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April 25, 2011

Planning Commission
City of Austin
P.O. Box 1088
Austin, TX 78767

Dear Commissioners Sullivan, Chimenti, Kirk, Dealey, Anderson, Bui, Hatfield, Hernandez and Reddy:

Sixth Street Austin, an association of property and business owners in the Historic Sixth Street Entertainment District, supports adoption of the Downtown Austin Plan (DAP), but encourages amendments regarding conditional use permits and permanent supportive housing location.

The DAP is a visionary document that includes Historic Sixth Street as a priority. We wish to thank the planners, city staff, and appointed and elected officials for recognizing the importance of our historic district and the vision for it as an 18-hour-a-day, mixed-use destination.

Sixth Street Austin strongly opposes changing cocktail lounges to a conditional use. While we share the goals of diverse uses, requiring conditional use permits for cocktail lounges in CBD zoning is the wrong tool. It is ripe for significant unintended consequences, including inhibiting a property owner's ability to lease property, which could lead to vacant properties and economic instability. Because we share the goals of diverse and day-round uses, we have taken and are increasing voluntary efforts to coordinate with individual property owners, Sixth Street Austin, Downtown Austin Alliance and others to market our vision and recruit tenants toward those opportunities. We believe that together we can improve the vitality of our district and make it a source of cultural and economic pride for all Austinites.

The DAP makes important recommendations on housing the chronically homeless. A comprehensive plan for social service delivery and housing to guide decision-making and investment is an absolute must. However, permanent supportive housing and single room occupancy units must be scattered city-wide and should not be added downtown, which already contains a disproportionately large concentration of social services immediately adjacent to our centers of nightlife, entertainment and tourism. That co-location has produced significant public order issues and disinvestment, which could be mitigated with longer-term housing opportunities. Those opportunities should not be near existing social services and entertainment areas, not only for the neighborhood but also for the need of supportive housing residents to overcome the cycles and obstacles to more stable and independent lives.

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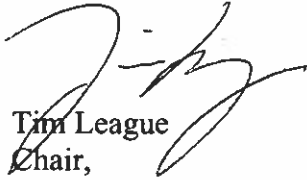
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We hope the Downtown Austin Plan will serve as a road map for downtown's future. We are encouraged that it prioritizes Historic Sixth Street's needs including parking solutions, public restrooms in downtown, and robust way-finding system with real-time transit and parking information. With adoption of the DAP, the aforementioned requested amendments and an associated 10-year action plan, we are optimistic that the DAP will indeed build on Historic Sixth Street's global brand and help us to improve it as a high-quality daytime and nighttime destination.

Sincerely,



Tim League
Chair,
Sixth Street Austin

Copy: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Greg Guernsey, Director, Planning and Development Review Department
Kevin Johns, Director, Economic Growth and Redevelopment Services Office
Jim Robertson, Co-project Manager, Downtown Austin Plan
Michael Knox, Co-project Manager, Downtown Austin Plan
Dora Anguiano, Planning and Development Review Dept. Staff for Planning Commission

CI

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April 11, 2011
shoalcrk@att.net

Mr. Dave Sullivan, Chair; City of Austin Planning Commission;
Mr. Jay Reddy, Vice Chair; and Mr. Dave Anderson; Ms Tina Bui; Ms. Danette Chimenti;
Ms. Mandy Dealey; Ms. Sandra Kirk; and Mr. Clint Small
P.O. Box 1088
Austin, Texas 78767

RE: Downtown Austin Plan as it relates to Panhandle of the Proposed NW District

Dear Chairman Sullivan and Members of the Austin Planning Commission:

We own property on 18th Street near Nueces that has been zoned GO since before we purchased it in 1983. We are writing to urge you not to recommend approval of the proposed Downtown Austin Plan and supporting documents (DAP) in their current form with respect to the area bounded by 15th Street on the south, Martin Luther King on the north, San Antonio on the east, and Rio Grande on the west. This area, which is located between the proposed Uptown/Capitol District and the proposed Judges Hill District, has been included in the DAP as a narrow "Panhandle" to the proposed Northwest District.

