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HPD

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0020.SH
Libertad

DISTRICT: 3

ZONING FROM: P-NP

TO: GR-MU-NP

ADDRESS: 900 Gardner Road

SITE AREA: 8.478 acres, as amended February 1, 2022

STAFF RECOMMENDATION:
Staff supports the Applicant's request for GR-MU-NP zoning.
For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:
March 8, 2022: To grant GR-MU-NP as recommended. (11-0) [A. Azhar- 1st, R. Schneider- 2nd; J. Shieh and J. Thompson- Absent]

CITY COUNCIL ACTION:
TBD

ORDINANCE NUMBER:

ISSUES:
The rezoning request was revised on February 1, 2022, to add 2.438 acres of land to the original request.

CASE MANAGER COMMENTS:
The subject property is located on the west side of Gardner Road between Bolm Road and Levander Loop. The undeveloped property is zoned P-NP and owned by Austin Housing Finance Corporation (AHFC). West of the property is a P-NP zoned tract that includes the Austin Animal Shelter and other City of Austin land uses. North of the rezoning tract are properties zoned SF-3-NP and MF-2-NP that are developed with single family and condominium/townhouse land uses. Across Gardner Road to the east are LI-CO-NP properties developed with limited warehousing and distribution, retail-general, and limited manufacturing uses. South of the rezoning tract is the Ed Bluestein/Airport Boulevard/Levander Loop interchange. There is floodplain east of the rezoning tract and along the northern property line. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***
The AHFC property is proposed to provide approximately 160-170 affordable dwelling units on the property. As a SMART Housing project, 58% of the units will serve households at or below 50% MFI, 32% of the units will serve households at or below 60% MFI, and 10% of the units will serve households at or below 80% MFI. ***Please see Exhibit C- SMART Housing Letter.***
Staff supports the rezoning request to GR-MU-NP. The addition of affordable dwelling units is supported by the Austin Strategic Housing Blueprint and other goals and priorities of the Planning Commission and City Council.

BASIS FOR RECOMMENDATION
1. Zoning should allow for reasonable use of the property.
2. The proposed zoning should be consistent with the goals and objectives of the City Council.
3. The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.
4. Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

The rezoning tract is currently zoned P-NP, a category limited to civic land uses. Rezoning to GR-MU-NP will allow the property to be developed with affordable housing.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	P-NP	Undeveloped
North	MF-2-NP, SF-3-NP	Townhouse/condominium residential, Single family residential
South	N/A	Ed Bluestein/Airport Boulevard/Levander Loop interchange
East	LI-CO-NP	Limited warehousing and distribution, Limited manufacturing, Retail- general

	ZONING	LAND USES
West	P-NP	Civic

NEIGHBORHOOD PLANNING AREA: Govalle-Johnston Terrace Combined (Johnston Terrace)

TIA: Deferred to time of site plan, if required.

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
SELTexas
Preservation Austin
Del Valle Community Coalition
Bike Austin
Friends of Austin Neighborhoods
AISD
Austin Neighborhoods Council
Neighbors United for Progress
Sierra Club
East Austin Conservancy
Austin Lost and Found Pets

AREA CASE HISTORIES:

CASE NUMBER/ ADDRESS	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2016-0082 6011 Bolm Road	GR-NP to GR-MU-NP	9/27/2016: To grant GR-MU-NP as rec. on consent.	11/10/2016: To grant GR-MU-NP, on consent.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Gardner Road	85'	60'	Level 2	No	N/A	No

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location.

Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

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

SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3. The site is subject to compatibility standards. Along the north property line, the following standards apply:

No structure may be built within 25 feet of the property line.

No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

No parking or driveways are allowed within 25 feet of the property line.

