

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2024-0007

DISTRICT: 9

ADDRESS: 1207, 1209, 1211, 1211 ½ West 5th Street

APPLICANT: 1209 West Fifth Street LLC

AGENT: Drenner Group, PC (Leah M. Bojo, AICP)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1207, 1209, 1211, 1211 ½ West 5th Street from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

August 29, 2024: Postponed to September 26, 2024 by Council Member Qadri.

September 26, 2024: Postponed to November 7, 2024 at the request of the neighborhood.

November 7, 2024: First reading approved for LI-PDA-NP with a motion sheet read into the record. Vote 7-3 with Mayor Watson, Council Member Kelly and Council Member A. Alter against. Council Member Pool absent.

November 21, 2024: Neighborhood postponement request granted.

ISSUES: There is a motion sheet attached (*Exhibit D*)

ZONING CHANGE REVIEW SHEET

CASE: 1200 West 5th Street (C14-2024-0007)

DISTRICT: 9

ADDRESS: 1207, 1209, 1211, 1211 ½ West 5th Street

ZONING FROM: LI-CO-NP

TO: LI-PDA-NP

SITE AREA: approximately 0.46 acres (approximately 20,037 square feet)

PROPERTY OWNER: 1209 West Fifth Street LLC

AGENT: Drenner Group, PC (Leah M. Bojo, AICP)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff recommends granting limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 9, 2024: Recommended applicant request and staff recommendation of LI-PDA-NP. Motion by Commissioner Johnson and seconded by Commissioner Woods with Commissioners Co , and Mushtaler voting no (7-2).

CITY COUNCIL ACTION:

August 29, 2024: Postponed to September 26, 2024 by Council Member Qadri.
September 26, 2024: Postponed to November 7, 2024 at the request of the neighborhood.
November 7, 2024: First reading approved for LI-PDA-NP with a motion sheet read into the record. Vote 7-3 with Mayor Watson, Council Member Kelly and Council Member A. Alter against. Council Member Pool absent.
November 21, 2024: Neighborhood postponement request granted.
December 12, 2024: Case is scheduled to be heard on 2nd and 3rd Readings by City Council.

ORDINANCE NUMBER:

N/A

ISSUES:

There is a motion sheet attached (*Exhibit D*)

CASE MANAGER COMMENTS:

The property in question is currently a medium office of 3 stories and 11,000 square feet constructed in 1985. To the north are two small stores, constructed in the late 1950s/early 1960s, of approximately 4,000 square feet each. One small office, constructed in 1973, of approximately 5,800 square feet. To the south, is a small office/retail space constructed in approximately 1917 of approximately 1,000 square feet. A warehouse, constructed in 1910, of approximately 4,500 square feet. To the east, is a paved area of approximately 7,800 square feet. To the west, is a retail strip center of approximately 6,000 square feet constructed in 1950, renovated in 1990.

Existing Zoning

Old West Austin Neighborhood Plan

The Old West Austin Neighborhood Plan identifies the area where the property is located as neighborhood-friendly commercial areas where office, retail and residences can be mixed vertically and horizontally.

Proposed Zoning

Section 1. Applicable Site Development Regulations

Except as specifically provided below, the property may be developed and used in accordance with the regulations established for the Limited Industrial Service (LI) zoning district and other requirements of the City Code.

Development of the property is subject to the regulations set forth in Ordinance No. 020926-26 and as amended in this part:

Section 2. Authorized Uses

Permitted Residential Uses:

- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Condominium Residential
- Group Residential
- Multifamily Residential
- Townhouse Residential

* Standards in LDC Section 25-2-491, Zoning Land Use Summary Table, for Austin City Code apply.

Permitted and Conditional Commercial Uses:

- | | |
|---|--|
| - Administrative Business Offices | - Medical Offices (>5,000 square feet) |
| - Agricultural Sales and Services | - Monument Retail |
| - Art Gallery | - Off-Site Accessory Parking |
| - Art Workshop | - Outdoor Entertainment (conditional) |
| - Building Maintenance Services | - Outdoor Sports and Recreation |
| - Business or Trade School | - Pedicab Storage and Dispatch |
| - Business Support Services | - Personal Improvement Services |
| - Commercial Off-Street Parking | - Personal Services |
| - Communications Services | - Plant Nursery |
| - Consumer Convenience Services | - Printing and Publishing |
| - Convenience Storage (conditional) | - Professional Office |
| - Drop-Off Recycling | - Research Services |
| - Electronic Prototype Assembly | - Restaurant (General) |
| - Electronic Testing | - Restaurant (Limited) |
| - Equipment Repair Services (conditional) | - Software Development |
| - Equipment Sales (conditional) | - Theater |
| - Medical Offices (<5,000 square feet) | |

Permitted and Conditional Industrial Uses:

- Custom Manufacturing
- Light Manufacturing
- Limited Warehousing and Distribution (conditional)

Permitted and Conditional Agricultural Uses:

- Community Garden
- Indoor Crop Production
- Urban Farms

Permitted and Conditional Civic Uses:

- Club or Lodge
- College or University Facilities
- Communication Services Facilities
- Community Events
- Community Recreation (Private/Public)
- Congregate Living
- Counseling Services
- Cultural Services
- Day Care Services – Commercial
- Day Care Services (General)
- Day Care Services (Limited)
- Employee Recreation
- Group Home Class 1 & 2
- Local Utility Service
- Maintenance and Service Facilities (conditional)
- Public Secondary Educational Facilities
- Public Primary Educational Facilities
- Religious Assembly
- Residential Treatment
- Safety Services
- Telecommunications Tower
- Transitional Housing (conditional)
- Transportation Terminal

Section 3. Site Development Regulations

Maximum Height: 120 feet

Maximum FAR: 6.5:1

Maximum Building Coverage 95%

Minimum Setbacks:

- Front Yard: 0 feet
- Street Side Yard: 0 feet
- Interior Side Yard: 0 feet
- Rear Yard: 0 feet

BASIS OF RECOMMENDATION:

Zoning should allow for reasonable use of the property.

This property is less than 1/4 mile from Downtown Austin. Neighboring SF-3 properties to the north are approximately 1/7 mile away and buffered at least a block. It is reasonable to expect even small parcels like the subject tract proximate to the urban core will be redeveloped for more intensive uses in the near future.

The proposed zoning should be consistent with the goals and objectives of the City Council.

The City's adopted Comprehensive Plan, Imagine Austin identifies West 5th Street and West 6th Street as Imagine Austin Corridors and the subject tract is 1/4 mile from Downtown Austin which is identified as an Imagine Austin Center. Imagine Austin seeks to focus increased

density and housing supply along and proximate to Imagine Austin Corridors and Centers throughout Austin. The Council-adopted, Austin Strategic Housing Blueprint also reinforces the value of increasing housing supply along and proximate to these Centers and Corridors. West 5th Street is and ASMP level 3 roadway serviced by the high frequency route 4 bus.

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

There are other parcels in the vicinity that have recently been granted LI-PDA-NP from LI-CO-NP, see the *area case histories* section below for more information.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	A medium office of 3 stories and 11,000 square feet constructed in 1985.
<i>North</i>	LI-PDA-NP	Two small stores, constructed in the late 1950s/early 1960s, of approximately 4,000 square feet each. One small office constructed in 1973, of approximately 5,800 square feet.
<i>South</i>	LI-CO-NP	A small office/retail space constructed in approximately 1917 of approximately 1,000 square feet. A warehouse constructed in 1910 of approximately 4,500 square feet.
<i>East</i>	LI-CO-NP	Paved area of approximately 7,800 square feet.
<i>West</i>	LI-CO-NP	A retail strip center of approximately 6,000 square feet constructed in 1950, renovated in 1990.

NEIGHBORHOOD PLANNING AREA: Old West Austin Neighborhood Planning Area

WATERSHED: Lady Bird Lake Watershed

SCHOOLS: A.I.S.D.

- Matthews Elementary School
- O Henry Middle School
- Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Old West Austin Neighborhood Association, Old West Austin Neighborhood Plan Contact Team, Preservation Austin, SELTexas, Save Barton Creek Assn., Save Historic Munny District, Shoal Creek Conservancy, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2021-0081 (5 th & Walsh Rezoning)	To rezone approximately	10.12.2021 (PC): Approved LI-PDA-	11.18.2021: Approved Ordinance

	<p>1.3775 acres from CS-MU-CO-NP and CS-MU-V-CO-NP to LI-PDA-NP.</p>	<p>NP as staff recommended with conditions as agreed to by the applicant and referenced in the OWANA letter dated 10.12.2021 noting that the conditions are to be memorialized in final documents as determined by the staff and Law department, by consent [R. Schneider; J. Shieh – 2nd] (9-0) S. Praxis – not present for the passage of the consent agenda; A. Azhar, J. Connolly, C. Hempel – Absent</p>	<p>No. 20211118-098 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.</p>
<p>C14-2014-0134 (1301 West 5th Street)</p>	<p>To rezone approximately 1.6435 acres from LI-CO-NP to LI-PDA-NP.</p>	<p>10.28.2014 (PC): Approved LI-PDA-NP as recommended by staff with additional conditions read into the record as agreed upon by the neighborhood and the applicant, by consent. Motion by Commissioner Stevens, 2nd by Commissioner Hernandez (8-0) Commissioner Roark absent.</p>	<p>12.11.2014: adopt Ordinance No. 20141211-163 for LI-PDA-NP with conditions was approved with the following additional conditions on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The additional conditions were:</p> <ul style="list-style-type: none"> • The absolute height on the property for buildings on this property will be 75' (this does not include the height exceptions)

			<ul style="list-style-type: none"> • All set-backs outlined in the ordinance would apply to the ground structures only • The minimum building set-back from the north property line is 17' • The minimum set-back from the east property line is 8' <p>There was an additional condition added to the restrictive covenant by Council Member Riley, multi-family residential use parking spaces must be conveyed separately from dwelling units. The addition was accepted without objection.</p>
<p>C14-2012-0015 (Pressler Park II)</p>	<p>To rezone from LI-CO-NP to CS-NP.</p>	<p>03.13.2012 (PC): The motion to approve staff's recommendation for CS-CO-NP with a cocktail lounge as a prohibited use was approved on the consent agenda by Commissioner Steven's motion and Commissioner Hatfield's second (7-0) Commissioner Chimenti and Anderson were absent.</p>	<p>08.02.2012: Approved Ordinance No. 20120802-090 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote</p>

RELATED CASES:

N/A

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 1209 W 5TH STREET. C14-2024-0007. Project: 1209 W 5th. Old West Austin NP. FLUM: N/A. 0.46-acre tract from LI-CO-NP to LI-PDA-NP. Existing: office building. Proposed: multifamily development allowing 120 feet in height and setback reduction. Demolition of office building to be determined. Number of proposed residential units and affordability to be determined. Industrial base zoning district maintained, with planned residential use.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: Adjacent to the 5 th /6 th Streets/Lake Austin Boulevard Activity Corridor. 0.28 miles west of the Downtown Regional Center.
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.

	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
7	Number of “Yes’s”

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Currently, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with LI-PDA-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant’s request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

SP1. Please verify that no modifications of Subchapter E standards are proposed. Subchapter E standards will be used for multifamily or condo developments, specifically the open space requirements.

Transportation and Public Works Department – Engineering Review

ATD 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W 5TH ST. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for W 5TH ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W 5TH ST	Corridor Mobility - Level 3	80 feet	62 feet	44 feet	Existing 5 feet sidewalks	Bike Lane - Buffered	Yes

TIA: Deferred to the time of Site Plan, the traffic impact analysis for this site at time of zoning is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

Austin Water Utility

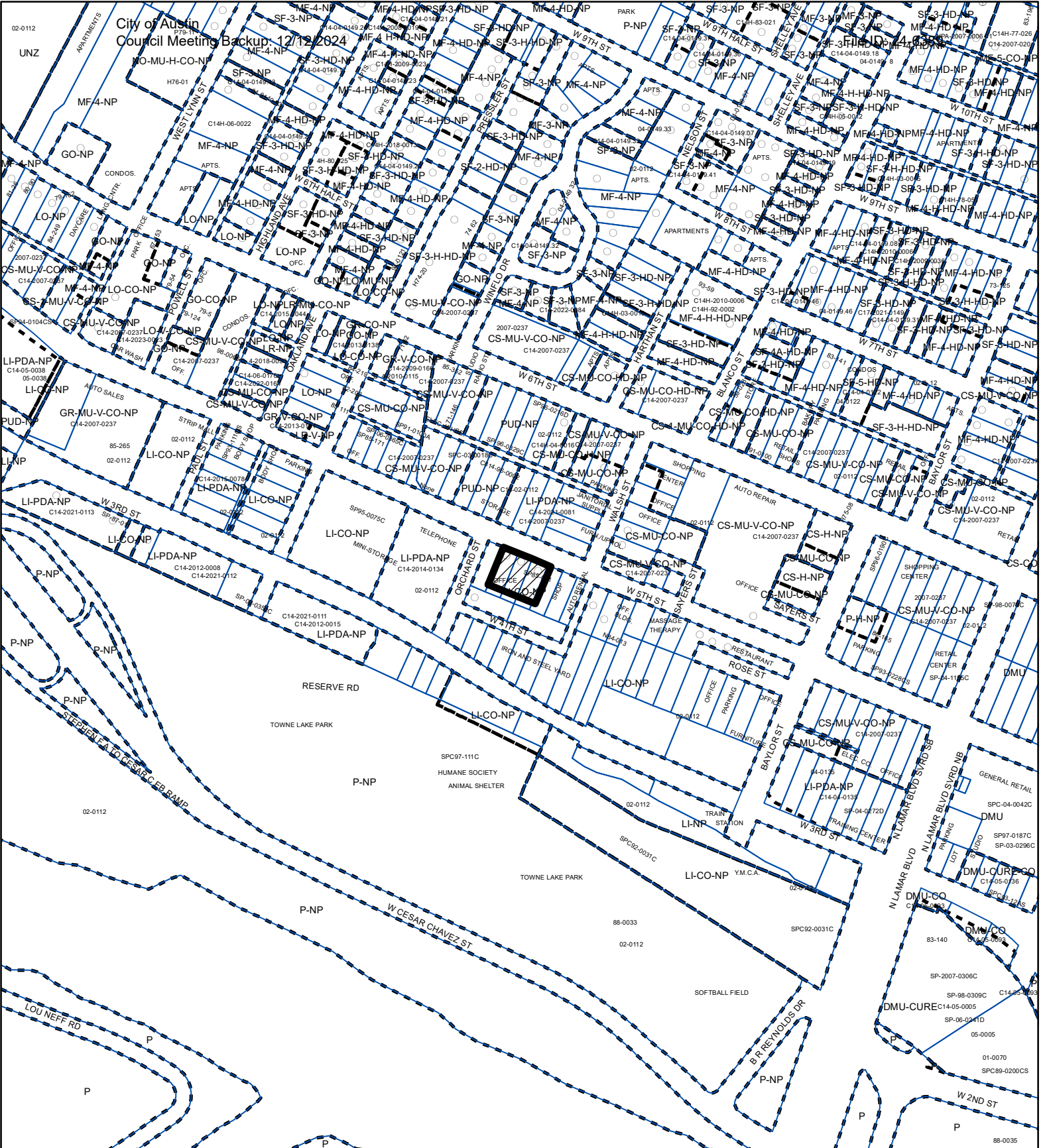
AW1. No comments on zoning change.


