ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0079
3212 East Cesar Chavez

P.C. DATE: July 25, 2017; July 11, 2017; June 13, 2017; May 23, 2017; May 9, 2017; March 28, 2017; February 28, 2017; January 24, 2017

ADDRESS: 3212 E. Cesar Chavez, 111 Tillery Street

TOTAL AREA: Approx. 3.31 acres

DISTRICT: 3

OWNER: Painter Enterprises, Inc. (Donald E. Painter)

AGENT: Husch Blackwell, LLP (Nikelle Meade)

EXISTING AND PROPOSED ZONING BY TRACT: (Amended Request, April 2017)

TRACT	EXISTING ZONING	REQUESTED ZONING	ACREAGE
A	CS-CO-NP, LI-CO-NP	MF-6-CO-NP	3.21
B	LI-CO-NP	CS-MU-CO-NP	0.10
			TOTAL +/-3.31

The rezoning request includes the following conditions:

1. The Property shall be subject to the Traffic Impact Analysis ("TIA") prepared by Big Red Dog Engineering, dated March 27, 2017. Development on the Property is subject to the recommendations contained in a memorandum from the Transportation Review Section of the Development Services Department dated May 17, 2017.

2. Tract A shall be limited to no more than 2 stories and 30 feet in height for the portion of the property located immediately adjacent to Tillery Street. The height restriction would extend along the entire frontage of Tillery Street and 40 feet eastward, measured from the westernmost property line. (MF-6-CO-NP)

3. The remainder of the property shall be limited to no more than 75 feet in height.

4. The following land uses shall be prohibited on Tract B: Adult-oriented businesses, Kennels, Residential treatment, Campground, Pawn shop services, and Vehicle storage. (CS-MU-CO-NP)

5. The following land uses shall be conditional on Tract B: Agricultural sales and services, Laundry services, Building maintenance services, Equipment repair services, Construction sales and services, Limited warehousing and distribution, and Equipment sales. (CS-MU-CO-NP)

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace

TIA: See attached memorandum

WATERSHED: Colorado River

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of multifamily residence highest density- conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract A, and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract B. Staff supports the conditions as requested and described above.

ISSUES:

The rezoning request was originally filed in July 2016 as a request for CS-MU-V-NP on the property located at 3212 East Cesar Chavez. In April 2017, the Applicant added the lot at 111 Tillery Street to the rezoning request, and modified the request to MF-6-CO-NP and CS-MU-CO-NP as presented in this report.

The proposed conditional and prohibited land uses have been carried forward from the existing LI-CO-NP and CS-CO-NP zoning located on the property.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2017:

July 11, 2017: *TO LEAVE PUBLIC HEARING OPEN AND POSTPONE TO JULY 25, 2017, ON CONSENT. (13-0) [J. Schissler – 1st; P. Seegar – 2nd].*

June 13, 2017: *TO LEAVE PUBLIC HEARING OPEN AND POSTPONE TO JULY 11, 2017. (9-2) [K. McGraw – 1st; T. White – 2nd. F. Kazi and J. Schissler- Nay; A. De Hoyos Hart- Absent].*

May 23. 2017: *TO GRANT A POSTPONEMENT TO JUNE 13, 2017, AS REQUESTED BY STAFF, ON CONSENT, (13-0) [J. Schissler- 1st, J. Vela-2nd]*

May 9, 2017: *TO GRANT A POSTPONEMENT TO MAY 23, 2017, AS REQUESTED BY STAFF, ON CONSENT, (13-0) [J. Schissler- 1st, J. Vela-2nd]*

March 28, 2017: TO GRANT A POSTPONEMENT TO MAY 9, 2017, AS REQUESTED BY STAFF, ON CONSENT, (12-0) [K. McGraw- 1st, P. Seeger -2nd, T. White- Absent].

February 28, 2017: TO GRANT A POSTPONEMENT TO MARCH 28, 2017, AS REQUESTED BY STAFF, ON CONSENT, (11-0) [P. Seeger- 1st, A. DeHoyos Hart -2nd, J. Thompson and T. White-Absent].

January 24, 2017: TO GRANT A POSTPONEMENT TO FEBRUARY 28, 2017, AS REQUESTED BY STAFF, ON CONSENT, (10-0) [T. White- 1st, P. Seeger -2nd, S. Oliver- Off dais, F. Kazi and J. Vela-Absent].

DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located generally at the northeast corner of the intersection of East Cesar Chavez Street and Tillery Street. A connection to East Second Street, which begins at East Cesar Chavez Street and extends westward, is also south of the property.

Approximately 2.28 acres of the property is zoned LI-CO-NP and is developed with an auto supply store and a scrap and salvage yard. These land uses are accessed from East Second and East Cesar Chavez Streets. The remainder of the property (approximately 0.93 acres) is zoned CS-CO-NP and is adjacent to Tillery Street. The majority of this property is developed as part of the salvage yard. The portion at 111 Tillery Street is developed with a single-family residence. Southwest of the property are three lots zoned CS-CO-NP. These lots are developed with a mix of uses, including parking lot, single-family residential, and restaurant. Immediately north

of the subject property is a large undeveloped lot zoned NO-NP. Northeast of the property, accessing Allen Street, are properties zoned CS-CO-NP, CS-MU-NP, and LI-CO-NP. These properties are developed with a mix of limited warehousing, single-family residential, and commercial uses. East of the property are lots zoned GR-CO-NP and CS-CO-NP. These are developed with personal improvement services (martial arts and cross fit studios) and plant nursery land uses. South of the property, across Cesar Chavez, are properties zoned GR-MU-CO-NP developed with single-family residences and restaurants. West of the property, across Tillery, is a single-family residential neighborhood zoned SF-3-NP. ***Please refer to Exhibits A and B (Zoning Map and Aerial View).***

