CASE NUMBER: SP-2019-0168C

PLANNING COMMISISON

HEARING DATE: November 12th, 2019

PROJECT NAME: 3232 E Cesar Chavez

ADDRESS: 3232 E Cesar Chavez

APPLICANT: Cesar Nursery Owner, LLC

AGENT: Civilitude LLC; James Schissler, PE – (512) 476-4456
5110 Lancaster Court
Austin, Texas 78723

CASE MANAGER: Robert Anderson
Phone: (512) 974-3026
robert.anderson@austintexas.gov

PROPOSED DEVELOPMENT:
The applicant is proposing to construct two office buildings and a parking garage.

DESCRIPTION OF WAIVERS:
The applicant is requesting a Compatibility Waiver from § 25-2-1063(C) which requires structures more than 100 feet but not more than 300 feet from the property triggering compatibility be no taller than 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property triggering compatibility.

The applicant is eligible for a waiver of a height restriction per § 25-2-1081(C) which allows for the Land Use Commission to approve a waiver if “there is an existing structure located between the proposed structure and the closest property to the proposed structure that triggers the compatibility standards.” The closest triggering property is across Cesar Chavez Street behind existing commercial structures.

SUMMARY STAFF RECOMMENDATION:
Staff recommends approval of the waiver request. Various factors inform staff recommendation for approval. These include the distance from the triggering property, the location of the site along Cesar Chavez, and the presence of commercial properties between the subject site and the property triggering compatibility. The site plan will comply with all other requirements of the Land Development Code.

PROJECT INFORMATION:

<table>
<thead>
<tr>
<th>SITE AREA</th>
<th>148,335 square feet</th>
<th>3.405 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING ZONING</td>
<td>CS-CO-NP / GR-CO-NP</td>
<td></td>
</tr>
<tr>
<td>WATERSHED</td>
<td>Colorado River (Urban)</td>
<td></td>
</tr>
<tr>
<td>WATERSHED ORDINANCE</td>
<td>Comprehensive Watershed Ordinance (Urban)</td>
<td></td>
</tr>
<tr>
<td>TRAFFIC IMPACT ANALYSIS</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>CAPITOL VIEW CORRIDOR</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>PROPOSED ACCESS</td>
<td>Cesar Chavez</td>
<td></td>
</tr>
<tr>
<td>FLOOR-AREA RATIO</td>
<td>2:1 (CS) / 1:1 (GR)</td>
<td>0:1 / 0.15:1</td>
</tr>
</tbody>
</table>
BUILDING COVERAGE
95% (CS) / 75% (GR) 0.0% / 15% 76% (CS) / 45% (GR)

IMPERVIOUS COVERAGE
95% (CS) / 90% (GR) 63.7% 84.7%

PARKING
616.5 40 618

SUMMARY COMMENTS ON SITE PLAN:
The subject site is currently used as a landscape plant nursery and fitness center. The applicant is proposing to construct a two three-story administrative office buildings and a parking garage. The lots are zoned CS-CO-NP and GR-CO-NP.

COMPATIBILITY:
The site is subject to Compatibility Standards due to single-family structures, zoned SF-3-NP, to the west of Tillery Street within 540 feet. The project as proposed is fully compliant with the compatibility requirements for these triggering properties.

The site is also subject to Compatibility Standards due to land zoned SF-3 to the south across Cesar Chavez Street and beyond property zoned GR-MU-CO-NP. The SF-3 zoning triggering compatibility requirements is approximately 200 ft. in distance from the subject property. § 25-2-1063(C) requires structures more than 100 feet but not more than 300 feet from the property triggering compatibility be no taller than 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property triggering compatibility.

PLANNING COMMISSION ACTION:
N/A

EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS-CO-NP / LI-CO-NP</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Cesar Chavez St.</td>
<td>N/A</td>
</tr>
<tr>
<td>East</td>
<td>CS-CO-NP</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>LI-CO-NP</td>
<td>Administrative and Business Offices</td>
</tr>
</tbody>
</table>

ABUTTING STREETS:

<table>
<thead>
<tr>
<th>Street</th>
<th>Right-of-Way Width</th>
<th>Pavement Width</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cesar Chavez</td>
<td>96 ft.</td>
<td>46 ft.</td>
<td>ASMP Level 3</td>
</tr>
</tbody>
</table>

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Barrio Unido Neighborhood Association
Bike Austin
Black Improvement Association
Buena Vista Neighborhood Association
Claim Your Destiny Foundation
Del Valle Community Coalition
East Austin Conservancy
East Riverside / Oltorf Neighborhood Plan
    Contact Team

