ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0134 – 6311 South 1st Street

DISTRICT: 2

ZONING FROM: GR-MU-CO-NP

TO: GR-MU-V-NP

ADDRESS: 6311 South 1st Street

SITE AREA: 3.82 acres

PROPERTY OWNER: ND South First LP (Haythem Dawlett)

AGENT: Drenner Group, PC (Leah M. Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – vertical mixed use building – conditional overlay – neighborhood plan (GR-MU-V-CO-NP) combining district zoning. The CO, Conditional Overlay prohibits automotive sales, automotive washing (of any type) and pawn shop services. ***For a summary of the basis of Staff's recommendation, see pages 2 - 3.***

PLANNING COMMISSION ACTION / RECOMMENDATION:
February 9, 2021: ***APPROVED GR-MU-V-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED, WITH THE FOLLOWING ADDITIONAL PROHIBITED USES: ALTERNATIVE FINANCIAL SERVICES, BAIL BOND SERVICES, HOTEL-MOTEL, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, AND SERVICE STATION***

[A. AZHAR; J. CONNOLLY – 2ND] (11-0) TWO VACANCIES ON THE COMMISSION

January 12, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PLAN CONTACT TEAM TO FEBRUARY 9, 2021*

[J. SHIEH; P. SEEGER – 2ND] (12-0) ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:
March 25, 2021:

March 4, 2021: *APPROVED A POSTPONEMENT TO MARCH 25, 2021 AT THE REQUEST OF COUNCIL MEMBER FUENTES.*
VOTE: 10-0, MAYOR PRO TEM HARPER-MADISON – OFF THE DAIS

ORDINANCE NUMBER:

ISSUES:

The Applicant is in agreement with the Staff recommendation.

The Applicant has discussed this case with representatives of the South Congress Combined Neighborhood Plan Contact Team. Correspondence from the Contact Team and with an adjacent resident is attached to the back of this report.

CASE MANAGER COMMENTS:

The subject lot is located at the northeast corner of South 1st Street and Eberhart Lane, is undeveloped except for a drainage pond structure, and has community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) zoning since Council approved the Sweetbriar Neighborhood Plan rezonings in August 2005. The Conditional Overlay prohibits automotive sales, automotive washing (of any type) and pawn shop services. There are single family residence to the north (LO-MU-NP; SF-3-NP), condominiums to the east (SF-6-NP), an insurance office, automotive repair and apartments across Eberhart Lane to the south (GR-MU-CO-NP), and retail and commercial services, offices, and apartments across South 1st Street to the west (LR-NP; GR-NP; GR-CO-NP; GO-CO-NP; LR-V-NP). ***Please see Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant proposes to rezone the property to the community commercial – mixed use – vertical mixed use building – neighborhood plan (GR-MU-V-NP) district and develop it with up to 251 apartment units and 926 square feet of ground floor retail uses. The proposed project would provide an additional 93 units over that shown on the approved site plan (from 158 to 251) and would introduce a retail component.

The property is designated as Mixed Use on the adopted Future Land Use Map (as are the commercially zoned properties to the south on South 1st Street within the neighborhood planning area), and the Mixed Use designation is defined as "An area that is appropriate for a mix of residential and non-residential uses."

During the Vertical Mixed Use Overlay (VMU) Opt-in/Opt-out process conducted by the Neighborhood Planning and Zoning Department in 2007-09, an application to designate certain properties as appropriate to add the –V combining district or exclude other properties from the VMU overlay was not filed by the South Congress Combined Planning Contact Team. As a result, a rezoning application is required to add the –V combining district to the zoning string.

BASIS OF RECOMMENDATION:

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The vertical mixed use building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses

within a vertical mixed use building. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

Although the Land Development Code does not designate the portion of South 1st Street south of U.S. Highway 290 as a Core Transit Corridor or a Future Core Transit Corridor, it is a designated High-Frequency MetroBus route from Lady Bird Lake to Slaughter Lane with a MetroBus operating every 15 minutes, seven days a week from 6:00 AM to 8:00 PM. Because South 1st Street is identified as a Core Transit Corridor north of the property and the property is located on a High-Frequency Bus route, Staff recommends adding the –V combining district to the property.

The addition of –V provides another development option to a property and allows it to retain the ability to redevelop under the existing GR base district. A –V does not grant: 1) additional height to the base zoning district which is 60 feet in the GR district or 2) additional impervious cover which is limited to 80 percent in the Suburban portion of the Williamson Creek watershed. The addition of –V also does not waive the compatibility standards that will continue to apply along the north and a portion of the east property lines.

A building constructed under vertical mixed use building (–V) standards is required to contain a mix of residential and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on the upper levels. On the subject property, there is also the opportunity to waive: 1) the front, street side and rear yard setbacks, 2) the 1:1 floor-to-area ratio established by GR zoning, and 3) the minimum site area requirement which is the number of dwelling units on a site by requiring a certain amount of square footage for a specific type of multi-family unit (efficiency, one bedroom, two bedroom). A –V building is also eligible for 60 percent of the minimum requirement for off-street parking. Finally, a –V building has an established affordability level for rental units which is 10 percent of the residential units set aside for households earning no more than 80 percent of the current MFI ($78,100 is the 2020 Income Limit for a 4-person household), for a period of 40 years.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-MU-CO-NP	Pond structure; Undeveloped
North	SF-3-NP; LO-MU-NP	Single family residences in the Flournoy's Sweetbriar subdivision
South	GR-MU-CO-NP	Insurance office; Auto repair; Apartments
East	SF-6-NP	Condominiums (Sweetbriar Garden Homes)
West	LR-NP; GR-NP; GR-CO-NP	Food sales; Service station; Financial services;

		Funeral services; Medical offices; Personal improvement services

NEIGHBORHOOD PLANNING AREA: South Congress Combined (Sweetbriar)

TIA: Is not required

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:
An Educational Impact Statement is required. ***Please refer to Attachment A.***
Pleasant Hill Elementary School Bedichek Middle School Crockett High School

COMMUNITY REGISTRY LIST:
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Assoc.
742 – Austin Independent School District
1173 – South Congress Combined Neighborhood Plan Contact Team
1228 – Sierra Group, Austin Regional Group
1363 – SEL Texas
1424 – Preservation Austin
1429 – Go!Austin/Vamos!Austin (GAVA) – 78745
1468 – Armadillo Park Neighborhood Association
1528 – Bike Austin
1530 – Friends of Austin Neighborhoods
1531 – South Austin Neighborhood Alliance (SANA)
1550 – Homeless Neighborhood Association
1616 – Neighborhood Empowerment Foundation
1774 – Austin Lost and Found Pets

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0133 – The Bridge at Turtle Creek Apartments – 735 Turtle Creek Blvd; 6020 and 6102 S 1st St	SF-3-NP; LO-NP to LR-V-NP	To Grant LR-V-NP for Tract 1 (6020 and 6102 S 1st) and GO-V-NP for Tract 2 (735 Turtle Creek), w/conditions of the Neighborhood Traffic Analysis	Apvd LR-V-NP and GO-V-NP w/conds of the NTA, as Commission recommended (1-23-2020).
C14-2011-0051 – 6104 South 1st Zoning	LO to GO	To Grant GO-CO on both Tracts 1 and 2, w/CO prohibiting guidance services on Tract 1, but is permitted on Tract 2 (Unit 105), and a 2,000 trips/day limit across Tracts 1 and 2	Apvd GO-CO for Tracts 1 and 2, as Commission recommended (8-18-2011).

RELATED CASES:

The Sweetbriar Neighborhood Plan Area rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 28, 2005 (NP-05-0020; C14-05-0105 – Ordinance No. 20050818-Z002). The property was identified as Tract 217 that was rezoned from GR to GR-MU-CO-NP. As part of the Sweetbriar Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 217.

