

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. 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.

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.

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,  
*Laura Kelso*

Laura Kelso  
901 Blanco Street  
Austin, TX 78703  
512.297.3455

cc: [REDACTED]  
cc: [REDACTED]

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

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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.

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.


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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

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

## Rezoning Application

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

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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:

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.

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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

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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. 10<sup>th</sup> St  
Austin, Texas

  
(512) 289-0325

agenda item 112

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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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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.

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Sincerely,

*Mary Blockley*

Mary Blockley  
702 Brownlee Circle  
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

November 19, 2024

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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

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Austin City Council, City Hall, Council Chamber

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Sincerely,

*Heather Boyce*

Heather Boyce

806 Winflo Drive

Unit 3

Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

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

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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](http://www.hklaw.com)

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

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**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. 5<sup>th</sup>. Thank you.  
James E. Cousar  
1110 W. 7<sup>th</sup> Street,  
Austin, Texas 7870s

To: Mayor and City Council Members  
City of Austin

Re: Opposition to Rezoning of 1209 W. 5<sup>th</sup> 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. 5<sup>th</sup> 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. 5<sup>th</sup>- 6<sup>th</sup> 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. 5<sup>th</sup>.**

My family home at 1110 W. 7<sup>th</sup> is one block over and two blocks north of 1209 W. 5<sup>th</sup>. 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. 5<sup>th</sup>. **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. 5<sup>th</sup> 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. 5<sup>th</sup> is bad planning and bad land use. Please vote against it.**

Sincerely,

James E. Cousar

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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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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. 5<sup>th</sup> 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 5<sup>th</sup> St. and W 6<sup>th</sup> St., between W Lynn and Pressler streets. W 5<sup>th</sup> 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 6<sup>th</sup> and Blanco redevelopment come on line.

Austin's mass transit system is insufficient to address the areas' increasing traffic demands. Allowing the 1209 W. 5<sup>th</sup> St. to proceed as currently proposed risks setting a precedent for further high-density developments that will exponentially increase traffic on W 5<sup>th</sup> 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 5<sup>th</sup> and W 6<sup>th</sup> 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 5<sup>th</sup> 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. 6<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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. 6<sup>th</sup> St., Austin, Texas 78703  
[REDACTED]  
+1.832.648.0623

