

ZONING CHANGE REVIEW SHEET

CASE: **C14-2024-0145** – 518 N. Pleasant Valley

DISTRICT: 3

ADDRESS: 518 N. Pleasant Valley Road and 507 Calles Street

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

TO: CS-MU-V-DB90-NP

SITE AREA: 3.81 acres

PROPERTY OWNER: 507 Calles St. (Austin) Owner, LLC (Shaul Kuba)

AGENT: Armbrust & Brown PLLC (Richard T. Suttle, Jr.)

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 prohibits the following uses in the CS base zoning district: Adult-oriented businesses, Campground, Convenience storage, Exterminating services, Kennels, and Pawn shop services.

The Conditional Overlay makes conditional the following uses in the CS base zoning district: Automotive washing (of any type), and Commercial off-street parking.

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 10, 2024: APPROVED CS-MU-V-CO-DB90-NP AS STAFF RECOMMENDED, ON CONSENT. [A. AZHAR; A. WOODS – 2ND] 11-0, G. ANDERSON, C. HANEY - ABSENT

CITY COUNCIL ACTION:

January 30, 2025:

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 conditions establishing conditional and prohibited uses in the Conditional Overlay for case number C14-2023-0011 are continued to be recommended in this new rezoning. The conditional and prohibited uses were established for the site during the neighborhood plan rezonings.

Planning Commission Previous Action

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

[F. MAXWELL; A. AZHAR– 2ND] (11-0) N. BARRERA-RAMIREZ, P. HOWARD – ABSENT

City Council Previous Action

February 1, 2024: *Approved CS-MU-V-CO-NP combining district zoning as Planning Commission recommended, after Staff read CO into record.*

VOTE: 11-0.

Prior Rezoning Case C14-2023-0111

Ordinance No. 20240201-040 approved February 1, 2024

CASE MANAGER COMMENTS:

The 3.81 acres site is developed with an industrial building and fronts North Pleasant Valley Road to the east, which is an ASMP level 3 and Calles Street to the west, which is an ASMP level 1. To the south, the property is bounded by railroad tracks. To the north is the Govalle Shopping Center, bounded by Calles Street, E. 7th Street and N. Pleasant Valley Road, which is anchored by a HEB. Also to the north is a child care facility. (GR-NP; CS-MU-CO-NP). To the west and south are properties bounded by the railroad line, exhibiting industrial settings with commercial and industrial uses and some already demolished; these sites were all rezoned to CS-MU-V-CO-NP in the last few years, and one site subsequently to add the DB90 combining district. Across N. Pleasant Valley Road to the east are public library and warehouse and Capital Metro offices and service yard (P-NP).

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

This site is in a highly walkable and bikeable location, with grocery stores, restaurants, parks and educational facilities all within a short walk. A wide variety of daily needs can be reached within a 15-minute walk. The area is also rich in public transit assets which will be upgraded in the near future through Project Connect which anticipates the addition of Metro Rapid high frequency bus line along Pleasant Valley Road, and a Green Line rail stop at

Pleasant Valley Road.

The applicant is requesting general commercial services – density bonus 90 (CS-MU-V-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 330 residential units and pedestrian-oriented commercial or civic 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 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 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.

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

Staff recommends the Applicant's request as described above for CS-MU-V-CO-DB90-NP combining district zoning for the subject property based on the following considerations:

- 1) Recognizing the site's location on N. Pleasant Valley Road, which is an Imagine Austin Corridor, and proximity to the Plaza Saltillo Activity Center;
- 2) the existing pedestrian and bicycle connectivity;
- 3) number of units and housing choice that could be produced would suit a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint;
- 4) the prior rezoning to "VMU" zoning granted on the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-NP	Industrial warehouse building and associated parking
<i>North</i>	GR-NP; CS-MU-CO-NP	Commercial center with diverse uses including grocery store; Child care facility
<i>South</i>	CS-MU-V-CO-NP	Demolished (industrial warehouses)
<i>East</i>	P-NP; CS-NP	Government services (Capital Metro); Public library
<i>West</i>	CS-MU-V-CO-NP; CS-MU-V-CO-DB90-NP	Industrial (East Poultry); Repurposed industrial buildings to convenience, cocktail lounge, personal services

NEIGHBORHOOD PLANNING AREA: Holly Neighborhood Plan

WATERSHED: Boggy Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Govalle Elementary School