FYI: The landowner intends to serve the site with existing City of Austin water utilities.


Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.


INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:


- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter
- D. Motion Sheet Read into the Record on November 7, 2024
- E. Public Comments Received





 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2024-0007

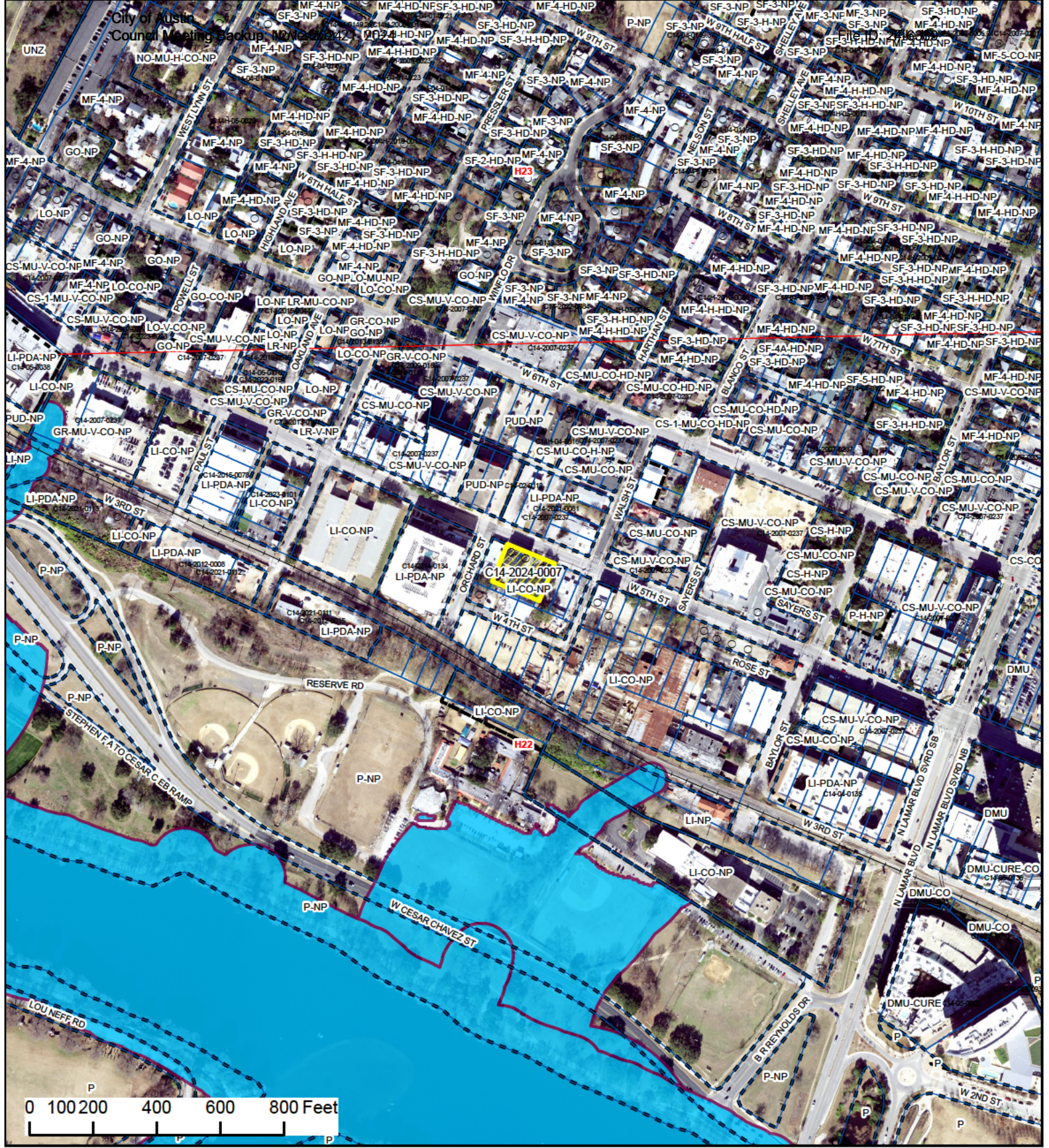


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





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1" = 400'

Created: 1/26/2024



1209 W 5th

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0007
 LOCATION: 1207, 1209, 1211,
 & 1211 1/2 W 5th St
 SUBJECT AREA: 0.46 Acres
 GRID: H22
 MANAGER: Jonathan Tomko



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December 12, 2023

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street, Suite 200
Austin, TX 78702

Via Electronic Delivery

Re: 1209 W 5th Street – Rezoning application for the 0.458-acre piece of property located at 1207, 1209, 1211, 1211 ½ W. 5th Street in the City of Austin, Travis County, Texas (“the Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 1209 W 5th Street and is approximately 0.458-acres of land, located on the south side of W. 5th Street between Orchard Street and Walsh Street. The Property is in the Full Purpose Jurisdiction of the City of Austin.

The Property is currently zoned LI-CO-NP (Limited Industrial Services – Conditional Overlay – Neighborhood Plan). The requested rezoning is from LI-CO-NP to LI-PDA-NP (Limited Industrial Services – Planned Development Area Combining District – Neighborhood Plan). The Property is developed with a circa 1985 office building. The purpose of this rezoning request is to establish a PDA combining district to allow for a multifamily development, height of 120 feet, and reduced setbacks. The request is consistent with adjacent and nearby properties.

The current Conditional Overlay makes the following uses conditional uses on the Property:

- A construction sales and service use that exceeds an area of 10,000 square feet is a conditional use. A laundry service that exceeds an area of 6,000 square feet is a conditional use
- Automotive Rentals
- Automotive Sales
- Convenience Storage
- Equipment Sales
- Maintenance and Service Facilities
- Automotive Repair Services
- Automotive Washing (of any type)
- Equipment Repair Services
- Limited Warehousing and Distribution

The Property is also located within the Old West Austin Neighborhood Planning Area. No Future Land Use Map was adopted as part of the Old West Austin Neighborhood Plan. The neighborhood plan identifies the area where the Property is located as, “‘neighborhood-friendly’ commercial areas where office, retail, and residences can be mixed vertically and horizontally.”

December 12, 2023

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With the adoption of the Old West Austin “-NP” (Neighborhood Plan) designation on June 29, 2000, the following permitted uses were made prohibited on the Property:

- Adult oriented businesses
- Basic Industry
- Drop-off Recycling Collection Facilities
- Exterminating Services
- General Warehousing and Distribution
- Kennels
- Recycling Center
- Resource Extraction
- Vehicle Storage
- Scrap and Salvage

We propose to maintain the above-mentioned conditional and prohibited uses with the requested PDA.

A Traffic Impact Analysis (TIA) is not required, per the attached TIA determination waiver dated November 28, 2023, and executed by Ramin Komeili.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Director of Land Development & Entitlements

cc: *Joi Harden, Planning Department (via electronic delivery)*

1209 W 5th St LI-PDA-NP Development Standards

LI-PDA-NP Development Standards

Except as specifically provided below, the property may be developed and used in accordance with the regulations established for the Limited Industrial Service (LI) zoning district and other applicable requirements of the City Code.

Development of the property is subject to the regulations set forth in Ordinance No. 020926-26 and as amended in this part:

Maximum Height:	120 feet
Maximum FAR:	6.5:1
Maximum Building Coverage:	95%
Min. Setbacks	
- Front Yard:	0 feet
- Street Side Yard:	0 feet
- Interior Side Yard:	0 feet
- Rear Yard:	0 feet

Permitted Residential Uses

- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Condominium Residential
- Group Residential
- Multifamily Residential
- Townhouse Residential

* Standards in LDC §25-2-491, Zoning Land Use Summary Table, for Austin City Code apply.

Permitted and Conditional Commercial Uses

- Administrative and Business Offices
- Agricultural Sales and Services
- Art Gallery
- Art Workshop
- ~~• Automotive Rentals (c)~~
- ~~• Automotive Repair Services (c)~~
- ~~• Automotive Sales (c)~~
- ~~• Automotive Washing (of any type) (c)~~
- ~~• Bail Bond Services (c)~~
- Building Maintenance Services
- Business or Trade School
- Business Support Services
- ~~• Campground~~
- Commercial Off-Street Parking
- Communications Services
- ~~• Construction Sales and Services (that exceeds an area of 10,000 square feet is a conditional use. A laundry service that exceeds an area of 6,000 square feet (c))~~
- Consumer Convenience Services
- Convenience Storage (c)
- Drop-Off Recycling
- Electronic Prototype Assembly
- Electronic Testing
- Equipment Repair Services (c)
- Equipment Sales (c)
- Medical Offices (<5,000 SF)
- Medical Offices (>5,000 SF)
- Monument Retail
- Off-Site Accessory Parking
- Outdoor Entertainment (c)

1209 W 5th St LI-PDA-NP Development Standards

- Outdoor Sports and Recreation
- Pedicab Storage and Dispatch
- Personal Improvement Services
- Personal Services
- Plant Nursery
- Printing and Publishing
- Professional Office
- Research Services
- Restaurant (General)
- Restaurant (Limited)
- ~~Service Station~~
- Software Development
- Theater
- ~~Veterinary Services~~

Industrial Uses

- Custom Manufacturing
- Light Manufacturing
- Limited Warehousing and Distribution (c)

Agricultural Uses

- Community Garden
- Indoor Crop Production
- Urban Farms

Civic Use

- Club or Lodge
- College and University Facilities
- Communication Services Facilities
- Community Events*
- Community Recreation (Private/Public)
- Congregate Living
- Counseling Services
- Cultural Services
- Day Care Services *Commercial)
- Day Care Services (General)
- Day Care Services (Limited)
- Employee Recreation
- Group Home Class 1 & 2
- Local Utility Service
- Maintenance and Service Facilities (c)
- Public Secondary Educational Facilities
- Public Primary Educational Facilities
- Religious Assembly
- Residential Treatment
- Safety Services
- Telecommunications Tower*
- Transitional Housing (c)
- Transportation Terminal

MOTION SHEET

1. Amend PART 4 (A) of the draft ordinance to remove the following additional permitted uses:

- Bed and Breakfast (Groups 1 and 2)
- Club or Lodge
- Public Primary Educational Facilities
- Transportation Terminal

2. Amend PART 4 of the draft ordinance to add a new subsection (B) as follows, renumbering the remaining subsections accordingly:

- (B) The following uses are prohibited uses of the Property:

- Adult Oriented Businesses
- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Basic Industry
- Drop-Off Recycling Collection Facility
- Exterminating Services
- General Warehousing and Distribution
- Kennels
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Recycling Center
- Resource Extraction
- Scrap and Salvage
- Vehicle Storage

3. Amend PART 4 (D)(1) of the draft ordinance as follows:

- (D)(1) The maximum height of a building or structure on the Property shall not exceed ~~120 feet~~:

- (a) 120 feet for residential uses
- (b) 90 feet for commercial uses

- (c) 120 feet for a mix of residential and commercial uses, if 70% of the building is designed for residential use. A hotel/motel use may satisfy up to 50% of the residential use requirement.



Steering Committee Members:

Christopher Hurst AIA, Chair
Paula Hern, Meghan Yancy, Claudette Kazzoun, Rob Kish, Steve
Amos, Germaine Curry, Margaret Sullivan, William Osborn,
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 5th Street - Agenda Item 95

Dear Mayor Watson and City Council Members,

The Old West Austin Neighborhood Association, OWANA opposes the 1209 W 5th Street rezoning application from LI-CO-NP to LI-PDA-NP. At this point, representatives for the Owner of 1209 W 5th 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 5th 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 5th 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. 5th 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.

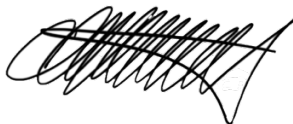
We have been unable to reach agreement with the applicant on the reasonable commitments OWANA is asking for, let alone the community benefits any landowner should be willing to accept for doubling the height permitted on this site. We urge you to deny this zoning request. It would be arbitrary and possibly 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 5th 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', written in a cursive style.

Christopher Hurst, AIA
OWANA Chair

From the Home of **Evelyn M. Fujimoto**

21 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council
City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
United States of America

Subject: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623

Evelyn M. Fujimoto

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,



Evelyn Fujimoto
1501 W. 6th St., Austin, Texas 78703
[REDACTED]
+1.832.648.0623

cc: City of Austin Case Manager - [REDACTED]
cc: City of Austin Planner - [REDACTED]
cc: OWANA/Old West Austin Neighborhood Association - [REDACTED]

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623
[REDACTED]

22 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,
Jessica Buck

Jessica Buck
610 Pressler Street
Austin TX 78703
310-869-2262
[REDACTED]

cc: City of Austin Case Manager - [REDACTED]
cc: City of Austin Planner - [REDACTED]
cc: OWANA/Old West Austin Neighborhood Association [REDACTED]

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections the Old West Austin Neighborhood Association (OWANA) raised to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives disagreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners have not retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single-family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet - which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,



Todd Eggleston, DDS
Althea Eggleston, DDS
607 Theresa Ave, Austin, Texas 78703

[REDACTED]

512-293-9301

cc: City of Austin Case Manager - [REDACTED]
cc: City of Austin Planner - [REDACTED]
cc: OWANA/Old West Austin Neighborhood Association [REDACTED]

Re: Opposition Letter for 1209 W. 5th Street

Tomko, Jonathan <[REDACTED]>

Thu 8/22/2024 2:26 PM

To: Kathleen Deaver <[REDACTED]>

Received, I will upload this correspondence as backup for this item as it moves to be heard by City Council. If you would like to provide in-person testimony you can register to speak at:

<https://www.austintexas.gov/department/city-council>

Speaker registration for the August 29, 2024 Austin City Council Meeting will open Monday, August 26 at 10:00AM

Thank you for providing input on this case.

Jonathan

From: Kathleen Deaver <[REDACTED]>

Sent: Wednesday, August 21, 2024 4:16 PM

To: Tomko, Jonathan <[REDACTED]>

Subject: Opposition Letter for 1209 W. 5th Street

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

21 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot - which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet - which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Kathleen Deaver

NICK DEEVER JES DEEVER architecture

- o. 512.494.9808
- c. 512.709.7818

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".

Additional Public Comments 1209 West 5th Street (C14-2024-0007)

Email

From: Paula Hern

To: Jonathan Tomko

8/22/24 2:59pm

22 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I am current resident of West Austin and member of OWANA. I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. From my understanding, the owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA). It has been hard enough to trust developers who come to us with more concrete plans as those are not always followed as promised.

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs. This is a development that will impact housing and residences close to it.

The City’s longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Paula Hern

1707 Francis Ave.

Austin, Texas 78703

August 22, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,



W. R. Wilson
716 Patterson Avenue
Austin, Texas 78703
cimarronwr@gmail.com
210-262-7109

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Email

From: Alison Ryan

To: Jonathan Tomko

8/23/24 8:35a

Dear Mr. Tomko:

Please find attached a letter for the attention of Mayor Kirk Watson and City Council Members regarding an item on the

August 29 Council Agenda. Kindly confirm receipt upon acceptance.