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

*United States of America*

1501 W. 6<sup>th</sup> 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**



1301 W 5th St  
Austin, Texas

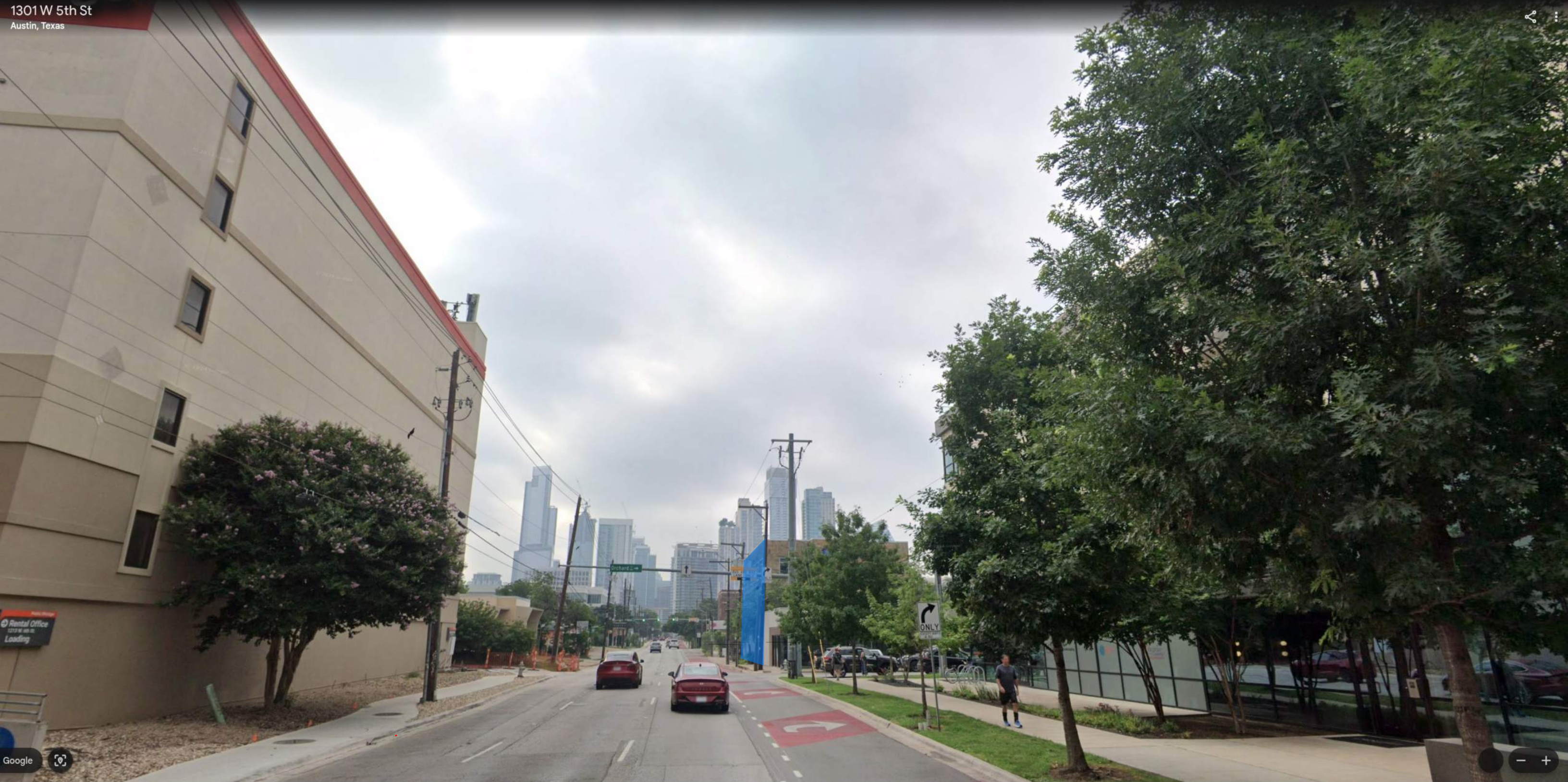


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Rezoning Application  
C14-2024-0007-1209 W 5th Street-Agenda Item 112

