

# **NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Govalle/Johnston Terrace Combined Neighborhood Plan (GJTCNP)

**CASE#:** NPA-2007-0016.02

**PC PUBLIC HEARING DATE:** December 11, 2007

**ADDRESS & AREA:** A portion of (0.775 acres of Tract 1) of 1.97 AC of OLT 44 Division A, and a portion of (0.865 acres of Tract 2) of 1.41 AC OLT 43 Division A (locally known as 1100 Linden St.)

**APPLICANT:** Govalle/Johnston Terrace Neighborhood Planning Team

**OWNER:** Govalle Partners, Ltd.

**AGENT:** Michael Casias

**TYPE OF AMENDMENT:** Future Land Use Map Designation  
Change a portion of Tract 1 from SINGLE FAMILY to MULTIFAMILY (0.775 acres), and a portion of Tract 2 (0.865 acres) from MULTIFAMILY to SINGLE FAMILY

**PLAN ADOPTION DATE:** March 27, 2003 **NPCD ADOPTION DATE:** March 27, 2003

**STAFF RECOMMENDATION:** The staff recommendation is to **approve** the requested change on the Future Land Use Map (FLUM) for a portion of Tract 1 from SINGLE FAMILY to MULTIFAMILY, and for a portion of Tract 2 from MULTIFAMILY to SINGLE FAMILY

**BASIS FOR RECOMMENDATION:** The requested amendment would: (1) encourage the construction of affordable housing on two vacant tracts of land; (2) be an almost even exchange of property of Multifamily to Single Family and Single Family to Multifamily in the subject area; and (3) this project was recommended by the Govalle/Johnston Terrace Planning (Contact) Team. See *Analysis* for more details.

**PLANNING COMMISSION RECOMMENDATION:** A recommendation is pending on this case because Planning Commission is reviewing it on December 11, 2007. This case had been postponed by Planning Commission on November 13, and November 27, 2007, but a renotification was sent out that this case would be reviewed by Council on December 13, 2007, because the applicant amended their neighborhood plan amendment.

**PREVIOUS PLANNING COMMISSION ACTION:** Postponed on November 13 and November 27, 2007

**BACKGROUND:** The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The boundaries of the planning area are: Oak Springs Road on the north, Airport Boulevard on the east, the Colorado River on the south, and Pleasant Valley Road, 7<sup>th</sup> Street, Northwestern Avenue and Webberville Road on the west. The subject property is adjacent to single family land uses to the north and west (Single Family),

proposed single family uses to the south (Single Family), and a nursing home (Multifamily) to the east.

The owners of Tract 1 desire to subdivide this 2.11 acre vacant tract into nine urban single family lots (Zone SF-4A), and use the remaining portion of the property that fronts Govalle Avenue (.775 acres) to construct a two story 20 to 30 unit multifamily apartment complex (Zone MF-3). Tract 2, which abuts Tract 1 and fronts on Neal Street, the owners want to change the land use designation for a portion of the property that is classified as Multifamily to Single Family to carve out 10 single family lots (Zone SF-4A) and use the remaining portion that fronts on both Govalle Avenue and Neal Street (0.865 acres) to construct 18 one story multifamily units. Please note, the owners amended their neighborhood plan amendment application on November 28, 2007, to include a portion of Tract 2 (Multifamily to Single Family.) This project has also been certified as S.M.A.R.T. housing development, with 10% of the units designated to serve families at or below 50% of the MFI (median family income), and another 10% of the units slated to serve families at or below 60% of the MFI.

During the neighborhood meeting held on October 16, 2007 on this plan amendment, Mr. Casias the agent with Govalle Partners, Ltd., discussed how his company would not be developing the subject property themselves but instead would be selling the urban single family lots (zoned SF-4A) once subdivided, and then find a developer to buy the multifamily properties construct the two story apartment building and the 18 unit one story multifamily project.

**ANALYSIS:** While the Future Land Use Map of the Govalle/Johnston Terrace Combined Neighborhood Plan (GJTCNP) recommends ‘**Single Family**’ for Tract 1, and ‘**Multifamily**’ for Tract 2, this proposed plan amendment would result in a nearly even swap of a portion of Tract 1 from Single Family into Multifamily (.775 acres), and a portion (0.865 acres) of Tract 2 from Multifamily to Single Family, making this a nearly even exchange of land use categories in the same geographic area, and thus result in no net gain in the multifamily land use designation in the subject area. Please note, only 7 acres of land in the GJTCNP is designated multifamily, which makes up 2% of the entire land base of this neighborhood planning area.

