

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2014-0198  
One Two East

**P.C. DATE:** February 9, 2016  
January 12, 2016  
December 8, 2015  
October 13, 2015  
September 22, 2015  
April 28, 2015

**DISTRICT AREA:** 1

**ADDRESS:** 1105, 1107, and 1109 N. IH 35 Service Road, Northbound

**AREA:** 2.79 acres (Tract 1)  
0.049 acres (Tract 2)  
2.839 acres Total

**OWNER:** JH West 12<sup>th</sup> Street Partners, Ltd. (Haythem Dawlett)

**AGENT:** Drenner Group (Amanda Swor)

### **FROM & TO:**

**TRACT 1:** From: CS-NCCD-NP To: CS-NCCD-NP (to change a condition of zoning)  
• Amend the allowable maximum height for Tract One from 150 feet to 200 feet, where applicable,  
• Amend the allowable maximum floor-to-area ratio (F.A.R.) from 3.75 : 1 to 5 : 1.

**TRACT 2:** From: CS-1-NCCD-NP To: CS-1- NCCD-NP (to change a condition of zoning)  
• Amend the allowable maximum height for Tract Two from 150 feet to 200 feet, where applicable,  
• Amend the allowable maximum height for Tract Two from 100 feet to 200 feet, where applicable,  
• Amend the allowable maximum floor-to-area ratio (F.A.R.) from 3.75 : 1 to 5 : 1.

**NEIGHBORHOOD PLAN AREA:** Central East Austin (OCEAN)

**TRAFFIC IMPACT ANALYSIS (TIA):** Yes (*Exhibit A- TIA Memorandum*)

**CAPITOL VIEW CORRIDOR:** Yes (*Exhibit B- Capitol View Corridor Exhibit*)

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

### **SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request, as modified below (Staff modifications in ***bold italics***).

- Amend the allowable maximum height for Tract One from 150 feet to ***185 feet***, where applicable,
- Amend the allowable maximum height for Tract Two from 150 feet to ***185 feet***, where applicable,
- Amend the allowable maximum height for Tract Two from 100 feet to ***185 feet***, where applicable, and
- Amend the allowable maximum floor-to-area ratio (F.A.R.) for both tracts from 3.75 : 1 to 5:1.
- ***The property shall comply with the terms of a City of Austin approved Traffic Impact Analysis (TIA).***

### **ISSUES:**

Planning Commission made a recommendation on the requested rezoning at their February 9, 2016, meeting as noted in the next section of this report. The recommendation was rather lengthy, so a more complete description of the Planning Commission's discussion and action is attached as ***Exhibit J- Planning Commission Action.***

As noted above, Staff recommendation is contingent upon full compliance with the terms of a City of Austin approved Traffic Impact Analysis (TIA), with the City's conditions laid out in an TIA Memorandum, which is attached as Exhibit A.

The subject property is located within Subdistrict 3 of the East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD). Land use and site development regulations for this property are established by the NCCD. The Capitol View Corridor (CVC) also traverses the property. Additionally, the property is located within the Central East Austin Neighborhood planning area (OCEAN), and is designated as Mixed Use/Office and is also designated as a proposed site for a Neighborhood Urban Center on the Future Land Use Map (FLUM).

#### **PLANNING COMMISSION RECOMMENDATION:**

February 9, 2016: *TO GRANT CS-NCCD-NP AND CS-1-NCCD-NP, TO CHANGE A CONDITION OF ZONING, WITH CONDITIONS[SEE ATTACHMENT J- PLANNING COMMISSION ACTION] (7-3-1).* [T. Nuckols- 1<sup>st</sup>, J. Schissler - 2<sup>nd</sup>; P. Seegar, T. White, N. Zaragosa- Nay; A. Pineyro De Hoyos- Abstained; J. Thompson - Absent]

January 12, 2016: *TO GRANT POSTPONEMENT TO FEBRUARY 9, 2016, AS REQUESTED BY NEIGHBORHOOD WITH CONDITION THAT STAFF PROVIDE TIA MEMORANDUM TO APPLICANT AND NEIGHBORHOOD BY JANUARY 22, 2016, (9-2).* [N. Zaragosa- 1<sup>st</sup>, T. White - 2<sup>nd</sup>; J. Schissler, J. Vela- Nay; S. Oliver, J. Stevens - Absent]

December 8, 2015: *TO GRANT POSTPONEMENT TO JANUARY 12, 2016, AS REQUESTED BY STAFF, ON CONSENT, (11-0).* [J. Vela- 1<sup>st</sup>, F. Kazi - 2<sup>nd</sup>; J. Shieh, and J. Thompson - Absent]

October 27, 2015: *TO GRANT POSTPONEMENT TO DECEMBER 8, 2015, AS REQUESTED BY STAFF, (7-4).* [J. Stevens- 1<sup>st</sup>, J. Shieh - 2<sup>nd</sup>; S. Oliver, F. Kazi, J. Schissler, and M. Wilson- Nay; J. Thompson - Absent]

October 13, 2015: *TO GRANT POSTPONEMENT TO OCTOBER 27, 2015, AS REQUESTED BY STAFF, ON CONSENT, (11-0).* [N. Zaragosa- 1<sup>st</sup>, J. Stevens- 2<sup>nd</sup>; S. Oliver- Absent]

September 22, 2015: *TO GRANT POSTPONEMENT TO OCTOBER 13, 2015, AS REQUESTED BY STAFF, ON CONSENT, (11-0).* [N. Zaragosa- 1<sup>st</sup>, J. Stevens- 2<sup>nd</sup>; P. Seeger- Absent]

April 28, 2015: *TO GRANT INDEFINITE POSTPONEMENT AS REQUESTED BY APPLICANT, ON CONSENT, (8-0).* [J. Nortey- 1<sup>st</sup>, J. Stevens- 2<sup>nd</sup>; B. Roark- Absent]

#### **DEPARTMENT COMMENTS:**

**Rezoning Request.** The Applicant proposes to develop the subject property with a grocery store, approximately 472 apartments, as well as a mix of commercial and related uses. The proposed apartments include approximately 50% senior housing apartments, and 17 below-market rate apartments. To meet these goals, the Applicant has requested additional height and floor-to-area ratio (FAR). The initial request was for a maximum building height of 200 feet; the Applicant supports the Staff recommendation of a maximum 185 feet, with 5:1 FAR. No other changes to land use or site development regulations are requested. The Applicant has verified that the rezoning request does not propose any modification to any portions of Tract One and Two that are currently limited to 40 feet in height; these limits shall remain unchanged. Additionally, in accordance with the NCCD and Code, the maximum height of any structure shall not exceed the restrictions of the Capitol View Corridor (CVC) overlay.

**Existing Conditions.** The subject property is located on the northbound frontage road of Interstate 35 (IH 35), between East 11<sup>th</sup> Street and East 12<sup>th</sup> Street. The property is bordered on the east by Branch Street. The property has frontage on the highway, East 12<sup>th</sup> Street, and Branch Street; another property located immediately south of the subject property prohibits direct access to East 11<sup>th</sup> Street.

The subject property is developed with a mix of commercial uses, including a bingo hall, a restaurant, a pharmacy and a payday loan business. The northern portion of the property is zoned CS-NCCD-NP, and the southern portion is zoned CS-1-NCCD-NP. The property immediately to the south of the subject property is

also zoned CS-1-NCCD-NP and is developed with a credit union. Across East 12<sup>th</sup> Street to north is a motel zoned CS-MU-NCCD-NP. Across Branch Street to the east are properties zoned GR-MU-H-NCCD-NP, SF-3-NCCD-NP, SF-3-H-NP, and GR-MU-NCCD-CO-NP. These properties are a mix of uses, including professional offices, single family residences, and a restaurant. Please see *Exhibits C & D – Zoning Map & Aerial Map*. The property is also traversed by a portion of the Capitol View Corridor (CVC) overlay. The NCCD regulations were designed to ensure that CVC views are protected. Please see *Exhibit B – Capitol View Corridor Map*.

East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD). As stated above, the subject property is located in Subdistrict 3 of the East 11<sup>th</sup> Street NCCD, which was adopted by the City in 1991 (Ord. 910620-C) and later modified in 2001 and 2008 (Ords. 010607-23 and 20081211-080). In general, NCCDs are intended to preserve and protect older neighborhoods by modifying regulations in accordance with a neighborhood plan for development and conservation. The goals and objectives specific to the East 11<sup>th</sup> Street NCCD are excerpted below; the full ordinance and NCCD document can be found at: <http://austintexas.gov/edims/document.cfm?id=24060>.

*The goal of this NCCD document is to create a unified land development policy tailored to the redevelopment of the blighted, economically depressed East 11<sup>th</sup> Street Business District, and to encourage new commercial development of the existing vacant eight acre parcel fronting IH 35 at East 11<sup>th</sup> Street, by allowing a high intensity use. The purpose of this district is to establish the economic infrastructure within a specifically defined corridor to encourage investment in East Austin.*

*By encouraging mixed use development along the commercial corridor and increased density along IH 35, more people representing an economic mix will be able to live and work in the District. This expanded mix will provide a base that will support community self-development. Substantial new investment in the District will reduce unemployment in the immediate area, provide the much needed services for the area residents, and reverse the existing trend of economic migration. This proposed NCCD will help achieve this goal by modifying or providing alternative site development regulations that will permit redevelopment and encourage new development. This will be accomplished by providing more intense development along the District's downtown interface.*

*This NCCD will provide a clearly defined boundary separating residential and commercial use of properties. This effort will permit long-term residential planning utilizing the necessary economic and service capacity of the District without actually competing with the commercial elements.*

*This District will promote the development of the public infrastructure necessary for community revitalization to occur in central East Austin. This NCCD integrates the financial, design, and security elements proposed by the more intense Subdistrict Three, to accommodate the redevelopment needs of the less intense neighborhood perimeter of the District.*

*This NCCD will preserve and maximize the use of public and quasi-public historical facilities within and adjacent to the District. Increased public access to these facilities by way of private investment into the District will promote new investment into the preservation of existing historical sites within central East Austin.*

