

## **Additional Comments Received on 1209 West 5<sup>th</sup> Street (C14-2024-0007)**

Email from Andrea 11/16 7:06am

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,

Andrea

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Email from Lynne Rupp 11/16 10:27am

November 16, 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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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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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,

*Lynne Rupp*

*1115 W. 11<sup>th</sup> St. Unit 1*

*Austin, TX 78703*

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Email from Jacqueline Stone on 11/16 12:55pm

November 16, 2024

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

Re: Rezoning Application - C14-2024-0007-1209 W 5th St - 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' of 120' based on the applicant's claim of a "multi-family development." This approved zoning change also allows up to 50% hotel/motel use to satisfy the 70% residential requirement. Their proposed development is not multi family housing and it is not compatible with the surrounding buildings. In recent City ordinances, additional height is tied to affordability components. In this case the applicants claims are misleading.

The small 20,000 square foot site is about the size of two typical residential lots. Currently, the project is speculative and OWANA has been trying to work with the applicant for ten months to negotiate for some restrictive covenants. In the midst of these negotiations the applicant signed agreements with Council Member Zo and two third party contractors without including OWANA in the process.

It appears that City Council is on track to approve this rezoning allowing the doubling of height of a building 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.

If no agreement is reached with OWANA, we urge 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,



Jacqueline Stone  
1207 Lorrain St #3  
Austin, TX 78703

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Email from Christine Buendel on 11/16 at 1:48pm

November 16, 2024

VIA email to  
Mayor Kirk Watson and City Council Members

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 this action 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.

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 and respect neighborhoods.

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,

Christine Buendel  
1403 Marshall Lane  
Austin, TX 78703

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Email from David and Sara Jo Belknap 11/16 3:47pm

November 16, 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:

Having lived on “Main Street” Old West Austin (West Lynn St) Since the mid-1970s we are well aware of CHANGE. For the most part it is great to live in the heart of Austin and experience all the good things that come from change.

However, when we heard that last Thursday, the City Council approved the first reading of a zoning change for 1209 W. 5th Street, doubling the allowable building height from 60’ to 120’ we were appalled. The cutoff of the downtown high-rise development at Lamar seems to make a lot of sense to us.

Apparently, the changes are based on the applicant’s claim of a “multi-family development.” We are not against multifamily development as we know how wonderful this area it is to live in.

Providing housing, affordable or not, has long been going on in our neighborhood. We are disappointed that the developer sidestepped OWANA in any communication or negotiation in his planning process and so has failed to work in good faith with the major stakeholder group. We are even more disappointed that the Council has approved the proposal in its first reading.

We thank Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly for voting against the proposal and are disappointed that 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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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,

David & Sara Jo Belknap

909 West Lynn St

Austin, Texas 78703

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Email from Louis Rigler 11/16 7:17pm

November 17, 2024

Mayor Kirk Watson and City Council Members (especially Zo!)

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 reside in Clarksville, the actual neighborhood, not the greater area labeled as such for marketing purposes. An Austin citizen of over 50 years, I have owned my home here in Clarksville for going on 35 years. I am **not** in support of the action discussed below. For that matter, do I think highly of the free-for-all growth being pushed upon this city by council's actions of late. That said, I have no illusion that you care what I think, but OWANA and others at least try – so I support their effort.

Louis Rigler

1103 Toyath St.

Austin TX 78703

From OWANA:

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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.**

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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.

*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.*

Louis Rigler

1103 Toyath Street

Austin, Texas 78703

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Email from Heather King on 11/17 at 8:08am



November 17, 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,

Heather King, MD

Heather King  
1010 West 10th Street, #303  
Austin, Texas 78703

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Email from Kyle McCollum 11/17 at 12:02pm

November 17, 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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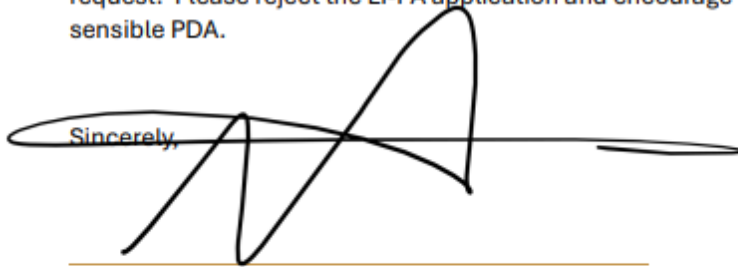
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If no agreement is reached with OWANA, we urge the City Council to deny the zoning request. Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA.

Sincerely,



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**Kyle McCollum, AIA, NCARB**  
Architect & Principal

1300 West Lynn St., #110  
Austin, TX 78703

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Email from Sylvia Sharplin 11/17 at 2:25pm

November 17, 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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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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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,

Sylvia Sharplin

Sylvia Sharplin

For Dan & Sylvia Sharplin

1105 W 10th

Austin, Texas 78703

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Email from Nancy McCollum 11/17 at 2:50pm

November 17, 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,

A handwritten signature in black ink, appearing to be 'Nancy McCollum', followed by a horizontal line extending to the right.