Thank you in advance for your attention to this matter.

Best, Alison Ryan

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Alison Ryan

Alison Ryan

1305 W 9 1/2 St Apt 101

Austin, TX 78703

Email

From: Ron & Rene Albee

To: Jonathan Tomko

8/24/24 10:35am

24 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I **fully support the objections** raised by OWANA to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The proposed rezoning allows for significant entitlements, fails to offer commensurate community benefits, and provides insufficient project design.

The owner's representatives have proven reluctant to meaningfully engaged with OWANA around its reasonable proposals regarding the site's development standards and uses. Although the applicants seek very permissive zoning, no concrete development plan has been provided and it seems apparent that the owners have yet to retain an architect or line up a developer. As a this represents a highly speculative project, it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot, that being about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to facilitate more housing, most especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-

residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Ron and René Albee

1501 W 6th Unit B1 Austin Texas 78703

Email

From: John Teinert

To: Jonathan Tomko

08/24/2024 12:59pm

22 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

John Teinert

1404 Windsor Rd

Austin, TX 78703

John Teinert - Broker/Owner

Austin Fine Properties LLC

Email

From: Sandi Sain

To: Jonathan Tomko

August 23, 2024

Mayor Kirk Watson

City Council Members

Austin City Council

City Hall, Council Chamber

301 W 2nd Street

Austin, Texas. 78701

(Sent via email to: [REDACTED])

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) regarding the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. I own property and live in this neighborhood. It is my understanding that the owner's representatives

have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses.

The proposed rezoning seeks significant entitlements WITHOUT reciprocal community benefits or a solid project design. The applicants seek very permissive zoning but no concrete development plan has been provided!! The owners apparently have not retained an architect or a developer. This makes this a highly speculative project to grant a zoning change and makes it impossible for OWANA to agree to the Planned Development Agreement (PDA).

The "concept" plans show a scale too large for the small .45 acre lot (about the size of 2 single family lots in the nearby neighborhood). OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet. OWANA agreed to 120 feet due to its many community benefits. The 1209 W 5th proposal cannot match these benefits on such a minimal lot. OWANA is looking for some consistency with nearby PDAs.

It appears to me that this proposal would allow less neighborhood uses and more B&B's (groups 1&2) and non-residential uses - which does not help housing or affordability. The owners are unwilling to commit to 70% residential use like other nearby developers. Their initial offers of affordable housing have never been formalized.

If no agreement is reached, I urge the City Council to deny the zoning request.

A DB90 rezoning would guarantee affordable housing AND community benefits while protecting the neighborhood.

Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering my position and supporting OWANA and other neighbors.

Sincerely,

Sandi Sain

1501 W. 6th Street

Austin, TX 78703

Email

From: Josh King

To: Jonathan Tomko

20 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, **Joshua King**

Joshua A King
806 Winflo #3, Austin, Texas 78703
verbdrunk@gmail.com
512-568-2480

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Email

From: Heather Boyce

To: Jonathan Tomko

8/25/24 5:20pm

25 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St. Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs. The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, Heather Boyce

Heather Boyce

806 Winflo Drive, Unit 3

Austin, Texas 78703

August 25, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

We join the the Old West Austin Neighborhood Association (OWANA) in opposing the 1209 W 5th Street rezoning application to change from from LI-CO-NP to LI-PDA-NP. (We live at 700 Baylor, in the residential neighborhood closest to this property.)

The applicant seeks rezoning that would confer significant entitlements and vastly increased height without providing community benefits or even concrete design plans. The requested rezoning would allow a building far too large and tall (up to 120 feet) for the small lot that is only about the size of two single family lots in the neighborhood. And though the requested zoning would allow multifamily usage, it would also allow commercial development and bed and breakfast usage, neither of which do anything to improve housing availability or affordability. OWANA has requested that the applicant commit to 70% residential usage, like other area developers have done, but they have rejected OWANA's request. The applicant has also rejected OWANA's offer to agree to a PDA with a maximum height of 75 feet, consistent with nearby PDAs.

As the applicant has reached no agreement with OWANA regarding project height, nor shown adequate commitment to provide community benefits or increase housing availability and affordability, nor even provided a solid usage or design plan for the property, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,


Daniel Traverso and Laura Smith
Dtraverso1@gmail.com lsmith78703@gmail.com
512-585-0253. 512-507-6987

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Dear Mr. Tomko,

Recent plans to extend open ended height limits to development within neighborhoods like ours in Old West Austin are so scary to those of us raising our families in this historic part of the city.

I support infill inside the downtown perimeter, but we have to draw the line before we lose more of our city's unique character.

Thank you for considering tempering the pursuit of affordable housing as a valid excuse for letting

developers loose on our neighborhoods. Especially when you very well know they ARE NOT creating affordable housing on West Fifth St., by any stretch of the square footage.

Sincerely worried,
Sara Belknap
909 West Lynn
Austin TX 78703

20 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-

residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, ***Sara Belknap***

909 West Lynn (since 1975)

25 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The property owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Danny Roth

Danny Roth
1502 W 9th Street, Austin, Texas 78703
Danny@swsg.com
512-762-6537

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

25 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The property owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Kathleen Kerr

Kathleen Kerr
1502 W 9th Street, Austin, Texas 78703
512-797-0179

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Please give this to the council with their packet for the meeting Thursday.

Thank You, Dan Grappe

My Name is Dan Grappe. I have owned and lived in my single family home on Baylor street for over 30 years. Below are my reasons why this zoning change is unfair and bad for my neighborhood and for Austin.

* 120' Is a drastic change and is completely incompatible with the nearby single family houses that are immediately adjacent to the properties that will receive this zoning boost. And also incompatible with properties further way than immediately adjacent. This will Negatively impact the neighborhood. (Imagine if you will A 120 foot tall building being built immediately next to your little single family house where you have lived for 30 years, at a property that you where told was protected by compatibility standards when you bought it)

* This change will give the fifth street property owners the opportunity to build buildings that will wall in, and tower over the adjacent property single family houses that are nearby. The new buildings will literally cast a shadow over our houses and block sunlight from our yards and gardens. It will be an intimidating presence towering over our properties, night and day.

Because it is immediatly to the south of single family homes, It will literally cast a shadow into the single family houses of OWANA during the winter months when we need the sun the most.

* When I bought my property part of why I bought it was because I knew that there where compatibility standards that protected me from incompatible development. To completely disregard these compatibility standards without getting agreement from the owners who are negatively impacted is a taking of our property rights without agreement or compensation. Compatibility codes protect all Austin Property owners. So if you take them away from OWANA then everyone will be at risk. It is a very bad precedent to set.

* If the 5th street owners are given this height bonus in zoning, it would only be fair to also give the property owners nearby a height boost allowance on their properties, so that they would have the option of building buildings that are actually compatible with the newly allowed buildings that will be immediately next to their properties. Or the negatively impacted property owners should be compensated for the negative impacts of this unprecedented change.

*** Compatibility standards are important and should not be changed at the benefit of one property owners while simultaneously being a detriment to the adjacent property owners.**

* As an Austin property owner ... I am completely and adamantly against this unfair zoning change that will negatively impact my property and my neighborhood.

* Zoning is the only protection Austin property owners have to ensure incompatible building does not devalue their property. Zoning should not be changed without the agreement of the immediately property owners. All property owners should be concerned about the precedent this

proposal sets as regards to taking away property protections to benefit some property owners without agreement or compensation to negatively affected property owners.

All Austin Property owners will no longer be protected by compatibility standards. If you take them away from the OWANA neighborhood, you can take them away from anyone and everyone.

Thank You, Dan Grappe

Property Owner

707 Baylor Street

Austin, TX 79336

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Kindly,

Andrea Kelly

1603 west 9th

Austin Texas 78703

I wish to express my strong opposition to the rezoning of 1209 W 5th St for a ten story high rise apt bldg. I am a long time owner and live at 1502 W 5th St. I do not wish to live with increased traffic and congestion this will cause

Robert McArthur

26 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

The Lot is very small for the proposed use and the applicant has not been able to address our concerns for example:

Parking: A realistic plan has not been presented that shows a working ramp for underground parking and over 100 parking spaces. How many levels it will take? As this is not shown and we do not think a working and feasible underground parking will be provided by the applicant.

Sidewalks and streetscape: the minimal setbacks and underground parking shown will not allow for a continuous sidewalk and trees that will make the street better.

Setbacks: the way they show the setbacks and balconies they will be less than 10ft from a future building of the neighbor's site.

Uses: the city is looking to add affordable housing and there is mechanism to provide incentives for additional height in exchange for the affordable housing. The Owner is not committing to it.

Planning Commission: during the planning commission there were plenty of debate of this request, about 1hr., and there was no consensus among the group. This lot is not downtown is to the proximity of downtown which is different. We need the council to send a clear message that incentives are in place and spot zoning is not acceptable. Austin is changing and we need more affordability and more density but it needs to be done with a plan and urban plan starting with the sidewalks, street improvements and safety. A better connection to the trail is important for developments getting closer to the track lines.

If no agreement is reached, we urge the City Council to deny the zoning request.

During the planning commission hearing the applicant agree to DB90 if requested by the everyone. We are ok with DB90 but the planning commission did not have the authority to put that in place but seems like city council does.

We support DB90 as well as both the applicant, and the planning commission. Please recommend DB90, win win for everyone, including future homeowners.

A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you,

Sincerely,

Miguel Rivera, FAIA

704 Patterson Avenue,

Austin, TX 78703

I am opposed to building very tall, potentially 10 stories, buildings in the area between the railroad and 5th street. I do support shorter buildings. I live nearby and do not want the edge of Clarksville inundated with high rises. The precedent of a 10-story building has the potential to destroy the neighborhood in the long term.

Thank you,

Jean McArthur

1501 West 5th #N1

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I live in the neighborhood not far from 1209 W 5th Street and am very concerned with the proposed rezoning. I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering my position in support of OWANA.

Sincerely,



Mike Banghart
800 Winflo Drive, Austin, Texas 78703
mb@gte.net
512 423 5387

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

August 26, 2024

Mayor Kirk Watson and City Council Members
Austin City Council
301 West 2nd Street
Austin, Texas. 78701
Sent via email: jonathan.tomko@austintexas.gov

RE: Agenda Item 207
Zoning Change C14-2024-0007
1209 West 5th Street

Dear Mayor Watson and City Council Members:

I am writing in opposition to the rezoning application referenced above for the same reasons cited by the Old West Austin Neighborhood Association (OWANA), specifically that the applicant seeks significant changes without working with the community to address reasonable concerns regarding the site's development and uses.

I understand and support city staff's rationale for recommending zoning changes – that they should allow for reasonable use of the property and be consistent with goals and objectives of the City Council. I support the push for greater density and for more residential development in the urban core. And, yes, this area is ripe for such activity.

Further, zoning should not constitute a grant of special privilege to an individual owner and granting such a request should result in equal treatment of similarly situated properties. This is where I believe city staff falls short. Each of the case histories cited by city staff in its recommendation includes conditions to the rezoning, *reached through community involvement*, that are absent from this proposed rezoning. (And, as others have pointed out, only one of these allows a height of 120 feet, which OWANA agreed to due to many community benefits. The other two projects were capped at 75 feet.)

The harm of failing to include the community isn't just one of unequal treatment. Absent community involvement and its input on how the site will be developed, there's a risk of granting a special privilege that threatens other goals to promote reasonable use that furthers the City Council's vision. There's no telling what we would get with a project like this, as OWANA and others have pointed out.

Please encourage the develop to work with OWANA on a sensible approach to developing this land. If no agreement is reached, I urge you to deny this zoning request. Thank you very much for your careful consideration

Respectfully,



Joe Walraven

3918 Dry Creek Drive
Austin, Texas 78731
jwwalraven@gmail.com

25 August 2024
Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The property owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.
Sincerely

Chris Pellegrino

Chris Pellegrino
1201 Baylor St
Austin TX 78703

DocuSigned by:

C98B51A97496494...

27 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

As an Austin resident since 1988, and OWANA Steering Committee member, I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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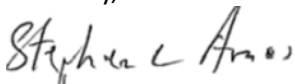
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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

For example, additional affordable housing may support teachers at Mathews Elementary and Austin High School; City of Austin employees such as Fire Station 4, Police, other First Responders and City workers; and employees from the Townlake YMCA to Pets Alive to OWANA small businesses and restaurants.

Thank you for considering our position in support of OWANA, as we work to build a thriving community.

Sincerely,



Steve Amos
1607 Waterston Avenue, Austin, Texas 78703

[REDACTED]
512 970 7443

cc: City of Austin Case Manager - [REDACTED]

cc: City of Austin Planner - [REDACTED]

cc: OWANA/Old West Austin Neighborhood Association [REDACTED]

27 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,



Kyle & Patrice McCollum
809 Baylor St., Austin, Tx 78703

[REDACTED]
512.658.6354

cc: City of Austin Case Manager - [REDACTED]
cc: City of Austin Planner - [REDACTED]
cc: OWANA/Old West Austin Neighborhood Association [REDACTED]

Additional Public Comments 1209 West 5th Street (C14-2024-0007)

Email

From: Paula Hern

To: Jonathan Tomko

8/22/24 2:59pm

22 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I am current resident of West Austin and member of OWANA. I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. From my understanding, the owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA). It has been hard enough to trust developers who come to us with more concrete plans as those are not always followed as promised.

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs. This is a development that will impact housing and residences close to it.

The City’s longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Paula Hern

1707 Francis Ave.

Austin, Texas 78703

August 22, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,



W. R. Wilson
716 Patterson Avenue
Austin, Texas 78703
cimarronwr@gmail.com
210-262-7109

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Email

From: Alison Ryan

To: Jonathan Tomko

8/23/24 8:35a

Dear Mr. Tomko:

Please find attached a letter for the attention of Mayor Kirk Watson and City Council Members regarding an item on the

August 29 Council Agenda. Kindly confirm receipt upon acceptance.

Thank you in advance for your attention to this matter.

Best, Alison Ryan

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Alison Ryan

Alison Ryan

1305 W 9 1/2 St Apt 101

Austin, TX 78703

Email

From: Ron & Rene Albee

To: Jonathan Tomko

8/24/24 10:35am

24 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I **fully support the objections** raised by OWANA to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The proposed rezoning allows for significant entitlements, fails to offer commensurate community benefits, and provides insufficient project design.

The owner's representatives have proven reluctant to meaningfully engaged with OWANA around its reasonable proposals regarding the site's development standards and uses. Although the applicants seek very permissive zoning, no concrete development plan has been provided and it seems apparent that the owners have yet to retain an architect or line up a developer. As a this represents a highly speculative project, it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot, that being about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to facilitate more housing, most especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-

residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Ron and René Albee

1501 W 6th Unit B1 Austin Texas 78703

Email

From: John Teinert

To: Jonathan Tomko

08/24/2024 12:59pm

22 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized. ç

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

John Teinert

1404 Windsor Rd

Austin, TX 78703

John Teinert - Broker/Owner

Austin Fine Properties LLC

Email

From: Sandi Sain

To: Jonathan Tomko

August 23, 2024

Mayor Kirk Watson

City Council Members

Austin City Council

City Hall, Council Chamber

301 W 2nd Street

Austin, Texas. 78701

(Sent via email to: [REDACTED])

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) regarding the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. I own property and live in this neighborhood. It is my understanding that the owner's representatives

have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses.

