

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0091      **P.C. DATE:** August 29, 2013, August 13, 2013,  
Jaylee, Ltd.      January 8, 2013, July 10, 2012, January 10, 2012

**ADDRESS:** 1601& 1645 E. 6<sup>th</sup> Street      **AREA:** 4.1282 acres

**OWNER:** Jaylee, Ltd. (Jim Arnold)

**AGENT:** Winstead PC (Amanda Swor)

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

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

**NEIGHBORHOOD PLAN AREA:** East Cesar Chavez

**TIA:** TIA determination deferred to time of site plan

**WATERSHED:** Lady Bird Lake      **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No      **SCENIC ROADWAY:** No

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends Transit Oriented Development-Neighborhood Plan-Central Urban Redevelopment (TOD-NP-CURE) combining district, with the CURE combining district modifying the base TOD zoning district to allow the following:

1. The 4.1282 acre property will be developed as an Office Tract and a Multifamily Tract.
2. For parking requirements the Office Tract and Multifamily Tract will be joined by a Unified Development Agreement and/or Shared Parking Agreement.
3. Parking for both Tracts may be located on the Multifamily Tract. This will require a modification of the Saltillo TOD Regulating Plan as follows:
  - a. Section 4.5.2.A Minimum Parking Requirements—to remove the minimum parking requirements for the Residential Tract, and
  - b. Section 4.5.2.B Maximum Parking Requirements—to remove the maximum parking requirements for the Office Tract.

### **PLANNING COMMISSION RECOMMENDATION:**

August 29, 2013:

August 13, 2013: *TO GRANT POSTPONEMENT REQUEST BY APPLICANT. [APPROVED ON CONSENT. (8-0)]*

January 8, 2013: *TO GRANT INDEFINITE POSTPONEMENT REQUEST BY APPLICANT BY APPLICANT. [APPROVED ON CONSENT: HATFIELD, HERNANDEZ-2<sup>ND</sup>. COMMISSIONER ROARK ABSENT] (8-0)*

January 10, 2012: *TO GRANT POSTPONEMENT REQUEST BY APPLICANT. [APPROVED ON CONSENT: HATFIELD, KIRK- 2<sup>ND</sup>. COMMISSIONER DEALEY ABSENT] (8-0)*

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

**ISSUES:**

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

**DEPARTMENT COMMENTS:**

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

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

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

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

1. The 4.1282 acre property will be developed as an Office Tract and a Multifamily Tract.
2. For parking requirements the Office Tract and Multifamily Tract will be joined by a Unified Development Agreement and/or Shared Parking Agreement.
3. Parking for both Tracts may be located on the Multifamily Tract. This will require a modification of the Saltillo TOD Regulating Plan as follows:

- a. Section 4.5.2.A Minimum Parking Requirements—to remove the minimum parking requirements for the Residential Tract, and
- b. Section 4.5.2.B Maximum Parking Requirements—to remove the maximum parking requirements for the Office Tract.

**EXISTING ZONING AND LAND USES:**

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

**ABUTTING STREETS:**

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

**NEIGHBORHOOD ORGANIZATIONS:**

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

**SCHOOLS:**

Zavala Elementary School

Martin Middle School

Eastside Memorial HS at Johnston

**CITY COUNCIL DATE:** TBD**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

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

**PHONE:** 974-2122

**STAFF RECOMMENDATION:**

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

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

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

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

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

**SITE PLAN**

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

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

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

**TRANSPORTATION**

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

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

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

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

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

#### CAPITAL METRO

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

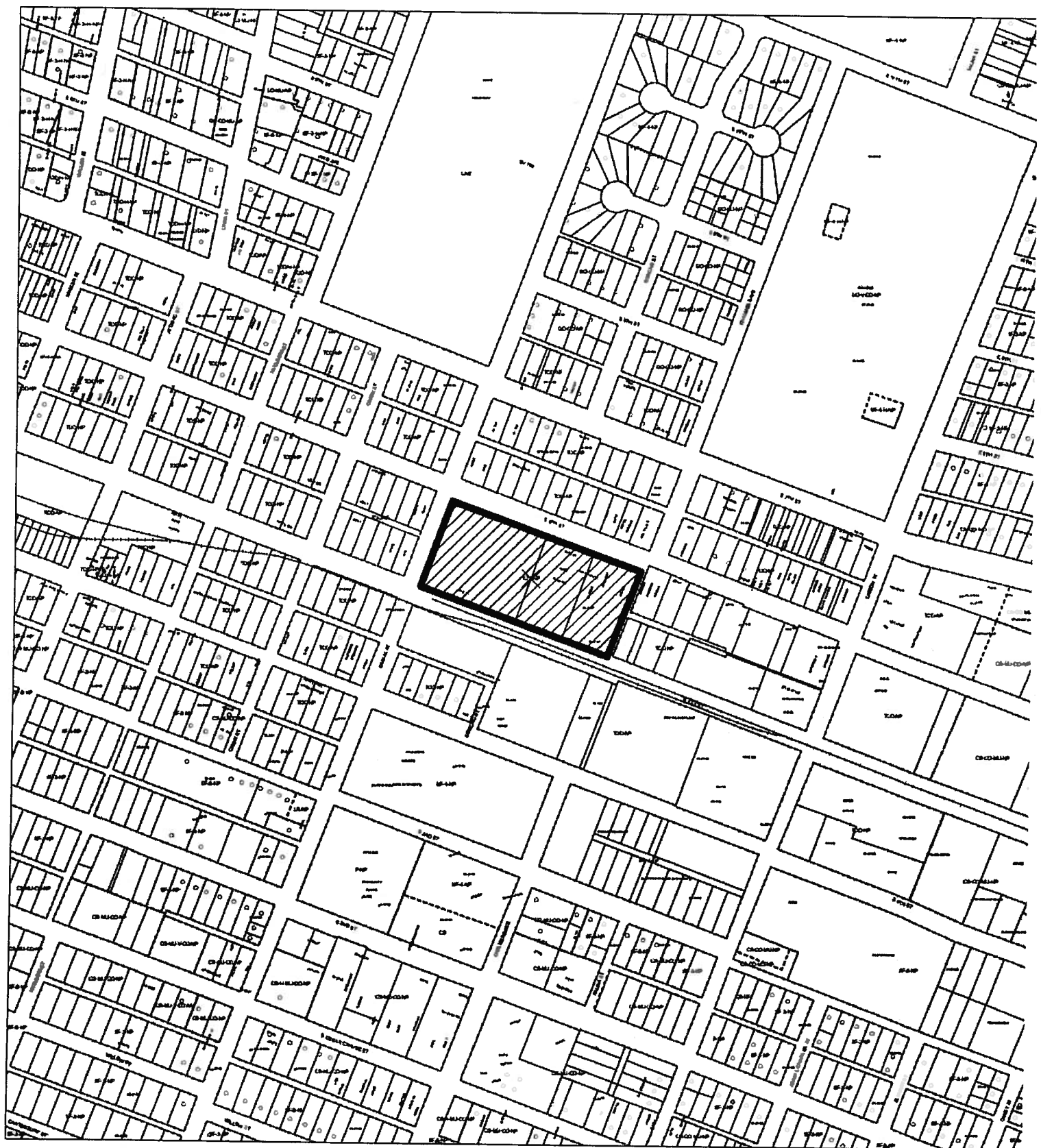
All concerned parties need to be aware of the freight service in planning any development. The freight trains generate some noise as they move through. At many urban street crossings, there are upgraded signal systems with crossing arms to block the roadway. This allows the City of Austin the ability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

