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NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Montopolis Neighborhood Plan

CASE#: NPA-2012-0005.01 **DATE FILED:** June 21, 2012

PC PUBLIC HEARING DATES: September 11, 2012; October 9, 2012

ADDRESS: 1700 ½ Frontier Valley Drive

SITE AREA: Approx. 9.542 acres (UPDATE: On September 19, 2012 the applicant modified their site from 10.65 acres to 9.542 acres.)

APPLICANT/AGENT: MWM DesignGroup, Inc. (Frank del Castillo, Jr. & Amelia Lopez)

OWNER: Equity Secured Capital

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Commercial **To:** Multifamily Residential (UPDATE: The applicant modified their request from Mixed Use to Multifamily Residential on September 17, 2012)

Base District Zoning Change

Related Zoning Case: C14-2012-0067

From: CS-NP **To:** MF-3-NP (UPDATE: The applicant modified their request from CS-MU-NP to MF-3-NP on September 17, 2012)

NEIGHBORHOOD PLAN ADOPTION DATE: September 23, 2001

PLANNING COMMISSION RECOMMENDATION: Pending. The applicant changed their request from Mixed Use to Multifamily Residential and has volunteered to resubmit their case to Planning Commission on October 9th, 2012. Previously, on September 11, 2012, the motion to approve staff's recommendation for Mixed Use was approved on a vote of 6-1-1 by Commissioner Richard Hatfield's motion and Commissioner Myron Smith second. Commissioners Brian Roark voted against the motion, Commissioner James Nortey abstained, and Commissioner Alfonso Hernandez was off the dias.

STAFF RECOMMENDATION: Recommended

BASIS FOR RECOMMENDATION: Staff determined that the request to change the Future Land Use Map from Commercial to Multifamily Residential is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

GOALS, OBJECTIVES, AND RECOMMENDATIONS

Montopolis Neighborhood Plan

Goal 1: Improve the Quality of Life in Montopolis Drive through Land Use and Zoning Decisions.

Objective 2: Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development.

Action 4: The properties north of Riverside and east of Lawrence should be built out with commercial uses along the corridors of Riverside and 183. Residential uses are recommended on the remaining undeveloped land where permissible. Residential uses may include Smart Growth infill options and zoning designations that would allow the development of affordable housing. Appropriate residential zoning designations may include the following zoning options: Small Lot Amnesty, Cottage Lot Infill, Urban Home Lot Infill, Secondary Apartment, SF-4A, SF-6, and MF-4. (Please refer to the Proposed Future Land Use Map for specific land uses and locations).

Action 10: Work the City of Austin, the Chamber of Commerce and other agencies to encourage the infill of vacant commercial land and buildings in the neighborhood.

Goal 2: Create Homes for all Stages of Life within Montopolis

Objective 5: Create multiple housing types of varied intensities.

Action 21: Allow Mixed Use Structures and other Mixed Uses through a Mixed Use Combining District on specific properties along Riverside Drive. (Please refer to the Proposed Future Land Use Map for the specific land uses and zoning). This zoning recommendation takes the form of options along the south side of Riverside Drive, property owners will retain the choice of selecting a Mixed Use Structure or Mixed-Use Combining District zoning designation to overlay the proposed base zoning recommendations. Properties along north Riverside will be limited to a site specific Mixed Use structure designation.

Action 22: Preserve the existing multi-family zoning throughout the neighborhood. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

Action 23: The neighborhood planning team strongly suggests that emerging developments east of Frontier Valley use the recommendations of the 1999 University of Texas Land Use Study as a guide for future development. The UT Land Use Study also provides guidance for street layout, block size, a range of housing densities mixed with open space and appropriately scaled

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neighborhood serving businesses. In case of larger scale development of the area, any proposed development should provide a conceptual plan with TND or New Urbanist principles.

East Riverside Corridor Master Plan

Neighborhood Residential District (page 41): Like the Urban Residential District, the Neighborhood Residential District contains only residential development and is intended to provide a transition from existing single family neighborhoods to the more active, urban development of the core of East Riverside Drive. Residential units may be in the form of detached single family homes, duplexes, townhouses, and smaller scale multi-family buildings. Areas that have been designated as Neighborhood Residential are generally located off of East Riverside Drive. A large Neighborhood District has been proposed between Vargas Road and Frontier Valley Drive to transition down to neighborhoods to the north of the planning area. Additional areas off of the main corridor of East Riverside Drive have also been designated as Neighborhood Residential Districts for this reason. The Neighborhood Residential District is envisioned to allow up to 3 stories in height (35 feet), and no height or density bonuses would be allowed.

Draft East Riverside Corridor Regulating Plan

Article 1, Figure 1-3 & 1-5: The East Riverside Corridor Road Type and Collector Street Maps show a new east-west collector street connecting a Frontier Valley Drive to Montopolis Drive.

Article 1, Figure 1-13: Neighborhood Residential Subdistrict: Neighborhood Residential is the residential transition zone located between the higher density, more active urban Subdistricts and existing single-family neighborhoods. It provides for a height transition to the existing neighborhoods outside of the ERC Zoning District. The Neighborhood Residential Subdistrict allows for single family homes, duplexes, townhouses, rowhouses, and smaller scale multi-family buildings.

Staff analysis: The subject property is 9.542 acres and is located on Frontier Valley Drive, near the intersection of Frontier Valley Drive and Riverside Drive. The property is currently vacant and is zoned CS-NP. The surrounding adjacent property is also vacant and is zoned SF-3-NP to the west, CS-MU-NP to the southwest, and MF-3-NP to the northeast. Across Frontier Valley Drive to the southeast is a condominium complex zoned CS-MU-NP and a storage facility zoned GR-MU-NP and CS-NP. Also across Frontier Valley Drive, to the northeast, is an apartment complex zoned MF-3-CO-NP. A single family neighborhood zoned SF-3-NP is located northwest of the proposed development.

The applicant's request to change the future land use map from Commercial to Multifamily Residential is consistent with the goals and text of the Montopolis Neighborhood Plan, the East Riverside Corridor Master Plan and the Draft East Riverside Corridor Regulating Plan. The applicant has proposed Multifamily Residential Future Land Use category in order to

build affordable multi-family structures on the property. This multifamily residential use is supported by Actions 4 of the Montopolis Neighborhood Plan which states,

> "The properties north of Riverside and east of Lawrence should be built out with commercial uses along the corridors of Riverside and 183. Residential uses are recommended on the remaining undeveloped land where permissible."

The property is also located in an area identified as a Neighborhood Residential District in the East Riverside Corridor Master Plan. This plan states,

> "A large Neighborhood District has been proposed between Vargas Road and Frontier Valley Drive to transition down to neighborhoods to the north of the planning area. Additional areas off of the main corridor of East Riverside Drive have also been designated as Neighborhood Residential Districts for this reason."

This Neighborhood Residential Subdistrict allows for single family homes, duplexes, townhouses, rowhouses, and smaller scale multi-family buildings, and is therefore, consistent with the applicant's request to change the Future Land Use map from Commercial to Multifamily Residential. The Draft East Riverside Corridor Regulating Plan also includes an east-west collector street that bisects this property to connect Frontier Valley Drive to the east and Montopolis Drive to the west. While the Draft East Riverside Corridor Regulating Plan is not adopted and therefore lacks regulatory authority over this area, it should be noted if the project is built without providing right-of-way or a reserve for future right-of-way, it may impact the potential for the creation of an interconnected street network in that area, as envisioned in the Master Plan.

Description of Commercial land use category (Existing):

Commercial

- Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

Purpose

- Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares; and
- Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

Application

- Focus the highest intensity commercial and industrial activities along freeways and major highways; and
- Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

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Description of Multifamily Residential land use category (Proposed):

Multifamily Residential
Higher-density housing with 3 or more units on one lot.

Purpose

- Preserve existing multifamily and affordable housing;
- Maintain and create affordable, safe, and well-managed rental housing; and
- Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
- Applied to existing or proposed mobile home parks.

Application

- Existing apartments should be designated as multifamily unless designated as mixed use;
- Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
- Changing other land uses to multifamily should be encouraged on a case-by-case basis.

LAND USE PLANNING PRINCIPLES

The change in future land use from Commercial to Multifamily Residential is supported by a number of land use planning principles.

The request meets the following land use principles by continuing an established mix of land uses and by potentially providing additional commercial or housing options for the Montopolis Neighborhood Planning Area.

- Ensure that the decision will not create an arbitrary development pattern;
- Ensure an adequate and diverse supply of housing for all income levels;
- Minimize negative effects between incompatible land uses;
- Discourage intense uses within or adjacent to residential areas;
- Ensure similar treatment of land use decisions on similar properties;
- Promote expansion of the economic base and create job opportunities;
- Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
- Balance individual property rights with community interests and goals;
- Consider infrastructure when making land use decisions;
- Promote development that serves the needs of a diverse population.
- Avoid creating undesirable precedents;

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PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on July 30, 2012. Two hundred and seventy-eight notices were mailed to property owners and utility account holders within 500 feet of the property and neighborhood organizations and environmental groups registered in this area with the City. Approximately 40 people attended the meeting.

After Justin Golbabai and Maureen Meredith, Planning and Development Review Department staff members, described the request and the plan amendment process, the applicant team introduced themselves and made a brief presentation containing pictures of the proposed multi-family apartment complex. The applicant team was made up of Frank Del Castillo and Amelia Lopez from MWM Design Group, Sunny Giarritta and Alfredo Izmamjtovich from the Chavez Foundation, and George Kaleh representing Cornerbrook Development Company. The applicant indicated that the development would have approximately 252 units in two to three story buildings on the 7 acre properties. The apartment complex will be managed by the Cesar Chavez Foundation as an affordable development. The major issues discussed between those in attendance and applicant team included crime, noise, and parking issues associated with the existing Santora Villas apartment complex located across the street from the proposed development; the loss of potential neighborhood serving commercial space; traffic and parking concerns for Frontier Valley Road; and the density and intensity of the proposed development.

After the Neighborhood Plan Amendment meeting, the Montopolis Neighborhood Plan Contact Team meeting was called to order. At that meeting, the Montopolis Planning Contact Team briefly discussed the case and a vote of 22 to 2 with 2 abstentions was taken to support the applicant's request for a neighborhood plan amendment. On August 12, 2012, a letter supporting this neighborhood plan amendment was submitted by the Montopolis Planning Contact Team and is included in this case report.

CITY COUNCIL DATE: October 18, 2012 **ACTION:** Pending

CASE MANAGER: Justin Golbabai **PHONE:** (512) 974-6439

EMAIL: Justin.Golbabai@austintexas.gov

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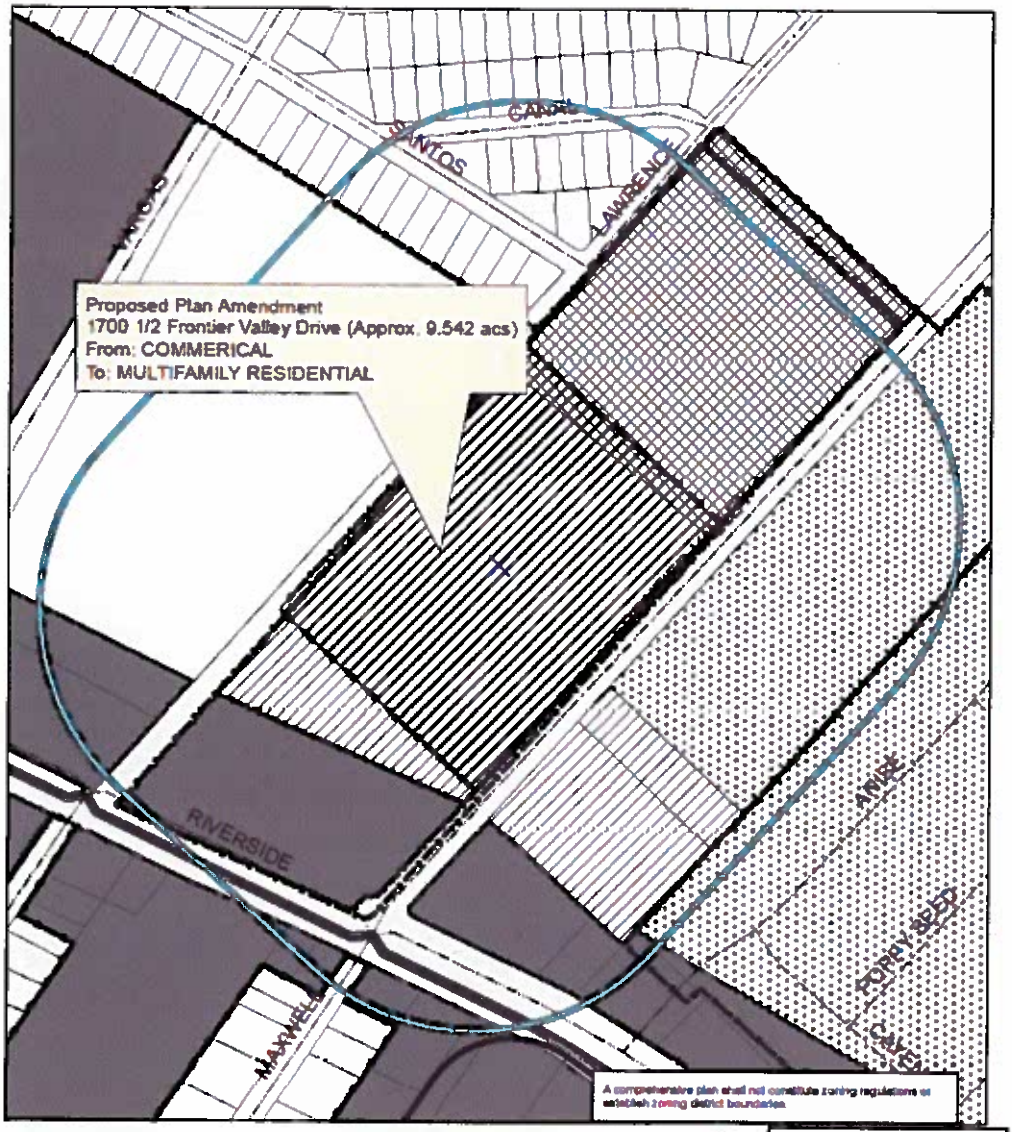


Montopolis Neighborhood Plan
Case Number: NPA-2012-0005.01

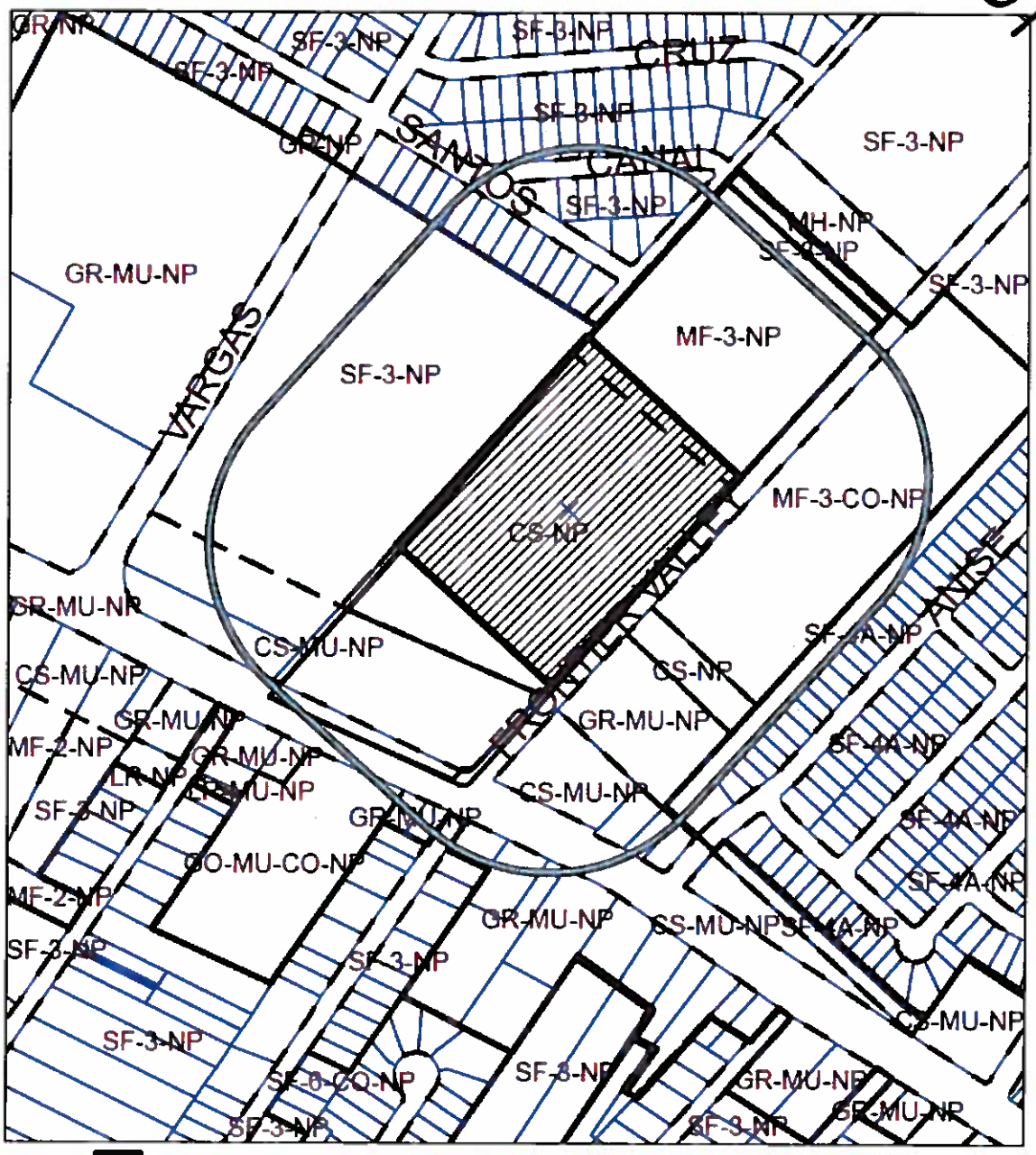
N

Legend
- Core Transit Corridors
- 500ft notification boundary
- Street Address Centerline
- NPA CASES
- Single-Family
- Mixed Residential
- Multi-Family
- Commercial
- Mixed Use

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 and Development Review 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 and Development Review Department
Created on Oct. 2, 2012_M Meredith



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SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT
Case Number: NPA-2012-0005.01
Address: 1700 1/2 Frontier Valley Drive
Approx. 9.542 acres

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

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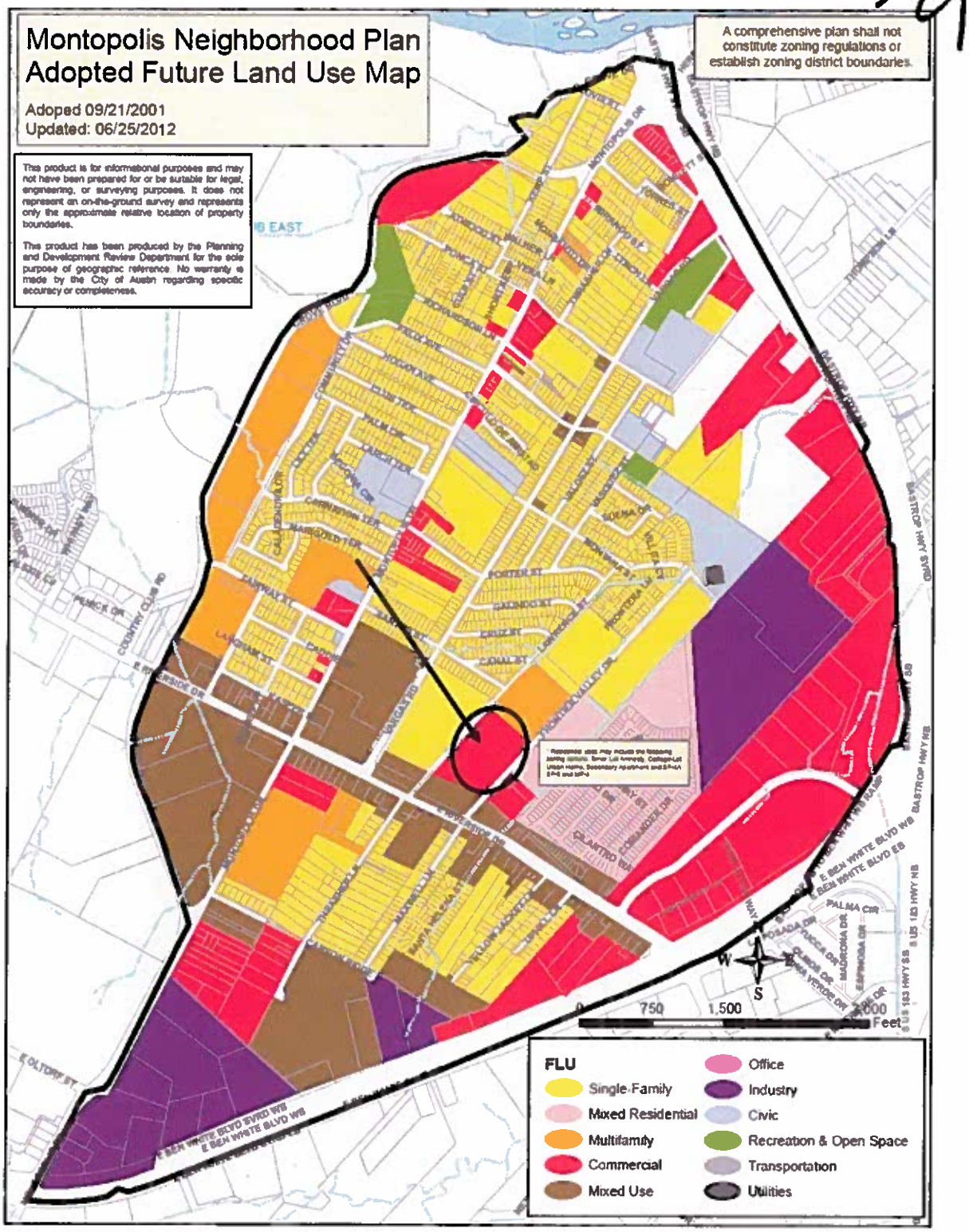
Montopolis Neighborhood Plan
Adopted Future Land Use Map
Adoped 09/21/2001
Updated: 06/25/2012
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
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0
750
1,500
2,000
Feet
FLU
Single-Family
Mixed Residential
Multifamily
Commercial
Mixed Use
Office
Industry
Civic
Recreation & Open Space
Transportation
Utilities

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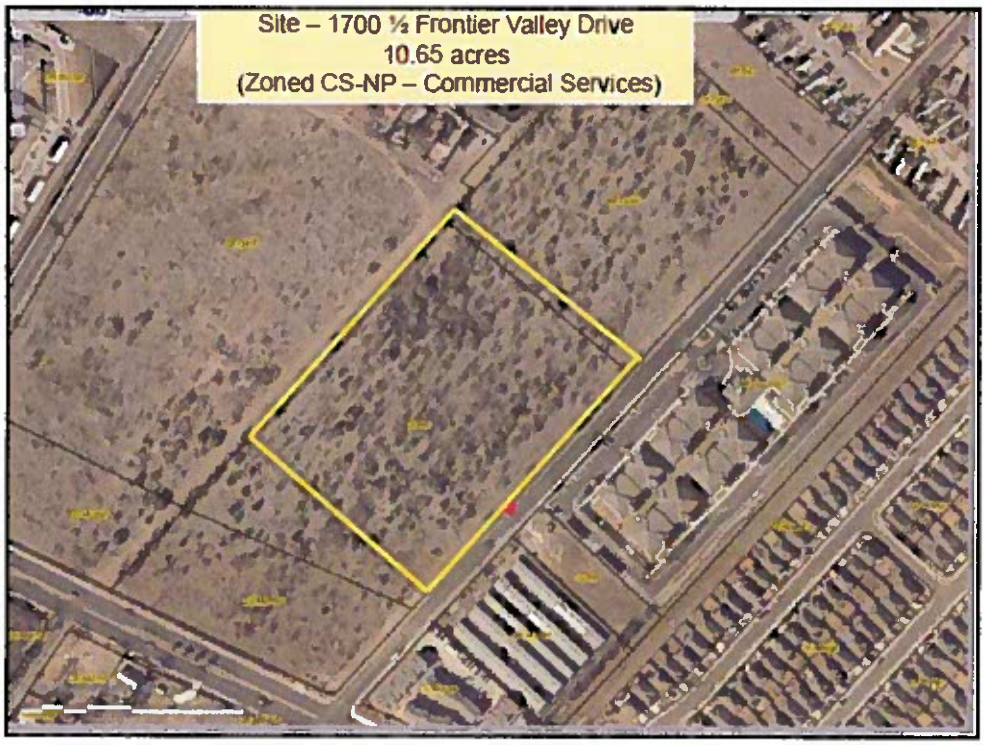
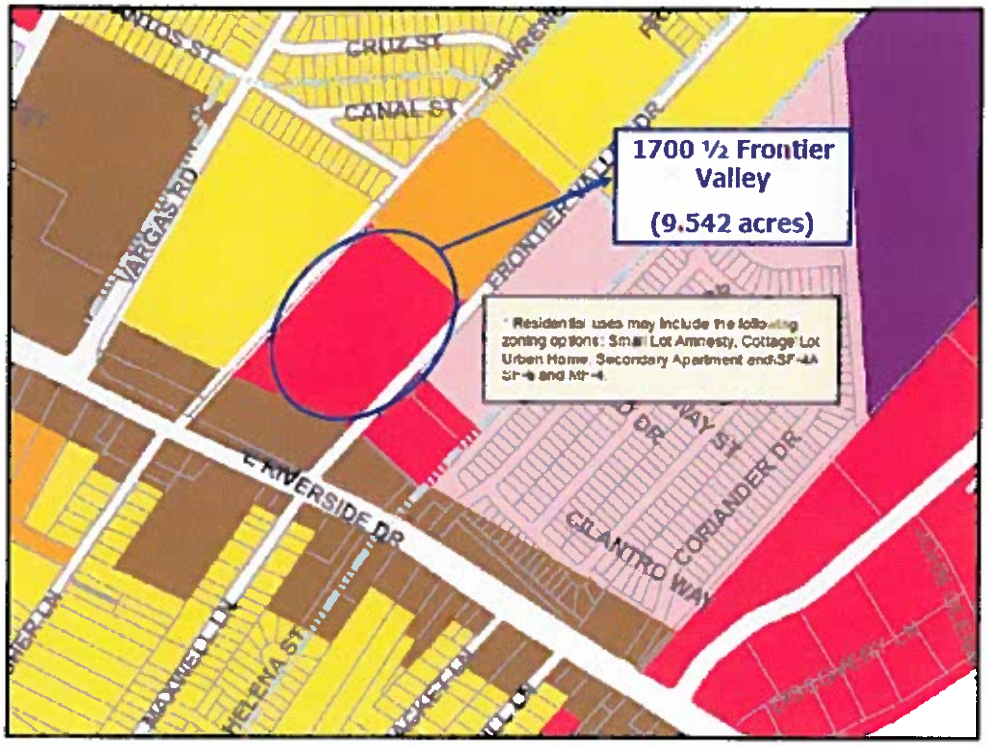

