

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0061– 2900 Oak Springs Rezoning

DISTRICT: 1

ADDRESS: 2900 Oak Springs Road

ZONING FROM: CS-MU-V-NP

TO: CS-MU-V-DB90-NP

SITE AREA: 2.06 acres

PROPERTY OWNER: 2900 Oak Springs Horizontal Investors, LP

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 general commercial services –mixed use – vertical mixed use building - density bonus 90 - neighborhood plan (CS-MU-V-DB90-NP) combining district zoning.

See details on recommendations on following pages.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 28, 2024: TO GRANT CS-MU-V-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED.

[R. JOHNSTON; A. AZHAR – 2ND] (11-0) P. HOWARD, A. PHILLIPS – ABSENT

MOTION TO HEAR ITEM MAY 28, 2024, PLANNING COMMISSION, AND DENY NEIGHBORHOOD POSTPONEMENT REQUEST TO JULY 23, 2024, PLANNING COMMISSION, PASSES

[G. ANDERSON; D. SKIDMORE – 2ND] (7-3) J. MUSHTALER – ABSTAINED; P. HOWARD, A. PHILLIPS – ABSENT

SUBSTITUTE MOTION TO POSTPONE ITEM TO JUNE 25, 2024, PLANNING COMMISSION, AND DENY NEIGHBORHOOD POSTPONEMENT REQUEST TO JULY 23, 2024, PLANNING COMMISSION, FAILS

[J. MUSHTALER; N. BARRERA-RAMIREZ – 2ND] (4-7) P. HOWARD, A. PHILLIPS – ABSENT

*SUBSTITUTE MOTION TO POSTPONE ITEM TO JUNE 11, 2024, PLANNING COMMISSION, AND DENY NEIGHBORHOOD POSTPONEMENT REQUEST TO JULY 23, 2024, PLANNING COMMISSION, FAILS
[N. BARRERA-RAMIREZ; G. COX – 2ND] (4-6) R. JOHNSTON – ABSTAINED; P. HOWARD, A. PHILLIPS – ABSENT*

CITY COUNCIL ACTION:

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

[J. VELA; Z. QADRI - 2nd]; (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 – 2ND] (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.

CASE MANAGER COMMENTS:

The site is located on the north side of Oak Springs Drive, in the middle of the block formed between Airport Boulevard and Ridgeway Dr/ Webberville Rd. within the Rosewood Neighborhood Plan area. The Property is currently a General warehousing and distribution use, including open air storage of stone.

To the north of the site is undeveloped land and apartments, with access to apartments from the north and east (Airport Boulevard). To the east is a Congregate living use (CS-MU-NP), and undeveloped land. Across Oak Springs Drive to the south are Cultural Uses (Willie Mae Kirk Library) and Public Primary educational facility (AISD) (MF-3-NP; P-NP). To the west are single family residences, and duplexes (SF-3-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The property is located within the Rosewood Neighborhood Plan Area, and is located within an area that was initiated by the City to zone certain tracts within the Neighborhood Plan area to accommodate the -V zoning district in 2010 (Ordinance No.

20100325-062). Further, a site plan was submitted on or around May 23, 2023, to utilize the “VMU2” density bonus option, and is currently on hold.

The applicant is requesting general commercial services– mixed use – vertical mixed use building - density bonus 90 – neighborhood plan (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 240 residential units.

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

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 rezoning this property to allow for dense residential development. This request is consistent with the VMU2 density bonus option and Ordinance No. 20240229-073, which replaced the invalidated options.

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.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-NP	General warehousing and distribution
<i>North</i>	MF-3-NP	Undeveloped land; apartments
<i>South</i>	MF-3-NP; P-NP	Cultural services; Apartments; Public primary educational facility
<i>East</i>	CS-MU-NP	Congregate living; Undeveloped land
<i>West</i>	SF-3-NP	Single family residences; duplexes

NEIGHBORHOOD PLANNING AREA: Rosewood

WATERSHED: Boggy Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Oak Springs Elementary Kealing Middle School Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Homewood Heights Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, Rosewood Neighborhood Plan Contact Team, Govalle/Johnston Terrace Neighborhood Plan Contact Team, Govalle Neighborhood Association, Guadalupe Neighborhood Development

