

## ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0059 – 1809 W. 35<sup>th</sup> Street

DISTRICT: 10

ADDRESS: 1809 West 35<sup>th</sup> Street

ZONING FROM: LO-MU-CO-NP

TO: LO-MU-CO-DB90-NP

SITE AREA: 0.27 acres

PROPERTY OWNER: MEA Real Estate Ventures, LLC (Mehrdad Ebrahimi)

AGENT: Thrower Design LLC (Ron Thrower and Victoria Haase)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant limited office district - mixed use – conditional overlay - density bonus 90 - neighborhood plan (LO-MU-CO-DB90-NP) combining district zoning.**

**The Conditional Overlay require compliance with the following regulations:**

- 1) For any commercial permitted uses on the Property that include an outdoor seating area elevated above one story or 15 feet as measured from ground level, the elevated seating area is limited to 2,500 square feet. This condition shall not apply to residential uses.**
- 2) A 5-foot wide vegetative buffer shall be provided and maintained along the south property lines. Any trees planted in the vegetative buffer shall be compatible with utilities and have a spacing of 20 feet. Improvements permitted within the vegetative buffer area are limited to drainage, underground utility improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**May 28, 2024:** *TO GRANT LO-MU-CO-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.*

*[F. MAXWELL; A. WOODS – 2<sup>ND</sup>] (10-0) G. COX, P. HOWARD, A. PHILLIPS – ABSENT*

**May 14, 2024:** *APPROVED STAFF POSTPONEMENT TO MAY 28, 2024, BY CONSENT.*

*[A. AZHAR; A. HAYNES -2<sup>nd</sup>] (9-0) P. HOWARD, J. MUSHTALER, R. JOHNSON,  
A. WOODS – ABSENT*

**CITY COUNCIL ACTION:**

**August 29, 2024:** *APPROVE NEIGHBORHOOD POSTPONEMENT REQUEST TO  
SEPTEMBER 12, 2024, ON CONSENT.*

*[J. VELA; Z. QADRI - 2<sup>nd</sup>]; (9-0), A. ALTER - OFF DAIS, N. HARPER-MADISON -  
ABSENT.*

**July 18, 2024:** *APPROVE STAFF POSTPONEMENT TO AUGUST 29, 2024, CITY  
COUNCIL, ON CONSENT.*

*VOTE: [Z. QADRI; R. ALTER – 2<sup>ND</sup>] (11-0)*

**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 a rezoning application to request the -DB90 combining district, in order for the City to continue review of site plan.

Signatures of adjacent property owners have been submitted in response to the above referenced rezoning case, opposing a rezoning of the property to anything other than DB-90, density bonus 90 combining district zoning. The petition includes 33.9% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials and comment response forms are located at the end of the Staff report.

**CASE MANAGER COMMENTS:**

The subject property is located on the south side of West 35th Street between Oakmont Boulevard and Jefferson Street, which is a Core Transit Corridor. The property is currently developed with a retail store and one residential unit. Properties to the west are developed with personal services and retail (LR-NP). East of the property are a mix of personal repair services, medical offices, multifamily and financial services (LR-NP; LO-NP; CS-NP). South of the rezoning tract is a residential neighborhood zoned SF-3-NP. Across West 35th Street to the north are properties developed with personal services, retail, medical office, multifamily and retail land use (LO; LR; and MF-3).

***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The applicant is requesting limited office – mixed use – conditional overlay - density bonus 90 - NP (LO-MU-CO-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 10 residential units.

The conditions establishing development regulations in the Conditional Overlay for case number C14-2022-0021, which rezoned the site from LR-NP to LO-MU-CO-NP per Ordinance No. 20200901-114, are recommended to be maintained in this new rezoning.

A development utilizing the “density bonus 90” incentives is permitted with a base LO district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 70 feet in the LO district (40 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.

The site plan for this property is currently under review pursuant to an Ordinance which was subsequently invalidated by Court ruling. This current request for the -DB90 combining district continues to align with City objectives to increase density and affordability in exchange for relaxed development standards.