#### ENVIRONMENTAL

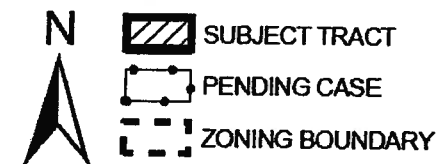
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not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

#### WATER UTILITY

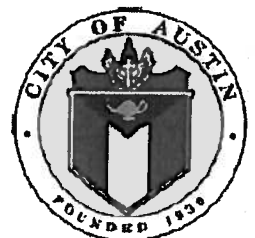
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water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



## ZONING



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



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







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direct dial: (512) 370-2827

August 19, 2013

Mr. Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Via Electronic Delivery

Re: Jaylee, Ltd C14-2011-0091 and NPA-2011-0002.01 – 4.128 acres located at 1601 and 1645 E. 6<sup>th</sup> Street ("Property"); Proposed Rezoning from TOD-NP, Transit Oriented Development - Neighborhood Plan District, to TOD-NP-CURE, Transit Oriented Development – Neighborhood Plan District – Central Urban Redevelopment Combining District, and proposed Amendment to the Neighborhood Plan by Amending the Station Area Plan, including the Regulating Plan

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, we respectfully request the amendment stated below to zoning case C14-2011-0091 and neighborhood plan amendment case NPA-2011-0002.01.

Amend the zoning and neighborhood plan amendment cases CURE request as stated below:

1. Amend the requested parking modifications so that the Office track is requesting a modification to Section 4.5.2.B, Maximum Parking Requirements, to remove the maximum parking requirement; and the Residential tract is requesting a modification to Section 4.5.2.A, Minimum Parking Requirements, to remove the minimum parking requirement.



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

Very truly yours,



Amanda Swor

cc: Jerry Rusthoven, Planning and Development Review Department (*via electronic*)  
Heather Chaffin, Planning and Development Review Department (*via electronic*)  
Maureen Meredith, Planning and Development Review Department (*via electronic*)  
Josh Delk, Transwestern, (*via electronic mail*)  
Steve Drenner, Firm



August 5, 2013

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

RE: **C14-2011-0091 and NPA-2011-0002.01**

Dear Commissioners:

The East Cesar Chavez Neighborhood Planning Team met several times with the owner, development team, and their legal counsel regarding development of 4.128 acres located at 1601 and 1645 E. 6<sup>th</sup> Street. At our monthly Team meeting on July 17, 2013, the Team voted to support the most recent development plan, which requires the following amendments:

1. Split the cases into two tracts A) Residential tract (including parking garage) and B) Office tract;
2. For the Residential tract, request a modification to Section 4.5.2. B, Maximum Parking Requirements, to remove the maximum parking requirement; and
3. For the Office tract request a modification to Section 4.5.2.A, Minimum Parking Requirements, to remove the minimum parking requirement.

The developer has agreed to comply with affordable housing requirements as written in the *Regulating Plan for the Plaza Saltillo TOD Station Area Plan (SAP)* (revised 5/25/2013).

We appreciate the development team's attention to neighborhood priorities and would like to note that 2-bedroom apartments, in addition to studios, would be appreciated in the mix of affordable housing.

Sincerely,

**Ken Johnson**  
Chair

East Cesar Chavez Neighborhood Planning Team

## Chaffin, Heather

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

FYI

**Amanda W. Swor**, Project Manager

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

**From:** Ken Johnson [REDACTED]

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

**To:** Swor, Amanda

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

Anderson, Greg; Rance Clouse

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

Hi Amanda -

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

Thanks,  
Ken Johnson  
Chair  
East Cesar Chavez Neighborhood Planning Team

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

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

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

Have a great day!

**Amanda W. Swor**, Project Manager

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