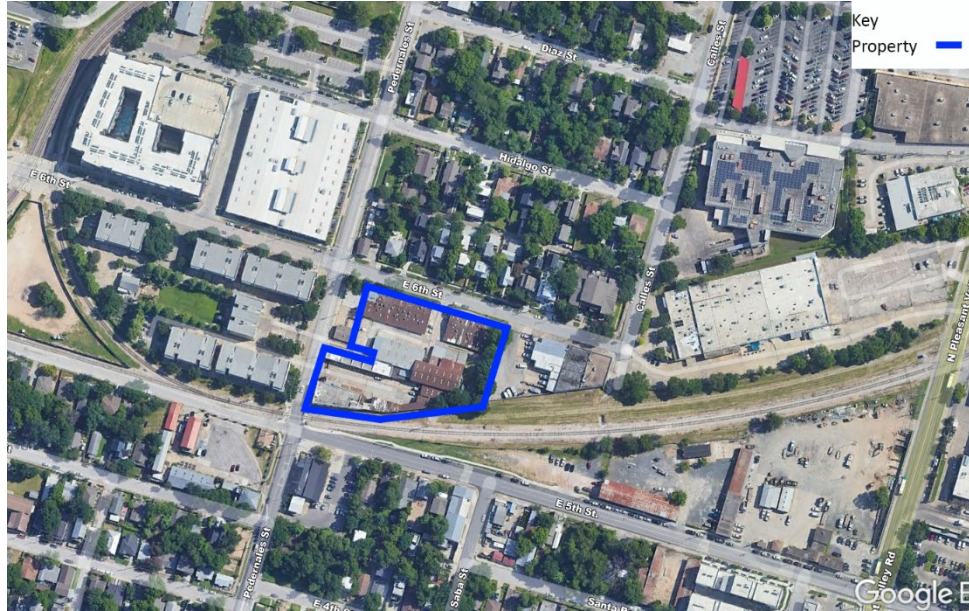
Enclosures

CC: Marcelle Boudreaux, Planning Department, *via electronic mail*
Jonathan Tomko, Planning Department, *via electronic mail*
Jesus Turullols, *via electronic mail*
Valerie Turullols, *via electronic mail*
Dylan Coons, Land Use Solutions, *via electronic email*