Nancy McCollum

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Email from Paula Hern 11/17 at 3:29pm

November 17, 2024

Mayor Kirk Watson and City Council Members

Austin City Council, City Hall, Council Chamber

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

Dear Mayor Watson and City Council Members:

My name is Paula Hern and I live at 1707 Francis Ave., close to the proposed rezoning site being considered at 1209 W. 5th Street. I am also on the Steering Committee for OWANA and so am aware of the continued negotiations that have taken place between the neighborhood and the owners of the site and proposed rezoning. I am opposed to the increased building height from 60’ to 120’. There appears to be no affordable housing component and the owner seems unable to provide any design plans, architect or developer for this relatively small site. The height is



incompatible with the neighborhood and location. The stated purpose is nebulous and does not offer the city or neighborhood anything definite or of value to then give the owner carte blanc in developing this site. I urge you to not consider the owner's request and approve the increased height. I also urge you to ask the owner to negotiate with the neighborhood organization and comply with the neighborhood plan the city has previously agreed to.

Respectfully submitted,

Paula Hern

1707 Francis Ave.

Austin, Texas 78703

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Email from John O'Brien 11/17 6:52pm

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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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 and without a solid design, architect, or developer. It's 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 presentations have been through their agent.

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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,



John O'Brien  
723 Patterson Ave  
Austin, TX 78703

Email from Mark Banghart 11/17 at 7:28pm

November 17, 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,

Mike Banghart

800 Winflo Drive

Austin, Texas 78703

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Email from Laura Smith on 11/17 at 8:34pm

November 17, 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 would also allow 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 to be satisfying the affordable residential requirements is spurious.

I know the city is trying to increasing housing so that more people can afford to live here. I am lucky to have lived here for 50 years, and to have lived in the house my husband bought more than 40 years ago. But our grown married children cannot afford Austin, like so many thousands of others. So I am supportive of efforts to increase actual affordable housing. But counting hotel rooms towards residential requirements does nothing to help the housing crisis. It's just like the short-term rental explosion that has made so many former residences unavailable to people who otherwise could have lived here.

Thank you, Mayor Watson, and Council Members Alter and Kelly, for recognizing the speculative nature of this project, and its lack of required multi-family housing, and voting against it on first reading. I am most distressed that our own City Councilmember Quadri not only voted for this, but actually brokered an agreement without involving the neighborhood association OWANA, which has been trying to work in good faith with the developer and the councilman for months. Granting this application to double the height of the building allowed

under current zoning and allowing the applicant to count hotel space as part of “residential” requirements would set a terrible precedent for the city. I ask that all of you, including Mr. Qadri, reevaluate your earlier votes and oppose this proposal at next Thursday’s scheduled 2nd and 3rd readings, as Mayor Watson and Councilmembers Alter and Kelly did on first reading.

Sincerely,

Laura Smith

700 Baylor Street

Austin,Tx. 78703

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Email from Mike Banghart 11/18 at 5:29am

November 17, 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,

Mike Banghart

800 Winflo Drive

Austin, Texas 78703

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Email from Jane Baxter Lynn on 11/18 at 6:54am

November 18, 2024

Mayor Kirk Watson and City Council Members  
Austin City Council, City Hall, Council Chamber  
cc: [eric.thomas@austintexas.gov](mailto:eric.thomas@austintexas.gov)  
cc: [zoning@owana.org](mailto:zoning@owana.org)

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

Dear Mayor Watson and City Council Members:

Last Thursday, as you are aware, 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 proposed change also allows up to 50% hotel/motel use to satisfy the 70% residential requirement.

As concerned citizens, we ask that the Council recognize that **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. However, 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.

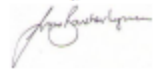
Doubling allowable height and changing zoning, particularly in some of the most historic areas in Austin, requires a thoughtful planning process and genuine neighborhood/city benefits. "Big asks" require "big effort" and real discourse. OWANA has shown how working with developers can mean more quality,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

Since February, our neighborhood association, OWANA, has made attempts to finalize negotiations for a covenant with the applicant. The owner has not attended an OWANA meeting and discussions have been with their agent. Instead, the applicant signed agreements with two third-party contractors, brokered with Council Member Zo, who voted for the application, all of which was without informing or including OWANA in the final negotiation process. OWANA only received copies of these agreements a week after the Council's first reading. In addition, 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, which will set a dangerous precedent not only for OWANA but for all of Austin. It would encourage developers to bypass neighborhood involvement and negotiate third party agreements with Council Members.