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0070 – 3117-3121 E. 12 th Street	CS-MU-V-CO-NP to CS-MU-V-CO-DB90-NP	Pending	
C14-2022-0150 – 3117 & 3121 E. 12 th Street	CS-MU-V-CO-NP; CS-1-CO-NP and CS-CO-NP to CS-MU-V-CO-NP	To Grant CS-MU-V-CO-NP (5/23/2023)	Apvd CS-MU-V-CO-NP as Commission recommended (09-21-2023).
C14-2021-0125 – Austin Sports Facility – 1138 & 1140 Gunther St	SF-3-NP to CS-MU-CO-NP	Applicant withdrawal	N/A
C14-2015-0102 – 2612 Sol Wilson Drive	LR-MU-V-NP to CS-MU-CO-NP	To Deny (12/8/2015)	N/A
C14-2013-0055 – Airport Café – 1137 Airport Blvd	SF-3-NP to CS-MU-NP	To Grant CS-MU-CO-NP (8/13/2013), with conditions to prohibit certain land uses	Apvd CS-MU-CO-NP as Commission recommended (10/17/2013)

RELATED CASES:

Site Plan - SP-2023-0196C.SH – submitted on or around May 23, 2023 and on hold/ under review

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 2900 OAK SPRINGS DRIVE. C14-2024-0061. Rosewood NP. FLUM: Mixed Use. 2.06 acres from CS-MU-V-NP to CS-MU-DB90-NP. Existing:

warehouse (8,300 sf). Proposed: 240 residential units, restaurant, and general retail. 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"> • 0.15 miles west of Airport Blvd Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • 0.03 miles to bus stop along Oak Springs Dr
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk and bike lane present along Oak Springs Dr
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 Poco loco Supermercado
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.3 miles to Oak Springs 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 Oak Springs School 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"> • 0.3 miles to urgent care
Y	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use *: Provides a mix of residential and non-industrial uses.
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"> • 0.05 miles to Willie Mae Kirk 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
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

This site is located over the Edwards Aquifer Recharge Zone. The site is 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 for the new applicable uses proposed by this development, multifamily with CS-MU-V-DB90 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609, as amended.

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

A 25 foot compatibility buffer is required pursuant to the density bonus 90 program, LDC 25-2.

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for OAK SPRINGS DR. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for OAK SPRINGS DR 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)
OAK SPRINGS DR	Local Mobility - Level 2	72 feet	70 feet	43 feet	Existing 4 feet sidewalks	Bike Lane - Protected One-Way	Yes

Austin Water Utility

No comments.