#### 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 the Residential in Commercial program, permitting residential uses within commercial districts. This request is consistent with the

density bonus option in that program and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated density bonus option.

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

Limited Office (LO) district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

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.

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.

The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-MU-CO-NP	Retail- limited, Single family residential
<i>North</i>	LO, LR, MF-3	Personal services, Retail- limited, Medical office, Multifamily residential
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	LR-NP, LO-NP, CS-NP	Personal repair services, Medical office, Multifamily residential, Financial services
<i>West</i>	LR-NP	Personal services, Retail-limited

NEIGHBORHOOD PLANNING AREA: Central West Austin Combined (Windsor)

WATERSHED: Shoal Creek - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Bryker Woods Elementary School    O Henry Middle School    Austin High School

COMMUNITY REGISTRY LIST:

West Austin Neighborhood Group	Homeless Neighborhood Association
Bryker Woods Neighborhood Association	Oakmont Heights Neighborhood Association
Austin Neighborhoods Council	Austin Independent School District
Preservation Austin	Friends of Austin Neighborhoods
Shoal Creek Conservancy	
Bull Creek Road Coalition	
Neighborhood Empowerment Foundation	
Central West Austin Combined Neighborhood Plan Contact Team	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2022-0021 – 1809 W 35 <sup>th</sup> St	LR-NP to LO-MU-NP	To Grant LO-MU-NP	Apvd LO-MU-CO-NP, with conditions regulating development (9/1/2022)
C14-2021-0137 – 3427 Jefferson Street	LR-NP to CS-NP	To Grant CS-CO-NP w/CO for list of prohibited uses	Apvd CS-CO-NP as Commission recommended, with enhanced streetscape standards (3-24-2022).
C14-96-0069 Kerbey Lane Village 1507-1513 W 35 <sup>th</sup> St	From SF-3 to GR	To Grant GR-MU-CO: no vehicle access to Kerby Lane; max 2,000 vpd; Site Development Stds per “LR” district; Cond. & Prohibited uses	Apvd. 08/15/1996 Ord.# 960815-B
C14-2019-0163 3405 Glenview Ave	Rezone 0.1791 ac from NO-NP to LO-NP	To Grant	Apvd. 03/12/2020 Ord.# 20200312-058

RELATED CASES:

Site Plan - SP-2023-0469C – submitted November 17, 2023, and on hold/under review

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

1809 W 35TH STREET. C14-2024-0059. Project: 1809 W 35th Street Rezoning. Central West Austin Combined Neighborhood Plan. FLUM: Neighborhood Mixed Use. 0.27 acres from LO-MU-CO-NP to LO-MU-DB90-CO-NP. Existing: 1 residential unit and 2,403 sf of retail. Proposed: 12 multifamily 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
<b>Complete Community Measures *</b>	
Y	<b>Imagine Austin Growth Concept Map:</b> 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. <b>Names of Activity Centers/Activity Corridors/Job Centers *:</b> <ul style="list-style-type: none"> <li>• <b>Adjacent to 35<sup>th</sup>/38<sup>th</sup> Activity Corridor</b></li> </ul>
Y	<b>Mobility and Public Transit *:</b> Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> <li>• <b>0.01 miles to bus stop along W 35<sup>th</sup> St</b></li> </ul>
Y	<b>Mobility and Bike/Ped Access *:</b> Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> <li>• <b>Sidewalk present along W 35<sup>th</sup> St</b></li> </ul>
Y	<b>Connectivity, Good and Services, Employment *:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access *:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education *:</b> Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> <li>• <b>0.3 miles to Bryker Woods Elementary School</b></li> </ul>
Y	<b>Connectivity and Healthy Living *:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> <li>• <b>0.4 miles to Seider Springs Greenbelt</b></li> </ul>
Y	<b>Connectivity and Health *:</b> 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"> <li>• <b>Health options provided in near proximity along N Mopac Expy, W35th and along Jefferson St</b></li> </ul>
Y	<b>Housing Choice *:</b> 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	<b>Housing Affordability *:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	<b>Mixed use *:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy *:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.

