ZONING CHANGE REVIEW SHEET
NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

REZONING CASE: C14-2017-0105 **P.C. DATE:** November 14, 2017

NPA CASE: NPA-2017-0002.01

DISTRICT: 3 **AREA:** 0.8387 acres

ADDRESS: 1600, 1602, 1604, 1606, 1608, and 1610 East 4th Street

OWNER: Tocayo Investments GP, LLC & CC Third and Comal, LP (Robert Gandy IV)

AGENT: Graves, Doughterty, Hearon & Moody, P.C. (Michael J. Whellan)

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

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

The Applicant is proposing to utilize both the TOD density bonus program and CURE zoning to increase the maximum building height to 90 feet.

TYPE OF NEIGHBORHOOD PLAN AMENDMENT: Change in Future Land Use Designation

FROM: Specific Regulating District (TOD) **TO:** Specific Regulating District (TOD)

NEIGHBORHOOD PLAN AREA: East Cesar Chavez

TIA: See attached memorandum ***(Exhibit A- Transportation Memorandum)***

WATERSHED: Lady Bird Lake **CAPITOL VIEW CORRIDOR:** No

DESIRED DEVELOPMENT ZONE: Yes **SCENIC ROADWAY:** No

SUMMARY STAFF RECOMMENDATION:

Staff supports an alternate rezoning recommendation for the subject property. Staff recommends TOD-CURE-NP with a maximum building height of 75 feet.

Staff supports the change in future land use designation as requested.

PLANNING COMMISSION RECOMMENDATION:

November 14, 2017: *No recommendation forwarded by Planning Commission.*

Motion made to close the public hearing made by Commissioner McGraw and seconded by Commissioner Seegar. This motion passed on a vote of 10-3. (McGraw, White, Thompson, Seegar, Shieh, and Zaragoza, Oliver, Schissler, Anderson, Nuckols- Yea; Kazi, Vela, DeHoyos Hart – Absent) A motion was made by Commissioner Anderson and seconded by Commissioner Nuckols to approve the rezoning request as recommended by staff. A substitute motion was made by Commissioner McGraw and seconded by Commissioner White to deny the rezoning request. The substitute motion failed on a vote of 6-4-3. (McGraw, White, Thompson, Seegar, Shieh, and Zaragoza- Yea; Oliver, Schissler, Anderson, Nuckols- Nay; Kazi, Vela, DeHoyos Hart – Absent) Commissioner Anderson amended his motion to approve the rezoning with a building height limit of 72 feet. This motion failed on a vote of 5-5-3. (Oliver, Schissler, Anderson, Nuckols, Shieh- Yea; McGraw, White, Thompson, Seegar, and Zaragoza- Nay; Kazi, Vela, DeHoyos Hart – Absent)

ISSUES:

The Applicant is proposing to utilize both the TOD density bonus program and –CURE combining district to increase the maximum building height from 40 feet to 90 feet. The density bonus program, as established in the Plaza Saltillo TOD Regulating Plan, allows a height increase up to 60 feet with the provision of onsite affordable housing units or payment of

a fee-in-lieu. The Applicant is providing fee-in-lieu for affordable housing because the proposed development does not include any residential units. Neighborhood Housing and Community Development (NHCD) staff supports the fee-in-lieu request. Therefore, the increase from 40 to 60 feet is administratively granted. The increase above 60 feet would be achieved by utilizing the CURE combining district, if granted.

This rezoning request was filed on August 4, 2017, prior to Resolution No. 20171019-023, which was adopted by City Council on October 19, 2017. The resolution initiates code amendments to the CURE combining district to change its applicability, make it better aligned with Imagine Austin, and to remove CURE combining district from properties east of IH 35. ***Please refer to Exhibits B (Resolution No. 20171019-023).***

DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located at the northeast corner of Comal Street and East 4th Street. The property is zoned TOD-NP, as are all properties to the north, southwest, west, northeast, and east. The property is currently developed with a gravel parking lot, and single family residences. Across 4th Street to the south is Chalmers Court, which is currently zoned MF-4-NP. City Council recently passed a resolution that the Chalmers Court be rezoned to TOD-NP, becoming part of the Plaza Saltillo TOD. East of the subject property, across Concho Street, is Eastside Station, a multifamily residential development. North of the subject property, across an alley, is Saltillo Lofts, a mixed use/multifamily development. Northwest of the subject property is the Plaza Saltillo rail station. To the west, across Comal Street, are an undeveloped lot, single family residences, and commercial land uses. Southwest of the subject property is the former site of the Habitat for Humanity Re-store, which is currently being redeveloped as The Foundry, a mixed use development. ***Please refer to Exhibits C and D (Zoning Map and Aerial View).***

Plaza Saltillo TOD. The subject property is located within the boundaries of the Plaza Saltillo Station Area Plan. The property is subject to the land use and site development standards identified in the associated Regulating Plan, with land use regulations and general design standards organized into subdistricts. There are three mixed-use subdistricts and one residential subdistrict. The property is located within the TOD Mixed Use subdistrict, which allows the highest level of development activity in the TOD, ideally with a mix of ground floor commercial or other active uses with residential, commercial and/or office uses on the upper floors. The property is also located on an "active edge" along the Comal Street frontage. Active edges are designated in key locations of the TOD; ground floor space along an active edge must be designed to accommodate active non-residential uses as established in the TOD Regulating Plan. ***Please refer to Exhibit E (TOD Subdistricts and Active Edges Exhibit).***

