

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday May 14, 2018

CASE NUMBER: C15-2018-0023

_____ Brooke Bailey (OUT)
 _____ William Burkhardt
 _____ Christopher Covo
 _____ Eric Golf (OUT)
 _____ Melissa Hawthorne (ABSTAINED)
 _____ Bryan King
 _____ Don Leighton-Burwell
 _____ Rahm McDaniel
 _____ Martha Gonzalez (Alternate)
 _____ Veronica Rivera
 _____ James Valdez
 _____ Michael Von Ohlen (OUT)
 _____ Kelly Blume (Alternate)
 _____ Pim Mayo (Alternate)

APPLICANT: Nikelle Meade

OWNER: Housing Authority CITY OF AUSTIN

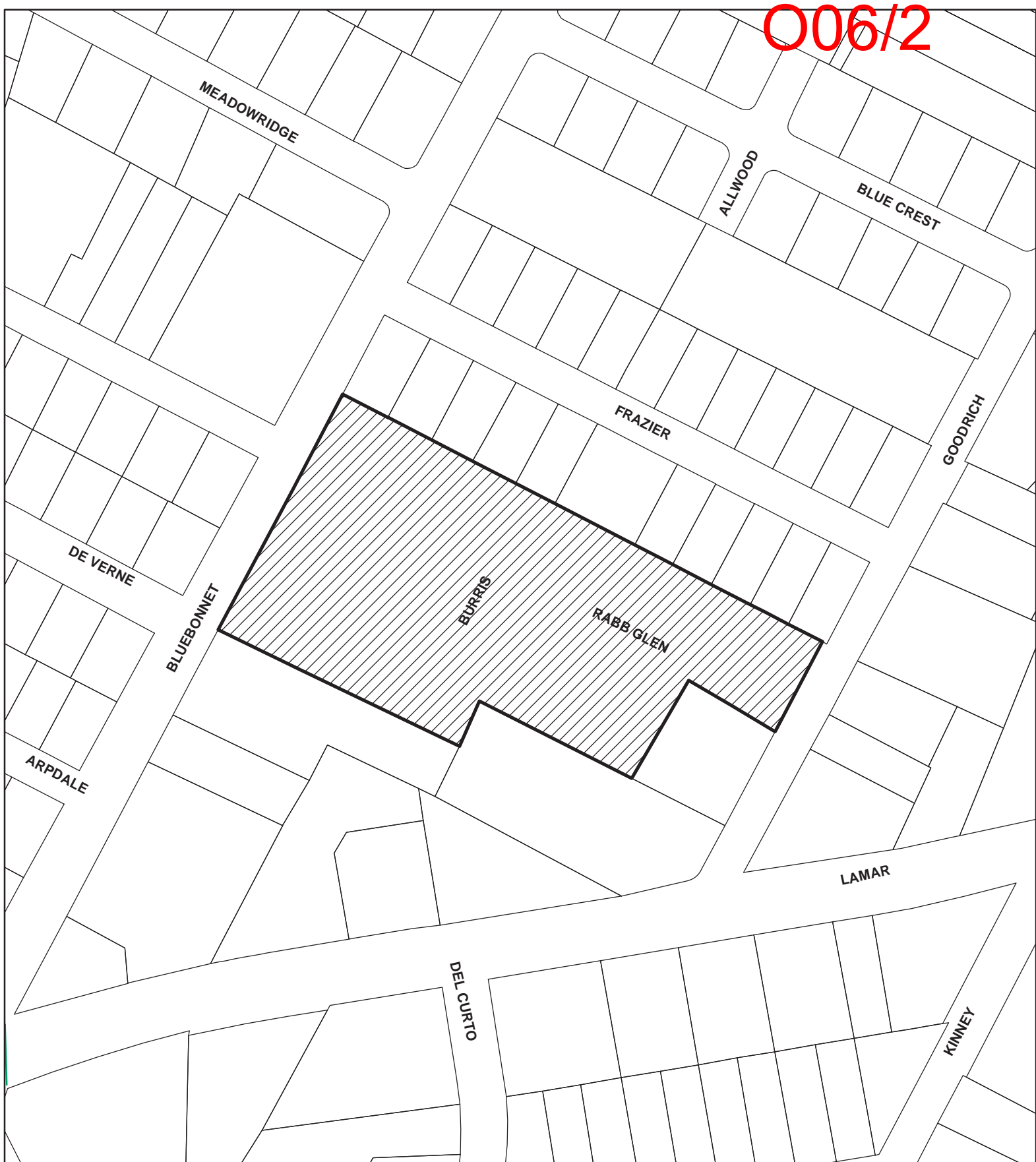
ADDRESS: 2126 GOODRICH AVE Unit 220

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-562 (Multifamily Residence Medium Density (MF-3) District Regulations) (B) (3) in Article 3 – Additional Requirements For Certain Districts, Division 1 – Residential Districts to decrease the minimum site area for each dwelling unit from 1,800 square feet for each dwelling unit with two or more bedrooms to (required) to 1,600 square feet (requested) in order to erect 120 mixed income level S.M.A.R.T housing units in a “MF-3” zoning district.

BOARD’S DECISION: May 14, 2018 POSTPONED TO JUNE 11, 2018 BY APPLICANT

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2018-0023
LOCATION: 2126 Goodrich Ave.



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 161'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2126 Goodrich Avenue (aka 2205 Bluebonnet Ln)

Subdivision Legal Description:

LOT 2 GOODRICH SUBD

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Nikelle Meade / Husch Blackwell LLP on behalf of myself/ourselves as
authorized agent for Housing Authority of the City of Austin affirm that on
Month April, Day 6, Year 2018, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: 120-Unit Mixed-Income Multifamily Residential (S.M.A.R.T. Housing)

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-562 (Multifamily Residence Medium Density (MF-3) District Regulations) (B)(3), to change the minimum site area per dwelling unit from 1800 sf (required) to 1600 sf (requested) for each dwelling unit with two or more bedrooms.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

the existing site area requirements would reduce the number of units with 2 or more bedrooms in favor of 1 BR and efficiency units when the greater need in the area is for units with 2 bedrooms or more.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

the property is subject to a condition that fixes both the overall number of units and the unit mix, and such number is not changeable without risk of loss of the affordable units. The proposed project was awarded affordable housing tax credits based upon a certain number and mix of units that would be developed. The number of units cannot be reduced and the unit mix cannot be altered pursuant to the conditions of the tax credit award.

