

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: East MLK Combined Neighborhood Plan

CASE#: NPA-2020-0015.04.SH **DATE FILED:** July 30, 2020 (In-cycle)

PROJECT NAME: Lott Avenue

PC DATES: January 26, 2021, February 9, 2021

ADDRESS/ES: 4908 Lott Ave; 5000-5016 Lightfield Ln; 1160-1166 Mason Ave

DISTRICT AREA: 1

SITE AREA: 5.01 acres

OWNER/APPLICANT: 4908 Lott Holdings, LLC
(GMJ Real Estate Investments, LLC) (Matt McDonnell)

(Note: Agent at time application was filed on July 30, 2020 – David Suissa)

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

(Note: Agent at time application was filed on July 30, 2020 – David Suissa)

CASE MANAGER: Jeffrey Engstrom, Senior Planner, Housing & Planning Department

PHONE: (512) 974-1621

STAFF EMAIL: Jeffrey.engstrom@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Higher Density Single Family

Base District Zoning Change

Related Zoning Case: C14-2020-0135.SH

From: SF-3-NP

To: SF-6-NP

NEIGHBORHOOD PLAN ADOPTION DATE: November 7, 2002

PLANNING COMMISSION RECOMMENDATION:

January 26, 2021 – Postponement at the request of the neighborhood to February 9, 2021 on the consent agenda. Close the Public Hearing and approve the consent agenda.– A. Azhar -- 1st; P. Seeger -- 2nd Vote: 11-0

February 9, 2021 – Approved to Higher Density Single Family. [C. Hempel – 1st; J.P. Connolly – 2nd] Vote: 8-0-3.

STAFF RECOMMENDATION: To grant applicant’s request for Higher Density Single Family

BASIS FOR STAFF’S RECOMMENDATION:

Staff recommends the FLUM change request from Single Family land use to Higher Density Single Family land use. Staff recommends the project because it would be compatible with residential housing adjacency; provide owner occupied infill housing; and is supported by housing policies and text found in the Imagine Austin Comprehensive Plan, the East MLK Combined Neighborhood Plan, and the Austin Strategic Housing Blueprint.

Below are excerpts from the East MLK Combined Neighborhood Plan that supports infill housing and small-lot single family housing in this portion of the planning area.

Goal 1: Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood. (pg. 44).

Objective 1.2: Promote new infill housing in appropriate locations.

Goal 5: Provide housing that helps to maintain the social and economic diversity of residents. (pg. 45)

Below are additional policies and text that are excerpted from the East MLK Combined Neighborhood Plan that supports a change from Single Family to High Density Single Family on the Future Land Use Map:

Fort Branch

Recommendations: The greatest need in the Fort Branch area is continued development of quality residential infill. Some larger tracts on Webberville, Tannehill Lane, and Jackie Robinson Street could be developed with mixed residential, while new single family homes are appropriate on the smaller vacant lots. Planned channel improvements to Fort Branch Creek should improve the safety and desirability of many vacant lots. Neighborhood-oriented commercial development should be encouraged in small, existing nodes on Webberville. Consideration should also be given to preserving flood plain lands south of Springdale Park as a natural greenbelt. (p. 69)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Single family - Detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE ON THE PROPERTY

Higher Density Single Family - Is housing, generally up to 15 units per acre, which includes townhouses and condominiums as well as traditional small-lot single family.

Purpose

1. Provide options for the development of higher-density, owner-occupied housing in urban areas; and
2. Encourage a mixture of moderate intensity residential on residential corridors.

Application

1. Appropriate to manage development on major corridors that are primarily residential in nature, and
2. Can be used to provide a buffer between high-density commercial and low-density residential areas.
3. Applied to existing or proposed mobile home parks.

IMAGINE AUSTIN PLANNING PRINCIPLES

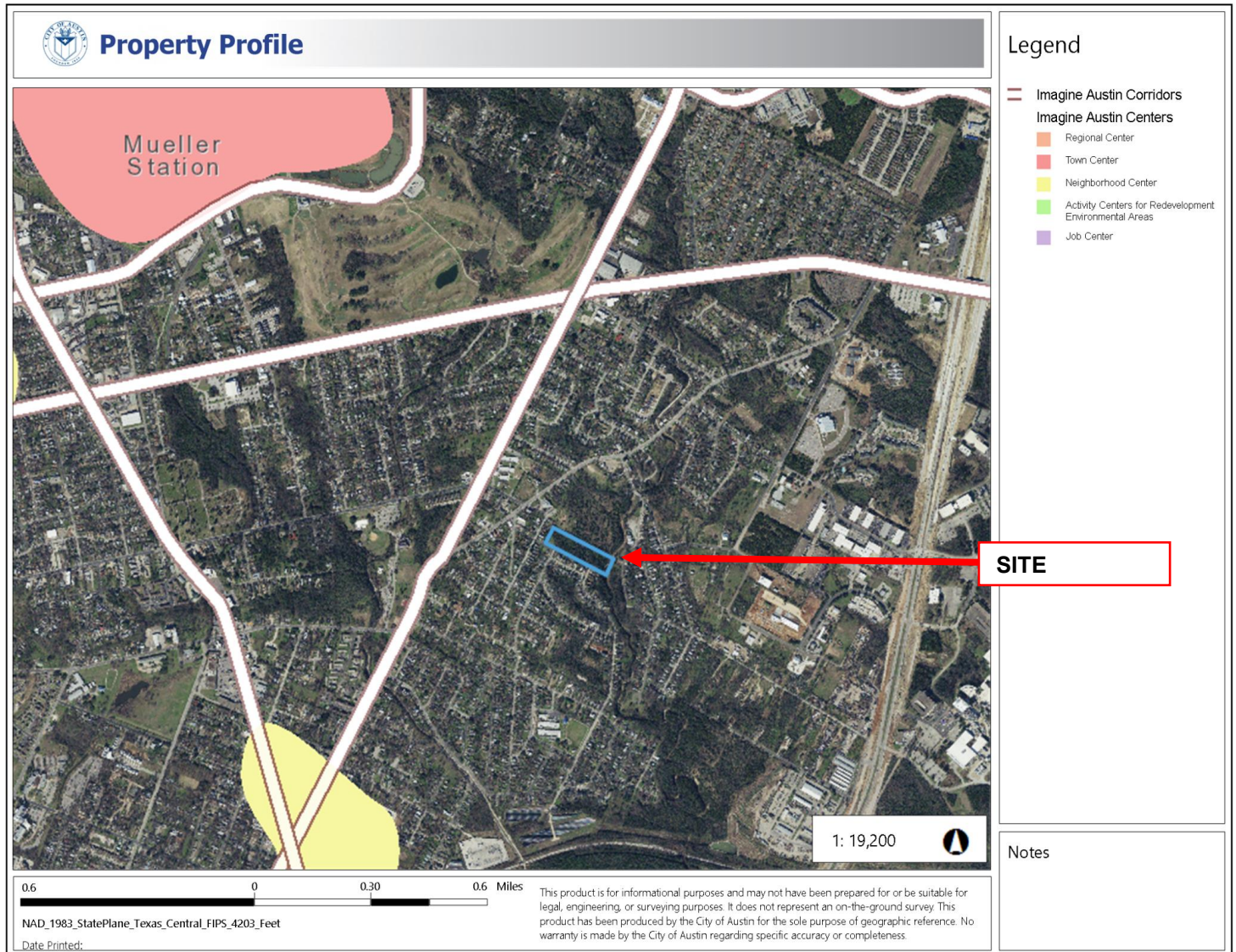
- Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - *The current use of the site is a vacant lot. The applicant requests a change to the future land use from single family to higher density single family to build 55 modestly-scaled attached and detached homes with unit sizes similar to the original homes built in the neighborhood.*
- Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

The development would be less than a ¼ mile from Springdale Road, an activity corridor, and less than a mile from the Springdale Station Activity Center at the intersection of Springdale Road and Airport Boulevard.

