

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0039 – 3020 E Cesar Chavez

DISTRICT: 3

ADDRESS: 3020 East Cesar Chavez

ZONING FROM: CS-MU-V-CO-NP

TO: CS-MU-V-CO-DB90-NP

SITE AREA: 2.345 acres

PROPERTY OWNER: Eastside Partners, LLC (James Eustace)

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,
marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use - vertical mixed use building – conditional overlay - density bonus 90 - neighborhood plan (CS-MU-V-CO-DB90-NP) combining district zoning.

The Conditional Overlay:

- 1) Prohibits the following uses: Adult oriented businesses, Automotive rentals, Automotive repair services Automotive sales, Automotive washing (of any type), Campground, Convenience storage, Equipment repair services, Equipment sales, Kennels, Laundry services, Pawn shop services, Residential treatment, Vehicle storage; and**
- 2) Establishes the following uses as Conditional: Commercial off-street parking, Custom manufacturing, Drive-in service as an accessory to commercial uses, Limited warehousing and distribution, Service station, Transportation terminal**

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 11, 2024: *To GRANT CS-MU-V-CO-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED.*

[HEMPEL; R. JOHNSTON – 2ND] (9-0) A. PHILLIPS, J. MUSHTALER – OFF DAIS; G. COX, N. BARRERA-RAMIREZ – ABSENT

MOTION PASSES TO DENY NEIGHBORHOOD POSTPONEMENT REQUEST TO JULY 23, 2024 AND HEAR THE ITEM JUNE 11, 2024.

[G. ANDERSON; F. MAXWELL – 2ND] (8-1) A. PHILLIPS, J. MUSHTALER – OFF DAIS; G. COX, N. BARRERA-RAMIREZ - ABSENT

CITY COUNCIL ACTION:

July 18, 2024:

ORDINANCE NUMBER:

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. Subsequently, the applicant submitted this new rezoning application to request the -DB90 combining district.

The conditions establishing conditional and prohibited uses in the Conditional Overlay for case number C14-2021-0190 are continued to be recommended in this new rezoning, as the applicant requested.

Planning Commission Previous Action

September 27, 2022: *To Grant CS-MU-V-CO-NP combining district zoning as staff recommended.*

*[ANDERSON; HEMPEL – 2ND] (7-1) LLANES-PULIDO – NAY, COX – ABSTAIN.
ONE VACANCY ON THE DAIS.*

March 8, 2022: *To Grant Indefinite Postponement, as requested by Applicant.*

*[SCHNEIDER; AZHAR – 2ND] (10-0) MUSHTALER – OFF DAIS,
THOMPSON AND SHIEH – ABSENT*

February 22, 2022: *To Grant Postponement to March 8, 2022, as requested by Staff.*

[AZHAR; SHIEH – 2ND] (13-0)

City Council Previous Action

October 27, 2022: *Approved CS-MU-V-CO-NP combining district zoning as Planning Commission recommended. VOTE: 11-0.*

Prior Rezoning Case C14-2021-0190

Ordinance No. 20221027-057 approved October 27, 2022

CASE MANAGER COMMENTS:

The subject property is located on the north side of Cesar Chavez Street, between Linden Street and Tillery Street, within the Govalle/ Johnston Terrace Neighborhood Plan area. The property is currently developed with Administrative and Business office use (CS-MU-CO-NP). Immediately east of the rezoning tract is a Service Station with General Retail (CS-MU-CO-NP). Across Linden Street to the west are properties zoned developed with Business and Administrative office and Restaurant uses (CS-MU-CO-NP and GR-MU-NP). Across East 2nd Street to the north are single family residences (SF-3-NP). Across East Cesar Chavez to the south are properties developed with Construction Sales and Service and Scrap and Salvage use, as well as undeveloped land (CS-MU-CO-NP, GR-MU-CO-NP and SF-3-NP).

Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).

The applicant is requesting general commercial services – mixed use – vertical mixed use building – conditional overlay - density bonus 90 – neighborhood plan (CS-MU-V-CO-DB90-NP) combining district 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. The overall project would consist of a mixed use residential project.

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.

A similar rezoning request was previously approved for this property by the Planning Commission and City Council. However, the Court’s ruling invalidated the bonuses authorized for a “VMU2” building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

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

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. City Council previously approved rezoning this property to allow for vertical mixed-use buildings. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated “VMU2” option.

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

The general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

Mixed Use combining district (MU) is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building.