Site – 1700 ½ Frontier Valley Drive
10.65 acres
(Zoned CS-NP – Commercial Services)


1700 ½ Frontier Valley
(9.542 acres)
CRUZ ST
CANAL ST
VARGAS RD
RIVERSIDE DR
CILANTRO WAY
CORIANDER DR
HELENA ST

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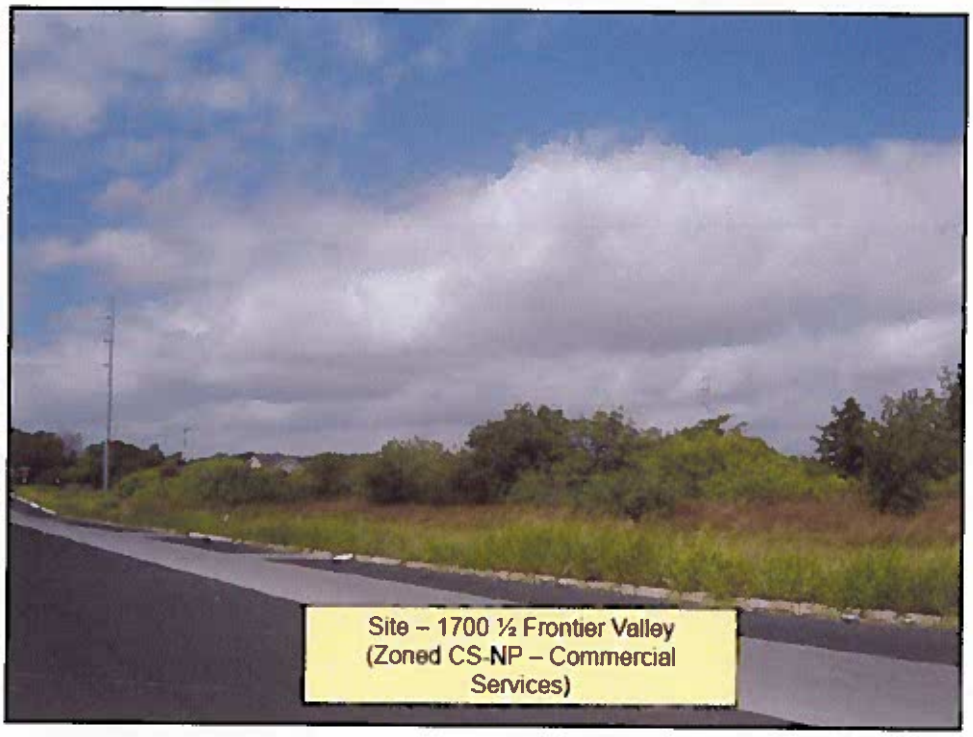
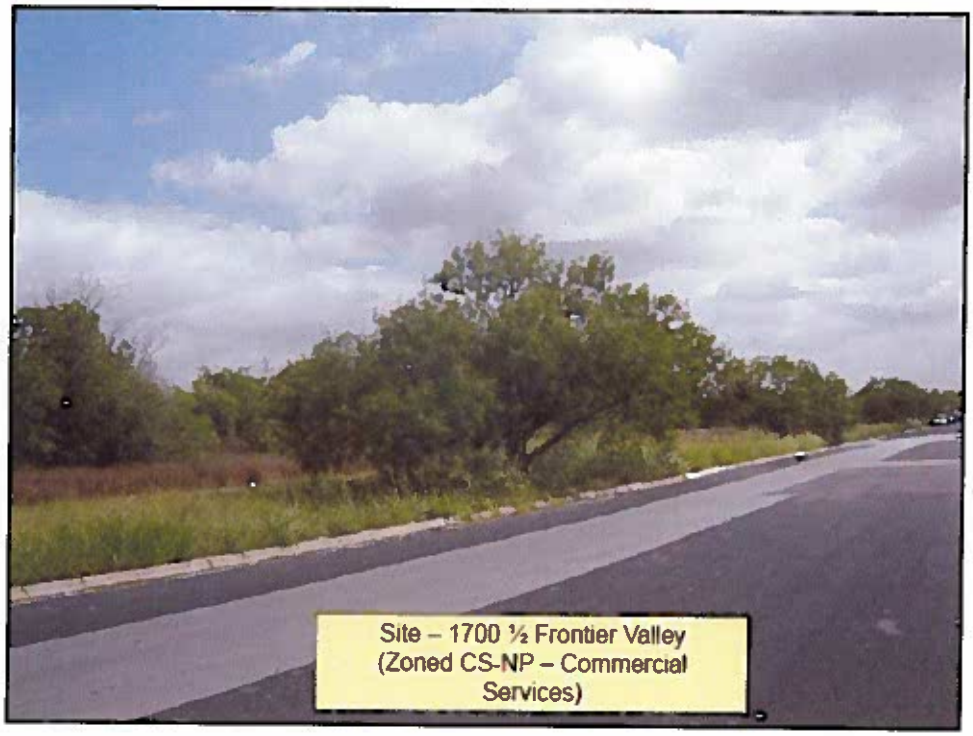

Site – 1700 ½ Frontier Valley
(Zoned CS-NP – Commercial
Services)


Site – 1700 ½ Frontier Valley
(Zoned CS-NP – Commercial
Services)

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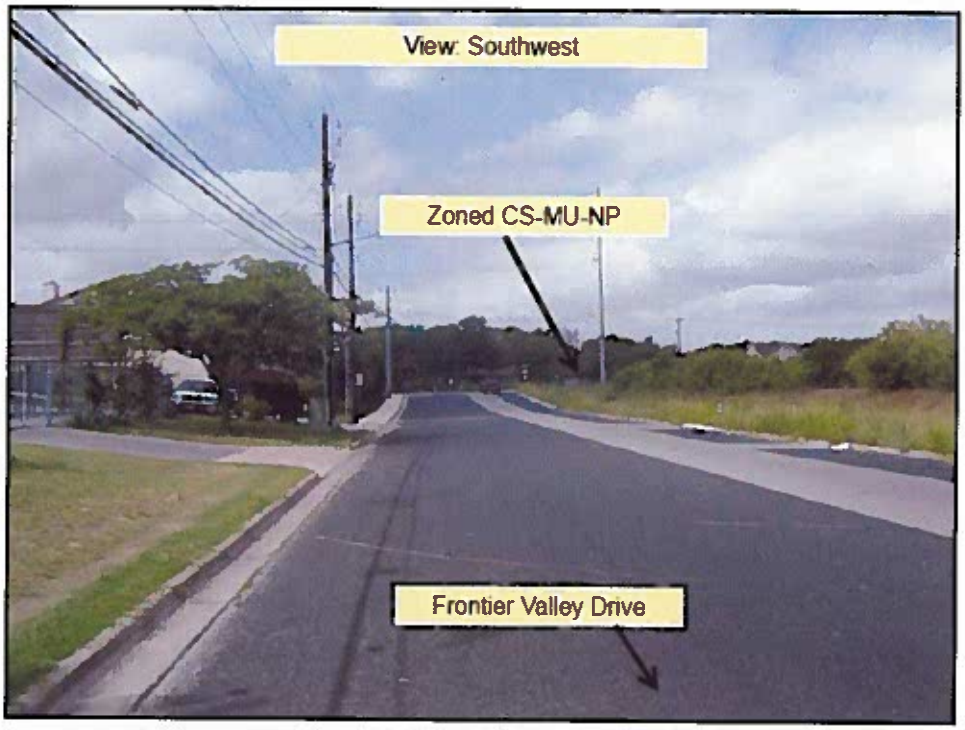
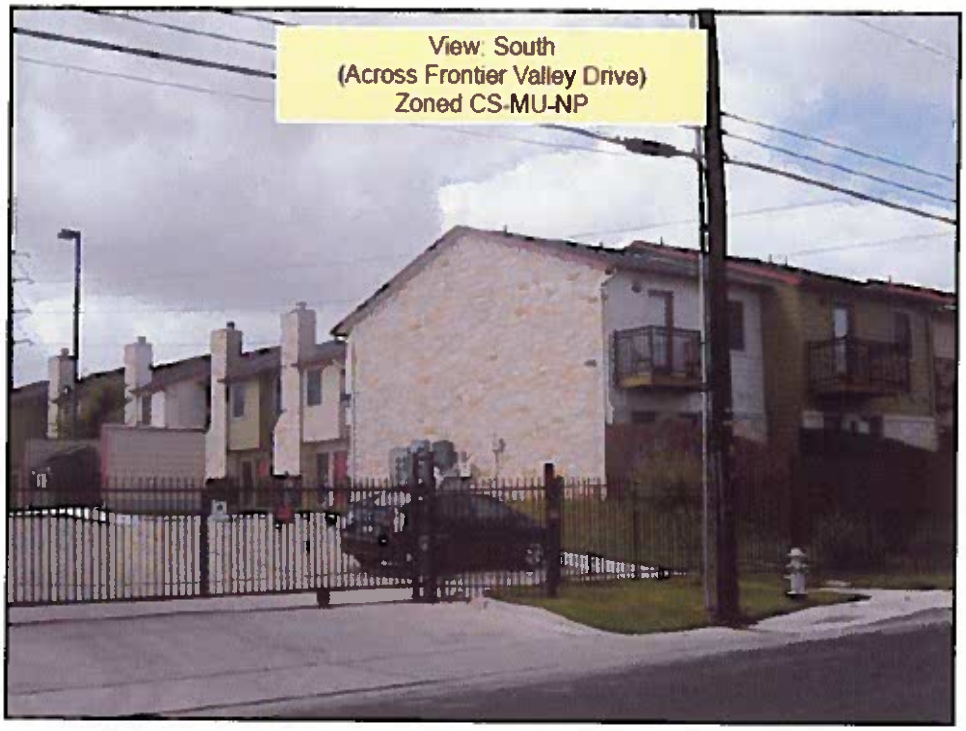

View: Southwest
Zoned CS-MU-NP
Frontier Valley Drive


View: South
(Across Frontier Valley Drive)
Zoned CS-MU-NP

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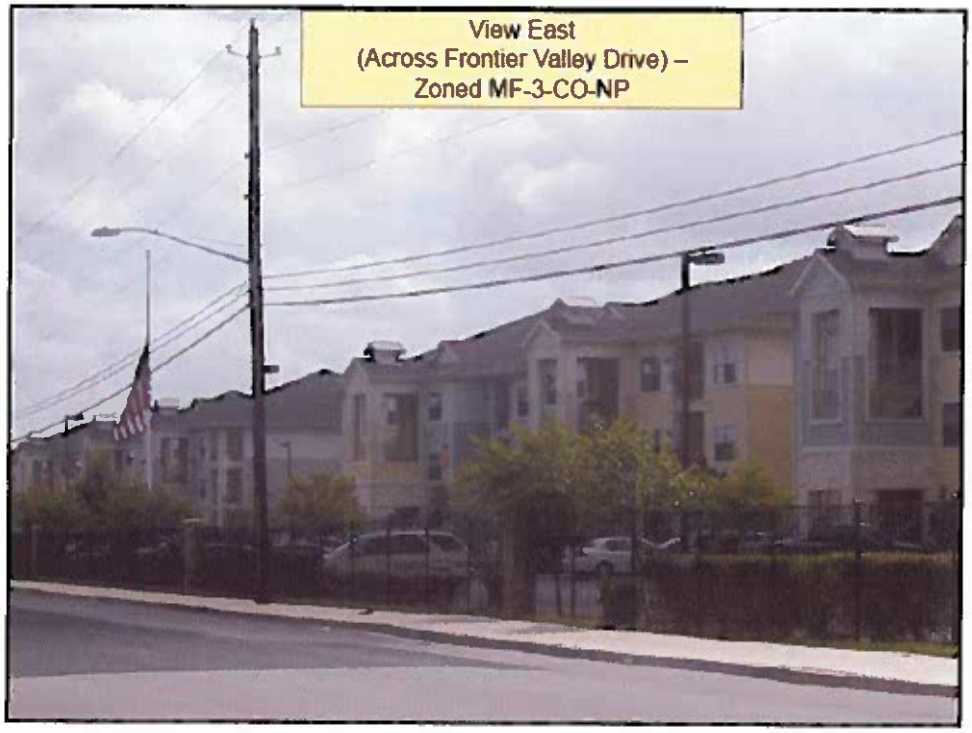
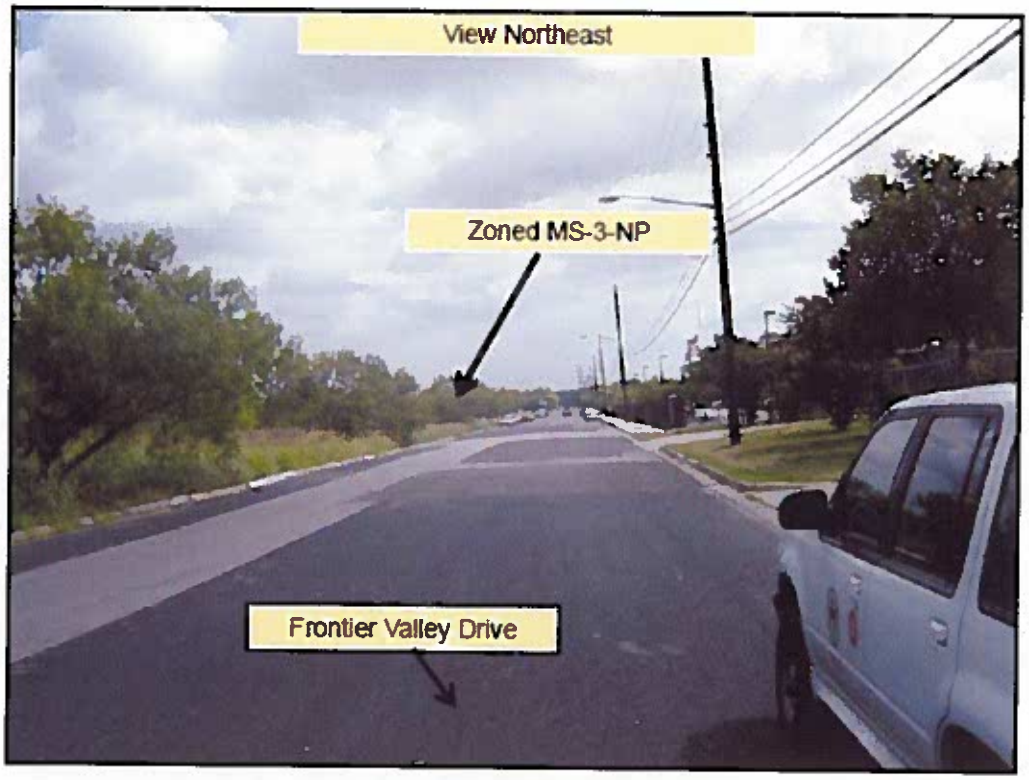
View: Southeast
(Across Frontier Valley Drive) –
Zoned GR-MU-NP
AUSTIN
STORAGE


View East
(Across Frontier Valley Drive) –
Zoned MF-3-CO-NP

QB 14



PLEASE NOTE:
The following pages (pg. 15 through 78) contain relevant pages from the Draft East Riverside Corridor Regulating Plan, a copy of the presentation made by the applicant at the Plan Amendment meeting, the Montopolis Planning Contact Team's letter of support, and documents and emails received by staff.

mwm Design Group

www.mwmdesigngroup.com

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October 2, 2012

Mr. Justin Golbabai
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: 1700 ½ Frontier Valley Drive
Request to Modify Neighborhood Planning Amendment Request

Dear Mr. Golbabai:

Please accept this letter as our request to modify our Neighborhood Plan Amendment application, Case Number NPA-2012-0005.1. Our initial application requested to change 10.65 acres of the FLUM from Commercial to Mixed Use. Our modified request is to change 9.542 acres from Commercial to Multi-Family Residential. Attached are the metes and bounds and exhibit to accompany our proposed request.

Based upon discussion at the September 11th Planning Commission meeting and discussions with zoning staff, neighborhood planning staff, East Riverside Corridor Plan staff, and neighboring residents, we have modified our site to incorporate future connectivity. To better define the development standards for our project, we feel that the multi-family use is more appropriate and provides certainty for the neighborhood.

Please review our request to modify the neighborhood plan amendment application and consider its approval. Should you have any questions or desire additional information, feel free to contact me.

Sincerely,

Frank H. Del Castillo, Jr.
Land Entitlement Project Manager

305 East Hartland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1731

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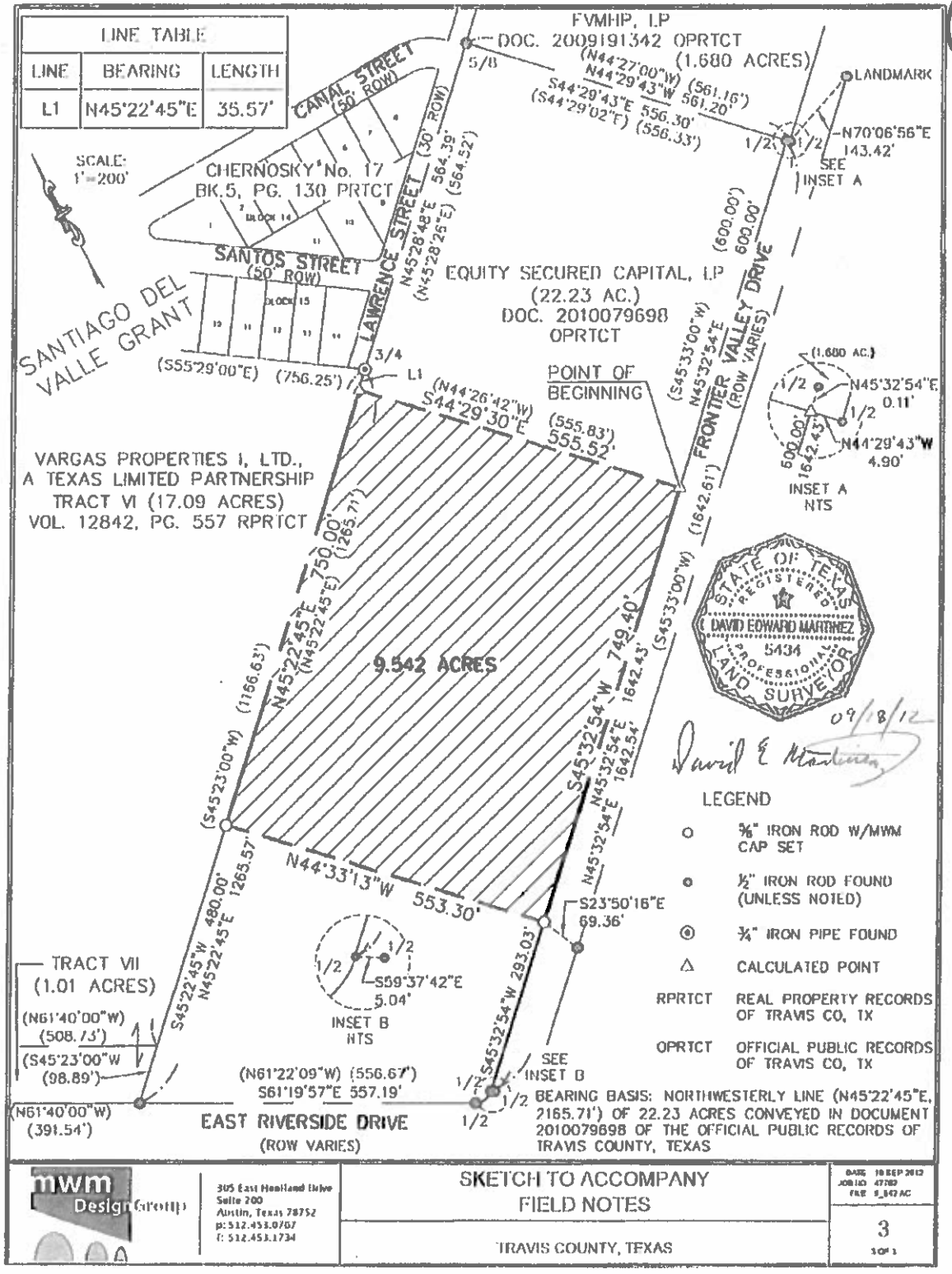

mwm Design Group
305 East Hoolland Drive Suite 200 Austin, Texas 78752 p: 512.453.0767 f: 512.453.1734

SKETCH TO ACCOMPANY FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE 18 SEP 2012 JOB NO 47789 FILE 9_542 AC

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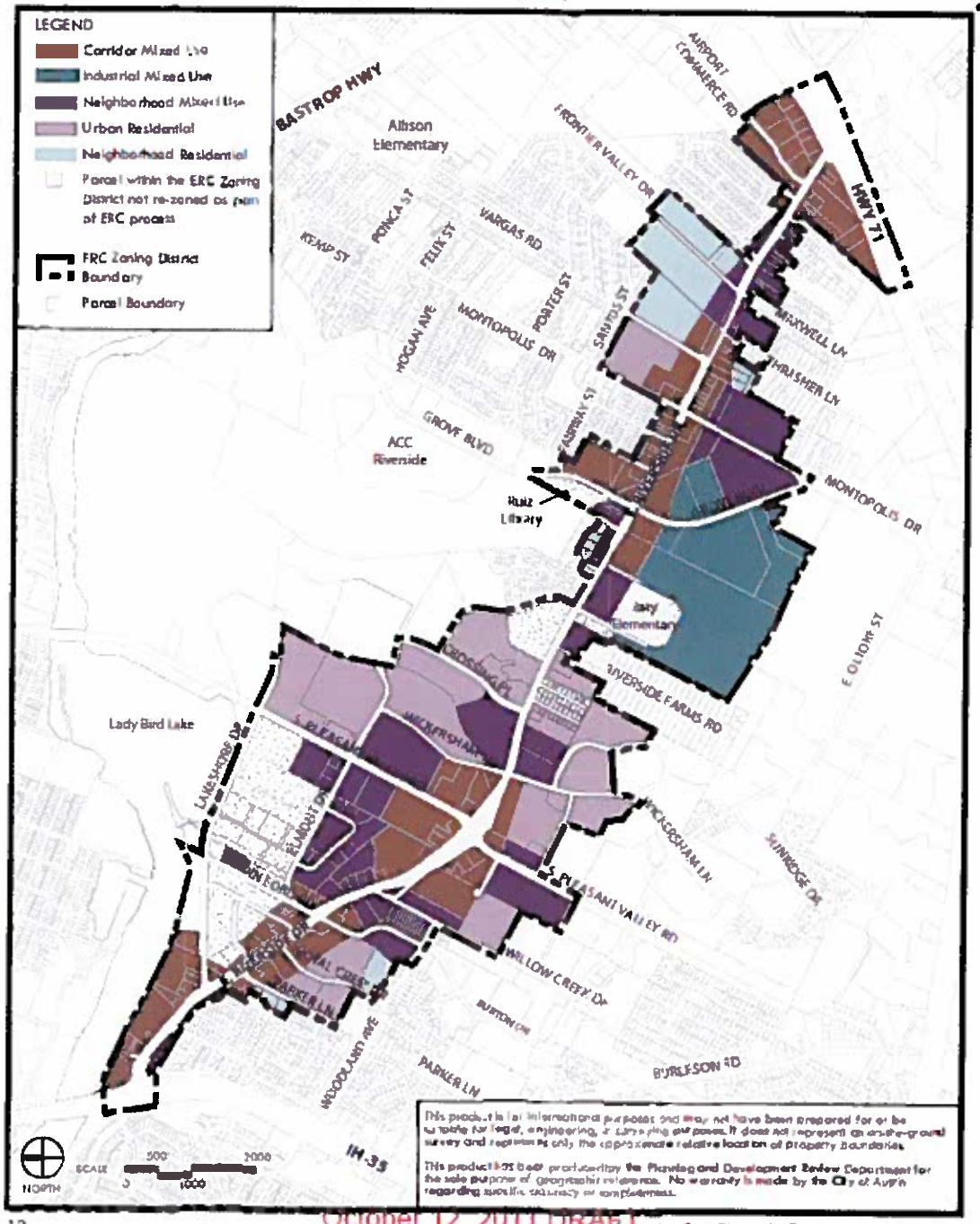
Figure 1-2: East Riverside Corridor Subdistrict Map

Identifies the subdistrict for each property within the ERC boundary.