*This district will provide a unified landscape and corridor beautification plan, maximizing the use of existing land area through community parking facilities, and encouraging pedestrian use within the District.*

*This NCCD will provide a base for minority in small business development utilizing community and private sector initiatives. Training and long-term employment opportunities provided by the investment within the District will establish the District as one of Austin's top ten job sources. One of the major goals and objectives of this NCCD is to create opportunity within the District that will positively impact the residents within and adjacent to the NCCD. Equal opportunity initiatives within the District will be reflected in all projects and activities which will benefit from the association, government, or community programs. Measurable opportunities for minorities will be encouraged in all redevelopment efforts within the District through participation in the District's workforce and businesses.*



The East 11<sup>th</sup> Street NCCD is divided into subdistricts, each with a different character and mix of land uses and development intensities. Subdistrict 3 is comprised of properties along the northbound IH 35 frontage road from south of East 8<sup>th</sup> Street to East 12<sup>th</sup> Street. The eastern boundary of the subdistrict is formed by the French Legation property, San Marcos Street, and Branch Street. Please see *Exhibit E – East 11<sup>th</sup> Street NCCD*. Permitted and conditional land uses are governed by the NCCD, and reflect a much shorter list of uses than the base zoning categories of CS and CS-1. Please see *Exhibit F – Subdistrict 3 Land Uses*. Development standards for the subdistrict are as follows:

Minimum lot area	5,750 square feet
Minimum lot width	50 feet
Minimum setbacks	None
Maximum building coverage	100%
Maximum impervious coverage	100%
Maximum floor to area ratio (FAR)	3.75 : 1
Maximum building height	Varies

Building height limits in Subdistrict 3 are described by Height Zones in the NCCD, as shown on *Exhibit G – Subdistrict 3 Height Zones*. Height limits in Subdistrict 3 range from 30 feet to 220 feet; on the subject property, the NCCD limits the property to 40, 100, and 150 feet in height. Major factors influencing the Height Zones include:

- Proximity to IH 35
- Proximity to residential areas
- Topography
- Capitol View Corridor

**Traffic Impact Analysis.** The proposed large-scale project is anticipated to have a significant impact on area traffic. For this reason, a Traffic Impact Analysis (TIA) was prepared by the Applicant and reviewed by the City of Austin to determine any mitigation requirements. Please see *Exhibit A – TIA Memorandum*. Staff support of the rezoning request is contingent on compliance with the COA TIA memorandum.

**Educational Impact Statement.** An Educational Impact Statement (EIS) was prepared by Austin Independent School District (AISD) to determine the possible impact the proposed development could have on area schools (Blackshear Elementary School, Kealing Middle School, and Eastside Memorial HS at Johnston). COA Staff requested AISD calculate their projections on the assumption that 50% of the proposed apartments were *not* senior housing. This would provide a “worst-case scenario” estimate if 100% of the proposed apartments were traditional apartments that are likely to house students. Please note that the total number of apartments used was 392, which was based on an earlier estimate. AISD’s calculations showed no negative impact on enrollment at these schools, as well as no transportation or safety issues. Please see *Exhibit H – Educational Impact Statement*.

**Correspondence.** City Staff has received correspondence in support and opposition to the proposed rezoning. Please see *Exhibit I - Correspondence*.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-NCCD-NP, CS-1-NCCD-NP	Indoor entertainment, Restaurant, Retail, Alternative financial services
<i>North</i>	CS-NCCD-NP	Hotel-motel
<i>South</i>	CS-1-NCCD-NP	Financial services
<i>East</i>	GR-MU-H-NCCD-NP, SF-3-NCCD-NP, SF-3-H-NP, GR-MU-NCCD-CO-NP	Professional office, Single family residences, Restaurant
<i>West</i>		Interstate 35

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Cap Metro ( ¼ mile radius)
Interstate 35	400'	FWY -6	Interstate Highway	Yes	Yes	Yes – # 685 UT Shuttle
East 12 <sup>th</sup> Street	60'	40'	Minor Arterial	Yes – Both Sides	Yes	Yes - #6
Branch Street	Varies	Varies	Local	No	No	No

**RELATED CASES:**

NUMBER / NAME	REQUEST	CITY COUNCIL
Franklin's Barbeque C14-2013-0085	MF-3-NCCD-NP to GR-MU-CO-NCCD-NP to add Food Preparation as a land use to NCCD	10/24/2013: Approve as recommended, Ord. 20131024-074
Franklin's Barbeque C14-2013-0084	MF-3-NCCD-NP to GR-MU-CO-NCCD-NP w Conditions: 300 vpd, prohibit Commercial-off street, conditional uses: Food preparation, Medical offices-exceeding 5000 sq. ft.	10/24/2013: Approve as recommended, Ord. 20131024-073
C14-2008-0156 - East 11th Street NCCD Amendment (City Initiated)	To modify Subdistricts 1 & 3 to create Subdistrict 4	12/11/2008: Approve Ord. 20081211-080
C14-00-2062 Robertson Hill/Bennet Tract	SF-3-NCCD, CS-NCCD, CS-MU-NCCD, and GR-MU-CO-NCCD to change conditions of zoning (Tracts 1-9 Subdistrict 3)	06/07/2001: Approve as recommended, Ord. 010607-23
C 14-88-0103 1991 East 11th Street NCCD (City Initiated)	To create East 11 <sup>th</sup> Street NCCD	06//20/1991: Approve as recommended, Ord. 910620-C

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
Waller Creek Conservancy  
Swede Hill Neighborhood Association  
Downtown Neighborhood Association  
East Cesar Chavez Neighborhood Planning Team  
Central Austin Development Corporation  
African-American Cultural Heritage District  
Friends of the Emma Barrientos MACC  
Guadalupe Neighborhood Development Corporation  
Robertson Hill Neighborhood Association

East Austin Conservancy  
Downtown Austin Alliance  
Austin Heritage Tree Foundation  
Austin Neighborhoods Council  
Lower Walnut Creek  
United East Austin Coalition  
SELTexas  
Sierra Club, Austin Regional Group  
AISD  
Real Estate Council of Austin, Inc.

Organization of Central East Austin Neighborhoods (OCEAN)  
Guadalupe Association for an Improved Neighborhood (GAIN)  
El Concilio Coalition of Mexican American Neighborhood Associations

**CITY COUNCIL DATE:**

April 14, 2016:

February 11, 2016: *TO GRANT POSTPONEMENT TO APRIL 14, 2016, AS REQUESTED BY THE NEIGHBORHOOD (10-0). [O. Houston- 1<sup>st</sup>, L. Pool- 2<sup>nd</sup>; E. Troxclair- Off the Dais.]*

December 10, 2015: *TO GRANT POSTPONEMENT TO FEBRUARY 11, 2016, AS REQUESTED BY STAFF, ON CONSENT (10-0). [D. Zimmerman- 1<sup>st</sup>, D. Garza- 2<sup>nd</sup>; S. Adler- Absent]*

November 12, 2015: *TO GRANT POSTPONEMENT TO DECEMBER 10, 2015, AS REQUESTED BY STAFF, ON CONSENT (11-0). [D. Zimmerman- 1<sup>st</sup>, S. Gallo- 2<sup>nd</sup>]*

October 8, 2015: *TO GRANT POSTPONEMENT TO NOVEMBER 12, 2015, AS REQUESTED BY STAFF, ON CONSENT (10-0). [D. Zimmerman- 1<sup>st</sup>, S. Gallo- 2<sup>nd</sup>; L. Pool- Absent]*

June 11, 2015: *TO GRANT INDEFINITE POSTPONEMENT, AS REQUESTED BY APPLICANT, ON CONSENT (11-0). [A. Kitchen- 1<sup>st</sup>, S. Renteria- 2<sup>nd</sup>]*

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

**PHONE:** 512-974-2122

**STAFF RECOMMENDATION:**

Staff supports the Applicant's request, with modifications as shown below.

- Amend the allowable maximum height for Tract One from 150 feet to 185 feet, where applicable,
- Amend the allowable maximum height for Tract Two from 150 feet to 185 feet, where applicable,
- Amend the allowable maximum height for Tract Two from 100 feet to 185 feet, where applicable, and
- Amend the allowable maximum floor-to-area ratio (F.A.R.) for both tracts from 3.75 : 1 to 5:1.
- The property shall comply with the terms of a City of Austin approved Traffic Impact Analysis (TIA).

The subject property is part of Subdistrict 3 of the East 11th Street NCCD, which was expressly planned for economic growth, new development and redevelopment of vacant or underutilized properties. The goals and objectives outlined in the NCCD report (and excerpted in this report) describe the intent to allow high intensity use and increased density along IH 35, encourage mixed use development, modify and provide alternative site development regulations that permit redevelopment and encourage new development. A bingo hall, restaurant, pharmacy and a payday loan business are not major employers or activity centers. The buildings containing these uses do not utilize the site's location and customized regulations; single-story buildings cover only approximately 16% of the subject property. For an area that was planned to be a catalyst of growth and revitalization, the subject property has been significantly underutilized for decades. The rezoning request offers a grocery store, as well as a mix of senior, discounted, and market rate housing. The zoning request effectively adds 2 to 3 stories of height and increased density that will trigger area-wide transportation improvements (required per the TIA memorandum).

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

The property is currently zoned for CS and CS-1 land uses and was granted 100- 150 heights per the East 11th Street Neighborhood Conservation Combining District (NCCD) established in 1991. These heights were expressly granted beyond the maximum heights of the CS and CS-1 zoning categories (60 feet).

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Increasing allowable height to 185 feet will add 2 to 3 stories to the proposed development. These additional stories do not create a significant shadow over the residential neighborhood to the east. The traffic generated by the increased developable area has been reviewed in the Traffic Impact Analysis, and Staff will require improvements to offset that traffic as a condition of zoning and subsequent development. Consequently, the current substandard conditions in the area will receive an influx of funding to bring existing conditions up to a higher level of service.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

City Council strongly supports development of housing options and mixed use development. City Council also encourages the provision of reduced cost housing and housing for the elderly.

4. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

A grocery store and multifamily community will create numerous employment opportunities for the community. Additionally, the Applicant proposes 17 reduced cost multifamily units.