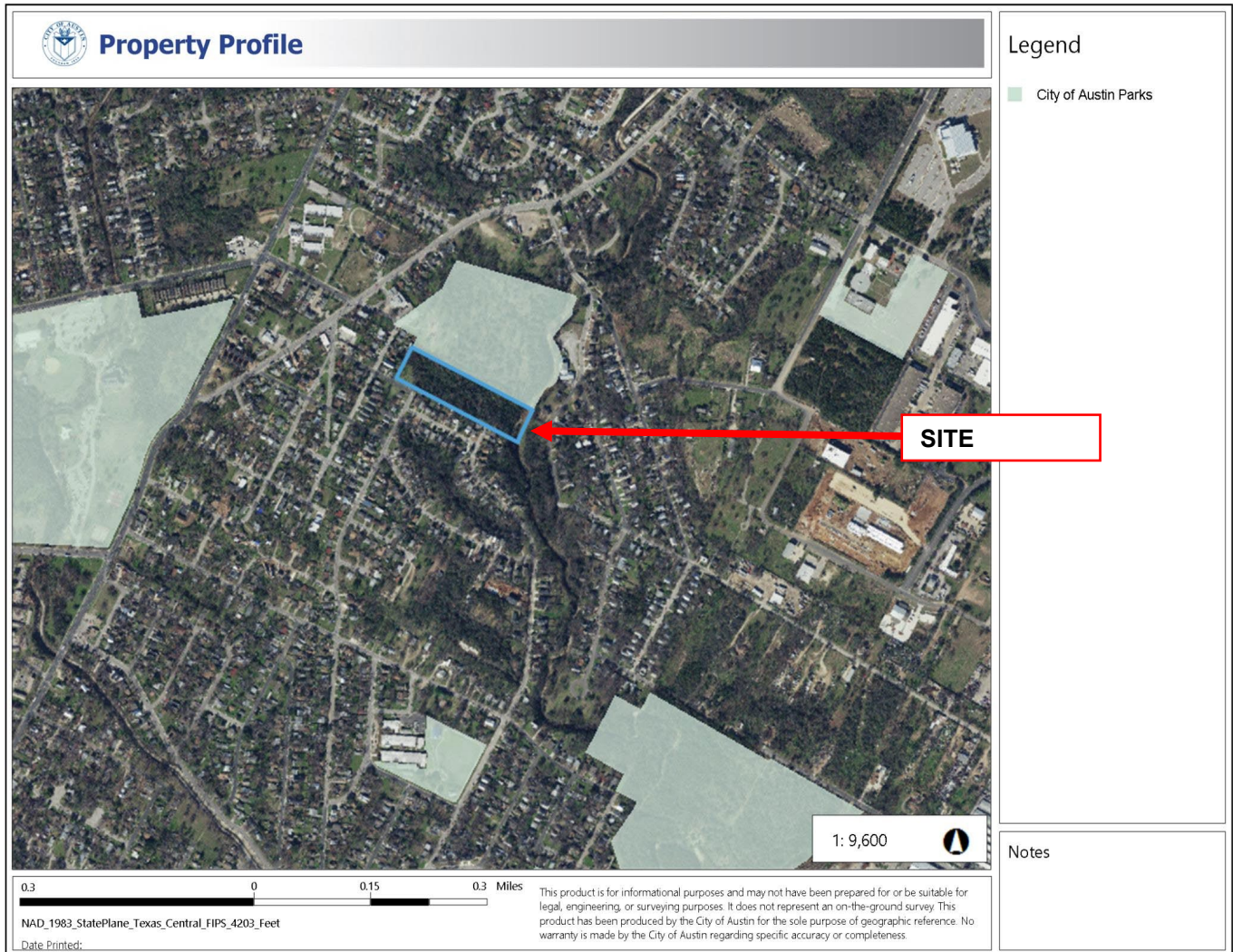
Transit: *The nearest Capital Metro bus stop (1201 Webberville) is less than a ¼ mile northwest of the site at the intersection of E 12th Street and Webberville Road. Capital Metro #6 bus route picks up on both sides of the street. The #6 MetroBus Local Route is currently operating daily every 30 minutes.*
- Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *This request is consistent with LUT A2 and A3, and would bring new, infill housing compatible with the existing style of this neighborhood.*
- Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The request would allow for the construction of more units at a lower price point than what would be provided under the existing zoning and approved subdivision.*
 - *The applicant is committed to providing five long-term, income-restricted homes for sale to families earning less than 80% Median Family Income (MFI) for a period of 99 years.*
- Ensure harmonious transitions between adjacent land uses and development intensities.
 - *According to the proposed preliminary site plan, three sides of the development would be open space: Springdale Neighborhood Park to the north, a publicly accessible shared use path to the west, and the water quality pond, natural area, and creek to the east. The southern edge of property would follow all required site development setbacks.*

- Protect Austin’s natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - *Flooding concerns were brought up by residents at the community meeting. The applicant is agreeable to a conditional overlay that limits maximum impervious cover to 51%, exclusive of any shared use path that is available for public use.*
- Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - *The proposed development would construct a shared use path on the west side of the site that would provide a pedestrian and bicycle connection from the neighborhood to Springdale Neighborhood Park.*
- Protect, preserve and promote historically and culturally significant areas.
 - *Not applicable.*
- Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *The proposed development would construct a shared use path on the west side of the site that would provide a pedestrian and bicycle connection from the neighborhood to Springdale Neighborhood Park.*
- Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Not applicable.*
- Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
 - *Not applicable.*
- Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - *Not applicable.*

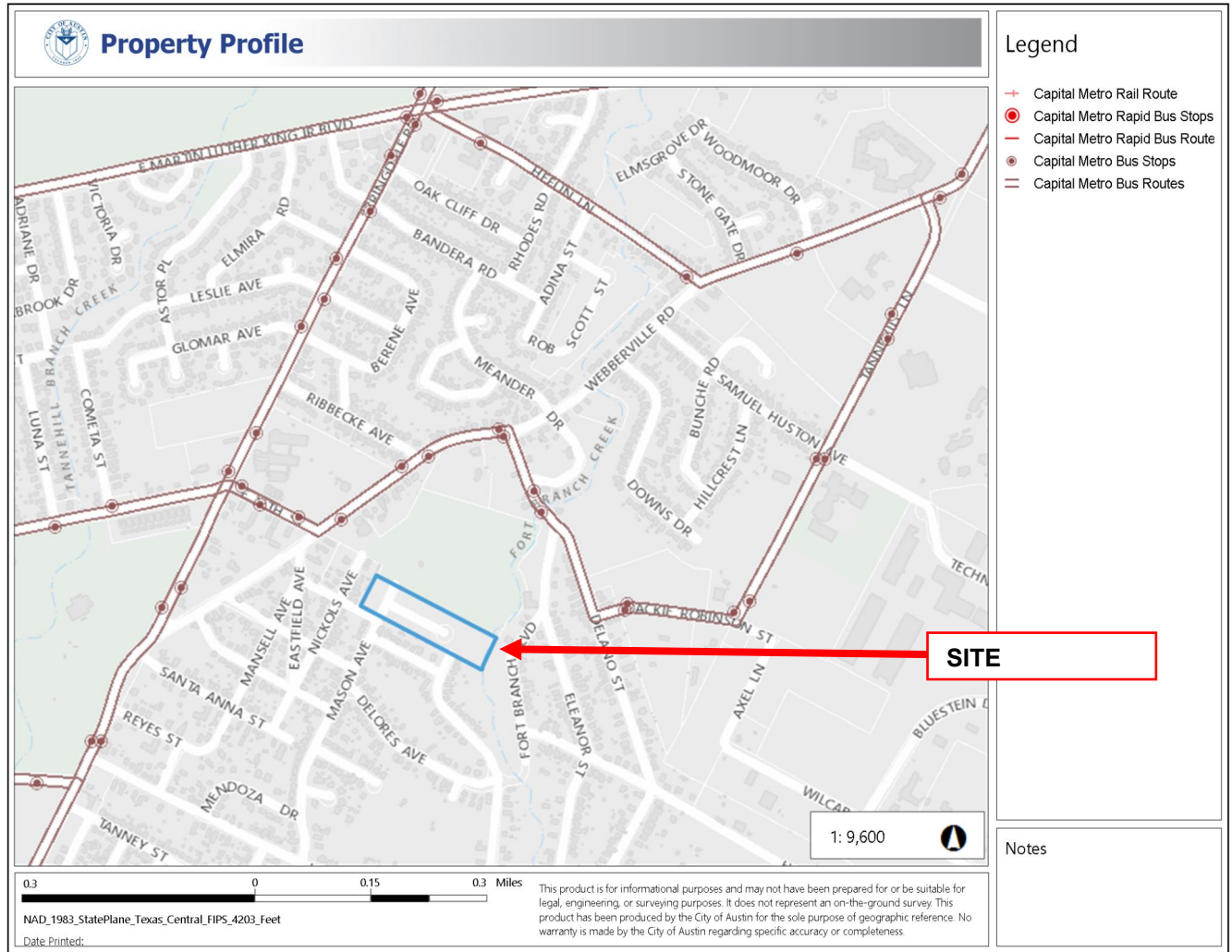
Imagine Austin Centers and Corridors



Parks



Transit Access



IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment

opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The plan amendment application was filed on July 30, 2020, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Single Family and Higher Density Single Family.

The applicant proposes to change the zoning on the property from SF-3 to SF-6 to build roughly 55 units of modestly scaled ‘missing middle’ housing, including 5 long-term, income-restricted ownership units. For more information on the zoning request, please see zoning case report C14-2020-0135 SH.

PUBLIC MEETINGS: The ordinance-required community meeting was held on Thursday, October 7, 2020. Staff conducted the meeting virtually using Microsoft Teams. At the time of the meeting, the applicant had not filed the concurrent zoning case, which was subsequently filed on November 17, 2020.

Approximately 302 community meeting notices were mailed to people who live within 500 feet of the property and people with utility accounts (renters), in addition to neighborhood organizations and environmental groups who requested notification for the area. Four city staff members participated in the meeting, in addition to the property owner and representatives, Dick Hall and Julie Jumonville, and the applicant’s agents, Michael Whellan and Michael Gaudini from Armbrust and Brown, PLLC. In addition to city staff, the applicants, and the applicant’s agents, 10 people virtually attended the meeting.