The "Panhandle" has been zoned and used almost entirely for commercial purposes for at least 30 years, primarily GO¹ with some multi-family residential, and a more recent trend toward DMU-120. *The "Panhandle" is outside Capitol View Corridors.* This makes it one of few relatively undeveloped portions of downtown where the height of future developments would not be constrained to protect capitol views.²

- o The DAP would severely limit the height and density of future development in the Panhandle area ostensibly to protect the single family residential portion of Judges Hill, when in fact, that area already is well protected by topography (see attachment), and by buffering from the existing structures along West Avenue and Rio Grande, most of which are 2-3 stories tall. The DAP characterizes Judges Hill as a single-family residential area.³ However, West Avenue and Rio Grande, which both are within the boundaries of the proposed Judges Hill District, have been zoned and used primarily for offices and multi-family housing for many years.⁴ The single-family residential part of Judges Hill is west of West Avenue, along Pearl, San Gabriel, and Vance's Circle. The rear boundaries of property on the east side of West Avenue are 540 feet from Nueces (see attachment), Pearl

¹ See City of Austin zoning maps, DAP Appendix F and page 6 of the Northwest District Plan (May 21, 2010 draft). The DAP mischaracterizes the zoning in the proposed Northwest District as predominantly LO and GO (see page 38).

² DAP page 11.

³ For example, see page 31, and more importantly, the following statement regarding mixed use at the top of page 78, "An appropriate mix of residential and non-residential uses should be allowed in all parts of Downtown, except for Judges Hill, which should generally be preserved as a single-family residential neighborhood."

⁴ It is noteworthy that the eastern boundary of Judges Hill was recently changed from West Avenue to Rio Grande well after initiation of the downtown planning process.

is even farther (over 900 feet), and San Gabriel and Vance Circle are even farther and also are on western slope (Lamar side) of Judges Hill. The topography is such that new DMU-120 buildings, or even taller, on or near both sides of Nueces would not be visible from the single-family, residential part of Judges Hill.

- The DAP grossly understates the development potential of the Panhandle because it excludes from designation as an opportunity site any property with a building that, from a windshield survey in 1984, appeared to be 50 or more years old and was intact. In 1984, this was the criterion for further study to determine any possible historic significance. By contrast, the DAP uses this very low standard to characterize most of the Panhandle as a possible national historic district, thereby drawing attention away from the tremendous development potential of the Panhandle area. To date only three buildings in the entire Panhandle *actually* have been designated historic,⁵ and together they represent a miniscule portion of property within the Panhandle. Structures found to be of significant historic value certainly should be preserved for posterity, but it is unlikely that the vast majority of the 50+ year old buildings in the Panhandle area are truly historic.
- The Panhandle, which is located north of 15th Street, was not part of Austin's first residential neighborhood. The Northwest District Plan states that:

Most of the Northwest District (15th Street and southward) was platted within the original Waller Plan in 1839 and developed as Austin's first residential neighborhood with houses of prominent citizens dating back to the mid-19th century.⁶

The DAP's goal for the proposed Northwest District, to "preserve the neighborhood's historic residential character," relates to the history of the area south of 15th Street, not to the Panhandle. Similarly, the urban design priority to "establish form-based design standards to promote compatibility with the historic neighborhood fabric" refers to the history of the area south of 15th Street. Furthermore, the DAP states that all seven of its goals for the proposed Northwest District "are consistent with those already established by the Original Austin Neighborhood Association."⁷ However, the Panhandle is not located within the boundaries of the Original Austin Neighborhood Association, and it is not a residential area. The Panhandle has been zoned and used primarily for office and multifamily purposes for many years with a recent trend toward DMU-120, which was intended for areas like the Panhandle that serve as transitions between the CBD and surrounding areas. The Panhandle area has far more in common with the characteristics and goals for the portion of the proposed Uptown Capitol District that is bounded by MLK, 15th, San Antonio, and Lavaca Street than with those of the proposed Northwest District. Therefore, it would make sense for the Panhandle to be made part of the Uptown/Capitol District.

