

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2021-0138 -- 1400 E. 4th Street

DISTRICT: 3

REQUEST: C14-2021-0138 – 1400 East 4th Street – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1400 East 4th Street (Lady Bird Lake Watershed). Applicant Request: To rezone from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. First reading approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning on March 3, 2022. Vote: 10-0, Mayor Adler absent. Owner/Applicant: Robert C. Beall and Beth A. Beall. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No comments at this time.

OWNER/APPLICANT: Robert C. Beall and Beth A. Beall

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.).

DATE OF FIRST READING: First reading approved on March 3, 2022.

CITY COUNCIL HEARING DATES/ACTION:

4/7/2022:

3/24/2022: To grant postponement to April 7, 2022 as requested by Neighborhood, on consent.

March 3, 2022: To grant TOD-NP to change a condition of zoning on 1st reading only. Approved on consent, 10-0. Mayor Adler absent.

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0138
1400 E 4th Street

DISTRICT: 3

ZONING FROM: TOD-NP

TO: TOD-NP, to change a condition of zoning

ADDRESS: 1400 East 4th Street

SITE AREA: 0.9983 acres

PROPERTY OWNER:
Robert C. Beall and Beth A. Beall

AGENT:
Armbrust & Brown PLLC
(Richard Suttle)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning to TOD-NP to amend the Saltillo Plaza Transit Oriented District (TOD) Station Area Plan and Regulating Plan to allow a building height up to 85 feet.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 8, 2022: To grant TOD-NP as recommended by staff to allow a building height up to 85 feet, approved on consent.

January 11, 2022: To postpone to February 8, 2022 as requested by Planning Commission, approved on consent.

CITY COUNCIL ACTION:

March 3, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes utilizing the Plaza Saltillo TOD Density Bonus tool which allows increased floor-to-area ratio (FAR) for developments that include affordable residential units or pay a fee-in-lieu to the Housing and Planning Department (HPD). The Density Bonus tool permits the property to increase the building height from 40 feet to 60 feet to meet the permitted FAR of 2:1. This is already administratively permitted by the TOD. Since the Applicant intends to develop the property with office land uses with ground floor restaurant uses and sub-grade parking. Since there are no onsite residential units, the Applicant will be required to pay the fee in lieu.

The rezoning request is to allow the property to increase the building height from 60 feet to 85 feet and increase the FAR from 2:1 to 3.81. If granted, the applicant will be required to pay the fee-in-lieu to HPD for the total increase in FAR. ***(Please see Exhibit C- Applicant Letter).***

CASE MANAGER COMMENTS:

The subject property is located on the north side of East 4th Street between Navasota Street and Onion Street. The rezoning tract is bounded by a vacated alley to the north. The property is zoned TOD-NP, as are the surrounding properties. The property is currently developed with office and warehouse uses. The property across the alley to the north are Capital Metro offices. Plaza Saltillo rail station is northeast across the intersection of the alley and Onion Street. Across Onion Street to the east are Indoor and Outdoor entertainment and Pedicab storage and dispatch service land uses. A mixed use multifamily/office building is also under construction on the block. Across East 4th Street to the south are multifamily and single family residential land uses. A vacant property on the block is under site plan review for a 6-story condominium building. Across Navasota to the west is a cocktail lounge and disused warehousing land uses, as well as Capital Metro properties related to the Plaza Saltillo rail station. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

The property is located in the TOD Mixed Use (TOD-MU) district of the Plaza Saltillo TOD. The TOD-MU district includes properties along the Plaza Saltillo rail corridor from IH 35 to ***Chicon Street. Please see Exhibit D- Station Area Plan Exhibit.*** The subject property is limited to 40 feet in height as are most other properties in the area. As stated in the Issues Section, these properties are all administratively eligible to utilize the Density Bonus tool to achieve a 60-foot building height limit, but few have. One property on the block to the east utilized the bonus to reach 60 feet in height, and another property that is also proximate to the rail station was approved for a maximum 90-foot building height by City Council in August 2021. ***Please see Exhibit E- Maximum Building Heights Exhibit.***

Staff supports the rezoning request. Increased density, a mix of land uses, and transit access are fundamental elements of Plaza Saltillo TOD. The regulating plan states that its purpose is, “to promote TOD principles intended to successfully integrate land use and transit by providing greater density than the community average, a mix of uses, and a quality pedestrian environment around a defined center; . . .” The proposed rezoning is consistent with other recently approved rezonings in the area, and will provide employment opportunities and a diversity of land uses in the area.

Staff has received correspondence in favor and in opposition to the rezoning request.. ***Please see Exhibit F- Correspondence.***

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
3. *Granting of the request should result in an equal treatment of similarly situated properties.*

TOD-NP zoning encourages increased density in close proximity to transit services and promotes a mix of land uses. The Plaza Saltillo TOD, as adopted by Council, reflects their goals and objectives. The requested height of 85 feet and 3.81 FAR is comparable to other properties in the vicinity that have utilized the Density Bonus tool in the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	TOD-NP	Office, warehouse
North	TOD-NP	Capital Metro offices, Plaza Saltillo rail station/ Civic
South	TOD-NP	Multifamily residential, Single family residential, Undeveloped
East	TOD-NP	Indoor and Outdoor entertainment, Pedicab storage and dispatch, Mixed use multifamily and office (under construction)
West	TOD-NP	Cocktail lounge, Limited warehousing and distribution, Capital Metro rail facilities/Civic

