



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

November 6, 2024

RE: C14-2024-0007- 1209 W 5<sup>th</sup> Street - Agenda Item 45 **UPDATED**

Dear Mayor Watson and City Council Members,

The Old West Austin Neighborhood Association, OWANA opposes the 1209 W 5<sup>th</sup> Street rezoning application from LI-CO-NP to LI-PDA-NP. At this point, representatives for the Owner of 1209 W 5<sup>th</sup> Street have been unable to reach a full agreement with OWANA regarding the site and building standards as well as other conditions of the Planned Development Area (PDA) agreement. The proposed LI-PDA for 1209 W 5<sup>th</sup> Street is asking for an enormous entitlement and agreeing to very little in the way of community benefits and project design. No plan or proposal for conditions of the PDA were presented to the OWANA Zoning Committee at the applicants first meeting in February. At that time there was no developer or architect on board for the project. Our response was that 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 onto the .45 acre lot. OWANA has three other agreements with nearby developments based on PDA zoning that are all greater than twice the lot size of the 1209 W 5<sup>th</sup> Street proposal. Only one of these PDA's will allow height up to 120 feet. The 410 Pressler 120 foot PDA offers many community benefits (see attached) that the 1209 W. 5<sup>th</sup> Street proposal is unable to match due to the small lot size. OWANA can agree to a PDA of 90 feet, with a commitment to residential use and other conditions, based on the small lot size and lack of community benefits and design improvements. Even eTOD limits extra height incentives to 90' from ¼ to ½ mile from the downtown station

The idea behind incentivizing extra height is to gain more housing density that contributes to affordability and features that contribute to a pedestrian oriented walkable environment. It took from February until after the Planning Commission hearing in July for the applicant to shift to the DB90 requirement of 75% pedestrian oriented uses from their proposed 50% uses. In addition, it took until September to commit to 70% residential use as an incentive for extra height. Before

September, the owner was unable to commit to a 70% residential development even though the PDA application states the PDA was intended for multi-family.

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. Our airspace is too valuable. Austin should be requiring many community benefits and design improvements for such a valuable asset.

As a compromise, OWANA would accept a PDA with a height limitation of 90' if there is a commitment to residential use or a PDA with a height limitation of 75' for non-residential use.

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

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

OWANA appreciates your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Hurst', written in a cursive style.