b) The hardship is not general to the area in which the property is located because:

there are no other properties in this area where affordability of the units is conditioned upon there being a fixed and unchangeable unit number and unit mix.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

the variance will not increase the total number of units but will just allow each unit to include more bedrooms. The existing use of the site is an affordable housing development with family-friendly units that is almost 50 years old and is at risk of being shut down due to diminishing federal resources. The proposed development will replace those existing affordable, family-friendly units, thereby maintaining the character of the site.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-562 (Multifamily Residence Medium Density (MF-3) District Regulations) (B)(3), to change the minimum site area per dwelling unit from 1800 sf (required) to 1600 sf (requested) for each dwelling unit with two or more bedrooms.

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I contend that my entitlement to the requested variance is based on the following findings:

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Hardship

a) The hardship for which the variance is requested is unique to the property in that:

the property is subject to a condition that fixes both the overall number of units and the unit mix, and such number is not changeable without risk of loss of the affordable units. The proposed project was awarded affordable housing tax credits based upon a certain number and mix of units that would be developed. The number of units cannot be reduced and the unit mix cannot be altered pursuant to the conditions of the tax credit award.

b) The hardship is not general to the area in which the property is located because:

there are no other projects in this area where affordability of the units is conditioned upon there being a fixed and unchangeable unit number and unit mix.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

the variance will not increase the total number of allowed units but will, instead, allow each unit to include more bedrooms. The existing use of the site is an affordable housing development with family apartment units that is almost 50 years old and is at risk of being shut down due to diminishing federal resources. The proposed development will replace those existing family apartment units, thereby maintaining - not altering - the character of the site and the neighborhood.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 04/06/2018