This area was zoned in 2002-2003 as part of the Govalle Neighborhood Plan process, with the associated zoning case C14-02-0183.001. The Govalle Neighborhood Plan was later combined to become the Govalle-Johnston Terrace Combined Neighborhood Plan. The 2003 zoning ordinance established CS-CO-NP and LI-CO-NP zoning for the portions of the rezoning tracts described above, with customized lists of conditional and prohibited land uses for this and several other properties in the area. For this property, it appears that the current land uses were existing in 2002. The proposed conditional and prohibited land uses have been carried forward from the existing LI-CO-NP and CS-CO-NP zoning located on the property.

Rezoning Request. As stated previously, the rezoning request includes conditions limiting building height to no more than 2 stories and 30 feet for the portion of the property located immediately adjacent to Tillery Street. The height restriction would extend along the entire frontage of Tillery Street and 40 feet eastward, measured from the westernmost property line. This area, like the majority of the property, would be rezoned to MF-6-CO-NP. The remainder of the property would be limited to 75 feet in height. For the CS-MU-CO-NP portion of the property, the Applicant proposes the following prohibited and conditional land uses:

1. The following land uses shall be prohibited on Tract B: Adult-oriented businesses, Kennels, Residential treatment, Campground, Pawn shop services, and Vehicle storage. (CS-MU-CO-NP)

2. The following land uses shall be conditional on Tract B: Agricultural sales and services, Laundry services, Building maintenance services, Equipment repair services, Construction sales and services, Limited warehousing and distribution, and Equipment sales. (CS-MU-CO-NP)

The proposed redevelopment, as described by the Applicant, includes 330 multifamily units and 4,400 square feet of commercial space. The Applicant has agreed to provide a minimum of 10% of the multifamily units at 60% median family income (MFI), with a minimum of 10% of those units being 3-bedroom or larger. Since these affordable units are not being provided as part of a density bonus program or other City Code-based requirement, the affordable units cannot be required as a condition of zoning. The Applicant has also agreed to provide other improvements and specific design elements; these items also cannot be required by the City. These items would be in a private agreement, without the City's participation.

The Applicant has prepared a Traffic Impact Analysis (TIA) that analyzes existing traffic conditions and anticipated impacts of the rezoning request. If the rezoning is granted, the TIA will be recorded with a public restrictive covenant, and development on the property will be subject to the recommendations contained in the attached memorandum from the Transportation Review Section of the Development Services Department (DSD). ***Please refer to Exhibit C (TIA Memorandum).***

An Educational Impact Statement has been prepared by Austin Independent School District (AISD) to evaluate the possible impact of the proposed multifamily project on area schools. The EIS states that the area schools (Brooke Elementary, Martin Middle School, and Eastside Middle School) will be able to accommodate the projected additional students from the proposed development. ***Please refer to Exhibit D (EIS Memorandum).***

Staff has received correspondence from interested groups and individuals regarding the rezoning request. Please ***refer to Exhibit E (Correspondence).***

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-CO-NP, CS-CO-NP	Limited retail, Scrap and salvage
North	NO-NP, CS-CO-NP, CS-CO-NP, LI-CO-NP	Restaurant, Single-family residential, Limited warehousing, Commercial
South	GR-MU-CO-NP	Restaurant, Single-family residential
East	GR-CO-NP,CS-CO-NP	Personal improvement services, Plant nursery
West	CS-CO-NP, SF-3-NP	Single-family residential

CASE HISTORIES:

NUMBER	REQUEST	CITY COUNCIL
C14-02-0183.001	Govalle Neighborhood Plan	03/27/2003: TO GRANT REZONING- ORD # 030327-11a *[Note: Conditions listed below affect rezoning tracts. See ordinance for all conditions on all tracts.]* The following uses are prohibited uses of Tract 54: Adult oriented businesses, Kennels, Residential treatment, Campground, Pawn shop services, Vehicle storage The following uses are conditional uses of Tract 54: Agricultural sales and services, Laundry services, Building maintenance services, Equipment repair services, Construction sales and services, Limited warehousing and distribution, Equipment sales The following uses are prohibited uses of Tracts 143a: Residential treatment center, Resource extraction, Scrap and salvage

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East Cesar Chavez St	82 ft	50ft	Arterial	No	No	No
Tillery St	70 ft	40ft	Collector	Only on W. side of street	Yes	No

SCHOOLS:

Brooke Elementary Martin Middle School Eastside Middle School

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
Tillery Square Neighborhood Association
Friends of Austin Neighborhoods
Claim Your Destiny Foundation
Austin Heritage Tree Foundation
El Concilio Mexican-American Neighborhoods
Austin Neighborhoods Council
Govalle/Johnston Terrace Plan Team
United East Austin Coalition
Guadalupe Neighborhood Development Corporation
East Town Lake Citizens Neighborhood Organization
East Austin Conservancy
Black Improvement Association
Homeless Neighborhood Association
Barrio Unido Neighborhood Association
Cristo Rey Neighborhood Association
Tejano Town
Buena Vista Neighborhood Association
River Bluff Neighborhood Association
Preservation Austin
Sierra Club, Austin Regional Group
SELTexas

