



City of Austin

Founded by Congress, Republic of Texas, 1839
Development Services Department
P.O. Box 1088, Austin, Texas 78767

June 26, 2015

Mr. Michael Sullivan
2208 Del Curto Road
Austin, Texas 78704

Re: Response to Appeal Requests - Bluebonnet Studios
2301 South Lamar Boulevard
City of Austin Case No. SP-2014-0429C.SH

Mr. Sullivan,

Thank you for contacting the City of Austin to express your concerns related the to the Bluebonnet Studios project located at 2301 South Lamar Boulevard. After reviewing your correspondence and the notices of appeal delivered to our offices on June 18, 2015, we have determined that your challenge to the City's "use determination" (i.e., congregate care) in connection with Case No. SP-2014-0426C.SH falls within the authority of the City's Board of Adjustment to consider. Accordingly, because the appeal was timely filed and meets the other filing requirements in Chapter 25-1, we will post an appeal of that issue for consideration at an upcoming BOA meeting. Please work with Leanne Heldenfels, the BOA's staff liaison, to finalize your submittal and pay the required fee.

Your remaining three issues, however, are not within the authority of a board or commission to review and cannot be posted for hearing. If you have additional questions, please do not hesitate to contact me or my staff.

Sincerely,

Andrew Linseisen, P.E.,
Managing Engineer,
Division Manager, Land Use Review

cc: Mr. Rodney Gonzales, Acting Director Development Services Department
Mr. George Adams, Assistant Director, Development Services Department
Mr. Carl Wren, P.E., Assistant Director, Development Services Department



City of Austin Planning and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

STAFF INTERPRETATION
OF CODE

APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-2014-0429C.S.H

DATE APPEAL FILED 6-18-15

PROJECT NAME Bluebonnet Studios

YOUR NAME MICHAEL SULLIVAN

SIGNATURE M. Sullivan

PROJECT ADDRESS

2301 S. LAMAR 78704

YOUR ADDRESS 2208 Del Curo 78704

MAIL: 1613 West 9th 1/2 Street 78703

APPLICANT'S NAME WALTER MOREAU BY CLIFF KENDALL

YOUR PHONE NO. (512) 505-8224 WORK

CITY CONTACT Andy Linseisen Asst Director

Rodney Gonzales, Director of Devel. Review

CEL — (512) 484 0767 HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date)

☒ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☒ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: ~~(Check one)~~ STAFF MISINTERPRETATION LEADING TO

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☐ Land Use Commission Approval/Disapproval of a Site Plan
- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

☒ Other: SHEET RUN OFF CONVERTED TO POINT DISCHARGE Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

STAFF MISINTERPRETED CODE TO ALLOW SHEET RUNOFF TO GO OFF PROPERTY AS POINT DISCHARGE.

(Attach additional page if necessary.)

Applicable Code Section: DCM1.2.2 DCM1.2.3 25-5 ORDINANCE # 20140501-042

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
http://www.amlegal.com/austin_tx/.

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Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2014-0429C.SH

Contact: Michael Simmons-Smith, 512-974-1225 or
Elsa Garza, 512-974-2308

☒ I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Name (please print) Michael Sullivan Telephone number 512-4840767

Address(es) affected by this application (Street, City, ZIP Code) 2208 Del Norte Rd 78704

Mailing address (Street, City, ZIP Code) 1613 W 9th St 78703

Signature M. Sullivan Date 12-3-14

Comments: TDO Much Density on
Scholarship Area Already

Case 4-27-15

Michelle Lissillias 512-974-7623

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

Returned
12-3-14



City of Austin Planning and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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SIGNATURE M. Sullivan

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YOUR ADDRESS 2208 Del Curo Rd 78704

2301 S. LAMAR 78704

MAIL: 1613 West 9th 1/2 Street 78703

APPLICANT'S NAME WALTER MOREAN BY CLIFF KENDALL

YOUR PHONE NO. (512) 505-8224 WORK

CITY CONTACT Andy Linseisen Asst Director

CEL — (512) 484 0767 HOME

Rodney Gonzales, Director of Devel. Review

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- ☐ Replacement site plan
- ☐ Land Use Commission Approval/Disapproval of a Site Plan
- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision
- ☒ Other: _____

Date of Decision: _____
 Date of Decision: _____
 Date of Decision: _____
 Date of Decision: _____
 Date of Decision: _____
 Date of Decision: _____

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STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

STAFF MISINTERPRETED HARDSHIP TO ACCOMMODATE DUMPSTER ON SITE.
THE DUMPSTERS ARE SERVICED IN DEL CURO RD, THE SAME PLACE
STORM WATER IS DUMPED, FLOWING INTO THE NEIGHBORHOOD OF LAMAR.

(Attach additional page if necessary.)

