

**Upper Boggy Creek Neighborhood Plan
Contact Team**

April Quarterly Meeting

Agenda

Monday, April 23rd, 2018 6:30 - 8:00 p.m.

Fannie Mae Stewart Conservatory, 1902 E. 22nd Street, Austin, Texas 78722

- I. Convene Work Session (Chair)
- II. Approval of Minutes from 1/22/18 Meeting
- III. Presentation for the 26th Annual Homes Tour “Into the Woods”, Saturday, April 28th (Lindsey Derrington, Preservation Austin)
- IV. Presentation and possible action on proposal for 1800 E. Martin Luther King Jr. Boulevard (Frank Cheff)
- V. Discussion and possible action on B. McCarver Resolution to Adopt Inclusionary Zoning in Austin’s Homestead A and Resolution to Require Affordable Housing Units of Fees-in-Lieu for all Increases in Development Entitlements (as amended in March Work Session) *[attachment 1]*
- VI. Discussion and possible action on “People’s Plan” to Combat Gentrification *[attachment 2]*
- VII. Approval of New Representatives to Contact Team
- VIII. Other Business
- IX. Adjourn

Contact Team Representatives	
Lottie Dailey (Blackland)	Kristin Bevis (Holy Cross)
Bo McCarver (Blackland)	Jen Margulies (Holy Cross)
Roscoe Overton (Blackland)	Lavon Marshall (Holy Cross)
Charles Stephens (Blackland)	<i>-vacant-</i>
Jules Kniolek, (Cherrywood), Vice Chair	<i>-vacant-</i>
Girard Kinney (Cherrywood)	Tom Johnson (Schieffer-Willowbrook)
Emily Schwartz (Cherrywood)	<i>-vacant-</i>
Tom Wald (Cherrywood)	<i>-vacant-</i>
Gary Brinkman (Delwood II)	Isaiah Tibbs, (Wilshire Wood/Delwood I), Chair
Carol Eckelkamp (Delwood II)	Marty Hood (Wilshire Wood/Delwood I)
<i>-vacant-</i>	Jonathan Lee (Wilshire Wood/Delwood I)
Brendan Wittstruck, (Delwood II), Secretary	<i>-vacant-</i>

Resolution to Adopt Inclusionary Zoning in Austin’s Homestead District A

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Whereas, in 2005 the Texas Legislature passed HB 2266 enabling eligible municipalities, including the City of Austin, to create Homestead Preservation Districts and Reinvestment Zones per Section 373A of the Local Government Code; and

Whereas, Section 214.905 of the Local Government Code explicitly excludes adopted Homestead Preservation Districts from the prohibition of a municipality establishing a maximum sales price for a privately produced housing unit or residential building lot, explicitly allowing for “inclusionary zoning;” and

Whereas, the Strategic Housing Blueprint states the following: *“there is varying opinion in the community as to whether there is an exception that allows inclusionary zoning for home sales in Homestead Preservation Districts. The City of Austin should implement inclusionary zoning as allowed and seek to expand inclusionary zoning powers as a means to increase the affordable housing supply in Austin;”* and

Whereas, there is a pressing need to preserve and increase housing for low-income households in Homestead Preservation District A.

Now therefore, the Upper Boggy Creek Neighborhood Planning Team urges the Austin City Council to enact rules on all new housing developments sited in Homestead Preservation District A, which consist of four or more units, ~~or for developers~~ and on developments with four or more cumulative units in two or more assembled developments, to set aside a percentage of units affordable to households at or below 60 percent or less of the median family income (MFI) as established by the US Department of Housing and Urban Development (HUD) for rental developments or 80 percent of ~~the median family income~~ MFI as established by ~~HUD~~ the U.S. Department of Housing and Urban Development for homeownership developments. That percentage of each set aside shall be based on a formula that considers land and construction costs and a reasonable profit for developers.

Resolution to Require Affordable Housing Units or Fees-In-Lieu For all Increases in Development Entitlements

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Whereas, the City Council has passed rules allowing developers to build ~~larger and higher~~taller residences with reduced on-site parking, entitlements that were given with no regard for the need for housing affordable to low-income households; and

Whereas, the City Council has also created ~~more liberal~~ rules to build accessory dwelling units, entitlements that have not generated housing significant affordable to low-income households;

Now therefore, the Upper Boggy Creek Planning Team urges the Austin City Council to revisit its ~~liberal~~ entitlement policies and require affordable housing units, or ~~very high~~ fees-in-lieu equivalent to the current fair market value (FMV), for all development~~ers~~ with an accumulation of four or more units on one or more properties.

