

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHORHOOD PLAN: East Cesar Chavez Neighborhood Plan

CASE#: NPA-2011-0002.01 **DATE FILED:** July 28, 2011 (in-cycle)

PROJECT NAME: Jaylee, Ltd.

PC DATES: August 27, 2013
August 13, 2013
July 23, 2013
June 25, 2013
January 8, 2013
July 10, 2012
January 24, 2012

ADDRESS/ES: 1601 & 1645 East 6th Street

SITE AREA: Approx. 4.1282 acres

APPLICANT/OWNER: Jaylee, Ltd.

AGENT: Winstead PC (Amanda Swor)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Specific Regulating District **To:** Specific Regulating District

Base District Zoning Change

Related Zoning Case: C14-2011-0091

From: TOD-NP

To: TOD-CURE-NP

NEIGHBORHOOD PLAN ADOPTION DATE: May 13, 1999

PLANNING COMMISSION RECOMMENDATION: Pending.

August 13, 2013 – Recommended approval to postpone to August 27, 2013 by the applicant on the consent agenda (B. Roark, S. Oliver – 2nd) 5-0-4 (D. Anderson, D. Chimenti, R. Hatfield, M. Smith absent)

July 23, 2013 – public hearing cancelled. Case was renotified for August 13, 2013.

June 25, 2013 – Recommend approval to postpone to July 23, 2013 by staff (J. Nortey, D. Chimenti – 2nd) 7-0-2 (J. Stevens, S. Oliver absent)

January 8, 2013 – Recommend approval indefinite postponement (R. Hatfield, A. Hernandez – 2nd) 8-0-1 (B. Roark absent)

July 10, 2012 – Recommend approval indefinite postponement (D. Chimenti, A. Hernandez – 2nd) 6-0-3 (D. Anderson, R. Hatfield, J. Stevens absent)

January 24, 2012 – Recommend approval of indefinite postponement (D. Chimenti, J. Stevens – 2nd) 8-0-1 (S. Kirk absent).

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: The property is located within the Plaza Saltillo Transit Oriented Development Area Plan. Specifically, the property is located within a TOD Mixed Use area within the Land Use and Design Conceptual Plan. See graphic below and TOD Mixed Use description on the next page. The proposal to develop the property with a mix of apartments, retail, and office is consistent with the plan vision.

The request meets the following Goals within the East Cesar Chavez Neighborhood Plan:

Goal 1: Provide zoning for a mix of business and residential land uses in the commercial corridors and selected other commercial areas.

Primary resources: City of Austin and Travis County Tax Appraisal District.

Objective 1: Change zoning on property currently zoned commercial or industrial to the "Smart Growth" zoning class called "Mixed Use," which would encourage a mixture of uses (retail, office, restaurants, civic, clean light industry and residential) in all commercial corridors (César Chávez, 4th-5th rail corridor, 6th Street).

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Action 2. Allow new or existing businesses to create housing above the business or on the same level. **Primary implementers:** DRID

Action 4. The Neighborhood will work with the City to provide economic incentives for conversion of heavy industrial uses that currently fall under the East Austin Overlay to mixed use. Incentives could include waiving development review costs or utility permit fees as well as grants or public-private partnerships (similar to initiatives on Lamar/CSC). **Primary implementers:** DRID

Action 5. Investigate the feasibility of developing a program that would protect existing low-income residents and businesses located in the neighborhood from displacement, which may occur as a result of Mixed Use Zoning designations or Historic District designations. **Primary implementers:** NHCD, PECSD

Action 6. Provide economic opportunities for existing neighborhood business owners and residents so they may also benefit from increased development that may be promoted as a result of Mixed Use Zoning designations. **Primary implementers:** NHCD, PECSD

Objective 2: Encourage more retail and commercial services within walking distance of residents.

Goal 2: Ensure that new structures and renovations are compatible with the existing neighborhood and protect homes from incompatible business or industry.

Primary resources: City of Austin and public and private sector.

Objective 1: Ensure that all new or redevelopment projects are compatible with the existing character of the area in scale, density, design, and parking.

Action 9. To ensure that all proposed development is compatible with the neighborhood DRID will provide development applicants with a copy of the adopted Neighborhood Plan. All development should be consistent with the Neighborhood Plan and compatible with the existing neighborhood. **Primary implementers:** DRID

Objective 2: Protect residential neighborhood from incompatible business or industry and from destruction of existing housing.

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3. Housing

Neighborhood Vision: The neighborhood needs more housing for its families, especially its elderly and young families. The neighborhood is willing to absorb some increase in density to accommodate these needs, as long as the neighborhood character is maintained. An array of housing options that are safe, accessible and affordable should be available. Providing more opportunities for existing residents to own their homes is a priority.

Goal 2: Preserve and increase the number of homeowners in the neighborhood.

Objective 3: Provide additional opportunities to increase housing opportunities in the neighborhood.

LAND USE DESCRIPTIONS – EXISTING AND PROPOSED

Specific Regulating District

This map designation is intended for areas that have an adopted regulating plan. This district will be identified on the Future Land Use Map, but is not considered a typical land use category. The purpose of this designation is to make the user aware of the Regulating Plan and that it should be reviewed for development regulations.

