

ORDINANCE NO. 20170302-062

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 901, 1011 AND 1109 EAST 5TH STREET IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AREA FROM TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN (TOD-NP) COMBINING DISTRICT TO TRANSIT ORIENTED DEVELOPMENT-CENTRAL URBAN REDEVELOPMENT-NEIGHBORHOOD PLAN (TOD-CURE-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from transit oriented development-neighborhood plan (TOD-NP) combining district to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district on the property described in Zoning Case No. C14-2016-0050, on file at the Planning and Zoning Department, as follows:

Description of 6.819 acres (297,032 square feet) of land, more or less, out of Lots 8 through 44, Central Row, a subdivision of record in Book V, Page 661, Plat Records, Travis County, Texas, out of Outlots 1 and 2, Division "O", of the government outlots adjoining the Original City of Austin, Travis County, according to the map or plat of said government outlots dated January 1840, on file in the General Land Office, same being out of that tract of land described in Parcels 1, 2, 3 and 4 in a deed to Capital Metropolitan Transportation Authority, of record in Volume 10703, Page 972, Real Property Records, Travis County, Texas, and that portion of Brushy Street vacated and conveyed to Capital Metropolitan Transportation Authority, of record in Document No. 2015202067, Official Public Records, Travis County, Texas; said 6.819 of one acre being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 901, 1011 and 1109 East 5th Street in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

PART 2. Density and Height Bonus

- A. The Property is participating in the density and height bonus program established in the Plaza Saltillo Transit Oriented Development Regulating Plan, (Ordinance Nos. 20081211-082 and 20130425-106, the "Plan"), section 4.3.3 (*Density and Height Bonus*). As detailed in this ordinance, development of the Property (the "Project") is granted the site development and building height waivers in section 4.3.3 B of the Plan; shall provide affordable housing under section 4.3.3 C of the Plan; and shall provide fee-in-lieu of affordable housing under section 4.3.3 D of the Plan.
- B. Forty one affordable units will be constructed as part of the development of a combination of the Property subject to this ordinance and the property subject to Ordinance No. 20170302-063. If the Project exercises the option in Part 3 Section B of this ordinance, 25% of the forty one affordable units must contain 2 or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same buildings.
- C. The Property Owner shall make additional residential rental units available to be subsidized by the City as affordable units under the terms of section 4.3.3 C 4. b. ii. of the Plan until commencement of construction of the Project.
- D. The Property Owner shall pay a fee-in-lieu of providing on-site affordable housing units for the additional non-residential square footage above the 2:1 floor-to-area ratio (the "Bonus Square Footage"). The amount of the fee-in-lieu shall be calculated by Neighborhood Housing and Community Department ("NHCD") based upon the Bonus Square Footage. A certificate of occupancy may not be issued until:
 - 1. The Bonus Square Footage is calculated, certified, and submitted to NHCD, Attention: Real Estate and Development Division, and
 - 2. The fee is paid to NHCD.
- E. In this section, MFI means the median family income for the Austin-Round Rock metropolitan statistical area, as determined annually by the United States Department of Housing and Urban Development. The affordable housing units on the Property shall be set aside for occupancy by households with incomes at or below 50% MFI for all affordable units.

PART 3. The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

- A. The maximum height of a building or structure on the Property shall be limited to 70 feet and no more than 5 stories, except as provided in subsection B.
- B. The maximum height of a building or structure located within 130 feet west from the western boundary at San Marcos Street shall be limited to 125 feet and no more than 8 stories if, in addition to the fee-in-lieu required under Part 2 of this Ordinance, a contribution to the Housing Trust Fund in the amount of \$1,080,000.00 is made to provide affordable housing in the Plan area. No certificate of occupancy for a building or structure over 70 feet may be issued until the condition in this subsection has been met.

PART 4. The Property is subject to Ordinance No. 20081211-082 that established zoning for the East Cesar Chavez Neighborhood Plan.

PART 5. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the transit oriented development (TOD) district, the central urban redevelopment (CURE) combining district and other applicable requirements of the City Code.

PART 6. This ordinance takes effect on March 13, 2017.