1. RESOLUTION FOR LOW INCOME HOUSING TRUST FUND AND APPROPRIATIONS

WHEREAS, the market in Austin is not preserving or producing affordable housing for low income families, which are households making 60% of median income or less; and

WHEREAS, Austin's low income residents by the thousands are being forced to move from Austin; and

WHEREAS, U.S. Census data shows that in the five-year period from 2011 through 2015 the number of Austin households making 60% of median income or less decreased by 4,411 despite a net growth of 34,893 households within the City; and

WHEREAS, the private housing market cannot produce affordable housing for Austin's low income families because the high cost of construction and land exceed their ability to pay; and

WHEREAS, existing low income housing, both for ownership or rental, will always be less expensive than new housing; and

WHEREAS, the Austin Strategic Housing Blueprint Plan estimates a need by 2025 for 47,000 additional housing units for residents making 60% of median income or less, which will cost approximately \$4 billion to fully address; and

WHEREAS, housing is a fundamental human need and right; and

WHEREAS, on 11/19/2009 the City Council of the City of Austin passed Resolution #20091119-063 Using City owned land on Levander Loop for various uses, including affordable housing; and

WHEREAS, on 4/17/2015 the City Council passed Resolution #20140417-049 Using City owned land for affordable housing; and

WHEREAS, on 10/16/2014 the City Council passed Resolution #20141016-026 Retaining families and school; and

WHEREAS, on 6/16/2016 the City Council passed Resolution #20160615-035 Inclusionary zoning in Homestead Preservation Districts; and

WHEREAS, on 4/11/2017 the City Council passed Resolution #20170411-05 from the Community Development Commission on Mobile home regulations, supporting their continued use throughout the City; and

WHEREAS, on 4/14/2017 the City Council set the Affordable Housing Goals for the City of Austin; and

WHEREAS, it will require Austin to make large capital investments to preserve, construct, and subsidize housing for workforce families; and

WHEREAS, Austin still has no permanent, consistent source of funds to invest in housing; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to develop a comprehensive plan, budget and ordinance in the next 60 days to present to the Council for adoption that shall:

1. Establish a separate, dedicated Low Income Housing Trust Fund (LIHTF) into which all City housing funds, including those specified below, are placed.
2. Establish a Low Income Housing Fund Management Agent to administer the LIHTF. The Agent shall have diverse membership and shall include lower income residents, both homeowners and renters, and community representatives.
3. Begin each annual budget process by first allocating \$16 million to the LIHTF to preserve, construct or subsidize housing for low income families, defined as households making 60% of less of median income, this being the amount the City of Austin spent in fiscal year 2015 – 2016 on fee waivers.
4. Establish a policy that all future general obligation bond elections include at least 20% of the bonds for low income housing.
5. Establish a policy similar to the City of Houston's that all new Tax Increment Zones or other quasi-governmental entities created by the City be required

to dedicate at least 1/3 of their revenue to the LIHTF for both preservation and construction of low income housing.

6. Amend all density bonus programs so that developers have the mandatory option to pay a fee in lieu equal in an amount to the economic value of the required on-site affordable units.
7. Require that all City public employee pension funds investigate and consider investing in low income housing within the Austin city limits.

2. RESOLUTION TO ADOPT RIGHT TO STAY AND RIGHT TO RETURN PROGRAMS FOR EAST AUSTIN

WHEREAS, the City of Austin has promoted for decades destructive, racist policies in East Austin resulting in segregation, economic marginalization, environmental injustice, and neglected infrastructure; and

WHEREAS, the City has designated East Austin as a “desired development zone”, and the City has failed to take action to prevent wholesale gentrification or to stop massive displacement of lower income residents of color, devastating their neighborhoods, community relationships and culture; and

WHEREAS, Right to Stay and Right to Return programs would begin to alleviate and make reparations for Austin’s years of racist zoning, inequitable development, and total disregard of the residents of the Eastside; and

WHEREAS, Right to Stay programs exist in many cities, including Houston, Texas, and contain specific strategies and concrete tools to help both renters and homeowners who are historically residents of lower income communities of color to remain in their historic homes, such as:

- 1) working with nonprofits and other local government entities to develop policies to reduce or freeze property taxes for low income residents and seniors in the target districts;
- 2) outreach to all seniors in the target districts to ensure they apply for and receive homestead and senior property tax exemptions;
- 3) creating well-funded home repair programs to enable elderly and disabled district homeowners to receive needed repairs, even without clear legal title, and a legal program to help clear titles;
- 4) funding and staffing fully an on-line housing application process, such as in Portland, Oregon, that lists all available affordable units in one location accessible to the target populations; and this database would include unit size, number of bedrooms, bathrooms, rent and costs; and
- 5) enforcing strictly the building codes for multi-family apartments to ensure that affordable housing remains habitable, with a focus on housing that has received government subsidies; and

WHEREAS, Right to Return programs include specific strategies and tools to assist people of color who grew up in or are otherwise members of generations of families of color of East Austin to return to East Austin; and.

WHEREAS, Portland, Oregon’s “right-to-remain or return” policy is a model that Austin should look to and that contains these essential features:

- 1) funding and staffing to fully support bringing former residents back to a gentrified area (with people displaced or at risk of displacement having priority access to housing developed through this initiative);
- 2) supporting production of units that can lead to home ownership for returning working families, including different housing types such as modular-manufactured-mobile-tiny units, condominium apartments with multiple bedrooms, and rent-to-own options; and
- 3) using public-owned property to build new land-banked and land trust homes for lower-income former East Austin residents of color who want to return, with a variety of housing; **NOW, THEREFORE**

BE IT RESOLVED:

The City Council directs the City Manager to develop within 60 days a comprehensive plan, budget, and ordinance for the Council’s consideration to adopt and fund an effective, robust Right to Return and Right to Stay Program for East Austin.

3. RESOLUTION FOR THE USE OF CITY OWNED LAND FOR LOW INCOME HOUSING

WHEREAS, the City of Austin currently faces a critical shortage of housing for purchase and for rent that is affordable to low income families; and

WHEREAS, in 2015 in zip code 78702 median household income is \$41,016, so affordable rent is \$1,025 a month, or an affordable mortgage of \$166,537, while housing in that zip code is selling at the median list price of \$399,000, more than twice the amount the median income household can afford; and

WHEREAS, in 2015 median household income for zip code 78721 is \$37,234, so affordable rent is \$931 a month, or an affordable mortgage of \$151,181 but the median list price is \$323,000; and

WHEREAS, in 2015 median household income for zip code 78741 is \$31,658, so affordable rent is \$791 a month, or an affordable mortgage of \$128,537 but the median list price is \$371,000; and

WHEREAS, in 2015 median household income for zip code 78744 is \$42,400, so affordable monthly rent is \$1,061, or an affordable mortgage of \$172,319 but the median list price is \$252,000; and

WHEREAS, between 2015 and 2016, Austin lost 5,445 households making less than median income and gained 3,006 households making over \$200,000; and

WHEREAS, the Neighborhood Housing and Community Development staff has estimate that between 48,000 and 60,000 units of affordable housing represents the current housing shortage, yet the city's Density Bonus program only expects to provide 1,100 units over the next ten years, meaning that the shortage may well have doubled by the end of the next decade; and

WHEREAS, the City of Austin has funded projects in the past (Rosewood/Glen Oaks Neighborhood and the neighborhood near Brooke Elementary School in the 1980s, and Govalle and Montopolis Neighborhoods in the 2000s) to help low income families purchase single family homes by using land that is city owned to reduce construction costs; and

WHEREAS, the City of Austin has within its power to promote the general welfare of the community and to mitigate the adverse family impacts of involuntary residential displacement; and

WHEREAS, the City of Austin's Homestead Preservation District boundaries are based on the severity in which the residents within the boundaries are "extremely cost-burdened," a term used to describe households that allocate more than the recommended 50% of household income towards housing costs; and

WHEREAS, families play a critical role in maintaining strong communities, directly impacting a broad range of issues from jobs to public schools to the local economy to the environment and our future as a city; and

WHEREAS, families and children are a protected class under the Fair Housing Act; and

WHEREAS, Imagine Austin, the city's comprehensive planning document, specifically recognizes the need for family-friendly development citywide; and

WHEREAS, the City of Austin owns land parcels throughout its jurisdiction; and

WHEREAS, using publicly owned lands for affordable housing is an effective strategy for creating affordable housing; and

