

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** East Cesar Chavez Neighborhood Plan and Plaza Saltillo (TOD) Station Area Plan

**CASE#:** NPA-2023-0002.02      **DATE FILED:** July 14, 2023

**PROJECT NAME:** 1307 and 1309 E. 4<sup>th</sup> Street

**PC DATE:** May 28, 2024

**ADDRESS/ES:** 1307 and 1309 E. 4<sup>th</sup> Street

**DISTRICT AREA:** 3

**SITE AREA:** 0.29 acres

**OWNER/APPLICANT:** JLCC Interests, LLC

**AGENT:** Drenner Group, PC (Leah M. Bojo, AICP)

**CASE MANAGER:** Maureen Meredith      **PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.Meredith@austintexas.gov

### **TYPE OF AMENDMENT:**

#### **Change in Future Land Use Designation**

**From:** Specific Regulating District    **To:** Specific Regulating District  
To amend specified properties within the East César Chávez (ECC) neighborhood plan and the Land Use and Design Concept Plan map(s) in the Plaza Saltillo TOD Station Area Plan **from** Live/Work Flex **to** TOD Mixed Use. The existing land use on the future land use map (FLUM) is Specific Regulating District. There is no proposed change to the future land use map.

#### **Base District Zoning Change**

Related Zoning Case: C14-2023-0153

**From:** TOD-NP (live/work flex subdistrict)

**To:** TOD-NP (TOD mixed-use subdistrict)

**NEIGHBORHOOD PLAN ADOPTION DATE:** East Cesar Chavez Neighborhood Plan adopted May 13, 1999. Plaza Saltillo (TOD) Station Area Plan adopted December 11, 2008

**CITY COUNCIL DATE:** July 18, 2024

**ACTION:**

**PLANNING COMMISSION RECOMMENDATION:**

***June 11, 2024*** – After discussion, approved staff recommendation for TOD Mixed Use on the Land Use Design Concept map(s) in the Plaza Saltillo (TOD) Station Area Plan. [G. Anderson -1<sup>st</sup>; R. Johnson – 2<sup>nd</sup>] Vote: 9-0 [A. Woods abstained. N. Barrera-Ramirez and G. Cox absent. One vacancy on the dais.]

***May 28, 2024*** – Postponed to June 11, 2024 on the consent agenda at the request of the Neighborhood. [F. Maxwell – 1<sup>st</sup>; A. Woods – 2<sup>nd</sup>] Vote: 10-0 [G. Cox off the dais. P. Howard and A. Phillips absent].

**STAFF RECOMMENDATION:** Staff supports the applicant’s request to change the Land Use and Design Concept map from Live/Work Flex to TOD Mixed Use.

**BASIS FOR STAFF’S RECOMMENDATION:** The applicant is proposing to amend the Land Use and Design Concept Plan map(s) in the Plaza Saltillo TOD Station Area Plan from Live/Work Flex to TOD Mixed Use so the project can participate in the Density Plus Height Bonus Program. This program will require the proposed multifamily development to reserve a minimum of 15% of the entire square footage as affordable, on-site units for those earning no more than 50% Medium Family Income (MFI). The current designation as Live/Work Flex does not allow the property to participate in this program.

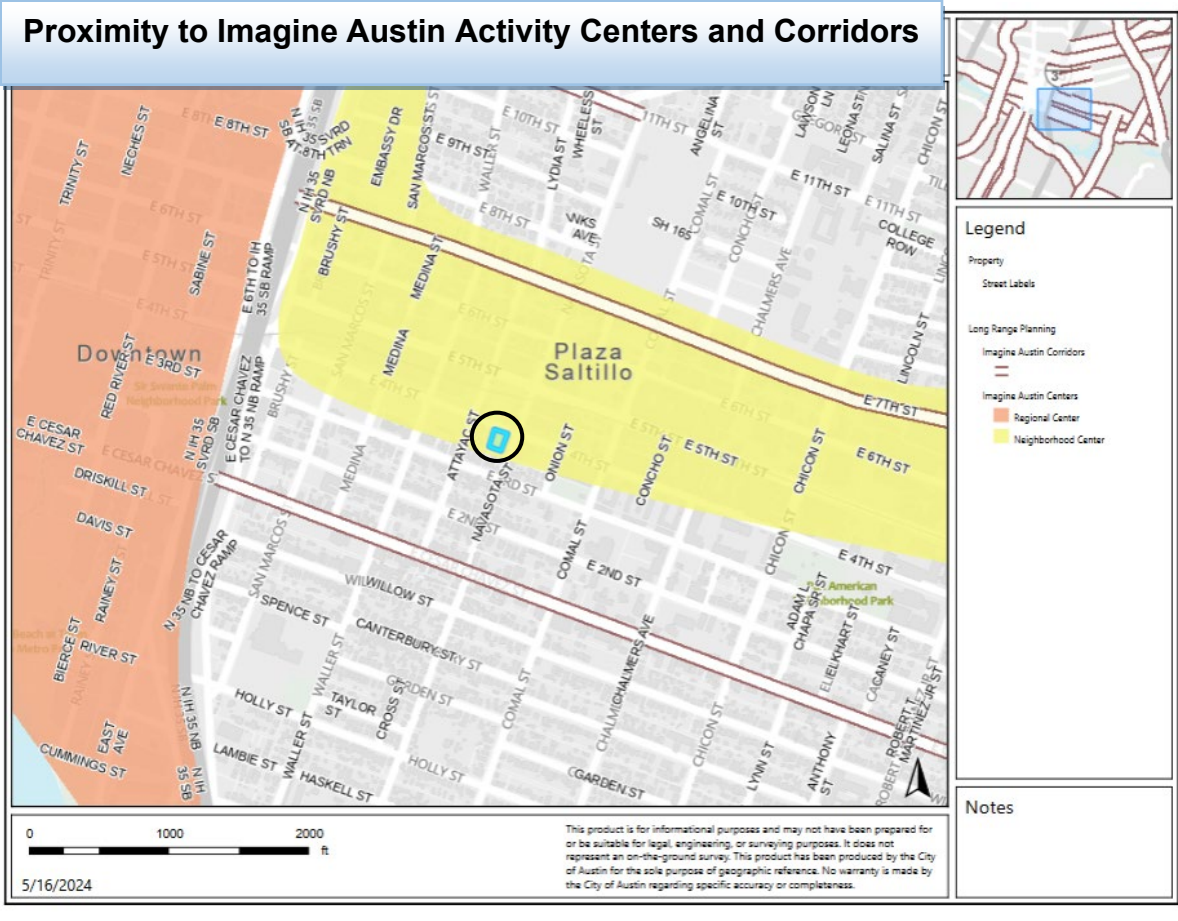
Staff supports the applicant’s request because of the property is located 0.2 miles from the Plaza Saltillo Station where increased density can be supported. The TOD Mixed Use is the highest density designation that will allow for more residential and commercial uses to be developed within ¼-mile of the Plaza Saltillo Station.