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



1301 W 5th St  
Austin, Texas



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



1301 W 5th St  
Austin, Texas

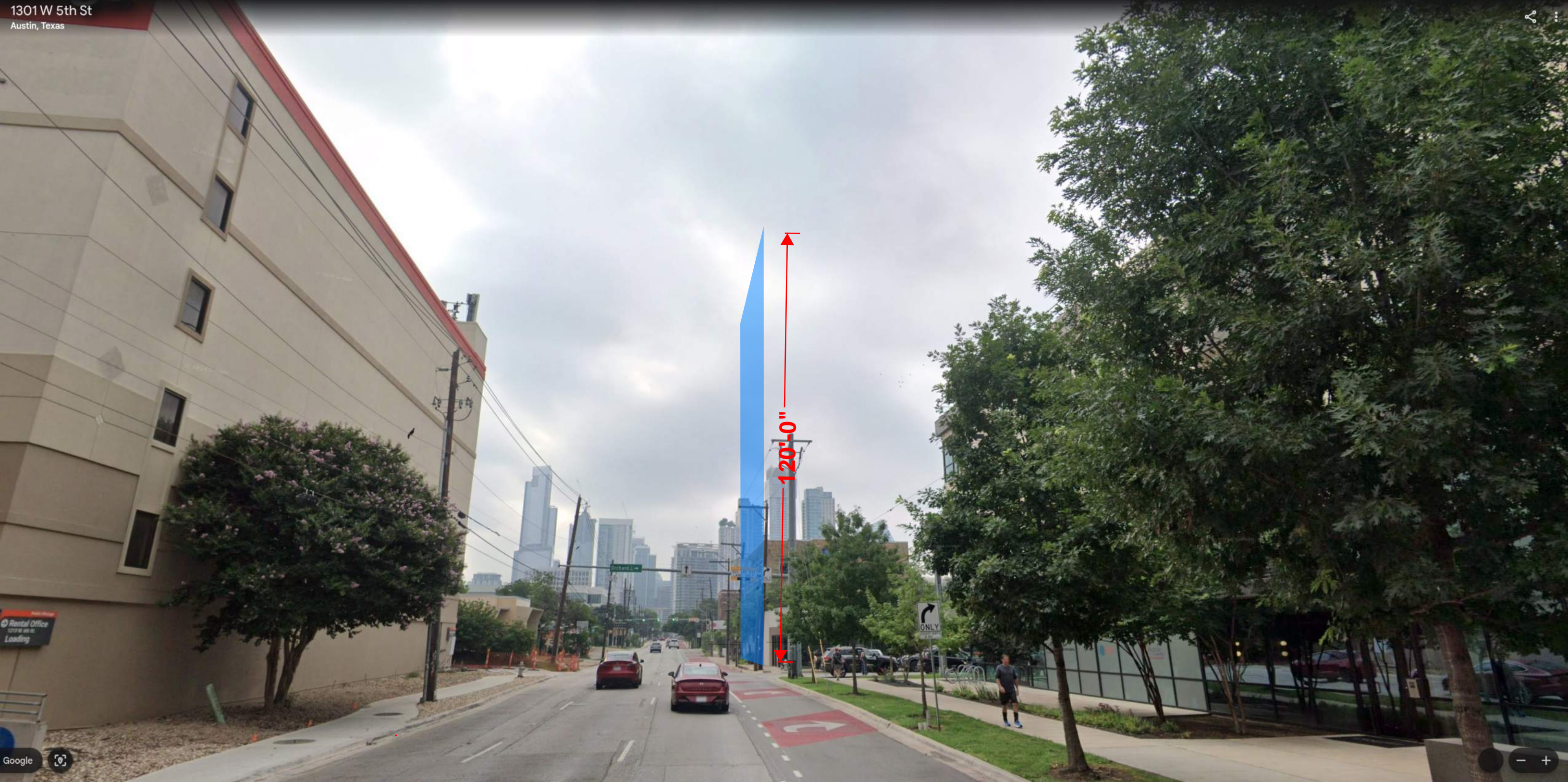


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Rezoning Application  
C14-2024-0007-1209 W 5th Street-Agenda Item 112

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



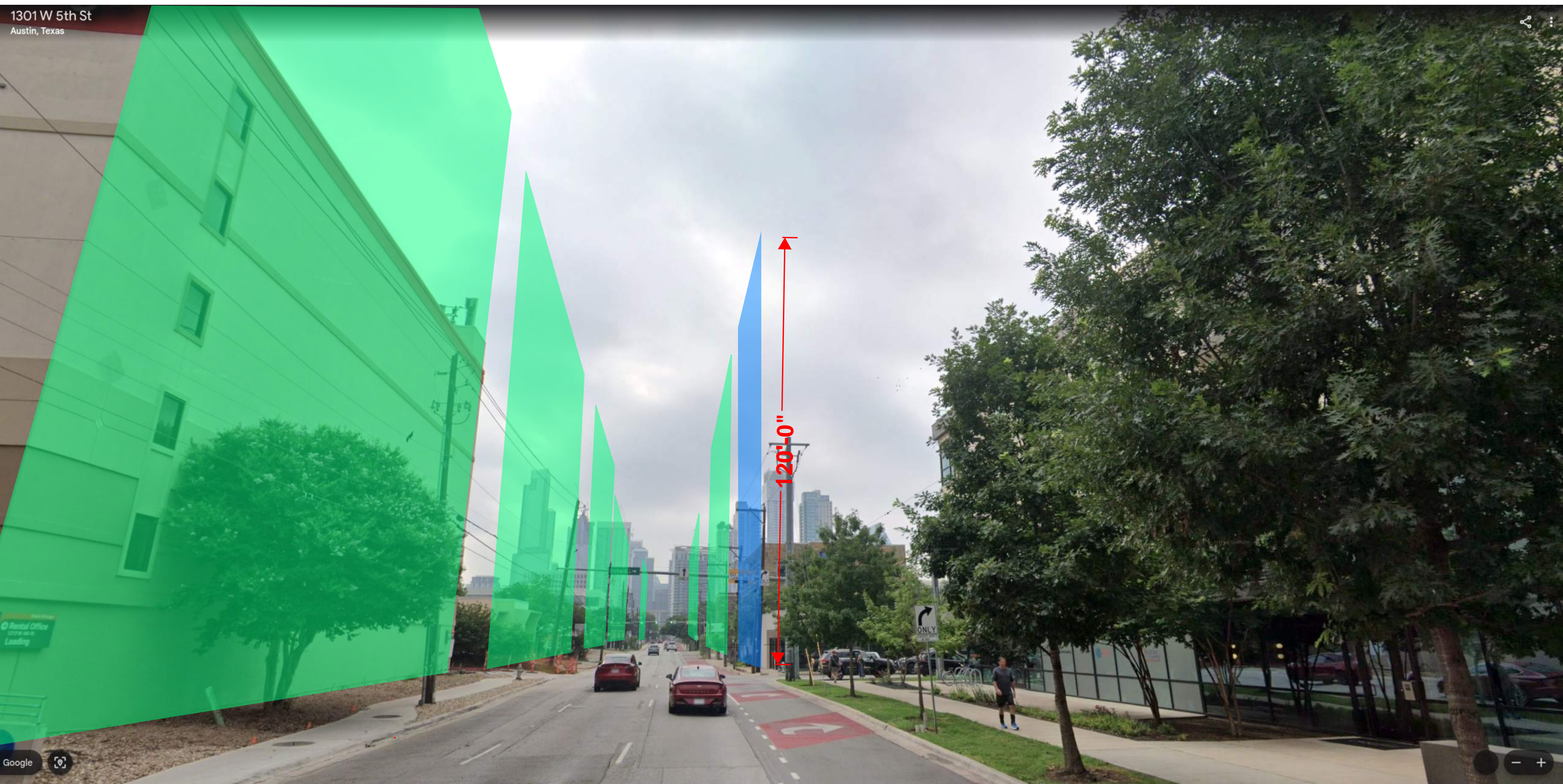
1301 W 5th St  
Austin, Texas



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



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

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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

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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]".