NEIGHBORHOOD PLANNING AREA: East Cesar Chavez NP

CAPITOL VIEW CORRIDOR: No

TIA: Deferred to time of site plan

WATERSHED: Lady Bird Lake

SCHOOLS:

Zavala Elementary School Martin Middle School Eastside Memorial High School

NEIGHBORHOOD ORGANIZATIONS:

East Austin Conservancy	Blackshear Prospect Hill
East Cesar Chavez Neighborhood Association	Austin Neighborhood Council
Friends of Austin Neighborhoods	Tejano Town
Greater East Austin Neighborhood Association	Neighbors United for Progress
Austin Lost and Found Pets	SELTexas
Del Valle Community Coalition	AISD
Capital Metro	Sierra Club
Bike Austin	Red Line Parkway Initiative

Homeless Neighborhood Association
 Preservation Austin
 Guadalupe Neighborhood Development Corporation
 East Cesar Chavez Neighborhood Planning Team
 Guadalupe Association for an Improved Neighborhood (GAIN)
 El Concilio Coalition of Mexican American Neighborhood Associations

AREA CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0132 1612 East 7 th Street	TOD-NP to TOD-NP (change subdistrict CMU to MU)	January 11, 2022: TBD	TBD
C14-2021-0061 Fair Market Rezoning	TOD-NP to TOD-NP (increase height 60' to 85')	6/21/2021: To forward to Council without a rec. (7-1)	11/4/2021: To grant TOD-NP to change the base maximum height from 60' to 85' as on 1 st / 2nd Rdgs, on 3rd Rdg
C14-2021-0058 Centro East	TOD-NP to TOD-NP (increase height 60' to 90')	7/13/2021: To grant as requested	8/28/2021: To grant TOD-NP as rec by PC (90')
C14-2017-0105 4 East	TOD-NP to TOD-CURE-NP	11/14/2017: No recommendation	6/14/2018: To grant TOD-CURE-NP, increasing height from 40' to 74'
C14-2016-0049 Plaza Saltillo Tracts 4/5	TOD-NP to TOD-CURE-NP	1/10/2017: Grant as rec: The TOD density program establishes a maximum MFI level of 50%. Increase height from 60' (after density bonus) to 68' for a portion of Tract 1/2/3, Tract 4/5, and Tract 6.	3/2/2017: To grant as recommended by PC
C14-2016-0050 Plaza Saltillo Tracts 1/2/3	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68 feet for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. Increase height from 60' (after density bonus) to 70' for a portion of Tract 1/2/3. Increase height from 60' (after density bonus) to 125' for office building on a portion of Tract 1/2/3.	3/2/2017: To grant as recommended by PC with condition Tract 1 is limited to 70'
C14-2016-0051 Plaza Saltillo Tract 6	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68 feet for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. MFI levels up to 60%, including 30%, 50% and 60% MFI for Tract 6.	3/2/2017: To grant as recommended by PC
C14-2015-0054 901 East	TOD-NP to	June 23, 2015: PC approved Staff rec. on consent (8-0) TOD-CURE-	September 10, 2015: CC approved TOD-CURE- CO-

901 and 917 E. 6 th Street	TOD-CURE-NP	CO-NP. 1. max 2,000 v.p.d. 2. Veh access to 6 th prohibited 3. Storage rooms and restrooms inc 25-2-531	NP as rec. on consent (11-0)
C14-2011-0091 Jaylee Limited (Arnold Oil) 1601& 1645 E. 6 th Street	TOD-NP to TOD-CURE-NP	August 27, 2013: PC approved Staff rec. on consent (8-0-1) TOD-CURE-NP: 1. Office Tract and MF Tract. 2. Tracts joined by a UDA and/or Shared Pkg 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 (11-0)

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 4 th Street	55'	30'	Level 2	Yes	None	Yes
Navasota Street	42'	28'	Level 1	Yes	None	Yes
Onion Street	40'	26'	Level 1	Yes	None	Yes

ADDITIONAL STAFF COMMENTS:

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.
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. At this time, site specific information is unavailable regarding 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

SP1. Any new development is subject to the Plaza Saltillo Transit-Oriented Development ordinance. Additional comments will be made when the site plan is submitted.

Parks & Recreation

PR1: Parkland dedication will be required for any new residential units or hotel keys proposed by this development, Saltillo Plaza TOD-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. There are currently no parkland requirements for uses

other than residential and hotel. The application proposes office/restaurant uses, for which there would not be parkland dedication requirements at the time of site plan or subdivision. The development is subject to the Plaza Saltillo TOD Regulating Plan's Public Parks and Trails requirements. If the applicant wishes to discuss public parks and trails requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Transportation

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 60 feet of right-of-way for East 4th Street, Navasota Street, and Onion Street. It is recommended that 30 feet of right-of-way from the existing centerline should be dedicated for East 4th Street, Navasota Street, and Onion Street according to the Transportation with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

There is a proposed Urban Trail adjacent to this site, along northern property boundary for the Lance Armstrong Bikeway. No easement is required as Urban Trail will be installed in the alleyway.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 4 th Street	55'	30'	Level 2	Yes	None	Yes
Navasota Street	42'	28'	Level 1	Yes	None	Yes
Onion Street	40'	26'	Level 1	Yes	None	Yes

Water Utility

AW1. 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Station Area Plan
- E. Building Heights Exhibit
- F. Correspondence

[illegible]

ZONING CASE#: C14-2021-0138

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red field, a blue field, and a yellow field, with a yellow star in the center.