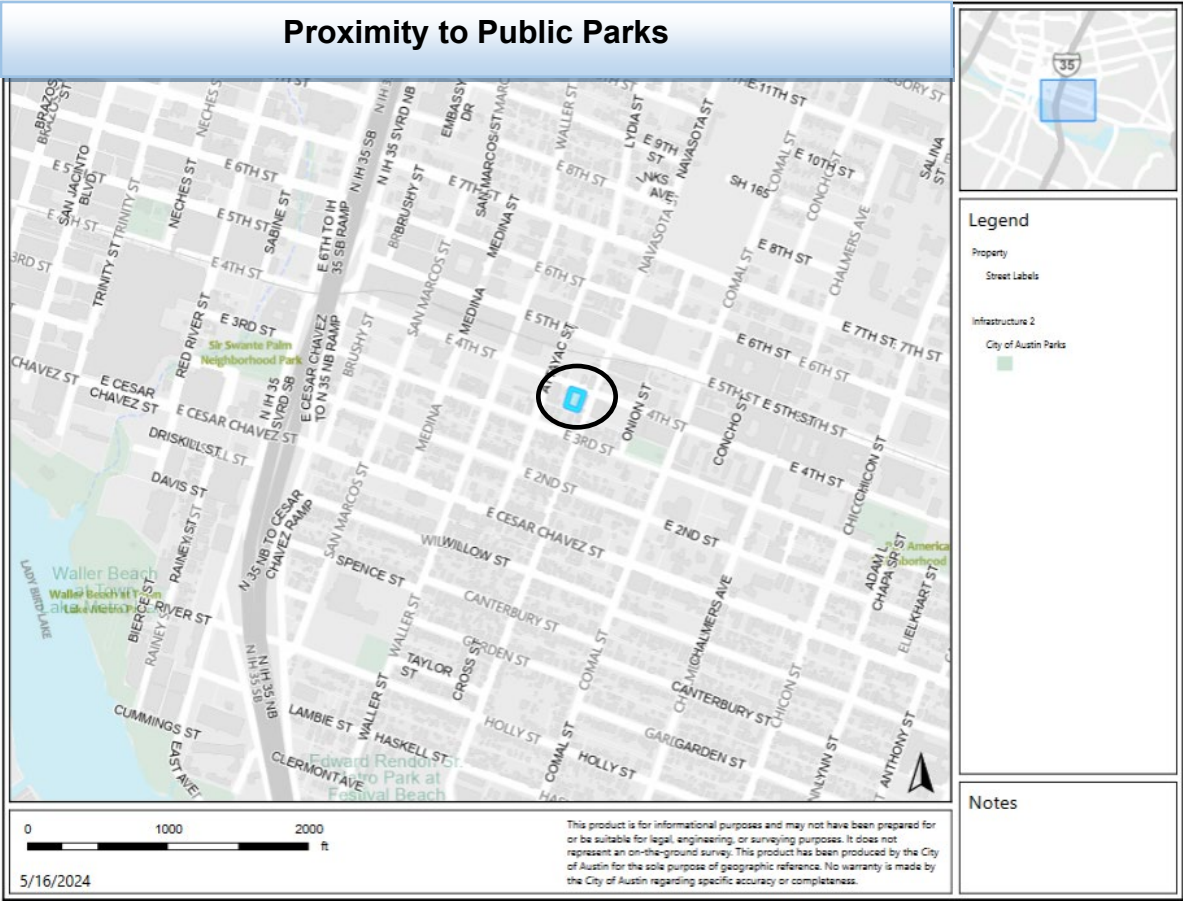
**LAND USE DESCRIPTIONS:**

**EXISTING LAND USE:**

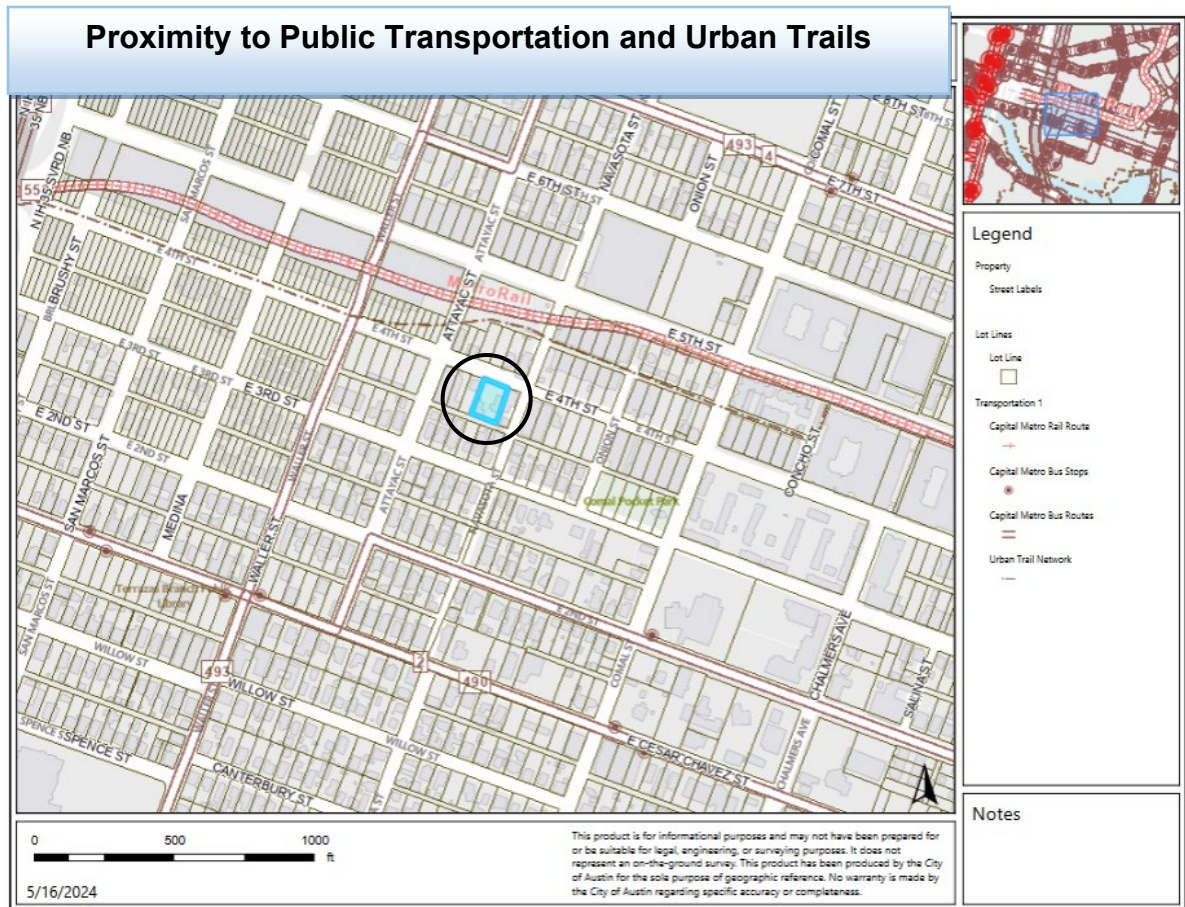
**Specific Regulating District** - This map designation is intended for areas that have an adopted regulating plan. This district will be identified on the Future Land Use Map but is not considered a typical land use category. The purpose of this designation is to make the user aware of the Regulating Plan and that it should be reviewed for development regulations.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	<b>Imagine Austin Growth Concept Map:</b> 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. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> <ul style="list-style-type: none"> <li>Property is within the Plaza Saltillo Neighborhood Center</li> <li>Approx. 0.15 miles north of E. Cesar Chavez Street and activity corridor</li> <li>Approx. 0.20 miles south of E. 7<sup>th</sup> Street and activity corridor</li> </ul>
Yes	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> <li>0.2 miles from Plaza Saltillo Station Red Line</li> <li>Bus routes on Waller Street and E. Cesar Chavez Street</li> </ul>
No	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> <li>Approx. 210 feet from the Red Line Trail</li> </ul>
Yes	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
Yes	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> <li>0.4 miles from Target Grocery</li> <li>0.4 miles from Royal Blue Grocery</li> <li>0.6 miles from Whole Foods</li> </ul>
No	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> <li>0.7 miles from Sanchez Elementary School</li> <li>0.9 miles from Zavala Elementary School</li> </ul>
Yes	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> <li>0.2 miles from Comal Pocket Park</li> <li>0.2 miles from Pepe's Park</li> <li>0.6 miles from Pan American Park</li> </ul>
Yes	<b>Connectivity and Health:</b> 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"> <li>0.2 miles Community Care Collaborative</li> <li>0.2 miles from CommUnityCare: East Austin Health Center</li> <li>0.3 miles from Integral Care - East 2nd Street</li> </ul>
Yes	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> <li>Applicant proposes participation in the regulating plan's density and height development bonus by reserving at least 15% of the total square footage of multifamily rental development as affordable habitable space at, or below 50% of the area MFI.</li> </ul>
Yes	<b>Housing Choice:</b> 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.
Yes	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
No	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
No	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
No	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
No	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
No	<b>Industrial Land:</b> Preserves or enhances industrial land.
9	<b>Number of "Yes's"</b>









## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Regional Centers** - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

**Activity Centers for Redevelopment in Sensitive Environmental Areas** - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