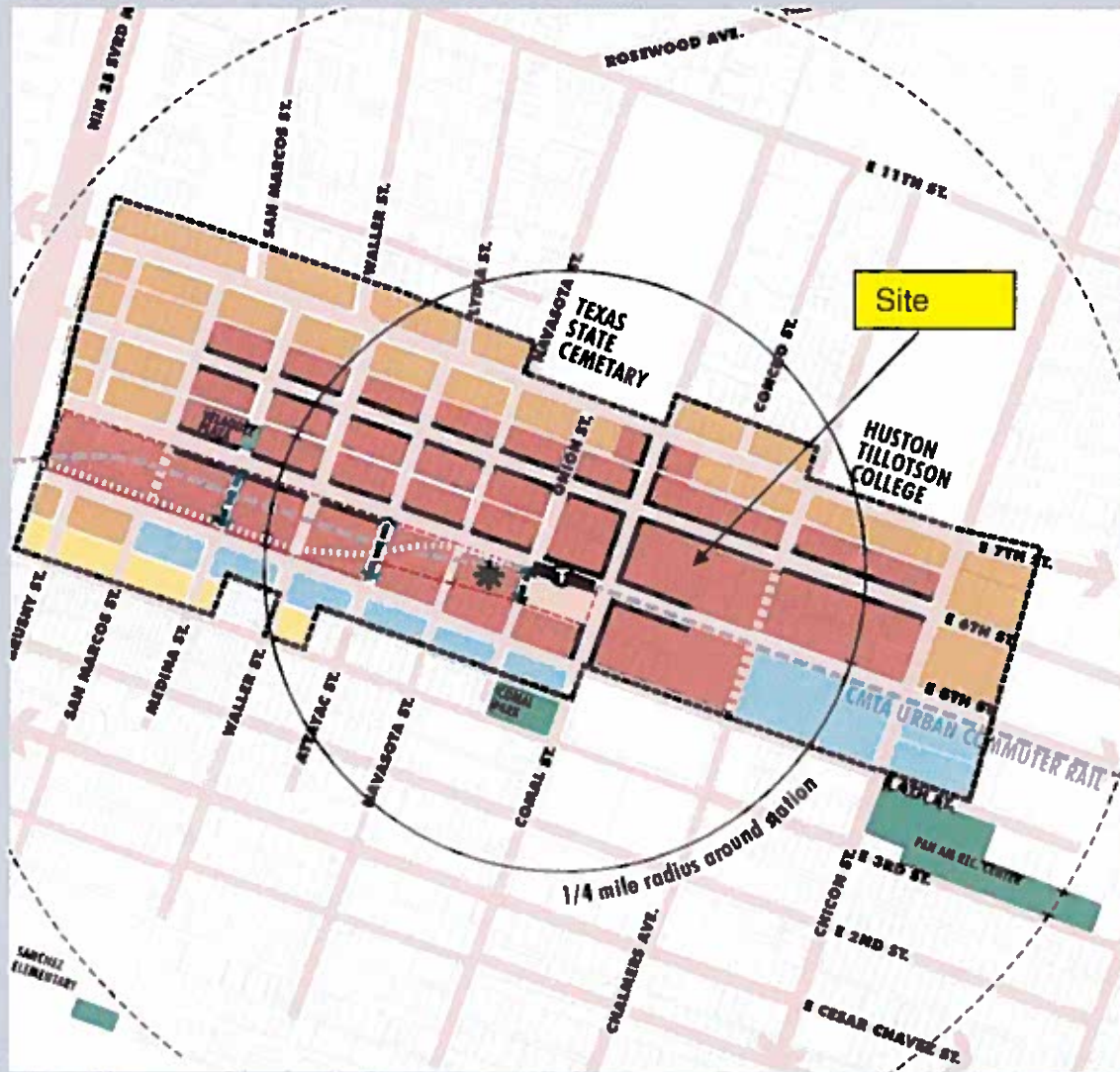
The land use is not changing with this plan amendment application.

Approved Regulating Plans:

1. Plaza Saltillo TOD Station Area Plan
2. Martin Luther King (MLK) Boulevard TOD Station Area Plan
3. Lamar/Justin TOD Station Area Plan

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LAND USE AND DESIGN CONCEPT PLAN



LEGEND

- | | |
|--------------------------------------|--|
| LOW DENSITY RESIDENTIAL | SALTILLO DISTRICT REDEVELOPMENT AREA (Capital Metro) |
| TOD MIXED USE (showing active edges) | PLAZA SALTILLO |
| CORRIDOR MIXED USE | EXISTING STREETS |
| LIVE/WORK FLEX | POTENTIAL STREETS |
| EXISTING CITY PARKLAND | TOD DISTRICT BOUNDARY |
| POTENTIAL OPEN SPACE | METRORAIL STATION |
| POTENTIAL PASEOS | POTENTIAL FUTURE RE-ALIGNMENT OF RAIL LINE |

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TOD Mixed-Use

TOD Mixed-Use is the most intensively developed land use zone and will typically be expressed as high density residential over active ground floor uses, such as retail or office. This land use designation is concentrated near a transit station and along major streets, generally located near the center of a TOD and along major "spines" that lead to it. This land use designation is concentrated along Comal, E. 5th and E. 6th Streets as they lead to the center of the TOD and Plaza Saltillo

IMAGINE AUSTIN COMPREHENSIVE PLAN

Staff believes the proposal supports the following policies of the Imagine Austin Comprehensive Plan.

