ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0100.SH 2107 Alamo DISTRICT: 3

ZONING FROM: SF-3-NP

TO: MF-4-CO-NP

ADDRESS: 2107 Alamo Street

SITE AREA: 0.22 Acres (9,583.2 Square Feet)

PROPERTY OWNERS:
Anmol Mehra

AGENT:
South Llano Strategies
(Glen Coleman)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff does not support the Applicant's request for rezoning from SF-3-NP to MF-4-CO-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 26, 2019:

January 8, 2019: TO GRANT POSTPONEMENT TO FEBRUARY 26, 2019, AS REQUESTED BY NEIGHBORHOOD AND APPLICANT, ON CONSENT. (9-0) [C. Kenney-1st, R. Schneider- 2nd; F. Kazi, A. DeHoyos Hart, K. McGraw, and P.Seeger- Absent]

CITY COUNCIL ACTION:

March 7, 2019:

February 7, 2019: TO GRANT POSTPONEMENT TO MARCH 7, 2019, AS REQUESTED BY STAFF, ON CONSENT.

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes developing five attached residential units on the subject property with one of the units available at 60% MFI for up to 99 years. The Applicant has stated that MF-4-CO-NP zoning is the most restrictive zoning district that will allow the development of five units on the 0.22 acre site. The proposed conditional overlay would limit the building height.

CASE MANAGER COMMENTS:

The subject tract is located on the southwest corner of Alamo Street and East 22nd Street. The property is zoned SF-3-NP and is currently developed with a duplex. Immediately to the east of the property is a single family residence; further east are more single family and duplex residences. To the south of the property across an alley is the Alamo Community Garden, which is also zoned SF-3-NP. Further south are single family and duplex residences zoned SF-3-NP. West of the property across Alamo Street is Alamo Pocket Park and Recreation Center which is zoned P-NP. North of the property across East 22nd Street are single family and duplex residences and undeveloped lots zoned SF-3-NP. Approximately 2 blocks to the northwest is the Fannie Mae Stewart Village affordable housing development, which was rezoned in 2009 to MF-2-CO-NP. The site is limited to 17 dwelling units per acre, or 11 units on the .66 acre site. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

As stated in the issues section of this report, the Applicant proposes developing five residential units on the subject property. The Applicant propose that one of those units will be dedicated to the Blackland Community Development Corporation (Blackland CDC) to make the unit available at 60% MFI for up to 99 years. ***Please see Exhibit C—SMART Housing Letter.***

Since the proposed affordable unit is not part of any City of Austin density bonus program, the agreement with Blackland CDC would be recorded in a private restrictive covenant (RC). The Applicant has provided a draft copy of the private RC which also contains other conditions. While most of the conditions listed in the RC cannot be required as part of a zoning change, the RC also addresses building height. The proposed RC states, "the roof of the structure shall not exceed 30 feet in height as determined in accordance with the City of Austin Code." If the rezoning is granted, the height limit would be placed in a conditional overlay (CO). ***Please see Exhibit D—Draft Private Restrictive Covenant.***

If rezoned to multifamily classification, the redevelopment would trigger compatibility standards along all sides except the west. The Applicant has stated that MF-4-CO-NP zoning is the most restrictive zoning district that will allow the development of five units on the 0.22 acre site. This is primarily because MF-4 requires a 15-foot front yard setback, as compared to the 25-foot front yard setback required in single family districts, as well as the more restrictive multifamily zoning districts. (Although SF-4A allows a 15-foot front yard setback, the size of the subject property would only yield two SF-4A lots.)

Staff has received correspondence in support and opposition to the rezoning request. ***Please see Exhibit E—Correspondence.***

Staff does not support the rezoning request. Granting MF-4-CO-NP zoning on this tract would be "spot zoning" that does not match the surrounding neighborhood. Excluding Alamo Park, which is zoned P-NP, all of the properties surrounding the subject tract are zoned SF-3-NP and developed with single family and duplex residences. The SF-3-NP zoning and neighborhood extends several blocks to the west, south and east. SF-3-NP zoning also extends for ½ block north of East 22nd before transitioning to the commercial corridor of Manor Road. The character of the Manor Road Activity Corridor is significantly different than the interior of this residential neighborhood. The property is .22 acres in size and currently permits two residential units, which is an appropriate density for the

location. The proposed rezoning is not comparable to the Fannie Mae Stewart Village project. The Village is 17 units per acre; the Applicant's request is 22-23 units per acre. Additionally, the Village project is 100% affordable units, not one unit. Although there is a proposed agreement with Blackland CDC to provide one affordable unit, it is not enforceable by the City.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
Per City Code, "Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. An MF-4 district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired." The subject tract is located interior to a single family/duplex residential neighborhood, making it unsuitable for "moderate-high density" land use.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
A five unit townhouse development is not compatible with the surrounding single family and duplex residences.

3. *Zoning should be consistent with approved and existing residential densities.*
The surrounding neighborhood includes SF-3 lots that allow residential densities of one to two dwelling units.

4. *Intensive multi-family zoning should be located on major arterials and highways.*
As a "moderate-high density" residential zoning is more appropriate with direct access to major roadways. The subject property has access to local residential streets only.

5. *The proposed zoning should promote consistency and orderly planning.*
Granting MF-4-CO-NP zoning on the subject tract would be "spot zoning" that does not match the surrounding neighborhood. Excluding Alamo Park, which is zoned P-NP, all of the properties surrounding the subject tract are zoned SF-3-NP and developed with single family and duplex residences.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Duplex residential
North	SF-3-NP	Single family residential, Duplex residential
South	SF-3-NP	Community garden
East	SF-3-NP	Single family residential, Duplex residential
West	P-NP	Community recreation - Public

NEIGHBORHOOD PLANNING AREA: Upper Boggy Creek

TIA: N/A

WATERSHED: Boggy Creek

OVERLAYS: Capitol View Corridor

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Blackland Neighborhood Association
Austin Neighborhoods Council
Del Valle Community Coalition
Claim Your Destiny Foundation
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
Neighbors United for Progress
Cherrywood Neighborhood Association
Upper Boggy Creek Neighborhood Planning Team
Concordia Neighborhood Association
Bike Austin
AISD
Austin Innercity Alliance
United East Austin Coalition
Black Improvement Association
SELTexas
East Austin Conservancy
Anberly Airport Association
Preservation Austin
Sierra Club

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2009-0012.SH 1900-1904 E. 22nd St. Fannie Mae Stewart Village	SF-3-NP to MF-2-CO-NP, CO to allow max 17 d.u./acre (11 units total)	11/10/2009: To grant MF-2-CO-NP as recommended	12/10/2009: To grant MF-2-CO-NP as recommended, Ord. No. 20091210-088

The subject property was rezoned from SF-3 to SF-3-NP through the Upper Boggy Creek Neighborhood Plan process in 2002.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 22nd Street	50'	28'	Residential collector	Yes, south side only	No	Route 20
Alamo Street	35'	24'	Local	No	No	Route 20

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all

development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.
SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
Compatibility Standards
SP 4. A portion of the site is within a Capitol View Corridor. This may affect building height and other design features. A separate application will be required upon submittal of site plans.
SP 5. The site is subject to compatibility standards along the north, east and south property lines

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

TRANSPORTATION

TR1. Alamo Street requires 50 feet of right-of-way in accordance with the TCM. 25 feet of right-of-way should be dedicated from the centerline of Alamo Street prior to 3rd reading of City Council in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12.