The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The proposed density bonus 90 (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.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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>	CS-MU-V-CO-NP	Business and Administrative office
<i>North</i>	SF-3-NP	Single-family residences
<i>South</i>	GR-MU-CO-NP; SF-3-NP; CS-MU-CO-NP	Lumber/ constrc materials storage/ including open air; Vehicle storage
<i>East</i>	CS-MU-CO-NP; SF-3-NP	Service/ gas station/ corner store
<i>West</i>	CS-MU-CO-NP; GR-MU-NP	Restaurants; Personal Services

NEIGHBORHOOD PLANNING AREA: Govalle/ Johnston Terrace

WATERSHED: Colorado River - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Govalle Elementary

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Barrio Unido Neighborhood Assn., Buena Vista Neighborhood Association, Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Govalle/Johnston Terrace Neighborhood Plan Contact Team, Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, Tejano Town, East Town Lake Citizens Neighborhood Assn., River Bluff Neighborhood Assn., Tillery Square Neighborhood Assn.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0190 – 3000 East Cesar Chavez	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP (9/27/2022)	Apvd as Commission recommended (10/27/2022)
C14-2021-0083 – 3001 East Cesar Chavez Street	CS-MU-CO-NP, GR-MU-CO-NP, SF-3-NP, RR-NP to CS-MU-V-CO-NP	Expired	
C14-2017-0138 – 3232 & 3306 E. Cesar Chavez rezoning	GR-CO-NP and CS-CO-NP to MF-6-CO-NP	Withdrawn	

	and CS-MU-CO-NP		
C14-2016-0079 – 3212 E Cesar Chavez	CS-CO-NP and LI-CO-NP to CS-MU-V-CO-NP	Withdrawn	
C14-2014-0115 – 2 nd and Broadway	SF-3-NP to GR-MU-NP	To Grant SF-5-NP, as staff recommended (3/24/2015)	Apvd SF-5-NP as Commission recommended (4-16-2015).
C14-2014-0116 - 2911 E. 3rd Rezoning	SF-3-NP to SF-4-NP	Expired	

RELATED CASES:

C14-2021-0190

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 3020 E CESAR CHAVEZ STREET. C14-2024-0039.
 Project: 3020 East Cesar Chavez Street. 2.35 acres from CS-MU-V-CO-NP to CS-MU-V-DB90-CO-NP. Govalle/Johnston Terrace Neighborhood Plan. FLUM: Mixed Use. Existing: professional office. Proposed: number of multifamily units to be determined at or above 200 units, and mixed use with ground-floor commercial. Demolition to be determined with zero existing residential units. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073). Density Bonus 90 (DB90) sets affordability minimums on ownership and rental units, and further allows for an increase of up to 30 ft in height above the base zone allowance, with a maximum limit of 90 feet in total height. DB90 additionally releases the site from some base zoning district development standards, including maximum floor area ratio.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to East Cesar Chavez Activity Corridor, and 0.13 miles East of Pleasant Valley Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • 0.05 miles from bus stop along E Cesar Chavez ST to the East, and 0.12 miles from bus stop to the West.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk access along E 2nd ST, Linden ST, and E Cesar Chavez ST

Y	Connectivity, Good and Services, Employment * : Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access * : Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education * : Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.3 miles from Brooke Elementary School
Y	Connectivity and Healthy Living * : Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.3 miles from Holly Shores at Town Lake Metro Park
Y	Connectivity and Health * : Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.2 miles from Ascension Medical Group Seton Primary Care along N Pleasant Valley BLVD
Y	Housing Choice * : Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use * : Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
11	Number of "Yes's"

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

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

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.

PARD – Planning & Design Review

Parkland dedication will be required for the new residential uses proposed by this development, multifamily with CS-MU-V-DB90 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 new development is subject to Subchapter E. Design Standards and Mixed Use.
Additional comments will be made when the site plan is submitted.

FYI: Additional design regulations will be enforced at the time a site plan is submitted.
Compatibility buffer is required per LDC 25-2, DB90 program.

Austin Fire Department

No Comments.

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 116’ feet of right-of-way for E. Cesar Chavez Street. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for E. Cesar Chavez St. according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

A transportation assessment/traffic Impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

The adjacent street characteristics table is provided below:

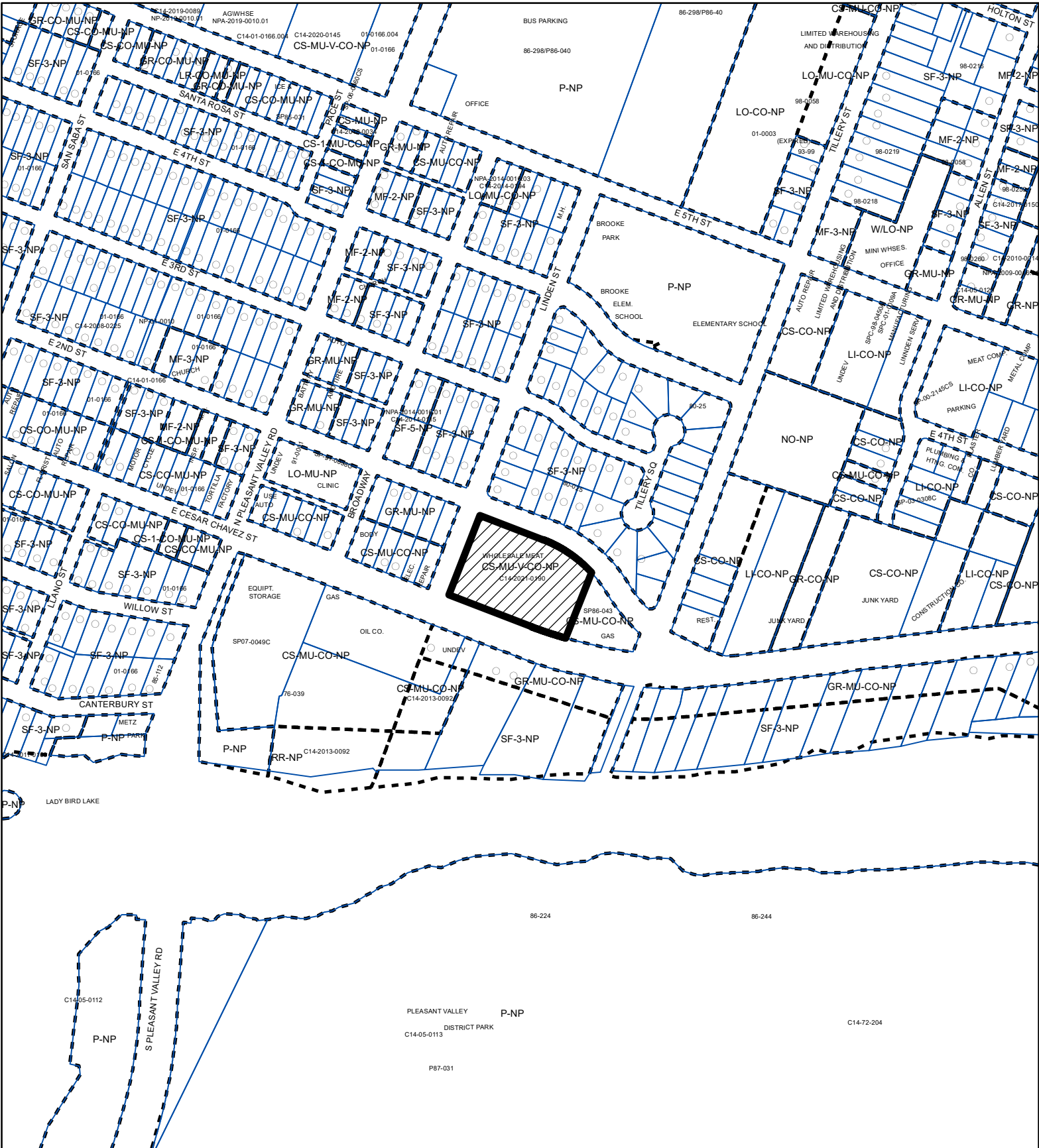
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. 2 nd Street	Level 2	72’	73’	43’	Yes	Yes	Yes
Linden Street	Level 1	58’	74’	40’	Yes	No	Yes
E. Cesar Chavez St.	Level 3	116’	104’	55’	Yes	Yes	Yes

Austin Water Utility

No Comments.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- Exhibit A: Zoning Map
- Exhibit A-1: Aerial Map
- Exhibit B: Applicant’s Summary Letter
- Exhibit C: Public Correspondence