On page 35 of the GJTCNP, under the Land Use Chapter, Goal 2, (which also lists key principals) it states:

*Preserve and protect current and future single-family neighborhoods.*

Key Principles under Goal 2 also states:

- *Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)*
- *Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)*
- *Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)*

On page 41 of the GJTCNP, under ‘Additional Explanatory Notes Concerning the Future Land, it states:

*Multifamily land uses are recommended mostly in two different kinds of locations in this planning area. Firstly multi-family is recommended on tracts located closer to the periphery of the neighborhood such as on Pleasant Valley and Oak Springs roads.*

*Another significant use of multi-family recommended on this FLUM are on larger tracts that are adjacent to single family uses, but are currently used for more intensive land uses such as industrial or commercial. This plan recommends multi-family uses on these tracts to promote compatibility, as well as greater housing opportunities.*

*The encouragement of multi-family development in select locations is reflective of the plan's key planning principles to:*

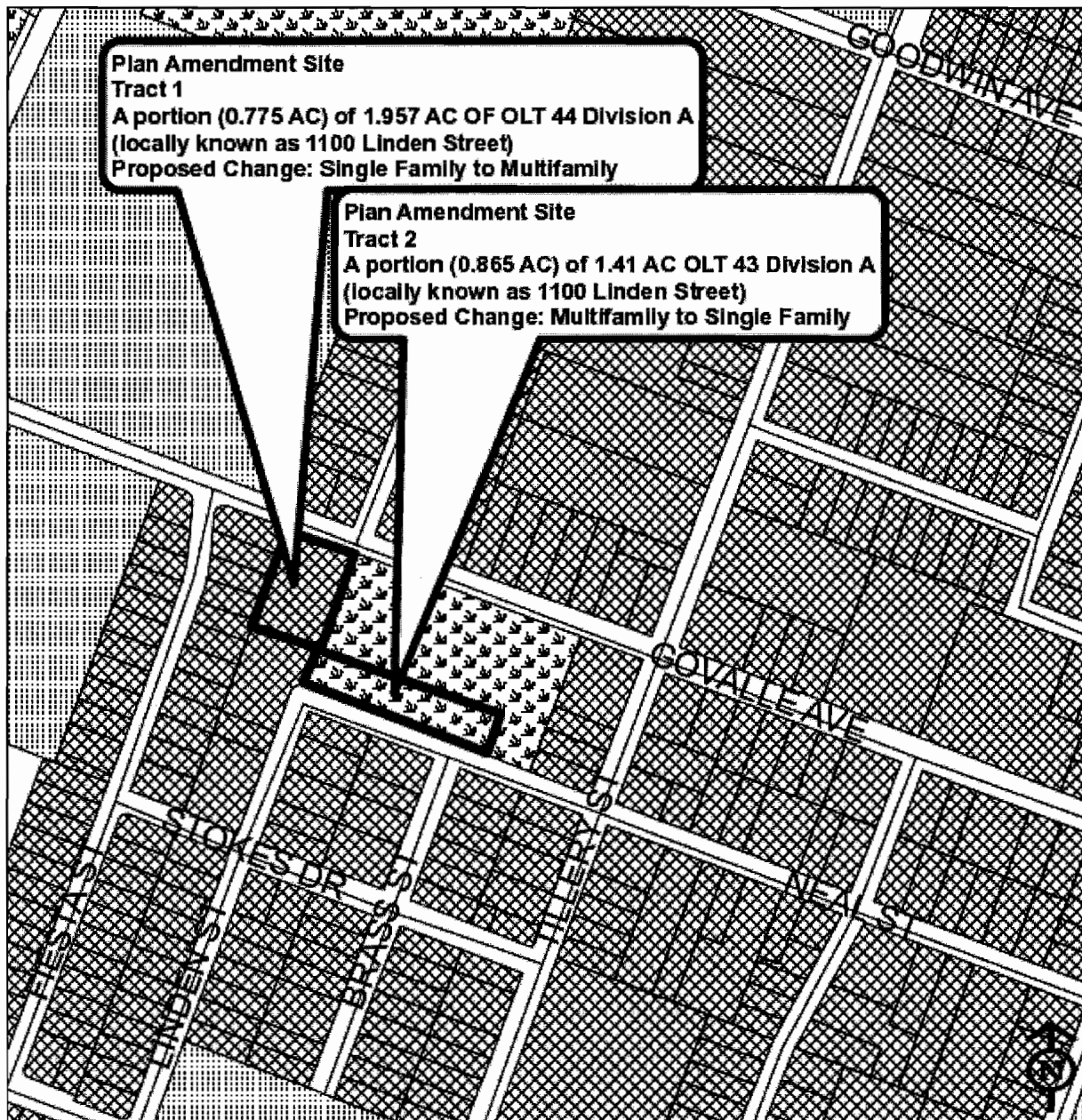
- *Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods*
- *Provide a diverse range of housing opportunities for all stages of life and income levels, and*
- *Encourage the development of affordable single-family and multi-family units on vacant tracts in established neighborhoods.*

