

NOV 02 2011

AUSTIN HOUSING FINANCE CORPORATION
Application for Financing for Homeownership Projects

PLEASE NOTE: AHFC Reserves the right to fund projects at a lower amount than requested, and the right to deny applications that do not coincide with the City's FY 2011-12 Action Plan goals and policy direction from the Austin City Council.

Project Name: The Village on 12th

Project Address: 2712 East 12th Street (MLK TOD) **Zip Code** 78702

Total # units in project: ~30
Total # units to be assisted with AHFC Funding: ~18 (60% of units)

Project type: Acquisition Rehabilitation Acquisition & Rehabilitation New construction

Amount of funds requested: \$1,427,000 **Terms Requested:** grant, 0% loan, forgivable

Role of applicant in Project (check all that apply): Owner Developer Sponsor

1. Applicant Information (If applicant is not acting as the developer, please provide all of the information below for the developer as well as for the applicant. If the developer involves multiple entities, is a partnership or joint venture, please provide duplicative information for each, and identify the entity that will serve as the "lead" organization).

Pegasus Planning and Development, LLC
Name

1601 Miriam Avenue, #309
Street Address

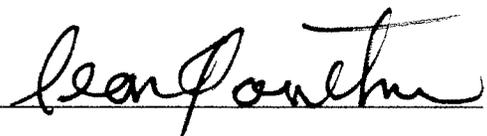
Austin Texas 78702 512/300-7270
City State, Zip Telephone #

Sean Garretson 512/300-7270 sean@pegasusplanning.com
Contact Person Contact Telephone # E-mail address

[REDACTED]
EIN of DEVELOPER

The applicant/developer certifies that the data included in this application and the exhibits attached hereto are true and correct. Unsigned/undated submissions will not be considered.

Pegasus Planning and Development, LLC
(or partnership controlled by Pegasus)
Legal Name of Developer/Entity


Signature of Authorized Officer

11/01/2011
Date

General Partner
Title

2. For non-profit applicants/developers only, include copies of the following:

SEE ATTACHED MOU WITH PEOPLE TRUST

3. Project Description –

The Village on 12th is located at 2712 East 12th Street, and wholly within the MLK TOD, and within a Moderate Opportunity Area. Approximately 30 units will be built as part of this Co-Housing development. A unit mix of studio, 1-bedroom and 2- bedroom units will be created, along with shared elements such as a large kitchen/dining hall that can be converted to a yoga studio or child care facility. An HOA will be created, and the residents of the co-housing project will be responsible for care of common elements, including any exterior programs such as a greenhouse/bicycle workshop. The site is within 200 yards of the MLK Commuter Rail Station, on the 12th Street bike lane, and next to the Boggy Creek Greenbelt that will connect to the Lance Armstrong Veloway at East 6th Street.

The land is vacant, and owned without debt by the South End MLK TOD, LLP. Pegasus Planning and Development, LLC is the General Partner of this LLP and will serve as the developer of The Village on 12th. People Trust will be a partner on the project and will ensure the shared equity of the land and project. People Trust will also be providing homebuyer education assistance and assist with bringing qualified buyers to the community.

Approval of this application will provide 18 units (60% of total units) for homeowners making 80% of the MFI or below, with the remaining 12 units as market rate units, ranging in price from \$100,000-\$200,000/unit (sizes from 550 to 850 square feet). Total construction costs are estimated to be \$3,662,000. The developer is requesting \$1,427,000 in City of Austin funding to create at least 18 units of affordable housing in the TOD. These requested funds will be used to pay for homebuyer education, creating and maintaining shared equity, pre-development costs, and some construction costs. Additional sources of funds will be private equity and lender financing.

The TOD zoning and any zoning changes to the TOD do not need a neighborhood plan amendment. The current zoning is TOD Low Density Residential which would allow the developer to create 11 units of a large size with no affordability. The developer is seeking the rezoning to Live-Work Flex to allow him to build smaller and thus affordable units. This application has been submitted, and is scheduled for hearing at Planning Commission on November 8th (Council on December 8th). Staff Recommendation is to approve the zoning change request (see attached).

4. Site Control and Demonstration of Value

SEE ATTACHED TAX CERTIFICATE AND APPRAISAL

South End MLK TOD, LLP owns with no debt 2712 East 12th Street - the vacant property on which The Village on 12th will be constructed. See the attached documents, as well as an appraisal that was commissioned by the Parks and Recreation Department of the City of Austin one year ago.

5. Zoning

SEE ATTACHED ZONING APPLICATION AND STAFF RECOMMENDATION

The project has applied for a zoning change that would allow greater density at the property. The application and staff recommendation is attached.

6. S.M.A.R.T. Housing™

SEE ATTACHED SMART HOUSING VERIFICATION LETTER

The application has received it's SMART Housing letter. A copy is attached.

7. Development Team

Identify the persons or entities anticipated to be involved in implementing the project including lenders, attorneys, accountants, architects, engineers, general contractor, sub-contractors, and consultants. Also, indicate if any person or entity is certified by the City of Austin as a minority or women-owned business enterprise (**MBE/WBE**), or if any of the entities are also non-profit organizations.

	Development Team Name(s) & Any Comments on Role	MBE? (Mark X if Yes)	WBE? (Mark X if Yes)	Non-profit? (Mark X if Yes)
Owner	SOUTH END MLK TOD, LLP			
Developer	PEGASUS PLANNING AND DEVEL., LLC			
Architect	HATCH+UILAND OWEN ARCHITECTS			
Engineer	BIG RED DOG ENGINEER			
Construction Lender	LIBERTY BANK (OR OTHERS TO BE DETERMINED)			
Attorney	TBD			
Accountant (PEGASUS)	SUSAN SALLINGS		X	
Accountant (PEOPLE TRUST)	MONTEMAYOR HILL AND COMPANY, PC	X		
General Contractor	BAILEY ELLIOT (OR OTHER TO BE DETERMINED)			
LANDSCAPE DESIGN AND OUTREACH	STUDIO ESPERO		X	
SHARED EQUITY HOUSING PARTNER	PEOPLE TRUST			X
HOMEBUYER EDUCATION	PEOPLE TRUST			X
MARKETING	DOOR NO 3		X	

8. Development Schedule. Complete the grid below. Re-order the steps according to the appropriate sequence for your project, and add in any other significant steps integral to your project's development. If the development schedule differs across several properties to be involved in the project, provide a development schedule for each property. Please be as precise as possible, narrowing dates by 15 day intervals.

	DATE(S)
Acquisition and/or holding	Currently owned (10/2011)
Environmental and/or historic review (AHFC)	Unknown
Securing and packaging project financing	01/2012
Construction Specifications and Cost estimates	02/2012
Construction Bids	03/2012
Construction Start	03/2012
Anticipated Draws (list all)	December 1, 2012 February 1, 2012 March 1, 2012 April 1, 2012 May 1, 2012 June 1, 2012 July 1, 2012 August 1, 2012 September 1, 2012 October 1, 2012

	November 1, 2012
Completion of Construction	November 30, 2012
Marketing and Sales	March 1, 2012 (marketing/pre-sales) December 1, 2012 (open for sales)
Project Completion (i.e., all homes conveyed to low to moderate income buyers)	January 2013

9. Experience and Qualifications – Homeownership Development

- a. Is this the developer’s first housing project? Yes No
- b. Is this the developer’s first affordable housing project? Yes No
- c. Completed projects (complete table below):

COMPLETED PROJECTS				
Address	Number of Units	New or Rehab	Type of Property (apartments, SF units, etc.)	Year Completed
Franklin Gardens (Pegasus General Partner as President of CNRC)	22	New	MF rental	2010
Mueller Airport Redevelopment (People Trust)	125	New	SF/Row Homes	2009

d. Describe the **experience and qualifications** and the developer’s ability and capacity to implement the proposed project. If the proposed project will involve any of the following three aspects which sometimes pertain to federally-funded projects, it is of particular importance that the developer or a member of the Development Team have experience with successful completion of: a) projects subject to Davis-Bacon and other Federal Labor Standards; b) projects involving temporary or permanent relocation of residents; or c) projects involving the testing and appropriate treatment of lead-based paint and/or asbestos. If this is the applicant’s first project of this type, please provide a detailed description of the experience of the other members of the development team with similar projects.

