

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0131

West 34<sup>th</sup> St. Redevelopment, Tract "A"

**P.C. DATE:** 02/14/12, 04/10/12, 05/22/12  
06/26/12, 07/24/12

**ADDRESS:** 800 & 808 W. 34<sup>th</sup> St.

**AREA:** 1.69 acres

**APPLICANT:** REIT Management & Research, L.L.C. (Richard Stilovich)

**AGENT:** McCann Adams Studio (Jana McCann)

**NEIGHBORHOOD PLAN AREA:** Central Austin Combined

**CAPITOL VIEW:** No

**T.I.A.:** Yes.

**WATERSHED:** Shoal/Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** LO-NP – Limited Office, Neighborhood Plan

**ZONING TO:** GO-NP – General Office, Neighborhood Plan

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends GO-CO-NP – General Office, Conditional Overlay, Neighborhood Plan. The Conditional Overlay would limit the height of any structure to forty five feet (45'). The applicant will enter into a Restrictive Covenant that includes all recommendations listed in the update to the Traffic Impact Analysis memorandum, dated January 11, 2012, as provided in Attachment "A".

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for GO-CO-NP zoning with neighborhood's agreement included, was approved by Commissioner Sandra Kirk's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 5-2; Commissioners Jean Stevens and Danette Chimenti voted against the motion (nay), Commissioner Richard Hatfield was absent, 1 vacancy on the commission.

### **DEPARTMENT COMMENTS:**

The site is currently developed with a two story office building and associated parking lot. The zoning case is within the boundaries of the Central Austin Combined Neighborhood Plan. The requested zoning change of LO-NP to GO-NP is in accordance with the Mixed Use/Office category identified on the Future Land Use map. The subject property is located along W. 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street. The plan states on page 76 that this area "should become a primarily mixed use office corridor". In addition, page 77 of the plan recommends to "limit new building heights to maintain a neighborhood-friendly scale to the street". The existing Limited Office (LO) zoning category allows for a maximum height of forty feet (40'), while the General Office (GO) zoning category allows for a maximum height of sixty feet (60'). During the neighborhood planning process, there was extensive discussion regarding the height and scale of any new development along 34<sup>th</sup> Street which is reflected in the plan document and conditional overlays that were adopted concurrent with the neighborhood plan.

Height limits of forty feet (40') were put in place along the majority of 34<sup>th</sup> Street to ensure new development was in context with the adjacent residential areas. The uses permitted in General Office zoning are consistent with the plan's goal for W. 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street to become a mixed use office corridor; however to meet the "desired neighborhood-friendly scale to the street", the height should be limited to be consistent with the rest of 34<sup>th</sup> Street.

### **BASIS FOR RECOMMENDATION:**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting GO-CO-NP would be in keeping with the Central Austin Combined Neighborhood Plan which calls for property located along W. 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street to become a primarily mixed use office corridor.

### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>          |
|--------------|---------------|---------------------------|
| <b>SITE</b>  | LO-NP         | Office                    |
| <b>NORTH</b> | SF-3-NP/ P-NP | Single family residential |
| <b>SOUTH</b> | LO-NP         | Office                    |
| <b>EAST</b>  | LO-NP         | Office                    |
| <b>WEST</b>  | P-NP          | Parking lot               |

### **CASE HISTORIES:**

| <b>CASE NUMBER</b>                         | <b>REQUEST</b>        | <b>PLANNING COMMISSION</b>    | <b>CITY COUNCIL</b>           |
|--|-----------------------|-------------------------------|-------------------------------|
| C14-95-0081<br>717 W. 35 <sup>th</sup> St. | From SF-3<br>to LO-CO | Approved LO-CO<br>[Vote: 7-0] | Approved LO-CO<br>[Vote: 5-0] |

### **NEIGHBORHOOD ORGANIZATION:**

- Austin Neighborhoods Council
- Heritage Neigh. Assoc.
- West 31<sup>st</sup> Street Creekside Neigh. Assoc.

### **SCHOOLS:**

Bryker Elementary School  
O'Henry Middle School  
Austin High School

### **SITE PLAN:**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North and East property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

### **ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and Waller Creek Watersheds of the Colorado River Basin, which are classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**TRANSPORTATION:**

**TR1.** A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

**TR2.** Existing Street Characteristics:

| Name        | ROW | Pavement | Class     | Sidewalk? | Bus Route? | Bike Route? |
|-------------|-----|----------|-----------|-----------|------------|-------------|
| 34th Street | 60  | 35       | Collector | Yes       | Yes        | Yes         |
| West Avenue | 50  | 27       | Local     | No        | No         | Yes         |

**CITY COUNCIL DATE:** March 8<sup>th</sup>  
June 14<sup>th</sup>  
September 27<sup>th</sup>  
December 6<sup>th</sup>

**ACTION:** Postponed to June 14<sup>th</sup>  
Postponed to September 27<sup>th</sup>  
Postponed to December 6<sup>th</sup>

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

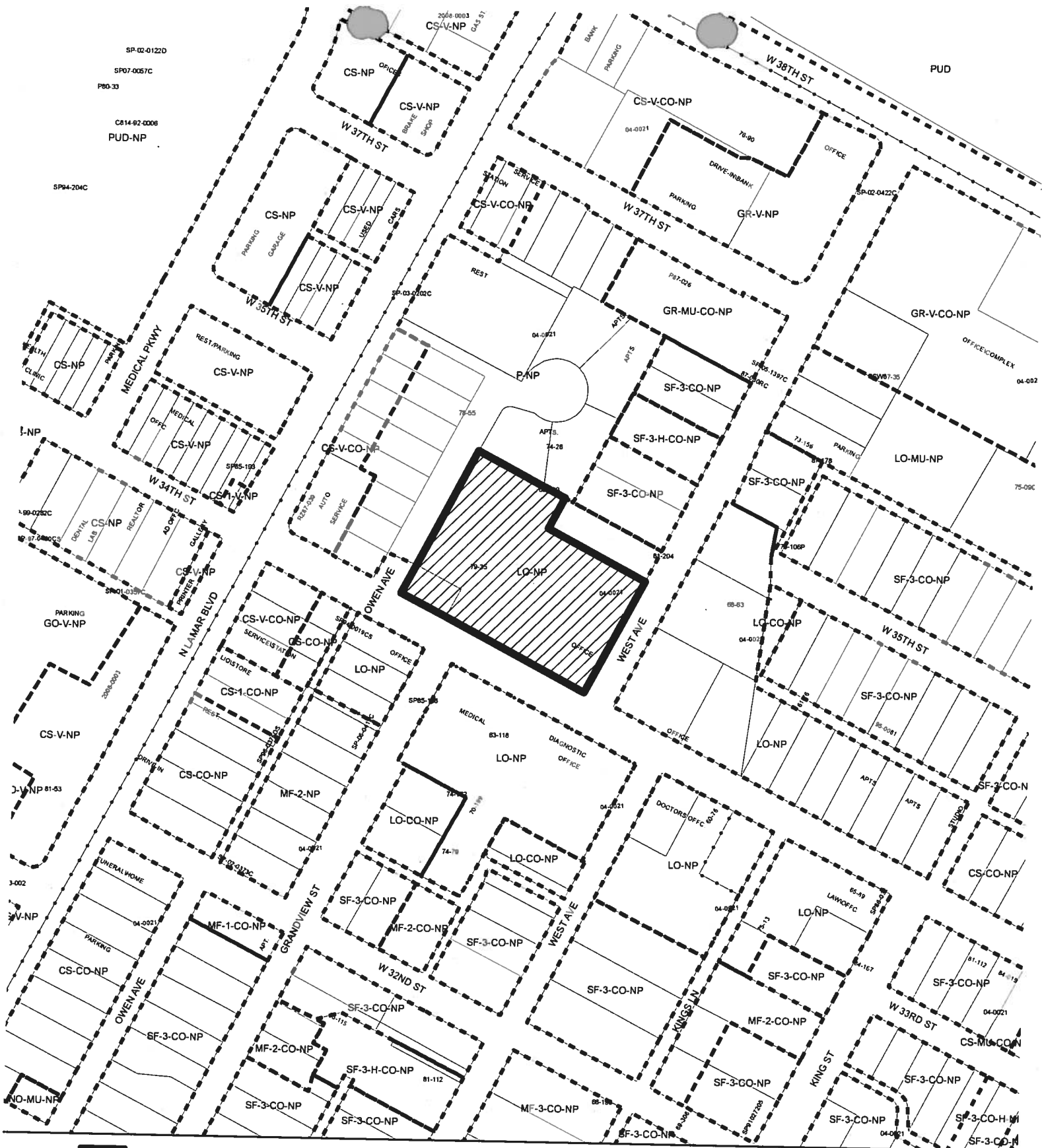
**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)