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October 12, 2011 DRAFT

Travis Austin - East Riverside Corridor Regulating Plan

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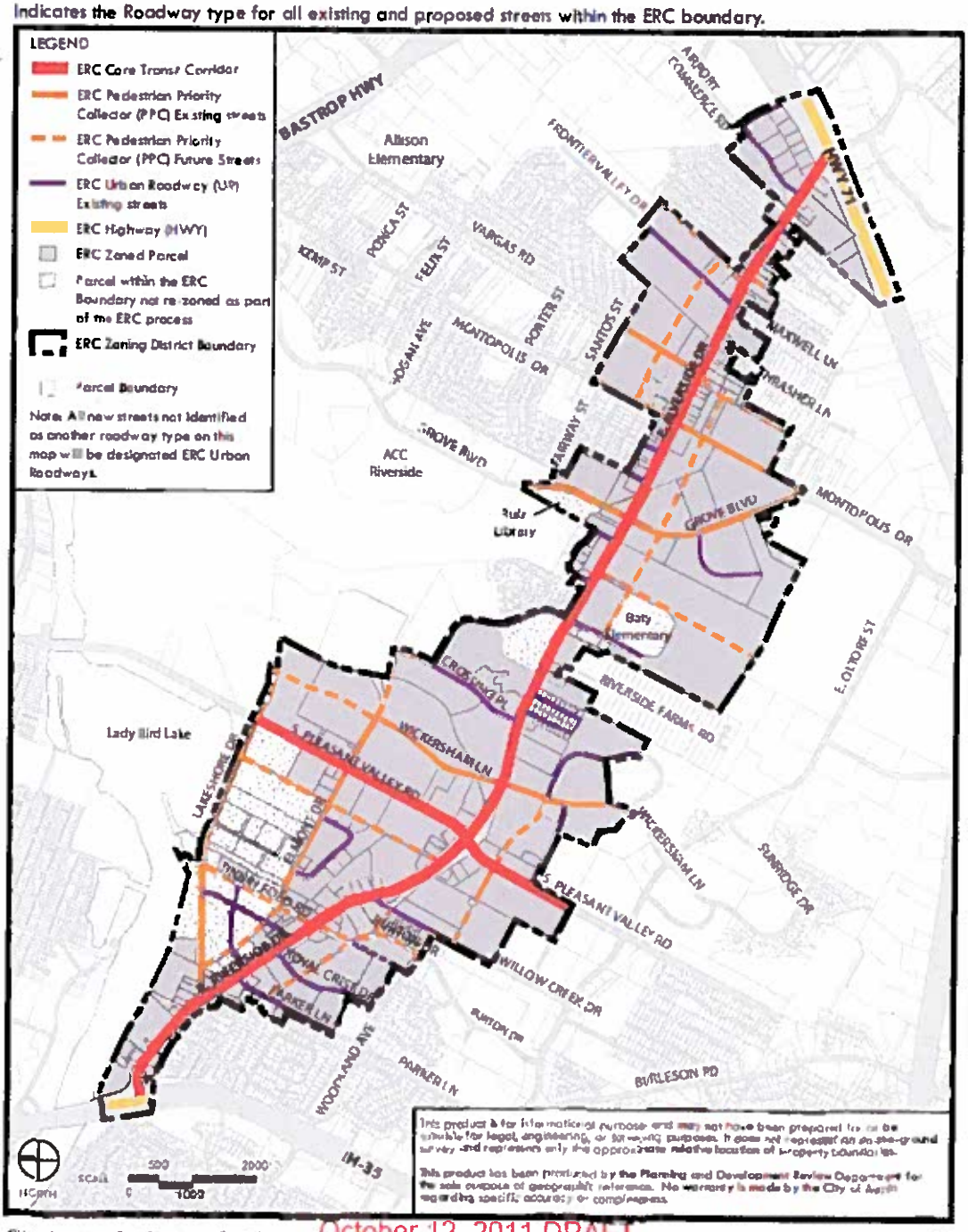
Figure 1-3: East Riverside Corridor Roadway Type Map

Indicates the Roadway type for all existing and proposed streets within the ERC boundary.



October 12, 2011 DRAFT

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Figure 1-5: East Riverside Corridor Collector Street Map

Shows existing and new streets designated as Collector streets.

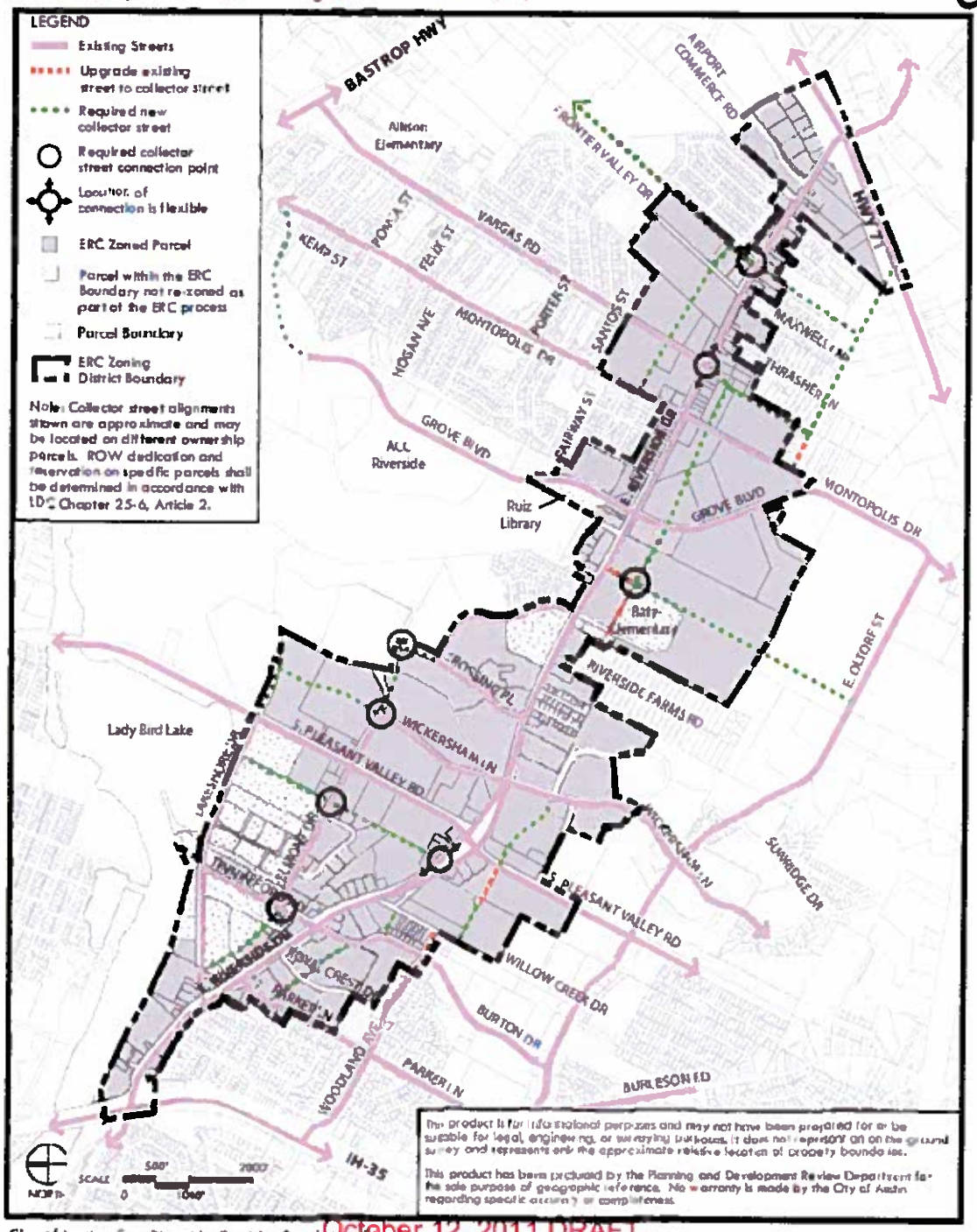

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Figure 1-13: Neighborhood Residential (NR)
Summary of NR Subdistrict Development Standards

NEIGHBORHOOD RESIDENTIAL (NR) SUBDISTRICT

Neighborhood Residential is the residential transition zone located between the higher density, more active urban Subdistricts and existing single-family neighborhoods. It provides for a height transition to the existing neighborhoods outside of the ERC Zoning District. The Neighborhood Residential Subdistrict allows for single family homes, duplexes, townhouses, rowhouses, and smaller scale mutli-family buildings.

ABOVE:
Typical height limit requirements for buildings within the Neighborhood Residential (NR) Subdistrict.

CMU | IMU | NMU | UR | NR

Lot Size

Minimum Lot Size: 1,600sf

Minimum Lot Width: 18'

Minimum Setbacks

Front and Street Side Yard*:
No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.

Interior Side Yard: 0'
Rear Yard: 0'

* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.

Floor to Area Ratio (FAR)

Maximum Floor-to-Area Ratio (FAR) by Right: .5 :1

Building Height

Maximum Building Height: 35 feet

Not eligible for Development Bonus.

Compatibility

See Section 4.2.4 for compatibility standards.

Building Placement

Building placement determined by Roadway type and Active Edge Designation.

*See Sections 4.3

Maximum Impervious Cover

Impervious Cover: 55% or Maximum Allowed by Environmental Criteria Manual.*

*The Environmental Criteria Manual is one of 9 Technical Criteria Manuals used by the City of Austin.

ABOVE & BELOW:
Examples of development similar to that allowed in the Neighborhood Residential Subdistrict.

Neighborhood Residential (NR) Land Use Summary*

Land Use	
Residential, attached	Permitted
Residential, detached	Permitted
Smaller-scale Retail (less than 50,000 sq. ft.)	Not Permitted
General Retail	Not Permitted
Office	Not Permitted
Warehousing & Light Manufacturing	Not Permitted
Education / Religion	Permitted
Hospitality (hotels/motels)	Not Permitted
Civic Uses (public)	Permitted

*The table above provides a summary only of land uses permitted within the Neighborhood Residential Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.

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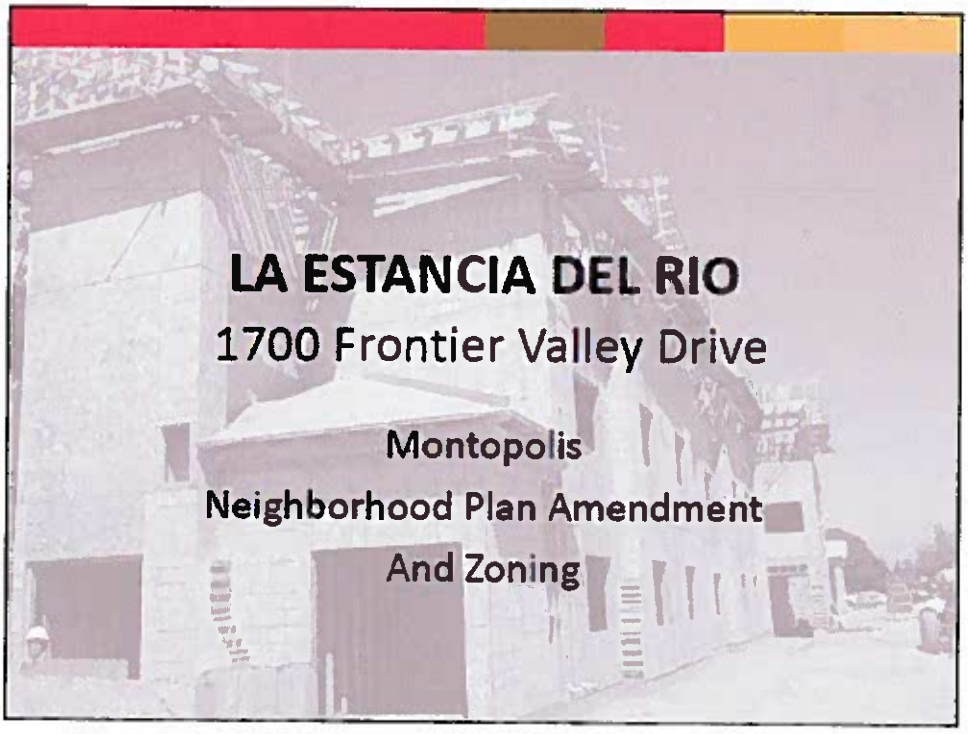
LA ESTANCIA DEL RIO
1700 Frontier Valley Drive
Montopolis
Neighborhood Plan Amendment
And Zoning


DEVELOPMENT TEAM
CESAR CHAVEZ FOUNDATION
Si Se Puede
CORNERBROOK
DEVELOPMENT COMPANY
mwm
Design Group

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HOUSING & ECONOMIC DEVELOPMENT FUND

HOUSING & ECONOMIC DEVELOPMENT

Total of 4,300 units
33 Properties

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TEXAS

7 -Properties (1,213 units)
- Aguila Oaks - 346 units
- Casa Messina - 76 units
- Casa Saldana - 196 units
- Jardines De La Fuente - 200 units
- Village @ Meadowbend - 138 units
- Village @ Meadowbend II - 99 units
- Zollie Scales Manor – 158 units

VILLAGE AT MEADOWBEND TEMPLE, TX

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AGUILA OAKS
SAN ANTONIO, TX

Si Se Puede
Learning Centers

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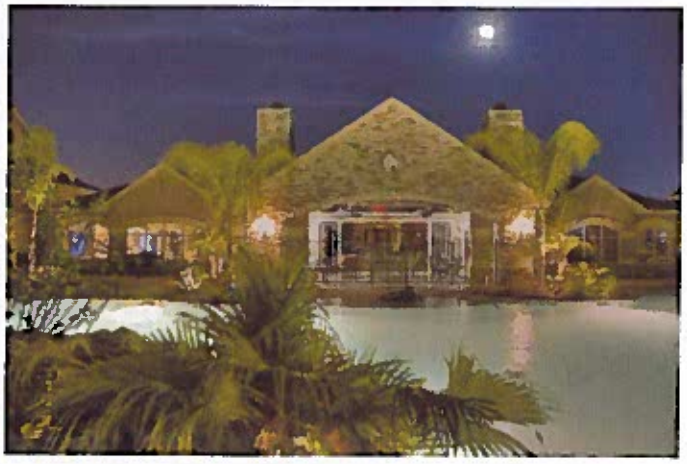
CORNERBROOK
DEVELOPMENT COMPANY

Stafford, Texas
Previous Experience with Affordable Housing
Market Driven Development

CORNERBROOK
DEVELOPMENT COMPANY

SILVERBROOKE
STAFFORD, TEXAS



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SILVERBROOKE

CORNERBROOK DEVELOPMENT COMPANY

SILVERBROOKE

CORNERBROOK DEVELOPMENT COMPANY

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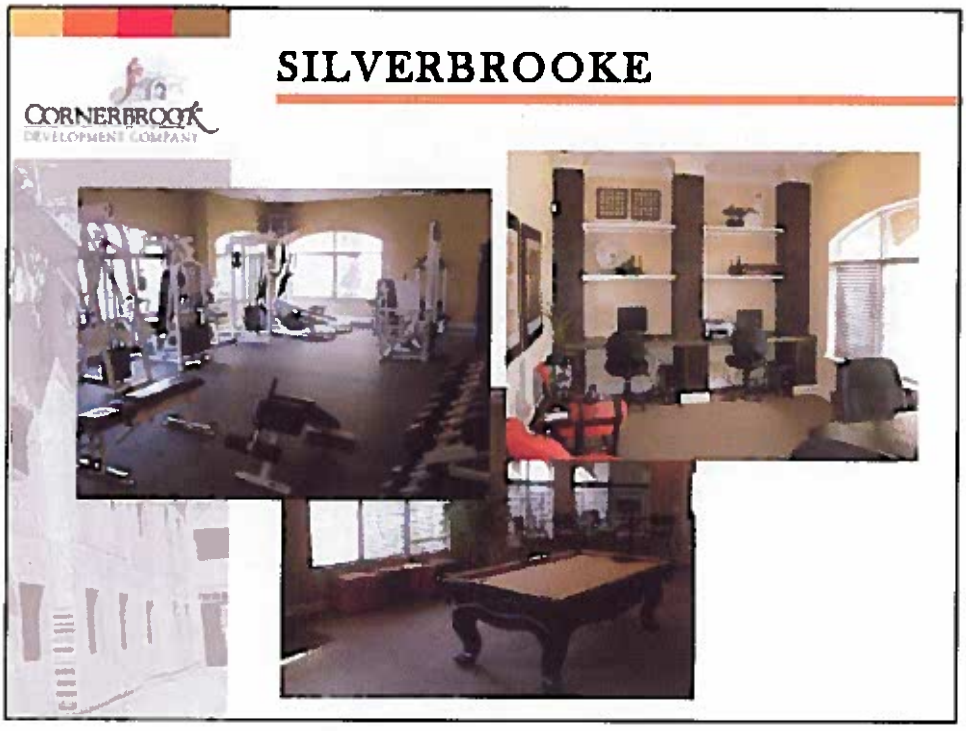
SILVERBROOKE
CORNERBROOK
DEVELOPMENT COMPANY


SILVERBROOKE
CORNERBROOK
DEVELOPMENT COMPANY

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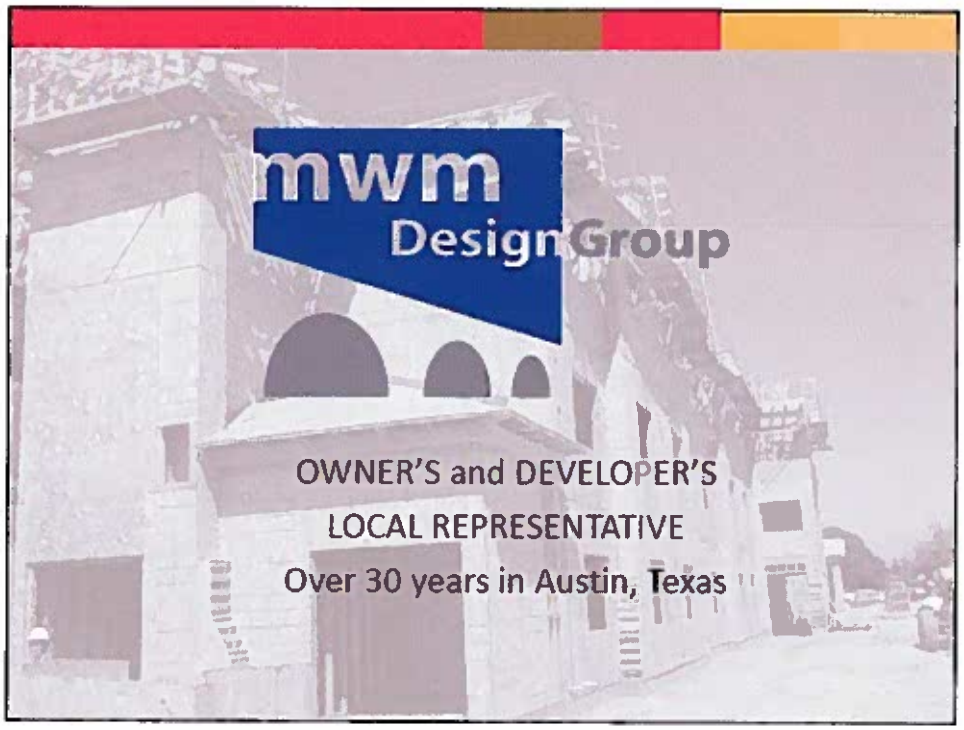
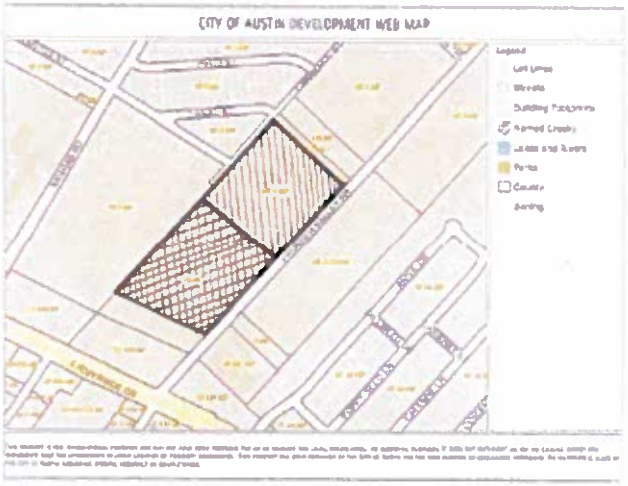


MONTOPOLIS FLUM

C3/29

LA ESTANCIA DEL RIO
AUSTIN, TX



THE PROCESS
AUSTIN, TX

- **Neighborhood Plan Amendment**
  - Application Submitted
- **Zoning Change**
  - Application Submitted
- **Site Plan**
  - Application Date - Late September
- **Begin Construction**
  - Early Spring 2013

C3/30

Montopolis Neighborhood Plan Contact Team

August 12. 2012

Ms. Maureen Meredith
Neighborhood Planning & Zoning Department
P O Box 1088
Austin. TX 78767

RE: NPA-2012-0005.01 (1700 ½ Frontier Valley). A change in the future land use map (FLUM) from Commercial to Mixed use. The zoning request is from CS-NP to CS-MU-NP

Dear Ms. Meredith.

The Montopolis Neighborhood Plan Contact Team (MNPCT) held it's meeting on July 30th. 2012 at Dan Ruiz Library to review the Plan Amendment for the property located at 1700 ½ Frontier Valley – NPA-2012-0005.01

At this meeting. the MNPCT Executive Committee and other neighborhood members heard and reviewed the presentation by the City of Austin and members of the Cesar Chavez Foundation: Corner Brook Development Company and mwm Design Group.

After an extensive discussion. members of the MNPCT voted to approve the Plan Amendment for the property.

On June 14th. 2012. the MNPCT reviewed the rezoning request for the property at 1700 1/2 Frontier Valley. The MNPCT voted to approve the zoning request from CS to CS-MU. The MNPCT also approved the rezoning of the property to move forward in the out of cycle process.

Sincerely.
Susana Almanza
Susana Almanza
Chair- Montopolis Neighborhood Contact Team
1406 Vargas Road
Austin. TX 78741
512/428-6990

Cc: Frank Del Castillo. Jr. mwm Design Group

C3/31

Dear Planning Commission Members,

This letter is in regards to zoning permit case 2012-063326 ZC and neighborhood plan amendment case 2012-063313 NP for property in Montopolis at 1700 1/2 Frontier Valley Drive. Both cases are scheduled for the Planning Commission on August 28, 2012.

I oppose the applicant's request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I believe that the Montopolis Neighborhood Plan Contact Team's and City Staff's support for this zoning change and plan amendment does not fully consider the impact that this TDHCA apartment complex would have on the neighborhood and especially the likely impact on Frontier at Montana, a 70+ household subdivision developed by the Austin Housing Finance Corporation.

I urge you to recommend that City Council not approve these two cases.

Too Much Traffic

There are two primary ways to enter and exit the Frontier at Montana subdivision.

One is to the west on residential streets (Montana St. and Villita Avenida) through single-family zoned neighborhoods to reach either Vargas Rd. or Montopolis Dr. The other is to the south along Frontier Valley Dr. to reach E. Riverside Dr.

The residential streets of Frontier at Montana (again, Montana St. and Villita Avenida) are also already used by others travelling to exit or enter their neighborhoods.

There is already a significant and undesirable amount of traffic through our community. We have too much traffic now that drives too fast. We have asked for traffic calming

There is already congestion at the intersection of Frontier Valley Dr. and E. Riverside Dr. where at times drivers have long waits to turn left and even right.

The proposed development at 1700 1/2 Frontier Valley Dr. has its points of entry only planned for Frontier Valley Dr. This means additional car trips generated will add to traffic exiting south onto E. Riverside or north along Frontier Valley Dr. to cut through Frontier at Montana.

Both of those traffic situations would negatively impact Frontier at Montana residents.

The congestion at E. Riverside Dr. will add time and make it more difficult and perhaps dangerous to exit and enter our neighborhood that way. Over time this will even become more of a problem as the E. Riverside Dr. corridor is developed.

C3/32

From cross traffic, Frontier at Montana and the adjacent neighborhood in older Montopolis will experience more cars, more exhaust, more noise, and more of a need for safety concern for children.

Too Much Affordable Apartment Density

The proposed development at 1700 1/2 Frontier Valley Dr. would have 250 affordable apartment units built with a TDHCA tax credit.

At this time there is already a TDHCA tax credit affordable apartment complex at 1705 Frontier Valley Dr. called Santora Villas that has 192 units.

The combined total of both complexes – literally across the street from one another – would be 442.

I urge you to study and analyze the Affordable Housing Inventory and Affordable Housing Inventory Map and Affordable Housing Volume found here:

https://data.austintexas.gov/browse?category=Neighborhood

There are few instances in Austin where affordable apartments with this many units are adjacent to one another. There are few cases of this much density.

In another part of Montopolis the Riverside Meadows complex (TDHCA & AHFC) with 248 units and Fairway Village (TDHCA, AHFC, & HUD) with 128 are close – one block away – but their combined total of 376 units is 85% of the what the new density would be at the Frontier Valley Dr. and E. Riverside.

Compounding Existing Problems Across The Street

The TDHCA backed apartment complex Santora Villas with 192 units across the street from the proposed development is a case study of what can go wrong with affordable apartments and a warning sign to residents of Frontier at Montana of what could happen if the end of Frontier Valley Dr. becomes a mega complex of TDHCA apartment housing.

Anecdotal stories from a relative of a resident of Santora Villas paint a picture of an affordable apartment complex that was once more welcoming to a diversity of residents, but shifted and increased the number of Section 8 housing opportunities which changed the demographics.

Whereas initially promoted as a good thing for the community, Santora Villas has become a location where the Austin Police Department needs to make frequent visits. In the first 7 months of this year there have been 72 police reports filed for an average of 10 per month. (See attached below from www.krimmelab.com). These are mostly APD reports for Assault, Burglary of Vehicle, Family Disturbance, and Theft and are only ones that are reported.

