

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2024-0027

DISTRICT: 3

ADDRESS: 2300-2328 East Cesar Chavez Street, 2305-2317 East 2nd Street, 109-113 Mildred Street

APPLICANT: Patrica Ann Pope; LaFayette 2109, LLC; Isdale Investments, LLC; Emily Kolb Isdale; 2324-ECC-Arc LLC; 2400 ECC-Arc LLC; 2317 E 2nd-Arc LLC

AGENT: Armbrust & Brown, PLLC (Michael Whellan)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2300-2328 East Cesar Chavez Street, 2305-2317 East 2nd Street, 109-113 Mildred Street from family residence-neighborhood plan (SF-3-NP) combining district zoning, general commercial services-conditional overlay-mixed use-neighborhood (CS-CO-MU-NP, LO-NP) combining district zoning and limited office-conditional overlay-mixed use-neighborhood plan (LO-CO-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use-conditional overlay-DB90-neighborhood plan (CS-MU-V-CO-DB90-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

September 12, 2024: Approved on 1st Reading (11-0) vote.

ISSUES: Staff recommended the zoning change, as requested, however staff did not recommend the waiver of Section 25-2-652(F)(3)(b) (the ground-floor commercial requirement) as allowed under Section 25-2-652(F)(3)(e)(i), because the subject tract is on an Imagine Austin Corridor.

ZONING CHANGE REVIEW SHEET

CASE: East Cesar Chavez – 2300 Block (C14-2024-0027) DISTRICT: 3

ZONING FROM: SF-3-NP, CS-CO-MU-NP,
LO-NP, and LO-CO-MU-NP

ZONING TO: CS-MU-V-CO-
DB90-NP (as amended)

ADDRESS: 2300-2328 East Cesar Chavez Street,
2305-2317 East 2nd Street, 109-113 Mildred Street

SITE AREA: approximately 3.26
acres - approximately 142,005 sqft

PROPERTY OWNERS: Patrica Ann Pope; LaFayette 2109, LLC; Isdale Investments, LLC;
Emily Kolb Isdale; 2324-ECC-Arc LLC; 2400 ECC-Arc LLC; 2317 E 2nd-Arc LLC

AGENT: Armbrust & Brown, PLLC (Michael Whellan)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION: **Staff recommends granting general commercial services-mixed use-vertical mixed use-DB90-neighborhood plan (CS-MU-V-DB90-CO-NP) combining district zoning.** See the *basis of recommendation* section below for more information. Staff's recommendation does recommend keeping the conditional overlay established on portions of the subject tract, under Ordinance No. 011213-44, on the entire tract being rezoned. It prohibits the following nine uses: adult oriented businesses, campground, convenience storage, drop-off recycling collection facilities, equipment sales, kennels, pawn shop services, transportation terminal, and vehicle storage. It conditionally allows the following seven uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial off-street parking, custom manufacturing, and service station. **Staff does not recommend the second part of the applicant's amended rezoning request dated April 29, 2024 (exhibit C) requesting a waiver of Section 25-2-652(F)(3)(b) (the ground-floor commercial requirement) as allowed under Section 25-2-652(F)(3)(e)(i).**

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 9, 2024: Staff postponement request granted to July 23, 2024.

July 23, 2024: Motion by Commissioner Johnson seconded by Commissioner Maxwell for applicant request including the waiver for street level retail on the mid-block section.

Approved unanimously with Council Member Barrera Ramirez abstaining.

CITY COUNCIL ACTION:

September 12, 2024: Council approved CS-MU-V-DB90-CO-NP with a waiver of the ground-floor commercial requirement over a portion of the tract, as recommended by Planning Commission on 1st reading only. Motion by Council Member Vela, seconded by Council Member Ellis, no abstentions.

October 10, 2024: Case is scheduled to be heard by City Council on 2nd and 3rd readings.

ORDINANCE NUMBER: N/A

ISSUES: In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zoning district, to a maximum of 90 feet, and modifies site development regulations including compatibility standards.

