

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0099 **PC DATE:** September 9, 2014
1500 S Pleasant Valley (East Riverside Corridor Amendment)

ADDRESS: 1500 S Pleasant Valley

AREA: 4.0016 acres

NEIGHBORHOOD PLAN AREA: (East Riverside Corridor) East Riverside Neighborhood

OWNER: 1500 SPV LLC (Colin Brothers)

AGENT: Drenner Group, P.C. (Stephen Rye)

REQUEST (ERC PLAN AMENDMENT):

Amendment No. 1: Subdistrict Designation

FROM: ERC (Subdistrict: Neighborhood Mixed Use)

TO: ERC (Subdistrict: Corridor Mixed Use)

Amendment No. 2: Inclusion Within the Hub

FROM: Outside the Hub boundary

TO: Inside the Hub boundary

Amendment No. 3: Maximum Height Allowed With A Development Bonus

FROM: Ineligible

TO: Eligible and with a Maximum Height of 65 Feet

IMPORTANT PROCEDURAL NOTE:

This is not a standard zoning case; rather, it is a set of amendments to the East Riverside Corridor (ERC) Regulating Plan. However, for purposes of public notice, staff review, and consideration by the Planning Commission and City Council, it has been, and will continue to be, processed as a rezoning case. When the ERC plan was adopted, the adopting ordinance provided that amendments to Figure 1-2 (subdistrict designation), which in turn would be reflected on Figures 1-7 (Height) and 1-8 (Bonus Height) are (procedurally) subject to Zoning Procedures. Other Plan amendments are to be processed with notification requirements of a Code Amendment. Both require a public hearing and recommendation by the Planning Commission before consideration by the City Council. This is the first such amendment for the ERC Regulating Plan.

UPDATE:

On September 25, 2014, the City Council adopted a Resolution directing staff to initiate a code amendment that would establish additional procedures for an application proposing to amend the ERC Regulating Plan. The additional processes are intended to align the process for amending the ERC Regulating Plan to be more like the process for neighborhood plan amendments rather than the process for a zoning case.

Specifically, the Resolution proposes that an amendment to Figure 1-2 would include additional procedures such as conducting a community meeting with neighborhood contact teams and that contact teams would have the opportunity to submit a letter of recommendation regarding the application.

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to continue the existing ERC zoning accompanied by an ERC Regulating Plan amendment comprised of three parts:

- 1) The subdistrict designation for the subject tract be amended from Neighborhood Mixed Use to Corridor Mixed Use (an amendment to Exhibit 1-2 of the ERC Regulating Plan);
- 2) The subject tract be included within the Hub designated at Pleasant Valley and Riverside (an amendment to Exhibit 1-6 of the ERC Regulating Plan); and
- 3) The subject tract be designated eligible for additional height (a development bonus), and that a maximum height of 65 feet be specified (an amendment to Figure 1-8 of the ERC Regulating Plan).

PLANNING COMMISSION ACTION:

September 9, 2014 No recommendation.

Recommend amendments as recommended by staff (Motion: B. Roark; Second: S. Oliver) 3-3-3 (Ayes: R. Hatfield, S. Oliver, B. Roark; Nays: D. Chimenti, J. Stevens, N. Zaragoza; Absent: A. Hernandez, J. Nortey, L. Varghese)

Recommend Postponement for Two Weeks (Substitute Motion: N. Zaragoza; Second J. Stevens). Withdrawn by N. Zaragoza.

Recommend Postponement for Two Weeks (Substitute Motion: J. Stevens; Second R. Hatfield). 2-4-3 (Nays: D. Chimenti, S. Oliver, B. Roark, N. Zaragoza; Absent: A. Hernandez, J. Nortey, L. Varghese)

August 26, 2014 Postponed at the Request of East Riverside/Oltorf Neighborhood Plan Contact Team NPCT, and Applicant Agreement (Consent Motion: R. Hatfield; Second: J. Stevens) 8-0-1 (Absent: D. Chimenti).

August 12, 2014 Postponed at the Request of Staff (Consent Motion: S. Oliver; Second N. Zaragoza) 8-0 (Absent: B. Roark).

July 22, 2014 Postponed at the Request of the Applicant (Consent Motion: (Consent Motion: J. Nortey; Second: J. Stevens) 5-0 (Absent: D. Chimenti, R. Hatfield, A. Hernandez, B. Roark).

DEPARTMENT COMMENTS:

The subject tract is approximately 4 acres located north of East Riverside Drive, south of Lady Bird Lake, at the southwest corner of South Pleasant Valley Road and Elmont Drive (see Exhibits A). The tract is comprised of a single parcel, which currently houses a specialty retail use, and was designated as Neighborhood Mixed Use (NMU) in the East Riverside Corridor (ERC) Regulating Plan.

The site is surrounded by ERC zoning, but with a variety of subdistrict designations. Property to the west, east, and northeast is multifamily (developed under then-existing MF

district zoning); property to the north and south is commercial (also developed under then-existing GR, CS, or CS-1 district zoning). Property to the north/northwest is covered by an existing Planned Unit Development (PUD), currently under construction, which is primary residential and commercial mixed use.

The current request, to designate the property with the ERC subdistrict of Corridor Mixed Use (CMU), to include it within a designated Hub, and to allow for the opportunity of additional height by participating in the density bonus/community benefits program, is driven by the stated request to develop the parcel as a mixed use project, with slightly more density than currently allowed under the NMU subdistrict.

Though preliminary and still in conceptual stages, the applicant has indicated the project would be approximately 350 residential units along with any additional commercial and/or live-work or pedestrian-oriented uses required by the ERC Regulating Plan. Structured parking would be interior of the residential and any other components.

Stakeholder correspondence received by staff has been attached (see Exhibit D). In addition, a letter from the City of Austin Law Department regarding the property has been attached (see Exhibit L).

EXISTING ZONING AND LAND USES:

	ZONING	SUB-DISTRICT	LAND USES	Pre-ERC ZONING
<i>Site</i>	ERC	NMU	Specialty Retail	GR-NP
<i>West</i>	ERC	NMU	Multifamily Residential	MF-4-NP
<i>East/Northeast</i>	ERC	NMU; UR	Pleasant Valley ROW; Multifamily Residential	MF-2-CO-NP, MF-3-CO-NP, GR-CO-NP and CS-NP
<i>South</i>	ERC	CMU	Automotive Sales; Vacant; Grocery Store	GR-NP and CS-1-NP
<i>North</i>	ERC; PUD-NP	NMU; n/a	Convenience Retail; Cocktail Lounge; Lake Shore District PUD (Residential-Commercial Mixed Use)	GR-NP & CS-1-NP; PUD-NP

ERC Subdistricts: **CMU:** Corridor Mixed Use; **NMU:** Neighborhood Mixed Use **UR:** Urban Residential **NR:** Neighborhood Residential;

TIA: Not Required

WATERSHED: Lady Bird Lake & Country Club West

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME

COMMUNITY REGISTRY ID

Southeast Austin Neighborhood Alliance

189

Crossing Garden Home Owners Association

299

Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	774
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Waterfront Condominium HOA	794
PODER	972
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Waterfront Planning Advisory Board	1366
Montopolis Neighborhood Association – El Concilio	1394
Preservation Austin	1424
East Austin Conservancy	1444
Friends of the Emma Barrientos MACC	1447
Waterfront Condominium Homeowners Association	1465

SCHOOLS:

Austin Independent School District:

Metz Elementary School Martin Middle School Eastside Memorial HS at Johnston

RELATED ZONING HISTORY:

ERC

This property and those around it were rezoned to ERC as part of the ERC Regulating Plan adoption on May 9, 2013 (C14-2012-0112), with the exception of the PUD to the north/northwest. Lakeshore PUD (C814-06-0109) was adopted by Council in May 2007. This PUD was included in the ERC Master Plan and within the boundaries of the Regulating Plan, meaning it was designated as a Special Regulating District on future land use maps, but was not rezoned to ERC or assigned a subdistrict. Prior to adoption of the PUD in 2007, the PUD property was zoned MF-3-NP.

Prior to ERC Regulating Plan adoption, the subject parcel was zoned GR-NP. Property to the south and north were commercially zoned GR and CS-1. Tracts to the west were MF-4 based, while the east was a mix of multifamily (MF-3, MF-4) and commercial (GR, CS) zoning. As noted, these properties were developed at the time of the ERC Master Plan and Regulating Plan adoption, and so were developed under the then-existing zoning district and site development standards.

Though the zoning district is now identical on all parcels within the ERC Regulating Plan (with the exception of PUDs), it is the subdistrict designation in this Plan that specifies primary and allowed uses and site development standards. The subject tract currently maintains Neighborhood Mixed Use (NMU) subdistrict designation. Property to the west, north and east has been designated Neighborhood Mixed Use, similar to the subject tract. Property to the northeast, on the opposite corner of the Pleasant Valley/Elmont intersection is designated Urban Residential (UR). Property to the south, and extending to Riverside Drive, is designated CMU, or Corridor Mixed Use (see Exhibits B for subdistrict summaries).

The exception is the Lakeshore (PUD) to the north/northwest on the opposite side of Elmont Drive. Although the PUD is included in the ERC, it was not assigned an ERC subdistrict, and therefore is not subject to the site development standards or uses for other ERC properties. Instead, development of the PUD, which is ongoing, will be subject to the regulations and requirements of that PUD.

Neighborhood Plan Rezoning

Prior to adoption of the ERC Master in 2011 and the Regulating Plan in May 2013, neighborhood plans determined the area's zoning. The East Riverside Neighborhood Plan and the Pleasant Valley Neighborhood Plans (C14-05-0112 and C14-05-0113, respectively) were approved by the City Council in November 2006 (though there were a number of subsequent rezonings in 2007 and 2008 associated with "contested" tracts). Area tracts that were rezoned as part of the East Riverside Neighborhood planning process include:

<u>Address</u>	<u>From</u>	<u>To</u>
2510 – 2520 ½ Elmont Drive (NW corner of Elmont & Pleasant Valley)	GR	GR-NP
2101 Elmont Drive (SE corner of Elmont & Tinnin Ford)	GR	GR-MU-CO-NP
2508 E. Riverside (NW corner of Pleasant Valley & Riverside)	CS	GR-NP

These three properties were among only a handful of base district rezonings with the adoption of the East Riverside Neighborhood Plan, or subsequent additions to the neighborhood plan (NP) zoning ordinance. None of the subsequent neighborhood planning rezoning cases involved property in the immediate area.

