

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2011-0091 - Jaylee, Ltd.

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 & 1645 E. 6<sup>th</sup> Street (Lady Bird Lake Watershed) from Transit Oriented Development-Neighborhood Plan (TOD-NP) combining district to Transit Oriented Development-Neighborhood Plan-Central Urban Redevelopment (TOD-NP-CURE) combining district.

DEPARTMENT COMMENTS:

No additional conditions imposed by Council at First reading.

OWNER / APPLICANT: Jaylee, Ltd. (Jim Arnold)

AGENT: Winstead PC (Amanda Swor)

DATE OF FIRST READING: First reading approved on August 29, 2013, on consent (7-0) [Spelman- 1<sup>st</sup>, Cole – 2<sup>nd</sup>].

CITY COUNCIL HEARING DATE: September 26, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

July 10, 2012: *TO GRANT POSTPONEMENT REQUEST BY APPLICANT. [APPROVED ON CONSENT: CHIMENTI, HERNANDEZ- 2<sup>ND</sup>. COMMISSIONERS ANDERSON, HATFIELD, AND STEVENS ABSENT] (6-0)*

### **ISSUES:**

The Applicant has modified the rezoning request since it was originally submitted for City review. The rezoning request as presented in this report was formally modified in July, 2013, after several meetings with neighborhood representatives and City staff. The original request included several significant elements that are no longer part of the request. Of particular concern to neighbors, as well as City staff were a proposed height increase from 60 to 120 feet, modified affordability requirements, and a waiver of compatibility standards, among other items. While the current request does not include these elements, Staff has included correspondence from neighbors and interested parties that was received while the original proposal was under review. The only correspondence received after the zoning request was modified is a letter of support from the Neighborhood Planning Contact Team, which is also included (Exhibit E- Correspondence).

### **DEPARTMENT COMMENTS:**

The subject property is comprised of two tracts located immediately east of Comal Street with frontage on both East 5<sup>th</sup> Street and East 6<sup>th</sup> Street. Please refer to Exhibits A and B (Zoning Map and Aerial View). Chalmers Avenue is located to the north; train tracks used by Capital Metro and freight lines are located to the south. Currently, the subject property includes basic industrial land uses. Across 6<sup>th</sup> Street to the north are a variety of commercial and industrial land uses, including restaurant, cocktail lounge, and automotive services. Immediately to the east is a retail and repair store, as well as other commercial, office and industrial land uses, including restaurant, automotive services, and professional offices. Across the railroad track to the south are mixed use lofts, as well as general warehousing land uses. Across Comal Street to the west are cocktail lounge and restaurant land uses, as well as other commercial, office and industrial land uses.

The subject property is located within the boundaries of the Plaza Saltillo Station Area Plan. The property is subject to the land use and site development standards identified in the TOD Regulating Plan (Exhibit C- TOD Plan). TOD land use regulations and general design standards are organized into subdistricts. The subject property is located within a Mixed Use subdistrict, which is designed to allow the highest level of development activity in the TOD. The Mixed Use subdistrict is intended for development, "ideally with a mix of ground floor commercial or other active uses with residential, commercial and/or office uses on the upper floors," per the TOD Regulating Plan.

The proposed rezoning modifies the conditions of the TOD-NP combining district (Mixed Use subdistrict) only insofar as they conflict with the provisions of the CURE combining district. CURE zoning may only be applied to properties located in specified central urban areas, and the subject property is located within approved CURE boundaries (Exhibit D- CURE & View Corridor Exhibit). The property is not located within any Capitol View Corridor viewsheds. The property also meets the CURE requirement that the site has existing development that is at least 10 years old.

The CURE combining district functions by modifying permitted or conditional uses authorized in the base district, the site development regulations applicable in the base district; off-street parking or loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district. CURE cannot be used to waive or modify compatibility standards, where applicable. For this rezoning request, the Applicant requests TOD-NP-CURE, with the CURE combining district modifying the base TOD zoning district to allow the following:

1. The 4.1282 acre property will be developed as an Office Tract and a Multifamily Tract.

2. For parking requirements the Office Tract and Multifamily Tract will be joined by a Unified Development Agreement and/or Shared Parking Agreement.
3. Parking for both Tracts may be located on the Multifamily Tract. This will require a modification of the Saltillo TOD Regulating Plan as follows:
  - a. Section 4.5.2.A Minimum Parking Requirements—to remove the minimum parking requirements for the Residential Tract, and
  - b. Section 4.5.2.B Maximum Parking Requirements—to remove the maximum parking requirements for the Office Tract.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	TOD-NP – Mixed Use	General industrial
<i>North</i>	TOD-NP – Mixed Use	Restaurant, Cocktail lounge, Automotive services
<i>South</i>	TOD-NP – Mixed Use	Railroad ROW, Mixed-use residential, General warehousing services
<i>East</i>	TOD-NP – Mixed Use	Limited retail & repair services, Restaurant, Professional offices
<i>West</i>	TOD-NP – Mixed Use	Cocktail lounge, Restaurant, General industrial

