

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD 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 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, 2012 – Recommend approval to postpone to August 27, 2012 by applicant (B. Roak, S. Oliver - 2nd) 5-0-4 (D. Anderson, D. Chimenti, R. Hatfield, and M. Smith absent)

July 23, 2013 – public hearing cancelled

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).

- 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.

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

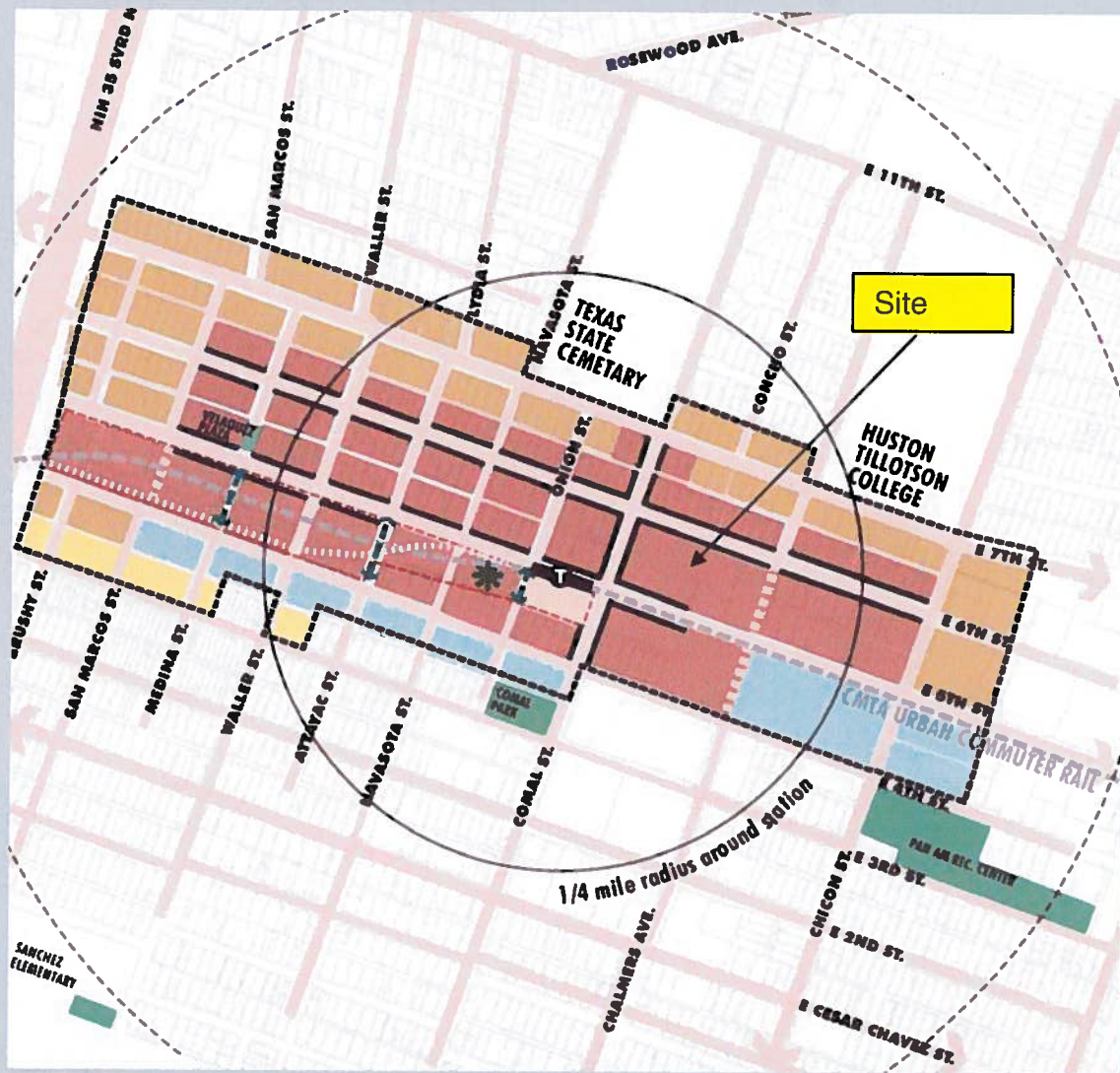
Specific Regulating District

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.

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

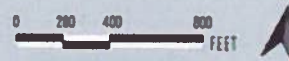
LAND USE AND DESIGN CONCEPT PLAN



LEGEND

- LOW DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL OPEN SPACE
- POTENTIAL PASEOS

- SALTILLO DISTRICT REDEVELOPMENT AREA (Capital Metro)
- PLAZA SALTILLO
- EXISTING STREETS
- POTENTIAL STREETS
- TOD DISTRICT BOUNDARY
- T METRORAIL STATION
- POTENTIAL FUTURE RE-ALIGNMENT OF RAIL LINE



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.