CASE MANAGER COMMENTS: The property in question is currently an amalgamation of different uses and zoning strings from a time when the area had significantly smaller parcels with mixed uses on these small parcels. Four single-family homes, a restaurant, three office/

retail spaces, a small strip center, a service repair garage, and a class C warehouse currently occupy the approximately 3 acre subject tract.

The location is adjacent to an ASMP level 3 roadway and Imagine Austin Corridor (East Cesar Chavez) and approximately ¼ mile west of Pleasant Valley Road another Imagine Austin Corridor and ASMP level 3 roadway. There is frequent Capital Metro Bus service with the 2 on Cesar Chavez and the 300 on Pleasant Valley Road.

This is an area identified by the UT Uprooted Study as vulnerable to displacement and dynamic gentrification. This rezoning presents an opportunity to rezone nearly an entire block with development incentives that could produce income restrictive affordable housing as these parcels redevelop, which is only a matter of time due to the age and quality of the structures. Incentivizing affordable housing proximate to public transit assets, job centers like downtown and Plaza Saltillo, and where increased density is designated to be focused, according to the City's adopted Comprehensive Plan is prudent and sound planning.

The applicant is requesting general commercial services-mixed use-vertical mixed use-DB90-neighborhood plan (CS-MU-V-DB90-NP) combining district zoning for a proposed development that would include multi-family units requiring an affordable component. A building constructed under density bonus 90 (-DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels.

A development utilizing the "density bonus 90" incentives is permitted with a base CS district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements. There are two options for projects including rental units:

- 1) a minimum of 12% of the rental units in a building are **affordable** for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council.*

Both Imagine Austin, the City's adopted Comprehensive Plan and the Council adopted Austin Strategic Housing Blueprint identify proximity to Imagine Austin Corridors as where the City should be promoting additional housing supply and seeking opportunities to increase development incentives for income-restrictive affordable housing. Granting this request would be in line with those adopted policies and principles.

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073, which replaced the invalidated “VMU2” option.

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

general commercial services (CS)-DB90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

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

This rezoning authorizes a property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits. In exchange for increased development potential, the development is required to comply with affordable housing requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP; CS-CO-MU-NP; CS-CO-MU-NP, LO-NP, and LO-CO-MU-NP	Four single-family homes, a restaurant, three office/retail spaces, a small strip center, a service repair garage, and a class C warehouse.
<i>North</i>	MF-5-NP	Santa Rita Courts (HACA) consists of 97 income restricted rental apartments constructed in 1939, renovated in 1990.
<i>South</i>	CS-CO-MU-NP	A restaurant and seven office/retail spaces.
<i>East</i>	CS-CO-MU-NP, and SF-3-NP	An approximately 9,000 square foot warehouse built between 1945 and 1976. A single-family home of approximately 676 square feet built in approximately 1945.
<i>West</i>	CS-CO-MU-NP, and LO-CO-NP	Church (approximately 8,200 square feet) and educational center (approximately 14,600 square feet) constructed in approximately 1970.

NEIGHBORHOOD PLANNING AREA: Holly Neighborhood Planning Area

WATERSHED: Lady Bird Lake Watershed

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: A.I.S.D.

Zavala Elementary School Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Barrio Unido Neighborhood Assn., Buena Vista Neighborhood Association, Capital Metro, Del Valle Community Coalition, East Austin Conservancy, East Cesar Chavez IBIZ District, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Greater East Austin Neighborhood Association , Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group, Tejano Town

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2021-0121 (2400 E. Cesar Chavez Parking Expansion)	The Applicant is proposing to rezone approximately 0.21 acres from SF-3-NP to CS-MU-NP.	Case withdrawn by the applicant	
NPA-2022-0010.03 (Holly Mixed Use)	The Applicant is proposing to amend a previously approved neighborhood plan on approximately 1.1066 acres from Single Family and Civic to Mixed Use	01.24.2023 (PC): To Grant Mixed Use land use (FLUM). [G. Anderson – 1st; C. Hempel – 2nd] Vote: 8-1-1 [C. Llanes Pulido voted nay. J. Mushtaler abstained. A. Azhar and R. Schneider absent. One vacancy on the dais].	02.09.2023: Approved Ordinance No. 20230209-071 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved without objection.