OWANA will meet with Council Member Zo on Monday and is scheduling a meeting with the Mayor's Office. **We urge the City Council to deny the zoning request and reject the LI-PA application, and encourage the developer to work with OWANA on negotiating a sensible PDA before moving forward.**

Sincerely,



Frank and Jane Lynn  
616 Pressler Street  
Austin, Texas 78703

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Email from Steve Amos on 11/18 at 7:31am

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:

Since 1988, I've lived on Waterston Avenue, moving down from NYC, to join GSD&M. In a nutshell, this is home. I love Austin, including it's growth.

As we grow, we need to focus on "building community", which includes:

- design as supported by the OWANA Steering Committee;
- policies with teeth that provide affordable housing within Austin's core – supporting our city employees, school teachers, musicians/artists, and service workers.

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.

Thank you Mayor Kirk Watson, Council Members Alison Alter, and Mackenzie Kelly for showing your support for Austin's neighborhoods and "building" vs destroying community by voting against the proposal.

I am sad and extremely disappointed that our district representative, Council Member Zo Qadri, voted in favor of this ill-conceived variance request.

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,

Steve Amos

1607 Waterston Avenue

Austin, TX 78703

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Email from Evelyn Fujimoto from 11/18 8:01am

18 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:

The City Council recently 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 permits up to 50% hotel/motel use to satisfy the 70% residential requirement. **This is not multi-family housing and is incompatible 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 Qadri, 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 attended a meeting; all communication has been through their agent.

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

OWANA will meet with Council Member Qadri on Monday and is scheduling a meeting with the Mayor’s Office.

The 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 with genuine neighborhood/city benefits. "Big asks" require "big effort" and real discourse. OWANA has shown how working with developers can result in higher 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.

Thank you for considering our position in support of OWANA.

Sincerely,



Evelyn Fujimoto  
1501 W. 6<sup>th</sup> St., Austin, Texas 78703

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Email from Germaine Curry on 11/18 from 8:44am

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,

Germaine Curry

1714 Palma Plaza

Austin, TX 78703

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Email from Margaret Sullivan on 11/18 at 9:32am

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:

I was born and raised in the Old West Austin neighborhood and am fortunate enough to currently live within OWANA boundaries. I now have my own baby girl who was born and is being raised within OWANA boundaries. I am writing to you as a life-long resident with direct interest in protecting my and my daughter's neighborhood from landowners wanting to maximize their payout while offering NO community benefit.

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. OWANA 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, I 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,



Margaret Sullivan  
1718 Palma Plz  
Austin, Texas 78703

Emal from Kathleen Deaver on 11/18 at 10:13am

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,

Kathleen Deaver

606 Highland Ave 78703

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Email from Nancy Risk on 11/18 at 11:31am

November 18, 2024

Dear Mayor Watson & 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. As I longtime resident in the area who will be affected by these changes, + a member of our neighborhood association Owana; I am against this zoning change. [As an aside, this is a significant zoning change & all residents in the neighborhood should have been given notice.] In my opinion, allowing these changes will be detrimental to our neighborhood.

My objections:

1. This developer's plan is not multi-family housing, & is not compatible with surrounding buildings. Additional height is tied to affordability components in recent City Ordinances. In this particular situation, the applicant's claim is misleading. Thank you, Mayor Kirk Watson, along with Council Members Alison Alter and Mackenzie Kelly, for voting against the proposal. As I understand, **District Representative Council Member Zo Qadri voted in favor of the proposal. Shouldn't he have asked us our opinions?**
2. 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, of 2024. Instead of working with us, 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 of this has been through their agent.
3. 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.**
4. 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 genuine thoughtful 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.
5. Our local elementary school, Mathews Elementary, will be significantly affected by the increase in traffic, density and noise.

If no agreement is reached with OWANA, we urge the City Council to deny this zoning request. Please reject the LI-PA application. I also request City Council Member Wo Qadri recuse himself from any further voting on this matter. It seems to me that the developer has worked behind the scenes to bring a

vote to City Hall. This is just wrong. They should want to work with our homeowner's association on a sensible PDA.

Thank you for considering my opinions.

Nancy Risk  
1204 Lorrain St  
Austin, TX 78703

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Email from Miguel Rivera on 11/18 at 12:27pm

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:

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.

I have been a speaker on several planning commission meetings including the last City Council meeting.

In general, developers mention the possibility or option of affordable housing on a property and almost automatically they are given their zoning change with additional height without assurances of providing it. OWANA is looking for a language that give the height if you provide the affordable housing and a restriction of a lower height if you do not.

That is common sense.

We can't give them 120ft and put an office building or a hotel.

It could be the case that they never do affordable housing. WE NEED TO STOP THIS.

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).