The rezoning area is platted as Lot 1A of Block Y Eberhart Village, a subdivision recorded in February 1984 (C8s-84-016). ***Please refer to Exhibit B (Recorded Plat).***

On June 11, 2015, Council approved a Restrictive Covenant Amendment to terminate the Restrictive Covenant as it applied to Lot 1A (C14-73-144(RCA) – HDJS Partners South First). The 1972 Restrictive Covenant continues to apply to the adjacent two lots on Eberhart Lane (Lots 1B and 1C) and requires a six-foot privacy fence along the north property line, prohibits apartments and requires curb cut approval by the City.

An administrative site plan for a four-story building with 158 residential units and office use with approximately 76.27% impervious cover was approved and released on October 1, 2019 (SP-2018-0405C – SOFI Apartments). There are no site plans in process.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South 1st Street	80 – 85 feet	40 – 53 feet	Level 3	Yes	Shared Lane	Yes
Eberhart Lane	65 feet	41 feet	Level 2	Yes	Bike Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the northeast corner of South 1st Street and Eberhart Lane, on a 3.82 acre lot, which is undeveloped. The property is located along the **South 1st Street Activity Corridor** and within the boundaries of the South Congress Combined Neighborhood Plan (Sweetbriar). Surrounding land uses include single family houses to the north; to the south is an auto repair shop, a convenience storage facility, a restaurant, and retail uses; to the west is a church, a dialysis clinic, a bingo hall and a learning center; and to the east is a townhouse development. The proposed use is multi-story vertical mixed use project, consisting of 251 units of multifamily units (10 percent of the units will be

earmarked as affordable housing units at 80 percent MFI) and approximately 950 square feet of retail space on the first floor.

Connectivity
The project is located within 125 feet of two CapMetro transit stops. This portion of South 1st Street and Eberhart Lane has public sidewalks located on both sides of the street. Eberhart Lane also has one side with a marked unprotected bike lane. Mobility options are good, while connectivity options are fair in this area.

South Congress Combined Neighborhood Plan (SCCNPA)
The SCCNPA Future Land Use Map (FLUM) classifies this portion of the planning areas as '**Mixed Use**' and GR-MU-V-NP zoning is permitted under this land use category. Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services. The following text and policies are excerpted from the SCCNPA and are applicable to this case and go into great detail about future development along South Congress Avenue:

Vision (p 13)
The neighborhoods of the South Congress Combined Neighborhood Planning Area should be quiet and safe communities. Tree-lined neighborhood streets should allow residents to safely travel by foot, bicycle, or car.
GOAL THREE: Focus mixed-use development and commercial uses along major commercial corridors and in specialized districts. (p 60)

TEXT: A different future is also envisioned for the other major thoroughfares in the planning area—Ben White Boulevard, Interstate Highway 35, Stassney Lane, William Cannon Drive, **and South 1st Street**. Each of these corridors should have a particular sense of place, whether it is a street with neighborhood-serving retail or a highway offering goods and services for the region**.** As development pressure in the SCCNPA increases, new growth, **both residential and commercial, should be directed along these corridors.**

Other Local Commercial Corridors—South Congress Avenue, South 1st Street, William Cannon Drive, Stassney Lane, and Ben White Boulevard from South 1st Street to South Congress Avenue
These corridors should take on a more pedestrian-friendly feel. Mixed-use development should be encouraged where possible. The character of development should be similar to South Congress, but on a more neighborhood scale. Again, the vision is to create spaces designed to allow people to be comfortable outside of their automobiles, and to enhance the mobility choices in the planning area.
There are additional specific voluntary Urban Design Guidelines found in this plan.

South 1st Street
South 1st Street is a major north/south arterial through South Austin. The character of the street changes dramatically from north to south along the western edge of the planning area. The northern segment of the road, between Ben White Boulevard and St. Elmo Road, is characterized by small-scale commercial uses and modest multi-family uses. Due to the mix of these commercial and residential uses, this section of

> South 1st Street has the feel of a neighborhood "Main Street" where people can walk to a variety of offices and stores. This character should be maintained and strengthened with future development and redevelopment.
> **At the northeast corner of the intersection of South 1st Street and Eberhart Lane there is an undeveloped lot containing nearly four acres. A site plan for a commercial use was filed in the late 1980s, but that project never materialized. This site, surrounded by established single-family neighborhoods, could provide the location for a pioneering mixed-use project outside of Downtown or near the University of Texas. (pgs. 66 and 67)**

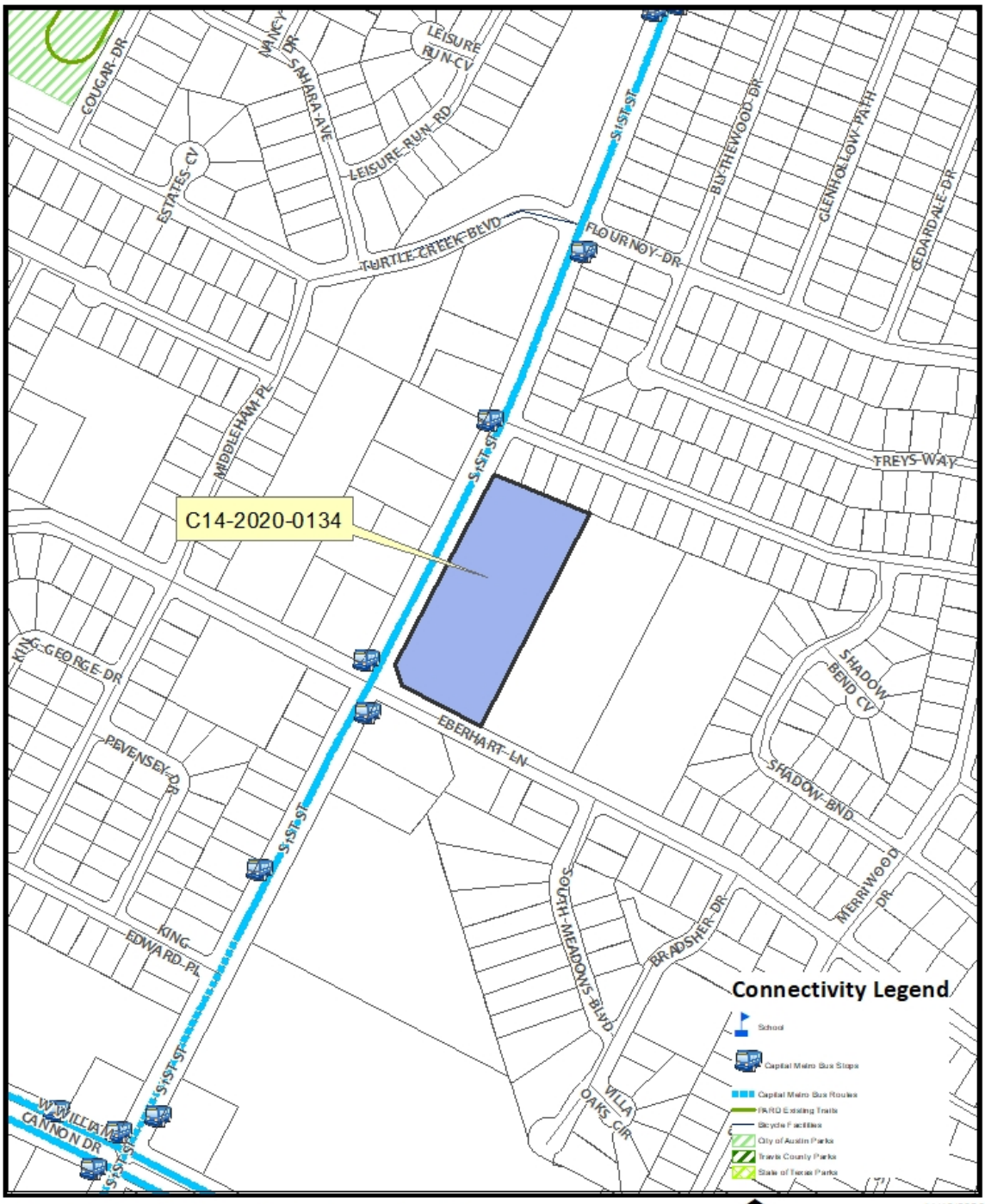
Conclusions: The proposed mixed use project is supported-on this specific lot in the SCCNPA especially if it contributes to the South Congress Avenue corridor in terms of: scaling, design aesthetic, pedestrian orientation, and landscaping and the inclusion of a commercial component to this project to make this a vibrant mixed use project.