**PHONE:** 974-7691

SP94-204C

**PUD**



1"=200'

 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

**ZONING CASE#: C14-2011-0131**



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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





SUBJECT TRACT





City of Austin  
Zoning Map

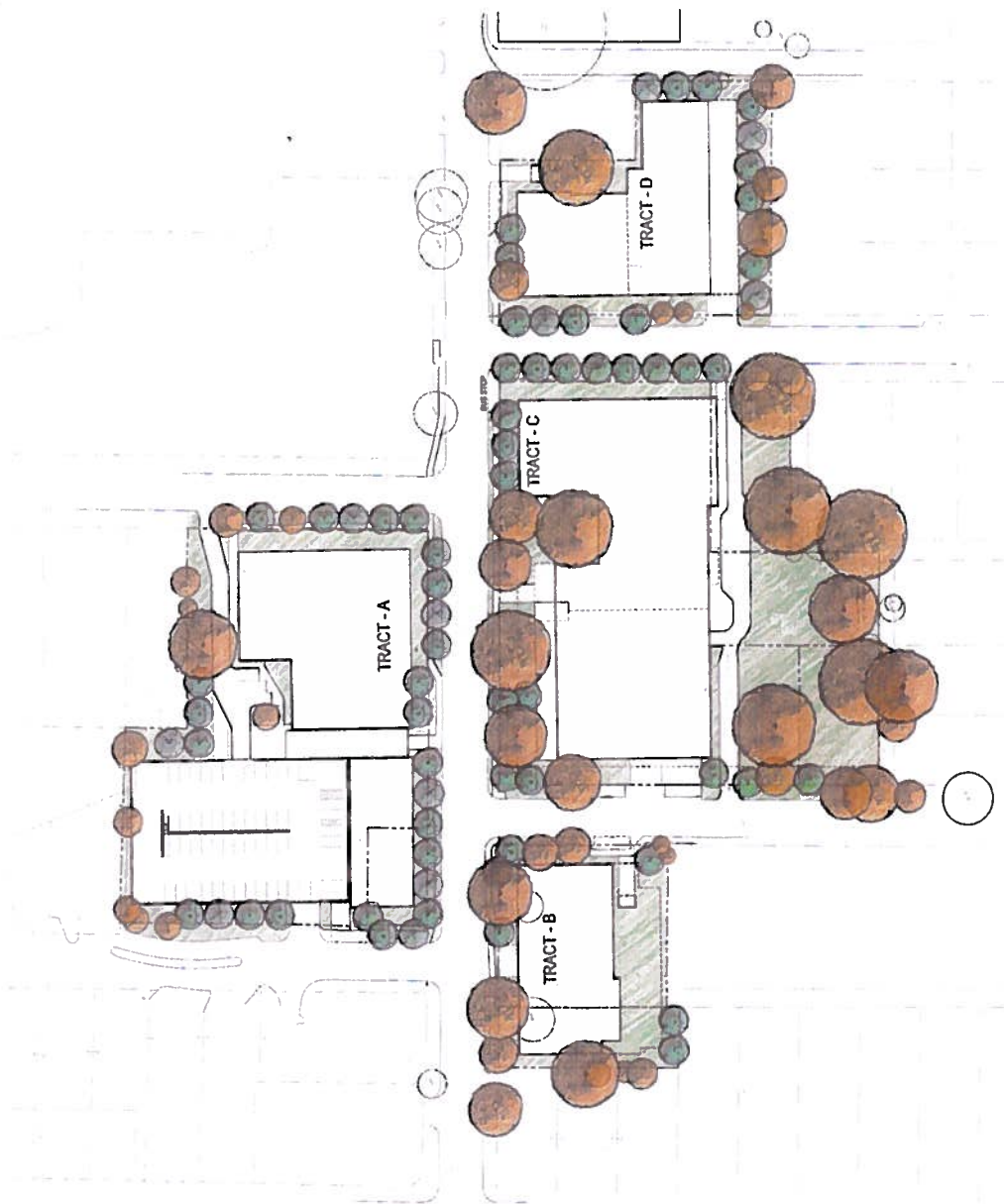
Overlay Districts

Pending Zoning Cases

J25  
November 28, 2011

Scale: 0 400 800 Feet

5.22.12 Amendment to W. 34th Street Zoning Case to Include Tract C Lots: 0218031416, 0218031415, 0218031408



CONCEPTUAL SITE PLAN | REAR DROP-OFF SITE PLAN  
W. 34th STREET REDVELOPMENT PROJECT | SCALE: 1" = 40'-0"

HNA DESIGN CONSULTING REVIEW - 6.20.2012

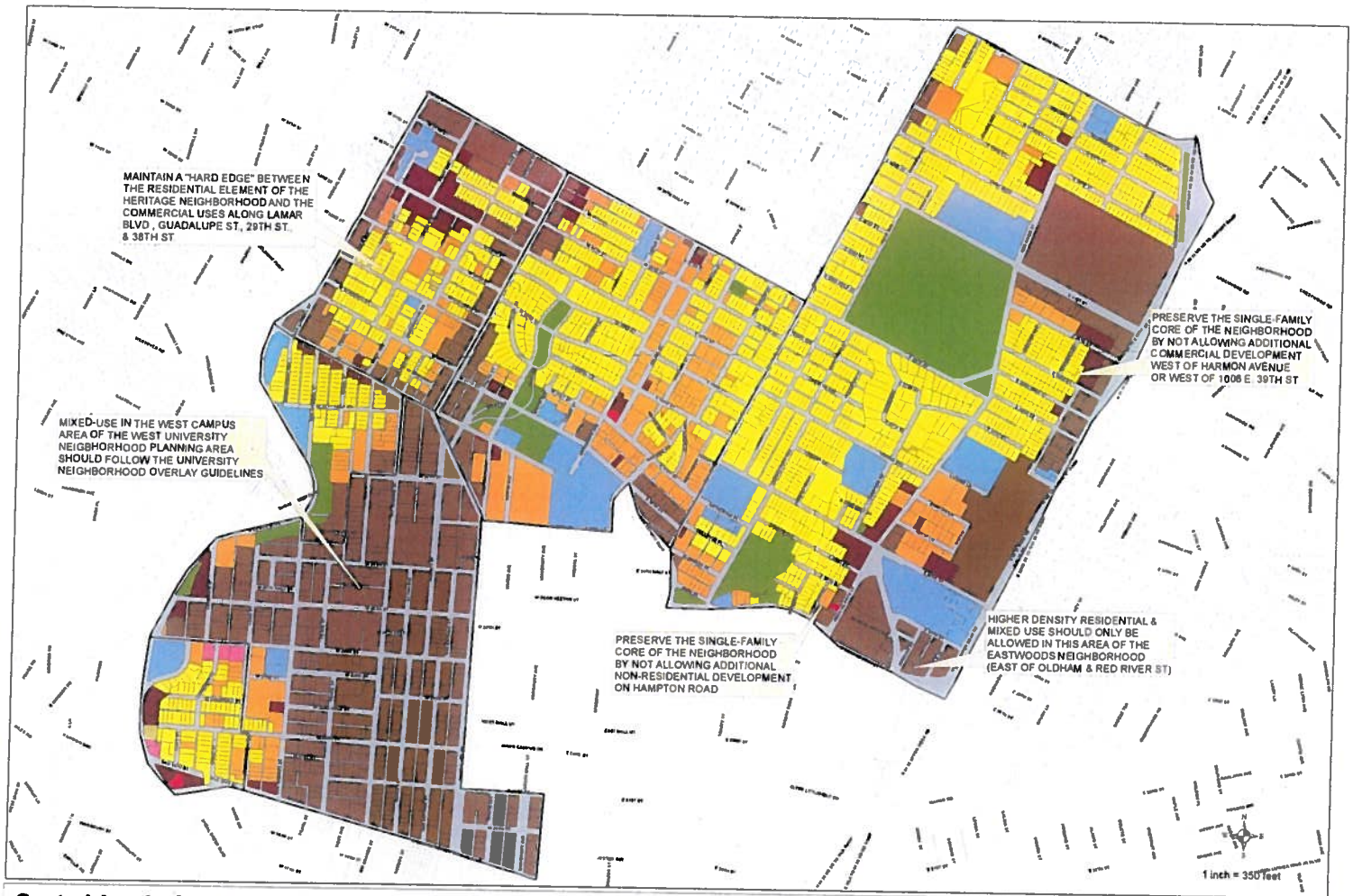




Google earth

feet 10  
meters 3





## Central Austin Combined Neighborhood Planning Area: Future Land Use Map



City of Austin  
Neighborhood Planning and  
Zoning Department  
Revised September 1, 2010

*A comprehensive plan shall not constitute zoning  
regulations or establish zoning district boundaries.*

### Legend

|                              |                        |                         |
|------------------------------|------------------------|-------------------------|
| Single-Family                | Mixed Use              | Civic                   |
| Higher-Density Single-Family | High Density Mixed Use | Recreation & Open Space |
| Multifamily                  | Office                 | Transportation          |
| Commercial                   | Mixed Use/Office       |                         |



## Central Austin Combined Neighborhood Plan

### West 34<sup>th</sup> Street

**Objective 3.1:** Provide for new commercial and housing opportunities by allowing mixed use along 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street.