**COMPREHENSIVE PLANNING:**

Central East Austin Neighborhood Plan. The CEANP Future Land Use Map classifies this area as Mixed Use, which allows commercial zoning, including CS zoning. The CEANP FLUM also identifies this property as being within the boundaries of a Neighborhood Urban Center (a neighborhood planning tool option) and the 11th Street NCCD. The following CEANP actions, objectives and text support commercial and mixed use projects in this area:

*Goal 3: Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin.*

*Objective 3.3: Increase mixed-use opportunities where appropriate along commercial corridors*



*Goal 9: Ensure compatibility and encourage a complimentary relationship between adjacent land uses.*

The CEANP appears supportive of having a mixed use project in this area as long it demonstrates a compatible and complimentary relationship to the neighborhood and adjoining residential land uses. Compatibility elements could include such things as installing sidewalks on all sides of this property to ensure the grocery store inaccessible by foot, and designing the building so that it is friendly to the street and attractive in appearance.

Imagine Austin. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan locates this property on or adjacent to two Activity Corridors on 11th and 12th Street. It is also located just outside the boundaries of a Regional Center, located to the west of IH-35. Activity corridors are the connections that link 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 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 large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. The following Imagine Austin policies are taken from Chapter 4 of the IACP, which supports commercial and mixed use development:

- *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 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.*
- *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.*
- *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.*

#### Analysis and Conclusions:

The proposed mixed use project would provide a neighborhood amenity that is now lacking in this neighborhood, namely a full service grocery store. The project would also provide a combination of approximately 472 units of new senior living housing and apartments in this area of Austin.

The project needs to be carefully designed to ensure a harmonious transition between the site and the adjoining residential neighborhood, as well as being friendly to the street, and easily accessible to nearby residents. The NCCD already permits a building to be as tall as 150 ft. on this property, and the additional height would only mimic the number of high rise projects going up along the east side of IH-35, although they may not be as tall as this proposed building.

In conclusion based upon: (1) the Central East Austin Neighborhood Plan and the Future Land Use Map, which promotes mixed use in this area to provide neighborhood services (a full service grocery store) and a mix of housing options along 12th Street; (2) the property being adjacent to two Activity Corridors, next to a Regional Center, and a freeway as identified in the Imagine Austin Growth Concept Map, which supports both intense mixed use, and apartments; and; (3) the Imagine Austin policies referenced above, which supports a variety of land uses including commercial and mixed use, this project appears to promote the Imagine Austin Comprehensive Plan.

#### SITE PLAN

1. This location is within the Capital View Corridor. An application for a Capitol View Corridor Height Determination must be submitted to Intake and an application fee paid. For more information, contact the Development Assistance Center at 974-6370.



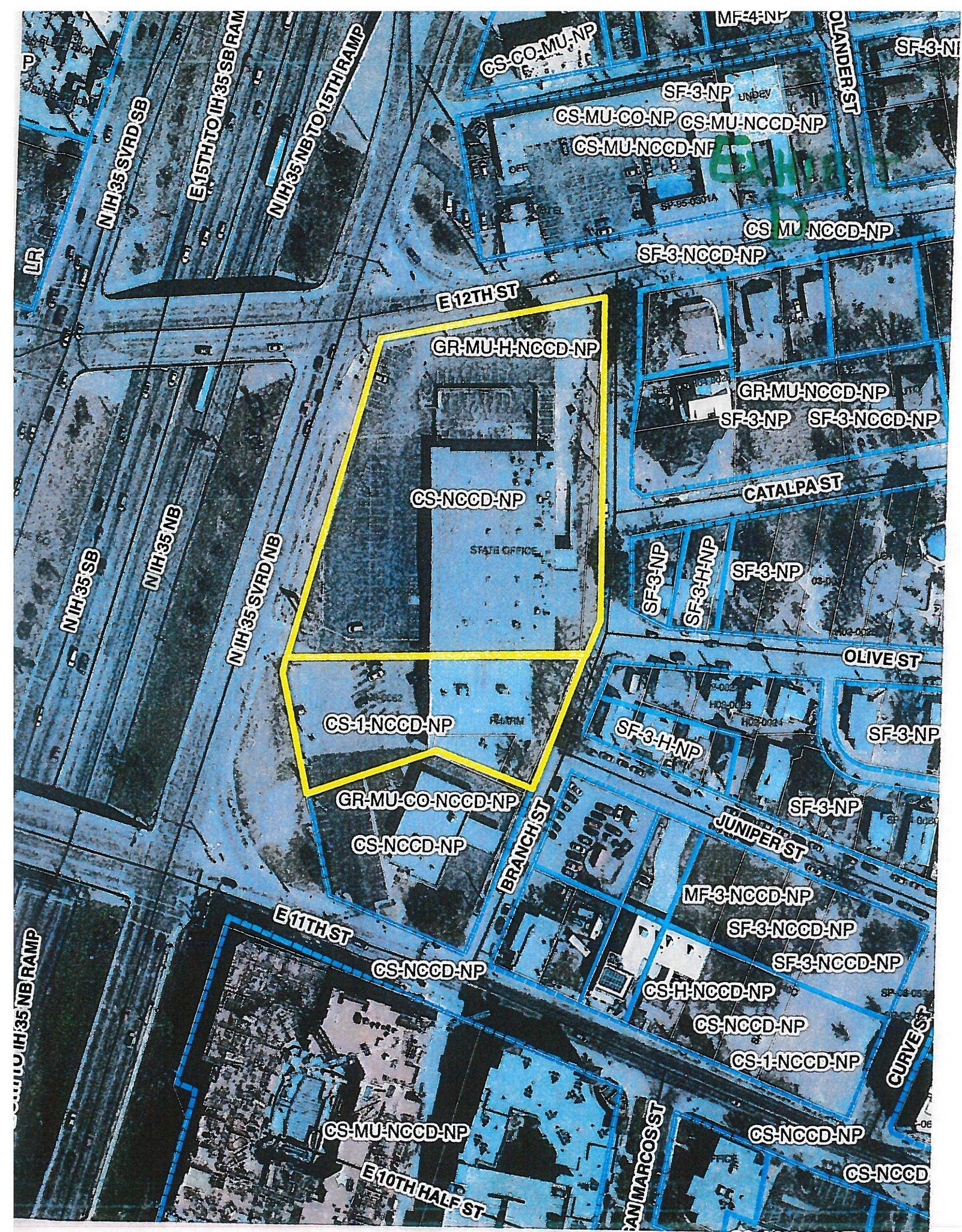
TRANSPORTATION

See attached Exhibit A- TIA Memorandum

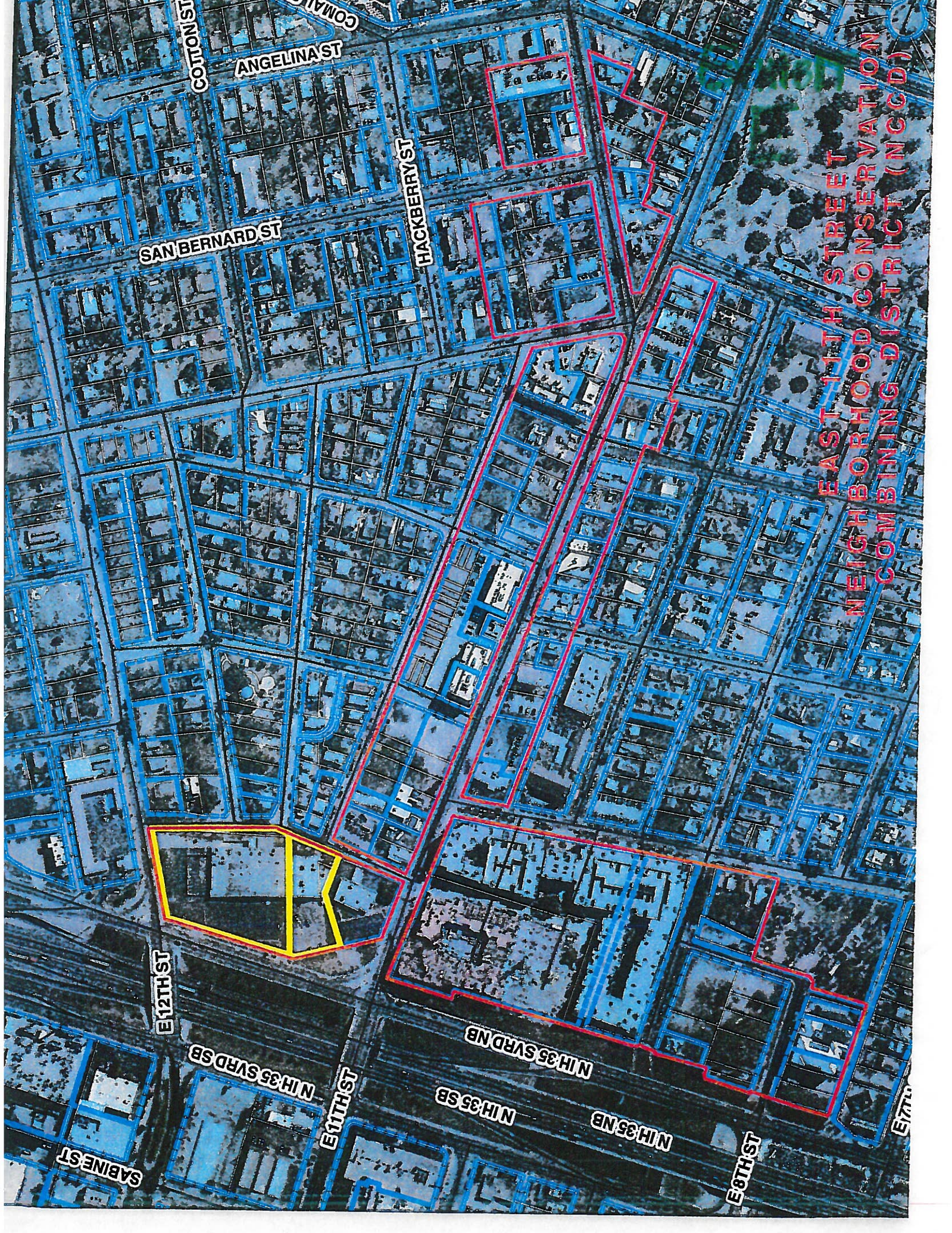
ENVIRONMENTAL

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.
2. Impervious cover is not limited in this watershed class; therefore the NCCD 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.
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 512-974-1876. 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, except as superseded by NCCD design standards.