CITY COUNCIL DATE & ACTION: August 3, 2017

Previous postponements: June 22, 2017, June 15, 2017; May 18, 2017; April 6, 2017; March 2, 2017; January 26, 2017

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's rezoning request. The rezoning request includes the following conditions:

1. The Property shall be subject to the Traffic Impact Analysis ("TIA") prepared by Big Red Dog Engineering, dated March 27, 2017. Development on the Property is subject to the recommendations contained in a 1. The Property shall be subject to the Traffic Impact Analysis ("TIA") prepared by Big Red Dog Engineering, dated March 27, 2017. Development on the Property is subject to the recommendations contained in a memorandum from the Transportation Review Section of the Development Services Department dated May 17, 2017.

2. Tract A shall be limited to no more than 2 stories and 30 feet in height for the portion of the property located immediately adjacent to Tillery Street. The height restriction would extend along the entire frontage of Tillery Street and 40 feet eastward, measured from the westernmost property line. (MF-6-CO-NP)

3. The remainder of the property shall be limited to no more than 75 feet in height.

4. The following land uses shall be prohibited on Tract B: Adult-oriented businesses, Kennels, Residential treatment, Campground, Pawn shop services, and Vehicle storage. (CS-MU-CO-NP)

5. The following land uses shall be conditional on Tract B: Agricultural sales and services, Laundry services, Building maintenance services, Equipment repair services, Construction sales and services, Limited warehousing and distribution, and Equipment sales. (CS-MU-CO-NP)

Staff supports the rezoning request because it reduces high intensity land uses and industrial zoned properties in the area, which has been a goal of neighborhood planning processes in the area for many years. The existing land use of scrap and salvage is expressly listed as a prohibited land use for this site, reflecting this goal. Other commercial and light industrial land uses exist in the area, but they are much lower in intensity and many are similarly affected by zoning ordinances that would not allow the land use to redevelop if it ever discontinued. However, since these properties are zoned LI and CS, they are still entitled to generous site development standards and many intense land uses. The TIA shows that traffic generated by the proposed redevelopment is less than possible if the site is redeveloped under the current zoning categories. The TIA also obligates the property owner to participate in construction of a traffic signal at Tillery Street and East Cesar Chavez, as well as other mobility improvements. If the site remains as a scrap and salvage yard, no requirements for traffic and mobility improvements exist.

The proposed redevelopment, as described by the Applicant, includes 330 multifamily units and 4,400 square feet of commercial space. The goals of increased housing availability and active corridors have been become priorities for the City, and the proposed redevelopment reflects these goals. The proposed rezoning is compatible with the restaurants, single-family residences, and undeveloped office properties in the area. The reduced height is intended to provide a compatible scale to other development along Tillery Street, including the residential development across Tillery. The 30'/2 story limit is less than what would be required by compatibility standards (40'/3 story limit). The portion of the property that is requested to be rezoned to CS-MU-CO-NP is oriented toward East Cesar Chavez Street to allow mixed use development along the mixed use corridor, not on Tillery Street.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Multifamily residential is more compatible with the single family and commercial land uses in the area than the existing industrial zoning and land use. Additionally, the property owner has offered to reduce the building height along Tillery Street, across from the Tillery Square neighborhood.

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

The proposed redevelopment, as described by the Applicant, includes 330 multifamily units and 4,400 square feet of commercial space. The Applicant has agreed to provide a minimum of 10% of the multifamily units at 60% median family income (MFI), with a minimum of 10% of those units being 3-bedroom or larger.

3. Zoning changes should promote a balance of intensities and densities.

This area has a mix of industrial, vacant, single family, and commercial land uses. The proposed rezoning would allow an active use to be developed in the area that does not exceed existing zoning intensity.

Site Plan:

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. Compatibility Standards- The site is subject to compatibility standards. Along the north, west, and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

SP 5. Additional design regulations will be enforced at the time a site plan is submitted.

SP 6. FYI – This site is located within the Govalle/Johnston Terrace Combined NPA. Additional comments may be generated during the site plan review process.

Transportation:

TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR2. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for East Cesar Chavez Street.

TR3. A Traffic Impact Analysis (TIA) is required.

TR4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East Cesar Chavez St	82 ft	50ft	Arterial	No	No	No
Tillery St	70 ft	40ft	Collector	Only on W. side of street	Yes	No

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River 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.