Building height regulations do not directly follow the Subdistrict boundaries of the TOD. The TOD establishes a minimum building height for the subject property, a maximum height without development bonuses, and a maximum height that is permitted if affordable housing requirements are met. The minimum height is two stories; the maximum height without development bonuses is 40 feet; the maximum height with development bonuses is 60 feet. If the affordable housing requirements are satisfied, the granting of the bonus height (up to 60 feet) is an administrative process, and therefore not part of this rezoning request. ***Please refer to Exhibit F (TOD Building Height Exhibit).***

CURE Combining District. The -CURE combining district may only be applied to properties located in specified central urban areas, and the subject property is located within approved CURE boundaries. The property also meets the CURE requirement that the site has existing development that is at least 10 years old. The property is not located within a Capitol View Corridor viewshed. ***Please refer to Exhibit G (CURE & View Corridor Exhibit).***

The CURE combining district allows modification of various elements of the base zoning district, which in this case is TOD. CURE can be used to modify permitted or conditional uses, site development regulations, off-street parking or loading regulations, sign regulations, landscaping, or screening regulations.

Rezoning Request. The Applicant is requesting the addition of the -CURE combining district to modify the base TOD zoning district to increase the maximum building height to 90 feet. The Applicant proposes utilizing both the TOD density bonus program and CURE zoning to increase the maximum building height from 40 feet to 90 feet. The density bonus program, as established in the Plaza Saltillo TOD Regulating Plan, allows a height increase up to 60 feet with the provision of onsite affordable housing units or payment of a fee-in-lieu. The Applicant is providing fee-in-lieu for affordable housing because the proposed development does not include any residential units. Neighborhood Housing and Community Development (NHCD) staff supports the fee-in-lieu request. Therefore, the increase from 40 to 60 feet is administratively granted. The increase above 60 feet would be achieved by utilizing the CURE zoning, if granted. The

fee-in-lieu agreement with Neighborhood Housing and Community Development (NHCD) is attached. ***Please see Exhibit H (Affordable Housing Letter).***

In May 2017, the Plaza Saltillo Tracts 1-6 rezoning (Endeavor) cases were approved by Council, and included a Transportation Impact Analysis (TIA). Since a TIA of that size reviews intersections beyond the zoning case boundaries, the study area encompassed the subject tract. Since a comprehensive TIA was done with the Endeavor project, Transportation Staff determined that an additional TIA is not required for the subject tract. The Endeavor TIA identified several future transportation improvement projects for the area, and Transportation Staff has identified some priority improvements that may be impacted by the current project. Staff has developed a schedule for funding participation by the Applicant; the Applicant will be required to meet these requirements at time of site plan. ***Please refer to Exhibit A (Transportation Memorandum).***
Staff has received correspondence in opposition to the proposed rezoning request. ***Please refer to Exhibit I (Correspondence).***

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	TOD-NP – Mixed Use	Parking lot, residential
North	TOD-NP – Mixed Use	Mixed use – commercial, multifamily
South	MF-2-NP	Multifamily
East	TOD-NP – Mixed Use	Mixed use- commercial, multifamily
West	TOD-NP – Mixed Use	Undeveloped, residential, commercial

RELATED CASES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0091 Jaylee Limited (Arnold Oil) 1601& 1645 E. 6th Street	TOD-NP to TOD-CURE-NP	August 27, 2013: PC approved Staff rec. on consent (8-0-1) TOD-CURE-NP to allow: 1.The property will be developed as an Office Tract and a MF Tract. 2. The Office Tract and MF Tract will be joined by a UDA and/or Shared Parking Agreement. 3. Parking for both Tracts may be located on the MF Tract.	September 26, 2013: ORD NO. 20130926-100-CC approved TOD-CURE- NP as rec. on consent (8-0-1)
C14-2015-0054 901 East	TOD-NP to TOD-CURE-NP	June 23, 2015: To grant TOD-CURE-CO-NP as recommended by Staff, on consent (8-0) to allow building height increase from 60 to 80 feet and 1. Max. 2,000 vehicular trips per day; 2. Vehicular access to East 6th Street is prohibited. 3. Section 25-2-531 of City Code is modified to include storage rooms and restrooms structures.	August 13, 2015: Approved 1st reading only with additional community benefit requirement. September 10, 2015: ORD NO. 20150910-018-CC approved TOD-CURE - CO-NP on consent (11-0)
C14-2016-0049, C14-2016-0050, C14-2016-0051 Plaza Saltillo Tracts 1-6 (Endeavor Project)	TOD-NP to TOD-CURE-NP	January 10, 2017: To grant rezoning from TOD-NP to TOD-CURE-NP, as rec, (9-4). Building heights increased to 68', 70' and 125'. Commission also requested staff include the following items for additional information and review prior to review by city council: 1. Staff shall identify mechanisms that will ensure that the affordable housing units on tract 6 are constructed in an appropriate timeframe in relation to the rest of the overall project; 2. Staff shall examine options for future participation by the city in increasing the number of affordable housing units up to the 25% level as	March 2, 2017: To approve ORD NOs. 20170302-062, 20170302-063, and 20170302-064 TOD-CURE-NP with mod. (7-4) February 16, 2017: Approved 2nd reading only,

		described in section 4.3 of the Plaza Saltillo regulating plan; and, 3. PC does not intend for support of the height increase on this project to be considered a guiding precedent for the overall area. PC supported the height requests on these zoning cases because of the specific issues of the cases, namely: this is the Plaza Saltillo project owned by Capital Metro, which has been planned for higher intensity; the project is located within a TOD, which was designed for higher density; the project is located within a CURE district, which allows greater intensity in order to promote revitalization; the location of the proposed 125 foot height limit is located close to IH 35.	no changes. (8-3) February 9, 2017: Approved 1st reading only w/ condition: to grant a max building height of 70 feet for the eastern portion of Tract One and 125 feet for the western portion. Vote: (8-3)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Cap Metro (¼ mile radius)
Comal Street	70'	36'	Collector	Yes	Yes	Yes
E. 4th Street	70'	30'	Local	No	Yes	Yes
Concho Street	30'	20'	Local	No	No	Yes
Alley	22'	15'	Alley	N/A	Yes	Yes