Imagine Austin

The property is located along the **South 1st Street Activity Corridor,** as identified on the Imagine Austin's Growth Concept Map. Activity 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* (p. 106). The following Imagine Austin policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. **Recognize that different neighborhoods have different characteristics** and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

South 1st Street is identified as an Activity Corridor by the Imagine Austin Comprehensive Plan, which supports mixed use. The South Congress NPA also supports a vibrant, neighborhood serving and pedestrian friendly mixed use project and specifically on this lot. Based this project including a true mix of uses, the affordable housing and retail component and mobility strengths in this area, this project supports the policies of the Imagine Austin Comprehensive Plan.



Imagine Austin Compliance

Zoning Case
Case#: C14-2020-0134
Address: 6311 South 1st Street
3.82 acres

11/18/2020

N

0 0.03 0.06 Miles

HOUSING AND PLANNING

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Document Path: G:\Projects_and_Programs\ImagineAustinCompliance\Review\Compliance_maps\C14202000

Impervious Cover

The maximum impervious cover allowed by the GR base zoning district is 80%, based on the more restrictive *watershed* regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Gross Site Area*	*% of Gross Site Area with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

PARD – Planning & Design Review

Parkland dedication will be required for the additional residential units proposed by this zoning application, GR-MU-CO-NP to GR-MU-V-NP, at the time of subdivision or site plan, per City Code § 25-1-601. Parkland dedication had already been satisfied for 158 residential units with site plan SP-2018-0405C.

Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition

and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the Applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the Applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

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

Any development which occurs that is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. These standards include height and setback provisions, and other design regulations as indicated in Article 10: Compatibility Standards in the City of Austin Land Development Code.

The site is subject to compatibility standards. Along the north and east property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Development on this site will be subject to Subchapter E: Design Standards and Mixed Use. Additional comments will be provided upon submittal of site plans by the Applicant.

Transportation

ASMP Assessment
The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 70 feet of right-of-way for Eberhart Lane. It is recommended that 35 feet of right-of-way from the existing centerline be dedicated for Eberhart Lane according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Transportation Assessment
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements,

will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

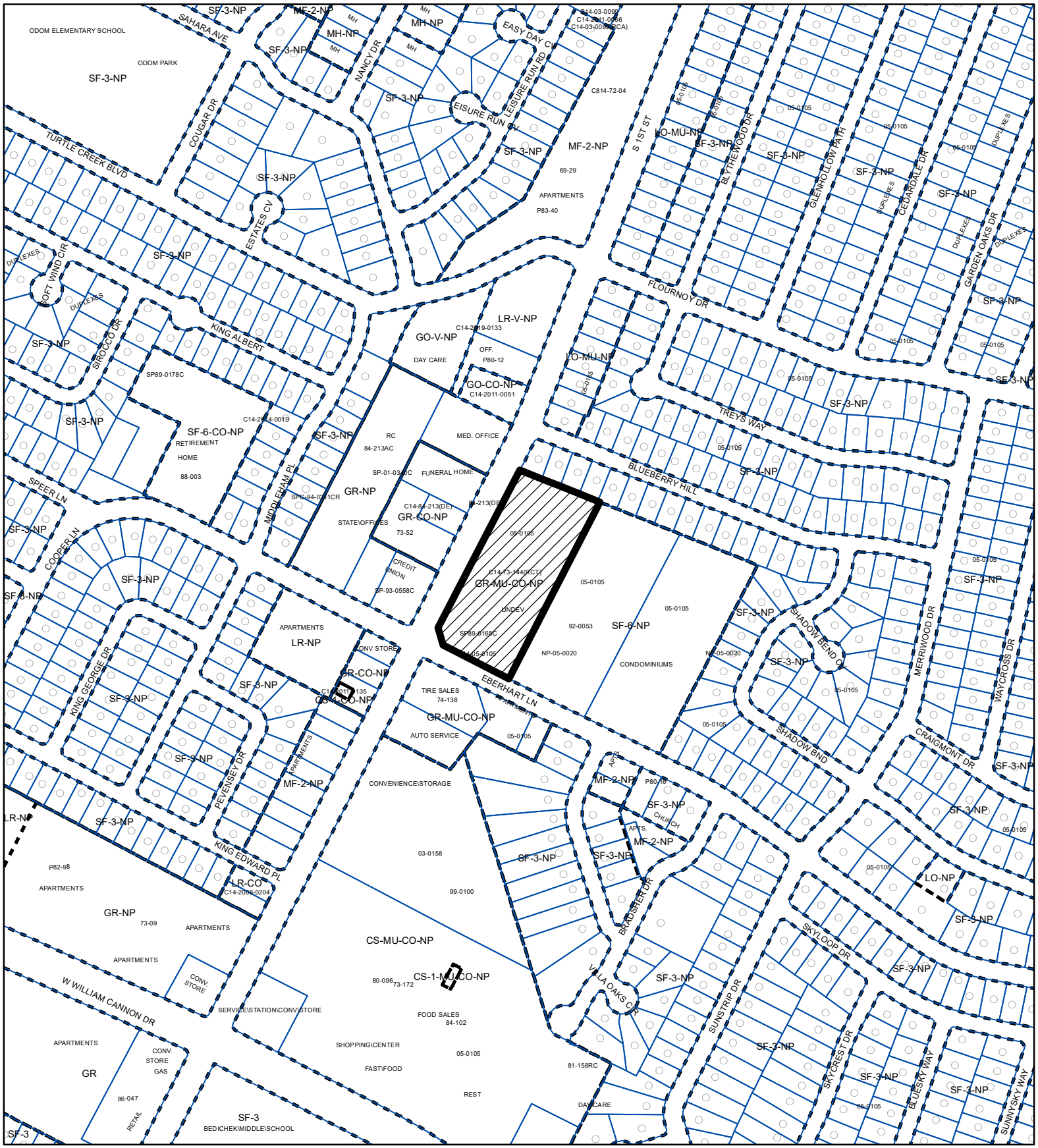
INDEX OF EXHIBITS, ATTACHMENT AND CORRESPONDENCE TO FOLLOW

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Attachment A: Educational Impact Statement