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 22nd Street	50'	28'	Residential collector	Yes, south side only	No	Route 20
Alamo Street	35'	24'	Local	No	No	Route 20

WATER UTILITY

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility

for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Exhibit
C. SMART Housing Letter
D. Draft Private Restrictive Covenant
E. Correspondence

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

Zoning Case

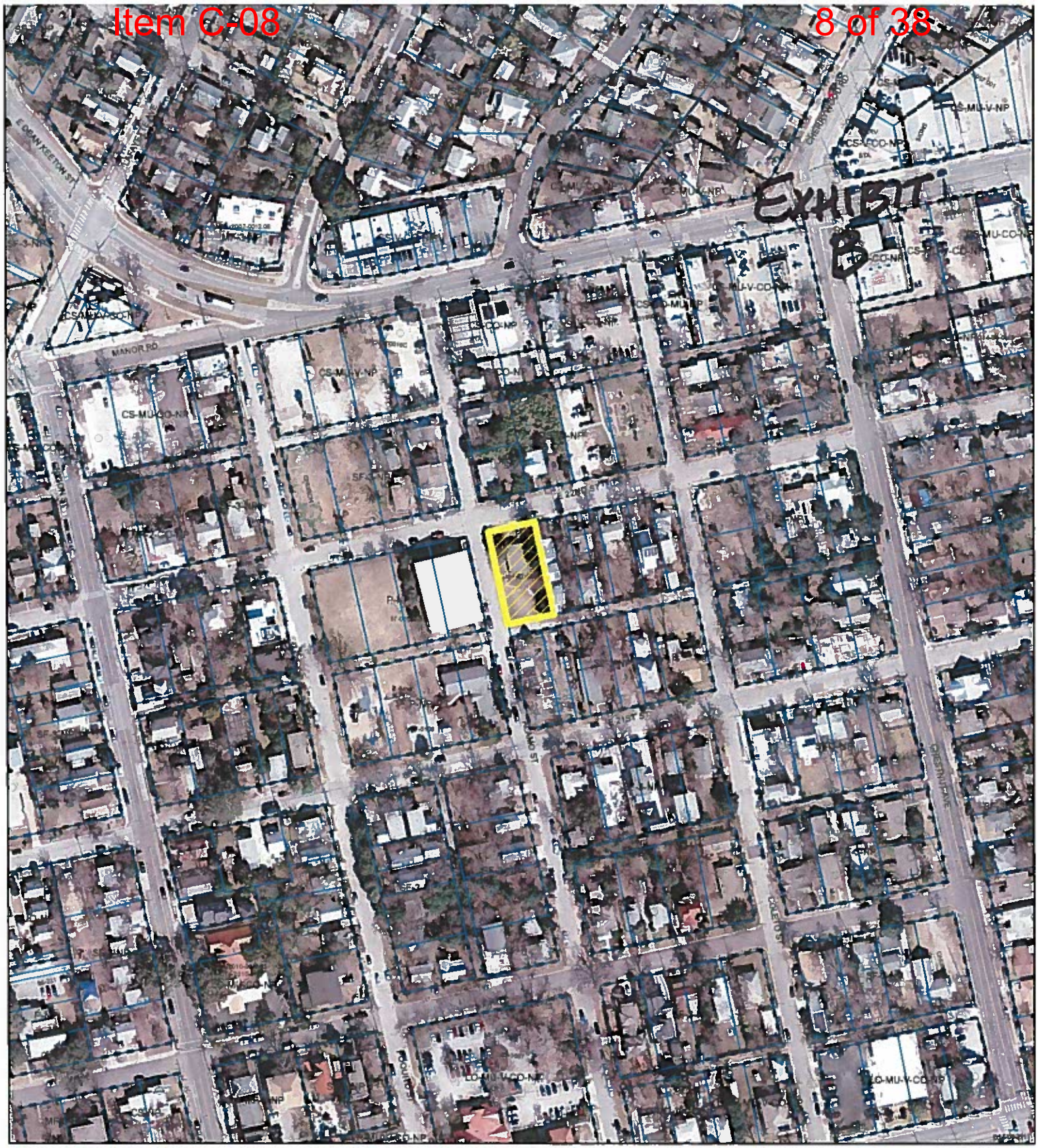
C14-2018-0100.SH

1 " = 200 '

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.

CITY OF AUSTIN FOUNDED 1839



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

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ZONING

ZONING CASE#: C14-2018-0100.SH

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CITY OF AUSTIN FOUNDED 1839

Created: 12/27/2018

City of Austin

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

EXHIBIT C

Neighborhood Housing and Community Development Department

August 15, 2018

S.M.A.R.T. Housing- Certification
Anmol Mehra – 2107 Alamo (Project ID #606)

TO WHOM IT MAY CONCERN:

Anmol Mehra (development contact: Glen Coleman; Phone 512.407.9357 or by email glen@southlano.com) has submitted a S.M.A.R.T. Housing application for the construction of 5 2-3 bedroom townhomes at 2107 Alamo Street, Austin TX 78722. The applicant has agreed to a 99 minimum year affordability period, for one of the units, after issuance of a certificate of occupancy.

The applicant has submitted evidence that they have received approval from the Blackland Community Development Corporation and the Blackland Neighborhood Association supporting the zoning change from SF-3 to MF-4 and development of the project.

NHCD certifies that the proposed development will meet the S.M.A.R.T. Housing standards at the pre-submittal stage. This development will provide **20% of the units (1 unit)** to households at or below **60%** Median Family Income (MFI) for **99 years**. Since the project is within the Urban Roadways boundary and the affordable unit will be transferred to the Blackland Community Development Corporation (a non-profit affordable housing provider) for the 99-year affordability term, the development will be eligible for **100%** waiver of all fees listed in the City of Austin's Land Development Code, Chapter 25-1-704, as amended. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Site Plan Review	Land Status Determination
Building Permit	Misc. Site Plan Fee	Building Plan Review
Concrete Permit	Construction Inspection	Parkland Dedication (*by separate ordinance*)
Electrical Permit	Subdivision Plan Review	
Mechanical Permit	Misc. Subdivision Fee	
Plumbing Permit	Zoning Verification	

Prior to issuance of building permits and starting construction, the developer must:

- Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or greenbuilding@austinenergy.com).
- Submit plans demonstrating compliance with the required accessibility or visitability standards.

Before a Certificate of Occupancy will be granted, 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).
- Pass a final inspection to certify that accessibility standards have been met.
- An administrative hold will be placed on the certificate of occupancy, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced

through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

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 by phone 512.974.3128 or by email at Sandra.harkins@austintexas.gov if you need additional information.

Sincerely,

Sandra Harkins, Project Coordinator
Neighborhood Housing and Community Development

Cc: Rosa Gonzales, AE
Jonathan Orenstein, AWU
Mashell Smith, ORS
Gina Copic, NHCD
Marilyn Lamensdorf, PARD
Ellis Morgan, NHCD
Melanie Montez, ORS

EXHIBIT D

When Recorded Return To:
Taylor & Coughlin, PLLC
800 Rio Grande Street
Austin, Texas 78701

DRAFT

RESTRICTIVE COVENANT

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This Restrictive Covenant (this "**Restrictive Covenant**") is executed this 24th day of July, 2018 (hereinafter, the "**Effective Date**"), by Anmol Mehra, whose address is 79 Chandler Street, #9, Boston, MA 02116 ("**Owner**").

RECITALS

A. Owner is the owner of the real property located in Travis County, Texas described on Exhibit A attached hereto (the "**Property**").