The APD reports are easily attainable data, but they speak to underlying problems that should be addressed and dealt with before constructing something new, yet similar, that could just add to the problems.

There is genuine worry among residents of Frontier at Montana that building a TDHCA 250 unit affordable apartment complex right next to a TDHCA 192 unit apartment complex that already has significant problems is only going to make matters worse.

Please recommend to deny the zoning change and plan amendment requests.

C3/33

Sincerely,

Stefan Wray
Frontier at Montana HOA Member
Montopolis Plan Contact Team Member
Montopolis Greenbelt Association Co-Founder.

Santora Villas

CASE #	DATE	OFFENSE	ADDRESS	ZIP	ARREST
2012-5034080	7/30/12	ABANDONED VEH	1705 FRONTIER VALLEY DR	78741	
2012-2090284	7/27/12	BURGLARY INFORMATION (ATTEMPTED)	1705 FRONTIER VALLEY DR	78741	
2012-5031769	7/15/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-5031618	7/15/12	WRECKER ORDINANCE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	ASSAULT BY THREAT FAM/DATING	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	DATING DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1952135	7/13/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-5031429	7/13/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-5031450	7/12/12	ASSAULT BY THREAT	1705 FRONTIER VALLEY DR	78741	
2012-5030293	7/4/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-5029824	7/3/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1830175	7/1/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1800413	6/28/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-5029182	6/27/12	THEFT INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-1680117	6/16/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1680361	6/16/12	AUTO THEFT INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-1680361	6/16/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-5026541	6/13/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-5025894	6/8/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-5026288	6/8/12	TERRORISTIC THREAT	1705 FRONTIER VALLEY DR	78741	
2012-1580224	6/6/12	DATING DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1571885	6/5/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-1481984	5/27/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-1420644	5/21/12	BURGLARY OF VEH INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-5022653	5/20/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1341583	5/13/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	

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2012-1250435	5/4/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1231120	5/2/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1211572	4/30/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1170585	4/26/12	AUTO THEFT	1705 FRONTIER VALLEY DR	78741	
2012-1170002	4/26/12	DRIVING WHILE LICENSE INVALID	1705 FRONTIER VALLEY DR	78741	♦
2012-1170002	4/26/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-1131592	4/22/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1131592	4/22/12	BURGLARY OF RESIDENCE	1705 FRONTIER VALLEY DR	78741	
2012-1130474	4/22/12	BURGLARY OF VEHICLE (ATTEMPTED)	1705 FRONTIER VALLEY DR	78741	
2012-1131592	4/22/12	INTER EMERG PHONECALL FAM/DATE	1705 FRONTIER VALLEY DR	78741	
2012-5017774	4/21/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1021240	4/11/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1011244	4/10/12	BURGLARY INFORMATION	1705 FRONTIER VALLEY DR	78741	♦
2012-1011244	4/10/12	POSS CONTROLLED SUB/NARCOTIC	1705 FRONTIER VALLEY DR	78741	♦
2012-1011244	4/10/12	POSS CONTROLLED SUB/SYN NARC	1705 FRONTIER VALLEY DR	78741	♦
2012-970291	4/6/12	AUTO THEFT	1705 FRONTIER VALLEY DR	78741	♦
2012-970291	4/6/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-840513	3/24/12	AGG ASSAULT FAM/DATE VIOLENCE	1705 FRONTIER VALLEY DR	78741	♦
2012-840513	3/24/12	INTERFERING W/EMERG PHONE CALL	1705 FRONTIER VALLEY DR	78741	♦
2012-801835	3/20/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-791961	3/19/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-741303	3/14/12	OUT OF CITY AUTO THEFT	1705 FRONTIER VALLEY DR	78741	
2012-681262	3/8/12	DISTURBANCE - OTHER	1705 FRONTIER VALLEY DR	78741	
2012-670242	3/7/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-671445	3/7/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-640298	3/4/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-5011931	3/1/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-610274	3/1/12	EVADING / FOOT	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	FAILURE TO IDENTIFY	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	POSS MARIJUANA	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-480113	2/17/12	MISSING ADULT	1705 FRONTIER VALLEY DR	78741	
2012-460112	2/15/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-260188	1/25/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-251652	1/25/12	DOC DISPLAY FIREARM-PUB PLACE	1705 FRONTIER VALLEY DR	78741	
2012-251652	1/25/12	TERRORISTIC THREAT	1705 FRONTIER VALLEY DR	78741	
2012-5002182	1/16/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-90010	1/9/12	CRIMINAL TRESPASS NOTICE	1705 FRONTIER VALLEY DR	78741	
2012-90882	1/9/12	ROBBERY INFORMATION	1705 FRONTIER VALLEY DR	N/A	
2012-81597	1/8/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-81597	1/8/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-70806	1/7/12	ASSAULT BY CONTACT FAM/DATING	1705 FRONTIER VALLEY DR	78741	
2012-60006	1/6/12	ACCIDENTAL DRUG OVERDOSE	1705 FRONTIER VALLEY DR	78741	

2012-30703 1/3/12 DATING DISTURBANCE 1705 FRONTIER VALLEY DR 78741

From: Rhonna Robles
Sent: Tuesday, August 14, 2012 11:35 AM
Cc: Meredith, Maureen; Kai Jai Conner; richard
Subject: Deny Zoning Case 2012-063326 ZC & Planning Case 2012-063313 NP

Regarding: Against the Proposed Zoning Change 2012-063326 ZC & Plainning Case 2012-063313 NP

Please Attach this Letter to the File August 14th, 2012

To All Members of the Austin City Council, Zoning and Planning Committees,

As one of the Realtors struggling to sell the Arbor condos, 6900 East Riverside Drive, located on the Northeast corner of Frontier Valley & Riverside Drive and a resident for the past 2 years ***I am strongly against the proposed zoning change to Affordable Housing on Frontier Valley & Riverside Drive***. The other condo owners and I remain deeply disappointed that KB's request for the zoning change to single family homes was denied. This appears a direct interference from the City Government into Free Market Economics and in contrast to the City's goals to clean up East Austin.

Everyone that has bought a condo at The Arbors (including myself) investing in East Austin were under the impression that this would be a great place to live and prove to be a good investment. We enjoy the close proximity to DT and thought The City of Austin was working hard to reduce the high crime that is an everyday reality, reduce the litter and nightly noise disturb instances. With the money raised for the Lady Bird Lake Trails extension, the new mixed use development by the AMLI and the building of the Villas of Riverside by Milestone Homes we were hopeful infrastructure businesses were in planning to support Home Ownership and more Home Ownership would follow. I personally was thinking cleaners and local bakery.

As a long time Austin resident, I have also lived in Allandale, NW Hills, Tarrytown and Brykerwoods and was active in those Neighborhood Associations. I have seen first hand The City Council, Zoning, Planning Committees and City staff assist the Neighborhood Associations in protecting and maintaining the neighborhoods goals. I want to see the same assistance given to this newly formed Neighborhood Association. I remember the Hyde Park Neighborhood Association strongly against the increase in traffic a cinema in the Triangle Project would add...the cinema was deleted. The city was diligent in limiting the Walmart's size and hours built on Anderson Lane. This proposed project of 250 apartments would add noise, crime and traffic Frontier Valley definitely cannot handle and already has more than it's fair share, Santora Villas. My condo backs onto Frontier Valley and the approval of this project would lower my property values, but more importantly affect the quality of my life. **Please assist East Riverside in becoming a model for the city in use of public**

transportation, enhanced bike use, a mixture of Home Ownership & rentals, but not continue to use E. Riverside as the primary dumping ground for Affordable Housing and doom Riverside to a continued future with a Bad Reputation.

C3/36

Please deny this zoning change.

Sincerely,

Rhonna Wallerstein Robles
Central Austin Real Estate
(512)484-9415

From: Kal Jai Conner
Sent: Monday, August 13, 2012 8:07 PM
To: Meredith, Maureen
Subject: 1700 1/2 Frontier Valley Road, Zoning: C14-2012-0067, NPA Case: NPA-2012-0005.01

I oppose the applicants request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I am a resident at The Arbors at Riverside and I am extremely concerned about the 1,600 car trips that this apartment complex will generate EVERY DAY, we already have more traffice than is safe right now. Also I am concerned about the stress on our water and wastewater systems and since we already have a flooding issue, this monolithic slab of concrete will only make it worse. The crime at Santoro Apartments down the block is horrific and I know that another apartment complex will DOUBLE the crime statistics.

I would much prefer to see residential owned, not lease properties. Or if we have to have a lease property, let's make it a little higher in rents? Attract a better element? We would like to retain our property values and it seems the way to do that is to build nicer residential units, not low-cost or affordable or Section 8 housing. I am one of the on-site agents at the Arbors at Riverside and we are fighting up uphill perception problem as it is. I cannot imagine what it would be like with all the problems that another 250-unit apartment complex would bring. I strongly oppose the zoning change on this tract.

C3/37

From: Richard Berns
Sent: Wednesday, August 15, 2012 10:09 AM
Cc: Meredith, Maureen; Nikelle Meade
Subject: Against the Proposed Zoning Change 2012-063326 ZC & Plainning Case 2012-063313 NP
Importance: High

I am the developer for the Arbor at Riverside Condominiums ('Arbors') at 6900 East Riverside Drive, located on the Northeast corner of Frontier Valley & Riverside Drive, across the street from the 22 acres that is requesting a zoning change.

I am strongly against the proposed zoning change to 252 Affordable Housing Apartments on Frontier Valley & Riverside Drive.

I am disappointed that KB HOMES's request for the zoning change to single family homes was denied. If the goal of The CITY is to 'clean up" east Riverside Drive this new application appears to be a direct contradiction to the CITY.

I began the Arbors development in 2007 and completed the project in the summer of 2009. Throughout our preliminary studies and the building process itself we would read and hear about all the good changes happening to the Eastside and Riverside Drive even the numerous discussions of light rail from the airport to the CBD.
I am sure that everyone that has bought a condo at The Arbors and were investing in East Austin was under the impression that this would be a great place to live and prove to be a good investment. They would enjoy the close proximity to CBD and ABIA and thought The City of Austin was working hard to reduce the high crime that is an everyday reality, reduce the litter and nightly noise disturb instances. With the money raised for the Lady Bird Lake Trails extension, the new mixed use development by the AMLI and the building of the Villas of Riverside by Milestone Homes we were hopeful infrastructure businesses were in planning to support Home Ownership and more Home Ownership would follow. This infrastructure investment will stop if this zoning change is allowed.

This proposed project of 250 "affordable "apartments would add noise, crime and traffic that Frontier Valley definitely cannot handle and already has

C3/38

more than its fair share with Santora Villas and questionable housing at the end of Frontier Valley.

Some of our condos back up to Frontier Valley and the approval of this project would lower the property values, but more importantly affect the quality of life for the Home Owners.

Please assist East Riverside in becoming a model for the city in use of public transportation, enhanced bike use, a mixture of Home Ownership & rentals.

Please deny this zoning request

Please distribute this message to others on the committee that I may have excluded

Sincerely,
Richard Berns
Berns Commercial Properties

Berns Commercial Properties

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Richard Berns
1515 S Capital of Texas Highway #412
Austin, TX 78746
(512) 328-7774 Office
(512) 426-9401 Cell

Check Our Website for Latest Austin News
www.BernsCommercialProperties.com

From: Chokein Kiyuna
Sent: Thursday, August 16, 2012 8:03 AM
To: Meredith, Maureen
Subject: Zoning Case # 2012-063326 ZC, Plan Amendment Case # 2012-063313 NP

Ms. Maureen Meredith:

It has come to my attention, that a request to modify neighborhood plan amendment and change zoning from from Commercial to Mixed Use Commercial for the purpose of affordable apartments, 250 units (1700 1/2 Frontier Valley Drive, Zoning Case # 2012-063326 ZC, Plan Amendment Case # 2012-063313 NP). The impact to

C3/39

homeowners like myself is great. I am asking you to please stand firm and remember all of the reasons why this proposal is not beneficial to the area of our town. The greatest concerns are about property values, traffic and parking, crime, and water, wastewater, and flooding. Among other things, these are just the big things.

I am requesting that you please oppose and stand firm against the re-zoning of the from Commercial to Mixed Use Commercial.

Thank you for your time.

Chokein Kiyuna, M.Ed.
512-364-2505

August 15, 2012

Austin City Council, Zoning Committee and Planning Committee,

As a first time home owner, resident of the Montopolis neighborhood area, small business owner and President of the Frontier at Montana Home Owners Association*, I am strongly opposed to the City of Austin Zoning Change request (2012-063327 ZC) and Neighborhood Plan Amendment (2012-063313 NP). This change will compound existing issues, create new problems and decrease the overall value of our homes, businesses and property. There is no evidence of the city's plans to address or prevent these problems. As a stakeholder and property owner in the Montopolis area, I am concerned about the certain decrease in property value that this change will cause. I am also disappointed that the Cesar Chavez Foundation feels that the proposed housing development will serve this community and its future residents. Following is a direct quote from the CCF website:

> "the Cesar Chavez Foundation's Housing and Economic Development Fund is dedicated to serving the special needs of farm workers, Latinos and other low-income working families and seniors, It improves the quality of their lives and helps break the cycle of poverty through a positive and safe living environment."

I argue that this proposed development is a direct contradiction to the goals set forth by the CCF and will not actually improve the quality of their lives or help break the cycle of poverty. It will definitely not provide a positive and safe living environment. Please refer to the following crime statistics for the Montopolis Neighborhood Area – specifically violent crimes and burglary.

> Within the last eight months there have been 1,486 counts of offense, resulting in 519 arrests; of the total count approximately 30% of these incidents were categorized as violent crimes, assault, burglary or theft. In Santora Villas** on Frontier Valley Drive, more than 72 incidents have been reported since January of this year, approximately 56.9 % of those incidents are considered violent crimes, burglary or theft.

These statistics serve as evidence of what current residence are facing on a daily basis with no promise or hope of a remedy. These are only the incidents that have been reported to law enforcement. The potential future residents of this area can look forward to this environment as well.

Furthermore, the Cesar Chavez Foundation boasts on their website that they have a "well-earned reputation as a leading provider of high-quality, amenity-intensive affordable housing". Given the following factual data obtained from the Texas State Affordable Housing Corporation - Aguila Oaks*** Report from April 2011, how can we feel confident that this development and management

C3/40

company will maintain the proposed Montopolis area development while it is clear that they lack the immediate funds and obligation to maintain the current developments?

"Are recreational/common areas clean, maintained and accessible? X (NO)"

"Is the exterior of the buildings in acceptable condition? X (NO)
Comments: There are areas of severe erosion and clear walking paths throughout the property. Management stated that they are aware of the erosion problem and will address it when funds are available to do so. On the day of the site visit, both pools were closed for repairs. Although the roofs appear to be in need of attention, Management stated that they were recently inspected by and insurance adjuster who said the roofs are in good condition. The exterior of the buildings is still in unacceptable condition."

"In reviewing the police report the following incidents were noted and includes the number of times incidents occurred:
Burglary (8), Burglary of Vehicle (3), Robbery of Individual (1) Theft (5), Vehicle Theft (3)"

In my opinion, these statements are not proof of "high-quality, amenity-intensive affordable housing" or "a positive and safe living environment". These statements are proof that this development will not enrich our community or the lives of future residents but, in time, diminish our community, neighborhood and future growth of the Montopolis Area.

On a separate but equally important note, the only entrance and exit to the proposed development is onto Frontier Valley. Frontier Valley is a small residential street with a narrow roadway; there is currently limited and unsafe street parking, no roadway shoulder and no sidewalk on the west side of the street. By adding an average of 1,600 car trips per day to this street, the neighborhood will face unwanted and potentially dangerous traffic. The surrounding residents have been in opposition to and will continue to oppose the increase in traffic and the lack of traffic calming devices. Once again, this zoning change and proposed development will only exacerbate this existing problem.

In closing, this zoning request, if granted, will result in an irresponsible and unmanageable increase in residential density on Frontier Valley, permanently change the Montopolis Neighborhood community and hinder the growth of the Montopolis area. I sincerely ask you to vote in opposition to this proposed zoning change and neighborhood plan amendment. I urge the City and community to do further research into this matter and choose an option that better suits our neighborhood and city. By adding this much affordable housing to this street, we are preventing a safe and healthy living environment for current and future residents and smothering future growth.

Sincerely,

Caitlin Harris Moore
6904 Villita Avenida Street
Austin, TX 78741
crharrismoore@gmail.com
(832) 865-6675

* I am not speaking on behalf of my neighborhood HOA or on behalf of anyone besides myself
** Santora Villas (1705 Frontier Valley Drive) - the affordable apartment complex across the street from the subject tract (1700 Frontier Valley Drive)
*** Aguila Oaks is the closest Cesar Chavez Foundation development to the City of Austin – located in San Antonio

C3
41

From: Jared Galaway
Sent: Thursday, August 16, 2012 6:00 PM
To: Meredith, Maureen; Heckman, Lee
Cc: Ledesma, Carlos; Powers, Gabriella; Rhonna Robles; Kai Jai Conner
Subject: Zoning Case File Attachment

City Staff and Planning Commission,
Please attach this letter to the file for the following cases:

6606 Felix Avenue
Zoning Case # 2012-064623 ZC
Plan Amendment Case # 2012-064627 NP
Request to amend neighborhood plan amendment and change zoning
From SF-3 Family Residential to LR-MU-NP Neighborhood Commercial
For the purpose of a state inspection station

1700 1/2 Frontier Valley Drive
Zoning Case # 2012-063326 ZC
Plan Amendment Case # 2012-063313 NP
Request to amend neighborhood plan amendment and change zoning from
From Commercial to Mixed Use Commercial
For the purpose of affordable apartments, 250 units

I am a resident and owner of a property within 500 ft of the above mentioned zoning change requests. Myself and my fellow property owners in the surrounding area ask that you **do not approve the rezoning requests for zoning cases 2012-064623 ZC and 2012-063326 ZC.** Our concern is for issues related to property values, parking, traffic, crime, water, waste water and flooding, to name a few.

In addition, I do not believe that the developments proposed for these areas are consistent with the vision of the East Riverside Corridor Plan. Please disprove these proposals, so that we may keep large tracts of land available for future development that enriches and expands the areas surrounding downtown, especially those which are the Gateway to Austin from the Airport and one of the routes to the new Circuit of the Americas. The proper development of the East Riverside Corridor will set the tone for visitors to our city.

Thank you for listening to the residential property owners in this area,
Jared Galaway
6900 East Riverside Dr Unit 32
Austin, TX 78741

C3/42

Dear Planning Commission and City Staff,

This letter concerns Neighborhood Plan Amendment Case 2012-063313 NP and Zoning Case 2012-063327 ZC that are both scheduled for discussion at the Planning Commission on August 28 and at City Council on September 27.

I am against the applicant's request to amend the Neighborhood Plan and change the Zoning on this property from CS to CS-MU-NP. The approval of these requests would enable a proposed affordable apartment development at 1700 ½ Frontier Valley Rd.

For almost three years, I have lived in Montopolis in a subdivision of more than 70 homes called Frontier at Montana. The Austin Housing Finance Corporation created Frontier at Montana. We are a diverse community of first time homeowners.

Our HOA Board of Directors now officially opposes this neighborhood plan amendment and zoning change request. I am the Secretary of the Frontier at Montana HOA.

I am a member of the Montopolis Neighborhood Plan Contact Team Executive Committee but was out of town during the last meeting when these cases were discussed. I would have voted to oppose. I am also aware of some of the conflicts of interest and credibility issues that have been raised about that last meeting.

I am a co-founder of the Montopolis Greenbelt Association. Our group was chiefly responsible for the City's acquisition of 20 acres of new public land adjacent to our neighborhood and we are developing a trail system.

The Frontier at Montana subdivision borders Frontier Valley Dr and is a several blocks to the north of the proposed development.

Although I have been a renter for most of my adult life and a homeowner for only the last three years, and although I am benefitting from a City affordable housing program, I share with others in my neighborhood some serious concerns about the affordable apartment complex being put forward as the proposed use at 1700 ½ Frontier Valley Rd.

Across the street from the proposed 250-unit affordable apartment complex is an existing 192-unit affordable apartment complex called Santora Villas at 1705 Frontier Valley Rd.

People in Frontier at Montana are very aware that Santora Villas is both a target and source of crime in our neighborhood. With 192 units, and a population of close to 550, there is an average of 10 APD crime incident reports per month. This statistic does not include crimes committed elsewhere perpetrated by juveniles or others who reside at Santora Villas.

In Frontier at Montana one of our goals is to preserve the integrity of our neighborhood. We want this to be a safe and enjoyable community for the first time homebuyers who struggled for years to enjoy the privilege of owning and caring for a new home.

At Frontier at Montana we have suffered from car break-ins, home invasions, and other types of crime that we know are committed by people outside our neighborhood. It is very likely in some cares that the perpetrators come from Santora Villas.

C3/43

So far, through the use Neighborhood Crime Watch techniques, we have been able to minimize the harm to our neighborhood. We know that it could be much worse. We know it could be better.

Our community is only able to absorb so much crime. It seems that another high-density affordable apartment complex immediately across the street from Santora Villas – with both of their entranceways aimed at each other – would generate a multiplier effect on crime both internal to that development as well as externally to the other parts of the neighborhood.

It is hard to think of other communities in Austin that have been asked to deal with this intensity of affordable apartment development with proven crime statistics in the same geographical space.
We have searched and cannot find an example of another location in the City where two affordable apartment complexes with this many units are located immediately adjacent to one another.

Increasing the number of affordable apartment units at the end of Frontier Valley Rd from 192 units to 250 units for a total of 442 units is a 130% increase in apartment units, which is likely a 130% increase in population, and could very well be a 130% increase in APD crime incident reports for this location.

If the zoning and plan amendment requests are approved, and this affordable apartment complex is built, there will be a long-lasting degradation of the quality of life for residents of Frontier at Montana. It will begin to destroy what has been achieved in the creation of a new affordable neighborhood for first time homebuyers. Families will likely want to move away and things will spiral downward.

My comments above focus largely on issues related to affordable apartment density and crime. There are however many other issues that this zoning case raises, such as traffic and connectivity. Some of these are addressed below in a list of questions that are being sent to the Applicant on these cases on August 20.

Sincerely,

Pam Thompson

Frontier at Montana HOA Secretary
Montopolis Neighborhood Plan Contact Team Executive Committee Member
Montopolis Greenbelt Association Co-Founder

Questions for the Applicant
Neighborhood Plan Amendment Case 2012-063313 NP and Zoning Case 2012-063327 ZC

Sent to Frank Del Castillo by email on August 20 and CC:ed to the Planning Commission

1) Background
The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, appear to have been working on this project for 1700 ½ Frontier Valley Drive since at

C3/44

least May, 2012, presumably before then. ***Who initiated this project? When was it initiated? And why was it initiated?***

2) Neighborhood Consultation
The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, made presentations to the Montopolis Neighborhood Plan Contact Team in May and June. But residents at the Arbor Condo (HOA) on the corner of Frontier Valley Dr, the residents of Santora Villas, residents of the Frontier Valley Mobile Homepark, and residents of Frontier at Montana (HOA) were never contacted. ***Why didn't you make efforts to speak directly with HOAs and others that represent people who will be most impacted by this development project? Are you willing now at this late stage in the process to sit down with people from these areas to address concerns and answer questions about the project?***

3) Financial Condition of the Owner
The listed owner for this property, Equity Secured Capital, L.P. has stated that the property is in foreclosure. The owner has also stated that Equity Secured Capital does not have a real interest in the zoning case other than if the zoning changes then the property is easier to sell. ***What are terms of this foreclosure? To what extent are any deadlines or terms of the foreclosure process driving this zoning and plan amendment process? How long has the property been in foreclosure and is there something that needs to occur soon or could it continue to be in foreclosure for the foreseeable future?***

4) Affordable Apartment Density
Your proposal is to construct 250 units of affordable apartments directly across the street from Santora Villas that has 192 units. The combined total of affordable apartment units in both sites would be 442. There are few if any locations in the City of Austin where there are affordable apartment complexes of this size immediately adjacent to one another, and this case with entranceways that would directly face each other. ***When you developed your plans for a 250-unit affordable apartment complex, how much did you actually consider the already existing density of affordable apartment complexes within the Montopolis neighborhood? Did you take into consideration the Santora Villas complex across the street and the problems that it already presents? Or the Riverside Meadows affordable apartment complex between Montopolis and Vargas, only one long block to the west? Do you really think it is reasonable and fair to add yet another affordable apartment complex into a part of the City that already seems to surpass any other part of the City in terms of affordable apartment density?***

5) Crime Rates and Crime Prevention
According to data available on www.krimelabb.com there is an average of 10 reported APD crime incidents per month at Santora Villas and there are 10 per month at Riverside Meadows on Montopolis Dr. ***Is there any reason why neighbors should not fear that the addition of 250 units of affordable apartments will similarly be a cause for more reported crime incidents each month? What could the property managers conceivably do that would limit or make the crime incidents any less than the surrounding affordable apartment complexes? It is understood that applicants to the units will need to have criminal background checks. Is that any different than the neighboring complexes? Doesn't that only apply to the people on the lease? How effective is that really?***

6) Cesar Chavez Foundation versus Capstone Management

C3
45

Santora Villas on Frontier Valley Dr. and Riverside Meadows on Montopolis Dr. are both managed by Capstone Management. It is understood that the Cesar Chavez Foundation would manage the new development. ***What distinguishes the Cesar Chavez Foundation from Capstone? What assurances and guarantees can be made that the Cesar Chavez Foundation will do things so differently that the result is the new development becomes far superior and free of problems? Does the Cesar Chavez Foundation manage the property noted in this PDF in San Antonio? How can you guarantee a level of care greater than what is depicted in photos toward the end of the document? How will superior maintenance and property care be funded?***
http://www.tsahc.org/pdfs/2011_AOC_Aguila_Oaks_Report.pdf
#

7) Details on Units and Population

How many of the units are 1 bedroom, 2 bedroom, 3 bedroom, or more? What will the rent be on these different configured units? What is the anticipated population when units are full? How many adults? How many children? What is the total expected population? How many units will be occupied by people with housing vouchers?