Correspondence Received

Questions and Answers



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

Exhibit A

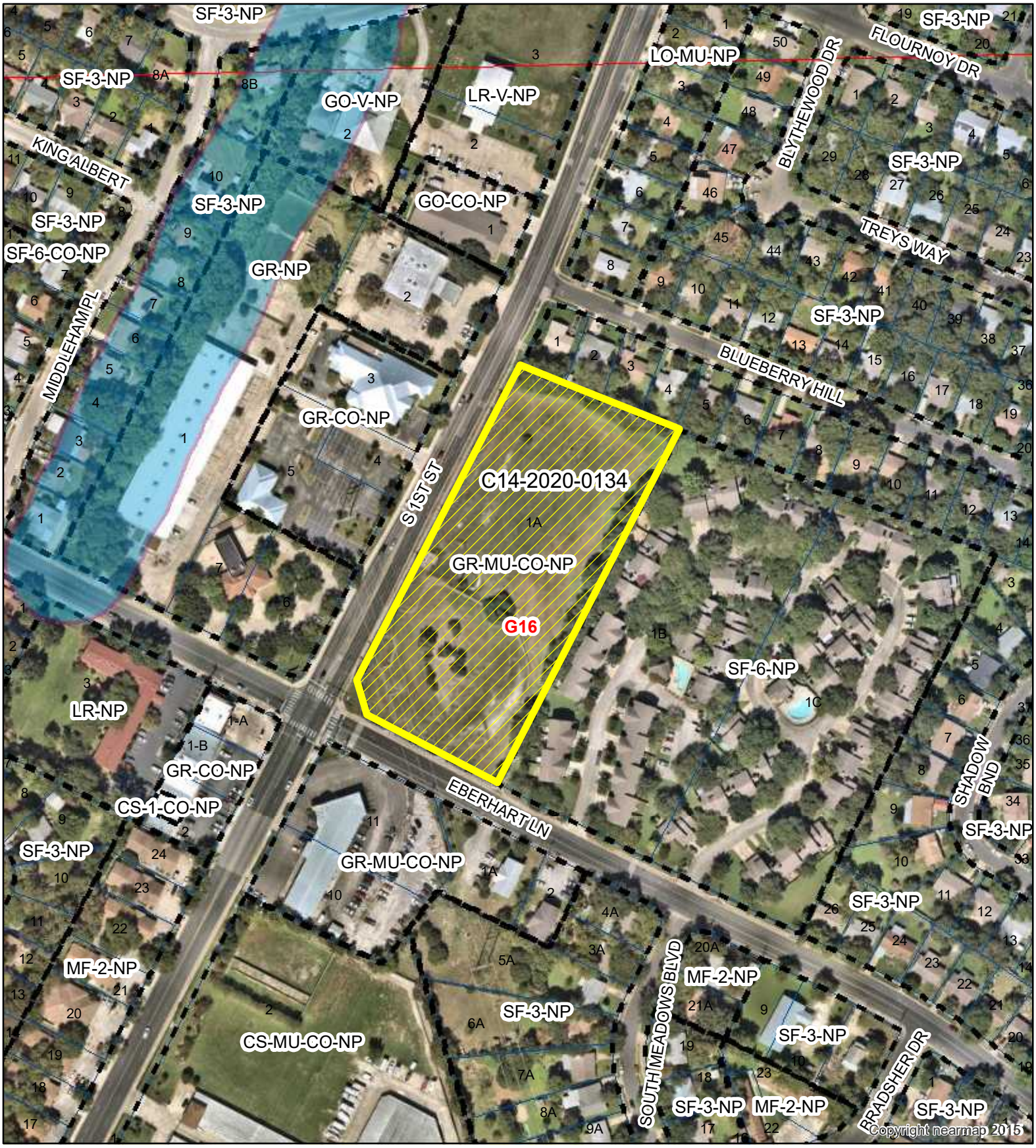
ZONING CASE#: C14-2020-0134

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

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

CITY OF AUSTIN FOUNDED 1839

Created: 11/17/2020



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1" = 200'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

6311 S. 1st Street Zoning

Exhibit A - 1

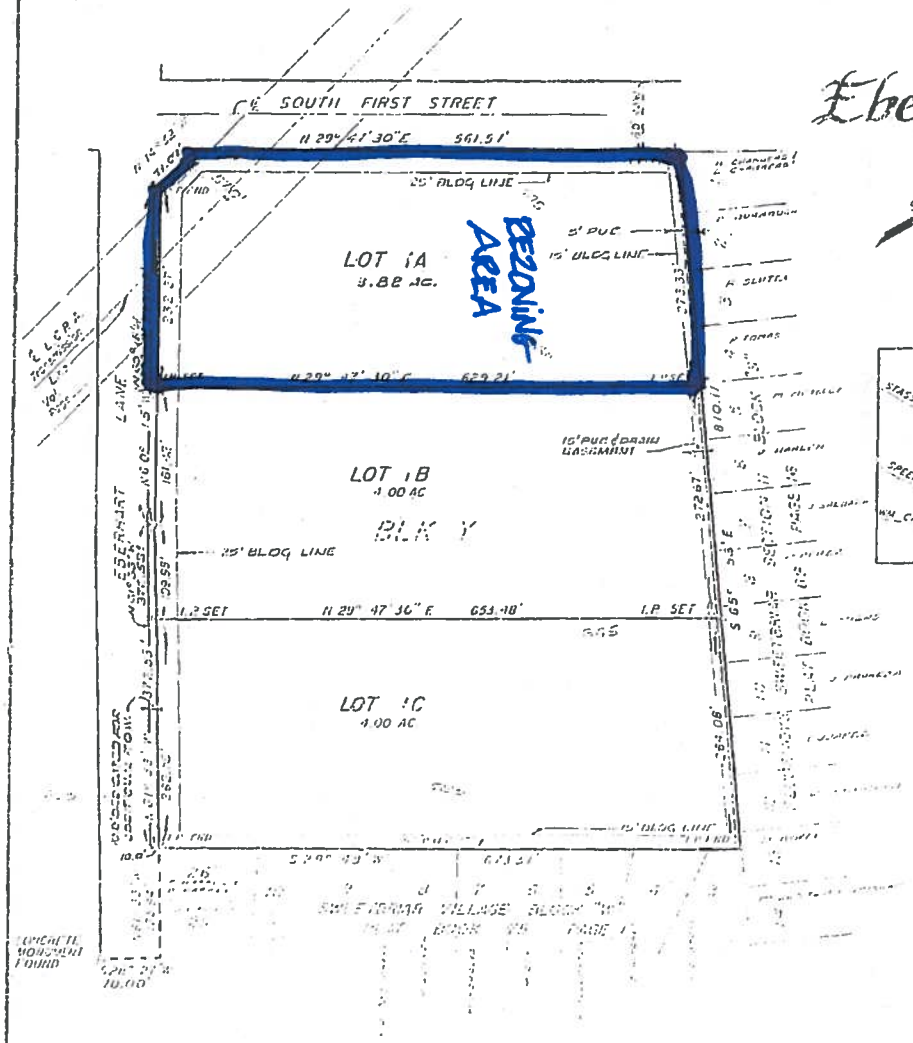
ZONING CASE#: C14-2020-0134
LOCATION: 6311 S. 1st St.
SUBJECT AREA: 3.82 Total Acres
GRID: G16
MANAGER: Wendy Rhoades

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.

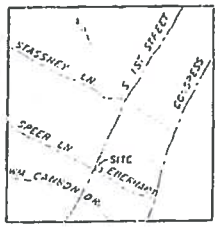
FEB 23 '84 Rec'd 9340 $ 20.00

Vol. 84 Page 53A
PLAT RECORD, TRAVIS COUNTY, TEXAS

Eberhart Village



LOCATION MAP
NO SCALE



LEGEND
SCALE = 1" = 100'
• = I.P.FND
o = I.P.SET

THE STATE OF TEXAS
COUNTY OF TRAVIS

84 4552

WHEREAS, Pharo Investments, Inc., a Texas Corporation, acting herein by and through Ronny Frithiof, its President, and Southwestern Partners Ltd., acting through General Partner Bob R. Howerton, owns Lot 1, Block Y, 11.88 ACRES, SOUTHWESTERN Commercial Area, a subdivision as recorded in Book 67, Page 92, Plat Records of Travis County, Texas, as conveyed to it by Deed recorded in Vol. 7411, at Page 439, of the Travis County Deed Recorder and Vol. 8116, at Page 243, of the Travis County Deed Recorder; and

WHEREAS, said Lot 1, Block Y, Southwestern Commercial Area, having been vacated by Instrument recorded in Vol. 8367, at Page 521, Deed Records of Travis County;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we hereby subdivide said land to be known as "EBERHART VILLAGE" and do hereby dedicate to the public use of all easements shown hereon subject to any restrictions heretofore granted.

WITNESS my hand this the 8 day of February, A.D. 1984
Pharo Investments, Inc.
Southwestern Partners Ltd.