ZONING

ZONING CASE#: C14-2024-0039



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

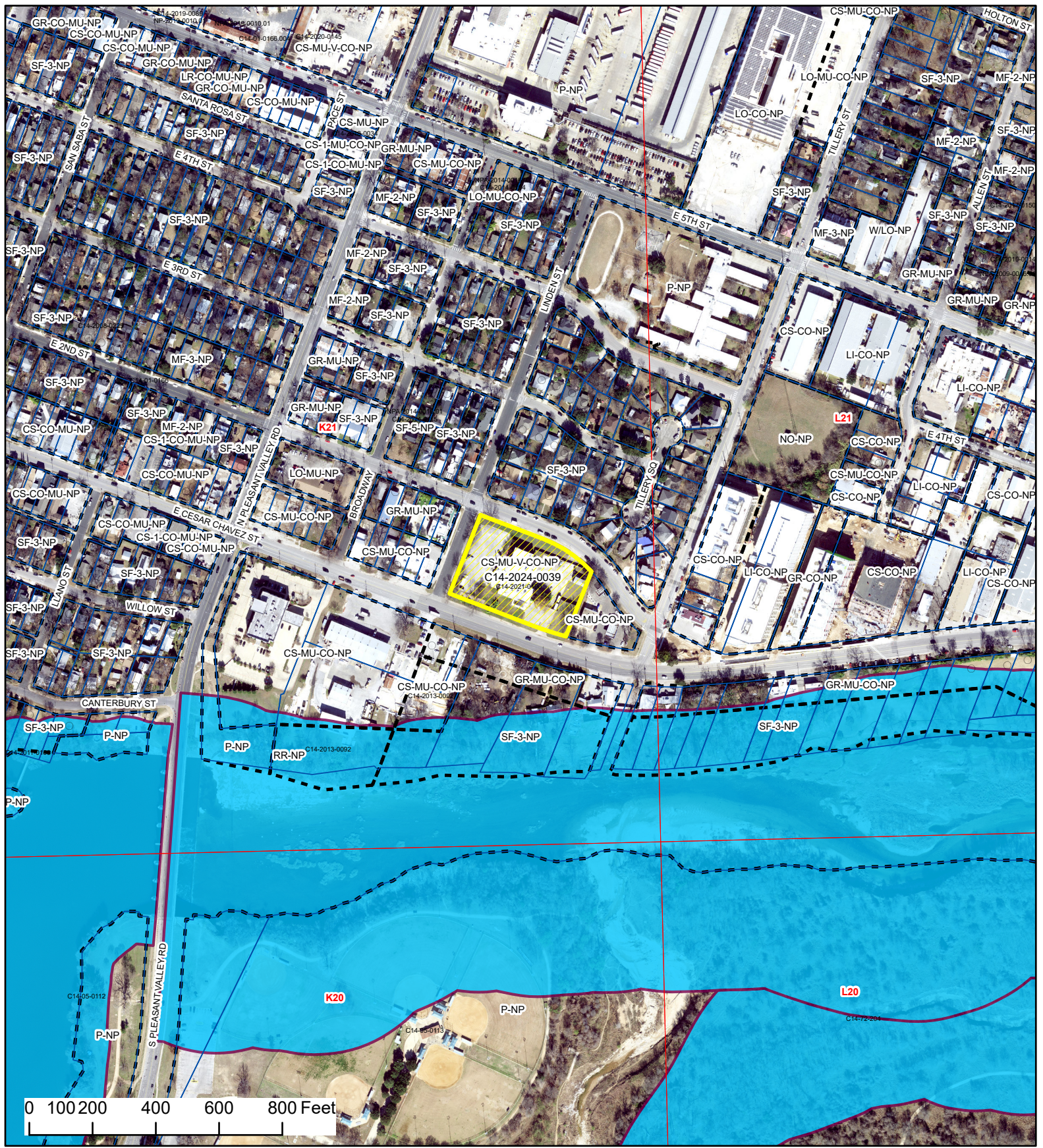
1" = 400'

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



Created: 3/22/2024



3020 East Cesar Chavez Street



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

CASE#: C14-2024-0039
LOCATION: 3020 E Cesar Chavez St
SUBJECT AREA: 2.35 Acres
GRID: K21
MANAGER: Jonathan Tomko



This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 4/24/2024

March 15, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 3020 East Cesar Chavez Street – Rezoning application for 2.345-acre property located at 3020 East Cesar Chavez Street, Austin, TX 78702 (the "Property").

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 3020 East Cesar Chavez Street and is 2.345 acres of land, located on the northeast corner of East Cesar Chavez Street and Linden Street. The Property is within the Full Purpose Jurisdiction of the City of Austin.

A rezoning application was submitted to the City of Austin (the "City") on November 30, 2021, assigned permit number C14-2021-0190, and was approved on October 7, 2022, via Ordinance No. 20221027-057, rezoning the Property from CS-MU-CO-NP (General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan) to CS-MU-V-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan). The staff report and rezoning ordinance from that City Council meeting accompany this letter. The Owner intended to develop the Property with a VMU2 Building as part of the City's Vertical Mixed Use Program that was approved on June 9, 2022, via Ordinance No. 20220609-080 (the "VMU2 Ordinance").

Due to the outcome of the Travis County District Judge Jessica Mangrum's Order issued on December 8, 2023, relating to the litigation between the City and certain private plaintiffs, Acuña et al. v. City of Austin, Cause No. D-1-GN-19-008617, which invalidated the VMU2 Ordinance from its inception, we respectfully submit this this rezoning application request.

The Property is currently zoned CS-MU-V-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan). The requested rezoning is from CS-MU-V-CO-NP to CS-MU-V-DB90-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use – Density Bonus 90 – Conditional Overlay – Neighborhood Plan). With this rezoning request, the owner requests to add the DB90 (Density Bonus 90) combining district, that was recently approved on February 29, 2024, via Ordinance No. 20240229-073, (the "DB90 Ordinance"), attached herein. The purpose of this rezoning is to allow for the development of a mixed use building with ground-floor neighborhood supportive commercial uses and a multifamily use above. The DB90 combining zoning district requires the Project to reserve a

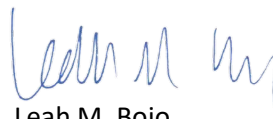
minimum of 10% of the residential units as affordable for households earning no more than 50% of the area Median Family Income (“MFI”), or 12% of the residential units as affordable for households earning no more than 60% of the area MFI. The Property is currently developed with a professional office use. No changes are contemplated to the conditional overlay with this rezoning request.