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Barrio Unido Neighborhood Assn., Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Greater East Austin Neighborhood Association, Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, Tejano Town, Buena Vista Neighborhood Association, Holly Neighborhood Association, Govalle/ Johnston Terrace NP Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0111 – 518 N Pleasant Valley Rd & 507 Calles St	LI-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP, with CO for certain prohibited and conditional uses recommended by Staff	Apvd CS-MU-V-CO-NP as Commission recommended (February 1, 2024).
C14-2024-0029 – 2706 Gonzales and 2730 E. 7 th Street DB90	CS-V-NP to CS-V-DB90-NP	To Grant CS-V-DB90-NP as Staff recommended (4/23/24)	Apvd CS-V-DB90-NP as Commission recommended (5/30/24)

C14-2024-0063 – 501 Pedernales DB90	CS-MU-V-CO- NP to CS-MU- V-CO-DB90-NP	To Grant CS-MU-V- CO-DB90-NP as Staff recommended (6/25/24)	Apvd CS-MU-V-CO- DB90-NP as Commission recommended (8/29/24)
C14-2020-0145 – 2700, 2716 and 2726 E. 5 th Street Zoning	CS-MU-CO-NP to CS-MU-V- CO-NP	To Grant CS-MU-V-CO-NP w/CO prohibiting campground, convenience storage, exterminating svcs, kennels, pawn shop svcs and adult oriented businesses, and establishing the following as conditional: auto washing (of any type) and commercial off street parking, as Staff recommended (3/9/21)	Apvd CS-MU-V-CO- NP as Commission recommended (6/10/21)
C14-2022-0112 – 2615 and 2617 E. 6 th Street	LI-CO-NP to CS-MU-V-NP	To Grant CS-MU-V- CO-NP, as Staff recommended (3/14/23)	Apvd CS-MU-V-CO- NP as Commission recommended (5/18/23)
C14-2023-0013 – 501 Pedernales	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V- CO-NP as Staff recommended (9/12/23)	Apvd CS-MU-V-CO- NP as Commission recommended (10/19/23)

RELATED CASES:

NPA-2023-0010.01 – Approved FLUM change from Industry to Mixed Use

C14-2023-0111 – Rezoned site to CS-MU-V-CO-NP

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 518 N PLEASANT VALLEY ROAD. C14-2024-0145. Holly NP. FLUM: Mixed Use. Project: 518 N. Pleasant Valley. 3.810 acres from CS-MU-V-CO-NP to CS-MU-V-DB90-NP. Existing: Office. Proposed: 330 Multifamily units. Demolition is proposed, affecting 0 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"> • Adjacent to Pleasant Valley Activity Corridor; Adjacent to Plaza Saltillo Neighborhood Center
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"> • 0.1 miles to bus stops along N Pleasant Valley Rd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along N Pleasant Valley Rd
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present along N Pleasant Valley Rd, E 5th St and E 7th St
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
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 Brooke 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"> • 0.3 miles to Parque Zaragoza Neighborhood Park
	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.1 miles to Austin Regional Clinic: ARC East 7th
Y	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
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"> • 0.2 miles to Cepeda Branch 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
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 Boggy 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 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 will be required, as well as any remaining fees in-lieu.

Parts of this tract are park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new residential units that will serve the development and neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection parallel to the tracks from Pleasant Valley to Calles St and/or land along Pleasant Valley, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: ann.desanctis@austintexas.gov. At the applicant’s request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

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

DB90 Rezoning

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

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

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 100 feet of right-of-way for N. Pleasant Valley Rd. It is recommended that 50 feet of right-of-way from the existing centerline should be dedicated for N. Pleasant Valley Rd. according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
N. Pleasant Valley Rd.	Level 3	100'	75'	42'	Yes	Yes	Yes