LAND USE AND TRANSPORTATION POLICIES

LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

LUT P6. Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

LUT P10. Direct housing and employment growth to activity centers and corridors, and preserving and integrating existing affordable housing where possible.

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LUT P11. Promote complete street design that includes features such as traffic calming elements, street trees, wide sidewalks, and pedestrian, bicycle, and transit access throughout Austin, considering the safety needs of people of all ages and abilities.

LUT P14. Promote safer routes to schools for students of all ages.

LUT P15. Incorporate provisions for bicycles and pedestrians into all roads such as freeways, toll roads, arterial roadways, and to and from transit stations and stops, and major activity centers.

LUT P22 Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

URBAN DESIGN POLICIES

UD P1. Develop accessible community gathering places such as plazas, parks, farmers' markets, sidewalks, and streets in all parts of Austin, especially in the Downtown, future TODs, in denser, mixed-use communities, and other redevelopment areas, that encourage interaction and provide places for people of all ages to visit and relax.

UD P2. Protect and enhance the unique qualities of Austin's treasured public spaces and places such as parks, plazas, and streetscapes; and, where needed, enrich those areas lacking distinctive visual character or where the character has faded.

UD P4. Assure that new development is walkable and bikable and preserves the positive characteristics of existing pedestrian-friendly environments.

UD P8. Transform major streets into vibrant, multi-functional, pedestrian-friendly corridors.

HOUSING POLICIES

H P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

H P2. Expand the availability of affordable housing throughout Austin by preserving existing affordable housing, including housing for very low-income persons.

H P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.

H P7. Reuse former brownfields, greyfields (previously developed properties such as strip centers or malls that are not contaminated) and vacant building sites to reduce negative impacts of vacancy and provide new mixed-use and/or housing options.

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HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

NEIGHBORHOODS POLICIES

N P1. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

N P2. Protect neighborhood character by **directing growth to areas of change** and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors and infill sites

N P4. Strengthen Austin's neighborhoods by connecting to other neighborhoods, quality schools, parks, environmental features, and other community-serving uses that are accessible by transit, walking, and bicycling.

N P5. Strengthen planning processes by recognizing that the Comprehensive Plan and small-area plans, such as neighborhood plans, corridor plans, and station area plans, need to respect, inform, and draw from each other.

N P6. Protecting neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods.

GROWTH CONCEPT MAP

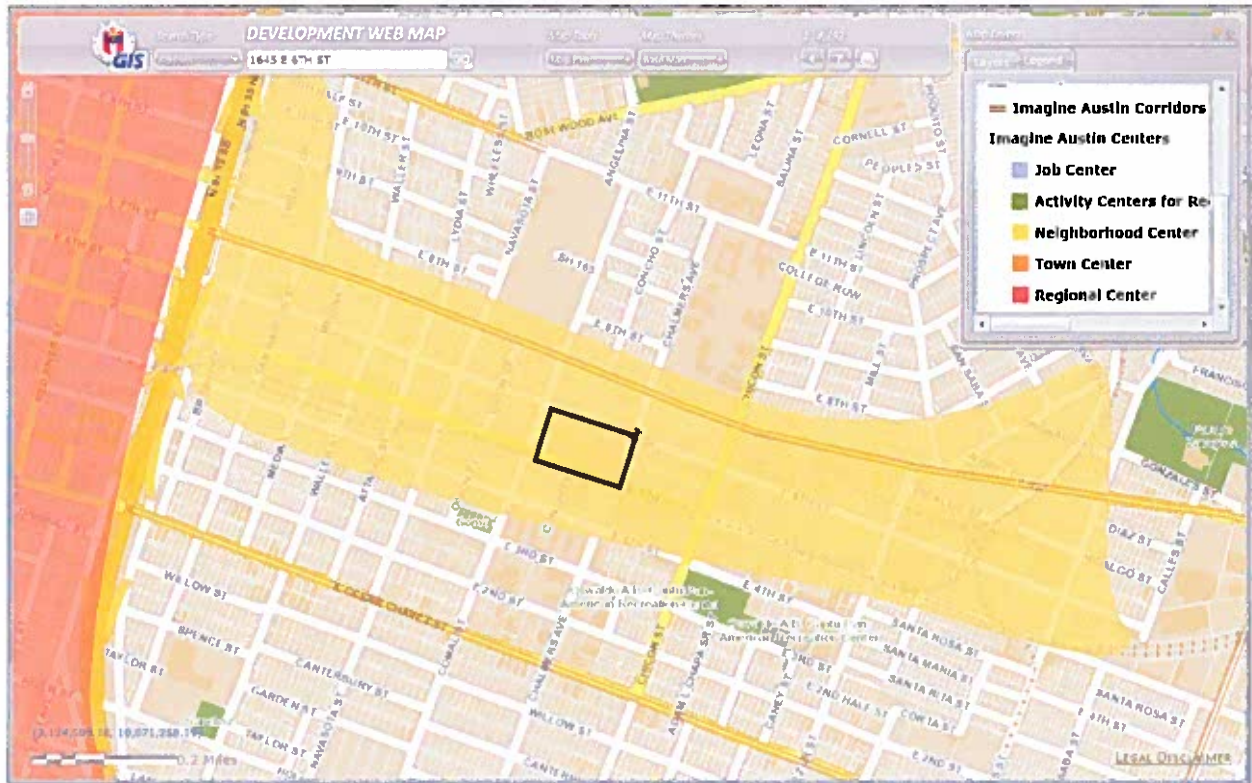
The property is located one block south of an Activity Corridor and within a Neighborhood Center of the Imagine Austin Comprehensive Plan.