THE DEVELOPMENT TEAM WILL CONSIST OF SEAN GARRETSON AND SARAH ANDRE, WITH ASSISTANCE FROM PEOPLE TRUST/HABITAT FOR HUMANITY. BOTH MR. GARRETSON AND MS. ANDRE HAVE CONSULTED ON NUMEROUS AFFORDABLE HOUSING PROJECTS THROUGHOUT THE STATE OF TEXAS WITH THEIR OWN RESPECTIVE COMPANIES, PEGASUS PLANNING AND DEVELOPMENT, LLC (SEAN GARRETSON) AND S2A DEVELOPMENT CONSULTING, LLC (SARAH ANDRE). IN ADDITION, AS PRESIDENT OF THE CHESTNUT NEIGHBORHOOD REVITALIZATION CORPORATION, MR. GARRETSON HAS LED THE DEVELOPMENT OF SEVERAL SINGLE FAMILY AFFORDABLE HOMES AND A 22-UNIT SENIOR AFFORDABLE HOUSING PROJECT. MS. ANDRE SERVES AS THE CNRC PROJECT MANAGER AND ALSO ASSISTED IN THE DEVELOPMENT OF THESE PROJECTS.

MS. ANDRE HAS HELPED DEVELOP MORE THAN 4000 UNITS OF AFFORDABLE HOUSING IN THE PAST 5 YEARS, AND HAS AN EXTENSIVE BACKGROUND IN AFFORDABLE HOUSING, BEGINNING IN 1994.

10. Detailed Project Budget

DETAILED PROJECT BUDGET				
	Total Project Cost	Prior A&D Funds Used in Project	A&D Funds Being Requested	Description
PREDEVELOPMENT				
Appraisal	1,000		1,000	
Environmental Review	5,000		5,000	
Engineering	100,000		100,000	
Survey	1,000		1,000	
Architectural	100,000		100,000	
TOTAL PREDEVELOPMENT	\$207,000	N/A	\$207,000	PAID TO PEGASUS
ACQUISITION				
Site and/or Land	385,000			
Structures	0			
Other (specify)	0			
TOTAL ACQUISITION	\$385,000	N/A	\$0	
CONSTRUCTION				
Infrastructure	100,000		100,000	
Site work	50,000		50,000	
Demolition	0			
Concrete	200,000		200,000	
Masonry/Hardiplank	125,000			
Rough carpentry	200,000		200,000	
Finish carpentry	100,000			
Waterproofing & Insulation	75,000		75,000	
Roofing & Sheet Metal	100,000		100,000	
Plumbing/Hot Water	125,000		125,000	
HVAC / Mechanical	100,000		100,000	
Electrical	200,000		200,000	
Doors/Windows/Glass	125,000			
Lath & Plaster/ Drywall & Acoustical	75,000			
Tile work	50,000			
Soft & Hard Floor	75,000			
Paint/Decorating/Blinds/Shades	65,000			
Specialties/Special Equipment	25,000			
Cabinetry/Appliances	450,000			
Carpet/wood/concrete floors	150,000			
Developer Fee (200,000			
Construction Contingency	150,000			
TOTAL CONSTRUCTION	\$2,740,000	N/A	\$1,150,000	PAID TO PEGASUS
SOFT & CARRYING COSTS				
Legal	15,000			
Audit/Accounting	15,000			
Title/Recording	5,000			
Architectural (Inspections)	25,000			
Construction Interest	150,000			
Construction Period Insurance	20,000			
Construction Period Taxes	10,000			
Relocation	0			
Marketing	20,000			
Davis-Bacon Monitoring	5,000		5,000	PAID TO PEOPLE TRUST
Shared Equity (People Trust)	50,000		50,000	PAID TO PEOPLE TRUST
Homebuyer Education	15,000		15,000	PAID TO PEOPLE TRUST
TOTAL PROJECT BUDGET	\$3,662,000	N/A	\$1,427,000	

11. Funds Proposal - Provide the following information to facilitate financial review of the proposed project:

- a. **Sources and Uses of Funds** - Complete Tables A & B below, identifying all sources and uses of funds to implement project and include evidence of funds anticipated (financial statements, commitment letters, etc.).

TABLE A: SOURCES OF FUNDS SUMMARY					Intended Use of Funds (Predevelopment, Acquisition, Construction, Soft Costs)
	Amount	Term	Interest Rate	Evidence (Deed, Sales Contract)	
Owner Equity	\$ 385,000	n/a		DEED	Equity for financing
Private Lender	\$1,826,000				Construction
Development partners WHO?	\$ 20,000	Tbd	Tbd		Marketing Sales
Proposed AHFC Funds	\$1,427,000				Pre-development Development Soft Costs Shared Equity Home Buyer Ed

TABLE B: USES OF FUNDS SUMMARY		
	Total Cost	Cost/Unit
Predevelopment	295,000	9,833
Acquisition	385,000	12,967
Hard Costs	2,200,000	73,333
Soft & Carrying Costs	375,000	12,500
Other Costs	403,000	13,433
Total Project Costs	\$3,662,000	\$122,067

- b. **Leveraging** - Complete Table C below. Include evidence of other funds leveraged by AHFC funds to implement the project such as owner equity and commitments from private and/or other public resources.

TABLE C: LEVERAGE SUMMARY	
TOTAL AHFC FUNDS	\$1,427,000
TOTAL OTHER FUNDS	\$2,235,000
LEVERAGE % - AHFC FUNDS	39%

TABLE D: AFFORDABILITY DATA

PROJECTED – BASED ON SITE DEVELOPMENT CONSTRAINTS

	House Model One	House Model Two	House Model Three	House Model Four
Number of Bedrooms	Studio	One	Two	n/a
Square Footage	550	700	850	
Anticipated Sale Price	\$101,750	\$129,500	\$157,250	
Borrower Contribution	Closing costs	Closing costs	Closing costs	
Homebuyer Subsidy (List all sources separately)	n/a (see below)	n/a (see below)	n/a (see below)	
<i>It is anticipated that Homebuyer education assistance will be sought by applicants</i>				
Total Principal Amount of Mortgage	\$101,750	\$129,500	\$157,250	
Anticipated Interest Rate	5.5%	5.5%	5.5%	
Est. HOA Fee	\$50	\$50	\$50	
Monthly Principal Amount	\$100	\$128	\$155	
Monthly Interest	\$420	\$534	\$649	
Estimated Monthly Taxes	\$170	\$170	\$170	
Estimated Monthly Insurance	\$45	\$45	\$45	
TOTAL Estimated PITI	\$785	\$927	\$1069	

- 13. Partnership with Non-profit entities.** Include commitments from other non-profit organizations or a City of Austin-certified Community Housing Development Organization (CHDO) to partner on the project in some way.

DEVELOPER IS PARTNERING WITH PEOPLE TRUST TO CREATE A SHARED EQUITY PROGRAM AND COMPLIANCE ADMINISTRATOR. PEOPLE TRUST WILL ALSO BRING QUALIFIED HOMEBUYERS TO THE COMMUNITY WHO HAVE COMPLETED AN 8-HOUR HOME BUYER EDUCATION COURSE AND A 2-HOUR ONE ON ONE COUNSELING SESSION.

- 14. Community Engagement Strategy or Efforts.** Please provide a description of your organization’s efforts or plans to engage neighborhood associations and other stakeholders in the area surrounding the proposed development. If no neighborhood association exists, provide an alternative plan to engage area residents, businesses and faith-based organization, for example.