**Recommendation 1** Allow the neighborhood mixed use building along West 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street.

**Objective 3.2:** West 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street should become a primarily mixed use office corridor.



*There are a variety of office and commercial uses along West 34<sup>th</sup> Street between Guadalupe Street and Lamar Boulevard. The majority of the larger office uses are closer to Lamar (above and left) while closer to Guadalupe there is a mix of smaller scale commercial and office uses (below).*



## **Central Austin Combined Neighborhood Plan**

**Recommendation 2** Allow the neighborhood mixed use building on all commercial and office zoned properties along the corridor.

**Recommendation 3** Limit new building heights to maintain a neighborhood-friendly scale to the street.

### **Guadalupe Street/29<sup>th</sup> Street/38<sup>th</sup> Street**

**Objective 3.3:** Guadalupe Street (29<sup>th</sup> Street to 30<sup>th</sup> Street) and adjacent commercial corridors—29<sup>th</sup> and 38<sup>th</sup> Streets—should become more pedestrian-friendly, mixed use corridors. Building heights should be limited in order to avoid creating a canyon-like effect along the narrow Guadalupe right-of-way.

Guadalupe and 29<sup>th</sup> Streets should provide shopping and services for the nearby neighborhoods as well as the rest of the city. Along 29<sup>th</sup> Street, immediately west of Guadalupe, the intensity of commercial uses should transition from more intense at the intersection of the two streets to less intense farther west along 29<sup>th</sup> Street. Along 29<sup>th</sup>, building heights should be limited to prevent new development from towering over the adjacent single-family neighborhoods.

Due to its proximity to the Heart Hospital of Austin and Seton Hospital, the segment of 38<sup>th</sup> Street between Guadalupe and Lamar Boulevard is more oriented toward the healthcare industry and serves both citywide and regional healthcare needs. New healthcare facilities being developed near the intersection of Lamar Boulevard and 38<sup>th</sup> Street will further reinforce the notion of a growing healthcare “district” in this part of the city.

New development along this segment of 38<sup>th</sup> Street will likely be supportive of this “district;” however, it should be designed in a pedestrian-friendly fashion.

**Recommendation 4** Allow the mixed use building on commercially zoned properties along 29<sup>th</sup> Street as far west as West and Salado Streets.

**Recommendation 5** Limit building heights along 29<sup>th</sup> Street to promote a more neighborhood-scaled commercial corridor.

**Recommendation 6** Retain the intensive zoning along 29<sup>th</sup> Street to retain the permissive site development standards but limit the allowed uses to promote a more neighborhood-friendly commercial corridor.





**Date:** January 11, 2012  
**To:** Clark Patterson, Case Manager  
**CC:** Kathleen Hornaday, P.E., P.T.O.E, HDR, Inc.  
**Reference:** West 34<sup>th</sup> Street Development, C14-2011-0131 through 0134

The West 34<sup>th</sup> Street Development site is located along 34<sup>th</sup> Street, between Lamar Boulevard and Kings Lane in Austin, Texas. The proposed development will consist of approximately 228,005 square feet of medical office use and 3,300 square feet of high-turnover (sit-down) restaurant use located on four adjacent tracts along 34<sup>th</sup> Street.

Access to the development will be provided via five driveways: one driveway that will provide access to the parking garage on Owen Avenue; one driveway that will provide access on W. 34<sup>th</sup> Street; one driveway to Grandview Street; one driveway to West and one driveway to Kings Lane.

Transportation Review staff has reviewed the traffic impact analysis that was prepared for the W. 34<sup>th</sup> Street Development on September 19, 2011 (amended December 22, 2011), and offers the following comments:

#### TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the proposed development is expected to generate approximately 8,658 unadjusted daily weekday trips. Of these, 562 trips are estimated to occur during the AM peak-hour and 619 trips are estimated for the PM peak-hour.

Table 1 below shows the trip generation by land use for the proposed development:

**Table 1. Unadjusted Weekday Peak Hour Trip Generation**

| Land Use                            | Size        | 24-Hour<br>Two-Way<br>Volume | AM Peak Hour |      | PM Peak Hour |      |
|-------------------------------------|-------------|------------------------------|--------------|------|--------------|------|
|                                     |             |                              | Enter        | Exit | Enter        | Exit |
| Medical-Dental Office               | 228, 005 SF | 8,238                        | 415          | 109  | 157          | 425  |
| High-Turnover (Sit-Down) Restaurant | 3,300 SF    | 420                          | 20           | 18   | 22           | 15   |

## ASSUMPTIONS

1. Traffic growth rates for the area were determined using traffic counts conducted by Gram Traffic Inc, and from TxDOT and CAMPO projected daily volumes. Based on the available information, a 3 percent annual growth rate was applied to the study area roadways.
2. A pass-by reduction of 43 percent was assumed for the High Turnover (Sit-Down) Restaurant during the PM peak period.
3. An internal capture reduction of 10 percent was assumed for the proposed Medical-Dental Office use for the PM peak period.
4. A transit reduction of 5 percent was assumed for all site-generated trips, for both the existing network and proposed project site, during each peak period, based on annual ridership information from Capital Metro.
5. No pedestrian trip reduction was assumed for this project.

Table 2 below provides a summary of the adjusted daily and peak hour trip generation.

**Table 2. Adjusted Weekday Peak Hour Trip Generation**

| Land Use                            | Size        | 24-Hour<br>Two-Way<br>Volume | AM Peak Hour |      | PM Peak Hour |      |
|-------------------------------------|-------------|------------------------------|--------------|------|--------------|------|
|                                     |             |                              | Enter        | Exit | Enter        | Exit |
| Medical-Dental Office               | 228, 005 SF | 7,435                        | 394          | 104  | 134          | 363  |
| High-Turnover (Sit-Down) Restaurant | 3,300 SF    | 313                          | 19           | 17   | 12           | 8    |

Table 3 below provides a summary of the area transportation system:

**Table 3. Existing and Planned Roadways**

| Roadway                 | Segment  | Classification | Future Improvements | Bike Plan? |
|-------------------------|--|----------------|---------------------|------------|
| Lamar Boulevard         | 29 <sup>th</sup> Street to Rundberg                | MAD 4          | MAD 6               | Yes        |
| Guadalupe Street        | 29 <sup>th</sup> Street to 45 <sup>th</sup> Street | MAD 4          | Existing            | Yes        |
| 38 <sup>th</sup> Street | Jefferson Street to Guadalupe Street               | MAD 4          | Existing            | Yes        |
| 34 <sup>th</sup> Street | Lamar Boulevard to Guadalupe Street                | Collector      | Existing            | Yes        |
| West Avenue             | 30 <sup>th</sup> Street to 38 <sup>th</sup> Street | Collector      | Existing            | No         |
| Kings Lane              | 30 <sup>th</sup> Street o 34 <sup>th</sup> Street  | Collector      | Existing            | No         |
| Owen Avenue             | 34 <sup>th</sup> Street to 38 <sup>th</sup> Street | Local          | Existing            | No         |
| Grandview Street        | 30 <sup>th</sup> Street o 34 <sup>th</sup> Street  | Local          | Existing            | No         |



## TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and three travel conditions were evaluated:

- 2011 Existing Conditions
- 2017 Forecasted Conditions (without Site Traffic)
- 2017 Forecasted Conditions with Site Generated Traffic

### *Intersection Level of Service (LOS)*

The TIA analyzed 4 signalized intersections, 8 un-signalized intersections, and each of the site driveways. Table 4 shows the existing (2011) and projected (2017) levels of service results. The 2017 analysis assumes that all roadway and intersection improvements recommended in the TIA are constructed.