Christopher Hurst, AIA  
OWANA Chair

**C14-2024-0007**

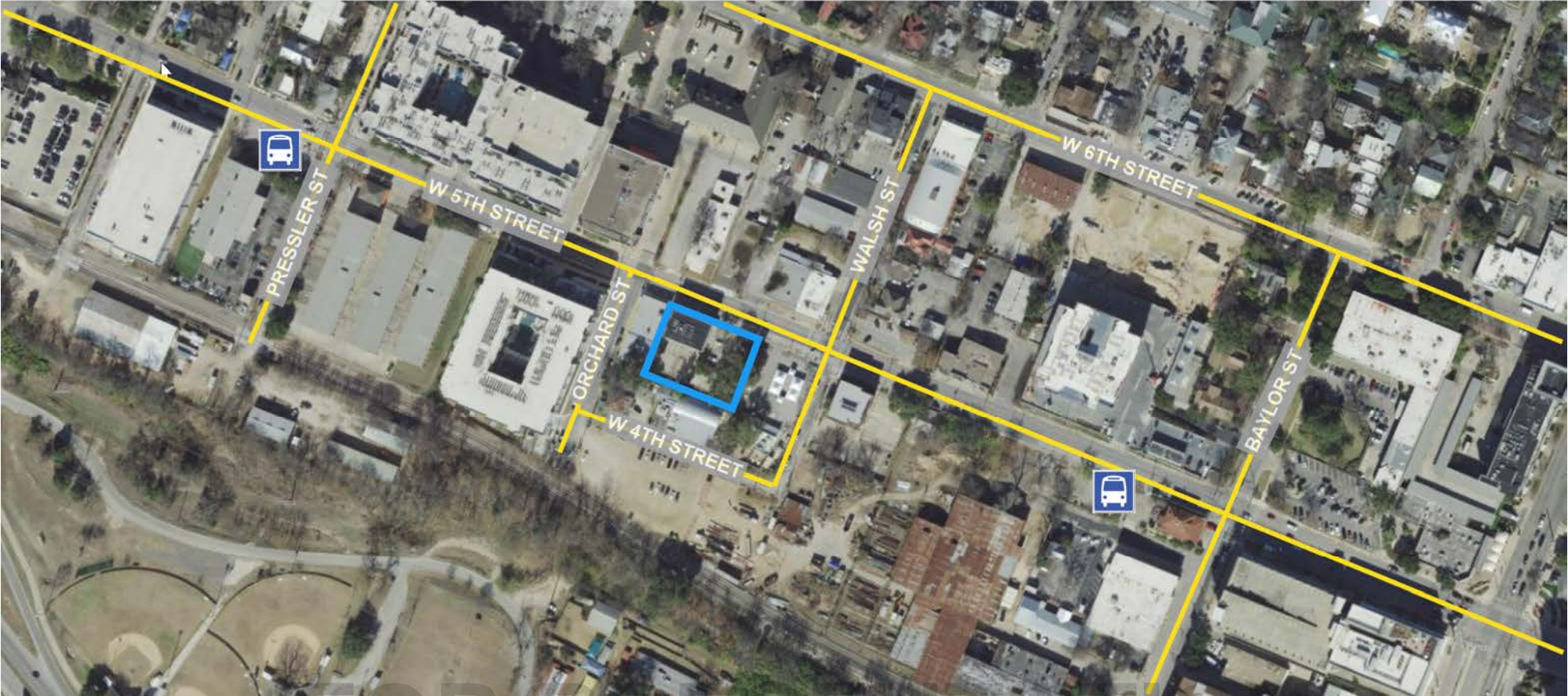
1209 W 5<sup>th</sup> Street

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Old West Austin Neighborhood Association