DEVELOPER HAS SPOKEN AND MET WITH THE CHESTNUT AND ROSEWOOD NEIGHBORHOOD PLANNING CONTACT TEAMS ABOUT THIS PROJECT. WE HAVE ALSO RECEIVED A LETTER OF SUPPORT FROM AN ADJACENT PROPERTY OWNER WHO OWNS 3 ADJACENT DUPLEX PROPERTIES THAT IS CURRENTLY BEING DEVELOPED. WE ARE ENGAGING A COMMUNITY OUTREACH SPECIALIST DURING THE DESIGN AND DEVELOPMENT TO ENSURE THE COMMUNITY AND ITS STAKEHOLDERS CONTINUE TO STAY ABREAST OF THE DEVELOPMENT PROGRESS, AND THAT THE DEVELOPER CONTINUES TO BE AWARE OF ANY ISSUES THAT THE DEVELOPMENT MAY BE CAUSING. THE CHESTNUT NPCT IS CREATING A LETTER OF SUPPORT, WHICH WILL BE FORTHCOMING TO NHCD.

ATTENTION:

Please submit with the Application a completed “self-evaluation” using the following Scoring Criteria.



**Scoring Criteria
Acquisition & Development Program**

Applications received will be reviewed and evaluated according to the following criteria:

REQUIRED INFORMATION:

- | | | | |
|----------------------------|-------|------------------------------|-------|
| 1. Applicant Information | _____ | 9. Experience/Qualifications | _____ |
| 2. Nonprofit List of Items | _____ | 10. Project Budget | _____ |
| 3. Project Description | _____ | 11. Funds Proposal: | |
| 4. Site Control/Value | _____ | a. Sources | _____ |
| 5. Zoning | _____ | b. Uses | _____ |
| 6. S.M.A.R.T. Housing | _____ | c. Leveraging | _____ |
| 7. Development Team | _____ | 12. Community Engagement | |
| 8. Development Schedule | _____ | Strategy or Efforts | _____ |

EVALUATION CRITERIA:

Proposed projects will be reviewed and scored on a competitive basis relative to the evaluation criteria below. A maximum possible score is **160** points. Proposed projects must receive a minimum score of **100** points. A score above the minimum score does not guarantee funding.

1. EXPERIENCE AND QUALIFICATIONS (maximum 15 points) 15

- 15 points:** Developer has successfully completed a development similar in size and scope with affordable units.
- 10 points:** Developer has successfully completed a development smaller in size and scope with affordable units.
- 8 points:** Consultant directly involved who has successfully completed a development similar in size and scope with affordable units.
- 3 points:** Developer has completed and sold at least 5 ownership units in the preceding 3 years.

2. SOURCES & USES OF FUNDS (maximum 10 points) 5

- 10 points:** All sources and uses of funds are clearly indicated and sufficient evidences of funding availability and/or commitments are included.
- 5 points:** All sources and uses of fund are clearly indicated, but evidence of funding availability or commitments are incomplete.

3. LEVERAGE (maximum 10 points) 4

AHFC funding relative to Total Project Costs equals:

- 10 points:** 25% or less
- 8 points:** 26% - 30%
- 6 points:** 31% - 35%
- 4 points:** 36% - 50%
- 0 points:** 51% or greater

4. AFFORDABLE UNITS (maximum 25 points) 15

If the development has a mix of units at different income levels, add the results for the percentage of units in each income category up to the maximum of 25 points. If the project has a percentage of units in a given income category that is not an exact multiple of ten as shown in the chart, please round up to the next multiple of 10 and use that point value.

% of AHFC Assisted Units in Total Development										
% of MFI	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
80%	0	5	7	10	12	15	17	20	22	25
65%	5	7	10	12	15	17	20	22	25	
60%	7	10	12	15	17	20	22	25		
50%	10	12	15	17	20	22	25			
30%	12	15	17	20	22	25				

5. AVERAGE INVESTMENT PER UNIT (maximum 20 points) 0

	<u>CHDO or Non-Profit</u>	<u>For-Profit</u>
20 Points:	\$10,001 - \$25,000	\$10,001 - \$25,000
15 Points:	\$25,001 - \$35,000	\$25,001 - \$35,000
10 Points:	\$35,001 - \$45,000	\$35,001 - \$45,000
5 Points:	\$45,001 - \$80,000	\$45,001 - \$60,000

6. AFFORDABILITY PERIOD (maximum 25 points) 25

25 Points: Affordability of project is for 99-years or project is in a Community Land Trust.
15 Points: Affordability period of less than 99 years but enforced through "re-sale" provisions, i.e., home must be re-sold to low- to moderate-income buyer during the affordability period.

7. PRIORITY LOCATION (10 points) 10

10 points: Project is located in a Vertical Mixed-Use (VMU) Corridor, or is a Planned-Unit Development (PUD) or Transit Oriented Development (TOD).

8. GEOGRAPHIC DISPERSION (maximum 25 points) 15

Project is located in an area identified according to the Kirwan institute's opportunity map of Austin (Map #2) as having greater opportunity for affordable housing for low-income households.

25 points:	Very High
20 points:	High
15 points:	Moderate
10 points:	Low
5 points:	Very Low

9. PROJECT READINESS (maximum 10 points) 6

New construction

2 points each; maximum 10 points

2 The project meets the normal eligibility requirements under the existing program guidelines.

2 The property is already owned by the developer.

2 The project has completed all necessary design work and received site plan approval.

2 All environmental reviews have been completed.

2 The project has firm commitments from **all** financing sources.

Acquisition and Rehab

2 points each; maximum 10 points

2 The project meets the normal eligibility requirements under the existing program guidelines

2 All environmental reviews have been completed.

2 The project has firm commitments from all financing sources.

2 A General Contractor has been selected.

2 Closing on the acquisition of the property can be achieved in less than 30 days.

Acquisition of Completed Units

2.5 points each (round up to nearest whole number); maximum 10 points

- _____ The project meets the normal eligibility requirements under the existing program guidelines
- _____ All environmental reviews have been completed.
- _____ The project has firm commitments from all financing sources.
- _____ Closing on the acquisition of the property can be achieved in less than 30 days.

11. **MBE/WBE PROJECT PARTICIPATION** (5 points) ___5___

5 points: Development team includes registered City of Austin minority or women-owned business enterprises (M/WBE).

12. **PARTNERSHIP WITH NON-PROFIT ENTITIES** (5 points) ___5___

5 points: Applicant provides evidence of commitment from another certified non-profit organization to partner on the project in some way.

TOTAL SCORE _____105_____

MOU BETWEEN PEGASUS AND PEOPLE TRUST



LONG-TERM HOMEOWNERSHIP PROGRAM SERVICES

This Memorandum of Understanding is to outline the relationship of both parties: PeopleTrust, a Texas non-profit corporation and Pegasus Planning (Pegasus), LLC or its assigns.

PROJECT DESCRIPTION:

The Village on 12th is a long-term affordable ownership development with 30-units, located at 2712 East 12th Street. It is located within the MLK Transit Oriented District. It will meet green building standards.

Pegasus will secure all required financing, manage, administer, and lead all project acquisition, pre-development, development & construction of the project defined below, or an alternative project description as otherwise agreed to in writing by both parties. PeopleTrust shall have no obligation or liability to any party for development and/or completion of the project.

Pegasus will provide affordable housing units for the long-term affordability homes program to be administered by PeopleTrust.

PEOPLETRUST SERVICES:

THE PEOPLETRUST ORGANIZATION

PeopleTrust provides working families with affordable homeownership and asset building opportunities through our shared equity housing models. Our organization is committed to balancing the goals of preserving housing affordability for future generations and offering today's homeowners a dependable opportunity to build wealth and remain in their neighborhood. PeopleTrust achieves this balance by selling homes at below-market prices to income eligible buyers and limiting the resale price that these homeowners can charge when they later decide to sell.