Applicant Name (typed or printed): Nikelle Meade / Husch Blackwell LLP

Applicant Mailing Address: 111 Congress Avenue, Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 479-1147

Email (optional – will be public information): ni [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 4/10/18

Owner Name (typed or printed): Housing Authority of the City of Austin

Owner Mailing Address: 1640 E. 2nd Street

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 477-4488

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Nikelle Meade / Husch Blackwell LLP

Agent Mailing Address: 111 Congress Avenue, Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 479-1147

Email (optional – will be public information): [REDACTED]

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Housing Authority of the City of Austin
1640 E. 2nd Street
Austin, Texas 78702

City of Austin
505 Barton Springs Road
One Texas Center
Austin, Texas 78704

Re: Letter Appointing Agent Regarding Variance Application for 2126
Goodrich Avenue (also known as 2205 Bluebonnet Lane and as
Pathways at Goodrich Place) (the "**Property**") and related matters.

To Whom It May Concern:

The undersigned, as the owner of the Property, hereby appoints Husch Blackwell LLP
(Nikelle Meade), as agent in the above-referenced matter.

Housing Authority of the City of Austin,

By: 

Title: President and CEO

Date: 4/9/18

HUSCH BLACKWELL

Nikelle S. Meade
Partner

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Direct: 512.479.1147
Fax: 512.479.1101
nikelle.meade@huschblackwell.com

April 27, 2018

Board of Adjustment
City of Austin
c/o Leanne Heldenfels, Board Liaison
505 Barton Spring Road, 1st Floor
Austin, Texas 78704

Re: C15-2018-0024; 2126 Goodrich Avenue, Pathways at Goodrich Place

Ms. Heldenfels and Board of Adjustment Members:

Enclosed is additional information regarding the Pathways at Goodrich Place variance application. The requested variance is for a property owned by the Housing Authority of Austin ("HACA"). HACA currently operates a 40-unit public housing apartment complex on the property known as Goodrich Place Apartments. Goodrich Place was built in 1973, and the buildings are reaching the end of their functional life—maintenance costs are high and the development does not have basic needed amenities, such as central air conditioning. Additionally, the development is at risk of being shut down all together because of diminishing federal resources.

Background:

Atlantic Pacific Communities, LLC, and Madhouse Development Services, Inc., have partnered with HACA to form a joint venture (Pathways at Goodrich Place, LP) that will redevelop the property as a mixed-income affordable housing development known as the Pathways at Goodrich Place Apartments. The redevelopment will be funded with tax credits from the Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs ("TDHCA"). Through a highly competitive process, TDHCA approved the award of housing tax credits for the development in July of 2017.

The development approved by TDHCA includes 120 units—110 of which will be affordable to families earning 30%, 50% and 60% of median family income ("MFI") and 10 of which will be affordable to families earning 80% of MFI. The residents that currently occupy the 40 existing units will be relocated during construction of the new development and each family has the option to move back into the new development at the same rental rates they are paying today (most of which are at 30% MFI).

After TDHCA approved the proposed development and Pathways at Goodrich Place, LP, began the site plan approval process with the City of Austin, Goodrich Place, LP, realized that the MF-

3 site area requirements limit the number of large (i.e. two or more bedroom) units that can be included in the development. The development that was approved by TDHCA includes more large units than are allowed under the MF-3 site development regulations.

Goodrich Place, LP cannot lower the number of large units in the proposed development without approval from TDHCA, and seeking that approval could put the tax credits for this project in jeopardy—TDHCA could revoke its grant of the tax credits due to a change in the proposed development, and those tax credits would be redistributed to another community.

Findings:

The zoning regulations applicable to the property do not allow for a reasonable use because the existing site area requirements would reduce the number of units with two or more bedrooms in favor of one bedroom and efficiency units when the greater need in the area is for units with two bedrooms or more.