SCHOOLS:

Zavala Elementary School Martin Middle School Eastside Memorial HS at Johnston

NEIGHBORHOOD ORGANIZATIONS:

Capital Metro
East Cesar Chavez Neighborhood Association
Greater East Austin Neighborhood Association
Homeless Neighborhood Association
El Concilio Mexican-American Neighborhoods
East Austin Conservancy
Guadalupe Association for an Improved Neighborhood (GAIN)
Neighbors United for Progress
Black Improvement Association
SELTexas
Tejano Town
Friends of Austin Neighborhoods
Preservation Austin
Guadalupe Neighborhood Development Corporation
East Sixth IBIZ District
Austin Neighborhoods Council
Barrio Unido Neighborhood Association
A.N.T. Artists and Neighbors Together
United East Austin Coalition
Claim Your Destiny Foundation
Sierra Club
East Cesar Chavez Neighborhood Planning Team
Austin Innercity Alliance
AISD

CITY COUNCIL DATE:

February 1, 2018:

December 7, 2017: This item was postponed to February 1, 2018 at the request of the applicant on Council Member Houston's motion, Council Member Renteria's second on a 9-0 vote. Council Members Garza and Troxclair were absent.

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122
e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff supports an alternate rezoning recommendation for the subject property. Staff recommends TOD-CURE-NP with a maximum building height of 75 feet. Staff supports the change in future land use designation as requested.

The proposed increase in height is consistent with the priorities and goals of the Plaza Saltillo TOD, as outlined in the Urban Design/Comprehensive Planning comments listed below. The TOD has mechanisms to increase height to 60' and gain affordable housing units and funds. Since the creation of the TOD in 2008, several rezoning cases have been approved with –CURE, demonstrating a demand for additional density in the area. The subject tract is particularly suitable for increased density due to its proximity to the Plaza Saltillo Station (diagonally across Comal Street). While Staff does not support the requested 90-foot building height, Staff does believe a 75-foot height limit would be consistent with TOD and –CURE goals.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Staff believes the proposed rezoning, with conditions, meets the purpose of the CURE combining district as stated in the Land Development Code:

> "The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.
> (B) A CURE combining district may be used:
> (1) for sustainable redevelopment of homes, multifamily housing, and small businesses;
> (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood;
> (3) to improve the natural environment; and
> (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood."

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

Several -CURE rezonings have been approved in the Plaza Saltillo TOD since the creation of the TOD in 2008. The –CURE request for the subject property is similar to the nearby TOD-CURE-NP properties.

URBAN DESIGN/COMPREHENSIVE PLANNING

These properties are located at the corner of E 4th Street and Comal approximately one block from the Plaza Saltillo Station. These properties are zoned TOD mixed use and the façade facing Comal will have to comply with active edge standards. The properties south of the project site are not included in the Plaza Saltillo Regulating Plan and are currently in use as multi-family residential. The proposed development would support greater transit use in this area and contribute to the desired mix of uses around the station area that is described in the plan.

Plaza Saltillo Regulating Plan- The proposed zoning change would further the following statements of intent from the Plaza Saltillo regulating plan:
2.2.1: Encourage transit supportive uses, which generally have higher densities near transit stops, thereby promoting greater transit ridership.
2.2.2: Create opportunities for shorter, multi-purpose trips by encouraging a mix of uses within the Plaza Saltillo TOD district.
2.2.3: Locate the highest level of activity and mix of uses in the TOD district around transit and along major streets

Plaza Saltillo Station Area Plan- The Plaza Saltillo Station Area Plan also identifies the property as TOD mixed use with an active edge. The proposed zoning change is supported by several of the TOD design principles identified in the plan: Greater density than community average; a mix of uses; and a defined center.

Imagine Austin- The subject property is located along an Activity Corridor in the Imagine Austin Growth Concept Map. Activity Corridors are intended to be connections between different centers as well as the site of mixed-use development. The proposed project is supported by the following Core Principles for Action described in the plan: Grow as a compact, connected City. The following IACP policies are applicable to this case:

LUT P1: Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the Growth Concept Map.
LUT P3 Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
LUT 10: Direct housing and employment growth to activity centers and corridors.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Plaza Saltillo Regulating Plan, Plaza Saltillo Station Area Plan, and the Imagine Austin Comprehensive Plan.

TRANSPORTATION

TR1. This applicant shall provide traffic mitigations identified within the previously approved Traffic Impact Analysis conducted with the adjacent zoning application Plaza Saltillo Tract 6 (C14-2016-0051/SP-2015-0479C/SP-2015-0480C).
TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan to accommodate the transportation system and network.
TR3. If the requested zoning is granted, it is recommended that joint access be provided to Concho Street and 4th Street for the 6 lots.
TR4. FYI- Comal Street is a Pedestrian Priority Street within the Plaza Saltillo TOD and serves as a primary pedestrian route leading directly to the transit facility.
TR5. FYI- The adjacent alley is proposed for the Lance Armstrong Bikeway / Cross Town Bikeway.
TR6. FYI- According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, the Lance Armstrong Bikeway is recommended for the adjacent alley connecting Comal Street to the trail at Concho Street; a buffered bike lane is recommended for Comal Street, and a bike lane is recommended for E 4th Street.
TR 7. FYI – the Plaza Saltillo TOD regulations are required for this site at the time of the subdivision and site plan applications.