The proposed rezoning seeks significant entitlements WITHOUT reciprocal community benefits or a solid project design. The applicants seek very permissive zoning but no concrete development plan has been provided!! The owners apparently have not retained an architect or a developer. This makes this a highly speculative project to grant a zoning change and makes it impossible for OWANA to agree to the Planned Development Agreement (PDA).

The "concept" plans show a scale too large for the small .45 acre lot (about the size of 2 single family lots in the nearby neighborhood). OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet. OWANA agreed to 120 feet due to its many community benefits. The 1209 W 5th proposal cannot match these benefits on such a minimal lot. OWANA is looking for some consistency with nearby PDAs.

It appears to me that this proposal would allow less neighborhood uses and more B&B's (groups 1&2) and non-residential uses - which does not help housing or affordability. The owners are unwilling to commit to 70% residential use like other nearby developers. Their initial offers of affordable housing have never been formalized.

If no agreement is reached, I urge the City Council to deny the zoning request.

A DB90 rezoning would guarantee affordable housing AND community benefits while protecting the neighborhood.

Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering my position and supporting OWANA and other neighbors.

Sincerely,

Sandi Sain

1501 W. 6th Street

Austin, TX 78703

Email

From: Josh King

To: Jonathan Tomko

20 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, **Joshua King**

Joshua A King
806 Winflo #3, Austin, Texas 78703
verbdrun@gmail.com
512-568-2480

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Email

From: Heather Boyce

To: Jonathan Tomko

8/25/24 5:20pm

25 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St. Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs. The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, Heather Boyce

Heather Boyce

806 Winflo Drive, Unit 3

Austin, Texas 78703

August 25, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

We join the the Old West Austin Neighborhood Association (OWANA) in opposing the 1209 W 5th Street rezoning application to change from from LI-CO-NP to LI-PDA-NP. (We live at 700 Baylor, in the residential neighborhood closest to this property.)

The applicant seeks rezoning that would confer significant entitlements and vastly increased height without providing community benefits or even concrete design plans. The requested rezoning would allow a building far too large and tall (up to 120 feet) for the small lot that is only about the size of two single family lots in the neighborhood. And though the requested zoning would allow multifamily usage, it would also allow commercial development and bed and breakfast usage, neither of which do anything to improve housing availability or affordability. OWANA has requested that the applicant commit to 70% residential usage, like other area developers have done, but they have rejected OWANA's request. The applicant has also rejected OWANA's offer to agree to a PDA with a maximum height of 75 feet, consistent with nearby PDAs.

As the applicant has reached no agreement with OWANA regarding project height, nor shown adequate commitment to provide community benefits or increase housing availability and affordability, nor even provided a solid usage or design plan for the property, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,


Daniel Traverso and Laura Smith
Dtraverso1@gmail.com lsmith78703@gmail.com
512-585-0253. 512-507-6987

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Dear Mr. Tomko,

Recent plans to extend open ended height limits to development within neighborhoods like ours in Old West Austin are so scary to those of us raising our families in this historic part of the city.

I support infill inside the downtown perimeter, but we have to draw the line before we lose more of our city's unique character.

Thank you for considering tempering the pursuit of affordable housing as a valid excuse for letting

developers loose on our neighborhoods. Especially when you very well know they ARE NOT creating affordable housing on West Fifth St., by any stretch of the square footage.

Sincerely worried,
Sara Belknap
909 West Lynn
Austin TX 78703

20 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-

residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, ***Sara Belknap***

909 West Lynn (since 1975)

25 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The property owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Danny Roth

Danny Roth
1502 W 9th Street, Austin, Texas 78703
Danny@swsg.com
512-762-6537

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

25 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The property owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely,

Kathleen Kerr

Kathleen Kerr
1502 W 9th Street, Austin, Texas 78703
512-797-0179

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

Please give this to the council with their packet for the meeting Thursday.

Thank You, Dan Grappe

My Name is Dan Grappe. I have owned and lived in my single family home on Baylor street for over 30 years. Below are my reasons why this zoning change is unfair and bad for my neighborhood and for Austin.

* 120' Is a drastic change and is completely incompatible with the nearby single family houses that are immediately adjacent to the properties that will receive this zoning boost. And also incompatible with properties further way than immediately adjacent. This will Negatively impact the neighborhood. (Imagine if you will A 120 foot tall building being built immediately next to your little single family house where you have lived for 30 years, at a property that you where told was protected by compatibility standards when you bought it)

* This change will give the fifth street property owners the opportunity to build buildings that will wall in, and tower over the adjacent property single family houses that are nearby. The new buildings will literally cast a shadow over our houses and block sunlight from our yards and gardens. It will be an intimidating presence towering over our properties, night and day.

Because it is immediatly to the south of single family homes, It will literally cast a shadow into the single family houses of OWANA during the winter months when we need the sun the most.

* When I bought my property part of why I bought it was because I knew that there where compatibility standards that protected me from incompatible development. To completely disregard these compatibility standards without getting agreement from the owners who are negatively impacted is a taking of our property rights without agreement or compensation. Compatibility codes protect all Austin Property owners. So if you take them away from OWANA then everyone will be at risk. It is a very bad precedent to set.

* If the 5th street owners are given this height bonus in zoning, it would only be fair to also give the property owners nearby a height boost allowance on their properties, so that they would have the option of building buildings that are actually compatible with the newly allowed buildings that will be immediately next to their properties. Or the negatively impacted property owners should be compensated for the negative impacts of this unprecedented change.

*** Compatibility standards are important and should not be changed at the benefit of one property owners while simultaneously being a detriment to the adjacent property owners.**

* As an Austin property owner ... I am completely and adamantly against this unfair zoning change that will negatively impact my property and my neighborhood.

* Zoning is the only protection Austin property owners have to ensure incompatible building does not devalue their property. Zoning should not be changed without the agreement of the immediately property owners. All property owners should be concerned about the precedent this

proposal sets as regards to taking away property protections to benefit some property owners without agreement or compensation to negatively affected property owners.

All Austin Property owners will no longer be protected by compatibility standards. If you take them away from the OWANA neighborhood, you can take them away from anyone and everyone.

Thank You, Dan Grappe

Property Owner

707 Baylor Street

Austin, TX 79336

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to

due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Kindly,

Andrea Kelly

1603 west 9th

Austin Texas 78703

I wish to express my strong opposition to the rezoning of 1209 W 5th St for a ten story high rise apt bldg. I am a long time owner and live at 1502 W 5th St. I do not wish to live with increased traffic and congestion this will cause

Robert McArthur

26 August 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

301 W 2nd St.

Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

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The Lot is very small for the proposed use and the applicant has not been able to address our concerns for example:

Parking: A realistic plan has not been presented that shows a working ramp for underground parking and over 100 parking spaces. How many levels it will take? As this is not shown and we do not think a working and feasible underground parking will be provided by the applicant.

Sidewalks and streetscape: the minimal setbacks and underground parking shown will not allow for a continuous sidewalk and trees that will make the street better.

Setbacks: the way they show the setbacks and balconies they will be less than 10ft from a future building of the neighbor's site.

Uses: the city is looking to add affordable housing and there is mechanism to provide incentives for additional height in exchange for the affordable housing. The Owner is not committing to it.

Planning Commission: during the planning commission there were plenty of debate of this request, about 1hr., and there was no consensus among the group. This lot is not downtown is to the proximity of downtown which is different. We need the council to send a clear message that incentives are in place and spot zoning is not acceptable. Austin is changing and we need more affordability and more density but it needs to be done with a plan and urban plan starting with the sidewalks, street improvements and safety. A better connection to the trail is important for developments getting closer to the track lines.

If no agreement is reached, we urge the City Council to deny the zoning request.

During the planning commission hearing the applicant agree to DB90 if requested by the everyone. We are ok with DB90 but the planning commission did not have the authority to put that in place but seems like city council does.

We support DB90 as well as both the applicant, and the planning commission. Please recommend DB90, win win for everyone, including future homeowners.

A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you,

Sincerely,

Miguel Rivera, FAIA

704 Patterson Avenue,

Austin, TX 78703

I am opposed to building very tall, potentially 10 stories, buildings in the area between the railroad and 5th street. I do support shorter buildings. I live nearby and do not want the edge of Clarksville inundated with high rises. The precedent of a 10-story building has the potential to destroy the neighborhood in the long term.

Thank you,

Jean McArthur

1501 West 5th #N1

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: Jonathan.Tomko@austintexas.gov

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

I live in the neighborhood not far from 1209 W 5th Street and am very concerned with the proposed rezoning. I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

In March, a concept sketch provided to OWANA showed the plan's scale was too large for the small .45-acre lot- which for your reference is about the size of two single family lots in the nearby neighborhood. OWANA has reached mutually satisfactory agreements with other nearby developments on larger lots, and only one allows a height of 120 feet – which OWANA agreed to due to its many community benefits. The 1209 W 5th Street proposal cannot match these benefits on such a minimal lot. OWANA has offered to agree to a PDA with a maximum height of 75 feet, which would be consistent with nearby PDAs.

The City's longstanding goal of allowing extra height is to create more housing, especially affordable units. While the proposed zoning would allow multifamily development, it would also allow Bed and Breakfast (groups 1 & 2) - which does not help housing or affordability - or non-residential uses. The owners are unwilling to commit to 70% residential use like other nearby developers, and their initial offers of affordable housing have never been formalized.

If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Thank you for considering my position in support of OWANA.

Sincerely,



Mike Banghart
800 Winflo Drive, Austin, Texas 78703
mb@gte.net
512 423 5387

cc: City of Austin Case Manager - Jonathan.Tomko@austintexas.gov
cc: City of Austin Planner - Eric.Thomas@austintexas.gov
cc: OWANA/Old West Austin Neighborhood Association zoning@owana.org

August 26, 2024

Mayor Kirk Watson and City Council Members

Austin City Council

301 West 2nd Street

Austin, Texas. 78701

Sent via email: jonathan.tomko@austintexas.gov

RE: Agenda Item 207
Zoning Change C14-2024-0007
1209 West 5th Street

Dear Mayor Watson and City Council Members:

I am writing in opposition to the rezoning application referenced above for the same reasons cited by the Old West Austin Neighborhood Association (OWANA), specifically that the applicant seeks significant changes without working with the community to address reasonable concerns regarding the site's development and uses.

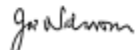
I understand and support city staff's rationale for recommending zoning changes – that they should allow for reasonable use of the property and be consistent with goals and objectives of the City Council. I support the push for greater density and for more residential development in the urban core. And, yes, this area is ripe for such activity.

Further, zoning should not constitute a grant of special privilege to an individual owner and granting such a request should result in equal treatment of similarly situated properties. This is where I believe city staff falls short. Each of the case histories cited by city staff in its recommendation includes conditions to the rezoning, *reached through community involvement*, that are absent from this proposed rezoning. (And, as others have pointed out, only one of these allows a height of 120 feet, which OWANA agreed to due to many community benefits. The other two projects were capped at 75 feet.)

The harm of failing to include the community isn't just one of unequal treatment. Absent community involvement and its input on how the site will be developed, there's a risk of granting a special privilege that threatens other goals to promote reasonable use that furthers the City Council's vision. There's no telling what we would get with a project like this, as OWANA and others have pointed out.

Please encourage the develop to work with OWANA on a sensible approach to developing this land. If no agreement is reached, I urge you to deny this zoning request. Thank you very much for your careful consideration

Respectfully,



Joe Walraven

3918 Dry Creek Drive
Austin, Texas 78731
jwwalraven@gmail.com

20 August 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701
Sent via email: [REDACTED]

RE: Rezoning Application

C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work

with OWANA on a sensible PDA.

Thank you for considering our position in support of OWANA.

Sincerely, Beverly Dunn

Beverly Dunn
607 Patterson Ave.,
Austin, Texas 78703

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber
301 W 2nd St.
Austin, Texas 78701

Sent via email: [REDACTED]

RE: Rezoning Application
C14-2024-0007- 1209 W 5th Street Agenda Item 207

Dear Mayor Watson and City Council Members:

As born-and-raised Austinite and long-time resident of Old Enfield, I support the objections raised by the Old West Austin Neighborhood Association (OWANA) to the rezoning application for 1209 W 5th Street from LI-CO-NP to LI-PDA-NP. The owner's representatives have not agreed with OWANA's reasonable proposals regarding the site's development standards and uses. The proposed rezoning seeks significant entitlements without reciprocal community benefits or a solid project design. Although the applicants seek very permissive zoning, no concrete development plan has been provided and the owners apparently have not even retained an architect or lined up a developer. This is a highly speculative project making it impossible for OWANA to agree to the Planned Development Agreement (PDA).

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If no agreement is reached, we urge the City Council to deny the zoning request. A DB90 rezoning would guarantee affordable housing and community benefits while protecting the neighborhood. Please reject the LI-PDA application and encourage the developer to work with OWANA on a sensible PDA.

Additional affordable housing may support teachers at Mathews Elementary and Austin High School; City of Austin employees such as Fire Station 4, Police, other First Responders, and City workers; and employees from the Townlake YMCA to Pets Alive to OWANA small businesses and restaurants.

Thank you for considering our position in support of OWANA, as we work to build a thriving community.

Sincerely,

Glenda Flanagan
1509 Murray Lane
ATX 78703

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

Last Thursday, City Council approved the first reading of a zoning change for 1209 W. 5th Street, doubling the allowable building height from 60' to 120' based on the applicant's claim of a "multi-family development." This change also allows up to 50% hotel/motel use to satisfy the 70% residential requirement. This is not multi-family housing and it is not compatible with surrounding buildings. Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. Our district representative, Council Member Zo Qadri, voted in favor.

Currently, the project is speculative without a solid design, architect, or developer for a small 20,000 sq. ft. site – no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, without informing or including OWANA in the final negotiation process. We only received copies of these agreements a week after the Council's first reading. The Owner has never come to a meeting; all has been through their agent.

When OWANA went to the planning commission, the discussion took about an hour resulting in no real genuine consensus.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.


Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. "Big asks" require "big effort" and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

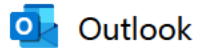
If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. In addition to an improved outcome in this case, insisting on a pause for

deliberation will alert those willing to bypass real community negotiation and minimize contentious items landing in Council's lap. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Kate O'Neill
1510 W. 10th St
Austin, Texas


(512) 289-0325



Reasoning C14-2024-0007-1209 w 5th street

From Monica Humphries <[REDACTED]>
Date Mon 11/18/2024 7:44 PM
To Tomko, Jonathan <[REDACTED]>; Thomas, Eric <[REDACTED]>
Cc [REDACTED] <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

Dr. Mr Tomko:

Please find the attached letter for the attention of Mayor Kirk Watson and City Council Members regarding agenda item 112 on the Nov. 21st Agenda. Kindly confirm receipt .