Just the idea that the developer is negotiating with a 3<sup>rd</sup> party and with no inclusion of OWANA, with no transparency, all behind doors is not very troublesome, specially when we have reach out in good faith.

This is what I also send to you last August 26:

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

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Email from Beverly Dunn on 11/16 at 8:54am

November 16, 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:

For the following reasons, I oppose your recent approval of 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.

One of my concerns is the lack of true planning or expectation of such from your staff. The land between Lamar and Mopac is NOT downtown (which has become an embarrassment to the city on 6th St. from I35 to Lamar) . Please protect one of the last neighborhoods near downtown, by requiring reasonable standards, professionalism, and transparency from the applicant. Remember, there's a small K-5 school nearby, and we want to continue to attract families to the area.

This change 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.

Lack of truthfulness is wearing people down across this country and in our city. Please use your own barometer to assess situations that don't seem "right" and respect the work of neighborhoods who are trying to exist AND allow reasonable development.

Thank you for considering my viewpoint ,

Beverly Dunn

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Email from Mary Reed on 11/18 at 1:49pm

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.

Currently, the project is speculative and lacks a solid design, architect, or developer. Furthermore, it will sit on a small 20,000 sq. ft. site, which is no larger than two typical residential lots. Since February OWANA has attempted to finalize negotiations for a covenant with the applicant. Instead, the applicant signed agreements with two third-party contractors, agreements that were brokered by Council Member Zo. This was done without including OWANA in the final negotiation process much less notifying the organization! In fact, OWANA only received copies of these agreements a week after the Council's first reading!

As of now, Council is on track to approve this requested rezoning with the additional height without any accountability to OWANA and the residents of Old West Austin. If approved, the Council's decision will set a dangerous precedent, not just for OWA but for all Austin neighborhoods because it will encourage other developers to bypass neighborhood organizations and involvement and negotiate third party agreements brokered by Council Members.

Please reject the LI-PA application and encourage the developer to work with OWANA on a sensible PDA. The organization has a solid record of working with developers to create good quality, thoughtful density in Old West Austin.

Sincerely,

Mary Reed

1101 Charlotte Street

Austin, TX 78703

512 657 5289

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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:

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.

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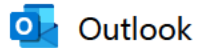
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Sincerely,

Kate O'Neill  
1510 W. 10<sup>th</sup> St  
Austin, Texas

  
(512) 289-0325



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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] <[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

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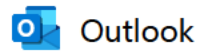
Sincerely,  
Monica Humphries  
702 Baylor  
Austin, Texas  
78703



Sent from my iPad

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





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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 lailacd@gmail.com. [Learn why this is important](#)

External Email - Exercise Caution

November 19, 2024

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Austin City Council, City Hall, Council Chamber

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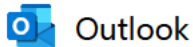
Sincerely,

*Catherine Daniell*

1505 Palma Plaza

Austin, TX 78703

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## 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> ]

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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!  
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Sent from my iPad

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Sincerely,

*Mary Blockley*

Mary Blockley  
702 Brownlee Circle  
Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

November 18, 2024

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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

---

From Monica Humphries <[REDACTED]>

Date Mon 11/18/2024 7:44 PM

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

Cc <[REDACTED]>

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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

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Austin, TX 78703

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1510 W. 10<sup>th</sup> St  
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## agenda item 112

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Date Tue 11/19/2024 12:05 PM  
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[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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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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*Joshua A King*

Joshua King

806 Winflo #3

Austin, Texas 78703

[REDACTED]

cc: [REDACTED]

cc: [REDACTED]

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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.

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,

*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]>

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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)

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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 o 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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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. 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]