Created: 8/26/2021



1400 E 4TH STREET

ZONING CASE#: C14-2021-0138
 LOCATION: 1400 E 4TH STREET
 SUBJECT AREA: 0.9983 Acres
 GRID: K21 & K22
 MANAGER: Heather Chaffin



N



C14-2021-0138



Creek Buffers



ZONING BOUNDARY



FULLY DEVELOPED FLOODPLAIN

1" = 100'

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.

ARMBRUST & BROWN, PLLC

EXHIBIT C

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.
(512) 435-2310
rsuttle@abaustin.com

August 17, 2021

Rosie Truelove, Director
City of Austin Housing & Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Zoning Application for property located at 1400 E. 4th Street, also known as
TCAD Parcel No. 0204061405 (the "Application")

Dear Rosie:

This letter, along with the Application is submitted to amend the Plaza Saltillo TOD Station Area Plan (the "SAP"), including the Regulating Plan to the Plaza Saltillo TOD Station Area Plan (the "Regulating Plan") for property located at 1400 E. 4th Street (the "Property").

The Property is approximately ±0.9983 acres and is zoned Transit Oriented Development – Neighborhood Plan ("TOD-NP") district. The Property is situated within the East Cesar Chavez Neighborhood Planning Area and the Plaza Saltillo Transit Oriented Development ("TOD") district and is currently developed with warehouse and office uses. The proposed development is for the construction of a 6-story office building with ground floor restaurant uses and below grade parking (the "Project").

The SAP and the Regulating Plan, which is an extension of the SAP, was adopted by Ordinance 20081211-082 and establishes the zoning, permitted and conditional uses, site development regulations, and streetscape requirements for property located within the TOD district boundary. The Property is within the TOD Mixed Use subdistrict which allows for the highest level of development activity in the TOD.

This Application accompanies a neighborhood plan amendment application that was filed in July 2021 under case number NPA-2021-0002.01 to request that the Base Maximum Building Height Map located on Page 39 of the SAP and Page 55 (Figure 4-1) of the Regulating Plan be amended to allow a base maximum building height of 85-ft to accommodate the Project. A copy of the Base Maximum Building Height Maps are provided with this letter showing the requested increase in height for the Property. The current zoning district and subdistrict for the Property will remain the same; the only request is to increase the by-right maximum height on the Property.

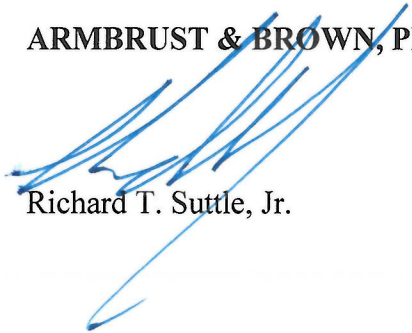
While this request seeks to increase the allowable height for the Property, the maximum 2:1 floor-to-area ratio ("FAR") limitation established in the Regulating Plan would require the Property to participate in the density bonus program outlined in the Regulating Plan to realize the additional height. Since the Project is a commercial project with no residential component, a fee in-lieu payment into the Housing Assistance Fund will be requested to achieve the additional density subject to City Council approval.

The Property is located directly southwest of the Plaza Saltillo Rail Station and fronts the the Lance Armstrong Bikeway along the northern property line. Increased density and height is appropriate at this location as density should be located near public transit and in areas that allow easy access to multi-modal transportation.

Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2310 or Amanda Morrow at (512) 435-2368.