RELATED CASES:

NPA-2023-0010.02 (Applicant is requesting a FLUM change on 5 of the 18 parcels within the rezoning request from Single Family to Mixed Use)

ADDITIONAL STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake Creek 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. 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 square feet cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on rezoning.

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with CS-V-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

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

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

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

Compatibility Standards

The site is subject to compatibility standards. Along the eastern property line, the following standards apply:

- No structure may be built within 17.5 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.
- A landscape area at least 5 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

Transportation and Public Works Department – Engineering Review

- TPW 1. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Mildred Street. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Mildred Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- TPW 2. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for East 2nd Street. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for East 2nd Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- TPW 3. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for East Cesar Chavez Street. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for East Cesar Chavez Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- TPW 4. A Neighborhood Traffic Analysis is required and will be performed for this project by TPW staff. Results will be provided in a separate memo. LDC 25-6-114. NTA requires three (3) consecutive 24-hour tube counts, preferably on Tuesday, Wednesday, and

Thursday, during a non-holiday week when school is in session. Please contact this reviewer to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. NTA fees will be added in AMANDA. This comment will be cleared once the Memo is approved and the fees are paid.”

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 2 nd Street	Level 2	72'	48'	44'	Yes	Yes	Yes
Mildred Street	Level 1	58'	50'	32'	No	No	Yes
East Cesar Chavez Street	Level 3	80'	60'	36'	Yes	Yes	Yes

TIA: A Neighborhood Traffic Analysis is required and will be performed for this project by TPW staff. Results are provided in *attachment D* below.

Austin Water Utility

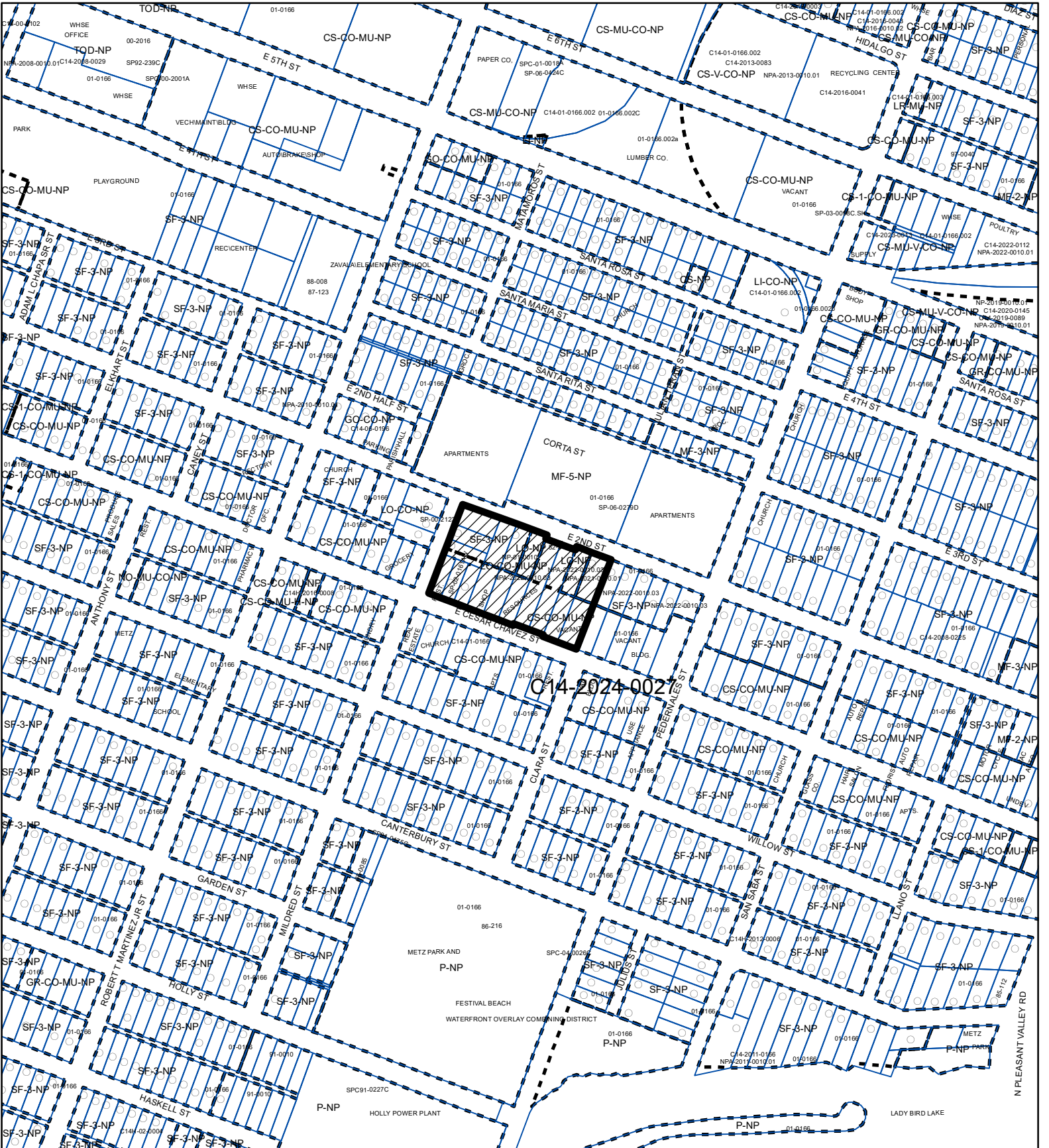
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter
- D. Neighborhood Traffic Analysis
- E. Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2024-0027