- Input from property owners in the Panhandle area has been largely ignored in the development of the DAP. By contrast, the Judges Hill Neighborhood Association (JHNA), which does not represent Panhandle property owners, has been treated as a "Panhandle Area stakeholder" and permitted to dominate planning for the Panhandle. At the same

⁵ See page 39 of the DAP.

⁶ Page 3 of the Northwest District Plan (May 21, 2010 Draft). This is the most recent version available as of April 10, 2011.

⁷ Page 9 of the Northwest District Plan (May 21, 2010 Draft).

time, the proposed Judges Hill District has been allowed to be excluded from the downtown planning process. No public “stakeholders” meetings were held to discuss planning for the proposed Judges Hill District or the implications of the DAP’s characterization of the proposed Judges Hill District as a single-family residential neighborhood despite the predominantly office and multi-family nature of the Judges Hill portions of West Avenue, Rio Grande, and North Lamar. It is noteworthy that the JHNA does not represent owners of commercial property; its bylaws limit its membership to *residential* property owners.⁸ The bylaws also favor single-family residential members over condominium or apartment members by allowing each residential lot only 2 votes irrespective of size or number of condo or apartment units or residents.

- Compatibility standards were intended to protect single-family residential areas from commercial encroachment, but currently there is no comparable protection from single-family residential encroachment into office or multi-family residential areas like the Panhandle. The spot zoning or down zoning of a property to single-family residential in a commercial or multi-family neighborhood limits future development of all properties within a 540-foot radius. This is not consistent with the vision of a compact, vibrant, livable, densely populated, economically and environmentally sustainable, and accessible downtown. The DAP proposes to eliminate compatibility standards in the Panhandle, but the site-development restrictions it is proposing to replace them with are overly restrictive. The DAP’s proposed “compatibility zones” for the Panhandle were drawn around existing spot-zoned and recently spot down-zoned SF-3 properties on West Avenue, which like Rio Grande, is primarily office and multi-family residential. Furthermore, the proposed limitations on building heights in the Panhandle were not adjusted sufficiently for topography. The topographic adjustments that were made were based on 15th Street, which is not representative of the differences in topography between the single-family residential portion of Judges Hill and the Panhandle. None of the single-family residential streets in Judges Hill even extend as far south as 15th Street. The topography between 17th and 18th Streets is the most representative, and that part of both Pearl Street and West Avenue is 34 feet higher in elevation than Rio Grande and 58 feet higher in elevation than Nueces. This means that a 60-foot tall building on Nueces would be sidewalk height on West Avenue (540 or more feet away) and Pearl Street (900 or more feet away). Similarly, the proposed limitations on FAR and the setback requirements in much of the Panhandle area are far more restrictive than in DMU-120 or than needed to transition to the commercial/multi-family portion of Judges Hill (Rio Grande and West), which in turn transition to the single-family residential part (west of West Avenue).

In conclusion, the site development restrictions in the DAP with respect to the Panhandle area are far more restrictive than necessary to protect the residential part of the proposed Judges Hill District given the topography of the area, buffering by existing structures on West Avenue and Rio Grande (the vast majority of which are offices and apartment buildings), and distance from the Panhandle. Building heights of 120 feet or even taller on or near both sides of Nueces would not be visible from the single-family residential part of Judges Hill. Furthermore, the location of the Panhandle outside of capitol view corridors makes it one of the few relatively undeveloped parts of the Downtown where future development need not be constrained to protect capitol views. Allowing continuation of the recent trend toward DMU-120 base zoning in the Panhandle area would be consistent with the DAP’s vision of fostering the development of a more compact, vibrant, livable, densely populated, diverse, and economically and environmentally sustainable downtown with an effective multi-modal transportation system.