CAPITAL METRO

Concerning all proposed development within 500-feet of the Capital Metro Rail Tracks- Capital Metro runs freight service on these tracks, and is required to continue to do so as a matter of federal law. Since March 22, 2010, we are operating passenger rail service, primarily, but not limited to, weekday hours. With the start of passenger rail service, we have shifted freight rail service to other times, particularly the hours after the last passenger train has run. This shift is in accordance with Federal regulations and safety procedures.
All concerned parties need to be aware of the freight service in planning any development. The freight trains generate some noise as they move through. At many urban street crossings, there are upgraded signal systems with crossing arms to block the roadway. This allows the City of Austin the ability to apply for a "quiet zone" meaning that the train will not blow its horn, under normal operations, as it moves through the street. At other crossings, the freight train will blow the horn, which is approximately 96 decibels. At any time, if the engineer judges it to be prudent, the horn will be sounded as needed for safe operation. Please consider this information in planning developments near the Capital Metro rail lines.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.
SP 2. FYI- This site is in the CURE overlay and the Plaza Saltillo TOD and the East Cesar Chavez Neighborhood Planning Area. Design regulations in accordance with the Plaza Saltillo TOD Regulating Plan will be applied at the time a site plan is submitted.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
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. Very few 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 but it is likely that none exist at this address.
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 s.f. cumulative is exceeded, and on site control for the two-year storm.

WATER UTILITY

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

EXHIBIT A

MEMORANDUM

TO: Heather Chaffin, Case Manager
Planning and Zoning Department

CC: Anna Martin, P.E., PTOE
Austin Transportation Department

FROM: Scott A. James, P.E., PTOE
Land Use Review/Transportation
Development Services Department

DATE: November 8, 2017

RE: 1600 East 4th Street (also called "4 East")
Zoning Case C14 – 2017 – 0105

Section 25 – 6 – 114 of the Land Development Code requires that a traffic impact analysis be conducted for a zoning or site plan application if the proposed project is anticipated to generate more than 2,000 daily trips. The project site is 0.8387 acres and is located on East 4th Street between Comal Street and Concho Street in East Austin. This project site is subject to the Regulating Plan for the Plaza Saltillo TOD Station Area Plan (SAP), adopted December 8, 2011 and revised May 25, 2013 by the Austin City Council.

The request is to rezone the site from TOD – NP to TOD – CURE – NP zoning to allow for a proposed development of up to 150,000 SF of general office, 5,000 SF of restaurant and 3,500 SF of retail services.

Nearby roadways

East 6th Street is classified as a two lane undivided major arterial roadway. Based on the 2010 TxDOT saturation counts, East 6th Street near Chicon Street serves approximately 6,500 vehicles per day (vpd). The posted speed limit along East 6th Street is 30 MPH.

East 5th Street is classified as a two lane undivided minor arterial. The posted speed limit along East 5th Street is 30 MPH. According to the 2010 TxDOT saturation counts, East 5th Street near IH-35 serves approximately 6,500 vpd.

East 4th Street is classified as a two lane undivided roadway. The assumed speed limit along East 4th Street is 30 MPH. According to 2010 TxDOT saturation counts, East 5th Street near IH-35 serves approximately 1,000 vpd.

Cesar Chavez Street is classified as a two lane undivided minor arterial. The posted speed limit along Cesar Chavez Street is 30 MPH. According to 2010 TxDOT saturation counts, Cesar Chavez Street near Comal Street serves approximately 18,500 vpd.

Navasota Street is classified as a local street. The assumed speed limit along Navasota Street is 30 MPH. Per the 2010 TxDOT saturation counts, Navasota Street near East 5th Street serves approximately 500 vpd.

Comal Street is classified as a collector. The assumed speed limit along Comal Street is 30 MPH. Per the 2010 TxDOT saturation counts, Comal Street near East 5th Street serves approximately 3,500 vpd.

Chicon Street is classified as a two lane undivided minor arterial. The posted speed limit along Chicon Street is 30 MPH. Per the 2010 TxDOT saturation counts, Chicon Street near East 5th Street serves approximately 6,000 vpd.

Trip Generation and Traffic Analysis

As described in the application, the proposed development is include up to 150,000 SF of general office, 5,000 SF of restaurant and 3,500 SF of retail land uses. According to the ITE publication Trip Generation, 9th Edition, the total number of estimated daily trips would be 2,541 vpd. Table 1 below summarizes the site trip generation referenced for this application:

Table 1 – Estimated Site Trip Generation

Land Use (ITE Code)	Intensity	24-Hour Two-Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
General Office (710)	150,000 SF	1787	233	32	42	205
Specialty Retail (826)	3,500 SF	156	64	69	13	17
Sit down Restaurant (932)	5,000 SF	336	30	24	30	19
Totals		**2,541**	**327**	**125**	**85**	**241**

Review staff from the Austin Transportation and Development Services Department discussed this zoning application and confirmed that mitigation will be required. However, this location is within the study area for a previously reviewed and approved zoning application (Plaza Saltillo TOD, C14 – 2016 – 0049). This prior study identified infrastructure improvements that may also serve the site traffic generated by the subject property.