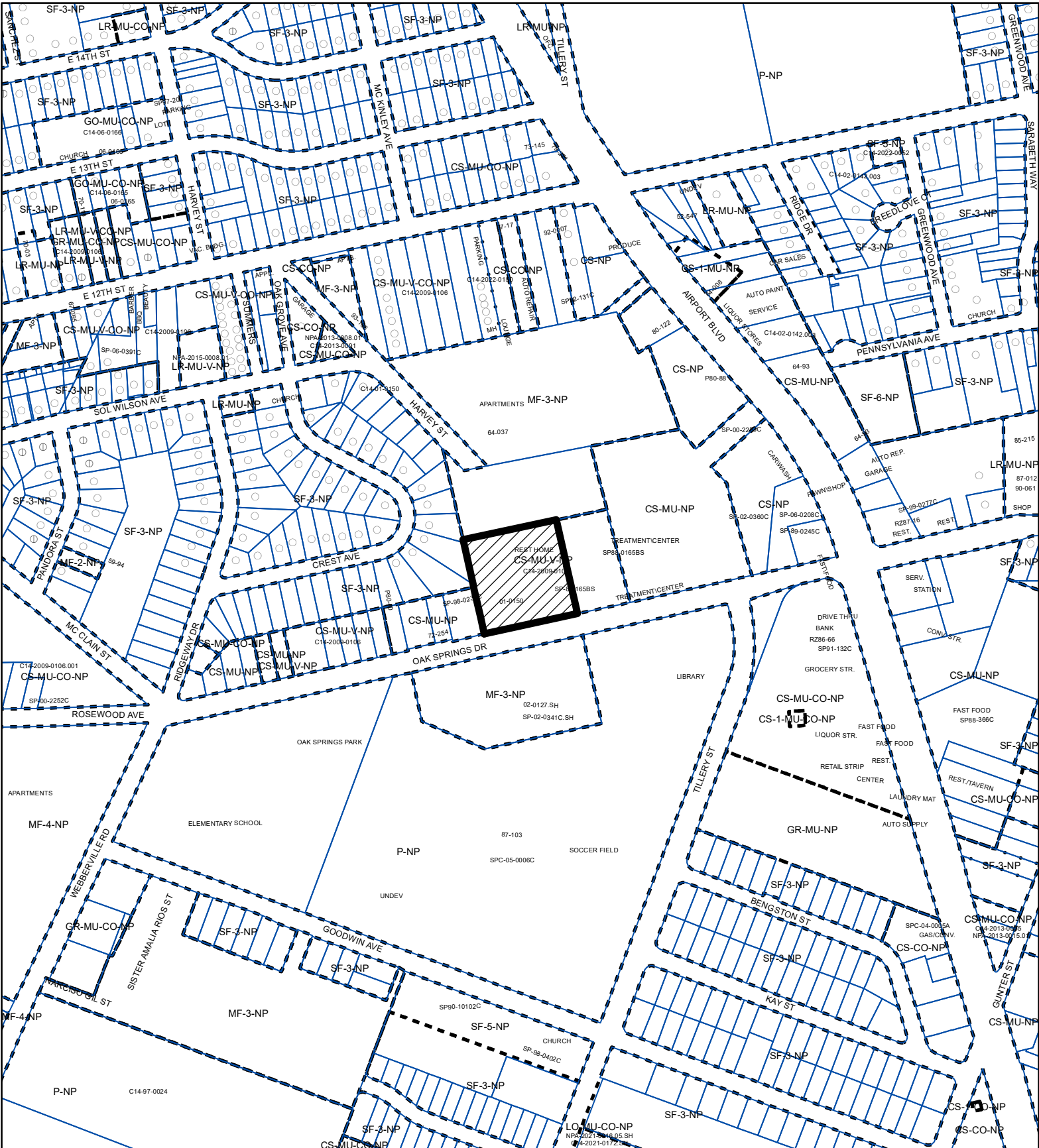
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter and amendment