	<b>Creative Economy:</b> Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> 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.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
9	<b>Number of “Yes’s”</b>

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 Shoal 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.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, LO-MU-DB90-NP, 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: thomas.rowlinson@austintexas.gov. At the applicant’s request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

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

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

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

This site is in the Windsor Road Neighborhood Plan

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W 35th St. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

<b>Name</b>	<b>ASMP Classification</b>	<b>ASMP Required ROW</b>	<b>Existing ROW</b>	<b>Existing Pavement</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
W. 35 <sup>th</sup> St	Level 3	80'	65.6'	44'	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](mailto:ser@austintexas.gov).

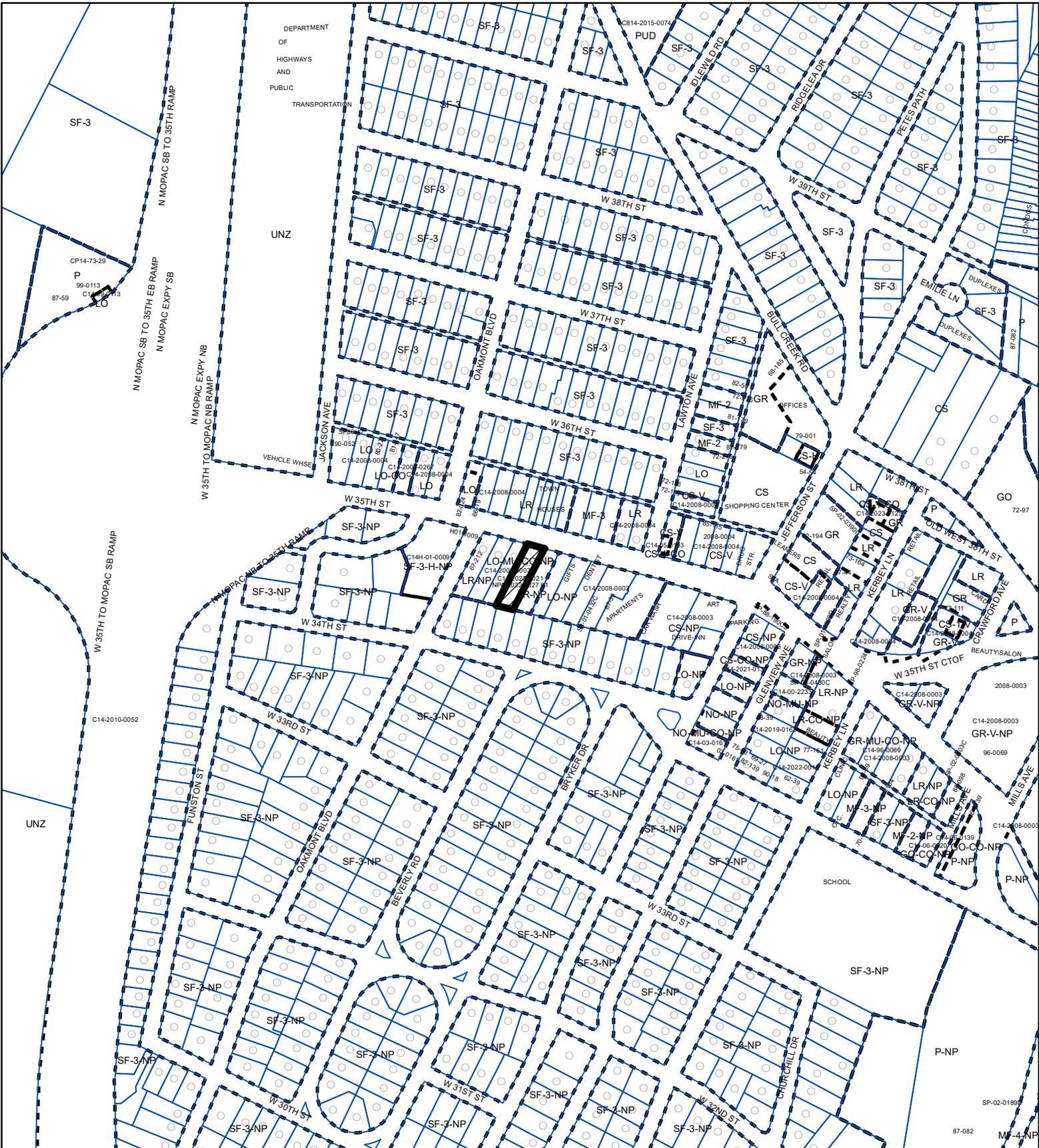
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter, including amendments