By: Ronny Frithiof
By: Bob R. Howerton

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Ronny Frithiof and Bob R. Howerton, known to me to be the persons whose names are subscribed to the foregoing instrument of writing and acknowledged to me that he executed the same for purposes and considerations therein expressed and in the capacity therein stated.
Given under my hand & seal of office this the 8 day of February, A.D. 1984

Carol Shackelford
Notary Public in and for Travis County, Texas
Notary's Full name (please print)
Carol J. Shackelford
Commission expires 4-7-86

APPROVED FOR ACCEPTANCE:
This the 21st day of Feb, 1984.
Director of Planning

APPROVED FOR ACCEPTANCE:
By the Planning Commission of the City of Austin
This the 21st day of Feb, 1984.
Chairman
Secretary

FILED FOR RECORD:
At 3:30 o'clock P.M. this the 23rd day of February, 1984
Dwight Shropshire, Clerk County Court, Travis County, Texas
By L. Jones
L. JONES

STATE OF TEXAS
COUNTY OF TRAVIS:
I, Dwight Shropshire, Clerk of County Court in and for said County, Texas, hereby certify that the foregoing instrument with its certificate of authentication was filed for record on the date and at the time stamped thereon by me.
At 3:30 o'clock P.M. this the 23rd day of February, 1984 and was duly recorded on the 23rd day of February, 1984 in the Plat Records of Travis County, Texas.
In Book 84 on Page 53A.
Witness my hand and seal of the County Court of Travis County, Texas, the date last above stated.
Dwight Shropshire, Clerk County Court, Travis County, Texas
By L. Jones
L. JONES

EXHIBIT B
RECORDED PLAT

RECEIVED
JAN 19 1984
CITY PLANNING
CITY OF AUSTIN

C8S-84-016 A

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

PROJECT NAME: 6311 South 1st Street
ADDRESS/LOCATION: 6311 South 1st Street
CASE #: C14-2020-0134

- [ ] NEW SINGLE FAMILY
- [x] NEW MULTIFAMILY
- [ ] DEMOLITION OF MULTIFAMILY
- [ ] TAX CREDIT

SF UNITS: _____

STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 251

STUDENTS PER UNIT ASSUMPTION
Elementary School: 0.02 Middle School: 0.01 High School: 0.005

IMPACT ON SCHOOLS

The student yield factor of 0.035 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multi-family complexes built in the last five years within the area.

The 251-unit mixed-use development is projected to add approximately 9 students across all grade levels to the projected student population. It is estimated that of the 9 students, 5 will be assigned to Pleasant Hill Elementary School, 3 to Bedichek Middle School, and 1 to Crockett Early College High School.

The percent of permanent capacity by enrollment for SY 2024-25, including the additional students projected with this development, would be within the new target range of 85-110% at Pleasant Hill ES (86%) and Crockett ECHS (85%), and below the target range at Bedichek (70%). The projected additional students at Bedichek would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students attending Pleasant Hill ES, Bedichek MS or Crockett ECHS will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 12/15/2020 **Executive Director:** Beth Wilson

Attachment A

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Pleasant Hill RATING: Met Standard

ADDRESS: 6405 Circle S Road PERMANENT CAPACITY: 505

% QUALIFIED FOR FREE/REDUCED LUNCH: 66.29% MOBILITY RATE: -7.4%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	476	430	435
% of Permanent Capacity	94%	85%	86%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	441	428	433
% of Permanent Capacity	87%	85%	86%

MIDDLE SCHOOL: Bedichek RATING: Unacceptable Performance

ADDRESS: 6800 Bill Hughes Road PERMANENT CAPACITY: 941

% QUALIFIED FOR FREE/REDUCED LUNCH: 59.64% MOBILITY RATE: -10.1%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	944	695	698
% of Permanent Capacity	100%	74%	74%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	849	657	660
% of Permanent Capacity	90%	70%	70%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

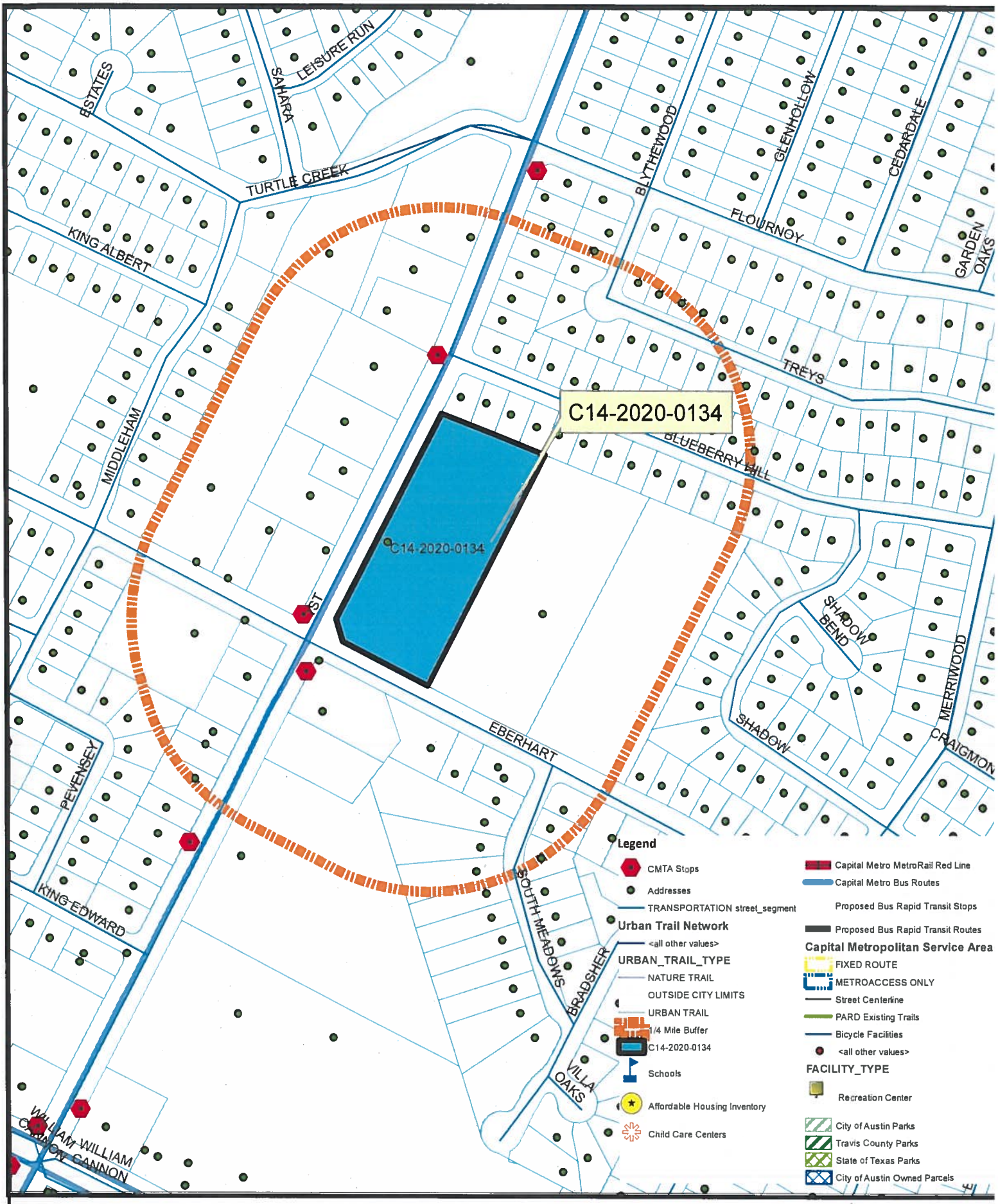
HIGH SCHOOL: Crockett	RATING: Met Standard
ADDRESS: 5601 Menchaca Road	PERMANENT CAPACITY: 2,163
% QUALIFIED FOR FREE/REDUCED LUNCH: 43.81%	MOBILITY RATE: +5.3%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,463	1,372	1,373
% of Permanent Capacity	68%	64%	64%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,541	1,833	1,834
% of Permanent Capacity	71%	85%	85%



Educational Impact Assessment

Zoning Case
Case#: C14-2020-0131
Address: 6311 S. 1st. Street
Case Name: 6311 S. 1st St.
3.82 ACRES

Neighborhood Planning Area: No
School District: Austin ISD
Manager: Wendy Rhoades

11/30/2

N 0 0.03 0.06 Miles

PLANNING AND ZONING DEPARTMENT

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Development Services Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Leah Bojo
direct dial: (512) 807-2918

DRENNER GROUP

November 10, 2020

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Electronic Delivery

Re: 6311 South 1st Street – Rezoning application for the 3.82-acre piece of property located at 6311 South 1st Street in Austin, Travis County, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning application package. The project is titled 6311 South 1st Street, consists of 3.82-acres of undeveloped land and is located on the east side of South 1st Street, directly north of Eberhart Lane.