B. In connection with the re-zoning of the Property from SF3 to MF4 pursuant to City of Austin Case C14-2018-000XX.SH (the "**Re-Zoning**"), Owner desires to restrict the use of the Property, subject to the terms and conditions of this Restrictive Covenant.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby declared that the Property be subject to the following covenants, conditions and restrictions which shall run with the land and shall be binding upon the owners of the Property or any part, their heirs, successors, and assigns and shall inure to the benefit of and be enforceable by the Blackland Community Development Corporation, an incorporated neighborhood nonprofit of the City of Austin, for a period of ninety-nine (99) years commencing on the date that the Re-Zoning is approved by the City Council of Austin (the "**Restriction Period**"). Each contract, deed or conveyance of any kind conveying all or a portion of the Property will conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not they are set out in full or by reference in said contract, deed or conveyance. Owner reserves any use of, or activity on, the Property that is not inconsistent with the purpose of this Restrictive Covenant and that is not prohibited herein.

1. DEFINITIONS. In addition to words and phrases defined elsewhere in this Restrictive Covenant, the following words when used in this Restrictive Covenant shall have the following meanings:

a. "Owners". The term "Owner" means, individually, and the term "Owners" means, collectively, Owner and all future owners of the fee interest or any portion of the Property (whether such fee interest is obtained through a purchase from Owner or through a purchase at a foreclosure sale or trustee's sale or through a deed in lieu of foreclosure) and their successors and assigns.

2. RESTRICTIONS.

a. The roof of the structure shall not exceed 30 feet in height, as determined in accordance with the City of Austin Code.

b. The units shall vary in color.

c. Site will meet or exceed all City requirements for onsite parking.

d. The façade of each unit shall be articulated with distinctions made between adjacent units.

e. At least one additional unit, approximately 20% of the overall project, will be housing affordable to a household at or below 60% of the average family income for the applicable Standard Metropolitan Statistical Area as calculated and adjusted for household size from time-to-time by the U.S. Department of Housing and Urban Development ("HUD") or any successor, for 99 years, for sale or lease; and Blackland Community Development Corporation will be given priority in the purchase or management of those units, pursuant to a separate agreement between Owner and Blackland Community Development Corporation

3. DURATION. Unless modified, amended, or terminated in accordance with Paragraph 4, this Restrictive Covenant remains in effect for 99 years

4. TERMINATION. If (i) the City Council of Austin denies the Re-Zoning, or any part thereof, (ii) the Re-Zoning is repealed or overturned by the City Council, (iii) the applications for Re-Zoning are withdrawn or indefinitely postponed, or (iv) the Restriction Period ends, this Restrictive Covenant shall automatically terminate and the then current Owners of the Property may unilaterally record a termination of Restrictive Covenant in the Official Public Records of Travis County, Texas.

5. MODIFICTION AND AMENDMENT. This Restrictive Covenant cannot be amended or modified, in whole or in part, as to any portion of the Property except pursuant to a written agreement recorded in the Official Public Records of Travis County, Texas and executed by sixty-seven percent (67%) of the then current Owners of the Property and by the Blackland Community Development Corporation. The parties agree to sign any amendment to the Restrictive Covenant that is reasonably required as a condition for financing the construction of the affordable units.

6. APPLICABLE LAW. This Restrictive Covenant and all rights and obligations created hereby will be governed by the laws of the State of Texas. If any provision of this Restrictive Covenant is found to be in violation or conflict with applicable law, then said provision(s) shall be amended only to the extent necessary to comply with the applicable law but shall otherwise remain in full force and effect. In the event of a dispute as to the interpretation of any of the terms hereof, the common law rule of construction against the drafting party shall not apply.

7. ENFORCEMENT. The Blackland Community Development Corporation, on behalf of themselves and their successors and assigns, agrees that a suit for actual damages proximately caused any violation of this Restrictive Covenant shall be the sole and exclusive remedy in the event of a violation of this Restrictive Covenant and hereby waives, on behalf of themselves and their successors and assigns, any right in law or in equity to seek any other remedies including but not limited to specific performance, injunctive relief and statutory damages. Prior to filing a claim for violation of this Restrictive Covenant, the Blackland Community Development Corporation must provide Owners and, if applicable, Owners' tenants with written notice of the alleged violation. Owners or, if applicable, Owners' tenants, shall have a reasonable period of time, not to exceed thirty (30) days from the date of receiving initial notice of such violation (or if such violation cannot be cured within thirty (30) days, then as long as reasonably necessary, if agreed to by the parties, mutually) in which to cure the alleged violation, during which period, if Owners (or Owners' tenants) timely commences the cure and is using best efforts to expeditiously cure the violation, the Blackland Community Development Corporation shall not proceed with filing suit against Owners or Owners' tenants. If the default is not cured within the thirty (30) day cure period, or extended period, as mutually agreed by the parties, or if Owners (or Owners' tenants) have exhausted a negotiated resolution option within that

period, then the Blackland Community Development Corporation may file suit. The prevailing party in any litigation hereunder shall be entitled to necessary and reasonable attorneys' fees and court costs actually incurred in the enforcement or defense of this Restrictive Covenant.

8. NO THIRD PARTY BENEFICIARIES. This Restrictive Covenant does not and is not intended to confer any rights or remedies upon any person or entity other than the Blackland Community Development Corporation.

[Remainder of Document Left Blank; Signature Page Follows]

EXECUTED as of the Effective Date first written above.

OWNER

Anmol Mehra,

79 Chandler Street, #9

Boston, MA 02116

THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This instrument was acknowledged before me on July 24th 2018, by Anmol Mehra, 79 Chandler Street, #9, Boston, MA 02116.

Notary Public in and for the State of Texas

[Seal]

Notary ID# 13000628-7

My Commission expires: 10/27/18

TIVA LEWIS
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 10/27/2018
NOTARY ID 13000628-7

Blackland Community Development Corporation,

a Texas incorporated organization.

By: _____

Name: Bo McCarver

Title: Chair

THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This instrument was acknowledged before me on July 24, 2018, by Bo McCarver, Chair of the Blackland Community Development Corporation, a Texas incorporated organization.

_____

Notary Public in and for the State of Texas

[Seal]

Notary ID# 130006287

My Commission expires: 10/27/18

TIVA LEWIS
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 10/27/2018
NOTARY ID 13000628-7

August 2, 2018

EXHIBIT E

The Honorable Greg Guernsey
Director, City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Dear Director Guernsey;

On behalf of my client, Anmol Mehra, I am filing the attached zoning application requesting an upzoning of 2107 Alamo Street from SF-3-NP to MF-4-CO-NP-SH. My client wishes to construct five family-centric units, townhome style but individually articulated, on this property and MF-4 is the only zoning category at this time which will permit the setbacks required for this to occur. The conditional overlay reflects a request by the neighborhood and adjacent neighbor to limit the height to thirty feet.

Please see the attached S.M.A.R.T. housing letter placing the project in the City's affordable housing program. It is our intention upon completion of this project to deliver one of the five units to the Blackland Community Development Corporation (Blackland CDC) on terms that will allow them to make the unit available at 60% MFI for up to 99 years. These terms are secured under a private restrictive covenant which I have attached with this application.

In addition, please see the attached written endorsements for this project from the Blackland CDC, the Blackland Neighborhood Association, and the Upper Boggy Creek Neighborhood Contact Team.

We hope that you and your staff will join this community in setting aside outdated land use expectations and moving resolutely to address the rise of local housing costs and the decline of elementary school enrollments.

