

Harkins, Sandra

From: Saenz, Kathleen
Sent: Friday, November 19, 2010 10:15 AM
To: Copic, Regina; Harkins, Sandra; Dukes, Ateja
Cc: Nichols, Kelly
Subject: FW: Swede Hill Resolution and Draft URP Amendment(s)
Attachments: Resolution to URB re desired action on PSH & Marshall Apt project.docx; Draft amendment to Marshall block controls_ PSH defined.docx

FYI.

From: Tracy Witte [mailto:twitte2@yahoo.com]
Sent: Friday, November 19, 2010 10:11 AM
To: Spencer, Betsy
Cc: bsifuentes@austin.rr.com; shabaxt@aol.com; mcm@tateaustinhahn.com; sean@pegasusplanning.com; cdelafue@tea.state.tx.us; andrewbucknall@yahoo.com; charles.zech@rampage-sa.com; Saenz, Kathleen; rob seidenberg; Bill Minor
Subject: Swede Hill Resolution and Draft URP Amendment(s)

Dear Ms. Spencer,

Attached please find Swede Hill Neighborhood Association's resolution requesting that URB initiate amendment (s) to the Urban Renewal Plan to prohibit permanent supportive housing on East 12th Street, sent to NHCD and URB commissioners on October 31 and November 4.

Also attached is a draft amendment to the project controls for block 12-7, where Marshall Apartments is located. The modification as to prohibited uses is one we propose for all urban renewal blocks on East 12th Street, as requested in our resolution. The remaining proposed modifications are included largely to inspire discussion as to whether there is any relation between the controls in place and city funding priorities on an urban renewal corridor, irrespective of funding source.

As was mentioned at the URB meeting on Monday, November 15, current controls for Block 12-7 no longer include preservation of existing rental flats. More than \$7.5M in public subsidy is sought for the Summit project not simply to preserve existing affordable housing at Marshall, a deleted control, but also to establish uses of the property neither permitted by current zoning nor consistent with the reuse objective or the vision for East 12th Street as a whole. We would appreciate clarification as to the extent to which the development controls in place drive the city's public investment strategy on this street.

Thank you for your attention to these matters,

Tracy Witte

President, Swede Hill Neighborhood Association

Resolution Calling on the Board of Commissioners of the Urban Renewal Agency of the City of Austin to Fulfill Its Role as Steward of the Urban Renewal Plan for East 12th Street

WHEREAS, the primary duty of the Urban Renewal Agency of the City of Austin (Agency) is to oversee the implementation and compliance of approved Urban Renewal Plans adopted by the Austin City Council (Council); and

WHEREAS, Council adopted the Urban Renewal Plan for the East 11th & 12th Streets Urban Renewal Area (Plan) on December 17, 1999, and in so doing undertook the Redevelopment Project for East 11th & 12th Streets (Project); and

WHEREAS, the Plan, its amendments and the East 12th Street Neighborhood Conservation Combining District (NCCD) articulate a vision and process for revitalization of East 12th Street from I-35 to Poquito Street as a corridor of neighborhood-serving mixed-use development for a mix of incomes; and

WHEREAS, eleven years and more than halfway through the Project timeline, the City of Austin has not made comprehensive infrastructure and streetscape improvements to East 12th Street on par with those effected on East 11th Street, or otherwise expend significant public resources to engage the private sector in redevelopment of the East 12th Street as a mixed-use corridor; and

WHEREAS, Summit Housing Partners (Summit) and Caritas of Austin (Caritas) propose to acquire and rehabilitate HAP housing at 1401-1423 East 12th Street (Marshall Arms), reserve at least 20% of the units for Permanent Supportive Housing (PSH) and provide on-site services, as outlined in the City of Austin's Permanent Supportive Housing Strategy (PSH Strategy); and

WHEREAS, Summit and Caritas may require up to \$9.7M of public subsidy to cover total project cost, and, if granted, will constitute the first major expenditure of public resources by the City of Austin on East 12th Street; and

WHEREAS, PSH Strategy prioritizes housing the chronically homeless with severe and persistent mental illness and/or a history of substance abuse and/or recidivist criminality and posits providing such PSH tenants with an array of "comprehensive services, including, but not limited to, case management, medical, mental health [and] substance use treatment" on-site; and