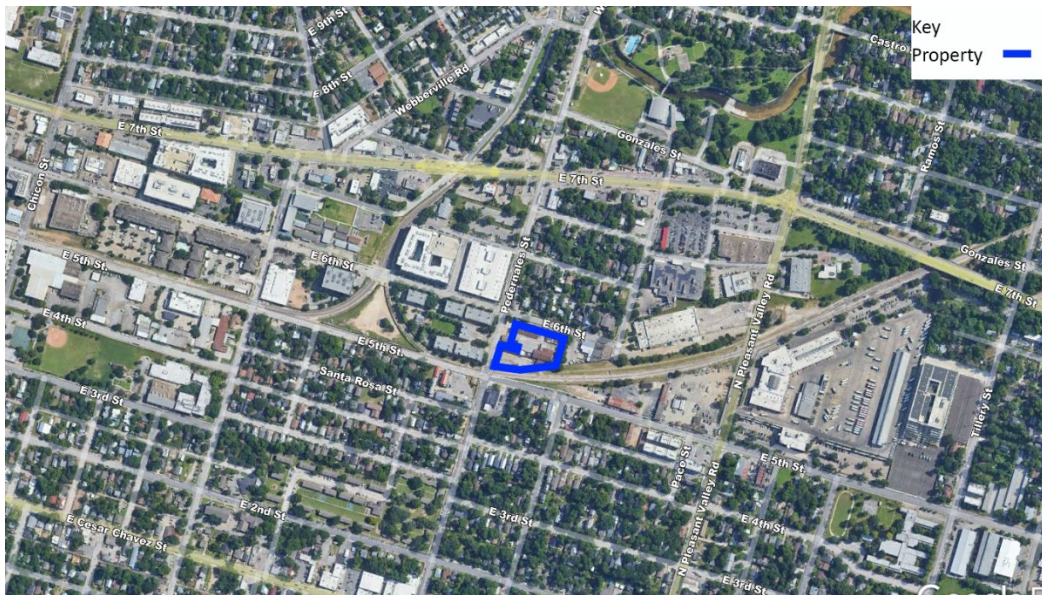


LANDUSE SOLUTIONS

Aerial Zoomed In



Aerial Zoomed Out



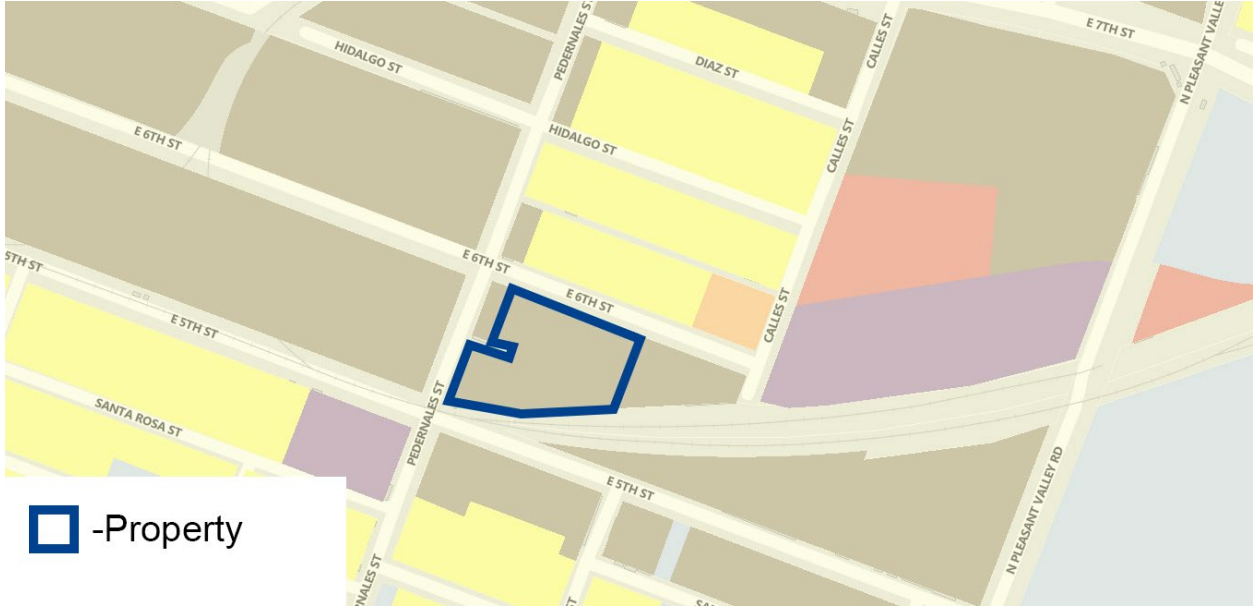
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LANDUSE SOLUTIONS