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

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

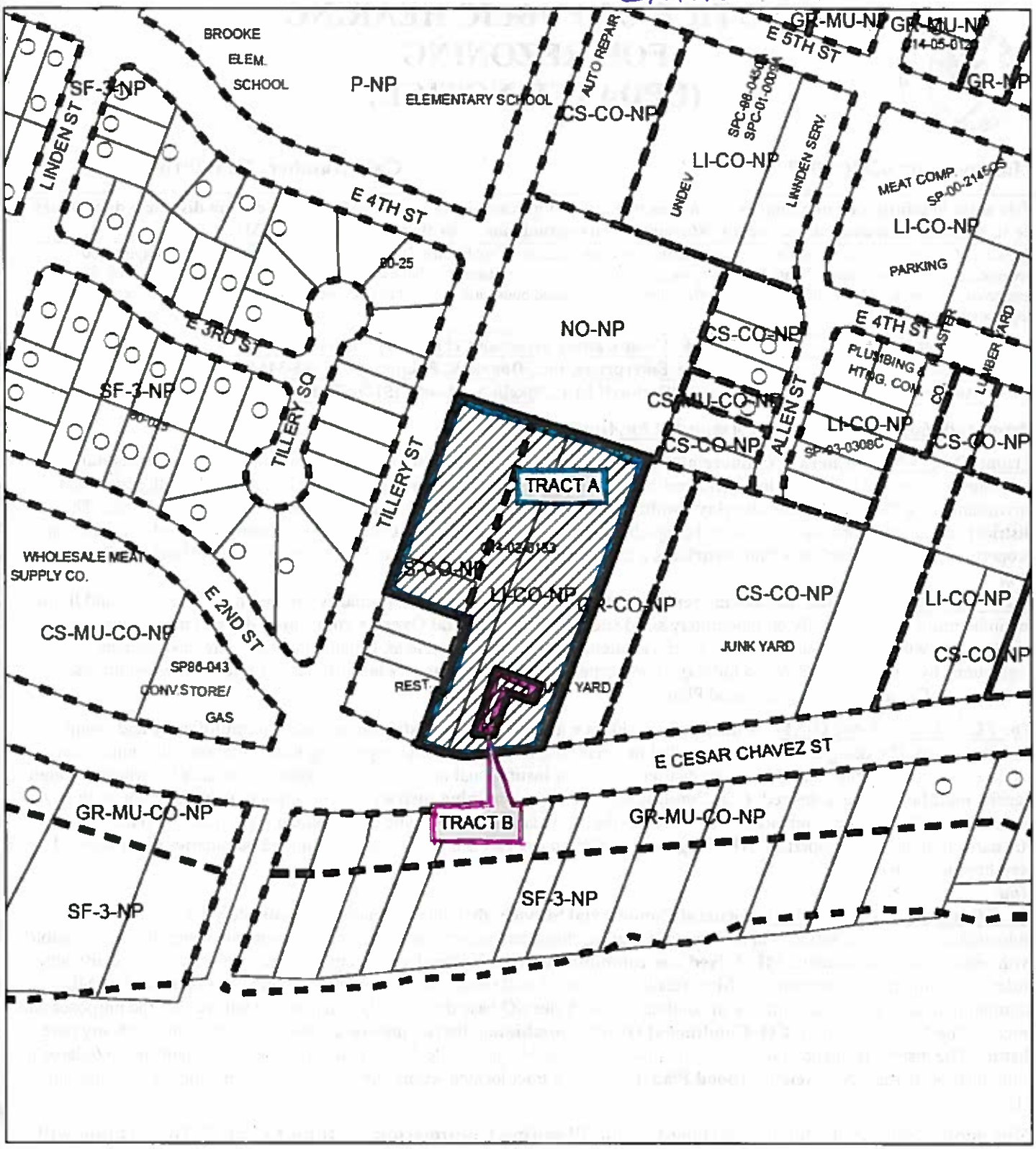
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

Water/Wastewater:

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

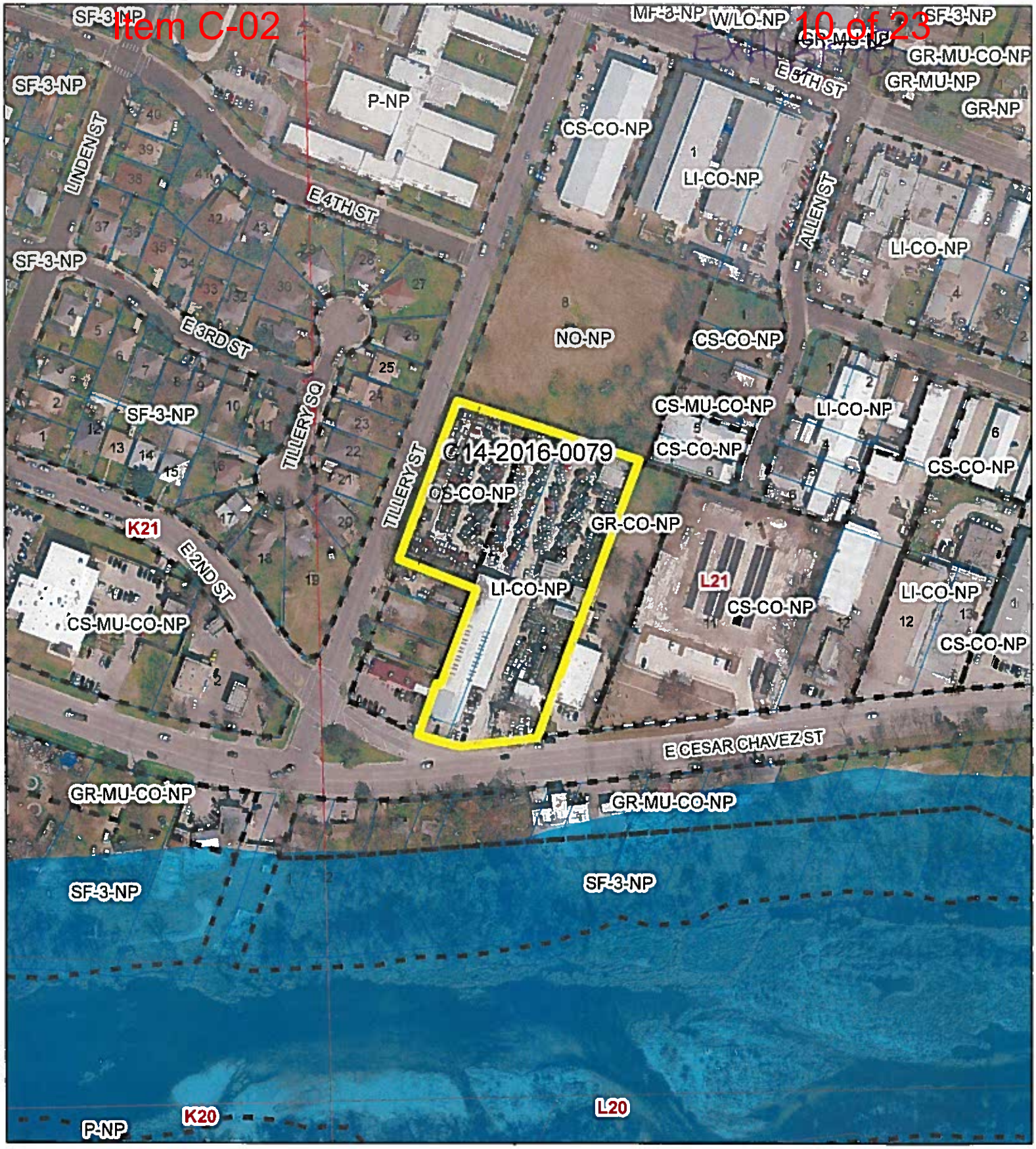
1 " = 200 '