**Table 4. Intersection Level of Service**

| Intersection  | 2011 Existing |    | 2017 Forecasted |    | 2017 Site + Forecasted |    |
|---|---------------|----|-----------------|----|------------------------|----|
|   | AM            | PM | AM              | PM | AM                     | PM |
| Lamar Boulevard and W. 38 <sup>th</sup> Street*       | D             | D  | E               | E  | D                      | D  |
| West Avenue and W. 38 <sup>th</sup> Street *          | A             | B  | A               | B  | B                      | B  |
| Guadalupe Street and W. 34 <sup>th</sup> Street*      | A             | A  | A               | B  | B                      | B  |
| Lamar Boulevard and W. 34 <sup>th</sup> Street*       | A             | B  | B               | C  | B                      | C  |
| Owen Avenue and W. 34 <sup>th</sup> Street            | A             | A  | A               | A  | --                     | -- |
| Owen Avenue/Driveway B and W. 34 <sup>th</sup> Street | --            | -- | --              | -- | A                      | A  |
| Grandview Street and W. 34 <sup>th</sup> Street       | A             | A  | A               | A  | A                      | A  |
| West Avenue and W. 34 <sup>th</sup> Street            | A             | A  | A               | A  | A                      | A  |
| Owen Avenue and Driveway A                            | --            | -- | --              | -- | A                      | A  |
| Grandview Street and Driveway C                       | --            | -- | --              | -- | A                      | A  |
| West Avenue and Driveway D                            | --            | -- | --              | -- | A                      | A  |
| Kings Lane and Driveway E                             | --            | -- | --              | -- | A                      | A  |

\*Existing signalized intersection.

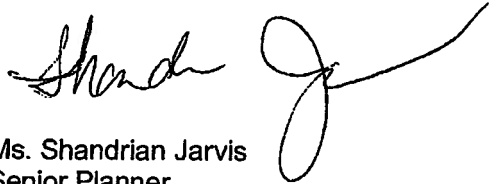
## RECOMMENDATIONS

- 1) The owner will install stop signs and appropriate pavement markings for all site driveways.

- 
- 2) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics. Add the following note the cover sheet and site plan sheet: "The site plan is subject to a limitation of 7,748 adjusted vehicle trips per day with zoning cases C14-2011-0131 through -0134.

If you have any questions or require additional information, please contact me at 974-2628.

---



Ms. Shandrian Jarvis  
Senior Planner  
Planning and Development Review Department





February 14, 2012

Planning Commission  
c/o Clark Patterson  
Planning and Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Agenda Items 10, 11, 12, and 13  
Case #: C14-2011-0131, -0132, -0133, -0134  
West 34th Street Redevelopment  
800 & 808 W. 34<sup>th</sup> Street; 3316 Grandview  
Street; 801 West 34<sup>th</sup> Street; and 715 W. 34<sup>th</sup>  
Street



Dear Mr. Patterson:

The above-referenced project is within the area of the Heritage Neighborhood Association (HNA), and HNA is an interested party in these cases. HNA requests a postponement of Planning Commission public hearing and action on these case to allow ongoing negotiations between the developer, REIT Management, and HNA to continue and reach conclusion.

HNA asked REIT to join the neighborhood in requesting this postponement, and after consideration REIT indicated they would agree only to a two-week postponement. They also indicated that they would not oppose HNA's request for a 30-day postponement but would not join us in that request.

Given the very preliminary stage of negotiations currently, HNA believes that more time than 30 days will be required to complete the negotiations and come to agreement. Therefore, HNA would like to respectfully request a 90-day postponement, based on the following reasons:

- HNA requested on January 17, 2012, that REIT engage an outside attorney to serve as HNA's representative in the negotiations related to this project. As of today's date, REIT has agreed to do so but the engagement agreement has not yet been signed and the actual work of analysis and negotiation has not begun;
- HNA has formed a working group to facilitate the discussions between the parties, but the working group is not empowered to finalize or enter into an agreement with the developer. Instead, any agreement reached must be presented to and approved by the HNA membership at large;
- HNA has regular meetings on the first Monday of every other month, with the next meeting scheduled for March 5, 2012. Given the current status of negotiations – almost one month to simply agree on the supporting services, and no actual discussion or negotiation beyond that – it is improbable that the parties will have reached any agreement that can be presented to the HNA membership in time for the March 5<sup>th</sup> membership meeting;
- The next HNA meeting where any agreement can be presented and voted on will be May 7, 2012;

C. Patterson

2/14/12

page 2

- HNA's policy is to not schedule project-specific, special-called meetings outside of the regular meeting cycle because attendance at such meetings is generally low. HNA notifies its members of the year's meeting schedule at the beginning of the year so that members have significant advance-notice of meetings and so that as many members as possible have the opportunity to participate where votes are taken that impact the neighborhood;
- Following the May 7<sup>th</sup> meeting, a week or two will be needed to finalize any agreement items with REIT, execute and escrow documents, and prepare for the Planning Commission meeting.

HNA does not want to ask for repeated postponements or to come before the Planning Commission before negotiations with REIT are complete. Under the plan and schedule outlined above, we feel the parties can achieve that goal and can return to the Commission with an agreement in place.

Sincerely yours,



Laurie Limbacher  
Steering Committee Member  
Heritage Neighborhood Association

cc: Planning Commission members  
Amanda Morrow



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0133

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 22, 2012, Planning Commission

June 14, 2012, City Council

Megan Sarah Miller  
Your Name (please print)

☐ I am in favor  
☒ I object

710 W 34th Street #108 Austin TX 78705  
Your address(es) affected by this application

*[Signature]*  
Signature  
May 20, 2012  
Date

Daytime Telephone: (512) 626-4315

Comments:

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2011-0133

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 22, 2012, Planning Commission  
June 14, 2012, City Council

Jack Allen

Your Name (please print)

3505 West Avenue

Your address(es) affected by this application

[Signature]

Signature

5/21/12

Date

Daytime Telephone: (512) 965-6962

Comments:

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2011-0131

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Your Name (please print) Brent Spraggan / Sharon Pater

☐ I am in favor  
☒ object

3504 West Ave, Austin TX 78705

Your address(es) affected by this application

FTS. Novomulum 2-9-12

Signature

Date

Daytime Telephone: 512-750-6895

Comments: We object to the rezoning based on incompatibility with scale and character with the existing residential neighborhood; the impact of increased traffic on residential streets; and increased heat island effect and environmental effects. If the developer would agree to a conditional overlay to mitigate these concerns, we would be interested in discussion.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2011-0131

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Jack & Janet Allen  
Your Name (please print)

3505 West Avenue  
Your address(es) affected by this application

Jack & Janet Allen  
Signature

Date

Daytime Telephone: (512) 981-8090

Comments: increased G.O.-NP = increased  
traffic through Residential  
Neighborhood.

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number: C14-2011-0131**

**Contact: Clark Patterson, (512) 974-7691**

**Public Hearing: Feb 14, 2012, Planning Commission**

**March 8, 2012, City Council**

Marshall Durrett  
Your Name (please print)

☐ I am in favor  
☒ I object

3200 Grandview Street  
Your address(es) affected by this application

[Signature]  
Signature

02-07-2012  
Date

Daytime Telephone: (512) 472-3100

Comments: See Case C14-2011-0131

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number: C14-2011-0131**

**Contact: Clark Patterson, (512) 974-7691**

**Public Hearing: Feb 14, 2012, Planning Commission**

**March 8, 2012, City Council**

**DON DAVIS**

*Your Name (please print)*

**707 W. 34th St.**

*Your address(es) affected by this application*

*[Signature]*

*Signature*

*Date*

Daytime Telephone: **454-3751**

Comments:

☒ I am in favor  
☐ I object

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City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2011-0131

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Ann Bowler

Your Name (please print)

3506 West

Your address(es) affected by this application

Ann Bowler

Signature

2/13/12

Date

Daytime Telephone: (512) 451-2540

Comments: TOTALY INAPPROPRIATE FOR THE

RESIDENTIAL NEIGHBORHOOD

☐ I am in favor  
☒ I object

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City of Austin

Planning & Development Review Department

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P. O. Box 1088

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**Case Number: C14-2011-0131**

**Contact: Clark Patterson, (512) 974-7691**

**Public Hearing: Feb 14, 2012, Planning Commission**

**March 8, 2012, City Council**

CLARE EXPRESS

Your Name (please print)

3418 N. LAMAR

Your address(es) affected by this application

Mildred, Corner

Signature

Date

Daytime Telephone: (832) 325-2411

Comments:

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If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2011-0131

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

CLARK PATTERSON

Your Name (please print)

709 B W 34th

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512 452 9292

2/7/12  
Date

☐ I am in favor  
☒ I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810



**Patterson, Clark**

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**From:** [REDACTED]  
**Sent:** Sunday, January 06, 2013 7:27 PM  
**To:** Patterson, Clark; Meredith, Maureen  
**Subject:** Fwd: 34th Street Project in Heritage Neighborhood

Hello Clark and Maureen,

Just wanted to share this with you also. Perhaps it can be included in whatever info packet Council receives prior to their meeting on the 17th? I hope this okay to ask.