Public Correspondence



**ZONING**

ZONING CASE#: C14-2024-0059



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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

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

1" = 400'

Created: 4/12/2024



### 1809 W 35th Street Rezoning

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

**CASE#:** C14-2024-0059  
**LOCATION:** 1809 W 35th St  
**SUBJECT AREA:** 0.27 Acres  
**GRID:** H25  
**MANAGER:** Marcelle Boudreaux



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**Created: 5/3/2024**

May 21, 2024

Ms. Lauren Middleton-Pratt, Director  
Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street  
Austin, Texas 78702

RE: DB90 Overlay and 1809 W. 35<sup>th</sup> Street

Dear Ms. Middleton-Pratt,

On behalf of our client, MEA Real Estate Ventures, LLC, we submit an amendment to the rezoning application C14-2024-0059, in which we are no longer requesting a waiver to Section 25-2-652(F)(3)(b) that requires pedestrian oriented uses because it is our understanding that this site does not qualify for the waiver based on this portion of W. 25<sup>th</sup> Street being a Core Transit Corridor. The matter remains extremely problematic due to the insufficient amount of street frontage for this site to accommodate driveway access, etc. Therefore, we will look to remedy the matter in other ways.

Sincerely,



A. Ron Thrower

April 26, 2024

Ms. Lauren Middleton-Pratt, Director  
Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street  
Austin, Texas 78702

RE: DB90 Overlay and 1809 W. 35<sup>th</sup> Street

Dear Ms. Middleton-Pratt,

On behalf of our client, MEA Real Estate Ventures, LLC, we submit an amendment to the rezoning application C14-2024-0059. After receiving clarification from City Staff regarding the application of the DB90 Overlay with regards to the requested CO the proposes to limit height of structures on the property to no greater than 39.95 feet, we are no longer seeking this Conditional Overlay.

The CO adopted per Ord. 20220901-114 remains in-tact.

Please let us know if you have any questions.

Sincerely,



A. Ron Thrower

March 28, 2024

Ms. Lauren Middleton-Pratt, Director  
Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street  
Austin, Texas 78702

RE: DB90 Overlay and 1809 W. 35<sup>th</sup> Street

Dear Ms. Middleton-Pratt,

On behalf of our client, MEA Real Estate Ventures, LLC, we respectfully request a city-initiated rezoning of the Property to add the DB90 overlay to the existing base zoning district. Pursuant to Ordinance 20240229-073, adopted by the Austin City Council on February 29, 2024, with an effective date of March 11, 2024, the City of Austin is directing additional housing development in areas of Austin where appropriate through the DB90 Overlay. Our position is that this project meets the requirements to receive the DB90 Overlay and to **initiate this rezoning endeavor at no cost to the landowner, per conversations with Ms. Joi Harden**. Attached you will find an application for the rezoning, along with a tax certificate and other requisite materials to initiate this rezoning request.

The existing zoning of the property, according to the Property Profile viewer, is LO-MU-NP. However, Ordinance 20220901-114 (attached) includes two Conditional Overlays and therefore the zoning should be labeled as LO-MU-CO-NP. The request herein is to pursue a rezoning on the property to LO-MU-CO-DB90-NP.