WHEREAS, PSH is not a use defined in the City of Austin Land Use Code but, as described in the PSH Strategy, is Transitional Housing, as defined in the City of Austin Land Use Code, in every respect, save the new potential for long-term tenancy; and

WHEREAS, current zoning and URP project controls for Marshall Arms do not allow for use of the property for Transitional Housing, Residential Treatment or Guidance Services; and

WHEREAS, these uses are inconsistent with the spirit and letter of the URP and the NCCD, undermine the vision for mixed-use redevelopment of East 12th Street, and will serve as a disincentive to private sector investment in the corridor, in direct contravention of Texas Urban Renewal Law;

THEREFORE, be it resolved

Swede Hill Neighborhood Association urges the Board of Commissioners of the Urban Renewal Agency of the City of Austin (URA) to comply with Chapter 374 of Texas Local Government Code and to defend the City of Austin's strategy for redevelopment of the East 12th Street corridor by taking the following action:

1. Issue and distribute to Council, NHCD and all relevant agencies, boards and commissions a resolution of unequivocal opposition to any public funding—including, but not limited to, G.O. bonds, RHDA funds, CDBG funds, forgivable loans and tax credits—for the Summit/Caritas project (or any other proposing a PSH component) at Marshall Arms.
2. Take action on November 15, 2010 to call a hearing to consider prohibiting permanent supportive housing on East 12th Street.
3. Advise Council that project controls and current zoning preclude the proposed use of the property.
4. Notify Council that the Urban Renewal Agency will oppose any changes in land use controls to accommodate this project, and urges Council to do the same.
5. Instruct URA counsel to report to the Board and the public at the URA meeting scheduled for November 15, 2010 as to URA Board liability for any role it plays in actively or passively allowing any City strategy to interfere with or undermine implementation of the Urban Renewal Plan for East 11th and 12th Streets.

Figure __	Project Number/Name	Existing Controls	Modifications
	12-7/12th Street Garden Apartments, south side of 12th Street between Comal St. & Angelina St.-Subdistrict 3	<p>Reuse objective: Provide New Housing Opportunities on East 12th Street</p> <p>Site area: 1.4 acres</p> <p>Permitted use: Garden apartments, condominiums, townhomes</p> <p>Prohibited use: Permanent Supportive Housing, as defined herein; Congregate Living; Convalescent Services; Group Home, Class I (General & Limited); Group Home, Class II, Family Home; Guidance Services; Counseling Services; Detention Facility; Residential Treatment; Transitional Housing</p> <p>Allowable height 35' maximum from Angelina to Comal except the southwest corner of Comal is 50' maximum. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.</p> <p>Compatibility: Current regulations are waived and replaced with restrictions in Section 3.A.4</p> <p>New commercial space: Deleted</p> <p>Commercial space to be preserved: deleted</p> <p>New housing units: deleted</p> <p>Existing housing to be preserved: deleted</p> <p>Community parking spaces: deleted</p> <p>Residential parking spaces: deleted</p> <p>Potential demolition: deleted</p>	<p>No changes</p> <p>No changes</p> <p>Condominiums, townhomes, mixed-use</p> <p>No changes</p> <p>No changes</p> <p>No changes</p> <p>No changes</p> <p>owner-occupied condominiums or townhomes</p> <p>No changes</p> <p>No changes</p> <p>No changes</p> <p>existing garden homes</p>

Proposed Amendment to Section 1.0 Definitions

Permanent Supportive Housing (PSH)

“Permanent Supportive Housing” means any use or combination of uses that provides residence, regardless of zoning district, or residence and supportive services for the following persons:

Individuals or families headed by individuals that are:

1. Homeless or chronically homeless as established in the HEARTH Act¹⁴,
2. Households that would otherwise meet the HUD definition of homeless or chronically homeless as above, but have been in an institution for over 90 days, including a jail, prison, substance abuse facility, mental health treatment facility, hospital or other similar facility,
3. Unaccompanied youth or families with children defined as homeless under other federal statutes who:
 - a. have experienced a long term period without living independently in permanent housing;
 - b. have experienced persistent instability as measured by frequent moves over such period; and
 - c. can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.¹⁵
4. A single adult or household led by a youth ‘aging out’ of state custody of the foster care or juvenile justice system, where the head of household is homeless or at-risk of homelessness.
5. At risk of homelessness, exiting an institution.