



**MEMORANDUM**

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TO:           Fayez Kazi, Chair  
              Planning Commission Members

FROM:       Heather Chaffin, Senior Planner  
              Planning and Zoning Department

DATE:       October 8, 2019

RE:          **C14-2019-0107.SH**  
              Diamond Forty-Two  
              Postponement Request by Applicant

\*\*\*\*\*

The Applicant requests a postponement of the above-referenced rezoning case from the October 8, 2019 Planning Commission hearing to the November 12, 2019 hearing date so they can continue working with the neighborhood.

**From:** Sally Gaskin  
**Sent:** Thursday, October 03, 2019 11:37 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Cc:** Megan Lasch  
**Subject:** RE: Zoning Case: C14-2019-0107.SH Jackie Robinson Street

Yes, thank you for the correction.

*Sally*  
713-882-3233

**From:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>  
**Sent:** Thursday, October 3, 2019 11:35 AM  
**To:** Sally Gaskin <  
**Cc:** Megan Lasch <  
**Subject:** RE: Zoning Case: C14-2019-0107.SH Jackie Robinson Street

There is no meeting on November 5<sup>th</sup>—would you like to postpone to November 12<sup>th</sup>?

**From:** Sally Gaskin  
**Sent:** Thursday, October 03, 2019 11:34 AM  
**To:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>  
**Cc:** Megan Lasch  
**Subject:** RE: Zoning Case: C14-2019-0107.SH Jackie Robinson Street

Heather,

After further internal discussions, we have decided to hold off on scheduling the PC meeting for the zoning case to allow time for meetings with the neighborhood to occur without the pressure of an imminent deadline. While we are confident that the issues can be satisfactorily addressed, we want to be considerate of the neighborhood process. Our goal is to be ready for the Nov 5 meeting, but will contact you to reschedule.

Also, per your suggestion, we will be present at the Oct 8 meeting in the event there are questions.

Thank you,  
*Sally*  
713-882-3233

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0107.SH – Diamond Forty-Two

DISTRICT: 1

ZONING FROM: SF-3-NP

TO: MF-2-NP

ADDRESSES: 5511, 5515, 5517, and 5519 Jackie Robinson Street

SITE AREA: 6.149 Acres

PROPERTY OWNER/APPLICANT: William Mosley

PROPERTY OWNER/APPLICANT: O-SDA Industries, LLC (Megan Lasch)

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

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property to MF-2-NP. For a summary of the basis of staff's recommendation, see case manager comments on page 2.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 8, 2019:

September 24, 2019: To grant postponement to October 8, 2019 as requested by Applicant, on consent (13-0). (13-0) [P. Seeger- 1<sup>st</sup>, J. Thompson- 2<sup>nd</sup>]

CITY COUNCIL ACTION:

October 17, 2019:

ORDINANCE NUMBER:

ISSUES:

The proposed rezoning is for a SMART Housing project that proposes 150 affordable multifamily units. 51 of the proposed units would be available at 50% or below Median Family Income (MFI), 78 units would be at or below 60% MFI, and 21 units would be at or below 80% MFI. *Please see Exhibit C – SMART Housing Letter.*

CASE MANAGER COMMENTS:

The proposed rezoning is for 6.149 acre property located on the south side of Jackie Robinson Street between Delano Street and Tannehill Lane. The property is currently zoned SF-3-NP and developed with a single family residence. Immediately to the west are lots zoned SF-3-NP and developed with single family residences. The single family neighborhood continues further to the north, west and south. North of the subject property, across Jackie Robinson Street, is property that was rezoned from SF-3-NP to SF-6-CO-NP in 2018. Also across the street is property zoned SF-3-NP that is developed with a single family residence. Immediately to the east of the property are lots zoned SF-3-NP that are developed with single family residences. Further east are lots zoned LR-NP and P-NP that contain the Travis County International Cemetery. East of the cemetery, across Axel Lane, are a mix of commercial, industrial and undeveloped parcels that transition toward Ed Bluestein Boulevard. The cemetery and single family neighborhood continue south of the subject tract. *Please see Exhibits A and B—Zoning Map and Aerial Exhibit.*

Staff supports the proposed rezoning from SF-3-NP to MF-2-NP. The property is located in an area that transitions from the single family neighborhood to the north, south and west to the mixed commercial/industrial area along Ed Bluestein Boulevard. The property across the street was granted SF-6-CO-NP zoning in 2018, with a cap of 62 dwelling units. The property is located in the MLK -183 Planning Area, which is covered by the East MLK Combined Neighborhood Plan. The future land use map (FLUM) for this area designates the property as mixed residential. Multifamily residential land use is appropriate for this FLUM designation and is an appropriate transition between the single family and commercial areas surrounding the property. The addition of 150 affordable residential units provide an opportunity for diverse housing types and levels of affordability in the area.

