

ZONING CHANGE REVIEW SHEET

CASE: **C14-2024-0038**– 2001, 2003, 2005, 2007 S. Lamar
DB90 Rezoning

DISTRICT: 9

ADDRESS: 2001, 2003, 2005 and 2007 South Lamar Boulevard

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

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

SITE AREA: 3.82 acres

PROPERTY OWNER: GDC-NRG South Lamar LLC (Adam Moore)

AGENT: DuBois Bryant & Campbell, LLP (David Hartman)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – vertical mixed use building – density bonus 90 (CS-V-DB90) combining district zoning on tracts 1, 3 and 4, and general commercial services – mixed use - vertical mixed use - conditional overlay building – density bonus 90 (CS- MU-V -CO-DB90) combining district zoning on tract 2.

The Conditional Overlay would continue to prohibit the following uses in the CS base zoning district: Adult oriented businesses, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Construction sales and services, Convenience storage, Equipment sales, Pawn shop services, Scrap and salvage services, Service station, and Vehicle storage.

PLANNING COMMISSION ACTION RECOMMENDATION:

May 14, 2024: APPROVED CS-V-DB90 ON TRACTS 1,3 & 4, AND CS-MU-V-CO-DB90 ON TRACT 2 COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.

[A. AZHAR; A. HAYNES -2nd] (8-0) A. HAYNES – ABSTAINED, P. HOWARD, J. MUSHTALER, R. JOHNSON, A. WOODS – ABSENT

CITY COUNCIL ACTION:

July 18, 2024

ORDINANCE NUMBER:

ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zoning district, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted a rezoning application to request the -DB90 combining district.

Further, the existing zoning of the 2003 South Lamar Boulevard parcel includes a Conditional Overlay (CO), which is being recommended for modification. In 2007, the parcel known as 2003 South Lamar Boulevard was rezoned to include a CO that is currently applicable to the 2003 South Lamar Boulevard parcel (case C14-06-0205). The CO for this 2007 rezoning case include a limitation that prohibited a project with greater than 2,000 vehicle trips per day and incorporated prohibited uses in the CS base district, including Adult oriented businesses, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Construction sales and services, Convenience storage, Equipment sales, Pawn shop services, Scrap and salvage services, Service station, and Vehicle storage. In general, the City’s Transportation and Public Works Department no longer supports vehicle trip caps as conditional overlays to zoning cases, though it will still be assessed for a site if requested or it seems warranted. The appropriate time to assess a site for transportation impact and mitigation is with the site plan application, when land use and intensity is known, and site access has been finalized. Therefore, for this current request to CS-MU-V-DB90-CO for the 2003 South Lamar Boulevard parcel, the recommendation is to maintain the use prohibitions in the CO, but to remove the limit on vehicle trips per day.

CASE MANAGER COMMENTS:

The subject rezoning area consists of 3.82 acres and is located at the south side of South Lamar Boulevard, an Imagine Austin corridor. Several existing buildings occupy the property, encompassing a variety of uses – retail stores, automotive repair and offices.

The subject properties are located along South Lamar Boulevard, and are surrounded by multifamily, mixed use and offices. To the north, the site has frontage on South Lamar Boulevard and is across from offices, restaurant, cocktail lounge and single family residences (CS, CS-1, SF-3). To the west are restaurants and offices (CS-V, CS-MU-CO, CS) and to the east are self storage, apartments and single family residences (CS, SF-6-CO, SF-3). To the south, across the railroad tracks, are offices and apartment (CS-NP, MF-3-NP, MF-4-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The applicant is requesting general commercial services – vertical mixed use building - density bonus 90 (CS-V-DB90) combining district zoning on tracts 1, 3 and 4 (approximately 2.83 acres) and general commercial services – mixed use - vertical mixed use building - density bonus 90- conditional overlay (CS-MU-V-DB90-CO) combining district zoning on tract 2 (approximately .99 acres) 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 375 residential units and potential mix of uses.

A development utilizing the “density bonus 90” incentives is permitted with a base CS district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements. There are two options for projects including rental units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

The property is located within the South Lamar Combined Neighborhood Plan Area (which has been suspended), and is located within an area that was initiated by the City to zone certain tracts within that Neighborhood Plan area to accommodate the -V zoning district in 2008 (Ordinance No. 20081016-049).

