

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0020 – Oak Creek Village

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2324 Wilson Street (Bouldin Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning with conditions.

The conditional overlay limits the number of units to 486, limits the maximum building height to 60 feet, limits maximum building and impervious cover to 60% and 70%, respectively, and prohibits access to Wilson Street for Residential Uses (as primary access will be via Durwood Street to Oltorf and/or from the property to South 1<sup>st</sup> Street).

The Public Restrictive Covenant is for conditions of the Traffic Impact Analysis, which has been reviewed and approved.

The applicant is also executing a private restrictive covenant with the Bouldin Creek Neighborhood Association that requires on-site affordable housing for 35 years, among other terms. Similarly, the applicant is executing a private agreement with the Oak Creek Tenants Council regarding relocation plans, services to be provided in the future, and other terms.

DEPARTMENT COMMENTS:

The Conditional Overlay and Public Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading.

OWNER: 2007 Travis Heights, LP (Rene D. Campos).

AGENT: Winstead PC (John Donisi).

DATE OF FIRST READING: June 6, 2009

CITY COUNCIL ACTION: Approved MF-6-CO-NP combining district zoning with a Public Restrictive Covenant for the conditions of the Traffic Impact Analysis, on First Reading (7-0).

CITY COUNCIL HEARING DATE: June 27, 2013. Note: Public Hearing Remains Open

ASSIGNED STAFF: Lee Heckman  
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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0020  
Oak Creek Village

**P.C. DATE:** May 14, 1013  
May 28, 1013

**ADDRESS:** 2324 Wilson Street

**AREA:** 8.991 acres

**OWNER:** 2007 Travis Heights, LP (Rene D. Campos)

**APPLICANT:** Winstead PC (John Donisi)

**ZONING FROM:** MF-3-NP; Multifamily Residence Medium Density-Neighborhood Plan

**ZONING TO:** MF-6-NP; Multifamily Residence Highest Density-Neighborhood Plan  
with Conditions

**NEIGHBORHOOD PLAN AREA:** Bouldin Creek

**SUMMARY STAFF RECOMMENDATION**

Staff recommends granting MF-6-CO-NP with conditions.

Conditions to MF-6 district zoning recommendation are:

- 1) The maximum building height shall be limited to 60;
- 2) The maximum building coverage shall be limited to 60%;
- 3) The maximum impervious cover shall be limited to 70%;
- 4) The maximum number of units shall be limited to 486; and
- 5) Primary vehicular access to the site shall be from W Oltorf Street and/or S 1<sup>st</sup> Street.

A public restrictive covenant, executed in tandem with Council consideration of the ordinance, will incorporate the owner's responsibilities related to traffic improvements or design requirements as listed on the attached, or subsequent, TIA memo (see Exhibit T).

**PLANNING COMMISSION RECOMMENDATION:**

May 28, 2013 To grant MF-6-CO district zoning with Conditions as Staff Recommended, with strong suggestion that Agreements between the Applicant and the Oak Creek Village Tenants' Association, and between the Applicant and Bouldin Creek Neighborhood Association, be finalized prior to Third Reading (D. Chimenti, R. Hatfield – 2<sup>nd</sup>); 8-0, A. Hernandez – Absent

May 14, 2013 Postponed at the request of the Bouldin Creek Neighborhood Association (Consent Motion by J. Stevens, D. Chimenti – 2<sup>nd</sup>); 9-0. \*

\* The Bouldin Creek Neighborhood Association (BCNA) requested postponement until June 6; the applicant was amenable to a postponement, but only until May 28. The BCNA subsequently agreed to a two-week postponement until May 28 (see exhibits P).

**DEPARTMENT COMMENTS:**

This approximate 9-acre site is located between S 1<sup>st</sup> Street and Wilson Street, north of W Oltorf Street and south of W Live Oak Street. It is bounded primarily by commercial land uses along S 1<sup>st</sup> and Oltorf, and by single-family and duplex residential along W Live Oak and opposite Wilson (see Exhibits A). For the past 40 years the site has been occupied by Oak Creek Village, a 173-unit apartment complex of affordable housing administered under a federal Housing and Urban Development (HUD) program. Residents served by the program are at or below 50% of the local Median Family Income (MFI) level. Access to and from the site is provided by 2 driveways on Wilson Street. The campus currently consists of 27 2-story buildings and surface parking. The contract between HUD and the owner has reached its end, and the owner has proposed to redevelop the site as multifamily rental residential.