Very truly yours,

ARMBRUST & BROWN, PLLC

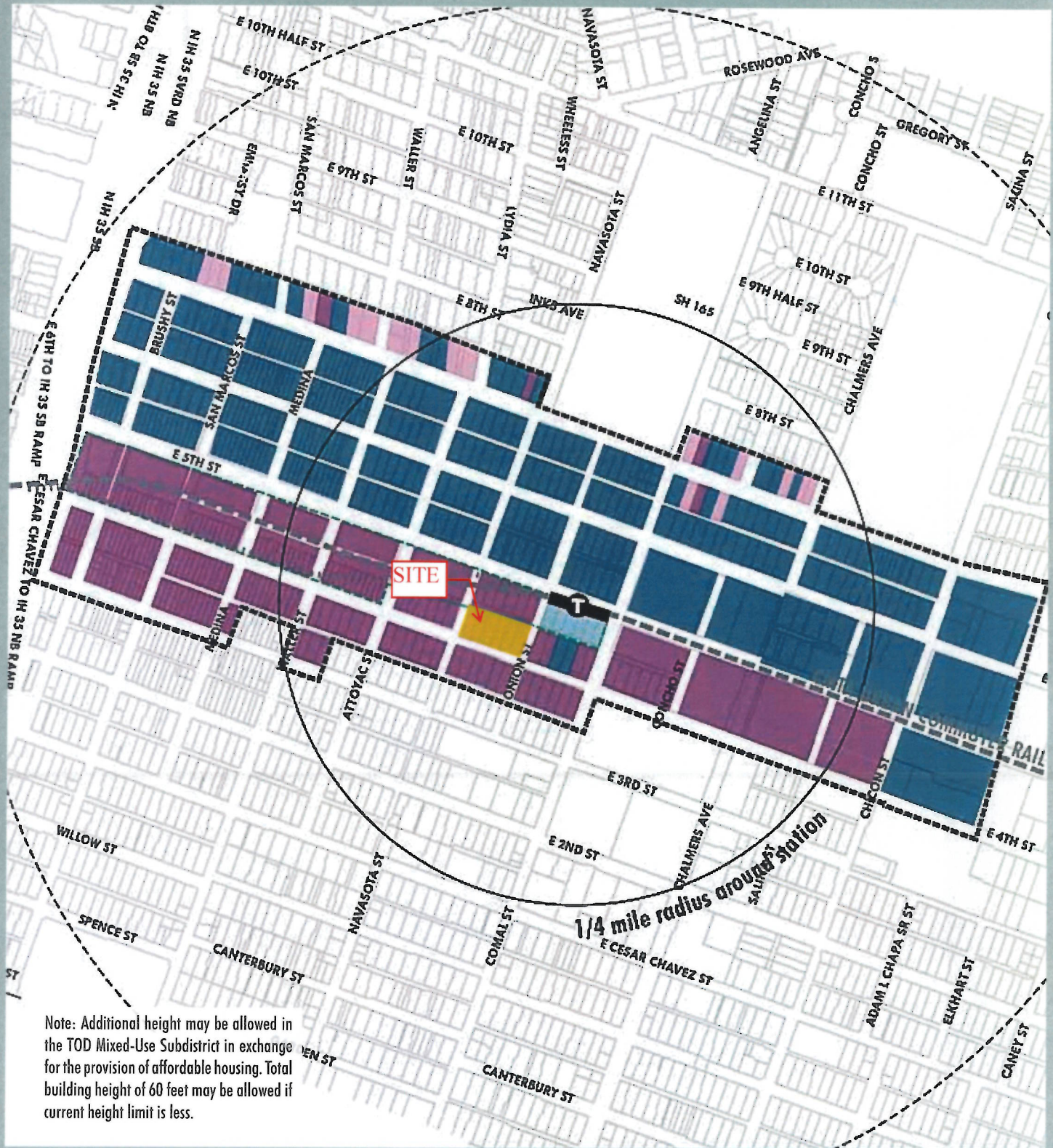


Richard T. Suttle, Jr.

cc: Heather Chaffin
Maureen Meredith
Clay Golden
Connor Greissing
Amanda Morrow
Amanda Surman

PLAZA SALTILLO TOD STATION AREA PLAN HEIGHT MAPS

BASE MAXIMUM BUILDING HEIGHTS



LEGEND

- 35 FEET
- 40 FEET
- 60 FEET

- PLAZA SALTILLO
- TOD DISTRICT BOUNDARY
- METRO RAIL STATION
- 85 FEET

0 200 400 800 FEET



**Pg. 55 of the Regulating Plan to the
Plaza Saltillo TOD Station Area Plan**

Article 4: Site Development Standards
Section 4.2. General Development Standards
Subsection 4.2.10. Compatibility Standards