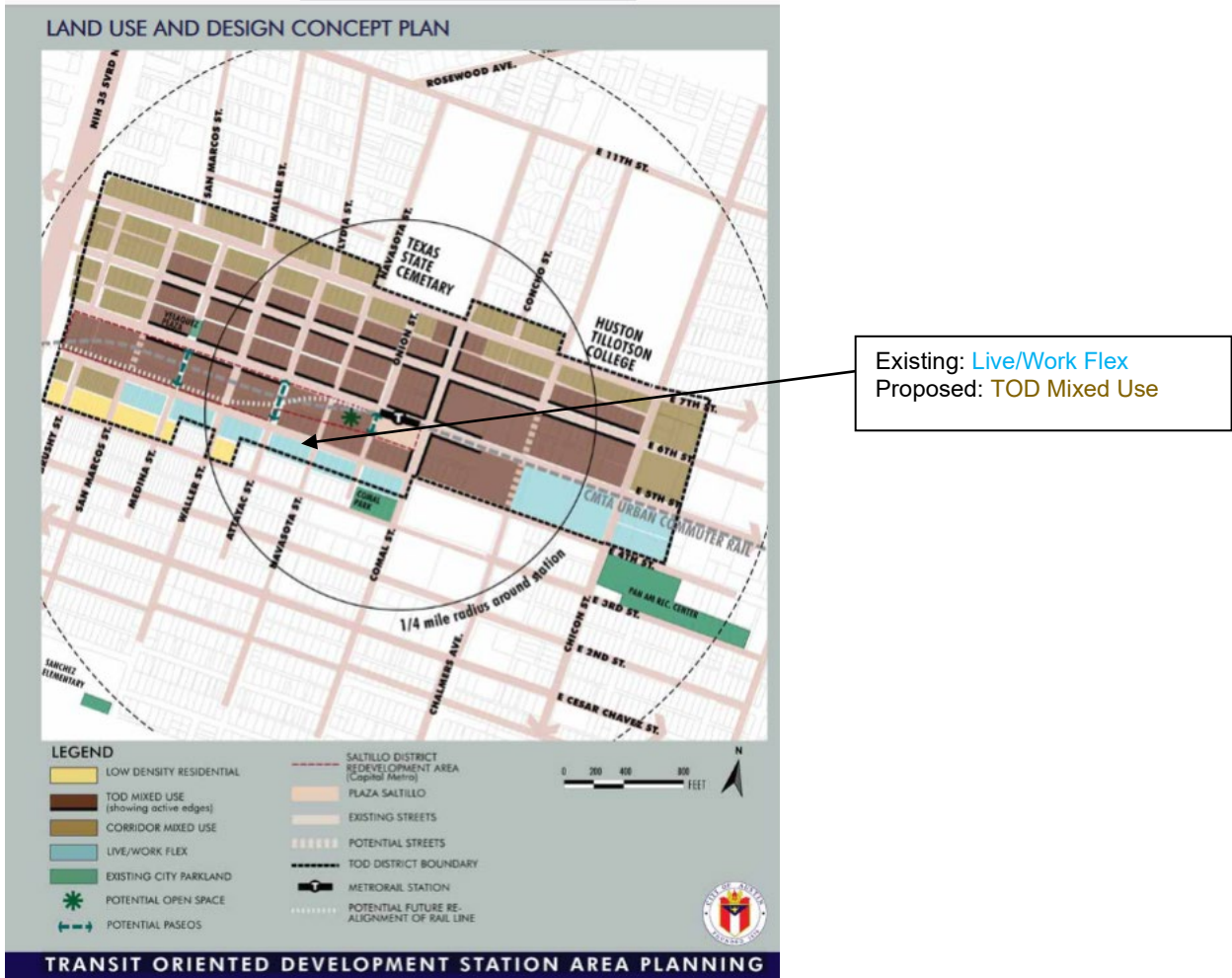
**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment

opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant, or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The plan amendment application was filed on December 6, 2023.

The applicant proposes to change the Land Use and Design Concept Map in the Plaza Saltillo TOD Station Area Plan from Live/Work Flex to TOD Mixed Use so the project can participate in the Density Plus Height Bonus Program. This program will require the proposed multifamily development to reserve a minimum of 15% of the entire square footage as affordable, on-site units for those earning no more than 50% Medium Family Income (MFI). The current designation as Live/Work Flex does not allow the property to participate in this program.





- **TOD Mixed-Use.** This is the highest density designation, which encourages urban-style development including active ground floor uses with commercial, office, or residential uses on the upper floors. Residential densities may exceed 45 units per acre if a specific level of affordable housing is provided. Moderate height bonuses allowing a total building height of 60 feet may also be granted with additional affordable housing. These areas are located in the closest proximity to transit and are intended to become neighborhood centers.
- **Live/Work Flex.** This encourages ground floor business activity with residential units on the upper floors. Residential uses are required and a ground floor business is optional. Residential densities range from 17 to 45 units per acre, and additional density may be permitted when affordable housing is provided.

For more information on the proposed changes to the Plaza Saltillo (TOD) Regulating Plan, see zoning case report C14-2023-0153.

**PUBLIC MEETINGS:** The ordinance-required community meeting was virtually held on March 4, 2024. The recorded meeting can be found here: <https://publicinput.com/w6188>. Two City staff members attended the meeting from the Planning Department, Maureen Meredith and Mark Walters. Leah Bojo and Drew Raffaele from Drenner Group, PC, the applicant's agents attended. No one from the neighborhood attended.

Below are highlights from Leah Bojo's presentation:

- Property is 0.29 acres.
- Current uses are commercial office space.
- The request is to change the Land Use Concept Map in the plan from Live/Work Flex to TOD Mixed use which will allow us to use the density and height bonus program:
  - Rental – reserve a min. of 15% of the entire square footage as affordable, on-site units for those earnings no more than 50% MFI.
- The property has transit access.
  - Approx. 500 feet from Plaza Saltillo Station.
  - Approx. 210 feet from the Lance Armstrong Bikeway
  - Waller Street: One-way protected bike lane is proposed.
  - Comal Street: bike lanes are proposed.
  - E. 2<sup>nd</sup> Street: Neighborhood Bikeway is proposed.

There were no attendees at the meeting to ask questions.

## Applicant's Summary Letter from Application

Leah M. Bojo  
lbojo@drennergroupp.com  
512-807-2918

**DRENNER**  
GROUP

March 20, 2024

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

Via Electronic Delivery

Re: 1307 & 1309 E 4<sup>th</sup> Street – Rezoning and Neighborhood Plan correction letter for the approximately 0.2907-acre property located at 1307 & 1309 East 4<sup>th</sup> Street in the City of Austin, Travis County, Texas (the “Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit this letter to correct the affordability requirements stated in the applicant summary letter that accompanied the rezoning and Neighborhood Plan Amendment applications currently under review, assigned case numbers C14-2023-0153 and NPA-2023-0002.02, respectively, and were submitted on December 6, 2023.

The proposed change to the Plaza Saltillo Transit Oriented Development (TOD) Station Area Plan and Plaza Saltillo TOD Regulating Plan's Land Use and Design Concept Plan designations from Live/Work Flex to TOD Mixed Use, will allow the Property to participate in the regulating plan's density and height development bonus by reserving at least 15% of the total square footage of multifamily rental development as affordable habitable space at, or below, 50% of the area Median Family Income, as required by City of Austin Code.

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*)  
Jonathan Tomko, Planning Department (*via electronic delivery*)  
Maureen Meredith, Planning Department (*via electronic delivery*)

Leah Bojo  
lbojo@drennergroupp.com  
512-807-2918



December 5, 2023

Lauren Middleton-Pratt  
Planning Department  
City of Austin  
Street Jones Building  
1000 E. 11<sup>th</sup> St, Ste 200  
Austin, TX 78702

Via Electronic Delivery

Re: 1307 & 1309 E 4th Street – Rezoning application for the approximately 0.2907-acre piece of property located at 1307 & 1309 E 4th Street in the City of Austin, Travis County, Texas (“the Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed Rezoning and corresponding Neighborhood Plan Amendment (NPA) application packages. The project is titled 1307 & 1309 E 4th Street and is approximately 0.2907 acres of land, located on the south side of E 4<sup>th</sup> Street between Attayac Street and Navasota Street. The Property is in the full purpose jurisdiction of the City of Austin.

The purpose of these applications is to amend the Plaza Saltillo Transit Oriented Development (TOD) Station Area Plan (SAP) and Plaza Saltillo TOD Regulating Plan to allow for a transit-supportive, multifamily residential use. These plans were approved on December 11, 2008.

The Property is currently zoned TOD-NP (Transit-Oriented Development – Neighborhood Plan) with the Live/Work Flex Subdistrict. We are requesting to rezone the Property to TOD-NP (Transit-Oriented Development – Neighborhood Plan) with the Mixed Use Subdistrict. We are simultaneously requesting to change the SAP’s Land Use and Design Concept Plan designation from Live/Work Flex to TOD Mixed Use. This proposed change to the SAP, via the NPA process, will allow the Property to participate in the Development Bonus program by providing 10% of units at 50% of the Median Family Income. The Property is currently developed with circa 1920 and 1947 structures, with single-family and personal services uses that predate the approval of the TOD plans.

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,

A handwritten signature in blue ink, appearing to read "Leah M. Bojo".

Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)  
Jorge Rouselin, Planning Department (*via electronic delivery*)  
Maureen Meredith, Planning Department (*via electronic delivery*)

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2705 Bee Caves Road, Suite 100 | Austin, Texas 78746 | 512-807-2900 | [www.drennergroupp.com](http://www.drennergroupp.com)

**Letter of Recommendation from the Neighborhood  
Plan Contact Team (NPCT)**

(No letter as of June 27, 2024)

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**From:** Eric Ryan Pace  
**Sent:** Tuesday, June 11, 2024 12:26 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Leah Bojo <lbojo@drennergroupp.com>  
**Cc:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Drew Raffaele <draffaele@drennergroupp.com>; Michael Waddell <>; Patrick Offner <>; Corona, Nicole <Nicole.Corona@austintexas.gov>; Brown, Destiny <Destiny.Brown@austintexas.gov>; Hannah Otalora-Fadner <>; Kristopher Wuollett <>  
**Subject:** Re: Speaker Registration-June 11, 2024 PC Hearing  
Hi Maureen & Leah,

Sharing a quick update on our end:

Considering Leah's scheduling/travel constraints, ECCNPCT **will not oppose** if the applicant wants to proceed with today's agenda item. We still plan to take this up and vote at our next meeting on June 19. Since we don't have a formal position, our team will not speak at today's meeting.