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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.






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1" = 400'

Created: 3/6/2024



East Cesar Chavez-2300 Block

-  N
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0027
 LOCATION: 2300-2328 E Cesar Chavez St;
 2305-2317 E 2nd St; 109-113 Mildred St
 SUBJECT AREA: 3.26 Acres
 GRID: K21
 MANAGER: Jonathan Tomko



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ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

February 20, 2024

Joi Hardin, Zoning Officer
City of Austin
Housing and Planning Department
1000 E. 11th St.
Austin, Texas 78702

Re: Rezoning request for 2300, 2302, 2304, 2306, 2308, 2320, 2324, 2326, & 2328 E. Cesar Chavez St., 109, 111, & 113 Mildred St., and 2305, 2307, 2309, 2311, & 2317 E. 2nd St. (collectively, the "Property"), to accompany neighborhood plan amendment case No. NPA-2023-0010.02

Dear Ms. Hardin,

On behalf of 2324 ECC-Arc LLC, 2400 ECC-Arc LLC, 2317 E 2nd-Arc LLC, Patrica Ann Pope, Emily Kolb Isdale, Isdale Investments, LLC, and LaFayette 2109, LLC (the "Owners"), I am submitting the attached application to request the city rezone the Property from a patchwork of CS-CO-MU-NP, LO-CO-MU-NP, LO-NP, and SF-3-NP to a consistent and cohesive CS-V-MU-NP.

The Property consists of 15 individual parcels, with five different owners, as shown in Figures 1 and 2:

- **Redevelopment (Eastern) Tract.** Arc Capital Partners ("Arc") owns the eastern portion of the Property, which they plan to redevelop with a mix of commercial and residential uses.
- **Western Tract.** Patrica Ann Pope, Emily Kolb Isdale, Isdale Investments, LLC, and LaFayette 2109, LLC (the "Western Tract Owners") own the western portion of the Property, with no plans to redevelop or sell.

