

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0054
901 East

P.C. DATE: June 23, 2015

DISTRICT: 3

ADDRESS: 901 and 917 East 6th Street

AREA: 0.706 acres

OWNER: Osten Hall, LLC (Richard Kooris)

AGENT: Land Use Solutions (Michele Haussmann)

FROM: Transit Oriented Development-Neighborhood Plan (TOD-NP) combining district

TO: Transit Oriented Development-Central Urban Redevelopment- Neighborhood Plan
(TOD-CURE-NP) combining district

NEIGHBORHOOD PLAN AREA: East Cesar Chavez

TIA: N/A

WATERSHED: Waller Creek

CAPITOL VIEW CORRIDOR: Yes

DESIRED DEVELOPMENT ZONE: Yes

SCENIC ROADWAY: No

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request, with conditions (TOD-CURE-CO-NP). Staff recommends the following conditions: 1. Development on the site shall generate no more than 2,000 vehicular trips per day; 2. Vehicular access to East 6th Street is prohibited. 3. Section 25-2-531 of City Code is modified to include storage rooms and restrooms structures. The Applicant agrees to the additional conditions.

PLANNING COMMISSION RECOMMENDATION:

June 23, 2015: *TO GRANT TOD-CURE-CO-NP AS RECOMMENDED BY STAFF, ON CONSENT. (8-0) [R. Hatfield- 1st, S. Oliver- 2nd; J. Shieh- Absent.]*

ISSUES:

The Applicant requests TOD-CURE-NP, with the CURE combining district modifying the base TOD zoning district to increase the maximum building height from 60 feet to 80 feet, and modifying Section 25-2-531 of City Code is to include storage rooms and restrooms structures. The Applicant is providing fee-in-lieu for affordable housing because the proposed development does not include any residential units. Neighborhood Housing and Community Development (NHCD) staff supports the fee-in-lieu request.

DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located at the southeast corner of Brushy Street and East 6th Street. All land in the vicinity is zone TOD-NP. The property is currently developed as a commercial space that hosts a variety of uses—music venue, etc. Across 6th Street to the north is the 6th & Brushy development, a 4-story mixed use development. Immediately east of the subject property is a retail store; across San Marcos Street to the east is the Corazon, a 2-story mixed use development. To the south across an alley is a mix of office, retail, personal services, and other commercial land uses. To the west, across Brushy Street, is a retail store. Please refer to Exhibits A and B (Zoning Map and Aerial View).

Plaza Saltillo TOD. The subject property is located within the boundaries of the Plaza Saltillo Station Area Plan (Exhibit C- TOD Plan). The property is subject to the land use and site development standards identified in the Plan, with land use regulations and general design standards organized into subdistricts. There are three mixed-use subdistricts and one residential subdistrict. The property is located within a Corridor Mixed Use subdistrict, which allows the widest variety of uses in the TOD, a moderately high level of development activity, and the ability to mix uses either within separate structures on the site or within the same building on the site. Active ground floor uses or a mix of uses in one development are encouraged, but not required. Retail, office, and higher density residential development are all permitted. This zone is typically located on major streets farther away from the transit station.

CURE Zoning. 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 located within a Capitol View Corridor viewshed, and any proposed site plan/building plan will require formal Capitol View Corridor assessment. The property also meets the CURE requirement that the site has existing development that is at least 10 years old.

The CURE combining district allows modification of various elements of the base zoning district, which in this case is TOD. CURE can be used to modify permitted or conditional uses, the site development regulations; off-street parking or loading regulations, sign regulations; landscaping, or screening regulations. CURE cannot be used to waive or modify compatibility standards, where applicable.

Rezoning Request. For the rezoning request, the Applicant requests TOD-CURE-NP, with the CURE combining district modifying the base TOD zoning district to increase the maximum building height from 60 feet to 80 feet and modifying City Code Section 25-2-531 (B)(1) to include restroom and storage closets. The rezoning does not propose increasing the number of stories in the building; the Applicant plans to build a 5-story building. When the Plaza Saltillo TOD was created in 2008, 60 feet was considered sufficient for construction of a 5-story building. Changes in construction standards and techniques, including those for Green Building standards, have resulted in increased heights per floor, so 5-stories of new construction cannot be constructed within 60 feet of height.