The specifics of the stated proposal are to relocate current residents of Oak Creek Village, raze and replace the existing affordable units, rehouse previous tenants who so choose, and develop additional market rate units, all in a phased construction scheme that extends several years. The stated intent is to replace the affordable housing units on a one-to-one basis, such that these new units would be available at the same affordability level and unit mix as existed on January 1, 2013. The owner has received a conditional commitment for a loan from the City (per Council action on February 28, 2013) and has applied to the Texas Department of Housing and Community Affairs for additional development funding.

In addition to replacement of the existing affordable housing units, the applicant is proposing up to 313 additional market-rate units, for a total site count of 486 units. Under the current MF-3-NP zoning, and accounting for tree preservation, compatibility, and other MF-3 development standards, the site could yield approximately 324 units. Feasibility aside, the owner has the choice of redeveloping the site with only affordable housing units, only market-rate units, or a mix of affordable and market-rate units. The stated preference is for development of both, and thus the request for MF-6 zoning that would allow for the additional density. The request is submitted with an offer to limit building and impervious coverage, along with height, to the standards of MF-4, and proposes to reconfigure access away from the single-family residential that fronts and takes access to Wilson Street.

For access, the applicant proposes access to Oltorf via the existing Durwood Street right-of-way and to S 1<sup>st</sup> St through a property already under ownership just north of a utility lot. The access to S 1<sup>st</sup> would roughly align with the existing Fletcher Street to the west, and involves crossing East Bouldin Creek and the 100-year floodplain (see Exhibit B). The existing two entrances on Wilson Street would be closed. A new entrance point on Wilson, at the very southern edge of the property, would be to a parking lot that serves the leasing office; the parking lot would not connect to, or provide circulation to, the apartment complex.

Neither City staff nor appointed and elected officials have the authority to require the applicant maintain a certain number or percentage of affordable units as part of the rezoning request. Consequently, while City staff might commend the owner for proposing to redevelop and keep affordable housing stock, staff cannot base a zoning recommendation on this expectation, or require such provision as a condition to a positive recommendation. As indicated in the Basis for Land Use Recommendation section, staff's consideration of the applicant's MF-6-NP-with-conditions request is based on a consideration of a total number of apartment units, regardless of whether some are affordable or not.

At the same time, staff is aware that the proposed affordable housing component could be ensured through a private legal document executed by the owner and a local neighborhood

association, such as the Bouldin Creek Neighborhood Association (BCNA). Staff has been informed by the applicant that the current commitment from the owner would be 173 affordable units guaranteed to remain in place by binding legal instruments for a minimum period of 35 years, and an additional 3 affordable units would be provided, with rents of no greater than 60% MFI. Should the zoning request be received favorably by the Planning Commission and City Council, staff expects such documents relating to the provision of affordable housing would be executed prior to the Council's third reading of the zoning ordinance.

Staff has received correspondence and comment forms from stakeholders related to the application (see Exhibit C). Additionally, the applicant has provided a conceptual plan for illustrative purposes (see Exhibit I). Please note, a site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have not been reviewed by staff for compliance with the LDC, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-NP	Multifamily
<i>West (east of S 1<sup>st</sup> St)</i>	CS-MU-V- CO-NP	Automotive repair and detailing; various retail & commercial services; single-family residential; utility lot; and carpet cleaning service
<i>West (west of S 1<sup>st</sup> St)</i>	CS-MU-V- CO-NP	Food trailers; various restaurant & retail; car wash; restaurants; and auto service station
<i>East</i>	SF-3-NP	Wilson St; single-family and duplex residential; Euclid Ave
<i>North (south of Live Oak )</i>	SF-3-NP; CS- MU-CO-NP	Single-family and duplex residential
<i>North (north of Live Oak )</i>	CS-MU-CO- NP; CS-MU- V-CO-NP; SF-3-NP; MF- 3-NP	Strip retail; single-family residential; Phoenix House; Crockett Street
<i>South (north of Oltorf)</i>	CS-V-CO-NP; GR-CO-NP; LR-CO-NP; SF-3-NP	High-turnover restaurants; various retail and offices; and single-family residential
<i>South (south of Oltorf)</i>	CS-CO-NP; CS-1-CO-NP; GR-CO-NP; SF-3-NP; P- NP	Convenience store; various retail and commercial services; restaurant; single-family residential; and South Austin Activity Center