EAST 11TH STREET  
NEIGHBORHOOD CONSERVATION  
COMBINING DISTRICT (NCCD)



PERMITTED AND CONDITIONAL USES  
WITHIN SUBDISTRICT THREE  
East 11<sup>th</sup> Street NCCD

EXHIBIT  
F

Permitted uses

Commercial uses

Administrative and business offices  
Arts and crafts studio - limited  
Arts and crafts studio - general  
Business support services  
Cocktail lounge  
Communications services  
Consumer convenience services  
Consumer repair services  
Financial services  
Food sales  
Funeral services  
General retail sales - convenience  
General retail sales - general  
Hotel - motel  
Indoor sports and recreation  
Indoor entertainment  
Laundry services  
Liquor sales  
Medical offices  
Outdoor sports and recreation  
Personal improvement services  
Pet services  
Professional offices  
Research services  
Restaurant - drive-in, fast-food \*  
Restaurant - limited  
Restaurant - general  
Service station  
Commercial parking facilities

Civic uses

Club or lodge  
Cultural services  
Guidance services  
Hospital services limited  
Community parking facilities  
Religious assembly  
Safety services  
Transportation terminals

Conditional uses

Commercial uses

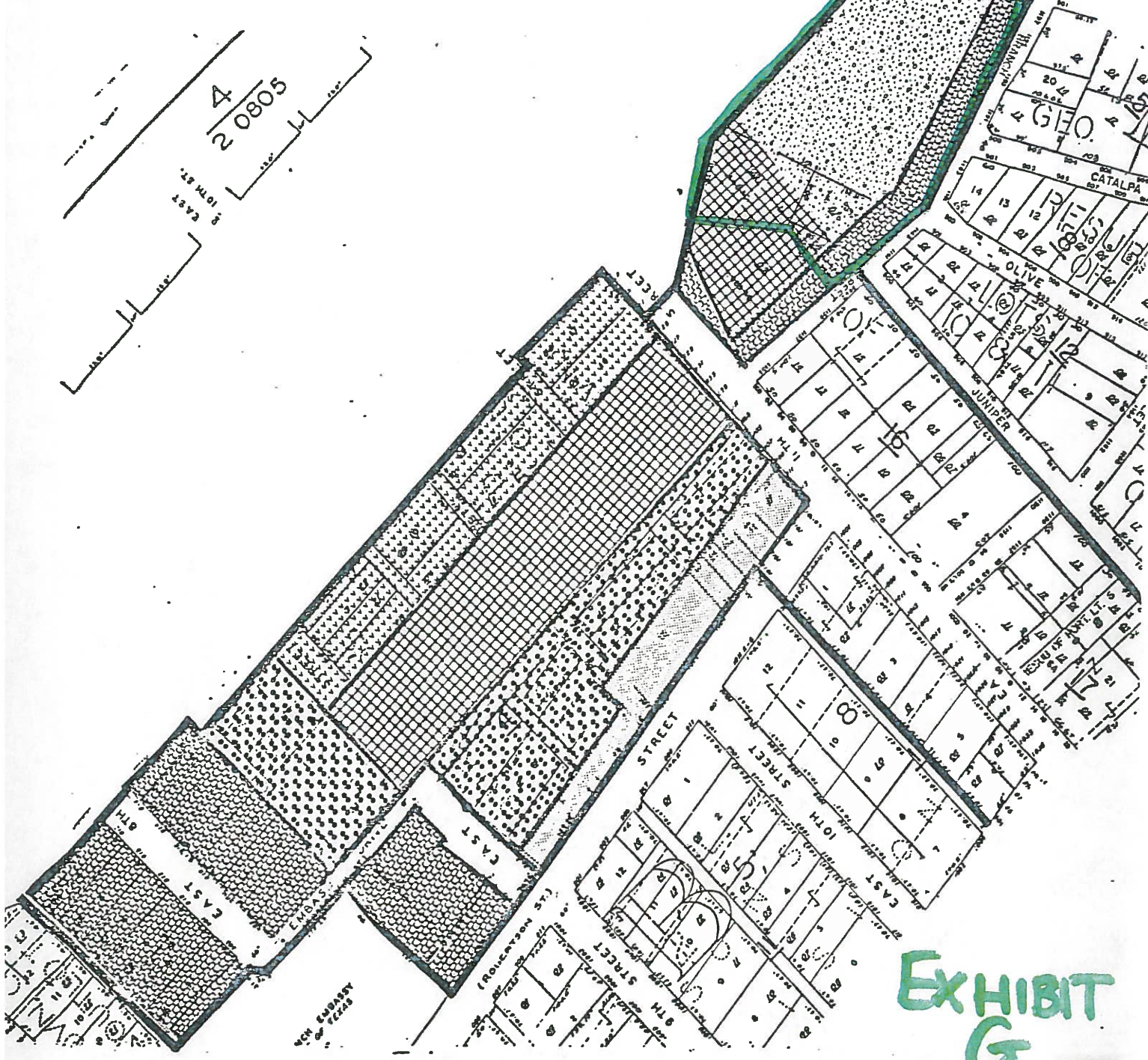
Automotive rentals  
Automotive sales  
Automotive washing  
Building maintenance services  
Business or trade school

Civic uses

Community recreation  
College and university facilities  
Communication service facilities  
Day care services - general  
Day care services - limited  
Day care services - commercial  
Private educational facilities  
Public educational facilities

\* No drive-in or drive-thru uses shall be permitted unless they are oriented toward and take access to IH 35.





# EXHIBIT G

- 30 feet
- 40 feet
- 60 feet
- 100 feet
- 150 feet
- 220 feet

## PROPOSED HEIGHT ZONES WITHIN SUB DISTRICT THREE

**MATHIAS**  
COMPANY  
LAND PLANNERS  
DEVELOPMENT CONSULTANTS  
LANDSCAPE ARCHITECTURE  
1101 NEE CAVES RD. SUITE 319  
HOUSTON, TEXAS 77058

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent  
School District



PROJECT NAME: One Two East

ADDRESS/LOCATION: 1105,1107,1109 IH-35 NB

CASE #: C14-2014-0198

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 392 STUDENTS PER UNIT ASSUMPTION  
Elementary School: 0.124 Middle School: 0.035 High School: 0.071

## IMPACT ON SCHOOLS

The district-wide student yield factor (across all grade levels) is 0.23 per apartment. Using this district-wide average, the 474 multifamily development is projected to add approximately 91 students across all grade levels to the projected student population. It is estimated that of the 91 students, 49 will be assigned to Blackshear Elementary School, 14 to Kealing Middle School, and 28 at Eastside Memorial High School.

The percent of permanent capacity by enrollment for SY 2019-20, including the additional students projected with this development, would be within the target range of 75-115% for Kealing MS (89%), assuming the mobility rates remain the same. The projected additional students at Blackshear ES would increase the 2019-20 percent of permanent capacity from 51% to 60%, slightly closer to the target range, assuming the mobility rates remain the same. The projected additional students at Eastside Memorial HS would help to offset the anticipated decline in student enrollment (due to demographic shifts in the area). This would result in a percent of permanent of permanent capacity by enrollment of 43% at Eastside Memorial HS for SY2019-20, assuming the mobility rates remain the same. All of these schools will be able to accommodate the projected additional student population from the proposed development.

## TRANSPORTATION IMPACT

Blackshear ES and Kealing MS are located within 2 miles of the proposed development and sidewalks exist from the proposed development to the schools; therefore students would not qualify for transportation unless a hazardous route condition was identified. Students within the proposed development attending Eastside Memorial HS will qualify for transportation due to the distance from the proposed development to the schools.

## SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: 9/9/15

Director's Signature: Paul Turner



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent  
School District



## DATA ANALYSIS WORKSHEET

<b>ELEMENTARY SCHOOL:</b> Blackshear	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 1712 East 11 <sup>th</sup> Street	<b>PERMANENT CAPACITY:</b> 561
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 91.30%	<b>MOBILITY RATE:</b> +3.0%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	263	278	327
% of Permanent Capacity	47%	50%	58%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	271	286	335
% of Permanent Capacity	48%	51%	60%

<b>MIDDLE SCHOOL:</b> Kealing	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 1607 Pennsylvania Avenue	<b>PERMANENT CAPACITY:</b> 1,333
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 33.25%	<b>MOBILITY RATE:</b> +116.0%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	550	544	558
% of Permanent Capacity	41%	41%	42%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	1,188	1,175	1,189
% of Permanent Capacity	89%	88%	89%

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent  
School District



**HIGH SCHOOL:** Eastside Memorial

**RATING:** Met Standard

**ADDRESS:** 1012 Arthur Stiles

**PERMANENT CAPACITY:** 1,156

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 88.01%

**MOBILITY RATE:** -41.5%

## POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,088	810	838
% of Permanent Capacity	94%	70%	72%

## ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	636	473	501
% of Permanent Capacity	55%	41%	43%

\*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.



**From:** Leah Lovise >  
**Sent:** Thursday, September 24, 2015 1:01 PM  
**To:** Chaffin, Heather; Kazi, Faye - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** [RHNA] CVS/Bingo lot, case #C14-2014-0198

Ms. Chaffin and the Austin Planning Commission,

I want to convey my opposition to the zoning changes requested by the developers of 1109, 1105, and 1107 N. IH 35 Northbound. (Currently the CVS and Lucky Lady Bingo parcel.)

I believe the project as planned is far too tall and too big for this parcel of land. This parcel is adjacent to many small houses, like mine, and will literally overshadow our small, diverse, residential neighborhood. I welcome commercial or multi family development on this parcel of land. However, the current height and F.A.R. limits were developed in consultation with area residents and stakeholders and I do not believe that they should be revised at the whim of one relatively new-coming party. Given the desirable location of this parcel, it should be easy for a developer to build something useful and profitable that complies with the existing regulations.