After staff gave a brief presentation, Michael Whellan, the applicant’s agent, said they are requesting a change in the future land use map from Single Family to Higher Density Single Family to build roughly 55 modestly scaled ‘missing middle’ housing units. The vacant parcel is currently subdivided to allow for the construction of 31 single-family homes. Mr. Whellan stated that the future land use change and rezoning from SF-3 to SF-6 will allow for the construction of more units at a lower price point than would be provided under the existing zoning and approved subdivision. With this project, Mr. Whellan stated that the applicant is committed to providing five long-term, income-restricted homes for sale to families earning less than 80% Median Family Income (MFI) for a period of 99 years.

Mr. Whellan also showed a conceptual site plan and discussed a shared use path on the west side of the site that would provide a pedestrian and bicycle connection from the neighborhood to Springdale Neighborhood Park. Along the eastern portion he discussed the location of the water quality pond and buffer along Fort Branch Creek.

Mr. Whellan also explained that the currently approved subdivision would remove a heritage tree, but under the applicant's proposal, they would like to submit a new subdivision plan, subject to City approval, that redesigns the road to curve around the heritage tree and preserve it.

Mr. Whellan provided a side-by-side comparison chart of the approved subdivision under the current zoning and future land use, and the applicant's proposal. The major changes included allowing the small-lot single-family, and rowhome uses, increasing impervious cover from 45% to 55% and increasing the unit count from 31 to 55 units.

For more information, the video recording can be viewed here:
https://www.speakupaustin.org/npa/news_feed/npa-2020-0015-04

Following the meeting, City staff followed up with the NPCT contact team and the person who asked this question to provide a formal response on the difference between Community Development Corporations, like GNDC, and the City's S.M.A.R.T Housing program. That correspondence is on page [19](#).

Below are the questions that were asked with responses:

Just to clarify that "Future" land use can also mean current land use?

Answer (Mark Walters, City Staff): Yes and no. The City Charter requires that all zoning decisions be in alignment with the Comprehensive Plan. Neighborhood plans, like East MLK Combined, are amendments to Imagine Austin Comprehensive Plan and all neighborhood plans include future land use maps (FLUMs) which designate a future land use category for every lot within the planning area boundary. The assigned future land use category is a good guess of what things might like to be in the future – but it is not written in stone, which is why Council created an amendment process. In this case, the future land use category was originally “Single Family” and someone took time and effort to create a single family subdivision but circumstances have changed, perhaps new ownership, so in order to request a change in zoning, the applicant also has to ask for a plan amendment. In this case, the future land use category does reflect the current use (single family subdivision), but in other areas of the city, for example along many commercial corridors, the future land use designation might be mixed use, but the current use is straight commercial.

How would this change impact the homes already in the flood zone on Fort Branch?

Answer (Michael Whellan, Applicant's Agent): We are going to fully comply with city code and have a water-detention facility so there won't be any more water than currently falls into the creek now. We are required by code to not increase the adverse impact on the creek.

Please define "smaller" and "larger" homes. What is the size of the units?

Answer (Dick Hall): Approximately 1100-1200 square feet for two bedroom homes, 1500 for three bedrooms.

Can you give us an idea what the price points might be?

Answer (Michael Whellan): We really don't know the price of the market-rate homes by the time these units are built – probably about two years from now. Our expectation would be the prices would be 20% less than larger homes on these lots, but we don't know exactly what the price point will be. The price point of the five income-restricted homes is set by the Housing and Planning Department based on 80% Median Family Income. The number is adjusted every year, but for 2020 it is set at \$180,000.

In order to address flooding concerns, can you hold to 45% impervious cover allowed by SF-3, or can you get close to that, instead of going to the 55% allowed by SF-6? Or could you design the water quality and water retention facilities to greater than that which is required?

Answer (Michael Whellan): Flooding will be addressed at site plan. You can see given the site it'll be tough, even with the green buffer along the tributary the plan is close to 55%, so we would need to go look at the cost and the best way to do that. It is definitely something we could explore and we will have time to do that between now and any hearing. So that is a good one for us to go back and look at.

Traffic is another major concern for our area, especially in the Hog Pen and S.A.N.A. neighborhoods where these roads are narrow, hilly and twisting. I'm assuming a TIA is not required, but wondering if you would be willing to produce a Neighborhood Traffic Analysis to demonstrate what the impacts are locally on traffic patterns generated by this site?

Answer (Michael Whellan): On the Neighborhood Transportation Analysis (NTA), first, as you know, instead of one driveway, we're going to have two driveways. So I think immediately we're going to have a little bit of an advantage because there are two driveways, but I think an NTA is going to be done for this. [Note: the NTA will be done at the time of site plan review].

We had talked separately about the possibility of pursuing the Better Builder or at least pursuing some of the standards within the Better Builder program, especially the living wage component.

Answer (Michael Whellan): On the better builder program, I haven't had a chance to explore that completely, I know that the living wage is at \$13.50. I think a lot of contractors are now paying that simply because employees are hard to come by, so that is something we will talk further about. Given a site like this though, really hard when there are five affordable units at

basically below cost, I mean at \$180,000 it is going to be nearly impossible to build. We have to do 1-Star Green Building under the Smart Housing program, so there's additional things that we've got to do under Smart Housing that add to the cost. But having said that, you know doing a pro forma to see whether the Better Builder Program elements are achievable is something that we are certainly willing to look at.

Lastly, we often see poor construction management practices which lead to flooding and a lot of debris winding up on neighboring properties - even some that could cause some structural concerns to some of the neighboring properties, so wanted to give you an opportunity to address what the plans are to ensure there are only the highest standards possible maintained on the construction site.

Answer (Michael Whellan): I'm sorry there have been problems, I don't know why people are not complying with rules and regulations that require appropriate sedimentation features to prevent runoff, but we will be fully compliant. If there is a particular thing you've seen that other have violated repeatedly then we would like to know that, especially when we're under construction so that we do not make the mistakes of others because it would not be our goal.

Can you clarify what the acronym NTA means, and other acronyms used through the presentation?

Answer (Michael Whellan): NTA stands for Neighborhood Transportation Analysis. It is not a full-blown Transportation Impact Analysis (TIA), it is typically much smaller analysis of a small centralized area done by the city, I think as part of the zoning case. So there will be an analysis done as part of our zoning case. **[Note: the NTA will be done at the time of site plan review].**

We know that GNDC is in the area and we would like to understand why you are not choosing that route which might provide a little bit more affordable housing in this situation. Also, you mentioned S.M.A.R.T. Housing, can you elaborate and help us understand what that means?

Answer (Michael Whellan): GNDC stands for Guadalupe Neighborhood Development Corporation. They are a nonprofit that owns property and also has a robust list of tenants who would like to live in affordable units available for rent. S.M.A.R.T. Housing stands for Safe, Mixed-Income, Accessible, Reasonably Priced, and Transit-Oriented. The reason that I like the S.M.A.R.T. Housing program is that it is with the City, so you're not asking the neighborhood to enforce a restrictive covenant requirement, which can be expensive. Through the S.M.A.R.T. Housing program, the city would be the enforcing entity and would ensure if there's any subsequent sale that the sale prices are at that 80% MFI level. S.M.A.R.T. Housing requires a minimum of 5% affordable units, but the applicant is proposing a commitment of five income-restricted units out of fifty five, around 9%.

To the city: The future land use map in the presentation is out of date, and what infrastructure improvements and other positive investments (like grocery stores and hospitals) are you making to support the constant changes to the FLUM?

Answer (Mark Walters and Rachel Tepper, City of Austin): Staff included the FLUM on slide 10 of the presentation for demonstration purposes only and apologizes for any confusion. (To

ensure accuracy, the latest FLUM was uploaded to the NPA speak up Austin webpage the following day.)

As to commercial uses coming into the area, that is a product of the free market. If there is an area where a property is zoned commercial, an individual or corporation can make an investment like a grocery store or pharmacy, but that is an economic choice that the individual or corporation makes and is beyond the scope of the city. The city can, through these planning processes, attempt to provide opportunities by designating areas as commercial or mixed use, making sure that the zoning is available for those uses to come in. As for the hospitals, that is similar to the commercial, we can ensure that the zoning is in-place but the decision that a hospital choose to locate is outside the purview of the City of Austin (planning and zoning tools).
Staff apologized about

There is another heritage tree (96 or 98inch) in the middle of Mason right at the property line, are you planning to design around that tree?

Answer (Dick Hall): That tree is very close to the border of the property and would be removed under the current subdivision, and as we have shown here, would probably need to be removed. That particular tree is more difficult to route around because it is immediately adjacent to Mason Avenue there at the property line. This is all pending but I am not sure if any private road in from Mason Avenue would be possible without that particular tree being removed.

Answer (Mr. Whellan): We need to go back and look at that and we need to do the best we can. This isn't scheduled for any hearing yet, so we can report back to the contact team on that particular tree. I will get back to Jon Hagar, the chair of the contact team.