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

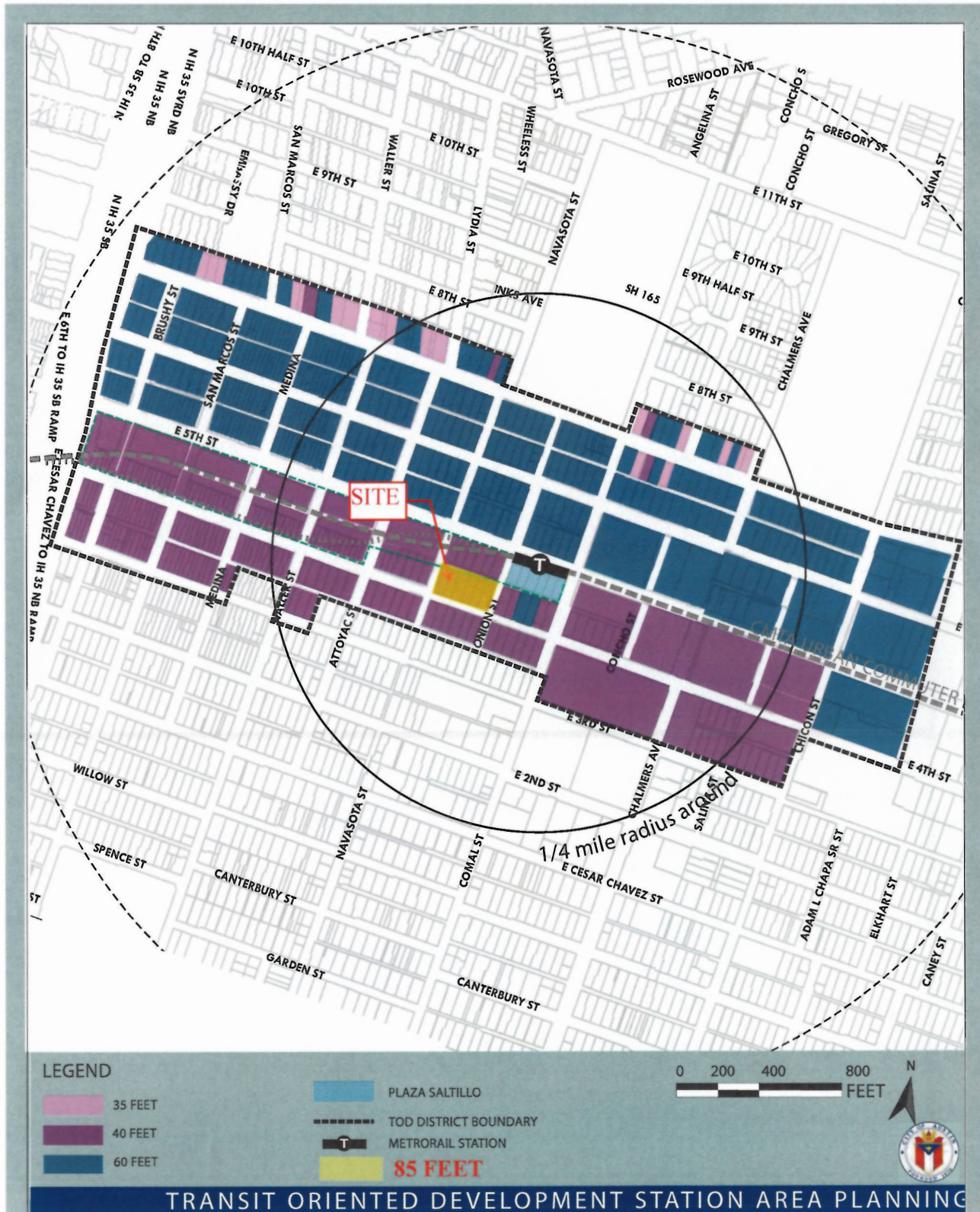


Figure 2-1: Plaza Saltillo Station Area Plan TOD Subdistricts

STATION AREA PLAN

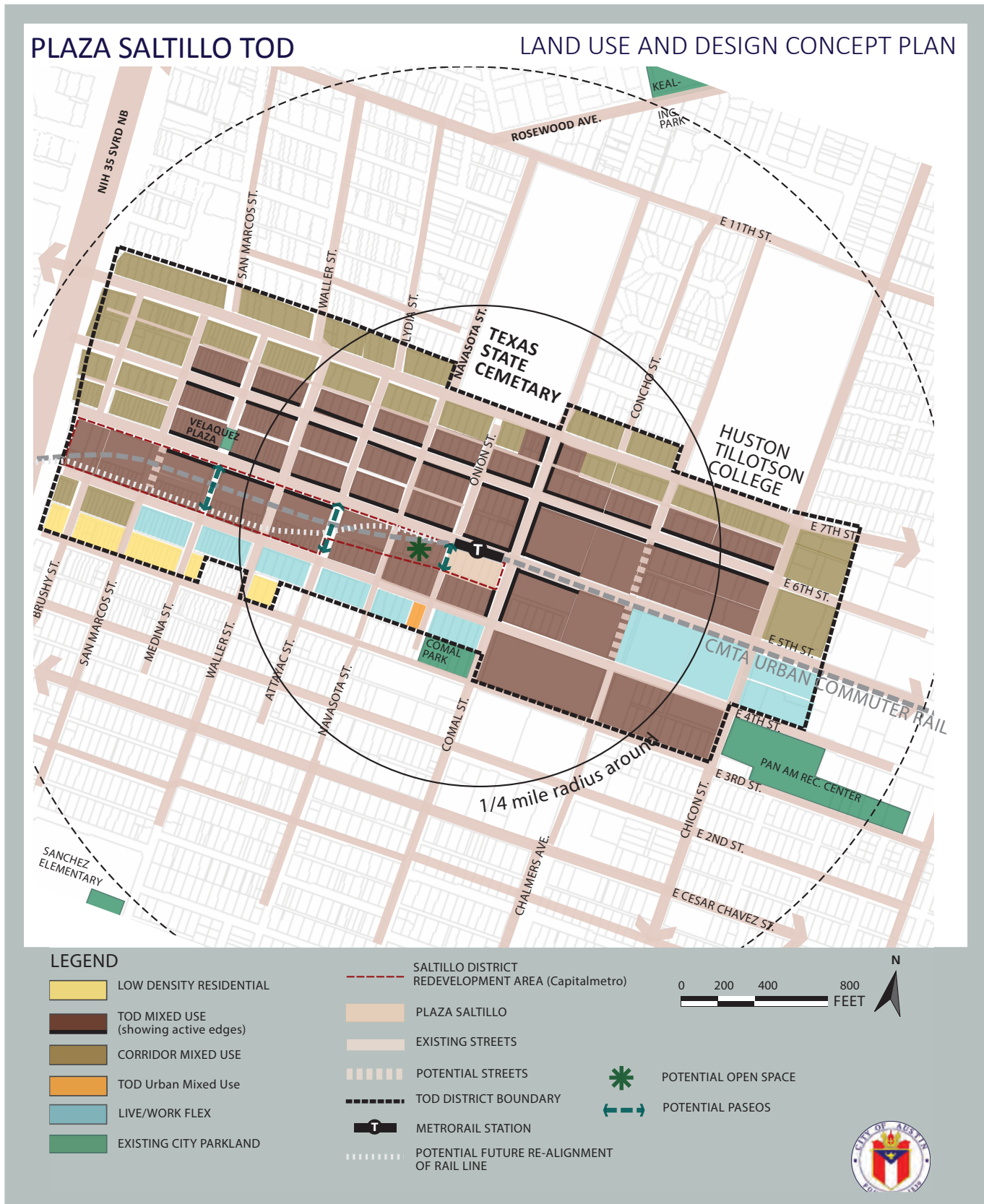


EXHIBIT E





February 7, 2022

City of Austin Planning Commission

RE: Coffee Traders - 1400 E. 4th Street; NPA-2021-0002.01 & C14-2021-0138

Dear Planning Commission & City Staff,

On behalf of the East Cesar Chavez Neighborhood Plan Contact Team (ECC-NPCT), I'm writing to share our team's perspective on the immediate proposal at 1400 E. 4th Street within the context of broader City policy and neighborhood outcomes.