Thanks,

Kisla Jimenez

----- Original Message -----

**Subject:** Fwd: 34th Street Project in Heritage Neighborhood  
**Date:** Sun, 06 Jan 2013 11:02:40 -0600  
**From:** Kisla <[kisla@tesoros.com](mailto:kisla@tesoros.com)>  
**To:** [canpac@yahoogroups.com](mailto:canpac@yahoogroups.com)

Hello,

I don't know most of you who sit on CANPAC but I wanted to share this letter I just sent to the Mayor and all of City Council Members. I don't know if CANPAC has an opportunity to weigh in. I am sure, however, that other central Austin neighborhoods have had to deal with these types of issues before.

Thank you for your work on behalf of Central Austin!

Kisla Jimenez  
3012 West Avenue

----- Original Message -----

**Subject:** 34th Street Project in Heritage Neighborhood  
**Date:** Sun, 06 Jan 2013 10:53:49 -0600  
**From:** Kisla <[kisla@tesoros.com](mailto:kisla@tesoros.com)>  
**To:** [lee.leffingwell@austintexas.gov](mailto:lee.leffingwell@austintexas.gov)  
**CC:** [matt.curtis@austintexas.gov](mailto:matt.curtis@austintexas.gov), [nancy.williams@austintexas.gov](mailto:nancy.williams@austintexas.gov)

Dear Mayor Leffingwell,

With the upcoming Council meeting on January 17th where you will vote on the upzoning request for the 34th Street project in the Heritage Neighborhood (HNA), we wanted to reach out to you and share our thoughts and feelings.

We have lived in this neighborhood over ten years. It is one of those small communities that has a unique mix single family homes (some built in the 19th century, most built early 20th century), apartment buildings and commercial properties on its perimeter. All of us who live here understand and accept the urban nature of living in central Austin. It's wonderful to live walking/bike riding distance to grocery stores, the post office, the local elementary school, independently owned businesses, etc.

With trepidation we have watched the negotiation process between the HNA and the Boston-based landowner REIT which started in earnest just a year ago. Although we were opposed to the upzoning from the beginning, we were willing to listen and wait to see what REIT had to offer the HNA in exchange for this very valuable zoning .

The process has not been easy. From our point of view REIT's legal representation, with its sophisticated negotiating style, has been full of delays and smokescreens that has put the volunteer-based HNA at a disadvantage. REIT has the best land usage attorney on its side, while the HNA has had to pull together 50+ households to come to a consensus every step of the way. With such an important zoning change, inevitably opinions and emotions are raw.

But the resulting final agreement presented to the HNA just a few weeks ago on December 13th proved to be unacceptable by 70% of the neighborhood residents who showed up to vote (69 against the agreement, 29 for the agreement). Most folks are not convinced that a small recreational easement and traffic mediation monies and dumpster placements are enough to warrant the zoning change but more importantly, the contractual agreement itself would be very difficult for any neighborhood association to enforce. We both read this lengthy 4-part document and we think it is staggeringly favorable to the landowner. If enacted, the HNA will not be able to enforce this agreement; it is complicated, legally ambiguous and full of loopholes in favor of the landowner. The recent vote shows that many neighborhood residents feel this way as well.

We respectfully ask you to keep the current zoning on tracts C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134 in the Heritage Neighborhood. In addition, REIT is requesting a change to GO to the FLUM on two lots that are zoned SF adjacent to these tracts, a change to which we are also opposed.

We all believe that the neighborhood plan that was agreed to and signed into law in 2004 should have protected us from having to address tract-by-tract re-zoning requests now and established that the middle of the neighborhood should be protected from anything higher than LO zoning. We do understand that REIT has a right to develop their property and turn a profit with their current LO zoning.

In closing we would like to state that in addition to the fact that the final agreement is disadvantageous to the HNA because it would be very difficult to enforce legally, an upzoning to GO on these tracts will set precedent for the rest of the LO tracts in the middle of the neighborhood. We accept the commercial nature of our business neighbors on our perimeter; GO is just not appropriate in the middle of the neighborhood and the land-use map should not be changed.

Please vote to keep the zoning on these tracts as is. Thank you for your attention and your service to the City of Austin.

Sincerely,

Kisla Jimenez and Jonathan Williams (owners of Tesoros Trading Company)  
3012 West Avenue  
Austin, TX 78705

## **Patterson, Clark**

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**From:** Kisha [mailto:kisha@tesoros.com]  
**Sent:** Wednesday, February 08, 2012 11:48 AM  
**To:** Patterson, Clark  
**Cc:** Jonathan Williams  
**Subject:** C14-2011-0131, -0132, - 0133, -0134

Dear Mr. Patterson,

With all due respect, my husband Jonathan Williams and I will like to record our opposition to the up-zoning request to be presented by REIT Management & Research, LLC and McCann Adams Studio (Case Nos. C14-2011-0131, -0132, - 0133, -0134).

We remember 2004, when many of us from the neighborhood attended the city-led meetings to develop the Neighborhood Plan (NP), where we broke out into smaller groups, discussed what kind of neighborhood we wanted to preserve, etc. We have all chosen to live in a central, urban area, yes, but we must preserve its accessibility and the last bit of calm on the streets so our children and adults alike can walk/bike/skate to eachothers' homes and support our local businesses without fear of being run down. We don't see how a project with 4 garages is going to benefit the neighborhood in any way. We believe we can still be good neighbors to our commercial neighbors and accept their own growth within the set parameters. As business owners ourselves, we understand change and growth is inevitable, but the neighborhood should benefit from the NP process done not too long ago.

It seems to us they will still gain financially by more than doubling their allowed square footage under their current zoning of LO (up to 174,00 versus their current 87,000 if we understand correctly).

Moreover, agreeing to this request for up zoning will set precedent for future zoning change requests; an up-zoning will undermine all of our work on the NP.

Thank you very much for everything you do for the City of Austin.

Sincerely,

Kisla Jimenez and Jonathan Williams

Parents of Sabine and Martin, 3rd grader and kindergartener at Bryker Woods Elementary  
Residents of Heritage Neighborhood Owners of Tesoros Trading Company

**Patterson, Clark**

---

**From:** Nuria Zaragoza ([REDACTED])

**Sent:** Wednesday, February 08, 2012 3:40 PM

**To:** Lin Team; Patterson, Clark

**Cc:** Adam Stephens; Betsy Greenberg

**Subject:** 34th and West

February 8, 2012

To: Clark Patterson and Members of the Planning Commission

RE: C14-2011-0131, C14-2011-0133, C14-2011-0133, C14-2011-0134, 34<sup>th</sup> and West

On December 6, 2011, the Central Austin Combined Neighborhood (CANPAC) Plan Team Committee voted to oppose the proposed zoning changes from LO to GO. We urge continuation of the current LO zoning as stated when our Neighborhood Plan was passed in July 2004. The proposed zoning increase is in the middle of the Heritage neighborhood and is adjacent to single family homes. The increased height and density are inappropriate for this location. In particular the narrow neighborhood streets and substandard sidewalks cannot support the traffic that would be generated. In order to protect the residential character of the Heritage neighborhood, the neighborhood plan accommodates increased density only on the neighborhood perimeter.

The current LO zoning allows the applicant to redevelop the property from its current 86,915 sq ft size to 174,000 sq ft. In other words, the applicants can double the size of this development without any zoning change. Therefore, we respectfully request that these petitions for increased zoning be denied.

Nuria Zaragoza  
Co-Chair CANPAC

Adam Stephens  
Co-Chair CANPAC



## **Patterson, Clark**

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**From:** Mikal Grimes <mikal@boardmangrimes.com>  
**Sent:** Wednesday, June 20, 2012 1:29 PM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Planning Commissioners,

I am a resident of the Heritage neighborhood and am writing to oppose the upzoning requested in the the cases listed in the subject line. I was President of the Heritage Neighborhood Association during the development and adoption of our neighborhood plan. This zoning change is directly at odds with the neighborhood plan and should be rejected.