SCOPE OF WORK

PROGRAM DESIGN & DEVELOPMENT

PeopleTrust provides the following consulting services for shared equity housing program design and development, including deed-restricted housing, shared appreciation, cooperative and community land trust models:

- Incorporate public (federal, state, and local funds) and private funding sources to create shared equity homeownership



- CDBG, HOME, NSP/NSP2, Tax Increment Financing, New Markets Tax Credits, general obligation and private activity bonds, and other sources
- Design a financially and administratively sustainable, program model to leverage public-private funding and maintain long-term affordability
 - develop initial home sale pricing, resale formula, refinance/home equity loan underwriting criteria policy
 - develop legal documents and disclosures to support the program (deed restrictions, restrictive covenants, ground lease terms, second lien financing, etc)
- Develop a long-term property tax strategy in conjunction with taxing authorities, such as taxing jurisdictions and tax assessors-collectors, to allow for a fair valuation of homestead property under the State Property Tax Code
- Establish a pool of mortgage lenders to secure mortgage financing for shared equity homeownership units
- Provide training and technical assistance to residential real estate appraisers concerning mortgage lending appraisal requirements for shared equity homeownership

PROGRAM IMPLEMENTATION, MANAGEMENT, AND ADMINISTRATION

PeopleTrust provides the following on-going program implementation, management, and administrative services, including loan servicing functions, for shared equity housing programs:

PEOPLETRUST LONG TERM AFFORDABILITY HOMEOWNERSHIP PROGRAM IMPLEMENTATION, MANAGEMENT & ADMINISTRATION	
FUNCTION	DESCRIPTION
HOMEOWNERSHIP DEVELOPMENT & PRESERVATION	1. Coordinate with non-profit and private housing builders and developers to create long-term, affordable homeownership opportunities 2. Coordinate with homeowners to preserve their ownership
PRICING & RESALE FORMULA	1. Determine initial pricing of units to ensure initial housing affordability and coordinate market value appraisals 2. Analyze resale formula models and calculate resale pricing of units to ensure a fair return to seller and to preserve housing affordability
MARKETING & OUTREACH	1. Develop marketing and outreach materials 2. Perform general outreach to potential participants, on an on-going basis 3. Managing a "wait list" or interest list of eligible applicants 4. Marketing new units both to existing wait/interest list and general public 5. Marketing individual units at time of resale 6. Educating developers, lenders, and the community about the nature of the program and available units
HOMEBUYER &	1. Provide general homebuyer education and credit counseling to prepare

POST-OWNER EDUCATION	<p>potential buyers for homeownership</p> <ol style="list-style-type: none"> 2. Conduct Orientation Sessions for small groups to ensure the homebuyer/owner fully understands the program requirements and restrictions 3. Conduct individual (1-1) meetings, as needed, to fully disclose program requirements and to answer any questions 4. Facilitate legal services to ensure participant has access to legal representation 5. Develop post-ownership education and training, including foreclosure prevention programs 6. Establish a Wills & Estate Planning Program for homeowners
SCREENING & SELECTION	<ol style="list-style-type: none"> 1. Screen homebuyers/homeowners for income/asset limits and ability to qualify for a mortgage. 2. Coordinate a fair and transparent process to select qualified participants
FINANCING & REFINANCING	<ol style="list-style-type: none"> 1. Secure mortgage lender approval for the program to develop a mortgage lender pool 2. Review and approve initial mortgage products to ensure homeowner success and housing affordability 3. Review and approve refinancing, home equity loans, etc., to ensure that the owner does not borrow more than the maximum resale price
INITIAL HOME SALES	<ol style="list-style-type: none"> 1. Facilitate home sales processes, by coordinating realtors, lenders, appraisers, title companies, and affordable/qualified buyers. 2. Ensure efficient closing of affordable home units to income qualified buyers.
COMPLIANCE & MONITORING	<ol style="list-style-type: none"> 3. Ensure compliance with applicable residential mortgage lending laws such as RESPA and Fair Housing Laws 4. Coordinate and track primary resident status of homeowners on an annual basis 5. Regularly review land records to monitor ownership and lien status of property 6. Regularly review capital improvements by homeowners, as required 7. Regular reporting as required
RESALE MANAGEMENT	<ol style="list-style-type: none"> 1. Respond to homeowner's notices 2. Coordinate with title companies 3. Coordinate and review home inspections and appraisals 4. Work with out-going homeowners on sales transaction 5. Coordinate subsequent purchase with eligible homebuyer
ENFORCEMENT	<ol style="list-style-type: none"> 1. Ensure properly executed, strong legal documents 2. Coordinate foreclosure prevention measures, in event of homeowner default 3. Enforce requirements, in case of non-compliance 4. Provide workout solutions, in case of foreclosure



MOU OF PROGRAM/FINANCING COSTS:

- PeopleTrust will receive \$2,500 for each affordable unit that is sold, in accordance with the City of Austin affordability requirements or other applicable regulations.
- Any second lien or ownership interest used to implement the long-term affordability mechanism shall be the property of PeopleTrust.

PeopleTrust

[Handwritten Signature]
Signature

Kelly Weiss
Printed Name

Executive Director
Title

10/20/2011
Date

Pegasus Planning, LLC

[Handwritten Signature]
Signature

SEAN GARRETSON
Printed Name

PRESIDENT/CEO
Title

10/28/2011
Date

**ZONING APPLICATION
&
STAFF RECOMMENDATION**



6

Project Name: Village

Case Manager: Jerry Rusthoven

Team: NPZ-PDR

Case Number: C14-2011-0130.SH

Date Filed: Oct 3, 2011

Update #: 0

Date Dist: Oct 4, 2011

Comment Due Date: Oct 17, 2011

Discipline	Name
✓ NPZ Austin Water Utility Review	Bradley Barron
✓ NPZ Environmental Review	Mike Mcdougal
✓ NPZ Legal Department Review	Diana Minter
✓ NPZ Mapping Review	Mapping Review
✓ NPZ Comprehensive Planning Review	Maureen Meredith
✓ NPZ Site Plan Review	Michael Simmons-Smith
✓ NPZ Transportation Review	Joe Almaraz
✓ NPZ Zoning Review	Gerald Rusthoven

✓ Zoning

Andrew Rivera

✓ Notice Team

Debra S.

(10)

Report run on: 10/3/2011

TO:

FROM: SITE PLAN REVIEW DIVISION

CASE #: C14-2011-0130.SH

TYPE/SUBTYP Zoning/Rezoning/

PROJECT: Village

LOCATION: 2712 E 12TH ST

CASE MANAGER: Jerry Rusthoven

PHONE: 974-3207

FILED FOR UPDATE: Oct 3, 2011

COMMENT DUE DATE Oct 17, 2011

TENTATIVE PC DATE:

REPORT DATE: Oct 18, 2011

TENTATIVE CC DATE:

LANDUSE:

AREA: .60

ACRES (SQ FT)

LOTS

EXISTING ZONING: TOD - TRANSIT ORIENTED DEVELOPMENT ZONING

EXISTING USE: Vacant

TRACT

ACRES/SQFT

PROPOSED ZONING

PROPOSED USE

.60 /

TOD - TRANSIT
Oriented Dev.
Zoning

Condominium/
Residential

WATERSHED: Boggy Creek, ,

COUNTY: TR

JURISDICTION FULL PURPOSE Full-Purpose

Urban Watersheds

GRIDS: K23

WATER: COA

GRIDS:

ELECTRIC: COA

GRIDS:

SEWERAGE: COA

GRIDS:

PROPERTY DESCRIPTION:

PLAT 0210120139

DEED REFERENCE:

VOL./PAGE 87/126C

LEGAL DESCRIPTION:

Lot: 1 Block: 2 Subdivision: ROSEWOOD SUBDIVISION

RELATED CASES (if any):

CONTACTS:

Applicant

PEGASUS PLANNING & DEVELOPMENT
1601 MIRIAM AVE SUITE 309 AUSTIN TX
CONTACT: Sean Garretson

512-300-7270

Owner

SOUTH END MLK TOD LLP
1803 E CESAR CHAVEZ ST AUSTIN TX 78702
CONTACT:

512--

ZONING

APPLICATION FOR ZONING

Row ID # 10659360

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY

APPLICATION DATE: 10/03/11 FILE NUMBER(S) C14-2011-0130-SH
 TENTATIVE ZAP / PC DATE: _____ CITY INITIATED: YES / NO
 TENTATIVE CC DATE: TBD ROLLBACK: YES / NO
 CASE MANAGER: Jerry Rusthaden
 APPLICATION ACCEPTED BY: J. Pope

OTHER PROJECT DATA

OWNER'S NAME: SOUTH END MLK TOD, LLP
 PROJECT NAME: ~~FEATHERLITE VILLAGE~~
 PROJECT STREET ADDRESS (or Range): 2712 E. 12TH ST
 COUNTY: TRAVIS ZIP: 78702

If project address cannot be defined, provide the following information:

Frontage ft. _____ ALONG THE _____ SIDE OF _____ APPROXIMATELY
 (N,S,E,W) Frontage road

Distance _____ FROM ITS INTERSECTION WITH _____
 Direction _____ Cross street _____

TAX PARCEL NUMBER(S): _____

AREA TO BE REZONED:

ACRES .60 (OR) SQ.FT. _____

EXISTING ZONING	EXISTING USE	TRACT#	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>TOD LOW DENSITY RESIDENTIAL</u>	<u>VACANT</u>	_____	<u>.60</u>	<u>CONDOMINIUM RESIDENTIAL</u>	<u>FOD LIVE-WORK FLEX</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RELATED CASES

NEIGHBORHOOD PLAN AMENDMENT (YES/NO)	(YES/NO)	FILE NUMBER: _____
ACTIVE ZONING CASE	(YES/NO)	FILE NUMBER: _____
RESTRICTIVE COVENANT	(YES/NO)	FILE NUMBER: _____
SUBDIVISION	(YES/NO)	FILE NUMBER: _____
SITE PLAN	(YES/NO)	FILE NUMBER: _____

PROPERTY DESCRIPTION

(For the portion affected by this application) Provide either subdivision reference OR metes & bounds description.

1. SUBDIVISION REFERENCE: Name: ROSEWOOD
 Block(s) FEATHERLITE Lot(s) ONE Outlot(s) _____
 Plat Book: VOL 87 Page Number 126C or Document # _____

2. METES AND BOUNDS (Attach two copies of certified field notes)

Bradley, MSS Joe Almazan

ZONING

FILE NUMBER: _____

DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER:

VOLUME: 87 PAGE: 126 C OR DOCUMENT # _____
SQ. FT: _____ or ACRES .6

OTHER PROVISIONS

IS A VARIANCE TO THE SIGN ORDINANCE BEING REQUESTED? YES/NO (NO)
IS PROPERTY IN A COMBINING DISTRICT / OVERLAY ZONE? (YES) NO MLR TOV
TYPE OF COMBINING DIST/OVERLAY ZONE (NP, NCC, CVC, WO, etc) _____
NATIONAL REGISTER DISTRICT? YES/NO (NO)
URBAN RENEWAL ZONE? YES/NO (NO)
IS A TIA REQUIRED? YES/NO (NO) TRIPS PER DAY: 050-100
GRID NUMBER (S) K23

WATERSHED: BOGGY CREEK WS CLASS: Urban
WATER UTILITY PROVIDER: AUSTIN
WASTEWATER UTILITY PROVIDER: AUSTIN
ELECTRIC UTILITY PROVIDER: AUSTIN ENERGY

OWNERSHIP INFORMATION

TYPE OF OWNERSHIP SOLE COMMUNITY PROPERTY PARTNERSHIP CORPORATION TRUST
If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet. PEGASUS PLANNING - GENERAL PARTNER

OWNER INFORMATION

SIGNATURE: [Signature] NAME: SEAN GARRETTSON
FIRM NAME: PEGASUS PLANNING + DEVELOPMENT TELEPHONE NUMBER 512/350-7270
STREET ADDRESS: 1601 MIRIAM AVE #309 AUSTIN
CITY/STATE/ZIP: AUSTIN, TX 78702

AGENT / PRINCIPAL CONTACT (If applicable)

SIGNATURE: _____ NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY/STATE/ZIP: _____
CONTACT PERSON: _____ TELEPHONE NUMBER: _____

ZONING

CITY OF AUSTIN TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: VILLAGE
 LOCATION: 2712 E. 12TH ST (78702) IN MLK TOD
 APPLICANT: PEGASUS PLANNING [SEAN GARRETT] TELEPHONE NO: 512/300-7270
 APPLICATION STATUS: DEVELOPMENT ASSESSMENT: ZONING: X SITE PLAN:

EXISTING:

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
	.6	—	TOD LOW DENSITY RES	VACANT			0

PROPOSED

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
	.6	113,000	TOD LIVE	RES			
		SF	WORK FLEX		230	EQ	218
		28		Condos.			
		units.					

ABUTTING ROADWAYS

FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
12TH STREET	INGRESS / EGRESS FROM 12TH		

FOR OFFICE USE ONLY

— A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

— A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

The traffic impact analysis has been waived for the following reason: Applicant agrees to a conditional overlay limiting the site to 2,000 vehicle trips per day.

— A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: [Signature] DATE: 9/29/2011

DISTRIBUTION: FILE _____ CAP. METRO _____ TXDOT _____ TRANS. REV. _____ TRAVIS CO. _____ TRANS. DEPT. _____

TOTAL COPIES: _____

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

ZONING

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

Sean Garrettson 9/28/2011
Signature Date

SEAN GARRETSON
Name (Typed or Printed)

SOUTH END MLK TDD, LLP
Firm

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

Sean Garrettson 9/28/2011
Signature Date

SEAN GARRETSON
Name (Typed or Printed)

SOUTH END MLK TDD, LLP
Firm

ZONING

ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions
Restrictive Covenants

I, SEAN GARRETSON have checked the subdivision plat notes,
(Print name of applicant)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

2712 EAST 12TH STREET AUSTIN, TX 78702
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.

Sean Garretson

(Applicant's signature)

9/28/2011

(Date)

POSTPONEMENT POLICY ON ZONING HEARINGS

- Sets a postponement date and time at the City Council hearing so that renotification of residents and property owners is not necessary.
- Limits the time a hearing can be postponed to two months for both proponents and opponents, unless otherwise approved by Council so that renotification of residents and property owners is not necessary.
- Allows only one postponement for either side, unless otherwise approved by Council.
- Requires that all requests for postponements be submitted in writing to the director of the Planning and Development Review Department at least one week prior to the scheduled Council meeting. The written request must specify reasons for the postponement.
- The Director of the Planning and Development Review Department shall provide a recommendation regarding the validity of the postponement request as the Director deems appropriate.
- Eliminates the automatic granting of a postponement of the first request.
- Authorizes Council to consider requests that are not submitted timely.

ZONING



EXHIBIT A

EDUCATIONAL IMPACT STATEMENT (EIS) DETERMINATION

PART A

If your project is located in the Austin Independent School District, requires Land Use Commission review; and meets one of the requirements listed below, an Educational Impact Statement is required.

<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<u>100 or more single family units are proposed</u>
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<u>200 or more multifamily units are proposed</u>
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<u>100 or more multifamily units are proposed and a tax credit is requested</u>
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<u>project will demolish more than 50 residential existing units in a structure more than 20 years old</u>

If an Educational Impact Statement (EIS) is required, please complete the Educational Impact Analysis (EIA) Part B.