Thank you in advance for your attention to this matter.

Monica Humphries

Nov 18, 2024

Mayor Kirk Watson and City Council Memebers
Austin City Council, City Hall, Council Chamber

RE: rezoning application c14-2024-007-1209nW 5Th street Agenda item 112

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60' to 120' based on the applicant's claim of a multi family development. This change also allows up to 50% hotel motel use to satisfy the 70% residential requirement. THIS IS NOT MULTI-FAMILY HOUSING AND IT IS NOT COMPATIBLE WITH SURROUNDING BUILDINGS. Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Mayor Kirk Watson along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. Our district Rep , Council Member Zoning Qadri, voted in favor.

Currently , the project is speculative without a solid design, architect, or developer for a small 20, 000sq ft. Site- no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third party contractors, brokered with Zo, without informing or including OWANA in the final negotiation process. We only received copies of these agreements a week after the Council's first reading. The owner has never come to a meeting all has been through their agent.

When OWANA went to the planning commission, the discussion took amount and hour resulting in no real genuine consensus.

OWANA will meet with CM Zo on Monday and is scheduling a meeting with the Mayor's office .

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Doubling allowable height and changing rezoning, particularly in some of the most historic areas in Austin, requires thoughtful planning process and genuine neighborhood/city benefits. BIG ASKS require BIG EFFORT and real disclosure. OWANA has show how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,
Monica Humphries
702 Baylor
Austin, Texas
78703

Sent from my iPad

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.
For any additional questions or concerns, contact CSIRT at "[REDACTED]".

November 18, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,
Laura Kelso

Laura Kelso
901 Blanco Street
Austin, TX 78703
512.297.3455

cc: [REDACTED]
cc: [REDACTED]



Reasoning C14-2024-0007-1209 w 5th street

From Monica Humphries <[REDACTED]>

Date Mon 11/18/2024 7:44 PM

To Tomko, Jonathan <[REDACTED]>; Thomas, Eric <[REDACTED]>

Cc <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

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Thank you in advance for your attention to this matter.

Monica Humphries

Nov 18, 2024

Mayor Kirk Watson and City Council Memembers
Austin City Council, City Hall, Council Chamber

RE: rezoning application c14-2024-007-1209nW 5Th street Agenda item 112

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702 Baylor
Austin, Texas
78703

Sent from my iPad

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Rezoning Application

From Catherine Daniell <[REDACTED]>
Date Tue 11/19/2024 6:26 AM
To Tomko, Jonathan <[REDACTED]>
Cc [REDACTED] <[REDACTED]>

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

November 19, 2024

Dear Mr. Tomko,

Please accept this letter in opposition to Agenda item 112.

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

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This affects not just OWANA but all of Austin.

Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. **“Big asks”** require **“big effort”** and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin’s future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request.

Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Catherine Daniell

1505 Palma Plaza

Austin, TX 78703

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

Last Thursday, City Council approved the first reading of a zoning change for 1209 W. 5th Street, doubling the allowable building height from 60' to 120' based on the applicant's claim of a "multi-family development." This change also allows up to 50% hotel/motel use to satisfy the 70% residential requirement. This is not multi-family housing and it is not compatible with surrounding buildings. Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. Our district representative, Council Member Zo Qadri, voted in favor.

Currently, the project is speculative without a solid design, architect, or developer for a small 20,000 sq. ft. site – no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, without informing or including OWANA in the final negotiation process. We only received copies of these agreements a week after the Council's first reading. The Owner has never come to a meeting; all has been through their agent.

When OWANA went to the planning commission, the discussion took about an hour resulting in no real genuine consensus.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.


Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. "Big asks" require "big effort" and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. In addition to an improved outcome in this case, insisting on a pause for

deliberation will alert those willing to bypass real community negotiation and minimize contentious items landing in Council's lap. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Kate O'Neill
1510 W. 10th St
Austin, Texas


(512) 289-0325



agenda item 112

From Vassar Curtis <[REDACTED]>
Date Tue 11/19/2024 12:05 PM
To Tomko, Jonathan <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

Dear Mr. Tomko,

Please share this message with the mayor and city council members. Thank you!

Please be advised that I oppose the proposal at 1209 W. 5th Street, a change of height from 60' to 120'. 50% hotel use IS NOT multi family development.

Please return this proposal to the drawing board and request that the developer work with neighborhood groups to come up with a project more compatible with our area.

Thank you!
Mary Faith Curtis
1605 Palma Plaza
Austin, TX 78703
Sent from my iPad

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".

November 18, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

Last Thursday, City Council approved the first reading of a zoning change for 1209 W. 5th Street, doubling the allowable building height from 60' to 120' based on the applicant's claim of a "multi-family development." This change **also allows up to 50% hotel/motel use** to satisfy the 70% residential requirement. **This is not multi-family housing and it is not compatible with surrounding buildings.** I have lived and voted in this neighborhood since 1985, renting on Palma Plaza and paying taxes on my house two blocks away from this project since 1992. Good if expensive things have happened in my daily ambit. This rezoning proposal is a meretricious and bad thing.

Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. However, our district representative, Council Member Zo Qadri, voted in favor.

Currently, the project is speculative without a solid design, architect, or developer for a ~~small~~ tiny! 20,000 sq. ft. site – no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, without informing or including OWANA in the final negotiation process.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.

Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. **"Big asks"** require **"big effort"** and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Mary Blockley

Mary Blockley
702 Brownlee Circle
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

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When OWANA went to the planning commission, the discussion took about an hour resulting in no real genuine consensus.

OWANA will meet with CM Zo on Monday and is scheduling a meeting with the Mayor's Office.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Joshua A King

Joshua King

806 Winflo #3

Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Heather Boyce

Heather Boyce

806 Winflo Drive

Unit 3

Austin, Texas 78703

[REDACTED]

CC: [REDACTED]

CC: [REDACTED]



FW: Re-zoning of 1209 W. 5th Street; Nov. 21 Council Agenda Item 112; Case C 14-2004-0007

From [REDACTED] <[REDACTED]>
Date Tue 11/19/2024 3:40 PM
To Tomko, Jonathan <[REDACTED]>; Thomas, Eric <[REDACTED]>
Cc [REDACTED] <[REDACTED]>

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Resending. Hope this one goes through

James Cousar | Holland & Knight
Consulting Counsel
Holland & Knight LLP
98 San Jacinto Boulevard, Suite 1900 | Austin, Texas 78701
Phone 512.469.6112 | Fax 512.472.7473
[REDACTED] | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: Cousar, James E (AUS - X26112)
Sent: Tuesday, November 19, 2024 3:29 PM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED]; Cousar, James E (AUS - X26112) <[REDACTED]>
Subject: Re-zoning of 1209 W. 5th Street; Nov. 21 Council Agenda Item 112; Case C 14-2004-0007

Dear Mr. Thomko: Please forward the attached correspondence to the Mayor and members of the City Council prior to the Thursday zoning hearing on 1209 W. 5th. Thank you.
James E. Cousar
1110 W. 7th Street,
Austin, Texas 7870s

To: Mayor and City Council Members
City of Austin

Re: Opposition to Rezoning of 1209 W. 5th Street; Agenda Item 112, November 21 Council Meeting; Case C 14-2004-0007

Dear Mayor and Councilmembers:

My family and I write to ask that **you vote against the re-zoning of the property at 1209 W. 5th Street**. In short, it seeks too much height, on too small a lot, and provides no assurance that the eventual development will be residential in nature- much less provide even one unit of affordable

housing. In addition, **this is a classic case of speculative zoning** in which the property owner has no plans, no architect, and no proposed builder- just a desire to use rezoning to maximize the sale value of two modest sized lots.

By way of background, I have lived in the Old West Austin Neighborhood since 1980, and for many years I was active in OWANA's efforts to preserve our neighborhood while encouraging high quality development. This has been a wonderful neighborhood to live in and raise a family, in part because for decades (including the development of the Old West Austin neighborhood plan) residents and other property owners worked cooperatively on proposed developments. As a result, we have kept a great mix of multi-family (much of it comparatively affordable), single family, retail, and office. My neighborhood has welcomed the construction of many hundreds of units of new apartments and condos, while successfully opposing disruptive uses like late night pool halls. We came together as a neighborhood to create several historic districts, which have done a lot to preserve historic structures and the integrity of one of the city's oldest neighborhoods.

Under our neighborhood plan, up until recently no one tried to remove the 60 foot height cap for new construction. Two highly successful projects within a couple of blocks of 1209 W. 5th- 6th and Blanco and the Schlosser redevelopment of the old AISD property- stayed within that cap and have been welcome additions to our area. **The opposite is the case for 1209 W. 5th.**

My family home at 1110 W. 7th is one block over and two blocks north of 1209 W. 5th. Our lot is not unusually large, but if I combined it with the Barnes family lot on one side or the Dixon family lot on the other, those two would include more acreage than the property at 1209 W. 5th. **Any property composed of two shallow lots with less than 20,000 square feet is simply too small to sustain a 120 foot building**, especially when it is so close to an area of single family homes and a historic district. If 1209 W. 5th is allowed to go that high, you will have effectively erased the historically respected distinction between downtown (east of Lamar) and the Old West Austin neighborhood (west of Lamar.)

If this owner were offering a real commitment to residential use, and included affordable housing and other amenities, there would be a reasonable case for exceeding the current 60 foot height cap. **However, the current proposed zoning proposal offers nothing of benefit to the neighbors or the city.** It is all take and no give. Further the idea of granting "residential square footage credit" for a hotel or motel use is simply ludicrous. Hotel uses actually are less compatible with nearby neighborhoods than many office and retail uses.

As a final note, I can assure you that this is not my first venture into land use and zoning. I served a term on the Austin Planning Commission during one of our periodic boom/bust cycles, and over the last 45 years as an attorney I have worked on hundreds of real estate projects, including acting as the City's lead land use lawyer on the 6 block redevelopment around City Hall and the redevelopment of Mueller Airport into Mueller. **I know bad planning and bad land use when I see it. The requested rezoning of 1209 W. 5th is bad planning and bad land use. Please vote against it.**

Sincerely,

James E. Cousar

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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For any additional questions or concerns, contact CSIRT at "[REDACTED]".

From the Home of **Evelyn M. Fujimoto**

19 November 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application
C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

I recently submitted a letter dated 18 November 2024 to the City Council referring to the proposed zoning change for 1209 W. 5th Street. This proposal doubles the allowable building height from 60' to 120', based on the applicant's claim of a "multi-family development." This proposal also permits up to 50% hotel/motel use to satisfy the 70% residential requirement.

I would like to raise further concerns beyond those expressed by OWANA. I reside in a multi-family development with frontage on both W 5th St. and W 6th St., between W Lynn and Pressler streets. W 5th St. is a one way three-lane arterial road serving as a connection between MOPAC and downtown Austin. The street is already heavily congested and will only become busier as developments like the Pearlstone Belvedere (250 units) and the 6th and Blanco redevelopment come on line.

Austin's mass transit system is insufficient to address the areas' increasing traffic demands. Allowing the 1209 W. 5th St. to proceed as currently proposed risks setting a precedent for further high-density developments that will exponentially increase traffic on W 5th St. and adjacent one-way side streets. This will lead to significant, long-term negative impacts on the streetscape and environment of the Clarksville neighborhood.

Specific Concerns:

- **Life Safety:** Wrong-way turns onto W 5th and W 6th Streets from side streets occur frequently, posing daily hazards. Increased traffic will heighten the potential for serious deadly accidents
- **Environmental Impact:** More traffic will increase noise and air pollution, negatively impacting the neighborhood's environment
- **Urban Box Canyon:** Allowing increased vertical density risks creating an 'urban box canyon' along W 5th St., reducing the character
- **Livability Score:** Clarksville's high livability score will significantly decline as density and traffic rise, degrading the quality of life for residents

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623
[REDACTED]

Evelyn M. Fujimoto

I have attached the following documents for your review:

- Photos illustrating the current traffic conditions on W 5th St., outside of rush hour
- Hypothetical impact study showing the effects of a 60' height variance at the site
- Hypothetical impact study showing the effects of a 120' height variance at the site
- Hypothetical impact demonstrating the impact of the precedent of a 120' height variance along W 5th St.

I respectfully request that the Council reconsider their position and deny the zoning request as currently written. Please reject the Li-PDA application and encourage the developer to work with OWANA on a more balanced and thoughtful PDA that respects the desires of the community.

Thank you for considering our position in support of OWANA.

Sincerely,



Evelyn Fujimoto
1501 W. 6th St., Austin, Texas 78703
[REDACTED]
+1.832.648.0623

CC: [REDACTED]
CC: [REDACTED]
CC: [REDACTED]

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623
[REDACTED]



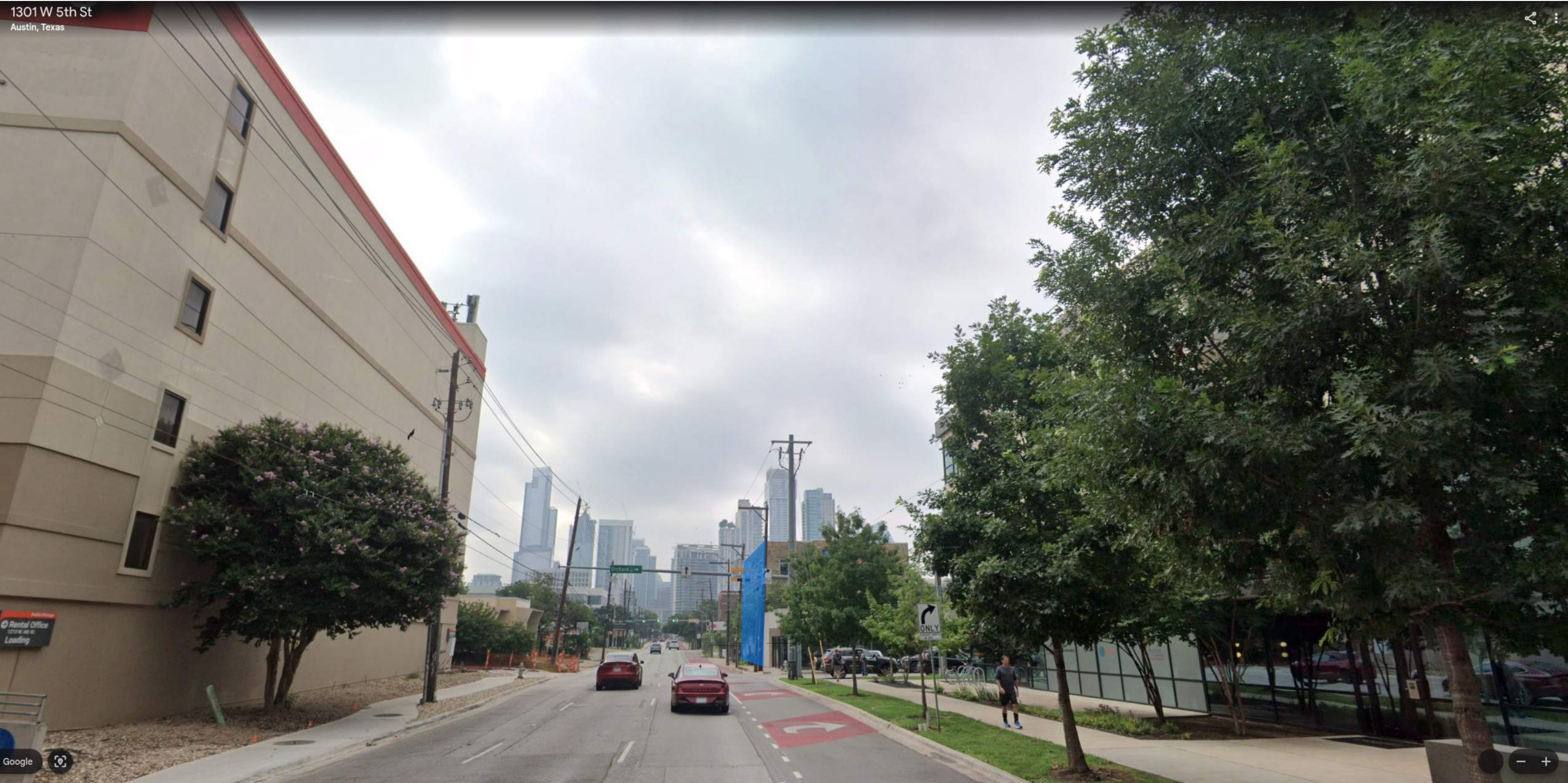
**21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

**View east on W. 5th St. towards Downtown Austin
Traffic at W 5th St. and Pressler
19 November 2024, 11:00-11:30 AM**



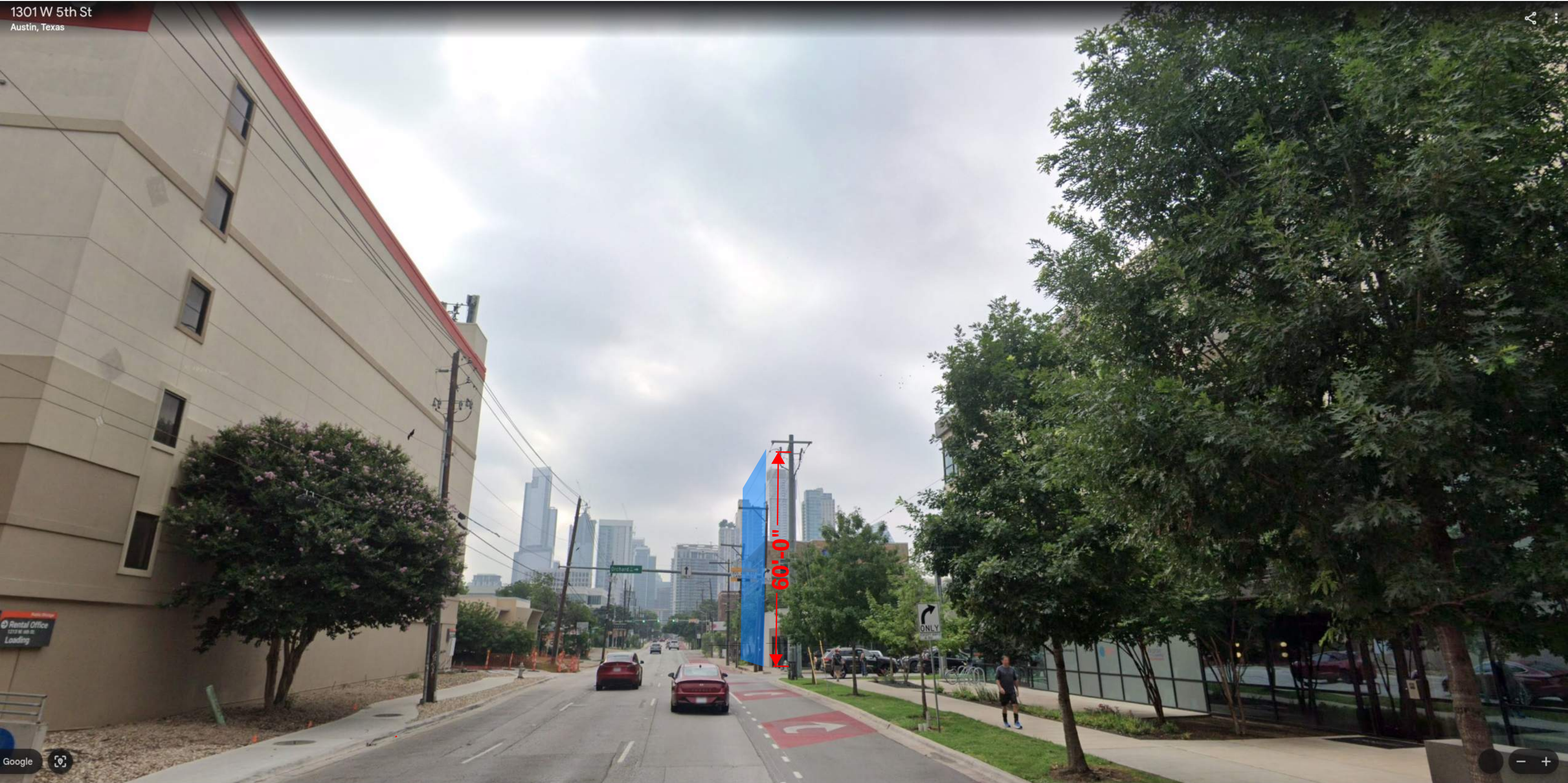
**21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

**View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study**



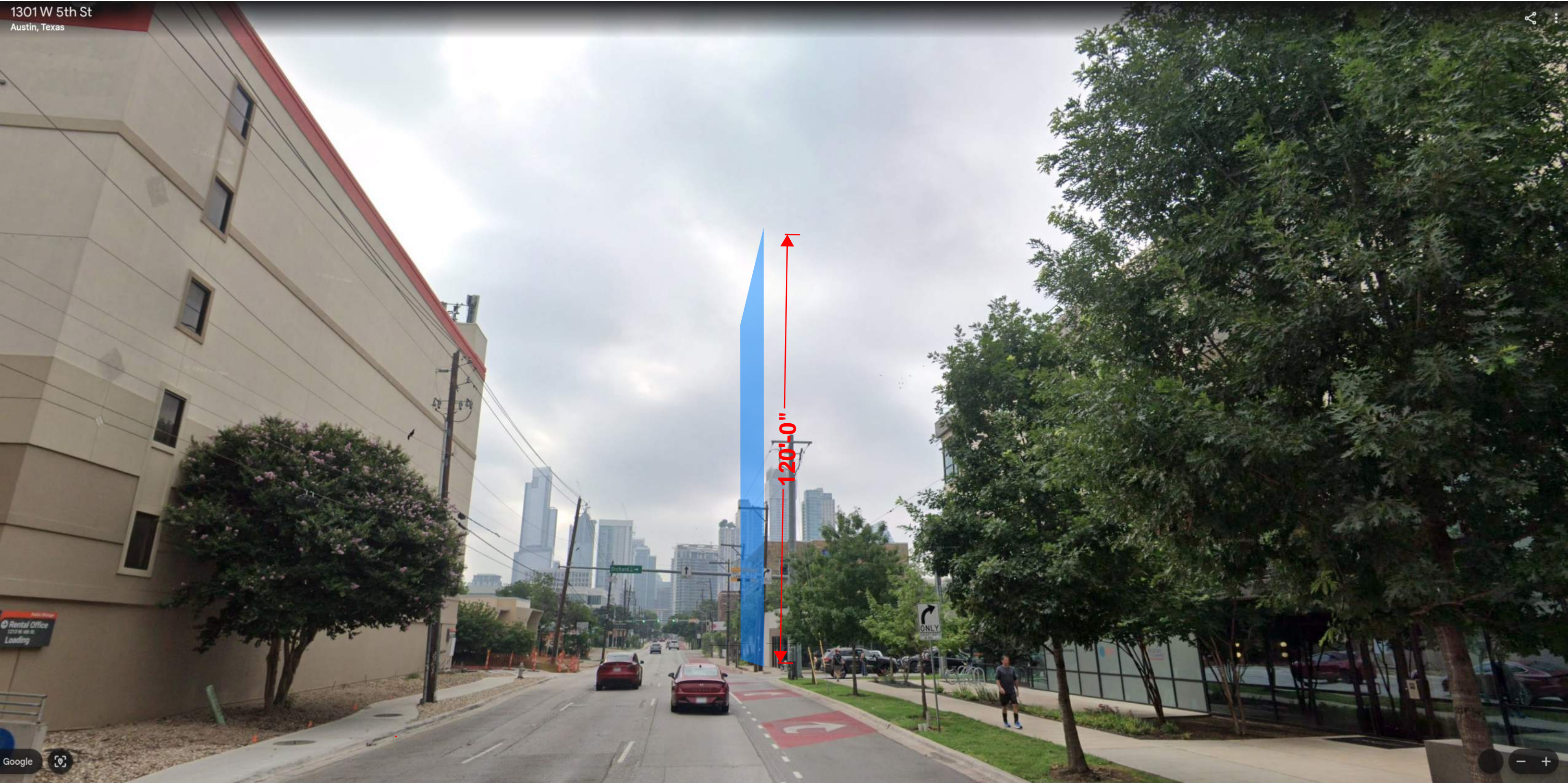
**21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

**View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
Current 1209 W. 5th Street facade identified in blue**



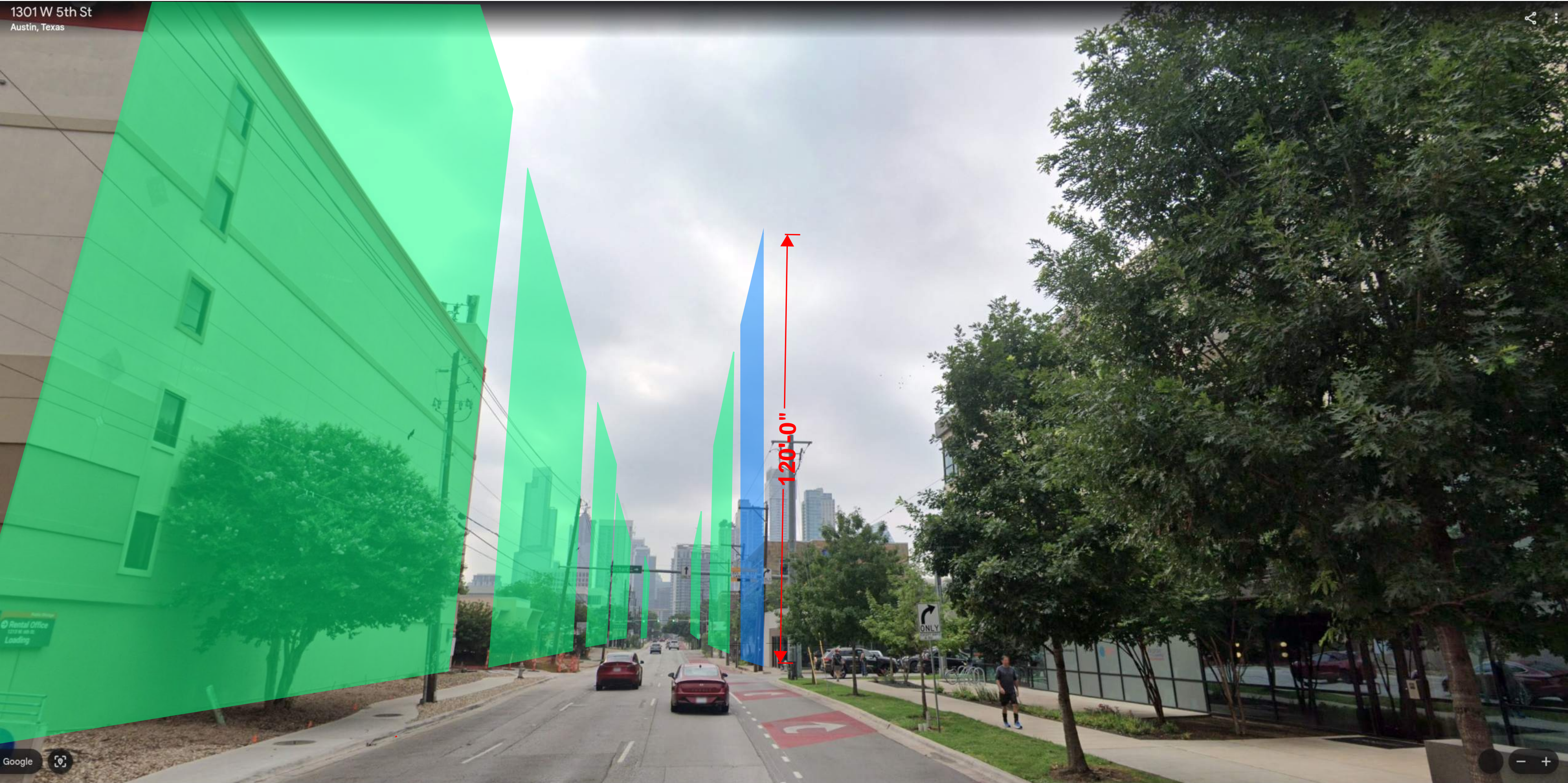
21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street facade identified in blue
60' +/- building facade hypothetical



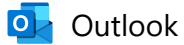
21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street facade identified in blue
120' +/- building facade hypothetical



21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street 120' +/- facade identified in blue
120' +/- building facades identified in green



Rezoning C14-2024-0007- 1209 W 5th Street

From amy voorhes [REDACTED]
Date Tue 11/19/2024 4:52 PM
To Tomko, Jonathan [REDACTED]
Cc Thomas, Eric [REDACTED]; [REDACTED] <[REDACTED]>

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Dear Mr. Tomko:

Please find attached a letter for the attention of Mayor Kirk Watson and City Council Members regarding Agenda Item 112 on the November 21st Agenda. Kindly confirm receipt upon acceptance.

Thank you in advance for your attention to this matter.

Best,
Amy Voorhes

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

I am writing to oppose the proposed zoning change for 1209 West 5th Street. As a resident of The Gardens on 1115 West 7 Street, I celebrate the density of Clarksville.

I'm a fan of the 6th and Brazos mixed use complex now under construction, a project that respects Clarksville's urban fabric.

I cannot support the proposed rezoning that would permit a 120' tall hotel complex looming over our neighborhood. The applicant seeks to justify the proposed height restriction exemption by claiming the the proposed hotel is a "multi-family development." But a Hyatt is not a home and hotels are not **multi-family housing**. **The proposal is not compatible with surrounding buildings**. Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Currently, the project is speculative without a solid design, architect, or developer for a small 20,000 sq. ft. site – no larger than two typical residential lots.

Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. "**Big asks**" require "**big effort**" and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Amy Voorhes
1115 West 7th Street
Austin, Texas 78703

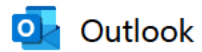
[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

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For any additional questions or concerns, contact CSIRT at "[REDACTED]".



Rezoning Application

From Catherine Daniell <[REDACTED]>

Date Tue 11/19/2024 6:26 AM

To Tomko, Jonathan <[REDACTED]>

Cc [REDACTED] <[REDACTED]>

You don't often get email from lailacd@gmail.com. [Learn why this is important](#)

External Email - Exercise Caution

November 19, 2024

Dear Mr. Tomko,

Please accept this letter in opposition to Agenda item 112.

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

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Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. Our district representative, Council Member Zo Qadri, voted in favor.

Currently, the project is speculative without a solid design, architect, or developer for a small 20,000 sq. ft. site – no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, without informing or including OWANA in the final negotiation process. We only received copies of these agreements a week after the Council's first reading. The Owner has never come to a meeting all has been through their agent.

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OWANA will meet with CM Zo on Monday and is scheduling a meeting with the Mayor's Office.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.

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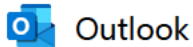
Sincerely,

Catherine Daniell

1505 Palma Plaza

Austin, TX 78703

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agenda item 112

From Vassar Curtis <[REDACTED]>
Date Tue 11/19/2024 12:05 PM
To Tomko, Jonathan <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

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Please return this proposal to the drawing board and request that the developer work with neighborhood groups to come up with a project more compatible with our area.

Thank you!
Mary Faith Curtis
1605 Palma Plaza
Austin, TX 78703
Sent from my iPad

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For any additional questions or concerns, contact CSIRT at "[REDACTED]".

November 18, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

Last Thursday, City Council approved the first reading of a zoning change for 1209 W. 5th Street, doubling the allowable building height from 60' to 120' based on the applicant's claim of a "multi-family development." This change **also allows up to 50% hotel/motel use** to satisfy the 70% residential requirement. **This is not multi-family housing and it is not compatible with surrounding buildings.** I have lived and voted in this neighborhood since 1985, renting on Palma Plaza and paying taxes on my house two blocks away from this project since 1992. Good if expensive things have happened in my daily ambit. This rezoning proposal is a meretricious and bad thing.

Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. However, our district representative, Council Member Zo Qadri, voted in favor.

Currently, the project is speculative without a solid design, architect, or developer for a ~~small~~ tiny! 20,000 sq. ft. site – no larger than two typical residential lots. OWANA has attempted to finalize negotiations for a covenant with the applicant since February, over ten months ago. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, without informing or including OWANA in the final negotiation process.

Council is on track to approve this rezoning allowing additional height without accountability to a residential commitment setting a dangerous precedent. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements brokered with Council Members. This affects not just OWANA but all of Austin.

Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. **"Big asks"** require **"big effort"** and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Mary Blockley

Mary Blockley
702 Brownlee Circle
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

November 18, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,
Laura Kelso

Laura Kelso
901 Blanco Street
Austin, TX 78703
512.297.3455

cc: [REDACTED]
cc: [REDACTED]



Reasoning C14-2024-0007-1209 w 5th street

From Monica Humphries <[REDACTED]>

Date Mon 11/18/2024 7:44 PM

To Tomko, Jonathan <[REDACTED]>; Thomas, Eric <[REDACTED]>

Cc <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

Dr. Mr Tomko:

Please find the attached letter for the attention of Mayor Kirk Watson and City Council Members regarding agenda item 112 on the Nov. 21st Agenda. Kindly confirm receipt .

Thank you in advance for your attention to this matter.

Monica Humphries

Nov 18, 2024

Mayor Kirk Watson and City Council Memembers
Austin City Council, City Hall, Council Chamber

RE: rezoning application c14-2024-007-1209nW 5Th street Agenda item 112

Dear Mayor Watson and City Council Members:

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Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Mayor Kirk Watson along with Council Members Alison Alter and Mackenzie Kelly, voted against the proposal. Our district Rep , Council Member Zoning Qadri, voted in favor.

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,
Monica Humphries
702 Baylor
Austin, Texas
78703

Sent from my iPad

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For any additional questions or concerns, contact CSIRT at "[REDACTED]".



Rezoning Application

From Catherine Daniell <[REDACTED]>
Date Tue 11/19/2024 6:26 AM
To Tomko, Jonathan <[REDACTED]>
Cc [REDACTED] <[REDACTED]>

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

November 19, 2024

Dear Mr. Tomko,

Please accept this letter in opposition to Agenda item 112.

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request.

Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Catherine Daniell

1505 Palma Plaza

Austin, TX 78703

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. In addition to an improved outcome in this case, insisting on a pause for

deliberation will alert those willing to bypass real community negotiation and minimize contentious items landing in Council's lap. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Kate O'Neill
1510 W. 10th St
Austin, Texas


(512) 289-0325



agenda item 112

From Vassar Curtis <[REDACTED]>
Date Tue 11/19/2024 12:05 PM
To Tomko, Jonathan <[REDACTED]>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email - Exercise Caution

Dear Mr. Tomko,

Please share this message with the mayor and city council members. Thank you!

Please be advised that I oppose the proposal at 1209 W. 5th Street, a change of height from 60' to 120'. 50% hotel use IS NOT multi family development.

Please return this proposal to the drawing board and request that the developer work with neighborhood groups to come up with a project more compatible with our area.

Thank you!
Mary Faith Curtis
1605 Palma Plaza
Austin, TX 78703
Sent from my iPad

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

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November 18, 2024

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Austin City Council, City Hall, Council Chamber

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Sincerely,

Mary Blockley

Mary Blockley
702 Brownlee Circle
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

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Sincerely,

Joshua A King

Joshua King

806 Winflo #3

Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

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Sincerely,

Heather Boyce

Heather Boyce

806 Winflo Drive

Unit 3

Austin, Texas 78703

[REDACTED]

CC: [REDACTED]

CC: [REDACTED]



FW: Re-zoning of 1209 W. 5th Street; Nov. 21 Council Agenda Item 112; Case C 14-2004-0007

From [REDACTED] <[REDACTED]>
Date Tue 11/19/2024 3:40 PM
To Tomko, Jonathan <[REDACTED]>; Thomas, Eric <[REDACTED]>
Cc [REDACTED] <[REDACTED]>

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Resending. Hope this one goes through

James Cousar | Holland & Knight
Consulting Counsel
Holland & Knight LLP
98 San Jacinto Boulevard, Suite 1900 | Austin, Texas 78701
Phone 512.469.6112 | Fax 512.472.7473
[REDACTED] | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: Cousar, James E (AUS - X26112)
Sent: Tuesday, November 19, 2024 3:29 PM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED]; Cousar, James E (AUS - X26112) <[REDACTED]>
Subject: Re-zoning of 1209 W. 5th Street; Nov. 21 Council Agenda Item 112; Case C 14-2004-0007

Dear Mr. Thomko: Please forward the attached correspondence to the Mayor and members of the City Council prior to the Thursday zoning hearing on 1209 W. 5th. Thank you.
James E. Cousar
1110 W. 7th Street,
Austin, Texas 7870s

To: Mayor and City Council Members
City of Austin

Re: Opposition to Rezoning of 1209 W. 5th Street; Agenda Item 112, November 21
Council Meeting; Case C 14-2004-0007

Dear Mayor and Councilmembers:

My family and I write to ask that **you vote against the re-zoning of the property at 1209 W. 5th Street**. In short, it seeks too much height, on too small a lot, and provides no assurance that the eventual development will be residential in nature- much less provide even one unit of affordable

housing. In addition, **this is a classic case of speculative zoning** in which the property owner has no plans, no architect, and no proposed builder- just a desire to use rezoning to maximize the sale value of two modest sized lots.

By way of background, I have lived in the Old West Austin Neighborhood since 1980, and for many years I was active in OWANA's efforts to preserve our neighborhood while encouraging high quality development. This has been a wonderful neighborhood to live in and raise a family, in part because for decades (including the development of the Old West Austin neighborhood plan) residents and other property owners worked cooperatively on proposed developments. As a result, we have kept a great mix of multi-family (much of it comparatively affordable), single family, retail, and office. My neighborhood has welcomed the construction of many hundreds of units of new apartments and condos, while successfully opposing disruptive uses like late night pool halls. We came together as a neighborhood to create several historic districts, which have done a lot to preserve historic structures and the integrity of one of the city's oldest neighborhoods.

Under our neighborhood plan, up until recently no one tried to remove the 60 foot height cap for new construction. Two highly successful projects within a couple of blocks o 1209 W. 5th- 6th and Blanco and the Schlosser redevelopment of the old AISD property- stayed within that cap and have been welcome additions to our area. **The opposite is the case for 1209 W. 5th.**

My family home at 1110 W. 7th is one block over and two blocks north of 1209 W. 5th. Our lot is not unusually large, but if I combined it with the Barnes family lot on one side or the Dixon family lot on the other, those two would include more acreage than the property at 1209 W. 5th. **Any property composed of two shallow lots with less than 20,000 square feet is simply too small to sustain a 120 foot building**, especially when it is so close to an area of single family homes and a historic district. If 1209 W. 5th is allowed to go that high, you will have effectively erased the historically respected distinction between downtown (east of Lamar) and the Old West Austin neighborhood (west of Lamar.)

If this owner were offering a real commitment to residential use, and included affordable housing and other amenities, there would be a reasonable case for exceeding the current 60 foot height cap. **However, the current proposed zoning proposal offers nothing of benefit to the neighbors or the city.** It is all take and no give. Further the idea of granting "residential square footage credit" for a hotel or motel use is simply ludicrous. Hotel uses actually are less compatible with nearby neighborhoods than many office and retail uses.

As a final note, I can assure you that this is not my first venture into land use and zoning. I served a term on the Austin Planning Commission during one of our periodic boom/bust cycles, and over the last 45 years as an attorney I have worked on hundreds of real estate projects, including acting as the City's lead land use lawyer on the 6 block redevelopment around City Hall and the redevelopment of Mueller Airport into Mueller. **I know bad planning and bad land use when I see it. The requested rezoning of 1209 W. 5th is bad planning and bad land use. Please vote against it.**

Sincerely,

James E. Cousar

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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For any additional questions or concerns, contact CSIRT at "[REDACTED]".

From the Home of **Evelyn M. Fujimoto**

19 November 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application
C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

I recently submitted a letter dated 18 November 2024 to the City Council referring to the proposed zoning change for 1209 W. 5th Street. This proposal doubles the allowable building height from 60' to 120', based on the applicant's claim of a "multi-family development." This proposal also permits up to 50% hotel/motel use to satisfy the 70% residential requirement.

I would like to raise further concerns beyond those expressed by OWANA. I reside in a multi-family development with frontage on both W 5th St. and W 6th St., between W Lynn and Pressler streets. W 5th St. is a one way three-lane arterial road serving as a connection between MOPAC and downtown Austin. The street is already heavily congested and will only become busier as developments like the Pearlstone Belvedere (250 units) and the 6th and Blanco redevelopment come on line.

Austin's mass transit system is insufficient to address the areas' increasing traffic demands. Allowing the 1209 W. 5th St. to proceed as currently proposed risks setting a precedent for further high-density developments that will exponentially increase traffic on W 5th St. and adjacent one-way side streets. This will lead to significant, long-term negative impacts on the streetscape and environment of the Clarksville neighborhood.

Specific Concerns:

- **Life Safety:** Wrong-way turns onto W 5th and W 6th Streets from side streets occur frequently, posing daily hazards. Increased traffic will heighten the potential for serious deadly accidents
- **Environmental Impact:** More traffic will increase noise and air pollution, negatively impacting the neighborhood's environment
- **Urban Box Canyon:** Allowing increased vertical density risks creating an 'urban box canyon' along W 5th St., reducing the character
- **Livability Score:** Clarksville's high livability score will significantly decline as density and traffic rise, degrading the quality of life for residents

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623
[REDACTED]

Evelyn M. Fujimoto

I have attached the following documents for your review:

- Photos illustrating the current traffic conditions on W 5th St., outside of rush hour
- Hypothetical impact study showing the effects of a 60' height variance at the site
- Hypothetical impact study showing the effects of a 120' height variance at the site
- Hypothetical impact demonstrating the impact of the precedent of a 120' height variance along W 5th St.

I respectfully request that the Council reconsider their position and deny the zoning request as currently written. Please reject the Li-PDA application and encourage the developer to work with OWANA on a more balanced and thoughtful PDA that respects the desires of the community.

Thank you for considering our position in support of OWANA.

Sincerely,



Evelyn Fujimoto
1501 W. 6th St., Austin, Texas 78703
[REDACTED]
+1.832.648.0623

CC: [REDACTED]
CC: [REDACTED]
CC: [REDACTED]

United States of America

1501 W. 6th Street
Villa West E3
Austin, Texas
78703
+1 832 648 0623
[REDACTED]



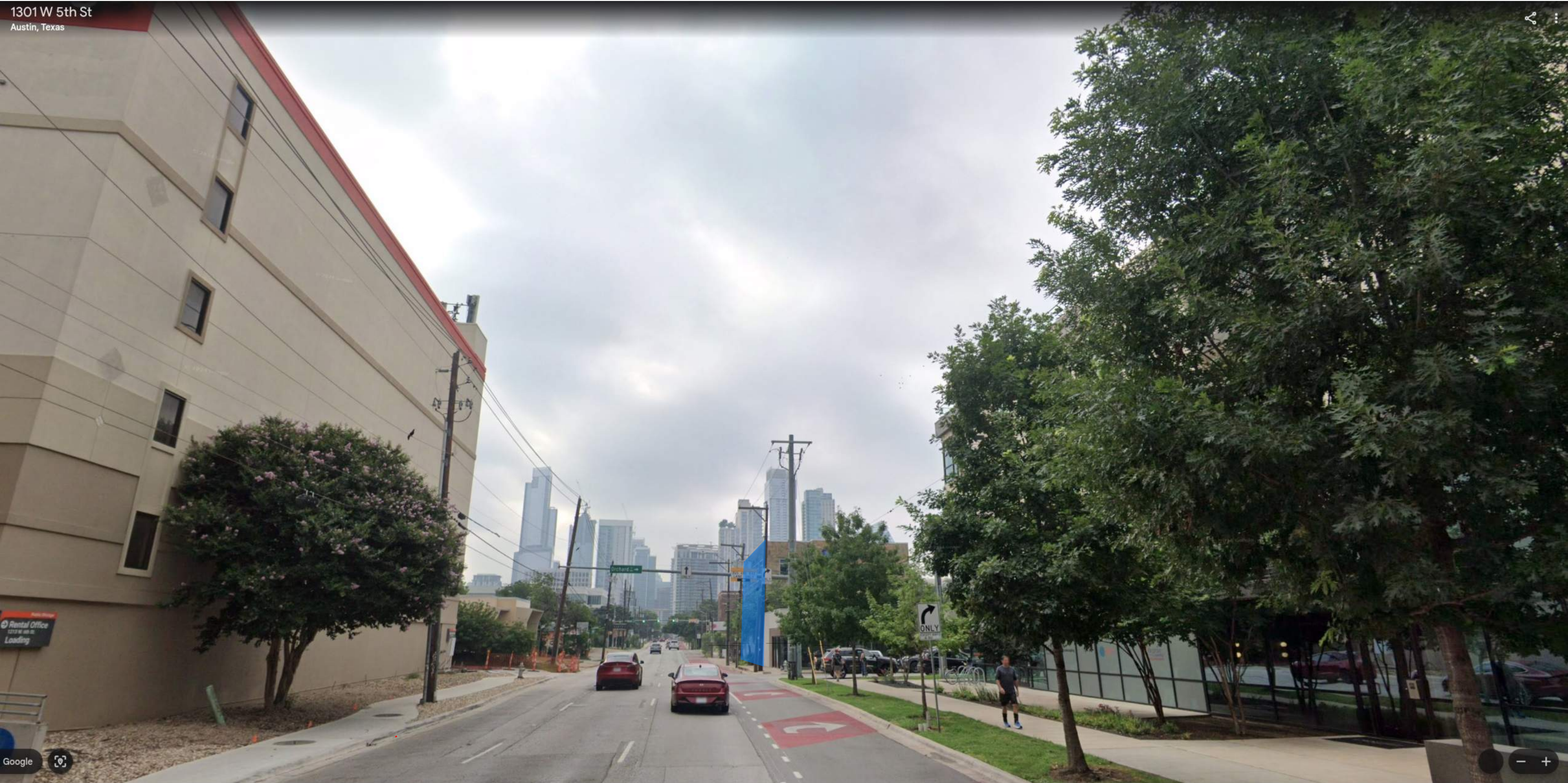
21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Traffic at W 5th St. and Pressler
19 November 2024, 11:00-11:30 AM



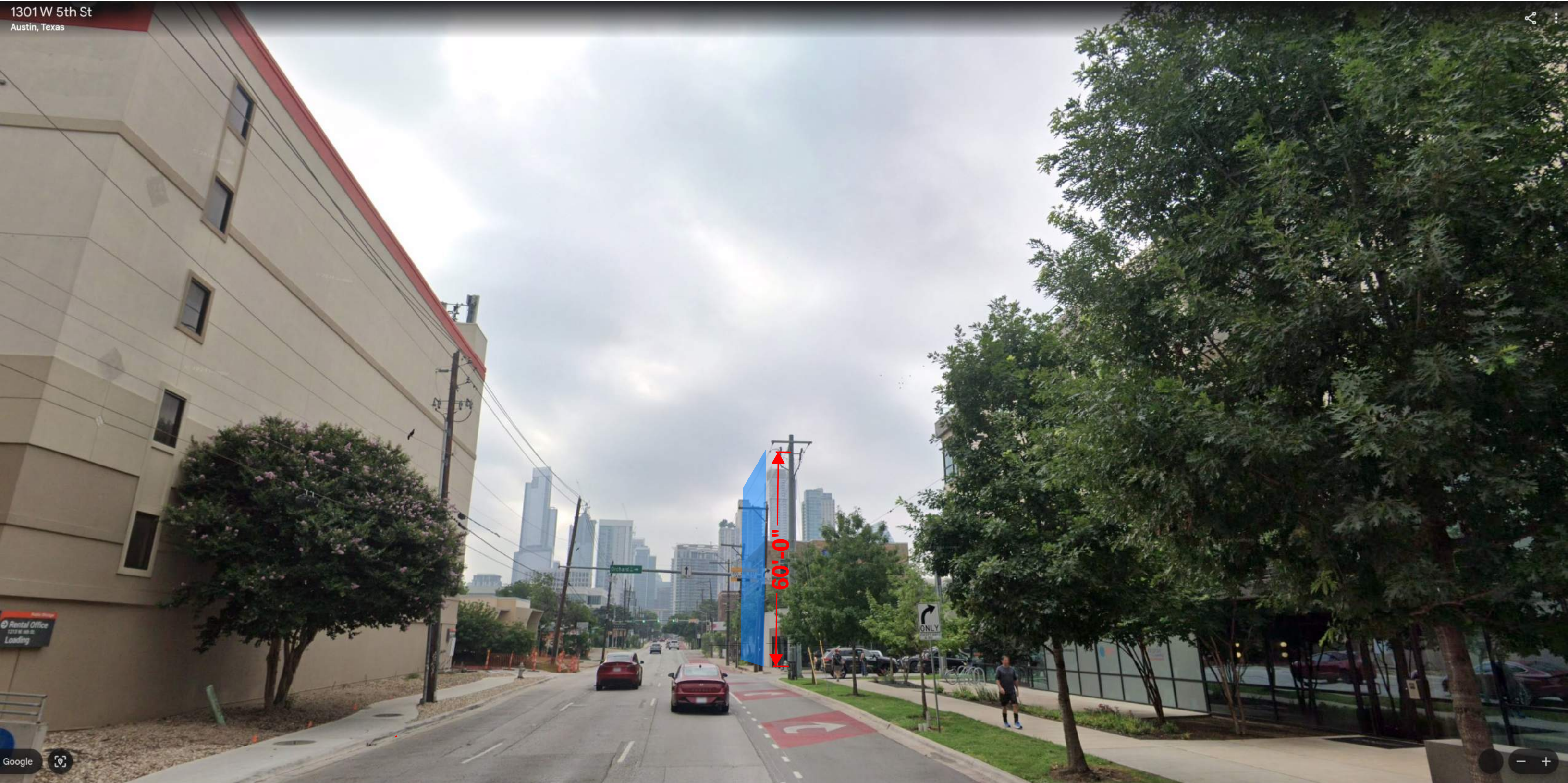
**21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

**View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study**



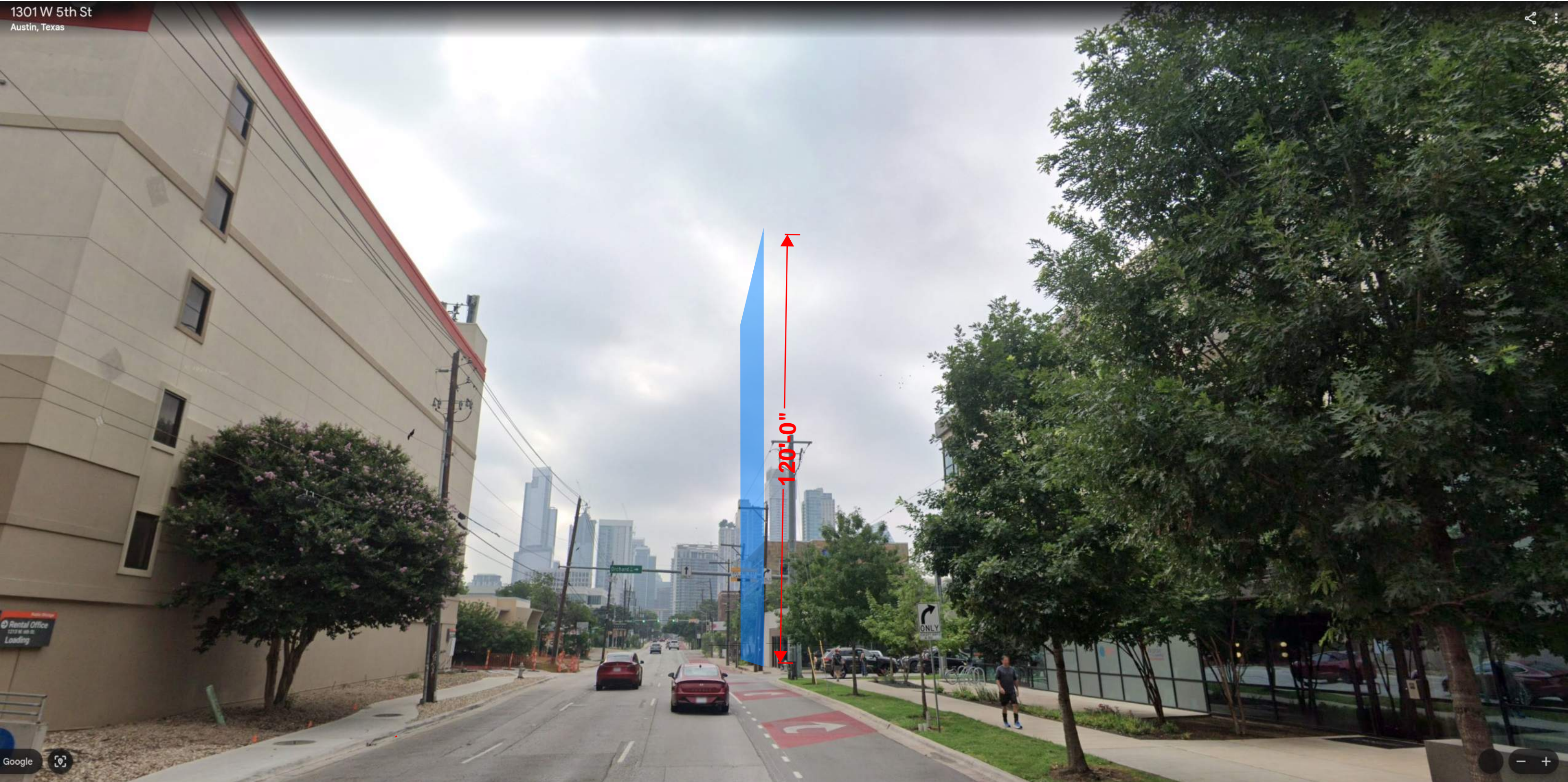
**21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

**View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
Current 1209 W. 5th Street facade identified in blue**



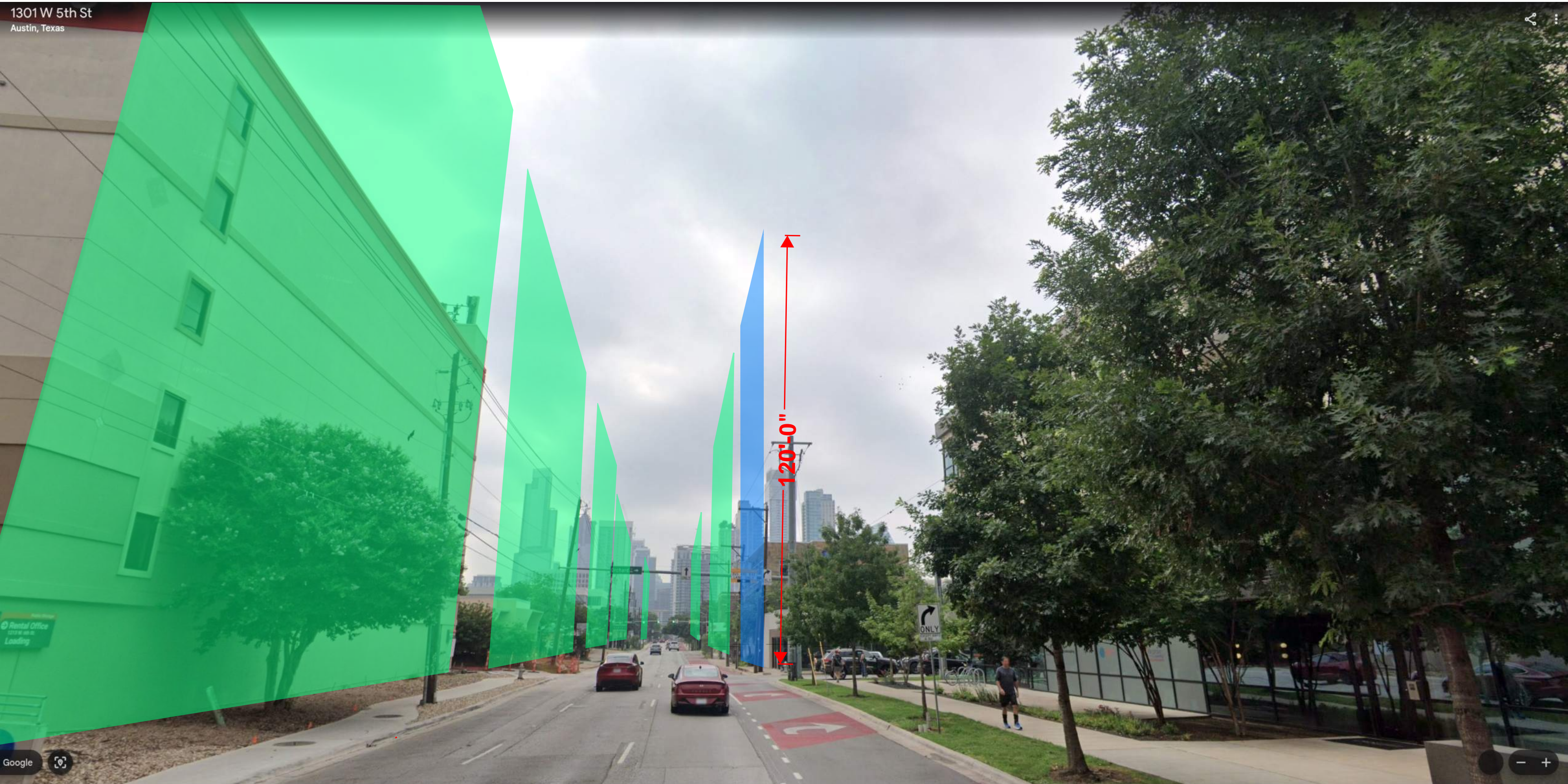
21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street facade identified in blue
60' +/- building facade hypothetical



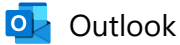
21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street facade identified in blue
120' +/- building facade hypothetical



21 November 2024
Rezoning Application
C14-2024-0007-1209 W 5th Street-Agenda Item 112

View east on W. 5th St. towards Downtown Austin
Hypothetical Impact Study
1209 W. 5th Street 120' +/- facade identified in blue
120' +/- building facades identified in green



Rezoning C14-2024-0007- 1209 W 5th Street

From amy voorhes [REDACTED]
Date Tue 11/19/2024 4:52 PM
To Tomko, Jonathan [REDACTED]
Cc Thomas, Eric [REDACTED]; [REDACTED] <[REDACTED]>

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Dear Mr. Tomko:

Please find attached a letter for the attention of Mayor Kirk Watson and City Council Members regarding Agenda Item 112 on the November 21st Agenda. Kindly confirm receipt upon acceptance.

Thank you in advance for your attention to this matter.

Best,
Amy Voorhes

November 19, 2024

Mayor Kirk Watson and City Council Members
Austin City Council, City Hall, Council Chamber

RE: Rezoning Application - C14-2024-0007-1209 W 5th Street – Agenda Item 112

Dear Mayor Watson and City Council Members:

I am writing to oppose the proposed zoning change for 1209 West 5th Street. As a resident of The Gardens on 1115 West 7 Street, I celebrate the density of Clarksville.

I'm a fan of the 6th and Brazos mixed use complex now under construction, a project that respects Clarksville's urban fabric.

I cannot support the proposed rezoning that would permit a 120' tall hotel complex looming over our neighborhood. The applicant seeks to justify the proposed height restriction exemption by claiming the the proposed hotel is a "multi-family development." But a Hyatt is not a home and hotels are not **multi-family housing**. **The proposal is not compatible with surrounding buildings**. Additional height is tied to affordability components in recent City ordinances, but in this case, the applicant's claim is misleading.

Currently, the project is speculative without a solid design, architect, or developer for a small 20,000 sq. ft. site – no larger than two typical residential lots.

Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. "**Big asks**" require "**big effort**" and real discourse. OWANA has shown how working with developers can mean more quality, thoughtful density in several recent planned projects in the neighborhood. That precedent is incredibly important to protect Austin's future.

If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,

Amy Voorhes
1115 West 7th Street
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".