February 29, 2024

# Site Aerial



FOR PRESENTATION  
PURPOSES ONLY

# Ground Floor Plan

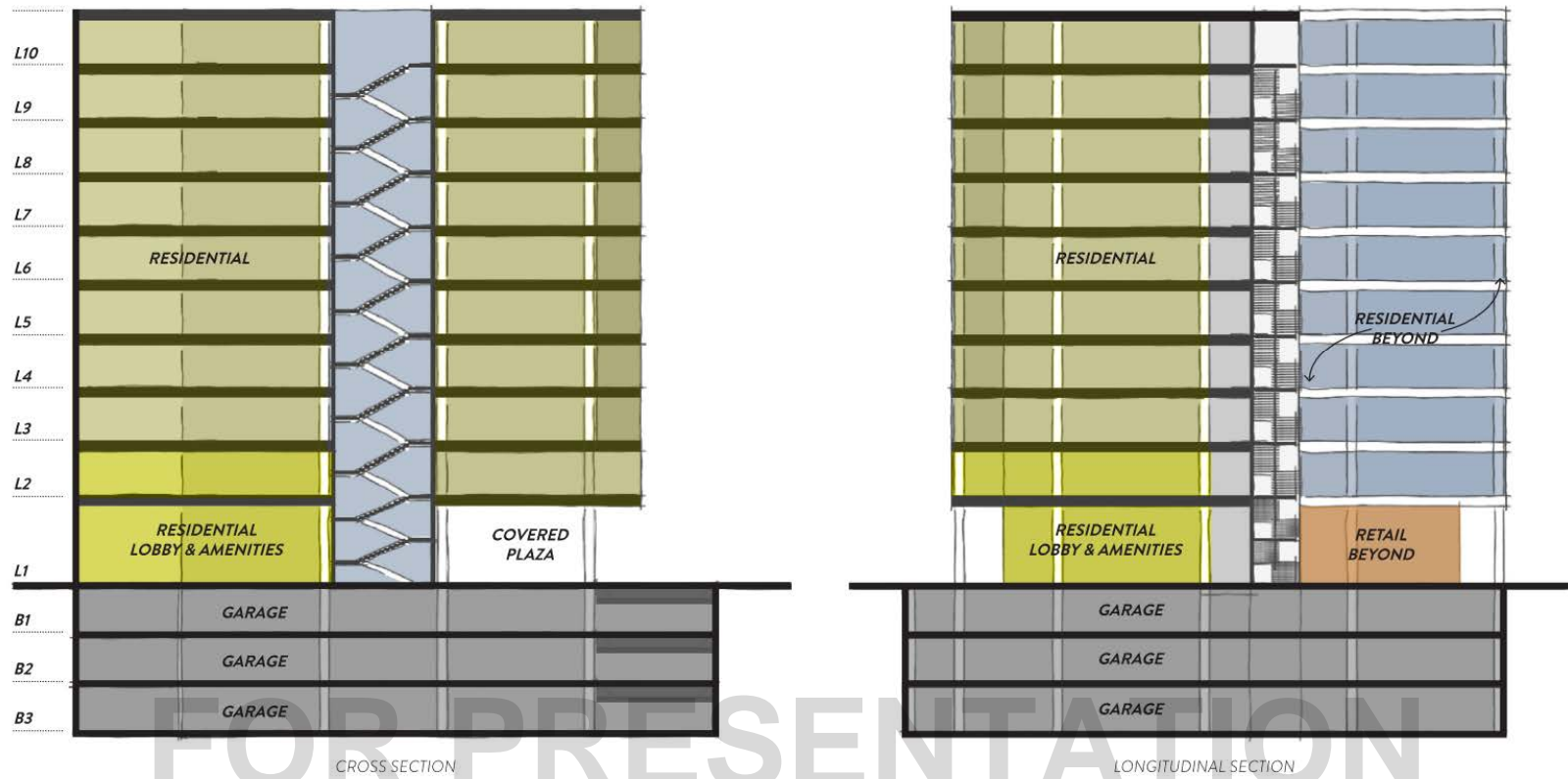
GROUND FLOOR // Residential Concept



FOR PRESENTATION  
PURPOSES ONLY

# Building Section

BUILDING SECTION II Residential Concept



# Exhibit "A"

CHARACTER VIGNETTE // Residential Concept



FOR PRESENTATION  
PURPOSES ONLY

# Exhibit "B"

CHARACTER VIGNETTE // Residential Concept

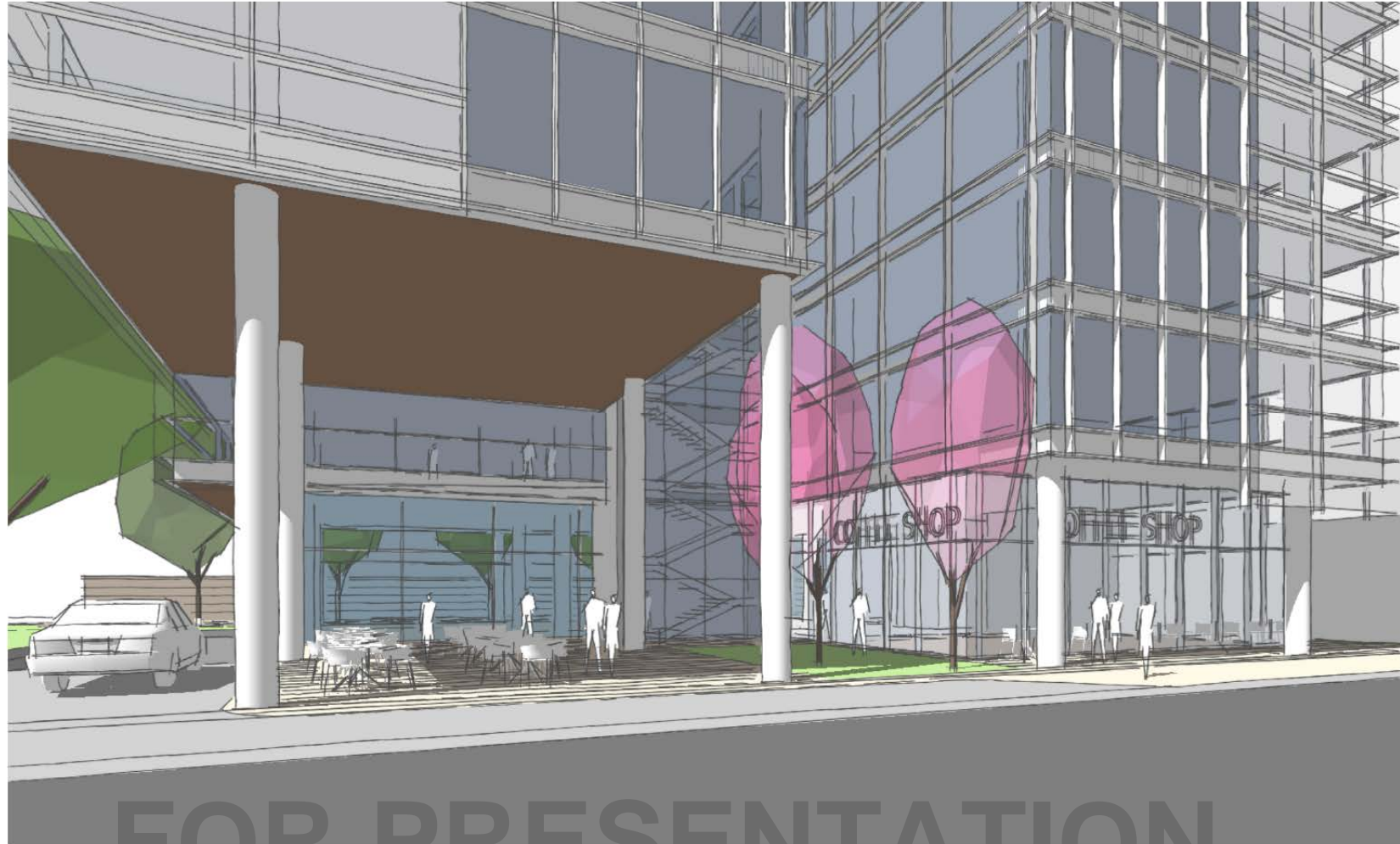


FOR PRESENTATION  
PURPOSES ONLY



# Exhibit "C"

CHARACTER VIGNETTE // Residential Concept



FOR PRESENTATION  
PURPOSES ONLY

## **410 Pressler Neighborhood Benefits**

- 1.** An architect was hired to help determine the project outcome.
- 2.** The lot size is over double the size of 1209 W 9<sup>th</sup> Street.
- 3.** The use will be 70% residential.
- 4.** The lot size allows the building to be stepped back 45 feet before reaching 120 feet letting sunlight reach the street.
- 5.** The streetscape on W 5th Street follows the dimensions for the Great Streets Master Plan.
- 6.** No need for setback requirements as the site is bordered by W 5<sup>th</sup> Street & Pressler, the railroad track, and the fairly recent CubeSmart Storage.
- 7.** All utility lines will be buried.
- 8.** A minimum parking requirement of 250 parking stalls provided.
- 9.** Enhanced pedestrian experience on Pressler connecting to Pearlstone's project to the south creating pedestrian access to Lady Bird Lake.
- 10.** 50% of the façade on Pressler plus 50% of the faced on W 5<sup>th</sup> Streets shall establish and maintain pedestrian oriented uses. Twice as much space for commercial uses that promote businesses necessary to walkable neighbors as the site is bounded by two streets.
- 11.** Agreed to no late night restaurant hours.
- 12.** Agreed to no outdoor amplified sound.
- 13.** All street facing building facades shall be primarily brick or masonry construction. Glass curtain wall (i.e., continuous glass façade) construction may not constitute more than 30% of the façade. In the interest of clarity, there will be no restrictions on windows or punched openings.