Public Correspondence



ZONING

ZONING CASE#: C14-2024-0061



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

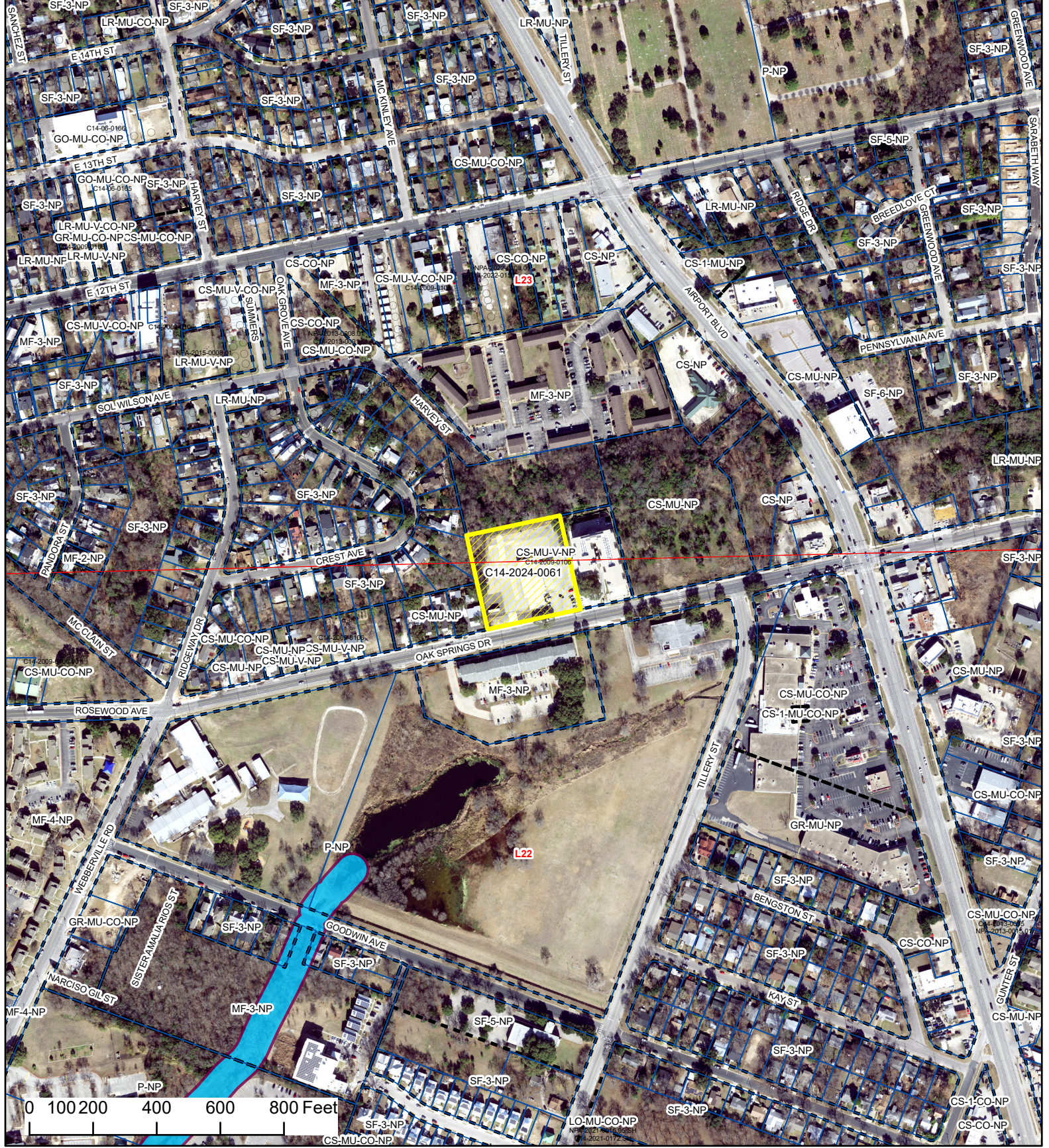
1" = 400'

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

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Created: 4/16/2024



2900 Oak Springs DB90

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

CASE#: C14-2024-0061
LOCATION: 2900 Oak Springs Dr
SUBJECT AREA: 2.06 Acres
GRID: L22
MANAGER: Marcelle Boudreaux



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Created: 5/22/2024

May 22, 2024

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

RE: DB90 Overlay and 2900 Oak Springs Drive, C14-2024-0061

Dear Ms. Middleton-Pratt,

On behalf of our client, 2900 Oak Springs Horizontal Investors, LP, we amend the rezoning application to no longer request a waiver to Section 25-2-652(F)(3)(b) that requires pedestrian oriented uses.

Sincerely,



A. Ron Thrower

April 26, 2024

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

RE: DB90 Overlay and 2900 Oak Springs Drive, C14-2024-0061

Dear Ms. Middleton-Pratt,

On behalf of our client, 2900 Oak Springs Horizontal Investors, LP, we amend the request for rezoning to retain the "-V-"overlay. Therefore, the amended request is CS-MU-V-DB90-NP. All other elements of the original request remain.

Please let us know if you have any questions.

Sincerely,



A. Ron Thrower

April 1, 2024

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

RE: DB90 Overlay and 2900 Oak Springs Drive

Dear Ms. Middleton-Pratt,

On behalf of our client, 2900 Oak Springs Horizontal Investors, LP, 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 CS-MU-V-NP and the request herein is to pursue a rezoning on the property to CS-MU-DB90-NP.

Site Plan SP-2023-0196C.SH was submitted on or around May 23, 2023 and is specific to have taken use of the Density Bonus provisions of Ordinance 20220609-080, commonly known as Vertical Mixed Use Ordinance or "VMU2" 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 20220609-080 was one 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 Vertical Mixed-Use Ordinance.

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 or should 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 – Oak Springs, which is a qualifying Principal Roadway to waive the requirement. The justification to waive the requirement is that this roadway is interior to a higher-traffic roadway, Airport Boulevard, where the level of commercial activation envisioned with DB90 may not be appropriate or successful. Instead, the landowner seeks flexibility to build additional residential units at the ground level.