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.

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.

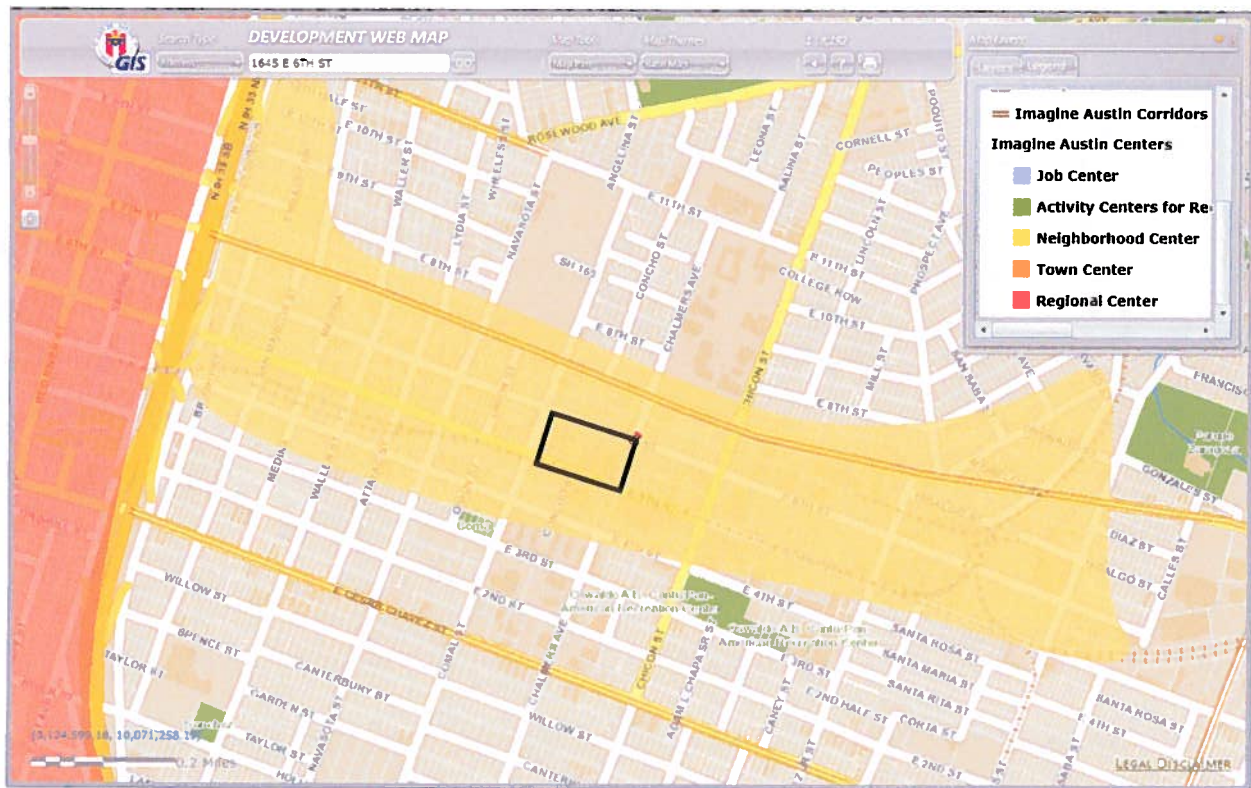
GROWTH CONCEPT MAP

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

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.

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

CITY COUNCIL DATE:

August 8, 2013

ACTION: Staff will recommend postponement to August 29, 2013 for 1st Reading

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**

WINSTEAD

Austin Dallas Fort Worth Houston San Antonio The Woodlands Washington, D.C.

401 Congress Avenue
Suite 2100
Austin, Texas 78701
512.370.2800 office
512.370.2850 fax
winstead.com

direct dial (512) 370-2827
aswor@winstead.com

July 26, 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. 6th 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 amendments stated below to zoning case C14-2011-0091 and neighborhood plan amendment case NPA-2011-0002.01. The requested amendments are a result of meetings conducted with the East Cesar Chavez Neighborhood Plan Contact Team ("ECCNPCT"). At the July 17, 2013 ECCNPCT meeting, the Contact Team voted to support the requested amendments to the zoning and neighborhood plan amendment cases.

Amend zoning case C14-2011-0091 and neighborhood plan amendment case NPA-2011-0002.01 to remove the proposed CURE modifications requested in the letter dated May 25, 2013:

1. The project seeks a modification to Section 4.3.2 Density Bonus of the Station Area Plan such that affordability requirements shall be calculated on the whole of the habitable multi-family portion of the development, including any ground floor retail, not the entire square footage of the development project.