Figure 1. Property



Figure 2. Current and Proposed Uses

Owner	Tract	Redevelopment Plan	Current Use	Proposed Use
Arc	Eastern	Yes	Office, Retail, Single Family	Mixed Use
LaFayette 2109	Western	No	Office, Retail, Restaurant	<i>(No Change)</i>
Patrica Ann Pope	Western	No	Single-Family	<i>(No Change)</i>
Emily Kolb Isdale	Western	No	Duplex (Condoized)	<i>(No Change)</i>
Isdale Investments	Western	No	Duplex (Condoized)	<i>(No Change)</i>

Land Use Context

Roughly two-thirds of the Property for either commercial or mixed-use zoning generally – and roughly half of the Property already has General Commercial Services (“CS”) base zoning. However, the current zoning does not allow an applicant to participate in the Vertical Mixed-Use (“VMU”) affordable housing program.

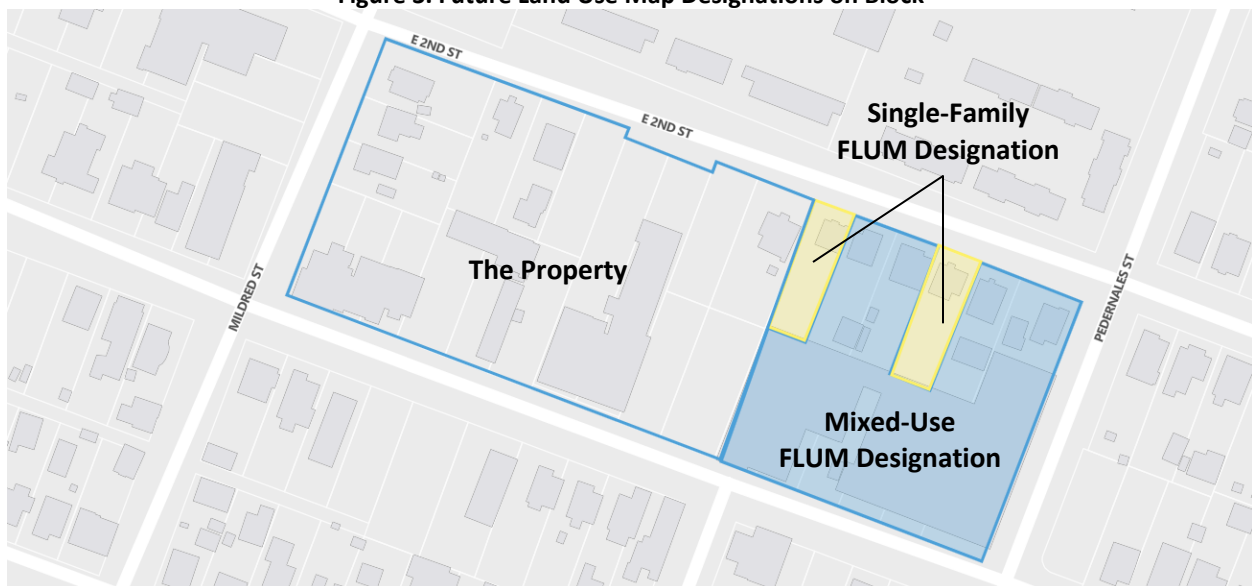
The Property is bordered on three sides by roadways (East Cesar Chavez Street, East 2nd Street, and Mildred Street) – including an Imagine Austin corridor and Transit Priority Network roadway (East Cesar Chavez Street).

It is largely surrounded by parcels designated with mixed-use, commercial, and multifamily zoning districts:

- South (Across East Cesar Chavez): CS-CO-MU-NP
- West (Across Mildred Street): CS-CO-MU-NP / LO-CO-NP
- North (Across East 2nd Street): MF-5-NP
- East: CS-CO-MU-NP / SF-3-NP

Additionally, Council recently approved most of the remainder of the block for Mixed-Use on the Future Land Use Map (“FLUM”), as shown in Figure 3. (The Property itself is currently designated partially for Mixed-Use and partially for Single-Family; the Owners have submitted an accompanying neighborhood plan amendment case, Case No. NPA-2023-0010.02, to designate the entirety of the Property for Mixed-Use.)