East of Pleasant Valley Road, the only property to be rezoned as part of the Pleasant Valley Neighborhood Plan was a 30-acre tract rezoned from MF-5 (multifamily residence high density) to P (public); this tract, located east of Pleasant Valley Road at Lakeshore Boulevard, was owned by the City and has been incorporated into the Roy G. Guerrero Colorado River Metro Park.

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Plan	Bus Service	Sidewalks
Pleasant Valley Road	118'	54'	Arterial	Yes (east side only)	Yes	Yes
Elmont Drive	80'	45'	Collector	Yes	No	Yes

CITY COUNCIL ACTION: Scheduled for October 23, 2014

September 25, 2014 Postponed until October 23, 2014 at the request of the East Riverside/Oltorf Combined Neighborhood Plan Contact Team, with the Applicant's Concurrence (Consent Motion: Council Member Spelman; Second: Council Member Morrison) 7-0.

ORDINANCE READINGS / ORDINANCE NUMBER:

CASE MANAGERS:

Tonya Swartzendruber / 512-974-3462 / e-mail: tonya.swartzendruber@austintexas.gov
Lee Heckman / 512-974-7604 / e-mail: lee.heckman@austintexas.gov

STAFF RECOMMENDATION**C14-2014-0099****SUMMARY STAFF RECOMMENDATION**

Staff recommendation is to continue the existing ERC zoning accompanied by an ERC Regulating Plan amendment comprised of three parts:

- 1) The subdistrict designation for the subject tract be amended from Neighborhood Mixed Use to Corridor Mixed Use (an amendment to Exhibit 1-2 of the ERC Regulating Plan);
- 2) The subject tract be included within the Hub designated at Pleasant Valley and Riverside (an amendment to Exhibit 1-6 of the ERC Regulating Plan); and
- 3) The subject tract be designated eligible for additional height (a development bonus), and that a maximum height of 65 feet be specified (an amendment to Figure 1-8 of the ERC Regulating Plan).

BACKGROUND

The property currently is designated East Riverside Corridor (ERC) district zoning. This district was established for properties included within the East Riverside Corridor Master Plan and East Riverside Corridor Regulating Plan. The purpose of the ERC district is to provide appropriate standards to ensure a high quality appearance for development and redevelopment and promote pedestrian-friendly design, to improve access to transit services and create an environment that promotes walking and cycling, among other goals identified in the Master Plan. This application, if approved, would not change the ERC zoning district designation.

There are five subdistricts within the ERC zoning district; each has distinct site development and use standards to ensure that the development is in line with the East Riverside Corridor Master Plan vision. Additional standards apply depending on the roadway type(s) adjacent to the tract, and tracts within an ERC Hub may also have specific standards.

The applicant is proposing to change the subdistrict designation from Neighborhood Residential to Corridor Mixed Use, be added to the Hub designated for Pleasant Valley and Riverside, and be allowed the opportunity to participate in a development bonus/community benefit program for additional height. Staff from zoning, urban design, and other disciplines have reviewed and processed what is technically a plan amendment, as a rezoning case. This is the first such amendment for the ERC Regulating Plan.

BASIS FOR RECOMMENDATION**Amendment # 1 / Amendment to the Subdistrict Designation (ERC Plan Figure 1-2)**

The subject tract is currently designated Neighborhood Mixed Use (see Exhibit C – 1). Per the ERC Regulating Plan, Neighborhood Mixed Use (NMU) is a subdistrict between the higher density, more active urban subdistricts and predominately residential subdistricts. The subdistrict provides for mid-rise residential with neighborhood-oriented retail and smaller employers. It is intended to have opportunities for attached residential and small-scale commercial uses. The NMU subdistrict allows for attached residential such as townhouse, condominium residential, multifamily residential, smaller scale retail for a variety of commercial uses, office, multi-family buildings.

Corridor Mixed Use (CMU) is the highest density district designation within the East Riverside Corridor and, per the Plan, would typically be expressed as residential or office uses over commercial ground floor uses, such as retail or office. The ground floors of these

buildings are envisioned to be primarily retail or office while upper floors may be office and/or residential. Mixed use development is key within this subdistrict because it will help to create a walkable environment with a variety of land uses located in a compact area. The following table highlights differences in uses and site development standards of the CMU and NMU subdistricts.

Permitted Land Uses in ERC Subdistricts

	CMU	NMU
Residential, attached	Permitted	Permitted
Residential, detached	Not Permitted	Not Permitted
Smaller-scale Retail (less than 50,000 sq ft)	Permitted	Permitted
General Retail	Permitted	Not Permitted
Office	Permitted	Permitted
Warehousing & Light Manufacturing	Not Permitted	Not Permitted
Education/Religion	Permitted	Permitted
Hospitality (hotels/motels)	Permitted	Permitted
Civic Uses (public)	Permitted	Permitted

A key difference between CMU and NMU can be found in the specific site development standards, a comparison of which can be found below:

Development Standards in ERC Subdistricts

	CMU	NMU
Maximum Building Height *	60 feet	50 feet
Maximum FAR*	2 to 1	1 to 1
Desired Minimum FAR	60%	60%
Impervious Cover	90%	80%

* Maximum FAR waived and maximum height increased with development bonus.

As can be determined, CMU generally allows for higher buildings, a denser floor-area-ratio (FAR), and higher impervious cover allowances. Building placement, determined by the Roadway Type in the Regulating Plan, would be the same across the two subdistricts, as the proposed project will front on Pleasant Valley and Elmont, a Core Transit Corridor and Pedestrian Priority Collector, respectively.

Nevertheless, staff recommends the subdistrict designation of Corridor Mixed Use (NMU) for a couple of reasons. First, the current NMU does not permit general retail, thus precluding that option from a mixed-use development, which the applicant has proposed. Although the specific types of commercial envisioned in the project are unknown, staff does not see the need to preclude this variety of retail. Second, Corridor Mixed Use (CMU) allows for an additional height and FAR. This property is adjacent to CMU (to the south), and is on a prime intersection of Pleasant Valley and Elmont. Prior to ERC rezoning, the property was zoned GR-NP, which allowed for a 60' height and an FAR of 1:1. As a Core Transit Corridor, Pleasant Valley would seem to support the additional uses, heights, and density envisioned not only in the Regulating and Master Plan, but also the infill/redevelopment goals of the Imagine Austin Comprehensive Plan (IACP).

**Amendment # 2 / Amendment to the Hub boundary (ERC Plan Figure 1-6) and
Amendment # 3 / Amendment to the Maximum Height Available under Development
Bonus (ERC Plan Figure 1-8)**

The request to be included in a designated Hub is both its own request, but also is a necessary request in order to consider the third request. Per the Regulating Plan, only properties within the Hub boundaries are eligible for development bonuses in exchange for the provision of specified community benefits.

The ERC Regulating Plan designates four Hubs along E. Riverside and other major streets, corresponding to future transit hubs. These are areas in which the most intensive development within the corridor is encouraged (see Exhibit C – 2). Following the vision set out in the Master Plan, a key purpose of the Regulating Plan is to: promote transit-supportive development and redevelopment within the ERC Hubs in order to successfully integrate land use and transit by providing greater density than the City of Austin average, a mix of uses, and a quality pedestrian environment around defined centers. It follows that Hubs are seen as dense and vibrant or areas where the most intensive development is encouraged, with urban form and uses that require less reliance on the automobile and are more accommodating of pedestrian, transit, and bicycle transportation.

But more than just an area of concentrated, transit-oriented development and density, these area were seen as unique, identifiable places, that would become distinct designations with housing, shops, and offices. The Master Plan describes hubs as bringing together people, jobs, and services designed in a way that makes it efficient, safe, and convenient to travel on foot or by bicycle, transit, or car. The Plan goes on to discuss the benefits of dense, transit-supportive development.

The boundary of a designated Hub was not specified as some uniform buffer depth or outer edge of equal distance in the Regulating Plan. In fact, a casual review of the Hub map shows a relatively smallish Hub at Riverside and Hwy 71 (the “East Riverside Gateway”) when compared with the Hub at Riverside and Montopolis (the “Montopolis Gateway”). Meanwhile the Hub at Pleasant Valley (the “Pleasant Valley Transit Plaza”) is nearly indistinguishable from the one at Lakeshore (the “Lakeshore Center”). In contrast, the Master Plan depicted these Hubs as more or less uniform (see Exhibit C-3); per that plan, the Hub represented an approximate 5-minute walk from a primary transit stop. Elsewhere, the Master Plan’s text refers to a distance of 1/3rd mile.

The fact these Hub boundaries are not of uniform shape and size in the Regulating Plan reflects the fact the boundaries were based on a public process involving neighborhood stakeholders. According to current and former Urban Design staff (who were the primary points of contact and authors of the ERC plans), these Hubs were identified and the boundaries determined, based upon public feedback, as well as requests and responses from individual property owners. Boundaries largely aligned with parcel boundaries.

Consequently, the Hubs depicted in the Regulating plan are both over and under the 1/3rd mile distance (see Exhibit C-4). As can be seen on the inset (C-4), the Hub extends over the 1/3rd mile distance to the south, the west, and the east; at the same time, the Hub does not extend the full 1/3rd mile distance on abutting parcels. [Note: the buffers depicted on this exhibit center on a point in the middle of the intersection; actual transit stop/station locations may be to the north or south, east or west of the intersection.].

As pertains to the subject tract, the current boundary stops at the southern property line. The southern property line is approximately 1600 feet to the northern edge of Riverside, and 1800 feet to the southern edge of Riverside (in the event the transit center is located on that side). As anticipated in the Master Plan (see Exhibit C-5), the intersection would be realigned and widened to accommodate east and west bound traffic on the southern portion of Riverside with potential light rail or streetcar line along the northern portion of the roadway.

1600 - 1800 feet may be considered within walking or biking distance of a transit stop, especially along a Core Transit Corridor, such as Pleasant Valley Road. In addition, when compared with the Regulating Plans for Lamar Boulevard/Justin Lane TOD Station Area Plan and MLK TOD Station Area Plan, this distance for a Hub boundary can be justified because both of those Plans looked at impact and development within one-half (1/2) mile of the presumed station (configurations varied). The Plaza Saltillo TOD Station Area Plan also considered development within the ½ mile radius, and the North Burnet/Gateway Zoning District, especially with its TOD subdistrict and gateway zone, supports the idea that 1/3rd mile is not a hard and fast distance.

As noted, some parcels inside the 1/3rd mile radius were included in a Hub, some were not. Some parcels outside the 1/3rd mile radius were included, some were not. The subject tract is one that was not, but staff has no justification as to why it should continue to be excluded. The subject tract is close to the proposed Pleasant Valley Transit Plaza at Riverside, and Pleasant Valley Road itself already has bus service and is a designated bicycle route.