The Property is currently zoned GR-MU-CO-NP, Community Commercial – Mixed Use Overlay – Conditional Overlay – Neighborhood Plan. The conditional overlay allows the property to be developed as a Neighborhood Mixed Use Building Special Use or a Neighborhood Urban Center Special Use and prohibits the following uses: pawn shop services, automotive washing (of any type), and automotive sales.

The requested rezoning is from GR-MU-CO-NP to GR-MU-V-NP, Community Commercial – Vertical Mixed Use Overlay – Neighborhood Plan. The Vertical Mixed Use Overlay is proposed to allow an additional 96 multifamily units to the already approved 155 units per site plan permit number SP-2018-0405C, for a total of 251 units in the multifamily development. Under the current site plan none of the residential units are required to be affordable. However, with the zoning change and use of the Vertical Mixed Use Overlay 10% will be affordable to households making no more than 80% MFI. We are amenable to maintaining the conditional overlay as it currently exists on the property is staff so desires.

The Property is located in City Council District 2 in the Full Purpose Jurisdiction of the City of Austin. The Property proposes to take access off of South 1st Street and Eberhart Lane. The Property is located within the Williamson Creek suburban watershed and is located within the boundaries of South Congress Combined Neighborhood Planning Area with a Future Land Use map (FLUM) designation of "Mixed-Use". Per a memorandum prepared by Maureen Meredith dated October 30, 2020, a Neighborhood Plan Amendment is not required with this rezoning request.

A Traffic Impact Analysis ("TIA") has been waived at zoning via a TIA waiver from Amber Mitchell dated November 4, 2020, with the note that a TIA determination is deferred to site plan application, when land use and intensity will be finalized.

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

Sincerely,

Leah M. Bojo

cc: Joi Harden, Planning and Zoning Review Department (via electronic delivery)
Wendy Rhoades, Planning and Zoning Review Department (via electronic delivery)

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0134
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: January 12, 2021, Planning Commission

Justin P. Morgan
Your Name (please print)

☑ **I am in favor**
☐ **I object**

400 Eberhart Ln.
Your address(es) affected by this application

Justin P. Morgan — *Signature*

Jan. 4th, 2021 — *Date*

Daytime Telephone: 301-807-4956

Comments: I am in favor of this change, but I think there should be some conditions on the developer. I would like the final site design to include a small park, plaza, or open space, as my immediate neighborhood has none. Perhaps the developer could be incentivized to do so by granting an exception to the maximum height requirements or maybe the percentage of how many residential units must be affordable to low-income citizens. Also, I would like the surface parking to be as minimal as required. The purpose of this would be to encourage transit use, and to reduce impervious surface cover. It would also be nice if the parking was in the rear (away from 1st St.), in order to facilitate a traditional neighborhood design.

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

City of Austin, Planning and Zoning Department
Wendy Rhoades
P. O. Box 1088, Austin, TX 78767

Or email to:
wendy.rhoades@austintexas.gov

DATE: January 8, 2021

TO: Case Manager: Wendy Rhodes Wendy.Rhoades@austintexas.gov

CC: Leah M. Bojo

Case File: Planning Commission B-3 6311 South 1st Street C14-2020-0134 District-2.

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

Re: Requesting Postponement Planning Commission January 12, 2021

Re: From: GR-MU-CO-NP
To: GR-MU-V-NP - Staff Rec: Recommendation of GR-MU-V-CO-NP

Applicant: Drenner Group PC, Leah M. Bojo

Case Manager: Wendy Rhodes Wendy.Rhoades@austintexas.gov Housing and Planning Department

.
Dear Wendy Rhodes,

We, the SCCNPCT are requesting postponement January 12, 2021 Planning Commission B-3 6311 South 1st Street C14-2020-0134 to February 9, 2021 Planning Commission. We the SCCNPCT will need time to communicate with the District-2 Council Member regarding case number: C14-2020-0134 - B-3 6311 South 1st Street. Note that newly appointed City Council Members continue transition of service including District-2.

Thank you,
Mario Cantu, Keena Miller & SCCNPCT.

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, February 9, 2021 3:35 PM
To: Gina Rogers
Cc: Rick Rogers; Rivera, Andrew
Subject: RE: PC 2-9-2021 - 6311 South 1st Street rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Rogers,
Please see my responses below.
Sincerely,
Wendy Rhoades

From: Gina Rogers <lakewaysunfish@gmail.com>
Sent: Tuesday, February 9, 2021 10:16 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Rick Rogers [redacted] Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: PC 2-9-2021 - 6311 South 1st Street rezoning

Thank you Wendy for your response.

Because of current construction with another development across the street to this proposed project. Please correct me if I am wrong, is the property owner the same one for this proposed construction? I am unclear which property you're referring to, however if it's the property at the southwest corner of South 1st Street and Turtle Creek Boulevard, then that is under a different ownership, specifically JCI Residential LLC (Case Number: SP-2020-0041C – The Bridge at Turtle Creek).

1) To be clear, a center turn lane is not possible with the existing four lane road where traffic is already congested in this stretch of South 1st Street.

2) I assume the five stories have come about because of changes to the development codes in the area. This does not necessarily mean five floors are appropriate for this residential area. Can the number of floors be limited to three (3)? Yes, Planning Commission can limit the height of the building and the number of stories. The City also has compatibility standards which will limit building height adjacent to single family residences, as follows:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

3) How many apartments are being proposed for each square footage unit? ie: what are the number of units for apartments designated w/575 sq. ft, including units for each individual sized unit? I previously provided preliminary

information from the Applicant, but do not have the unit mix that would further break down the number of bedrooms and associated square footages. These figures are provided on the site plan application.

4) With this newly proposed development of 251 units, and taking into consideration the development across the street, it's anticipated the traffic will increase considerably. Can the number of units be reduced for this new development to take into consideration expected traffic congestion, transient living conditions, and possible uptick in crime with so many units so close together? Yes, the Planning Commission can limit the number of units.

5) Do you know the number of units for the development across the street? A total of 307 units are shown on the approved site plan for the Bridge at Turtle Creek released November 16, 2020.

6) Do you know how many floors are being built currently for the development across the street? A 5-story mixed use building with 7,655 square feet of commercial uses and 307 apartment units is shown on the approved site plan for the Bridge at Turtle Creek released November 16, 2020.

Thank you again for your time.
Gina and Rick Rogers

On Tue, Feb 9, 2021 at 9:01 AM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Ms. Rogers,

Please see my responses below.

Wendy

From: Gina Rogers <lakewaysunfish@gmail.com>
Sent: Monday, February 8, 2021 4:39 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rick Rogers [redacted]
Subject: Re: PC 2-9-2021 - 6311 South 1st Street rezoning

Thank you Wendy and Andrew,

I realize we are permitted 3 minutes to speak. Hopefully you can answer a few questions beforehand about traffic concerns. I do not yet know how many floors will occupy the development. ATD staff reports that at the time of site plan, they will look at the traffic data and the geometry of the existing road network in order to evaluate a center turn lane to serve the proposed development.