8) Cars and Traffic

Based on the number of units and projected number of adults, how many cars do you anticipate being owned by residents? How many parking spaces will you build into the project? Given some of the neighborhood concerns regarding traffic, would you be willing to initiate a neighborhood traffic impact analysis even though not technically required by ordinance?

9) Connectivity

The Montopolis Neighborhood Plan and the design criteria for Mixed Use, as well as the plan for the East Riverside Corridor all call for connectivity. The only connectivity in your plan is to connect to Frontier Valley Dr. Erica Leak of the planning division has indicated that not only is there not a problem with connecting the project to E. Riverside Dr, but in fact doing so is desirable and in accordance with the East Riverside Corridor vision. ***Are you willing to amend your zoning case? Are you willing to make it so there is a driveway, or better yet a road, that connects directly from the affordable apartment area to E. Riverside Dr? And in addition are you willing to change the plan to connect to Santo St.?***

10) Del Valle School District

In the zoning application there is place to indicate whether AISD has been consulted. This project, however, is in the Del Valle School District. Although not a requirement, have you considered what the impact will be on the Del Valle School District?

C3
46

-----Original Message-----
From: Stefan Wray
Sent: Monday, August 20, 2012 12:46 AM
To: Frank Del Castillo; Heckman, Lee; Meredith, Maureen; Guernsey, Greg; Rusthoven, Jerry
Subject: To Frank Del Castillo re: Case # 2012-063326 ZC & Case # 2012-063313 NP

Dear City Staff and Planning Commission,

Please Add to Case File: Include Attachment from Frank Del Castillo

Related to Case # 2012-063326 ZC & Case # 2012-063313 NP set for August 28 at Planning Commission

---

Dear Frank Del Castillo,

I was out of town on July 30 and on June 14 and was not able to attend the meetings where you presented information about the proposed development at 1700 1/2 Frontier Valley Dr.

I'm trying to understand why this project is being designed with Frontier Valley Dr being the only point of entry and exit. The entire property has connectivity to E. Riverside Dr. It also has potential connectivity to Santos St.

I don't understand why you are not including exit and entry on those streets as well in your plans.

I have read your reply to this question previously in which you wrote "Since the front 5 acres along East Riverside will not be developed as part of the first phase, we do not want to encumber the property with a specifically located driveway at this time."

See ATTACHMENT

Curious if you realize how much of an encumbrance it will be for those of us who live near this proposed development who will have to deal with the increased traffic onto Frontier Valley that will either go to E. Riverside or travel north and cut through our neighborhood.

Why haven't you met with neighbors who actually live near the development? It seems that you've gotten approvals from others in Montopolis who probably never travel on Frontier Valley Drive and so for them it is not an important issue.

But I can tell you that there are quite a number of my neighbors who are very upset about the fact that your development plan is to only be connected to Frontier Valley.

C3/47

Please note that today the Board of Directors of the Frontier at Montana Homeowners Association voted to oppose this zoning request. Frontier at Montana is a subdivision of homeowners with properties on Frontier Valley Dr.

This issue of traffic is not the only one but it is high on the list.

You also wrote in reference to E. Riverside that "Locating a driveway for ingress and egress is limited to specific locations."

Can you please describe or depict where those specific locations are.

Could you bring to the Planning Commission a drawing that shows the specific locations that could connect to E. Riverside?

And what about Santos St.? What would be the reason that there cannot be connectivity there?

- Stefan Wray
Homeowner at Frontier at Montana
MNPCT Member

mwm Design Group

www.mwmdesigngroup.com

C3/48

7010 EAST RIVERSIDE DRIVE
Montopolis Neighborhood Plan
Contact Team Meeting
May 21, 2012
6:00 pm
Montopolis Recreation Center

Location –	7010 East Riverside Drive	
Existing Zoning	CS-MU-NP	approximately 3.86 acres
	CS-NP	approximately 10.73 acres
	MF-3-NP	approximately 6.97 acres
	SF-3-NP	approximately 0.67 acres
	Neighborhood Plan identifies the property the same as zoning Property is vacant	
Proposed Zoning	CS-MU-NP	approximately 14.59 acres
	MF-3-NP	approximately 6.97 acres
	SF-3-NP	approximately 0.67 acres
Proposed Development	Phase One	Approximately 252 multi-family units on approximately 17.23 acres
	Phase Two	Undetermined Mixed Use on approximately 5.0 acres fronting East Riverside Drive

Questions

1. **Can the development provide egress only directly onto East Riverside Drive?** – Our plan is to provide for two accesses onto Frontier Valley Drive. The City of Austin has specific criteria for the inclusion of access to major arterial. Some of the criteria includes:

   a. One-way driveways are limited to developments where two-way access is unfeasible because of special design considerations (TCM 5.3.1.D)

   b. Driveways are to be located no closer to the corner of intersecting rights of way than 60 percent of parcel frontage or 100 feet; whichever is less (TCM 5.3.1.J)

   c. Driveways on divided streets shall be designed to align with median breaks or be offset by a minimum of 100 feet (TCM 5.3.1.K)

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p 512.453.0767
f 512.453.1734

C3/49

Applying the above criteria, locating an egress only driveway along East Riverside is not allowed. Locating a driveway for ingress and egress is limited to specific locations. Since the front 5 acres along East Riverside will not be developed as part of the first phase, we do not want to encumber the property with a specifically located driveway at this time.

2. **There are drainage issues within the existing neighborhood. Can the proposed development provide some assistance in reducing the drainage issues?** – The developers are aware of some of the drainage issues and will take them into account when designing the proposed drainage/detention systems. We are committed to reducing stormwater runoff beyond requirements for the development and surrounding area.

3. **What type of labor will be used for development of the property?** – There are specific requirements on the labor and labor rates outlined in the funding agreement. These requirements will be adhered to.

4. **Address Green Space/Open Space** - The Project will include approximately 252 multi-family dwelling units on approximately 17.23 acres. This averages to about 14.6 units per acre. The buildings will be clustered on approximately 12 acres, leaving the remaining +/-5 acres for green space/open space. The green/open space will be located towards the rear of the property and will include some developed green space and some native green space. Water quality and stormwater management facilities may also be located in this area. A specific plan is not in place yet.

5. **Address Green Building** – The developer is reviewing and considering participation in the City of Austin's SMART Housing Program. Part of the program requires that all units meet Austin Energy Green Building Program minimum standards.

6. **What are the setbacks requirements from single-family land uses and zoning, and how will the development meet or exceed the setback requirements?** – The City of Austin has compatibility standards outlined in the Land Development Code with specific criteria for the setbacks and screening when a proposed development is adjacent to a single-family land use or zoning district. Some of the criteria includes:

   a. No structure within 25-feet (LDC 25-2-1063(B)
   b. Building heights (LDC 25-2-1063(C)
      i. 30-feet, if less than 50-feet from property line
      ii. 40-feet, if between 50- and 100-feet from property line

iii. 40-feet plus 1-foot for every 10-feet of distance in excess of 100-feet, if between 100- and 300-feet from the property line

iv. 60-feet plus 1-foot for every 10-feet of distance in excess of 300-feet, if between 300- and 540-feet from the property line

c. Off-street parking, mechanical equipment, storage, and refuse collection shall be screened from view (LDC 25-2-1067(A)

d. Dumpsters shall be located more than 20-feet from property line (LDC 25-2-1067(C)

e. Intensive recreational uses (i.e. site amenities) shall be setback 50-feet (LDC 25-2-1067(F)

f. Parking or driveways shall be setback 25-feet (LDC 25-2-1067(G)

The developer proposes to meet or exceed the requirements

7. **What are pre-qualifications for tenants? –**
Attached is a sample of the qualifying criteria for a similar project owned and managed by the Cesar Chavez Foundation. A few adjustments will be made to application fees, deposits, and eliminating comments about market units, however the rental, credit and criminal background criteria will remain unchanged.

8. **What type of exterior finish will be used on the buildings?**
The buildings will be clad with masonry siding, including, but not limited to hard, stone and/or stucco.

C3/51

From: Stefan Wray
Sent: Saturday, August 25, 2012 9:56 AM
To:
Cc: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; Guernsey, Greg
Subject: Montopolis Case: Fwd: HousingWorks Austin / web inquiry re: Zoning Case at Planning Commission

ZONING CASE: 2012-063327 ZC
NPA CASE: 2012-063313 NP
ADDRESS: 1700 1/2 Frontier Valley Dr
HEARING: Planning Commission, August 28, 2012

Dear Planning Commission Members and Staff,

The clock is ticking on this zoning case. We've only had 3 weeks and 5 days to focus on the proposals for 1700 1/2 Frontier Valley Dr., whereas MWM Design Group was hired by Corner Brook Development Corp in late March or early April. And Corner Brook and Cesar Chavez Foundation partnered before that.

As we are just 3 days away from the Planning Commission meeting set for August 28, there are concerns and questions that sill remain unaddressed or unanswered, plus there are new concerns and questions that have emerged from some of the answers.

For example, MWM Design's Amelia Lopez and Frank Del Castillo told us yesterday at our 1.5 hour meeting that they did send notification to Del Valley ISD about the development but they were not contacted back. BUT someone in our group, since we live in DVISD, did get in touch with DIVSD and found out that the district is facing budget cuts and is at near capacity for enrollment.

We also asked at the meeting yesterday about whether Cesar Chavez Foundation would pay property taxes. Staff (MM) said they didn't know. MWM Design said they would find out. BUT TCAD's web site has an exemption FAQ that indicates that a nonprofit corporation could be exempt from property taxes. Other research I did indicates that CCF might not have to pay property taxes.

Implication? Does this mean that potentially there would be a new 252 unit multifamily complex that would ADD to DIVSD's near capacity enrollment and under budget system and NOT PAY property taxes to the district to support the addition of new students?

I don't know. But it's a new question derived from recent answers and investigations. And it is an important one. One that it would be good to have DVISD weigh in on.

C3/52

Plus it would be good to have City staff provide some projections on what the lost potential property tax revenue would be for Austin if this acreage in the zoned tract did not pay property taxes.

Another pending question is below in the email from Mandy DeMayo of HousingWorks Austin -- and this speaks to my contention that this zoning case is or should be treated as a housing policy case as well.

First of all it is curious that Housing Works hasn't heard of this project. I also spoke with Ruby Roa who is a strong low income housing and affordable housing advocate and she hadn't heard of this project either.

One sentence stands out in Mandy DeMayo's email -- ". . .most financing sources limit a developer's ability to site subsidized developments within proximity of each other." (SEE EMAILS BELOW)

Really? This needs to explored. I've asked her for more details and sent her the zoning case information -- yesterday. But if there is truth to this, then why are we even having this conversation? Seems like this limitation would not allow the development.

Also just learning that there is now an effort to develop City Affordable Housing policy that calls for "geographic dispersion".

Wouldn't it make sense for the Planning Commission to get draft policy documents from this effort that provide more detail on the impending "geographic dispersion" policy and entertain those ideas while looking at this particular zoning case which very much is in the opposite direction of geographic dispersion. It is geographic concentration.

If I have sent you the attached map I apologize. But in looking at the proposed La Estancia del Rio relative to other TDHCA locations, it is clearly not geographic dispersion.

Sincerely,

Stefan Wray
Frontier at Montana Resident
Montopolis Neighborhood Plan Contact Team Member (in dissent)

C3/53

Planning Commission hearing: October 9, 2012

C15-2

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that that has expressed an interest in an application affecting your neighborhood.

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

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: **www.austintexas.gov/planning/.**

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
City of Austin
Planning and Development Review Department
974-2695
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2012-0005.01
Contact: Justin Golbabai
Public Hearing: Aug 28, 2012, Planning Commission
Sep 27, 2012, City Council

☐ I am in favor
☒ I object

John Olesky
Your Name *(please print)*

1705 Frontier Valley Dr. Apt 4308 Austin 78741
Your address(es) affected by this application

Signature

8-23-12
Date

Comments: I already deal with the homeless problem and if I want to live in previous I would not move. It is already slums and dirty here. Clean up Austin no matter where I want jobs to move in not more trashy people that don't care about anything but their selves.

C3/55

From: Dr. Fred McGhee
Sent: Tuesday, August 28, 2012 1:59 PM
To: Chimenti Danette; James Nortey; Heckman, Lee
Cc: Almanza Susana; Lopez Israel
Subject: La Estancia Del Rio NPA and Rezoning

Dear Planning Commission Members,

I urge you to support items 2 and 3 of tonight's Planning Commission public hearing agenda. These items received strong support at the neighborhood level. The ad hoc requests for postponement staff has received regarding this case should be denied; they are not necessary. The petitioners appear to be motivated more by dissatisfaction with the MNPCT than with the merits of the case. The applicant has acted in good faith and deserves a positive response.

Sincerely,

flm

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Fred L. McGhee, Ph.D., LEED Green Assoc.
City of Austin Board of Adjustment
Carson Ridge HOA
Montopolis NPCT

From: PODER Austin, Texas
Sent: Tuesday, August 28, 2012 12:18 PM
To: Heckman, Lee; Golbabai, Justin; Meredith, Maureen; Guernsey, Greg; Myron Smith
Subject: Montopolis case C14-2012-067 & NPA-2012-0005.01

Hello Planning Staff and Planning Commissioners- I am writing this letter opposing the request that the above zoning case & FLUM for property located at 1700 1/2 Frontier Valley Drive in Montopolis be postponed. The members who sent the letter to Dora Anguiano on August 24th requesting the postponement are trying to stop and/or delay the possibility of any affordable housing being built in Montopolis. Four of the six people who signed the letter requesting a postponement all live in affordable housing but don't want anymore affordable housing built in Montopolis. All those residents that signed the letter for postponement are new to the Montopolis community, this is not to say that they don't have a voice, but to inform you that they have moved into a low-income and working class community and now are opposed to affordable housing at 50% - 60% MFI.

Also, members of the Frontier at Montana HOA attended the July 30th Meeting held by the City of Austin and the Montopolis Neighborhood Contact Team and were given the opportunity to express their opinion and to take a vote. The vote at the

C3/56

meeting was 22 supporting the above project and 2 against and 2 abstentions. The project listed was approved by the Montopolis Neighborhood Contact Team with members from the Frontier at Montana HOA present.
These individuals asked numerous questions of the applicants and the applicants responded to questions they could. Again, these questions had been asked at the May 21st meeting with the applicants and then given at second opportunity to ask questions on the June 19th, meeting. Of course, many of the questions were not within the scope of the property. Many of the questions were about the Sentora Apartments on Frontier Valley, their tenants and their parking issues; again, not within the scope of the applicants.

These individuals are trying to delay this project in hopes that deadlines for tax credits and other grants will be missed and that the project will go away. They lost the vote at the meetings and now are trying separate maneuvers to stop affordable housing.

If you will check your records you will find that Stefan Wray has opposed all housing development proposed for the Riverside/Frontier Valley intersection. He opposed single family housing and now multi-family housing. It seems any type of affordable housing will impact him and the Frontier at Montana housing area, which is an affordable housing area.

I ask you to let this case move forward. The Montoplis Contact Team, sanctioned by the City of Austin has held several meetings and taken a vote. Please respect the decision of the MNPCT. Thank you, Susana Almanza, President Montopolis Neighborhood Contact Team

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

From: Margaret Malangalila
Sent: Monday, August 27, 2012 6:21 PM
To: Meredith, Maureen
Subject: Opposed

Hello,

I know you are hearing from many of my neighbors but I would also like to state I am opposed to this new low-income housing. Traffic is already a nightmare. I live on Frontier Valley so I will be affected by this traffic daily. Furthermore this will effect the value of my home.

Thank you in advance for your time and consideration.

C3/57

Sincerely,
Osmundy & Maggie Malangalila

From: Donna Del Bello
Sent: Monday, August 27, 2012 12:39 PM
To:
Cc: Heckman, Lee; Meredith, Maureen
Subject: Montopolis: Deny Zoning Case 2012-063326 ZC & Planning Case 2012-063313 NP

Letter below and attached. Staff please add attached to case files.

Dear Planning Commission Members,

This letter is in regards to zoning permit case 2012-063326 ZC and neighborhood plan amendment case 2012-063313 NP for property in Montopolis at 1700 1/2 Frontier Valley Drive.

Both cases are scheduled for the Planning Commission on August 28, 2012.

I strongly oppose the applicants request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I believe that the Montopolis Neighborhood Plan Contact Teams and City Staffs support for this zoning change and plan amendment does not fully consider the impact that this TDHCA apartment complex would have on the neighborhood, and on the existing infrastructure within the area. Furthermore, the likely impact on Frontier at Montana, a 70+ household subdivision developed by the Austin Housing Finance Corporation has not been fully studied.

For the reasons below, I do not support these zoning changes and implore you to recommend that Austin City Council deny these two cases.

Safety of our children.

There are only two arterial ways to enter and exit my neighborhood (the Frontier at Montana subdivision), from E. Riverside Drive/Frontier Valley and Montana Street. Currently, our residents have a high number of automobiles, trucks, and motorcycles driving fast on our streets where children play. By adding another housing development to this area the traffic and safety concerns will only increase.

There is already a significant and undesirable amount of traffic through our community. There are too many cars that drive too fast. We have requested traffic calming for the safety of our children but no solutions have been determined.

C3/58

There is already congestion at the intersection of Frontier Valley Dr. and E. Riverside Dr. where at times drivers have long waits to turn across 5 lanes of traffic. There is no traffic light or pedestrian cross walk to facilitate safely passage.

If this case is approved, the increased congestion at E. Riverside Dr. will add longer wait times and make it more dangerous to exit and enter our neighborhood from this direction. Over time this will even become more of a problem as the E. Riverside Dr. corridor is developed.

The proposed development at 1700 1/2 Frontier Valley Dr. has the entry/exit points planned for Frontier Valley Dr. only. This would mean an increase in the number of cars traveling to and from work, school, etc. on Frontier Valley Dr to either E. Riverside Drive or through my neighborhood. In turn, this housing development would generate more automobiles, trucks, and motorcycles driving fast through our neighborhood. I believe this would negatively impact Frontier at Montana residents. I urge to to encourage the Austin City Council to deny these two cases.

Thank you,

Donna Del Bello

Frontier at Montana Resident

From: Kai Jai Conner
Sent: Thursday, August 30, 2012 1:07 AM
To: Meredith, Maureen; Heckman, Lee
Subject: RE: Zoning Case File Attachment

-Thank you for your time and attention last night at the planning commission meeting. Our neighborhood appreciates the postponement for the zoning change decision, although i think you should be aware that although mwm design group took the time to meet with us and hear our concerns, we have not heard a word from them since. We asked them for some very specific action items including:

- additional ingress and egress and connectivity to arterial street, particularly to riverside;
- a security guard on their premises to supplement the already strapped apd;
- additional flooding mitigation;
- a mechanism for keeping cars from parking on the street;
- a mix of incomes in tenants to encourage diversity in the neighborhood, not just low income;

C3/59

- a mix of rental and ownership, currently we have 83% rentals and what we would like to encourage is ownership;
- some kind of dialogue with the del valle independent school district, which will absorb approximately 500 students from this apartment complex alone, mwm has yet to contact them AT ALL;
- a traffic light at riverside and frontier valley? after all, their complex will add 1,600 car trips per day to our already busy street -- not just cars but lots of bikes, pedestrians, and kids;

We have heard not one word from them. We are willing to meet with them again on tuesday 9/4 but are definitely wondering why? seems like a replay of last friday, no new information. maybe just meeting to meet? they say they're willing to talk to us but...

the other point i'd like to address is some of the demographic data that was thrown out at the meeting last night being WAY OFF. 78741, riverside/montopolis, is 62.1% hispanic -- not 80% as was quoted last night. Whites are 31.4% of the resident population, NOT 10% as was quoted last night, and blacks are just .07%. If the contact team for this area is to represent the neighborhood, they are going to have to acknowledge real information, not what used to be or what they want to be or that which is not true. The demographics of this area are CHANGING and have been changing for 10 years -- that's the point of the east riverside corridor master plan. if this area was going to stay primarily mexican american, i guarantee the amli complex would not have been built, the lake shore project wouldn't be going in, and i highly doubt that the milestone project has been sold primarily to mexican americans, some probably, but not primarily -- and certainly not exclusively. The ERC plan aims for diversity -- we need more diversity in race, income, education level. if we continue to move in low income / affordable housing, we will never achieve diversity, we will attract and encourage more of the same. NOT exactly what the ERC plan promises. and i take offense at some of the slurs thrown my way: primarily that i don't support affordable housing -- i LIVE in affordable housing and most of the people i know in this area do. our condos are $111,900-119,900: affordable by anyone's definition. and encouraging home ownership in the

C3/60

riverside corridor is a basic tenet of the ERC plan, which we all support. does the city still support it and stand behind it? are they still willing to work toward the promises of the ERC?

I would be open to working with MWM Design on this project -- they are the ones that do seem to have provided lip service but don't really care what we think. they seem to be doing things for how it looks, not because they are truly open to negotiation and working with the neighborhood on our concerns.
after all, the arbors at riverside is ACROSS THE STREET -- we are IMPACTED. we got the notice about the july 30th meeting, that wa s all. i just feel some kind of 'fast one' is being pulled on us. like this deal is being railroaded through -- and it, in its current form, will bring our neighborhood DOWN not make it better and more valuable. you all have the power to either help or hinder our neighborhood -- you can lift it up or you can push it down. please feel free to call me for any further information, i hope you'll make the right decision. I truly do appreciate all the time and attention you've spent on this matter.

CENTRAL AUSTIN REAL ESTATE
Kai Jai Connor
512/736-8080
www.centralaustin.com

C3/61

Division 2. Conditional Overlay Combining Districts.

§ 25-2-331 CONDITIONAL OVERLAY (CO) COMBINING DISTRICTS GENERALLY.

(A) A CO combining district may be combined with any base district.

(B) A restriction imposed by a CO combining district must be stated in the ordinance zoning or rezoning the property as a CO combining district.

(C) The director of the Neighborhood Planning and Zoning Department shall add the letters "CO" to the base district designation on the zoning map to identify property included in a CO combining district.

Source: Section 13-2-122; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-332 CONDITIONAL OVERLAY (CO) COMBINING DISTRICT REGULATIONS.

(A) Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.

(B) A regulation imposed by a CO combining district may:

(1) prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use;

(2) for a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E, Section 4.2.1 (*Mixed Use Zoning Districts*);

(3) decrease the number or average density of dwelling units that may be constructed on the property;

(4) increase minimum lot size or minimum lot width requirements;

(5) decrease maximum floor to area ratio;

(6) decrease maximum height;

(7) increase minimum yard and setback requirements;

(8) decrease maximum building or impervious coverage;

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(9) restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts; or

(10) restrict any other specific site development regulation required or authorized by this title.

Source: Section 13-2-121; Ord. 990225-70; Ord. 031211-11; Ord. 20060518-059.

§ 25-2-333 SPECIAL NOTICE FOR CONDITIONAL OVERLAY (CO) COMBINING DISTRICT.

If an applicant includes the CO combining district as part of a zoning or rezoning application, the director of the Neighborhood Planning and Zoning Department shall include the following information in notices required under this division:

(1) the restrictions requested by the applicant;

(2) a statement that additional restrictions may be imposed by the council; and

(3) a statement that additional notice will be provided if the council proposes:

(a) to require fewer restrictions than requested by the applicant; or

(b) to approve the requested base district without the requested CO combining district.

Source: Section 13-1-430; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

From:
To:
Sent: 9/2/2012 11:43:57 A.M. Central Daylight Time
Subj: 1700 1/2 Frontier Valley

I'm writing you today to tell you about a proposed 250 unit subsidized apartment complex to be built at
1700 1/2 Frontier Valley. This is right across the street from the Santora Village Apartment Complex.
There is to be a meeting at the Montopolis Recreation Center on Tuesday September 4th at 6:00 PM to discuss this proposed project.

C3/63

At the last meeting of the Montopolis Neighborhood Plan Contact team there were several violations of their bylaws and when participants objected to those bylaw violations Susana Almanza Chair of that contact team over ruled their objections .
At City Council lately and at the ANC meetings there has been quite a bit of discussion regarding the City concentrating all the subsidized housing in certain neighborhoods east of IH 35. I think City Council Members Sheryl Cole, Laura Morrison, Bill Spelman and Kathie Tovo have been the most vocal on the subject and I can only hope that when this neighborhood plan amendment comes before the Council, they put their votes where they tell us their hearts and minds are. Time will tell if they practice what they preach.
Before this meeting I want to point out a few simple things. These are just numbers. Numbers don't have an opinion either way but they can tell you a lot of things.
In the last ten years four large apartment complexes have been built in Montopolis. I drove to each of these complexes and spoke with their management teams. Here's what I learned
1)

Grove Place 1881 Fairways Drive	184 units all subsidized rent
Riverside Meadows 1601 Montopolis	240 units all subsidized rent
Towne Vista 1201 Montopolis	280 units all subsidized rent
Santora Village 1705 Frontier Valley	192 units all subsidized rent
total subsidized rental apartment units added to Montopolis in the last ten years	896 units all subsidized rent
Existing complex Fairways Village	123 all subsidize rent
Grand Total of	1019 subsidized rental apartment units in 2012
1995 UT Study of Montopolis (before those four complexes were built)	1300 residences

of those:

Comfort Mobile Home park	67 lots
Frontier Valley Mobile Home Park	153 lots
Cactus Rose Mobile Home Park	35 lots
total number of mobile homes on rented lots	265 lots
Take those out of the 1995 housing stock leaving only	1035 homes on owned land
Take out the 123 units at Fairway village	912 owned homes on owned land
Add back in the Centex and Frontera Developments (built after 1995)	roughly 220 homes

C3/64

for a 2012 total of 1132 homes and 1019 subsidized apartments

Roughly 47% of our existing Montopolis housing is subsidized rent apartments
Add in another 250 apartment units and the subsidized rent apartments reach's 1269 units
And over 53 % of our Montopolis housing stock becomes subsidized rent apartment units.