The hardship for which the variance is requested is unique to the property in that the property is subject to a condition that fixes both the overall number of units and the unit mix, and such number is not changeable without risk of loss of the affordable units. The proposed project was awarded affordable housing tax credits based upon a certain number and mix of units that would be developed. The number of units cannot be reduced and the unit mix cannot be altered pursuant to the conditions of the tax credit award.

The hardship is not general to the area in which the property is located because there are no other projects in this area where affordability of the units is conditioned upon there being a fixed and unchangeable unit number and unit mix.

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because the variance will not increase the total number of units but will just allow each unit to include more bedrooms. The existing use of the site is a public housing development with family-sized units that are almost 50 years old and are at risk of being shut down due to diminishing federal resources. The proposed development will replace the existing family-sized units with new family-sized units, thereby maintaining – not altering - the character of the site and the area.

Community Support:

The proposed project has been supported by the surrounding neighbors and neighborhood association. At the time rezoning was sought for the development, the Zilker Neighborhood Association submitted a letter of support to the City. It is enclosed here.

Thank you for your consideration of this variance request. Enclosed are additional documents to help your review of this request.

Board of Adjustment
April 27, 2018
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Nikelle Meade". The signature is fluid and cursive, with the first name "Nikelle" and the last name "Meade" clearly distinguishable.

Nikelle Meade

Enclosures:

1. Project Fact Sheet
2. Vicinity Map
3. Aerial View Map
4. Zoning and Existing Use Map
5. Letter of Support from Zilker Neighborhood Association in connection with the 2017 re-zoning of a .757 acre portion of the property
6. Proposed Project
7. Site Plan for Proposed Project

Project Fact Sheet

Pathways at Goodrich Place
2126 Goodrich Avenue
C15-2018-0024

Property Description

- Size: 4.358 acres / 189,834.48 sq. ft.
- Location: Northwest corner of South Lamar Boulevard and Goodrich Avenue
- Zoning: MF-3

Existing Development

- Goodrich Place Apartments: 40 multifamily public housing units operated by the Housing Authority of the City of Austin
- 60% (24 units) are 2+ bedroom

Proposed Project

- 120 affordable multifamily apartment units
 - 110 affordable at 30%, 50% and 60% MFI
 - 10 market rate to help offset lower rents and create a mixed income community
 - 6 of the affordable units reserved for those with special needs, including those struggling with alcohol or drug addictions and the chronically homeless
- The rent for the 40 redevelopment units is currently at 30% MFI and will remain at 30% MFI
- 63% (76 units) 2+ bedroom