The adjacent neighbors have collectively asked Patrick Offner to represent their perspective. Leah and Patrick met yesterday evening, and Patrick will be the primary speaker in opposition at today's PC meeting.

With that in mind, can you please help Patrick (cc'd) with some logistics questions:

- How much time will be allocated to each primary speaker?
- How much additional time can be donated by in-person speakers?
- Should Patrick send his presentation directly to you, Maureen?

Thanks!

Best, -ep

**Eric Pace, Chair**  
East Cesar Chavez Neighborhood  
Association & Plan Contact Team  
[eastcesarchavez.org](http://eastcesarchavez.org)

.....

**From:** Eric Ryan Pace  
**Sent:** Tuesday, June 4, 2024 7:52 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Leah Bojo <lbojo@drennergroupp.com>; Drew Raffaele <draffaele@drennergroupp.com>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
**Subject:** Re: ECC NPCT Rec?: NPA-2023-0002.02\_1307 E. 4th St

Hi Maureen,

Sorry for the miscommunication on the postponement; ECC's next monthly meeting is on **June 19th**, and we'd be ready to submit a letter for the **June 25** PC meeting if possible.

Best, -ep

On Tue, Jun 4, 2024 at 5:51 PM Meredith, Maureen <[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)> wrote:

Dear East Cesar Chavez NPCT:

Staff case reports for the June 11 PC hearing are due tomorrow, Weds, June 5th at 5:00 pm. If your NPCT Team would like your letter of recommendation to be included in the staff case reports, please email it to me and Jonathan by that time. If we receive it after this date and time, we will submit it as late material to the Planning Commission.

Thanks.

Maureen

.....

**From:** Meredith, Maureen  
**Sent:** Thursday, May 16, 2024 1:32 PM  
**Cc:** Leah Bojo <l >; Drew Raffaele < >; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
**Subject:** ECC NPCT Rec?: NPA-2023-0002.02\_1307 E. 4th St  
**Importance:** High



Dear East Chavez NPCT:

Cases NPA-2023-0002.02 and C14-2023-0153\_1307 & 1309 E. 4<sup>th</sup> Street are on the May 28, 2024 Planning Commission hearing date. If your Team would like to submit a letter of recommendation to be included in the staff case reports, please email it to me and Jonathan Tomko, the zoning planner, ***no later than Wednesday, May 22, 2024 by 5:00 pm*** which is when our staff reports are due. If we receive it after this date and time, we will submit it as late material.

Thanks.

Maureen

**Maureen Meredith (she/her)**

*Senior Planner – Long-Range Planning Division*

**City of Austin Planning Department**

6310 Wilhelmina Delco Dr. Austin, Texas 78752 (4th Floor)

P: (512) 974-2695

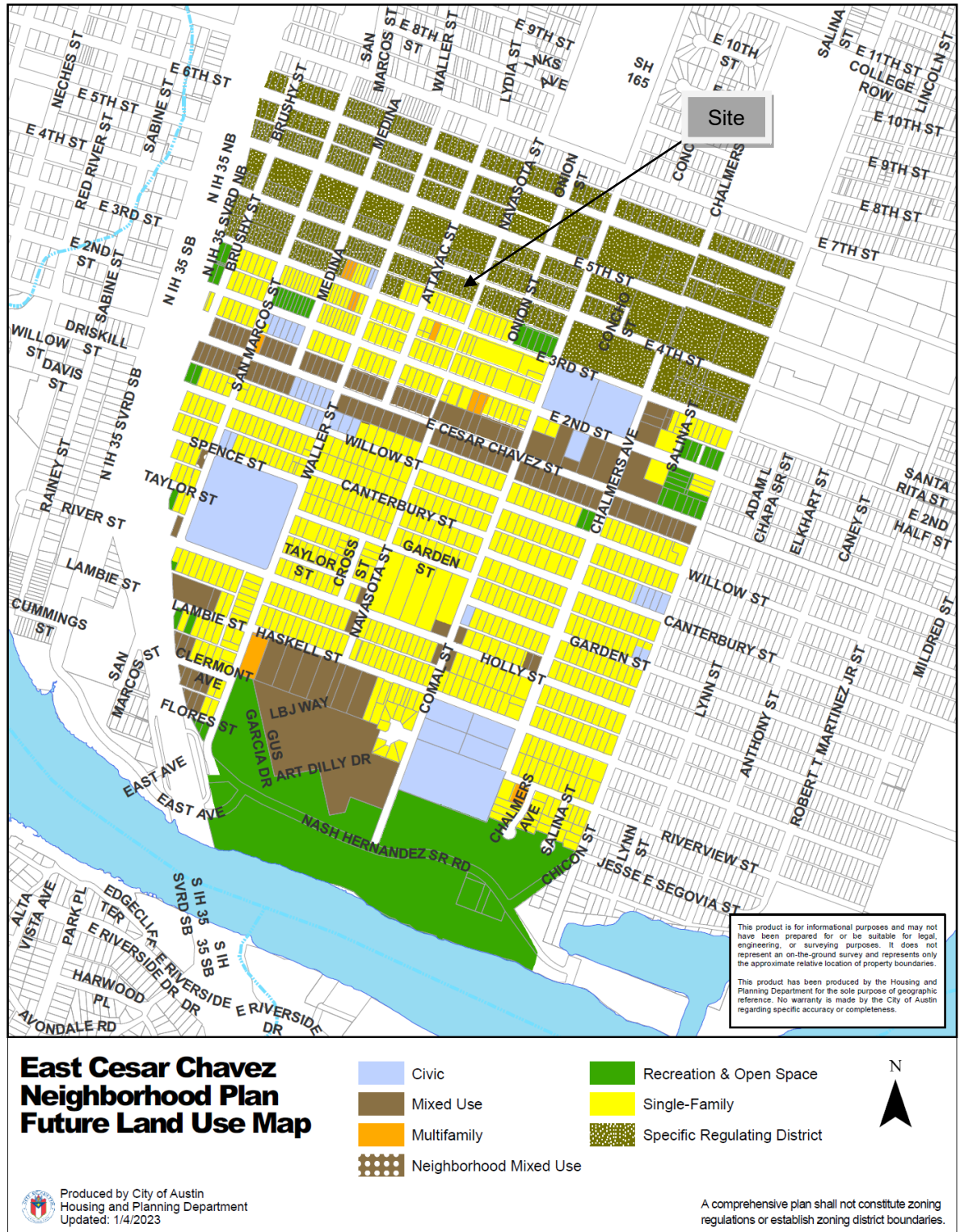
E: [Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)