For me the big question is, do you think having over 53% of the homes in a neighborhood be subsidized rental apartment units is healthy for that neighborhood? Considering the track record for subsidized rental apartment complexes; do you think it's healthy for the families living in those units to all be concentrated in one neighborhood?

2) We've been shown some really nice photos of subsidized rent apartments. The proposed project looks wonderful when it's new. One of my concerns is; 5 years, 10 years, 20 years down the road; what's life at that complex or as for that matter any of the other four large complexes going to look like a few years from now? What is life for the families who live not only at those complexes but around those complexes going to be like down the road?
It's easy to find out the answer. If you want to take a look at what happens over the long term to subsidized rent apartment complexes; take a tour of Fairways Village. What's there now isn't what the Montopolis Community was sold when the complex was proposed years ago.

3) I find it more than ironic that Susana Almanza who in the past has opposed the building of Habitat for Humanity homes in Montopolis. Habitat for Humanity not only provides affordable housing also provides a path to home ownership and I don't think anyone questions the benefits of home ownership in the health of a neighborhood.

4) Because we have questioned the wisdom of putting another subsidized rent apartment complex in Montopolis, she and her cronies have tried to paint me as opposed to affordable housing. I live in a Habitat for Humanity home. Unlike some so called advocates for affordable housing; I have helped put together a crew of volunteer electricians who for the last ten years have installed the electrical systems in close to 100 Habitat for Humanity homes. Our efforts have saved Habitat for Humanity an estimated $380,000 over the last ten years. The point being; I don't just talk about affordable housing I sweat, I bleed , I bruise, my muscles ache, my head hurts, I sunburn and I work in temperatures ranging from below freezing in the winter to over a 100 degrees in the summer to help provide affordable housing . I don't just talk the talk I walk the walk. Oh? and all those claims of racism? Roughly 50% of the homes I've helped build go to families who only speak Spanish. Ask one of those families if they think I'm a racist and they will laugh in your face.

I guess that's about it. I don't oppose affordable housing but like most people; I question the wisdom of concentrating the affordable housing in one location.

I urge you to attend that meeting. You live in Montopolis. Most of you own your own home in Montopolis. Your children will grow up in Montopolis. It's up to you what kind of neighborhood they grow up in.

Delwin Goss President
Montopolis Community Alliance (M.C.A.)
Vice President C.L.A.S.P.
Citizen Lead Austin Safety Partnershiphttp://clasp.weebly.com/
Recipient:
Central Texas Crime Prevention Association 2011 Citizen Award
Texas Habitat for Humanity Leadership Conference 2010 Exceptional Service Award
Presidential Service Award for Community Service 2008, 2009, 2010, 2011
6410 Ponca Street
Austin, Texas 78741

C765

512-389-2133
512-507-7615

To: Greg Guernsey, Director, Planning Development and Review Department
From: Stefan Wray
Re: COA Staff Recommendation Counter To East River Corridor Master Plan
Case: C14-2012-0067, La Estancia del Rio rezoning
Cc: Sue Edwards, Assistant City Manager
Marc Ott, City Manager
Erica Leak, Principal Planner
City Council

Greg Guernsey,

If the East Riverside Corridor Master Plan is to be used as a basis for Planning Staff's recommendation on a zoning case, it seems that it should be all encompassing and address both positive and negative aspects of the proposed zoning, or the ERCMP should not be used at all and staff should just wait until the ordinance passes.

In this instance, density is being lauded. but there is no discussion of commensurate infrastructure.

This is in regards to "La Estancia del Rio" a Zoning and Neighborhood Plan Amendment case rescheduled for the Planning Commission on September 11.

Please review page 6 of the PDF called "La Estancia del Rio rezoning" under the section called BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES). (PDF is on the Planning Commission agenda for Sept 11)

In it, staff uses the East Riverside Corridor Master Plan as their framework of analysis and concludes that the proposed development meets both the ERCMP's density and affordability goals.

However, completely absent from the staff recommendation is any mention of the ERCMP connectivity goals and the impact that the proposed development would have on the grid of collector and local streets proposed for that tract and the tract adjacent to the west.

Please refer to the Street Network Improvement map on page xii in the Executive Summary of the Adopted East Riverside Master Plan.

C3/66

The proposed development for this tract in the zoning case calls for driveways, not streets, only accessing Frontier Valley Dr.

I spoke with Erica Leak who concurred that if the proposed development goes through as now planned that it would effectively remove the option of having this Street Network on this tract and very much impede that option on the tract to the west.

I have learned that when the ERC Ordinance passes Council that there will be a requirement for a collector street that is parallel to and about 650 feet north of E. Riverside Dr.

The collector street would basically bisect from the portion of the tract the applicant wants to re-zone and build on.

Whether the applicant is aware of this near future requirement and whether the applicant is attempting to get a re-zoning and plan on the ground prior to the ordinance's passage is not clear to me.

But if the ERCMP is a goal and directive of City Council and if City Staff are working diligently to refine and improve the draft ordinance to prepare it for Council to vote on, it makes sense that the Staff Recommendation for a zoning case within the ERC would be all inclusive in its analysis and not just reference the ERCMP to support arguments that favor the zoning.

The Planning Commission relies a lot on what Staff says in its recommendations. This is especially true now when there are actually 4 new people on the commission who are still learning the process.

It is not too late to remedy this. The Planning Commission is on September 11, so there is time.

If the Staff recommendation is going to hang its argument in favor of the re-zoning it needs to add some language that warns the commission and council that whereas the proposed development is consistent with several ERCMP goals that is inconsistent with another.

Staff should be recommending that the commission and council will need to weigh these goals against one another and decide whether achieving the density and affordability goals on this tract are more important at this time than likely losing the connectivity goal OR whether all of those goals are important and despite being good for density and affordability the zoning should not be approved because of negative consequences for connectivity.

None of that nuance is in the case file. And without that in the document, and without it being in the staff presentation at the Planning Commission it then becomes hard to

C3/67

enter that into the conversation and ultimate decision.

Do staff recommendations on zoning cases ever get updated or edited or even changed to a negative? This might be one of those times when it makes sense to do so.

Thanks,

Stefan Wray

From: Stefan Wray
Subject: La Estancia del Rio and the East Riverside Corridor Plan
Date: August 31, 2012 5:27:21 PM CDT
To:
Cc: Erica Leak <, Greg Guernsey < >, Frank Del Castillo < Amelia Lopez <

To: Alfredo Izmajtovich, Executive Vice President, Cesar Chavez Foundation
From: Stefan Wray
Re: La Estancia del Rio and the East Riverside Corridor Plan
Date: August 31 2012
Cc: Erica Leak, COA Planning
Dave Anderson, Planning Commission Chair
Greg Guernsey, Director Planning Department
Frank Del Castillo, MWM Design Group
Amelia Lopez, MWM Design Group

Dear Alfredo Izmajtovich,

I've been speaking with staff in the City's Planning Department in regards to your development plan for 1700 1/2 Frontier Valley Drive and how it could impact the goals of the East Riverside Corridor Plan which has been in the works since 2010.

At this time there is a East Riverside Corridor Plan Master Plan and a draft ordinance. Until the draft ordinance becomes an actual ordinance City staff can only recommend and not require adoption of its provisions.

One of the ways the ERCMP implements connectivity is the creation of new street grids integrating with existing streets through a combination of collector and local streets.

Please go to the ERCMP page on the City's web site:
http://austintexas.gov/page/east-riverside-corridor-master-plan

C3/68

Under Adopted East Riverside Master Plan, click on Executive Summary, and go to page xii

Please take a look at the **Street Network Improvement map** and the part near Frontier Valley Dr. and E. Riverside.

On that map there is a "potential connector street" about 650 to 675 feet north of and parallel to E. Riverside Drive that cuts from Frontier Valley Dr to Vargas. This connector street basically bisects the tract you are wanting get rezoned.

The conceptual map also shows local streets that parallel Frontier Valley Dr and that bisect the front 5 acres on E Riverside and that also follow the western property boundary.

Based on my understanding of your development plan at this time, it seems that your project in its current form would remove the possibility of this type of street grid on your tract.

I'm not sure to what extent you considered your development project in relation to the proposed ERCMP, but it is something that neighbors are beginning to address and it will be the lead topic of a meeting on Sept. 4. See below announcement.

It would be good if MWM Design can have some answers regarding your position at the meeting.

There are definitely Planning Commission members and Council Members who are very supportive of the ERC Plan who will very likely vote against a zoning request if it becomes abundantly clear that it would restrict or impede the connectivity provisions in this area.

Don't know if this is something your team investigated well when you did your feasibility assessment for this project over the last year or so.

I learned today that the omission of reference to the connectivity provisions might have been an oversight on COA staff's recommendations in the case file. They did use the ERCMP as a way to back up the two leading arguments and basis for zoning change. But they didn't extend that same framework of analysis to traffic and connectivity.

But this will all come out at the Sept. 11 Planning Commission meeting.

I don't mean to be rude, but this might be a good time to reevaluate whether it is cost effective to continue pursuing this project.

I'm not so sure your advisors on the ground here have read the political landscape properly.

C 3/19

You may have gained some initial support from the neighborhood contact team. But I spoke with someone today who attended the July 30 meeting and a previous one who said that at those meetings you couldn't really say that this project was "vetted" or critically analyzed.

Now it is.

Sincerely,

Stefan Wray

Hello Montopolis Residents,

On August 28 residents of Frontier at Montana, Arbor Condos, and from other parts of Montopolis were successful in asking the Planning Commission to postpone for two weeks its vote on a zoning change for property at 1700 1/2 Frontier Valley Drive. If the zoning change is approved, the developer plans to build 252 subsidized rental apartment units with 485 parking spaces with access only onto Frontier Valley Dr. This would be directly across the street from Santora Villas, with 192 subsidized rental apartment units. This will impact neighbors who use Frontier Valley Dr. with a considerable amount of added car traffic. With a total of 444 subsidized apartment units clustered on Frontier Valley Dr, it would perhaps be the densest concentrations in the entire city. Although adding affordable housing is consistent with the East Riverside Corridor plan, this amount of density may not be consistent with new goals the City is developing for "geographic dispersion" of affordable housing.

The Planning Commission on August 28 heard our arguments that there had been defects in the planning process specifically around notification. Although there were meetings of the Montopolis Neighborhood Plan Contact Team in May and in June about this project, no one could tell from the agenda items that it was about the same piece of property and notifications did not reach many people.

The vast majority of people in Montopolis only started to learn about this zoning case on or after July 30. And some residents most impacted by this development who live along or near the Frontier Vally Dr corridor only had a first meeting with the developer's agent on August 21.

For these reasons, the Planning Commission agreed to a two week postponement. The item will be on the **Planning Commission's agenda on Tuesday, September 11 at 6 pm at City Hall.** Parking is available downstairs. **All who have concerns about this zoning case are urged to attend.**

In addition another public meeting has been set for September 4.

C3/10

This is the City's invite:
The applicants of the 1700 1/2 Frontier Valley neighborhood plan amendment and zoning case will be available to meet with interested persons about the 1700 1/2 Frontier Valley Dr. proposal at **6:00 pm, on Tuesday, September 4th at the Montopolis Neighborhood Recreation Center, 1200 Montopolis** Dr. City staff will be available at the beginning of the meeting to answer questions about current connectivity requirements and future potential connectivity requirements proposed in the draft East Riverside Corridor Regulating Plan. Feel free to forward this invitation to others. Anyone interested in the project is invited to attend. Erica Leak, Principal PlannerURBAN DESIGNCity of Austin | Planning and Development Review Department505 Barton Springs Road | 8th floor | Austin TX | 78704

To review the backup material for this zoning case, go to http://www.austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm And click on the PDFs for La Estancia del Rio

Understanding and Questioning COA Staff Recommendations

It is worth reading the backup materials for La Estancia del Rio to understand why City staff is recommending the project. Look at page 6 of the PDF called "La Estancia del Rio rezoning" under the section called BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES).

For their 2 main points, they refer to the "adopted ERCMP" -- which means the adopted East Riverside Corridor Master Plan.

But when it comes to transportation issues -- which really means dealing with additional streets and roads -- all the staff recommendations say is the that the developer agrees no more than 2000 car trips per day and no traffic impact analysis is required.

Why doesn't COA staff also refer to the adopted ERCMP and draft ERC ordinance to address what is the vision for the street network and whether the proposed use would be compatible with that street network?

Go to this ERCMP page on the City's web site:
http://austintexas.gov/page/east-riverside-corridor-master-plan

Under Adopted East Riverside Master Plan, click on Executive Summary, and go to page xii

Take a look at the **Street Network Improvement map** and the part near Frontier Valley Dr. and E. Riverside.

C3/71

On the property being considered for rezoning, it shows a potential collector street north of and parallel to E. Riverside Dr. between Frontier Valley Dr. and Vargas. Plus 2 more potential local streets from that collector street to E. Riverside drive.

If the property is rezoned and if the zoning is tied to a conditional overlay to require compliance with the ERCMP street connectivity recommendations then this could force any developer to have to build out those streets (NOT driveways) to E. Riverside Drive.

And this would go a long way to prevent all that new traffic from being dumped onto Frontier Valley Drive and it would make it possible to realize this street grid on that property.

If the developer builds a large complex with its own internal streets but is not required to plan for future connectivity to the western tract of land, or south to E. Riverside, or if what they create to exit onto Frontier Valley Dr are just driveways and not through streets, then they will effectively block the implementation of the ERC street grid in this part of the corridor.

None of this analysis was in the City's recommendation.

- Stefan Wray

September 5th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

Last night (9/4/2012) the Montopolis Neighborhood Contact Team (MNPCT) members and other residents, which included the individuals that requested the postponement of the case met with MWM Design Group and representatives from the City of Austin. Representing the MWM Design Group were Amelia Lopez and Frank Del Castillo. Representing the City's Transportation Department was Mario Porras; Erica Leak with the East Riverside Corridor Master Plan (ERCMP) and Justin Golbabai with the City of Austin's Planning and Development Review Department.

An Agenda was presented that included the following: 1. Introductions, 2. Purpose of the Meeting, 3. Transportation Connectivity, 4. Response to Questions and 5. Questions & Answers Session. Amelia Lopez announced that the Transportation representatives would have to leave about 6:20 pm and would give the floor for them to answer questions first.

3/12

Ms. Lopez also stated that the meeting would adjourn at 7 pm. Numerous Montopolis members also had to leave at 7 pm.

Most of the questions were directed at Erica Leak regarding the connector street map in the ERCMP. The individuals who asked for a postponement held a 40 minutes discussion regarding the Riverside Corridor Plan connectivity and light rail. Questions were also asked regarding traffic impact studies, of which Mario Porras responded to. The major request by those asking for the postponement was to try and hold up the project until the ERCMP becomes an ordinance and developers would then have to legally abide by adopted regulations. Erica Leak did explain that at the present time the ERCMP was not adopted and regulations could not be enforced.

Amelia Lopez had a received a list of questions from the postponement group and read each question and responded to each question, where it was appropriate for them (MWM Design) to respond. There was then a short question and answer period.

It is obvious that people who want to make an affordable project go away will never be satisfied with the answers they get. A letter was circulated by the postponement group that made references to wanting **high income residents and if the project was built that only 30% of the children will speak English.** They also associate this project with crime. This project has brought out the insensitivity in people regarding the poor, the working poor and people of color. This project will provide affordable housing at the rate of 50 – 60% MFI, for most working poor the affordable rate is at 30% - 40 % MFI.

We thank the Planning Commission for giving the postponement group yet another opportunity to ask questions. The MNPCT held meetings in May, June and July regarding this project. **We urge the Planning Commission to move forward and hear this case on September 11th, 2012.**

Sincerely,
Susana Almanza
Susana Almanza, President
Montopolis Neighborhood Plan Contact Team

C2/13

Dear Montopolis / Riverside Residents

The Planning Commission has postponed their decision about the zoning change at Riverside and Frontier Valley until their next meeting on **9/11 at 6 p.m.** The MWM Group, hired by the owner and developer of the 252-unit affordable apartment complex, has agreed to meet with us on 9/4 and at that time, we will be addressing the following concerns:

Water/Wastewater – do we have enough capacity to handle another 400 bathrooms and 500 people?

Flooding & Environmental Concerns – we already have a flooding issue on Frontier Valley, what is the plan to not make it worse?

Police Manpower & Crime Statistics – The Austin Police Department has 2 police officers per 1000 residents assigned to the Montopolis area. Has the APD been approached to add another officer or two if we add another 252 apartments to the area? Santora Villas, 192 units, is a very similar apartment community and it generates 10 police incidents per month, which results in 2 arrests per month. A 252-unit complex will add another 15 incidents a month for a total of 25 and will add 3 arrests for a total of 5 per month, an incident practically every day and an arrest every 4 days.

Del Valle Schools – Budget/Capacity - DVISD is at capacity already, they have lowered their budget by 8.7% per student from its budget of 2 years ago. If the 252-unit apartment complex is built, it is estimated to add 500 students to the school district, and only an estimated 30% will speak English, so the District has to plan for teachers that speak Spanish, hard to find and more expensive than regular teachers.

Traffic/Parking – The proposed 252-unit apartment complex at 1700 ½ Frontier Valley will add 1,600 car trips PER DAY, bringing us to a total of 3,000 per day. There is no light at Frontier Valley at Riverside, and the intersection is one mile from Highway 71, already a major intersection and getting ready to be much larger, as it leads to the airport and Highway 130, the outer loop. On any given night, in front of Santora Villas, there are about 40 cars parked on Frontier Valley. A 252-unit complex will add another 50 cars on the street for a total of 90 cars on ¼ mile area on Frontier Valley. We are concerned too about how we will ever get a bike lane on either or both sides of the street, which is a big part of the Riverside Corridor Master Plan.

Retail Services / Sales Tax Receipts – Part of the East Riverside Corridor Master Plan (ERCMP) is to diversify the Riverside/Montopolis area and that means attracting higher income residents and home ownership. This diversity will draw in a Fed/Ex Kinko's, a Jason's Deli, an Austin Shoe Hospital, a bank, a TJ Maxx, a Massage Envy, a pet store, a book store, another grocery store. Will building more affordable units attract this higher quality retail?

Real Estate Values & property taxes – if the value of real estate goes up, property tax revenues go up. The equation works the same way in reverse. We need to make sure our property values go up - for our schools, our roads, parks, police, our neighborhood services.

PLEASE join us at the meeting on Tuesday, **September 4th at 6 p.m.** at the **Montopolis Recreation Center - 1200 Montopolis Drive Austin, TX 78741**. This is your neighborhood and your opinion counts!

Caitlin Harris-Moore, President, Frontera Montana HOA, 832/865-6675
Kai Jai Conner, The Arbors at Riverside Condominiums, 512/736-8080

Call either of us with questions.

C3/74

From: Kai Jai Conner
Sent: Wednesday, September 05, 2012 1:00 PM
To: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry;
Cc: 'Stefan Wray'; 'Caitlin Harris Moore'; 'A Golden'; 'Mayra Briones'; 'Rhonna Robles'
Subject: FW: Report on Montpolis Meeting

Dear Planning Commission,

I want to thank you for the two-week delay that you granted at the Planning Commission meeting of August 28th on the proposed zoning change at 1700 1/2 Frontier Valley. The delay was granted to allow the neighbors to work with MWM Designs to address some of our concerns regarding 252 low income apartment units at Riverside and Frontier Valley. The neighbors first raised our concerns in a meeting with MWM on Friday, August 24th, before the Planning Commission meeting. None of our concerns had been addressed prior to the Planning Commission meeting, nor were they addressed during the meeting. For this reason, the neighbors requested, and were graciously granted, a two-week delay until September 11th. Frank Del Castillo, MWM Design, pulled the Stefan Wray and the president of the Frontera Montana HOA, Caitlin Harris-Moore, aside after the Planning Commission meeting and scheduled a follow-up meeting with us for September 4th. Somehow that meeting morphed into the City, the contact team, and the entire neighborhood. So, last night, Tuesday, Sept. 4 th at 6:00 p.m., we met at the Montopolis Recreation Center. City staff including Erica Leak, Principal Planner on the East Riverside Corridor Master Plan and two other City staff were gracious enough to be there and spoke and answered questions, followed by Frank Del Castillo and Amelia Lopez of MWM Design.

One of our major concerns are the addition of 'collector streets' that Erica Leak has recommended AFTER YEARS OF STUDY and in her professional and well-respected opinion for both tracts of land fronting on Riverside between Vargas and Frontier Valley. If this SITE PLAN is approved prior to the adoption of the East Riverside Corridor Plan (that she has spent YEARS working on and could go to City Council in November) the collector street across the two tracts shown on the ERCMP could not be required by the City to be built. She stated last night that it "would not entirely kill connectivity" but it would definitely have a negative impact. The owner of

C2/15

the adjacent tract, the Vargas family in Houston, is committed to the ERC plan and believes that the connectivity issue is VERY important.

Frank Del Castillo said that the developer would agree to a stub on the south part of the property that might some day connect to East Riverside Drive rather than dumping all 1,600 cars per day onto Frontier Valley. A bone, but a lame one. Does nothing to facilitate the connectivity from Vargas to Frontier Valley that we were concerned about. It doesn't do anything to address the 1,600 cars coming in and out every day from the proposed project. The chances of a future buyer of the 5 acres fronting Riverside granting access to low income apartments through their retail property is nil to zero. So it's just a moot point, it means nothing.

MWM Design gave answers to written questions supplied by Stefan Wray days before the August 24th meeting. But Frank Del Castillo of MWM said that he had misplaced the follow up questions from the August 24th meeting itself so we didn't get our questions answered or our concerns addressed -- he lost our questions and concerns from that meeting! So I'm not sure if that was productive meeting time, again another moot point. These have turned into unilateral conversations, us expressing concerns and them listening.

Most of their answers last night were to questions that they deemed as not relevant or were subjects outside their purview.

MWM claims that a market analysis had been conducted for low-income apartments in this location, and they someone probably did but with 19% of the existing low-income rental property in the City being in 78741 already, we still prefer to promote some sort of diversity in income, employment, and age, and we still, for the health of our community, want to promote ownership.

MWM skirted the question about crime statistics at Santora Villas and the other TDHCA apartment complex nearby, saying that if there is good management then there will not be the same level of crime problems. I have met with Santora Villas within the last couple of weeks and I think

they are doing the very best that they can with what they are working with. They are a thoughtful and professional group of apartment management people that have been in this field for a long time. They have a tough job and they are working hard on it. I think it's insulting of MWM Designs to insinuate that crime is somehow the fault of the management company, no management company wants that, for the neighborhood or their residents. The neighbors are still very concerned about property taxes that this project will or will not pay, and frankly, the City should be too. This is how the City pays for additional services that will be necessary to serve the new residents and the new property. At an estimated value of $8 million, their share at 2.2% would equal $176,000 per year, money that could be used for another police officer in Montopolis, more temporary buildings in Del Valle ISD, revitalizing the ball field over at Felix that is closed due to lack of funds to maintain, or any of the ongoing expenses or projects in Montopolis. MWM claimed that CCF would pay property taxes, then that CCF would pay at a reduced rate. No conclusive answer given on this concern, but I think it'd be VERY important to the City to find out FOR SURE. In fact, it should be a determining factor as to whether or not this project serves the neighborhood and ultimately the City.

MWM Design seems to now be very well aware that if the ERCMP becomes ordinance - which Erica Leak said could be before Council in November - that they would have to dramatically change their project because the connector street would be required. But they don't go as far as to say that they're RUSHING this project so they don't have to do it, which they clearly are.

The Cesar Chavez Foundation has conveyed to Stefan Wray that the City is thwarting the effort to gain ingress and/or egress to East Riverside, but Erica Leak assured us last night that that is not the case at all. New information last night, to us anyway, was that CCF is only buying the 17 acres at the back of the tract and that the 5 acres fronting East Riverside Drive will remain with the current owner , who I guess has not been approached regarding right of way to the back 17 acres. Amelia Lopez insisted last night that it was IMPOSSIBLE to secure this right of way.

C3/1

After the meeting last night, I honestly feel that the things that unite the different groups in the neighborhood are stronger than the things that divide us. Susanna and I agree that the neighborhood worked REALLY HARD on the KB deal of a year ago: they wanted home ownership and WE DO TOO. She and I agreed to work on revitalizing the ball field over at Felix, my group pledged its support and we will work together to make our neighborhood BETTER for all that live here. They invited us to their movie night this Friday! I think everyone just needs to be heard, which last night's meeting somewhat accomplished. But what it didn't accomplish was for MWM Designs to address any of our concerns. We still are very concerned about:

Water/Wastewater and Flooding;
Police Manpower & Crime;
Affect on Del Valle schools - they have not been contacted by MWM when last I spoke with them, although Amelia Lopez did mention last night that they had written a letter to Planning Commission?
Traffic and Parking on the Street - so far, they haven't done a traffic study and I didn't hear anything last night offering to do one, they claim that they're 400 trips under the 'estimated' number of car trips;
Real Estate Values and Property Taxes - we all pay a full boat, we think they should too, they're going to cost our neighborhood money;
Retail Services and Sales Tax - what can we hope to attract with a preponderance of low income housing?

I think the various groups in the neighborhood are willing to work together to make our neighborhood a stronger, more vital place to live and work. We need the Planning Commission and the City Council to get on board and help us make it happen. Fulfill the promises cited in the East Riverside Corridor Plan, many of us invested in this neighborhood based on those promises. The HOA President at Frontera Montana has a meeting this week with Susana Almanza of the Neighborhood Contact Team and I honestly believe they will find common ground to work toward this goal. Now is the time: walk the walk. We are behind you, we believe in you, we look to you

C3/18

for leadership and guidance. Please feel free to contact me at any time for questions or clarification to this (lengthy) letter.