Ownership

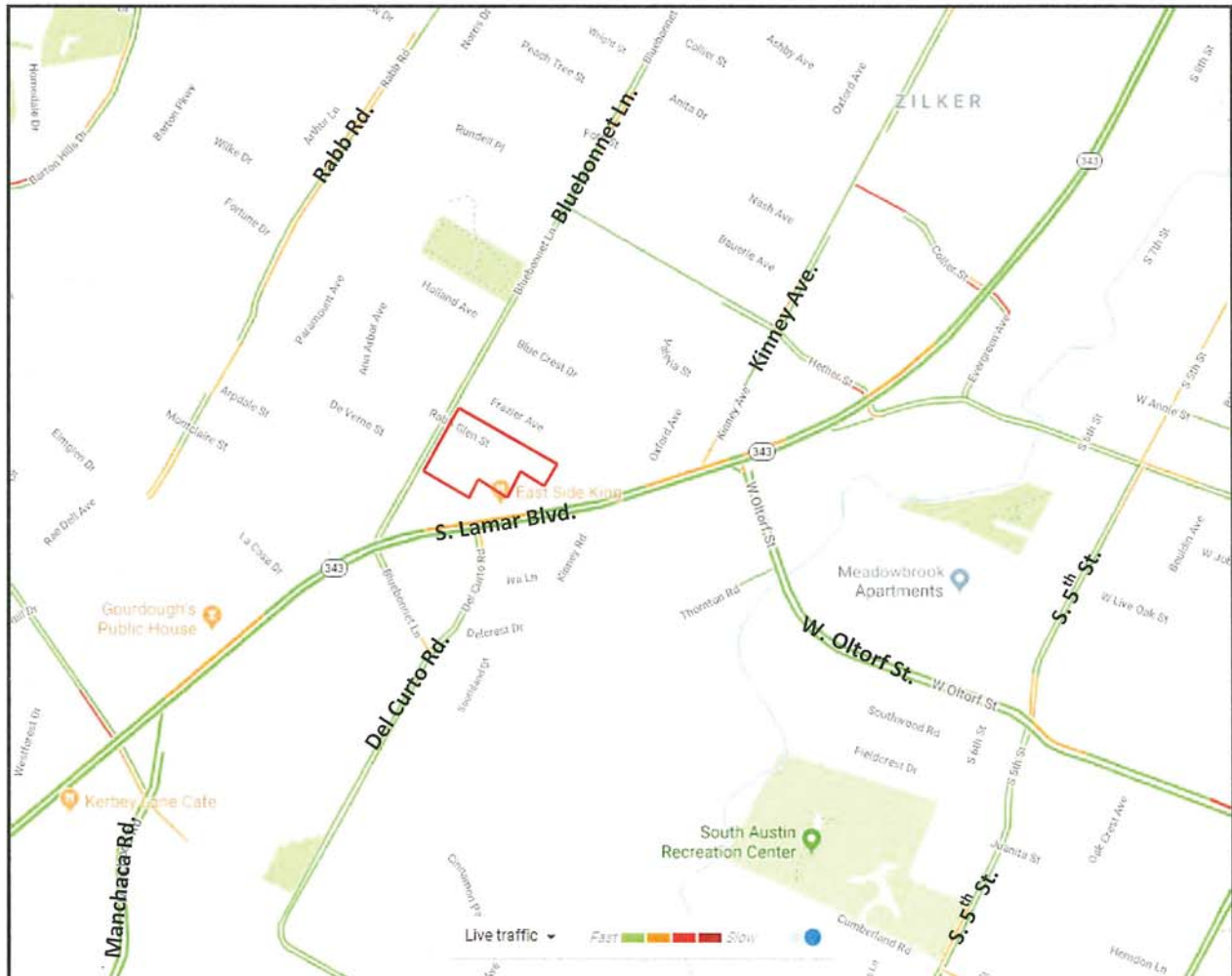
- Landowner: Housing Authority of the City of Austin ("HACA")
- Developer: Pathways at Goodrich Place, LP
 - Joint venture between HACA, Atlantic Pacific Communities, LLC, and Madhouse Development Services, Inc. Both Atlantic Pacific Communities and Madhouse are national leaders in affordable housing development with a long history of providing high quality affordable housing.
- Funding: The Texas Department of Housing and Community Affairs (TDHCA) will fund a portion of the development costs and the rent subsidy via housing tax credits.