The upzoning would provide a tremendous economic gift to the owners of the property, who either had the opportunity to participate in the development of the neighborhood plan or purchased the properties after its adoption. The monetary value of that gift will be borne several times over by the residents of the neighborhood, both as economic loss in their own property values but just as importantly in the negative impact on quality of life.

HNA's neighborhood plan would be severely and irrevocably undermined by an upzoning of this magnitude. Furthermore the use of neighborhood planning as a vital, ongoing means to shape Austin's future would lose much credibility and effectiveness once the ease with which plans can be circumvented has been demonstrated.

Regards,

Mikal Grimes  
700 W 32nd St.

## **Patterson, Clark**

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**From:** Sommer Maxwell <[REDACTED]>  
**Sent:** Tuesday, June 19, 2012 7:15 PM  
**To:** Patterson, Clark; sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; mnrghatfield@yahoo.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Commissioners,

This letter is to respectfully ask you to keep the current zoning on tracts C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134 in the Heritage Neighborhood. In addition, REIT, the property owner, is requesting a change to the FLUM on two lots that are zoned SF adjacent to these tracts, a change to which we are also opposed. In both instances the owner is requesting a change to GO.

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets. The perimeter of this small neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

We, the neighborhood, have been in conversation with REIT as of two years ago and consistently we have voiced our concerns regarding compatibility, scale, appropriate uses within the neighborhood, tree preservation and traffic. In January of this year we formed a working group to represent the neighborhood to negotiate with REIT as a response to a proposal they presented to the neighborhood. We entered into good faith negotiations with REIT and have been clear about the neighborhood improvements and development restrictions that would mitigate aspects of the change in zoning.

On May 8th, 50+ residents of the Heritage neighborhood opposed the up-zoning request based on the lack of significant movement from REIT during negotiations. At this point, again due to lack of significant advancement, we are forced to oppose their zoning change request.

We all believe that the neighborhood plan that was agreed to and signed into law in 2004 should have protected us from having to address tract-by-tract re-zoning requests now and established that the middle of the neighborhood should be protected from anything higher than LO zoning. We do understand that REIT has a right to develop their property and turn a profit with their current LO zoning.

We believe that the size and scope of a GO building with potential hospital utilization vs. the LO buildings currently allowed will not only adversely affect vehicular traffic, streetscapes and cyclist/pedestrian traffic. It will also set precedent for the rest of the LO tracts in the middle of the neighborhood. We accept the commercial nature of our business neighbors on our perimeter; GO is just not appropriate in the middle of the neighborhood and the land-use map should not be changed.

We are opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.

3.Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood.Hospital uses in particular are not compatible with the residential portion of the neighborhood.  
4.In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out.Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is.Thank you for your attention.

Sommer and Jarred Maxwell  
804 W. 30th 1/2 Street  
Austin, TX 78705

## **Patterson, Clark**

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**From:** George Nelson <~~georgel@clarknelson@gmail.com~~>  
**Sent:** Tuesday, June 19, 2012 10:20 PM  
**To:** Patterson, Clark  
**Subject:** W. 34 St. Redev. C14-2011-0131(A), 0132(B), 0133(C) 0134(D), RE NPA -2012-0019.01

Copy of letters to Planning Commission members re: W. 34 St. Redev. (all five cases)  
18 June 2012

Ladies and Gentlemen:

This is to oppose the proposed rezoning of the above tract from LO-NP to GO-NP zoning in the Heritage Neighborhood. It is not in the best interests of the immediate single family folks, such as myself, or the rest of the neighborhood to have such a monumental construction in our back yards and front yards. The developer, REIT, should not be given the opportunity for "maximum square footage" without agreeing to guarantee extensive restrictions such as no hospital use, not chopping down hundreds-of-years-old fine heritage oak trees, attending to parking and traffic solutions, noise and nuisance abatement, and provision of amenities including a 36,000 square-foot park, sidewalks, and other benefits for the neighborhood. REIT may expect to potentially make a buck on their development, but they must first cooperate with HNA!

Please vote against against unrestricted "up-zoning"!

Yours,

George L. Nelson, 3204 West Ave.

Property in family and taxes paid since 1920.

Ladies and Gentlemen:

This is to oppose the proposed amendment to the previously thought-out CANPAC Neighborhood Plan wherein single family homes are separated from commercial places. The Heritage Neighborhood is a single family area and the residents, particularly those like myself, do not want a major commercial medical development literally next door in our midst. We would prefer a park instead. We want houses and trees! not more doctors' offices, "stealth dorms," wild traffic, asphaltic parking deserts, and hot, overwhelming tall, outsized buildings. We do not want to be bothered by developers. Your instructions are to vote against the plan amendment.

Thanks,

George L. Nelson, 3204 West Ave.

Property in family since 1920.



## **Patterson, Clark**

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**From:** Jackie Christenson <~~jchristenson@earthlink.net~~>  
**Sent:** Tuesday, June 19, 2012 10:33 PM  
**To:** Patterson, Clark  
**Subject:** letters to planning commissioners re: W 34th St. Redevelopment and Neighborhood Plan Amendment

### **2 Letters to planning commissioners re: W 34th St. Redevelopment and Neighborhood Plan Amendment**

June 18, 2012

Dear Planning Commissioner:

I am shocked that B&G Partners (represented by REIT) do not seem to recognize a golden opportunity when it is presented to them! The Heritage Neighborhood Association (HNA), responding to B&G's bid to upzone four parcels at West and 34th, has studied and presented a package that would allow B&G to build a prototype of a beautiful LO-GO project in the middle of an urban residential area with the full support and participation of the neighborhood association. Detailed terms have been submitted by the HNA several times and mostly rebuffed by B&G. "Maximum Square Footage" seems to rule their day.

In the interest of the future reputation of Austin as a city where developers and neighborhoods work hand in hand, I am asking that you recommend to City Council a vote against the upzoning sought by B&G until such time that B&G owners, directors, board, representatives and advisors see the light and decide to work with the neighborhood. With your help, the 34th Street Project could be a shining star for the City of Austin, B&G and the Heritage Neighborhood.

Thank you for recommending against the upzoning.

Jackie Christenson, 3204 West Avenue

June 18, 2012

RE: amendment to Neighborhood Plan: Please recommend against amendment!

Dear Planning Commissioner

I am shocked that B&G Partners (represented by REIT) do not seem to recognize a golden opportunity when it is presented to them! The Heritage Neighborhood Association (HNA), responding to B&G's bid to upzone four parcels at West and 34th, has studied and presented a package that would allow B&G to build a prototype of a beautiful LO-GO project in the middle of an urban residential area with the full support and participation of the neighborhood association. Detailed terms have been submitted by the HNA several times and mostly rebuffed by B&G. "Maximum Square Footage" seems to rule their day.

In the interest of the future reputation of Austin as a City where developers and neighborhoods work hand in hand, I am asking that you recommend to City Council a vote against the upzoning sought by B&G until such time that B&G owners, directors, board, representatives and advisors see the light and decide to work with the neighborhood. With your help, the 34th Street Project could be a shining star for the City of Austin, B&G and the Heritage Neighborhood.

SINCE I DO NOT SUPPORT THE UPZONING TO GO, THERE IS NO REASON TO CHANGE THE FLUM.

Thank you for recommending against the plan amendment.

Jackie Christenson, 3204 West Avenue

## **Patterson, Clark**

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**From:** Anne Heinen <anneheinen@aol.com>  
**Sent:** Wednesday, June 20, 2012 7:12 AM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Mr Patterson,

Please register my opposition to the upzoning and the Plan Amendment for the four tracts comprising five acres on W. 34th in the heart of Heritage Neighborhood. These tracts are immediately adjacent to residential homes and should be kept at LO.

The upzoning of these parcels is in violation of our Neighborhood Plan. In the Central Austin Neighborhood Plan, we accepted increased commercial density on our perimeter and increased residential density in West Campus. The City (which spent thousands of dollars and months of staff time and research developing our plan) kept zoning at LO for properties adjacent to residential properties in the heart of our neighborhood. GO zoning would create larger buildings, generate much more traffic, remove mature trees and allow buildings that are a magnitude larger than what would be allowed under LO.

Sincerely,

Anne McCready Heinen

## Patterson, Clark

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**From:** Lizzie Cain Clark, <lizziecainclark@gmail.com>  
**Sent:** Wednesday, June 20, 2012 7:56 AM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131-0134

RE: West 34th Street Redevelopment:

C14-2011-0131  
C14-2011-0132  
C14-2011-0133  
C14-2011-0134  
NPA-2012-0019.01

Mr Patterson,

Thank you for your assistance in serving the Planning Commission, and making sure this letter reaches the commissioners for their consideration at the June 26 meeting.

**I ask that you oppose the zoning change from LO to GO on these cases, and to oppose any plan amendment to allow for higher density surrounding these tracts in the future land use map.**

You may be aware that the Heritage neighborhood where these properties are located is bordered by Guadalupe, Lamar, 29th and 38th Streets. The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood, adjacent to residential properties.

I am opposed to the zoning change from LO to GO or moves to higher density on the future land use map on these cases for the following reasons:

1. The proposed development will be inappropriately scaled for this location, through the middle of a residential neighborhood. Under the current LO zoning, the owner can build approximately double the size of what is now on the ground. GO allows for a building that is three times the size of what is there now in addition to parking structures of roughly the same size. This is not appropriate for the middle of our neighborhood, or any neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase vehicular traffic within the neighborhood, and negatively impact the pedestrian- and cyclist-friendly streetscape.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential character of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.
5. The developer is also seeking an amendment to the CANPAC neighborhood plan. In the future land use map, the subject tracts were deliberately labeled as single family to provide a buffer between the

adjacent single family properties and the medical developments now on these properties. This buffer is needed even more today as the property owner attempts to redevelop and increase the allowed density on the rest of the property.

The CANPAC neighborhood plan was painstakingly developed, with appropriate foresight and compromises among all parties. It should be maintained in its current state. As the land use map currently allows, General Office zoning must be contained on the major arteries on the perimeter of the Heritage neighborhood. It is wrong to allow this swath of higher density development-- with its negative impacts on vehicular traffic, streetscapes, and pedestrian/cyclist traffic-- to intrude in the middle of this residential neighborhood.

Please vote to keep the zoning on these tracts as is, and vote against the plan amendment. Thank you for your attention, and for your service to our city.

Lizzie Cain Clark  
3011 West Ave  
512.323.6945



## **Patterson, Clark**

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**From:** ~~amelof@austinm.com~~  
**Sent:** Wednesday, June 20, 2012 8:08 AM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Mr. Patterson

As a resident of the Heritage Neighborhood I wish to state my opposition to the zoning cases referenced above. I feel that the proposals are in conflict with the Neighborhood Plan developed between the neighborhood and city staff. An upzoning from LO to GO creates a slippery slope that will almost certainly result in unintended future consequences including issues with traffic, unknown office use and a breakdown in the residential fabric of the area. By depersonalizing such a large section of the neighborhood in a manner not consistent with the Neighborhood Plan and designed to maximize profits for a developer at the expense of the surrounding community, Austin would take another step towards losing the central city ambience so necessary for inner city vibrancy.

Please consider these comments in you decision-making process.

Sincerely

Andrew F. Malof  
3101 Kings lane  
Austin, 78705

512-940-1298

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mail2web LIVE - Free email based on Microsoft® Exchange technology -  
<http://link.mail2web.com/LIVE>

## Patterson, Clark

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**From:** Alex Courtade <baroncourtade@yahoo.com>  
**Sent:** Wednesday, June 20, 2012 8:48 AM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Mr. Patterson,

I strongly oppose the upzoning of these four tracts on W. 34th Street. I urge the City to follow the neighborhood plan that was previously developed for Heritage, and not grant GO zoning. The existing development plan allows for ample commercial use of these tracts.

Re-zoning would greatly harm our neighborhood, and is completely inappropriate here. The Heritage Neighborhood is small--less than 25 square blocks bordered by 29th, 38th, Lamar, and Guadalupe streets. West 34th Street runs right through the middle of this neighborhood. A giant commercial presence--which would be ensured if zoning is changed--would put towering four story hospital buildings casting shadows over neighbors backyards.

Zoning is a privilege granted by the City, not a right. **The owners of these four tracts should make use of the existing zoning.** An upgrade would create major traffic, destroy trees, and otherwise greatly disrupt the residential nature of our Heritage neighborhood.

I own a home less than 1/2 mile from these tracts, and I am requesting that the City abide by the neighborhood plan, and disallow this zoning upgrade request.

Sincerely,

Alex Courtade  
609 W. 35th St  
Austin, TX 78705

## **Patterson, Clark**

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**From:** Chris Wooten <chris.wooten@gmail.com>  
**Sent:** Wednesday, June 20, 2012 11:29 AM  
**To:** Patterson, Clark  
**Subject:** GO Zoning for REIT Property in HNA Neighborhood

Dear Mr. Patterson --

I am writing to express my opposition to the proposed zoning change (LO to GO) for the four tracts REIT is developing in the Heritage Neighborhood.

The neighborhood association (and city staff) put a significant amount of effort into the Neighborhood Plan and I see no reason to dismiss it. We are trying to preserve the residential character of our neighborhood and have accepted increased development at the perimeter; REIT's GO development would run contrary to the Plan.

Thank you for your time and consideration,

Chris Wooten

## **Patterson, Clark**

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**From:** Amy Farrier <~~afarrier@gmail.com~~>  
**Sent:** Wednesday, June 20, 2012 12:27 PM  
**To:** Patterson, Clark  
**Subject:** Case #: C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Planning Commissioners --

Please oppose the upzoning and the Plan Amendment for the four tracts comprising five acres on W. 34th in the HeritageNeighborhood.

I'm a fairly new resident in the Heritage Neighborhood, and the older homes, small community-minded businesses, and sense of neighborliness were a big part of what attracted me to buy a home here. This is the first part of town I've lived in over the past decade in Austin where I can walk to a coffee shop, grocery stores, a mechanic, a hardware store, but still hear the sound of birds and kids playing (as opposed to high-volume traffic noise). It seems like this is the sort of ideal urban density that Austin is striving for with newer developments like Mueller or the downtown 2nd Street area, the kind of feel you get in parts of Brooklyn or Portland.

Approving GO zoning would generate much more traffic through the middle of this ideal urban density (basically splitting the neighborhood in half), threaten the streetscape on W 34th (a popular bike route, parking area for small, inviting restaurants, and path for kids to walk to Bryker Woods Elementary School). It would mean the loss of mature trees and allow buildings three times the size of what is already on the ground.

Thank you,  
Amy Farrier



## **Patterson, Clark**

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**From:** Lindsey Crow <lindsey59@gmail.com>  
**Sent:** Wednesday, June 20, 2012 12:47 PM  
**To:** Patterson, Clark  
**Subject:** Heritage neighborhood plan and opposition to project proposed for 34th St.

Please vote to keep the zoning "as is" to protect our family friendly community here in the Heritage neighborhood.

1. GO is inappropriate in the middle of our neighborhood. Large-scale development belongs on Lamar or 38th Street, not on 34th Street that runs through the residential core of the neighborhood. Under the current LO zoning the owner can already build approximately double the size of what is currently on these lots. GO would allow a building that is three times the size of what is there now as well as parking structures roughly that size, an overall six-fold increase in scale.
2. This is not smart growth to increase residential density; this is simply an attempt to maximize revenue for the development. If this were a residential project or mixed-use project, I could support increased density, but this is an office building who employees and customers will commute from other areas of the city.
3. Upzoning these lots from LO to GO would allow hospital uses and other uses that are completely inappropriate for the middle of a neighborhood.

4. Changing the zoning would undermine our neighborhood plan. There is nothing extraordinary about this upzoning request that merits overriding the neighborhood plan: it is simply an attempt to maximize profits on the parcels.

Please vote to keep the zoning as-is and compatible with the neighborhood.

Thank you very much,

Lindsey and Steve Crow, parents of three and residents of the neighborhood for more than 14 years.

3018 West Ave.

Austin, Texas 78705

(512) 420-8650

## **Patterson, Clark**

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**From:** Sharon Power <sharonpower.austin@gmail.com>  
**Sent:** Wednesday, June 20, 2012 1:21 PM  
**To:** Patterson, Clark  
**Subject:** FW: C14-2011-0131; C14-2011-0132; C14-2011-0133; C14-2011-1034; and NPA-2012-0019.01

Hi Clark,

Below is the email I sent to Planning Commissioners regarding these cases. Please include it in the back-up packet for the cases.

Thank you.