As always, we thank you and your staff for your dedication;

Sincerely,

- glen coleman

Glen Coleman

512 407-9357

Blackland Community Development Corporation

The Dream starts here...

July 16, 2018
1902 East 22nd Street
Austin, Texas 78722

Mr. Anmol Mehra
79 Chandler Street #9
Boston MA 02116

Dear Mr. Methra:

This communication is to document the endorsement of the Blackland Community Development Corporation of your proposed project at 2107 Alamo Street. At our board meeting on March 6th, 2018 the project was vetted and received the unanimous vote of our members.

The board was impressed by the measures you took to satisfy the architectural concerns of Blackland residents and by the affordability of one of the five units for a low-income resident for 99 years.

We look forward to working with you and this project evolves.

Sincerely yours,

Bo McCarver, PhD, Chair
Blackland CDC

CC: BCDC Board Members

South Llano Strategies
PO Box 49444
Austin, TX 78765
www.southllano.com

Sandra Hawkins, Project Coordinator
Neighborhood Housing and Community Development
1000 E 11th Street, Suite 200
Austin, TX 78702

Re: S.M.A.R.T. Housing Application for 2107 Alamo

July 25, 2018

Dear Ms. Harkins,

On behalf of Anmol Mehra, owner, I am pleased to submit this SMART housing application for the above referenced address. This is an appropriate site for SMART housing – it is within walking distance to two frequent bus routes, the 20 and the 18, and the UT shuttle. It is also walking distance to UT itself (.6 miles). There are no floodplains, pipelines, or any other hazards nearby. The development will comply with all Green Building and visitability requirements.

Our project will have five attached single family townhomes. One of the units will be provided to the Blackland Community Development Corporation at terms allowing them to keep it affordable at 60% MFI for 99 years. We have a restricted covenant held by the Blackland Neighborhood Association guaranteeing the terms of affordability. Therefore, the project will have 20% affordability for 99 years.

The project will require a zoning change from SF-3-NP to MF-4. We have discussed the zoning change with the Blackland Neighborhood Association several times, and at the July 10, 2018 meeting the neighborhood voted to support the zoning change and the conditional overlay. Their support letter is attached. In addition, on July 23rd, the Upper Boggy Creek neighborhood contact team voted to support our project.

Thank you for your consideration,

Glen Coleman

cc: John Laycock

Amnol Mehra
79 Candler Street, #9
Boston, MA 02116

25 July 2018

Mr. Mehra,

On Monday, July 23rd, the 2107 Alamo Development Team presented to the Upper Boggy Creek (UBC) Neighborhood Plan Contact team, requesting support for a rezoning of the property at 2107 Alamo Street from SF-3 to MF-4 with a Restrictive Covenant (Attachment A). The presenters were John Laycock and Peter Quist of South Llano Strategies and Ryan Steglich of Steglich Consulting. Several members of the Blackland neighborhood were also in attendance.

The UBC Neighborhood Plan Contact Team understands that this zoning request will allow for five attached townhomes, one of which is to be conveyed to the Blackland Community Development Corporation (BCDC), who agree to maintain the property at or below 60% Average Family Income for a period lasting no less than ninety-nine years. The rezoning is to be accompanied by a restrictive covenant between yourself and the BCDC, which includes requirements for architecture and site design in addition to the terms of the above.

The Contact Team further understands that the Blackland Neighborhood Association will work with Council Member Ora Houston (District 1) to place a Conditional Overlay on the property, to include the same architecture and site design requirements as maintained in the restrictive covenant. The Blackland Neighborhood Association (BNA) supported the request on a vote of 18-14. BNA President Lottie Dailey was present and read a letter of support (Attachment B).

Based on the above understanding, the Contact Team voted 9-0 with one abstention to endorse the zoning changes and restrictive covenant for 2107 Alamo Street and support the Blackland Neighborhood Association's pursuit for a conditional overlay related to the architectural features of the property.

Very much yours,

DocuSigned by:
Isaiah Tibbs
16B7DCF6804F4A8...

Isaiah Tibbs, President
Upper Boggy Creek Neighborhood Plan Contact Team

Cc: Lottie Dailey, Blackland Neighborhood Association
Glen Coleman, South Llano Strategies
Ryan Steglich, Steglich Consulting

Chaffin, Heather

Subject: FW: 2107 Alamo Up-Zoning Request
Attachments: letter from Anmol[2].docx; jada response to Anmol[2].docx; protest points[4].docx; 2107 Alamo-Garrison-BNA EC[1].docx

From: Garrison, Jada
Sent: Tuesday, July 10, 2018 11:23 AM
To: jerry.rusthovern@austintexas.gov; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: FW: 2107 Alamo Up-Zoning Request

Hello,

I am forwarding this email as well as several related attachments at the request of Chris Hutchins from Council Member Houston's office so that you will have it as backup for the zoning case at 2107 Alamo Street. Please don't hesitate to contact me if you have any questions.

Thank you,

Jada Garrison
2103 East 22nd Street
512-632-1923 (cell)

From: Jada Garrison
Sent: Monday, July 9, 2018 1:48 PM
To: Hutchins, Christopher <CJ.Hutchins@austintexas.gov>
Cc:
Subject: 2107 Alamo Up-Zoning Request

This message is from Jada Garrison.

Dear Mr. Hutchins,

I understand from my neighbor Cathy Tucek that the two of you have been in touch regarding Anmol Mehra and his agent Glen Coleman's proposed zoning change from SF-3 to MF-4 for the property located at 2107 Alamo (formerly 2101 East 22nd Street). As the owners and residents of the property next door at 2103 East 22nd Street for the past 14 years, my husband Michael and I would like to share some information and thoughts with you on why we are opposed to this zoning change request. Unfortunately I cannot provide the attachments we have prepared via this website and I don't have your email address, but our objections can be summed up in three main points listed below (please forgive the all-capitals--I am cutting and pasting from another document not yelling). Additionally, we have made every good faith effort to respectfully communicate with both Mr. Mehra and Mr. Coleman, but they have not responded to any of our concerns since our last email exchange on May 27. In the mea ntime, they have sent a letter, apparently with updated information, to every other household in the Blackland Neighborhood without the courtesy of providing us a copy.

1. THE BNA SHOULD NOT VOTE FOR A ZONING CHANGE OF ANY EXISTING LOT IN THE BLACKLAND NEIGHBORHOOD WITHOUT A DIMENSIONED SITE PLAN SHOWING SIZES, SETBACKS, HEIGHTS, REQUIRED PARKING, IMPERVIOUS COVER, ETC.

Since agent Glen Coleman initially approached the neighborhood several months ago, we have been given different numbers of parking places (ranging from 5 to 10, now currently at 6), we have been told different sizes, heights and setbacks, and we have not been offered any sort of formal site plan as we have been given in every other instance when a developer has approached the BNA asking for support. A site plan should be submitted to the neighborhood association before we are asked to make a zoning change.

2. THE BNA SHOULD NOT VOTE FOR A MF-4 ZONING CHANGE FOR 2107 ALAMO BECAUSE IT SETS A MULTIFAMILY ZONING PRECEDENT FOR THE INNER STREETS OF THE BLACKLAND NEIGHBORHOOD. MF-4 ZONING DEGRADES THE SINGLE-FAMILY CHARACTER OF THE BLACKLAND NEIGHBORHOOD.