WINSTEAD PC ATTORNEYS

July 26, 2013
Page 2

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

1. Split the cases into two tracts A) Residential tract (including parking garage) 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.

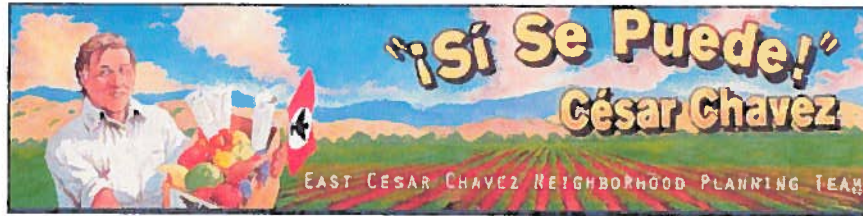
Please let me know if you or your team members have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

Letter from the East Cesar Chavez Planning Contact Team



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:

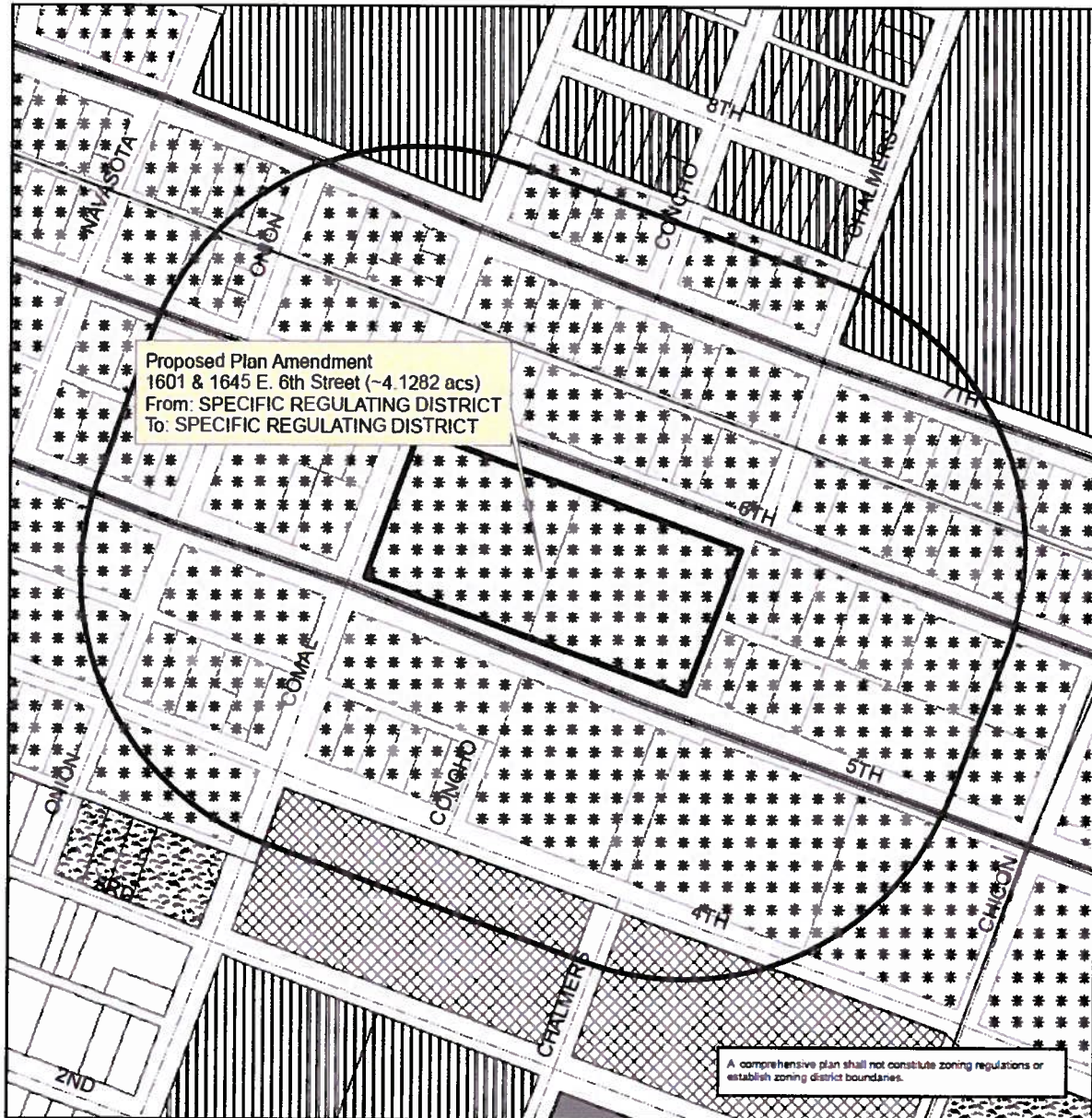
1. Split the cases into two tracts A) Residential tract (including parking garage) and B) Office tract;
2. For the Residential tract, request a modification to Section 4.5.2. B, Maximum Parking Requirements, to remove the maximum parking requirement; and
3. For the Office tract request a modification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