The Applicant is developing a building that is 4 stories of office over a ground floor of mixed commercial land uses. The Applicant has committed to provide fee-in-lieu payment for affordable housing since there are no residential units proposed on the site. The fee-in-lieu agreement with Neighborhood Housing and Community Development (NHCD) is documented in Exhibit E (Affordable Housing Letter).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP – Mixed Use	Commercial
<i>North</i>	TOD-NP – Mixed Use	Mixed use – commercial, multifamily
<i>South</i>	TOD-NP – Mixed Use	Mixed commercial
<i>East</i>	TOD-NP – Mixed Use	Retail, Mixed use- commercial, multifamily
<i>West</i>	TOD-NP – Mixed Use	Retail

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Cap Metro (¼ mile radius)
E 6 th St.	80'	40'	Collector	Yes	No	Yes
Brushy St.	50'	41'	Local	No	No	Yes

RELATED CASES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0091 Jaylee Limited (Arnold Oil) 1601& 1645 E. 6 th Street	TOD-NP to TOD-CURE-NP	August 27, 2013: PC approved Staff rec. on consent (8-0-1) TOD-NP-CURE to allow: 1.The property will be developed as an Office Tract and a MF Tract. 2. The Office Tract and MF Tract will be joined by a UDA and/or Shared Parking Agreement. 3. Parking for both Tracts may be located on the MF Tract.	September 26, 2013: ORD NO. 20130926- 100- CC approved TOD-CURE- NP as rec. on consent (8-0-1)

SCHOOLS:

Zavala Elementary School Martin Middle School Eastside Memorial HS at Johnston

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

CITY COUNCIL DATE: August 13, 2015:

CASE MANAGER: Heather Chaffin

PHONE: 512-974-2122

e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff supports the Applicant's request, with conditions (TOD-CURE-CO-NP). Staff recommends the following conditions: 1. Development on the site shall generate no more than 2,000 vehicular trips per day; 2. Vehicular access to East 6th Street is prohibited. The Applicant agrees to the additional conditions.

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

Staff believes the proposed rezoning, with conditions, 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."

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed 80-foot, 5-story building is not out of scale with adjacent 60-foot, 4- and 4 ½ story buildings.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3 FYI - The site is on East 6th Street, which is a Core Transit Corridor in Subchapter E.

SP 4 The site is in a Capitol View Corridor. In a Capitol view corridor, a structure may not exceed the elevation of the plane delineating the corridor. The height limitation exceptions of Section 25-2-531 (Height Limitation Exceptions) do not apply to this subsection. A formal Capital View Corridor determination application will be required.

SP 5 The site is within the Plaza Saltillo TOD. Per the regulating plan, it is designated as TOD Corridor Mixed Use.

TRANSPORTATION

TR1. If the requested zoning is granted, the following recommendations are made as a condition of zoning:

- a) access to E. 6th Street be prohibited as a condition of zoning because there is an available alley to the south of the property and Brushy Street for access,
- b) development of the site shall generate no more than 2,000 vehicular trips per day.

- TR2. FYI: The following items may be required at time of site development: 1. All loading, trash collection, utility location be accessed through the alley located to the south; and, 2. If the requested zoning is granted, it is recommended that joint access be provided for the all lots along East 6th Street.
- TR3. This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities. Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.
- TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

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.