From a locational perspective, the goals and recommendations of the GJTCNP do not appear to fully support the construction of multifamily housing in the subject area because: (1) this property is adjacent to a single family neighborhood; (2) is not located along the periphery of the neighborhood; and (3) the land being switched from Single Family to Multifamily is not designated as industrial or commercial. However, the proposed two story multifamily apartment complex would have its main entrance on located on Govalle Avenue, which is a residential corridor in the subject area and therefore have a minimal impact on the adjacent single family neighborhood. Additionally, the GJTCNP encourages the development of affordable single-family and multifamily units on vacant tracts of land in established neighborhoods and also recognizes the need for a wide range of housing opportunities for all stages of life and income levels in the Govalle/Johnston Terrace Planning Area, which additional affordable multifamily and single family housing would provide in this neighborhood. Staff's interpretation of the GJTCNP goals and recommendations above is that the Plan does support Multifamily and Single Family land uses in cases where it encourage the construction of more affordable housing. Additionally, because the Govalle/Johnston Terrace Combined Planning Area contains approximately 7 acres of multifamily land out of 1653 acres, or 2% of the planning area, and would result in a nearly an even exchange of Multifamily to Single Family (0.865 acres on Tract 2), and Single Family to Multifamily on Tract 1 (0.775 acres), staff believes there would be minimal impact on the adjoining single family neighborhood due to the small scale of this proposed project.

**ADDITIONAL INFORMATION:** A neighborhood meeting on this case was held on October 16, 2007. Invitations were sent to the Govalle/Johnston Terrace Neighborhood Planning Team (the contact team) and property owners located within 300 feet of the proposed plan amendment. (Notes from this meeting are attached to this report.) The Govalle/Johnston Terrace Neighborhood Planning Team, acting as the applicant for this neighborhood plan amendment officially supports the proposed plan amendment and zoning change based on a written and signed agreement between the contact team and the developer (see attached letter of support and agreement.) Additionally, during the neighborhood meeting, Mr. Casias agreed to install a 5 ft. tall fence against the multifamily property where it abuts single family properties based on concerns expressed from adjoining property owners.

CASE MANAGER: Kathleen Fox (Plan Amendment)      PHONE:      974-7877

EMAIL: [kathleen.fox@ci.austin.tx.us](mailto:kathleen.fox@ci.austin.tx.us)



## Govalle/Johnston Terrace Neighborhood Plan Amendment NPA-2007.0016-02




This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



Created on 11/28/2007

0 350 700 Feet

### Future Land Use

-  Single-Family
-  Multi-Family
-  Civic

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

**Plan Amendment Site**

**Tract 1**

A portion (0.775 AC) of 1.957 AC OF OLT 44 Division A  
(locally known as 1100 Linden Street)

Proposed Change: Single Family to Multifamily

**Plan Amendment Site**

**Tract 2**

A portion (0.865 AC) 1.41 AC OLT 43 Division A  
(locally known as 1100 Linden Street)

Proposed Change: Multifamily to Single Family



## Govalle/Johnston Terrace Neighborhood Plan Amendment NPA-2007.0016-02


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Created on 11/28/2007

0 280 560 Feet

**Future Land Use FLU**

-  Single-Family
-  Multifamily
-  Civic

A comprehensive plan shall not constitute zoning  
regulations or establish zoning district boundaries.