In the recent Fair Market case, the ECC-NPCT requested a delay to allow time to amend the Saltillo TOD regulating plan. That request was denied presumably because the City is evaluating equitable TOD policies for implementation in 2023. While the ECC-NPCT supports the premise of equitable TODs, we remain frustrated by the lack of adherence to the intent of the existing Saltillo TOD Regulating Plan, particularly as property taxes skyrocket and the City falls further behind on affordable housing goals.

In the immediate Coffee Traders proposal, the applicant requests amendments to accommodate six stories on 4th Street, which is more than double the 40 feet height designed by the Regulating Plan. The proposal raises the same concerns that our team has voiced numerous times over the past several years: *heights in excess of 60 feet continue to be adopted south of Sixth Street by the City Council without the tradeoff of meaningful progress on affordable housing.*

Until the City Council is able to meaningfully change the Saltillo TOD plan and policies, we remain constrained by limited options and established City Council precedent. Consequently, the ECC-NPCT is working with the applicant to ensure the following minimum neighborhood outcomes:

- *Substantively adhere to the proposed design enhancements such that the project includes underground parking/utilities, expanded sidewalks, and public access to the paseo that remains open with the community;*
- *Provide designated contributions to benefit ECC affordable housing and/or parkland.*

Subject to the final terms of the agreement, the ECC-NPCT will not oppose the applicant's proposal.

Sincerely,

Eric Pace, Chair
East Cesar Chavez NPCT
eastccnpt@gmail.com
512-760-2480

From: Kristen Heaney
Sent: Friday, September 24, 2021 1:56 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; walters.mark@austintexas.gov
Cc: Kristen Hotopp; Susan Benz AIA <>; Eric Ryan Pace <>
Subject: 1400 E 4th Street - Let's talk about "compelling reasons"

*** External Email - Exercise Caution ***

Hello Mark, Maureen, and Heather,

RE:
Plan Amendment Case #: NPA-2021-0002.1
Zoning Case #: C14-2021-0138
Property Address: 1400 E 4th Street

At last night's Virtual Community Meeting, the question was asked, "What is the burden to the developer that would justify an additional 25' in height?"

The response from Mr. Walters was, "This is not a variance as you would go to the board of adjustment to ask for where you'd have to prove a hardship or burden. This is simply a zoning case. I think the burden here is they want to go taller."

And Amanda Morrow, the applicant representative said, "We're just asking to change that by-right height and pay for the additional FAR through the density bonus program."

We appreciate the responses and it's important to point out that the neighborhood understands that this is not a variance, that wanting to go taller is not a burden, and that paying for FAR is a privilege reserved for projects that provide affordable housing in our neighborhood.

The original question points to some specific to the language in the Saltillo TOD Regulating plan and the Density Bonus and whether or not the project even qualifies to receive a density bonus regardless of whether the base building height of that bonus is 60' or raised to 85'.

Mrs. Morrow has said that the property is eligible for 60' by right but that is not true. The property has 40' by right. (Subsection 4.2.10, Figure 4-1)

Per Subsection 4.3.3 of the Saltillo TOD Regulating Plan, qualifying projects have the option to participate in the Density and Height Bonus program by meeting certain affordability housing standards. Meeting those standards typically grants a property a base building height of 60'. We understand that in this case if the project meets the affordable housing requirements it could be granted a density and height bonus up to 85'.

Furthermore, Subsection 4.3.3.D clearly states, "In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, **he/she must demonstrate a compelling reason to not provide housing on-site**, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment."

Subsection 4.3.3.D is where the question of burden lies.

Where is the compelling reason not to provide housing on-site? Regardless of whether the base building height is 60' or 85' tall?

Changing the base building height does not change the properties obligation to meet the requirements to provide affordable housing in order to qualify for the Density and Height Bonus in the first place.

Can you help us answer these questions?

Does the Plan Amendment Case change the requirement for meeting affordability requirements in order to qualify for the bonus?

Does the Zoning Case change the requirement for meeting affordability requirements in order to qualify for the bonus?

Is "because we're building an office" a compelling reason not to provide housing on-site? Or where are "compelling reasons" defined in the code?

The neighborhood believes that a compelling reason is one that **convinces** you that something is true or that something should be done. District 3 has a goal to build or preserve 6,295 affordable units by 2027. We estimate that the district is currently more than 3,000 units short of meeting that affordability goal by 2027. To meet that goal, we need to be producing 500 affordable units per year. That's compelling! And honoring the intention of our TODs are the vehicle to help us get there.

Before we answer the question of "how high?" we most answer the question of how projects that don't include housing even qualify for the Density and Height Bonus at all.

Your timely response to our questions is very much appreciated and we're always happy to discuss these things in greater detail by phone or zoom.

Thank you kindly,

Kristen Heaney
Chair, ECC-NPCT

-----Original Message-----

From: Susan Griswold < >

Sent: Sunday, November 28, 2021 4:25 PM

To: Connor Greissing < >

Subject: 4th St.

Hello Conner,

I've lived on E. 4th St. for more than 10 years. RC asked me to tell you my opinion about the 65' vs. 85' building at the TCT location. As long as the heritage pecan tree is kept alive (no serious root damage) and the plan to have extensive green space and walkways on the ground level for public use come to fruition, I'm good with 85 feet. I'd much rather see sprawl upward, rather than horizontally, where the green space is eaten up.