We are opposed to the re-zoning of 2107 Alamo from the current SF-3 NP to MF-4 because it is a spot zoning request that is out of character to the existing single-family detached housing lot typical of the inner streets of the Blackland Neighborhood and would set a larger density zoning precedent that if followed by subsequent developers would seriously degrade the single-family character of the Blackland Neighborhood. The MF-4 density and increase in impervious cover/storm water for the site is out of character with the neighborhood.

3. THE BNA SHOULD NOT VOTE FOR MF-ZONING FOR 2107 ALAMO BASED ON RESTRICTIVE COVENANTS OFFERED BY THE DEVELOPER SINCE THE COVENANTS ARE NOT ENFORCED BY THE CITY OF AUSTIN ZONING.

MF-4 zoning is defined by the City as MODERATE TO HIGH density intended for areas where apartments are desirable. According to the City of Austin Zoning Guide, MF-4 allows up to 60% building coverage, 70% imperious cover, a floor area ratio of .75 to 1, a maximum height of 60 feet, and a maximum unit per acre of 36-54 units per acre. This density is not in character with the single-family housing located along the inner streets of Blackland and would allow the developer to build (.22 acres x 54 units/acre =) 10+ units at a height of 3 stories. Restrictive Covenants promised by the developer to build less density than allowed by MF-4 zoning are not enforced by the City of Austin Zoning and would require a lengthy legal process through the courts at an expense not affordable to the neighborhood. If the developer flips the property, the new owner does not have to agree to the Restrictive Covenants.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Jada & Michael Garrison
2103 East 22nd Street
512-632-1923 (Jada cell)

From: Mehra, Anmol,

Date: Wednesday, May 16, 2018 at 5:23 PM
To: "Garrison, Jada"
Subject: 2107 Alamo

Dear Jada and Michael,
It was so nice meeting you last week in Austin - thanks so much for the beer and for taking the time to sit down with me. I am sorry it took me some time to email you - it's been pretty busy with end of year school/pre-graduation stuff.
But I wanted to send you the most recent rendering that shows the 6 parking spots. Obviously a lot is up in the air, but I believe parking on both the north and south sides of the lots will be most likely configuration. Please let me know if you need additional information.

I looked into the setbacks once again with Nisha. Please correct me if you believe otherwise, but if 2107 Alamo is anything higher more SF-3 then the East side of the lot that we share would need a 25-foot setback which is what the current plan MF plan is, and that would be the backyard forthe 5 units. We also re-looked at splitting the lot like the one around the corner, and confirmed that minimum lot size per split is 5750 sf, and so this lot isn't big enough to do that.

And I realized I misspoke for the internal configuration of the units, in the 1100 sf or so for each unit we are only going to be able to do 2 bedrooms and likely 2 bath because of the small footprint of each unit.

Please feel free to reach out to me if you have any additional questions or want to discuss the project further. I am hoping we can come to a mutually beneficial solution, and I do want to do what I can to have as little disruption to you as the neighbor, and to improve the overall neighborhood.

Thanks so much and best regards,
Anmol
1

Statement in Opposition to rezoning 2107 Alamo to MF-4 (by Michael Garrison, 2103 E. 22nd) Sent to the BNA, May 26, 2018

We remain strongly opposed to the re-zoning of 2107 Alamo from the current SF-3 NP to MF-4 because it is a spot zoning request that is out of character to the existing single-family detached housing lot typical of the inner streets of the Blackland neighborhood and would set a larger density zoning precedent that if followed by subsequent developer would seriously degrade the single-family character of Blackland.

MF-4 zoning is defined by the City as MODERATE to HIGH density intended for areas where apartments are desirable. According to the City of Austin Zoning Guide, MF-4 allows up to 60% building coverage, 70% imperious cover, a floor-to-area ratio of .75 to 1, a maximum height of 60 feet, and a maximum of 36 to 54 units per acre. This density is not in character with the single-family housing located along the inner streets of Blackland and would allow the developer to build (.22 acres x 54 units/acre) = 10 + units at a height of 3 stories. The Restrictive Covenants promised by the developer to build less density than allowed by MF-4 zoning is not enforced by the City because the city does not enforce the covenants. When covenants are between the developer and the neighborhood the courts are the resort for dispute resolution. A covenant between the developer and the city S.M.A.R.T program is part of the application process only for permit fee waivers and an expatiated review. A court judgement is required to enforce covenants between neighborhood associations and developers. If the covenants were challenged, this would require a lengthy legal process through the courts at an expense not affordable to the neighborhood. If the developer flips the property, the new owner does not have to agree to the Restrictive Covenants.

MF-2 zoning is defined by the City as intended for areas intended for apartments located near sing family areas and would allow (.22 acres x 23 units per acre =) 5+ units. So why is the developer asking for the denser MF-4 zoning and refuses to compromise to a less-dense zoning?

Under Draft 3 of CodeNext (Feb 2018 and the new COA Zoning Guide April 2018), the City of Austin proposed new zoning regulations, existing zoning remains largely the same as is in the city's core neighborhoods. Draft 3 focuses a lot of new development along our corridors and centers just as it was outlined in Imagine Austin. Plans for denser zoning categories inside neighborhoods have been removed from the plan.

The developer has expressed a willingness to offer 1 affordable housing unit as part of his proposed S.M.A.R.T. Housing policy through the Austin Neighborhood Housing and Community Development Department. This process allows for permit fee waivers in exchange for SMART standards. However, this process requires the applicant to respond to the legitimate concerns of the neighborhood residents and be consistent with the existing Neighborhood Plan. The Upper Boggy Creek Neighborhood Plan (2002) states, "The existing, single family character of the Blackland Neighborhood should be preserved to the greatest extent possible." In the neighborhood plan new multi-family mixed use housing with a percentage of affordable housing is encouraged to be located along the core transit corridors of Manor Road and MLK. With a valid petition of neighbors within 200 feet of the 2107 Alamo against rezoning, it would an open question as to if the property would qualify for the SMART housing program.

Thanks to the Backland Community Development Corporation, our small neighborhood has 48 affordable housing units. And as MXU zoning are being approved on the core transit corridors bordering the neighborhood along Manor Road and MLK, the neighborhood will add new affordable housing units in the near future. The Blackland neighborhood already has a significant amount of affordable housing and enjoys a healthy mix of diversity. The developer is offering only one additional affordable housing unit in exchange

for neighborhood support for MF-4 re-zoning. The addition of only one new affordable housing unit is not in our opinion worth the risk of degrading the single-family character of the entire Blackland neighborhood which may happen if the precedent of re-zoning SF parcels to MF became the norm. The City of Austin zoning guide states that granting of a zoning request should not grant a special privilege to an individual owner; the request should not result in spot zoning nor should rezoning result in equal treatment of similarly situated properties.

There is no assurance that the proposed 2107 Alamo project will actually get built, and since the zoning runs with the property and not the project, we could be stuck with much denser zoning without the project we thought we might be getting. Since MF-4 is so much denser than the surrounding neighborhood SF-3 lots, it could potentially have a negative impact on the character of the area if, after the MF-4 zoning was granted, an apartment developer came in and developed a greater density of 54 units per acre as allowed in MF-4 zoning. A rollback to the original SF-3 zoning must be required if this particular project is not built, but that would require us to go back through the zoning process. The developer has offered restrictive covenants to assure the neighborhood against a more massive development. However most restrictive covenants cannot be part of the conditions set in the re-zoning. Restrictive covenants usually are between neighbors and a developer. However, since covenants are between a developer and other private parties, the City does not enforce them. If the developer fails to live up to the covenant agreements, the only recourse the other party would have is to sue in court. This is an expensive and time-consuming ordeal with no assurance that the restrictions will be enforced in the end.