Applicable Code Section: LDC, 25-2-1067C, TCM 9.3, D.2. ORDINANCE # 20140501-042

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19444 Coudray 512 974 5181 MS6

Case Number: SP-2014-0429C.SH

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Michael Simmons-Smith 512 974 1225 MS6/27
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Signature M. Sullivan Date 12-3-14

Comments: Too Much Density on Schanna Area Already

MS6 4-27-15

Michelle Cassill 512-974-7623

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Return

12-3-14



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SIGNATURE M. Sullivan

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APPLICANT'S NAME WALTER MOREAU BY CLIFF KENDALL

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DECISION TO BE APPEALED*: ~~(Check one)~~ STAFF MISINTERPRETATION LEADING TO

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- ☐ Replacement site plan
- ☐ Land Use Commission Approval/Disapproval of a Site Plan
- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

☒ Other: RECLASS OF MULTI-FAMILY TO CONGREGATE LIVING

Date of Decision: UNKNOWN - MAYBE - NEVER

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

THIS IS A MULTIFAMILY APT PROJECT. MOST CONGREGATE LIVING SERVICES ARE NOT OFFERED. THE DIRECTOR HAS NOT MADE A FORMAL DETERMINATION WITH REQUIRED NOTIFICATION. 3 HIGHLIGHTED SHEETS SAY MULTI-FAMILY APTS.

(Attach additional page if necessary.)

Applicable Code Section: 25-1 25-2 25-3

**CITY OF AUSTIN
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET**

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: Bluebonnet Studios

LOCATION: 2301 South Lamar Blvd

APPLICANT: BIG RED DOG Engineering | Consulting TELEPHONE NO: (512) 669-5560
(Amber Allen)

APPLICATION STATUS: DEVELOPMENT ASSESSMENT: _____ ZONING: _____ SITE PLAN: ☒

EXISTING:

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	I.T.E CODE	TRIP RATE	TRIPS PER DAY
Lot A	0.6887	±9850	CS-V	Auto Sales			

PROPOSED

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	I.T.E CODE	TRIP RATE	TRIPS PER DAY
Lot A	0.6887	±9850	CS-V	Auto Sales			

ABUTTING ROADWAYS

FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
South Lamar Blvd	yes		

FOR OFFICE USE ONLY

- A traffic impact analysis is required. The consultant preparing the study must meet with a Transportation planner to discuss the scope and requirements of the study before beginning the study.
- A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the LDC.
- The traffic impact analysis has been waived for the following reason: _____
- A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a Transportation planner for information.

REVIEWED BY: _____ DATE: _____

DISTRIBUTION:

_____ FILE _____ CAP. METRO _____ TXDOT _____ TRANS. REV. _____ TRAVIS CO. _____ ATD TOTAL COPIES: _____

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.



184.004

October 23, 2014

Mr. Greg Guernsey
Planning and Development Review Department
505 Barton Springs Road, Suite 400
Austin, Texas 78704

RE: Engineer's Summary Letter
Bluebonnet Studios
2301 South Lamar Blvd.
Austin, Travis County, Texas

Dear Mr. Guernsey,

Please accept this Engineer's summary letter and report along with the accompanying site plan application materials as our formal submittal for the above referenced project, located at 2301 South Lamar Blvd. The project is located entirely within the Full Purpose limits of the City of Austin, in Travis County, Texas.

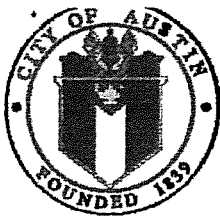
The proposed project will consist of a 4-story studio apartment building. The southern half of the first level will accommodate the parking area. All proposed improvements will be developed in accordance with the provisions contained in the City of Austin Land Development Code. This project has obtained S.M.A.R.T. Housing Certification under id #65636.

This site is comprised of one existing lot with an existing automobile sales business on the site. The 0.689 acre property is bordered by South Lamar Blvd on the north and Del Curto Road on the east and is zoned CS-V (Commercial Services – Vertical).

No portion of the site is located within the Edwards Aquifer Recharge or Contributing Zone. Additionally, no portion of the subject site is located within the 100-year floodplain according to the FEMA Flood Insurance Map # 48453C0585H (dated September 26, 2008).

The project is located in the West Bouldin Watershed, which is classified as an urban watershed. Stormwater detention is not anticipated to be required on this site as the proposed impervious cover will be less than that existing today. Since the property is less than one acre, Fee in Lieu of Water Quality will be paid for this development.

The wastewater service will be provided from an existing 6" water service crossing S Lamar Blvd to the subject site's north property line. The water service will be provided from an existing 16" water line located in Del Curto Road.



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

January 29, 2014

S.M.A.R.T. Housing Certification

Foundation Communities- Bluebonnet Studios- 2301 South Lamar Blvd.
(id #65636)

TO WHOM IT MAY CONCERN:

Foundation Communities, Inc. (development contact: Jennifer Hicks: 512-610-4025; jennifer.hicks@foundationcomm.org) has submitted a S.M.A.R.T. Housing application for the construction of a 120-unit multi-family development at 2301 South Lamar Boulevard. The project will be known as **Bluebonnet Studios**. The project will be subject to a five (5) year affordability period after issuance of certificate of occupancy.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 100% of the units (120 units) will serve households at or below 50% Median Family Income (MFI), the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit
Plumbing Permit

Site Plan Review
Misc. Site Plan Fee
Construction Inspection
Subdivision Plan Review
Misc. Subdivision Fee
Zoning Verification

Land Status Determination
Building Plan Review
Parkland Dedication (*by separate ordinance*)

In addition, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy. Contact Katherine Murray at 512-482-5351).
- ♦ Pass a final inspection to certify that accessibility standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 512-974-3154 if you need additional information.