Review staff identified proposed infrastructure improvements that, in proportion to the subject development, would serve to mitigate the impact of site traffic upon adjacent roadway infrastructure. Rather than request and review a separate Traffic Impact Analysis (TIA) for this application, review staff agreed to support the zoning application, contingent upon the posting of fiscal for the following identified infrastructure improvements:

Table 2 – Identified infrastructure improvements

Location	Transportation Improvement	Estimated Cost	Developer Share
East 4th St/ IH -35 frontage	• Install traffic signal improvements to Lance Armstrong Bikeway crossing	$400,000	$50,000
Comal Street/ public alleyway	• Upgrade LAB crossing • Install raised intersection	$50,000.00	$50,000
LAB b/t Comal Street and Concho Street	• Improve LAB surface treatments and pavement markings	TBD	100%
	Total	$455,000+	$100,000+

Recommendations

1) Prior to the release of site plan, the applicant shall post fiscal in the amount of $100,000 towards the following improvements:

   a. Installation of a traffic signal at the intersection of East 4th Street and IH – 35 frontage roads, and
   b. Enhanced pedestrian and bicycle crossing on Comal Street for the Lance Armstrong Bikeway (LAB) connection.

2) The development is also to include improvements within the public alleyway to facilitate use of the LAB and minimize conflict between vehicles, cyclists and pedestrians.

3) Development of this property should not vary from the approved uses, nor exceed the approved land use intensities in this memorandum, otherwise staff reserves the right to revisit the conditions of this project application and reserves the right to recommend additional mitigation.

If you have any questions or require additional information, please contact me at (512) 974 - 2208. Thank you.

Scott A. James, P.E., PTOE
Land Use Review Division/ Transportation

EXHIBIT B

RESOLUTION NO. 20171019-023

WHEREAS, on February 8, 1996, Austin City Council approved creation of the Central Urban Redevelopment (CURE) combining district to incentivize revitalization of the downtown area and up to six commercially zoned corridors in neighborhoods east of Interstate Highway 35; and

WHEREAS, the stated purpose of CURE is to enhance the stability of neighborhoods and promote redevelopment that is compatible in design and proportion with the surrounding area; and

WHEREAS, application of CURE to increase maximum permitted heights and floor-to-area ratios east of the interstate has resulted in downtown verticality and intensity of use incompatible with the oldest residential neighborhoods of East Austin, incentivized demolition of their historic fabric, and accelerated displacement of longtime low and moderate income residents and small businesses; and

WHEREAS, normal compatibility standards do not apply on certain parcels along certain East Austin corridors, allowing taller structures closer to single-family uses than would otherwise be permitted; and

WHEREAS, in conjunction with waived compatibility standards, application of the CURE on these parcels and corridors will jeopardize the long-term viability of adjacent revitalized neighborhoods and the uses within them by permitting intense development so out of scale with its context as to dramatically degrade quality of life and increase property values; and

WHEREAS, these negative outcomes are at odds not only with the purpose of the CURE combining district but also with Imagine Austin, which seeks to

preserve the diversity and character of neighborhoods and protect areas of cultural and historic importance; and

WHEREAS, the conditions of blight and divestment that originally prompted application of the CURE to East Austin corridors no longer apply;

NOW, THEREFORE,

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

Council initiates the following code amendments to the Central Urban Redevelopment combining district (CURE) to change its applicability and better align it with Imagine Austin.

BE IT FURTHER RESOLVED:

CURE does not apply east of IH-35/East Avenue.

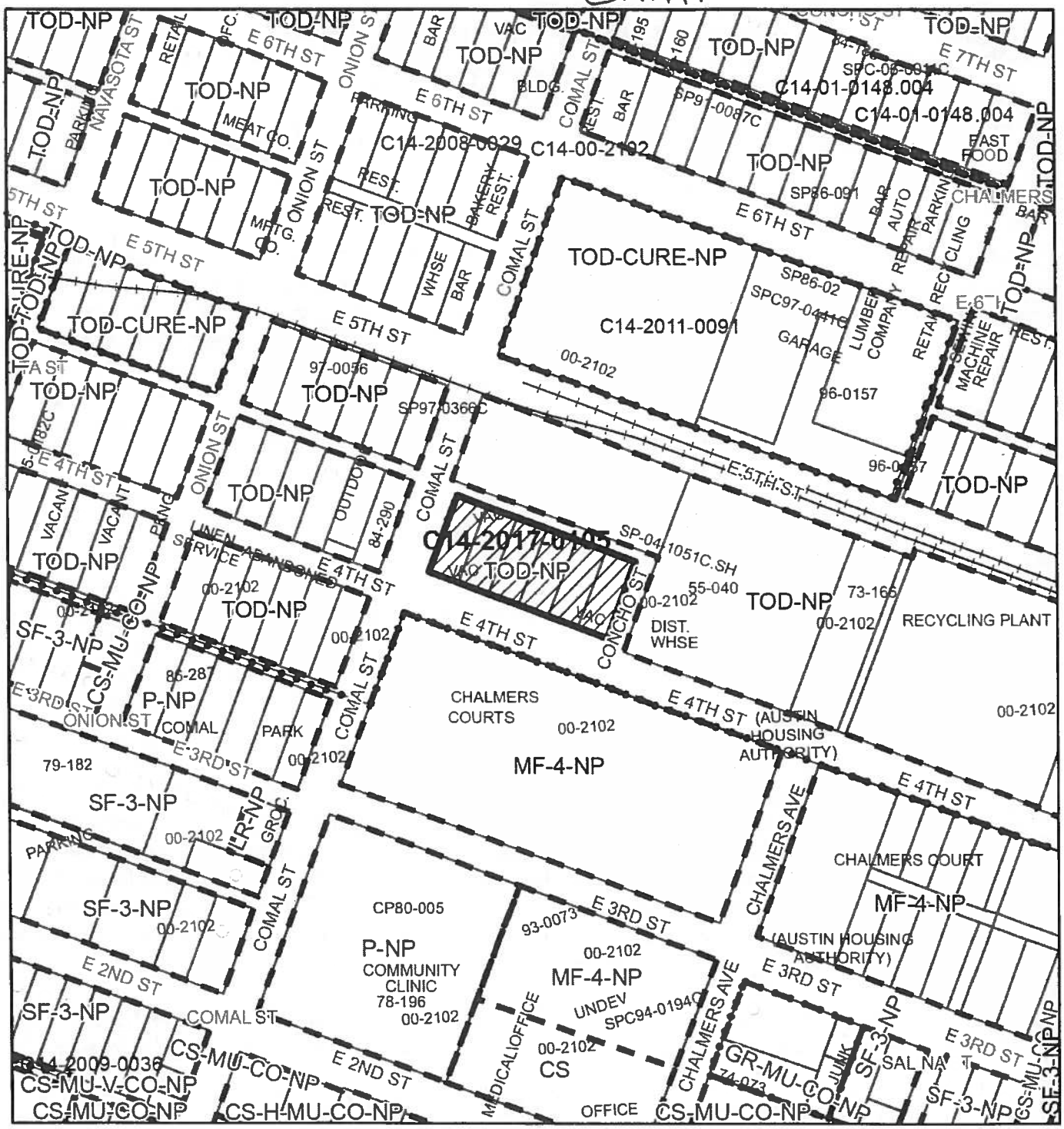
BE IT FURTHER RESOLVED:

The city manager is directed to bring the above code amendments back to Council by the last Council meeting of January 2018.

ADOPTED: October 19, 2017

ATTEST: Jannette S. Goodall
Jannette S. Goodall
City Clerk

EXHIBIT C



ZONING

Case#: C14-2017-0105

N

Subject Tract

Pending Case

Zoning Boundary

Railroads

Feet

0 100 200

1 " = 200 '

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 the Planning and Zoning Department for the sole purpose of geograph c reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 8/11/2017

EXHIBIT D
TOD-NP
NAVASOTA ST
ONION ST
E 6TH ST
CONCHO ST
NPA-2011-0002.01
TOD-CURE-NP
C14-2016-0051
E 5TH ST
COMAL ST
CONCHO ST
E 4TH ST
CS-MU-CO-NP
SF-3-NP
P-NP
MF-4-NP
LR-NP
E 3RD ST
CHALMERS AVE
E 2ND ST
CS
GR-MU-CO-NP
C14-2017-0113

EXHIBIT E

Figure 2-1: Plaza Saltillo Station Area Plan TOD Subdistricts

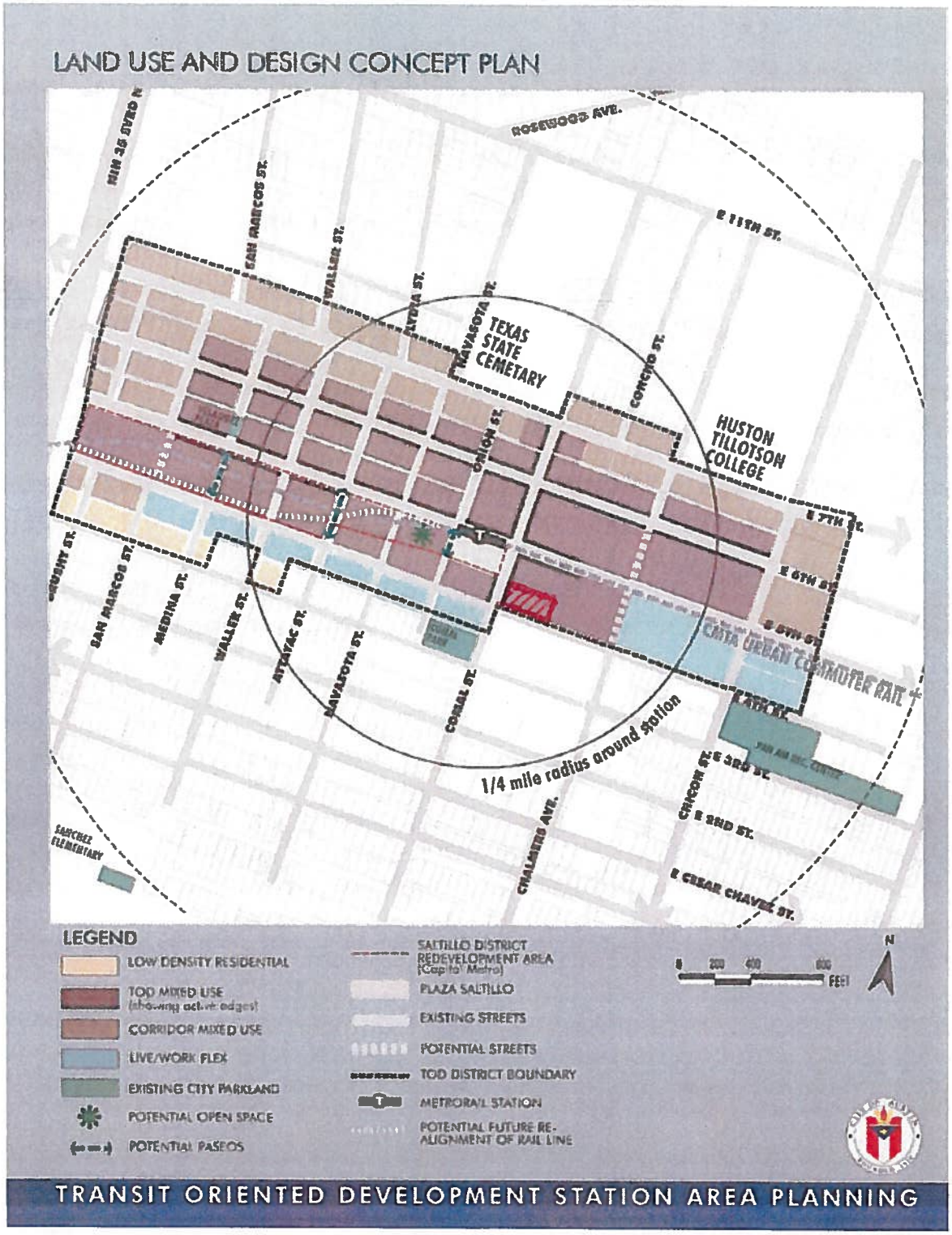


EXHIBIT F

Figure 4-1: Base Maximum Building Height (with no development bonus)