Proposed Variance

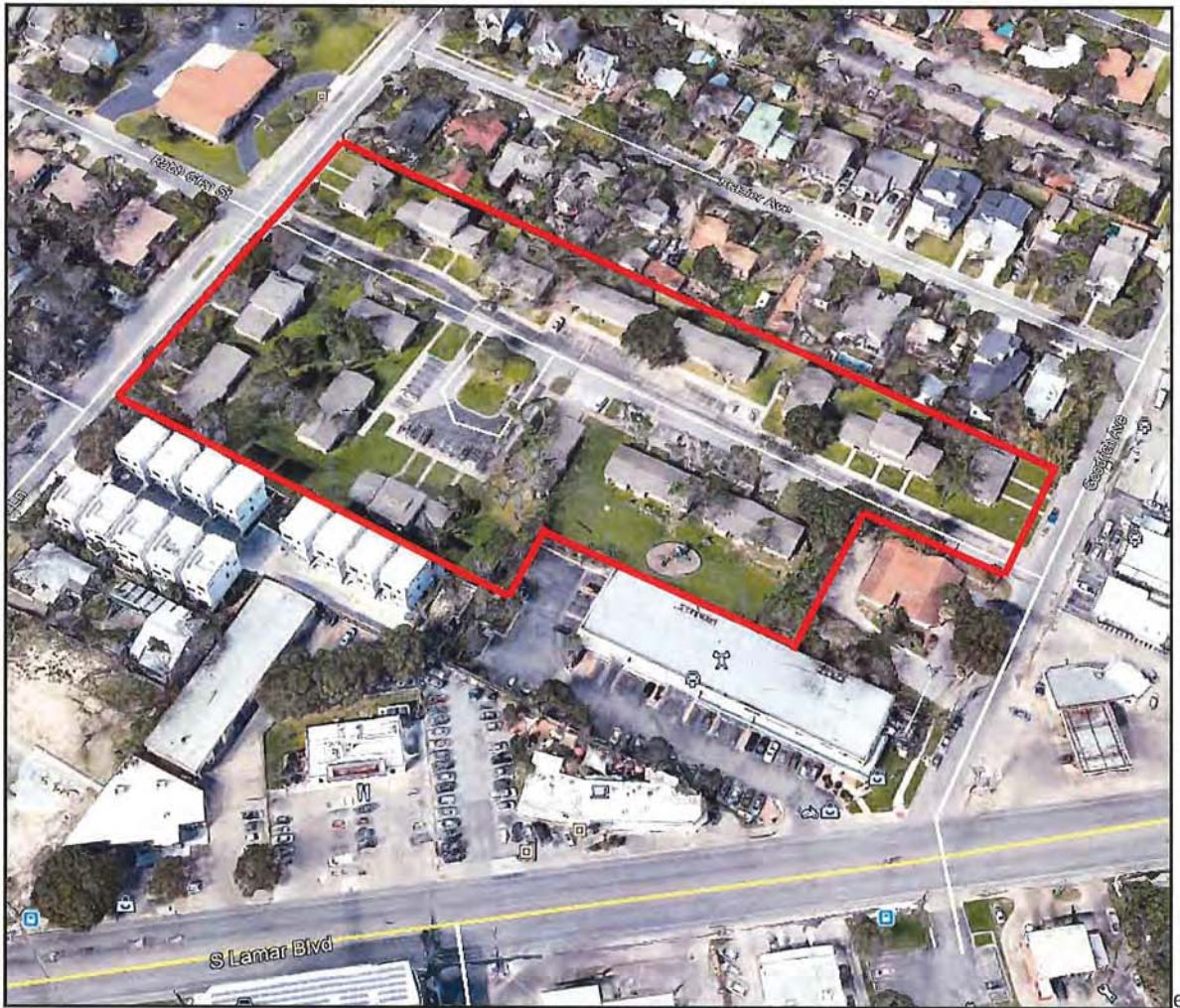
- To achieve the affordable housing criteria agreed to with TDHCA and to meet the affordable housing need in the area for which the tax credits were awarded, the proposed development needs at least seventy-six 2+ bedroom units, but the site area requirements only allow for sixty-eight.
- Below is a table explaining the requested variance:

Minimum Site Area Requirements per Section 25-2-562 of LDC	Proposed Variance to Minimum Site Area Requirements
1,200 square feet per efficiency unit	No variance needed.
1,500 square feet per 1 bedroom unit	No variance needed.
1,800 square feet per 2+ bedroom unit	1,600 square feet per 2+ bedroom unit