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Class</b>	<b>Sidewalk</b>	<b>Bus Route</b>	<b>Bike Route</b>
East 5th Street	80'	16'	Arterial	No	*Metrorail	Yes
East 6th Street	Varies	38'	Collector	Yes	No	No
Comal Street	60'	33'	Collector	Yes	Yes	N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Sentral Plus East Austin Koalition (SPEAK)  
 El Concilio Coalition of Mexican American Neighborhood Associations  
 Cristo Rey Neighborhood Association  
 Guadalupe Association for an Improved Neighborhood (GAIN)  
 Barrio Unido Neighborhood Association  
 Greater East Austin Neighborhood Association  
 East Cesar Chavez Neighborhood Association  
 United East Austin Coalition  
 Guadalupe Neighborhood Development Corporation  
 Saltillo Loft Owners Association  
 Organization of Central East Austin Neighborhoods (OCEAN)  
 East Cesar Chavez Neighborhood Planning Team  
 East River City Citizens  
 Tejano Town

**SCHOOLS:**

Zavala Elementary School      Martin Middle School      Eastside Memorial HS at Johnston

**CITY COUNCIL DATE:**

August 29, 2013: 1<sup>st</sup> Reading;  
 September 26, 2013: 2<sup>nd</sup> & 3<sup>rd</sup> Reading

**CASE MANAGER:** Heather Chaffin  
 e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

**STAFF RECOMMENDATION:**

Staff supports the TOD-NP-CURE request as modified by the Applicant. Staff believes the proposed rezoning meets the purpose of the CURE combining district as stated in the Land Development Code:

*The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.*

*(B) A CURE combining district may be used:*

- (1) for sustainable redevelopment of homes, multifamily housing, and small businesses;*
- (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood;*
- (3) to improve the natural environment; and*
- (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.*

The modified request was developed with significant input from neighbors and City staff, particularly regarding concerns over building height, development intensity, and affordable housing. Accordingly, the request complies with current standards for these items. The Applicant proposes placing parking for both the Office Tract and Multifamily Tract development on the Multifamily Tract. As it is written, Section 4.5.2 of the TOD Regulating Plan does not allow this, but this Section was intended to prohibit both excessive and inadequate parking situations; the proposed scenario does not violate the spirit or goals of the Plaza Saltillo TOD.

**SITE PLAN**

SP 1. The subject site is within the Plaza Saltillo TOD Station Area Plan, and will be subject to design regulations as described within that Regulating Plan as adopted December 11, 2008.

- the maximum building height will be 60 feet, unless a height bonus is granted in exchange for affordable housing, or a waiver of site development standards and building height allowances is granted (4.3.3.B)
- the minimum height is two stories, unless bonus or waiver is granted
- the maximum Floor-to-Area Ratio (FAR) is 2:1, unless a development bonus is granted (4.2.8.)
- the maximum impervious cover is 95 percent
- the maximum building coverage is equal to the impervious cover limits

SP 2. For site development permitting and shared parking, it may be necessary for the applicant to prepare a Unified Development Agreement as a condition of approval.

**TRANSPORTATION**

TR1: No additional right-of-way is needed at this time.

TR2: The traffic impact analysis is deferred and will be addressed at the time of site plan.

TR3: According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

<u>Street Name</u>	<u>Existing Bicycle Facilities</u>	<u>Recommended Bicycle Facilities</u>
East 5th Street	Shared Lane	Bike Boulevard
East 6th Street	None	None
Comal Street	Wide Curb	Bike Lane

TR4: Capital Metro bus service (route no. 320) is available along Comal Street. Metro Rail Service (Red Line) is available at East 5th Street and Comal Street (Saltillo Plaza).

### CAPITAL METRO

*Concerning all proposed development within 500-feet of the Capital Metro Rail Tracks-* Capital Metro runs freight service on these tracks, and is required to continue to do so as a matter of federal law. Since March 22, 2010, we are operating passenger rail service, primarily, but not limited to, weekday hours. With the start of passenger rail service, we have shifted freight rail service to other times, particularly the hours after the last passenger train has run. This shift is in accordance with Federal regulations and safety procedures.