ZONING

ZONING CASE#: C14-2016-0079

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.



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1" = 200'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CREEK BUFFER

ZONING

ZONING CASE#: C14-2016-0079
LOCATION: 3212 E CESAR CHAVEZ
SUBJECT AREA: 3.124ACRES
GRID: L21
MANAGER: HEATHER CHAFFIN

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.

EXHIBIT C

MEMORANDUM

TO: Heather Chaffin, Case Manager
Planning and Zoning Department

FROM: Mehrnaz Mehraein, EIT
SJ Scott A. James, P.E., PTOE
Development Services Department/Land Use Review

DATE: May 17, 2017

SUBJECT: Traffic Impact Analysis for 3212 East Cesar Chavez
Zoning application C14 – 2016 – 0079

The project site is located at 3212 Cesar Chavez, on the northeast side of Tillery Street and East 2nd Street intersection in East Austin. The proposed zoning change would permit construction of 321 multifamily dwelling units, and 4,400 square feet of specialty retail. The project site has an anticipated completion date in 2018.

Surrounding Roadways

East Cesar Chavez Street is an east-west four-lane major undivided arterial. The posted speed limit is 35 miles per hour (MPH) in the study area. Adjacent to the subject property, the north side of the roadway has discontinuous sidewalks in fair condition. There are no bicycle facilities on East Cesar Chavez Street in the vicinity of the site.

East 2nd Street is a two-lane local road, providing access to the residential neighborhood in the vicinity of the subject property. East 2nd Street has a discontinuous sidewalks west of Tillery Street and there are no bicycle facilities. The posted speed limit is 30 MPH in the study area.

East 5th Street is a two lane collector roadway with a posted speed limit of 30 MPH. The sidewalk network is partially complete, serving alternate sides of the street in the immediate vicinity of the subject property. On street bicycle lanes are marked in both directions along East 5th Street near the subject property.

North Pleasant Valley Road is a major undivided four lane arterial roadway, with a posted speed limit of 35 MPH. Sidewalks are provided on both sides of the street. Existing sidewalks are in fair condition and not complete. There are no on-street bicycle facilities in the vicinity of the subject property. Transit service is regularly provided along N. Pleasant Valley Road.

Tillery Street is a two-lane collector roadway offering connection from East Cesar Chavez Street to Oak Springs Drive in the north. The posted speed limit along Tillery Street is 30 MPH in the study area. Sidewalks are provided on the west side of Tillery Street only and on-street bicycle lanes are provided in both directions.

Springdale Road is a north-south, two-lane arterial. The posted speed limit along Springdale Road is 30 mph in the study area. North of East Cesar Chavez Street, sidewalks are provided on both sides of Springdale Road in the study area. A Class II bicycle lane is provided on Springdale Lane almost continuously from East Cesar Chavez Street to East 51st Street.

Trip Generation Estimates

Based on the ITE Trip Generation Manual, 9th Edition, the proposed development will generate approximately 2,264 new daily trips per day (vpd) with 165 net trips occurring during the AM peak hour, and 226 occurring during the PM peak hour. According to the scoping document, no identified background projects were included in the analysis and no reductions for internal capture or pass-by traffic were permitted in the analysis. Table 1 below provides the estimated number of daily trips by land use to this proposed project.

Table 1 – Estimated Daily Trips		
Land Uses (ITE Code)	**Intensity**	**24 Hour**
Multi-family Apartments (220)	321 DU	2,069 vpd
Specialty Retail (826)	4,400 SF	195 vpd
Total site trips		**2,264 vpd**

Table 2 summarizes the estimated trip generation for the Project for a typical weekday. The Project is estimated to generate 2,264 net daily external vehicle trips, with 165 net trips occurring during the AM peak hour, and 226 occurring during the PM peak hour.