Please share this email with Planning Commissioner James Schissler. Thank you!

Thank you for your consideration.

Sincerely,

Leah Lovise, homeowner, 1108 Olive Street Austin TX 78702

**LEAH LOVISE**

Animation . Graphic Design . Illustration . Motion Graphics  
(512) 439-9902 . <http://www.leahlovise.com/>

## **Chaffin, Heather**

---

**From:** Kristin Christensen >  
**Sent:** Tuesday, September 22, 2015 8:42 AM  
**To:** Chaffin, Heather  
**Cc:** Kazi, Fayez - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** Proposed Zoning Changes, #C14-2014-0198

Ms. Chaffin and Planning Commission members,

I join my neighbors in opposition to the zoning changes requested by the developers of the lots at 1105, 1107 and 1109 N. IH-35. The building they are requesting is simply too tall for the neighborhood and will overshadow our community and our homes. Additionally, a tall physical barrier, such as this, between downtown and east Austin gives a nod to Austin's geographically segregated past. This is not what our community needs to grow and prosper.

I see no reason developers cannot develop the property profitably while keeping within the current height restrictions.

Sincerely,

Kristin and Rich Christensen  
owners, 1162 Curve St. 78702

## Chaffin, Heather

---

**From:** Rachel Smith <  
**Sent:** Monday, September 21, 2015 11:34 PM  
**To:** Chaffin, Heather; Kazi, Faye - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** Proposed zoning changes, case #C14-2014-0198

Hello,

My neighbor sent the following email to you all earlier today. Since I am also unable to attend the meeting tomorrow, I would like to express my complete agreement with my neighbor. There are many far more reasonable, while still profitable, development options that could go on this parcel that comply with the current regulations. Please do not change the existing regulations, especially for yet another unaffordable and unsightly residential tower development in Austin.

Thank you for your time,

Rachel Smith  
902 Juniper St., 78702  
(512)820-1209

Ms. Chaffin and the Austin Planning Commission,

I will be unable to attend the Planning Commission meeting on 9/22/15 and the City Council meeting on 10/8/15, but I want to convey my continuing opposition to the zoning changes requested by the developers of 1109, 1105, and 1107 N. IH 35 Northbound. (Currently the CVS and Lucky Lady Bingo parcel.)

As I have shared with Ms. Chaffin many times, I believe the project as planned is too tall and too big for this parcel of land. This parcel is adjacent to many small houses, like mine, and will literally overshadow our small, diverse, residential neighborhood. I welcome commercial or multi family development on this parcel of land. However, the current height and F.A.R. limits were developed in consultation with area residents and stakeholders and I do not believe that they should be revised at the whim of one relatively new-coming party. Given the desirable location of this parcel, it should be easy for a developer to build something useful and profitable that complies with the existing regulations.

Thank you for your consideration.

Sincerely,

Angela J Miller, owner, 910 Juniper Street Austin TX 78702

PS: Please share this email with Planning Commissioner James Schissler, who either does not have email or who has not listed his email on the city's website. Thank you!

## Chaffin, Heather

---

**From:** Angela K. Pires <  
**Sent:** Monday, September 21, 2015 1:55 PM  
**To:** Chaffin, Heather; Kazi, Faye - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** Proposed zoning changes, case #C14-2014-0198

Ms. Chaffin and the Austin Planning Commission,

My name is Angela Pires, I am a resident and homeowner in East Central Austin (Robertson Hill neighborhood).

I'd like to convey my opposition to the zoning changes requested by the developers of 1109, 1105, and 1107 N. IH 35 Northbound.

The project as planned is way too tall and too big for this parcel of land. The disproportionate planned size will block the Capitol view, block air flow and sunlight for the adjacent area, and will be a precedent to be used by other developments that are not concerned with the neighborhood aesthetics and historical value.

As other neighbors have stated, we welcome commercial or multi family development on this parcel of land. However, we do not believe that the F.A.R. limits should be revised at the whim of the developers whose only concerns are profitability. It should be easy for a developer to build something useful and profitable that complies with the existing regulations.

Thank you for your consideration.

Sincerely,

Angela K. Pires, Stewart Ford and Oliviana Ford  
Residents of 1103 Olive St



## Chaffin, Heather

---

**From:** angela miller  
**Sent:** Monday, September 21, 2015 11:45 AM  
**To:** Chaffin, Heather; Kazi, Faye - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** Proposed zoning changes, case #C14-2014-0198

Ms. Chaffin and the Austin Planning Commission,

I will be unable to attend the Planning Commission meeting on 9/22/15 and the City Council meeting on 10/8/15, but I want to convey my continuing opposition to the zoning changes requested by the developers of 1109, 1105, and 1107 N. IH 35 Northbound. (Currently the CVS and Lucky Lady Bingo parcel.)

As I have shared with Ms. Chaffin many times, I believe the project as planned is too tall and too big for this parcel of land. This parcel is adjacent to many small houses, like mine, and will literally overshadow our small, diverse, residential neighborhood. I welcome commercial or multi family development on this parcel of land. However, the current height and F.A.R. limits were developed in consultation with area residents and stakeholders and I do not believe that they should be revised at the whim of one relatively new-coming party. Given the desirable location of this parcel, it should be easy for a developer to build something useful and profitable that complies with the existing regulations.

Thank you for your consideration.

Sincerely,

Angela J Miller, owner, 910 Juniper Street Austin TX 78702

PS: Please share this email with Planning Commissioner James Schissler, who either does not have email or who has not listed his email on the city's website. Thank you!

--  
[angmill08@hotmail.com](mailto:angmill08@hotmail.com)

Cell #202-725-0841

## Chaffin, Heather

---

**From:** Friesen, Steven J < >  
**Sent:** Tuesday, September 22, 2015 9:18 AM  
**To:** Chaffin, Heather  
**Subject:** Re: CVS/Bingo lot, case #C14-2014-0198

Thanks, Heather. Should I come to the meeting tonight anyway in case it isn't postponed, or is the postponement definite?

Steve

~~~~~  
Steve Friesen  
Louise Farmer Boyer Chair in Biblical Studies  
Dept. of Religious Studies  
2505 University Ave. Stop A3700  
University of Texas at Austin  
Austin, TX 78712-1086

Office: 530 Burdine Hall  
W: (512) 471-8629  
F: (512) 232-4230

[homepage](#)  
[podcast](#)  
[COMCAR](#) (colloquia for faculty)  
~~~~~

"Historically, the most terrible things – war,  
genocide, and slavery - have resulted not from  
disobedience, but from obedience."

—Howard Zinn

On 9/22/15, 9:15 AM, "Chaffin, Heather" <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)> told me:

Steven,  
I wanted to let you know that the rezoning case will be postponed from the 9/22 Planning Commission date and the 10/8 City Council date. This is so the Central East Austin Neighborhood (OCEAN) contact team can meet and offer their input.

The meetings have been rescheduled for 10/13 (Planning Commission) and November 12 (City Council). Your email will be included with the staff report to Planning Commission and City Council.

Heather

---

**From:** Friesen, Steven J [[mailto:](#)]  
**Sent:** Tuesday, September 22, 2015 4:59 AM  
**To:** Chaffin, Heather

**Cc:** Kazi, Fayez - BC; Nuckols, Tom - BC; Oliver, Stephen - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Subject:** CVS/Bingo lot, case #C14-2014-0198

Dear Ms. Chaffin,

I'm writing this note to let you and planning commission know that I am very much opposed to the proposed 185 ft development on the lot where the CVS and Mexitas now stand. I live at 1011 Olive St., two blocks from that lot, and I am certain that the plan would cause a deterioration of this neighborhood.

There would be serious immediate problems, like the effect it would have on **traffic for both sides of I-35** between 7th St. and 15th St. Traffic already backs up in this area and the proposed development would multiply the amount of cars clogging the streets. Another immediate problem would be the **new shade** thrown over many houses and on Lott Park.

One of the most serious problems would be the **acceleration of rising property values and on taxes**. This would hit longtime residents hardest, the ones who've lived in the area for a generation or more. These families have already survived increasing costs just to remain in their homes. I don't think we're going to be able to stop rising property costs, but a big project like this would cause a leap in prices and taxes.

I'll mention one more longterm issue. This project would do irreparable **damage to the historic character of central east Austin**. It would be the first high rise in this part of the city and I expect that it would not be the last one. The building would set a precedent that would lead to similar projects. Private homes will disappear and high density towers will follow. The damage would ripple out to other parts of central east Austin.

Please don't allow this project to damage a part of the city's central core. This is an area that has suffered decades of neglect and exploitation. Now that central east Austin is coming back, we can't let it be destroyed by large-scale development. In fact, I think it's time to rethink the existing 150-ft. limits for that lot, which are too high. Going even higher should be out of the question.