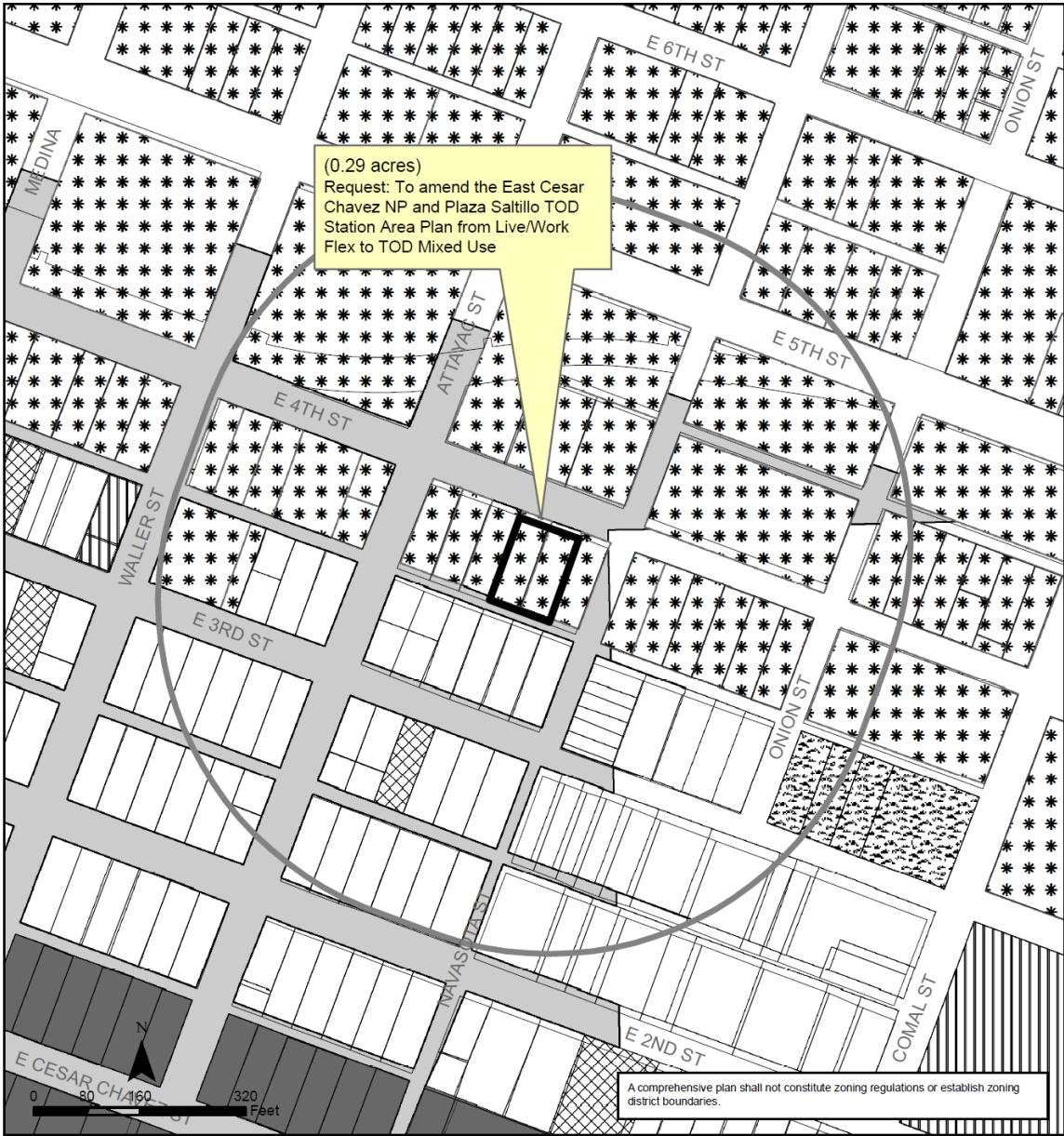


PLANNING  
DEPARTMENT

***Please Note:*** Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

***Por Favor Tome En Cuenta:*** La correspondencia y la información enviada a la Ciudad de Austin está sujeta a la Ley de Información Pública de Texas (Capítulo 552) y puede ser publicada en línea.





**East Cesar Chavez Neighborhood Planning Area**  
**NPA-2023-0002.02**

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

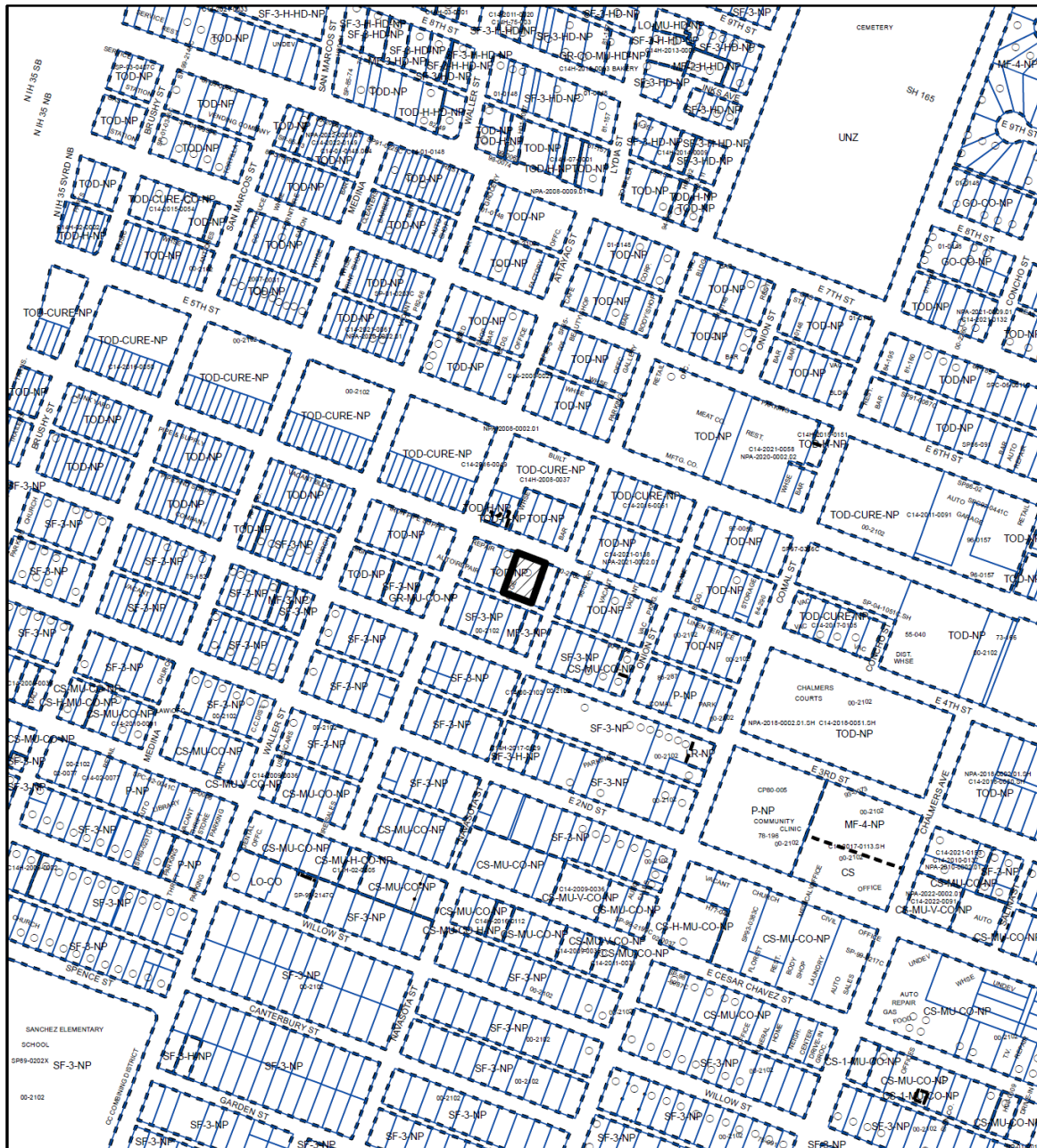
This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.






City of Austin  
Planning Department  
Created on 12/27/2023, by: MeeksS

Future Land Use	
	Subject Tract
	500 ft. notif. boundary
	Civic
	Mixed Use
	Multi-Family
	Recreation & Open Space
	Single-Family
	Specific Regulating District
	Transportation