August 8, 2007

RE: Govalle/Johnston Terrace Neighborhood Plan Amendment

To Whom It May Concern:

The Govalle/Johnston Terrace Neighborhood Planning Team agreed with Govalle Partners Ltd. that a more compatible development of raw land can be achieved with zoning changes which would affect the Neighborhood Plan Amendment. The basic premise is that the multifamily should front Govalle, a wider street with direct access to multiple bus routes and walking distance from ACC. The single-family all should be facing the narrow streets of Neal and Linden where modest single family homes are across the street. The current zoning and neighborhood plan have multi-family zoning along Neal Street which would overpower the small neighborhood street. The SF zoning on Govalle is on a huge tract that would either only allow a single house on an extremely large lot or require a new street cut into the single family tract to service multiple SF lots, a more expensive proposition than what both the neighborhood and developer are planning.

Regards,

A handwritten signature in dark ink, appearing to read 'Michael N. Casias', with a long horizontal flourish extending to the right.

Michael N. Casias





## 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

Gina Copic, S.M.A.R.T. Housing Program Manager  
(512) 974-3180, Fax: (512) 974-3112, [regina.copic@cityofaustin.tx.us](mailto:regina.copic@cityofaustin.tx.us)

7/30/2007

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

The Govalle Land – Esperanza Development Corporation

#### TO WHOM IT MAY CONCERN:

Esperanza Development Corporation and Govalle Partners, Ltd. (development contacts: Michael Casias, 512-480-9844 (o); 512-480-8144 (f); [mcasias@esperanzadev.com](mailto:mcasias@esperanzadev.com); and Dolly Shiu; 512-480-9844 (o), 512-480-8144 (f); [dshiu@esperanzadevelopment.com](mailto:dshiu@esperanzadevelopment.com)) are planning to develop a **50 unit multi-family and 18 unit single family development** (total of **68** residential units). The addresses are located on two tracts on Govalle, Neal, and Linden Streets. The applicant will seek a neighborhood plan amendment and zoning change. The reasonably priced units will be developed by other parties, and the applicant is in the process of establishing a restrictive covenant with the Govalle Neighborhood Planning Team.

NHCD certifies that the proposed construction meets S.M.A.R.T. Housing standards at the pre-submittal stage. Since **10%** of the units will serve families at **50%** Median Family Income (MFI) or below, and **10%** of the units will serve families at **60%** MFI or below the construction will be eligible for **50%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council.

The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Electrical Permit	Board of Adjustment Fee
Building Permit	Mechanical Permit	Zoning Fee
Concrete Permit	Plumbing Permit	Land Status Determination
Site Plan Review	Subdivision Plan Review	Building Plan Review
Construction Inspection	Zoning Verification	

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

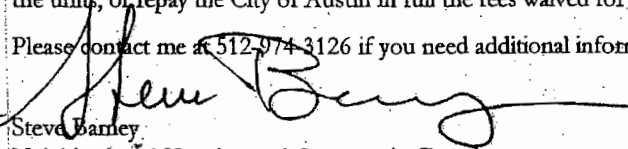
- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (**Multi-family:** Katie Jensen 482-5407; **Single-family:** Dick Peterson 482-5372).
- ♦ Submit plans demonstrating compliance with accessibility and transit-oriented 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 and transit-oriented standards have been met.

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

Please contact me at 512-974-3126 if you need additional information.

  
Steve Barney

Neighborhood Housing and Community Development

Cc: Gina Copic, NHCD  
John Umphress, Austin Energy  
Robby McArthur, WWW Taps  
Maureen Meredith, NPZD

Danny McNabb, WPDR  
Dick Peterson, Austin Energy  
Manecsh Chaku, NHCD

Guy Brown, WPDR  
Lisa Nickle, WPDR  
Yolanda Parada, WPDR



**RIVER BLUFF NEIGHBORHOOD ASSOCIATION**

4907 Red Bluff Road, Austin, Texas 78702-5121

**Letter of Support**

After review and approval, the Govalle/Johnston Terrace Neighborhood Planning Team

**Supports** Esperanza Development's request for Neighborhood Plan amendment for the following:

Esperanza Development proposes to subdivide two (2) large multifamily and single-family tracts into nineteen (19) single-family and two (2) multifamily MF-3 tracts

TRACT 1: 2.11 acres out of the Outlot 44, Division A, Travis County, Texas.