What are the hours that the construction crews will work? Are they going to work weekends? Previous construction sites in the areas had workers all hours of the week and we had parking issues. What are your plans to control the construction traffic and parking?

Answer (Mr. Whellan): This is a five acre site and it is not going to get built immediately, so there will be an opportunity to stage on the property. There are sound ordinances and construction regulations with very specific requirements on when you are allowed to build and where people can park. People will have to comply with a traffic control plan and construction will have to be maintained within the site. I'm hopeful that construction will start at one end and move so that people will be able to park on one end while the other half is getting built and then once that half is build people can park where construction is no longer underway. As far as construction hours, we will have to look up the code requirement.

How long will all of the construction take from start to finish?

Answer (Dick Hall): We are looking at approximately 3 years from now until completion.

Is there a subdivision in East Austin that is comparable to what you are getting ready to build?

Answer (Dick Hall): The closest at the top of my head would be The Grove at 51st Street. That is a gated community, and that is not our plan for here, but if you look at the groups of

four townhomes that we show on this plan that would be the most comparable. One caveat is that The Grove at 51st doesn't have the smallest unit sizes that we discussed in the 1100-1200 square foot range.

Is there a consideration to name the roads after people who have done great things in East Austin?

Answer (Mr. Whellan): That is definitely something we can talk about and would be something on a site plan that we might develop.

CITY COUNCIL DATE:

February 18, 2021

March 25, 2021

ACTION:

Postponed to March 25, 2021
because of weather

Applicant Letter

July 28, 2020

Jerry Rusthoven, Acting Lead
City of Austin
Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Neighborhood Plan Amendment application for 4908 Lott Ave. (the "Property")

Dear Mr. Rusthoven:

I am seeking to submit a Neighborhood Plan Amendment for 4908 Lott Ave. requesting a Higher-Density Single Family designation. I am submitting this request in July in order to meet the City's cycle for Neighborhood Plan Amendments; a re-zoning application will follow containing more information regarding the overall vision for the Property.

The Property is in the East MLK Combined Neighborhood Plan area and is currently designated for SF-3-NP zoning and on the Future Land Use Map ("FLUM") for Single-Family. The City has approved a subdivision for the Property that would allow single-family development on lots ranging in size up to nearly 7,400 sf, though this subdivision has not yet been built out.

This application instead requests amending the FLUM to reflect the Higher-Density Single Family designation, which would allow for the provision of Missing Middle housing. The Neighborhood Plan Amendment would be followed by a later submittal for a related re-zoning case, which will provide additional information on the overall vision and proposal for the Property.

I appreciate your consideration of this application and the upcoming re-zoning application, and look forward to answering any questions and providing further details on these cases.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Suissa', with a stylized, overlapping loop structure.

David Suissa

{W0991276.1}

**Recommendation Letter from
Neighborhood Plan Contact Team**

8 January 2021

To: Planning Commission and City Council Members
Re: NPA-2020-0015.04 Lott Avenue

This letter serves to **recommend that the Planning Commission and City Council approve the above-referenced plan amendment request.**

The East MLK Combined Neighborhood Plan Contact Team voted during its November meeting to support changing the land use for the above referenced properties from *Single Family* to *Higher Density Single Family* assuming the project meets the following requirements:

- A. Impervious cover on the property is limited to 51% via Conditional Overlay, exclusive of the pedestrian trail connection to Springdale Park. Holding the impervious cover shy of the 55% permitted in SF-6 will help reduce some of the burden on nearby Fort Branch Creek created by the increased density and alleviate some of the concerns of downstream neighbors over increased flooding risk.
- B. The project maintains SMART Housing certification and the 5 Affordable units at 80% MFI. I'll take the opportunity to say that supporting these cases would be much easier if we could ensure that the increased entitlements were always contingent on affordable housing.

With these conditions, amending the FLUM for this property to *Higher-Density Single-Family* would be consistent with the following goals within the East MLK Combined Neighborhood Plan:

- **Goal One:** Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.
- **Goal Five:** Provide housing that helps maintain the social and economic diversity of residents.
 - The provision for 5 affordable housing units adds much needed housing cost diversity to an area which sees a lot of new, market rate housing. That these affordable units could be available to families is especially encouraging.
- **Goal Thirteen:** Create more public open space, including parks and green spaces, improve existing parks and increase recreational amenities in the neighborhood.
 - The connection to Springdale Park will greatly increase pedestrian accessibility to Springdale Park in a neighborhood with narrow, winding streets and very few continuous sidewalks.

With the conditions listed above, the EMLK NPCT **supports amending the FLUM for the Property from *Single-Family* to *Higher-Density Single-Family*.**

Sincerely,



Jon Hagar
Chair, EMLK NPCT
jonhagar@gmail.com
(512) 739-4101

**Letter of Recommendation from
S.A.N.A Neighborhood Association**



December 13, 2020

Dear Mayor, Mayor Pro Tem, and Council Members:

The Springdale-Airport Neighborhood Association (SANA) supports the request for SF-6 zoning and a Future Land Use Map amendment to Higher-Density Single-Family at the Lott Avenue site; subject to a conditional overlay that limits maximum impervious cover to 51%, exclusive of any shared use path that is available for public use.

Today, the property is vacant, though it has an approved subdivision that could be built out under the existing SF-3 zoning. By instead requesting SF-6 zoning, the applicant is proposing smaller 'missing middle' homes rather than the larger houses that could be built today. They are also proposing to provide affordable homes for ownership to families at 80 percent MFI.

In addition to housing, the applicant is also proposing a shared-use path for pedestrians and bikes to connect the neighborhood to Springdale Neighborhood Park, and has committed to working with the neighborhood to maintain open communications and minimize disruptions during construction.

We appreciate that the applicant reached out to SANA early in this case, and support their proposal for smaller homes and affordable homes for residents. We believe that this vision is a better fit for our neighborhood than what could be done today under the existing zoning, and we hope you will support their request for SF-6 and for Higher-Density Single-Family, with a conditional overlay that limits the maximum impervious cover to 51% exclusive of any shared use path that is available for public use.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Rivera".

Pete Rivera, President

Correspondence

From: [Tepper, Rachel](#)
To: [Jon Hagar](#)
Cc: [Gutierrez, Jesse](#); [Maria Alonso](#); [Michael Whellan](#); [Chaffin, Heather](#)
Subject: RE: NPA-2020-0015.04 Lott Avenue
Date: Wednesday, November 25, 2020 3:57:00 PM

Hi Jon,

I've added my responses to your questions below in purple. Please feel free to give me a call on Monday if you want to talk through any of this in more detail.

I hope you have a great holiday break,

Rachel Tepper, AICP

City of Austin | Housing & Planning Department

Pronouns: she/her/hers

tel: 512-974-1485

e: Rachel.tepper@austintexas.gov

From: Jon Hagar [REDACTED]
Sent: Tuesday, November 24, 2020 3:03 PM
To: Tepper, Rachel <Rachel.Tepper@austintexas.gov>
Cc: Gutierrez, Jesse <Jesse.Gutierrez@austintexas.gov>; Maria Alonso [REDACTED]
Michael Whellan [REDACTED]
Subject: NPA-2020-0015.04 Lott Avenue

*** External Email - Exercise Caution ***

Hi Rachel,

The EMLK Contact Team is essentially ready to support this Plan Amendment Request, I just have a couple of questions regarding protocol and how best to describe the conditions of our support.

There are two main points I'd like clarification on:

The primary concern over going to Higher Density Single Family / SF-6 is the allowed increase in impervious cover from 45% to 55%. We're asking the developers to mitigate that by either limiting IC to 50% or increasing stormwater detention capacity by 5-10% above that required by Atlas 14. I want to make sure that what we ask for can be written into a Conditional Overlay, but also want to give the developers freedom at this stage to achieve either metric, if possible. What can the city actually include in a CO?

Here's a link for the Land Development Code that lists what can be put in a conditional overlay: https://library.municode.com/tx/austin/codes/land_development_code?

[nodeId=TIT25LADE_CH25-](#)

[22O_SUBCHAPTER_BZOPRSPRECEDI_ART2SPRECEDI_DIV2COOVCODI_S25-2-](#)

[332COOVCOCODIRE](#). The E. MLK NPCT can list in their letter of recommendation that will be submitted to the Planning Commission and City Council the E. MLK NPCT's request for Conditional Overlays. At the public hearings you can sign up to speak to get support from the PC or CC for these items. If the applicant agrees to the Team's list of items that can be put in a conditional overlay, then that would be very helpful at the public hearings. For items that cannot be put in a Conditional Overlay, you could work with the applicant on a Private Restrictive Covenant but the City would not be party to that and would not enforce it. Heather Chaffin (cc'd) is the zoning planner assigned to the case, and she might be a helpful resource for additional questions related to the Conditional Overlay, since that would be attached to the zoning case and not the Neighborhood Plan Amendment.

1. A major reason for our support is that this project is using SMART Housing. To your knowledge, is there ANY way to tie either SMART Housing or just the affordability requirement to either the NPA or the zoning change? We're always trying to avoid a situation where we grant our support, the increased entitlements go through, and then the owner has to back out of the project for some reason.