The Property is located in the Govalle/Johnston Terrace Combined Neighborhood Planning Area – Govalle Subdistrict and has a Future Land Use Map (“FLUM”) designation of Mixed Use. A Neighborhood Plan Amendment (“NPA”) is not required with this rezoning request, per a memo from Maureen Meredith dated March 11, 2024. The requested rezoning supports the plan’s Goal 3 to “develop a balanced and varied pattern of land use,” and Goal 8 to “increase opportunities for people to live in close proximity to daily needs such as shopping and transportation.”

The Property’s prior zoning relied upon the VMU2 Ordinance, which has since been invalidated. Per Part 5 of the adopted DB90 ordinance, the City Council waives the fee related to this rezoning application.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)

ORDINANCE NO. 20221027-057

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3020 EAST CESAR CHAVEZ STREET, IN THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2021-0190, on file at the Housing and Planning Department, as follows:

LOT 1, J.B.P. ADDITION, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof as recorded in Volume 83, Page 190D, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 3020 East Cesar Chavez Street in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "A"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

(A) The following uses are prohibited uses on the Property:

Adult oriented businesses	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Campground
Convenience storage	Equipment repair services
Equipment sales	Kennels
Laundry services	Pawn shop services
Residential treatment	Vehicle storage

(B) The following uses are conditional uses of the Property:

Commercial off-street parking
Drive-in service as an accessory
use to commercial uses
Service station

Custom manufacturing
Limited warehousing and
distribution
Transportation terminal

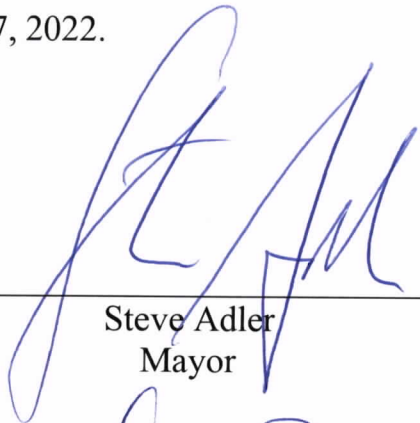
PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 4. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 030327-11a that established zoning for the Govalle Neighborhood Plan.

PART 5. This ordinance takes effect on November 7, 2022.

PASSED AND APPROVED

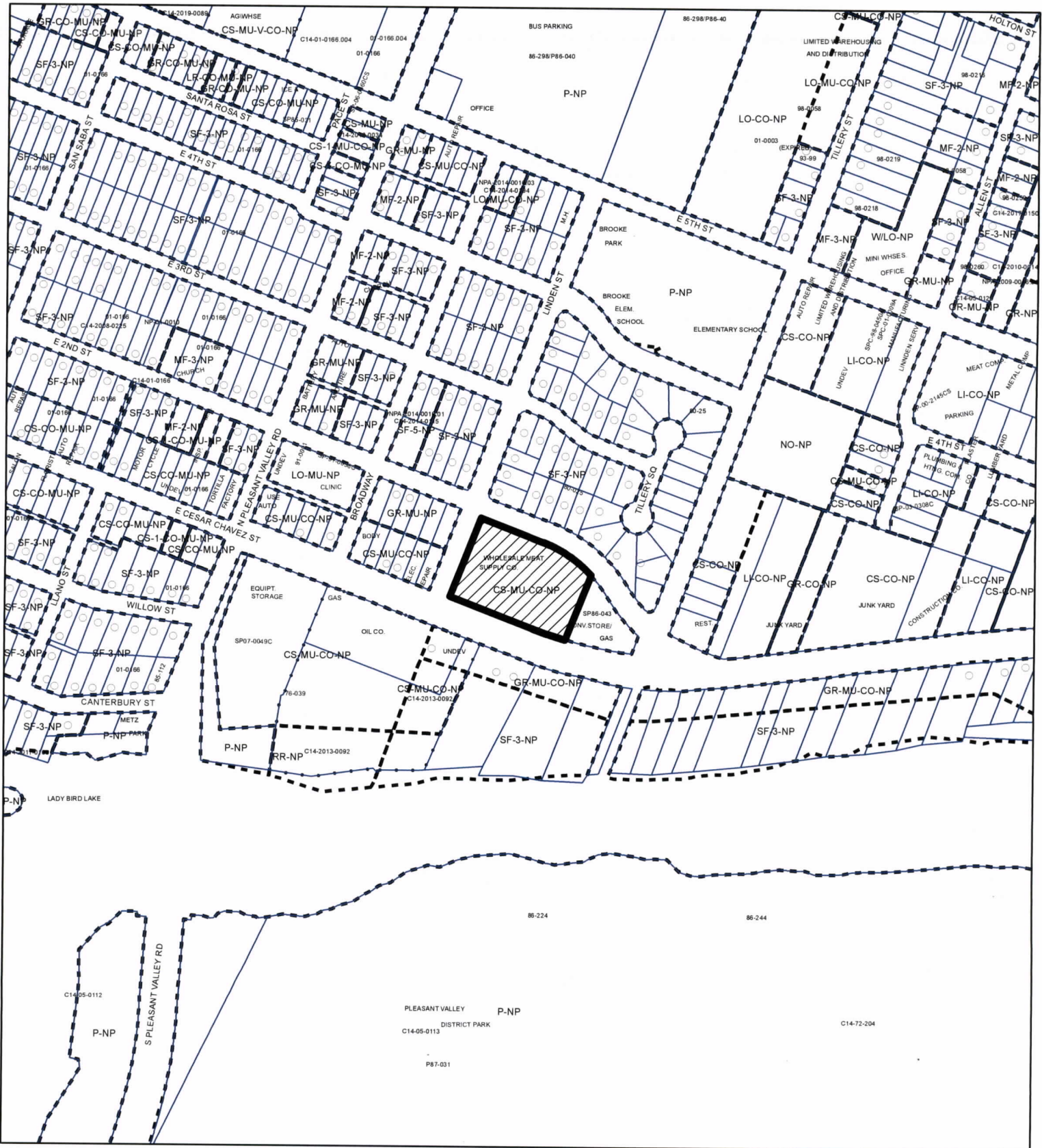
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October 27, 2022 § _____







