

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHORHOOD PLAN: Brentwood/Highland Combined Neighborhood Plan

CASE#: NPA-2012-0018.05

DATE FILED: February 29, 2012 (in-cycle)

PC DATE: September 25, 2012
August 28, 2012

ADDRESS/ES: 1307 W. 49th Street

SITE AREA: Approx. 0.205 acres

APPLICANT/AGENT: Alice Glasco, Alice Glasco Consulting
(Former agent: Nikelle Meade, Brown McCarroll, L.L.P.)

OWNERS: Michael R. and Patricia Johnson

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Use/Office

To: Mixed Use

Base District Zoning Change

Related Zoning Case: (no case filed at this time)

NEIGHBORHOOD PLAN ADOPTION DATE: May, 13, 2004

PLANNING COMMISSION RECOMMENDATION: Final recommendation pending.

Previous Action(s):

On August 28, 2012, the motion to postpone to September 25, 2012 by the request of the applicant was approved on the consent agenda by Commissioner Alfonso Hernandez's motion, Commissioner Jean Stevens seconded the motion on a vote of 9-0.

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: The request to change the future land use map from Mixed Use/Office to Mixed Use meets the follow elements of the plan:

Vision

The Brentwood/Highland neighborhoods will be clean, safe, attractive, well maintained

communities that will preserve and enhance their existing diverse characters of affordable, single-family, owner-occupied homes and unique businesses that are built to scale. The neighborhoods will encourage limited mixed-use development, create parks and green spaces, build a strong sense of community, and provide accessibility for all means of transportation.

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Land Use Goals

1. Preserve and enhance the single-family residential areas and housing opportunities for persons with disabilities.
2. Maintain existing civic and community institutions.
3. Encourage a mixture of compatible and appropriately scaled business and residential land uses in the neighborhood and mixed-use development on major corridors to enhance this diversity.
4. Preserve locally owned small businesses in the neighborhood and encourage new ones that are walkable and serve the needs of the neighborhood.
5. Focus higher density uses and mixed-use development on major corridors, and enhance the corridors by adding incentives for creative, aesthetically pleasing, pedestrian-friendly redevelopment.
6. Improve affordability of home-ownership and rental properties.

Transportation Goals

1. Maintain a traffic pattern that provides easy access to destinations, while keeping thru-traffic off of interior streets by creating safe and efficient corridors and arterials.
2. Create a bicycle and pedestrian network that is safe and accessible for people of all ages and mobility levels, by improving routes and facilities for walkers and cyclists.
3. Provide public transit options and accessibility.

Parks, Open Space, and Environment Goals

1. Preserve and enhance existing parks, green spaces, and recreation facilities and add new parks and green spaces to ensure that all areas of the neighborhood have a park or green space nearby.
2. Improve drainage along neighborhood creeks and streets and prevent erosion by using natural materials.

TOP TEN PRIORITIES

Brentwood Neighborhood

1. Established single-family areas should retain SF-3 zoning
2. Focus higher intensity uses on Burnet Road and Lamar Blvd.
3. Construct the priority residential sidewalks in the neighborhood
4. Prohibit front yard parking in the Brentwood Neighborhood
5. Encourage the State of Texas to preserve the Sunshine Community Gardens.

Major Corridors

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Another important goal of the neighborhood plan is to focus higher-density uses and mixed-use on the major corridors, mainly Burnet Road and Lamar Blvd. One purpose of this goal is to accommodate new residential growth in the neighborhood while still maintaining the existing character and scale of the interior single-family areas. Another purpose is to encourage pedestrian-oriented commercial and mixed-use redevelopment on these major corridors. In keeping with this goal the Future Land Use Map designates Burnet and Lamar as commercial mixed-use. The neighborhood plan also provides incentives for mixed-use redevelopment by allowing the Neighborhood Urban Center special use in certain locations

Currently the major corridors in the neighborhood have low density commercial uses. The businesses are often setback from the street with parking lots in front. The billboards and excessive signage make the corridors unattractive.

Mixed-use buildings built closer to the street with parking in the rear would improve the character of major corridors in the neighborhood and make them more pedestrian oriented. The addition of street trees and the removal of excessive signage and billboards would also make the major corridors more attractive.

South Brentwood Mixed Residential

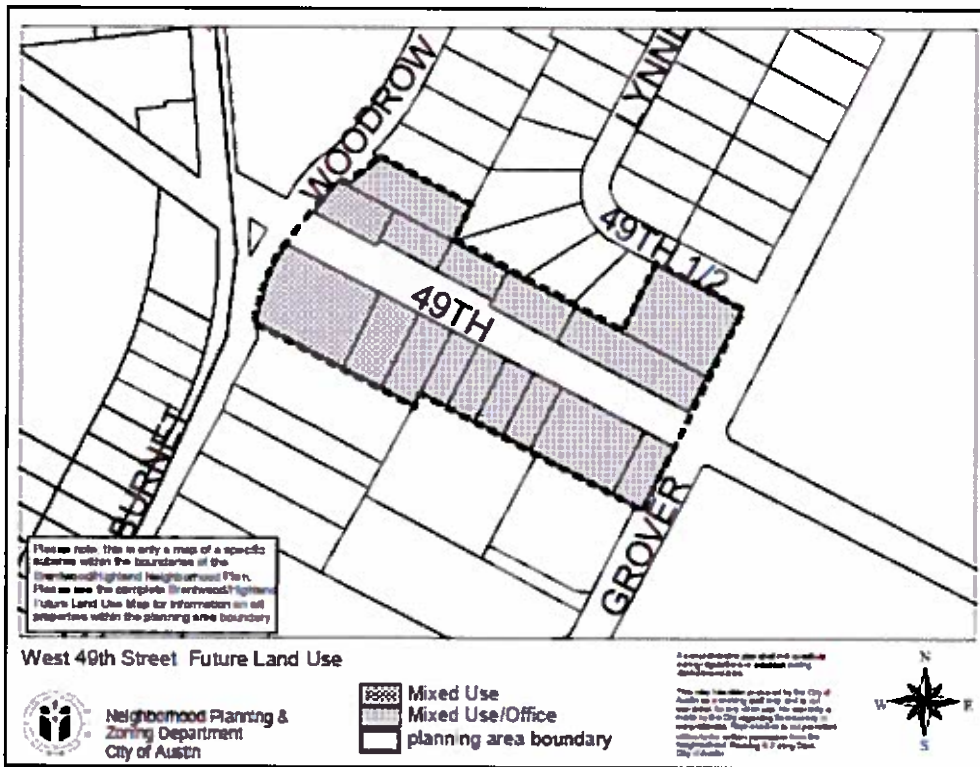
In the southern part of the Brentwood Neighborhood there are several areas that have a mix of single-family and multi-family uses. Some of the areas are primarily single-family with some multi-family mixed in, while others are primarily multi-family with some single family mixed in. These mixed residential areas generated a lot of discussion during the planning process. Some neighborhood stakeholders wanted to create a more consistent pattern of land uses by designating each of the mixed-areas as either single family or multi-family depending on the primary use in the area. Other stakeholders wanted to maintain the diverse pattern of single-family and multi-family in these mixed residential areas.

The stakeholders eventually decided that mixed-residential areas were desired. The mixed-residential land use pattern was chosen to encourage a diversity of housing types as well as residents that have diverse incomes, ages, and lifestyles. It is important to stress that the plan recommends

49th Street

49th Street between Burnet and Grover serves as a transitional area between the office uses to the south, the State of Texas properties to the south and east, and the interior single-family part of the neighborhood to the north. 49th Street currently has a mix of single-family, multi-family and office uses. The Future Land Use Map designates this area as Office Mixed-Use. The objective of the plan is to allow the single-family properties, which are isolated from the established single-family area to the north, to transition to office or other residential uses.

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Land Use Objective B3: Ensure that there is a mix of residential and commercial zoning to accommodate both housing and the services residents need in the neighborhood, and that commercial zoning in each area is appropriate for its location.

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Recommendations:

1. Maintain residential zoning in the interior of the neighborhood.
2. Maintain commercial zoning on the corridors and in transitional areas between the corridors and residential areas.
3. Allow mixed use on commercial corridors.

Land Use Objective B4: Encourage the development of neighborhood serving businesses and offices by maintaining and adding neighborhood commercial and limited office on smaller corridors and in transitional areas between corridors and residential areas where appropriate.

Recommendations:

1. Add the Mixed-Use (MU) Combining District on Koenig and interior properties with commercial or office zoning.
2. Allow neighborhood serving commercial uses at intersections on Koenig west of Woodrow.
3. Allow neighborhood and community serving office uses on interior properties on Koenig west of Woodrow.
4. Allow neighborhood and community serving office uses on 49th Street between Burnet and Lamar
5. Allow neighborhood and community serving office uses and neighborhood serving commercial uses where appropriate in transitional areas between Burnet Road and the interior single-family residential areas.

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Land Use Objective B5: Focus higher density uses on major corridors and add special use options to enhance the corridors

Recommendations:

1. Add the Mixed-Use (MU) Combining District on Burnet, Lamar, and Koenig Lane east of Woodrow.
2. Allow the Neighborhood Urban Center in the area between Burnet Road and Burnet Lane and south of Justin Lane.
3. Focus higher intensity uses on Burnet Road and Lamar Blvd.

TRANSPORTATION

Transportation Goals

1. Maintain a traffic pattern that provides easy access to destinations, while keeping thru-traffic off of interior streets by creating safe and efficient corridors and arterials.
2. Create a bicycle and pedestrian network that is safe and accessible for people of all ages and mobility levels, by improving routes and facilities for walkers and cyclists
3. Provide public transit options and accessibility.

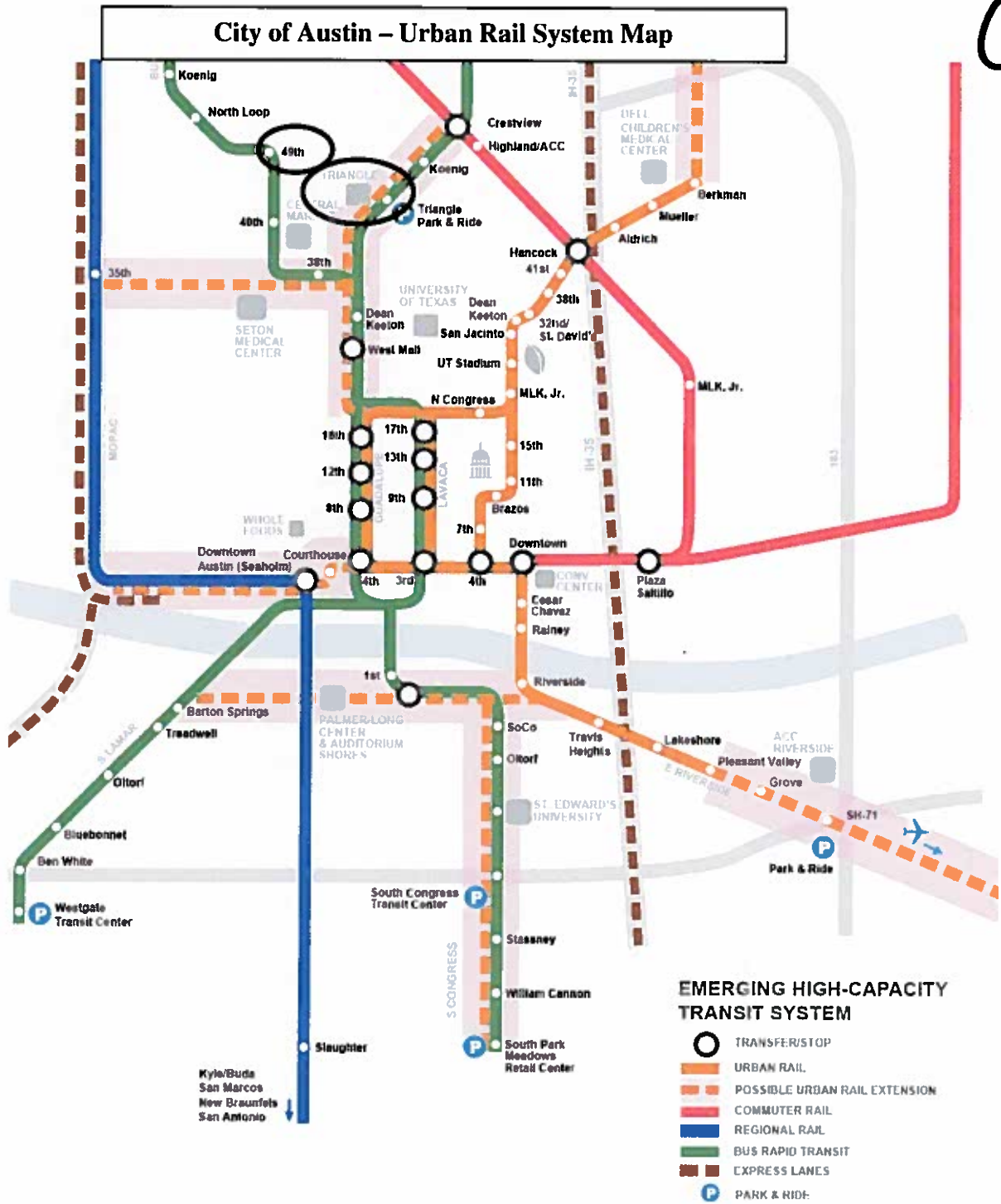
Staff Analysis: The properties are located in a unique area between two busy transportation corridors, Burnet Road and Lamar Boulevard, which are also major public transportation routes. Unlike the Mixed Use/Office properties on the north side of 49th Street, these properties are located on the south side of 49th Street where Mixed Use land use and zoning exists, and where the transition from Mixed Use/Office to Mixed Use would not be unexpected as people seek a range of housing choices in the inner-city areas that are nearer to employment opportunities, transportation options and to range commercial uses, such as restaurants, retail establishments, and offices. Staff believes the additional housing units proposed by the applicant will add to the vibrancy of the area and could encourage more neighborhood-serving commercial uses that the area could enjoy and which the plan document seems to encourage the retention and creation of such uses.

As mention above, the properties are located near major public transportation corridors, such as the proposed Urban Rail System. The properties are located near the proposed extension of the rail line to the Triangle mixed use development at North Lamar Blvd. and West Guadalupe Street.

It must be noted that even though staff is recommending the change in the future land use map to Mixed Use, the zoning application will be reviewed as a separate application and does not necessarily mean the approval for CS-MU-NP would be guaranteed.

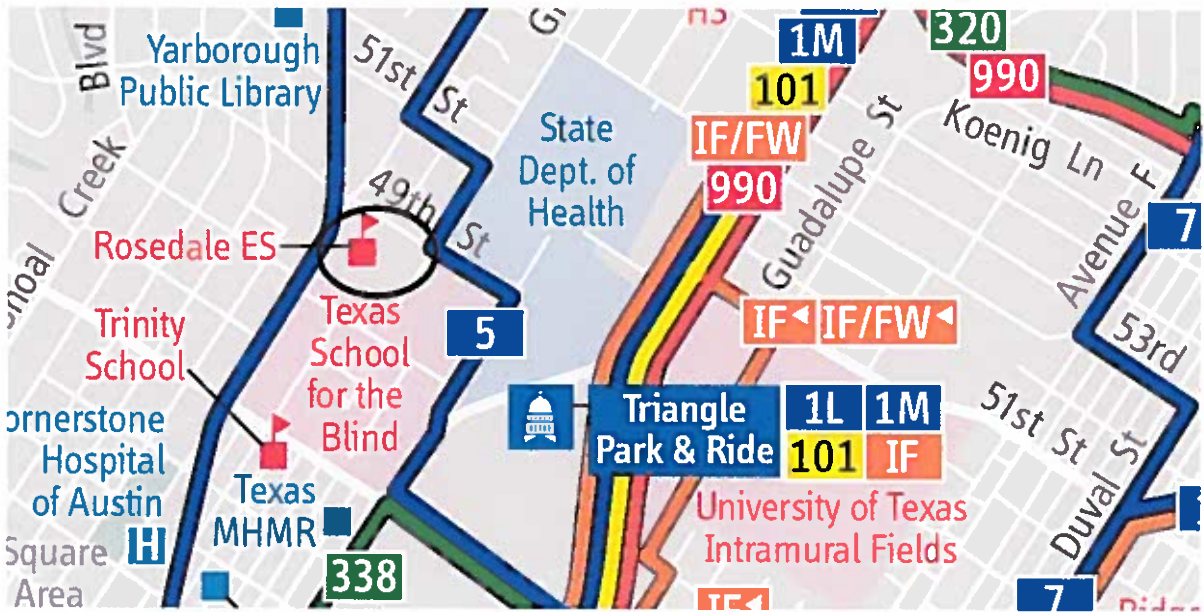
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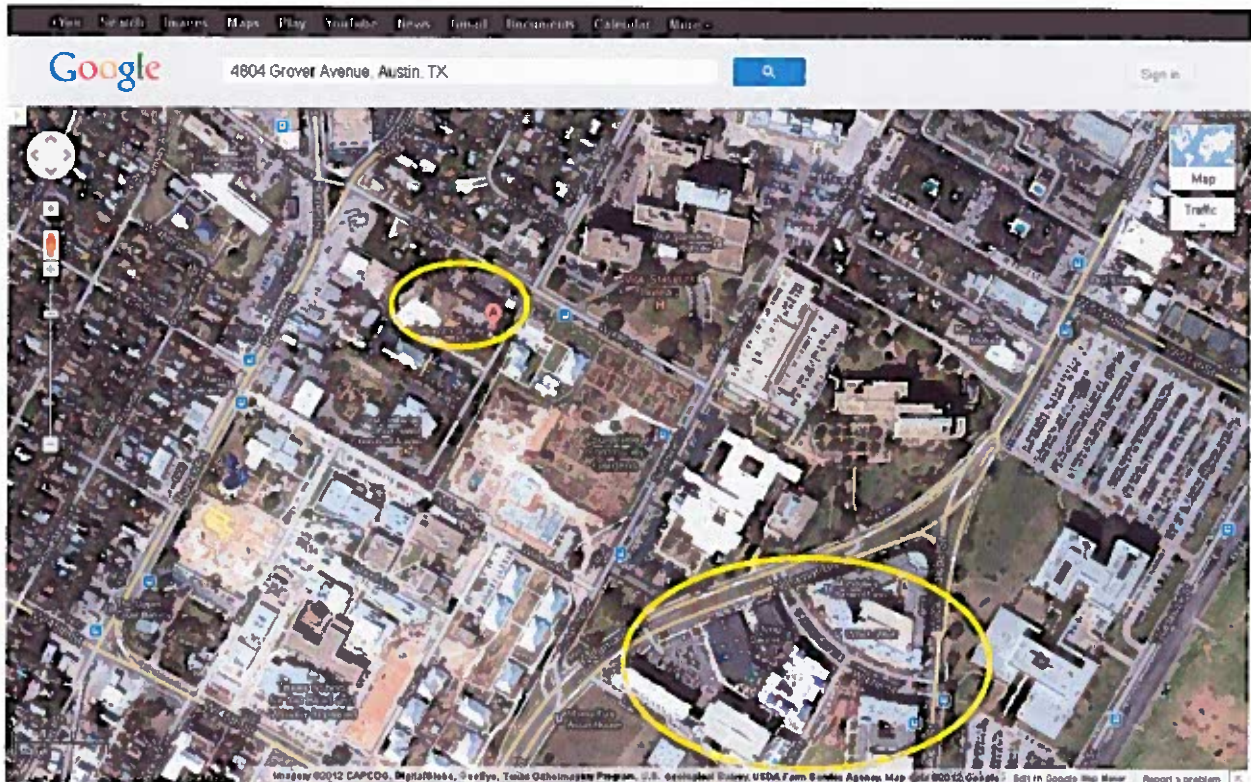


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Capital Metro Buses in the Area



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BACKGROUND: The application was filed on February 29, 2012, which is in-cycle for areas located on the west side of I.H.- 35 with City Council-approved neighborhood plans.

The applicant proposes to change the future land use map from Mixed Use/Office to Mixed Use with the intent to build an apartment complex on the assembled properties. Six plan amendment applications were filed as part of an overall project to build an apartment complex on the assembled lots.

No application to change the zoning has been filed at this time. However, at the plan amendment meeting the agent said they eventually would like to change the zoning from LO-MU-CO-NP to CS-MU-NP.

Below are two maps that show the original six neighborhood plan amendment applications that were filed and the location of the remaining three applications.



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PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on April 24, 2012. Approximately 157 notices were mailed to people who live within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the City's Community Registry. Twenty-seven people attended the meeting, which included the applicant's agent.

[At the time of the meeting, all six cases were being considered as one project. For the three plan amendment cases that are moving forward, NPA-2012-0018.05, NPA-2012-0018.07, and NPA-2012-0018.09, the discussion from the meeting will be the same in all three case reports.]

Nikelle Meade, from Brown McCarroll (who was the agent at the time) said there were originally eight properties involved in the land assembly to create the project. By the February deadline, two property owners had yet to decide whether to be part of the project so only six cases moved forward with the plan amendment applications.

Note: By the time the applications were scheduled for public hearings on August 28, 2012, only three of the six applications moved forward. The other three cases expired.

Ms. Meade said eventually the owners plan to request a zoning change to CS-MU-NP because they would like the additional 20 feet in height for a proposed 60 feet and five stories; although compatibility standards would limit height in certain areas.

She said the price of the apartments would run between \$1,500 to \$2,000 a month and would be one to two bedrooms. Their goal is for 300 apartment units on the assembled properties.

After her presentation, the following questions were asked or comments made by the attendees:

Q: What zoning do you propose?

A. The Mixed Use land use and the CS-MU zoning district. Our goal is to have 300 dwelling units to make the numbers work. We could restrict out uses in the CS-Commercial Service zoning district. The properties are currently zoned Office, so if they were to be developed fully as office you would still have traffic problems.

Q. The Mixed Use would allow other uses than just apartment, which could bring diversity to the neighborhood so people could walk to stores, restaurants, etc., but a strictly multifamily development does not help the neighborhood. The Triangle Development has a lower height and it appears to be successful. Would you consider a lower height, such as 40 feet?

A. No, 40 feet would not work for the project.

Q. How many apartment dwellers are pedestrian people?

A. Market studies show that people want to live in an urban area and are willing to pay higher rent in exchange for access commercial uses within walking distances to where they live.

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Q. How many people would live in each apartment?

A. Usually they are single people or couples with no children. The typical tenant would have two cars per family.

Q. Right now there is water accumulation on the properties. If the area becomes covered with cement, would you have to build a retention pond?

A. Part of the benefit of development is we would be required to have water quality protection, so the water issues could be improved as a result.

Q. What happens if the property owners decide not to sell?

A. JLB Partners, who we work for, could decide not to develop the property because it may be too small. However, each property owner could decide to develop on their own.

General comments:

- Our concerns are the increase density, traffic, crime, and noise. 49th Street is a small road and the Y-junction at Burnet Rd and 49th Street is dangerous. The height you request is a problem for this area
- I live on London Street, I don't want a five story building near my home, there will be no privacy. All the traffic from the State Building down the street causes lots of traffic at 5:00 p.m. when the office workers go home.
- The project could bring more customers to the existing business. South Burnet needs new, good businesses, but we don't want tall buildings near us.
- The new expensive apartment could raise rents in the area.
- For people who want to have commercial uses below the apartments, I would be concerned that the noises from the commercial uses would disturb them, such as loud air conditioning units

The Brentwood Planning Contact team does not support the proposed change in the future land use map to Mixed Use. Their letter is provided at on page 14 & 15 of this report. Other emails received in opposition are at the back of the report.

CITY COUNCIL DATE: September 27, 2012

ACTION: Pending

CASE MANAGER: Maureen Meredith

PHONE: 974-2695

EMAIL: Maureen.meredith@austintexas.gov



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Brentwood Neighborhood Planning Contact Team

Serving Our Neighborhood from 45th St. to Justin Lane and North Lamar to Burnet Road

To: Maureen Meredith, Neighborhood Planner

Subject: Proposed Brentwood Neighborhood Plan Amendment Case Numbers: NPA-2012-0018.03, NPA-2012-0018.04, NPA-2012-0018.05, & NPA-2012-0018.06, NPA-2012-0018.07, & NPA-2012-0018.09

May 22, 2012

On April 24, 2012, the Brentwood Neighborhood Planning Contact Team (BNPCT) held a public meeting in accordance with our bylaws to consider plan amendment proposals for several individual properties within the Brentwood Neighborhood Planning area. The properties are located at 1209 W.49th Street, 1301 W.49th Street, 1307 W.49th Street, 1201 W.49th Street, 4804 Grover Avenue, & 4802 Grover Avenue.

In attendance were members of the BNPCT, numerous Brentwood residents who live near the subject property, the applicants' agent, and City of Austin Neighborhood Planner Maureen Meredith. The applicants' agent introduced herself to those in attendance and made a case for her client's proposal. Following her presentation, the applicants' agent fielded questions about the proposal from the audience. The applicant's presentation, resident input, and the goals of the Brentwood Neighborhood Plan were all carefully considered before making the following recommendation:

The Brentwood Neighborhood Planning Contact Team **voted unanimously to oppose** the applicant's proposed changes to the Brentwood Neighborhood Plan Future Land Use Map for the following reasons:

- 1) The proposed use and density is inappropriate for a residential street such as W. 49th St. which cannot accommodate the volume of traffic generated by a project of the scale being proposed without adverse impact.
- 2) The project is speculative and does not have buy-in from all of the affected landowners.
- 3) The Brentwood Neighborhood Plan vision for Future Land Use along W. 49th Street is MIXED USE/OFFICE designed to foster a low-density,

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- low-rise transition to adjacent single family homes. The proposed project would not serve that purpose.
- 4) Brentwood resident and artist Jay Long and his family are a shining example of what was envisioned when the MIXED USE/OFFICE designation was put in place along 49th Street during the Brentwood neighborhood planning process. He embraced the changes made to the area during the Neighborhood Planning process, and has asked for this Team's support in opposing the profit driven changes being proposed now. This Team would be remiss if it did not fight to preserve the protection that the existing land use and zoning provide Jay and area residents.
 - 5) The application is in conflict with Land Use Objective B1 because it does nothing to preserve single family residential uses, and creates little incentive for any single family redevelopment in the surrounding areas.
 - 6) The application is in direct opposition to wants/desires of affected single family neighbors in attendance at the public meeting.
 - 7) The applicants' agent failed to show any benefit to the neighborhood generally, or any improvement to the Brentwood Plan based on her proposal.
 - 8) The application is contrary to Land Use Objective B3 (Encouraging commercial zoning that is appropriate for its location) because it would remove the MIXED USE/OFFICE designation which currently provides a logical transition to the neighborhood interior.
 - 9) The Brentwood Neighborhood Planning Contact Team believes that our Neighborhood Plan provides a frame work for increased density and affordability in Brentwood without these proposed amendments.
 - 10) The scale and scope of the proposed changes would negatively impact traffic, parking, and safety.

Additionally, our Team would oppose any action that would rezone the subject properties.

The BNPCT respectfully requests that City Planners, Planning Commission and City Council **preserve the land use and zoning of the subject properties** so that they might continue to serve the goals and objectives of our Plan. If the applicants' requests are granted, it will be at the expense of the Brentwood residents who voiced their opposition to this proposal so adamantly at the public meeting and all Brentwood stake holders who repeatedly assert the preservation of our areas SF3 properties as their highest priority.

Sincerely,
Richard Brock
BNPCT Chair
(512) 458-3677

Letter submitted with the application

BROWN
Attorneys
at Law
MCCARROLL

NIKELL S. MEADE
512-479-1147 direct
512-226-7373 direct fax
nmcade@brownmccarroll.com

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February 29, 2012

Maureen Meredith
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Brentwood/Highland Neighborhood Planning Contact Team
c/o Richard Brock
1904 Ullrich Lane
Austin, Texas 78756

Re: Project Summary Letter
Applications for Neighborhood Plan Amendments
-- 4811 Burnet Rd. (does not need plan amendment)
-- 4804 Grover Ave.
-- 1307 W. 49th St.
-- 1301 W. 49th St.
-- 1209 W. 49th St.
-- 1201 W. 49th St.

Dear Ms. Meredith and Mr. Brock:

Our firm represents JLB Partners with respect to its application to develop the above-referenced Properties. With this letter we are filing applications to amend the FLUM designation for each of the above-referenced properties from Mixed-Use Office to Mixed Use. Our proposal is to combine six tracts (all currently zoned either CS-MU or LO-MU and designated on the FLUM as either Mixed Use or Mixed Use/Office) to develop a multi-family development (collectively, the "Properties").

Austin

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Dallas

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Houston

4811 Burnet Road does not need a FLUM designation amendment. Applications for FLUM designation amendments for the remaining five tracts are being filed at this time. We are also in discussions with the owners of two additional adjacent tracts and hope to add those tracts to our application in early March.

The development proposal is for a high-density apartment development facing Burnet Road. The change to CS zoning is needed because of the building height, setbacks, impervious cover, and FAR needed for the project is consistent with the CS site development regulations but not the LO site development regulations.



Maureen Meredith
Richard Brock
February 29, 2012
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Please contact me if you have any questions or need additional information.

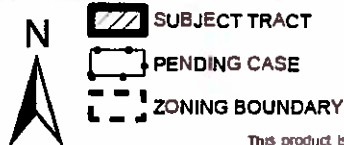
Sincerely,



Nikelle S. Meade

Enclosures

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PLAN AMENDMENT CASE#: NPA-2012-0018.05



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Brentwood Neighborhood Plan NPA-2012-0018.05

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

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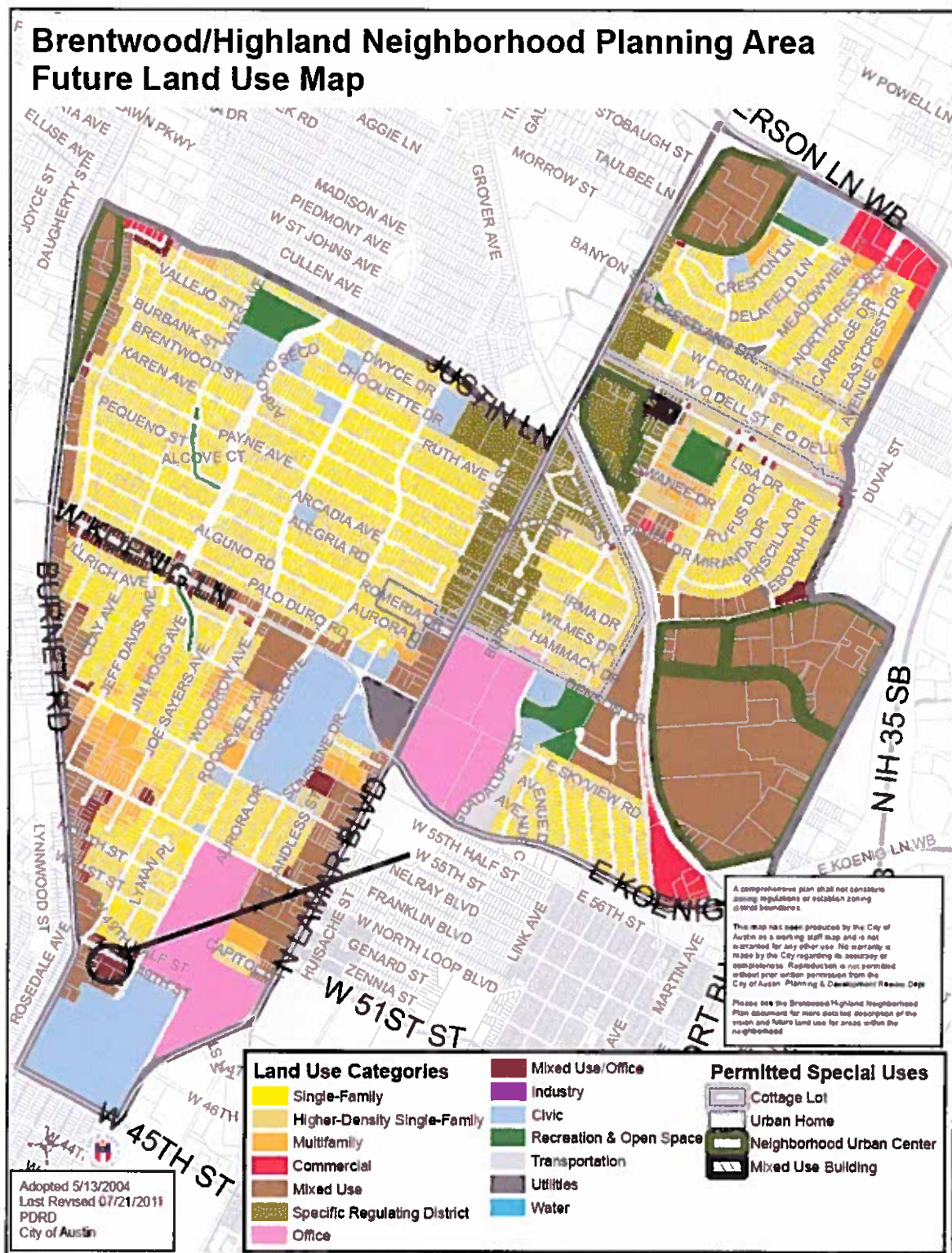


City of Austin
Planning and Development Review Department
Created on 03/06/2012_M Meredith

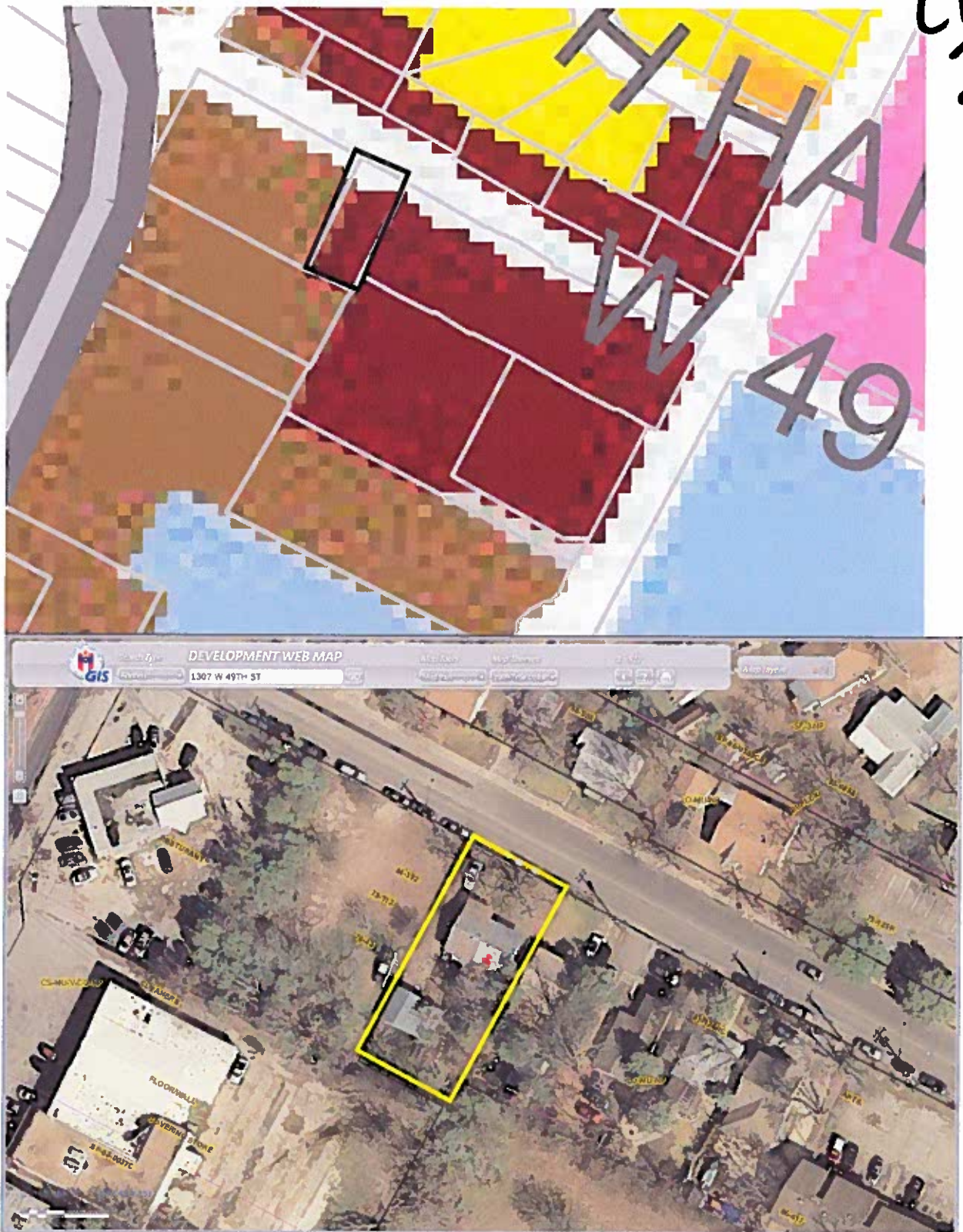


- Legend**
- 500ft notification boundary
 - SDE.flum_combined**
 - Single-Family
 - Multi-Family
 - Mixed Use
 - Office
 - Mixed Use/Office
 - Civic

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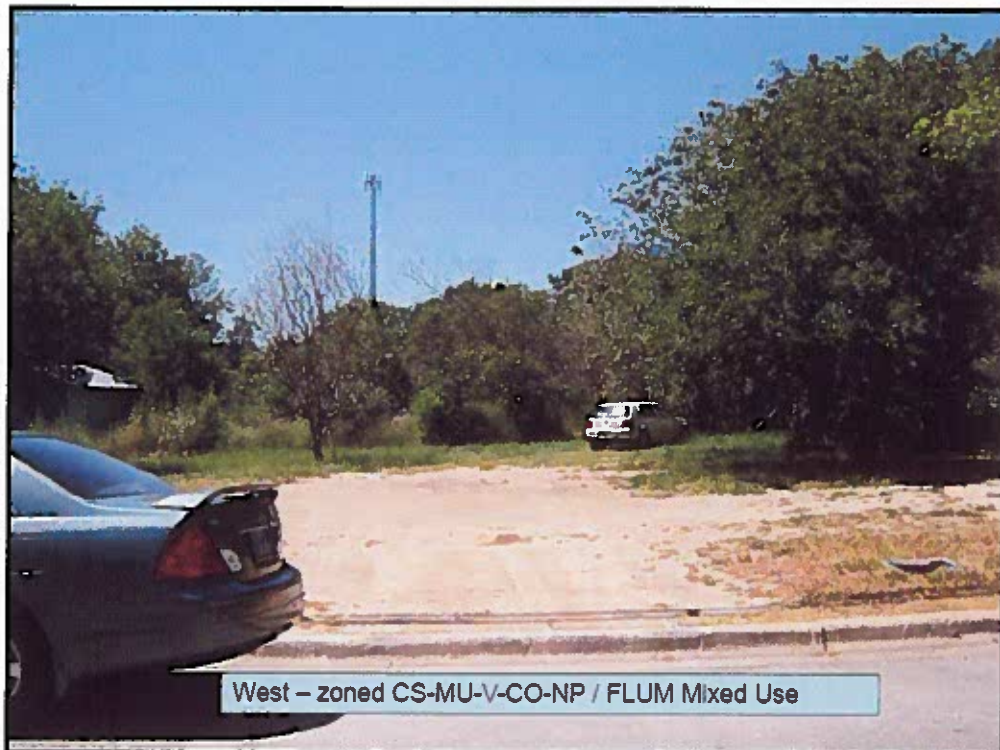
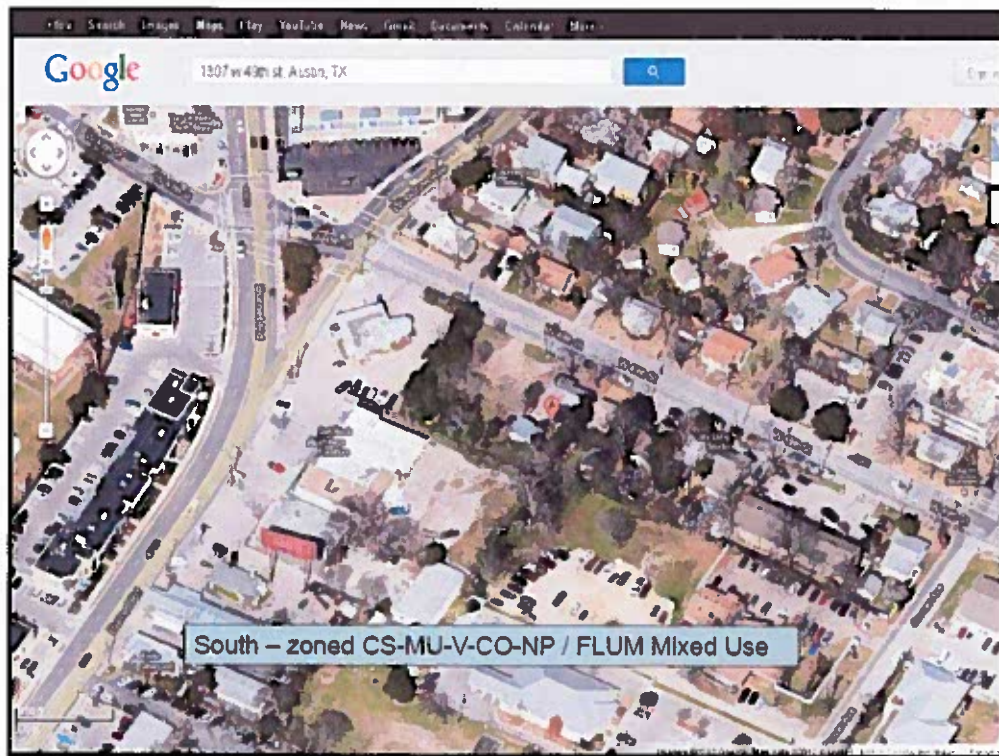
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From: K MS
Sent: Monday, August 20, 2012 1:31 PM
To: Meredith, Maureen
Subject: npa-2012-0018.05, .07, and .09

Maureen,

Please would you inform, with this email, the Planning Commission of my opposition to the applicants request for a change in the Neighborhood Plan and zoning change for the following cases which my Neighborhood Association has indicated are scheduled for public hearing at the next Planning Commission meeting:

- 1) npa-[2012-0018.05](#) regarding 1307 W. 49th
- 2) npa-[2012-0018.09](#) regarding 4802 Grover
- 3) npa-[2012-0018.07](#) regarding 4804 Grover

The backup material from the applicant states that six lots are to be combined for a "high density apartment development."

This would drastically change the character of the neighborhood and the desired neighborhood use as carefully planned and contained in our Neighborhood Plan. The neighborhood has designated corridors along Burnet, not on 49th and Grover, for such development and we agreed to zoning changes to allow such.

Also, Maureen, are the other cases, npa-[2012-0018.03](#), 04, and 06 going to have public hearings at this time? If not, what is the status on those cases?

Finally, surely, you are opposing such a radical land use change, right?

I look forward to hearing from you and have left a voicemail also.

Regards,
Kay McAllister
1409 North St.
Austin, TX 78756

From: Mark Brown
Sent: Tuesday, August 21, 2012 4:49 PM
To: Meredith, Maureen
Subject: Brentwood Development

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Maureen-

I wanted to let you and the planning commission know that I am not in favor of the developments on 49th street and Grover streets. I would like to stick with the neighborhood plan.

Thank you-

Mark Brown

5401 Aurora Dr.

PUBLIC HEARING COMMENT FORM	
If you use this form to comment, it may be submitted to: City of Austin Planning and Development Review Department 974-2695 P. O. Box 1088 Austin, TX 78767-8810	C7 RECEIVED 8/27/12 9/28/12 PC
If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.	
Case Number: NPA-2012-0018.05 Contact: Maureen Meredith Public Hearing: Aug 28, 2012, Planning Commission Sep 27, 2012, City Council	
☐ I am in favor ☒ I object	
<u>Maureen</u> Your Name (please print)	<u>1301 W 49th St 78756</u> Your address(es) affected by this application
<u>[Signature]</u> Signature	<u>8/21/12</u> Date
Comments: _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	

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Jay Long

1211 W. 19th Street
Austin TX 78756

T 512-434-0369
jaylong@jaylong.com

September 18, 2012

Maureen Meredith
City of Austin
Planning and Development review Board

Dear Maureen,

I hope this letter finds you well. I spoke with you on the phone several times and we met at the public meeting regarding zoning changes on property that my wife Nicole and I live and own property adjacent to. We have learned that in spite of the unanimous opposition from the Brentwood Neighborhood Planning Contact team and opposition from affected neighbors and community members that you are recommending the changes to the Planning Commission and City Council. I am sending you this as a written letter of our opposition on the following cases:

NPA-2012-0018.05 1307 W. 19th Street

NPA-2012-0018.07 1801 Grover Avenue

NPA-2012-0018.09 1802 Grover Avenue

For the following reasons:

It does not fit the scale and scope of the neighborhood as set out by the Brentwood Neighborhood planning association Future Land Use Maps.

The proposed use and density is inappropriate for a residential street such as W. 19th which cannot accommodate the volume of traffic generated by a project of the scale being proposed. The increased traffic would also be hazardous in a neighborhood where the students of the Texas State School for the Blind take their walks.

It does not enhance or appropriately transition in scale from the Brentwood residential neighborhood in congruence with the current 19th Street offices which are occupying repurposed single story houses.

It does not follow the suggestions laid out in the Austin Independent Business Alliances Local Business Manifesto, as it does not encourage the creation of small scale development for local business, which has proven to keep more of Austin's money in our local economy.

It is not compatible with the zoning of current adjacent single story 19th Street properties still being used as single family residences.

Sincerely yours,

Jay Long