$$1'' = 400'$$

 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

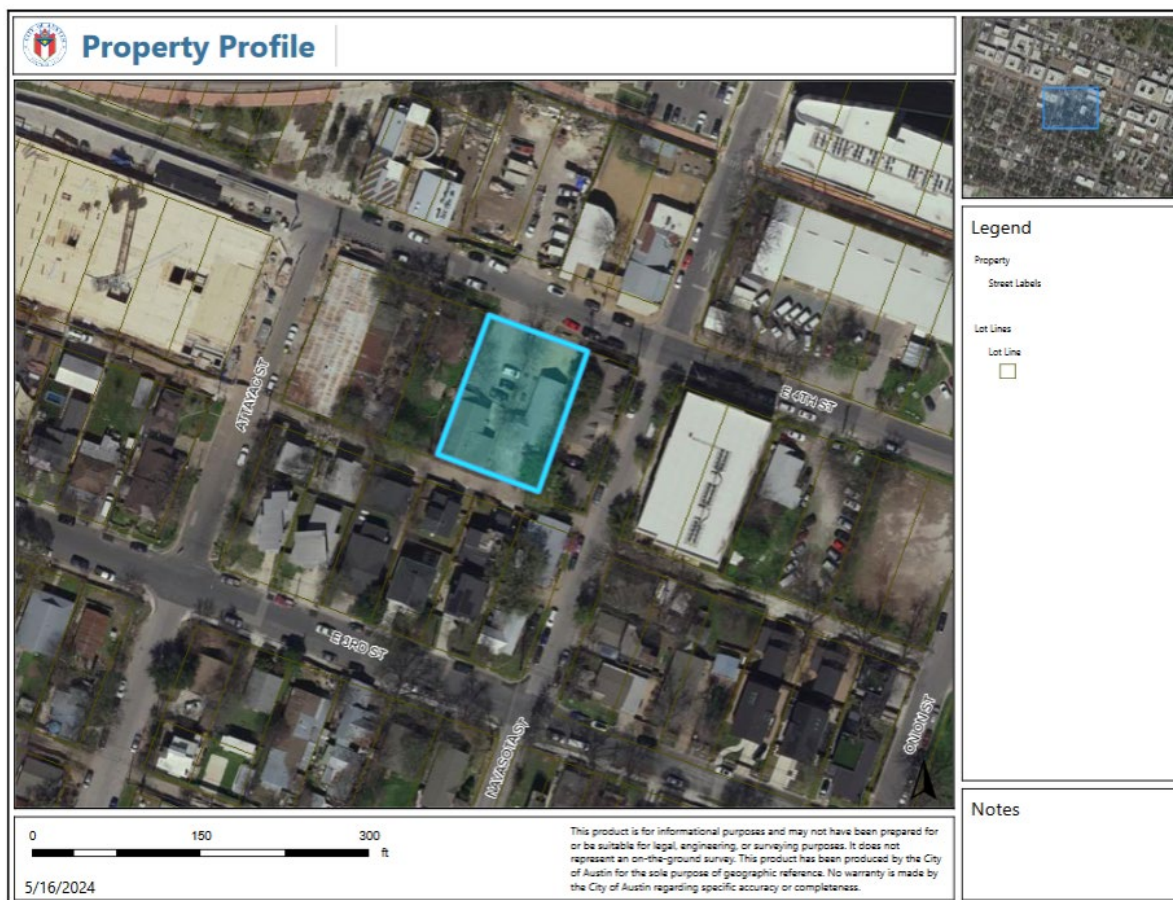
ZONING CASE#: C14-2023-0153

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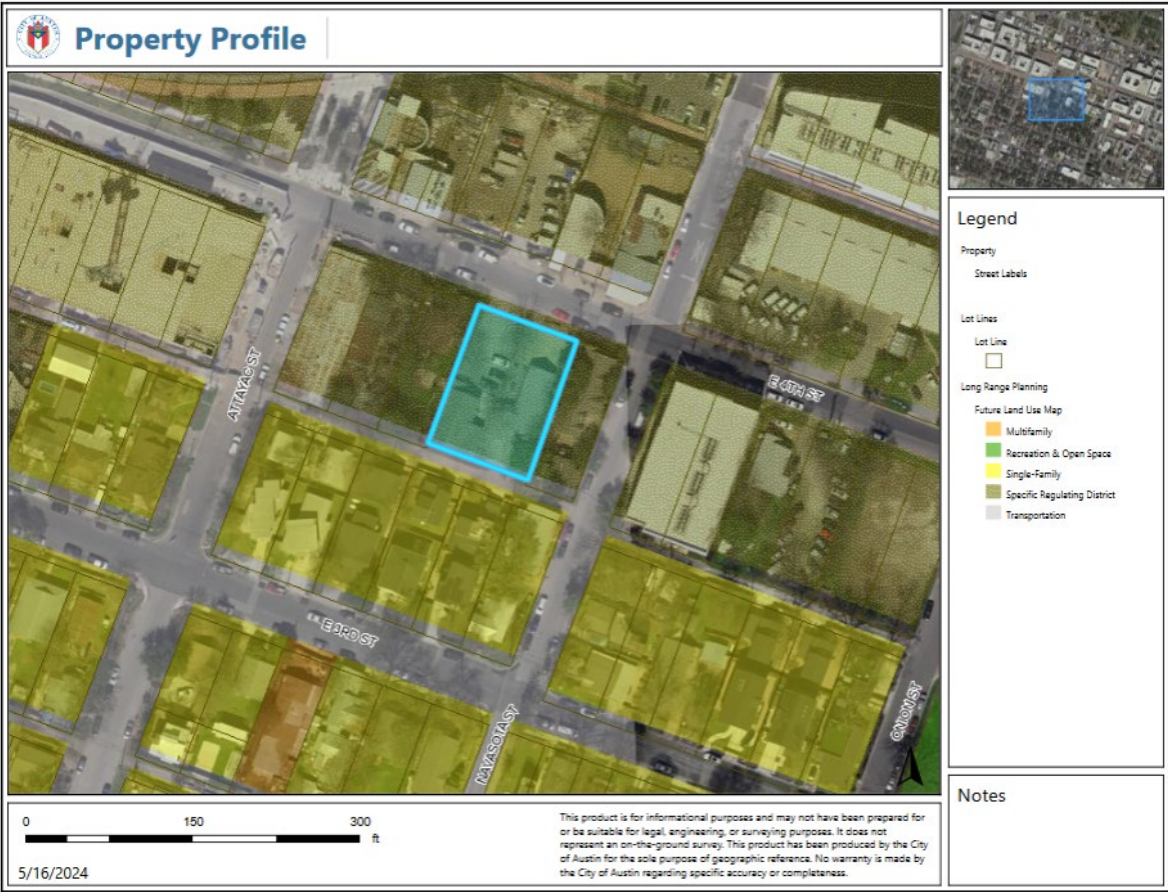
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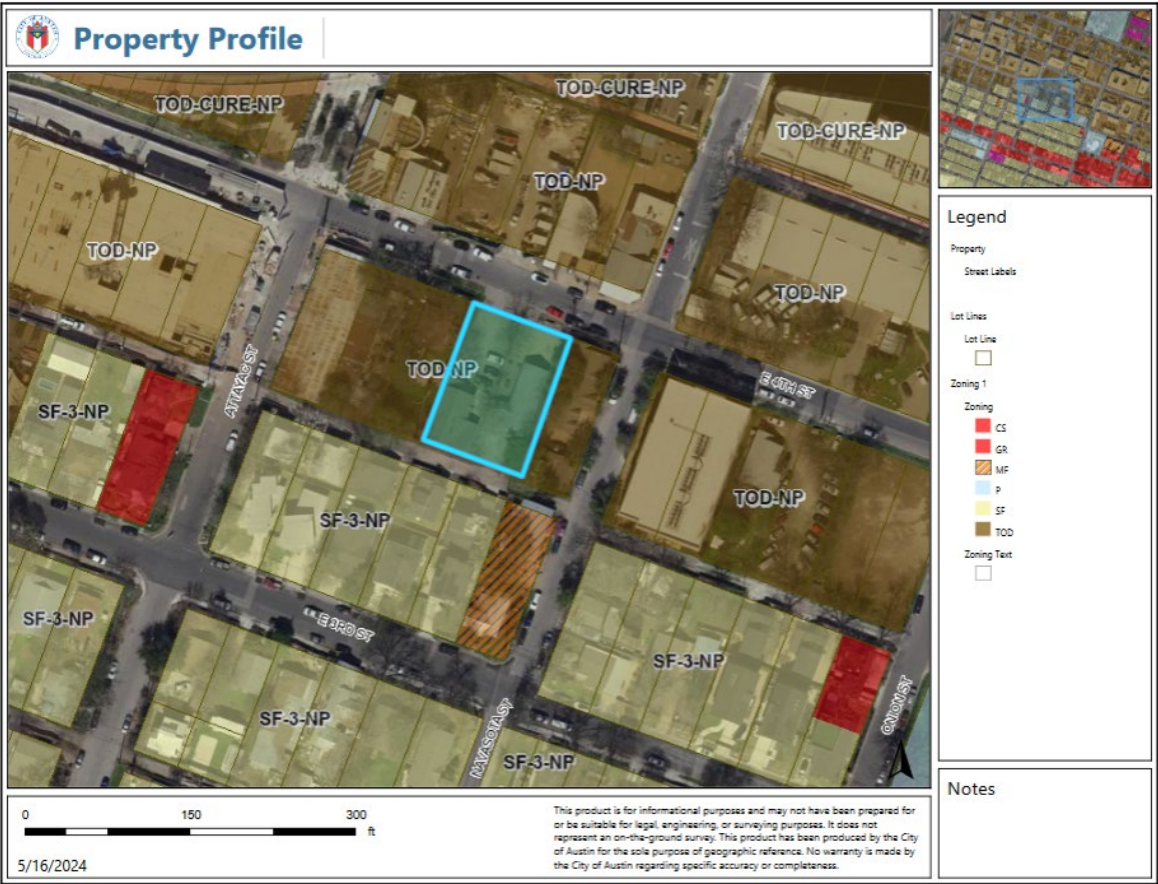
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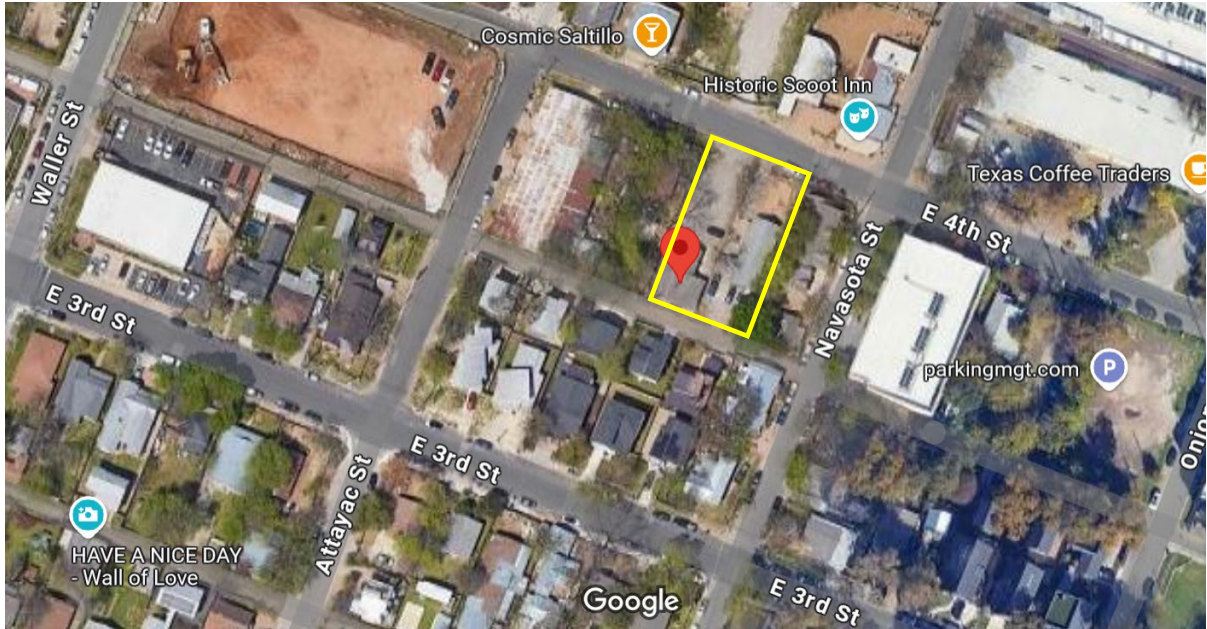