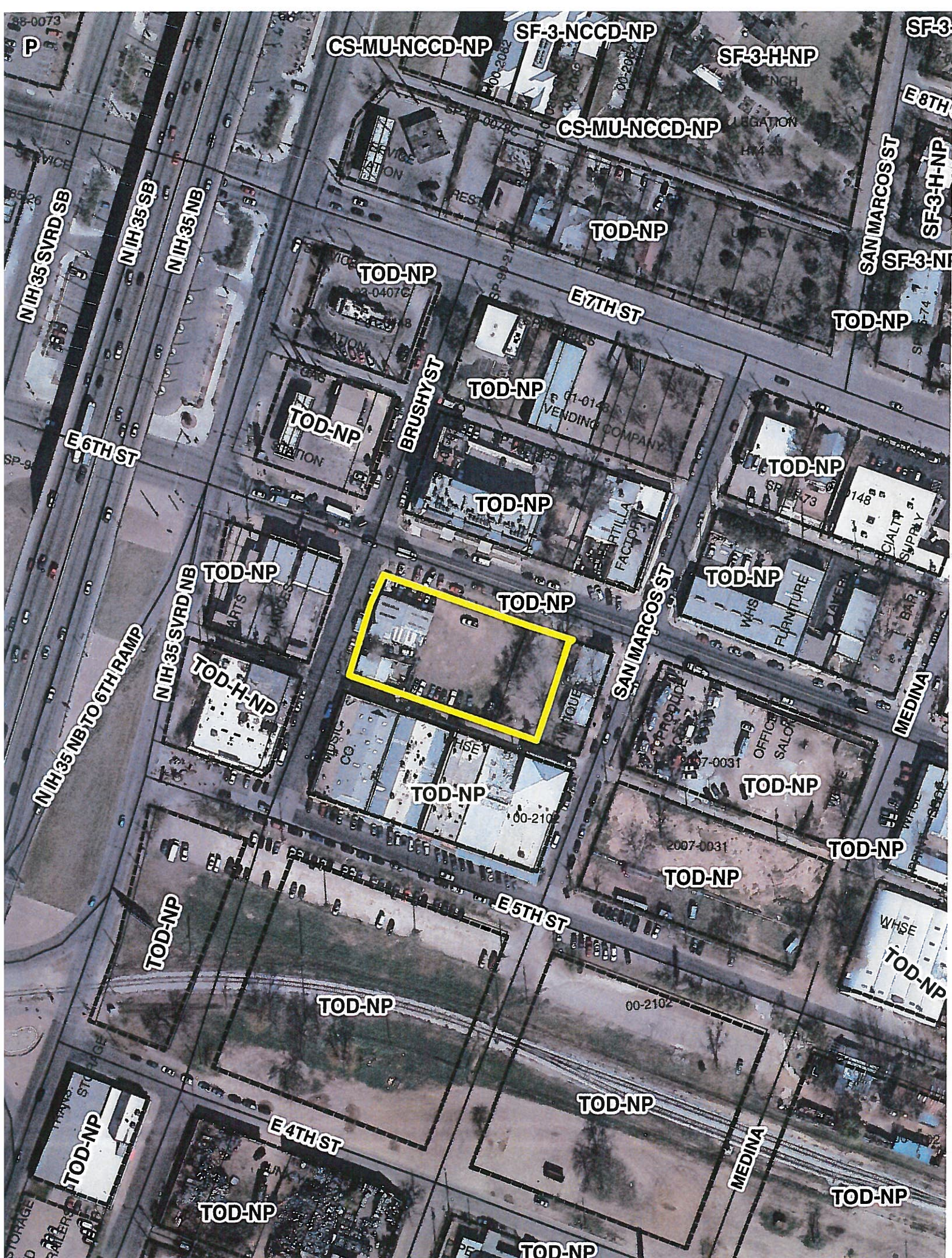
All concerned parties need to be aware of the freight service in planning any development. The freight trains generate some noise as they move through. At many urban street crossings, there are upgraded signal systems with crossing arms to block the roadway. This allows the City of Austin the ability 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 Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
2. 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.
3. According to flood plain maps, there is no flood plain within the project area.
4. 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.

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.