All concerned parties need to be aware of the freight service in planning any development. The freight trains generate some noise as they move through. At many urban street crossings, there are upgraded signal systems with crossing arms to block the roadway. This allows the City of Austin the ability to apply for a "quiet zone" meaning that the train will not blow its horn, under normal operations, as it moves through the street. At other crossings, the freight train will blow the horn, which is approximately 96 decibels. At any time, if the engineer judges it to be prudent, the horn will be sounded as needed for safe operation. Please consider this information in planning developments near the Capital Metro rail lines.

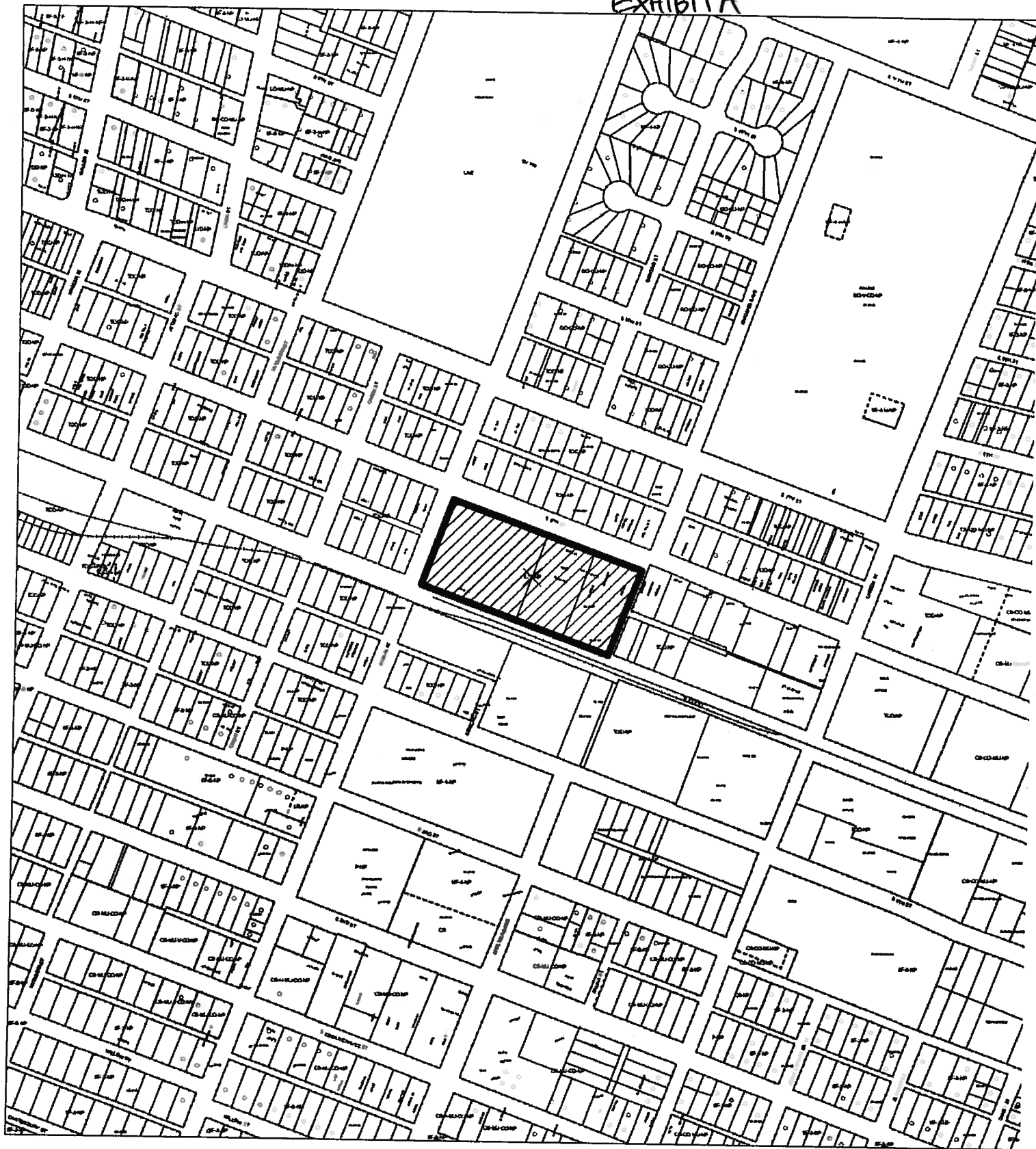
### ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### WATER UTILITY

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

EXHIBIT A



**ZONING**

N



 SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 500'