Impervious Cover.
A change from SF-3 to MF-4 increases not only the number of units built but also the amount of imperious cover allowed. The City recently released a report that indicates that to take care of the storm water runoff from existing development, we need over $800 million in drainage improvements to our urban watershed over the next 40 years. The current SF-3 NP zoning of the 2107 Alamo site allows only a maximum of 45% impervious cover. MF-4 allows for up to 70% imperious cover. Since 2107 Alamo is located at the top of a hill, downhill sites could see an increase in flooding. Flooding problems during heavy downpours already exist at Poquito and East 22nd Streets. If MF-4 zoning became commonplace in Blackland, it is doubtful the existing storm sewer infrastructure would not have to be significantly upgraded.

Parking
The City of Austin Zoning Guide requires three-bedroom MF units require 2 ½ parking spaces per unit and two-bedroom MF units 2 parking spaces per unit. The developer has quoted an ever-changing number of bedrooms per unit and an ever-changing number of off-street parking spaces that will be provided ranging from 5 total spaces to 10. Since their most recent proposal of six total off street spaces is well below the current City of Austin Zoning Guide, there would likely be a significant parking problem along Alamo and 22nd Streets, which are already heavily used by Alamo Park Rec Center and Manor Road restaurant patrons.

Garrison, Jada
Date: Sunday, May 27, 2018 at 2:42 PM
To: "Mehra, Anmol"
Subject: Re: 2107 Alamo

Dear Anmol,
Thank you for visiting with us about your plans for the property at 2107 Alamo. After speaking with you and reviewing your follow-up email, we have come away with no alleviation of our concerns. Our greatest concern remains the drastic increase from SF-3 NP to MF-4 zoning, which is prescribed for areas in which moderate to high density multifamily is desired. The formally adopted plan for the Blackland sub-district of the Upper Boggy Creek Neighborhood Plan calls for single-family use in the inner streets of the neighborhood. We don't want to see a MF-4 project next to us or anywhere else within the inner Blackland neighborhood. We share your desire to see increased density in Central Austin, and we do support multi-family zoning on the main transit corridors. We also fully support affordable housing initiatives, but we do not believe that the drastic zoning increase and the precedent it would set for our small, primarily single-family neighborhood is worth it to get the one additional affordable unit you are proposing.

Blackland currently has 48 affordable units and already there are more on the way. If you intend to apply for S.M.A.R.T. Housing through the Austin Neighborhood Housing and Community Development Department, the process requires the applicant to respond to the legitimate concerns of the neighborhood residents and be consistent with the existing Neighborhood Plan. As we noted above, the Upper Boggy Creek Neighborhood Plan (2002) states, "The existing, single family character of the Blackland Neighborhood should be preserved to the greatest extent possible." With that being said, we are also concerned that you are asking for support when the plans continue to change. We were initially told you were planning 1,400-SF, 3-bedroom units in order to attract families. However, you now tell us you are planning 1,100-SF, 2-bedroom units. Since your agent Glen Coleman initially approached the Blackland Neighborhood Association (BNA) several months ago, we have been given different numbers of parking places (ranging from 5 to 10, now currently at 6), we have been told different sizes, heights and setbacks, and we have not been offered any sort of formal site plan as we have been given in every other instance when a developer has approached the BNA asking for support. More specifically our concerns for your plan under MF-4 include:

Impervious Cover: A change from SF-3 to MF-4 increases not only the number of units that can be built but also the amount of imperious cover allowed. The current SF-3 NP zoning of the 2107 Alamo site allows a maximum of 45% impervious cover.MF-4 allows for up to 70% impervious cover. Since 2107 Alamo is located at the top of a hill, downhill sites could see an increase in flooding. Flooding problems during heavy downpours already exist at Poquito and East 22nd Streets. If MF-4 zoning became commonplace in Blackland, it is doubtful the existing storm sewer infrastructure would not have to be significantly upgraded. Utilizing a cable roof front façade and a hip roof at the rear of the units would divert storm drainage flow to the rear of the unit and reduce possible storm flooding on Alamo and to downhill siteş.

Parking: The City of Austin Zoning Guide requires three-bedroom MF units require 2 ó off-street parking spaces per unit and two-bedroom MF units 2 spaces per unit. If you do intend to build five, two-bedroom units, there should be a minimum of 10 off-street spaces, which is the number we were first quoted. You have since indicated you are planning for six off-street spaces, which would exacerbate the parking problem along Alamo and 22nd Streets, which are already heavily used by Alamo Park Rec Center and Manor Road restaurant patrons.

Again, we remain strongly opposed to the re-zoning of 2107 Alamo from the current SF-3 NP to MF-4 because it is a spot zoning request that is out of character to the existing single-family detached housing lot typical of the inner streets of Blackland and would set a larger density zoning precedent that if followed by subsequent developers would seriously degrade the single-family character of the neighborhood. You and your agents have said that the location of the lot across from Alamo Park makes it a special situation that would make the higher zoning acceptable. We disagree—every side of the existing Alamo Park is faced by SF3-NP housing units.

Thank you again for considering our concerns. Good neighbors make great neighborhoods.

Best,
Michael and Jada Garrison, 2103 East 22nd Stree

Blackland Neighborhood Association
1902 East 22nd Street
Austin, TX 78722

September 4, 2018

Council Member Ora Houston
City of Austin
301 W 2nd St
Austin, Texas 78701

Dear Council Member Houston:

We appreciate your service to the Blackland Neighborhood Association in District 1.

At our July 10th meeting, the Blackland Neighborhood Association (BNA) voted in a close vote of 18-14 (with one abstention) to endorse a zoning change from SF-3 to MF-4 at the project at 2107 Alamo Street, allowing for four market rate units and one affordable unit. The majority vote supported the requested zoning and a restrictive covenant limiting height, some architectural features, and specifying the affordability of the fifth unit. The restrictive covenant was offered by the developer, Anmol Mehra.

We also passed a motion unanimously and verbally requested that the Blackland Community Development Corporation (BCDC) be named as the keeper of this restrictive covenant (RC) in place of the BNA. They did so.
BNA also voted to pursue requesting a Conditional Overlay for the property. The BNA Land Use Committee has worked through your office with Christopher Hutchins to create a Conditional Overlay with the following six specifications:

1. Height maximum: 30 feet
2. Building Coverage Area maximum: 0.4
3. Impervious Cover maximum: 0.55
4. Alternative Compliance for onsite drainage detention to include French drains and rain garden(s).
5. Limit the maximum number of units to 5.
6. Sidewall Articulation, per Residential Design and Compatibility Standards.

Christopher Hutchins contacted the developer through his representative, Glen Coleman, and later informed us that he had received no response.

Now that the developer has requested a zoning change, the BNA asks that you pursue this Conditional Overlay for the property at 2107 Alamo Street on our behalf, please.

Thank you,

Lottie Dailey
President, LottieADailey@gmail.com

cc: Glenn Coleman, Anmol Mehra

Blackland Neighborhood Meeting: Tuesday, July 10, 2018 6:00 PM
Fannie Mae Stewart Conservatory 1902 East 22nd St. Austin, TX 78722

We, as members of the Blackland Neighborhood affected by the requested zoning change at 2107 Alamo, from single-family SF-3 to multi-family MF-4, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than its existing single-family use. We are opposed to this zoning change for three primary reasons including:

1. THE BNA SHOULD NOT VOTE FOR A ZONING CHANGE OF ANY EXISTING LOT IN THE BLACKLAND NEIGHBORHOOD WITHOUT A DIMENSIONED SITE PLAN SHOWING SIZES, SETBACKS, HEIGHTS, REQUIRED PARKING, IMPERVIOUS COVER, ETC.