Future Land Use Map



Zoning Map



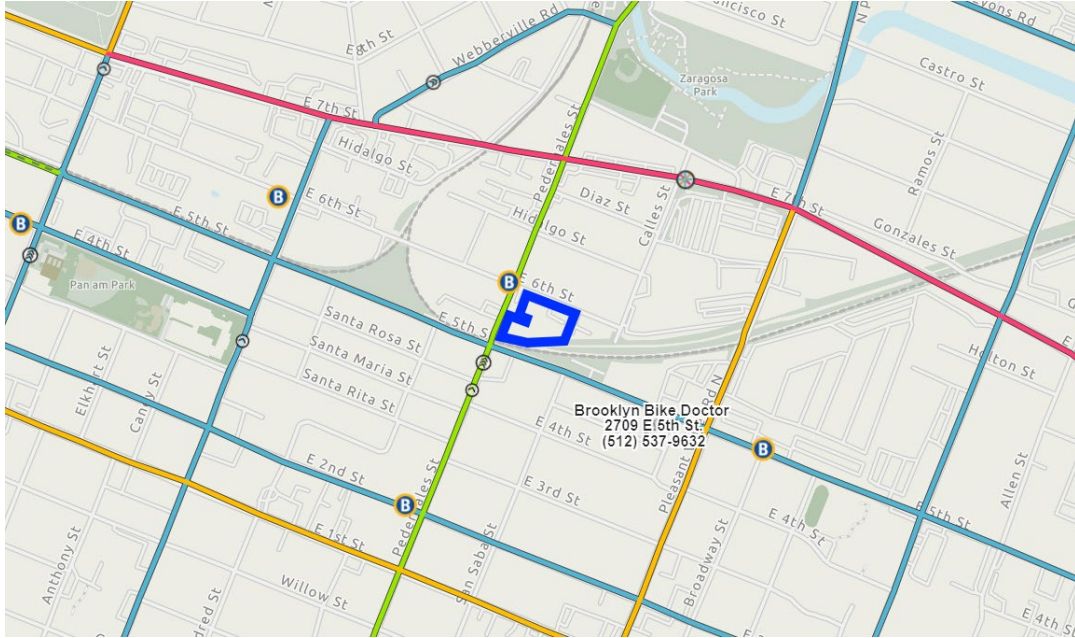
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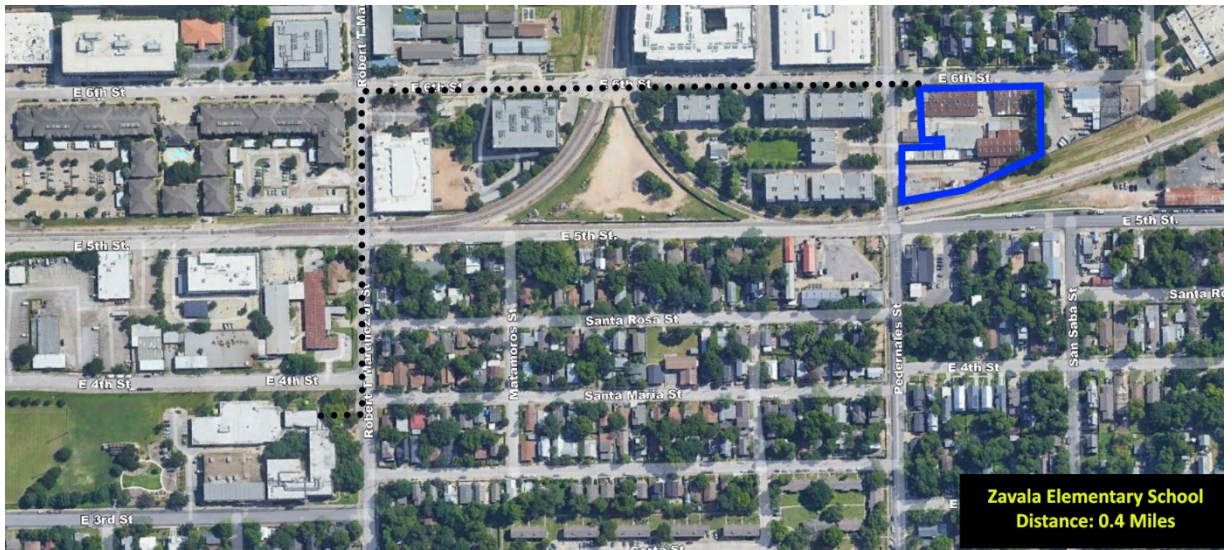


LANDUSE SOLUTIONS

Bike Route Map



School Distance Map



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LANDUSE
SOLUTIONS

ORDINANCE NO. 20231019-061

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 501 PEDERNALES STREET AND 2503, 2505, 2507, AND 2511 EAST 6TH STREET IN THE HOLLY NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) COMBINING DISTRICT.

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 change the base district from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2023-0013, on file at the Planning Department, as follows:

A 1.788 acre (77,901 Square Feet) tract of land situated in the George J. Neill Survey No. 1, A-586 and the Logan Vandever Survey No. 2, A-784, Travis County, Texas, being Lots 1-5 and 7-12, MORSLAND PLACE, a subdivision according to the map or plat of record in Volume 3, Page 37, Plat Records Of Travis County, Texas, said 1.788 acres also being comprised of two portions of an alley vacated by the City of Austin described in a document recorded in Volume 381, Page 114, Deed Records Of Travis County, Texas, the 1.788 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 501 Pedernales Street and 2503, 2505, 2507, and 2511 East 6th Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "B"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

(A) The following uses are conditional uses of the Property:

Automotive washing (of any type) Commercial off-street parking



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(B) The following uses are prohibited uses of the Property:

- | | |
|---------------------------|------------------------|
| Adult oriented businesses | Campground |
| Convenience storage | Exterminating services |
| Kennels | Pawn shop services |

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use combining district, and other applicable requirements of the City Code.