P

CS-MU-NCCD-NP

SF-3-NCCD-NP

SF-3-H-NP

SF-3

CS-MU-NCCD-NP

E8TH

SAN MARCOS ST

SF-3-H-NP

SF-3-N

TOD-NP

TOD-NP

TOD-NP

E7TH ST

TOD-NP

TOD-NP

BRUSHY ST

TOD-NP

TOD-NP

TOD-NP

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E4TH ST

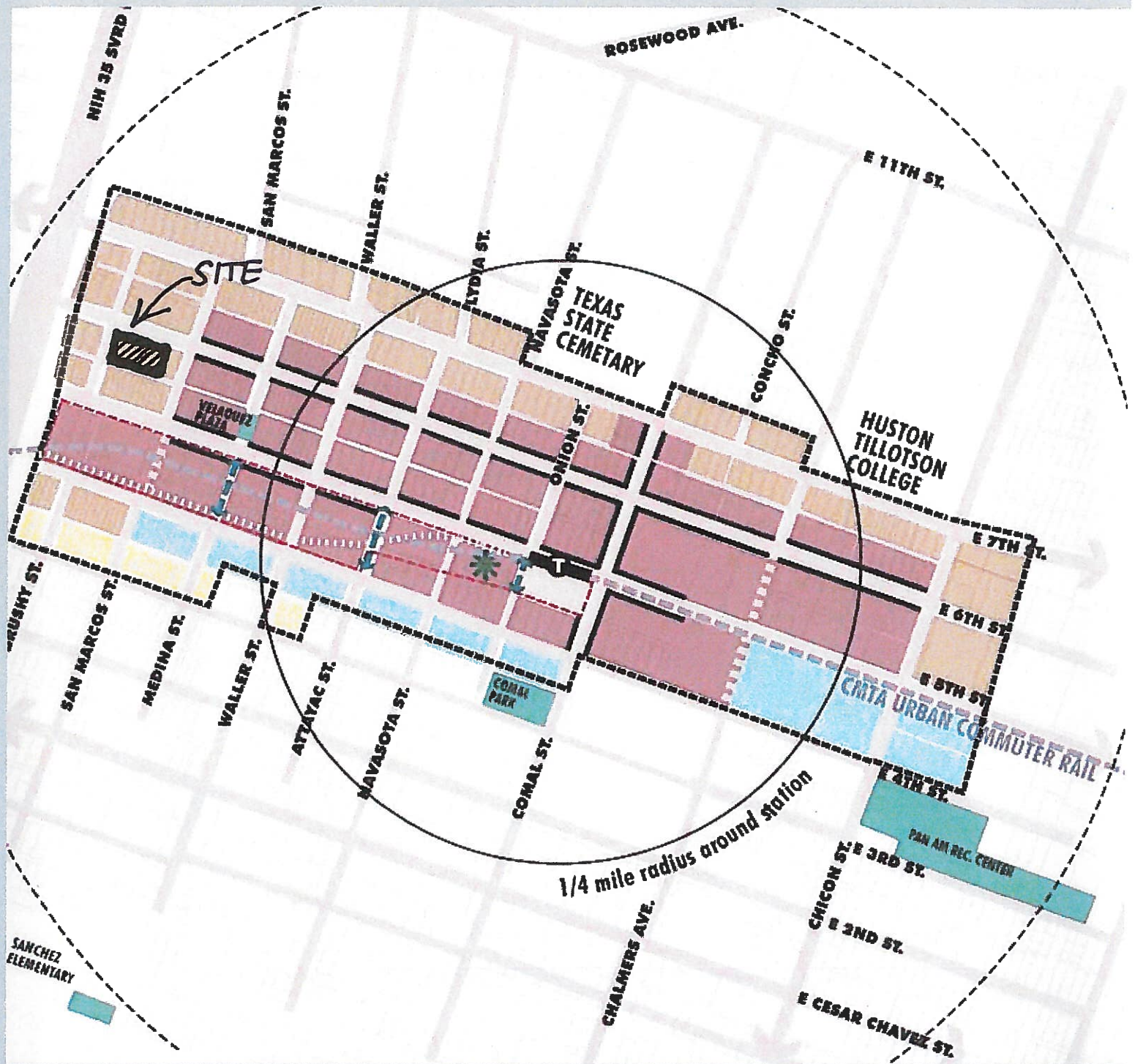
MEDINA

TOD-NP

TOD-NP

TOD-NP