Sincerely,

CENTRAL AUSTIN REAL ESTATE
Kai Jai Connor
512/736-8080
www.centralaustin.com

C11
& C12

August 31, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 ~ 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive. The Vargas Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Vargas Neighborhood Association is a member of.

Sincerely,

Corazon Renteria

Corazon Renteria, Chair
Vargas Neighborhood Association
1406 Vargas Road
Austin, TX 78741

C3/19

September 6th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

The Bonnett Neighborhood Association supports the Mixed Use development at 1700 ½ Frontier Valley Drive. The Bonnett Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. The Montopolis Neighborhood Plan supports this multi-family residential use.

The Bonnett Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Bonnett Neighborhood Association is a member of.

Sincerely,

Frank J. Monreal

Frank Monreal
Bonnett Neighborhood Association
209 Bonnett
Austin, TX 78741

PUBLIC HEARING INFORMATION

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

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www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Juan Moreno
Your Name (please print)

☑ I am in favor
☐ I object

6800 Canal St.
Your address(es) affected by this application

Signature 9-7-12 *Date*

Daytime Telephone: 512 634-6094

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C14 8/0

Planning Commission hearing: October 9, 2012

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Micky Moreno
Your Name (please print)

☒ I am in favor
☐ I object

6803 Galindo St.
Your address(es) affected by this application

Micky Moreno 9-7-12
Signature *Date*

Daytime Telephone: 5123809-0928

Comments: We need affordable housing

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Marcos Nuñez
Your Name (please print)

☒ I am in favor
☐ I object

1620 Montopolis Drive
Your address(es) affected by this application

Marcos Nuñez — Sept 5, 2012
Signature — *Date*

Daytime Telephone: 512-533-6140

Comments:
Im for Cesar Chavez Foundation building Apts.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

1 of 3

PUBLIC HEARING INFORMATION

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Johnny J. Ramirez
Your Name (please print)

☒ I am in favor
☐ I object

6620 Montopolis DR.
Your address(es) affected by this application

Johnny Ramirez 9-4-2012
Signature *Date*

Daytime Telephone: 512 9396138

Comments: I am for the affordable housing being built on Frontier.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C14-2012-0067

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Rachel Guajardo
Your Name (please print)

☑ I am in favor
☐ I object

6904 Hogan St.
Your address(es) affected by this application

Austin Tx. 78744

Signature 8-29-2012 *Date*

Daytime Telephone:_____

Comments: I live in Montopolis. I believe we need affordable housing here.. All people no matter what their income deserve an affordable, nice place to live. ONE Apts lack of management skills should not be cause for people to get homes" from another builder. Thank you for your time.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

8/29

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Adam Surita
Your Name (please print)

☒ I am in favor
☐ I object

511 A. Kenyatt
Your address(es) affected by this application

Adam Surita
Signature

9.2.2012
Date

Daytime Telephone: private

Comments: People need a low cost place to live, I think it's a good idea to make apartments

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C14-2012-0067

Planning Commission hearing: October 9, 2012

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Angelica Noyola
Your Name (please print)

☑ I am in favor
☐ I object

620 Montopolis Dr.
Your address(es) affected by this application

Angelica Noyola 9.6.2012
Signature *Date*

Daytime Telephone: 939-6138

Comments:
Low income people do not
raise crime.
Affordable housing is needed
Austin is at a 97%
occupancy rate for
affordable rentals.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

8/13

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

YVONNE LUJARDO
Your Name (please print)

☒ I am in favor
☐ I object

511 B. KEMP St.
Your address(es) affected by this application

YVONNE LUJARDO , 9-6 12
Signature *Date*

Daytime Telephone: 653 0753

Comments: Please allow apts to be built People need homes

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C14

Planning Commission hearing: October 9, 2012

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Yolanda Mac Garza
Your Name (please print)

☒ I am in favor
☐ I object

511 B. Kemp Street
Your address(es) affected by this application

n/a — Sept 7, 2012
Signature — *Date*

Daytime Telephone: no cell

Comments: n/a

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C14-2012-0067

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Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Regina Castillo
Your Name (please print)

☒ I am in favor
☐ I object

6102 Ponca St, 78741
Your address(es) affected by this application

6102 Ponca St. Regina Castillo 9-5-12
Signature *Date*

Daytime Telephone: N/A

Comments:

I support this project Thanks

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Planning Commission hearing: October 9, 2012

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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

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

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

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0067 **Case Number: NPA-2012-0005.01**
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Librado Almanza
Your Name (please print) 78741

☑ I am in favor
☐ I object

6103 Larah Terrace
Your address(es) affected by this application

Signature 9-7-2012 *Date*

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C3 9/6

Planning Commission hearing: October 9, 2012

C3/91

People Organized in Defense of Earth and her Resources

September 10. 2012

Dave Anderson. Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin. TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive.
PODER has worked for decades to retain and build affordable housing in East Austin and Austin. PODER recognizes that there is a housing shortage of affordable housing. PODER has witnessed the gentrification that has overwhelmed the long-time residents of East Austin. Affordable housing must remain available so that low-income and the working poor can continue to live within the urban core. Numerous of PODER's members live in the Montopolis community and would like the opportunity to continue to live in the Montopolis community.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team.

Sincerely.

Janie Rangel
Janie Rangel. Board Chair
PODER
P O Box 6237
Austin. TX 78762

PODER P.O. Box 6237 Austin, TX 78762 512/428-6990 email: poder.austin@gmail.com

C3
92

September 6th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive. The Vasquez Fields Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. The Montopolis Neighborhood Plan supports this multi-family residential use.

The Vasquez Fields Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Vasquez Fields Neighborhood Association is a member of.

Sincerely,

Israel Lopez, Chair
Vasquez Fields Neighborhood Association
6800 Villita Avenida
Austin, TX 78741

August 31, 2012

C 3/93

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive.
The Montopolis-Ponca Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. This multi-family residential use is supported by Actions 4 of the Montopolis Neighborhood Plan.

The Montopolis-Ponca Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Montopolis-Ponca Neighborhood Association is a member of.

Sincerely,

Angelica Noyola, Chair
Montopolis-Ponca Neighborhood Association
620 Montopolis Drive
Austin, TX 78741

-----Original Message-----
From: Stefan Wray
Sent: Saturday, September 08, 2012 10:10 PM
To:
Cc: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; Guernsey, Greg; Leak, Erica
Subject: Conditional Overlay: Tie Montopolis Zoning Case to East Riverside Corridor Draft Ordinance

C3/94

Dear Planning Commission Members,

Yes. This is another email from Stefan Wray. But I assure you this is new information and has direct bearing on the Montopolis zoning case you will hear on Tuesday night.

Again, as some of you have suggested, we have continued to reach out, learn and become engaged in looking for solutions.

Three of us neighbors living in the impacted area had a meeting on Friday afternoon with Sheryl Cole's aide (Greg Anderson) and Mike Martinez's aide (Andrew Moore).

And a different set of three visited a presentation by Dr. Elizabeth Mueller this morning on the "Historical Context for the current discussions about affordable housing in Austin" where we learned more about what is driving the Affordable Housing Siting Policy Working Group.

Mike Martinez's aide Andrew Moore acknowledged that a considerable amount of City of Austin staff time and community engagement time had gone into developing the East Riverside Corridor Master Plan and the draft ordinance.

He agreed and recognized that Council members might have a difficult time seeing a portion of that plan harmed or reduced by a zoning case approval.

One outcome of the discussion was a consideration of whether the approval of the zoning case could be contingent on or tied to an agreement to abide by the connectivity provisions in the draft ordinance.

We all understood that the City cannot compel an applicant to abide by what is still a future ordinance.

However that doesn't seem to prevent a negotiation of terms that make passage of the zoning contingent upon the applicant's acceptance of specific conditions. This is similar I suppose to some type of conditional overlay.

I bring this up because depending how you decide on Tuesday, and depending on when this goes to Council, it is not too soon for you to begin crafting some possible draft language for such a negotiated agreement.

Now, of course, this is no guarantee that the applicant would accept such terms. In fact they may not.

If you frame the options as:

1) the applicant accepts terms that they would have to be compliant with the ERC connectivity provisions -- i.e. they allow for a connector street bisecting from east to west across the tract to the adjacent western property, as well as plan for streets from that connector to E. Riverside

or

(3/95

2) the applicant doesn't get a recommendation for approval from the Planning Commisison

then this will force the applicant to make a choice -- and then the decision will be theirs.

Consider that this potential developer / owner / property manager is an out of state corporation who is hoping to skirt through the process and get a project in before an Austin based community and staff process has come to fruition.

What right does this out of state corporation have to come in at the last minute and effectively re-write the map for that tract and ruin a portion of the ERC that is just about to get final approval?

I think you need to take the famous name out the Foundation's title and just look at this objectively as an out of state corporation acting without regard to something that the City has been working on for a number of years.

That's not very friendly is it?

- Stefan Wray

C3/96

ZONING CASE: 2012-063327 ZC
NPA CASE: 2012-063313 NP
ADDRESS: 1700 1/2 Frontier Valley Dr

Mayor Leffingwell, Mayor Pro-Tem Cole, City council members, planning and zoning commissioners and city staff:

I am writing this letter to express my strong opposition to the proposed zoning change request referenced above. My name is Anthony Golden, and I am a homeowner in the Frontier at Montana subdivision, where I have lived since 2007. We are the closest single-family home subdivision to the site of the proposed apartments, less than 1/4th of a mile away down off of Frontier Valley drive.

My neighbors and I all agree with city leaders that there is a shortage of affordable housing in Austin, and we are not opposed to affordable housing. What we are opposed to is the "concentration" of affordable housing, and thus a continued "concentration of poverty" in Montopolis. In our area moreover there is also a severe, noticeable shortage of businesses and services needed to serve the existing dense population, which does in fact consist of a large percentage of low SES, minority, underprivileged and underserved individuals and families.

It is an unfortunate economic reality that the owners and investors of the types of positive businesses which Montopolis needs more of, are often hesitant to put them in our area, for whatever their reasons, perceived or factual. Most prospective business owners consider not only the geographic density, but also the demographics and SES of their prospective customer base when deciding on locations for their businesses. Historically in our area, this has created a vacuum which is often taken up by the types of business which cater to, but often exploit, low SES individuals. Positive, family-friendly and sustainable businesses tend to develop where there is a more equitable mix of low AND moderate income residents and consumers.

Examples of the types of businesses which predominantly low SES areas attract, and which are in no short supply in the east Riverside corridor and Montopolis area include:

- Payday loan stores
- Title loan stores
- Check-cashing stores
- Rent-to-own stores
- Pawn shops

C3/97

- Liquor stores
- Fast-food restaurants
- Convenience stores (serving as "proxies" for traditional grocery stores)

Conversely in Montopolis there IS a shortage of more positive, family-friendly businesses which better promote communities, positive economic growth, a more viable and sustainable tax base and which better serve to increase the health and financial well-being of low SES individuals. Examples of such types of businesses include:

- Daycare and preschools
- Elder care/Nursing homes
- Medical and dental offices
- Vocational and trade schools
- Traditional banks and credit unions
- Family dining restaurants
- Traditional full-service grocery stores and farmer's markets

Furthermore, the land which the proposed apartments sit on could possibly be used to house such family-positive businesses; rezoning it for apartments will only exacerbate the shortage of available commercial property in the immediate area.

More specifically to the point of grocery stores; it's no secret to most that there is a "food desert" in and around the montopolis area, with a severe and wide-spread shortage of quality, full-service grocers where families can make healthy food choices. There are several suped-up convenience stores acting in their place, but they don't offer the quality and variety of food, fresh produce, meat and dairy that the traditional grocers provide. Low SES children are especially impacted by the food desert; poor nutrition during the early formative and school-age years has been shown to have a direct impact on children's physical and intellectual development and academic success. Moreover, there is a serious shortage of family-friendly eateries, where families can make healthy dining options, as opposes to the plethora of fast-food restaurants which make up the bulk of dining options in the Montopolis area.

Compounding the problem is the fact that Montopolis has a large number of elderly, disabled and low SES individuals without easy, viable transportation and for whom it is extra challenging to deal with the lack of walking-distance businesses in our area.

There is also a severe shortage of employers and employment opportunities in Montopolis. The major corporate employers in the area which were able to pay "family wages" have all but

C3/98

abandoned their Montopolis campuses, most notably AMD, Sematech and Tokyo Electron, which each have just a fraction of their once significant employee base in the area. It is likely that many employees of these campuses were not satisfied with the housing options available to them in the Montopolis area and likely commuted from the west and north sectors of the greater Austin area. We need to promote a mix of low to moderate income residents with varying education and skill levels in order to make Montopolis more attractive to major employers, in order to bring back the types of quality, family-wage jobs which will help uplift low SES individuals into the ranks of the working and middle-class, should they so desire.

For these reasons and many more we believe it is in the best interest of the city and particularly the Montopolis neighborhood, for council and for the planning and zoning commissions to user their zoning power to encourage a more equitable geographic dispersion of affordable housing in Austin. We therefore respectfully ask that you deny this zoning change request.

Thank you for your time and consideration.

Anthony J. Golden

6900 Frontera Trail

Austin, TX 78741

-----Original Message-----
From: Lloyd, Brent
Sent: Thursday, September 27, 2012 7:11 PM
To:
Cc: Edwards, Sue; Guernsey, Greg; Thomas, Deborah; Rhoades, Wendy
Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Mr. Wray --

Thank you for expressing your concerns regarding the Planning Commission's recommendation.

You will have further opportunity to comment on this matter as it proceeds through the standard process for council consideration of zoning cases & neighborhood plan amendments. However, Greg Guernsey is correct that the Commission's recommendation is not subject to appeal.

C3C9

The code sections you cite below apply only to an "administrative decision." The Commission's recommendation on a plan amendment or a zoning case does not decide anything and is thus not an administrative decision.

Council is the sole decision-maker on these matters, and its decision is legislative rather than administrative.

Regards,

Brent Lloyd
Assistant City Attorney
(512) 974-2974

-----Original Message-----
From:
Sent: Monday, September 24, 2012 10:24 AM
To: Guernsey, Greg
Cc: Stefan Wray; Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla; Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica
Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Greg Guernsey,

My reading of the ordinance is that a public hearing is required to determine whether an act or decision is appealable, and that it is not an administrative determination.

I'm referring to this part of Section 25-1-181

"(B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision."

Furthermore, it is my understanding that this particular case may be scheduled to return to the Planning Commission on October 9 and not move directly to City Council as your email suggests.

In that instance it seems that our appeal should be heard by the Planning Commission before this case is again reviewed by the Planning Commission.

The September 27 City Council agenda for this states the following:

106.
NPA-2012-0005.01– La Estancia Del Rio – Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation of the future land use map (FLUM) on property locally known as 1700 ½ Frontier Valley Drive (Carson Creek Watershed) from Commercial to Multifamily Residential, as amended. Staff

C3/100

Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 9, 2012. Owner: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Applicant/Agent: MWM Design Group (Amelia Lopez). City
Staff: Justin Golbabai, 974-6439.

I propose the following schedule:

Planning Commission, October 9, Public Hearing on Appeal of NPA-2012-0005.01– La Estancia Del Rio

Depending on the outcome of the appeal, the case would either be terminated, forcing the applicants to begin again, or the case would be scheduled for October 23 before the Planning Commission.

I believe what you've written to me requires further review.

Sincerely,

Stefan Wray

-----Original Message-----
From: Guernsey, Greg
Sent: Tuesday, September 25, 2012 12:01 PM
To:
Cc: Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla; Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike (Council Member); Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica; Shaw, Chad; Thomas, Deborah
Subject: Re: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Hi Stefan: I have reviewed your email and looked at the Code, but I don't see provision that allows an appeal to move forward. Other sections of the Code do make allowances for an appeal, such as an appeal of a Commission approved site plan. I don't see a provision that allows an appeal of an action by a neighborhood planning contact team, but I will consult our Law Department further regarding you appeal request. Greg

Sent from my iPhone

On Sep 25, 2012, at 10:22 AM, wrote:

> Greg,
>
> I'm still waiting for a response to yesterday's email.
>
> If as you suggest that the matter of the Montopolis Neighborhood Plan
> Contact Team's bylaws violation in connection with a letter of support

C3
101

> for an out-of-cycle NPA application (and the subsequent forward
> movement of the case based on an action that should be void) is not
> something that can be appealed to the Planning Commission, then how
> can this matter be resolved? What recourse is there to address this
> grievance? What's the City process to handle this? What will staff do
> about it? Will it be dealt with or ignored?
>
> Stefan Wray
>
>
>> Greg Guernsey,
>>
>> My reading of the ordinance is that a public hearing is required to
>> determine whether an act or decision is appealable, and that it is
>> not an administrative determination.
>>
>> I'm referring to this part of Section 25-1-181
>>
>> "(B) A body holding a public hearing on an appeal shall determine
>> whether a person has standing to appeal the decision."
>>
>> Furthermore, it is my understanding that this particular case may be
>> scheduled to return to the Planning Commission on October 9 and not
>> move directly to City Council as your email suggests.
>>
>> In that instance it seems that our appeal should be heard by the
>> Planning Commission before this case is again reviewed by the Planning Commission.
>>
>> The September 27 City Council agenda for this states the following:
>>
>> 106.
>> NPA-2012-0005.01– La Estancia Del Rio – Conduct a public hearing and
>> approve an ordinance amending Ordinance No. 20010927-05, the
>> Montopolis Neighborhood Plan, an element of the Imagine Austin
>> Comprehensive Plan, to change the land use designation of the future
>> land use map (FLUM) on property locally known as 1700 ½ Frontier
>> Valley Drive (Carson Creek
>> Watershed) from Commercial to Multifamily Residential, as amended.
>> Staff
>> Recommendation: Pending. Planning Commission Recommendation: To be
>> reviewed on October 9, 2012. Owner: Equity Secured Capital, L.P.
>> (Vincent M. DiMare, Jr.). Applicant/Agent: MWM Design Group (Amelia
>> Lopez). City
>> Staff: Justin Golbabai, 974-6439.
>>
>> I propose the following schedule:
>>
>> Planning Commission, October 9, Public Hearing on Appeal of

C3/102

>> NPA-2012-0005.01– La Estancia Del Rio
>>
>> Depending on the outcome of the appeal, the case would either be
>> terminated, forcing the applicants to begin again, or the case would
>> be scheduled for October 23 before the Planning Commission.
>>
>> I believe what you've written to me requires further review.
>>
>> Sincerely,
>>
>> Stefan Wray
>>
>>> Hi Stefan:
>>>
>>> I am in receipt of your email; however, the City Code does not
>>> provide for an appeal of these cases. Once the Commission has made
>>> a recommendation, then the cases are scheduled for a public hearing
>>> at City Council. City Council will then make the final decision on
>>> these cases.
>>>
>>> Greg
>>>
>>>
>>>
>>> From: Stefan Wray
>>> Sent: Saturday, September 22, 2012 3:18 PM
>>> To: Guernsey, Greg; Valenti, Margaret; Meredith, Maureen; Heckman,
>>> Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla
>>> Cc: Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike
>>> [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie;
>>> Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC;
>>> Chimenti, Danette - BC; Nortey, James - BC;
Anderson, Greg; Mormon, Andy; Harden, Joi;
>>> Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak,
>>> Erica
>>> Subject: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2
>>> Frontier Valley Drive
>>>
>>> Dear Greg Guernsey,
>>>
>>> Please find attached a 19 page "Notice of Appeal of the 9/11/2012
>>> Planning Commission Decision" regarding Case NPA-2012.0005.01 that
>>> was heard by the Planning Commission on September 11, 2012 for
>>> property located at 1700 1/2 Frontier Valley Drive.
>>>
>>> As required by ordinance, this appeal is being submitted within 14
>>> days of the September 11 Planning Commission meeting.
>>>

3
C103

>>> By email I asked staff twice for a copy of the form that is supposed
>>> to accompany a Notice of Appeal and was not given the form. I can
>>> show you that email exchange if you like. But the attached Notice of
>>> Appeal provides the same information that is required by ordinance
>>> on the form- plus more.
>>>
>>> I request that you schedule a public hearing for this appeal at the
>>> Planning Commission meeting on October 9, 2012 and further request
>>> that you do not schedule any other hearings or take any other action
>>> on Case
>>> NPA-2012.0005.01 and its related zoning Case C14-2012-0067 until
>>> this matter is resolved.
>>>
>>> The argument and evidence in the attached Notice of Appeal
>>> demonstrates the following:
>>>
>>> 1) The Montopolis Neighborhood Plan Contact Team violated its bylaws
>>> - which City ordinance requires it to maintain - with respect to a
>>> 10 day in advance meeting notification requirement for a meeting it
>>> held in June 2012 to authorize an out-of-cycle neighborhood plan
>>> amendment application.
>>>
>>> 2) In addition to the clear violation of the 10 day provision, there
>>> is a complete lack of clarity and disconnect between the purported
>>> agenda item and the actual decision with respect to an out-of-cycle
>>> neighborhood plan amendment application letter of support.
>>>
>>> 3) Based on common sense, as well as the spirit of the Texas Open
>>> Meetings Act, to which the MNPCT may or may not be held to, a
>>> decision and action that results from an improperly notified meeting
>>> as well as inadequately referenced agenda item can and should be
>>> considered to be a void decision and action.
>>>
>>> 4) If the MNPCT's decision and action to support an out-of-cycle
>>> neighborhood plan amendment application is void because of improper
>>> procedure, then the actual letter of support from the MNPCT to the
>>> Planning staff is also void. This is the letter that triggers staff
>>> to accept an out-of-cycle NPA application and schedule a series of
>>> hearings.
>>>
>>> 5) By logical extension, if this initial MNPCT letter of support is
>>> void and if this letter is required by out-of-cycle NPA
>>> applications, then every subsequent decision and action that was
>>> triggered by this letter should also be void.
>>>
>>> 6) Based on the facts and what the facts mean, a logical conclusion
>>> is that the entire Case NPA-2012.0005.01 should be considered void
>>> and the applicant should need to start the process again.

>>>
>>> Please let me know when you've made a decision to hold a public
>>> hearing for this appeal and if you have any questions or need more information.
>>>
>>> Sincerely,
>>>
>>> - Stefan Wray

C3/104

3/105

NOTICE OF APPEAL OF THE 9/11/2012 PLANNING COMMISSION DECISION

To:	Greg Guernsey, Planning and Development Review Department Director
From:	Stefan Wray, Appellant and Interested Party
	Pam Thompson, Appellant and Interested Party
Date:	September 22, 2012
Case:	NPA-2012.0005.01
Address:	1700 ½ Frontier Valley Drive
Decision:	Planning Commission voted 7-1-1 to approve on September 11, 2012
Cc:	Margaret Valenti, Contact Team & Education Coordinator
	Maureen Meredith, Senior Planner
	Sue Edwards, Assistant City Manager
	Karen Kennard, City Attorney
	Marc Ott, City Manager
	Planning Commission Members
	Mayor and City Council Members
	David Escamilla, County Attorney

SUMMARY OF APPEAL

Appellants seek a public hearing to address the fact that a Neighborhood Plan Amendment case that the Planning Commission approved on September 11, 2012, started with a flawed and possibly illegal process, and therefore wish to appeal the decision to approve.

The Montopolis Neighborhood Plan Contact Team failed to follow its own bylaws, and the spirit of the Texas Open Meetings Act, with respect to meeting notification preceding its letter of support for an out-of-cycle Neighborhood Plan Amendment application. Furthermore, Planning and Development Review Department staff and the Planning Commission once apprised of this failure have not done anything to remedy the situation.

Appellants contend that the initial letter and hence the entire case should be made null and void.

C3
106

STANDING TO APPEAL

Pursuant to § 25-1-131 appellants Stefan Wray and Pam Thompson are interested parties in Case NPA-2012.0005.01. Both are co-founders and directors of the Montopolis Greenbelt Association, a group "whose declared boundaries are within 500 feet of the site of the proposed development."

§ 25-1-131 also states that a condition of standing is if "a provision of this title identifies the decision as one that may be appealed by that person." The title is sparse with detail on what may be appealed. This appeal focuses on a defect in the Neighborhood Plan Amendment process from its onset. § 25-1-804, which deals with Application to Amend Neighborhood Plan, mentions one example when an "out-of-cycle" neighborhood plan amendment may be challenged by an applicant. This would seem to open the door to appeals by interested parties.

In § 25-1-187 in relation to appeals of plans it states that, "An approved plan or permit is suspended on the timely filing of an appeal of the plan or permit." The implication is that the approval of a plan can be appealed, which in this instance is the Planning Commission's approval of a Neighborhood Plan Amendment.

§ 25-1-190 states that, "The appellant must establish that the decision being appealed is contrary to applicable law or regulations." The implication is that appellants may submit appeals based on a potential violation of law or regulation. In this instance, the appellant's claim there is a violation of the Texas Open Meetings Act as well as of Bylaws of a City sanctioned entity.

§ 25-1-805 makes specific reference to a neighborhood contact team and states that:

> "(E) The neighborhood plan contact team shall submit new bylaws or changes in existing bylaws to the director. The bylaws shall be based upon a standardized template provided by the director and shall address roles and responsibilities, boundaries, membership, decision-making, meetings and meeting notification, officers and duties, amendments to the bylaws, finances, and conflicts of interest."

Since this title references the contact team's bylaws it would see that contact team's violations of its bylaws in the context of a neighborhood plan amendment process and subsequent failure by staff and planning commission members to address that problem once manifest should be a legitimate subject of an appeal.