A Site Plan was submitted with a Withdraw and Resubmit request under Case SP-2023-0469C on November 17, 2023. This Site Plan is specific to have taken use of the Density Bonus provisions of Ordinance 20221201-055, commonly known as Residential in Commercial, and, Ordinance 20221201-056, commonly known as Corridor Overlay, to allow for unlimited units with

the waiving of site area density limitations as well as some slight relaxations of the Compatibility Standards. As you are aware, Ordinance 20221201-055 and ordinance 20221201-056 were two of three Density Bonus Programs overturned by a Judge based on a lawsuit that was filed by a group of Austin residents. Ordinance 20240229-073 (the DB90 Ordinance) specifically allows for projects that had started under one of those three Density Bonus Programs that were subsequently overturned to qualify as a rezoning request with fee waivers to the landowner upon filing of a rezoning request to include DB90. Obviously, this project was impacted by the overturning of the Residential in Commercial Ordinance. This is specifically reflected in the DB90 Ordinance under Part 5 Rezoning Initiated.

The filed Site Plan is a residential only development with 10 units that could not be achieved without a Density Bonus program being available. The intent of the site plan will not change with the granting of a rezoning to allow for DB90 as an Overlay to the base zoning district.

To be clear, there were a lot of negotiations with the neighborhood with the rezoning request in 2022 that resulted in a Private Restrictive Covenant that will remain intact. While the City of Austin will not enforce those regulations, we are acknowledging to the public that there is not any pursuit to modify or terminate the provisions of that private RC. Separately, we are requesting to add a Conditional Overlay limiting height to 39.95 feet.

Further, under Section 25-2-652(F)(3) within the DB90 Ordinance, there is a Mix of Uses requirement related to DB90 projects. While a mix of uses certainly makes for an active street, not all properties can have a mix of uses for varying reasons. Pursuant to Section 25-2-652(F)(3)(e), the rezoning to add DB90 can modify Section 25-2-652(F)(3)(b) that requires the Pedestrian Oriented uses along certain Principal Streets. In this case, the project is located on an Urban Roadway which is a qualifying Principal Roadway to waive the requirement. Justification to waive the requirement is that the property is very narrow and with the placement of a driveway into the property, there is very little opportunity to add ground-level Pedestrian Oriented uses without a significant impact on the density of the residential units. Other larger area properties are better suited with greater frontages on the roadway to provide for the mix of uses envisioned with the DB90 intent.

For all the reasons here, we submit the rezoning request to add the DB90 Overlay, respectfully request fee waivers for the rezoning of the property to add the DB90 Overlay, remove an existing Condition of zoning, and waive the requirement for the mix of uses.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

