



August 25, 2021

Austin City Council

Via E-mail: [maureen.meredith@austintexas.gov](mailto:maureen.meredith@austintexas.gov), [Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)

**RE: Plan Amendment Case: NPA-2020-0002.02  
Zoning Case #: C14-2021-0058**

Property Address: 1501 E. 6th Street (also known as 1509 East 6th Street and 1510 East 5th Street)

Dear Council Members,

The role of the East Cesar Chavez Neighborhood team is to preserve the integrity of our neighborhood plan and that of the Saltillo TOD. Both plans were heavily researched, vetted, and considered by knowledgeable, capable folks. They're our plans, smart plans, and plans that feel good to the neighborhood. They say that 60 feet is the appropriate height for buildings at this project's location.

That said, as stewards of our neighborhood plan, projects that propose strong affordable housing components in exchange for height variances are welcomed and cannot be ignored. Increased height precedents have been established for projects that bring strong affordable housing and/or fee-in-lieu proposals to our team. Those precedents cap out at building heights of 75 feet.

**On May 19, 2021 at a general meeting, the ECC-NPCT voted to support the applicant's proposal to amend the zoning height definition in this case to change the base maximum building height from 60 feet to 85 feet strictly contingent upon the inclusion of family-friendly units with a minimum of 2 bedrooms.**

**Furthermore, on June 17, 2021 at a general meeting, the parties clarified that support for an 85' height variance was strictly contingent upon the delivery of 10% of the gross square footage of affordable housing being committed to family friendly units with a minimum of 2 bedrooms.**

**Additionally, the ECC-NPCT voted to support a 90' height variance at the south side of the project (Saltillo Plaza side) ONLY, strictly contingent upon the delivery of 20% of the gross square footage of affordable housing being committed to family-friendly units with a minimum of 2 bedrooms.**

**In a letter of support submitted to the Planning Commission on on June 23, 2021, per conversations with the applicant and their attorney, the above paragraph was edited and the following language was added per the guidance of the applicants attorney was added in good faith that the restrictive covenant met the intention of the neighborhoods understanding of our agreement. (See Illustrations Attached)**

**Kristen Heaney**

**Additionally, the ECC-NPCT voted to support a 90' height variance ~~at the south side of the project (Saltillo Plaza side) ONLY~~, strictly contingent upon the delivery of 20% of the gross square footage of affordable housing being committed to family-friendly units with a minimum of 2 bedrooms. While the 90' zoning height would apply to the entire site, the building shall not be any taller than 85' height as measured from the ground floor elevation on E. 6th Street. The ECC-NPCT understands that a private Restrictive Covenant may be necessary to enforce the height limit on E. 6th Street.**

**Unfortunately, as the restrictive covenant has now been drafted and submitted for our review on Tuesday 8/24/2021 we have come to realize that the restrictive covenant DOES NOT match the intention of the ECC-NPCT's letter of support. We cannot support the project as described in the restrictive covenant.**

**We can stand by our support of an 85' height variance (as commonly measured from the average grade of the property) and strictly contingent upon the delivery of 10% of the gross square footage of affordable housing being committed to family friendly units with a minimum of 2 bedrooms.**

This proposal is one of very few projects that come before the ECC-NPCT that add real value to the neighborhood by including critically needed affordable housing. This project only scratches the surface of the need for affordable units in our neighborhood and we hope to see more follow in its footsteps.