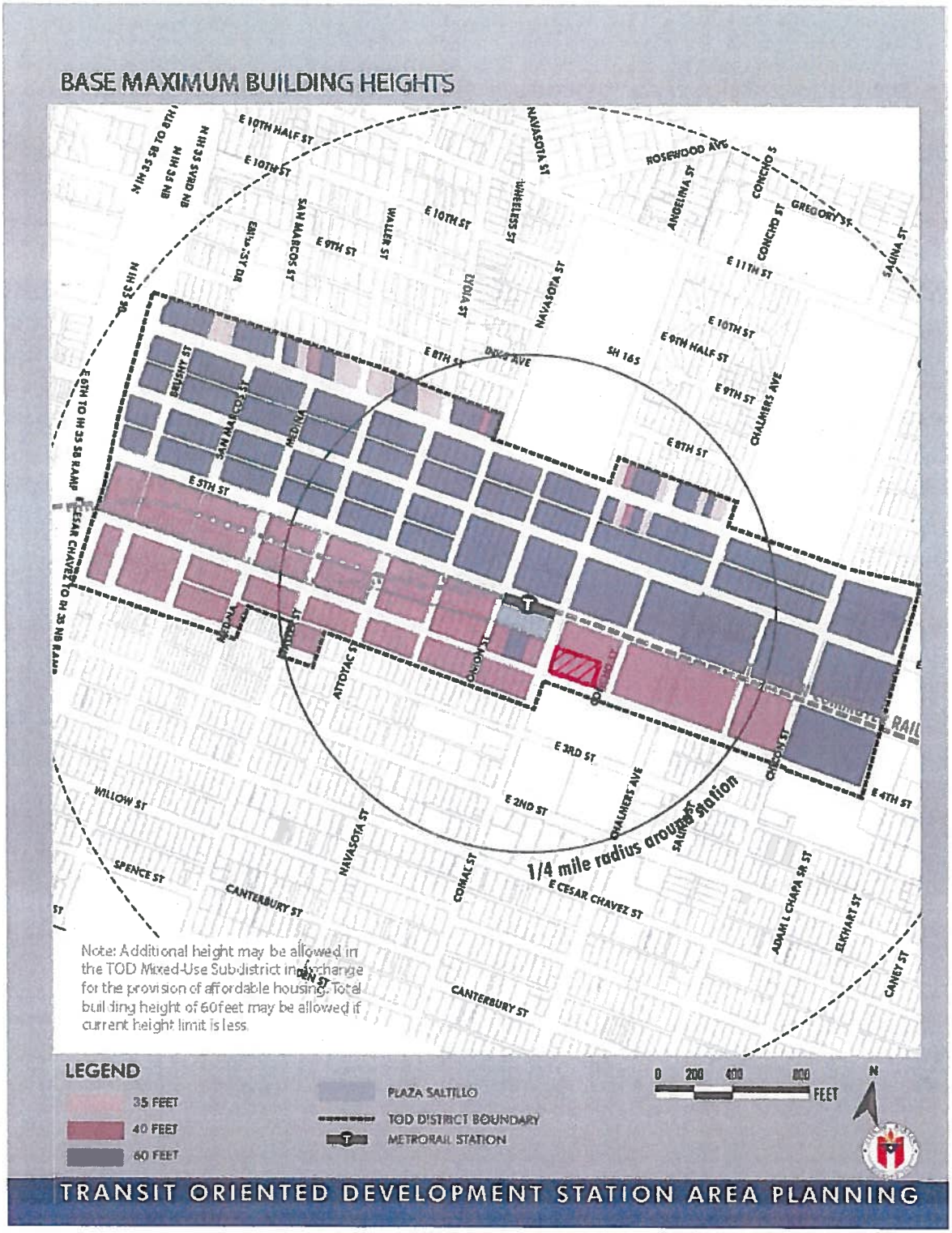


EXHIBIT G

N

SUBJECT TRACT

PENDING CASE

Capital Corridor

CURE

1" = 400'

4 East

ZONING CASE#: C14-2017-0105

LOCATION: East 4th Street

GRID: K21

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.

CITY OF AUSTIN FOUNDED 1839

City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

EXHIBIT H

November 7, 2017

Ms. Heather Chaffin
Planning and Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78703
VIA ELECTRONIC MAIL Heather.Chaffin@austintexas.gov

Re: Fee-in-lieu Request 4 East - Property located at 1600, 1602, 1604, 1606, 1608 and 1610 E 4th Street – Zoning Case No C14-2017-0105

Dear Ms. Chaffin:

The Neighborhood Housing and Community Development Department (NHCD) has reviewed the request of the owner of the property located at 1600, 1602, 1604, 1606, 1608 and 1610 E 4th Street to provide a fee-in-lieu payment in place of providing affordable housing units in the project known as the 4 East. This request to provide a fee-in-lieu payment is permitted as part of the density bonus section of the Plaza Saltillo Regulating Plan, specifically Section 4.3.3(D) and requires the approval of the City Council.