PASSED AND APPROVED

March 2, 2017

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Steve Adler
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk

FIELD NOTES FOR 6.819 ACRES OF LAND

DESCRIPTION OF 6.819 ACRES (297,032 SQUARE FEET) OF LAND, MORE OR LESS, OUT OF LOTS 8 THROUGH 44, CENTRAL ROW, A SUBDIVISION OF RECORD IN BOOK V, PAGE 661, PLAT RECORDS, TRAVIS COUNTY, TEXAS, OUT OF OUTLOTS 1 AND 2, DIVISION "O", OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, ACCORDING TO THE MAP OR PLAT OF SAID GOVERNMENT OUTLOTS DATED JANUARY 1840, ON FILE IN THE GENERAL LAND OFFICE, SAME BEING OUT OF THAT TRACT OF LAND DESCRIBED AS PARCELS 1, 2, 3 AND 4 IN A DEED TO CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, OF RECORD IN VOLUME 10703, PAGE 972, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND THAT PORTION OF BRUSHY STREET VACATED AND CONVEYED TO CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, OF RECORD IN DOCUMENT NO. 2015202067, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 6.819 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southeast corner of this tract, said Lot 44, and said Capital Metropolitan Transportation Authority (CapMetro) Parcel 4 tract, same being in the west line of Waller Street and the north line of Fourth Street, said point of beginning having a State Plane Coordinate, Texas Central Zone, NAD83 (96CORS) grid value of N=10,068,886.20, E=3,117,953.84, from which a 1/2" iron rod found at the southwest corner of Lot 45 in said Central ROW subdivision and the southwest corner of Parcel 5 in said CapMetro deed recorded in said Volume 10703, Page 972, same being in the east line of Waller Street, bears S69°38'09"E 60.00 feet;

THENCE, with the south line of this tract, the following thirteen (13) courses, numbered 1 through 13:

1. with the south line of said Lots 44 through 34 and said CapMetro Parcel 4 tract and the north line of Fourth Street, N69°21'54"W 281.25 feet to a calculated point at the southwest corner of said Lot 34 and said CapMetro Parcel 4 tract, same being in the east line of Medina Street, from which a 1/2" iron rod found bears S37°02'56"W 1.36 feet;
2. with the west line of said Lot 34 and said CapMetro Parcel 4 tract and the east line of Medina Street, N20°45'15"E 100.00 feet to a 1/2" iron rod set with a plastic cap at the northwest corner of said Lot 34;
3. with a north line of Medina Street, N69°21'54"W 60.00 feet to a 1/2" iron rod set with a plastic cap at the northeast corner of said Lot 33, same being in the east line of said CapMetro Parcel 3 tract and the west line of Medina Street;

4. with the east line of said Lot 33 and said CapMetro Parcel 3 tract and the west line of Medina Street, **S20°45'15"W 100.00 feet** to a 1/2" iron rod at the southeast corner of said Lot 33 and said CapMetro Parcel 3 tract, same being in the north line of Fourth Street;
5. with the south line of Lots 33 through 23 and said CapMetro Parcel 3 tract and the north line of Fourth Street, **N69°21'54"W 279.91 feet** to a 1/2" iron rod found with cap at the southwest corner of said Lot 23 and said CapMetro Parcel 3 tract, same being in the east line of San Marcos Street;
6. with the west line of said Lot 23 and said CapMetro Parcel 3 tract and the east line of San Marcos Street, **N20°45'15"E 100.00 feet** to a 1/2" iron rod set with a plastic cap at the northwest corner of said Lot 23;
7. with a north line of San Marcos Street, **N69°21'54"W 59.64 feet** to a 1/2" iron rod set with a plastic cap at the northeast corner of said Lot 22, same being in the east line of said CapMetro Parcel 2 tract and the west line of San Marcos Street;
8. with the east line of said Lot 22 and said CapMetro Parcel 2 tract and the west line of San Marcos Street, **S20°45'15"W 100.00 feet** to a 1/2" iron rod found at the southeast corner of said Lot 22 and said CapMetro Parcel 2 tract, same being in the north line of Fourth Street;
9. with the south line of said Lots 22 through 12 and said CapMetro Parcel 2 tract and the north line of Fourth Street, **N69°21'54"W 275.08 feet** to a 1/2" iron rod found with cap at the southwest corner of said Lot 12 and said CapMetro Parcel 2 tract, same being in the east line of Brushy Street;
10. with the west line of said Lot 12 and said CapMetro Parcel 2 tract and the east line of Brushy Street, **N20°39'26"E 40.00 feet** to a 1/2" iron rod set with a plastic cap;
11. **N70°00'48"W 60.00 feet** to a 1/2" iron rod set with a plastic cap in the east line of said CapMetro Parcel 1 tract and the said Lot 11;
12. with the east line of said Lot 11 and said CapMetro Parcel 1 tract and the west line of Brushy Street, **S20°39'26"W 39.32 feet** to a mag nail found at the southeast corner of said Lot 11 and said CapMetro Parcel 1 tract, same being in the north line of Fourth Street;
13. with the south line said Lots 11 through 8 and said CapMetro Parcel 1 tract and the north line of Fourth Street, **N69°21'54"W 99.95 feet** to a 1/2" iron rod set with a plastic cap at the southwest corner of said Lot 8 and the southwest corner of the remainder of said CapMetro Parcel 1 tract, same being in the west line IH-35;