ZONING CASE#: C14-2011-0091  
LOCATION: 1601 & 1645 E 6TH ST  
SUBJECT AREA: 4.1282 AC.  
GRID: K22  
MANAGER: J. RUSTHOVEN



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

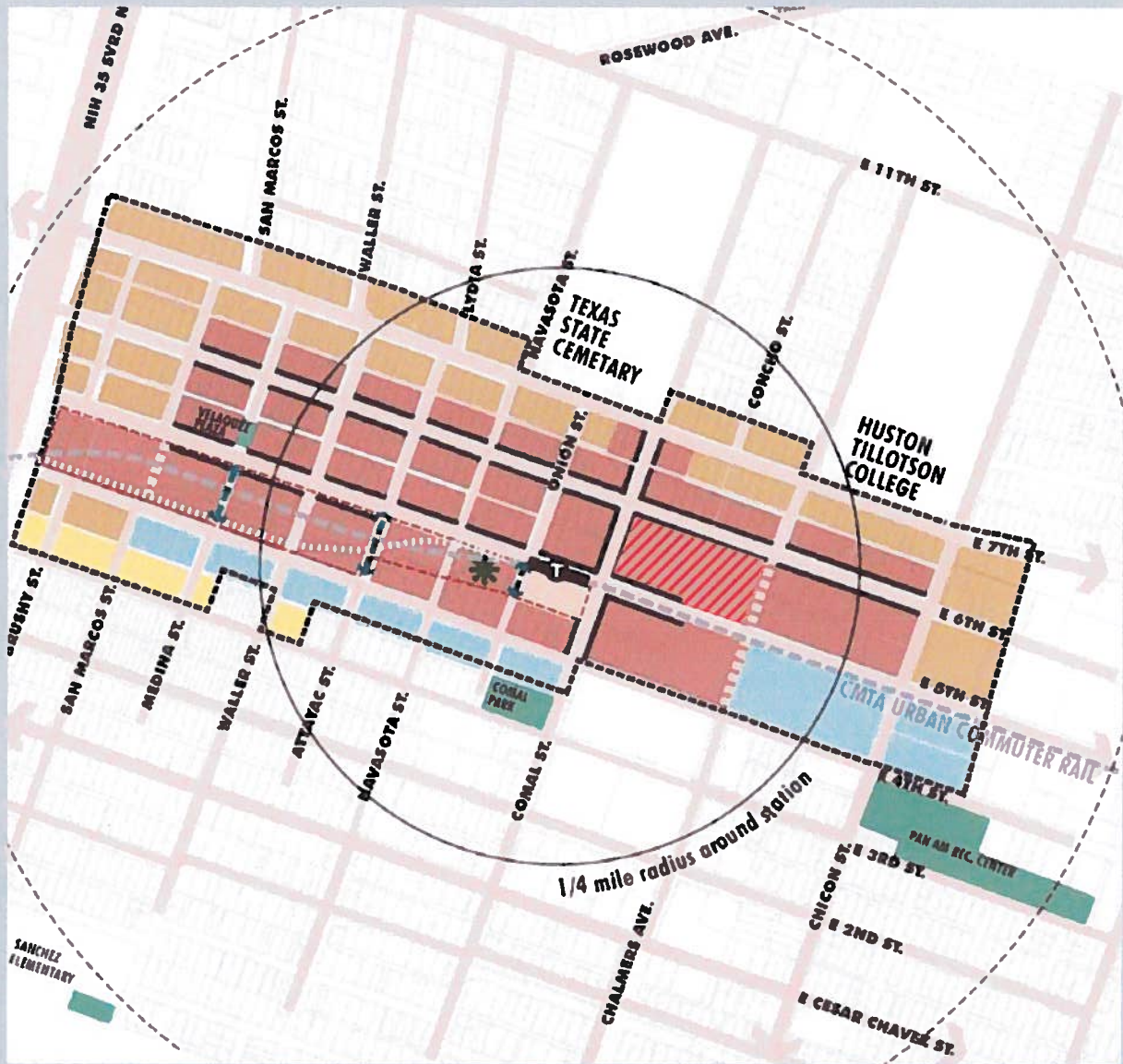






# EXHIBIT C

## 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
- METRORAIL STATION
- POTENTIAL FUTURE RE-ALIGNMENT OF RAIL LINE