**TIA:** Approved (see Exhibit T for staff memo)

**DESIRED DEVELOPMENT ZONE:** Yes

**HILL COUNTRY ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**WATERSHED:** East Bouldin Creek Watershed

**NEIGHBORHOOD ORGANIZATIONS:**

Bouldin Creek Neighborhood Assn.	127
Dawson Neighborhood Assn.	154
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
SoCo-South First St.	752
Dawson Neighborhood Planning Contact Team	976
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
South First IBIZ District	1323
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Beyond2ndNature	1409

**SCHOOLS:**

Austin Independent School District:

Travis Heights Elementary School	Fulmore Middle School	Travis High School
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An Educational Impact Statement, prepared by the Austin Independent School District, indicates there will minimal, if any, impact to the area schools (see Exhibit S). The only anticipated impact is a slight increase to the local elementary school.

**CASE HISTORIES:****North of Oltorf**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-05-0152 (2008-A S 1 <sup>st</sup> St)	SF-3-NP to LR-MU-NP	Recommended; 10/25/2005	Approved; 03/23/2006
C14-69-185 (510 W Live Oak)	"A" 1 <sup>st</sup> H&A to "LR" 1 <sup>st</sup> H&A		Approved; 08/07/1969
C14-82-143 (508 W Live Oak)	"A" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A	Recommended; 11/02/1982	Approved; 01/86/1983
C14-69-087 (400-410 W Live Oak at Wilson)	"A" 1 <sup>st</sup> H&A to "B" 1 <sup>st</sup> H&A		Approved; 05/08/1969
C14-71-188 (418, 415-419 Crockett)	"A" 1 <sup>st</sup> H&A to "B" 1 <sup>st</sup> H&A	Recommended "BB" with RC for use of boardinghouse	Recommended "BB" on 1 <sup>st</sup> reading, 09/02/1972; case

		facilities, to revert to "A" if this use is discontinued.	dismissed 09/28/1972
C14-65-122 (204-306 Crockett & 2007-2011 Wilson)	"A" 1 <sup>st</sup> H&A to "B" 2 <sup>nd</sup> H&A	Denied; To Grant "B" 1 <sup>st</sup> H&A; 06/21/1965	Approved; 05/05/1966
C14-67-126 (107-303 Johanna at Wilson)	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A; Amended to "B" 1 <sup>st</sup> H&A		Approved; 06/25/1970
C14-62-183 (106-204 Crockett)	"A" 1 <sup>st</sup> H&A to "B" 2 <sup>nd</sup> H&A		Approved; 02/07/1963
C14-00-2180 (607 Fletcher)	SF-3 to GO, Amended to LO	Denied LO; 10/17/2000	Denied LO; 03/22/2001
C14-01-0181 (2309-2311 S 2 <sup>nd</sup> )	SF-3 to MF-2 (Withdrawn 01/28/2002)		

**Oltorf/South of Oltorf**

<b>NUMBER</b>	<b>REQUEST</b>	<b>LAND USE COMMISSION</b>	<b>CITY COUNCIL</b>
C14-84-259 (606-608 W Oltorf)	"A" 1 <sup>st</sup> H&A (SF-3) to NO	Recommended NO as amended; 01/08/1985	Approved NO with street deed; 02/27/1986
C14-00-2239 (605 W Oltorf)	SF-3 to NO	Recommended NO- MU; 12/19/2000	Approved NO-MU; 02/15/2001
C14-01-0061			
C14-98-0080 (504 W Oltorf)	LO to LR	Recommended LR- CO; 08/04/1998;	Approved as PC recommended; 05/06/1999
C14-97-0152 (310-312 W Oltorf) [City Initiated]	SF-3 to NO	Recommended NO; 12/16/1997	Approved NO w/Street Deed 02/26/1998
C14-00-2186 (306 W Oltorf)	SF-3 to NO	Recommended; 12/05/2000	Approved; 03/01/2001
C14-97-0070 (300-306 W Oltorf)	SF-3 to NO	Recommended; 09/30/1997	Approved; 10/30/1997
C14-72-44 (2501-2507 S 1 <sup>st</sup> St)	"A" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A		Approved; 05/18/1972
C14-86-223 (Gillis Park) [City Initiated]	CS and SF-3 to P	Recommended; 11/25/1986	Approved; 12/04/1986
C14-61-92 (2408 S 1 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A	Recommended	Approved 08/10/1961
C14-69-002 (2410 S 1 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A		Approved; 03/06/1969
C14-60-138	"A" 1 <sup>st</sup> H&A to		Approved; 12/08/1960