Of note, development of a CMU property within a Hub is not subject to the compatibility requirements with which other subdistricts must comply. However, that is a moot point in this case because the subject tract is not adjacent to any triggering properties (i.e., duplex, single-family attached, single-family, small lot single-family, or two-family residential, or a PUD with a residential density of less than 12.44 units per acre).

Another distinction of development within a Hub is that it may be eligible for additional development bonuses if the project provides community benefits. This leads to the third proposed amendment.

Currently the property is outside the Hub. Only if it is within the Hub can it become eligible for development bonuses. The Regulating Plan provides for additional height or FAR in exchange for community benefits, such as affordable housing, mixed income communities, open space, improved bicycling facilities or improved flood and water quality controls (see Exhibit C-6).

Pursuing a development bonus is optional, pursued at the time of site planning. The development bonus requirements must be met in full to receive the bonus. The bonus is increased FAR or height, but not both. The Regulating Plan identifies a Bonus Area which is the greater of either a gross floor area that exceeds the base FAR by right limitation or that exceeds the maximum height by right limitation.

Just as the FAR for subdistricts has been specified by the Regulating Plan, so has the potential, or bonus, height. Under current designation, NMU has a maximum height of 50 feet; if CMU is designated (Amendment #1), this increases to 60 feet, by right. If the property is added to the Hub (Amendment #2) there is no additional entitlement to height – unless the property is determined eligible for bonus development and a bonus height is specified (Amendment #3).

The Regulating Plan provides four options for bonus height: ineligible, 65 feet, 120 feet, and 160 feet. The applicant has requested 65 feet and staff supports this request.

Staff is not opposed to additional height in exchange for community benefits. Indeed, even at 60 feet (under the CMU designation), the development could be the shortest building on this side of Pleasant Valley Road between Riverside and Elmont. Justification for additional height also includes the fact the property immediately to the south, already designated CMU, within the Hub, and entitled to 120 feet in height with bonuses, is an almost identical property that will likely be redeveloped in the near future. At the same time, Lakeshore PUD to the north/northwest allows for heights of 75 feet, 90 feet, and 120 feet, depending on the PUD tract.

In the buildable world, it is unknown to what extent an additional 5 feet (65 versus 60) of building height would encourage a developer to participate in community benefits. The additional height in exchange for benefits will be a site planning and designing challenge, but one that staff does not wish to preclude.

In contrast to the public feedback process(es) that led to the delineation of Hub boundaries, there was no such process for determining which properties were eligible for development bonus height and what that height should be. Indeed, not every CMU subdistrict is within a Hub and eligible for development bonuses. Further, there are both NMU and Neighborhood Residential (NR) subdistricts within a Hub and some of these have been designated eligible for the bonus. At the same time, not every CMU-designated property within a Hub, that is deemed eligible, is assigned the same bonus height; some are entitled to 120 and others 160. Hence, there is no direct correlation between a property's subdistrict designation and its maximum bonus height; rather, eligibility for bonus height, and a specified maximum height, is based on location.

The minimum requirement for development bonus eligibility is inclusion within a Hub. After that, and again per discussions with former and current staff, the height was determined by staff. This height was based on loose proximity to the four transit stations, with the tallest development closest and stepping down as one moved outward. But as with the Hub boundaries, these distances were not concrete and uniform, but were extended or curtailed to match parcels lines.

The Master Plan discussed two potential bonus height areas, one within one or two blocks of the primary transit stop and the second between that area and one-fourth (1/4th) mile or a 5-minute walk. The discrepancy about a 5-minute walk being 1/4th mile or 1/3rd mile aside, it can be deduced that the Master Plan envisioned the tallest buildings closest to the primary transit stop. This would correlate with the 160 feet in maximum height currently depicted at two of the four Hubs; neither the Montopolis nor Lakeshore Hub is assigned a bonus height over 120 feet. The Master Plan did not, however, provide specific numbers for bonus heights, although it recognized existing entitlements for properties along Riverside already allowed for 60 feet in height.

Within the Pleasant Valley Transit Plaza area, the 160 feet maximum extends to a distance of 1400 feet from the intersection (at the northwest). The maximum of 120 feet in bonus height extends 1600 feet – just to the southern edge of the subject property.

So, staff readily supports additional height for development at this location through participation in the community benefits program; the options as provided by the Regulating

Plan appear to be either ineligible or eligible at 65 feet. Staff is unaware of a middle ground – or height – between 65 and 120 feet, that could be requested or supported. If no bonus height is identified, the default would be ineligible. Because the ordinance adopting the Regulating Plan requires that approved subdistrict changes be reflected in both the height and the height with development bonus exhibits, the question of height should be considered concurrently with a request for subdistrict amendment, and location in a Hub.

Summary

Given the location of this property at an intersection of a Core Transit Corridor near a Transit Hub, staff thinks the designation of the property as a Corridor Mixed Use subdistrict is appropriate. Additionally, staff thinks the property should be included with the Pleasant Valley Transit Plaza Hub boundary because of its proximity to the future transit stop, and the fact Pleasant Valley Road has existing bus and bicycle options. Lastly, staff supports designating the property as eligible for development bonus height in exchange for the provision of community benefits. Given the options of 65, 120 and 180 feet as a maximum height, staff supports specification of 65 feet, as requested by the applicant, as the maximum bonus height at this time.

To implement these recommendations requires an amendment to the ERC Regulating Plan that would amend Figures 1-2, 1-6, and 1-8 of the Plan.

Figure 1-7, East Riverside Corridor Height Map – without a development bonus (see Exhibit C-7) would also be updated to reflect the CMU designation, if so granted. This Plan Figure is illustrative of the subdistrict site development standards, and is not regulatory as are other Plan exhibits; the subdistrict designations on Figure 1-2 are reflected, and controlling over the heights depicted in Figure 1-7, but not the other way around.

In fact, such an update was anticipated when the Regulating Plan was adopted. As specified in the adopting ordinance: *Approved amendments to Figure 1-2 will also be reflected as necessary in Figure 1-7 (East Riverside Corridor Height Map) and Figure 1-8 (East Riverside Corridor Development Bonus Height Map) of the regulating plan.*

Additional Information

The East Riverside Corridor Regulating Plan, adopted by Council in May 2013, can be found here: ftp://ftp.ci.austin.tx.us/npzd/Austingo/erc_reg_plan_adopted.pdf

More information on the East Riverside Corridor Master Plan can be found here: <http://www.austintexas.gov/page/east-riverside-corridor-master-plan>

Staff note

For a zoning application, staff refers to adopted Zoning Principles to explain or justify the recommendation, whether that recommendation is one of support, conditional support, an alternate recommendation, or a recommendation to deny a request. While this isn't a typical zoning case, staff thinks these principles still apply, and thinks the principles are upheld with the recommendation to amend the ERC Plan.

EXISTING CONDITIONS & REVIEW COMMENTS

Site Characteristics

The 4-acre property is developed with a specialty retail use. The site is essentially flat, devoid of trees, and between the building and parking area, could be characterized as entirely covered with impervious material. It lies at the intersection of Elmont Drive and Pleasant Valley Road, characterized in the East Riverside Corridor Regulating Plan as a Pedestrian Priority Collector and Core Transit Corridor, respectively. It is designated as a Neighborhood Mixed Use subdistrict in the Regulating Plan, and redevelopment would be subject to the Plan's subdistrict site development standards.

PDRD Environmental Review (MM) (2014-06-25)

1. This site is not located over the Edwards Aquifer Recharge Zone. A portion of this site is located in the Ladybird Lake Watershed (classified as an Urban Watershed) and majority of the site is located in the Country Club West Watershed (classified as a Suburban Watershed). An onsite hydrologic and / or geologic assessment may be necessary to determine the exact location of the watershed boundary line. The site is located in the desired development zone.
2. According to floodplain maps there is no floodplain within or adjacent to the project location.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.
5. No trees are located on this property. 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. In the Urban Watershed classification, 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 are required. In the Suburban Watershed classification, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. In the Urban Watershed, zoning district impervious cover limits apply. In the Suburban Watershed, development or redevelopment on this site will be subject to the following impervious cover limits:

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

PDRD Site Plan Review (NH) (2014-06-30)

1. Any development proposed for the site will require a site plan.

2. The site is located within the East Riverside Corridor, and required to comply with this regulating plan.
3. The site is located along two types of roadways, S. Pleasant Valley Road, which is classified within the ERC as a core Transit Corridor and Elmont Drive, which is a pedestrian priority collector.
4. Each roadway has specific standards that will apply to the site. According to the ERC Subdistrict map, this site is located within a Neighborhood Mixed Use Subdistrict. The application noted CMU, Commercial Mixed Use.
5. Compliance with the ERC will be reviewed in detail when a site plan is submitted.