Can you tell me please:

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Rick Rogers <[redacted]
Subject: PC 2-9-2021 - 6311 South 1st Street rezoning

*** External Email - Exercise Caution ***

Dear Wendy and Andrew,

I would like to register to speak at the upcoming planning meeting set for Tuesday, February 9, 2021 at 6 pm.

1.Gina and Rick Rogers

2. For PC 2-9-2021 - 6311 South 1st Street rezoning case

3. Questions regarding number of units, traffic concerns, no center turn lane for proposed garage on South 1st Street, square footage of the units, will there be retail on the ground floor, will there be onsight security or office manager to promote good neighborhood stewardship.

4. 833 Sunfish, Lakeway, TX 78734

5. 512-554-6905 pr 512-512-845-8454

Thank you,

Gina and Rick Rogers

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

--

Gina Rogers

--

Gina Rogers

1) How many levels are planned for this development? The community commercial (GR) district allows for buildings up to 60 feet in height. The Applicant intends to construct buildings up to 5 stories.

2) Will the ground floor be designated as retail use only, or will there also be apartments on the ground floor? Based on the application materials, there will be apartments on the ground floor in addition to retail.

3) What is the square footage of the proposed apartment units? The unit sizes will range from approximately 575 square feet to 1,300 square feet.

4) What are the hours of work daily? The Applicant reports that they do not yet have a general contractor on board.

5) Is work being performed on weekends? The Applicant reports that they do not yet have a general contractor on board.

6) How long do you anticipate the construction to last? The Applicant estimates 18 months.

I look forward to speaking with you tomorrow.

Thank you,

Gina Rogers

On Mon, Feb 8, 2021 at 3:32 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Ms. Rogers,

This email is to confirm that we have you registered to speak.

In reviewing the case details, the Applicant is proposing up to 251 apartment units and 926 square feet of ground floor retail uses. The Applicant may be able to answer questions regarding the square footage of the proposed units, whether they have a transportation-related proposal for a center turn lane (although this will be examined by Austin Transportation Department staff at the time of site plan), and onsite security during tomorrow night's hearing.

Sincerely,

Wendy Rhoades

From: Gina Rogers <[redacted]>
Sent: Friday, February 5, 2021 4:15 PM

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Monday, March 1, 2021 6:47 PM
To: 'Gina Rogers'
Cc: Avila, Rosemary; Jaron.Hogenson@austintexas.gov; Rezvanipour, Ramon; Rick Rogers
Subject: RE: SOFI Apartments, Case No. SP-2017-0353C

Follow Up Flag: Follow up
Flag Status: Flagged

Gina,
The case referenced below, SP-2017-0353C – SOFI Apartments was Withdrawn by the Applicant. However, there is an administratively approved site plan that is allowed by the existing GR-MU-CO-NP zoning (SP-2018-0405C – SOFI Apartments). It was approved on October 1, 2019 for a four-story building with 158 residential units and office use with approximately 76.27% impervious cover. Rosemary Avila was the site plan case manager for both site plan cases referenced above.

Through this rezoning case, the Applicant proposes to add a vertical mixed use building (-V) overlay in order to provide additional units on the property and develop it with up to 251 apartment units and 926 square feet of ground floor retail uses. A new site plan application for the Applicant's proposed development has not been filed at this time, and is not required to be filed concurrent with the rezoning case.

Based on its location on a high-frequency bus route and the opportunity for a portion of the additional housing units to be affordable, Staff recommended GR-MU-V-CO-NP zoning. On February 9th, the Planning Commission issued its recommendation for GR-MU-CO-NP zoning with additional prohibited uses of alternative financial services, bail bond services, hotel-motel, outdoor entertainment, outdoor sports and recreation, and service station. At that time, a representative of the Neighborhood Plan Contact Team spoke to park funding which I presume was discussed with the Applicant (I was not part of the discussion).

The Council is scheduled to review the rezoning case this Thursday, March 4th. Below is a link to a document that contains the link to register to speak (approximately halfway down page 1) at this Thursday's Council meeting. I now see that Rick Rogers has a different email address than you, and will also send you the email I sent late Friday afternoon with the Council agenda and backup material. I apologize and will use both email addresses going forward.

document.cfm (austintexas.gov)

A traffic survey and evaluation has not occurred with the rezoning case. The Austin Transportation Department (ATD) has deferred assessment of the required transportation mitigation, including the potential dedication of right-of-way and easements and participation in roadway and other multi-modal improvements from the rezoning application to the time of site plan application. A Traffic Impact Analysis will also be required at the time of site plan if triggered per Code requirements.

Sincerely,
Wendy Rhoades

From: Gina Rogers [redacted]
Sent: Monday, March 1, 2021 1:14 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Avila, Rosemary <Rosemary.Avila@austintexas.gov>; Jaron.Hogenson@austintexas.gov; Rezvanipour, Ramon <Ramon.Rezvanipour@austintexas.gov>; Rick Rogers [redacted]
Subject: Fwd: SOFI Apartments, Case No. SP-2017-0353C

*** External Email - Exercise Caution ***

Wendy,

In December 2017, this project was titled SOFI Apartments.

I have attached my email from 2017 wherein I strongly objected to changing the rezoning to build vertically and condensing numerous apartments onto a small lot without first having done an evaluation of the traffic with no center turn lane.

Please see my reasons below. Wendy, you recently (few weeks ago) permitted the developers to advance forward without having done the work first to determine how this large development will impact the neighborhood. Aside from a menial contribution to some "park" fund. This neighborhood will become a corridor to crime and noise.

You allowed the approval of more than 200 units.

I strongly object to the lack of attention to the traffic, with no center turn lane. The neighborhood was promised a transportation review of South 1st Street. Has a traffic survey and evaluation been done for the number of proposed units the builders and owner currently wants?

I look forward to your reply. I can be contacted at 512-554-6905.

I plan to attend the meeting on March 4, 2021 at 2 pm. Send me the instructions.

Gina Alba Rogers

---------- Forwarded message ---------
From: **Gina Rogers** [redacted]
Date: Thu, Nov 30, 2017 at 11:49 AM
Subject: SOFI Apartments, Case No. SP-2017-0353C
To: <rosemary.avila@austintexas.gov>, <ramon.rezvanipour@austintexas.gov>

Ms. Avila,

Thank you for your time yesterday. I wanted to follow-up after our conversation yesterday with this email to reiterate my serious concerns about the proposed development of the SOFI Apartments on South 1st Street and its size that's currently under review. I am a native Austinite with family having lived in Travis County for generations.

A concern of mine are the number of units now proposed for this small lot.

4 level multi-family mixed use apartments to include,

99 proposed 1 bedroom units
26 proposed 2 bedroom units
3 proposed 3 bedroom units
22 efficiency units
5 (low work units) (I'm unsure the meaning here)

with 242 proposed parking spots for tenants

This proposal is a half block from my home facing South 1st Street. The amount of traffic on this street is already at capacity and currently there is no center turn lane. The hazards of this is already obvious with the potential for more traffic and accidents. With added transient population proposed, will cause crime and noise for this residential area.

I strenuously object to the following.

1) the size of the complex; 4 levels and the square footage per apartment to ensure high number of rentals in a small space.
2) the increase of traffic with no center turn lane on South 1st Street. Has a traffic survey been done for this area?
3) the increase in crime and noise that will come from the number of units crammed into this space.
4) the entry and exit ramp proposed for South 1st Street with no center turn lane.

I would encourage a more scaled back version of larger family units with fewer families and tenants, or proposed housing where families can purchase a condo unit instead of a proposed transient population suggested for this small lot.

I'm unsure if a traffic survey has been done that looks into additional traffic for this proposed sight.

I look forward to your continued updates and responses from the current owner of the property.