The SMART Housing cannot be tied to the NPA. The City cannot require participation in an affordable program in exchange for NPA or zoning approval. If the neighborhood wishes to negotiate privately with the developer and enter into an agreement that is between those two entities. The City cannot be part of such an agreement nor can it take part in enforcing such an agreement.

Feel free to give me a call to discuss if that's easier. Thanks,

Jon Hagar

Chair, East MLK NPCT

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From: [Radtke, Alex](#)
To: [Maria Alonso](#); [Tepper, Rachel](#)
Cc: [Jon Haagar](#); [Copic, Regina](#); [SpringdaleAirport NeighborhoodAssociation](#); [Jenn Golech](#); [Pete Rivera \(SANA\)](#)
Subject: RE: Response to question raised at the virtual meeting for NPA-2020-0015.04
Date: Thursday, November 5, 2020 11:25:30 AM

Hello Maria,

Please find below our response to your questions from last week.

The 80% MFI threshold is set in the SMART program ordinance and cannot be administratively modified. The City cannot require participation in an affordable program in exchange for zoning approval. If the neighborhood wishes to negotiate privately with the developer and enter into an agreement that is between those two entities. The City cannot be part of such an agreement nor can it take part in enforcing such an agreement.

According to what the agent stated in the ordinance required neighborhood plan amendment meeting, the applicant proposed re-subdividing their 5.01 acre site, and requesting the vacation of the unbuilt roads. The proposed East MLK Neighborhood Plan project connecting Fort Branch with Lott and Delores with a bridge over the creek is proposed to be further south of the site in question. You can see the location of the connection in the publicly accessible Urban Trails Map. Below is a screenshot roughly outlining the applicant's site in black, and the grey dashed line is the proposed urban trail connection over the creek (circled in green below). The point of contact for questions about this project is Katie Wettick, Katie.Wettick@austintexas.gov. For questions about bicycle/pedestrian easements that may be required on the property if it were to be resubdivided, the best contact is Thomas Rowlinson at Thomas.Rowlinson@austintexas.gov.

Best,

Alex



From: Maria Alonso <alonso.maru@gmail.com>
Sent: Wednesday, November 4, 2020 11:49 AM
To: Radtke, Alex <Alex.Radtke@austintexas.gov>; Tepper, Rachel <Rachel.Tepper@austintexas.gov>
Cc: Jon Hagar; [REDACTED] SpringfieldAirport NeighborhoodAssociation
[REDACTED]; Jenn Golech [REDACTED] Pete Rivera (SANA)
[REDACTED]
Subject: Re: Response to question raised at the virtual meeting for NPA-2020-0015.04

*** External Email - Exercise Caution ***

Hi Alex and Rachel,

I just wanted to follow up and see if you could help me with the answers below or if you could point me in the right direction on who might.

Thanks in advance!

Maria

On Wed, Oct 28, 2020 at 6:33 PM Maria Alonso [REDACTED] wrote:

Hi Alex,

We met with the project representatives yesterday. I have a question regarding the 80% MFI. Would it be possible for the Neighborhood Association to request that percentage to be reduced or is that something that is present in an ordinance that doesn't allow that to be changed?

Additionally, and this question might be for Rachel, we are approving with the assumption that there will be 5 units that will be part of the SMART program. Should that number change, can we make a stipulation that more money should be added to the PARD contributions?

Lastly, Jen Golech (copied here) brought up a good point. In the East MLK Neighborhood Plan Survey that was recently sent out. There is a project in there that would connect Fort Branch to Lott to the park with a bike/ped bridge. I think there a lot of folks that would really like this. What would happen if the city ends up vacating that right of way on the Lott side?

<https://www.surveymonkey.com/r/EMLK>

I appreciate you help on this.

Thanks in advance!

Maria Alonso
SANA VP

----- Forwarded message -----

From: **Jon Hagar** [REDACTED] >

Date: Sun, Oct 18, 2020 at 5:37 PM

Subject: Fwd: Response to question raised at the virtual meeting for NPA-2020-0015.04

To: EMLK Planning Contact team Group <[REDACTED]>

Rachel has provided clarification on SMART Housing and Community Development Corporations for those interested. This is in response to a question Angela raised during the Community Meeting for the Lott Avenue plan amendment.

----- Forwarded message -----

From: **Tepper, Rachel** <Rachel.Tepper@austintexas.gov>

Date: Fri, Oct 16, 2020 at 9:44 AM

Subject: RE: Response to question raised at the virtual meeting for NPA-2020-0015.04

To: Jon Hagar [REDACTED]

Cc: Walters, Mark <Mark.Walters@austintexas.gov>, Michael Gaudini

<MGaudini@abaustin.com>, Michael Whellan <MWhellan@abaustin.com>, Gutierrez, Jesse
<Jesse.Gutierrez@austintexas.gov>

Hi Jon,

Please see the updated/edited response to Angela's question below, and the updated RC template attached:

In this case, the applicant is proposing to voluntarily impose private Long-Term Affordability Restrictions on the property which would limit the sale of the home to income-eligible households (80% MFI) for a term of 99 years. These restrictions will be legally recorded with a restrictive covenant document that will "run with the land" and as a result bind current and future homeowner to the terms. Since the City is not a party to private restrictions, the City will not monitor compliance with the affordability requirements.

The applicant has the option to apply for the City of Austin's [S.M.A.R.T. Housing program](#), which provides a sliding scale of waivers of eligible development fees in exchange for a project setting aside different percentages of units as affordable (5 years for rental and 1 year if ownership). There is the option with S.M.A.R.T. Housing for an applicant to offer long-term affordable units (40 years for rental and 99 years for rental) in exchange for receiving 100% applicable fee waivers. Under this option, the long-term affordable units are secured through a City approved Community Land Trust or Long-Term Affordability restriction that will be recorded against the property. Attached is the current Long-Term Affordability template.

Community Development Corporations (CDCs) are neighborhood-based non-profit housing organizations that forge alliances with neighborhood residents, developers, and city officials, various intermediaries and lenders in order to promote the development and rehabilitation of high-quality affordable housing for low to moderate income families. Many CDCs, like the [Guadalupe Neighborhood Development Corporation](#), also maintain [Community Land Trusts \(CLT\)](#) to manage properties. In a CLT, the homeowners purchase only the house and enter into a long-term agreement – a 99-year ground lease- with the CLT for the use of the land.

Either legal instrument has the same effect – securing the affordability over the long-term (from owner to subsequent owner and so on) but there may be different requirements and affordability thresholds depending on the terms.

For more information about this neighborhood amendment case, please reach out to me or the applicant directly (cc'd). For more information about the City's affordability programs, please reach out to Alex Radtke at alex.radtke@austintexas.gov.