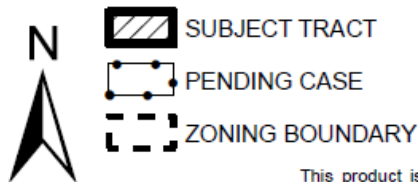
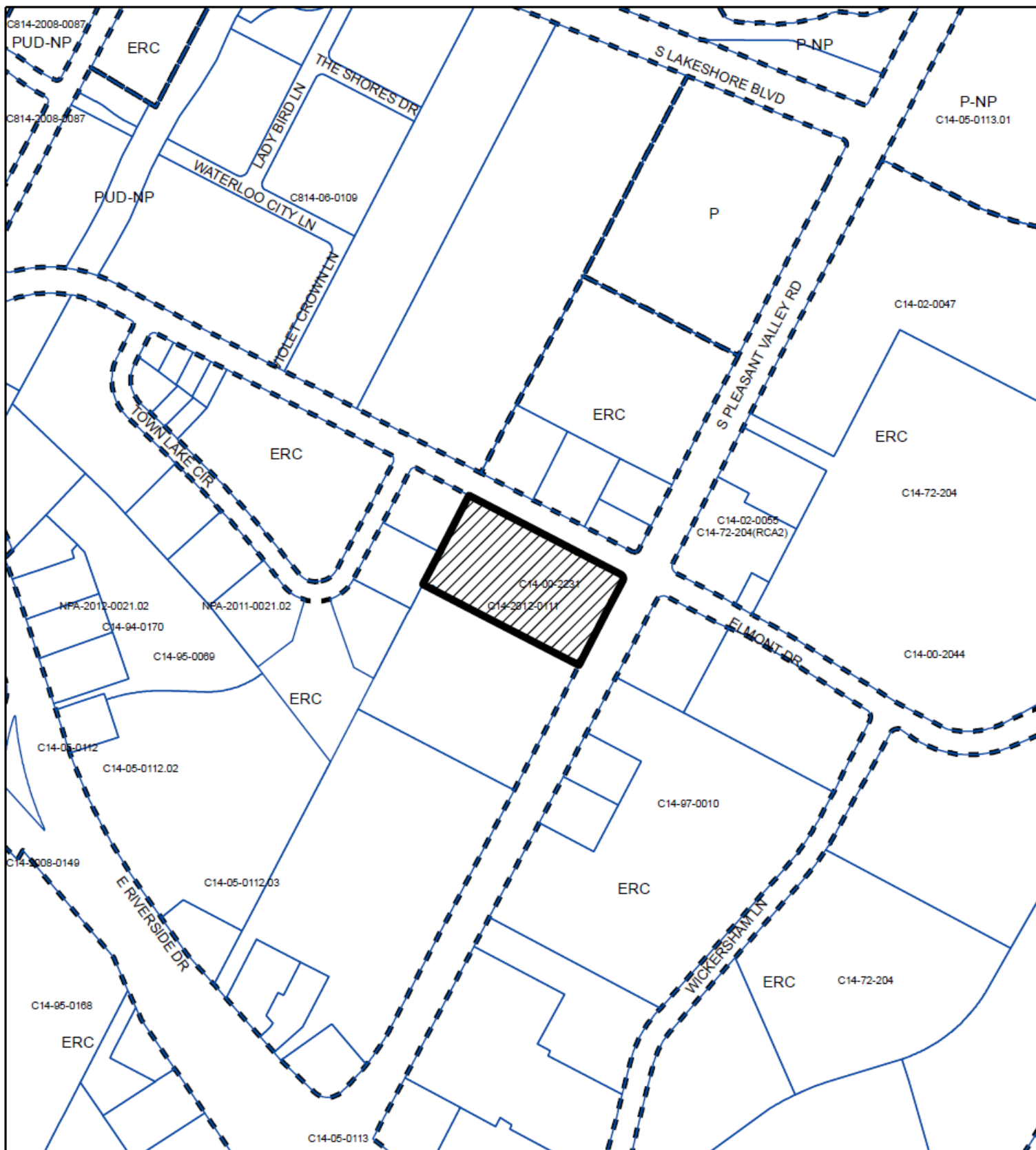
PDRD Transportation Review (CG) (2014-06-25)

1. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
2. 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: Pleasant Valley Road serves route no. 61 with an existing Bike Lane on the east side of the road.
3. Capital Metro bus service (route nos. 300, 320, LS, NR) is available along Pleasant Valley Road east of the site. Bus service (route nos. 320 and 490) is available along Elmont Drive north of the site.
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Pleasant Valley Road	118'	54'	Arterial	Yes (east side only)	Yes	Yes
Elmont Drive	80'	45'	Collector	Yes	No	Yes

PDRD Austin Water Utility Review (BB) (2014-06-14)

WW1. 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 the Austin Water Utility 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.



1" = 400'

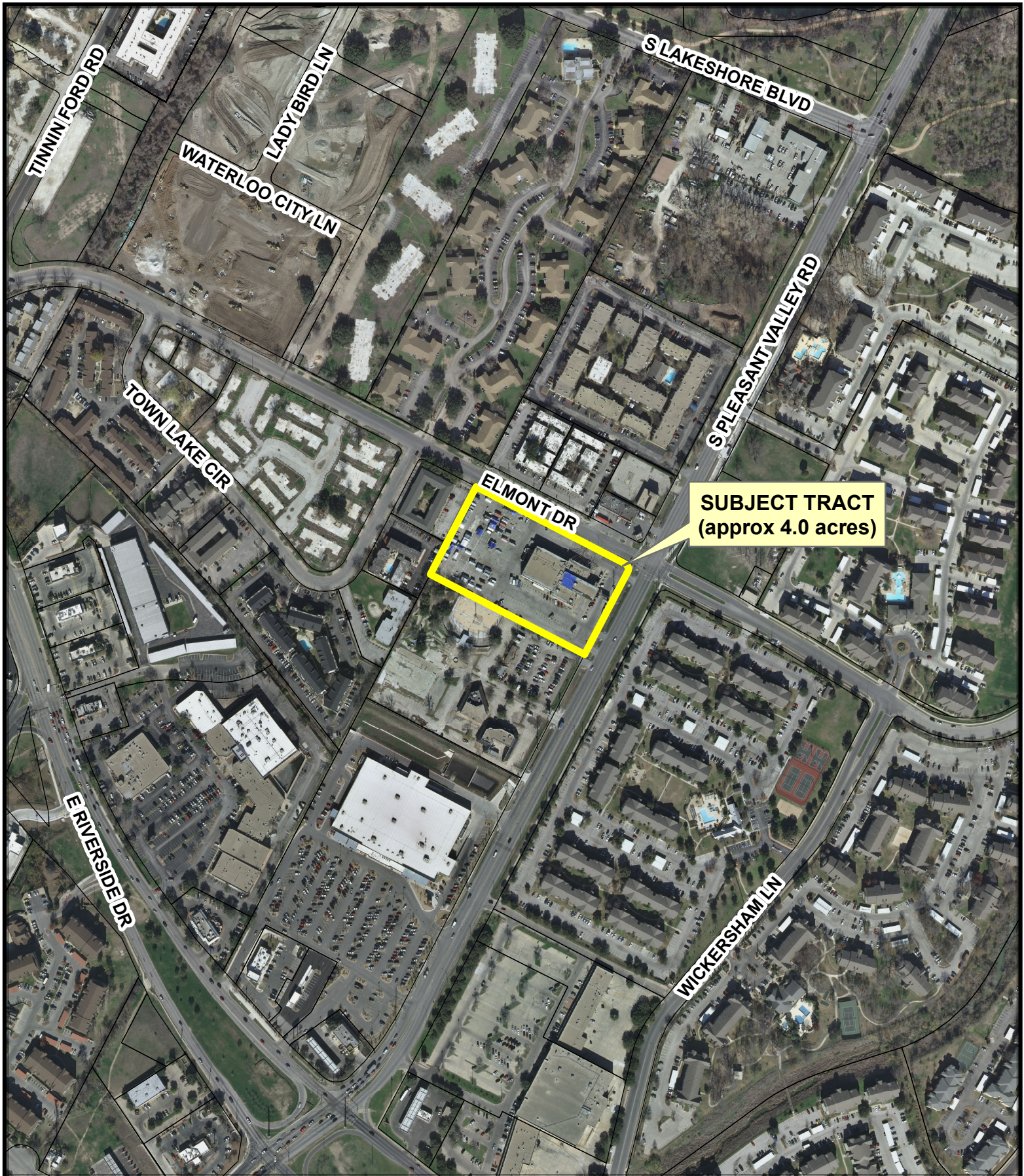
ZONING
ZONING CASE#: C14-2014-0099

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.



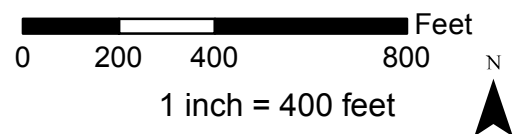
Exhibit A



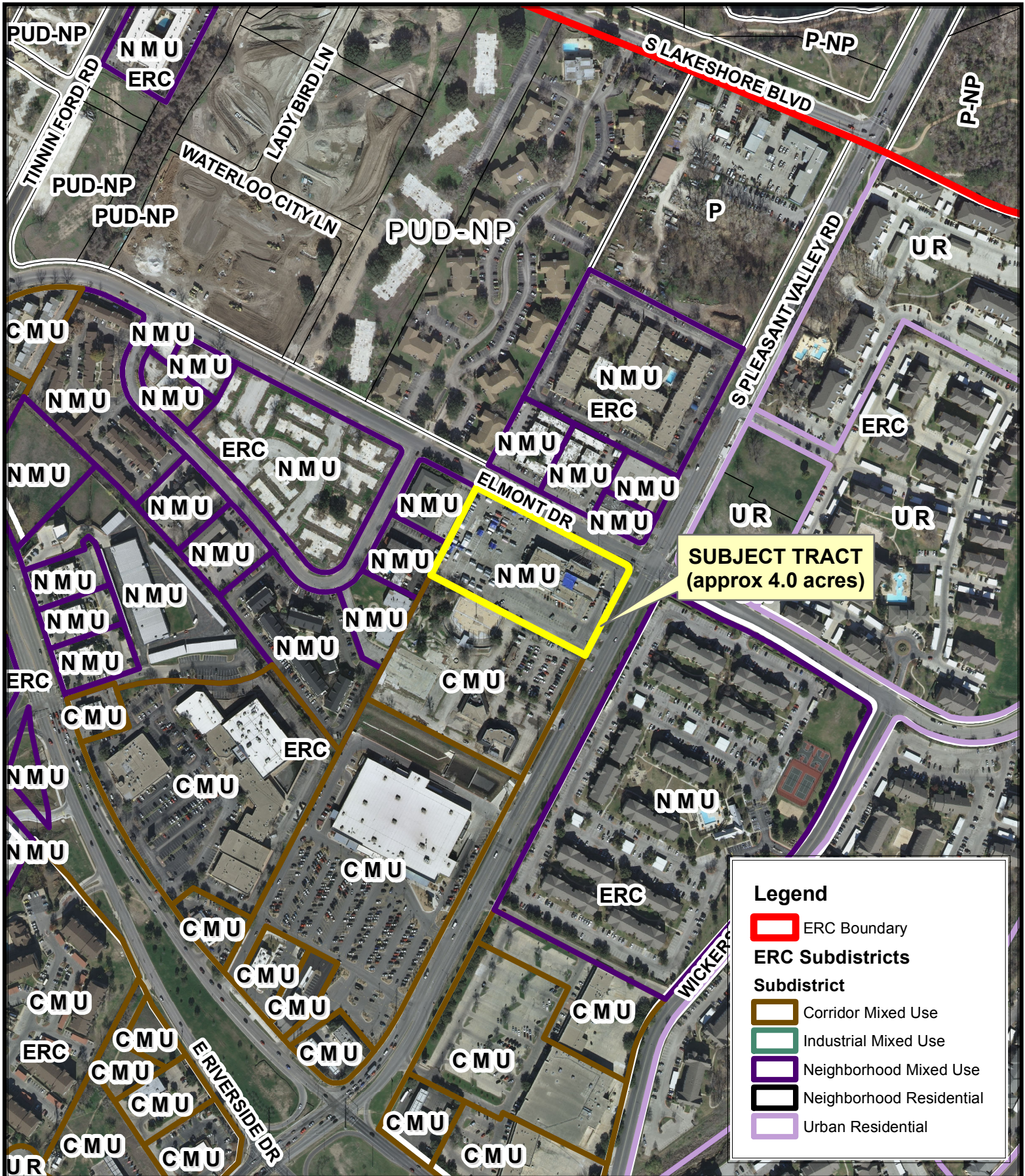
SUBJECT TRACT
(approx 4.0 acres)