C3/107

BASIS OF THE APPEAL

As shown in the Statement of Facts and supported by the email documents in the Appendices, the Montopolis Neighborhood Plan Contact Team held two meetings in May and in June 2012 that failed to meet the MNPCT bylaw requirements for meeting notification. None of the emails announcing the meetings were sent at least 10 days in advance.

At the June meeting it was decided to write a letter of support for an out-of-cycle Neighborhood Plan Amendment application for property at 1700 ½ Frontier Vallley Drive.

In addition to being out of compliance with the MNPCT bylaws for being sent in less than 10 days, the agendas themselves made absolutely no reference to the property address at 1700 ½ Frontier Valley Drive and there was no mention at all of an out-of-cycle NPA application or any mention of a neighborhood plan amendment.

If the MNPCT is subject to the Texas Open Meetings Act, this letter of support for an out-of-cycle NPA application should be void based on this improper meeting notification.

Section 551.041 of the Act provides:

> A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.

The 2012 Open Meetings Handbook from the Texas Office of Attorney General says on p. 21 that "A governmental body must give the public advance notice of the subjects it will consider in an open meeting . . ." and that "Governmental actions taken in violation of the notice requirements of the Act are voidable."

In a May 18, 2010 memo about the City's contact teams, former City Attorney David Smith wrote the following, which is the basis for an argument that a contact team could be considered to be a governmental body that would need to comply with the Texas Open Meetings Act.

> "On the other hand, the City Code does give contact teams certain rights and privileges with regard to their respective neighborhood plans. For example, contact teams may submit a letter of recommendation to the Land Use Commission on a proposed neighborhood plan amendment (25-1-805(F)); and they aid with implementation of the components and features of the neighborhood plan (25-1-801(2))."

C3/108

> "And, under 25-1-804(B)(3), a contact team even has the authority to allow other entities or individuals to submit an application to the director to amend a neighborhood plan during months not otherwise allowed for such other entities or individuals."
>
> "These circumstances, taken in their entirety, suggest that an argument could at least be made that a contact team is a part of the City structure. The best statement of that argument is that the contact teams are created by the City Code, and they are performing neighborhood planning services for the City, at the request of the City, within parameters defined under City Code"
> http://austintexas.gov/sites/default/files/files/Planning/npct_legal_standing_memo.pdf

By being part of the City structure, Smith gives credence to an argument that the contact teams are governmental bodies. Another point to consider with this is that the City's boards and commissions are required to comply with TOMA even though they may or may not be legally bound to do so. This is precedent for the contact teams being considered subject as well.

Even if the MNPCT is not subject to the Texas Open Meetings Act, based on the MNPCT's bylaws alone there was a clear violation. The bylaws do not spell out a specific recourse to take when a bylaw is breached. But surely the City would not want to ignore this transgression.

Nevertheless, despite relevant staff in the Planning and Development Review Department and members of the Planning Commission being informed in writing (*See Appendix F*) and verbally about the problems with these May and June meetings there has been no acknowledgement from staff or members that this is even an issue.

It seems if there is an acknowledgement and acceptance of the facts about the improper meeting notification, then it draws into question the NPA out-of-cycle letter of support from the MNPCT contact team. This in turn draws into question the entire rest of the process that followed up to and including the September 11, 2012 Planning Commission meeting.

In fact this line of questioning is what should happen. It is what this appeal is asking to be done.

If this case is allowed to stand, it will send a message that the City doesn't care how its contact teams are managed. The message will be that contact teams can violate their own bylaws and the spirit of the Texas Open Meetings Act.

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STATEMENT OF FACTS

On May 14, 2012, Susana Almanza, then Vice-President (technically Vice Chair) of the Montopolis Neighborhood Plan Contact Team (MNPCT), sent an email to some MNPCT members with the subject line: "Next MNA and MNPCT meeting." This email announced an MNPCT meeting on May 21, 2012. (*See Appendix A*).

The May 14 email was sent 7 days before the MNPCT meeting, not 10 days are required by the MNPCT Bylaws (*See Appendix B*). Regarding meeting notification the MNPCT Bylaws state:

> A. **All meetings will be publicized in the neighborhood using whatever reasonable means that is available. Notices shall be distributed not less than 10 days before the meeting date.**

Then on May 20, 2012, the MNPCT Vice-President sent another email with the actual meeting agenda (*See Appendix C*). This meeting notification with an agenda was sent 1 day before the meeting, thus violating the MNPCT Bylaws regarding meeting notification.

Although it is later claimed that the case involving property at 1700 ½ Frontier Valley Drive was discussed at the May 21 meeting, the agenda sent by email 1 day before the meeting does not make that clear. One of agenda items in the email was the following:

> 1) Rezoning on Vargas property.

I submit that there is no way that a reasonable person could have known that this agenda item #1 was referring to the property at 1700 ½ Frontier Valley Drive.

On June 8, 2012, the MNPCT Vice-President sent by email notification a meeting notice for a MNPCT meeting on June 14, 2012 (*See Appendix D*). This was 6 days before the actual meeting, not 10 as required by the Bylaws.

The meeting notice said the MNPCT would be "making a decision on the future property development at 6716 E. Riverside Drive." There was no mention of 1700 ½ Frontier Valley Drive, nor any mention of an out-of-cycle Neighborhood Plan Amendment application.

C3
110f

Then on June 12, 2012, the MNPCT Vice-President sent an actual agenda for the June 14 MNPCT meeting (*See Appendix E*). This was 2 days before the meeting. The only item on the agenda referencing anything to do with a zoning case is this one:

1. Vote on new development for 6716 E. Riverside Drive – zoning request

Again, in this email meeting notification for the MNPCT meeting on June 14 there was no mention of the property at 1700 ½ Frontier Valley Drive, nor was there any mention that at the meeting there would be a discussion and action on an out-of-cycle NPA application.

However, on June 19, 2012, 5 days after the June 14 meeting, Susana Almanza, now Chair of the MNPCT sent a letter to Maureen Meredith of Neighborhood Planning & Zoning Department that stated, "The Montopolis Neighborhood Plan Contact Team (MNPCT) held it's meeting on June 14th, 2012 at the Montopolis Recreation Center to review the rezoning of property located at 1700 Frontier Valley." (See attached folder for this case at https://www.ci.austin.tx.us/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10787266)

In addition, the June 19 letter said, "The MNPCT also approved the rezoning of the property to move forward in the out of cycle process."

It is worth noting that in the attached folder to this case the document titled "Out-Of-Cycle Neighborhood Plan Amendment Verification Form" was signed by Maureen Meredith and dated June 11, 2012. This is 3 days before the MNPCT meeting when this matter was discussed and 8 days before the above mentiond letter was sent by the MNPCT Chair.

On August 21, 2012, Stefan Wray participated in a quarterly Contact Team meeting hosted by Margaret Valenti, the City's Contact Team & Education Coordinator, and also discussed some issues MNPCT meetings with respect to Bylaws violations.

On August 22, 2012, Stefan Wray, the interested party, sent copies of the emails in *Appendix A, C, D, and E* to Margaret Valenti. He received no response and no response to a subsequent email.

On August 22, 2012 also sent an email with copies of the MNPCT meeting announcement emails from May and June 2012 to all Planning Commission members, to Greg Guernsey, Planning and

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Development Review Department Director, and to Maureen Meredith, to Jerry Rusthoven, and Lee Heckman, all in the Planning and Development Review Department (*See Appendix F*).

On August 28, 2012, Stefan Wray spoke before the Planning Commission and alerted the commission that there had been defects in the process regarding this NPA case.

On September 11, 2012, Susana Almanza, Chair of the MNPCT addressed the Planning Commission and along with a Powerpoint presentation said that there were meetings about the 1700 ½ Frontier Valley Drive property starting in May (*See Appendix H*).

On September 11, 2012, Stefan Wray sent an email to Margaret Valenti, the Contact Team & Education Coordinator with a series of questions that pertain directly to the facts outlined so far in this document. These questions were:

> 1) If it is discovered after the fact that there was improper notice for a Contact Team meeting at which meeting the Contact Team approved an out of cycle Neighborhood Plan Amendment application, what then can be done?
>
> 2) Can the out-of-cycle application be deemed to be invalid and the applicant asked to start the process again?
>
> 3) If the City accepts the letter from the Contact Team, is it in effect then condoning or validating a flawed and improper process?
>
> 4) Therefore so as to invalidate a flawed and improper process, wouldn't it seem appropriate to invalidate the application?
>
> 5) What mechanism or procedure is there at the City for challenging the validity of Contact Team's letter of support for an out-of-cycle NPA?
>
> 6) How can this grievance be addressed?

To date none of these questions have been answered.

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APPENDIX A

Hide

From: **PODER Austin, Texas** <[redacted]>
Subject: Next MNA & MNPCT Meeting
Date: May 14, 2012 9:02:05 AM CDT
To: [redacted]
Angelica Hernandez < [redacted] > and 13 more...

Hello Montopolis Residents - Please mark your calendar for a very important community meeting on Monday, May 21st at the Montopolis Recreation Center at 6 pm. Thank you, Susana Almanza

Will send agend items later, if you have any items to place on the agenda please let me know.

--
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113

APPENDIX B

The Montopolis Neighborhood Plan Contact Team By-laws

Section 1 – Name

A. This organization shall be known as the Montopolis Neighborhood Plan Contact Team (MNPCT).

Section 2 - Statement of Purpose

A. The purpose of the MNPCT is to uphold the implementation of the plan's vision, goals and recommendations, and to discuss and provide a recommendation to City Staff, Planning Commission and City Council on any proposed neighborhood plan amendments that are text, map changes or any other planning initiatives, ordinances and other relevant matters affecting the Montopolis Neighborhood Planning Areas. The Contact Team/Planning Team may also submit an application to the Director of Neighborhood Planning & Zoning Department to amend a neighborhood plan at any time.

B. The objective of the MNPCT is to improve the quality of life in Montopolis by creating and preserving affordable homes for all stages of life, improving transportation connections and neighborhood safety, ensuring compatibility, enhance and enliven streetscape, and respect the diverse character through land use and zoning decisions.

Section 3 - Boundaries

North: Grove
South: Ben White
East: Bastrop Highway
West: Grove

Section 4 - Membership of the MNPCT Neighborhood Plan Contact Team

A. MNPCT membership shall be open to anyone who lives or owns property or operates a business within the boundaries of the neighborhood planning area.
   1. As per city Ordinance# 20080306-073 each established contact team must have, at minimum, the following groups represented on the team:
      a) Property owners;
      b) Non-property owner residents (renters);
      c) Business owners;
      d) Neighborhood associations;

B. No member shall purport to represent the MNPCT unless authorized to do so by the Executive Committee. (See Section 8 and 9)

C. Each member of the contact team shall be provided a copy of the adopted MNPCT by-laws.

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D. MNPCT will consist of an executive committee and general membership.

E. A current list of the executive committee and general membership and the above mentioned groups they represent of the MNPCT shall be submitted annually to the Neighborhood Planning and Zoning Department.

Section 5 - Decision Making

A. Consensus based decision by the MNPCT membership will only be allowed if a quorum of the executive committee is present.

Section 6 - Meetings

A. The Montopolis NPCT shall meet at least once per year to elect officers.

B. Meetings shall be held when an application to amend the Montopolis Neighborhood Plan has been submitted to the City of Austin, or when other relevant matters affecting the Montopolis Neighborhood Planning area need to be addressed. For example; new planning initiatives, or ordinances or request for information from City Departments.

C. The MNPCT shall meet at least quarterly.

D. Unless otherwise noticed all meetings will be held at either the Ruiz Library or the Montopolis Recreation Center.

E. Special meetings of the MNPCT may be called by the executive committee. A member of the general membership may request a special meeting by asking any member of the executive committee.

F. MNPCT meetings shall be open to the public. Community stakeholders are invited to participate in the discussion of the matters at hand, but only qualified decision makers of the MNPCT are eligible to participate in decision making. (See Section 4A1)

G. Meeting summaries and sign-in sheets, as a record of attendance, must be kept for all meetings of the MNPCT and shall be forwarded to the Neighborhood Planning and Zoning Department upon request.

H. Meeting discussions will be conducted in a conversational format with special regard for a dialogue that is respectful and considerate of all members in attendance.

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Section 7 - Meeting Notification

B. All meetings will be publicized in the neighborhood using whatever reasonable means that is available. Notices shall be distributed not less than 10 days before the meeting date.

C. Failure to receive a meeting notice does not invalidate the meeting. However, the provisions of this section must be complied with in good faith.

Section 8 - Executive Committee

A. The executive committee shall be composed of 3 officers and 4 at large positions.

B. The executive committee shall be responsible for the management of the affairs of the MNPCT. The duties shall include updating the annual membership list, holding MNPCT meetings, conducting elections as called for in the by-laws, and representing the MNPCT in communications with the City of Austin. It shall also act for the MNPCT in matters specifically delegated to it. It may act for the MNPCT between regular meetings on any matter determined urgent by the executive committee. Any such action shall be reported at the next regular meeting of the MNPCT and none of its actions shall conflict with actions taken or policies formulated by the MNPCT.

C. Sector liaisons may be appointed at the discretion of the executive committee.

Section 9 —Officers and Duties of the Executive Committee

A. The officers of the MNPCT executive committee shall be, at a minimum: Chair, Vice-Chair, and Secretary.

B. Duties of the officers are as follows:

1. The Chair shall be responsible for the operation of the MNPCT and its officers pursuant to these by-laws. This shall include conducting meetings, representing the team at official functions, appointing subcommittees, and generally overseeing the business of the MNPCT. The Chair shall have the primary responsibility for coordinating with the City of Austin Implementation Planner on the implementation items in the adopted Neighborhood Plan.
2. The vice-chair shall assist the Chair in preparing meeting agendas and conducting meetings and shall assume all duties of the Chair when required.
3. The secretary shall maintain all written records as required by the City of Austin as well as all written records noted in section 6G. The secretary shall maintain all attendance records including current addresses and voting status of voting members.

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Section 10 —Nomination, Election, and Terms of Officers

A. The membership of the MNPCT shall nominate one or more eligible voting candidates from the MNPCT for each office for the coming year. All candidates must be qualified voting members of the MNPCT.

B. Officers will be elected by the MNPCT voting members by a simple majority vote as per Roberts Rules of Order.

C. There will be staggered terms for officers using the following schedule: First terms for officers are defined as three (3) years for the Chair, two (2) years for the Vice-Chair and one (1) year for the secretary. Subsequent terms for all positions are two (2) years. At-large positions are for two (2) years.

D. The secretary will notify the Neighborhood Planning and Zoning Department in writing of the names of the newly elected officers, their contact information, and the date they are due to take office.

Section 11 —Removal and Vacancies of Officers

A. Any elected officer may be recommended for removal for not fulfilling their duties as per Section 9B. Removal shall be debated by the MNPCT and shall (require a two-thirds vote of members eligible to vote as per Section 4A1 and present at a meeting of the MNPCT, providing that a resolution proposing the consideration of the removal has been adopted at a preceding meeting and that notice of the vote for removal has been included in the call to the meeting at which the vote shall take place.

B. Should vacancies occur outside the normal election process, candidates for the unfilled term shall be nominated from the floor and elected at the next scheduled meeting following the vacancy. The person elected to the vacated office will serve for the remainder of the term.

Section 12—Committees

A. The MNPCT Chair, with the approval of the Executive Committee, may appoint project based standing committees to help conduct the business of the MNPCT. The Chair of a standing committee will serve as a voting member of the Executive Committee.

B. The MNPCT Chair with the approval of the Executive Committee, may appoint ad-hoc committees or subcommittees to help conduct specialized business of the MNPCT.

C. Committees shall report to the MNPCT and these reports shall be entered into the minutes or meeting summaries

D. Committees can be standing or ad-hoc in nature.

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Section 13—Amendments

A. These by-laws may be amended by a two-thirds majority vote of those present at a regular MNPCT meeting, providing that a resolution proposing the amendment has been adopted at a preceding regular meeting and that notice of the proposed amendment has been given in the call for the meeting at which the amendment shall be voted upon.

Section 14—Effective Date

A. These by-laws of the Montopolis Neighborhood Plan Contact Team shall become effective on August 13, 2009.

Section 15—Conflict of Interest

A. If a voting member of the MNPCT or immediate family has an interest in a development that requires a plan amendment, the member must follow these rules:

1. If a member has a *substantial interest* (see below) in a project, the member cannot participate in any decision or voting concerning the project, including the decision of the MNPCT to recommend an application for a plan amendment or the decision to support or not support the project.
2. If a member has a substantial interest in a proposed project, the member must disclose this interest at the time a plan amendment application is discussed and at the time the recommendation letter for the project is submitted to the Director of the Neighborhood Planning and Zoning Department.
3. A member with a substantial interest in a project may participate in the *discussion* regarding the proposed change. However, participating in the voting or decision regarding that change is disallowed.

Substantial interest can mean:
1. A person owns at least a part of or is invested in the property, or the business developing the property.
2. If a person has worked for someone involved in the project over the past year.
3. If the person has a business that would directly benefit from the project.
4. If the person serves on the board of directors, corporate officer, or any other board overseeing the project.
5. If the person owes money to anyone involved in the project.

C2/118

APPENDIX C

From: **PODER Austin, Texas** [redacted] Hide
Subject: Monday May 21st @ 6 pm meeting
Date: May 20, 2012 12:31:58 PM CDT
To: [redacted]
Angelica Hernandez [redacted], Candace Carpenter [redacted] and 12 more...

Hello Montopolis Neighborhood Members: Please mark your calendars for the next Montopolis Neighborhood Meeting. It will be held on **Monday, May 21st at the Montopolis Recreation Center, 1200 Montopolis Drive from 6 – 7:30 pm.**

1) Rezoning on Vargas Property
2) Review Montopolis list priorities
3) Updates & Announcements
- New Montopolis Recreation Center-Bond Initiative
- 24 Acres of donated land & study area
- Economic Growth & Redevelopment for Montopolis
- Elections for MNPCT

I suggest that we add installing traffic light at Montopolis Drive & Fairway intersection as one of our priorities. Please bring your priorities to meeting and email me, if you will not be able to attend.

Thank you, Susana Almanza, President MNA & Vice-President MNPCT

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Austin, TX 78762-6237
www.poder-texas.org

APPENDIX D

From: **PODER Austin, Texas <poder.austin@gmail.com>** Hide
Subject: Thursday, June 14th Meeting MNPCT & MNA
Date: June 8, 2012 8:18:03 AM CDT
To: [redacted]
Angelica Hernandez <[redacted]>, Candace Carpentar <[redacted]> and 13 more...

Hello Montopolis Residents- Please mark your calendar for our next meeting on **Thursday, June 14th at 6:30 pm at the Montopolis Recreation Center.** We will be having an update and making a decision on the future property development at 6716 E. Riverside Drive. An update report from the
a. Montopolis Tributary Trail Association, b. Montopolis Little League, c. Roy Guerrero Park. Election of Larry Gross for Vice-President of MNPCT and new business. Thankyou, Susana Almanza, MNPCT & MNA

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C3/119

APPENDIX E

From: **PODER Austin, Texas <poder.austin@gmail.com>** Hide
Subject: Thursday, June 14 @ 6:30 pm MNA & MNPCT Meeting
Date: June 12, 2012 11:21:59 AM CDT
To: [redacted]
Angelica Hernandez [redacted] and 16 more ...

Montopolis Neighborhood Plan Contact Team and Montopolis Neighborhood Association Meeting
Thursday, June 14th at 6:30 pm at the Montopolis Recreation Center

Agenda:

1. Vote on new development for 6716 E. Riverside Drive – zoning request
2. Election of President & Vice- President of MNPCT – Susana Almanza & Larry Gross
2. Update on Montopolis Tributary Trail
3. Update on Opening date for Roy Guerrero Playground Park
4. Update on Montopolis Little League Baseball Fields & Vasquez Fields
5. Update on Montopolis Recreation Center Advisory Board
6. Discussion on Neighborhood Partnering Program
7. New Business

--
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APPENDIX F

C 3/120

From: **Stefan Wray**
Subject: Source of Montopolis Confusion about 1700 1/2 Frontier Valley Drive
Date: August 22, 2012 9:47:44 PM CDT
To: [redacted] and 3 more...
Cc: Lee Heckman , Maureen Meredith , Greg Guernsey , Jerry Rusthoven

Hide

Planning Commission Members and City Staff,

I'm reviewing previous emails from the Montopolis Neighborhood Plan Contact Team leadership I am discovering a source of confusion and reasons why some people in the community were not well informed or didn't hear about this case until July 30 just a few weeks ago.

In an agenda sent to 20 people on May 20, the MNPCT Chair refers to this item as "1) Rezoning on Vargas Property" (See below)

In an agenda sent to 20 people on June 12, the MNPCT Chair refers to this as "1. Vote on new development for 6716 E. Riverside Drive - zoning request" (See below)

In an agenda send on to 20 people on July 24, the MNPCT Chair wrote, "1. The Cesar Chavez Foundation wants to rezone the property at 1700 1/2 Frontier Valley to allow them to construct affordable apartments.

And then finally the official information from the City refers to the 1700 1/2/ Frontier Valley address but mentions Owner Equity Secured Capital L.P. and MWM Design Group.

So you might hear people telling you the community has known about this case for 3 months and that there has been ample time for discussion and reflection . . . but . . .

You cannot tell me that a reasonable person who received the agendas on May 20, June 12, and July 24 could believe these were all about the same case unless they had been to all three meetings.

- Stefan Wray

On May 20, 2012, at 12:31 PM, PODER Austin, Texas wrote:

> Hello Montopolis Neighborhood Members. Please mark your calendars for the next Montopolis Neighborhood Meeting. It will be held on Monday, May 21st at the Montopolis Recreation Center, 1200 Montopolis Drive from 6 – 7:30 pm.
>
> 1) Rezoning on Vargas Property
> 2) Review Montopolis list priorities
> 3) Updates & Announcements
> - New Montopolis Recreation Center-Bond Initiative
> - 24 Acres of donated land & study area
> - Economic Growth & Redevelopment for Montopolis
> - Elections for MNPCT

APPENDIX G

C3/121

From: **Stefan Wray** Hide

Subject: Invalidating an Out of Cycle NPA Application

Date: September 11, 2012 11:46:53 PM CDT

To: Margaret Valenti

Cc: Greg Guernsey, [redacted]

Hello Margaret Valenti,

If it is discovered after the fact that there was improper notice for a Contact Team meeting at which meeting the Contact Team approved an out of cycle Neighborhood Plan Amendment application, what then can be done?

Can the out-of-cycle application be deemed to be invalid and the applicant asked to start the process again?

In a real example my definition of improper notice means:

1) The first email notice was 8 days before the meeting not 10 as required by the Bylaws
2) The first email notice was more of a mark your calendar type notice
3) The second email notice with an agenda was sent 2 days before the meeting
4) There was no agenda item with same address as the property being asked to be out of cycle
5) There was no agenda item stating anything about an out of cycle plan amendment or out of cycle anything

These facts are clear. I will show you the emails prior to the meeting and the letter from the Contact Team President after the meeting.

If the City accepts the letter from the Contact Team, is it in effect then condoning or validating a flawed and improper process?

Therefore so as to invalidate a flawed and improper process, wouldn't it seem appropriate to invalidate the application?

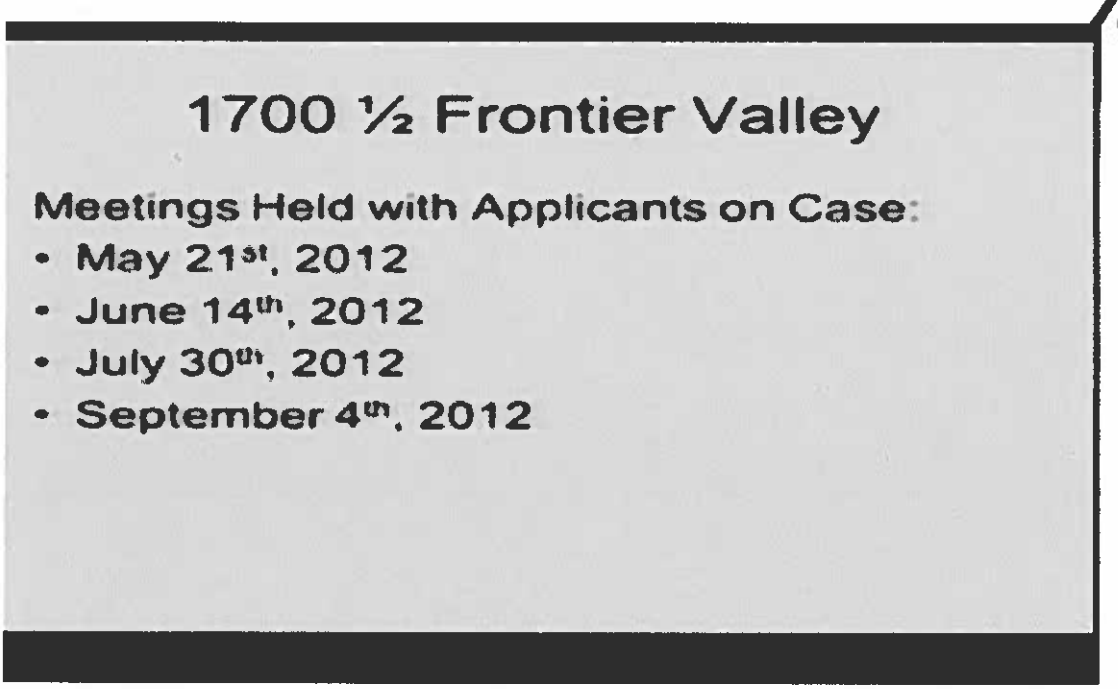
What mechanism or procedure is there at the City for challenging the validity of Contact Team's letter of support for an out-of-cycle NPA?

How can this grievance be addressed?

- Stefan Wray

APPENDIX H

C3/122



Slide from PowerPoint Presentation by MNPCT Chair Susana Almanza

Shown at September 11, 2012 Planning Commission meeting