Javier V. Delgado
Neighborhood Housing and Community Development

Cc: Laurie Shaw, Capital Metro
Maureen Meredith, PDRD
M. Simmons-Smith, PDRD
Kath. Murry, Austin Energy
Robby McArthur, AWU

Bryan Bomer, AEGB
Gina Copic, NHCD
Chris Yanez, PARC
Heidi Kasper, AEGB
Danny McNabb, WPDR

Alma Moleri, PDRD
Susan Kincl, NHCD
Stephen Castleberry, PDRD
A. Linseisen, PDRD
Cande Coward, PDRD



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☒ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence). Letter in City File.

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- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

☒ Other: RELEASE OF EXPIRED SITE PLAN APPLICATION

Date of Decision: 6-1-15

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STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

STAFF MISINTERPRETED ADDITIONAL TIME TO REVIEW. APPLICATION EXPIRED 5-27-15.
STAFF SHOULD HAVE GRANTED EXTENSION AND ACCEPTED APPEAL ON HAND.
ADDED DAYS ANALYSIS ATTACHED.

(Attach additional page if necessary.)

Applicable Code Section: 25-5-114 25-1-88

BLUEBONNET STUDIOS SITE PLAN EXPIRATION DATES

STAFF INTERPRETATION

	ACTUAL DATES	STAFF'S ADDL TIME TO REVIEW PERIOD
Completeness check submittal	10/24/14	
Formal submittal	11/17/14	
Received first round of comments	12/11/14	Two days overdue
Submitted response	12/23/14	
Received second round of comments	1/16/15	10 days overdue
Submitted response 2	2/19/15	
Received third round of comments	3/30/15	28 days overdue
Approve and released date	6/1/15	

CODE REQUIREMENT

CODE REQD DATES	SECTION 25-5-114 REVIEW DEADLINES	ADDL TIME THAT SHOULD HAVE BEEN ADDED
10/24/14		
11/17/14		
12/15/14	28	Zero days overdue
12/23/14		
1/6/15	14	10 days overdue
2/19/15		
3/5/15	14	25 days overdue

Application expiration:
Application expiration:

4/22/15 180 days from submittal
6/1/15 Including overdue days

4/22/15 180 days from submittal
5/27/15 Including overdue days

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Signature M. Sullivan Date 12-3-14

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Return

12-3-14

MSB 4-27-15

Michelle Simmons-Smith 512-974-7623

Mail comment forms to:

City of Austin

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Attn: Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

Heldenfels, Leane

From: Lloyd, Brent
Sent: Tuesday, June 30, 2015 10:51 AM
To: Heldenfels, Leane
Cc: Adams, George; Linseisen, Andrew
Subject: RE: Bluebonnet Studios - Proposed Notice Language

Leane –

Please check with George before posting, as he ultimately has to decide what goes forward.

Additionally, please see edited language below, which helps to limit the issues further.

Brent D. Lloyd
Assistant City Attorney
(512) 974-2974

From: Heldenfels, Leane
Sent: Tuesday, June 30, 2015 10:44 AM
To: Lloyd, Brent
Cc: Adams, George; Linseisen, Andrew
Subject: RE: Bluebonnet Studios - Proposed Notice Language

Got it – I'll load it into our format and will resend just for one more look at it by both of you.
Thanks for your quick help on this, Brent.
Leane

From: Lloyd, Brent
Sent: Tuesday, June 30, 2015 10:41 AM
To: Heldenfels, Leane
Cc: Adams, George; Linseisen, Andrew
Subject: Bluebonnet Studios - Proposed Notice Language

Leane & George –

Here's proposed posting language for the appeal:

Conduct a public hearing and consider an appeal challenging approval of Bluebonnet Studios (SP 2014-0429C.5H), located at 2301 South Lamar, based on alleged errors in classifying development as "Congregate Living," as opposed to "Multi-Family" (City Code Sec. 25-2-6), and in application of compatibility standards (City Code Sec. 25-2-1067) in relation to dumpster placement.

Please let me know if you have questions or concerns.

Thanks,

Brent D. Lloyd
Assistant City Attorney
City of Austin Law Department
P.O. Box 1088

6-18-15

MR LINSEISEN,

These are the four APPEALS
OF STAFF INTERPRETATIONS, OR
MISINTERPRETATIONS. Last night

I emailed ABOUT NOT HAVING
the PROPER FORMS. MR GONZALES
IS GETTING ANOTHER set just

Like this. There is A SPREADSHEET
with more info ABOUT why & How
the Site Plan APP was EXPIRED 5-27.

Thanks

Mike Sullivan

512-484-0767

LTMSULLIVAN@hotmail.com