Imagery: 2012-01

Exhibit A - 1
Aerial



C14-2014-0099 / 1500 South Pleasant Valley



Imagery: 2012-01

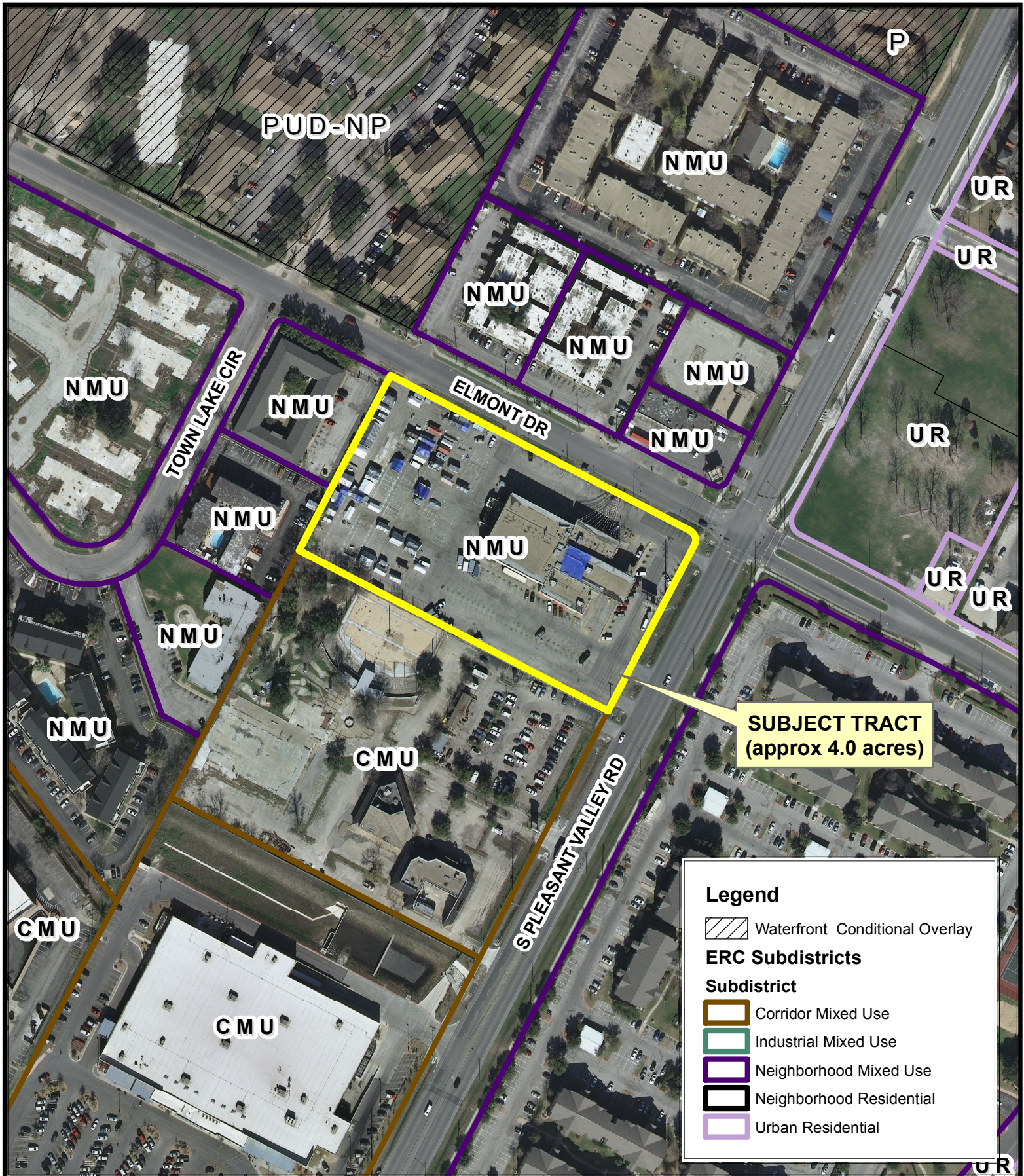
Exhibit A - 2
Aerial, Zoning, & ERC Subdistricts

0 100 200 400 Feet

1 inch = 400 feet



C14-2014-0099 / 1500 South Pleasant Valley



Imagery: 2012-01

Exhibit A - 3
Aerial, Zoning, & ERC Subdistricts

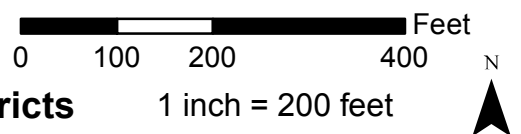
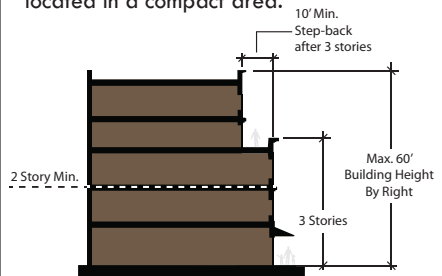


Figure 1-9: Corridor Mixed Use (CMU)
Summary of CMU Subdistrict Development Standards

CORRIDOR MIXED USE (CMU) SUBDISTRICT		CORRIDOR MIXED USE (CMU) SUBDISTRICT	
CMU	Lot Size	Floor to Area Ratio (FAR)	CMU
	Minimum Lot Size: 2,500 sf Minimum Lot Width: 20'	Maximum Floor-to-Area Ratio (FAR) by Right: 2:1 Desired minimum FAR: 60% of maximum FAR by right. Note: Additional building height may be granted in exchange for the provision of public benefits. Maximum FAR waived with a development bonus. Development bonus criteria and standards are detailed in Article 6.	
IMU	Minimum Setbacks	Building Height	IMU
	Front and Street Side Yard*: No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.		
NMU	Interior Side Yard: 0' Rear Yard: 0'	Maximum Building Height: 60 feet maximum w/ a minumum of 2 stories. Maximum Building Height with Development Bonus: See Figure 1-8.	NMU
UR	Upper-Story Building Facade Street-Side Step-backs: The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.		
NR	NR	Compatibility	UR
* If the street right-of-way is less than 60 feet in width, see Section 4.3.3.C.		See Section 4.2.4 for compatibility standards.	
Building Placement			NR
Building Placement			
Building Placement		Corridor Mixed Use (CMU) Land Use Summary*	
Building Placement		Land Use	
Building Placement		Residential, attached	
Building Placement		Permitted	
Building Placement		Residential, detached	
Building Placement		Not Permitted	
Building Placement		Smaller-scale Retail (less than 50,000 sq. ft.)	
Building Placement		Permitted	
Building Placement		General Retail	
Building Placement		Permitted	
Building Placement		Office	
Building Placement		Permitted	
Building Placement		Warehousing & Light Manufacturing	
Building Placement		Not Permitted	
Building Placement		Education / Religion	
Building Placement		Permitted	
Building Placement		Hospitality (hotels/motels)	
Building Placement		Permitted	
Building Placement		Civic Uses (public)	
Building Placement		Permitted	
Maximum Impervious Cover		Impervious Cover: 90% or Maximum Allowed by LDC 25-8.	
Maximum Impervious Cover		Impervious Cover: 90% or Maximum Allowed by LDC 25-8.	

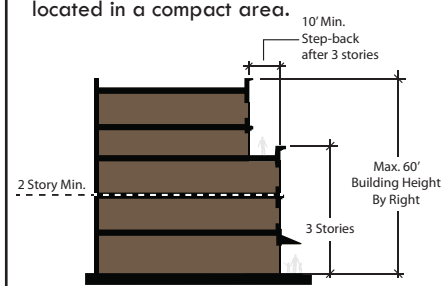


Figure 1-11: Neighborhood Mixed Use (NMU)
Summary of NMU Subdistrict Development Standards

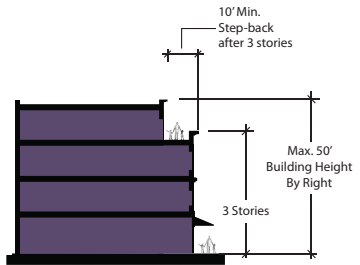


Lot Size		Floor to Area Ratio (FAR)	NEIGHBORHOOD MIXED USE (NMU) SUBDISTRICT																						
CMU	Minimum Lot Size: 1,600 sf Minimum Lot Width: 20'	Maximum Floor-to-Area Ratio (FAR) by Right: 1:1 Desired minimum FAR: 60% of maximum FAR by right.	<p>The Neighborhood Mixed Use Subdistrict provides for mid-rise residential with neighborhood-oriented retail and smaller employers. It is intended to have opportunities for attached residential and smaller-scale commercial uses.</p> <div></div> <p>ABOVE: Typical height limit and step back requirements for buildings within the Neighborhood Mixed Use (NMU) Subdistrict.*</p> <p>*Max. Building Height with a Density Bonus is established on Figure 1-8.</p>		CMU																				
	Minimum Setbacks	Note: Additional building height may be granted in exchange for the provision of public benefits. Maximum FAR waived with a development bonus. Development bonus criteria and standards are detailed in Article 6.																							
IMU	Front and Street Side Yard*: No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	IMU																							
NMU	Interior Side Yard: 0' Rear Yard: 0'	Building Height			NMU																				
UR	Upper-Story Building Facade Street-Side Step-backs: The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.	Maximum Building Height: 50 feet Maximum Building Height with Development Bonus: See Figure 1-8.			UR																				
NR		Compatibility	NR																						
		See Section 4.2.4 for compatibility standards.																							
* If the street right-of-way is less than 60 feet in width, see Section 4.3.3.C.																									
Building Placement			Neighborhood Mixed Use (NMU) Land Use Summary*																						
Building placement determined by Roadway type and Active Edge Designation.			<table><tr><th colspan="2">Land Use</th></tr><tr><td>Residential, attached</td><td>Permitted</td></tr><tr><td>Residential, detached</td><td>Not Permitted</td></tr><tr><td>Smaller-scale Retail (less than 50,000 sq. ft.)</td><td>Permitted</td></tr><tr><td>General Retail</td><td>Not Permitted</td></tr><tr><td>Office</td><td>Permitted</td></tr><tr><td>Warehousing & Light Manufacturing</td><td>Not Permitted</td></tr><tr><td>Education / Religion</td><td>Permitted</td></tr><tr><td>Hospitality (hotels/motels)</td><td>Permitted</td></tr><tr><td>Civic Uses (public)</td><td>Permitted</td></tr></table>			Land Use		Residential, attached	Permitted	Residential, detached	Not Permitted	Smaller-scale Retail (less than 50,000 sq. ft.)	Permitted	General Retail	Not Permitted	Office	Permitted	Warehousing & Light Manufacturing	Not Permitted	Education / Religion	Permitted	Hospitality (hotels/motels)	Permitted	Civic Uses (public)	Permitted
Land Use																									
Residential, attached	Permitted																								
Residential, detached	Not Permitted																								
Smaller-scale Retail (less than 50,000 sq. ft.)	Permitted																								
General Retail	Not Permitted																								
Office	Permitted																								
Warehousing & Light Manufacturing	Not Permitted																								
Education / Religion	Permitted																								
Hospitality (hotels/motels)	Permitted																								
Civic Uses (public)	Permitted																								
*See Fig. 1-3 for Roadway Type designation and Section 4.3 for design requirements.																									
Maximum Impervious Cover																									
Impervious Cover: 80% or Maximum Allowed by LDC 25-8.			<div></div> <p>ABOVE & BELOW: Examples of development similar to that allowed in the Neighborhood Mixed Use Subdistrict.</p> <div></div> <p>*The table above provides a summary only of land uses permitted within the Neighborhood Mixed Use Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.</p>																						