An Activity Corridor links activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor.

Neighborhood Centers are the smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized

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conditions, different neighborhood centers can be very different places. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing.



BACKGROUND: The application was filed on July 28, 2011, which is in-cycle for City Council-approved neighborhood plans located on the east side of I.H.-35. The applicant has asked for two indefinite postponements since that time in order to work with Urban Design staff on their request to amend the Plaza Saltillo TOD Station Area Plan.

The land use on the future land use map is Specific Regulating District. The applicant's request to make changes to the Plaza Saltillo TOD Station Area Plan and Regulating Plan will not change the land use on the map. Although the land use on the future land use map is not changing, the Land Development Code requires that an amendment to a Station Area Plan go through the neighborhood plan amendment process. See section of the Land Development Code below:

25-2-766.23 AMENDMENTS TO STATION AREA PLAN.

- (A) Council may, by zoning ordinance, amend a station area plan at any time.
- (B) Amendments to a station area plan may be proposed by land owners not more than once each calendar year for each property owned.

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(C) For a station area plan that is within an adopted neighborhood plan area, an amendment to the station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.

For more information on the proposed zoning change request, please see the zoning case report for the associated zoning case number C14-2011-0091.

PUBLIC MEETINGS: The ordinance required neighborhood plan meeting was held on June 26, 2013. Approximately 355 community meeting notices were mail to property owners, renters, neighborhood organization and environmental groups located within 500 feet of the property. Twenty-two people attended the meeting including the applicant, his representatives and city staff.

Steve Drenner, the applicant's agent said the owner is proposing a mixed use project with retail nodes, an office garage, approximately 90,000 sq. feet of office space and 348 residential units. The original application asked for 120 feet in height, but they are now requesting only 60 feet in height.

The owner, Jim Arnold, would like to sell the property so he can move his business elsewhere.

After Mr. Drenner's presentation, the following questions were asked:

Q. Will the residential units be rental or condo owners?

A. So far, they will be rentals. At this point, we don't plan to have condos for sale.

Q. We want them to remain rental units. How can we make sure they don't become condos?

A. We will need to think through ways to do that.

Q. What kind of affordable housing units will you have?

A. There are two competing theories on providing affordable housing. One theory can have more units if you provide smaller units, or you can provide larger units for families, but have fewer of them.

Q. People are being pushed out at 30% MFI and you're proposing 60% MFI.

A. The City Council could buy the percentage down if they wanted to for a certain number of units.

Q. How many housing units are you building?

A. Three hundred and forty eight. There will be live/work units along E. 5th Street and E. 6th Street.

Q. Will there be plaza areas?

A. Yes, where there are Heritage Trees and also a patio for a restaurant.

Q. What is proposed for the office area?

A. Office uses are proposed. There may be one big office user or a number of smaller offices. We're proposing Class A offices, comparable to downtown. Austin's office rental rates are the highest in Texas at around \$50.00 a square foot. Tenants want to be close to downtown to the amenities, but they want a lower cost.

Q. What will be the cost of your office building space?

A. About \$35.00 a square foot.

Q. For existing tenants living in the area, there have been issues with noise from the local bars and music. Are there plans to protect tenants from the noise around the property?

A. We could increase the window rating to make sure there is not a problem with the music. We'll have to do a study on this to see what the best options are.

Q. Does the setback compatibility standards next to residential apply?

A. Compatibility standards don't apply.

Q. Will there be any bars in the development?

A. No bars.

General comments from attendees:

There is a greater need for larger units, even if there are fewer of them. If you have larger units, the couples who decide to have children won't have to move out of the complex to another area of town that is affordable.

Our neighborhood goal is to help renters because the value of the property is so high, they are moving out. We are also losing neighborhood businesses due to the high cost in the area.

The letter from the East Cesar Chavez Planning Contact Team supports the most recent zoning application revision with conditions. See letter on page 14.

CITY COUNCIL DATES:

August 8, 2013

ACTION: August 8, 2013 – Approval to postpone to August 29, 2013 as requested by staff (M. Martinez, B. Spelman – 2nd) 7-0.

August 29, 2013

ACTION: Pending.

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

**Most Recent Letter from Applicant amending NPA and
Zoning Applications**

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WINSTEAD

Austin | Charlotte | Dallas | Fort Worth | Houston | New Orleans | San Antonio | The Woodlands | Washington, D.C.

