

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0149  
1007 and 1021 E. 7<sup>th</sup> Street

DISTRICT: 3

ZONING FROM: TOD-NP

TO: TOD-NP, to change a condition of zoning

ADDRESS: 1007 and 1021 E. 7<sup>th</sup> Street

SITE AREA: 0.65 acres

PROPERTY OWNER: 1007 East 7<sup>th</sup> Street  
(Austin) Owner, L.P. and 1021 East 7<sup>th</sup> Street  
(Austin) Owner, L.P.

AGENT: Armbrust & Brown, PLLC  
(Richard T. Suttle, Jr.)

CASE MANAGER: Joi Harden (512-974-1617); [joi.harden@austintexas.gov](mailto:joi.harden@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request for rezoning to TOD-NP to amend the Plaza Saltillo TOD Station Area Plan and the Regulating Plan for the Plaza Saltillo TOD Station Area Plan to allow a building height up to 90 feet.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 14, 2023: Consent Agenda

CITY COUNCIL ACTION:

April 20, 2023: TBD

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes utilizing the Plaza Saltillo TOD Density Bonus tool which allows for increased floor-to-area ratio (FAR) for developments that include affordable residential units or pays a fee-in-lieu to Housing and Planning Department (HPD). The Applicant has stated their intent is to develop a multifamily project and provide on-site affordable multifamily units at 10% of the gross floor area per the TOD Density Bonus. To achieve the increased FAR, the Applicant requests increasing the building height from 60 feet to 90 feet which requires updating the Plaza Saltillo TOD Station Area Plan and the Regulating Plan for the Plaza Saltillo TOD Station Area Plan. The request also requires a Neighborhood Plan Amendment (NPA) which is being processed concurrent with the rezoning request (City File #NPA-2022-0009.01).

CASE MANAGER COMMENTS:

The subject property is located on the south side of East 7<sup>th</sup> Street between San Marcos Street and Medina Street. The property is zoned TOD-NP as are the surrounding properties. The property is currently developed with office uses. The property to the west is developed with office uses. The properties to the north and across E. 7<sup>th</sup> Street consist of office uses and residential. Across Medina Street to the east is developed with a surface parking lot. The properties to the south and across the alley consist of restaurant, retail, and office uses.

***Please see Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The property is located in the TOD Corridor Mixed Use subdistrict of the Plaza Saltillo TOD. The TOD Corridor Mixed Use subdistrict includes properties along E. 7<sup>th</sup> Street. ***Please see Exhibit B – Station Area Plan Exhibit.*** City Council previously approved the increase of the base maximum height allowed on several properties located within the Plaza Saltillo TOD. A property along E. 6<sup>th</sup> Street was approved for a maximum 90 foot building height by City Council in August 2021. A property along E. 5<sup>th</sup> Street was approved for a maximum 85 foot building height by City Council in November 2021. Another property along E. 4<sup>th</sup> Street was approved for a maximum 85 foot building height by City Council in April 2022.

***Please see Exhibit C – Maximum Building Heights Exhibit.***

Staff supports the rezoning request. Increased density and transit access are fundamental elements of the Plaza Saltillo TOD. The Regulating Plan states that its purpose is “to promote TOD principles intended to successfully integrate land use and transit by providing greater density than the community average, a mix of uses, and a quality pedestrian environment around a defined center;...to encourage development that serves people of all incomes and ages and provides a safe and welcoming environment for all types of households...” The proposed rezoning will allow greater density and provide housing opportunities for lower income residents. Multifamily housing at this location will benefit from direct access to transit, as well as walkable options for employment, services, and community amenities.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*
4. *Zoning should promote clearly-identified community goals such as creating employment opportunities or providing for affordable housing.*

TOD-NP zoning encourages increased density and locating residential land uses in close proximity to transit, employment, and services. The Plaza Saltillo TOD, as adopted by City Council, reflects their goals as well as Planning Commission policies. The addition of affordable housing promotes clearly identified community goals.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	TOD-NP	Office
<i>North</i>	TOD-NP	Office and single family residential
<i>South</i>	TOD-NP	Restaurant, retail, and office
<i>East</i>	TOD-NP	Surface parking lot
<i>West</i>	TOD-NP	Office

**NEIGHBORHOOD PLANNING AREA:** Central East Austin Neighborhood

TIA: Is not required

**WATERSHED:** Waller Creek – Urban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:**

Zavala Elementary School      Martin Middle School      Eastside Memorial High School