Sincerely,

Steve Friesen

~~~~~  
Steve Friesen  
Louise Farmer Boyer Chair in Biblical Studies  
Dept. of Religious Studies  
2505 University Ave. Stop A3700  
University of Texas at Austin  
Austin, TX 78712-1086

Office: 530 Burdine Hall  
W: (512) 471-8629  
F: (512) 232-4230

[homepage](#)

[podcast](#)

[COMCAR](#) (colloquia for faculty)

October 20, 2015

Ms. Heather Chaffin  
Planning & Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Re: *The One Two East Project, 1105, 1107, and 1109 N. IH 35 Service Road, Case No. C14-2014-0198.*

Ms. Chaffin:

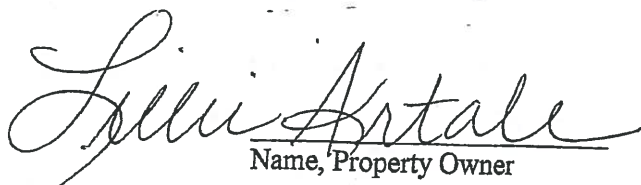
I have had the opportunity to review the referenced project that is planning to be developed at 1005, 1107, and 1109 N. IH 35 Service Road. I have learned of the owner's desire to redevelop the site as a senior living and market rate apartment project with live-work units as well as a grocery and pharmacy component. The proposed redevelopment of the site will include a number of benefits that will add value to our community, including:

- no more than 7 town homes facing Branch;
- parking underground versus a garage facing Branch;
- delivery trucks coming in and out off the IH-35 frontage versus on Branch;  
and
- various community services including a grocery store/pharmacy.

I support the proposed zoning case in order to bring even more vitality and services to the area.

Please feel free to contact me with any questions.

Sincerely,  
LILLIE ARTALE  
512-576-4484

  
Name, Property Owner



October 15, 2015

Ms. Heather Chaffin  
Planning & Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

**Re:   *The One Two East Project, 1105, 1107, and 1109 N. IH 35 Service Road,  
Case No. C14-2014-0198.***

Ms. Chaffin:

I have had the opportunity to visit with representatives of the owner of the property at 1005, 1107, and 1109 N. IH 35 Service Road, and I have learned of the owner's desire to redevelop the site as a senior living and market rate apartment project with live-work units as well as a grocery and pharmacy component. The redevelopment of the site will include a number of community benefits, including the following:

- 1. A Grocery Store + Pharmacy**  
The project contains a much-needed grocery store, plus a pharmacy.
- 2. The Most Important 35 Feet**  
On the eastern edge of the project, the project will contain a grocery store and live-work units rather than an exposed parking garage.
- 3. A Better Branch Street**  
Branch Street will be expanded between Olive and Juniper, and no truck traffic will be on Branch Street.
- 4. Architectural Superiority**  
One Two East will utilize a 2-tower design versus a more massive courtyard-based building. The project will also feature a three-sided design, rather than a project with its back to Branch Street. Additionally, the project will have a large landscaped area atop the podium, clearly visible from areas east of the project.
- 5. Traffic**  
One Two East will deliver the grocery store/pharmacy in a manner that eliminates truck traffic on Branch Street and limits traffic east of the project to neighbors accessing the grocery store/pharmacy. Additionally, the project will result in the expansion of Branch Street.

**6. Affordable Housing + Housing Preservation Fund**

The project will deliver 17 affordable MF units, plus the developer will contribute \$250,000 to help area residents stay in their homes.

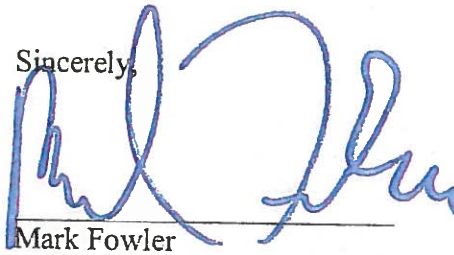
**7. Employment Center**

The project will deliver more than 100 permanent retail jobs to the area.

I support the application to rezone the property as long as the project provides the neighborhood a grocery store/pharmacy.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Fowler', is written over a horizontal line.

Mark Fowler

October 20, 2015

Ms. Heather Chaffin  
Planning & Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

---

**Re:   *The One Two East Project, 1105, 1107, and 1109 N. IH 35 Service Road,  
Case No. C14-2014-0198.***

Ms. Chaffin:

I have had the opportunity to visit with representatives of the owner of the property at 1005, 1107, and 1109 N. IH 35 Service Road, and have learned the owner's desire to redevelop the site as a senior living and market rate apartment project with live-work units as well as a grocery and pharmacy component. The redevelopment of the site will include a number of community benefits, including the following:

**1. A Grocery Store + Pharmacy**

The project contains a much-needed grocery store, plus a pharmacy. Our current grocery is 3.6 miles away, with heavy congestion on Airport Boulevard. A nice neighborhood grocery would be a huge benefit for our community.

**2. The Most Important 35 Feet**

The eastern edge of the project will contain a grocery store and live-work units rather than an exposed parking garage. The current property is unattractive and needs a facelift.

**3. A Better Branch Street**

Branch Street will be expanded between Olive and Juniper, and no truck traffic will be on Branch Street. With expanded roads comes new paving and new sidewalks which are always welcome in our community.

**4. Architectural Superiority**

One Two East will utilize a 2-tower design versus a more massive courtyard-based building. The project will also feature a three-sided design, rather than a project with its back to Branch Street. Additionally, the project will have a large landscaped area atop the podium, clearly visible from areas east of the project.

**5. Traffic**

One Two East will deliver the grocery store/pharmacy in a manner that eliminates truck traffic on Branch Street and limits traffic east of the project to neighbors accessing the grocery store/pharmacy. Additionally, the project will result in the expansion of Branch Street.

**6. Affordable Housing + Housing Preservation Fund**

The project will deliver 17 affordable MF units, plus the developer will contribute \$250,000 to help area residents stay in their homes.

**7. Employment Center**

The project will deliver more than 100 permanent retail jobs to the area.

I support the application to rezone the property as long as the project provides the neighborhood a grocery store/pharmacy.

Please feel free to contact me with any questions.

Sincerely,



Alex J. Fleming  
San Bernard Street



October 20, 2015

Ms. Heather Chaffin  
Planning & Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Re: *The One Two East Project, 1105, 1107, and 1109 N. IH 35 Service Road, Case No. C14-2014-0198.*

Ms. Chaffin:

I have had the opportunity to review the referenced project that is planning to be developed at 1005, 1107, and 1109 N. IH 35 Service Road. I have learned of the owner's desire to redevelop the site as a senior living and market rate apartment project with live-work units as well as a grocery and pharmacy component. The proposed redevelopment of the site will include a number of benefits that will add value to our community, including:

- no more than 7 town homes facing Branch;
- parking underground versus a garage facing Branch;
- delivery trucks coming in and out off the IH-35 frontage versus on Branch;  
and
- various community services including a grocery store/pharmacy.

I support the proposed zoning case in order to bring even more vitality and services to the area.

Please feel free to contact me with any questions.

Sincerely,  
DENNIS ARTALE  
512-775-8414

  
Name, Property Owner

November 2, 2015

Ms. Heather Chaffin  
Planning & Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

**Re: *The One Two East Project, 1105, 1107, and 1109 N. IH 35  
Service Road, Case No. C14-2014-0198.***

Ms. Chaffin:

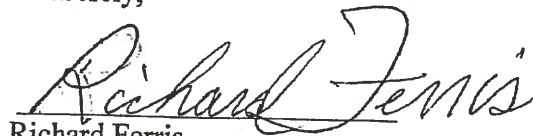
Being a property owner on East 12th St for over 60 years I find the project One Two East which is 2.65 acres to be demolished for future mixed use is a huge plus for this area for the following reasons.

This project will benefit the 12th street corridor with more services such as Grocery store, Pharmacy, Senior Living, market rate apartments and live work units a positive impact for this area, long overdue.

I support the proposed zoning case in order to bring even more vitality and services to the area.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Richard Ferris". The signature is written in dark ink and is positioned above the printed name and address.

Richard Ferris  
904 East 12th St.  
Austin, Texas 78702

To whom it may concern:

Zoning #: C14-2014-0198

Address: 1105, 1107, and 1109 N. IH 35 Service Road, Northbound

I have been involved in the re-development of the commercial portions of the property covered by the East Eleventh Street NCCD since 2001. We partnered with Austin Revitalization Authority for their redevelopment of E. 11<sup>th</sup>, both on the streetscape and mixed use projects, winning design awards for our work.

The plan to slightly raise the height limitation on the subject tract is particularly wise. The additional height will allow for better design and architectural appeal. The addition of retail services, particularly a potential grocer on the first floor, is something that the community has longed for. In 2001, when we asked the neighborhoods what services they wanted most, first was a grocer and second a commercial bank with a drive through.

I support the proposed zoning case and encourage you to in order to bring even more vitality and services to the area.

**Matt Mathias**

## **Chaffin, Heather**

---

**From:** eric standridge  
**Sent:** Tuesday, October 13, 2015 10:25 PM  
**To:** Oliver, Stephen - BC; Kazi, Faye - BC; Nuckols, Tom - BC; Seeger, Patricia - BC; Shieh, James - BC; Stevens, Jean - BC; Thompson, Jeffrey - BC; Vela, Jose - BC; White, Trinity - BC; Wilson, Michael - BC; Zaragoza, Nuria - BC  
**Cc:** Adler, Steve; Tovo, Kathie; Houston, Ora; greg.guernsey@austintexas.com; natejone; Thomas VanDyke, Sr; Janice Friesen; Tracy Witte; Chaffin, Heather  
**Subject:** Postponement of Item C8 (One Two East) tonight  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commission,

Robertson Hill Neighborhood Association (RHNA) and the Organization of Central East Austin Neighborhoods (OCEAN) attempted to convey multiple concerns this evening about the postponement of the One Two East case.

We were not permitted to speak tonight. Unfortunately, the case manager, Ms. Chaffin, stated to you that we, like the Applicant, are concerned about a second Staff postponement of this case and that we want this case to move ahead as quickly as possible. We said neither of those things to Ms. Chaffin. We have many concerns about the project and wish for the proceedings to be as deliberate as possible. I would appreciate it if you would please read the statement that I would have delivered this evening and assist us with the issues identified.

Sincerely,

Eric Standridge

RHNA Representative to OCEAN

**Planning Commission**

**One Two East**

**Postponement**

**October 13, 2015**

Commissioners,



My name is Eric Standridge, and I serve as a Robertson Hill Neighborhood Association representative to the Central East Austin neighborhood plan/contact team. I am here tonight speaking on behalf of the Robertson Hill Neighborhood Association and OCEAN. We are fine with a postponement but question whether two weeks is sufficient to ensure that this case will be ready to move forward with the fully informed input of Planning Staff.