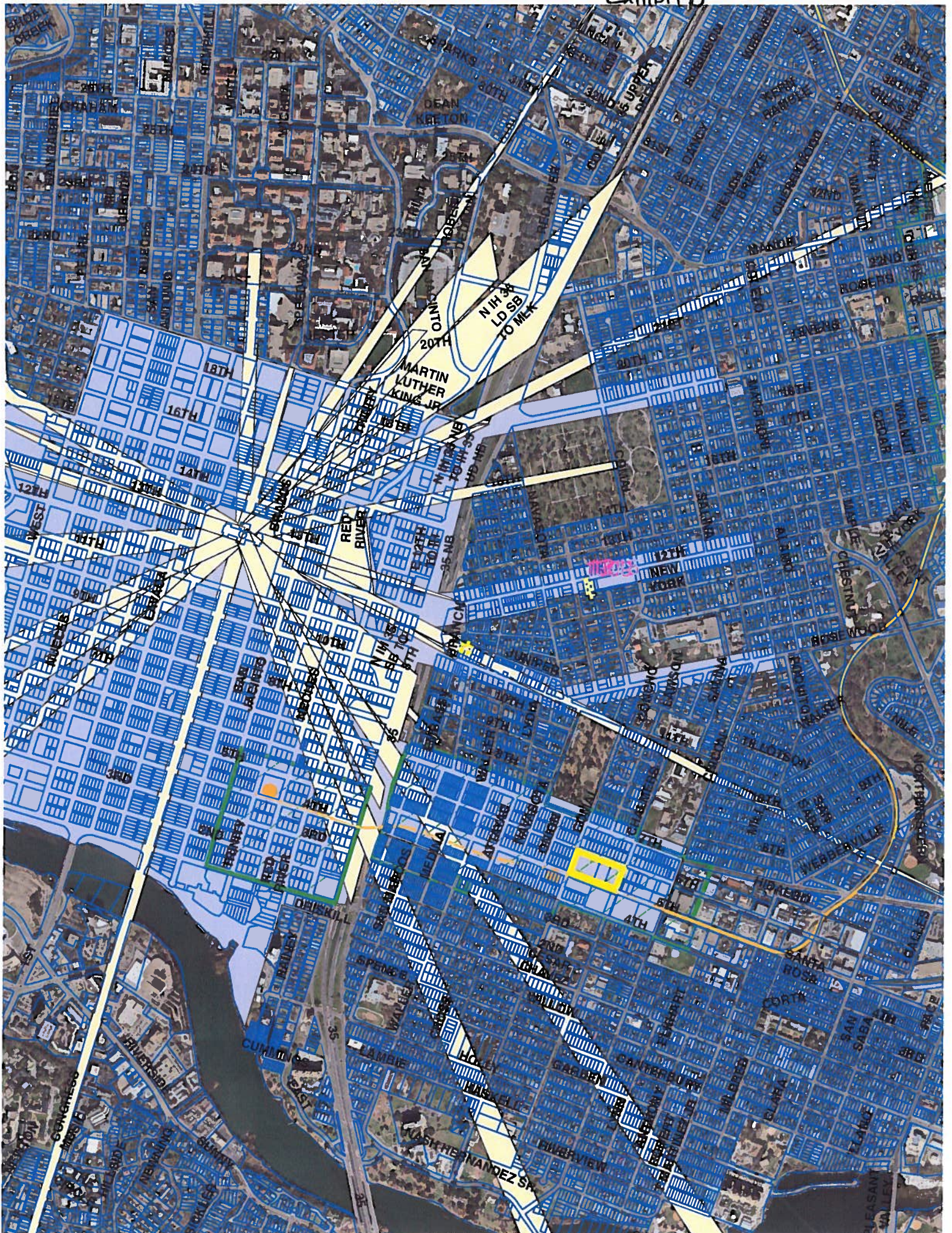
ZONING TRACT

0 200 400 800 FEET



## TRANSIT ORIENTED DEVELOPMENT STATION AREA PLANNING







## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2012-0044.SH  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Jul 10, 2012, Planning Commission  
Aug 2, 2012, City Council

*Ada Bolden*

Your Name (please print)

*2005 E. 14th St. Austin 78702*

Your address(es) affected by this application

*Ada Bolden*

Signature

Daytime Telephone: *Private*

Date

*6-29-12*

☐ I am in favor  
☒ I object

Comments:

*We need home steady families, permanent residents. 12th Street is commercial. I am not for Mixed Use Combining District.*

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

City of Austin  
Planning & Development Review Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810

EXHIBIT E

## PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: [www.austintexas.gov/planning/](http://www.austintexas.gov/planning/).