401 Congress Avenue
Suite 2100
Austin, Texas 78701

512.370.2800
512.370.2850
winstead.com

direct dial: (512) 370-2827

August 19, 2013

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Electronic Delivery

Re: Jaylee, Ltd C14-2011-0091 and NPA-2011-0002.01 – 4.128 acres located at 1601 and 1645 E. 8th Street ("Property"); Proposed Rezoning from TOD-NP, Transit Oriented Development - Neighborhood Plan District, to TOD-NP-CURE, Transit Oriented Development – Neighborhood Plan District – Central Urban Redevelopment Combining District, and proposed Amendment to the Neighborhood Plan by Amending the Station Area Plan, including the Regulating Plan

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, we respectfully request the amendment stated below to zoning case C14-2011-0091 and neighborhood plan amendment case NPA-2011-0002.01.

Amend the zoning and neighborhood plan amendment cases CURE request as stated below.

1. Amend the requested parking modifications so that the Office tract is requesting a modification to Section 4.5.2.B, Maximum Parking Requirements, to remove the maximum parking requirement; and the Residential tract is requesting a modification to Section 4.5.2.A, Minimum Parking Requirements, to remove the minimum parking requirement

WINSTEAD PLLC ATTORNEYS

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Please let me know if you or your team members have any questions. Thank you for your time and attention to this project.

Very truly yours,

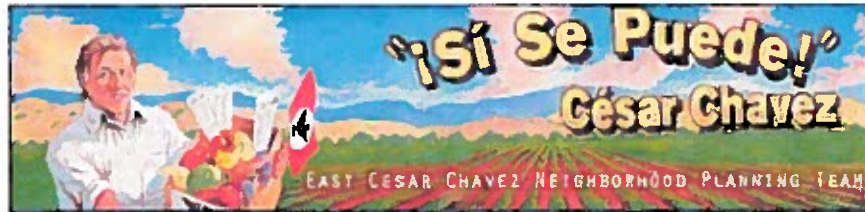


Amanda Swor

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic)
Heather Chaffin, Planning and Development Review Department (via electronic)
Maureen Meredith, Planning and Development Review Department (via electronic)
Josh Deik, Transwestern, (via electronic mail)
Steve Drenner, Firm

Letter from the East Cesar Chavez Planning Contact Team

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August 5, 2013

Planning Commission
City Council Chambers
301 W. 2nd Street

RE: C14-2011-0091 and NPA-2011-0002.01

Dear Commissioners:

The East Cesar Chavez Neighborhood Planning Team met several times with the owner, development team, and their legal counsel regarding development of 4.128 acres located at 1601 and 1645 E. 6th Street. At our monthly Team meeting on July 17, 2013, the Team voted to support the most recent development plan, which requires the following amendments:

1. Split the cases into two tracts A) Residential tract (including parking garage) and B) Office tract.
2. For the Residential tract, request a modification to Section 4.5.2.B, Maximum Parking Requirements, to remove the maximum parking requirement; and
3. For the Office tract request a modification to Section 4.5.2.A, Minimum Parking Requirements, to remove the minimum parking requirement.

The developer has agreed to comply with affordable housing requirements as written in the *Regulating Plan for the Plaza Saltillo TOD Station Area Plan (SAP)* (revised 5/25/2013).

We appreciate the development team's attention to neighborhood priorities and would like to note that 2-bedroom apartments, in addition to studios, would be appreciated in the mix of affordable housing.