Steve Adler
Mayor

APPROVED: Anne L. Morgan
Anne L. Morgan ^{04/27}
City Attorney

ATTEST: Myrna Rios
Myrna Rios
City Clerk



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2021-0190

EXHIBIT A



1" = 400'

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Created: 12/15/2021

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0190
3020 E. Cesar Chavez

DISTRICT: 3

ZONING FROM: CS-MU-CO-NP

TO: CS-MU-V-NP

ADDRESS: 3020 East Cesar Chavez Street

SITE AREA: 2.35 acres

PROPERTY OWNER:
Eastside Partners LLC

AGENT:
Drenner Group PC
(Leah Bojo)

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

STAFF RECOMMENDATION:

Staff supports the Applicant’s request of CS-MU-V-NP, with the condition listed below, making the recommendation CS-MU-V-CO-NP.

1. The following land uses shall be prohibited: Adult oriented businesses, Automotive repair services, Automotive washing (of any type), Automotive rentals, Automotive sales, Campground, Convenience storage, Equipment sales, Laundry services, Residential treatment, Equipment repair services, Kennels, Pawn shop services, and Vehicle storage.

2. The following land uses shall be conditional: Commercial off-street parking, Limited warehousing and distribution, Custom manufacturing, Service station, Transportation terminal, and Drive-in service as an accessory use to commercial uses.

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 27, 2022: To grant CS-MU-V-CO-NP as recommended by Staff. (7-1)

[Anderson- 1st, Hempel- 2nd. Llanes-Pulido-Nay; Cox- Abstain; 1 Vacancy.

March 8, 2022: To grant indefinite postponement as requested by Applicant, on consent.

February 22, 2022: To grant postponement to March 8, 2022 as requested by Staff, on consent.

CITY COUNCIL ACTION:

October 27, 2022:

ORDINANCE NUMBER:

ISSUES:

The conditional and prohibited land uses included in the Staff Recommendation are being carried over from the current CS-MU-CO-NP zoning on the site. The Applicant has agreed to these conditional and prohibited land uses.

CASE MANAGER COMMENTS:

The subject property is located on the north side of Cesar Chavez Street, between Linden Street and Tillery Street. The CS-MU-CO-NP property is currently developed with office land uses. Immediately east of the rezoning tract is a convenience store/service station, also zoned CS-MU-CO-NP. Across Linden Street to the west are properties zoned CS-MU-CO-NP and GR-MU-NP that are developed with office and restaurant land uses. Across East 2nd Street to the north are single family residences zoned SF-3-NP. Across East Cesar Chavez to the south are properties zoned CS-MU-CO-NP, GR-MU-CO-NP and SF-3-NP. These properties include a lumber yard, limited retail, and undeveloped land. *Please see Exhibits A and B- Zoning Map and Aerial Exhibit.*

Staff supports the rezoning request with the addition of conditional and prohibited land uses. The property is served by Capital Metro bus routes 17 and 4, providing convenient transit opportunities. The addition of V/VMU will allow changes to site development standards for redevelopment that includes onsite affordable housing. Additionally, the Applicant has agreed to keep the existing list of conditional and prohibited land uses, maintaining the conditions established with the existing zoning.