**NEIGHBORHOOD ORGANIZATIONS:**

East Austin Conservancy  
 Guadalupe Association for an Improved Neighborhood  
 Greater East Austin Neighborhood Association  
 SELTexas  
 Waterloo Greenway  
 Guadalupe Neighborhood Development Corporation  
 Tejano Town  
 Preservation Austin  
 Austin Neighborhood Council  
 Del Valle Community Coalition

Austin Lost and Found Pets  
 El Concilio Mexican-American Neighborhoods  
 AISD  
 Homeless Neighborhood Association  
 Capital Metro  
 Neighborhood Empowerment Foundation  
 Sierra Club  
 Organization of Central East Austin Neighborhoods (OCEAN)  
 Friends of Austin Neighborhoods  
 Neighbors United for Progress

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0138 1400 East 4 <sup>th</sup> Street	TOD-NP to TOD-NP (increase height from 40' to 85')	02/08/2022: To grant Staff's rec. on consent (10-0)	04/7/2022: To grant PC rec. (increase height from 40' to 85')
C14-2021-0132 1612 East 7 <sup>th</sup> Street	TOD-NP to TOD-NP (change subdistrict CMU to MU)	02/08/2022: To grant Staff's rec. on consent (11-0)	03/24/2022: To grant PC rec. (change subdistrict CMU to MU)
C14-2021-0061 Fair Market Rezoning	TOD-NP to TOD-NP (increase height from 60' to 85')	6/21/2021: To forward to Council without a rec. (7-1)	11/4/2021: To grant TOD-NP to change the base a maximum height from 60' to 85'
C14-2021-0058 Centro East	TOD-NP to TOD-NP (increase height from 60' to 90')	7/13/2021: To grant as requested	08/28/2021: To grant TOD-NP as rec by PC (90')
C14-2017-0105 4 East	TOD-NP to TOD-CURE-NP	11/14/2017: No recommendation	6/14/2018: To grant TOD-CURE-NP, increasing height from 40' to 74'
C14-2016-0049 Plaza Saltillo Tracts 4/5	TOD-NP to TOD-CURE-NP	1/10/2017: Grant as rec: The TOD density bonus program establishes a maximum MFI level of 50%. Increase height from 60' (after density bonus) to 68' for a portion of Tract 1/2/3, Tract 4/5, and Tract 6.	03/2/2017: To grant as recommended by PC

C14-2016-0050 Plaza Saltillo Tracts 1/2/3	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68' for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. Increase height from 60' (after density bonus) to 70' for a portion of Tract 1/2/3. Increase height from 60' (after density bonus) to 125' for office building for office building on a portion id Tract 1/2/3	03/2/2017: To grant as recommended by PC with condition Tract 1 is limited to 70''
C14-2016-0051 Plaza Saltillo Tract 6	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68' for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. MFI levels up to 60%, including 30%, 50% and 60% MFI for Tract 6.	03/02/2017: To grant as recommended by PC
C14-2015-0054 901 and 917 E. 6 <sup>th</sup> Street	TOD-NP to TOD-CURE-NP	June 23, 2015: PC approved Staff rec. on consent (8-0) TOD-CURE-CO-NP, 1. max 2,000 v.p.d. 2. Veh access to 6 <sup>th</sup> prohibited 3. Storage rooms and restrooms inc 25-2-531	September 10, 2015: CC approved TOD-CURE-CO-NP as rec. on consent
C14-2011-0091 Jaylee Limited (Arnold Oil) 1601 & 1645 E. 6 <sup>th</sup> Street	TOD-NP to TOD-CURE-NP	August 27, 2013: PC approved Staff rec. on consent (8-0-1) TOD-CURE-NP: 1. Office Tract and MF Tract 2. Tracts joined by a UDA and/or Shared Pkg Agreement 3. Parking for both Tracts may be located on MF Tract.	September 26, 2013: ORD No. 20130926-100 CC approved TOD-CURE-NP as rec. on consent (11-0)

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 6 <sup>th</sup> Street	1	64'	60'	29'	Yes	N/A	Yes

### OTHER STAFF COMMENTS:

#### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Site Plan

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any multifamily development which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations per 4.2.10 of the Plaza Saltillo regulating plan unless a development bonus from 4.3 is utilized.