BASIS OF RECOMMENDATION:

1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.
2. Zoning changes should promote an orderly relationship among land uses.

The proposed rezoning is compatible with the single family and townhouse/condominium zoned areas to the west and north of the property, and to the larger single family lots to the south. It will result in a gradual transition from the rezoned property to these adjacent areas.

3. The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

The proposed rezoning is consistent with the East MLK Combined Neighborhood Plan, which calls for mixed residential housing on large vacant parcels on Jackie Robinson (Action 49), and a diversity of housing types located on infill sites. The addition of 150 affordable dwelling units meets City goals of increasing housing opportunities.

EXISTING ZONING AND LAND USES:

|       | ZONING              | LAND USES                              |
|-------|---------------------|--|
| Site  | SF-3-NP             | Single family residential              |
| North | SF-6-CO-NP, SF-3-NP | Undeveloped, Single family residential |
| South | SF-3-NP, P-NP       | Single family residential, Cemetery    |
| East  | LR-NP, P-NP         | Single family residential, Cemetery    |
| West  | SF-3-NP             | Single family residential              |

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP Area

SCHOOLS:

Norman Elementary School  
 Sadler Means Young Women's Leadership Academy  
 Garcia Young Men's Leadership Academy  
 LBJ High School

TIA: N/A

WATERSHED: Fort Branch

NEIGHBORHOOD ORGANIZATIONS:

|  |                                    |
|--|------------------------------------|
| Austin Heritage Tree Foundation            | Austin Independent School District |
| Austin Innercity Alliance                  | Austin Neighborhoods Council       |
| Bike Austin                                | Black Improvement Association      |
| Claim Your Destiny Foundation              | Del Valle Community Coalition      |
| East Austin Conservancy                    | East MLK Contact Team              |
| Friends of Austin Neighborhoods            | Friends of Northeast Austin        |
| FRS Property Owners Association            | Hog Pen NA                         |
| Homeless Neighborhood Association          | Jackie Robinson Acres              |
| Lincoln Garden Association                 | M.E.T.S.A. Neighborhood Assn       |
| Neighbors United for Progress              | Preservation Austin                |
| Reissig Group                              | Seltexas                           |
| Sierra Club Austin Regional Group          | Truman Heights Neighborhood Assn   |
| East MLK Combined Neighborhood Association |                                    |

AREA CASE HISTORIES:

| CITY FILE # /<br>NAME  | ZONING<br>FROM & TO | PLANNING<br>COMMISSION                            | CITY COUNCIL                             |
|--|---------------------|---|--|
| C14-2017-0097 Jackie Robinson Residential<br>1321 Delano St, 5600 Jackie Robinson Ln | SF-3-NP to SF-6-NP  | 01-23-2018 Apvd SF-6-CO-NP with max 62 du, NTA RC | 02-15-2018 Grant SF-6-CO-NP as rec by PC |
| C14-2015-0019 5306 Samuel Huston 5306 Samuel Huston Ave.                             | SF-3-NP to SF-6-NP  | 06-23-15- Denied Applicant's request              | 09-10-15- Withdrawn by Applicant         |

|  |  |   |   |
|--|--|---|---|
| NPA-2014-0015.01<br>City School (6005<br>Wilcab Road) 3608<br>Bluestein Dr | Amend East<br>MLK Combined<br>Neighborhood<br>Plan | Withdrawn by the<br>Applicant on 3-6-<br>2015 | Withdrawn by<br>Applicant on 03-06-<br>2015 |
| C14-2008-0154 3617<br>Axel Lane 3617 Axel<br>Lane                          | LI-NP to MF-6-<br>NP                               | 05-12-09- Apvd<br>MF-1-NP                     | 06-18-09- Denied<br>zoning change to<br>MF  |

**EXISTING STREET CHARACTERISTICS:**

| Name                      | ROW | Pavement | Classification | Sidewalks     | Bicycle<br>Route | Capital<br>Metro<br>(within ¼<br>mile) |
|---------------------------|-----|----------|----------------|---------------|------------------|--|
| Jackie<br>Robinson<br>St. | 36' | 27'      | ASMP level 2   | On south side | No               | Yes                                    |

**OTHER STAFF COMMENTS:****COMPREHNSIVE PLANNING:**

The property is located within the boundaries of the East MLK Combined Neighborhood Planning Area (Fort Branch section), in the MLK-183 Neighborhood Planning Area.