Case Number:  
**C14-2024-0059**

# PETITION

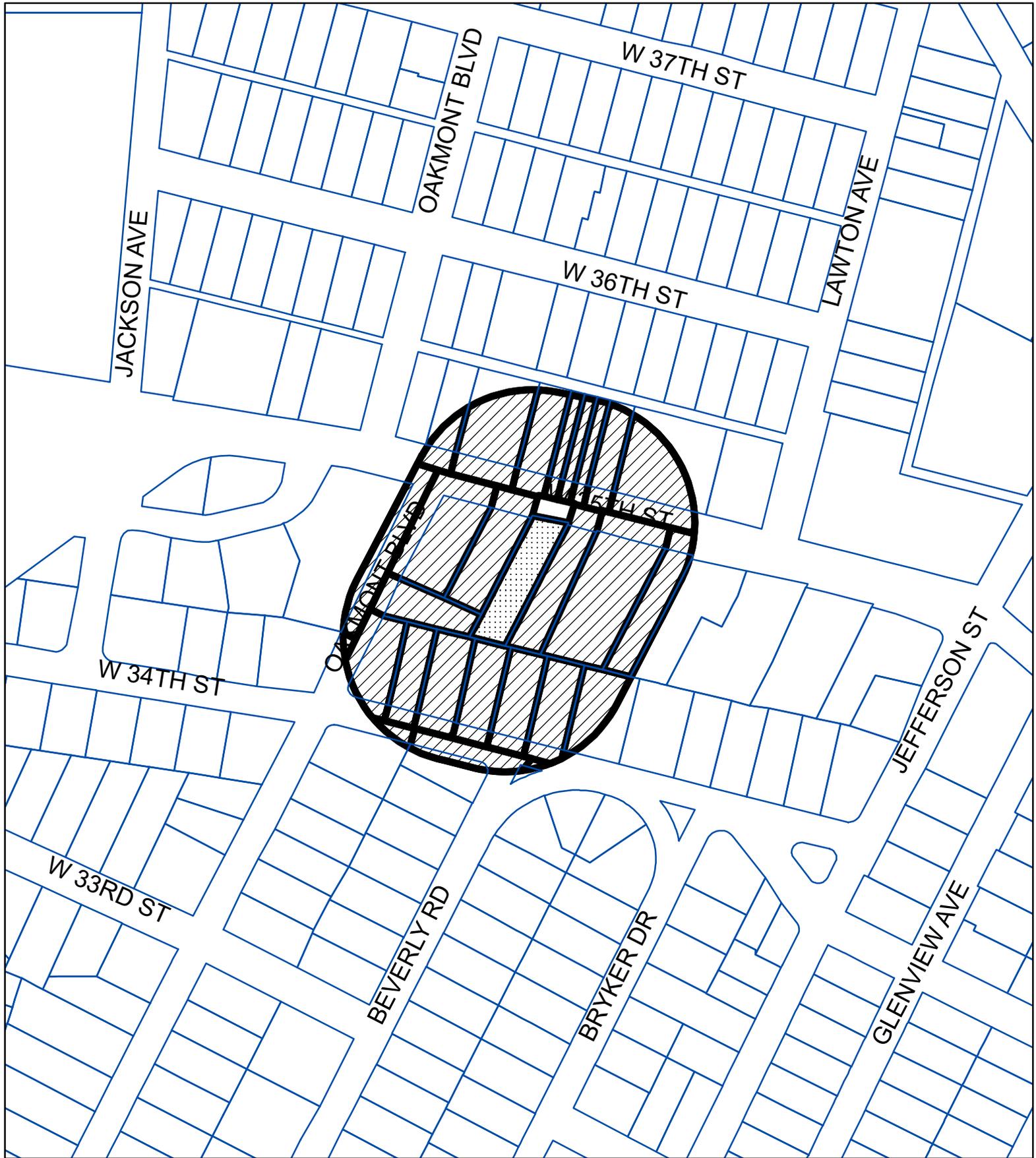
Date: 8/28/2024

Total Square Footage of Buffer: 236477.5209

Percentage of Square Footage Owned by Petitioners Within Buffer: 33.90%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0120010925	1804 W 34 ST 78703	ALLDREDGE MICHELLE ANN	yes	10184.36	4.31%
0120010930	3405 OAKMONT BLVD 78703	ARMSTRONG KATHARINE	yes	8807.29	3.72%
0120010923	1800 W 34 ST 78703	BALAKA GERALD J	yes	9780.01	4.14%
0120010932	1811 W 35 ST 78703	BESTIES LLC	no	13090.64	0.00%
0120010921	1714 W 34 ST 78703	BLOEDE FORREST D & JESSICA B	yes	7514.23	3.18%
0120010904	1807 W 35 ST 78703	BRADY BETTY R	no	12493.87	0.00%
0120010924	1802 W 34 ST AUSTIN 78703	CARTWRIGHT ROBERT & LARISSA	yes	9304.21	3.93%
0120010907	1801 W 35 ST 78703	CULVER JOAN JOHNSON	no	11001.15	0.00%
0122000123	1812 W 35 ST 78703	DALLAS GEORGE W III	no	3572.36	0.00%
0122000118	1818 W 35 ST 78731	GTT 1818 LP	no	14316.38	0.00%
0120010604	1901 W 35 ST 78703	HARRIS AUGUST W III	no	10505.78	0.00%
0120010922	1716 W 34 ST 78703	HASSACK STEVEN BRADLEY & KACY GREEN	yes	9784.49	4.14%
0120010927	3401 OAKMONT BLVD AUSTIN 78703	LUNDBERG JAMES R & SALLY A	yes	10540.76	4.46%
0120010926	1806 W 34 ST 78703	MAY JONATHAN & MICA	yes	7787.93	3.29%
0120010813	3312 BEVERLY RD 78703	MOODY EDWARD & ACIA CAGLE MOODY	yes	6473.07	2.74%
0120010806	3311 OAKMONT BLVD 78703	NAUMANN RUSSELL DAVID & ISABEL OLIVER HARING	no	1276.54	0.00%
0122000124	1812 1/2 W 35 ST 78731	SCHIEFFER RICHARD A & PAT H	no	3613.87	0.00%
0122000119	1820 W 35 ST 78731	SERETTI JULIO IKE	no	3700.21	0.00%
0122000113	1808 W 35 ST 78703	STATE STREET APARTMENTS LLC	no	15550.79	0.00%
0122000122	1810 1/2 W 35 ST 78703	TODD SHELLEY ERWIN & MICHAEL COLEMAN BLACK	no	3602.00	0.00%
0122000121	1810 W 35 ST 78703	VALLIS DARRIN T & LITA K	no	6753.64	0.00%
0120010931	1815 W 35 ST 78703	VTF HOLDING LLC	no	18892.60	0.00%
0122000125	1814 W 35 ST 78703	WATERS JAMES R	no	8637.50	0.00%
0120010908	1721 W 35 ST 78703	ZAHNARZT PROPERTIES LLC	no	75.87	0.00%
0120010905	1805 W 35 ST 78703	ZVONEK RAY ANTHONY	no	26446.12	0.00%
<b>Total</b>				<b>233705.68</b>	<b>33.90%</b>



-  BUFFER
-  PROPERTY\_OWNER
-  SUBJECT\_TRACT

## PETITION

Case#: C14-2024-0059

1" = 200'