On several occasions over the last few weeks and as recently as yesterday, I spoke with Ivan Naranjo, Senior Transportation Planner in the Development Services Department, about the Traffic Impact Analysis submitted by the Applicant. He stated that staff had significant concerns about how the estimated 10,000 car trips per day would impact substandard urban local streets in Robertson Hill. Staff comments on the TIA were returned to the Applicant several weeks ago, and Mr. Naranjo anticipated that once the applicant provided a revision, it would be a month before final analysis would be available to inform you about the wisdom of the development entitlements requested by the Applicant. The case manager, Heather Chaffin, indicated to me this morning that the Applicant has already submitted a revision to the TIA. Mr. Naranjo indicated this evening that the Applicant has not. We would appreciate clarification tonight as to whether or not the revision responsive to Staff concerns has been submitted. If so, we would like a complete copy of that revision.

For more than two weeks, we have requested a complete electronic copy of the original TIA, its appendices and Staff comments on the TIA as returned to the Applicant. So far, we have received nothing from Staff. The information that we have requested is critical to Robertson Hill's and OCEAN's ability to participate in this process in an effective manner in the interest of residents and other area stakeholders. We would sincerely appreciate your assistance in securing this requested information as soon as possible. Staff's request for postponement is to allow time for the TIA revision from the Applicant to be analyzed, and we support that. It seems like the two weeks or more that Staff review eventually takes should also provide neighborhood stakeholders time to inform themselves of Staff's concerns and the Applicant's response. We cannot do that without the materials requested.

I will just add that Staff recommends this request for increased entitlements with conditions. And so far, Ms. Chaffin has declined to provide her draft report or even share the conditions for her support of the requested amendments to the NCCD. We ask that you please ensure that the people most directly impacted by this proposed development are also the most fully informed. Please ask her to share her report and conditions in a timely manner.

Thank you for your service to the City and for your attention to our concerns.

## Chaffin, Heather

---

**From:** Welch, Ashley R <  
**Sent:** Thursday, September 17, 2015 3:58 PM  
**To:** Chaffin, Heather  
**Subject:** Neighbor comments on One/Two East proposed Development at E.11th St. and I-35

Hello Heather,

My name is Ashley Welch, and I am a resident and homeowner of the Robertson Hill Neighborhood. As I'm sure you're aware, the property between 11th and 12th Streets on the east side of I-35, (where a CVS, Lucky Lady Bingo, and Mexitas Mexican Restaurant currently are), has been bought by developers, who are asking for special permission to go above the already very high 150-foot height limit.

My neighborhood association (Robertson Hill Neighborhood Association) had a meeting on Tuesday evening in which they voted on the developer's proposal, but I was out of town for work, and thus wasn't able to register my thoughts and vote. I would like to share my thoughts about this project with you, so that you might take this to the city council or planning commission, or whatever body that will be considering this proposal from the developers.

I am strongly AGAINST the 185-ft proposed plan, which involves special permission for an increased height over what is already allowed. For that matter, I am also against what may be technically legal, but will be devastating to my neighborhood, in a 150-ft development there. We are a neighborhood of primarily single-family homes, this is a very historic part of town, built and populated originally by (eventually freed) slaves, and the character of this neighborhood needs protection. Putting in a 185 ft, or 150 ft, or even 100 ft. tower on the edge of our neighborhood will reduce the quality of life of the residents here in numerous ways (outlined below), as well as destroy the character that needs so badly to be preserved (what is left of it, that is).

### Problems with a tall tower (or two):

- The infrastructure of Branch Street, 11th St., and 12th St. isn't there to support THAT MUCH density. (I'm not against some density, see below)
- The size of project the developers are proposing, at either height, completely dwarfs any other buildings or structures on the east side, for long distances up and down I-35. It would be out of place and an eyesore.
- It would set a dangerous precedent in which our neighborhood could eventually get swallowed up, or turned into Rainey Street
- It would throw much of the neighborhood into afternoon shade.
- It would block the stunning capitol views that are an essential part (but not yet protected) of our neighborhood, particularly along Juniper Street, and from Lott Park.
- It would cut off views of downtown
- It would create a huge visual and actual barrier, even moreso than I-35 already does, between east and west.
- If the cap & tunnel project goes through, that parkland on top will not be connecting downtown to our neighborhood, it'll be connecting that gigantic monolith of a building to it, and blocking out those of us in the houses behind it.
- Our neighborhood is already tight on parking and has many narrow streets. Branch Street in particular can not handle any more traffic than is already there (think Franklin BBQ). Neither can 11th and 12th- we already sit at those lights for 2 or more cycles during peak times to cross into downtown.

For the reasons above, I am strongly against any kind of development like the one the developers are proposing for that parcel of land. However, I recognize the need for density, to build apartments and affordable housing for people who work in Austin and want to live where they work, and so I would be very open to the following kinds of development at that lot:

- A much shorter complex, comparable to the "11" apartments across 11th Street to the south. (those are maybe 60 feet tall, and by far the tallest buildings anywhere over on the east side near us.)
- I would love to see affordable housing go in there
- I would love a grocery store (either on the main level of a shorter apartment complex, or on it's own). Though we'd have to work out the traffic issues first.

I would very much like the city to consider the following options:

- Roll back the height restrictions to previous limits that are more in line with other neighborhood sizes (60-80 ft maximum).
- Protect our capitol views. The west side has all kinds of protected views. The east side has hardly any. This is the perfect opportunity to rectify that situation.
- Think about ways to protect the rich cultural heritage of the Robertson Hill Neighborhood, and exert their power and influence to prevent huge projects to be implemented, that would drastically change the neighborhood, from being approved.
- Block this development, and encourage the developers to instead propose something that would still be profitable to them, but that would not bring all of the negative repercussions to our neighborhood listed above.

Thanks very much for reading this.

Sincerely,  
Ashley Welch  
resident and owner of 1168 Waller St. 78702

## Chaffin, Heather

---

**From:** Chaffin, Heather  
**Sent:** Tuesday, December 15, 2015 2:44 PM  
**To:** 'Tracy Witte'  
**Cc:** Hutchins, Christopher J.; Houston, Ora; 'Thomas VanDyke,Sr'; 'eric standridge'; 'Janice Friesen'; 'valerie T'  
**Subject:** CORRECTION---Request for One Two East Staff Report  
**Importance:** High

Tracy,

I realized that I made an error in my calculations below. I highlighted/struck-through the incorrect numbers (below).

When estimating the area of Tract 2 that would have height increased from 100 feet to 185 feet (if the rezoning is granted), I overestimated the area that will be increased. This is because a portion of Tract 2 is already permitted up to 150 feet in height. I mistakenly thought the 150-foot limit was located only on Tract 1. This reduces the amount of property that could increase in height from 100 to 185 feet in height significantly.

I also forgot to reduce the calculations for the 40-foot limited areas. These will also reduce the potentially increased areas.

I apologize for my errors. I'll get the corrected info out as soon as possible.

Heather

---

**From:** Chaffin, Heather  
**Sent:** Monday, December 14, 2015 11:29 AM  
**To:** 'Tracy Witte'  
**Cc:** Hutchins, Christopher J.; Houston, Ora; Janice Friesen; Valerie T  
**Subject:** RE: Request for One Two East Staff Report

Thomas VanDyke,Sr; eric standridge;

Tracy,

Sorry for the delay.

As requested, I'm sending some information about our current Staff recommendation on One Two East (C14-2014-0198).

The Applicant is requesting to change two elements of the existing zoning on the site—all other elements of the existing CS-NCCD-NP and CS-1-NCCD-NP remain unchanged. Therefore, our review focused on those two elements. The Applicant is requesting the following (changes are in **bold**):

- TRACT 1:**      **From:** CS-NCCD-NP      **To:** CS-NCCD-NP (to change a condition of zoning)
- Amend the allowable maximum height for Tract One from **150 feet to 200 feet**,
  - Amend the allowable maximum floor-to-area ratio (F.A.R.) for both tracts from **3.75 : 1 to 5 : 1**.

- TRACT 2:**      **From:** CS-1-NCCD-NP      **To:** CS-1- NCCD-NP (to change a condition of zoning)
- Amend the allowable maximum height for Tract Two from **100 feet to 200 feet**, and



- Amend the allowable maximum floor-to-area ratio (F.A.R.) for both tracts from **3.75 : 1 to 5 : 1**.

Staff supports the Applicant's request, as amended below (Staff amendment in ***bold italics***).

- Amend the allowable maximum height for Tract One from **150 feet to 185 feet**,
- Amend the allowable maximum height for Tract Two from **100 feet to 185 feet**, and
- Amend the allowable maximum floor-to-area ratio (F.A.R.) for both tracts from 3.75 : 1 to 5:1.
- ***Staff adds the clarification that the maximum height of any structure shall not extend into the Capitol View Corridor (CVC) overlay.***
- ***Staff adds the clarification that any portions of Tract One and Two that are currently limited to 40 feet in height shall remain unchanged.***
- ***The property shall comply with the terms of a City of Austin approved Traffic Impact Analysis (TIA).***

The rezoning request is reviewed by many disciplines in many departments—Zoning, Environmental, Drainage Engineering, Site Plan, Transportation, and more. The current Staff recommendation is based on information that has been provided to and reviewed by Staff. The Staff recommendation described above is based on the information received so far, and may be modified if new information is provided.

Some of the reasons that Staff has supported the change in height and floor-to-area ratio (F.A.R.) are as follows:

1. The property is located immediately adjacent to the Interstate Highway 35 frontage road.
2. The property is currently zoned for CS and CS-1 land uses and was granted 100- 150 heights per the East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD) established in 1991. These heights were expressly granted beyond the maximum heights of the CS and CS-1 zoning categories (60 feet).
3. The site configuration and Capitol View Corridor also impact heights on the rezoning tracts.
4. Tract Two is mostly limited by the Capitol View Corridor; only approximately **0.2117 acres** of the total rezoning request would increase height on Tract Two from 100 feet to 185 feet (per Staff recommendation).