Sincerely,

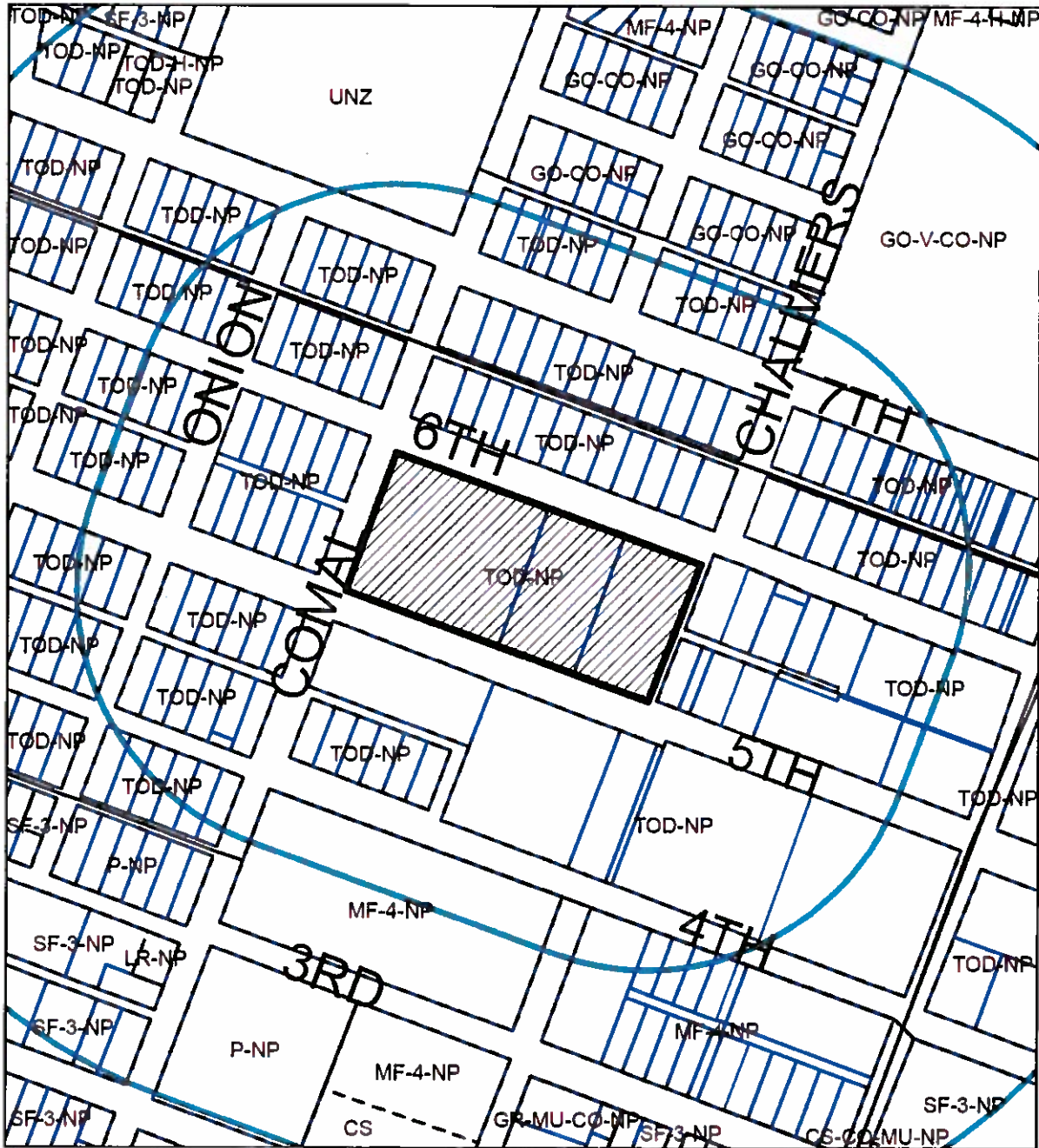
Ken Johnson
Chair
East Cesar Chavez Neighborhood Planning Team



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- NPA-2011-0002.01

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- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- 500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT

Case Number: NPA-2011-0002.01

Address: 1601 & 1645 E. 6th Street

Approx. Acres: 4.1282

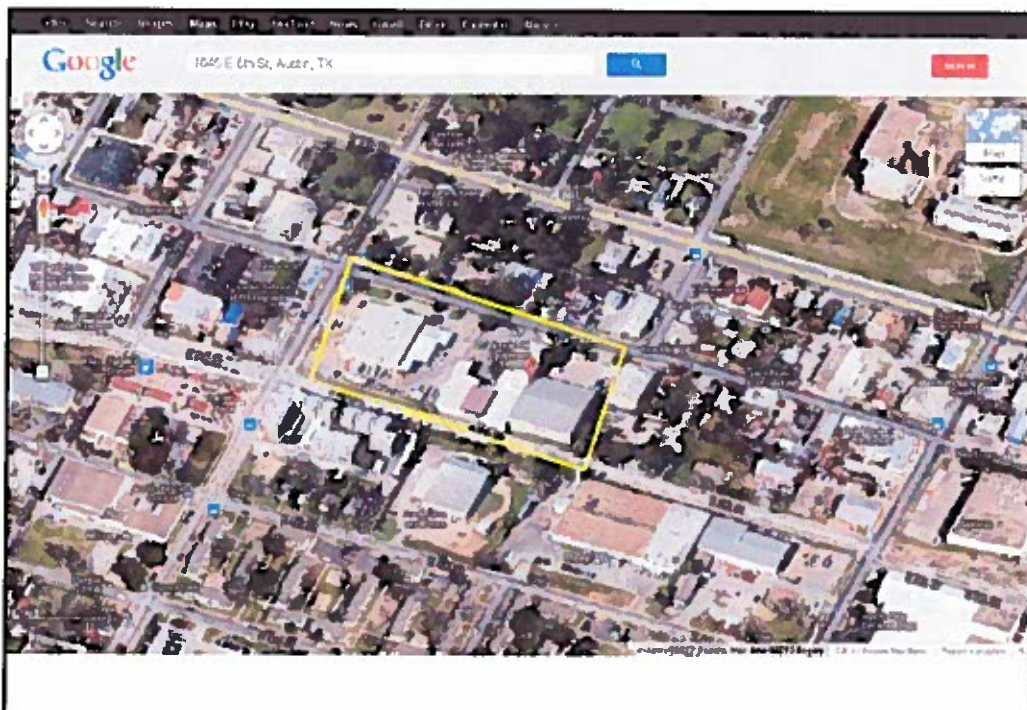
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