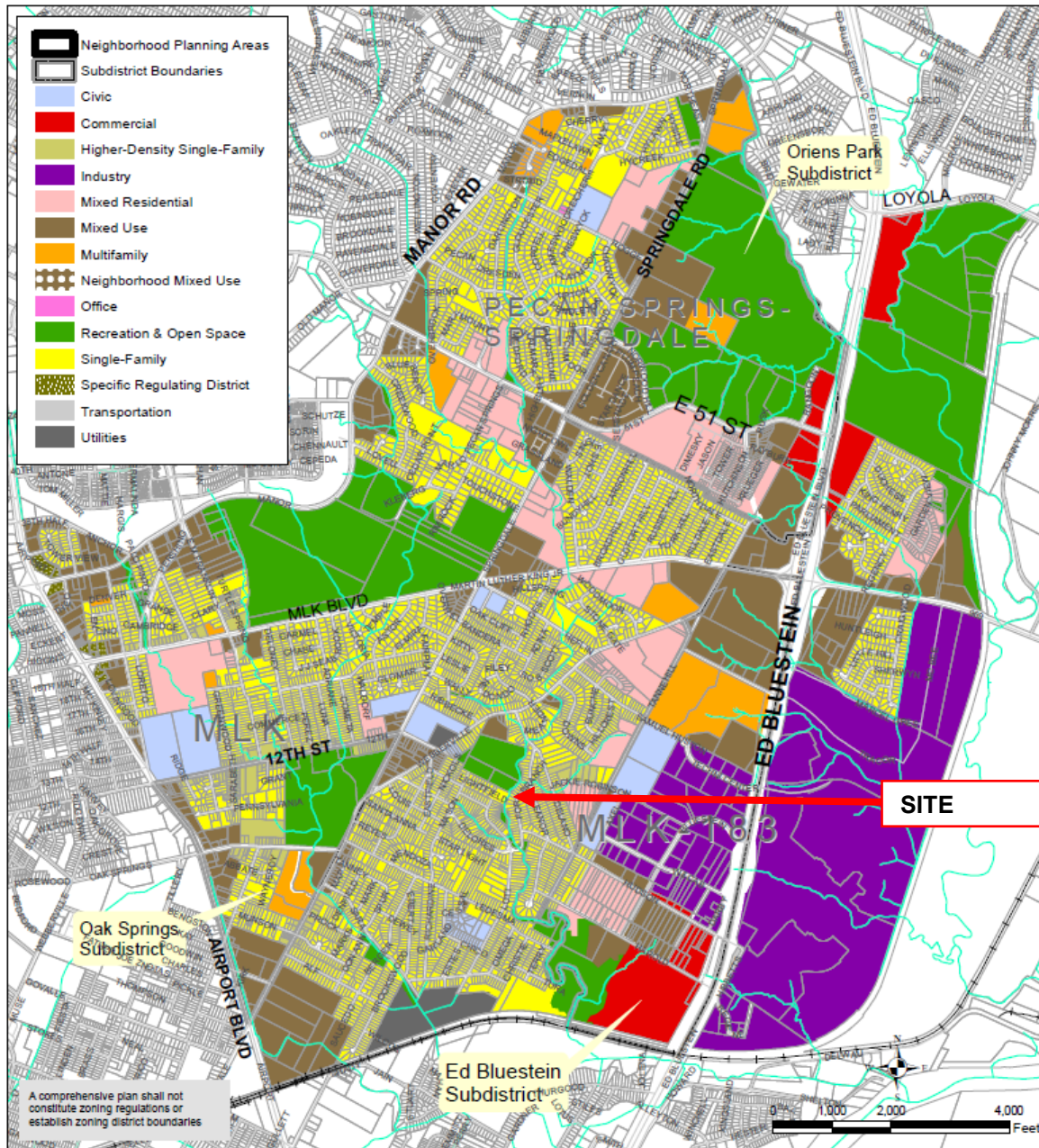
Thanks,

Rachel Tepper, AICP

City of Austin | Housing and Planning

pronouns: she/her/hers

Future Land Use Map Neighborhood Plan Area



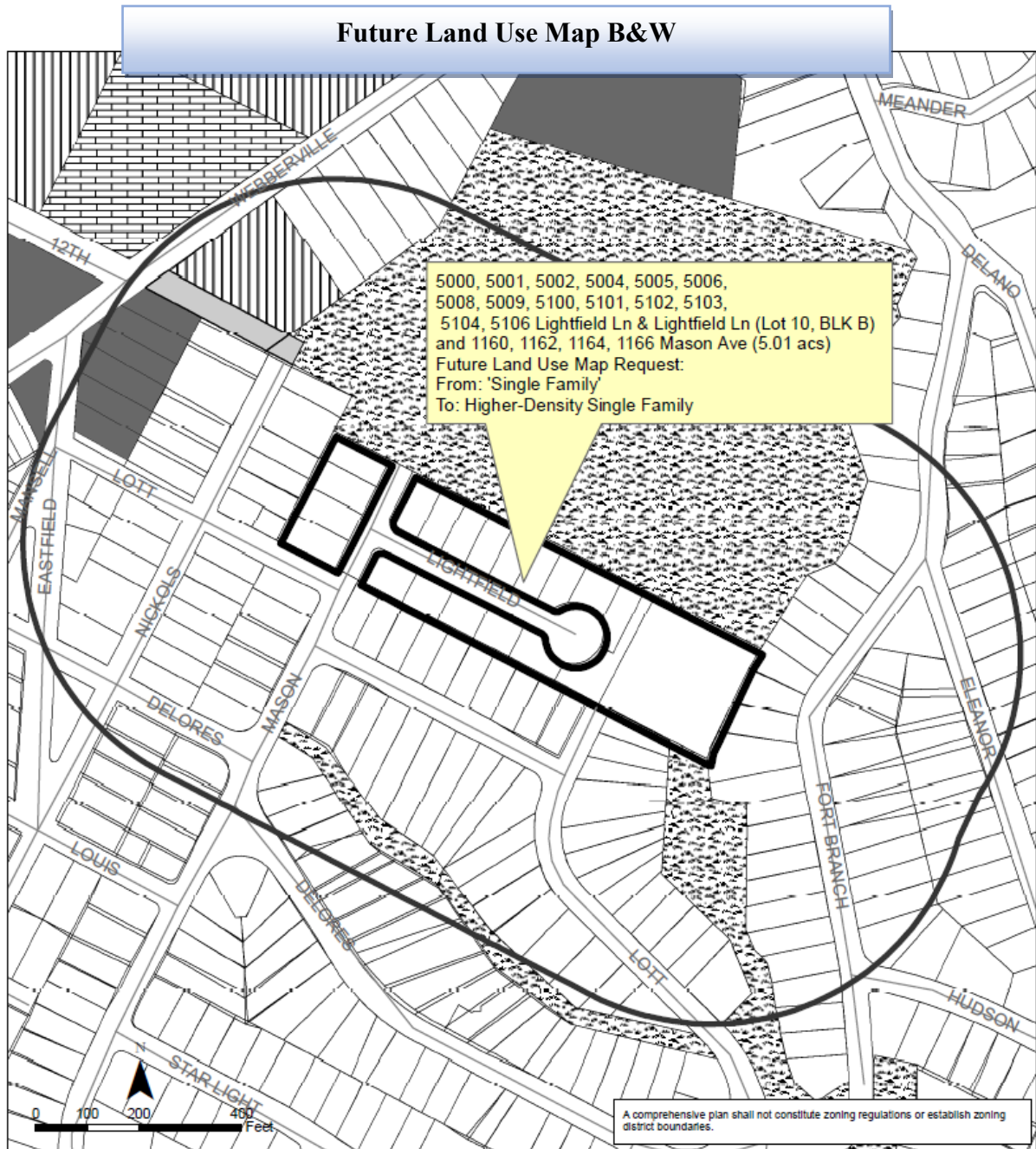
East MLK Combined Neighborhood Planning Area Future Land Use Map

City of Austin
Planning and Zoning Department

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

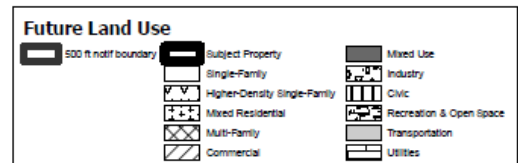
Last Updated: March 6, 2018



**E MLK Combined (MLK-183) Neighborhood Planning Area
NPA-2020-0015.04**

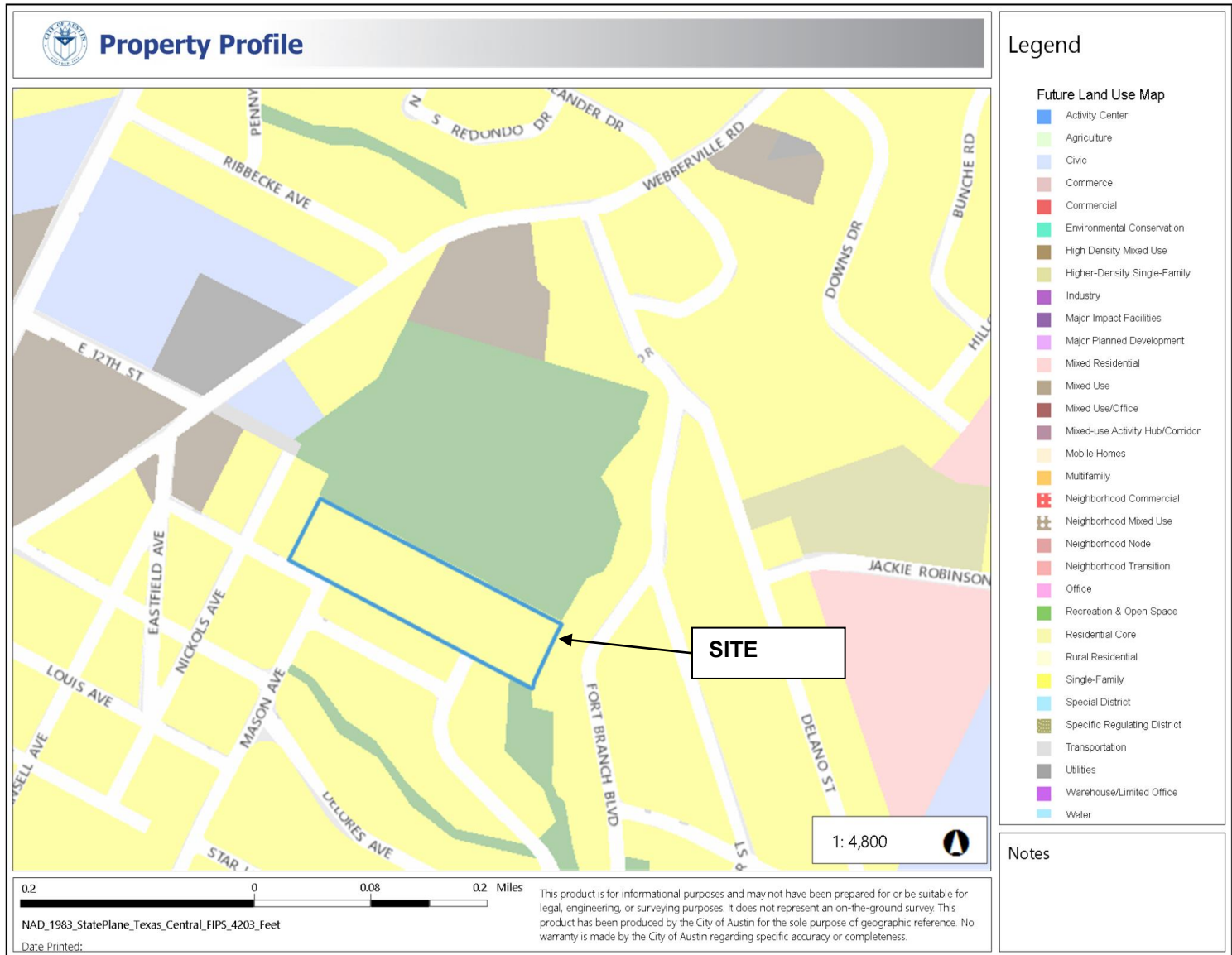
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City of Austin
Planning and Zoning Department
Created on 8/6/2020, by: meredithm