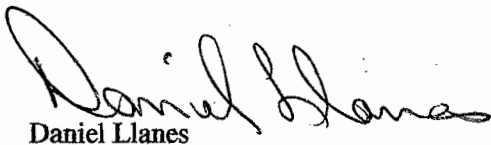
TRACT 2: 1.41 acres out of the Outlot 43, Division A, Travis County, Texas.

conditional on the zoning changes and other stipulations stated in the Request for Neighborhood Support Term Sheet.

And

**Requests submission** of this Neighborhood Plan Amendment on behalf of Esperanza Development and Govalle Partners Ltd.

Please feel free to contact me directly if you need any further assistance from myself or the Review Committee.

  
Daniel Llanes

8/3/07

Coordinator, Review Committee for  
Govalle/Johnston Terrace Neighborhood Planning Team  
431-9665  
dllanesrb@earthlink.net



**GOVALLE STREET DEVELOPMENT**  
Request for Neighborhood Support  
Term Sheet

**DEVELOPMENT PROPOSAL**

Esperanza Development proposes to subdivide two (2) large multifamily and single-family tracts into nineteen (19) single-family and two (2) multifamily MF-3 tracts

TRACT 1: 2.11 acres out of the Outlot 44, Division A, Travis County, Texas.

TRACT 2: 1.41 acres out of the Outlot 43, Division A, Travis County, Texas.

**Zoning Changes, per exhibit A, attached**

1. Downzone the Neal frontage of Tract 2 from MF3 to SF-4A.
2. Rezone the Govalle frontage of Tract 1 from SF3 to MF3
3. Rezone the Linden frontage of Tract 1 from SF3 to SF-4A

**Neighborhood Plan Amendment**

After review and approval, the Govalle/Johnston Terrace Neighborhood Planning Team

**supports** the Esperanza Development, conditional on the zoning changes and other stipulations stated herein,

**And requests submission** of this Neighborhood Plan Amendment on behalf of Esperanza Development and Govalle Partners Ltd.

**OTHER STIPULATIONS:**

1. 10' Landscape buffer from property line shared by multi-family and single-family tracts.
2. Emergency exit only from MF3 Tract 2 to Neal Street. All other multifamily exit and entrance on Govalle Street.
3. 10% multi-family units rented or sold to families at or below 50% MFI or a non-profit/low income housing provider. Restrictive Covenant binding future owners for 15 years.
4. 10% multi-family units rented or sold to families at or below 60% MFI or a non-profit/low income housing provider. Restrictive Covenant binding future owners for 15 years.
5. Reduce per §25-2-562 MF3 site area requirements by 30%.
6. No greater than 30% of the multi-family units will be efficiency units.
7. 20% of SF will be sold to families at or below 80% MFI per City's SMART Housing requirements or to a qualified CHDO (Community Housing Development Organization).

**AGREED TO AND ACCEPTED BY:**

Michael N. Casias

Esperanza Development Corporation

Date: 8/3/07

Daniel Llanes

Coordinator, Review Committee for  
Govalle/Johnston Neighborhood Planning Team

Date: 8/3/07

# SKETCH TO ACCOMPANY FIELD NOTES

## GOVALLE AVENUE

SCALE 1" = 60'

(60' R.O.W.)

P.O.B.

(S 66°56' E 442.50')  
(S 66°56'30" E 442.25')

S 67°19'44" E 155.07'

ROBERTO YANEZ  
LOT 1  
VOL. 12774, PG. 1639  
T.C.R.P.R.

BLENNAR  
VOLUME 8, PAGE 13 T.C.P.R.

ELYSABETH YOUNG  
LOT 2  
DOC. #2003244806  
T.C.O.P.R.

L. PHILLIPS  
INVESTMENTS LP  
LOT 3  
TCAD PROP ID  
#195324

CONNIE BAEZ &  
PATRICIA A. FLAHE  
LOT 4  
DOC. #2002222444  
T.C.O.P.R.

JANIE T. LOZA  
LOT 5  
VOL. 12009, PG. 1318  
T.C.R.P.R.