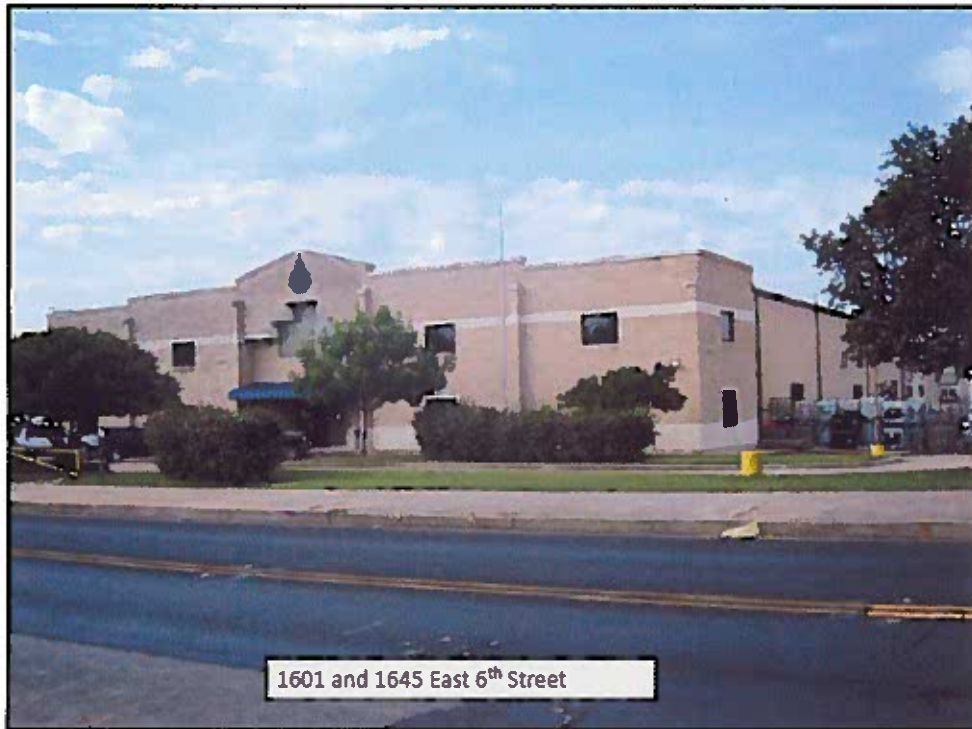




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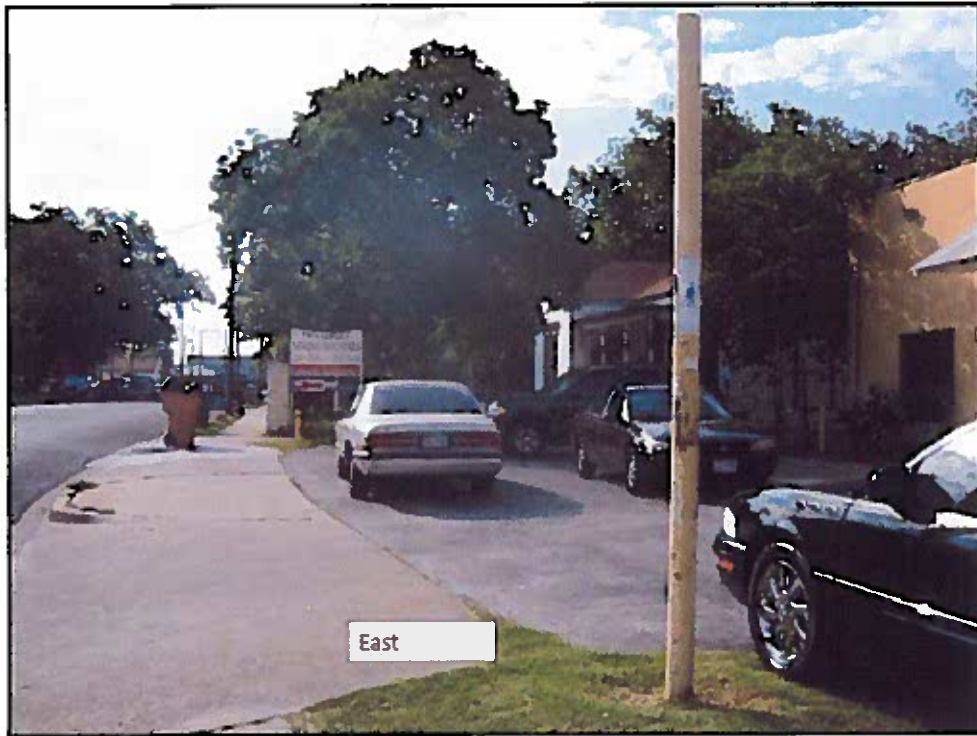
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IMAGINEAUSTIN VIBRANT. SUSTAINABLE. CONNECTED.

Growth Concept Map

Legend

- Regional Center
- Town Center
- Neighborhood Center
- Activity Corridor
- Activity Centers for Redevelopment in
- Sensitive Environmental Areas
- Job Center
- Current Open Space
- Future Open Space
- Barton Springs Contributing Zone
- Barton Springs Recharge Zone
- College / University

Transportation

- High Capacity Transit Stop
- Proposed High Capacity Transit Stop
- High Capacity Transit
- Highway
- Other Streets