The Plaza Saltillo TOD Regulating Plan permits the donation of a fee-in-lieu of onsite affordable housing under Section 4.3.3(D) if the property owner/developer can demonstrate a compelling reason not to provide the required on-site affordable housing. The TOD regulating plan establishes a fee-in-lieu of $11 per square foot of bonus area. The fee-in-lieu shall be calculated in accordance with the Plaza Saltillo Regulating Plan, Section 4.3.3(D)(2). The fee-in-lieu is to be paid into the Housing Assistance Fund otherwise known as the Housing Trust Fund.

NHCD supports the property owner's request to pay a fee-in-lieu of providing affordable housing units on-site based on the following compelling reason:

1) The project is not a residential project.

City Council must approve the request for a fee-in-lieu of on-site affordable housing units. If City Council chooses to approve the fee-in-lieu request. NHCD recommends that the Council Zoning Ordinance include language that highlights that the approved fee-in-lieu of on-site affordable units is contingent upon build out of a development that includes no residential uses. If the approved site plan includes residential uses, the fee-in-lieu approval will be void and the property owner will be responsible for meeting the on-site affordable housing requirements set by the Plaza Saltillo Regulating Plan or request City Council approval for a fee-in-lieu based on the site plan at that time.

An administrative hold shall be placed on the building permit(s), until the following items have been completed: 1) prior to issuance of certificate of occupancy the fee-in-lieu calculation has been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) the fee-in-lieu has been paid in full to the Neighborhood Housing and Community Development Office.

Please contact me if you need additional information by phone at 512.974.3128 or by email sandra.harkins@austintexas.gov.

Sincerely,

Sandra Harkins

Sandra Harkins, Project Coordinator
City of Austin
Neighborhood Housing and Community Development Department

cc: Michel Whellan, Applicant Representative

EXHIBIT I

November 14, 2017

To: Austin Planning Commission
Cc: Austin City Council

Case Number: C14-2017-0105 and NPA-2017-0002.01 set for discussion on November 14, 2017
Re: 1600, 1602, 1604, 1606, 1608, and 1610 East 4th Street

Dear Planning Commissioners:

I am writing on behalf of the East César Chavez Neighborhood Plan Contact Team ("ECCNPCT") in regards to the rezoning request set forth in case number C14-2017-0105 and NPA-2017-0002.01

At a special called meeting of the ECCNPCT—which was held on November 13, 2017, to discuss this issue—**the team voted unanimously to OPPOSE the request** to rezone 1600, 1602, 1604, 1606, 1608, and 1610 East 4th Street from TOD-NP to TOD-CURE-NP.

Currently, a maximum building height of 40 feet is allowable within the Saltillo TOD boundaries, with 60 feet being obtainable if a developer and the city agree to terms allowable under the Density Bonus Program. These maximum heights were designed with the entire neighborhood in mind, and were intended to step down to the single-family neighborhoods that border the Saltillo TOD. The requested zoning change to 90 feet, and the staff recommended change to 75 feet, are radically out of step with these principles, and would cut deeply into the heart of a single-family neighborhood.

ECCNPCT is unanimously opposed to any further approvals of CURE zoning in our community. CURE is no longer used in the Central Business District. **If CURE is not right for the CBD, it's definitely not right for the East César Chavez community**. CURE was created to attract and encourage development—an incentive that would have been appropriate in our neighborhood 15 years ago, but is certainly no longer needed. Several council members recently called for rolling back CURE zoning in East Austin to protect our community from further gentrification. Our council member, Pio Renteria, is on the record supporting this proposed rollback.

Recently, the Planning Commission voted to approve CURE to allow the tallest office building in the Plaza Saltillo project. Commissioners agreed to this after laying out several reasons why this rezoning would not set a precedent for more high rises in our neighborhood. These reasons included the fact that: 1) The property was owned by Capitol Metro, 2) The extra revenues from the project would help fund Capitol Metro, our public transportation provider, 3) The project's proximity to I-35 would

a project of this scale, in this specific location, had been planned for more than a decade. Please note

that these features are unique to the Saltillo project. Not a single one of these considerations is applicable to the aforementioned proposal.

Continuing to allow CURE zoning in the East César Chavez community will set a new precedent for height and density that will have a profoundly negative effect on a neighborhood that is already struggling to adapt to breakneck development. The CURE zoning does not, in any way, directly benefit the East César Chavez community, and will have a dramatic effect on traffic in an area composed entirely of two-lane streets. The 1600 block of East Fourth Street is not situated on a five-lane road such as East Seventh Street, but rather a two-lane street. The traffic calculations within the backup material show an increase of over 2,500 trips per day.

No proposed project that we have seen so far threatens the integrity of our neighborhood as much as this one, at so great a cost. **If this rezoning were approved, it would set a precedent that would forever transform the East César Chavez community into "Downtown East".**

Our neighborhood consistently does our share to ensure that Austin continues to develop into a more mobile, connected, and denser urban community. However, we are regularly called upon to carry the burden of our city's collective goals, often more than any other central Austin neighborhood. We hope you will help us find a middle path—one that will allow our neighborhood to be developed in a way that best benefits the wider Austin community, without obliterating our East César Chavez community in pursuit of that shared goal.

We strongly urge you to OPPOSE this rezoning request.

Sincerely,

Susan Benz
Treasurer
East Cesar Chavez Neighborhood Plan Contact Team

CC: Hon. Mayor and Council of the City of Austin *via e-mail, City of Austin Planning Staff,*
ECCNPCT, *via e-mail*