## 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-2012-0003.01.SH

Contact: Maureen Meredith

Public Hearing: Jul 10, 2012, Planning Commission

Aug 2, 2012, City Council



Ada Bolden

Your Name (please print)

2005 E. 14th St. Austin 78702

Your address(es) affected by this application

Ada Bolden

Signature

Date

6-29-12

Comments:

We need home steady people who have a stake in the community not transient parties. We have enough people that are here today and gone tomorrow. (School out) Bad actors who could care less how they got out because they will be gone home or to another location when the semester ends.



## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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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[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2011-0091  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Jul 10, 2012, Planning Commission

Thomas Duggan  
Your Name (please print)

1601 E. 5th Street 215  
Your address(es) affected by this application

Thomas Duggan  
Signature

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

☒ I am in favor  
☐ I object

Date

7/6/12

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

City of Austin  
Planning & Development Review Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810

received  
7-9-2012 HC

**Chaffin, Heather**

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**From:** Perla Cavazos [REDACTED]  
**Sent:** Tuesday, July 10, 2012 2:54 PM  
**To:** Chaffin, Heather  
**Subject:** C14-2011-0091

Ms. Chaffin,

I am writing to oppose CURE zoning for case number C14-2011-0091 regarding the property(ies) on 6th & Comal.  
Perla Cavazos

**Chaffin, Heather**

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**From:** Cody Symington [REDACTED]  
**Sent:** Monday, January 07, 2013 6:06 PM  
**To:** Chaffin, Heather  
**Subject:** case C14-2011-0091

I am writing as a concerned East Austin resident about the hearing scheduled for tomorrow regarding the rezoning of 1601 & 1645 E 6th St. I strongly oppose this change as we are already dealing with unprecedented growth in our neighborhoods and any further leniency on the amount of development for profits which does not benefit our community seems unfounded. Thank you for listening!

Cody Symington



**Chaffin, Heather**

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**From:** Robin Lane [REDACTED]  
**Sent:** Monday, January 07, 2013 6:31 PM  
**To:** Chaffin, Heather  
**Subject:** case # C14-2011-0091

Dear Ms. Chaffin,

Please reconsider this application to change the zoning of 1601 and 1645 E. 6th st from TOP-ND-TOD to TOP-ND-CURE. It is my understanding that under the CURE zoning, this building can be built over 10 stories high. Please do not turn historic East Austin into a neighborhood of condos, hotels, and office buildings. People who live in the neighborhood are being displaced by these developments.

If Austin's motto is really to "Keep Austin Weird," this zoning change would do the complete opposite.

Thank you for your time.

Best,

Robin Lane

[REDACTED]  
[REDACTED]  
[REDACTED]

## Chaffin, Heather

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**From:** David Zapata [redacted]  
**Sent:** Monday, January 07, 2013 7:28 PM  
**To:** Chaffin, Heather  
**Subject:** 1601 and 1645 properties

I strongly oppose the height on such property at 10 stories. This will open the doors to all kind of high structure developments in the future I've lived in this neighborhood for 57 yrs. The Zapata family are 5th. generation in East Austin. If development has to be done please limit at 5 stories. We are not oppose of development just the wrong type of development. The owner of Arnold oil does not live here so he cares very little of what happens here. Thank You for your attention on this matter, I will meet with my neighborhood association to follow up with this issue also.

DAVID ZAPATA 512 480-

9909

**Chaffin, Heather**

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**From:** John Jennings [johnmj1@hotmail.com]  
**Sent:** Monday, January 07, 2013 8:33 PM  
**To:** Chaffin, Heather  
**Subject:** # C14-2011-0091

RE: # C14-2011-0091

Dear Ms. Chaffin -

Please help preserve the integrity of the east side and East 6th Street by enforcing the five-story limit on the property described above.

My wife and I pay taxes and live on East 6th....we don't object to multi-level buildings but over five stories is wrong for this neighborhood.

Please protect us from over development and enforce the current zoning for this parcel.

Many thanks,  
John Jennings  
2235 East 6th Street, #415  
Austin, TX 78702  
email [johnmj1@hotmail.com]

***John M. Jennings***



## Chaffin, Heather

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**From:** Susan Benz [REDACTED]  
**Sent:** Tuesday, January 08, 2013 9:27 AM  
**To:** Mandy Dealey; Tina Bui; Sandra Kirk; Dave Sullivan; Danette Chimenti; Alfonso Hernandez; Richard Hatfield; David Anderson  
**Cc:** Chaffin, Heather; Lori Renteria; Molly O'Halloran; Edie Cassell; Pilar Sanchez; Rick Weinberg; Chris Kanipe; Alex Sylva; Ken Johnson; Jeff Thompson; Frank Campos; Richard Roberts; Germaine Keller; kathy setzer; Anna Rowlan; Amy Thompson; Sabino Renteria; Cristina Valdes; Farah Rivera; Ricardo Zavala; Patience Worrel; Leah Bojo; Susan Benz; SolAna Renteria; Jo Staton; Matthew Lutz; Kathy McWhorter; Rev. Jayme Mathias; Al Moser  
**Subject:** case # C14-2011-0091 - Arnold Oil Property on East 6th St