GOVALLE PARTNERS LTD.  
0.775 AC OUT OF A  
CALLED 2.11 AC TRACT  
AS DESCRIBED IN  
DOC # 2007070385

PRAIRIE EQUITIES LTD.  
2.22 ACRES OUTLOT 43  
DIVISION A  
VOL. 12260, PG. 416

LOT 20

S 22°57'05" W 218.90'  
(S 23°19' W 219.08')

N 67°02'55" W 154.14'

(S 67°04' W 442.51')  
(S 67°04'00" E 440.69')

LOT 9

LOT 10

LOT 11

LOT 19

LOT 20

LOT 8

LOT 7

BLENNAR REG. TWO BLOCK "B"  
VOLUME 22, PAGE 11, T.C.P.R.

RODOLFO A &  
CONSUELO CASTILLO  
VOL. 8092, PG. 621  
T.C.D.R.

LOT 7  
LOT 6

N 22°40'25" E 435.43'

CAROLINA FELAN,  
ET AL.  
LOT 1  
TCAD PROP ID. #195327

LOT 1

## NEAL STREET

(50' R.O.W.)

LINDEN  
STREET

(50' R.O.W.)

### LEGEND

- IRON ROD FOUND
- IRON ROD SET
- CONCRETE MONUMENT FOUND

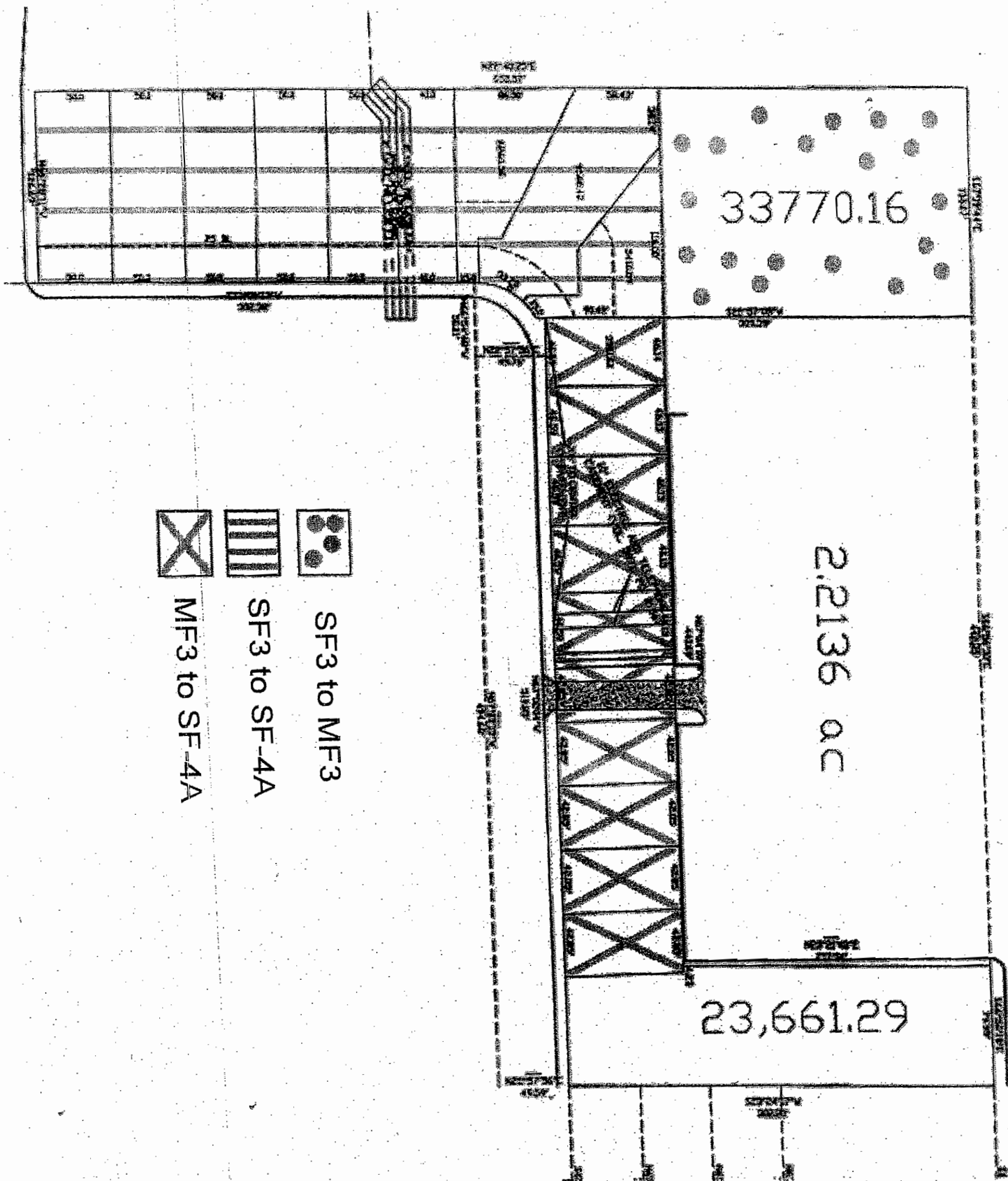
TRACT 1

### REFERENCE INFORMATION

0.775 ACRES OUT OF A  