East Cesar Chavez Neighborhood Plan NPA-2011-0002.01

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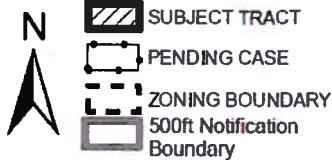
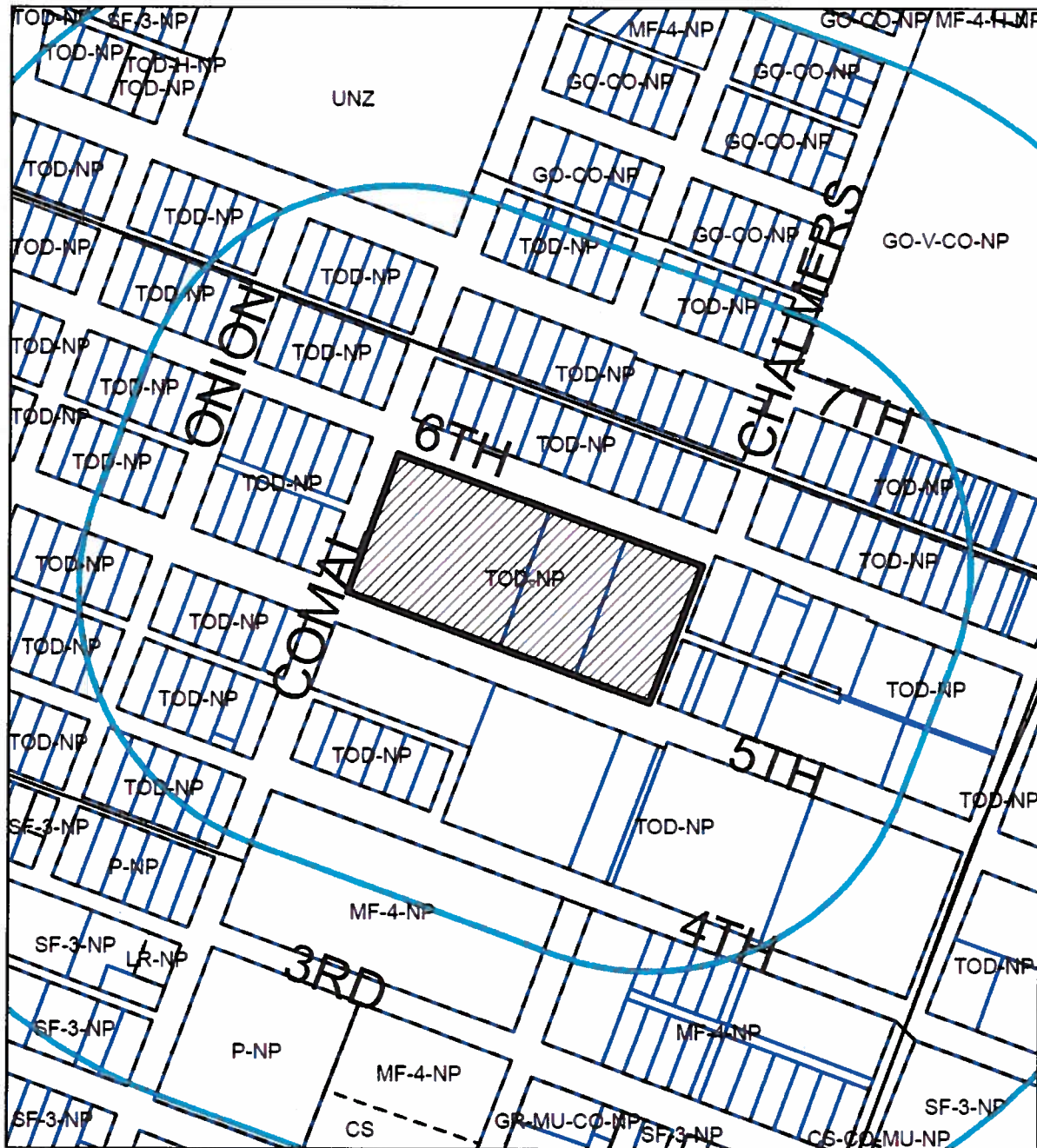
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City of Austin
Planning and Development Review Department
Created on June 4, 2013_M Meredith