Dear Planning Commission,

I am a resident of East 6th Street and I am concerned that the Arnold Oil property is to be in front of you today requesting a zoning change to allow for greater building heights. Our neighborhood is a low scale neighborhood and a very important measure to keep the nature of our neighborhood - with its historic buildings, single family residences and mixed use projects - is to hold the line on allowed building heights.

Mr. Arnold has argued to me that the only way he can make the return "he needs" on his property is to get it up zoned because building multi-use with a 60 ft height limitation is difficult economically.

I also know that trading height limitations for affordable housing is a common tool to get increased density. I support affordable housing and it can be done respectfully to the surrounding neighborhood.

I'd like to point out the project "Corazon" that is currently under construction between 5th and 6th, just a few blocks from the Arnold Oil property. This national development company has embarked on a project that asks for no additional heights and at the same time is providing a higher number of affordable housing units than required. There are four or five other examples along 6th St.

I respectfully ask that you hold the line at 60 ft height restrictions and suggest that Mr Arnold meet with the developers of Corazon to learn their model on successful neighborhood developments.

Sincerely,

Susan Benz

*"It takes a long time to become young." Pablo Picasso*

~~~~~  
**Susan Benz, AIA**  
**Benz Resource Group**  
[REDACTED]

1101 B East 6th St  
Austin, TX 78702  
512-220-9542  
~~~~~

## Chaffin, Heather

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**From:** Edie Cassell [REDACTED]  
**Sent:** Tuesday, January 08, 2013 10:12 AM  
**To:** Mandy Dealey; Tina Bui; Saundra Kirk; Dave Sullivan; Danette Chimenti; Alfonso Hernandez; Richard Hatfield; David Anderson; Chaffin, Heather; Lori Renteria; Molly O'Halloran; Pilar Sanchez; Rick Weinberg; Chris Kanipe; Alex Sylva; Ken Johnson; Jeff Thompson; Frank Campos; Richard Roberts; Germaine Keller; kathy setzer; Anna Rowan; Amy Thompson; Sabino Renteria; Cristina Valdes; Farah Rivera; Ricardo Zavala; Patience Worrel; Leah Bojo; Susan Benz; SolAna Renteria; Jo Staton; Matthew Lutz; Kathy McWhorter; Rev. Jayme Mathias; Al Moser; Susan Benz  
**Subject:** Case # C14-2011-0091 - Arnold Oil Property on East 6th St

Dear Planning Commission,

I am a resident living at Comal and Willow Streets, just a few blocks from the property under consideration.

I do not support the request for a zoning change to allow for greater building heights at the Arnold Oil property. I believe that it is very important to keep the nature of our neighborhood - with its historic buildings, single family residences and mixed use projects - by holding the line on allowed building heights.

The East Cesar Chavez neighborhood has become an attraction and popular destination for visitors, both local and from out-of-town, because of its unique quaint, small-scale, diverse nature. In addition to risking the loss of quality of life for residents like me, I feel that the city planners run the risk of losing the very nature of what makes this area so appealing if zoning changes of this nature are allowed in this area.

I respectfully ask that you hold the line at 60 ft height restrictions and deny this request.

Sincerely,

Dr. Edie Cassell  
Clinical Associate Professor  
Texas A&M University

<http://directory.cba.tamug.edu/new.php?id=cassell>

1611 Willow Street  
Austin, TX 78702  
(512) 968-5313

Law Office of Gary E. Prust  
1607 Nueces St.  
Austin, TX 78701  
(512)469-0092  
Fax (512)469-9102

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January 8, 2013

Austin Planning Commission  
City Hall – Council Chambers  
301 W. 2nd Street  
Austin, TX 78701

Re: Case # C14-2011-0091, 1601 & 1645 E 6th St Re-Zoning

Dear Ms. Chaffin,

I am writing this email because I want to voice my opinion on the rezoning matter but cannot appear at tonight's scheduled zoning change.

I purchased a home in East Austin about six months ago. When looking at what neighborhoods I was interested in, I purposefully avoided the downtown area west of Interstate 35. I have lived on the seventh floor of a tall residential building before and know that type a residence and that type of neighborhood are not suited for me.