WHEREAS, many cities leverage opportunities for affordable housing by utilizing city-owned properties for this purpose; and

WHEREAS, the Community Development Commission has recommended the promotion of manufactured housing as a way to reduce costs of single family housing for low income families; and

WHEREAS, the Neighborhood Housing and Community Development staff have repeatedly identified the use of city-owned land for affordable housing as an essential affordable housing strategy; and

WHEREAS, the City Council approved goals to address housing needs in Austin April 14, 2017, including preventing households from being priced out of Austin, fostering equitable communities, investing in housing for those most in need, creating new and affordable housing choices for all Austinites in all parts of town, and helping Austinites reduce their household costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to identify no less than four properties owned by the City of Austin that can be quickly made available for building by March, 2018.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to release a Request for Proposals (RFP) to local non-profits to place manufactured and/or construct single family homes on those properties adequate to house no less than 100 low income families by May, 2018.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to release four additional properties through the same process by August 2018.

4. **RESOLUTION TO ESTABLISH INTERIM DEVELOPMENT REGULATIONS IN AREAS WITH INADEQUATE DRAINAGE**

WHEREAS, recent increases in redevelopment, coupled with undersized, collapsed and nonexistent storm water infrastructure has exacerbated flooding in residential areas within the Onion Creek, Williamson Creek, Walnut Creek and Boggy Creek watersheds

WHEREAS, current development regulations and storm water infrastructure are insufficient to prevent drainage systems from exceeding capacity or to address storm water issues associated with infill development;;

WHEREAS, Section 11.086 of the Texas Water Code generally prohibits diverting or impounding surface waters in a manner that damages the property of another through overflow;

WHEREAS, the interim development regulations adopted by the ordinance that results from passage of this resolution help to ensure greater compliance with state law and to protect the health, safety, and welfare of residents by limiting development that would further overburden existing storm water infrastructure, while studies can proceed to measure the impact of redevelopment of older properties and the effect of redevelopment on aging infrastructure;

WHEREAS, the City of Austin is currently engaged in a comprehensive rewrite of its land development code, which among other things, will address appropriate regulations for redevelopment and other more permanent solutions to improve storm water infrastructure;

WHEREAS, the regulations adopted by the ordinance that results from passage of this resolution are intended as an interim measure, until more permanent solutions are set in place;

WHEREAS, this resolution proposes the following definitions and measurements for use in development of the regulations:

- Commercial Use Building means a structure used for one or more of the commercial uses defined under Section 25-2-4 of the Land Development Code, including without limitation a vertical mixed use structure defined under Section 25-2, Subchapter E of the Land Development Code;
- Director means the Director of the Watershed Protection Department and Development Services Department;
- Flood Prone Zone shall refer to all properties located within the Onion Creek, Williamson Creek, Walnut Creek, Boggy Creek watersheds as more particularly defined under Section 25-8-2 of the Land Development Code;
- Gross Floor Area means the total square feet of all enclosed space within a structure, regardless of its dimensions, that is not otherwise exempted from the calculation of gross floor area under an explicit provision of the Land Development Code; and
- Residential Use Building means a structure used for one or more of the residential uses defined under Section 25-2-3 of the Land Development Code;

WHEREAS, for all properties located within the Flood Prone Zone, applications for building and demolition permits for a commercial use or residential use building must comply with the following to be accepted for filing:

- An application for a demolition or relocation permit for a Commercial Use or Residential Use Building must be filed concurrently with a application for a either of the next two types of permit ;
- For a building permit for a Residential Use Building or a site plan for a Commercial Use Building on a lot where a structure has been or will be demolished or relocated, the new structure's size is limited to a maximum Gross Floor Area equal to one hundred fifteen percent (115%) of the Gross Floor Area of the existing or pre-existing structure located on the lot; in the case that a lot is combined with an adjacent lot or lots, the new structure's size is limited to maximum Gross Floor Area equal to one hundred fifteen percent (115%) of total, combined Gross Floor Area of any existing or pre-existing structures on such combined lots;
- For a remodel permit to increase the size of a Residential Use Building or a Commercial Use Building, the structure's size after the remodel is

limited to a maximum Gross Floor Area equal to one hundred fifteen percent (115%) of the Gross Floor Area of the existing structure; and

WHEREAS, the City Council may waive by ordinance the moratoria imposed by adoption of this resolution as ordinance if the City Council determines and makes specific, detailed findings by 3/4th vote of the entire council that:

- The development regulations in the ordinance resulting from implementation of this resolution imposes undue hardship on the applicant;
- The development proposed by the applicant will not adversely affect, directly or indirectly, the public health, safety, and welfare; and
- The Director determined that the development proposed by the applicant will reduce the flooding impact to other properties, as compared to pre-development conditions; **NOW, THEREFORE**

BE IT RESOLVED:

The City Council directs the City Manager to prepare administrative rules deemed necessary for implementation of this resolution. The requirements of this resolution control in the event of a conflict with any administrative rules;

The City Council waives the requirement for Planning Commission review of the ordinance adopting this resolution;

The City Council finds that the flooding impacts resulting from development in the Flood Prone Zone constitutes an emergency. Because of the emergency, the City Council further directs the City Manager to prepare the ordinance for City Council to adopt immediately for the immediate preservation of the public peace, health, and safety.

5. RESOLUTION TO EXPAND USE OF NEIGHBORHOOD CONSERVATION COMBINED DISTRICTS AND HISTORIC DISTRICTS

WHEREAS, the Neighborhood Conservation Combining District (NCCD) is a well-known tool sanctioned by the State of Texas and used by numerous cities across the country to create conservation districts to preserve neighborhoods; and

WHEREAS, the NCCD tool may be used in tandem with the City's Historic District tool throughout Austin, Texas to alleviate gentrification, displacement, economic and racial segregation, and demolition of low income affordable housing, as well as to promote lower income neighborhoods affordability, preservation, and conservation, particularly in East Austin; and

WHEREAS, the NCCD tool may specify district zoning requirements to achieve these purposes by limiting floor to area ratio (F.A.R), square footage, building height, setbacks, compatibility, and site area requirements along with other specific property requirements that prevent demolition and displacement, and the Historic District tool's design guidelines would complement the zoning requirements for the NCCD's conservation purposes; and

WHEREAS, previously the NCCD tool was misapplied in East Austin to promote urban "redevelopment" and displacement of low income people of color by the City, instead of being used as a conservation tool to maintain lower-income communities and diversity; and

WHEREAS, the NCCD and the Historic District tools would provide flexible, but more consistent standards for conservation and "redevelopment" that would suit the character of the districts' areas and neighborhoods; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to develop and present to the City Council for adoption within 60 days a comprehensive plan, budget, and ordinance to:

- To support vigorously and apply through specific requirements these two tools to help conserve and preserve our neighborhoods and prevent gentrification and displacement;
- To provide immediately before it is too late the financial resources and professional assistance needed to neighborhoods, to create historic districts and NCCDs by no later than the end of calendar year 2018 to prevent further displacement and demolition, particularly in East Austin.;
- To apply through the Equity Office a comprehensive equity analysis and tools by July 2018 to East Austin to alleviate gentrification and displacement, while protecting the people who live there now through additional affordability, conservation, and preservation programs.

6. RESOLUTION TO IMPLEMENT AUSTIN ENVIRONMENTAL QUALITY REVIEW

WHEREAS, the City of Austin has the responsibility to examine the impacts of its discretionary activities upon the natural and cultural environment; and;

WHEREAS, the path to a sustainable future discussed in the Imagine Austin Plan and the Climate Protection Plan require us to consider the cumulative impacts our actions may have on our fragile environment; and;

WHEREAS, we must scrupulously examine the environmental justice implications of our decisions; and;

WHEREAS, analysis and disclosure of environmental impacts will improve quantitative and qualitative understanding of central and enduring public health concerns such as residential displacement, ground level ozone levels, neighborhood character effects, as well as many other impacts; and;

WHEREAS, analysis and disclosure of environmental impacts empowers citizens with information they can use to make important individual and family health decisions; and;

WHEREAS, the National Environmental Policy Act of 1969 stands as one of President Lyndon B. Johnson's greatest environmental achievements and its language and intent can be implemented locally; and;

WHEREAS, cities such as New York and others already perform routine environmental quality reviews; **NOW THEREFORE**,

BE IT RESOLVED BY THE City Council OF THE CITY OF AUSTIN:

The City Council directs the City Manager to develop and present to the City Council for adoption within 60 days a comprehensive plan, budget and ordinance to:

- Establish an environmental quality review program.

- Develop an environmental quality review technical manual.
- Establish an environmental quality subcommittee of the Environmental Commission or the Joint Sustainability Committee.