Connectivity- The Walkscore for this area is 22/100, Car Dependent, meaning almost all errands require a car. Public sidewalks are located along both sides of Jackie Robinson Street. Cap Metro transit stops are located directly in front of the subject property and across the street. There are no bike lanes or urban trails located within a quarter of a mile of this site. The mobility options in this area are good, while local neighborhood goods and services in the area are lacking.

East MLK Combined Neighborhood Plan (EMLKCNP)- The EMLKCNP Future Land Use Map (FLUM) designates this portion of the planning area as 'Mixed Residential.' Zone MF-2 is permitted under the Mixed Residential FLUM category. This category supports a variety of different housing types in one area, including single-family residential, townhouses, duplexes, and apartments. Single-family residential should comprise approximately half of a mixed residential area. The following East MLK Plan policies and text are applicable to this request, including text and recommendation taken from the East MLK voluntary design guidelines:

-Ensure compatibility and encourage adjacent land uses to complement each other. The Guidelines may indicate a neighborhood's preference for increasing or decreasing the occurrence of certain types of land uses. Creating easily accessible areas of mixed-use and neighborhood-oriented services can also minimize the need for residents to travel by car to get goods and services needed on a day-to-day basis.

**OBJECTIVE 2:** Design multi-family residential projects to be compatible with adjacent single-family areas.

☐ Guideline 2.1: Multi-family buildings less than 100 feet in width on any street-facing side are more in keeping with the scale of the neighborhood. Building facades that express the interior organization of suites or structural bays relate better to the scale of single-family houses.

☐ Guideline 2.2: Multi-family buildings should have the same relationship to the street as single family houses. Landscaped front yards with porches or balconies and a walkway connecting the building to the street sidewalk.

#### ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch 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. At this time, site specific information is unavailable regarding 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

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP5.

SP5. The site is subject to compatibility standards due to adjacency of SF-3-NP zoning to the east and west and proximity of SF-3-NP zoning to the north and south. The following standards

apply:

☐ No structure may be built within 25 feet of the property line to the east or west.

☐ 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 to the east or west.

☐ Landscaping or screening is required along the east and west property lines in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) 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 zoned SF-5 or more restrictive.

☐ For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

#### TRANSPORTATION

TR1. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 70 feet of right-of-way for Jackie Robinson Street. Additional right-of-way shall be required at the time of subdivision and/or site plan. The adjacent street characteristics table is provided below:

| Name                | ROW | Pavement | Classification | Sidewalks     | Bicycle Route | Capital Metro (within ¼ mile) |
|---------------------|-----|----------|----------------|---------------|---------------|-------------------------------|
| Jackie Robinson St. | 36' | 27'      | ASMP level 2   | On south side | No            | Yes                           |