5. Tract One is slightly limited by the Capitol View Corridor; approximately **1.983 acres** of the total rezoning request would increase height on Tract Two from 150 feet to 185 feet (per Staff recommendation). This would result in an increase of 2 to 3 stories, which would not significantly impact on surrounding properties.

**From:** Tracy Witte [ ]  
**Sent:** Thursday, December 10, 2015 6:33 PM  
**To:** Chaffin, Heather  
**Cc:** Hutchins, Christopher J.; Houston, Ora;  
 Janice Friesen; Valerie T  
**Subject:** Re: Request for One Two East Staff Report

Thomas VanDyke,Sr; eric standridge;

Heather,

Thank you, that is useful.

I guess I am looking for the reasons that Staff supports the request to increase height to 185 feet and increase F.A.R. to 5:1. You have indicated that there is general Staff support for the requests, so there must be reasons as to why that is so, even if the conditions for support are not yet final. It would be helpful to understand what those reasons are, if you are willing to share them.

Thanks!  
 Tracy

On Thu, Dec 10, 2015 at 4:48 PM, Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)> wrote:

Tracy,

We do not send out preliminary Staff reports. Since the report is subject to change as information is received, it's not drafted until we have the materials from the reviewers. The statement of "recommended with conditions" is based on general Staff support of the request to increase height to 185 feet and increase FAR to 0.5:1, if the project complies with conditions outlined in the Staff TIA memorandum, which is still outstanding.

You could contact various people about the TIA update, most of whom you've already dealt with on this case. I suggest you ask these people to contact you when the update is turned in; it might be more expeditious. The first people who will know when the TIA update is submitted is the Applicant and his Traffic Engineer, Stephen Rye (Drenner Group) and Kathy Smith (HDR Engineering). Next, I would suggest Ivan Naranjo or Scott James in Development Review. I usually get a copy of TIA updates, but not always, so I would be your next contact.

Again, the Applicant/Traffic Engineer will know the most about their submittal date, so I'd start there.

I hope this information is useful,

Heather

**From:** Tracy Witte [[mail](#)]  
**Sent:** Thursday, December 10, 2015 10:38 AM  
**To:** Chaffin, Heather  
**Cc:** Hutchins, Christopher J.; Houston, Ora; ; Thomas VanDyke,Sr; eric standridge;  
Janice Friesen; Valerie T  
**Subject:** Re: Request for One Two East Staff Report

Heather,

Thank you for your response. If you can share the preliminary Staff report, as this case has been recommended with conditions since June of this year, that would be very helpful.

Also, would you please let us know the process for requesting notification as soon as the Applicant submits a response to the most recent round of TIA comments? Whom should we contact to make that request?

Thank you!

Tracy

On Thu, Dec 10, 2015 at 10:18 AM, Chaffin, Heather <[He](#)> wrote:

Tracy,

There will not be a Staff Report this week.

Staff sent TIA comments to the Applicant on December 3<sup>rd</sup>; to my knowledge, the Applicant has not submitted a response to those TIA comments. Staff must then review that submittal and finalize their recommendations before a final Staff Report can be generated. I'll send it to you when it's ready.

Heather

**From:** Tracy Witte [mailto:[mailtc](#)]  
**Sent:** Wednesday, December 09, 2015 7:10 PM

**To:** Chaffin, Heather  
**Cc:** Hutchins, Christopher J.; Houston, Ora; Thomas VanDyke, Sr; eric standridge; Janice Friesen; Valerie T  
**Subject:** Re: Request for One Two East Staff Report

Hi Heather,

I am just checking in with you about the projected availability of the Staff report on One Two East. Would you please let us know if you will send us that this week?

Thank you!



Tracy

On Thu, Dec 3, 2015 at 12:42 PM, Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)> wrote:

Tracy,

As I stated below, I expect the TIA/Transportation comments sometime today, to the best of my knowledge. I'll send them then.

I will work with my team to finalize the report and may get it out by Friday. We all have various meetings today and tomorrow, so it may be early next week.

Heather

**From:** Tracy Witte [mailto: ]

**Sent:** Thursday, December 03, 2015 12:31 PM

**To:** Chaffin, Heather

**Cc:** Hutchins, Christopher J.; Houston, Ora; ; Thomas VanDyke,Sr; eric standridge;  
Janice Friesen; Valerie T

**Subject:** Re: Request for One Two East Staff Report

Heather,

Thank you for the update. When do you anticipate that the TIA/Transportation comments and your report will be available?

Tracy

On Thu, Dec 3, 2015 at 12:03 PM, Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)> wrote:

Tracy,

Sorry I hadn't been able to return your call yet from last night—it's been a crazy morning!

There is not a complete Staff Report at this time. I am still waiting for TIA/Transportation comments. The comments should be delivered to me this afternoon, and I will send you a copy of those when they are available. I will send you the final report as soon as it is available.

Another update, just in case you haven't heard the latest: Staff is requesting a postponement from the December 8, 2015, Planning Commission meeting to the meeting on January 12, 2015. This triggers a Staff postponement request at City Council from December 10, 2015, to February 11, 2015. This should allow all parties more time to review and respond to the Staff Report, including TIA/Transportation comments.

Heather

**From:** Tracy Witte [mailto:[tracy.witte@cityofhouston.com](#)]  
**Sent:** Thursday, December 03, 2015 11:12 AM  
**To:** Chaffin, Heather  
**Cc:** Hutchins, Christopher J.; Houston, Ora;  
Janice Friesen; Valerie T  
**Subject:** Request for One Two East Staff Report

Thomas VanDyke,Sr; eric standridge;

Hello Heather,

I am following up on my voicemail from yesterday to request a complete copy of the One Two East zoning case Staff report. Would you please send that to us today?

Thank you for your help with this!

Tracy

**S N C A P Management Group, Inc.**

January 28, 2016

Ms. Heather Chaffin  
COA Planning & Zoning Department  
505 Barton Springs Road  
Austin, Texas 78704

**Re:   *The One Two East Project, 1105, 1107, and 1109 N. IH 35 Service Road,  
Case No. C14-2014-0198.***

Ms. Chaffin:

I have had the opportunity to review the referenced project that is planning to be developed at 1005, 1107, and 1109 N. IH 35 Service Road. I have learned of the owner's desire to redevelop the historic site as a senior living and market rate apartment project with live-work units as well as a grocery and pharmacy component. The proposed redevelopment of the site will include a number of benefits that will add value to the quality of life for our community, including:

- building no more than 7 residential homes facing Branch;
- broaden the width on Branch to improve traffic flow and pedestrian friendly;
- parking underground versus an exposed garage facing Branch;
- directing delivery trucks coming in and out off the IH-35 frontage, and only allowing residential traffic direct access onto Branch;
- preserving and recognizing the African American historic significance of the site;
- making meeting space available to community non-profit organizations;
- providing affordable and working class units;
- various community services including a full service grocery store/pharmacy; and
- Employment opportunities that can be filled by residents in the community.

I support the proposed zoning case in order to bring even more vitality and services to the area.

Please contact me with any questions.

Sincerely,



Darrell W. Pierce, Property Owner  
901 East 12th Street  
Austin, Texas 78702





EXHIBIT  
J

**TO: Mayor and City Council**

**FROM: Gregory I. Guernsey, Director  
Planning and Zoning Department**

**DATE: February 10, 2016**

**RE: One Two East  
C14-2014-0198  
District 1  
Planning Commission Action**

\*\*\*\*\*

The above referenced rezoning request was reviewed by Planning Commission on February 9, 2016. Planning Commission voted to support Staff's recommendation, with conditions, on a vote of 7-3-1. Details of the motions and vote are provided below, with the Commissioners' modifications and conditions summarized at the end.

After the public hearing was closed, a motion was made by Commissioner Nuria Zaragoza, seconded by Commissioner Patricia Seeger to deny the Applicant's request for rezoning for the property located at 1105, 1107, and 1109 N. IH 35 Service Road Northbound.

A substitute motion was made by Commissioner Tom Nuchols, seconded by Commissioner James Schissler to grant staff recommendation of CS-NCCD-NP combining district zoning for Tract 1 and CS-1-NCCD-NP for Tract 2 for the property located at 1105, 1107, and 1109 N. IH 35 Service Road Northbound, with additional conditions. Conditions will be incorporated by conditional overlay, public restrictive covenant, and/or private restrictive covenant, as deemed appropriate by City law department. A friendly amendment was made by Commissioner James Shieh for the development to consist of a maximum of two vehicular access points on to Branch St. and the retail vehicular access point shall be on East 12<sup>th</sup> Street. The friendly amendment was accepted by the maker of the motion and seconded by Commissioner James Schissler.

Amended substitute motion was made by Commissioner Tom Nuchols, seconded by James Schissler to include conditions in a private restrictive covenant.

The amended substitute motion along with the friendly amendment by Commissioners James Shieh was approved on Commissioner Tom Nuchol's motion, seconded by Commissioner James Schissler on a vote of 7-3-1. Those voting aye were: Chair Stephen Oliver, Vice-Chair Fayez Kazi, Commissioner Tom Nuchols, Commissioner James Shieh, Commissioner James Schissler, Commissioner Jose Vela, and Commissioner Michael Wilson. Those voting nay were: Commissioner Patricia Seeger, Commissioner Trinity White, and Commissioner Nuria Zaragoza.

Commissioner Angela Pineyro De Hoyos abstained. Commissioner Jeffrey Thompson was absent. There is currently one vacancy on the Commission.

Conditions recommended by Planning Commission:

- Approval of the site plan is conditional on a legally binding commitment of the applicant developing a full service grocery store with a pharmacy (Size determined by the Traffic Impact Analysis)
- The portion of Tract 1 that is currently limited to 150 feet in height shall not exceed a height of 185 feet
- The portion of Tract 2 that is currently limited to 150 feet in height shall remain unchanged
- The portion of Tract 2 that is currently limited to 100 feet in Tract 2 shall not exceed a height of 150 feet
- Building along Branch Street is limited to Townhomes
- 50% of residential units on site shall be contained in a single tower and restricted to senior residential
- Private Restrictive Covenant conditions as agreed upon by the Applicant.
  - The Applicant shall enter into the abovementioned private restrictive covenant with a land trust that is approved by the City
  - Second Tower on site shall consist of market rate residential units and 17 affordable units
  - Applicant shall make a contribution of \$250, 000 towards affordable housing

If you have any questions about this item, please contact Jerry Rusthoven at (512) 974-3207.

**Gregory I. Guernsey, Director**  
**Planning and Zoning Department**

x: Marc Ott, City Manager  
Sue Edwards Assistant City Manager