Table 2 – Estimate of weekday Peak Hour trip generation							
		AM Peak			**PM Peak**		
Land Uses (ITE Code)	**Intensity**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Multi-family Apartments (220)	321 DU	32	129	161	126	68	194
Specialty Retail (826)	4,400 SF	2	2	5	14	18	32
Total peak hour site trips		**35**	**130**	**165**	**140**	**86**	**226**

Data Collection

For this study, weekday peak hour turning movement counts (including pedestrian counts) were conducted on Thursday, September 8, 2016 when public schools were in session. This data was also used to review the conditions for signalization at the intersection of East Cesar Chavez Street and Tillery Street.

Trip Distribution

Table 3 below presents how the site generated traffic was assigned to the surrounding network of public streets. These percentages were used to determine the impact of the project development proposal upon existing infrastructure.

Table 3 – Revised Directional Distribution of Site Traffic	
Location	**Percentages**
Cesar Chavez Street (west)	18%
Cesar Chavez Street (east)	15%
North Pleasant Valley Road (north)	20%
North Pleasant Valley Road (south)	22%
Tillery Street (north)	7%
East 5th Street (west)	4%
East 5th Street (east)	4%
East 2nd Street (west)	3%
Springdale Road (north)	7%
Total	**100%**

Traffic Analysis Methodology

The following table presents the HCM definitions of 'levels of service' for both ***signalized and unsignalized*** intersections. Within the City of Austin, LOS "D" is considered the threshold for acceptable operations for signalized intersections. For intersections where the LOS is projected at "E" or lower, mitigation should be proposed.

Table 4 – Summary of Level of Service as defined by Highway Capacity Manual		
Level of Service	**Signalized Intersection Average Total Delay (Sec/Veh)**	**Unsignalized Intersection Average Total Delay (Sec/Veh)**
A	≤10	≤10
B	>10 and ≤20	>10 and ≤15
C	>20 and ≤35	>15 and ≤25
D	>35 and ≤55	>25 and ≤35
E	>55 and ≤80	>35 and ≤50
F	>80	>50

The following tables present a summary of the analysis performed within the TIA. Tables 5 and 6 show the estimated delays (in seconds per vehicle) for the AM and PM peak travel periods for each phase of the project:

Table 5 - Intersection Level of Service and Delay (sec/veh)								
Intersection	2016 Existing				2018 Forecast			
	AM		PM		AM		PM	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Signalized Intersections								
East Cesar Chavez Street and North Pleasant Valley Road	C	20.5	C	34.7	C	20.6	D	36.5
East Cesar Chavez Street and Springdale Road / Red Bluff Road	A	9.9	B	13.3	A	9.9	B	13.5
Unsignalized Intersections (Stop controlled intersections)								
2nd Street and Tillery Street (AWSC)	A	8.1	A	9.9	A	8.1	B	10
East Cesar Chavez Street and Tillery Street (SSSC)	A	2.3	A	4.7	A	2.4	A	4.9
Tillery Street and 5th Street (AWSC)	A	0.23	B	11.8	A	0.24	B	12

(AWSC) = All-Way Stop Control; (SSSC) = Side-Street Stop Control

Table 6 shows the results of the 'site traffic + forecast' conditions, for both with and without improvements.

Table 6 - Intersection Level of Service and Delay (sec/veh)								
Intersection	2018 Site traffic + Forecasted (No Improvements)				2018 Site traffic + Forecasted (With Improvements)			
	AM		PM		AM		PM	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Signalized Intersections								
East Cesar Chavez Street and Pleasant Valley Road	C	21	C	34.9	C	21	D	36.5
East Cesar Chavez Street and Springdale Road / Red Bluff Road	A	9.2	B	13.5	A	9.2	B	13.5
Unsignalized Intersections (Stop controlled intersections)*								
2nd Street and Tillery Street (AWSC)	A	8.7	B	11.6	A	2.2	A	4
East Cesar Chavez Street and Tillery Street (SSSC)	A	4.9	B	12.3	D	33.2	F	65.2
Tillery Street and 5th Street (AWSC)	A	8.7	B	12.5	A	8.7	B	12.5

(AWSC) = All-Way Stop Control; (SSSC) = Side-Street Stop Control

*note: unsignalized intersections show only the longest approach delays, not the overall intersection delay

Summary of Existing Conditions

As shown above, the intersection of East Cesar Chavez Street and Tillery Street will experience a level of service "F" upon build out of the proposed project. According to the analysis, the current volumes of traffic served at this intersection meet signal warranting criteria without the subject development, and will continue to do so after construction. Assuming an increase in pedestrian and vehicular traffic at this intersection, in addition to the proposed points of access for this site, one key TIA recommendation is to install a traffic signal prior to the site development.

Recommended Transportation Improvements

The TIA identified improvements to the surrounding public infrastructure which would serve to mitigate the calculated impact to traffic resulting from this development. The following is a summation of the proposed improvements:

- Installation of a traffic signal and related improvements (including signs, striping, and curb ramps) at the intersection of Tillery Street and East Cesar Chavez Street.
- Revision and/or modification of the traffic controls at the intersection of Tillery Street and East 2nd Street to facilitate operation of the traffic signal at Tillery Street and East Cesar Chavez. These may include removal of stop controls and/or partial closure and/or modification of the East 2nd Street connection between Tillery Street and East Cesar Chavez to improve traffic circulation for nearby commercial interests.
- Development of the site to include all sidewalk, curbwork and streetscape improvements along the site frontage.