Legend	
	Subject Tract
	Core Transit Corridors
	500ft notification boundary
	Street Address Centerline
NPA CASES	
	Single-Family
	Multi-Family
	Mixed Use
	Specific Regulating District
	Chic
	Recreation & Open Space

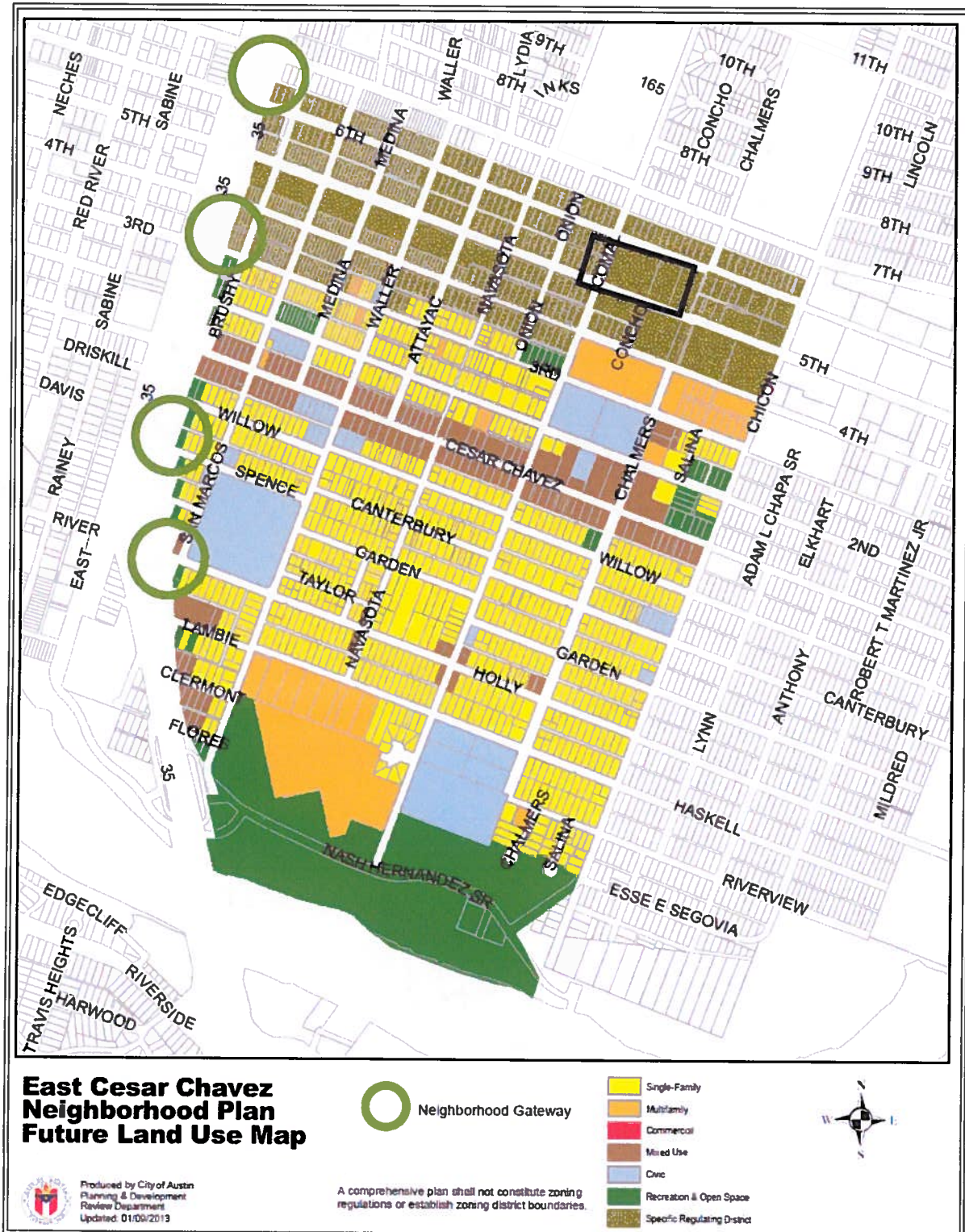


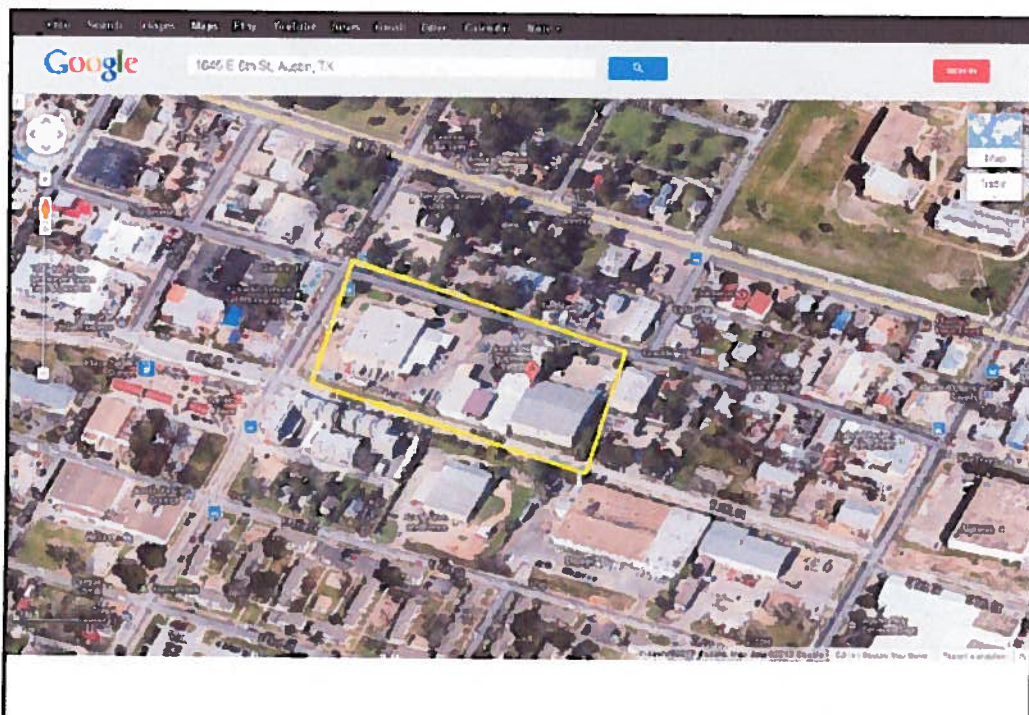
NEIGHBORHOOD PLAN AMENDMENT
Case Number: NPA-2011-0002.01
Address: 1601 & 1645 E. 6th Street
Approx. Acres: 4.1282