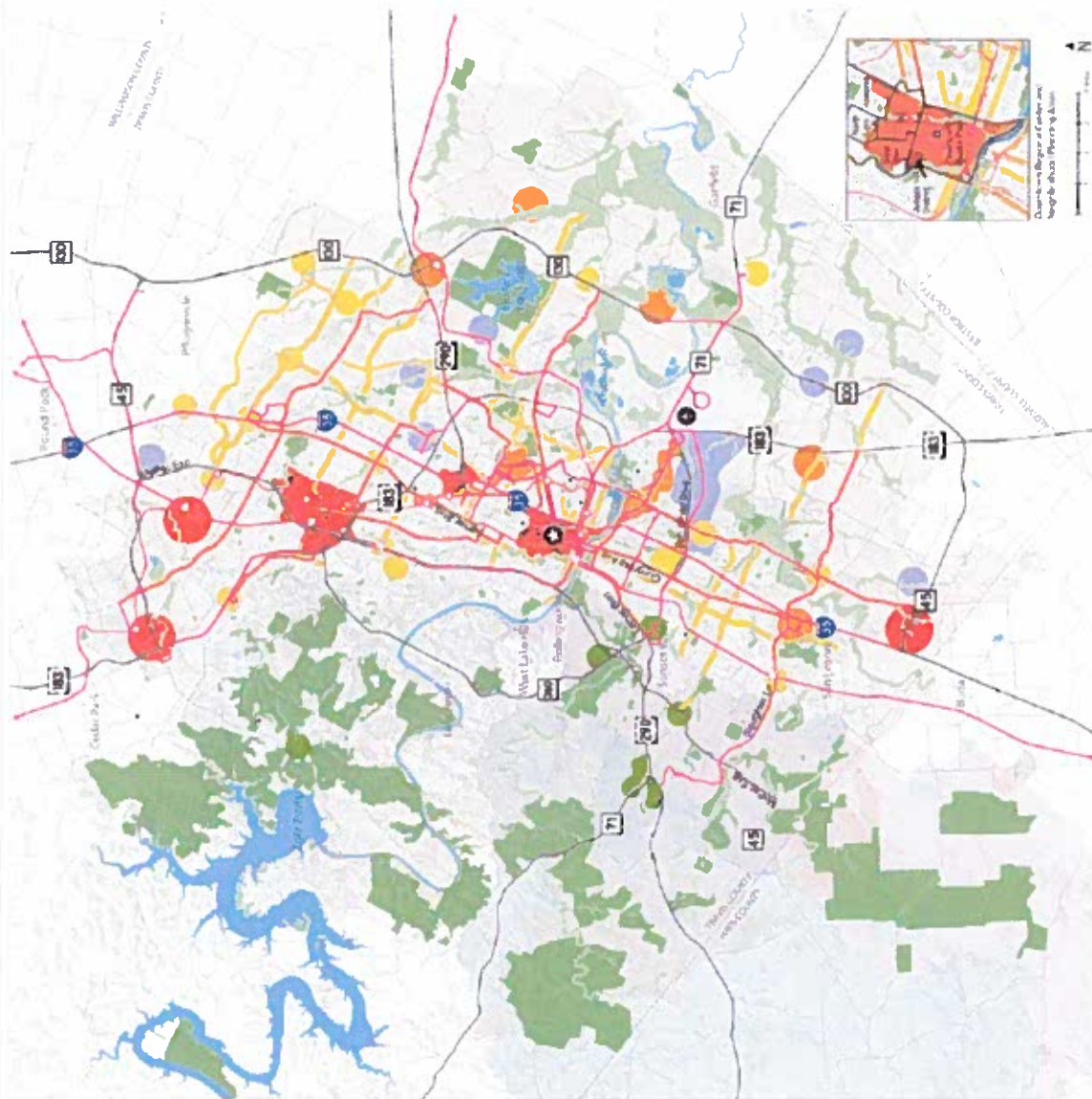
Boundaries

- City Limits
- FTJ
- County Boundaries

The Growth Concept Map applies the Imagine Austin vision statement to the city's physical development. Generated through a public scenario building process, it defines how we plan to accommodate new residents, jobs, mixed use areas, open space, and transportation infrastructure over the next 30 years.

Map Description: A vibrant, connected, and sustainable future for Austin is possible. The city's growth should be guided by a vision that is both aspirational and practical. The Growth Concept Map is a tool to help us define that vision. It is not a blueprint, but a guide to the future we want to create. It shows the city's growth in a way that is both aspirational and practical. It shows the city's growth in a way that is both aspirational and practical. It shows the city's growth in a way that is both aspirational and practical.

Adopted June 13, 2012



PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Development Review Department
974-2695

P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0002.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: July 10, 2012, Planning Commission

Lori C-Renteria

Your Name (please print)

1511 Haskell St 78702

Your address(es) affected by this application

Lori C-Renteria

Signature

Date

☒ I am in favor
☐ I object

Comments: As an active member of the ECC Team & the Suballo TOD joint subcommittee, we spent 2 years negotiating compromises with COA & business owners on TOD land uses. Arnold CIL Co. can make lots of profit by selling or developing their lots within the adopted TOD & ECC Plans. CURT is not appropriate in this area.

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974-2695

P. O. Box 1088
Austin, TX 78767-8810

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Case Number: NPA-2011-0002.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: Jan 24, 2012, Planning Commission

CHARLES FERGUSON

Your Name (please print)

1500 East 6th St Austin TX 78702

Your address(es) affected by this application

1.26.12

Signature

Date

☒ I am in favor
☐ I object

Comments:

AS A LOCAL BUSINESS OWNER

I STRONGLY SUPPORT THIS.

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