In the absence of a 4.3 development bonus, the site is subject to compatibility height standards due to SF-3 zoned properties within 540' to the north. The following standards may apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four

- feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- Additional design regulations will be enforced at the time a site plan is submitted. SP4.

In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

This site is located in the Central East Austin Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

#### Parks & Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with TOD-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. 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](mailto: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.

#### 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

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 TO FOLLOW

A: Zoning Map

A-1: Aerial Map

B: Station Area Plan

C: Maximum Building Height Map



PLAZA SALTILLO TOD LAND USE AND DESIGN CONCEPT PLAN



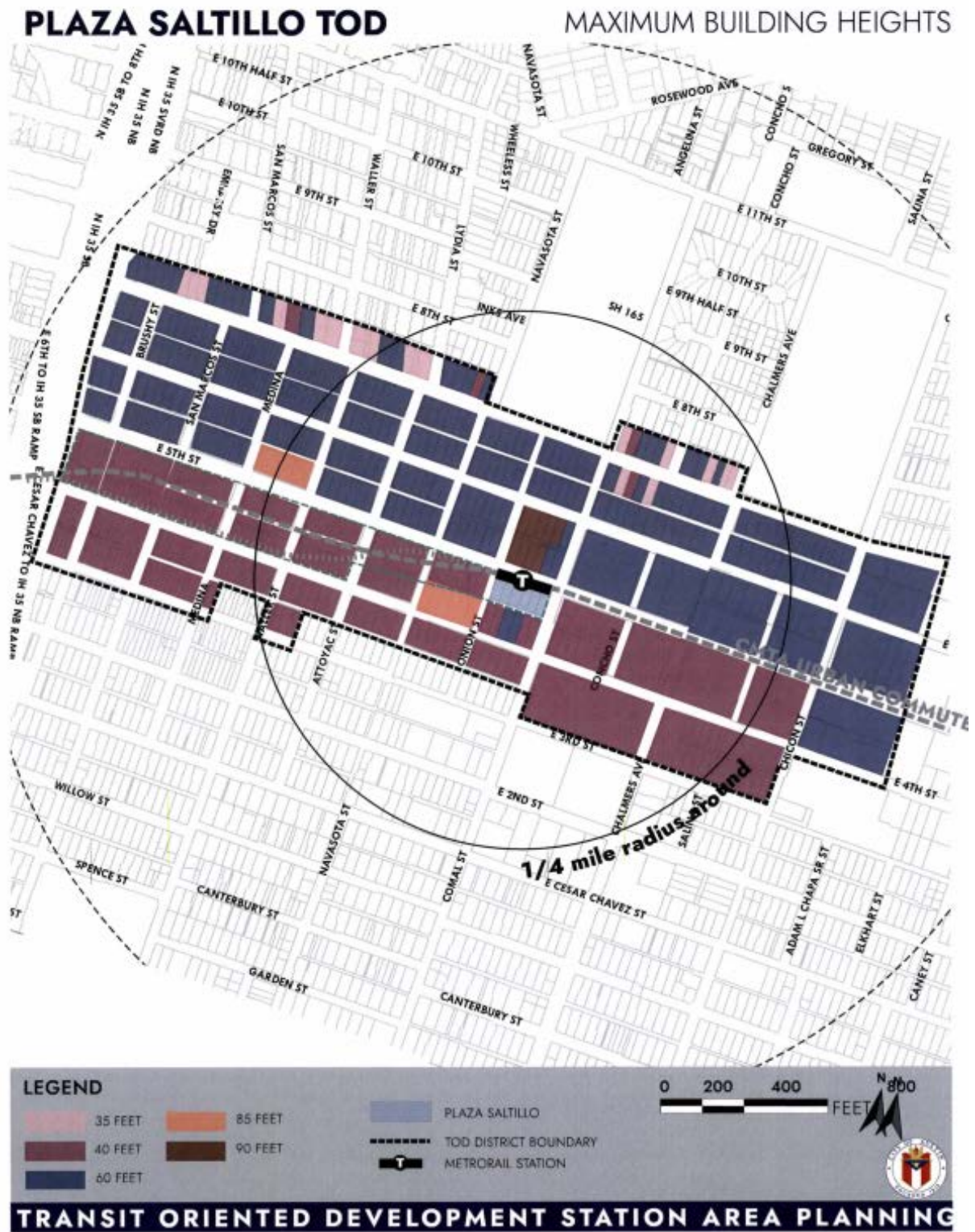


EXHIBIT C