Figure 1-12: Urban Residential (UR)
Summary of UR Subdistrict Development Standards



Lot Size		Floor to Area Ratio (FAR)	URBAN RESIDENTIAL (UR) SUBDISTRICT	CMU																				
CMU	Minimum Lot Size: 1,200 sf Minimum Lot Width: 16'	Maximum Floor-to-Area Ratio (FAR) by Right: .75 :1 Desired minimum FAR: 60% of maximum FAR by right.																						
	Minimum Setbacks																							
IMU	Front and Street Side Yard*: No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	Building Height Maximum Building Height: 40 feet Not eligible for Development Bonus																						
	Interior Side Yard: 0' Rear Yard: 0'																							
NMU	Upper-Story Building Facade Street-Side Step-backs: The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.	Compatibility See Section 4.2.4 for compatibility standards.																						
UR																								
NR			UR	NR																				
* If the street right-of-way is less than 60 feet in width, see Section 4.3.3.C.																								
Building Placement																								
Building placement determined by Roadway type and Active Edge Designation.																								
*See Fig. 1-3 for Roadway Type designation and Section 4.3 for design requirements.																								
Maximum Impervious Cover																								
Impervious Cover: 65% or Maximum Allowed by LDC 25-8.																								
			Urban Residential (UR) Land Use Summary*																					
ABOVE & BELOW: Examples of development similar to that allowed in the Urban Residential			<table><tr><th colspan="2">Land Use</th></tr><tr><td>Residential, attached</td><td>Permitted</td></tr><tr><td>Residential, detached</td><td>Not Permitted</td></tr><tr><td>Smaller-scale Retail (less than 50,000 sq. ft.)</td><td>Not Permitted</td></tr><tr><td>General Retail</td><td>Not Permitted</td></tr><tr><td>Office</td><td>Not Permitted</td></tr><tr><td>Warehousing & Light Manufacturing</td><td>Not Permitted</td></tr><tr><td>Education / Religion</td><td>Permitted</td></tr><tr><td>Hospitality (hotels/motels)</td><td>Not Permitted</td></tr><tr><td>Civic Uses (public)</td><td>Permitted</td></tr></table>		Land Use		Residential, attached	Permitted	Residential, detached	Not Permitted	Smaller-scale Retail (less than 50,000 sq. ft.)	Not Permitted	General Retail	Not Permitted	Office	Not Permitted	Warehousing & Light Manufacturing	Not Permitted	Education / Religion	Permitted	Hospitality (hotels/motels)	Not Permitted	Civic Uses (public)	Permitted
Land Use																								
Residential, attached	Permitted																							
Residential, detached	Not Permitted																							
Smaller-scale Retail (less than 50,000 sq. ft.)	Not Permitted																							
General Retail	Not Permitted																							
Office	Not Permitted																							
Warehousing & Light Manufacturing	Not Permitted																							
Education / Religion	Permitted																							
Hospitality (hotels/motels)	Not Permitted																							
Civic Uses (public)	Permitted																							
			*The table above provides a summary only of land uses permitted within the Urban Residential Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.																					

Figure 1-2: East Riverside Corridor Subdistrict Map

Identifies the subdistrict for each property within the ERC boundary.

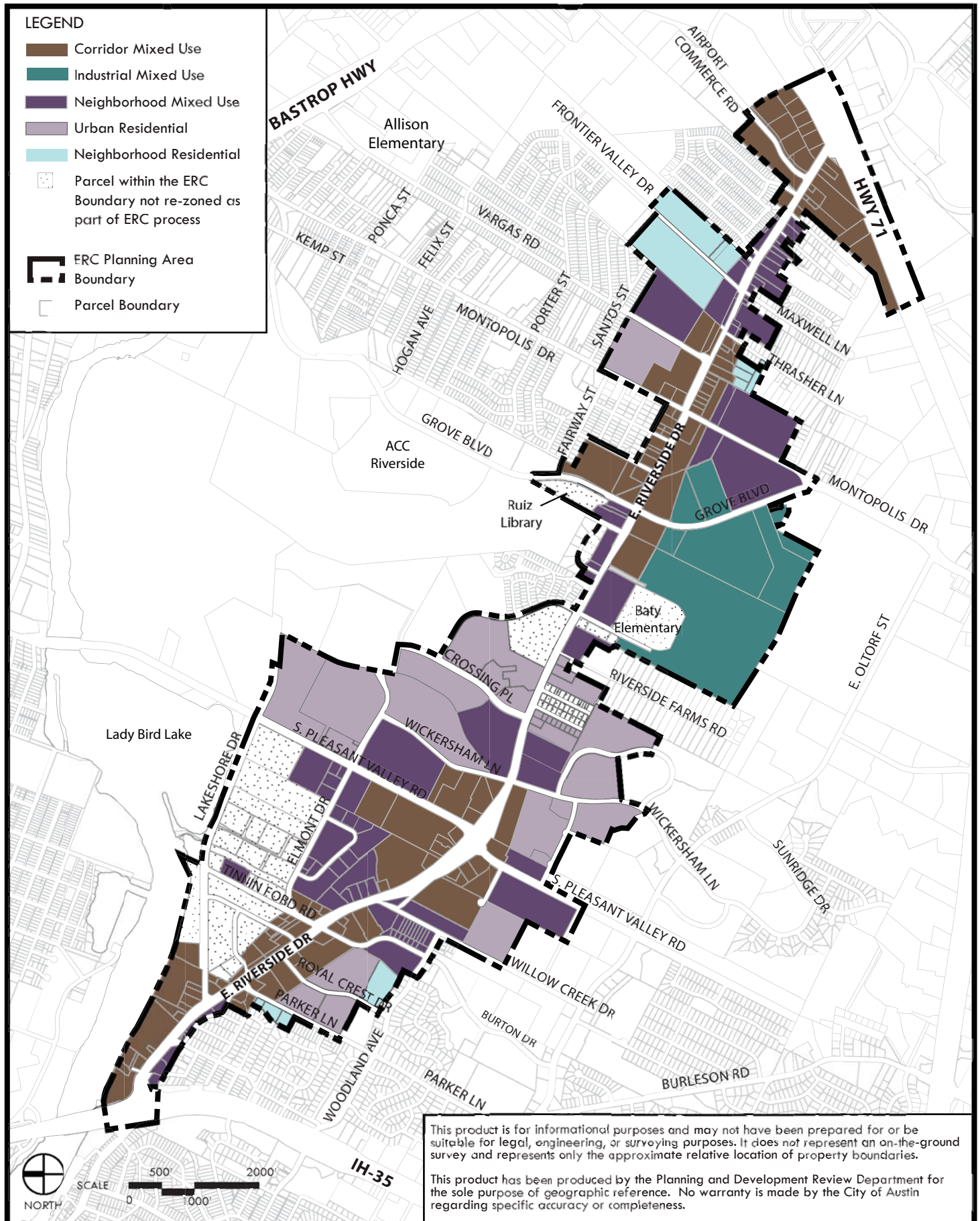
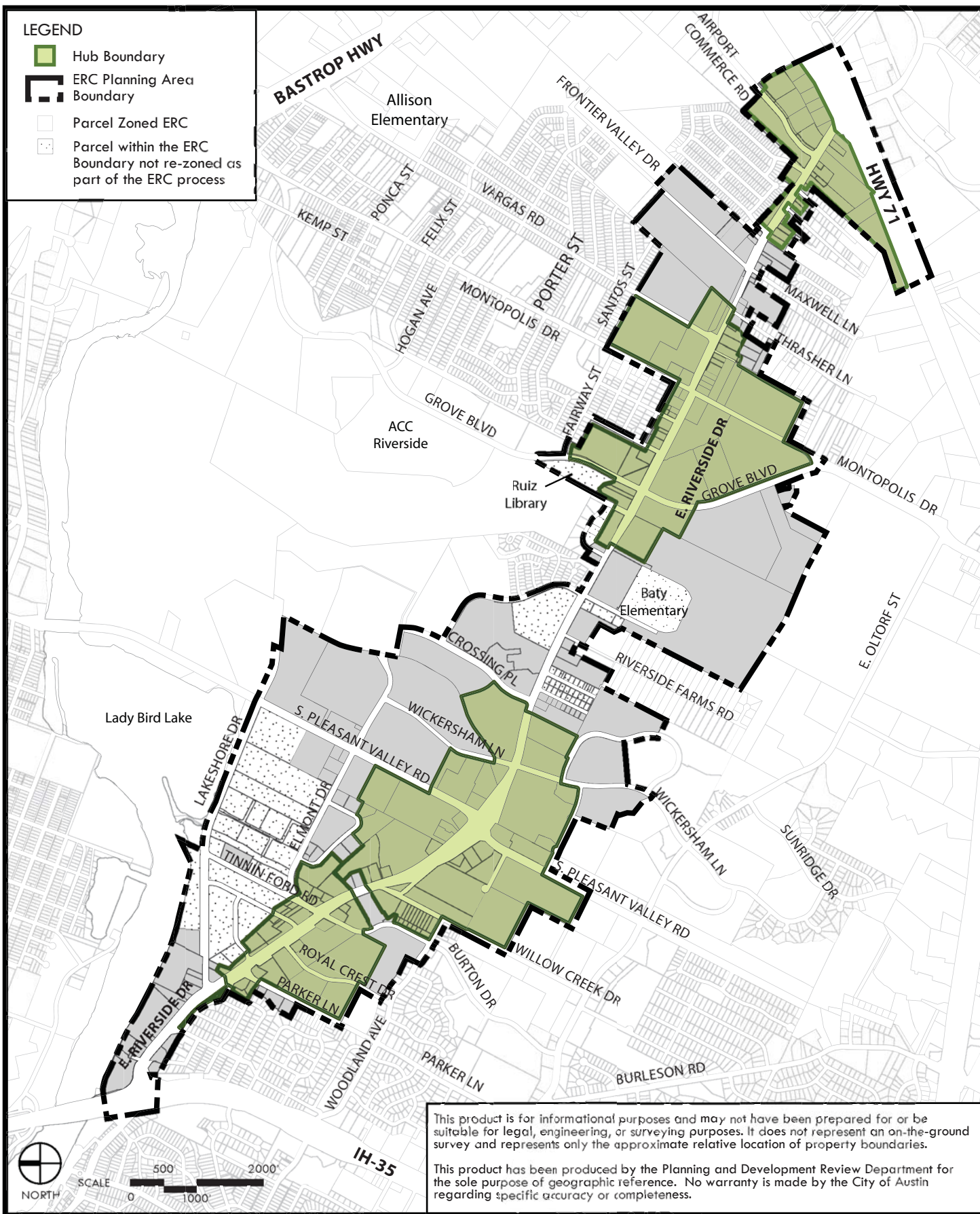