CALLED 2.11 AC TRACT  
DESCRIBED IN DOC #  
2007070385

**ALLSTAR**  
Land Surveying

9020 ANDERSON MILL ROAD  
AUSTIN, TEXAS 78759  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
WWW.ALLSTARLANDSURVEYING.COM



33770.16

2.2136 ac

23,661.29



SF3 to MF3



SF3 to SF-4A

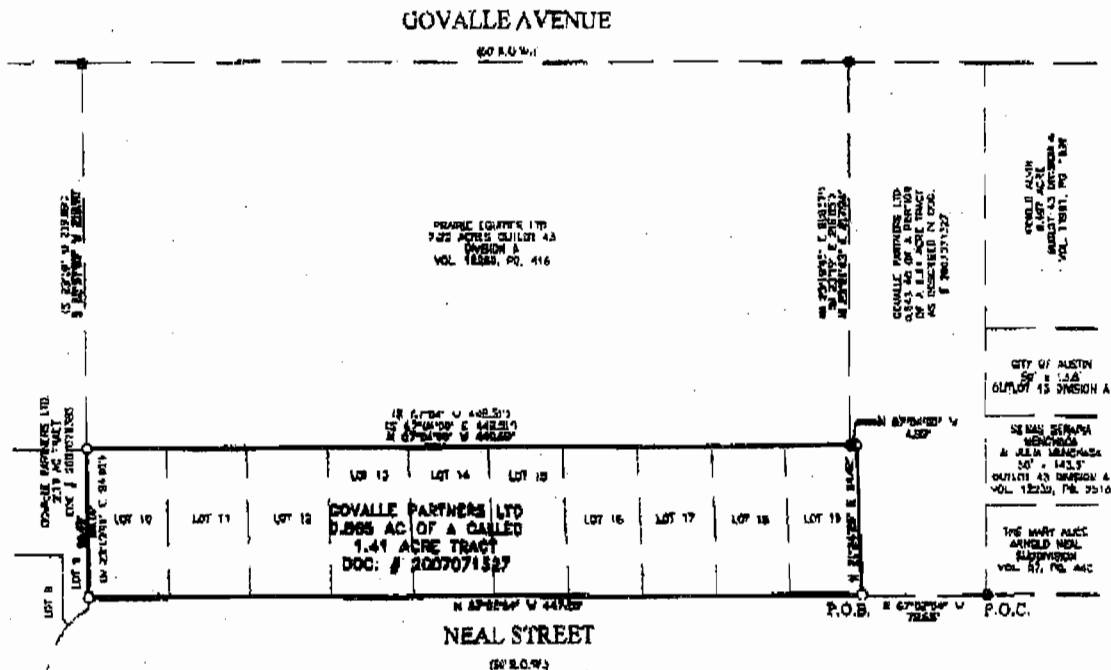


MF3 to SF-4A

# SKETCH TO ACCOMPANY FIELD NOTES



SCALE 1" = 100'



TRACT 2

## LEGEND



- IRX = IRON ROD SET
- IRF = IRON ROD FOUND
- IRP = IRON PIPE FOUND
- CORNER = MINIMUM FOUND
- 12 = VOL. 12580, PG. 416
- 13 = DOC. # 2007071327
- 14 = DOC. # 2007071327

REFERENCE INFORMATION	
<b>ALLSTAR</b> 9020 ANDERSON MILL ROAD AUSTIN, TEXAS 78759 (512) 849-8149 PHONE (512) 331-5217 FAX WWW.ALLSTARLANDSURVEYING.COM	0.865 AC OUT OF A 1.41 ACRE TRACT AS DESCRIBED IN DOC. # 2007071327 AUSTIN, TEXAS