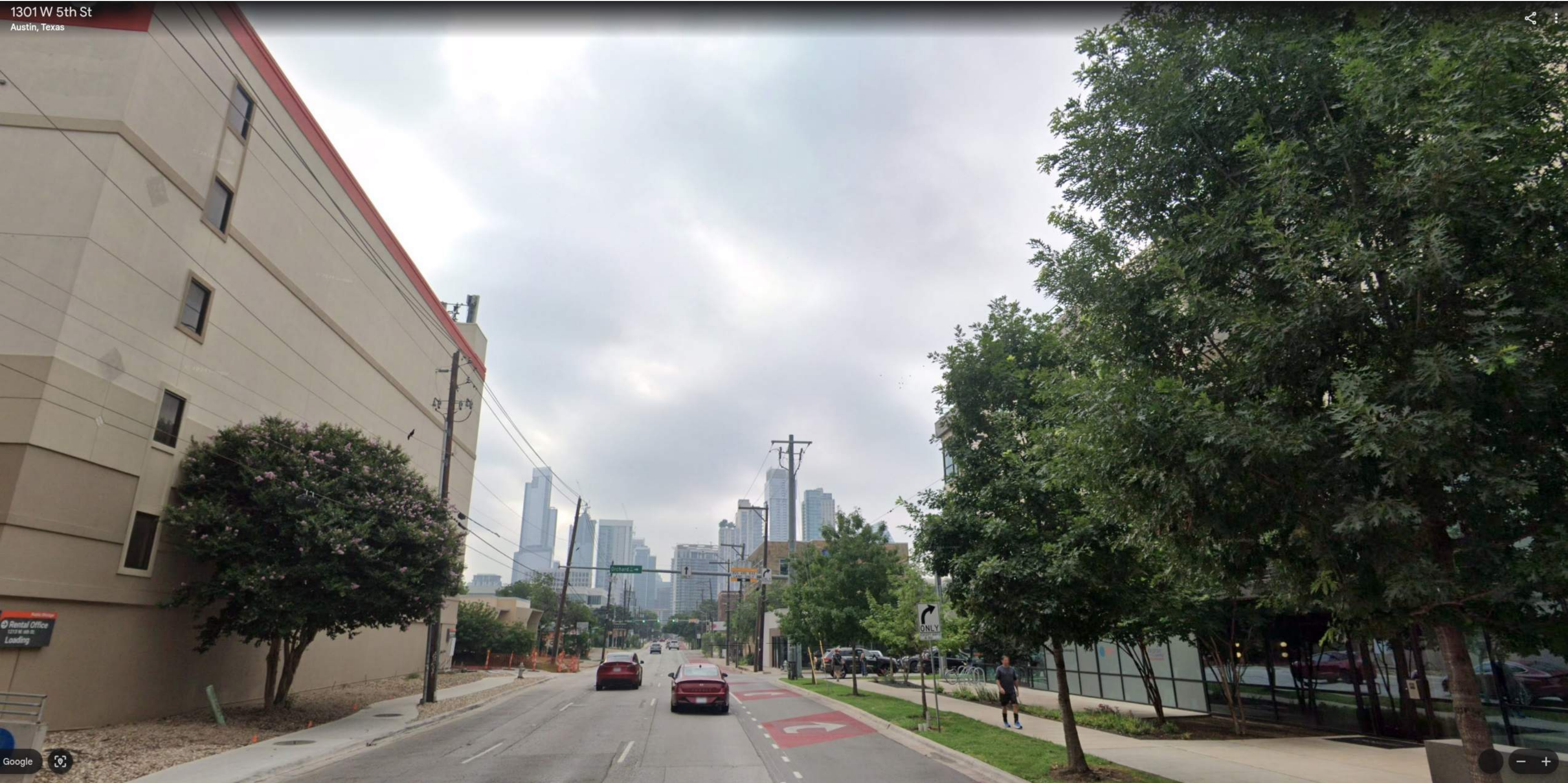
*United States of America*

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**

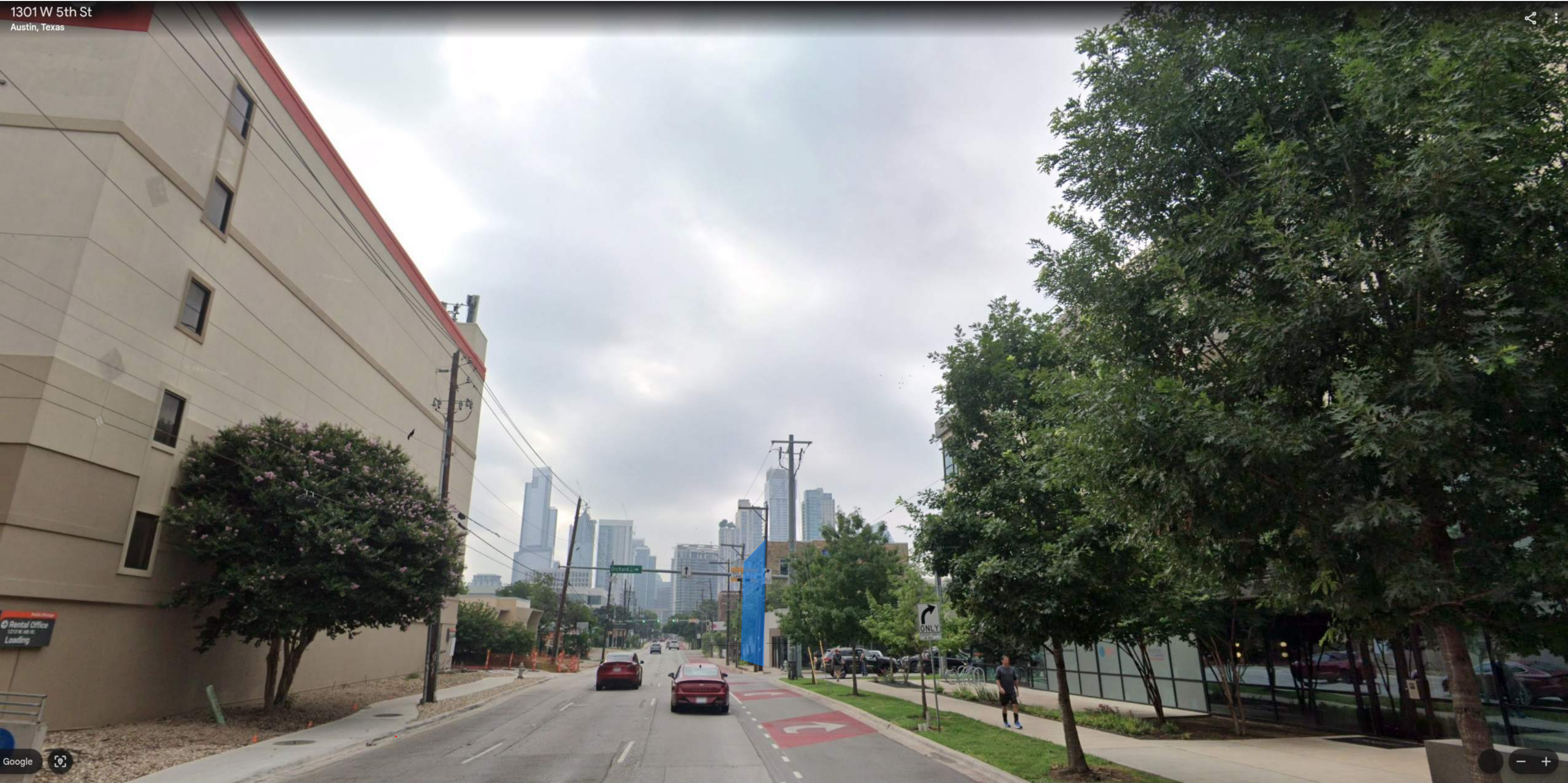
**View east on W. 5th St. towards Downtown Austin  
Traffic at W 5th St. and Pressler  
19 November 2024, 11:00-11:30 AM**