Staff discussed the need to implement physical improvements concurrently with the development of the site and thus prioritized the infrastructure elements accordingly. Staff recognized and acknowledged the need to distinguish site related traffic congestion from larger (or preexisting) regional traffic concerns. Therefore, after review and acceptance of the TIA findings, the following goals were identified:

1) Wherever feasible, staff prefers to have the developer construct physical improvements instead of posting fiscal towards the estimated costs of construction.

2) In locations where more than one improvement is identified, staff would accept a fully constructed single improvement in the place of several partial funded elements.

Conclusions and Recommendations

Staff recommends approval of this zoning application subject to the following conditions:

1) Prior to the 3rd Reading of City Council, the applicant shall commit to the design and construction of the traffic signal at the intersection of Tillery Street and East Cesar Chavez Street and shall post fiscal as outlined below. The applicant will be responsible for paying the design and installation costs of the traffic signal, and will post fiscal to cover the costs of inspection only.

Table 7 – List of Improvements

Location	Improvements	Total Cost	Developer Share %
East Cesar Chavez Street & Tillery Street	Install traffic signal	TBD*	100%
East Cesar Chavez Street & Tillery Street	Inspection of traffic signal install*	$10,000*	$10,000
East Cesar Chavez Street & East 2nd Street	Modification of access	TBD	0%
Intersection of Tillery Street & East 2nd Street	Review/modification of traffic controls	$10,000	0%
Total cost participation		**$20,000***	**$10,000**

* Fiscal collected for this improvement will be for inspection of the signal construction only as the developer will construct the traffic signal concurrent with development of the site.

2) Prior to the 3rd Reading of City Council, the applicant shall commit to the design and construction of the traffic signal at the intersection of Tillery Street and East Cesar Chavez Street. The applicant will be responsible for paying the design and installation costs of the traffic signal, and will post fiscal to cover the costs of inspection only.

3) Prior to receiving a certificate of occupancy for the site, the applicant is to complete installation of said traffic signal, subject to approval and acceptance by the City of Austin Transportation Department.

4) Development of this property should not vary from the approved uses, nor exceed the approved intensities and estimated traffic generation assumptions within the TIA document (dated October 12, 2016), including land uses, trip generation, trip distribution, traffic controls and other identified conditions.

5) The findings and recommendations of this TIA memorandum remain valid until May 16, 2022, after which a revised TIA or addendum may be required.

Mehraein

Mehrnaz Mehraein, EIT
Development Services Department
Land Use Review Division/ Transportation

EXHIBIT D

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

PROJECT NAME: 3212 East Cesar Chavez
ADDRESS/LOCATION: 3212 East Cesar Chavez
CASE #: C14-2016-0079

- ☐ NEW SINGLE FAMILY
- ☒ NEW MULTIFAMILY
- ☐ DEMOLITION OF MULTIFAMILY
- ☐ TAX CREDIT

# SF UNITS:		STUDENTS PER UNIT ASSUMPTION					
		Elementary School:		Middle School:		High School:	

# MF UNITS:	330	STUDENTS PER UNIT ASSUMPTION					
		Elementary School:	0.126	Middle School:	0.044	High School:	0.049

IMPACT ON SCHOOLS

The student yield factor for the east region of 0.219 (across all grade levels) for apartment homes was used to determine the number of projected students. The 330 multifamily development is projected to add approximately 72 students across all grade levels to the projected student population. However, because there are only 29 units proposed as affordable, and the rent and number of bedrooms is unknown, the number of students from this development may be lower than projected. It is estimated that of the 72 students, 41 will be assigned to Brooke Elementary School, 15 to Martin Middle School, and 16 to Eastside Memorial High School.

The percent of permanent capacity by enrollment for SY 2021-22, including the additional students projected with this development, would be below the target range of 75-115% for Brooke ES (62%), Martin MS (44%) and Eastside Memorial (47%), assuming the mobility rates remain the same. The projected additional students at Martin MS and Eastside Memorial HS would only minimally help to offset the anticipated decline in student enrollment (due to demographic shifts in the area). All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Brooke ES, Martin MS and Eastside Memorial HS are located within 2 miles of the proposed development; therefore students would not qualify for transportation unless a hazardous route condition was identified.

SAFETY IMPACT

There are no know safety impacts at this time.

Date Prepared: 6/7/17 **Director's Signature:** Paul Turner

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Brooke **RATING:** Met Standard
ADDRESS: 3100 East 4th Street PERMANENT CAPACITY: 393
% QUALIFIED FOR FREE/REDUCED LUNCH: 95.97% MOBILITY RATE: -5.9%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	287	217	258
% of Permanent Capacity	73%	55%	66%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	270	204	245
% of Permanent Capacity	69%	52%	62%

MIDDLE SCHOOL: Martin **RATING:** Met Standard
ADDRESS: 1601 Haskell PERMANENT CAPACITY: 804
% QUALIFIED FOR FREE/REDUCED LUNCH: 95.25% MOBILITY RATE: -56.3%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,008	780	795
% of Permanent Capacity	125%	97%	99%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	440	340	355
% of Permanent Capacity	55%	42%	44%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

HIGH SCHOOL: Eastside Memorial
RATING: Met Standard
ADDRESS: 1012 Arthur Stiles
PERMANENT CAPACITY: 1,156
% QUALIFIED FOR FREE/REDUCED LUNCH: 86.86%
MOBILITY RATE: -40.8%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	964	883	899
% of Permanent Capacity	83%	76%	78%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	571	523	539
% of Permanent Capacity	49%	45%	47%

*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.