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.



PETITION

File Number: C14-2024-0059

Address of Rezoning Request: - 1809 W. 35th Street

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, protest against any change of the Land Development Code that would zone the property to include a DB90 combining district. DB90 is the only zoning change requested. Accordingly, we object to any change in the current zoning.

As part of an earlier zoning change, the applicant previously agreed to restrict the height of structures on this property to 40 feet, which is consistent with what he intends to build, and that restriction is on file in the deed records. Because a DB90-sized building is inappropriate at this location, inconsistent with the neighborhood plan, conflicts with the 40ft height in the restrictive covenant, and is unnecessary for the applicant's project (described as three stories and all residential), we protest the addition of DB90.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

*Katharine Armstrong*

Katharine Armstrong

3405 Oakmont Blvd  
Austin 78703

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Signature

Printed Name

Address

~~Sally A. Lundberg SALLY A. LUNDBERG 3401 OAKMONT BLVD~~

Sally A. Lundberg SALLY A. LUNDBERG 3401 OAKMONT BLVD

MICHELLE ALDREDGE MICHELLE ALDREDGE 1804 W 34TH ST.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Gerald J Balaka	1800 West 34th Street Austin TX 78703

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PETITION

File Number: C14-2024-0059

Address of Rezoning Request: - 1809 W. 35th Street

To: Austin City Council

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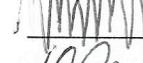
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	Brad Hassack	1716 W. 34 <sup>th</sup> ST Austin, TX 78703
	Forrest Bloede	1714 W. 34 <sup>th</sup> Austin, TX 78703
	Edward Moody	3312 Beverly Austin 78703
	MICA MAY	1906 W 34 <sup>th</sup> St Austin TX 78703
	ROBERT CARKWILER	1802 W 34 <sup>th</sup> ST AUSTIN, TX 78703
	Harrison West	1711 W 34 <sup>th</sup> St. Austin, TX 78703

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## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Joi Harden, Zoning Officer  
Planning Department