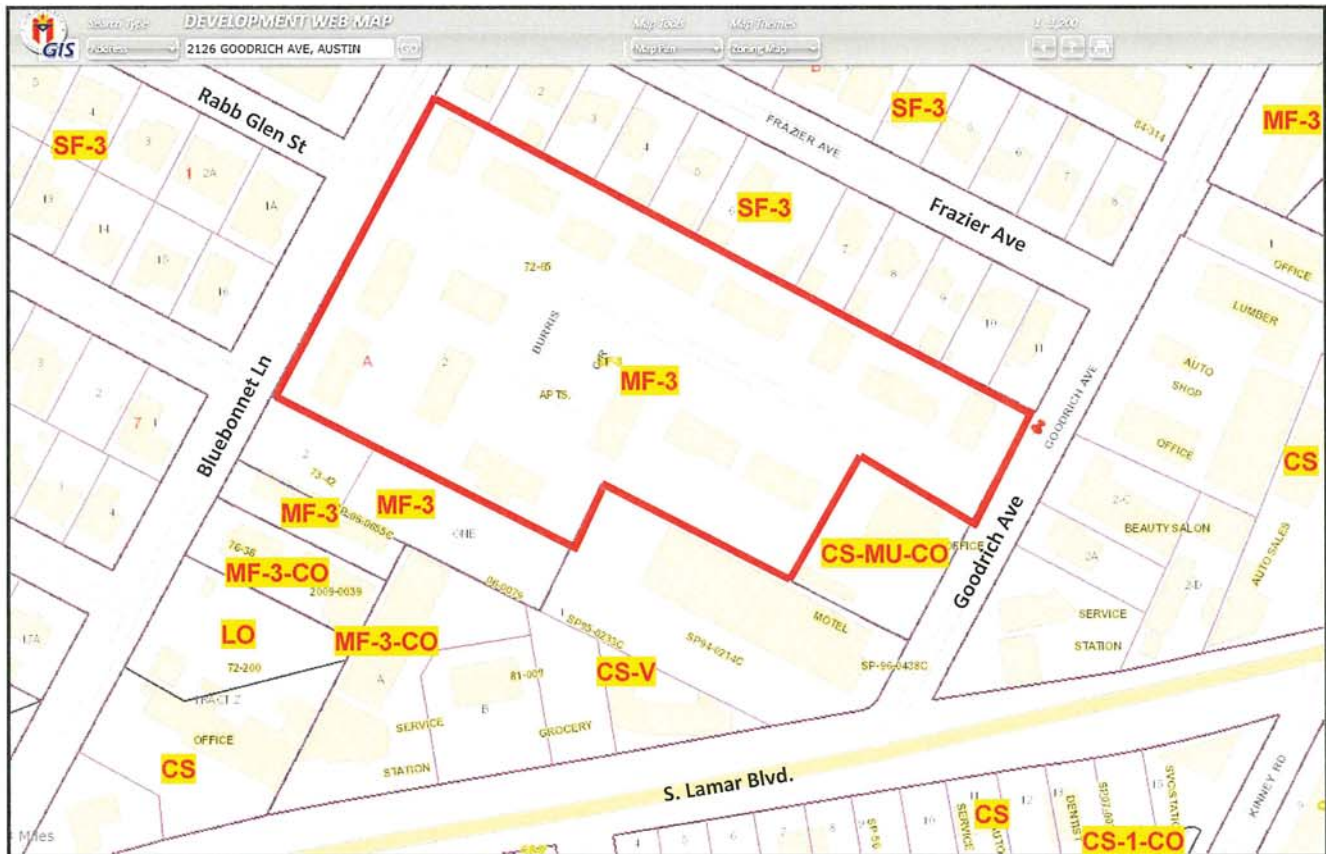
Vicinity Map



Aerial Map
2126 Goodrich Ave.