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

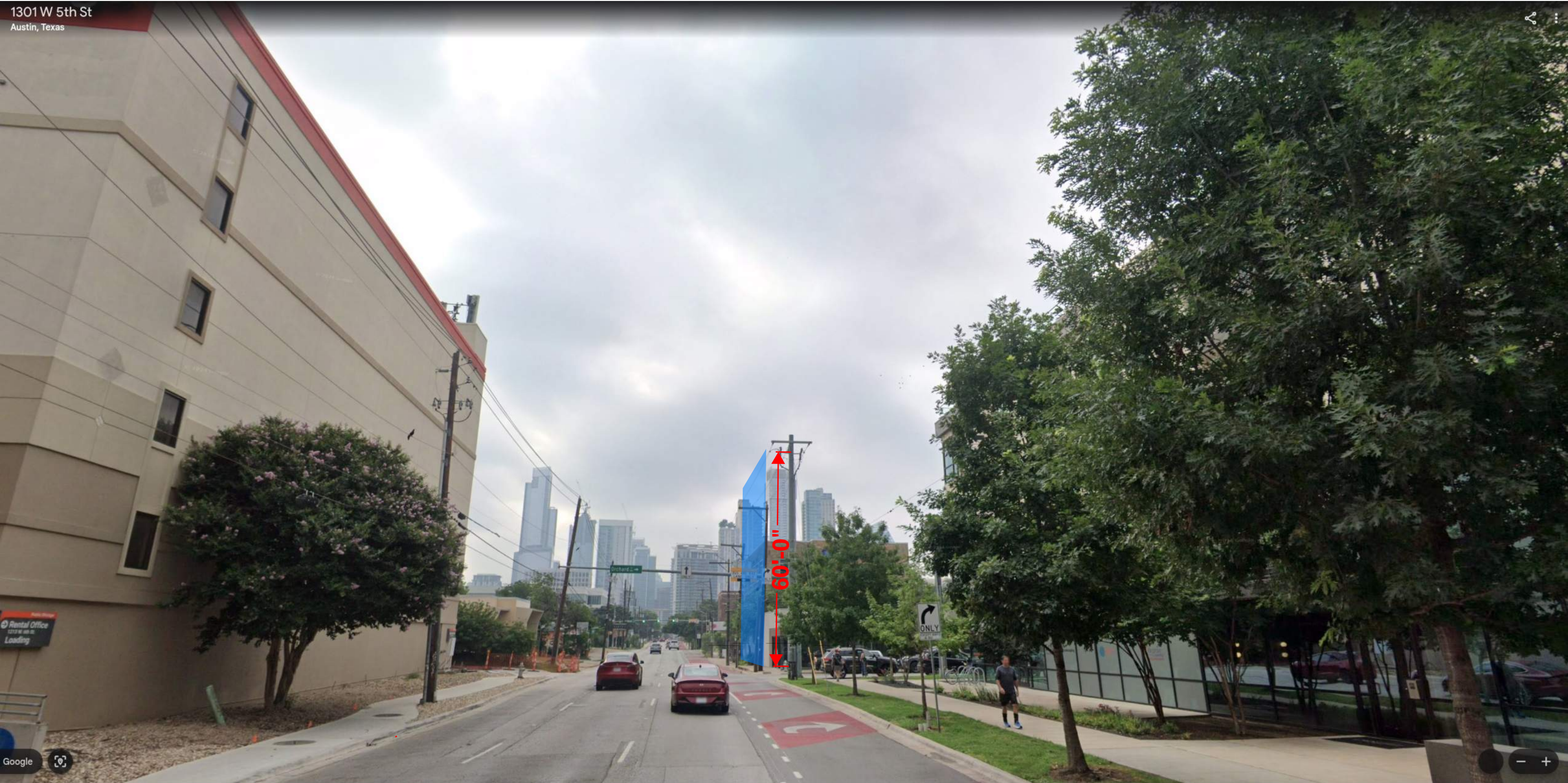
**View east on W. 5th St. towards Downtown Austin  
Hypothetical Impact Study**