Since agent Glen Coleman initially approached the neighborhood several months ago, we have been given different numbers of parking places (ranging from 5 to 10, now currently at 6), we have been told different sizes, heights and setbacks, and we have not been offered any sort of formal site plan as we have been given in every other instance when a developer has approached the BNA asking for support. A site plan should be submitted to the neighborhood association before we are asked to make a zoning change.

2. THE BNA SHOULD NOT VOTE FOR A MF-4 ZONING CHANGE FOR 2107 ALAMO BECAUSE IT SETS A MULTIFAMILY ZONING PRECEDENT FOR THE INNER STREETS OF THE BLACKLAND NEIGHBORHOOD. MF-4 ZONING DEGRADES THE SINGLE-FAMILY CHARACTER OF THE BLACKLAND NEIGHBORHOOD.

We are opposed to the re-zoning of 2107 Alamo from the current SF-3 NP to MF-4 because it is a spot zoning request that is out of character to the existing single-family detached housing lot typical of the inner streets of the Blackland Neighborhood and would set a larger density zoning precedent that if followed by subsequent developers would seriously degrade the single-family character of the Blackland Neighborhood. The MF-4 density and increase in impervious cover/storm water for the site is out of character with the neighborhood.

3. THE BNA SHOULD NOT VOTE FOR MF-ZONING FOR 2107 ALAMO BASED ON RESTRICTIVE COVENANTS OFFERED BY THE DEVELOPER SINCE THE COVENANTS ARE NOT ENFORCED BY THE CITY OF AUSTIN ZONING.

MF-4 zoning is defined by the City as MODERATE TO HIGH density intended for areas where apartments are desirable. According to the City of Austin Zoning Guide, MF-4 allows up to 60% building coverage, 70% imperious cover, a floor area ratio of .75 to 1, a maximum height of 60 feet, and a maximum unit per acre of 36-54 units per acre. This density is not in character with the single-family housing located along the inner streets of Blackland and would allow the developer to build (.22 acres x 54 units/acre =) 10+ units at a height of 3 stories. Restrictive Covenants promised by the developer to build less density than allowed by MF-4 zoning are not enforced by the City of Austin Zoning and would require a lengthy legal process through the courts at an expense not affordable to the neighborhood. If the developer flips the property, the new owner does not have to agree to the Restrictive Covenants.

Statement in Opposition to rezoning 2107 Alamo to MF-4 (by Michael Garrison, 2103 E. 22nd) Sent to the BNA, May 26, 2018

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MF-2 zoning is defined by the City as intended for areas intended for apartments located near sing family areas and would allow (.22 acres x 23 units per acre =) 5+ units. So why is the developer asking for the denser MF-4 zoning and refuses to compromise to a less-dense zoning?

Under Draft 3 of CodeNext (Feb 2018 and the new COA Zoning Guide April 2018), the City of Austin proposed new zoning regulations, existing zoning remains largely the same as is in the city's core neighborhoods. Draft 3 focuses a lot of new development along our corridors and centers just as it was outlined in Imagine Austin. Plans for denser zoning categories inside neighborhoods have been removed from the plan.

The developer has expressed a willingness to offer 1 affordable housing unit as part of his proposed S.M.A.R.T. Housing policy through the Austin Neighborhood Housing and Community Development Department. This process allows for permit fee waivers in exchange for SMART standards. However, this process requires the applicant to respond to the legitimate concerns of the neighborhood residents and be consistent with the existing Neighborhood Plan. The Upper Boggy Creek Neighborhood Plan (2002) states, "The existing, single family character of the Blackland Neighborhood should be preserved to the greatest extent possible." In the neighborhood plan new multi-family mixed use housing with a percentage of affordable housing is encouraged to be located along the core transit corridors of Manor Road and MLK. With a valid petition of neighbors within 200 feet of the 2107 Alamo against rezoning, it would an open question as to if the property would qualify for the SMART housing program.

Thanks to the Backland Community Development Corporation, our small neighborhood has 48 affordable housing units. And as MXU zoning are being approved on the core transit corridors bordering the neighborhood along Manor Road and MLK, the neighborhood will add new affordable housing units in the near future. The Blackland neighborhood already has a significant amount of affordable housing and enjoys a healthy mix of diversity. The developer is offering only one additional affordable housing unit in exchange

for neighborhood support for MF-4 re-zoning. The addition of only one new affordable housing unit is not in our opinion worth the risk of degrading the single-family character of the entire Blackland neighborhood which may happen if the precedent of re-zoning SF parcels to MF became the norm. The City of Austin zoning guide states that granting of a zoning request should not grant a special privilege to an individual owner; the request should not result in spot zoning nor should rezoning result in equal treatment of similarly situated properties.

There is no assurance that the proposed 2107 Alamo project will actually get built, and since the zoning runs with the property and not the project, we could be stuck with much denser zoning without the project we thought we might be getting. Since MF-4 is so much denser than the surrounding neighborhood SF-3 lots, it could potentially have a negative impact on the character of the area if, after the MF-4 zoning was granted, an apartment developer came in and developed a greater density of 54 units per acre as allowed in MF-4 zoning. A rollback to the original SF-3 zoning must be required if this particular project is not built, but that would require us to go back through the zoning process. The developer has offered restrictive covenants to assure the neighborhood against a more massive development. However most restrictive covenants cannot be part of the conditions set in the re-zoning. Restrictive covenants usually are between neighbors and a developer. However, since covenants are between a developer and other private parties, the City does not enforce them. If the developer fails to live up to the covenant agreements, the only recourse the other party would have is to sue in court. This is an expensive and time-consuming ordeal with no assurance that the restrictions will be enforced in the end.

Impervious Cover.
A change from SF-3 to MF-4 increases not only the number of units built but also the amount of imperious cover allowed. The City recently released a report that indicates that to take care of the storm water runoff from existing development, we need over $800 million in drainage improvements to our urban watershed over the next 40 years. The current SF-3 NP zoning of the 2107 Alamo site allows only a maximum of 45% impervious cover. MF-4 allows for up to 70% imperious cover. Since 2107 Alamo is located at the top of a hill, downhill sites could see an increase in flooding. Flooding problems during heavy downpours already exist at Poquito and East 22nd Streets. If MF-4 zoning became commonplace in Blackland, it is doubtful the exisfing storm sewer infrastructure would not have to be significantly upgraded.

Parking
The City of Austin Zoning Guide requires three-bedroom MF units require 2 ½ parking spaces per unit and two-bedroom MF units 2 parking spaces per unit. The developer has quoted an ever-changing number of bedrooms per unit and an ever-changing number of off-street parking spaces that will be provided ranging from 5 total spaces to 10. Since their most recent proposal of six total off street spaces is well below the current City of Austin Zoning Guide, there would likely be a significant parking problem along Alamo and 22nd Streets, which are already heavily used by Alamo Park Rec Center and Manor Road restaurant patrons.