Future Land Use Map Detail



0.2 0 0.08 0.2 Miles

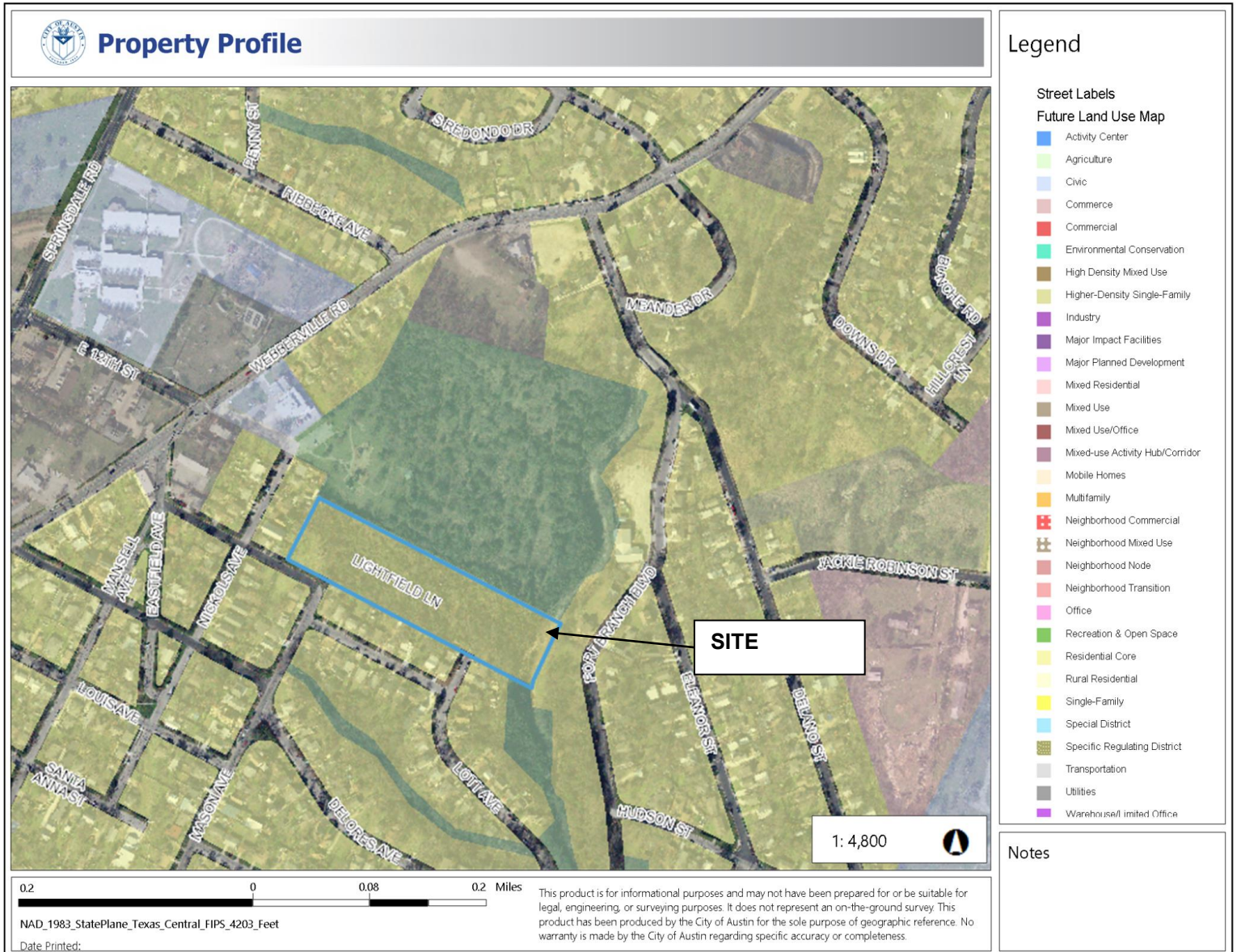
NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

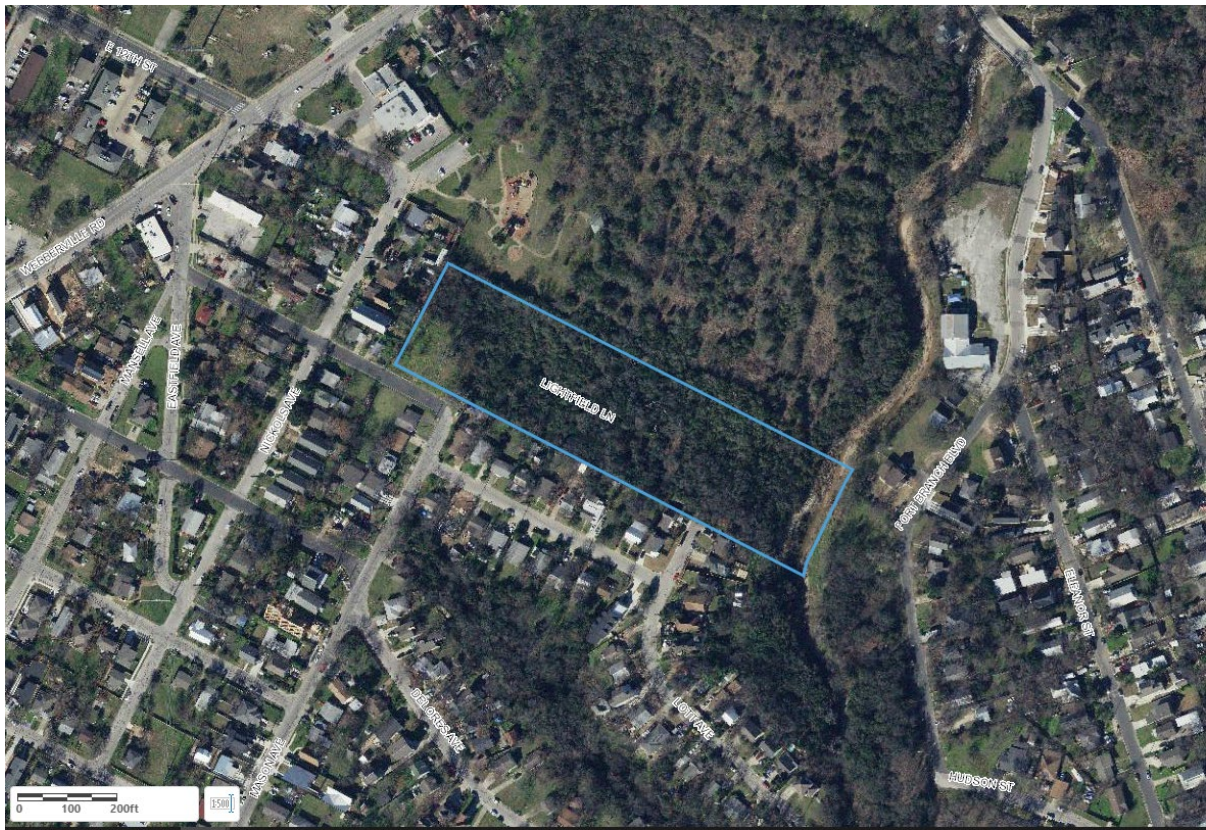
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Notes

Future Land Use Map w/ Site Aerial



Site Photos



Applicant's Presentation at the
Virtual Community Meeting

Lott Avenue

Zoning & FLUM Amendment

1

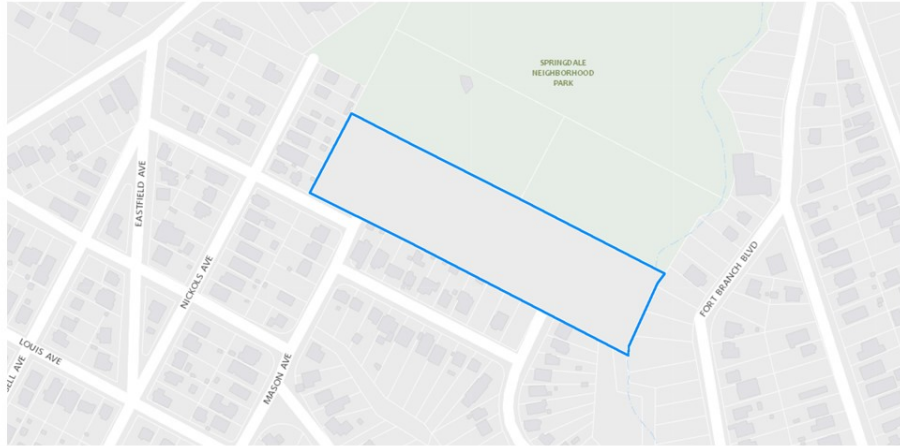
Overview

- **Request:**
 - Amend the Future Land Use Map to Higher-Density Single-Family.
 - Rezone from SF-3-NP to SF-6-NP (To Be Filed).
- **Proposal:** Providing roughly 55 units of more modestly scaled 'missing middle' housing, including 5 long-term, income-restricted ownership units.
- **Rationale:** This 'missing middle' proposal would provide homes that are more attainable and at lower price points than would otherwise be provided under the existing zoning and approved subdivision.