Figure 1-6: East Riverside Corridor Hub Map

This map shows the Hubs within the ERC boundary. Properties located within a Hub are eligible for additional entitlements as outlined in Article 6.



SECTION 4: LAND USE & DENSITY

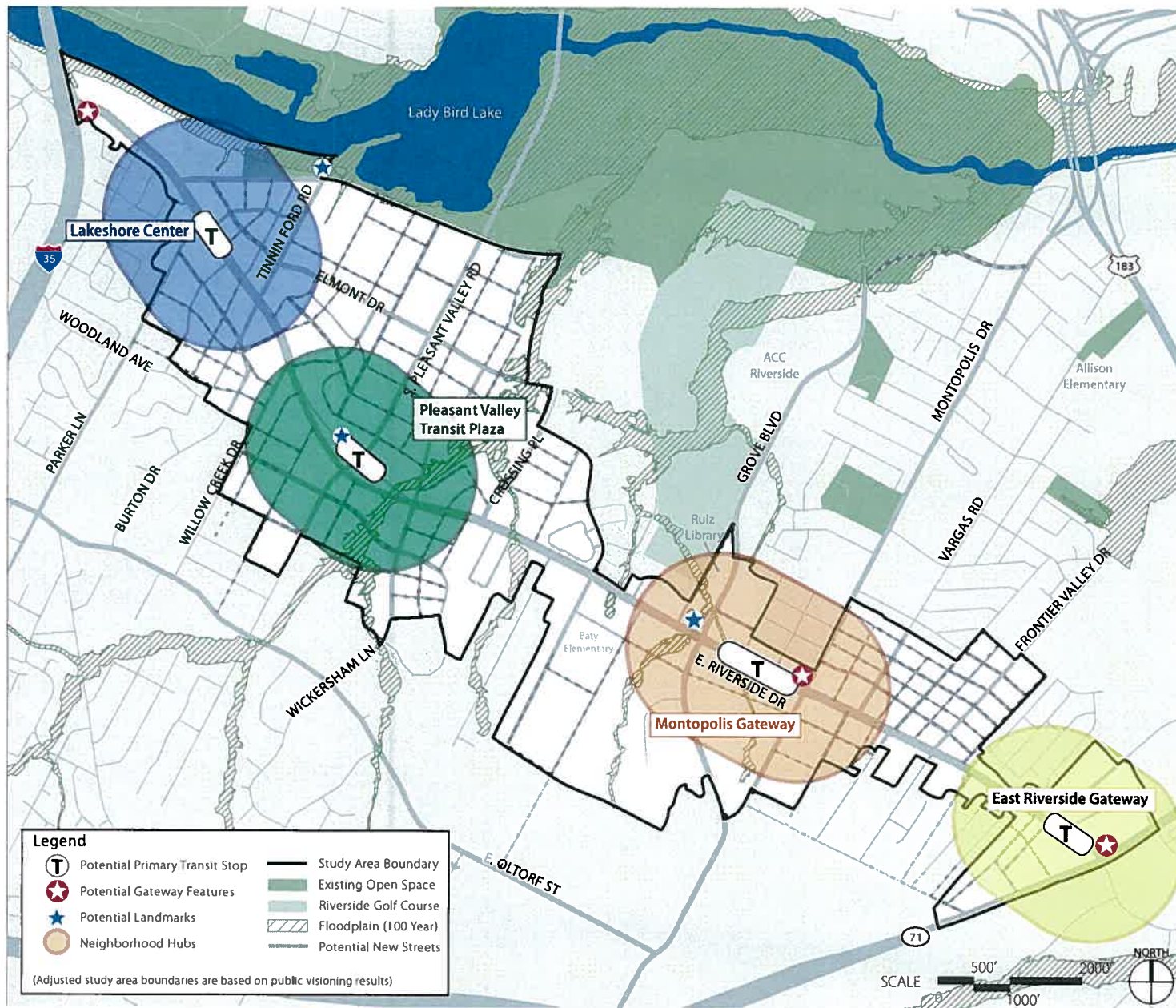


Exhibit 4.1:
Neighborhood Hubs Map

Note: Hubs represent an approximate 5 minute walk from the primary transit stop.