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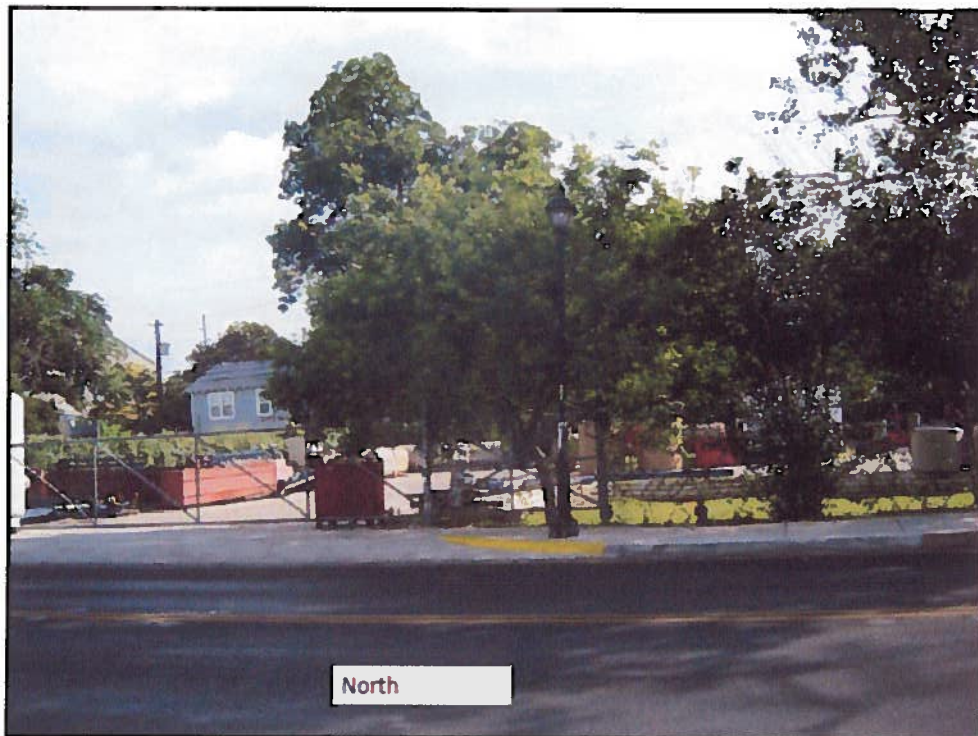
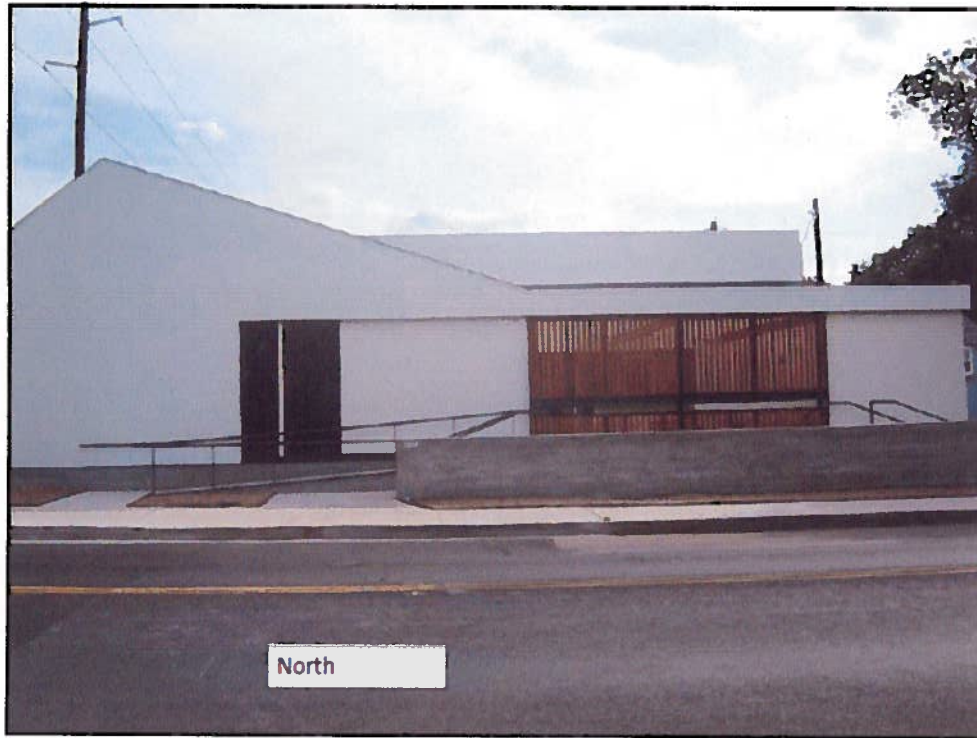