PART 4. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 011213-44 that established zoning for the Holly Neighborhood Plan.

PART 5. This ordinance takes effect on October 30, 2023.

PASSED AND APPROVED

_____ October 19 _____, 2023

§ _____
 § *Kirk Watson*
 § _____
 Kirk Watson
 Mayor

APPROVED: *Anne L. Morgan*
 Anne L. Morgan
 City Attorney

ATTEST: *Myrna Rios*
 Myrna Rios
 City Clerk



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ORDINANCE NO. 20240229-073

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO CREATE A COMBINING DISTRICT FOR DENSITY BONUS PROGRAMS; AMENDING CITY CODE CHAPTER 25-8 TO REGULATE COMPATIBILITY BUFFERS APPLICABLE TO DENSITY BONUS PROGRAMS; AND INITIATING REZONINGS.

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

PART 1. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add a new combining district that reads as follows:

(F) Combining districts and map codes are as follows:

(21) density bonus 90 DB90

PART 2. Division 6, Subchapter A, Article 2 of City Code Chapter 25-2 (*Zoning*) is amended to a new Section 25-2-181 to read:

§ 25-2-181 DENSITY BONUS COMBINING DISTRICTS.

- (A) Density bonus (DB) combining districts authorize a particular 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.
- (B) DB90 Combining District allows residential uses on sites with certain commercial base zoning districts, modifies compatibility requirements, and grants additional height in exchange for income-restricted housing.

PART 3. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-652 to read:

§ 25-2-652 DENSITY BONUS 90 (DB90) COMBINING DISTRICT REGULATIONS.

- (A) This section establishes the applicable regulations for DB90 zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.



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- (C) To utilize the regulations described in Subsections (F) and (G), the site's zoning must include DB90 and an applicant must comply with Subsection (E).
- (D) A DB90 combining district may be combined with the following base districts:
 - (1) Commercial Liquor Sales (CS-1);
 - (2) General Commercial Services (CS);
 - (3) Community Commercial (GR);
 - (4) Neighborhood Commercial (LR);
 - (5) General Office (GO); and
 - (6) Limited Office (LO).
- (E) Affordability Requirements.
 - (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
 - (a) An applicant must reserve a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing Director.
 - (b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum the fee-in-lieu shall be 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.
 - (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies. An applicant must reserve:
 - (a) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the



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current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing director; or

- (b) a minimum of ten percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing director.

(F) Development Standards and Mixed Use.

- (1) In a DB90 combining district, the following uses are permitted:

- (a) uses that are permitted in the base zoning district unless the use is restricted by a conditional overlay that applies to the property; and
- (b) residential uses.

- (2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter except when those provisions conflict with this section.

- (3) Mix of Uses.

- (a) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).
- (b) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the ground floor of the building must contain one or more commercial uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*) of this chapter.
- (c) If a building includes a mix of uses, a non-residential use:
 - (i) may not be located above a residential use; and
 - (ii) may not be located on or above the third story of the building.
- (d) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.



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- (e) The ordinance zoning or rezoning a site as DB90 may modify the requirements in Subdivision (3)(b) if the site abuts one of the following roadways defined in Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*):
 - (i) urban roadway;
 - (ii) suburban roadway;
 - (iii) highway; or
 - (iv) hill country.
- (4) A building may exceed the maximum building height in the base zoning district by a maximum of 30 feet except that no building may exceed 90 feet in height.
- (5) A site is not required to comply with the base zoning district's:
 - (a) minimum site area requirements (if applicable);
 - (b) maximum floor area ratio;
 - (c) maximum building coverage;
 - (d) minimum street side yard setback and interior yard setback; and
 - (e) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
- (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter apply to a site developed under this section.
- (G) Compatibility Requirements.
 - (1) A building is not required to comply with Article 10 (*Compatibility Standards*), Subchapter C.