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

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

By adding V/VMU, the property will be able to utilize relaxed site development standards if onsite affordable housing is provided. While residential land uses are permitted in the existing CS-MU-CO-NP zoning, the addition of affordable housing is consistent with the Strategic Planning Blueprint.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP	Administrative/business offices
North	SF-3-NP	Single family residential
South	CS-MU-CO-NP, GR-MU-CO-NP, SF-3-NP	Construction sales and services, Retail- limited, Undeveloped
East	CS-MU-CO-NP	Food sales, Service station
West	CS-MU-CO-NP, GR-MU-NP	Administrative/business offices, Restaurant- general

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace

CAPITOL VIEW CORRIDOR: No

TIA: Deferred to time of site plan

WATERSHED: Colorado River

NEIGHBORHOOD ORGANIZATIONS:

- | | |
|--|---|
| Del Valle Community Coalition | Sentral Plus East Austin Koalition (SPEAK) |
| PODER | Holly Neighborhood Coalition |
| East Austin Conservancy | Govalle/Johnston Terrace Neighborhood Plan Team |
| Save Town Lake.org | Tillery Square Neighborhood Association |
| Tejano Town | El Concilio Mexican-American Neighborhoods |
| Barrio Unido Neighborhood Association | Cristo Rey Neighborhood Association |
| Buena Vista Neighborhood Association | Austin Neighborhoods Council |
| River Bluff Neighborhood Association | Greater East Austin Neighborhood Association |
| Preservation Austin | United East Austin Coalition |
| Friends of the Emma Barrientos MACC | |
| Guadalupe Neighborhood Development Corporation | |

AREA CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0083 3001 East Cesar Chavez	CS-MU-CO-NP, GR-MU-CO-NP, SF-3-NP, RR-NP to CS-MU-V-CO-NP	Indefinite postponement by applicant	

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 2 nd St.	73'	43'	ASMP Level 2	Yes	Shared Lane	Yes
Linden St.	74'	40'	ASMP Level 1	Yes	None	Yes
E Cesar Chavez	103'	55'	ASMP Level 3	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 Colorado River 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. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP5. The site is subject to compatibility standards due to adjacency of SF-3-NP to the north and northwest. The following standards apply:

- No structure may be built within 25 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- Landscaping or screening is required along the west property line in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or

playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

□ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

SP6. The applicant is responsible for requesting relocation and demolition permits once the site

plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Parks & Recreation

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with CS-MU-V-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. Parkland dedications 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.

Transportation

Transportation Assessment

A Traffic Impact Analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113.

The Austin Strategic Mobility Plan (ASMP) calls for 104 feet of right-of-way for E Cesar Chavez St. Additional right-of-way or easement may be required at the time of subdivision and/or site plan. The adjacent street characteristics table is provided below:

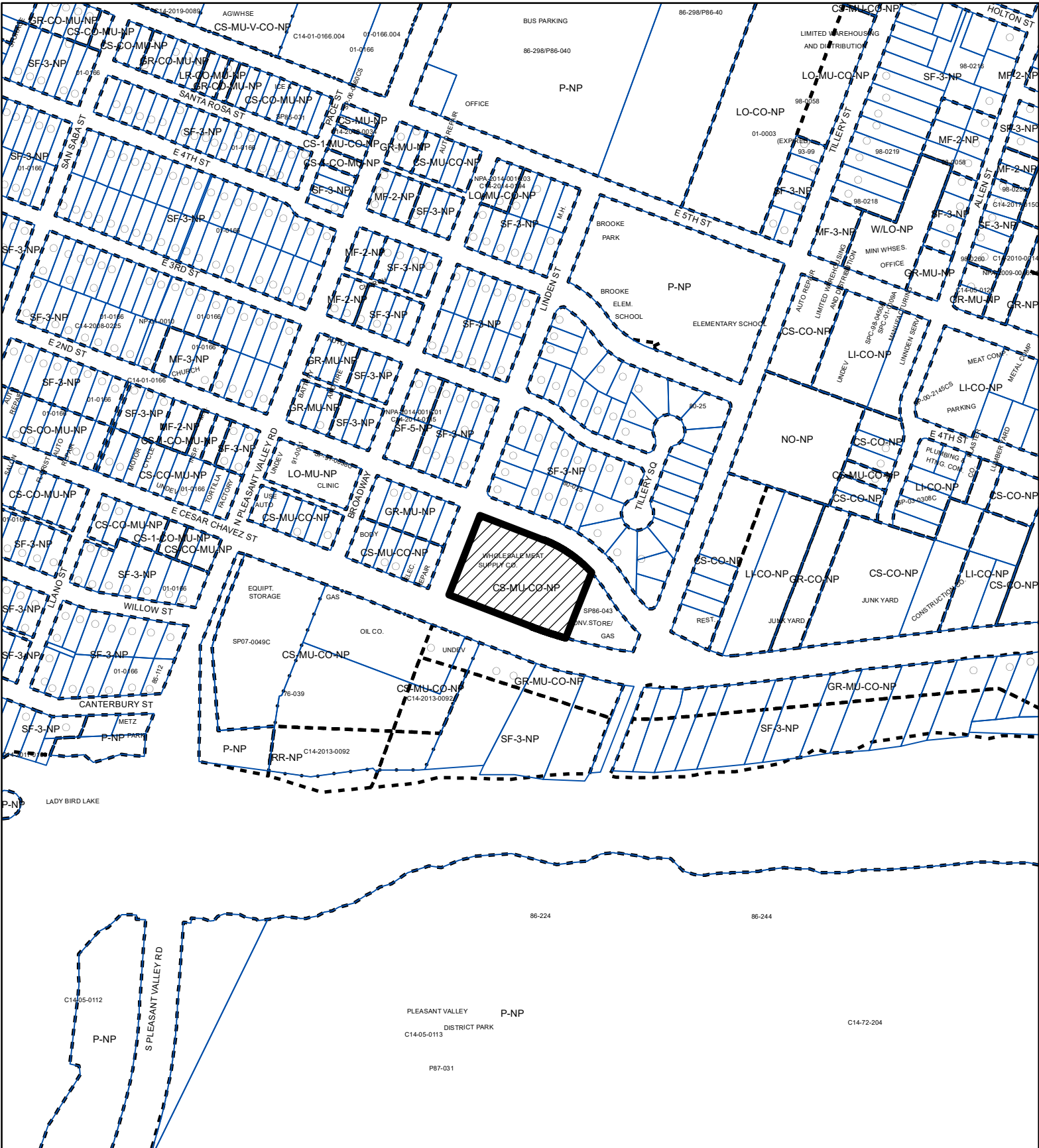
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 2 nd St.	73'	43'	ASMP Level 2	Yes	Shared Lane	Yes
Linden St.	74'	40'	ASMP Level 1	Yes	None	Yes
E Cesar Chavez	103'	55'	ASMP Level 3	Yes	None	Yes