Thanks,

Susan Griswold

1305 E. 4th St.

Austin, 78702

From: Barbara Joyce
Sent: Tuesday, January 4, 2022 10:08 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Case Number: C14-2021-0318

*** External Email - Exercise Caution ***

Re: Case Number: C14-2021-0318
Contact: Heather Chaffin
Public Hearing: Jan 11, 2022

I oppose the proposed zoning change in height from 60 to 85 feet.

Thank you,
Barbara Joyce
1213 E 2nd St
Austin TX 78702

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.



Distribution Hall
1500 E 4th Street
Austin, TX 78702

To whom it may concern,

With the understanding that the property at 1400 East 4th Street is submitted for a new development proposal that is seeking a variance on its height, I wanted to take an opportunity to voice my support for this variance as well as provide some insight to changes we would like to see implemented in the surrounding infrastructure concerning this development. While we will dearly miss our neighbors, Texas Coffee Traders, we are encouraged by the unique approach of this new development.

From what I understand, the new development will pull back from its property lines to create green space and opportunity for pedestrian and bicycle interactivity with the structure. As the city continues to grow, as does ridership of the trains and the use of alternative means of transportation. Creating as much density as possible on a site close to the train station seems critical to us, and if it's possible to do this by going vertical AND creating green space around the new development, this seems like a win-win for the neighborhood, the small businesses who will occupy the ground floor, and the commuters who frequent through the area on a daily basis.

As a neighboring small business, we are encouraged by the active ground floor proposed by the new development, rather than a podium parking garage or inactive office lobby, like the developments that surround us, that make the street more quiet and less pedestrian oriented. We believe the ground floor approach to this new development will be an asset to the neighborhood, local business, and us as a neighboring property by making the area more active and safe. The fact that this new development appears to incorporate the bike trail along its north side is incredibly encouraging.

What we would also like to see come out of this new development are some general infrastructure improvements to the area. Plaza Saltillo is in desperate need of a caretaker. The fact that the train station is never activated is highly frustrating. As the area continues to develop, 4th street continues to be a thoroughfare, but people also speed like crazy down the road. Some speed bumps or additional stop signs, crosswalks, etc will be crucial to keeping the area safe for pedestrians and bikers.

Perhaps most importantly, there MUST be some resolve for the new bike path that was just finished. It currently dead ends on Onion heading into a one lane one way alley where we witness near head on accidents on a daily basis. Why the city thought this was an OK way to manage a bike path is insane. If the new development could help resolve this very serious safety issue, it would be in everyone's best interest.

Thank you for your consideration of our Ideas. Please reach out if you have any further questions.



Distribution Hall
1500 E 4th Street
Austin, TX 78702

Best,
Austin Nelsen
Owner/Operator
Distribution Hall
512.522.6804

November 10th, 2021

Re: [1400 East 4th Street; NPA-2021-0002.01](#)

To whom it may concern,

The property at 1400 East 4th Street is immediately adjacent to the Red Line. Since there is a new development proposal under discussion, we are taking this opportunity to provide input.

While we are not taking a position to oppose or support this development or the height request, we would like to describe some of the potential benefits that the development would provide to the Red Line Parkway, followed by some background and context of the Red Line Parkway in this area.

Benefits of the development to the Red Line Parkway

We appreciate the developer's intention to design the property in such a way that it complements the trail, providing a local example that is reminiscent of the Atlanta Beltline or Minneapolis Midtown Greenway.

The development, as presented to the community at [the September 23rd, 2021 community meeting](#) organized by City of Austin staff, would provide these benefits:

- The additional green space at ground level, the same level as the trail, would complement the trail and would effectively extend the public space.
 - The ground level design at the northwest corner of the proposal would facilitate the inclusion of a restaurant. A restaurant along the trail would be a highly desirable complement to the trail, providing an active use that engages the trail.
 - Windows facing the trail would provide “eyes on the trail”, both improving safety and helping to create the perception of that safety.
 - The ground level paseo would provide additional access to the trail. Notably, it would provide direct trail access that is not associated with a car-oriented street.
 - The illustrations suggest that the property will continue to provide some level of greenery along the trail, including the heritage tree near the northwest corner of the property.
 - The general proposal suggests some flexibility to add a few additional feet of width to the pedestrian walkway (currently along the south edge of the Parkway).
-

As with many developments along the Red Line corridor, we also look for opportunities for each development to further enhance the Red Line Parkway. This could include providing funding toward Red Line Parkway planning, design, or construction in the area.

Background

The Red Line Parkway is a proposed linear park and public space along the planned Red Line Trail, extending 32+ miles from Downtown Austin to Leander. Our vision is a thriving, inclusive, multi-functional parkway that provides convenient, enjoyable, car-free access to transit, parks, public art, and other urban, suburban, and rural destinations.

The Red Line Parkway Initiative (RLPI) is a 501(c)(3) nonprofit organization founded in 2017 that empowers diverse communities to enjoy, develop, and enhance the Red Line Trail and Parkway corridor to serve Central Texas mobility, recreation, parks, arts, affordability, social equity, physical & mental health, public space, and economic needs.

The Red Line Parkway is a planned trail in the 2014 Austin Urban Trails Plan, in the 2004 Capital Metro All Systems Go Plan, and in the trails plans of Cedar Park, Leander, Williamson County, and CAMPO. In the vicinity of this property, the Red Line Parkway is commonly referred to as the Lance Armstrong Bikeway or Crosstown Bikeway.