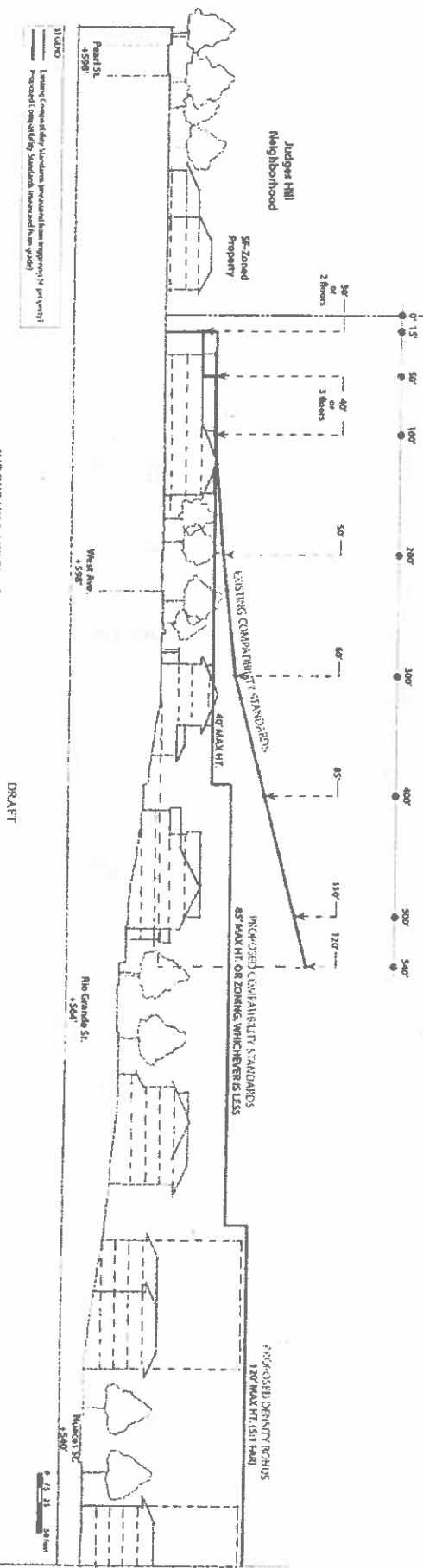
⁸ By-laws post on the JHNA website as of April 10, 2011.

Furthermore, the Panhandle area has far more in common with the characteristics and goals in the DAP for the portion of the proposed Uptown Capitol District that is bounded by Martin Luther King, 15th Street, San Antonio, and Lavaca Street than with those of the proposed Northwest District. We hope that you will vote to modify the DAP as it relates to the Panhandle area by making the Panhandle area a part of the proposed Uptown/Capitol District instead of the proposed Northwest District, and by allowing DMU-120 base zoning on and near both sides of Nueces.

Thank you very much for your consideration.

Sincerely,

David C. Warner
Phyllis Warner



DRAFT

JUDGES HILL NEIGHBORHOOD COMPATIBILITY STUDY: TYPICAL SECTION BETWEEN 17TH AND 18TH STREETS

Downtown Austin Plan

Prepared by: *Adrian Adams Studio for the City of Austin*

RTV BELLYWOOD/CPAL A/C23817-210

“A multi-modal transportation system that is convenient, sustainable, affordable and a viable alternative to the automobile”

99% of vehicle miles are on roads, including almost all public transportation

5% of population rides public transportation, bikes, walks

Consistent in our history despite huge \$ spent on non-road solutions & transit

Downtown Yesterday/Today

“passenger rail 1871 - 1940s”

Abandoned Why? Not cost effective or servicing expanding population

Jjust like Cap Metro System of today

Commuter Rail costs 2x, 6x operating cost over what voters approved, & failing cost to O mUCH does too little (OUCH!) when 2000LRT failed is more true today