Chaffin, Heather

Subject: FW: 2107 Alamo Street; Case No. C14-2018-0100.SH

From: Kevin Denson
Sent: Wednesday, September 19, 2018 12:31 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: 2107 Alamo Street; Case No. C14-2018-0100.SH

Hello Heather,

As a homeowner in the Upper Boggy Creek neighborhood (specifically the Blackland neighborhood), I wish to convey my strong opposition to the rezoning of the referenced property from single family SF-3) to multifamily (MF-4). My concerns include the following:

- Our neighborhood is under enormous traffic and parking pressure due to commercial and multifamily land uses on the perimeter of the neighborhood. A multifamily designation in the interior of the neighborhood would certainly exacerbate the problem;
- A multifamily designation for this property would set a bad precedent and would very likely 'open the floodgates' for similar requests from other developers;
- I purposefully purchased my home back in 2004 because it is located in a single family neighborhood. It is not reasonable that the nature of the entire neighborhood be changed for the sole benefit of one property.

I would be happy to further discuss or answer any questions you may have. Please do me a favor and confirm your receipt of this email. Thanks!

Kevin Denson
2209 East 22nd Street
512-659-3917

October 2, 2018

Blackland Neighborhood Association
1902 East 22nd Street
Austin, Texas 78722

Re: 2107 Alamo Street Conditional Overlay C14-2018-0100-SH

Dear Blackland Team,

I am writing in response to a letter to Council Member Ora Huston dated September 4th, and to recent conversations with community members surrounding the zoning case on 2107 Alamo.
To review, the applicant is seeking to re-zone the property from SF-3 to MF-4-CO to allow for the construction of five homes, one of which is to be placed at cost or lower in the custody of the Blackland Community Development Corporation.

A signed and filed restrictive covenant with the community accompanied this request. The covenant addressed three points:

1. One of the units was to be affordable
2. The height of the project would not exceed 30 feet
3. The number of units would not exceed five

During the discussion, community members also requested that these terms be incorporated into the Conditional Overlay already requested with the zoning case. "Better enforcement" was the reason stated.

The developer agreed. And still agrees. We agree to placing all conditions listed in the restrictive covenant in the Conditional Overlay. My notes also indicate a verbal commitment to explore rain gardens on site and to explore using captured water for the near-by community garden.

In reading your letter to Ms. Houston, I am alarmed to see some additional items requested in the conditional overlay. In reviewing your letter with our architect, I have learned that these new items are not consistent with MF-4 parameters, and if adopted would in all probability kill the project.

Respectfully, it is also unclear why these new items would be requested, or how they would assist the developer or the community in reaching their mutual goals.

As widely discussed and voted on by the neighborhood association, the Upper Boggy Creek Planning Team and board of the Blackland Community Development Corporation, the request is for MF-4 zoning. MF-4 is what is required to build the five units, and that is the entire point of the MF-4 zoning case.

I'm sure these additional items were not an attempt to undo the will of the community and prevent the developer from delivering on his commitments for affordable housing, but their purpose does remain somewhat unclear. Any project must meet all the laws and regulations of the City of Austin.

We have filed this zoning case with all of our agreements and obligations intact, just as we said we would.

The case will go to the Planning Commission in late October or early November.
If key individuals wish to request additional barriers to the project, they are certainly welcome to do so at the Planning Commission or at the City Council meeting.

We however, will not agree to any additional items with would undo our obligations to the Blackland community, the Blackland CDC or the Upper Boggy Creek Planning Team.
I remain available to discuss this project; and we are open to all further discussion with any neighbor, whether renter or home owner, or any member of the Black Land community.

I thank the Black Land leadership for their extensive time and effort on this item.

Sincerely,

Glen Coleman

512 407-9357

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/planning.

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: C14-2018-0100.SH
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jan 08, 2019, Planning Commission
Feb. 7, 2019, City Council

Tommy Vasconcu
Your Name (please print)

☐ **I am in favor**
☑ **I object**

2023 E 21st ST
Your address(es) affected by this application

Tony Vas
Signature *Date*

Daytime Telephone:

Comments: properties too small for that dense & family livin — neighborhood adversely affected.

BAD IDEA —

C4

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

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Case Number: C14-2018-0100.SH
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jan 08, 2019, Planning Commission
Feb. 7, 2019, City Council

Ora Houston
Your Name (please print)

☐ I am in favor
☑ I object

2207 E. 22nd St 78722
Your address(es) affected by this application

Ora Houston — 31 Dec. 2018
Signature — *Date*

Daytime Telephone: 512-472-2955

Comments: Neighborhood has tried to comply with neighborhood plan. The neighborhood is 4 x 8 blocks
1) Density on the corridors, Manor & MLK, Blvd.
2) East campus plan will construct 700 units or less
3) CSCorp has 49 income accessable units in the 4 x 8 area
4) Maintain single family in the interior
5) Narrow streets, IT employees, sports spectators, business on Manor & MLK Blvd park in the interior of the neighborhood
east of Chicon - Residential parking permit
West of Chicon - Residential parking only

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City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Item C-08
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Chaffin, Heather

Subject: FW: Case #C14-2018-0100.SH to MF-4-CO-NP

From: Austin Dennis
Sent: Thursday, January 31, 2019 9:13 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Re: Case #C14-2018-0100.SH to MF-4-CO-NP

Heather,

Please attach my comment below to the file for this case.

As a resident of the Blackland neighborhood, I would like to voice my support for this project. In the time that I've lived in Blackland, I've seen a lot of development as is the case all over East Austin. However, this development is different not just in its request for rezoning. It's different because the developer is willing to consider affordable housing and because they have taken every step possible to include the neighborhood in their plans from the beginning. The developer approached the neighborhood association about their plans as soon as they purchased the property, and they immediately started not only listening to neighborhood concerns but altering their building plans (height, facade, etc.) based on the neighborhood's feedback. Over the course of more than six months, the developer had a representative present at all of the neighborhood meetings. I have never seen a develop so readily alter their plans based on feedback and dialogue with the neighborhood. I'm also impressed that they have, from the beginning, kept a focus on making one of the units affordable as well as designing the units to be marketed toward families. As a parent of a young child, I am excited to see a developer consider the impact of their housing on the community within the neighborhood. I want more families to be able to live in Blackland and I'm hopeful that with more families in the neighborhood, Campbell Elementary can reverse it's declining enrollment so my son will be able to attend a neighborhood school.

I was present at the meeting where the neighborhood association voted to endorse the rezoning - I voted in favor of that endorsement - and I want to make sure I voice my strong support to this committee so that they understand the level of support that extends throughout the neighborhood for this project.

Sincerely,

Austin Dennis
2111 E 22nd St

Chaffin, Heather

Subject: FW: Case #C14-2018-0100.SH to MF-4-CO-NP.

From: Janet Ousley
Sent: Monday, January 21, 2019 1:33 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Jitu
Subject: Case #C14-2018-0100.SH to MF-4-CO-NP.

Hi Heather,

My husband and I are writing today as residents of Blackland neighborhood. We live at 2103 E 20th Street.

We attended some community meetings this summer about a rezoning project (Case Case #C14-2018-0100.SH to MF-4-CO-NP) proposed for the neighborhood and were very impressed with the developer's plans and willingness to work with the neighborhood and address our concerns. We have lived in other, higher density cities and feel that the plans we saw were a good way to create more space in East Austin while making sure that Blackland remains an attractive neighborhood that isn't overcrowded. We are also parents of a young child (not yet in school), and know that we need housing that is affordable enough to accommodate young families in the area if our local elementary school (Campbell) is to succeed. For these and other reasons, we wanted to voice our support of this project.

Thanks for your consideration, and please let me know if you need further information from us,

Janet Ousley and Jitu Sardar
2103 East 20th Street

Chaffin, Heather

Subject: FW: Case #C14-2018-0100.SH to MF-4-CO-NP

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