C14-2014-0099 / 1500 S Pleasant Valley

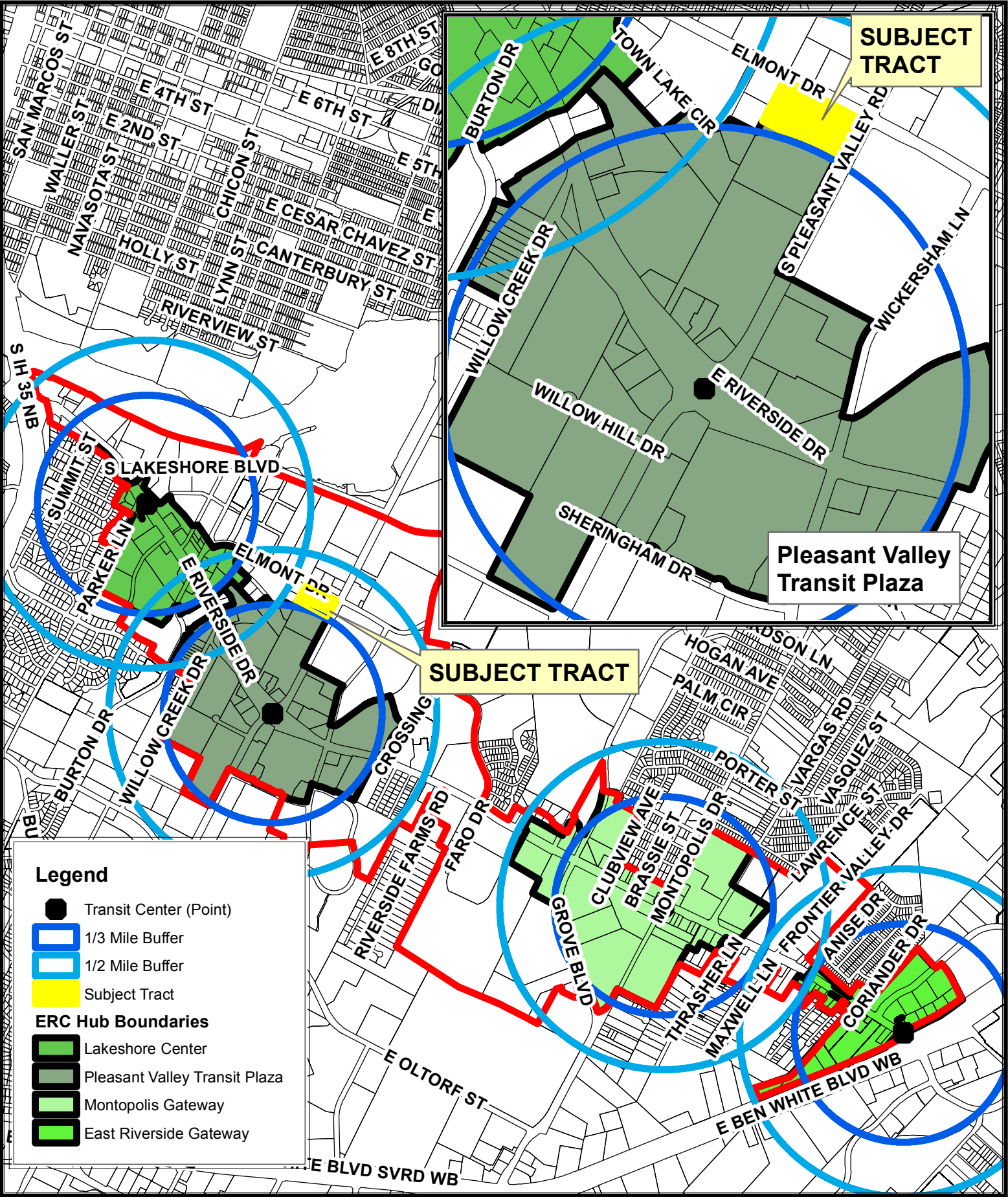


Exhibit C-4
Hub Boundaries & Buffers

1 inch = 2,000 feet



Intersection/Transit Plaza at East Riverside and South Pleasant Valley

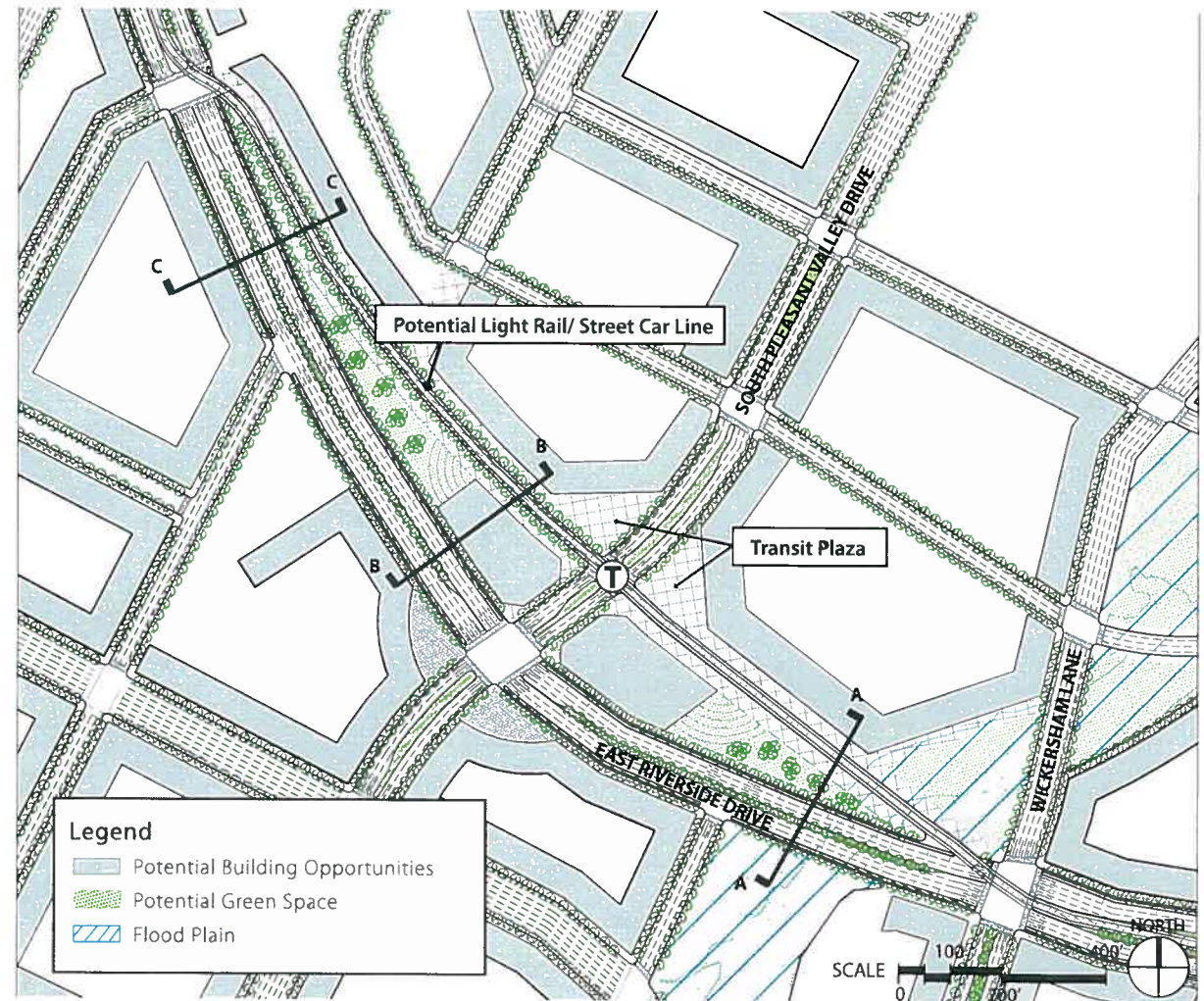
The intersection of East Riverside Drive and South Pleasant Valley Road received special attention during the planning process due to its importance to the Corridor and because of the potential addition of a light rail or streetcar line along East Riverside Drive. Today, east and west bound traffic on East Riverside Drive is separated from Willow Creek Drive to Wickersham Lane by a large and sloping median. West bound traffic is carried on the northern lanes of East Riverside Drive while east bound traffic runs on the southern side. By transforming this intersection from one that is dominated by automobiles to one that functions as a commercial and transit center, the re-design of the intersection could reinvigorate the East Riverside Corridor and become a true neighborhood center for the area.

Transit Plaza Recommendations:

Evaluate the opportunity to realign East Riverside Drive to create a prominent transit plaza and new developable parcels at the Pleasant Valley intersection

Exhibit 2.4: East Riverside and South Pleasant Valley Intersection Diagram illustrates a vision for realignment of this intersection. The Master Plan proposes widening the southern portion of East Riverside Drive between Wickersham Lane and Willow Creek Drive in order to accommodate both east and west bound traffic on this stretch of the road. Placing all vehicular traffic on the southern portion of East Riverside Drive permits the alignment of a potential light rail or streetcar line along the northern portion of the existing roadway. This would require significant changes to the existing grade, assessment and potential relocation of existing utilities, and resolution of drainage issues.

Exhibit 2.4:
*East Riverside and South Pleasant Valley Intersection Diagram**



**Note: This plan is conceptual and assumes utility pole, grade, soil stability, and flood plain issues can be resolved.*

This map shows eligible properties and maximum heights allowed with a development bonus.



This map shows allowable building heights on a parcel without a development bonus.



From: Toni House

Sent: Tuesday, September 02, 2014 1:17 PM

To: Chimenti, Danette - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Oliver, Stephen - BC; Hatfield, Richard - BC; Jack, Jeff - BC; Nortey, James - BC; Roark, Brian - BC; Varghese, Lesley - BC; Zaragoza, Nuria - BC; Heckman, Lee

Subject: Case No. C14-2014-0099 1500 S. Pleasant Valley Road

Please deny Applicant's request to change the land use designation to Corridor Mixed Use and expand the Pleasant Valley Hub boundary. A great deal of time, effort and research went into determining where each Hub should be placed, the size of each Hub, the boundaries of each Hub, and which locations would be eligible for development bonuses.

Applicant has refused to consider either on-site affordable housing or home ownership as a component of the project, which should preclude it from receiving any development bonus.

During the Corridor Master Plan and Regulating Planning process, participants were repeatedly advised that the Regulating Plan would provide not only developers and commercial and multifamily property owners the certainty they desired regarding future development within the Corridor, but the Plan would provide certainty for area residents as well.

To grant Applicant's request so soon after adoption of the Regulating Plan ignores not only the public input solicited by the City, but the recommendations of the Corridor Planning Staff and the consultants. It also raises grave concerns about the CodeNEXT process. Please include this email in the case file. Thank you for your time and consideration.

/s/ Toni House
1503 Inglewood Street
Austin, TX 78741
Office: 512.615.1219

cc: Lee Heckman, Case Manager

From: Lawrence Sunderland
Sent: Tuesday, September 09, 2014 7:20 AM
To: Heckman, Lee

Subject: C14-2014-0099 1500 S. Pleasant Valley

I am fully in support of the staff recommendation for the proposed changes to the property at 1500 S. Pleasant Valley.

Having been part of the neighborhood team for the East Riverside Transit Oriented District I can think of no property that is more appropriate for the proposed changes. This property is perfectly situated for denser development in our corridor and I am surprised that there is opposition to this proposal.

This opposition is contrary to our vision.

Larry Sunderland

Sent from my iPad

From: Stephen Rye
Sent: Monday, September 08, 2014 2:25 PM
To: Heckman, Lee
Cc: Rhoades, Wendy
Subject: FW: 1500 Pleasant Valley Development Proposal

Lee & Wendy;

Please include the email below with the staff report to C14-2014-0099. I spoke with Mr. Yeatts and he has agreed to its inclusion into the backup material.

Thank you,

Stephen Rye, Project Manager

Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704

512-807-2905 direct | 512-470-8665 cell | | www.drennergroupp.com

From: Malcolm Yeatts
Sent: Tuesday, September 2, 2014 4:28 PM
To: Stephen Rye
Subject: RE: 1500 Pleasant Valley Development Proposal

The EROC Team has decided that it cannot support the zoning change request. The main issue is the process, not the development. The EROC Team would like to see a quality development in this location, but we are afraid that the city staff decision to bypass a requirement for a Neighborhood Plan Amendment will set a precedent that will nullify the EROC Neighborhood Plan. The decision was not unanimous, and there may be EROC members that speak both for and against the development.

Malcolm Yeatts for the EROC Contact Team



City of Austin

Law Department

City Hall, 301 West 2nd Street, P.O. Box 1546
Austin, Texas 78767-1546
(512) 974-2268
City Hall, 301 West 2nd Street, P.O. Box 1546

Writer's Direct Line
512-974-2173

Writer's Fax Line
512-974-1311

July 31, 2014

1500 SPV LLC
2404 Rio Grande St
Austin, TX 78705

VIA CMRRR# 91 7199 9991 7034 0425 0803
and First Class Mail

ARE Ventures LLC
6046 FM 2920 Rd. Ste 218
Spring, TX 77379

VIA CMRRR# 917199 9991 7034 0425 0810
and First Class Mail

1500 SPV LLC
c/o Stephenson, Snokhous, & Fournier
4544 Post Oak Place Dr. Ste 378
Houston, TX 77027

VIA CMRRR# 91 7199 9991 7034 0425 0827
and First Class Mail

Re: Criminal Activity at 1500 South Pleasant Valley, Austin, Texas 78741

To Whom it May Concern:

Our recent review of public records indicates that you have a newly acquired ownership interest in the property located at 1500 South Pleasant Valley Drive, Austin, Travis County, Texas. This is your official notice that persons using your property have been criminally charged with committing various abatable offenses under Chapter 125 of the Texas Civil Practice and Remedies Code.

A review of the last 18 months indicates that there have been approximately 480 emergency service calls resulting in over 120 police reports at 1500 South Pleasant Valley. Approximately 18 of these incidents were abatable offenses, which included prostitution, aggravated assault, and possession/delivery of controlled substances. Chapter 125 is a civil law remedy that allows a District Court to declare such property a common nuisance and order closure of the structure for a period of one year.

We hope that your due diligence in the purchase of this property included an examination of the problems at this property through discussions with the previous owner and a search of public records. The Austin Police Department attempted to work with the prior owner to provide

solutions to abate some of the criminal activity. In fact, our office reached out to the prior owner to address the problems at this property. Please see attached letter. Since this last notice, there continues to be criminal activity on the property. We hope that you are committed as the new property owner to remedy the problems by eliminating the existing crimes that are occurring on your property. These problems endanger the lives of the residents and citizens in the immediate area. If these problems cannot be addressed by you as the property owner, the only remaining option is to seek the assistance of a court of law.

We are available to meet to discuss these issues and to work with you to identify solutions. To that end, we have set up a meeting for **Tuesday, August 19, 2014 at 11:00 am** at Austin City Hall (301 W. 2nd Street). I will attend this meeting along with representatives from the Austin Police Department.

Should you have any questions, I can be reached at 512-974-2173.

Sincerely,



Patricia L. Link
Assistant City Attorney

CC: Rick Shirley, Sergeant, Austin Police Department
Meghan L. Riley, Chief, Litigation Division