**DATE:** July 16, 2024

**SUBJECT:** DB90 cases – Postponement to August 29, 2024, City Council  
Postponement request by Staff

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Staff is requesting a postponement from July 18, 2024, City Council, to the August 29, 2024, City Council meeting, of all rezoning and neighborhood plan amendment cases requesting density bonus 90 (DB90) combining district zoning. The purpose of the postponements is to allow for City Council consideration of the rezoning cases, related neighborhood plan amendment cases, and Item #117 – Case Number C20-2024-011 (“DB90 code amendment”) at the same meeting. Staff recommends City Council consider the rezoning cases and the DB90 code amendment together so that any amendments made to DB90 are applied consistently to all properties with DB90 zoning. City Council approval of a rezoning case made prior to consideration of the DB90 code amendment may result in inconsistent regulations for properties zoned DB90. Staff has separately requested a City Council postponement of the DB90 code amendment to August 29. This postponement will provide time for Planning Commission to make a recommendation on the DB90 code amendment, which was postponed at Planning Commission on July 9, 2024, and is currently scheduled to be considered by Planning Commission on July 23, 2024.

### Rezoning and NPA Cases:

7/18 CC Agenda Item #	Case number
133	C14-2024-0061
134	C14-2024-0059
136	NPA-2024-0030.01
137	C14-2024-0033
141	NPA-2022-0005.01
142	C14-2022-0107
146	C14-2024-0039
147	C14-2024-0052
149	C14-2023-0131
154	C14-2024-0055
163	C14-2024-0042
171	NPA-2023-0025.01
172	C14-2024-0040

174	C14-2024-0044
175	C14-2025-0043
176	C14-2024-0038
177	C14-2024-0063
178	C14-2024-0073
179	C14-2024-0053
180	C14-2024-0070
181	C14-2024-0076
182	C14-2023-0110
183	NPA-2024-0016.01.SH
184	C14-2024-0019.SH

If you need additional information, please contact Joi Harden, at 512-974-1617.

**Joi Harden, Zoning Officer**  
**Planning Department**

cc: T.C. Broadnax, City Manager  
Veronica Briseño, Assistant City Manager

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive comment via QR code.  <https://bit.ly/ATZMeetingComments>

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendations to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further action is required.

During its public hearing, the City Council may grant or deny a zoning request or revise the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/development](http://www.austintexas.gov/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing and the Case Number and the subject person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2024-0499

Contact: Marcelle Boudreault, 812-954-8094

Public Hearings: May 14, 2024, Planning Commission

July 18, 2024, City Council

NICHELE ALDREDG

1804 WEST 34th STREET

MUNICIPALITY

Apex

Telephone (Optional)

Comments: NO. NO. NO!

Date

5/10/2024

THERE IS A RESIDENTIAL ZONING DISTRICT IN THIS AREA - COMMERCIAL DISTRICTS ARE NOT ALLOWED. SO BUFFER ALONG WITH PROBABLY TO OTHER ZONING STRUCTURES, ETC.

If you see this form to comment, it may be returned to:  
City of Austin, Planning Department

Marcelle Boudreault

P. O. Box 1080, Austin, TX 78767

Or email to:

[marcelle.boudreault@cityofaustin.gov](mailto:marcelle.boudreault@cityofaustin.gov)

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code: <https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2024-0059

Contact: Marcelle Boudreaux, 512-974-8094

Public Hearings: May 14, 2024, Planning Commission  
July 18, 2024, City Council

*Marcelle Boudreaux*  
Your Name (please print)

I am in favor  
 I object

Your address(es) affected by this application (optional)

Signature

Date

Daytime Telephone (Optional):

Comments:

To object. Most of West 35th is already very congested. Safety is a huge issue. Fiberoptic is a concern. How tall of a bldg is MEA building? What kind of parking to accommodate all of the cars by the bldg? Thanks to all the RETIS 7 City ATX is becoming unliveable. Now. Council

If you use this form to comment, it may be returned to:

City of Austin, Planning Department

Marcelle Boudreaux

P. O. Box 1088, Austin, TX 78767

Or email to:

[marcelle.boudreaux@austintexas.gov](mailto:marcelle.boudreaux@austintexas.gov)