



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Brent D. Lloyd, Development Officer *BDL*  
Development Services Department

**DATE:** April 10, 2019

**SUBJECT:** Proposed Project Consent Agreement re: Ranch Road 620 Apartments

---

On March 1, 2019, the Development Services Department received a request to consider a proposed Project Consent Agreement ("PCA") for an affordable housing project at 2302 Pyramid Drive in Cardinal Hills Estates (Unit 14), a 120-acre subdivision located in northwest Austin. The proposed project, commonly referred to as "Ranch Road 620 Apartments," would consist of approximately 180 housing units affordable to occupants earning an average of 60% Median Family Income ("MFI").

This memo provides general background on the proposed Cardinal Hills PCA, which remains under review.

### Basis for Proposed PCA

PCAs are a tool authorized by City Code § 25-1-544 to resolve disputes between permit applicants and City staff over whether a proposed development is entitled to "vested rights" under state law. Projects entitled to vested rights are not subject to current City regulations, but are instead reviewed under regulations in effect on the date than an earlier application was submitted. In general, the purpose of a PCA is to achieve greater compliance with current City regulations than would apply if the applicant prevailed on a vested rights claim.

PCAs are not intended for use in any case where a disagreement exists over a project's vested rights. Rather, they intended for exceptional cases where the nature or extent of a project's vested rights are unclear and where a reasonable middle-ground solution exists. Before the City Council may approve a PCA, it must first be initiated by either the Development Services

Department or directly by Council. Review by the Environmental Board and Land Use Commission is also required.

The vested rights issues involved in Cardinal Hills relate to whether the project initiated by the original 1970 plat application is "dormant" under state law or whether the developer is entitled to continue filing applications under 1970 regulations. In consultation with the Law Department, staff has determined that the project meets the standards for consideration of a potential PCA. Accordingly, staff is working with the Environmental Officer and the applicant to assess the feasibility of PCA terms that would provide drainage, tree, and water quality protections consistent with current standards while reducing the limitations imposed by certain other regulations.

#### **Background on Cardinal Hills Project**

As described by the applicant, the proposed project is a 180-unit low-density affordable housing development that has received required approval by the Texas Department of Housing & Community Affairs. The City Council, by Resolution No. 20181115-071, previously certified that the City has no objection to the project's application for 4% Low-Income Housing Tax Credits.

The site of the proposed development contains no critical environment features or critical water quality zone; however, the applicant has indicated that the project would require waiver of several regulations in order to proceed. In addition to impervious cover restrictions, these regulations may include limitations on cut, fill, and construction on slopes.

While a few issues remain under review, staff anticipate beginning the boards and commissions process in April and presenting a proposed PCA to Council in May. In the interim, should you have questions or concerns, please do not hesitate to contact me at (512) 974-2974, or via email at [brent.lloyd@austintexas.gov](mailto:brent.lloyd@austintexas.gov), or Assistant Director Andy Linseisen at (512) 974-2239 or via email at [andrew.linseisen@austintexas.gov](mailto:andrew.linseisen@austintexas.gov).

cc: Spencer Cronk, City Manager  
Rodney Gonzales, Assistant City Manager  
Denise Lucas, Interim Director, Development Services Department  
Anne Morgan, City Attorney  
Andy Linseisen, Assistant Director, Development Services Department  
Chris Herrington, Environmental Officer, Watershed Protection Department  
Mitzi Cotton, Assistant City Attorney  
Erika López, Assistant City Attorney