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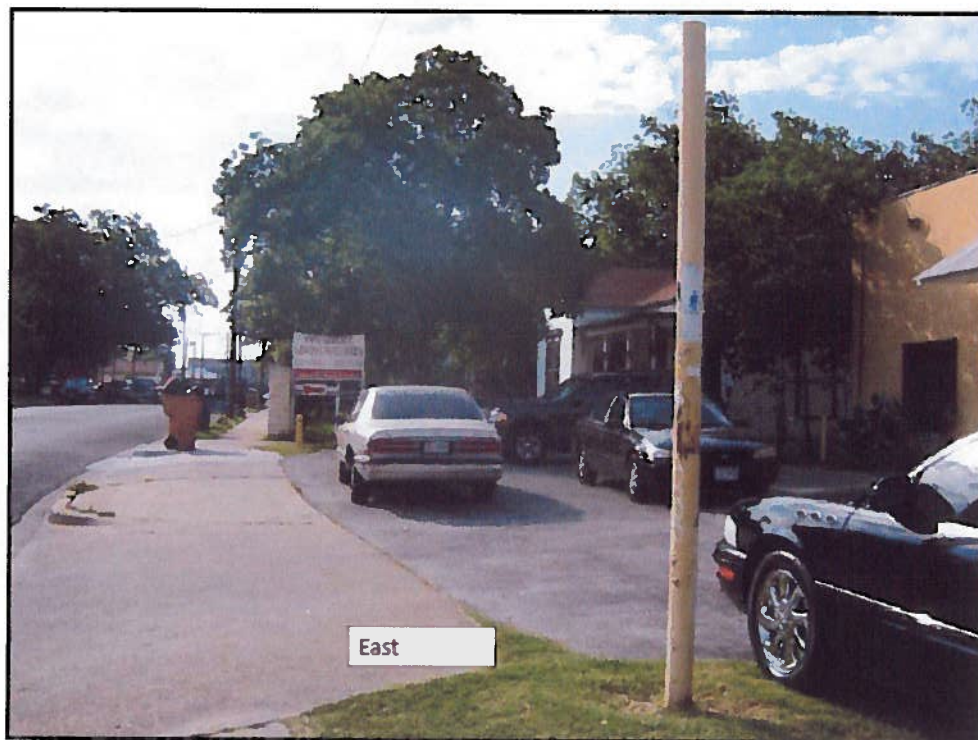