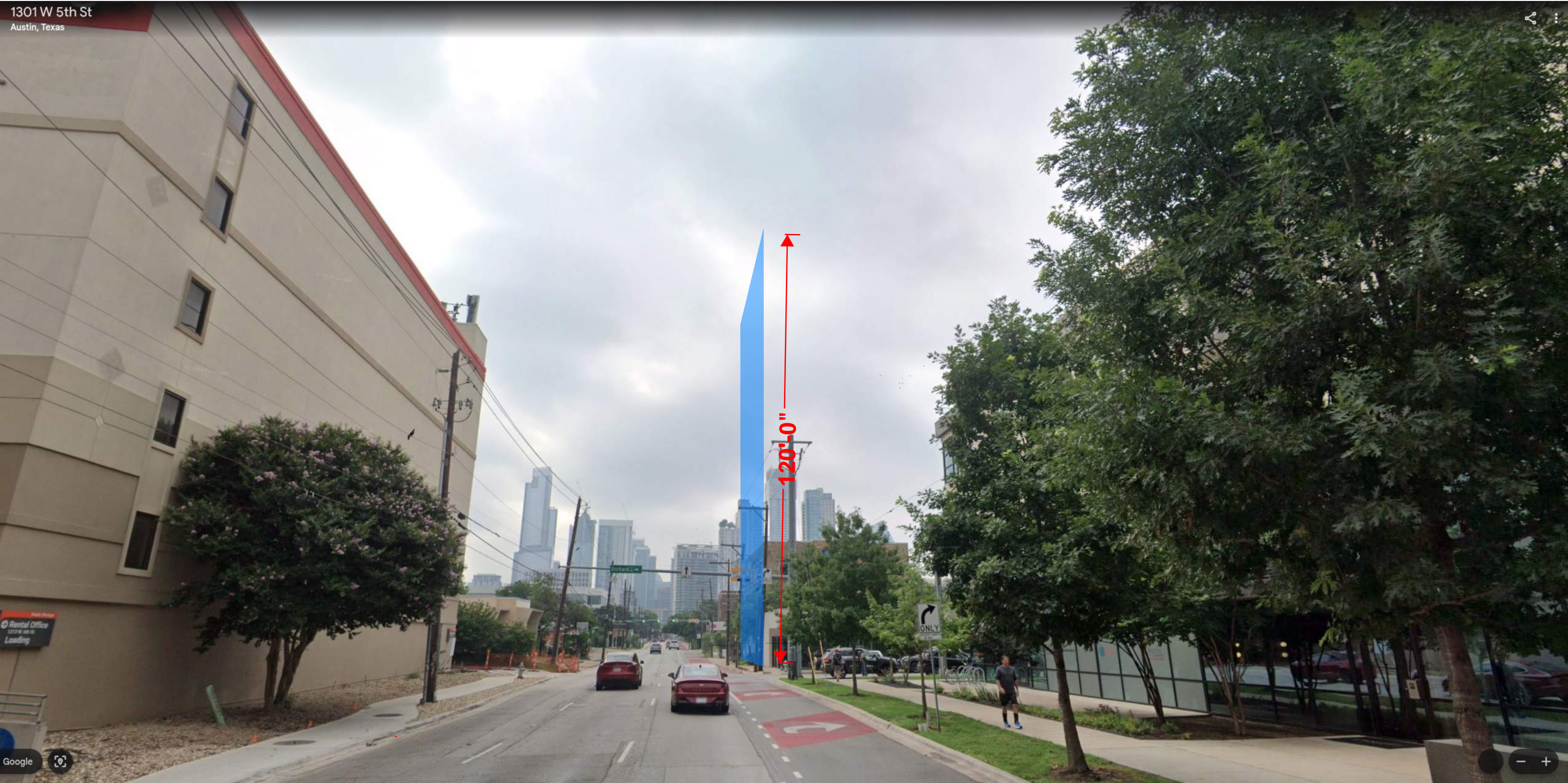
**21 November 2024  
Rezoning Application  
C14-2024-0007-1209 W 5th Street-Agenda Item 112**