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- (2) In this subsection, a triggering property:
 - (a) includes at least one dwelling unit but less than four dwelling units; and
 - (b) is zoned Urban Family Residence (SF-5) or more restrictive.
- (3) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
 - (a) The minimum width of a compatibility buffer is 25 feet.
 - (b) A compatibility buffer must comply with Section 25-8-700 (*Minimum Requirements for a Compatibility Buffer*).
- (4) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line that is shared with a triggering property.
- (5) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line that is shared with a triggering property.
- (6) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (7) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.
- (8) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects may not be visible at the site's property line that is shared with a triggering property and shall be screened:
 - (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (b) mechanical equipment;
 - (c) outdoor storage;



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- (d) refuse receptacles and collection areas; or
- (e) common areas for amenities, including outdoor decks, patios, or pools.
- (9) The screening required in Subdivision (9) may not impede pedestrian or bicycle access points.
- (H) To preserve reserved dwelling units, an applicant must comply with Division 1 (*General Provisions*), Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Subsections (F) and (G).

PART 4. Chapter 25-8 (*Environment*) of City Code Title 25 is amended to add a new Subchapter C to read:

SUBCHAPTER C. COMPATIBILITY BUFFERS

§ 25-8-700 MINIMUM REQUIREMENTS FOR COMPATIBILITY BUFFERS.

- (A) This section applies to a site that is required to provide a compatibility buffer.
- (B) In this section,
 - (1) **PROPERTY LINE** means the property line that is shared with a triggering property; and
 - (2) **TRIGGERING PROPERTY** means a property that:
 - (a) includes at least one dwelling unit but less than four dwelling units; and
 - (b) is zoned Urban Family Residence (SF-5) or more restrictive
- (C) Except as provided in this section, a compatibility buffer may not include vertical structures.
- (D) A compatibility buffer shall include a screening zone and restricted zone.
 - (1) Screening Zone.



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- (a) The screening zone is parallel to the property line, begins at the property line, and extends ten feet into the property.
 - (b) At 25 linear feet intervals parallel to the property line that is shared with a triggering property, a screening zone must include a minimum of:
 - (i) 1 large or medium tree;
 - (ii) 1 small tree; and
 - (iii) 10 large shrubs.
 - (c) A pathway and gate to an adjacent property may be located within the screening zone.
 - (d) If a utility easement or utility infrastructure makes compliance with the requirements of this subsection impossible, a property complies with this subsection if the elements described in Subdivision (2) are included within the restricted use zone.
- (2) Restricted Zone.
- (a) The restricted zone is parallel to the property line, begins at the edge of the screening zone, and extends an additional 15 feet into the property.
 - (b) A restricted zone may include:
 - (i) landscaping or gardens;
 - (ii) fences, walls, or berms;
 - (iii) surface parking lots, driveways, alleys, or fire lanes;
 - (iv) paths, walkways, or public use trails;
 - (v) utility infrastructure
 - (vi) refuse receptacles; and
 - (vii) mechanical equipment.



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- (3) A compatibility buffer may include retaining walls and green stormwater infrastructure, including cisterns and rainwater capture systems.
- (E) In a compatibility buffer, vegetation must be:
 - (1) listed in Appendix N of the Environmental Criteria Manual; and
 - (2) irrigated, maintained, and certified in accordance with the Environmental Criteria Manual.
- (F) If a utility easement or utility infrastructure makes compliance with the requirements of this section impossible, an applicant may request alternative methods of compliance.
- (G) Nothing in this section requires an applicant to remove healthy and existing vegetation located within the screening zone.

PART 5. Rezoning Initiated.

- (A) This part applies to a property:
 - (1) rezoned to allow for one or more VMU buildings after June 10, 2022, but before February 29, 2024; or
 - (2) that was the subject of a site plan or building permit application that relied on an ordinance described in (2) and the application was submitted after June 20, 2022, but before December 11, 2023.
- (B) City Council initiates rezoning of property that was impacted when Ordinance No. 20220609-080, Ordinance No. 20221201-056, and Ordinance No. 20221201-055 were invalidated.
- (C) By initiating rezoning for the properties described in (1), the City Council waives fees only. An applicant must submit an application to request to rezone a property to the DB90 combining district. Nothing in this part commits the Council to adopt a rezoning described in this ordinance.
- (D) This part expires on December 31, 2024.



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PART 6. This ordinance takes effect on March 11, 2024.

PASSED AND APPROVED

_____ February 29 _____, 2024

§ *Kirk Watson*
§ _____
§ _____

Kirk Watson
Mayor

APPROVED: *Al*
_____ Anne L. Morgan
City Attorney

ATTEST: *Myrna Rios*
_____ Myrna Rios
City Clerk