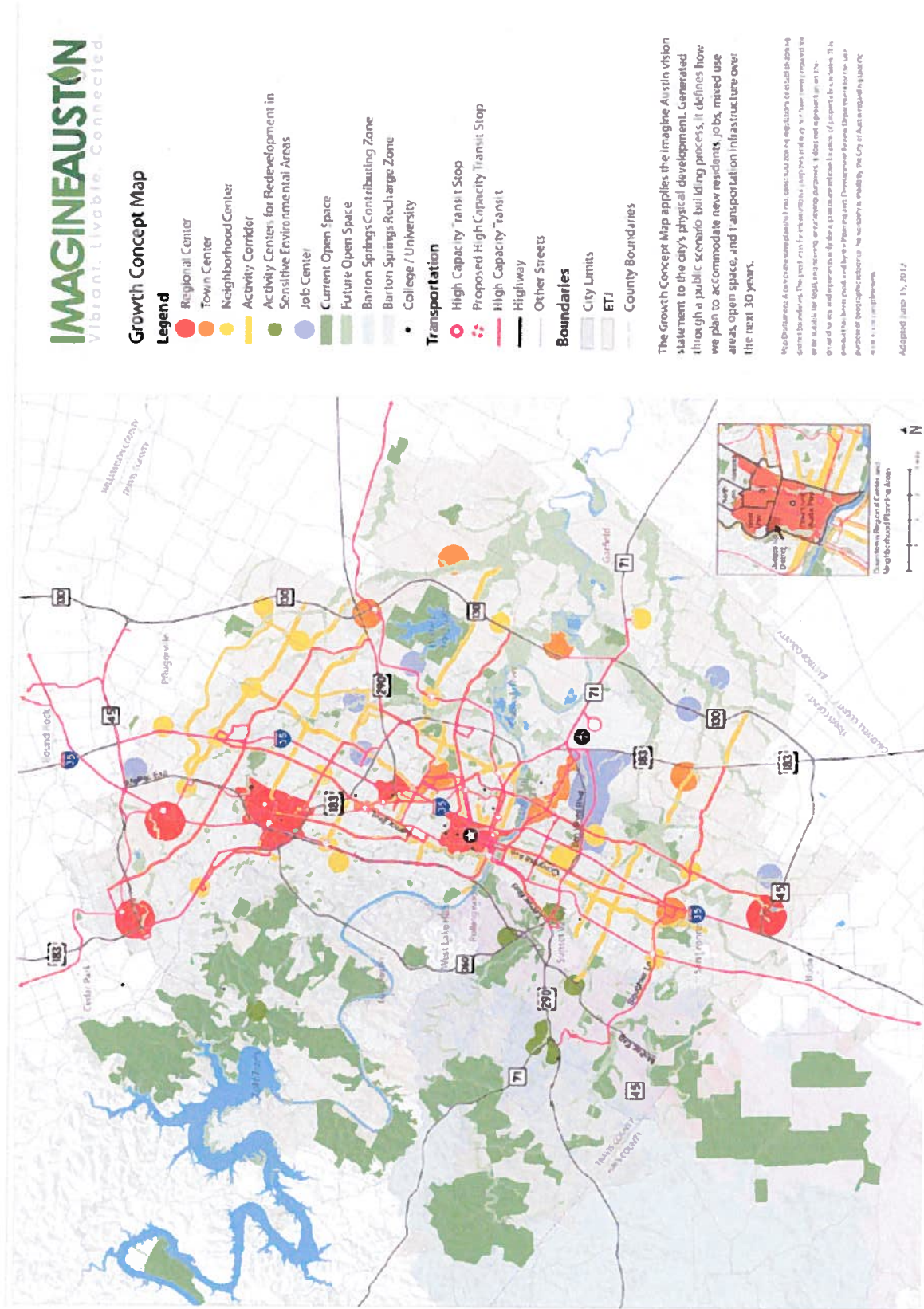












PUBLIC HEARING COMMENT FORM

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

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

☒ I am in favor
☐ I object

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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 FEJARO

Your Name (please print)

1500 East 6th St Austin TX 78702

Your address(es) affected by this application

Signature

Date

Comments:

AS A LOCAL BUSINESS OWNER
I STRONGLY SUPPORT THIS.

☒ I am in favor
☐ I object

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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: July 10, 2012, Planning Commission

☒ I am in favor
☐ I object

Your Name (please print):
GERARD HENKE

1624 E. 4th

Your address(es) affected by this application

Gerard Henke

Signature

Date

7/3/12

Comments: