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David Schofman, Shawn Shillington, Erika Tatum

OWANA  
OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION  
P.O. Box 2724  
Austin, TX 78768-2724

September 21, 2024

RE: C14-2024-0007- 1209 W 5<sup>th</sup> Street - Agenda Item 95

Dear Mayor Watson and City Council Members,

The Old West Austin Neighborhood Association, OWANA opposes the 1209 W 5<sup>th</sup> Street rezoning application from LI-CO-NP to LI-PDA-NP. At this point, representatives for the Owner of 1209 W 5<sup>th</sup> Street have been unable to reach a full agreement with OWANA regarding the site and building standards as well as other conditions of the Planned Development Area (PDA) agreement. The proposed LI-PDA for 1209 W 5<sup>th</sup> Street is asking for an enormous entitlement and agreeing to very little in the way of community benefits and project design. No plan or proposal for conditions of the PDA were presented to the OWANA Zoning Committee at the applicants first meeting in February. At that time there was no developer or architect on board for the project. Our response was we are unable to agree to a PDA without a plan. No plan...no agreement.

At the following presentation in March, a concept sketch was presented to the Zoning Committee (see attached presentation). After reviewing the concept plan and elevations, the committee was concerned that the plan was squeezing too much on the .45 acre lot. OWANA has three other agreements with nearby developments based on PDA zoning that are all greater than twice the lot size of the 1209 W 5<sup>th</sup> Street proposal. Only one of these PDA's will allow height up to 120 feet. The 410 Pressler 120 foot PDA offers many community benefits (see attached) that the 1209 W. 5<sup>th</sup> Street proposal is unable to match due to the small lot size. OWANA can agree to a PDA of 75 feet, with other conditions, based on the small lot size and lack of affordable housing component enforceable by the City.

The idea behind incentivizing extra height is to gain more housing density that contributes to affordability. It has been stated in the emails from the agent for the property, that the proposed multi-family development is not certain, and it will create a conflict with the existing building use. The owners say they are unable to commit a residential development.

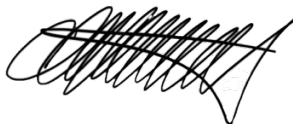
We have been unable to reach agreement with the applicant on the reasonable commitments OWANA is asking for, let alone the community benefits any landowner should be willing to accept for doubling the height permitted on this site. We urge you to deny this zoning request. It would be arbitrary and possibly illegal to grant such permissive entitlements to such a small tract. Zoning is “preferential” when it is not compatible with neighboring properties in height and use, especially when the permitted uses are so broad as to be essentially undefined. The only beneficiary of this rezoning would be the owner, who would be in a position to flip this lot to an unknown developer- to the detriment of the neighborhood and surrounding properties.

A DB90 rezoning would guarantee housing with an affordability component and allow for the community benefit of 75% of the ground floor to be pedestrian oriented commercial spaces. It would also ensure the development will comply with Article 2 (Site Development Standards) and Article 3 (Building Design Standards) in Subchapter E. These site development standards will help avoid things like a drop off zone where the sidewalk should be as shown in the attached concept plan for 1209 W 5<sup>th</sup> Street. DB90 provides the developer the height they need for the residential mixed use they are looking for while protecting the neighborhoods from out of scale projects or office buildings or residential without the benefit of affordability and equality.

Too many property owners are relying on LI-PDA zoning seeking loosely wrapped site and design standards and regulations. We need smart growth to keep our city dynamic while opportunities and incentives are given for those that contribute and not those that fuel gentrification. The City of Austin has the mandate to send a message that we need to use DB90, it was created exactly for this type of case.

OWANA appreciates your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Hurst', with a stylized flourish at the end.

Christopher Hurst, AIA  
OWANA Chair