A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP4. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP5. FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For the site plan, Airport Hazard Zoning Committee review may be required prior to Planning Commission hearing. Additional comments may be generated during the site plan review process .For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

Parks & Recreation

PR1: Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required if there are any market-rate residential units that may be proposed by this development, multifamily with GR-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Transportation
ASMP Assessment
The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 92 feet of right-of-way for Gardner Rd. It is recommended that 46 feet of right-of-way from the existing centerline should be dedicated for Gardner Road according to the Transportation with the first subdivision or site plan application. [LDC 25-6- 51 and 25-6-55].
Transportation Assessment
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

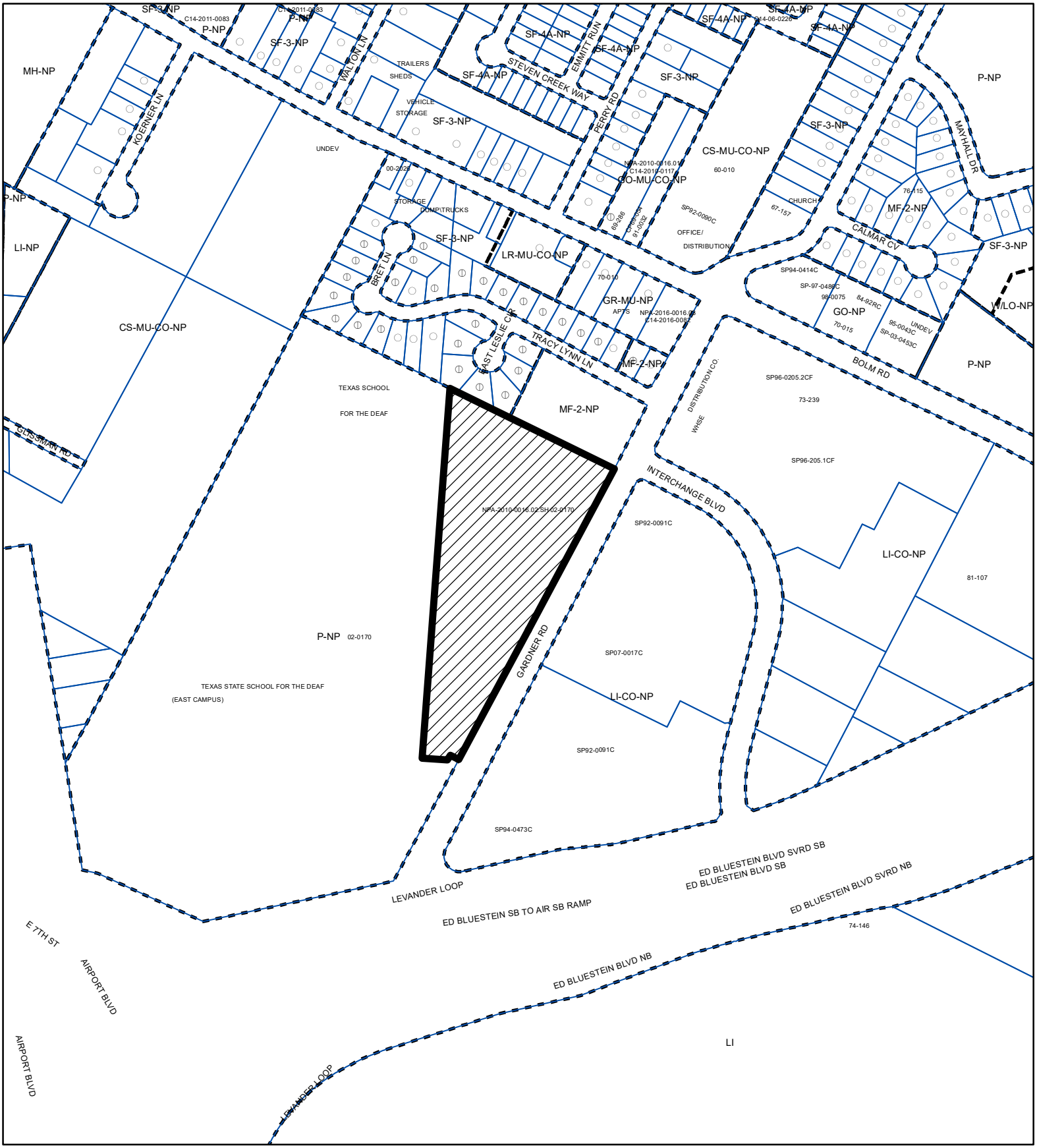
The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Gardner Road	85’	60’	Level 2	No	N/A	No

