



City of Nederland

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Bert Rogers, Mayor Pro Tem
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November 3, 2011

Mr. Jorge Ramirez
Texas General Land Office
P.O. Box 12873
Austin, TX 78701

RE: FFAST Form Information Request
City of Nederland

Dear Mr. Ramirez:

This letter is in response to your information request regarding the City of Nederland FFAST form submission. We respectfully submit the following response to your comments identified in a letter dated October 28, 2011.

Impediment #4: If new apartments are allowed in Nederland only with an SUP, please carefully consider how NIMBYism may come into play in the process. Should you need to revise the City's response please be sure to select a time frame for implementation if applicable.

City's Response: New apartments are allowed in Nederland within the R-3 medium density, multi-family residential zoning district. A zone change would be required if apartments were proposed to be built in a zoning district that did not allow for apartment construction. The City of Nederland's zoning districts are noncumulative which allow only the stated use and not more restrictive uses. Smaller cities use this type of zoning to prevent developers of large apartments from buying commercial zoned land. Cities operate from retail sales tax which is produced from commercial uses.

NIMBYism does not play a part in the existence of apartment complexes. A new complex, The Reserve, was recently built adjacent to a residential neighborhood with minimal opposition. This complex provides decent, safe, and sanitary housing units to residents who wish not to own their home. The units are close to a neighborhood school and within

"Programmed for Progress"

close proximity to amenities. Furthermore, in 2010 a property owner requested his property to be changed from its C-2 - neighborhood retail commercial zoning district to a R-3- multi-family zoning district for the construction of a new apartment complex. The City reviewed the request and concluded that the zoning change would not create a threat to any viable existing commercial property and would not deviate from the city's comprehensive zoning plan so the request was approved. The city concluded that even though it was commercially zoned land the land did not have access from a commercially constructed street but more of a residential neighborhood street. Also the street was not heavily traveled, and the land was closer to residential neighborhoods than other commercial establishments. The request was approved unanimously by City Council which illustrates that NIMBYism does not factor in the governing board's decision-making process with multi-family development.

Impediment #6, Item 1: The city should mark the box stating that it will seek assistance from, and cooperate with the State and HUD in order to try and provide testing. Please select a time frame for implementation.

City's Response: The submitted FFAST form indicated that the City would seek assistance from, and cooperate with the State and HUD in order to try and provide testing with the box for the year 2013 checked.

Impediment #7, Item #1: If new apartments are allowed in Nederland only with an SUP, please carefully consider whether this zoning rule has a disparate impact. Should you need to revise the City's response please be sure to select a time frame for implementation if applicable.

City's Response: As previously discussed in impediment #4, the City does allow apartment complexes within proper zoning districts; no existing building procedure or code necessitates an SUP for new apartments. As previously noted, the City Council has approved rezoning requests for apartment complexes.

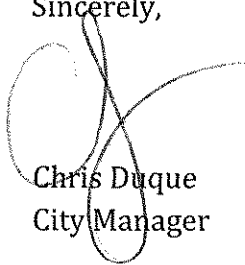
Impediment #7, Item #2: This item asks the City to consider providing incentives. Please provide a response.

City's Response: Although the City of Nederland does not currently offer housing development incentives, the Economic Development Corporation has. Housing incentives are handled on a case-by-case basis. Sterling Ridge is a new housing development which,

when completed, will provide approximately 125 single-family homes. The land was provided by the City's Economic Development Corporation and upon the developer meeting all contract provisions, will be a donation. Funds are not available for the City to offer housing development incentives, but the City would not be opposed to being awarded CDBG housing rehabilitation funding as a future program.

Thank you for the opportunity to clarify our position on these Fair Housing issues and if you should have questions or require further information, please feel free to contact Gay Ferguson of my staff at 409.723.1505.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Duque", written over the typed name.

Chris Duque
City Manager