For all the reasons here, we submit the rezoning request to add the DB90 Overlay, respectfully request fee waivers for the rezoning, 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



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

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



Eastside Guardians / East Austin Conservancy

P.O. Box 6462, Austin, Texas, 78762

(512) 262-9946

administrator@eastsideguardians.org

July 15, 2024

To Mayor Watson and Austin City Council Members:

I am writing on behalf of the East Austin Conservancy to request a neighborhood postponement of the following agenda items on the July 18, 2024 meeting agenda.

Item #133 – DB-90 Request; 2900 Oak Springs Dr.

Item #141 & #142 – DB-90 Request; 400 Vargas Rd.

Item #146 – DB-90 Request; 3020 E. Cesar Chavez St.

Item #149 – DB-90 Request; 2613 & 2619 E. 5th St.

Item #154 – DB-90 Request; E. 51st, E. 52nd, Cameron Rd., Lancaster Rd.

Item #177 – DB-90 Request; 501 Pedernales St.

Item #180 – DB-90 Request; 3117 & 3121 E. 12th St.

Item #182 – DB-90 Request; 1230, 1400, 1404 & 1406 E. 38 ½ St.

Item #183 & #184 – DB-90 Request; 4900 Gonzales St.

The community has been blind-sided on DB-90 because, for many years, an MU or VMU zoning change typically meant 60 feet in height. Also, VMU2 (the category that DB-90 is replacing and which it most closely mirrors) was limited to certain corridors and City staff and Planning Commission are now failing to respect these conventions that were collectively developed.

Historically, the City Council has granted at least one neighborhood postponement request as a standard practice. The granting of this small concession is critical, particularly at this moment in time, when there are at least 17 such DB-90 proposals in Central East Austin that are under consideration by Planning Commission and City Council. Please consider the individual context of each DB-90 case as well as the cumulative impact that all of these DB-90 proposals will have on the Eastside as these out of scale proposals begin to propagate.

Thank you in advance for your support and consideration of this request.

Sincerely,

Raul Alvarez

East Austin Conservancy

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.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

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 contact 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: C14-2024-0061
 Contact: Marcelle Boudreaux, 512-974-8094
 Public Hearings: May 28, 2024, Planning Commission
 July 18, 2024, City Council

Angela Galagher
 Your Name (please print) _____

3001 Oak Springs, Davis Austin Texas 78703
 Your address(es) affected by this application (optional) _____

I am in favor of I object

Angela Galagher _____ *05.23.24*
 Signature Date

Daytime Telephone (Optional): _____

Comments: *CDA Housing and Planning Department; CDA of Housing 57418.24*
Case # C14-2024-0061, A street corner
Boudreaux: I believe an apartment building classified as commercial/assisted living facility. Mixed Use Building must include a parking garage and not include a commercial structure.
Case # C14-2024-0061, A street corner

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

From: [Homewood Heights Neighborhood Association President](#)
To: [Funk, Elizabeth](#); [Harden, Joi](#); [Boudreaux, Marcelle](#); victoria@throwerdesign.com
Subject: Postponement Request C14-2024-0061 I
Date: Friday, May 24, 2024 3:23:02 PM

External Email - Exercise Caution

Attn: Elizabeth Funk, Joi Harden, Marcelle Boudreaux,

The Homewood Heights Neighborhood Association requests a postponement by right of rezoning case C14-2024-0061 for at least 60 days, to Planning Commission's 7/23/24 meeting.

Our neighborhood association has not had adequate time to study and discuss this zoning request and its potential impacts. The Notice of Filing was mailed less than a month ago, and the Notice of Public Hearing was mailed approximately a week ago. Many City staff are unavailable today and Monday due to the holiday weekend.

The Environmental subsection of the PC Staff report omits information required under LDC 25-8-121. This information must be included before Planning Commission deliberations.

City Council's 5/30/24 agenda indicates in Item 126 that DB90 -- the zoning requested by applicant -- is currently undergoing revisions that are not available to the public. Until that process concludes, neither the applicant nor the community can fairly discuss the impacts of this rezoning.

Additionally, city staff have been directed to study the feasibility of an Equity Overlay which applies to areas identified in the 2018 UT Uprooted Study as vulnerable to gentrification and displacement. The Homewood Heights Neighborhood is included as one of those vulnerable areas. Until that process concludes, neither the applicant nor the community can fairly discuss the impacts of this rezoning.

Thank you for your time. Please contact me if you require further information.

Christopher Page
President of the Homewood Heights Neighborhood Association
Personal Cell: [REDACTED]

email address corrected for Elizabeth Funk in this re-sent correspondence.

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For any additional questions or concerns, contact CSIRT
"cybersecurity@austintexas.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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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 contact 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: C14-2024-0061
 Contact: Marcelle Boudreaux, 512-974-8094
 Public Hearings: May 28, 2024, Planning Commission
 July 18, 2024, City Council

Lena Shaw
 Your Name (please print) _____
 I am in favor
 I object

1171 Datgrove Ave
 Your address(es) affected by this application (optional) _____
Lena Shaw
 Signature _____
5-25-24
 Date _____

Daytime Telephone (Optional): _____
 Comments: Am on a fixed income & this will make property taxes go up

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



Eastside Guardians / East Austin Conservancy

P.O. Box 6462, Austin, Texas, 78762

(512) 262-9946

administrator@eastsideguardians.org

August 25, 2024

To Mayor Watson and Austin City Council Members:

I am writing on behalf of the East Austin Conservancy to request a neighborhood postponement of the following agenda items on the August 29, 2024 meeting agenda.

Item #171 – DB-90 Request; 2900 Oak Springs Dr.

Item #177 & #178 – DB-90 Request; 400 Vargas Rd.

Item #181 – DB-90 Request; 3020 E. Cesar Chavez St.

Item #183 – DB-90 Request; 2613 & 2619 E. 5th St.

Item #184 – DB-90 Request; E. 51st, E. 52nd, Cameron Rd., Lancaster Rd.

Item #191 – DB-90 Request; 501 Pedernales St.

Item #194 – DB-90 Request; 3117 & 3121 E. 12th St.

Item #196 – DB-90 Request; 1230, 1400, 1404 & 1406 E. 38 ½ St.

Item #197 & #198 – DB-90 Request; 4900 Gonzales St.

The community has been blind-sided on DB-90 because it is being applied more broadly than VMU & VMU2 cases typically were typically. VMU cases & VMU2 cases (the category that DB-90 is replacing and which it most closely mirrors) was limited to certain corridors and City staff and Planning Commission are now failing to respect these previously conventions.

Furthermore, the rules that outline the parameters that apply to projects granted the DB-90 designation are on the same agenda on which the City is scheduled to vote on these 9 cases. Until the rules are adopted and understood by the Council and the public, no action should be taken on any DB-90 cases. This, too, is a good justification for a postponement in addition to the fact that neighborhoods are typically granted 1 postponement on a case.

An additional concern is that there are more than 20 active DB-90 cases in Central East Austin (D1 & D3). That is about half of all DB-90 cases. This disparate impact must be fully analyzed and policy measures that mitigate this disparate impact must be in place before the Council proceeds.

Thank you in advance for your support and consideration of this request.

Sincerely,

Raul Alvarez

East Austin Conservancy

From: [Homewood Heights Neighborhood Association President](#)
To: [Victoria](#)
Cc: [Boudreaux, Marcelle](#); [Harden, Joi](#); [Lawler, John](#); [Mays, Sharon](#); [Clerk, City](#); [Jane Rivera](#); [McKinley Heights](#)
Subject: Re: Postponement Request: C14-2024-0061– 2900 Oak Springs Rezoning
Date: Wednesday, August 28, 2024 1:25:08 PM

External Email - Exercise Caution

We're requesting our by-right postponement for the reasons already stated. International travel and personal availability or accessibility of interested parties is not within my control. The request is on their behalf.

Victoria, at your previous opposition, our community was wrongly denied this right, in violation of the city's procedural rules. We choose to exercise it now, and with good cause. You previously opposed by citing an 8/20/24 site plan expiration date, which we're now past, for reasons wholly unrelated to the Homewood Heights Neighborhood Association. The expired (or non-expired) site plan is outside the legal boundaries of a rezoning question. I didn't have questions for you about the DB90 ordinance, which COA is still working to define.

Respectfully,
Christopher Page
President of the Homewood Heights Neighborhood Association

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