

## Meredith, Maureen

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**To:** Barbara Epstein  
**Subject:** RE: protest to Items NPA-2023-0019.01 and C14-2024-0035 on the July 18th city council agenda

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**From:** Barbara Epstein  
**Sent:** Monday, July 8, 2024 10:18 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Subject:** protest to Items NPA-2023-0019.01 and C14-2024-0035 on the July 18th city council agenda

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re: re-zoning and neighborhood plan change of 3303, 3305 Duval St. and 501, 505 Harris Ave. (hereinafter referred to as 3305 Duval St.) from SF-3 to MF-1

It is my understanding that you have handled another protest of these items on the city council's agenda. I would like to add my name to a protest for the following reasons.

This case highlights the problem of how older central neighborhoods are being harmed by re-development.

The rationale of the Planning Commission for approval of the re-zoning of 3305 Duval St. from SF-3 to MF-1 was that the area needs more multi-family housing and diversity. Nothing could be further from the facts.

First, some background...

The fact is, Hancock is one of the most densely developed and rented neighborhoods in Austin, with an 80% rental rate—

<https://www.niche.com/places-to-live/n/hancock-austin-tx/#real-estate>

<https://bestneighborhood.org/housing-data-in-austin-tx/>

The remaining older architecture and mature urban tree canopy IS the diversity element here—while redevelopment has resulted in the elimination of mature urban tree canopy and problems with drainage and runoff with expanded impervious cover limits. New housing isn't more affordable than what it replaced, largely because whatever the city council does to change the land development code cannot affect land prices, while construction costs and increased property taxes increase both rents and purchase prices.

We are also seeing worrisome condominium development—e.g., houses on Woodrow St. converted to condos, a condominium along Liberty St. at 38th St. with no designated address on the tax rolls. As an elder law attorney I have had clients who were being forced out of condos by steadily increasing fees while on fixed incomes, with no alternatives for housing—Austin assisted living generally runs \$6,000 per month. I can no longer look at the tax rolls to determine how many over 65 residents we have in Hancock, but from my 22 years of elder law experience, I know that those seniors want to stay in their generally paid for homes, and want to leave them to their families, instead of having to pay capital gains on a sale, limiting buying another property.

But what is left of our older, modest, architecture, that historically provided affordable multi-generational housing with duplexes and garage apartments, is increasingly being eyed by investors who don't care what happens to the people who already live here.

Now on to the case at hand...

The new owner of 3305 Duval St. didn't do his due diligence when he purchased it to learn that two of the five existing units on the property were illegal—after all, the property had been rented out since the 1940s. But as you know, SF3 only allows three units and there are illegal setbacks on the two illegal back units on the lot as well.

My first knowledge of the owner's plans for 3305 Duval St. as the neighborhood association president was the owner's Landmark Commission demolition application for the entire site. I immediately contacted the owner's listed agent and offered my services (both as neighborhood association president and as an attorney) to help the owner keep the five existing units so that our neighborhood would keep as many affordable units as possible on the lot, keep compatible architecture—and the owner would have to spend less money in the bargain, a win-win for everyone—including our city's stated goals for affordable housing.

My offer was refused.....the owner wouldn't even agree to build compatible architecture if he re-developed the entire site.

The Landmark Commission gave the owner his demolition permit despite the fact that the house might have qualified for landmark status because a five star general had lived there in the 1940s. That demolition permit wasn't enough for the owner since he's now applied for a zoning change to MF-1. He has publicly stated that he is not interested in creating affordable housing and wants to keep all his options open—and is not interested in working with the neighborhood for a mutually satisfactory solution.

Perhaps most importantly, the owner has refused the readily available solution to subdivide the lot under SF3 and settle the setback problems with the Board of Adjustment. He wasn't even concerned by the fact that the house sits at the corner of an intersection with a bus stop and leads to Lee Elementary School, so increased development could potentially endanger students walking to and from school from that corner.

Hancock is already currently getting intense development, including a four-story building to house 100 formerly homeless people, and in the Concordia PUD, there are three projects in the permitting stage, including two 14-story apartment buildings, that will bring at least 600+ new residents. At the same time, Austin isn't doing any discernible planning for that new density, with no funds allocated for caps on I-35 for Hancock or how traffic between I-35 and Duval St. can flow if there are four simultaneous construction projects and potentially, new construction along I-35 at the same time as well.

When the Landmark Commission was considering the demolition application for 701 Sparks Ave. I learned that Sam Houston had sold the farm between 32nd St. and 41st St. to Susannah Dickinson, a survivor of the Alamo—I find myself thinking about that every time I walk past 32nd St. now—the older architecture reminds us of that history. The new owner of 3305 Duval St. was unfazed by that reference—because apparently his *only* objective here is profit, not enhancing or respecting my neighborhood. The people who live here should have more of a say in what happens here than those just passing through or those simply after a quick profit.

yrs.

Barbara Epstein

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