ZONING



EDUCATIONAL IMPACT ANALYSIS FORM
Part B

OFFICE USE ONLY

CASE MANAGER: _____

APPLICANT/AGENT: _____

CASE NUMBER: _____

PROJECT NAME: _____

PROJECT ADDRESS: _____

PROPOSED USE: _____

EXISTING RESIDENTIAL UNITS

VACANT

Existing Number of Residential Units: _____

Number of existing residential units to be demolished: _____

Age of units to be demolished: _____

PROPOSED DEVELOPMENT

Gross Project Acreage: .60 ACRES

Number of lots: 1

Lots per acre: _____

PROPOSED RESIDENTIAL UNITS

Proposed number of Residential Units: 28

Size of proposed units in square feet (specify range): 12 - 15,000 SF

Number of bedrooms per unit: 1-2

ZONING

ESTIMATED SELLING / RENTAL PRICE (EXISTING AND PROPOSED)

Estimated selling price of units (specify range):	\$100 - \$200,000
Estimated rental rates (if applicable):	---
Range of monthly rental rates to be demolished:	N/A to
Estimated increase in rental rates (specify percentage of increase):	N/A
If project is multifamily, will a tax credit be applied for as part of the Smart Housing™ Program?	undecided
Number of Certified Affordable Dwelling Units (Proposed or Existing)	AT LEAST

OFF-SITE FAMILY AMENITIES EXISTING WITHIN ONE MILE OF PROJECT (Open to the public – attach location plan)

(SHARED EQUITY)

Parks/Greenbelts:	BOGGY CREEK GREEN BELT, ROSEWOOD PARK
Recreation Centers:	DEWITT, MILLENNIUM
Public Schools:	CAMPBELL, KEALUOG

PARKLAND DEDICATION

Parkland dedication required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If yes, please indicate if applicant plans to request fee in lieu or provide parkland.		
Fee:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Land:	<input type="checkbox"/> YES	<input type="checkbox"/> NO

ON-SITE FAMILY AMENITIES PROPOSED

Will space be provided for childcare services?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> Unknown at this time
Amount of open space required in acres:	_____		
Amount of open space provided in acres:	_____		
Other proposed amenities: (pools, clubhouse, recreation area):	UNDECIDED		

TRANSPORTATION LINKAGES

Closest Public Transit Location:	MLK COMMUTER STATION
Pedestrian/Bike Routes:	12TH ST BIKE WAY

Pape, Shari

From: Laursen, Melissa
Sent: Friday, September 30, 2011 9:44 AM
To: Ramos, Rosemary
Cc: Pape, Shari; Meredith, Maureen
Subject: RE: MLK TOD Zoning Application

Hi Rosemary-

I just spoke to Christine Freundl in Urban Design who has worked with this applicant. She said this is only a zoning case. The property is within the Chestnut Neighborhood Planning Area and will not require a plan amendment because the TOD future land use category is consistent with the proposed zoning change.

Melissa Laursen

From: Ramos, Rosemary
Sent: Friday, September 30, 2011 7:14 AM
To: Laursen, Melissa
Cc: Pape, Shari
Subject: FW: MLK TOD Zoning Application

Melissa- Can you answer the question I asked Maureen in the email below. If this customer is in a neighborhood planning area and does not have the sign off from Maureen that would be the only thing holding them back from submitting the zoning.

From: Ramos, Rosemary
Sent: Friday, September 30, 2011 7:10 AM
To: 'Sean Garretson'; Meredith, Maureen
Cc: <sean@pegasusplanning.com>
Subject: RE: MLK TOD Zoning Application

My co-worker Carmen can do this zoning submittal on Monday @ 1:00.
 Maureen- Is this in a neighborhood planning area? If so, do they have your sign off?

Rosemary Avila Ramos

City of Austin - Planning & Development Review Dept.
 Land Use Review - Intake Office
 Direct: (512)974-7208/ Receptionist (512)974-2680
 Fax: (512)974-2620/ E-mail: rosemary.ramos@austintexas.gov

Go Green! Print this email only when necessary. Thank you for helping the City of Austin be environmentally responsible.

***All City of Austin email addresses have been changed to:
 firstname.lastname@austintexas.gov**

**Click below to access case information online:
<https://www.ci.austin.tx.us/devreview/index.jsp>**

From: Sean Garretson [mailto:pegasusplanning@gmail.com]
Sent: Thursday, September 29, 2011 5:25 PM
To: Meredith, Maureen

10/3/2011

INTAKE SUBMITTAL CHECKLIST
ZONING

City Of Austin Planning and Development Review Department
505 Barton Springs Blvd. Austin, TX 78704 Ph. 974-2689, 974-2681 or 974-7208 Fax 974-2620

Departmental Use Only:

File Number: C14-2011-0130.SA Date Issued: 10/03/11
Intake Specialist: SPape Date: _____

Information Required for Submittal:

1. Completed application form with all appropriate signatures & Application Fee
2. Signed Submittal Verification and Site Check Permission Forms
3. TIA Determination Form
4. If required, provide five (5) copies of TIA
5. TIA fee, if applicable
6. Two (2) copies of certified field notes for footprint zoning and portion(s) of lot(s)
7. Full size tax maps (1"=100') showing properties within **500'** of zoning request (for CS-1 zoning red-line to include footprint and entire tract); For projects located outside of Travis County, submit a list of names and addresses of all property owners within a 500' radius of the subject tract on a separate 8 1/2" x 11" sheet
8. Current Tax Certificate or letter from County Tax Office
9. Copy of receipt if refund for Development Assessment is requested/ granted
10. Letter from Neighborhood Association(s) and positive staff recommendation, if consent agenda is requested.
11. Zoning map showing property to be rezoned
12. Subject to: ZAP _____ or PC

Additional Submittal Requirements for Planned Unit Development (PUD):

- ___ A. Verification that the project has obtained and completed the Developmental Assistance process, including sign-off from the Customer Assistance Team; comment report with sign-off sheet will suffice
- ___ B. Eighteen (18) copies of a 24" x 36" generalized land use map which shall include all of the following: Project name, legal description, boundary lines with bearings and dimensions, total acreage, north arrow, scale and location map. Existing topography using USGS or City datum at tow (2) foot intervals for the property and adjacent property within 100 feet of the project boundary
- ___ C. Eighteen (18) copies of the proposed site development regulations to be established by the Land Use Plan (PUD Report/ Summary)



City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt No.: 5576477

Payment Date: 10/03/2011

Invoice No.: 5586663

Payer Information

Company/Facility Name: Pegasus Planning & Development

Payment Made By: Sean Garretson

1601 MIRIAM AVE SUITE 309 AUSTIN TX

Phone No.: (512) 300-7270

Payment Method: Check

Payment Received: \$0.00

Amount Applied: \$0.00

Cash Returned: \$0.00

Comments:

Fees waived per Smart Housing Letter

Additional Information

Department Name: Neighborhood Planning and Zoning

Receipt Issued By: Shari Pape

Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9100 4181	Regular Rezoning Fee	10659360	2712 E 12TH ST	2011-089262-ZC	
1000 6800 9770 4060	Sign Fee	10659360	2712 E 12TH ST	2011-089262-ZC	
1000 6800 9770 4192	Notification/Renotificat	10659360	2712 E 12TH ST	2011-089262-ZC	
1000 6800 9770 4192	Notification/Renotificat	10659360	2712 E 12TH ST	2011-089262-ZC	
1000 6800 9770 4250	Waiver Fee	10659360	2712 E 12TH ST	2011-089262-ZC	
Total					\$0.00

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0130.SH **P.C. DATE:** November 8, 2011
Village

ADDRESS: 2712 E. 12th Street **AREA:** 0.5772 acres
(25,143 square feet)

OWNER: South End MLK TOD, LLP **AGENT:** Pegasus Planning, LLC
(Sean Garretson)

FROM: Transit Oriented Development-Neighborhood Plan - Low Density Residential (TOD-NP) (Up to 16 units per acre)

TO: Transit Oriented Development-Neighborhood Plan - Live/Work Flex (TOD-NP) (Up to 30 residential units total)

AREA STUDY: N/A **TIA:** Is not required

WATERSHED: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD PLAN AREA: Chestnut

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant the rezoning from TOD-NP / Low Density Residential to TOD-NP-CO – Live/Work Flex. Staff recommends a conditional overlay for the subject property that establishes a maximum number of 30 residential units, limits vehicular trip generation to less than 2,000 vehicle trips per day, and prohibits the following uses: custom manufacturing, light manufacturing, general retail sales (general), medical offices, residential treatment.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2011:

DEPARTMENT COMMENTS:

The subject property is located within the Martin Luther King, Jr. Blvd. TOD district and zoned Transit Oriented Development-Neighborhood Plan / Low Density Residential (TOD-NP) and is currently undeveloped. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The subject property has approximately 49 feet of frontage on East 12th Street. The eastern boundary of the property is the railroad right-of-way that is part of the Capital Metro MLK corridor. Immediately north of the subject property is a City owned detention pond, and to the west are a single family residence and three lots that are currently being redeveloped as duplex residential. Across East 12th Street to the south is Rosewood Park. The subject property is located in the MLK TOD and Chestnut Neighborhood Plan area, and this rezoning will not require amendment of either plan. Please refer to Exhibit A-2 (MLK TOD Map).