THENCE, with the west line this tract and the remainder of CapMetro Parcel 1 tract and the east line of IH-35, the following three (3) courses, numbered 1 through 3:

1. with the west line of said Lot 8, **N20°37'13"E 84.45 feet** to a 1/2" iron rod found;

6.819 AC.

2. with the west line of said Lot 8, **N20°39'26"E 15.70 feet** to a 1/2" iron rod found at the northwest corner of said Lot 8;
3. **N14°32'03"E 169.07 feet** to a 1/2" iron rod found with cap at the northwest corner of this tract and the remainder of said CapMetro Parcel 1 tract, same being in the south line of Fifth Street;

THENCE, with the north line of this tract and the south line of Fifth Street, the following three (3) courses, numbered 1 through 3:

1. with the north line of said CapMetro Parcel 1 tract, and the north line of said CapMetro Parcel 2, tract **S70°35'12"E**, passing at 118.06 feet a 1/2" iron rod found with cap at the northeast corner of said CapMetro Parcel 1 tract, continuing an additional 60.01 feet passing a 1/2" iron rod found with cap at the northwest corner of said CapMetro Parcel 2 tract, continuing an additional 275.62 feet for a total distance of **453.69 feet** to a mag nail found at the northeast corner of said CapMetro Parcel 2 tract;
2. **S70°07'13"E 59.64 feet** to a 1/2" iron rod found at the northwest corner of said CapMetro Parcel 3 tract;
3. with the north line of said CapMetro Parcel 3 tract, and the north line of said CapMetro Parcel 4 tract, **S69°42'29"E**, passing at 279.92 feet a 1/2" iron rod found at the northeast corner of said CapMetro Parcel 3 tract, continuing an additional 60.00 feet, passing a mag nail found at the northwest corner of said CapMetro Parcel 4 tract, continuing an additional 281.31 feet, for a total distance of **621.23 feet** to a mag nail found at the northeast corner of this tract and said CapMetro Parcel 4 tract, same being in the west line of Waller Street, from which a 1/2" iron rod found at the northwest corner of said CapMetro Parcel 5 tract, same being in the east line of Waller Street, bears **S69°42'29"E 60.00 feet**;

THENCE, with the east line of this tract and said CapMetro Parcel 4 tract and the west line of Waller Street, **S20°45'53"W 282.44 feet** to the POINT OF BEGINNING and containing 6.819 acres, more or less, within these metes and bounds.

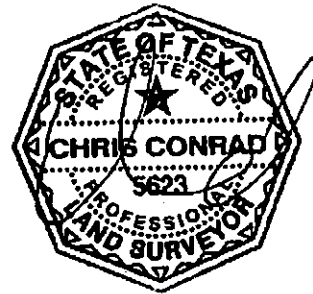
6.819 AC.

Bearing Basis Note

The bearings described herein are based on the Texas State Plane Coordinate System, Central Zone, NAD83 (96CORS) Datum.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591
TBPLS Firm# 10095500



A handwritten signature in cursive script, likely belonging to Chris Conrad.