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



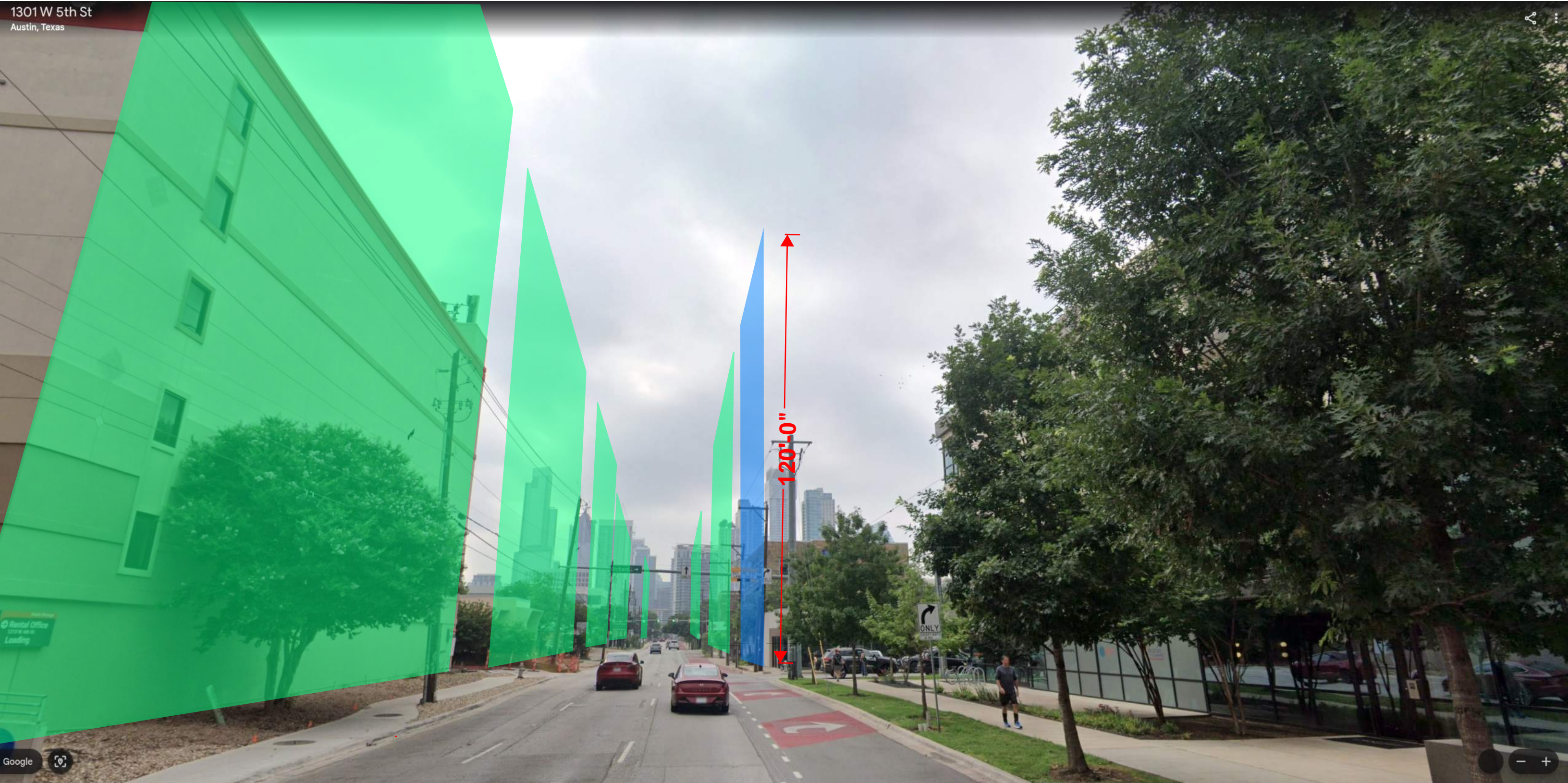
21 November 2024  
Rezoning Application  
C14-2024-0007-1209 W 5th Street-Agenda Item 112

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



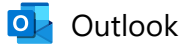
21 November 2024  
Rezoning Application  
C14-2024-0007-1209 W 5th Street-Agenda Item 112

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



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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]>

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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]".