Figure 3. Future Land Use Map Designations on Block



Case Rationale

The Owners are requesting a comprehensive, consistent CS-V-MU-NP zoning across the entire Property. This will accomplish two key goals:

- **It will allow the Property to participate in the Vertical Mixed-Use affordable housing program.** While much of the Property can redevelop with residential uses today, it lacks the ability to participate in the VMU program, which requires participants to provide on-site, income-restricted affordable housing. This request will make the Property eligible for this affordable housing program.
- **It will provide consistent and cohesive zoning,** replacing the patchwork of different regulations and overlays currently scattered across the Property.

We believe this request is appropriate, for the following reasons:

- **This request supports the city's housing and affordability goals,** by allowing the Property to participate in the VMU affordable housing bonus program.
- **The Property is located on an Imagine Austin corridor and Transit Priority Network roadway,** which designates it as an appropriate location for future growth and for additional housing.
- **The Owners' request is consistent with precedent and with the surrounding land use context.** The Property is largely surrounded by mixed-use, commercial, and multifamily zoning districts – and Council has already designated most of this block for Mixed-Use on the FLUM. This request will provide the Property with a consistent CS base zoning – the same base designation that already exists on roughly half of this Property, on much of this block, and throughout the East Cesar Chavez corridor area.

Additionally, this case is relatively unique in that it involves several different owners who decided to jointly file a rezoning request beyond the boundaries of a single project. Rezoning cases can often be an expensive and cumbersome process that dissuades homeowners and small business owners from participating. In this case, a number of individuals and smaller groups on the Western Tract have decided to jointly seek rezoning with Arc, allowing this group of neighbors to bring forward their request together, as a single case.

While Arc is the only owner with current plans for redevelopment, this joint effort will provide parity, and ensure that all of the different owners have the same zoning rights going forward.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a long, sweeping underline.

Michael J. Whellan

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

April 29, 2024

Joi Hardin, Interim Zoning Officer
City of Austin
Housing and Planning Department
1000 E. 11th St.
Austin, Texas 78702

Re: Amending the rezoning request for Case No. C14-2024-0027, for 2300, 2302, 2304, 2306, 2308, 2320, 2324, 2326, & 2328 E. Cesar Chavez St., 109, 111, & 113 Mildred St., and 2305, 2307, 2309, 2311, & 2317 E. 2nd St. (collectively, the "Property")

Dear Ms. Hardin,

On behalf of 2324 ECC-Arc LLC, 2400 ECC-Arc LLC, 2317 E 2nd-Arc LLC, Patrica Ann Pope, Emily Kolb Isdale, Isdale Investments, LLC, and LaFayette 2109, LLC (the "Owners"), I am amending our rezoning application to request rezoning to CS-MU-V-DB90-NP.

The Owners previously requested CS-MU-V-NP zoning for the Property. After the Owners submitted that request, Council subsequently adopted a new zoning tool, the Density Bonus 90 Combining District ("DB90"), as a successor to the former Vertical Mixed-Use 2 ("VMU2") program.

The Owners would like to amend their application to request:

- CS-MU-V-DB90-NP zoning; and a
- Waiver of Section 25-2-652(F)(3)(b) (the ground-floor commercial requirement), as allowed under Section 25-2-652(F)(3)(e)(i).

We believe that the rationale outlined in our initial cover letter for CS-MU-V-NP also applies to DB90. Specifically, we believe that DB90, like VMU, will support the city's housing and affordability goals – and is an appropriate designation due to the Property's location on an Imagine Austin corridor and Transit Priority Network roadway.

Additionally, while Arc Capital Partners plans to develop their portion of the Property for a mixed-use project, they would like the flexibility to provide a fully multifamily project in the event that macroeconomic or other such factors beyond their control force them to revise their plans for the ground floor. Accordingly, they request a waiver of Section 25-2-652(F)(3)(b) to provide this flexibility.