Urban trails, bikeways, and walkways help people meet their everyday needs without using a car, especially when those accommodations are high-quality and well-connected, and when provided in combination with local bus service and rail transit, such as the nearby MetroRail Red Line.

[The East Cesar Chavez Neighborhood Plan](#), adopted May 13th, 1999, includes the Transportation and Traffic Goal 3, “Make better use of Fourth-Fifth Street rail corridor”, including Objective 1, “Provide a pedestrian and bicycle pathway in a green corridor along 4th-5th Street.” Action 59 states, “Designate at least a 30-foot green corridor along the 4th-5th Street rail corridor for planting vegetation which would serve as a bicycle and walking trail system connecting the neighborhood with downtown (except where there are existing houses or businesses.” Other actions are provided in the plan, and a vision illustration is provided as Figure 18 on page 40 of the plan (page 49 of 134 in the PDF):

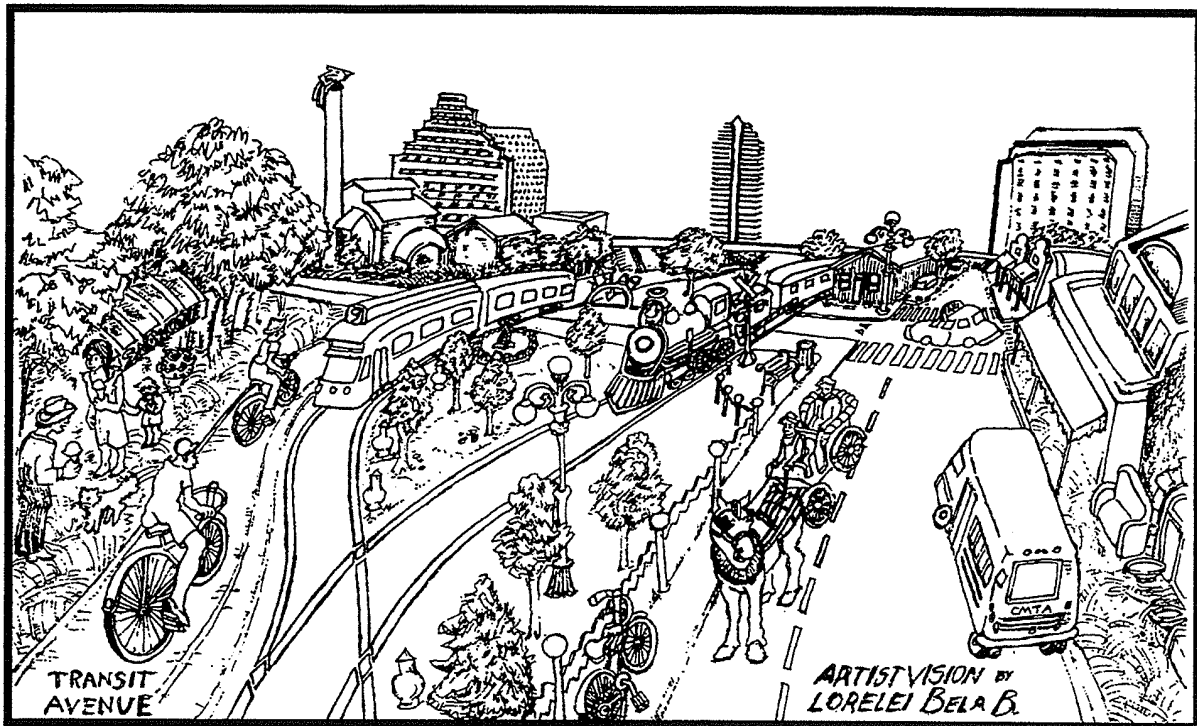


Figure 18: Neighborhood Artist Vision of the 4th-5th Street Rail Corridor
Drawing created by neighborhood resident Lorelei Bela Brown.

RLPI was recently successful in meeting one of the plan's actions by ensuring a car-free crossing for the Red Line Parkway at I-35, as part of TxDOT's proposed I-35 Capital Express Central project.

In the East Cesar Chavez Neighborhood area, RLPI envisions filling the trail gap between Onion St. and Concho St., extending the trail east of Chicon St. eventually to Boggy Creek Trail, and enhancing existing trail sections and roadway crossings. Over the coming months, we anticipate beginning the process to develop the Red Line Parkway Plan, and will engage the broader community on their vision for the Red Line Parkway and determine an end-to-end alignment for the 32+ mile trail, including addressing the above items for this area.

Thank you for your consideration of our input regarding this property. Please feel free to contact me if you have any questions.

Tom Wald
Executive Director
tom@redlineparkway.org
512-203-7626

JOHN LEWIS
COMPANY
REAL ESTATE INVESTMENTS

December 10, 2021

Re: 1400 E. 4th Street; NPA-2021-0002.01

To whom it may concern-

I am writing on behalf of the ownership group, NL Land Holdings, Ltd., who owns the property located at 1401 E. 4th Street. I have reviewed the publicly available information associated with the proposed office project located at 1400 E. 4th St. and would like to support this development and their 85' height request. The commercial nature and height of the project is appropriate given the immediate adjacency to the Plaza Saltillo Train Station and its location within the greater Plaza Saltillo TOD. Furthermore, the project's plan to add publicly accessible green space at the ground level and parking for tenants is helpful to not make street parking even harder to find.

Sincerely,



John Lewis
John Lewis Company
3839 Bee Cave Rd
Suite 204
Austin, Texas 78746