(2424 S 1 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A		
C14-99-0034 (2432 S 1 <sup>st</sup> St)	SF-3 to GO	Recommended GO; 04/20/1999	Approved LO; 07/22/1999
C14-04-0180 (2444 S 1 <sup>st</sup> St)	SF-3 to GR	Recommended GR- CO; 12/21/2004	Approved GR-CO; 01/27/2005
C14-06-0032 (2510 S 1 <sup>st</sup> St)	SF-3 to CS, GO, GR, LO with Conditions	Recommended CS- CO, GO-CO, GR-CO, LO-CO; 05/09/2006	Approved CS-CO, GO-CO, GR-CO, LO- CO; 09/28/2006

In addition to the cases noted above, Bouldin Creek Vertical Mixed Use (VMU) was adopted by the Council in December 2007 (C14-2007-0220). This applied vertical mixed use (V) district zoning to approximately 173 parcels tracts in the Bouldin Creek Neighborhood Plan area. Application of the V designation was primarily along Barton Springs Road, the west and east side of South 1<sup>st</sup> Street, and the west side of South Congress Avenue.

Likewise, on January 10, 2008, the Council adopted the VMU for the Galindo Neighborhood (C14-2007-0238); this resulted in approximately 25 parcels on the west side of South 1<sup>st</sup> Street, south of Oltorf Street, to be designated with V zoning. On that same date Council adopted an ordinance adding V district zoning to approximately 60 parcels in the Dawson Neighborhood Plan area (C14-2007-0236), which impacted properties on the east side of S 1<sup>st</sup> St and the west side of S Congress Ave, between Oltorf and Ben White Boulevard.

With the adoption of the Dawson Neighborhood Plan, adopted in December, 2001, Dawson properties were appended with the NP suffix (C14-01-0061). The Bouldin Creek Neighborhood Plan was adopted in May 2002, and the NP suffix was added to the zoning string of properties within that plan area as well (C14-02-0031).

#### **RELATED CASES:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-67-211 (400-404 Oltorf & 2204-2318 Wilson)	"A" 1 <sup>st</sup> H&A to "B" 1 <sup>st</sup> H&A	Recommended (per CC minutes)	Approved; 01/11/1968

#### **ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Wilson Street	57'	26'	Local	Yes	No	No

#### **PROPOSED CONNECTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
W Oltorf Street	60' – 80'	approx. 40' - 50'	Arterial	Yes	Yes	Yes
S 1 <sup>st</sup> Street	60' – 70'	approx. 42' - 60'	Arterial	Yes	Yes	Yes
Durwood Street	approx. 40'	approx. 40'	Local	No	No	No

**ABUTTING TRANSIT:**

Name	Capital Metro Bus Service	Existing Bicycle Facility	Recommended Bicycle Facility (2009 Plan)
S 1 <sup>st</sup> Street	10: S 1 <sup>st</sup> / Red River 110: South Central Flyer	Shared Lane	Route 33: Bike Lane
W Oltorf	331: Crosstown	Shared Lane	Route 72: Bike Lane
W Live Oak	n/a	Wide Curb	Route 168: Bike Lane

**CITY COUNCIL DATE:****June 20, 2013**

Postponed to June 27, 2013 at the applicant's request

**June 6, 2013**Approved MF-6-CO-NP with Conditions (Motion by S. Cole; B. Spellman - 2<sup>nd</sup>) 7-0.**May 23, 2013**

Postponed to June 6 at the request of staff.