Water Utility
AW1. 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 Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Exhibit
C. SMART Housing Letter



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2021-0020.SH

1 " = 400 '

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

CITY OF AUSTIN FOUNDED 1839

Created: 2/1/2022

Property Profile



Legend

- Zoning Review Cases- IN REV
- Fully Developed Floodplain
  - COA Fully Developed 25-Year
  - COA Fully Developed 100-Year
  - COA Master Plan 25-Year
  - COA Master Plan 100-Year
  - 100-Year (Detailed-AE)
  - 100-Year (Shallow-AO,AH)
  - 100-Year (Approx-A)
- FEMA Floodplain
  - 100 Year (Detailed-AE)
  - 100 Year (Shallow-AO)
  - 100 Year (Approx-A)
  - X Protected by Levee
  - 500 Year
- Zoning Text

Notes

0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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City of Austin

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

Housing and Planning Department

February 2, 2021

S.M.A.R.T. Housing Certification
Libertad Austin at Gardner LLP – Libertad Austin (Project ID 353)

To Whom It May Concern:

Libertad Austin at Gardner LLP - (applicant representative: Jennifer Hicks: 512.203-4417 (m); jennifer@truecasa.net) is planning to develop a **140-unit, multi-family** development on 4 acres at 900 Gardner Road, Austin TX 78721. Due to the funding requirements, this project will be subject to a minimum 30-year affordability period after issuance of a certificate of occupancy.

This project is seeking a zoning change and the developer has submitted evidence of support from Govalle/Johnston Terrace Neighborhood Contact Team.

This project has received a Transit Oriented Waiver, see Attachment 1. If this project is not successful in securing State or Federal Government funds, including the Low-Income Housing Tax Credit Program this S.M.A.R.T. Housing certification will become null and void and all City of Austin fees waived may be required to be paid back.

Housing and Planning Department (HPD) certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 58% of the units **(81)** will serve households at or below **50%** MFI, 32% of the units **(45)** will serve households at or below **60%** MFI, and 10% of the units **(14)** will serve households at or below **80%** MFI, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance. The expected fee waivers include, but are not limited to, the following fees:

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

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

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

Before a Certificate of Occupancy will be granted, the development must:

- Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- Pass a final inspection to certify that the required accessibility standards have been met.

- An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

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

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

Sincerely,

Sandra Harkins

Sandra Harkins, Project Coordinator
Housing and Planning Department

Attachment 1 - Transit Waiver

Cc: Kristin Martinez, AE Patrick Russell, HPD Jonathan Orenstein, AWU
Mashell Smith, ORES

S.M.A.R.T. Housing Transit Oriented Waiver Request

Address of Project: 900 Gardner Road, Austin, TX 78721

Name of Project: Libertad Austin

Applicant Name: Libertad Austin at Gardner, LP

Walking Distance from site to nearest transit route is over 0.5 **miles**

I, Kim Buche, formally request a waiver from the S.M.A.R.T. Housing transit-oriented requirement. My project meets one of the following criteria.

Answer the following questions and provide documentation as it pertains to the proposed project listed above:

1. Per the Kirwan Institute's Comprehensive Opportunity Map of Austin, please check the Opportunity Index your project is located in:

   ☐ **Very High** ☐ **High** ☐ **Moderate** ☐ **Low** ☐ **Very Low**

2. Provide a Letter from CAP Metro confirming a future route is documented in agency plans.

3. Developer has applied for State or Federal Government funds, including the Low-Income Housing Tax Credit Program, related to this project.

   Libertad Austin is applying for 9% Low-Income Housing Tax Credits (or 4% HTC/PAB financing as a back-up).

Kim Buche — Authorized Representative

2/1/21 — Date

**************************For City Staff Use Only*************************

The aforementioned project is approved to receive a waiver from the transit-oriented requirements (B)(4) of Ordinance No. 20141106-124 by meeting the criteria of: Developer applies for State or Federal Government funds, including the Low Income Housing Tax Credit program.

Regina M. Copic

Regina M. Copic
Project Manager
Director Designee for Waiver related to Ord No 20141106-124 PART 3. Subsection (E)

2/2/2021 — Date