2

Lott Avenue Site

5.01-acre site south of Springdale Neighborhood Park.



3

Approved Subdivision

Would virtually ensure larger, more expensive homes and no affordable units.



4

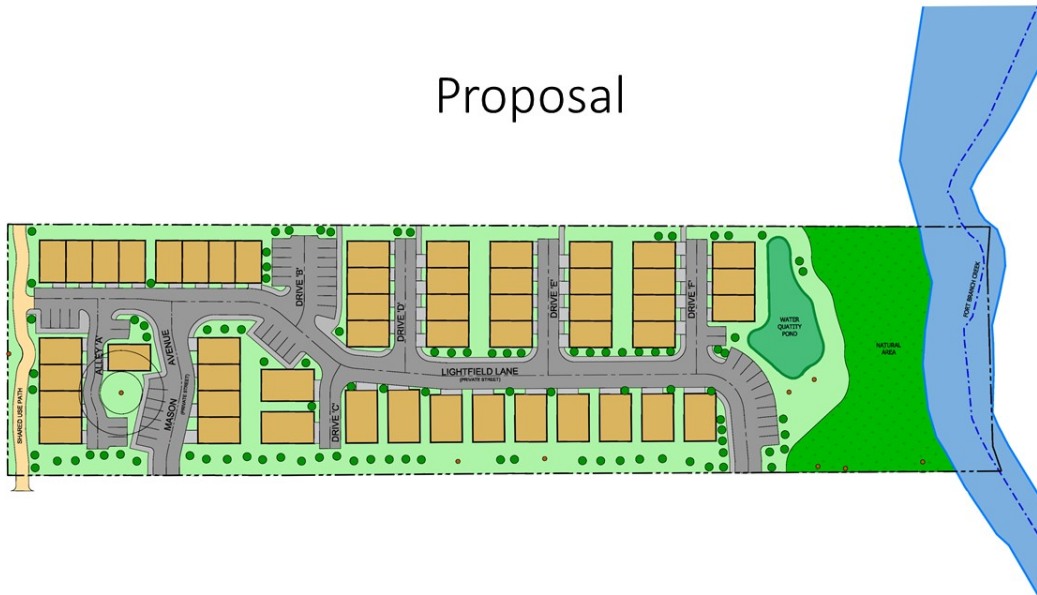
Proposal

Would provide income-restricted units and reduce the estimated market-rate selling price by more than 20 percent on average.



5

Proposal



6

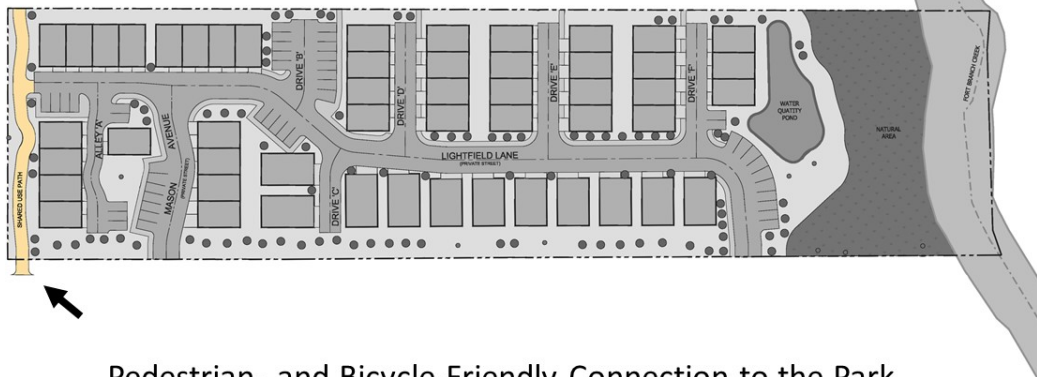
Proposal



'Missing Middle' and Affordable Homes

7

Proposal



Pedestrian- and Bicycle-Friendly Connection to the Park

8

Proposal



Water Quality Pond, Natural Area, and Creek

9

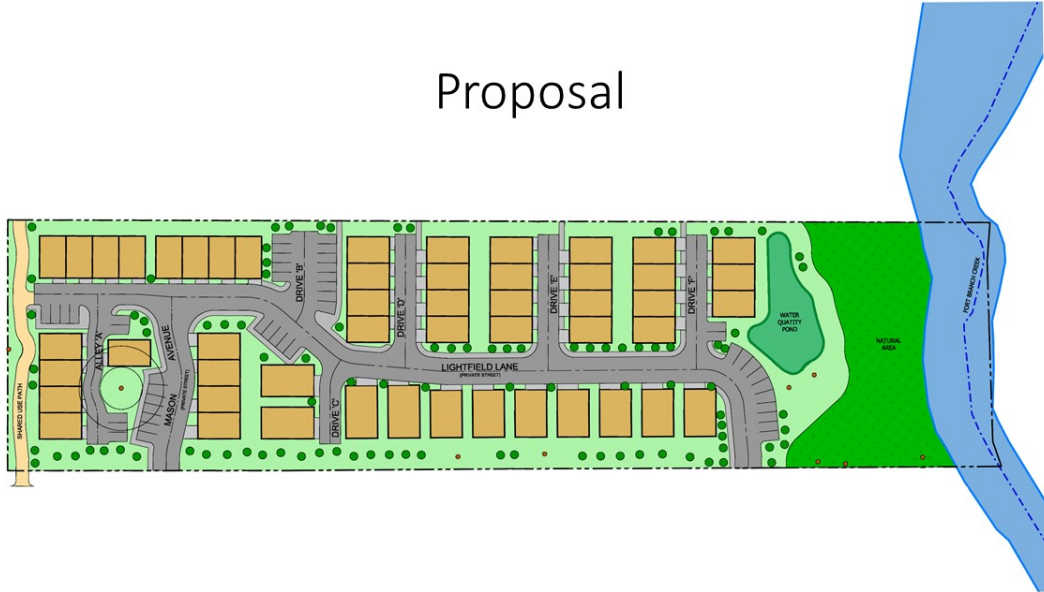
Proposal



Designing Road Around Tree
(Subject to City Approval)

10

Proposal



11

Comparison

Regulation	Approved Subdivision	Proposal
Allowed Uses		
Single-Family, Duplex, ADU	Permitted	Permitted
Small-Lot Single-Family, Rowhome	Not Permitted	Permitted
Multi-Family	Not Permitted	Not Permitted
Building Cover	40%	40%
Impervious Cover	45%	55%
Height	32 ft.	32 ft.
Estimated Total Units	31	55
Avg Reduction in Market Selling Price	-	> 20% reduction
Income-Restricted Homes (80% MFI)	0	5

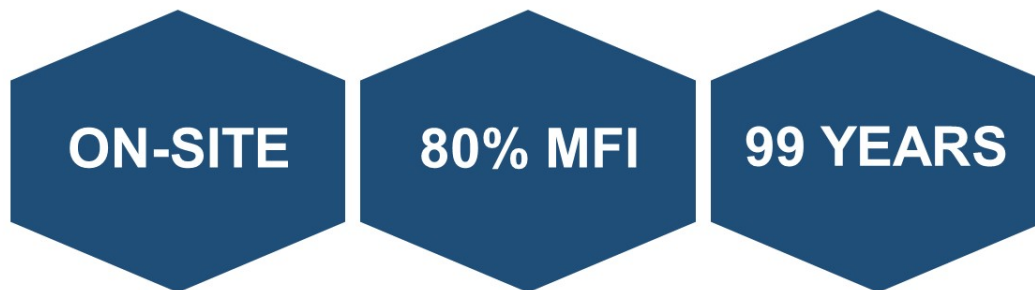
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Income-Restricted Affordable Housing: Five (5) Ownership Units



The applicant is committed to providing five (5) affordable units, and has begun conversations with the City about potentially using S.M.A.R.T. Housing.

15

Recap

There is an approved, but unbuilt, subdivision for the site that would virtually ensure large, expensive homes on large lots.

In contrast, our proposal would provide more modestly sized 'missing middle' homes that are more attainable to more families.

It would also provide five long-term, income-restricted homes for sale to families earning less than 80 percent of Median Family Income (MFI).

16