**Leah Bojo's Presentation at the April 22, 2024 Virtual  
Community Meeting**

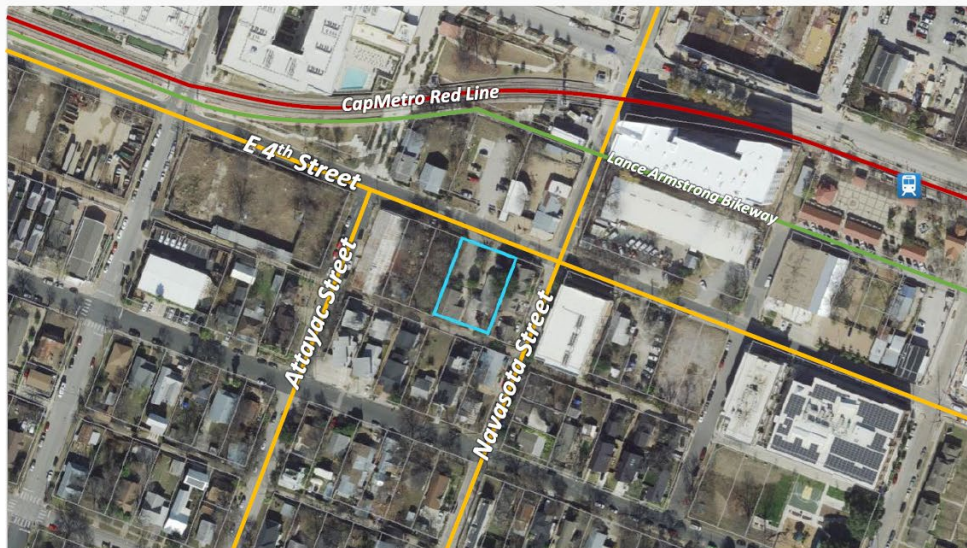
## 1307 & 1309 E 4<sup>th</sup> Street

Neighborhood Plan Amendment & Rezoning

March 4, 2024

1

### Area Aerial



2



## Close-Up Aerial



3

## Property Details

### Size:

- 0.29 acres

### Current Uses:

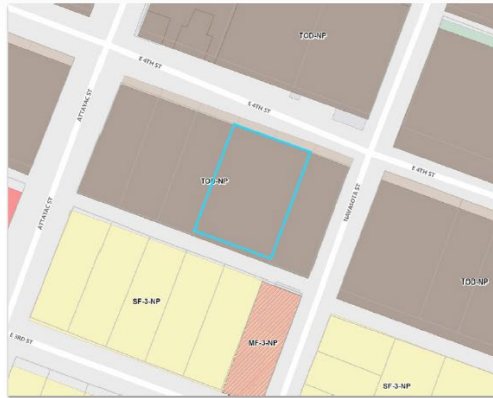
- Commercial office space

### Transit/Access:

- CapMetro Red Line
  - Approx. 500 feet from Plaza Saltillo Station
- Urban Trail
  - Approx. 210 feet from Lance Armstrong Bikeway – *Built*
- All Ages and Abilities Priority Network
  - Waller Street: One-way protected bike lane – *Proposed*
  - Comal Street: Bike lanes – *Proposed*
  - E 2<sup>nd</sup> Street: Neighborhood Bikeway – *Proposed*

4

## Zoning and Plaza Saltillo TOD Subdistrict Map



TOD-NP  
(Transportation Oriented District – Neighborhood Plan)  
to  
TOD-NP  
(Transportation Oriented District – Neighborhood Plan)

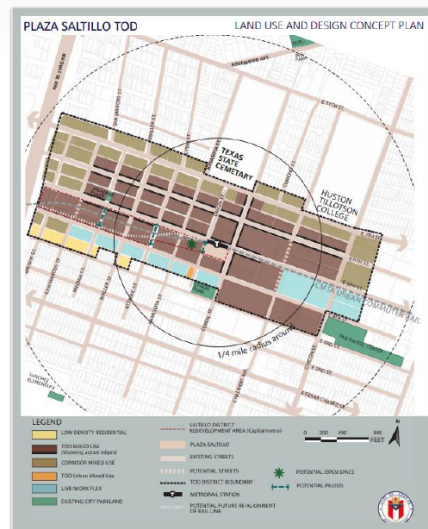


TOD Live/Work Flex  
to  
TOD Mixed Use

5

## Requests

1. **NPA:** To amend the subdistrict on the Land Use and Design Concept Plan reference map on pages 9, 33 and 39 within the Plaza Saltillo TOD Station Area Plan.
  - From Live/Work Flex to TOD Mixed Use
2. **Zoning:** To amend the subdistrict on Land Use and Design Concept Plan reference map in Figure 2-1 of the Plaza Saltillo TOD Regulating Plan.
  - From Live/Work Flex to TOD Mixed Use



6

## Density + Height Bonus

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### Affordability:

- Rental – Reserve a minimum of 15% of the entire square footage as affordable, on-site units for those earning no more than 50% Median Family Income (MFI).

### Density + Height Bonus:

- Maximum Density: --
- Maximum Floor to Area Ratio (FAR): --
- Maximum height: 60 feet

7

## Plaza Saltillo Station Area Plan

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### **TOD Design Principle No. 1: Greater Density than the Community Average**

- *“...Densities that are higher than the community norm are located within ¼ to ½ mile of transit.”*

### **TOD Design Principle No. 3: Quality Pedestrian Environment**

- *“Buildings incorporate architectural features that convey a sense of place and relate to the street and the pedestrian environment.”*
- *“Amenities, such as storefront windows, awnings, architectural features, lighting, and landscaping, are provided to help create a comfortable pedestrian environment along and between buildings.”*
- *“Trees sheltering streets and sidewalks are provided along with pedestrian-scale lighting.”*

8



## East Cesar Chavez Neighborhood Plan

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**Goal 1:** Provide zoning for a mix of businesses and residential land uses in commercial areas.

**Goal 2:** Ensure that new structures, renovations and businesses are compatible with the neighborhood.

9

## Imagine Austin Goals

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**LUT P6.** Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

**LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

**HN P4.** Connect housing to jobs, childcare, schools, retail, and other amenities and services needed on a daily basis, by...[c]oordinating and planning for housing near public transportation networks and employment centers to reduce household transportation costs and vehicle miles traveled

10

## Agent Information

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Leah M. Bojo

Email: [lbojo@drennergroupp.com](mailto:lbojo@drennergroupp.com)

Phone: 512-807-2913

## Correspondence Received

Presentation by Patrick Offner at the June 11, 2024 Planning Commission hearing:

# 1307 and 1309 E 4th Rezoning proposal

June 11, 2024

## Supportive of housing that meets *compatibility*

The surrounding neighbors are generally supportive of housing and increasing residential opportunity within our dynamic neighborhood.

We also recognize this area has undergone extreme growth, which has brought significant increases in traffic, congestion, and noise.

Within 2 blocks of this site:

### Commercial

- Scoot Inn (with ~800 people), Cosmic Saltillo

### Residential

- Three multi-unit and all of Saltillo apartments

### Office space

- Four new office buildings, with others proposed

Scoot Inn, operating with noise permits that fit the neighborhood



Saltillo apartments



Weekly parking reality, right across your driveway

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Saltillo apartments



Weekly parking reality, right across your driveway

## Examples of successful, compatible projects



**1 Foundry I**

Premium Office + Residential  
E 4th and Comal Street  
40 feet, below ground parking



**2 Seville On 4th**

Residential  
1401 E 4th Street  
40 feet, above ground parking



**3 T3**

Premium Office + Corporate Housing  
E 4th and Waller Street  
40 feet, below ground parking



## Other examples outside the TOD within East Cesar Chavez

Additional projects exist within a short walk from the TOD that were intentionally built to “step up” height.

### 1515 Cesar Chavez

Premium Office  
Cesar Chavez and Comal  
40 feet, below ground parking



### Waterstreet Lofts

Residential  
Cesar Chavez and Comal  
~40 feet, above ground parking



## A deliberate attempt to prevent recourse

There is, by design, a provision aimed at affected residents. TOD section 4.3.3.B.3.a states...