Austin Water Utility

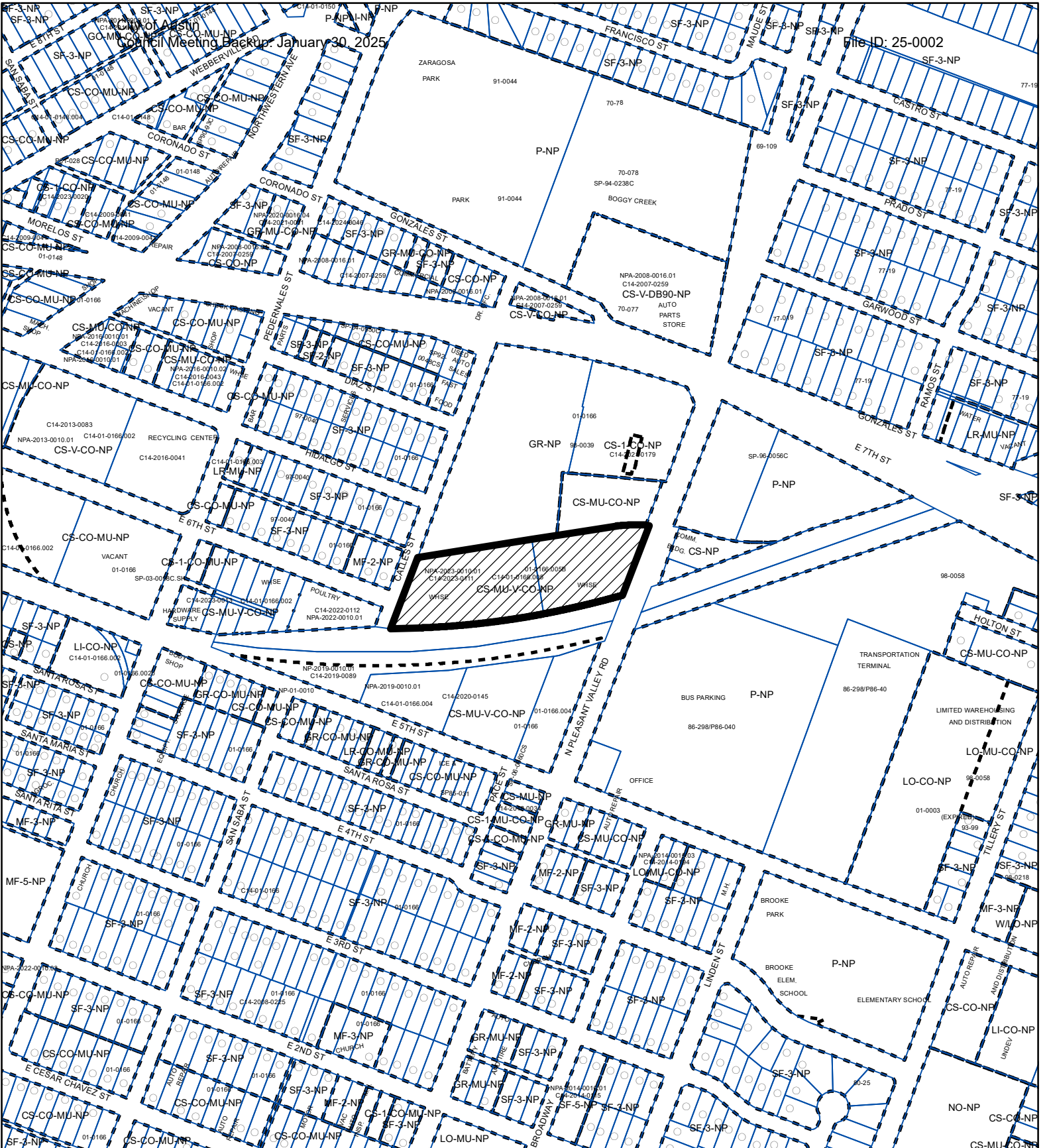
No comments on zoning change.

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:

- Exhibit A: Zoning Map
- Exhibit A-1: Aerial Map
- Exhibit B: Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2024-0145