**ORDINANCE READINGS:****1<sup>st</sup>** June 6, 2013 **2<sup>nd</sup>** **3<sup>rd</sup>****ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** 974-7604

e-mail address: lee.heckman@austintexas.gov



**STAFF RECOMMENDATION****C14-2013-0020****BACKGROUND**

The subject tract is just shy of 9 acres and is located between S 1<sup>st</sup> St and Wilson St, north of W Oltorf St and south of W Live Oak St. For the past four decades it has served as an affordable housing complex known as Oak Creek Village, serving residents at the 30% Median Family Income (MFI) level. The current campus consists of 27 2-story buildings and surface parking. Access to the site has been provided by 2 driveways on Wilson St. The contract for the provision of affordable housing has reached its end, and the owner proposes to replace the 173 affordable housing units one-for-one and develop up to an additional 313 units of market-rate units, and at least 3 additional affordable units (at the 60% MFI level), for a total of 486 units.

The site slopes from east to west, and from the southeast to the northwest; the western property line approximates the centerline of East Bouldin Creek. The proposal includes closure of the Wilson St driveways, providing new access to W Oltorf via the existing Durwood St right-of-way, and to S 1<sup>st</sup> via a lot at 2217 that nearly aligns with Fletcher St west of S 1<sup>st</sup>. Provision of this driveway will involve crossing the Creek and associated floodplain. There are mature trees on site, but it is unknown to what extent these are considered protected in terms of size and species, or to what extent these may be impacted by redevelopment until a site plan is submitted.

The request is rezoning from MF-3-NP to MF-6-NP with conditions

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends granting MF-6-CO-NP with conditions.

Conditions to MF-6 district zoning recommendation are:

- 1) The maximum building height shall be limited to 60;
- 2) The maximum building coverage shall be limited to 60%;
- 3) The maximum impervious cover shall be limited to 70%;
- 4) The maximum number of units shall be limited to 486; and
- 5) Primary vehicular access to the site shall be from W Oltorf Street and/or S 1<sup>st</sup> Street.

A public restrictive covenant, executed in tandem with Council consideration of the ordinance, will incorporate the owner's responsibilities related to traffic improvements or design requirements as listed on the attached, or subsequent, TIA memo (see Exhibit T). Additionally,

the owner is required to post fiscal surety and meet other requirements prior to Council consideration and/or adoption of a zoning ordinance.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

***Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

The Bouldin Creek Neighborhood Plan was adopted in 2002. At that time, future land use designations did not differentiate between levels of multifamily land use. Consequently, the FLUM developed as part of the planning process denotes the property as multifamily and no neighborhood plan amendment is required to allow for more intense multifamily use. In addition to being consistent with the FLUM of that Plan, the proposed project is consistent with Goal 1, Maintain Established Neighborhood Character and Assets. Specifically, the Plan states that: *multifamily development should be allowed in the interior of the neighborhood where already permitted by existing zoning.* Furthermore, new multifamily development should:

- 1) Have adequate off-street parking;
- 2) Provide adequate green space and buffers between multifamily and other land uses;
- 3) Be designed to mitigate or limit additional traffic impacts along residential streets or intersections; and
- 4) Not exceed 60 feet in height.

As proposed and conditioned, the project will provide onsite parking for all units and ancillary uses; no waiver will be sought to further reduce parking requirements or to use offsite parking or parking in public rights-of-way. As envisioned, the tallest buildings will be on the western and southern sides of the property, which is furthest away from the single-family residential to the east and north. The applicant has proposed limiting the tallest buildings to 60 feet, whereas MF-6 would allow 90 feet, and limit height to 40 feet for the rest of the property. The reconfiguration of vehicular access away from Wilson St to Durwood/Oltorf and S 1<sup>st</sup> St reduces the impact of the development on residential streets and places it on existing arterials.

While staff cannot comment on the provision of green space and buffers in the absence of a site plan, clearly the applicant is attempting to meet or exceed the goals of this neighborhood's plan. Moreover, should the applicant and another private party execute documents ensuring the project contains an affordable housing element, this would connect with one of the Top Ten Neighborhood Priorities as listed in the Plan, namely, *provide incentives for new affordable housing.* Granted, 173 units of affordable housing in this case is new/replacement rather than new/additional; yet the fact remains that the provision of affordable housing is consistent with the neighborhood's wishes as stated in the Plan.

***Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing; and***

***The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.***

The presumption of affordable housing aside – which, if developed would clearly meet these principles, the proposal is for 486 units of rental housing on a site currently containing 173 units.

The overall goal of the recently approved and adopted Imagine Austin Comprehensive Plan is to achieve ‘*complete communities*’ across Austin, where housing, community services, retail, employment, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another or easily accessible with public transit. Given this site’s proximity and access to W Oltorf and S 1<sup>st</sup> Streets, both of which are characterized as commercial corridors and served with bus service, this site is ideally located. South 1<sup>st</sup> St is also designated as a Core Transit Corridor and an Imagine Austin Corridor. The former, as part of the City’s commercial design standards, maintains specific requirements for wider sidewalks, building placement, street trees and planting zones, and off-street parking that will come into play as S 1<sup>st</sup> is redeveloped; the latter reflects this Core Transit Corridor status as well as a route that connects multiple activity or job centers or major transportation features. The site is also relatively close to Gillis Park and the South Austin Health Center, as well as several churches and educational campuses. The site’s location and its redevelopment meet the *complete communities* goal of the Imagine Austin Plan, as well as that Plan’s call for a mix of housing types.

***Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors; and***

***The proposed zoning should be consistent with the purpose statement of the district sought.***

MF-6 is the highest density of multifamily zoning currently contained in the Land Development Code. This district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

Although current access to the site is provided by Wilson Street, a local street, the proposed access is from Oltorf and S 1<sup>st</sup>, both of which are arterials. Though physically not abutting these arterials, for all intents and purposes, that is where the traffic impact will be. The addition of 313 residential units will have an impact to the existing transportation infrastructure; however, staff thinks the location of the proposed multifamily project on these arterials is justifiable, and certainly a preferred alternative to additional traffic on Wilson Street.

MF-6 zoning has been granted sparingly in the City. In fact, there are only 20 tracts with MF-6 zoning designation. Of those, 18 are accompanied by some form of conditional overlay. Eight of the twenty such-zoned parcels are south of Lady Bird Lake, with the nearest one to this site being at 501 E Oltorf (now known as the District at So-Co Apartments). In similar fashion, the applicant has not requested unlimited MF-6 zoning. Instead, it has been requested with limits to height, building and impervious cover, and a cap on the maximum number of units. In fact, the proposal equates MF-4 development standards. The request for MF-6 is solely to account for the additional density allowance (i.e., units per acres) that would permit up to 486 units. That number, not by coincidence, is the number of units that could be constructed under and MF-4 zoning scenario.

The request can be perceived, and correctly so, as MF-4, but with additional density. Additional density is precisely what the MF-6 district is for. It affords the highest density and can be used in locations of close proximity to supporting transportation and commercial facilities. As noted above, W Oltorf and S 1<sup>st</sup> offer both. Though not adjacent to the central

business district, downtown is nearby and easily accessible. Employment opportunities exist not only on S 1<sup>st</sup> and W Oltorf, but also along nearby S Congress and S Lamar, both within one-half mile of the property. Staff did not consider whether unlimited MF-6, which would represent high density multifamily use, is desirable for the site, but staff has concluded that the limited MF-6 as proposed is certainly reasonable.

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.***

The site currently contains 173 apartment units spread amongst 27 2-story buildings and associated surface parking. While the buildings have been professionally maintained, they are 40 year old apartment buildings. The proposal for 486 new units on this acreage, and a commitment to house all required parking onsite necessitates structured parking as well as the request for a more dense zoning district. Reduced-height development abutting the single-family and duplex residential along Wilson and W Live Oak Streets, as well as the relocation of the driveways from Wilson to S 1<sup>st</sup> and Oltorf Streets, helps reduce sensory and traffic impacts from a more intense multifamily project. Likewise, the City's compatibility standards, which did not exist at the time of the original construction, will further influence how this phased project is designed. Therefore, whether a new multifamily project is more compatible than an existing project is unknown with certainty; however, staff thinks the conditions recommended with the rezoning and the City's requirements for compatibility adequately protect adjacent and nearby single-family residents, and certainly steps have been offered to eliminate any detrimental impact.

***Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner, nor result in spot zoning.***

Austin continues to attract residents and our existing housing stock has appreciated in market price and lease rates. There is a need for affordable housing in Austin, affordable for those who are living below the City's median family income and served by affordable housing programs, and affordable for those who are earning a living wage but who stretch to meet monthly housing costs. There is also a need for rental housing, for those who prefer to rent or who are transitioning into or out of homeownership. This proposal helps satisfy that need.

Staff recognizes that replacing 173 affordable housing units with the same and adding 318 more may be perceived by some as a significant entitlement, or special privilege, for the owner. Staff is also aware that the owner is currently entitled to redevelop the site under MF-3 zoning with 324 units of market-rate apartments. The request is essentially for MF-4 development standards, with additional density.

In the end, staff thinks the City needs and would quickly absorb 486 units of rental housing; the demand exists. Furthermore, this location is a reasonable one for such a project, given that multifamily use already exists at the site and the locational benefits of the site to transit, commercial, and other elements as discussed above. Conditions to the request tailor the proposed zoning for the site, but no more so than the other 18 properties zoned MF-6-CO or MF-6-CO-NP. Staff thinks the request is reasonable and granting the request is warranted. Moreover, should 173 of the proposed units be developed as affordable for those in the 30% MFI demographic, staff is confident any perceived entitlement is balanced by need, and justified.

## **SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS**

The subject tract is located between S 1<sup>st</sup> St, Wilson St, W Oltorf St, and W Live Oak St and consists of 8.991 acres. It is developed with multifamily housing and associated surface parking, and is served by 2 driveways on Wilson St. The property slopes from east to west, and from the southeast to the northwest; the western property line approximates the centerline of East Bouldin Creek. Improvements exist within the floodplain. There are trees on site, but it is unknown to what extent these are considered protected in terms of size and species.

### **PDR Comprehensive Planning Review**

The zoning case is located on the west side of Wilson Street and is located within the boundaries of the Bouldin Creek Neighborhood Planning Area. Surrounding land uses include single family houses to the north and east, commercial properties to the west, and a variety of residential, and commercial uses to the south. The developer wants to clear the existing multi-family apartment complex and build a new multi-family complex at a higher density.

The Future Land Use Map of the Bouldin Creek Neighborhood Plan identifies this property as 'Multi-Family.' The following objectives and actions in the Bouldin Creek NP support multi-family apartments.

- **Objective 1.1:** Maintain Single Family Residential Character (pg 14)
  - Properties located within the interior of the neighborhood that are zoned for single family should remain as single family land uses.
  - Multifamily development should be allowed in the interior of the neighborhood where already permitted by existing zoning.
  - New multifamily development should: have adequate off-street parking; provide adequate greenspace and buffers between multifamily and other land uses; be designed to mitigate or limit additional traffic impacts along residential streets or interactions; and not exceed 60 ft. in height.
- **Action 17:** Provide incentives to developers to include affordable housing units serving households at or below 80% of the Area Median Income by offering neighborhood support for such developments. (pg 20)

The Growth Concept Map identifies nothing specific for Wilson Street, however the overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107, found in Chapter 4 of the IACP it states:

*"While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its*

*context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.”*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different types of housing throughout Austin:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- **H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon the Bouldin Creek Neighborhood Plan and Imagine Austin policies referenced above that supports a variety of housing types being located throughout Austin, and replacing an existing multi-family development, staff believes that the proposed residential use is in compliance with both Imagine Austin and the Bouldin Creek Neighborhood Plan.

### **PDR Environmental Review**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin 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. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is a flood plain within the project area.

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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **PDR Site Plan Review**

1. Site plans will be required for any new development other than single-family or duplex residential.
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.
3. Subchapter E, Internal Circulation Routes (2.3.1) applies to all zoning districts on an Urban Roadway. Because this site is over 5 acres, compliance with ICRs (block size, sidewalks and building placement) will be required upon redevelopment.
4. Subchapter E lighting requirements of Section 2.5 will apply.
5. Compliance with Section 2.7 of Subchapter E will apply for this site because there are more than 10 units, and because the site is over 2 acres. 5% of the gross site area must be devoted to private common open space, complying with the design regulations in 2.7.

### **PDR Transportation Review**

1. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.
2. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Wilson Street	57	26	Local	Yes	No	No

### **Austin Water Utility Review**

WW1. 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. The water and wastewater utility plan 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.