01/06/16

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

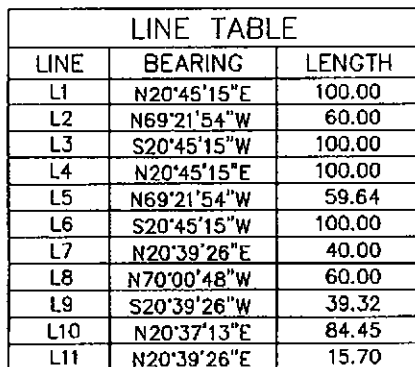
Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description

Descriptions 2014/Plaza Saltillo/Tract A

Issued 12/10/15; Revised 01/06/16

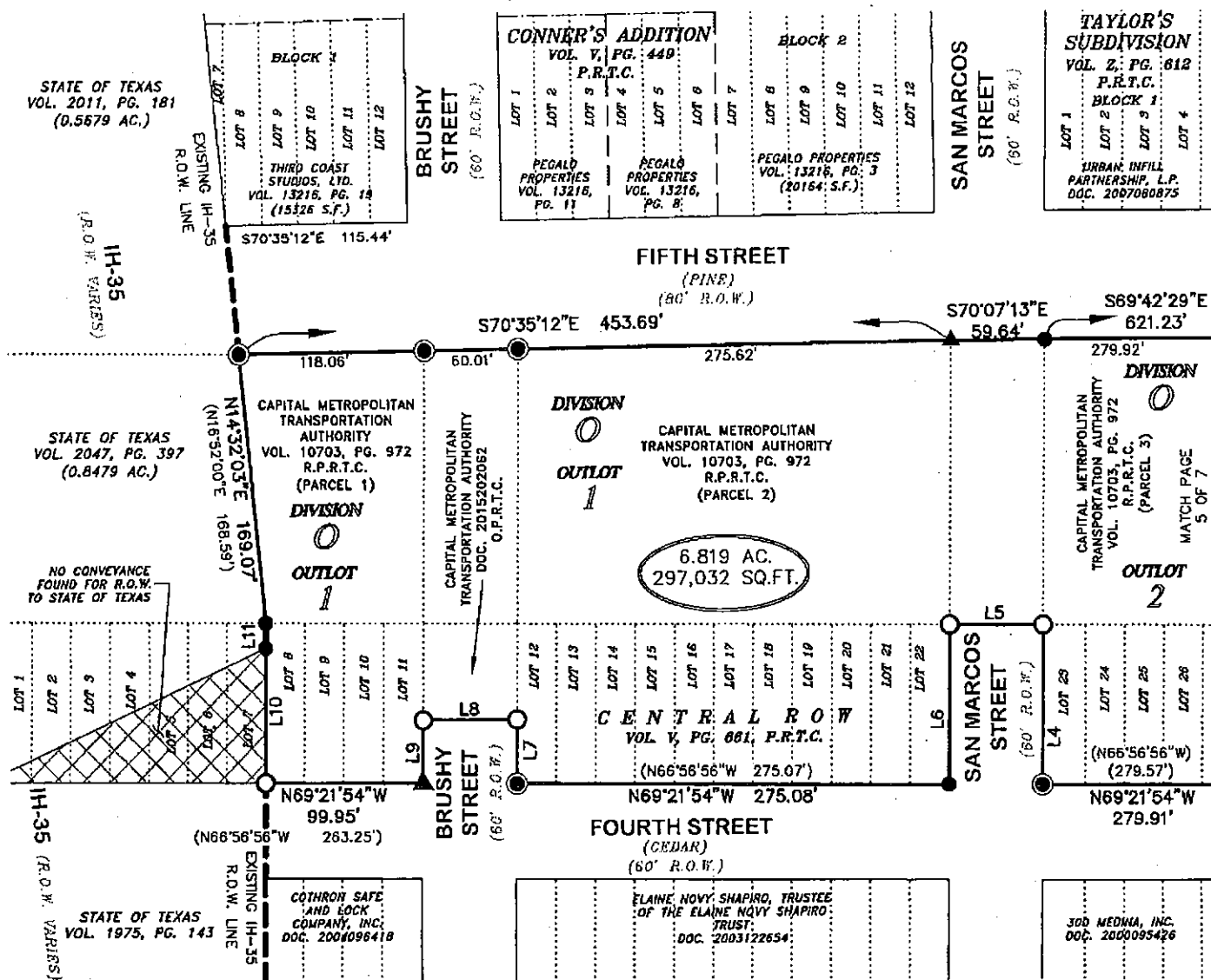
AUSTIN GRID J-22

SKETCH TO ACCOMPANY DESCRIPTION OF 6.819 AC. OR 297,032 SQ. FT.
OF LAND OUT OF LOTS 8-44, CENTRAL ROW, AND OUT OF
OUTLOTS 1 AND 2, DIVISION "O" OF THE GOVERNMENT OUTLOTS,
AUSTIN, TRAVIS COUNTY, TEXAS.

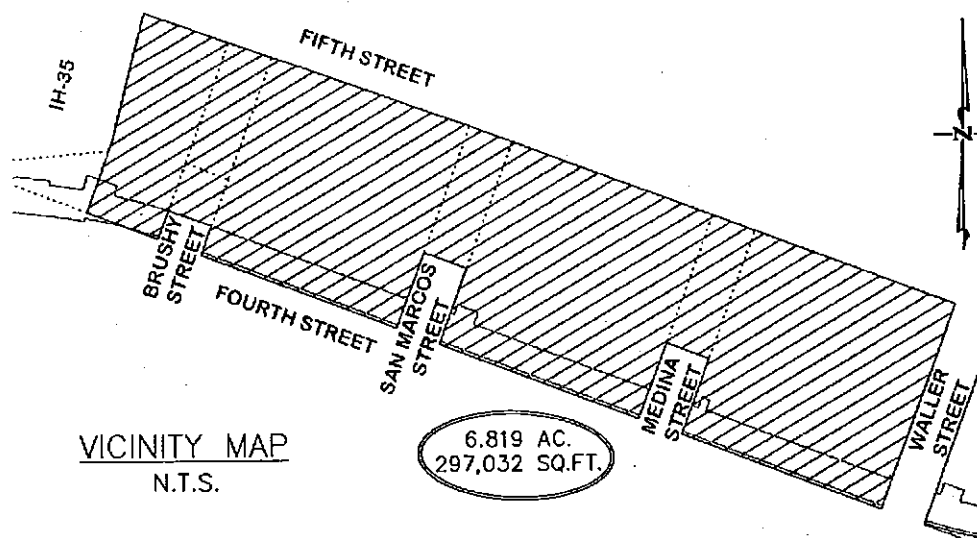


McGRAY & McGRAY
LAND SURVEYORS, INC.
TBPLS FIRM# 10095500
3301 HANCOCK DRIVE #6
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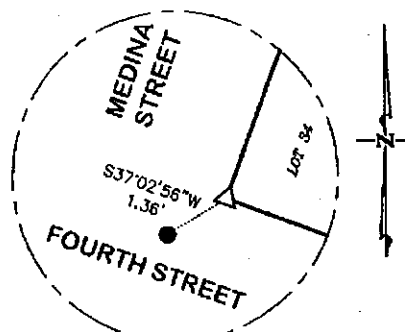
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AUSTIN, TRAVIS COUNTY, TEXAS.



VICINITY MAP
N.T.S.



DETAIL A:
N.T.S.

NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (96 CORS) DATUM.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN OWNERSHIP AND EASEMENT REPORT.
3. REFERENCE TO THE OUTLOT OF DIVISION "O" SHOWN HEREON ARE FROM THE "TOPOGRAPHICAL MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN", DATED JANUARY, 1840, ON FILE WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS.

LEGEND

- 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP "MCGRAY MCGRAY"
- ▲ MAG NAIL FOUND
- 1/2" IRON ROD FOUND (EXCEPT AS NOTED)
- △ CALCULATED POINT
- (xxx) RECORD INFORMATION
- N.T.S. NOT TO SCALE
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY



Chris Conrad

01/06/16

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

DATE

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

PAGE 7 OF 7
SURVEYED BY:

REVISED: 01/06/16
ISSUED: 12/10/15

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AUSTIN GRID#: J-22

JOB NO.: 15-040