Zoning and Existing Use Map



Zilker Neighborhood Association

2009 Arpdale • Austin, TX 78704 • 512-447-7681

May 11, 2017

Planning Commission
City of Austin Watershed Protection and
Development Review Dept.
505 Barton Springs Road
Austin, TX 78704

Re: Rezoning request, 2205 Bluebonnet Lane (Goodrich Place)

Dear Planning Commissioners:

The executive committee of the Zilker Neighborhood Association supports the rezoning request for the Housing Authority of the City of Austin (HACA) property at 2205 Bluebonnet known as Goodrich Place. This change of zoning is being requested to resolve the inconsistencies between the Commercial Services (CS) district zoning on a small portion of the Goodrich Place property and the current use as multifamily residences. This zoning change will facilitate the construction of 120 new units of affordable housing, which is consistent with our community's desire to have more affordable housing in this area. We therefore support the rezoning of the CS parcel to Multifamily-3 (MF-3). The executive committee is looking forward to working with HACA and the Goodrich Place residents' council to preserve and upgrade the existing residents' affordable housing while expanding the opportunity for more affordable housing units on this site.

Thank you for your attention.



Jeff Jack
President
Zilker Neighborhood Association

Proposed Project





From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2018-0023/2126 Goodrich Ave May late back up
Date: Monday, May 14, 2018 9:59:24 AM

From: [REDACTED]
Sent: Monday, May 14, 2018 9:48 AM
To: Heldenfels, Leane
Subject: Request for Postponement - Item H-3 On Tonight's Agenda; Pathways at Goodrich Place
Variance Request

Good morning, Leane.

By this email and on behalf of the applicant in the case, we are requesting postponement of the case one month to the Board's June 11th meeting. The applicant is looking at whether any other options exist to resolve the issue necessitating the variance. We would appreciate the Board's consideration of this request.

Nikelle Meade
Partner

HUSCH BLACKWELL LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4093
Direct: 512.479.1147
Mobile: 512.992.6001
Fax: 512.226.7373

[Nikelle](#) [REDACTED]

huschblackwell.com

[View Bio](#) | [View VCard](#)

Named a first-tier national real estate law firm by U.S. News-Best Lawyers in 2018

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0023/2126 Goodrich Ave May late back up
Date: Monday, May 14, 2018 9:41:11 AM
Attachments: [image001.png](#)

From: [REDACTED]
Sent: Saturday, May 12, 2018 2:22 PM
To: Heldenfels, Leane
Subject: BOA: C15-2018-0023, 2126 Goodrich Avenue

Dear Ms. Heldenfels:

I am writing regarding the Board of Adjustment public hearing scheduled for May 14, 2018, case number C15-2018-0023, 2126 Goodrich Avenue. My company, Spring Architects, is a utility account holder within 500' of the above referenced property. While I do not have any other professional or personal connection to this case, I am familiar with the property as my child attends Zilker Elementary and my home is less than a half mile away. I am in favor of granting the variance to decrease the minimum site area for each dwelling unit.

This property has long been zoned and used as multifamily residential. It is in a great school attendance boundary, close to downtown and public transportation. This is a good opportunity to increase density and affordability in a meaningful way.

Sincerely,
Andrea Freiburger

Andrea Freiburger, AIA
[REDACTED]
512-626-2197 mobile

Spring Architects, Inc.
2118 Oxford Avenue
Austin, TX 78704
512-900-4425

[w](#) [REDACTED]



From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C5-2018-0023/2126 Goodrich 6/11 advance packet
Date: Monday, May 14, 2018 12:40:13 PM

D – I'm not brining a hard copy because it's first request -

FYI –

L

From: [REDACTED]
Sent: Monday, May 14, 2018 11:50 AM
To: Heldenfels, Leane
Cc: Mary
Subject: Case # C5-2018-0023 Friends of Zilker Neighborhood Association Supportive vote results

Leane,

I wanted to let you know that our neighborhood association, Friend of Zilker, has voted unanimously to support the requested variance for 2126 Goodrich Place. Let me know if you have any questions.

Thank you,

Rob Parsons

Question #1

FOZ supports the Goodrich Place affordable housing redevelopment in their variance request to reduce the minimum site area per unit from 1,800 to 1,600 sq ft. This variance is needed to accommodate the addition of new, quality affordable housing in our neighborhood.

YES 18

NO 0

--

Robert Parsons Jr.
512.565.2321