“The automobile still dominates. Lack of mobility options”

It does and will continue – because personal mobility is key to prosperity

“Downtown’s share of regional office and employment market has declined”

80% jobs, 20% pop. beyond DT - trend intact – geography/costs constrained

Cause: poor decisions local-federal siphon \$ away from road infrastructure

The Plan

“DT dense, walkable, mixed-use, region served by transit”

Less than 1% of population select walkable as their form of people mobility

5% and declining use public transportation

Walking, biking and transit \$ need to be in proportionate to chosen modes

“A survey - 3,500 respondents: 21% of \$ on bike/ pedestrian/ rail”

Slanted by questions or respondents, or people say one thing & do another

Envisioning the Avenue... Six elements for Success

Seven Transformation Steps in the Next 10 Years

“Streetcar/Urban Rail”

1.3 billion \$, \$80 million per mile, serve <5% of population, (OUCH!)

Gentrification to the MAX – harms most the people dependent on transit

Transportation and Parking, improve access & mobility for all modes

AMEN! Put %\$ where people continue to show by their actions, not perceptions

Spend most of the \$1.3 billion on road ingress/egress and parking improvements

THERE IS A BETTER SOLUTION - www.CMT4Austin.org Skip Cameron 4/26/11

A

C/

Downtown Austin Neighborhood Association**SOCIAL
KNOWLEDGEABLE
INFLUENTIAL****Michael McGill
President****Josh Allen
Vice President****Madge Whistler
Secretary****Albert Stowell
Treasurer****Jocelyn Dabeau****Jude Galligan****Amber Gugino****Bill McCann****Mitchell McGovern****Ian Stonington****Kristina Witt**

26 April 2011

Honorable Mayor Leffingwell, City Council Members and Planning Commissioners:

The Downtown Austin Neighborhood Association (DANA) wishes to express its appreciation for the considerable work of city staff, McCann Adams Studio and community members in creating the Downtown Austin Plan (DAP). DANA's membership, as leading downtown stakeholders, has taken an active and involved role over the past several years in helping to shape this important document for our future. In addition to sharing borders with the DAP, we also share the plan's identification of the many risks and opportunities represented downtown. To that end, we urge the adoption of the plan and associated policy and budgetary priorities to mitigate those risks and capitalize on opportunities to improve the quality of life for those who live, work and play in downtown Austin.

After a thorough review of the plan, DANA would like to additionally emphasize the following items for your consideration:

1. DANA, as current downtown residents, would like to provide our unique perspective regarding the definition of what is 'family friendly' in an urban environment (AU-2.5). The current plan envisions a Density Bonus provision that incentivizes 3+ bedroom apartments (LI-2.2) that we believe to be inappropriate to many highly suitable urban living spaces and, at worst, it encourages the most expensive units that few families can afford while opening the door to gimmicks that might qualify for a bonus ahead of more valuable public benefits in the program. Far more than artificial subdivisions of space, the conditions that will enhance the family-friendly nature of downtown are affordability, public safety, exemplary schools and high quality public spaces.
2. DANA supports the preservation of the character and streetscape of the Warehouse District (HP-2.2) but questions the effectiveness of the 45' height limit in some parts of the district in achieving that goal. We believe that a local historic district that seeks to preserve facades and the unique streetscape of the district would contribute value to downtown. As form-based codes are designed for the "core preservation zone" along 4th Street, we encourage a larger emphasis on retaining historic building materials and design elements but also allowing a greater consideration of adaptive re-use after a 15' or greater step back on the existing structure. Further, we support the establishment of a transfer of development rights program accessible to any newly zoned historic structure.
3. DANA supports the initiation of a process for establishing cocktail lounges as a conditional use (Au-1.4), but also endorses the Music Commission's amendment to give Live Music Venues special and expedited consideration. Further, we endorse the DAP recommendation to make the sound levels consistent for both restaurants and bars within the CBD (Au-4.6).
4. DANA supports the DAP's recommendation to develop a comprehensive plan for social service delivery and housing to guide decision-making and investment in addressing homelessness. These efforts must be city-wide and not solely focused on downtown, which already contains a concentration of social services immediately adjacent to our centers of nightlife, entertainment and tourism. That co-location produces unintended consequences that could be mitigated with housing opportunities, including permanent supportive housing, but only if that location is outside of the current concentration point near the E. 6th Street and Red River districts (Au-7.1).

5. The Western section of downtown, including the market district and commercial corridor along Lamar, is severely and incongruously restricted regarding heights and densities allowable under the density bonus program (DD-1.2). It is the strong belief of this neighborhood association, in whose boundaries this area exists, that height and density guidelines consistent with the current 8:1 FAR of downtown would enhance the vitality, mobility and economics of downtown as a whole.
6. The Downtown Austin Plan is considerable in its scope and while we recognize that the specifics in some areas are necessarily high-level, we believe that the current plan should be more detailed regarding the planned sites and considerations for locating major public investments and land uses. Specifically, we would like to highlight that the plan calls for a new Fire Station #1 (Au-7.3), multi-modal transit facilities (TP-2.3) and electrical substations (UI-4.1) without specifying what sites are being reviewed and the elements of consideration. Further, where the DAP calls for additional plans (Rainey Street redevelopment plan, public restroom master plan, district identity/marketing plans, etc..) we encourage that work commence as quickly as possible in conjunction with other implementation efforts.

Ultimately, the most important component of this plan is the implementation recommendations. Simply put, we must make implementation of the DAP a high priority as a city. It cannot become a plan that 'sits on the shelf'. To that end, DANA whole heartedly urges the creation of an Economic Development Corporation (EDC) as recommended in the DAP and pledges its support as a partner with the EDC. The City should quickly engage in a conversation about the relative merits of specific EDCs with particular focus areas or a single central city EDC. The resulting goal should be the creation of an EDC by the end of 2011. Further DANA urges finalization and adoption of the 10-year prioritized action plan along with an initial financing plan by the end of 2011. Taking these two steps will ensure the Downtown Austin Plan moves off the page and into our neighborhood.

Respectfully,



Michael P. McGill
President

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Jacqui Schraed
Executive Director

April 26, 2010

Chair Dave Sullivan and Commission Members
Planning Commission
City of Austin
Sent via e-mail

Dear Chair Sullivan and Commissioners:

The Heritage Society of Austin (HSA) would like to offer our comments on the historic preservation components of the proposed Downtown Austin Plan. What a long way we have come from the first draft of the plan, which did not mention historic preservation. The Heritage Society is pleased that this final draft being considered includes an overall goal to preserve and enhance the unique historical and cultural heritage of downtown.



**HERITAGE
SOCIETY OF
AUSTIN**

P.O. BOX 2113
AUSTIN, TEXAS 78768
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HSA has consistently held the position that the vibrant growth and densification of our downtown is positive for preservation, enabling more to enjoy the historic resources that contribute significantly to Downtown's sense of place and creating viable options for adaptive use of historic buildings. We feel optimistic about the continued appeal of our downtown, and believe that suburban development cannot compete with Downtown Austin's special qualities, including its natural setting, historic and cultural resources, and diverse mix of local and regional businesses.

We commend the plan for including recommendations to preserve what is authentically and uniquely Austin. The plan recognizes that historic preservation is a key factor in preserving downtown's unique sense of place and is integral with our community value of sustainability. We support the recommendations aimed at preserving Austin's downtown historic fabric, including updating Austin's Preservation Plan and Cultural Resources Survey, establishing design standards to ensure new development respects the scale and character of historic buildings, districts and landscapes, and increased city funding, staffing and expertise dedicated to preservation.

We direct our remaining comments to the Density Bonus component of the proposed plan. The Heritage Society supports the following protections for downtown's historic resources:

1. The Warehouse District should be protected:

We support Warehouse District proposal for the Core Preservation Zone. The utilization of the TDRs as proposed would preserve the buildings, while allowing the property owners to realize the development value of their properties. We urge consideration of the work that came out of the Planning Commission's subcommittee on TDR's, including the development of a City-owned and operated "TDR bank", focused first on purchasing the development rights from willing property owners within the Warehouse District's Core Preservation Zone.

www.heritagesocietyaustin.org
information@hsaustin.org

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2. The "Gatekeeper Requirements" should include the stipulations that: Parcels that include designated Austin City Landmarks will not be eligible for Density Bonuses, and density bonuses will not be awarded to the portions of parcels included within Capitol View Corridors. In addition, the Gatekeeper Requirements should exclude from density bonuses any structure eligible for city landmark status. Until an historical survey can be completed, exclude from bonuses any parcel with a structure greater than 50 years old.

3. The Boundaries requested by the Judge's Hill Neighborhood Association should be respected.

Thank you in advance for your attention to this issue and all your ongoing work to build a great future for our city while respecting our valued heritage.

Regards,

Courtney Read Hoffman

Courtney Read Hoffman, President

**CONGRESS FOR THE NEW URBANISM
CENTRAL TEXAS CHAPTER**

CI

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April 15, 2011

Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Austin City Council Members
City of Austin Planning Commission
City of Austin Downtown Commission
City of Austin Design Commission

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City of Austin
Box 1088
Austin, Texas 78716

Re: Support for Adoption of Downtown Austin Plan

Dear Mayor, Mayor Pro Tem, Council Members, and Commissioners:

The Congress for the New Urbanism, Central Texas Chapter (CNU-CT) wishes to voice its support for the adoption of the Downtown Austin Plan. Our group has had many lively discussions about how to support implementation of the Plan, and we will be bringing specific ideas forward in the coming weeks and months.

As defined by the Charter of the New Urbanism, CNU-CT advocates for reinvesting in our central cities and restoring existing urban centers by building compact, walkable, mixed use, neighborhoods instead of auto-dependent and non-sustainable sprawl.

There is no better example of this in the region than Downtown Austin. It is a vibrant and eclectic urban neighborhood woven together by a network of active and walkable streets. It is the greatest single generator of taxes for the city, county, school district, and other local taxing districts. Downtown's diverse cultures, new and historic buildings, parks, residential, civic, office, and retail uses all contribute to its role as the region's economic engine, focus of cultural interest, and source of civic pride.

But there is still work to be done. It is the responsibility of the Downtown Austin Plan to connect the dots, anticipate the issues, balance possible solutions, provide guidance for where and how Downtown will grow and develop, and generally ensure that Downtown Austin continues to be one of the best places in the country to live, work, learn, shop and play. The Downtown Austin Plan steps up to this responsibility. It advances the principles of good urbanism and strengthens the community.

Upon adoption, we will advocate for rigorous implementation of the Plan's recommendations for the transportation network, the built environment, historic

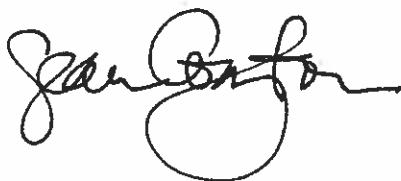
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preservation, parks, social services, parking, and especially for the creation of an economic development corporation to facilitate implementation of the Plan.

The Downtown Austin Plan provides the necessary framework for moving forward. It is now the role of the public and private sectors to work together to implement the recommendations and strategies identified in the Plan. If our organization and its diverse professional membership can assist in any way to advance implementation of the Plan, we stand prepared to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Compton". The signature is fluid and cursive, with a large loop at the end.

Sean Compton, LEED AP
President, Central Texas Chapter CNU

Cc: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Greg Guernsey, Director, Planning and Development Review Department