As I understand the proposed rezoning, the owner of a certain lot or lots on East Sixth Street would like to change the allowed heights from five stories to ten stories. That is a significant difference in the character brought to an area. In particular, East Sixth Street, as there are no other buildings of that height and it does not fit in with the already established businesses and residences. To allow a change of that magnitude runs the very real and significant risk of opening the floodgates and high-dollar development into what has traditionally been a moderate to low income area. The neighborhood has also traditionally supported long-term residents and to allow this kind of superstructure will again drastically change the character of the neighborhood.

A five story building on East Sixth street large enough to make a real estate developer who may not live in the same town or neighborhood plenty of money and to provide proposed economic development into an area. To allow a larger structure would require more roads, stoplights, and basic infrastructure. There is no room to expand the streets on East Sixth. Austin's already notorious traffic would grow even worse. This would also put a strain on city coffers, hurting the rest of us, only for the benefit of one real estate developer.

I moved to East Austin because of the small town type of feel that makes many in this part of Austin feel right at home. It's gotten to where you can no longer see the capital building in this town. The constant flood of zoning changes in name of economical development and progress are ruining the standard of living Austin is known for. I say this only because the proposed zoning change is an anecdotal example of what is happening to this city.

To summarize, five stories on East Sixth Street is reasonable enough development. To allow ten stories is a drastic change that will turn the current culture and history of the area on its head. Many



move or continue to reside in East Austin because it is where their long-time family home is or the only place they can afford. High-dollar development in the area will forcibly exodus working class citizens. The zoning change runs the risk of sacrificing the good of the many citizens in Austin for the benefit of a single real estate developer.

Please contact me if I can be of further assistance or if you have any questions. Thank you for your time.

Very truly yours,

Gary E. Prust  
Attorney at Law and  
Proud resident of East Austin



August 5, 2013

Planning Commission  
City Council Chambers  
301 W. 2<sup>nd</sup> 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. 6<sup>th</sup> 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

## Chaffin, Heather

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**From:** Swor, Amanda <aswor@winstead.com>  
**Sent:** Thursday, August 22, 2013 12:57 PM  
**To:** Chaffin, Heather; Meredith, Maureen  
**Subject:** FW: Jaylee Ltd - Arnold Oil Site

FYI

**Amanda W. Swor**, Project Manager

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701  
512.370.2827 *direct* | 512.370.2850 *fax* | [aswor@winstead.com](mailto:aswor@winstead.com) | [www.winstead.com](http://www.winstead.com)

**From:** Ken Johnson [REDACTED]

**Sent:** Thursday, August 22, 2013 9:36 AM

**To:** Swor, Amanda

**Cc:** Al Moser; Amy Thompson; Cristina Valdes; Eddie Cassell; Farah Rivera; Jeff Thompson; Jo Station; Julio Perez; Kathy McWhorter; Kathy Setzer; ken johnson; Lori C-Renteria; Molly O'Halloran; Pilar Sanchez; Ricardo Zavala; Richard Roberts; Sabino 'Pio' Renteria; Susan Benz; Denis O'Donnell; [REDACTED]  
Anderson, Greg; Rance Clouse

**Subject:** Re: Jaylee Ltd - Arnold Oil Site

Hi Amanda -

Thank you for the update. I presented the information you mention below during committee reports last night and, after some discussion, there were no objections as it seems like this is in the same spirit as the approach ECCNPT endorsed in our letter. We did not take an official vote, but if that is necessary, we can put it on next month's agenda. Please keep us informed as the project moves forward and thank you again for working with us on this important piece of our neighborhood.

Thanks,  
Ken Johnson  
Chair  
East Cesar Chavez Neighborhood Planning Team

On Thu, Aug 22, 2013 at 7:47 AM, Swor, Amanda <[aswor@winstead.com](mailto:aswor@winstead.com)> wrote:  
Good morning Ken –

Thank you for taking the time to talk with me yesterday afternoon. I wanted to check in and see if the neighborhood had a chance to discuss the proposed change to the neighborhood plan amendment and zoning applications submitted to the City by my client to switch the requested parking modifications so that the office tract would have an increase in maximum parking requirements and the residential tract would have a decrease in minimum parking requirements. As I mentioned on the phone, this change does not increase the proposed project, it simply allows the office tract to stand alone and meet the FAR requirements of the TOD.

If you have any questions, please do not hesitate to contact me.

Have a great day!

**Amanda W. Swor**, Project Manager

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701

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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. 6<sup>th</sup> 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 track 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.

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 Delk, Transwestern, (*via electronic mail*)  
Steve Drenner, Firm