The site plan for this property was previously approved and released on November 11, 2023 pursuant to an Ordinance which was subsequently invalidated by Court ruling. The City previously undertook zoning of this property with the -V combining district during the Neighborhood Plan process. 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 vertical mixed-use buildings. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073, which replaced the invalidated “VMU2” option.

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

The general commercial services (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 (MU) combining district permits 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 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 the policy of locating retail and more intense zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The Property is located near multiple bus stops/routes, including a Metro-rapid route/stop. South Lamar Boulevard is an Imagine Austin Corridor, an ASMP Level 3 Street, an ASMP Transit Priority Network street, and a Core Transit Corridor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-V, CS-MU-V-CO	General Retail Sales, Auto Repair Services, Administrative and Business Offices
<i>North</i>	CS, CS-1, SF-3	Restaurant – General and Limited, Cocktail Lounge, Administrative and Business offices, Single family residential
<i>South</i>	CS-NP, MF-3-NP, MF-4-NP	Administrative and Business Offices, Multifamily residential
<i>East</i>	CS, SF-6-CO, SF-3	Convenience Storage, Multifamily residential, Single family residential
<i>West</i>	CS-V, CS-MU-CO, CS	Administrative and Business offices, Restaurant – General and Limited

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP Area (plan suspended)

WATERSHED: West Bouldin Creek - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District
Zilker Elementary O’Henry Middle

Austin High

COMMUNITY REGISTRY LIST:

Friends of Austin Neighborhoods
Bouldin Creek Neighborhood Plan Contact Team
Homeless Neighborhood Association
Bouldin Creek Zoning Committee
Neighborhood Empowerment Foundation
Bouldin Creek Neighborhood Association
South Central Coalition
TNR BCP – Travis County Natural Resources
South Lamar Neighborhood Association
Zilker Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0057 – 1215 West Mary Street	From CS, SF-3 to SF-3	To Grant SF-3	Apvd SF-3 as Commission recommended (7/28/2022)
C14-2017-0081 – 2005 South Lamar Boulevard	From SF-3 to CS-V	To Grant CS- V	Apvd CS- V as Commission recommended (9/28/2017)
C14-2017-0026 – Bouldin Creek Neighborhood Plan Garage Placement Zoning	To add the Garage Placement Design Tool to the planning area	To Grant the addition of Garage Placement Design Tool	Postponed indefinitely
C14-2015-0146 – 1402, 1412, 1414 W. Oltorf Street & 2043 South Lamar Boulevard	From CS, SF-3, CS- CO, CS-MU-V-CO to CS-MU-CO & CS-MU-V-CO	To grant CS-MU- CO & CS-MU-V- CO with conditions on prohibited uses, and RC for late hr alcohol sales, vegetative screening,	Apvd CS-MU-CO & CS-MU-V-CO with conditions as recommended by Commission (8/11/2016)

		impervious cover, prohibition of live music in certain portions, include tree plantings	
C14-2008-0060 - Zilker Vertical Mixed Use Building (V) Rezoning Opt-In/Opt Out Process	From CS, GR, CS-MU-CO to CS-V, GR-V, CS-MU-V-CO		Apvd (10/16/2008)

RELATED CASES:

Site Plan (SP-2021-0303C.SH) – approved November 17, 2023

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

2005, and 2007 S. Lamar DB90 Rezoning. Zilker Park NP. FLUM: N/A. 3.82 acres from CS-V, CS-MU-V-CO to CS-V-DB90, CS-MU-V-DB90. Existing: warehousing, office, realtor, antique, and auto repair. Proposed: 375 multifamily units mixed use, and proposes demolition of existing site. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073). Density Bonus 90 (DB90) 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 Lamar Boulevard 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"> • Adjacent to two bus stop along S Lamar BLVD, and 0.17 miles from a rapid bus stop
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 W Mary Street, with continuation along S Lamar BLVD, where an unprotected bike lane is present
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.5 miles from Zilker Elementary School, and Becker 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"> • 0.5 miles from Ricky Guerrero 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"> • Specialized outpatient care located in near adjacency along S Lamar BLVD
Y	Housing Choice * : Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use * : Provides a mix of residential and non-industrial uses.
Y	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> • 0.4 miles from Austin Public Library Twin Oaks Branch
	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
12	Number of "Yes's"

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

Fire Department

No comments.

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 was required with the site development permit SP-2021-0303C.SH.

The surrounding neighborhood area is currently park deficient, defined as being outside walking distance to existing parks. The site development permit provided a connection down to West Bouldin Creek and the Union Pacific railroad toward satisfying the requirement. Such a connection will improve neighborhood connectivity, and satisfy an acquisition need for West Bouldin Creek and the Union Pacific Railroad, a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Any remaining fees in-lieu shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

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.

The proposed zoning area is located within the South Lamar Combined NP Area (plan suspended).

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

Austin Transportation Department – Engineering Review

A transportation assessment/traffic Impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for S LAMAR BLVD. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for S LAMAR BLVD 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)
S LAMAR BLVD	Corridor Mobility - Level 3	116 ft	Varies: 89 ft to 155 ft	Varies: 69 ft to 79 ft	Incomplete 4 ft sidewalks	Shared lane (on-street)	Yes

Austin Water Utility

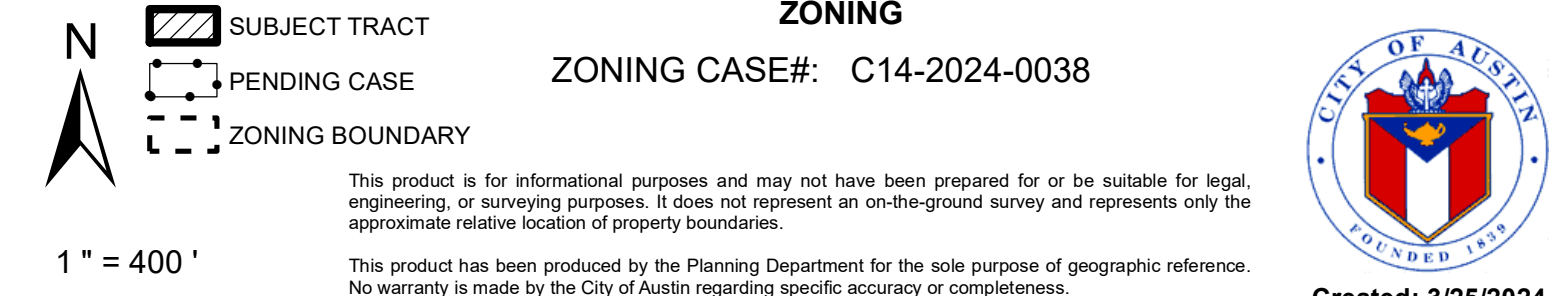
No comments.

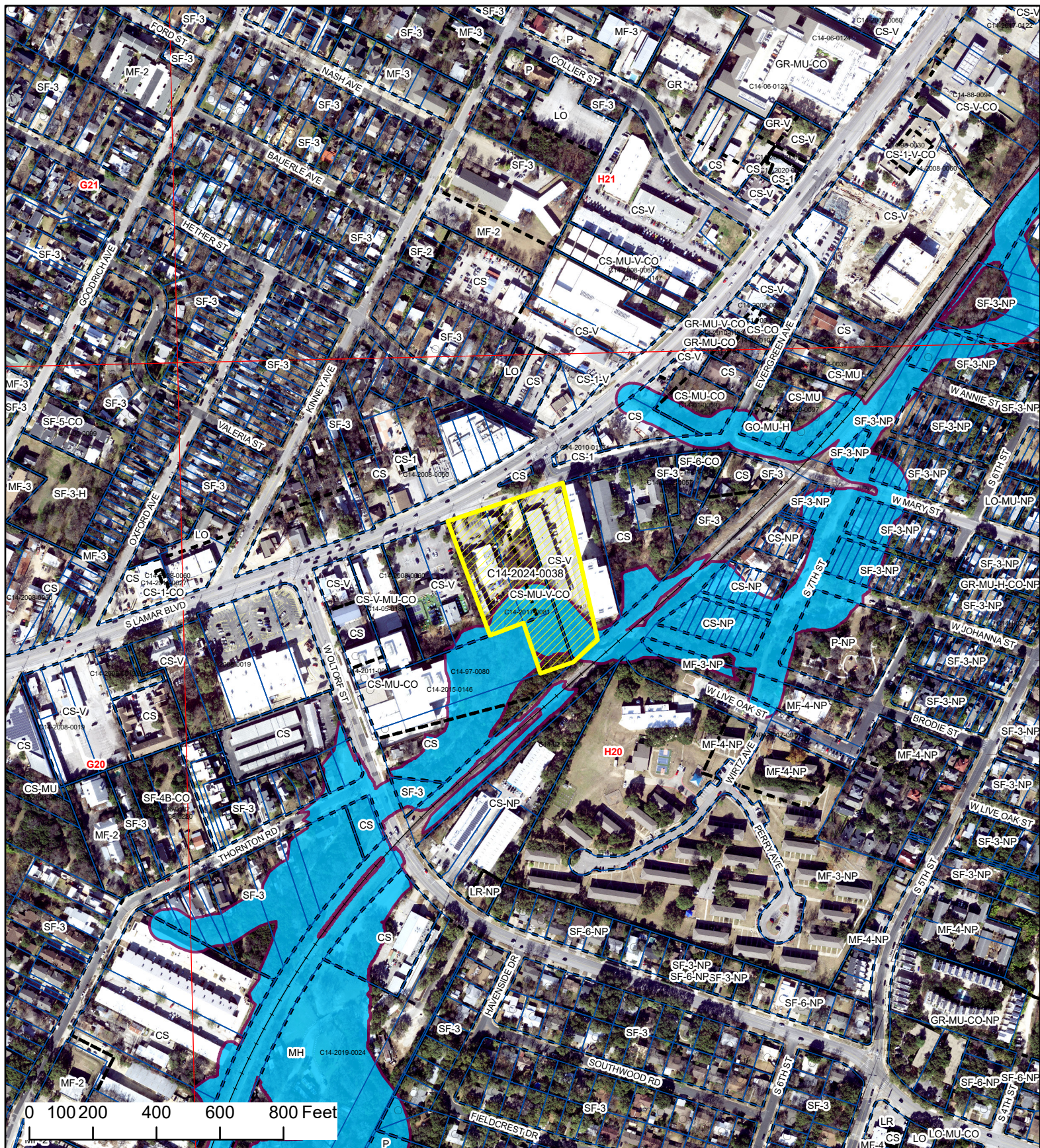
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

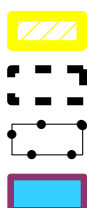
Exhibit A-1: Aerial Map

Applicant's Summary Letter





2001, 2003, 2005, and 2007 S. Lamar DB90 Rezoning



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

CASE#: C14-2024-0038
 LOCATION: 2001, 2003, 2005, 2007 S Lamar Blvd
 SUBJECT AREA: 3.82 Acres
 GRID: H20
 MANAGER: Marcelle Boudreaux



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March 20, 2024

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

Re: Rezoning Application for 3.82 acres located at 2001, 2003, 2005, and 2007 S. Lamar Blvd., Austin, Texas 78704 ("Property")

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed zoning application for 2001, 2003, 2005, and 2007 S. Lamar Blvd. as representatives of the owners of the above stated Property. **The enclosed zoning application is submitted pursuant to Ord. No 20240229-073 ("DB90 Ordinance"), and as such qualifies for waived application fees and expedited processing as provided in Section 5 of the DB90 Ordinance.**

The Property is currently zoned Commercial Services-Vertical Mixed Use ("CS-V"), and Commercial Services-Mixed Use-Vertical Mixed Use-Conditional Overlay ("CS-MU-V-CO"). On November 17, 2023, site development permit # SP-2021-0303C.SH was issued by the City for the proposed development of the Property in accordance with the "VMU2" density bonus program pursuant to Ordinance No. 20221201-056 ("VMU2 Ordinance").

This zoning application requests Commercial Services-Vertical Mixed Use-Density Bonus 90-Neighborhood Plan ("CS-V-DB90"), and Commercial Services-Mixed Use-Vertical Mixed Use-Density Bonus 90-Neighborhood Plan ("CS-MU-V-DB90") zoning for the Property. The Property is located at Lamar Blvd. and W. Mary Street, and has direct access to South Lamar. The Property is located near multiple bus stops/routes, including a Metro-rapid route/stop. S. Lamar is an Imagine Austin Corridor, an ASMP Level 3 Street, an ASMP Transit Priority Network street, and a Core Transit Corridor.

The TIA Determination Worksheet dated January 27, 2022, and signed by Justin Good, P.E., states that a Traffic Impact Analysis is not required. The Property is located in the Zilker Neighborhood Plan area, which is currently suspended and as such does not have a Future Land Use Map designation. Therefore, a Neighborhood Plan Amendment application is not required with this rezoning application.

If you have any questions about the application or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

David Hartman

cc: Joi Harden, Planning Department (via electronic delivery)
Marcelle Boudreaux, Planning Department (via electronic delivery)