Thank you for your consideration. We request that the City mail notice of this revised request as appropriate – and I am available to answer questions and provide further details.

Respectfully,



Michael J. Whellan



Traffic Impact Analysis (TIA) Determination Worksheet

Applicant must complete this worksheet except where noted for TPW Staff. Please submit completed worksheet to the TIA Determination Worksheet portal (<https://atd.knack.com/development-services#services/traffic-impact-analysis-determination/>) for review and signature.

Project Name: East 2nd Street - (2300 Block)

Location: 2300-2328 E Cesar Chavez St, 2305-2317, E 2nd St, 109-113 Mildred St

Applicant: Aditva Jatar (AJ), BOE Telephone No: 737-301-2153

Application Type: Dev. Assessment (Zoning) Zoning Site Plan
 Indicates determination is optional Dev. Assessment (Site Plan) Concept Site Plan*

By checking the box below, the applicant acknowledges that City Council has adopted a Street Impact Fee (SIF) program effective December 21, 2020, and that street impact fees will be assessed for any building permit pulled on or after June 21, 2022. For more information on the Street Impact Fee program, please visit www.austintexas.gov/department/street-impact-fee

Applicant acknowledgment of Street Impact Fee program

EXISTING:

FOR TPW STAFF USE ONLY

Tract Number	Tract Acres	Units**	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day
1-5	0.77	6 units	SF-3-NP	Single Family			
6-7	0.26	2,190 sf	CS-CO-MU-NP	Restaurant			
8-9	0.47	1,090, 4,620 sf	CS-CO-MU-NP	Office, Retail			
10-15	1.76	See attached	See attached	See attached	See attached	See attached	1,450

Please note that existing trip generation in the above table is applicable only to this worksheet. Existing trip generation for use in transportation studies and SIF calculations shall be determined separately.

PROPOSED:

FOR TPW STAFF USE ONLY

Tract Number	Tract Acres	Units**	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day
1-9	Same as above	Does not Change	CS-MU-V-DB90-NP		See attached	See attached	759
10-15	1.76	350 units	CS-MU-V-DB90-NP	Mid Rise MF	221	FCE	1,623
		10,000 sf	CS-MU-V-DB90-NP	Retail	221	FCE	652
						Net Trips:	1,584

**Applicable based on land use (e.g., dwelling units for residential, building square footage for commercial, etc.)

ABUTTING ROADWAYS:

Street Name	Proposed Access (Y/N)	Proposed Number of Driveways	ASMP Street Level
East Cesar Chavez Street	TBD	TBD	Level 3
East 2nd Street	TBD	TBD	Level 2
Mildred Street	TBD	TBD	Level 1



FOR TPW STAFF USE ONLY

- A Transportation Demand Management (TDM) Plan is required. For more information on the contents required in a TDM Plan, please refer to Section 10 of the Transportation Criteria Manual (TCM) or contact a Lead Development Review Engineer.
- A traffic impact analysis is required. The consultant preparing the study must contact a Lead Development Review Engineer to discuss scoping requirements prior to beginning the study. Please see below for the type of study required; for more information on each study, please refer to Section 10 of the TCM.
 - Full TIA
 - Transportation Assessment (TA)
 - Zoning Transportation Analysis (ZTA)
 - TIA Compliance
- A traffic impact analysis is NOT required. Traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code (LDC). Mitigation per LDC 25-6-101 may still apply.
- The traffic impact analysis has been waived for the following reason:

- A neighborhood traffic analysis (NTA) is required per LDC 25-6-114. The applicant may have to collect current traffic counts. Please contact a Transportation Planner for information.

Reviewed By: Adrienne Morison Date: 04/25/2024

NOTE: A TIA determination must be made prior to submittal of any Zoning or Site Plan application; therefore, this completed and reviewed worksheet must accompany any subsequent application for the identical project. Changes to the proposed project may require a new TIA determination. This worksheet will remain valid for 90 calendar days from the approval date above, after which a new TIA Determination Worksheet will be required.