EXHIBIT E

Govalle/Johnston Terrace Neighborhood Plan Contact Team
"Strength Through Unity"

May 10, 2017

Re: 3212 E. Cesar Chavez

Dear Commissioners and Council members,

Please accept this letter on behalf of the Govalle/Johnston Terrace Neighborhood Plan Contact Team as an expression of our

Opposition to the plan amendment application as presented, at 3212 E. Cesar Chavez.

We met with the developer, formed a sub committee to work with the applicant in an attempt to create a win-win solution, and to insure community benefits for our area.

The proposed amendment, as presented, is too dense, does not have any community benefit other than profit for the developer, and does not addresses true affordability, and being completely rental, does not provide any possibility for sustainability and equity for the Neighborhood.

The Contact Team proposed support for a reduction to 200 units, a diversity of unit size to include family housing, with 25% affordable units at 60% MFI, but the applicant refused to consider changing any part of their proposal.

They met with the CT on three occasions, but were unable to come up with a mutually beneficial agreement.

Please feel free to contact me with any comment or question you may have regarding this case.

Thank you,

Daniel Llanes

Daniel Llanes, Coordinator
Govalle/Jonston Terrace Neighborhood Plan Contact Team

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C14-2016-0079
Contact: Heather Chaffin, 512-974-2122
Public Hearing: ~~December 13, 2016~~, Planning Commission Jan 24
January 26, 2017, City Council

Victoria Luine
Your Name (please print)

☐ I am in favor
☒ I object

303 Tillary Sq.
Your address(es) affected by this application

V. Luine — 12/8/16
Signature — *Date*

Daytime Telephone: 917 232-1213

Comments: Little info given to judge impact on our neighborhood of single family homes, few businesses & a school. Urge board to get info/details & provide to community. Concerns: high density of apts & businesses, no indication of sufficient green space, no info on parking for at least 300 tenant vehicles or retail parking. I would like to speak on Jan 24.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Chaffin, Heather

From: Christopher Brown <[redacted]
Sent: Tuesday, March 28, 2017 1:41 PM
To: Meredith, Maureen; Chaffin, Heather
Cc: Daniel Llanes; Raul Alvarez
Subject: 3212 E. Cesar Chavez, NPA-2016-0016.01 and C14-2016-0079—Planning Commission

Maureen and Heather —

Can you confirm that the two agenda items for 3212 E. Cesar Chavez, NPA-2016-0016.01 and C14-2016-0079, are being postponed to May 9 as indicated on the online agenda? I am a member of the neighborhood working group on this project and was planning to attend to speak in opposition to these two related proposals listed as items 3 and 4 on the agenda:
http://www.austintexas.gov/edims/document.cfm?id=274022

My perspective on the proposal, if you are interested: The Cesar Chavez corridor between Pleasant Valley and 183, from Red Bluff Road and the river north to E. 7th, is currently characterized by a well-functioning delicate balance of three seemingly divergent land uses: light industrial, single-family residential, and wild parklands (the City's Colorado River Wildlife Preserve, the river itself, and Guerrero Park). Existing zoning in the plan accommodates compatible redevelopment, as we have seen here in recent years with former industrial uses being repurposed for creative office and artisanal use. Any rezoning or plan amendment to permit large multifamily projects would endanger this balance, and in other recent cases the City has agreed, as with the property at Shady Lane between 5th & 7th. If we wish to change the vision for this corridor, I believe we should do so through a fresh update to the plan that incorporates input from all stakeholders, including business owners as well as residents. And any multifamily projects should meet a high standard of economic inclusion & diversity to benefit from such rezoning, a standard the proposed project at 3212 does not meet.

I have copied Daniel Llanes and Raul Alvarez of our Contact Team, who are better qualified than me to opine on these matters.

Thanks!

Chris Brown

Christopher T. Brown
Attorney at Law PLLC
5013 Red Bluff Road
Austin, Texas 78702
T 512.236.0432
M 512.438.9299
[redacted]

PUBLIC HEARING INFORMATION

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

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

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D7

Item C-02

Case Number: C14-2016-0079
Contact: Heather Chaffin, 512-974-2122
Public Hearing: June 13, 2017, Planning Commission
June 22, 2017 City Council

Your Name (please print)

BETTY KURTZ

☑ I am in favor
☐ I object

Your address(es) affected by this application 3232 and 3306 E. Cesar Chavez

Betty Kurtz — *Signature*

6-1-17 — *Date*

Daytime Telephone: 770 - 559 - 1350

Comments:

- The subject property is in an area of East Cesar Chavez where many of the businesses and structures are relatively unattractive and inconsistent with the stylish developments of Oracle and Plaza Saltillo, each of which are about one mile from 3212 E. Cesar Chavez.

- Approval of the rezoning request would enable the property to be developed to achieve its best potential use and value, thus enhancing the style and personality of the surrounding area. This would benefit the city by increasing the potential tax appraisals, which are currently excessive for the present zoning.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810