“In the TOD District **within 100 feet of the TOD boundary**, compatibility standards **height limitations** triggered by property outside of the TOD District **shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree**. If there are no triggering properties within 25 feet, the height restriction shall be waived.

Note **confirmed opposition** from **all parties** within the **current 20 ft** and up-to-and-including 25 ft.

...and recently a replatting recorded in September to adjust the site to a **25 foot setback from an original 20 feet**.



However, the entire **remainder of the alley** is at 20 feet (and, in reality, some even narrower).



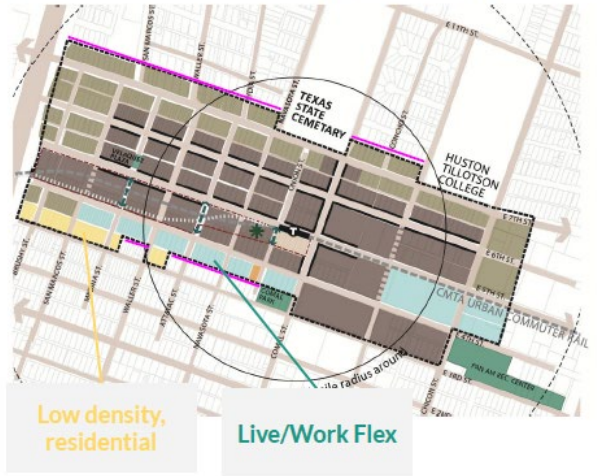
## Moving goalposts vs. honoring intent and reality of the plan

When analyzing the TOD, the areas with the highest proportion of established, existing residential property (see pink lines) all fall within a 20 foot alleyway.

We argue the **intent** of the code was clearly to:

- initially limit height directly adjacent to legacy residential for compatibility (see light blue)
- allow for adjacent neighbor input in waiving compatibility height requirements

If this weren't the intent of the 25 foot provision, then why wouldn't it have been 20 feet originally? Or even 1 foot? Because those properties were meant to be included.



## What's the benefit of five feet? The reality of the alleyway

Both entries to the alley are 20 feet (and, far less in a "practical" sense). In fact, no points exceed 20 feet in width.

A "donation" of 5 feet back to the public provides **very limited benefit** and, in all reality, will likely just **become space for the development to use anyway** for loading or garbage. This further demonstrates a maneuver should not disqualify the ability to restrict height and enforce per the TOD.



Navasota entrance (~16 feet)



Current. 20 foot separation



Realities of alley life



## Open to productive conversations about height

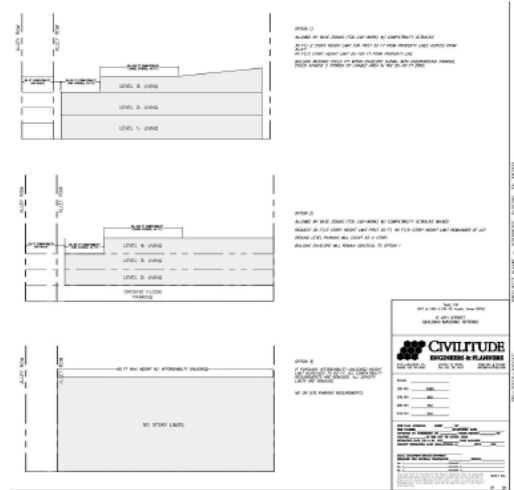
Leah Bojo - on behalf of the developer - has met with both the East Cesar Chavez Neighborhood Plan Contact Team and surrounding residents.

None of those discussions have explored height.

This is a **curious shift** from when **Michael Winningham** (a Principal of the developer) met with adjacent neighbors in June of 2022, later writing:

"I've attached the simple test fit drawing below. **Option 2** is the one one **we think is best for the neighborhood** but requires your consent.

No further discussion has been held on height.



## In summation

Housing is **critical**,  
as is **compatibility**

We are eager supporters of more housing to the area and welcome a project that can adhere to **thoughtfully outlined** guidelines that have been successful for 15 years.

If the **same outcome** can be achieved through a **40 foot ceiling** with **underground parking** that **provides much needed housing**, then why would we need to **arbitrarily re-site 5 feet**, raise the **height to 60 feet**, and adopt **above ground parking**?

# Appendix

## Email from Developer

----- Forwarded message -----  
From: Michael Winningham <michaelwinningham@gmail.com>  
Date: Tue, Jun 28, 2022 at 8:55 AM  
Subject: Re: 4TH Street Project  
To: Kristopher Wuollett <kristopher.wuollett@gmail.com>

Thanks Kristopher

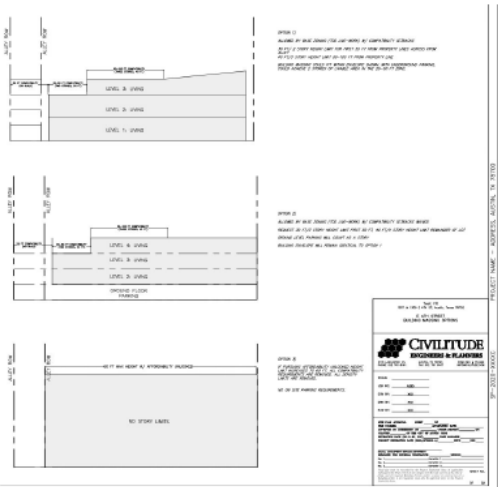
On Tue, Jun 28, 2022 at 8:47 AM Kristopher Wuollett <kristopher.wuollett@gmail.com> wrote:  
Hi Michael,  
  
Yes, option 2 is ok with me.  
  
-Kristopher Wuollett

On Thu, Jun 23, 2022 at 11:40 AM Michael Winningham <michaelwinningham@gmail.com> wrote:  
Kristopher

Thanks again for meeting with me yesterday and talking about our fourth street project.  
I've attached the simple test fit drawing below. Option 2 is the one we think is best for the neighborhood but requires your consent. As mentioned, your neighbors Gonzolo and Andrew have agreed to it already.

Please let me know if you do agree to Option 2 and we can go from there. If not, I am happy to send you any additional information you might need. Thanks again!

Michael Winningham  
+1 (512) 567 2638



**From:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
**Sent:** Monday, June 10, 2024 12:52 PM  
**To:** Eric Ryan Pace <>; Curtis, Cathy <Cathy.Curtis@austintexas.gov>  
**Cc:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Michael Waddell <>; Patrick Offner <>  
**Subject:** Re: City Staff Review - C14-2023-0153 - TOD Boundary Triggering Properties

Hi Eric,

I understand the applicant has an additional meeting with the neighborhood today. I don't know if that is your group or another one.

With regards to the two sections, you mentioned:

4.3.3.B.3.a This has been struck down as a result of recent court cases. Any changes to zoning have to go through the full public hearing process and cannot simply be waived based on a certain number of property owners sign a waiver agreeing or not. Furthermore, this is not applicable to this property as there is a 25-foot alley, so there are no triggering properties within 25 feet. Thus, the height restriction shall be waived as specified in the section.

4.3.3.B.3.b Compatibility standards are not triggered because of the 25-foot alley, so there are no triggering properties within 25 feet of the subject tract.

I hope this information is helpful. Let me know if you have any other questions.

Jonathan

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**From:** Eric Ryan Pace <  
**Sent:** Sunday, June 9, 2024 10:44 PM  
**To:** Tomko, Jonathan <[Jonathan.Tomko@austintexas.gov](mailto:Jonathan.Tomko@austintexas.gov)>; Curtis, Cathy <[Cathy.Curtis@austintexas.gov](mailto:Cathy.Curtis@austintexas.gov)>  
**Cc:** Meredith, Maureen <[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)>; Michael Waddell <>; Patrick Offner <>  
**Subject:** City Staff Review - C14-2023-0153 - TOD Boundary Triggering Properties

External Email - Exercise Caution

Hi Jonathon & Cathy,

Has the above case # started legal review yet? The property sits on the boundary of Plaza Saltillo TOD, and our adjacent neighbors on Third Street (just outside the TOD) believe that at least two provisions should apply to rezoning for both density and super density bonus: (a) 66% of properties within 25' of the site must agree to

waive height compatibility standards, and (b) setbacks cannot be waived for properties outside of the TOD. I've pasted the relevant provisions below.

We'd appreciate a prompt reply as this case is scheduled for the Planning Commission on Tuesday, and our Neighborhood team will vote on June 19.

Please call me at 817-939-0028 if it's faster to discuss that way.

Thanks! -ep

**Eric Pace, Chair**  
East Cesar Chavez Neighborhood  
Association & Plan Contact Team

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#### **4.3.3. Density Bonus**

##### **a. Height Limitations**

In the TOD District within 100 feet of the TOD boundary, compatibility standards height limitations triggered by property outside of the TOD District shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree. If there are no triggering properties within 25 feet, the height restriction shall be waived.

##### **b. Setbacks**

In the TOD District within 100 feet of the TOD boundary, compatibility standards setbacks triggered by property outside of the TOD District shall not be waived measured by the LDC.