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. 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. 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. Correspondence



ZONING

ZONING CASE#: C14-2021-0190



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 12/15/2021



Property Profile



1: 2,400



0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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Legend

- Street Labels
- Lot Line
- Zoning Review Cases (All)
- Capital Metro Rail Route
- Capital Metro Rapid Bus Stops
- Capital Metro Bus Stops
- Capital Metro Bus Routes
- Zoning Text

Notes

From: Daniel Llanes <
Sent: Monday, February 21, 2022 10:33 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Leah Bojo <
Subject: G/JTNP Contact Team OPPOSES zoning change at 3020 E. Cesar Chavez

*** External Email - Exercise Caution ***

Hi Heather and Maureen, Hope you all are well and safe.

I am writing on behalf of the G/JTNP Contact Team to express

OPPOSITION to the zoning request to add “V” to this zoning case. The G/JTNP designates E. 7th and Airport as the designated “V” corridors. E. Cesar Chavez is not.

I will sign up to speak on this case if there is to be discussion.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

.....

From: [Daniel Llanes](#)
To: [Boudreaux, Marcelle](#)
Cc: [Candi Fox](#); [Raul Alvarez](#); [Tomko, Jonathan](#); [Meredith, Maureen](#); [Susana Almanza](#); [Marie Rocha](#); [Lonnie Limon](#); [Ben Ramirez](#)
Subject: Objection to and postponement request on PC agenda items #3,#22,#24, #27 & #29
Date: Tuesday, June 11, 2024 9:56:57 AM

External Email - Exercise Caution

Hi Marcelle,

Please forward this request Austin Planning Commission, to be included in the files of the below-mention zoning case items.

To the Austin Planning Commission,

I am writing on behalf of the **Govalle/Johnston Terrace Neighborhood Contact Team** to

Object to the rash of re submissions for DB90, which we previously reviewed and they did not include the DB90 request, and non of these applicants have returned to the Contact Team for review of these resubmissions, specifically **PC agenda items #3, #22, #24, #27 and #29**.

The G/JTNP Contact Team categorically Objects to any DB90 request in our planning area without review by our Contact Team.

Further, we are asking that

all these items be postponed to the July 23rd PC meeting, to give the Neighborhood and the applicant an opportunity to review and discuss these re submissions.

Please feel free to contact me directly with any questions or comments concerning the submissions of these DB90 requests.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.
For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".



Eastside Guardians / East Austin Conservancy

P.O. Box 6462, Austin, Texas, 78762

(512) 262-9946

administrator@eastsideguardians.org

June 10, 2024

To the City of Austin Planning Commission:

I am writing on behalf of the East Austin Conservancy to request a neighborhood postponement of the following agenda items on the June 11, 2024 meeting agenda, all of which are in the service area of the East Austin Conservancy:

Item #3 – Requesting 90 feet

Item #22 – Requesting 90 feet

Item #24 – Requesting 90 feet

Item #27 – Requesting 160 feet

Item #29 – Requesting 90 feet

The requested zoning is markedly different than what was originally being discussed. We will discuss with stakeholders in each neighborhood the ramifications of what is being proposed and ensure that those views are adequately represented when the items return for consideration by the Commission.

The community has been misinformed in that for many years an MU or VMU zoning change always meant 60 feet in height and now allowing heights of 90 feet and higher that have not been adequately vetted with neighbors due to very dubious notice process.

Please take time to ensure that neighbors are informed of these actions before pushing these very consequential projects through. Thanks you in advance for your support of this request.

Sincerely,

Raul Alvarez

East Austin Conservancy