Sincerely,

*K Heaney*

**Kristen Heaney**

Chair

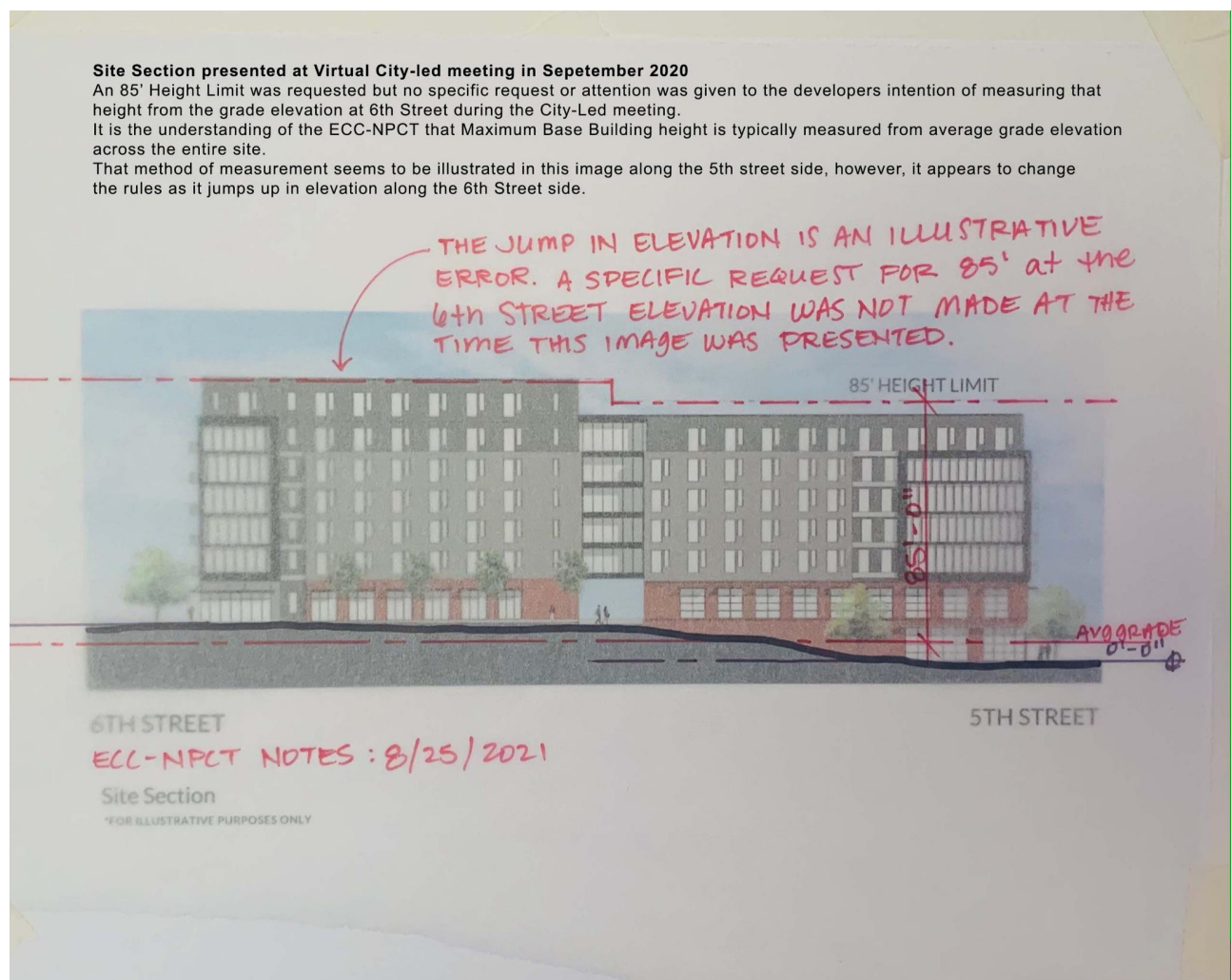
East Cesar Chavez Neighborhood Planning Team

CC:

ECCNPT via e-mail

Planning Commission via e-mail

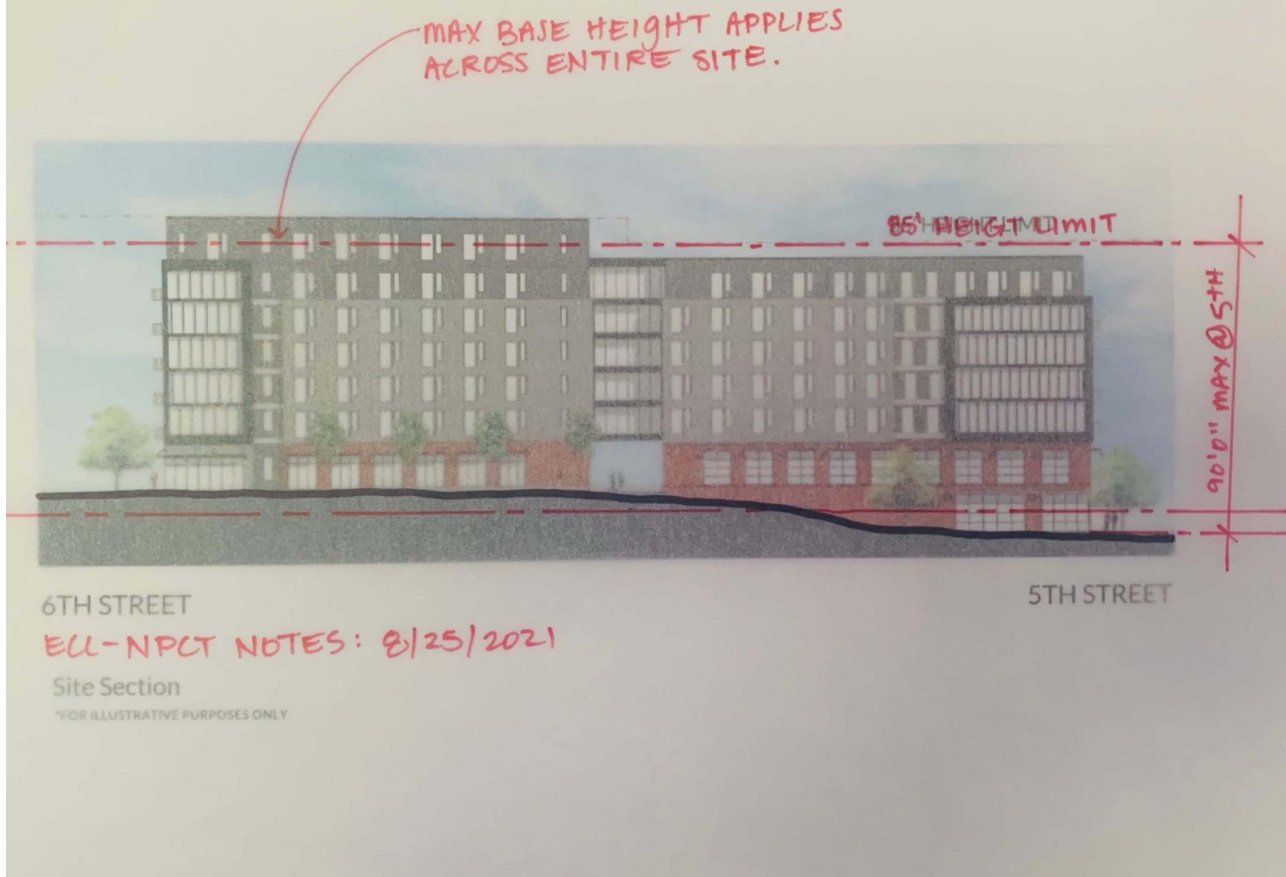
Austin City Council Members, via e-mail



**ECC-NPCT Intention Behind Letter of Support**

An 85' Height Limit as measured from average grade elevation across the entire site contingent upon the delivery of 10% of the gross SF of affordable housing being committed to family friendly units with a minimum of 2 bedrooms.

Additionally, the ECC-NPCT voted to support a 90' height variance at the south side of the project (Saltillo Plaza side) ONLY, strictly contingent upon the delivery of 20% of the gross square footage of affordable housing being committed to family-friendly units with a minimum of 2 bedrooms.



**Restrictive Covenant Illustration**  
An 85' Height Limit as measured from the finish grade at 6th Street resulting in a 98' height at 5th street.

APPLICANTS RESTRICTIVE COVENANT LANGUAGE  
ESTABLISHES A PRECEDENT THAT DOES NOT  
ALIGN WITH THE INTENTION OF WHAT THE  
ECC-NPCT UNDERSTOOD IT WAS AGREEING TO.



6TH STREET

5TH STREET

ECC-NPCT NOTES: 8/25/2021

Site Section

\*FOR ILLUSTRATIVE PURPOSES ONLY