LAND USE AND DESIGN CONCEPT PLAN

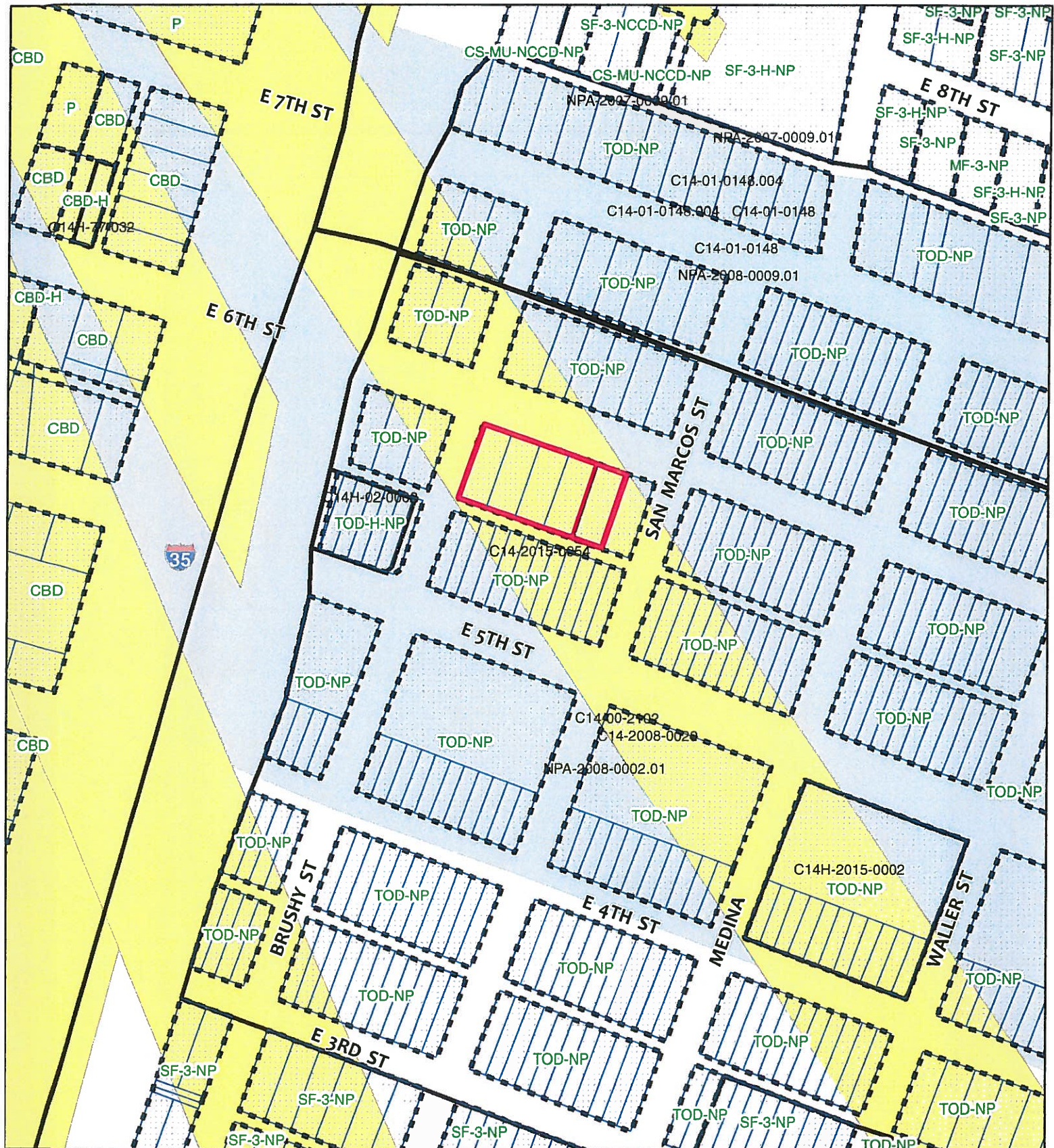


LEGEND

- 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





ZONING **Zoning Case: C14-2014-0054**

- Subject Property
- Capitol View Corridors Conditional Overlay
- C.U.R.E. Conditional Overlay
- Zoning



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.