East Town Lake Citizens Neighborhood Association
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Govalle/Johnston Terrace Neighborhood Plan
    Contact Team
Guadalupe Neighborhood Development Corporation
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Parque Zaragosa Neighborhood Association
Preservation Austin
River Bluff Neighborhood Assoc.
SELTexas
Sierra Club, Austin Regional Group
State of Texas
Tejana Bilingual Community
Tejano Town
Tillery Square Neighborhood Association
United Austin for the Elderly
United East Austin Coalition
October 24, 2019

City of Austin Development Planning Commissioners
301 W 2nd Street
Austin, Texas 78701

Re: Compatibility Waiver for SP-2019-0168C
3232 E Cesar Chavez
Austin, Texas 78702

Dear Commissioners,

On behalf of our client, Cesar Nursery Owner, LLC, we are requesting a compatibility waiver for the 3232 E Cesar Chavez project. The project proposes to remove the existing landscape plant nursery and fitness center and replace them with two four-story administrative office buildings, a structured parking garage, and ancillary improvements. The 3.43-acre site is located at 3232 and 3306 E Cesar Chavez in East Austin. The east portion of the site is zoned CS-CO-NP, General Commercial - Conditional Overlay - Govalle Neighborhood Plan and the west portion of the site is zoned GR-CO-NP, Community Commercial – Conditional Overlay – Govalle Neighborhood Plan.

Compatibility is triggered by SF-3 zoning on the rear portion for the properties fronting on the south side of E Cesar Chavez and by the properties on the west side of Tillery St. The triggering properties on Tillery St. are approximately 380 feet west of the site, so there is no compatibility waiver required for those properties. The triggering zoning line on the rear portion of the properties on the south side of E Cesar Chavez is approximately 200 feet south of the site, so the height limit at the front property line would be 50 feet. The request is to allow the office buildings, which are set at the front property line per Subchapter E requirements, to be the 60 foot height allowed by zoning.

Discussions with the Neighborhood Planning and Zoning Dept. staff to determine the rationale for the SF-3 zoning on rear portion of the commercial properties revealed that the zoning was used decades ago as a means to minimize or prevent development along the Colorado River before environmental regulations were implemented. The zoning line and 25-foot no-build compatibility setback would essentially allow impervious cover and/or buildings within 75 feet of the south right-of-way of E Cesar Chavez. But this also limited the height of buildings on the north side of E Cesar Chavez, which we believe was an unintended result of the SF-3 zoning.

If you have any questions, please do not hesitate to contact us and inquire at 512-761-6161.

Sincerely,

James M. Schissler, P.E.
Vice President
Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a Building permit is not required), must also be approved prior to the Project Expiration Date.

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**Building Information**

- **GROSS SITE AREA**: 148,335 SF, 3.405 Acres
- **ZONING**: GR-CO-NP, CS-CO-NP
- **SITE AREA PER ZONING (SF)**: 40,164, 108,171
- **PROPOSED LAND USE**: ADMINISTRATIVE/BUSINESS OFFICE/GENERAL RESTAURANT
- **BUILDING NUMBER**: 1, 2
- **BUILDING TYPE**: OFFICE, OFFICE GARAGE
- **NUMBER OF STORIES**: 4, 4, 4
- **TOTAL BUILDING COVERAGE (SF)**: 18,074, 82,210, 25,408
- **BLDG. COVERAGE ALLOWED (%)**: 75, 95
- **BLDG. COVERAGE - PROPOSED (%)**: 45, 76
- **GROSS BUILDING AREA (SF)**: 54,222, 169,643
- **FLOOR-TO-AREA RATIO - ALLOWED**: 1:1, 2:1
- **N/A**
- **FLOOR-TO-AREA RATIO - PROPOSED**: 0.99 :1, 1.76 :1
- **IMPERVIOUS COVER (SF)**: 34,955, 91,189, 126,144
- **IMPERVIOUS COVER - MAX. (%)**: 90, 95
- **IMPERVIOUS COVER - PROPOSED (%)**: 87.0, 84.3
- **BUILDING HEIGHT - MAXIMUM (FT)**: 60, 60
- **FOUNDATION TYPE**: SLAB ON GRADE
- **OPEN SPACE AREA (SF) REQUIRED**: 5%, 7,417 PROV'D 14,891
Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a Building permit is not required), must also be approved prior to the Project Expiration Date.