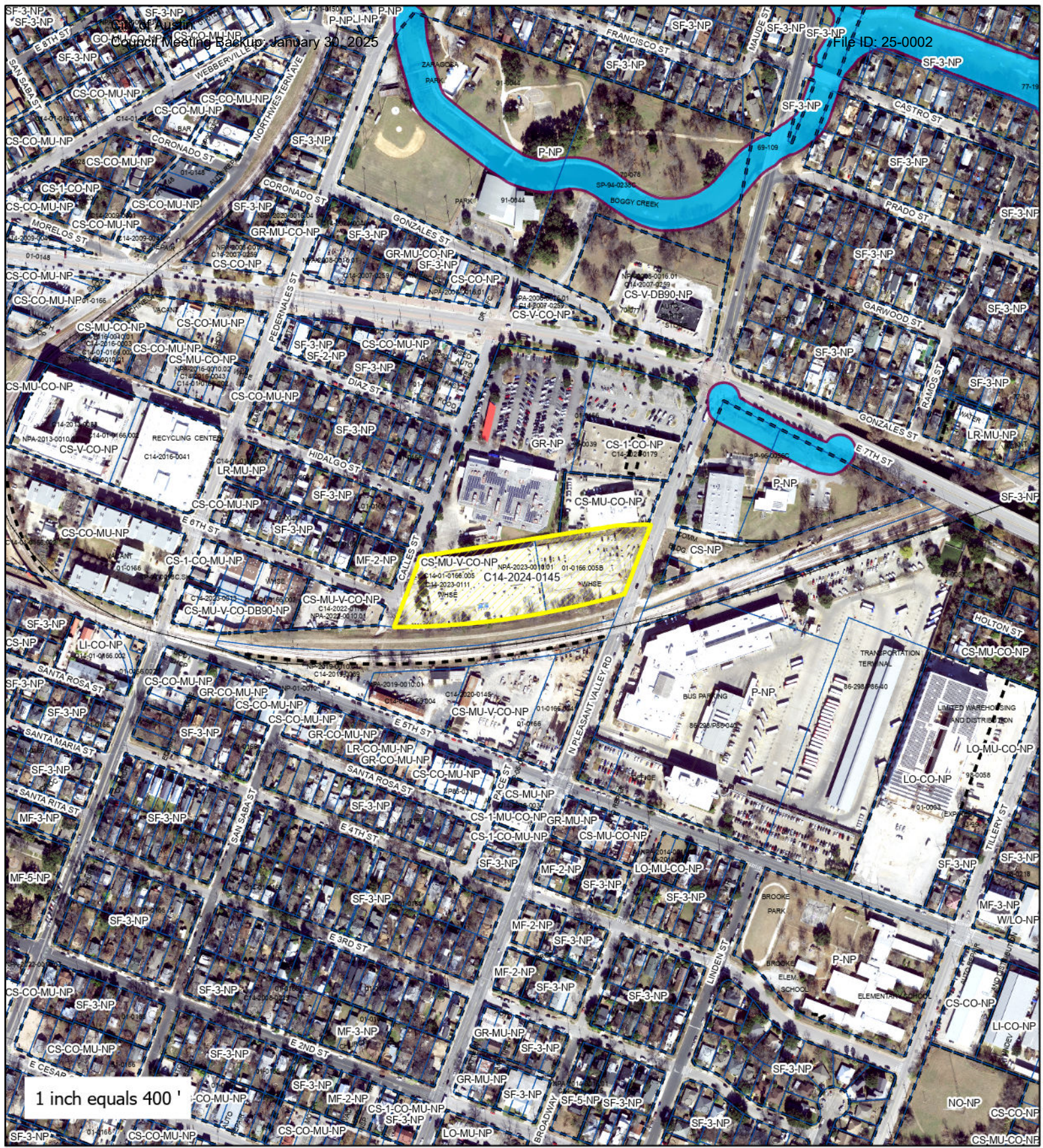

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

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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1 inch equals 400'



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

518 N. Pleasant Valley

ZONING CASE#: C14-2024-0145
 LOCATION: 518 N. Pleasant Valley
 507 Calles St.
 SUBJECT AREA: 3.81 Acres
 MANAGER: Marcelle Boudreaux



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ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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September 17, 2024

Lauren Middleton-Pratt, Director
Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Zoning Application for property located at 518 N. Pleasant Valley Road and 507 Calles Street, Austin, Texas, 78702, also known as TCAD Parcel No. 0203110801 (the "Application")

Dear Ms. Middleton-Pratt:

This letter is submitted on behalf of the owner in the above referenced Application. The area to be rezoned is comprised of a ±3.81 acre tract of land located at 518 N. Pleasant Valley Road and 507 Calles Street in Austin, Travis County, Texas (the "Property").

The Property is zoned General Commercial Services – Mixed Use – Vertical Mixed Use Building – Conditional Overlay - Neighborhood Plan Combining District ("CS-MU-V-CO-NP") and is currently developed with offices, art gallery, personal improvement services, warehouse, brewery, restaurant, and a surface parking lot. The proposed project will consist of a mixed-use development including multi-family residential and retail (the "Project").

This Application seeks to rezone the Property from CS-MU-V-CO-NP to General Commercial Services – Mixed Use – Vertical Mixed Use Building – Density Bonus 90 - Neighborhood Plan Combining District ("CS-MU-V-DB90-NP").

Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2310 or Kelly Wright at (512) 435-2364.

ARMBRUST & BROWN, PLLC
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Very truly yours,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Joi Harden
Maureen Meredith