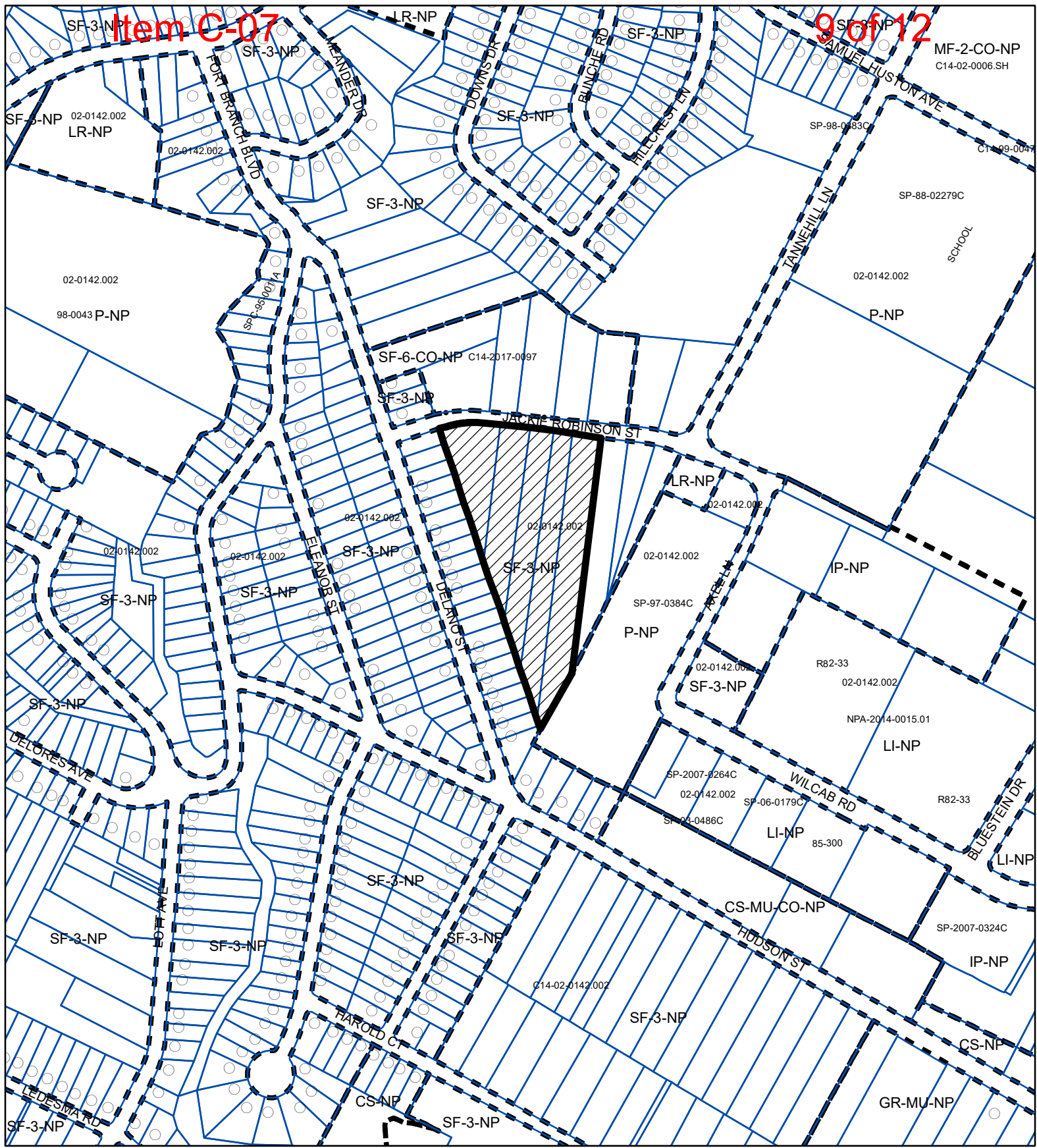
#### WATER UTILITY




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





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

ZONING CASE#: C14-2019-0107.SH

1" = 400'