TIA Determination Worksheet (2300 E Cesar Chavez)

Tract Number	Tract Acres	Size	Zoning	Land Use	ITE Code	Trip Rate	Trips Per Day
Existing Development							
1-5	0.77	6 units	SF-3-NP	Single Family	210	FCE	76
6-7	0.26	2,190 sqft	CS-CO-MU-NP	Restaurant	932	107.20	235
8-9	0.47	1,090 sqft	CS-CO-MU-NP	Office	710	FCE	23
		4,620 sqft	CS-CO-MU-NP	Retail	822	FCE	425
					Sum (1-9)		759
10-15	1.76	3,597 sqft	CS-CO-MU-NP, LO-NP	Vet Clinic	640	21.50	77 ✓
		2,991 sqft	CS-CO-MU-NP, LO-NP	Office	710	FCE	55 ✓
		7,800 sqft	CS-CO-MU-NP, LO-NP	Retail	822	FCE	559 ✓
					Sum (10-15)		691 ✓
					Total (1-15)		1,450 ✓
Proposed Development							
1-5	0.77	6 units	Same as above (Does not change)				
6-7	0.26	2,190 sqft					
8-9	0.47	1,090 sqft					
		4,620 sqft					
10-15	1.76	350 Units	CS-MU-V-DB90-NP	Mid Rise Multifamily	221	FCE	1,623 ✓
		10,000 sqft	CS-MU-V-DB90-NP	Retail	822	FCE	652 ✓
					Sum (10-15)		2,275 ✓
					Net Trips		1,584 ✓

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

TPW Confirmed

Net Trips = 2,275-691 = 1,584



Public Comments Received on 2300 Block of East Cesar Chavez (C14-2024-0027)

Email from Sandra Boone to Jonathan Tomko

06.23.2024 5:00pm

Mr. Tomko,

I spoke with you several months ago about thi application to rezone 15 parcels along East Cesar Chavez. The Holly Neighborhood Association received notice of the application in March, which stated that the applicant was requesting CSVMU-NP zoning on all the parcels. Holly NA has been following this case and working to keep our members informed of it's status. When we spoke, the complete application hadn't been downloaded, but you were able to give me a few more details.

Checking in on it now, I see a letter in the file from the applicant requesting CS-MU-V-DB90-NP zoning. No new notice of this change has been provided to the neighbors, or the neighborhood groups. The difference between living next to a 60 foot multi use building, with design setbacks and compatibility standards is VERY different than living next to a 90 foot building with setbacks and compatibility standards waived. If the application has been converted to allow this difference, new notice should be required. Please let us know the status of the application.

Sandi Boone

President, Holly neighborhood Association

Email from David Kinsey to Jonathan Tomko and Sandi Boone

06.26.2024 1:18pm

Thank you for the update Jonathan, regarding both the revision request and planning commission meeting. Very helpful for us.

On Tue, Jun 25, 2024, 10:58 AM Tomko, Jonathan wrote:
Good morning Sandra,

I can understand your concerns. The applicant amended their request after the notice of filing was sent out. Procedurally we don't send out revised notice of filings.

A notice of public hearing for Planning Commission and City Council have NOT gone out on this case yet. When they do, they will include the revised applicant request as required by code. I believe this case will be on the 7/9 Planning Commission agenda.

I hope this information is helpful,

Jonathan

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



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

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

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

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2014-0921

Contact: Jonathan Tomko, 512-974-2987

Public Hearing: Jul 09, 2014, Planning Commission

Destiny Hernandez

Your Name (please print)

2328 Corta St. 78702

Your address(es) affected by this application

Destiny Hernandez

Signature

I am in favor
 I object

Daytime Telephone: 737-330-9024

Date

Comments: Just got a hospital
for Fractured Leg.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Department
Jonathan Tomko
P. O. Box 1088
Austin, TX 78767-8810

Or email to:
jonathan.tomko@austintexas.gov