Gina Rogers
512-554-6905

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DATE: February 06, 2021

TO: City of Austin Planning Commissioners

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

CC: District 2 Council Member, Vanessa Fuentes Vanessa.Fuentes@austintexas.gov
Austin City Council Members
Case Manager: Wendy Rhodes Wendy.Rhoades@austintexas.gov

Re: Case File: C14-2020-0134 6311 South 1st Street.
Planning Commission hearing February 09, 2021
Zoning change request - from GR-MU-CO-NP, to GR-MU-V-NP

Applicant - Drenner Group PC, Leah Bojo

Dear Planning Commissioners,

To bring everyone up to speed, and add to the case file, on the current status between the applicant and the SCCNPCT re: this zoning change request on the agenda before Planning Commission February 09, 2021.

The sticking point, again, is the lack of actual affordable housing within this area without regard for actual need or benefit to the area/neighbors, or any transportation analyses. We believe the required 10% of units @ 80% AMI/MFI to be of little benefit.

You are aware of the SCCNPCT's stance - it remains as it always has, to work very hard to secure the maximum number of units at a minimum AMI/MFI for potential residents who ideally would like to come from within the district or contact team area to live in one of the many new developments.

There is currently zero affordable housing inventory available, stacked with long waiting lists, in an area where a resident of 78745 earns an average **$27,967** a year, and the median household income in 78745 is **$52,949** - quite far from Travis county's AMI/MFI of $97,600, which all calculations to allow for "affordable housing" are based on. There are some low-income apartments near S. Congress & St. Elmo Market with more commercial development in the immediate area. The 6811 S. 1st development will be next to a neighborhood which is more deeply residential in a working-class area very close to two elementary schools where 90% of the kids are on free-and-reduced lunch, so having lots of market-rate units there will cause a deep impact on the community in terms of displacement. Our communities deserve and need more affordability to actually prevent displacement.

It is disappointing that with a growing homeless and food crisis staring at our faces, and we know for a fact that low-income renters are most impacted by rising housing costs, that we would aim to continue to further the housing divide with only high dollar, high rise apartments and condos that are certain to displace long-time residents and long-established businesses, **AND while during a worldwide pandemic and economic collapse with more housed residents facing mass evictions. Many residents are already now cash poor, just trying to live from hour to hour, struggling to meet basic needs, food shortages, starvation, and rent.**

Working with the developer, Leah Bojo from the Drenner Group, we've come to some compromises thus far regarding a designated on-site pet area, and the following prohibited land uses:

- Adult-oriented businesses
- Alternative financial services (this includes payday loans)
- Bail bonds services
- Outdoor entertainment
- Outdoor Sports and Recreation
- Hotel-Motel
- Service Station
- Pawn Shop Services
- Telecommunication Tower (PC)

Though we are still hoping to better resolve concerns expressed from current area residents re: truly affordable housing and secure funding from the area's parklands.

The SCCNPCT is looking to support 10% which would be 25 units for renters @ 10% at 50% MFI is a number we definitely want to see within District-2. Also, after learning of fees on top of rent, such as security, amenities, parking, etc., the SCCNPCT has concerns with the impact of these additional renter fees that would be on top of rent, at the same AMI/MFI rates. **If the goal is to have homeless individuals transition to part-time work and sign a lease for their own apartment, the SCCNPCT request for 10% @ 50% MFI is on target for real affordable housing, transitions, and displacement assistance.**

The SCCNPCT is often in a painful predicament asking for support of commissioners and help from our council members to please recognize that we, as volunteers, continuously face lawyers, developers, planning and zoning professionals on billable time. We must continue because we believe this to be some of the hardest, yet most important work we know toward to achieve equity, health, safety, and security for Austin families, their homes and their livelihoods.

<u>Residential Health & Safety - Contractor Parking.</u>

Also note that contractor parking with daily operations is a concern due to the close proximity of the neighborhood. We spoke to the applicant about previous health and safety interruptions that residents encountered within the SCCNPCT area with blocked pedestrian sidewalks, streets, and fire hydrants. We need guarantees to be in place for offsite designated contractor vehicle parking. We ask for a plan to be in place prior to any construction. Possibly renting the defunct HEB or the auto repair place south of Eberhardt for designated parking.

Thank you,
Mario Cantu, Keena Miller & SCCNPCT

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, February 9, 2021 8:51 AM
To: Rivera, Andrew
Cc: Rhoades, Wendy
Subject: RE: February 9, 2021 Planning Commission Agenda

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrew,
Please see my responses below.
Wendy

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Sent: Monday, February 8, 2021 8:11 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Graham, Mark <Mark.Graham@austintexas.gov>; Smith, Mashell <Mashell.Smith@austintexas.gov>; Grantham, Scott <Scott.Grantham@austintexas.gov>
Subject: FW: February 9, 2021 Planning Commission Agenda

All:

Please see questions below from Chair Shaw.

Thank you,
Andrew

From: Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>
Sent: Monday, February 8, 2021 1:06 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: February 9, 2021 Planning Commission Agenda

Andrew,

The following are my questions concerning cases for 2-9-2021.

Thanks,

Todd

B1- 6311 South 1st Street

Is development already under construction-appears so based on photos? If so, is it already designed for VMU? RESPONSE: The subject property is undeveloped and the photos shown below are from another site in the South Congress neighborhood planning area.

How can City address safety concerns raised by the neighbors? RESPONSE: The safety concerns will be reviewed by Staff as part of the site plan and construction applications.

Did applicant agree to NPCT conditions?

1. Designated on-site pet area. RESPONSE: This is a private Restrictive Covenant item between the Applicant and the Staff, and cannot be placed in a zoning ordinance.
2. Following prohibited land uses: RESPONSE: Yes, the Applicant is agreeable to prohibiting the following uses. Please note that adult-oriented businesses is not a permitted use in the GR zoning district and therefore, cannot be listed as a prohibited use. Also, the Staff does not recommend prohibiting telecommunications tower due to the extensive siting restrictions already in Code.

   - Adult-oriented businesses
   - Alternative financial services (this includes payday loans)
   - Bail bonds services
   - Outdoor entertainment
   - Outdoor Sports and Recreation
   - Hotel-Motel
   - Service Station
   - Pawn Shop Services
   - Telecommunication Tower (PC)

B2/B3 - 4908 Lott Avenue, 5000-5106 Lightfield Lane, & 1160-1166 Mason Avenue

Is there opposition to this item?

B4 - 35 West 6th Street, Shoal Creek Watershed; Downtown Austin Plan

Why was the RC required in the first place? Did applicant get to waive certain regulatory requirements by providing the green roof and rainwater collection?

B11 - Street Right-of-Way Vacation Application for Chalmers Avenue

Has applicant agreed to all the conditions for approval from various City departments (e.g; Austin Water)?

AE denied approval "until overhead facilities are removed." Has this been resolved?

B12 - Alley Right-of-Way Vacation Application for 2209 S. 1st Street (F#10350-2010)

Austin Energy required that PUE for electric utilities be maintained. Only a PUE for drainage is mentioned. Is a PUE for electric utilities also provided in the alley?

Did applicant agree to Watershed Engineering Review requirements?

"WPD will approve the release of the ROW vacation with the following conditions: being that there is floodplain in the vicinity, the alley vacation will be approved so long as a new easement is dedicated that fully encompasses the fully-developed 100-year floodplain as part of the concept site plan this easement release case is the child of (SP-2020-0351C.CP)."

Did applicant agree to Austin Water requirements?

Austin Water (AW) has no objections to the requested 4,357 square-feet, Alley (ROW) Vacation as long the water and wastewater service(s) to adjacent properties are verified and re-routed if needed; and, which is more particularly described as being a portion of a thirteen foot (13-ft) wide alley located in Block 2, South Extension of Bouldin Addition, a subdivision recorded in volume 1, page 94 of the plat records of Travis County, Texas and with an address of 2209 S. 1st Street, Austin, Texas, 78704.