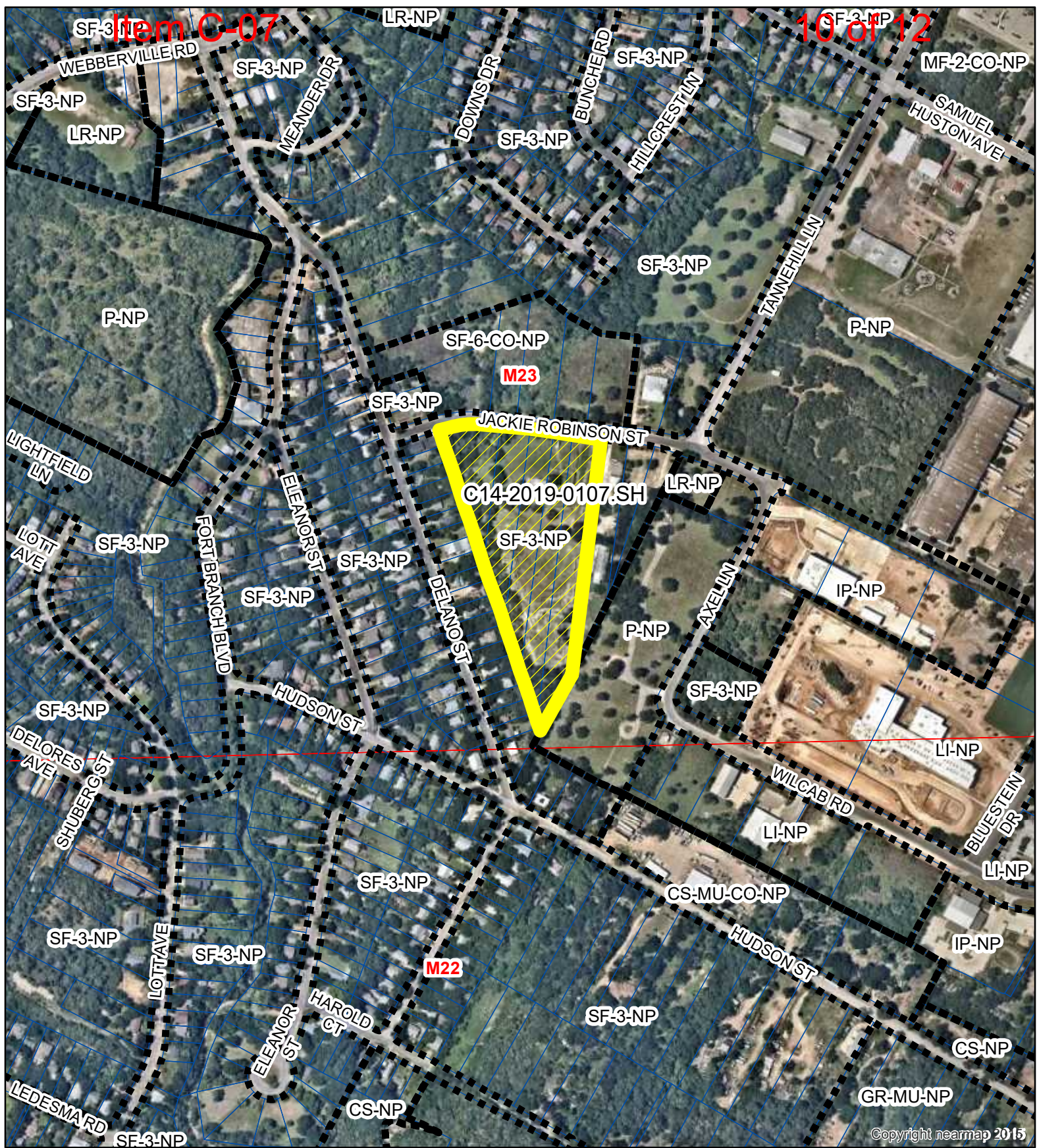
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Created: 8/7/2019









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1" = 400'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

**DIAMOND FORTY-TWO**

ZONING CASE#: C14-2019-0107.SH  
LOCATION: 5511-5519 JACKIE ROBINSON ST.  
SUBJECT AREA: 6.149 Acres  
GRID: M23  
MANAGER: Heather Chaffin



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department



July 31, 2019 (Revision to letter dated July 22, 2019)

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

Diamond Forty-Two, LLC – Diamond Forty-Two– 5517 Jackie Robinson Street (ID 666)

#### TO WHOM IT MAY CONCERN:

Diamond Forty-Two, LLC (development contact: Megan Lasch: 830-330-0762 (o); [megan@o-sda.com](mailto:megan@o-sda.com)) is planning to develop a 150 unit multi-family development named Diamond Forty-Two at 5517 Jackie Robinson Street, Austin TX 78721. The project will be subject to a minimum 5 year affordability period after issuance of a certificate of occupancy, unless funding requirements are longer.

This revision changes the unit income mix to the following: from 30% of the units (45) at 50% MFI, to 34% of the units (51) at 50% MFI, from 55% of the units (83) at 60% MFI, to 52% of the units (78) at 60% MFI and from 15% of the units (22) at 80% MFI to 14% of the units (21) at 80% MFI.

The applicant has submitted evidence that they have contacted the East MLK Combined Neighborhood Plan Contact Team. The applicant provided documentation where they are being responsive to neighborhood residents concerns.

NHCD certifies that the proposed development meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 34% of the units (51) will serve households at or below 50% MFI, and 52% of the units (78) will serve households at or below 60% MFI, and 14% of the units (21) will serve households at or below 80% MFI, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance. The expected fee waivers include, but are not limited to, the following fees.

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

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

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

#### 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@austinenenergy.com](mailto:greenbuilding@austinenenergy.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 the required accessibility or visitability standards have been met.
- An administrative hold will be placed on the building permit, 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 S.M.A.R.T. Housing standards after the after the certificate of occupancy has been issued 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](mailto:Sandra.harkins@austintexas.gov) if you need additional information.

Sincerely,



Sandra Harkins, Project Coordinator  
Neighborhood Housing and Community Development

Cc: Rosa Gonzales, AE  
Mashell Smith, ORS

Ellis Morgan, NHCD

Jonathan Orenstein, AWU