The applicant has provided a letter of support for this application from the adjacent property owner who is developing the duplexes to the west. The letter supports the rezoning to Transit Oriented Development-Neighborhood Plan - Live/Work Flex (TOD-NP), including the maximum of 30 residential units total. Please refer to Exhibit A-3 (Neighbor Letter).

The current zoning subcategory of Low Density Residential primarily allows residential uses, but also allows a few civic land uses. No commercial land uses are permitted. The proposed would permit a maximum of nine residential units if no bonuses were utilized. To that end, the Applicant intends to provide affordable housing on the site in order to qualify for development bonuses and build additional units on the property.

The proposed zoning subcategory allows some civic, commercial, and industrial land uses. Permitted uses include art studio, business office, and personal improvement services, among others. Staff recommends attaching a conditional overlay prohibiting the following uses: custom manufacturing, light manufacturing, general retail sales (general), medical offices, residential treatment.

Some other differences between the subcategories are:

	TOD-NP Low Density Residential	TOD-NP Live/Work Flex
Maximum Impervious Coverage	85%	95%
Maximum Building Coverage	85%	95%

For all properties within the TOD District, there are no minimum or maximum requirements for rear, interior side, or street side yard setbacks, except as required to comply with the building height and setback requirements related to Compatibility Standards. For all properties in the TOD District, there is no minimum or maximum front yard setback requirement. There are no minimum site area requirements, and the maximum height for the subject property is 60 feet per the TOD. A height bonus may be granted in some portions of the TOD in exchange for the provision of affordable housing. Compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District. Waivers of compatibility standards may be granted if a development bonus is utilized, and any height bonuses or compatibility standards waivers would be determined at time of site plan.

The property owner has obtained SMART Housing Certification for a proposed development of 24-28 residential units with 40% of the units serving households at or below 80% median family income. Please refer to Exhibit A-4 (SMART Housing Certification).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP	Undeveloped
<i>North</i>	TOD-NP-CO	City of Austin detention pond
<i>South</i>	P-NP	12 th Street, Rosewood Park
<i>East</i>	P-NP	Railroad tracks, Downs Mabson Fields (COA)
<i>West</i>	SF-3-NP	Single-family, duplex residential

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0031	Adopting TOD zoning as part of the MLK TOD	Approved w/ conditions (9-0)	Approved Ordinance 20090402-048 as TOD w/amendments (7-0)
C8s-87-076	Rosewood Subdivision	Approved (7-0)	N/A

RELATED CASES: The subject property is located in the MLK TOD and the Chestnut Neighborhood Plan area, and no plan amendments would be needed for the rezoning.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E. 12 th Street	Varies	42 feet	4-Lane, Undivided Minor Arterial	Yes, Both Sides	No.6 / E.12th Street Local	E. 12 th Street

NEIGHBORHOOD ORGANIZATIONS:

Chestnut Addition Neighborhood Association
 Homewood Heights Neighborhood Association
 Chestnut Commons HOA
 Chestnut Neighborhood Revitalization Corporation
 Chestnut Neighborhood Planning Team
 African American Cultural Heritage District Business Association
 Rosewood Neighborhood Contact Team
 Friends of Chestnut Neighborhood Planning Contact Team

SCHOOLS:

Campbell Elementary School Kealing Middle School McCallum High School

CITY COUNCIL DATE: December 8, 2011 **ACTION:**

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant TOD-NP-CO – Live/Work Flex. Staff recommends a conditional overlay for the subject property that establishes a maximum number of 30 residential units, limits vehicular trip generation to less than 2,000 vehicle trips per day, and prohibits the following uses: custom manufacturing, light manufacturing.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The MLK TOD states, “TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation, which balances the need for sufficient density to support convenient transit service with the scale of the adjacent community.” The proposed rezoning allows mixed use, increased residential density, and pedestrian access to parks, rail, sidewalks and bus routes.

2. Zoning changes should promote an orderly and compatible relationship among land uses.
The proposed rezoning is a suitable transition between the railroad tracks and the SF-3 zoned properties to the west.

Transportation:

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the rezoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows:

<u>Street Name</u>	<u>Existing Bicycle Facilities</u>	<u>Recommended Bicycle Facilities</u>
E. 12th Street	Bike Lane	Bike Lane

Site Plan:

This site will be subject to the design criteria of the Regulating Plan for the MLK TOD Station Area Plan.

The site is located within 540 feet of properties zoned SF-6 or more restrictive – therefore, compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC shall apply.

This site is located within the Chestnut Neighborhood Planning Area. Please refer to <http://www.ci.austin.tx.us/planning/neighborhood/chestnut.htm> for land use recommendations within this planning area.

Environmental:

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. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is a flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

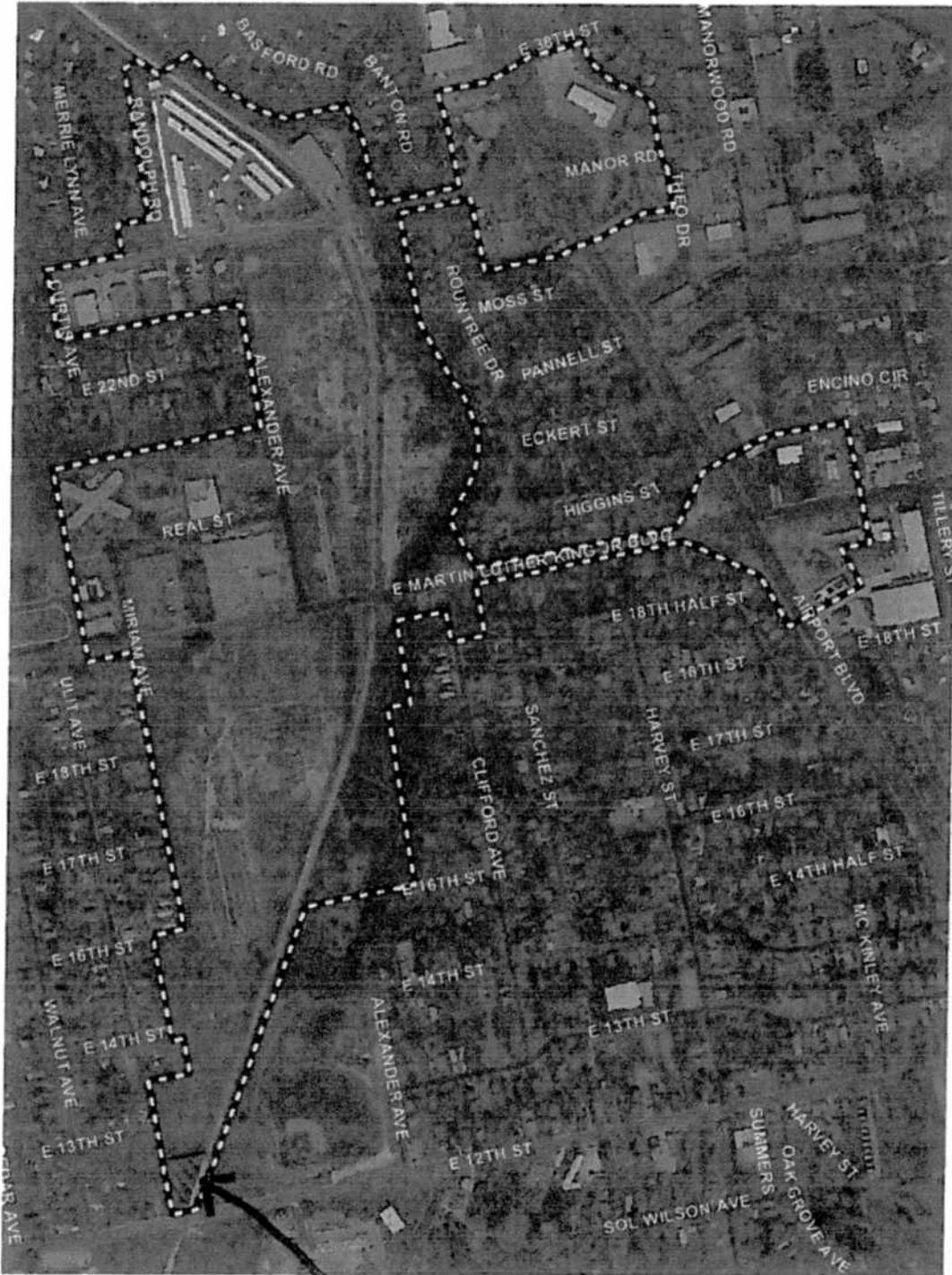
Water/Wastewater:

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



Article 1: General Provisions
Section 1.2. Applicability
Subsection 1.2.1. General Applicability

Figure 1-1: MLK TOD Station Area Boundary



**SUBJECT
PROPERTY**

October 10, 2011

To: Wendy Rhoades, Heather Chaffin
From: Mike Craddock
CC: Sean Garretson

Subject: Letter of Support – Zoning of 2712 East 12th Street

I am writing to provide support for the rezoning of the property located at 2712 East 12th Street to TOD Live Work Flex. My partners and I own the majority of the adjacent private land (three properties). Our address is 2709 East 13th, Lots 7,8 and 9. We are building duplexes on each of these three properties.

Mr. Sean Garretson, General Partner of the South End MLK TOD, LLP who owns 2712 East 12th, has continued to be an advocate for Central East Austin and the MLK TOD. He has helped us understand the market potential in the area, and the vision for the MLK TOD, and as a neighbor, he has worked with us to provide temporary access through his property to allow the ease of construction of our projects.

I understand that the current zoning (TOD Low Density Residential) would allow his partnership to build approximately 11 units, but that he wishes to build a co-housing project with more units of a smaller size. The zoning change he requests (TOD Live Work Flex) would allow him to build approximately 30 units. We support this change and believe that the potential mix of owner-occupied unit sizes will provide a healthy addition of mixed-income households in the immediate area.

Please contact me should you have any questions or require additional information for my support of this zoning.

Sincerely,



Mike Craddock
MKKN Development
Mcraddock12@yahoo.com
512-633-1788



City of Austin

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

Neighborhood Housing and Community Development Department

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

October 3, 2011

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

South End MLK TOD, LLP- The Village (id# _____)

TO WHOM IT MAY CONCERN:

South End MLK TOD, LLP (development contact Sean Garretson, 210-300-7270 (o); sean@pegasusplanning.com) is planning to develop a 24-28 unit multi-family development at 2712 East 12th Street.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the residential units will serve households at or below 80% Median Family Income (MFI), the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

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

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

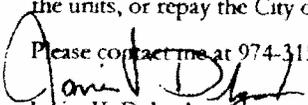
- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katherine Murray, 482-5351 for multi-family; Bryan Bomer, 482-5449 for single-family).
- ◆ Submit plans demonstrating compliance with accessibility and transit-oriented standards.

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

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

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

Please contact me at 974-3154 if you need additional information.


 Javier V. Delgado
 Neighborhood Housing and Community Development

Cc:	Laurie Shaw, Cap Metro	Maureen Meredith, PDRI	Kath. Murray, Austin Energy
	Chris Yanez, PARID	Danny McNabb, PDRI	Michael Simmons-Smith, PDRI
	George Zapalac, PDRI	J.B. Meier, PDRI	Hillary Holey, PDRI
	Robby McArthur, WWV Taps	Bryan Bomer, Austin Energy	Deborah Fonseca, PDRI
	Stephen Castleberry, PDRI	John McDonald, PDRI	Yolanda Parada, PDRI

TAX CERTIFICATE

TAX CERTIFICATE
Nelda Wells Spears
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 1061484

ACCOUNT NUMBER: 02-1012-0139-0000

PROPERTY OWNER:

SOUTH END MLK TOD LLP
1803 E CESAR CHAVEZ ST
AUSTIN, TX 78702-4403

PROPERTY DESCRIPTION:

.577AC OF OLT 30 DIVISION B

ACRES .5772 MIN% .000000000000 TYPE

SITUS INFORMATION: 2712 E 12 ST

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2010	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	CENTRAL HEALTH	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2010 \$1,747.54

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2010 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 09/27/2011

Fee Paid: \$10.00

Nelda Wells Spears
Tax Assessor-Collector

By: 

September 7, 2009

Ms. Cheryl Speaker
Senior Appraiser
City of Austin
505 Barton Springs Road, Suite 1350
Austin, Texas 78704

SUBJECT: Market Value Appraisal
Proposed Parkland-Emancipation Park
2712 East 12th Street
Austin, Travis County, Texas 78702
File # 4034.02
Assignment No.: 39-127
Integra Austin File No. 09-155

Dear Ms. Speaker:

Integra Realty Resources – Austin is pleased to submit the accompanying appraisal of the referenced property. The purpose of the appraisal is to develop an opinion of the market value of the fee simple interest in the property. The client for the assignment is City of Austin, and the intended use is for property acquisition purposes.

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and the appraisal guidelines of City of Austin. The appraisal is also prepared in accordance with the appraisal regulations issued in connection with the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA).

To report the assignment results, we use the summary report option of Standards Rule 2-2 of USPAP. Accordingly, this report contains summary discussions of the data, reasoning, and analyses that are used in the appraisal process whereas supporting documentation is retained in our file. The depth of discussion contained in this report is specific to the needs of the client and the intended use of the appraisal.

Project Name	Proposed Parkland – Emancipation Park; 2712 East 12 th Street
File Number	4034.02
Assignment Number	39-127
Property Owner	South End MLK TOD, LLP
Legal Description	0.606 acres out of Outlot 30, Division B, City of Austin, Travis County, Texas. (Actual size is 0.577 acres due to 15' ROW Dedication)
TCAD Parcel Number	02-1012-0139

IRR.

Ms. Cheryl Speaker
City of Austin

September 7, 2009
Page 2

Based on the valuation analysis in the accompanying report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our opinion of value is as follows:

VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value	Fee Simple	June 29, 2009	\$380,000

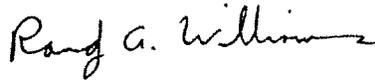
The opinions of value expressed in this report are based on estimates and forecasts that are prospective in nature and subject to considerable risk and uncertainty. Events may occur that could cause the performance of the property to differ materially from our estimates, such as changes in the economy, interest rates, capitalization rates, financial strength of tenants, and behavior of investors, lenders, and consumers. Additionally, our opinions and forecasts are based partly on data obtained from interviews and third party sources, which are not always completely reliable. Although we are of the opinion that our findings are reasonable based on available evidence, we are not responsible for the effects of future occurrences that cannot be reasonably foreseen at this time.

It is noted that current financial and real estate markets are in a state of instability and there are limited transactions that provide reliable evidence of current market value. There is not a consensus of market participants concerning the duration and ultimate severity of the current economic downturn. We have analyzed available data and have applied adjustments that we consider reasonable in light of current uncertainties; however, we caution the users of this appraisal that the value conclusion reported herein may have a lesser degree of reliability than it would in a more normal market.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.



Wade S. McNeill
Certified General Real Estate Appraiser
TX Certificate # TX-1338269-G



Randy A. Williams, MAI, SR/WA, FRICS
Certified General Real Estate Appraiser
TX Certificate # TX-1320297-G

SMART HOUSING VERIFICATION LETTER



City of Austin

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

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager

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