N



1' = 400'



June 3, 2015

Ms. Heather Chaffin
Planning and Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78703
VIA ELECTRONIC MAIL Heather.Chaffin@austintexas.gov

Re: Fee-in-lieu Request 901 East Project - Property located at 901 and 917 East 6th Street

Dear Ms. Chaffin:

The Neighborhood Housing and Community Development Department (NHCD) has reviewed the request of the owner of the property located at 901 and 917 East 6th Street to provide a fee-in-lieu payment in place of providing affordable housing units in the project known as the 901 East project. This request to provide a fee-in-lieu payment is permitted as part of the density bonus section of the Plaza Saltillo Regulating Plan, specifically Section 4.3.2(D)(1) and requires the approval of the City Council.

The Plaza Saltillo TOD Regulating Plan permits the donation of a fee-in-lieu of onsite affordable housing under Section 4.3.2(D) if the property owner/developer can demonstrate a compelling reason not to provide the required on-site affordable housing. The TOD regulating plan establishes a fee-in-lieu of \$10 per square foot of bonus area. The fee-in-lieu is to be paid into the Housing Assistance Fund otherwise known as the Housing Trust Fund.

NHCD supports the property owner's request to pay a fee-in-lieu of providing affordable housing units on-site based on the following compelling reasons:

- 1) The project is not a residential project.
- 2) The project is an office building with retail and possibly restaurant uses. .

City Council must approve the request for a fee-in-lieu of on-site affordable housing units. If City Council chooses to approve the fee-in-lieu request Council will issue a resolution that will be tied to the property. NHCD recommends that the Council resolution include language that highlights that the approved fee-in-lieu of on-site affordable units is contingent upon build out of a development that includes no residential uses. If the approved site plan includes residential uses the fee-in-lieu approval will be void and the property owner will be responsible for meeting the on-site affordable housing requirements set by the Plaza Saltillo Regulating Plan or request City Council approval for a fee-in-lieu based on the site plan at that time.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jessi Koch". The signature is fluid and cursive, with the first name "Jessi" written in a larger, more prominent script than the last name "Koch".

Jessi Koch
Planner Senior
City of Austin
Neighborhood Housing and Community Development Department

CC:

Betsy Spencer
Greg Guernsey
Jerry Rusthoven
Tonya Swartzendruber

From: TOD-CURE

To: TOD-CURE-CO-NP

CURE Request:

1. Modifying the base TOD zoning district to increase the maximum building height from 60 feet to 80 feet, and
2. Modifying to section 25-2-531(B)(1) to include restrooms and storage closets.

Conditional Overlay:

1. Development on the Property shall generate no more than 2,000 vehicular trips per day, and
2. Vehicular access from the Property to East 6th Street is prohibited.

Restrictive Covenant:

1. Approval of a payment of a fee-in-lieu instead of providing on-site affordable housing. The Property is located in the Plaza Saltillo Regulating Plan. The Property is located in the Corridor Mixed Use Subdistrict and is eligible for a density bonus. According to Section 4.3.2(D)(1) below, the Owner can make a payment of a fee-in-lieu of providing on-site affordable housing units. The fee-in-lieu is based on the bonus square footage, not the total square footage of the building.

4.3.2. Density Bonus

A. Applicability

Article 4 Site Development Standards	Application:
Subsection 4.3.2 Density Bonus	All properties or portions of properties in the Live/Work Flex, TOD Mixed Use, and Corridor Mixed Use Subdistricts are eligible for a density bonus.

D. Fee-in-lieu

1. In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, he/she must demonstrate a compelling reason to not provide housing on-site, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment.
2. The current fee to be paid into the Housing Assistance Fund for each square foot of bonus area is established as ten dollars. The bonus area square footage shall be determined by the greater of the following:
 - a. The increase in gross building area above that established by the maximum Floor-to-Area (FAR) ratio as described in Subsection 4.2.8
 - b. The number of additional dwelling units above that established in Section 2.3 multiplied by the average unit square footage of the entire development seeking the development bonus
 - c. The amount of gross building area constructed within a space previously restricted by compatibility standards.