Sharon Power

**Sharon Power**  
Mobile: 512-750-6895 | Email: [sharonpower.austin@gmail.com](mailto:sharonpower.austin@gmail.com)

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**From:** Sharon Power [<mailto:sharonpower.austin@gmail.com>]  
**Sent:** Wednesday, June 20, 2012 1:19 PM  
**To:** 'sully.jumpnet@sbcglobal.net'; 'dchimenti@austin.rr.com'; 'vskirk@att.net'; 'amdealey@aol.com'; 'dave.anderson.07@gmail.com'; 'mnrghatfield@yahoo.com'; 'alfonsochernandez@gmail.com'; 'commjms@sbcglobal.net'; 'donna.plancom@gmail.com'  
**Subject:** C14-2011-0131; C14-2011-0132; C14-2011-0133; C14-2011-1034; and NPA-2012-0019.01

Dear Planning Commissioners:

RE: Rezoning Case Numbers C14-2011-0131; C14-2011-0132; C14-2011-0133; C14-2011-1034; and NPA-2012-0019.01

With regard to the rezoning and plan amendment cases for the W. 34<sup>th</sup> St. Redevelopment, please register our opposition with conditions. My husband Brent Spraggins and I live within 200 feet of the project. We object to a straight upzoning from LO to GO on these properties based on:

- incompatibility with scale and character with the existing residential neighborhood
- increased uses that would not be compatible with the existing residential neighborhood
- the impact of increased traffic on residential streets

If the developer would agree to a conditional overlay and restrictive covenants to mitigate these and other concerns to the satisfaction of the neighborhood, we would support it because we believe the project with limitations and proposed community amenities (namely dedicated green space/park) could have favorable benefits for the neighborhood. We have personally participated in negotiations with the developer through a Heritage Neighborhood Working Group that was formed for this purpose. The developer has indicated a willingness to work with the neighborhood on many of the issues, but we have not yet reached an agreement that would be satisfactory for the neighborhood.

Neighbors are getting antsy and many are losing hope that we will ever reach a satisfactory agreement. For this reason, we believe it is time for the Planning Commissioners to consider the cases. However, we would like to see negotiations with the developer continue after the Planning Commission hearing.

Sincerely,

Sharon Power and Brent Spraggins  
3504 West Ave.  
Austin, TX 78705  
Daytime Phone – 512-750-6895

## **Patterson, Clark**

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**From:** [REDACTED] on behalf of Betsy Greenberg [REDACTED]  
**Sent:** Wednesday, February 08, 2012 3:30 PM  
**To:** Patterson, Clark  
**Subject:** Please include time line in 34th and West zoning information

The Heritage NA has been clear all along in stating to REIT that we would prefer to not have the property upzoned, and REIT is clear in saying it wants to upzone in order to make the project financially more attractive.

4/29/10 - HNA SC met with REIT to discuss our vision and wishes for redevelopment. Increase in height was brought up by REIT and we generally said no. We were clear in stating that HNA does not support upzoning, and at the time, REIT was not asking for upzoning though it wanted increased FAR.

2/21/11 - only Paula and Laurie met with REIT. Increase in FAR was brought up by REIT. Laurie posted an email afterwards outlining REIT's upzoning request that was presented partly under the guise of delivering mixed-use development to us. Laurie & Paula's communicated that HNA did not usually if ever support upzoning, and they voiced concerns about issues including traffic.

3/23/11 - email from REIT specifically discusses zoning change to GR and CS on all of site B

5/2/11 - REIT presentation at SC meeting. Series of e-mail exchanges with questions that helped us understand the size and associated traffic of what was being proposed.

5/28/11 - SC special meeting. We decided we were against an upzoning, especially since nothing had been offered to mitigate the effect on the neighborhood. (But we decided to hold off on a formal vote about the upzoning to demonstrate to the developer our desire to work towards mutually desired goals, as communicated in the letter we sent on 6/6/11:)

6/6/11 - Following letter was sent to Jana McCann and REIT:

"The neighborhood Steering Committee met Saturday, May 28th, and discussed that information and the project in general. We decided not to vote on the project at this time, but rather to seek further discussion with you to see if there is a way to address some of the concerns we have.

Our primary concerns about your proposed scheme have to do with density and traffic. We are not in favor of increasing either and believe the Neighborhood Association will not support any

upzoning. We would hope that any development is consistent with the goals spelled out in our Neighborhood Plan which was adopted by the City some 7 years ago.

Recognizing that full occupancy in a buildout under just existing zoning would result in dramatically increased traffic on our already-overcrowded residential streets, our desire is to keep the zoning as is, but to support you in other ways that might help you to achieve some of your goals as you consider ours. The Steering Committee believes the Heritage Neighborhood Association could support the reduced setbacks on 34th Street and the bridge/walkway over 34th Street. There may be other areas where we can be of support as well if the scheme were to keep density within existing limits and traffic impact to a minimum, especially on our residential streets: West Avenue, Grandview, King Lane and King Street.

We share your desire to create an improved pedestrian environment, to save trees, and to provide green space in concert with these projects.

Above all, we value dialog with you and look forward to your response."

REIT did not respond to HNA, though in communications to the city, REIT and its representatives subsequently and inaccurately portray HNA as divided on the issue because we didn't vote on the upzoning.

10/4/11 - Paula was informed that zoning requests had been filed

10/26/11 - McCann contacts CANPAC about out of cycle Plan Amendment

11/14/11 - REIT attending HNA meeting to ask for out of cycle Plan Amendment. After they left, we voted against the out of cycle request and also voted against the zoning change.

12/6/11 - REIT came to CANPAC and withdrew the request for the out of cycle Plan Amendment. They said they would change to current request to take the properties that are yellow on the FLUM out of the zoning request (for now). Soon after, Amanda Morrow contacted Paula about again talking to Heritage and REIT was invited to the next SC meeting that was scheduled for 1/9.

1/9/12 - SC meeting grew into a large meeting devoted only to safety concerns in the aftermath of the 1/1/12 events.

1/17/12 - Special meeting with REIT. REIT seemed open to offering concessions to the neighborhood in exchange for a positive recommendation from the neighborhood. The vote was in favor of continuing the conversation with REIT provided that they would pay for an advocate to represent the neighborhood.

1/20/12 - Al heard back from Amanda Morrow late yesterday afternoon with word that her client HAS agreed to funding legal counsel for us.



1/27/12 - Estimate for counsel was provided to REIT

2/2/12 - Al asked for response on estimate and also for a joint request to staff for a postponement of case as the Planning Commission.

2/7/12 - REIT responds with limitations on the price and scope of work for Nikelle.

2/14/12 - Scheduled hearing at the Planning Commission.

**Patterson, Clark**

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**From:** Susan Marler [Susan.Marler@yahoo.com]

**Sent:** Wednesday, February 08, 2012 12:37 PM

**To:** Patterson, Clark

**Subject:** Re: Zoning cases numbering: C14-2011-0131, -0132, - 0133, -0134.

Dear Planning Commission Members,

I am writing to express my family's strong opposition to the requested zoning increase from Light Office (LO) to General Office (GO) made in cases numbering: C14-2011-0131, -0132, - 0133, -0134. The development already seems immense for a project bordering a population dense residential area. Our neighborhood has a large number of young children, pedestrians and cyclists who currently encounter a perilous level of 'pass through' traffic. An increase in zoning will ultimately result in an increase of traffic traveling to the aforementioned property, which will continue to erode the safety conditions for pedestrians and cyclists, thus lowering the quality of life in Austin's urban core.

We respectfully ask you to decline the requested zoning increase.  
Thank you for your attention.

Best,

Susan, Justin, Laura (age 7) and Sophia (age 4) Marler  
3111 Grandview Street

2/8/2012

**Patterson, Clark**

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**From:** Nancy Webber [mailto:nancy@atxcommunitycenter.org]

**Sent:** Wednesday, February 08, 2012 12:40 PM

**To:** Patterson, Clark

**Subject:** I am strongly opposed to upzoning in the Heritage Neighborhood (W. 34th St.)

Dear Mr. Patterson,

I am a homeowner within two blocks of the proposed upzoning from W. 34th St. and West Ave. I am strongly opposed to four pending upzoning requests relating to that area (cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134).. This particular zoning change would cause great harm to the residential character of the neighborhood. **We urge you to recommend that all four zoning request changes be denied.**

This change in zoning goes against our neighborhood plan which neighbors and the city worked so hard to put in place.

There are other reasons to deny the requests. Our neighborhood is already sandwiched between two major commercial areas on Guadalupe and Lamar. Allowing an upzoning to general office along 34th St would create a major commercial development in the heart of the neighborhood. There would be giant four and five story buildings next to one story single family homes, more traffic, more people, more parked cars, and much less open space. The current owners are not even making full use of their existing zoning, but are asking for far more.

I am greatly concerned about the effect that an upzoning would have on my property and on the properties of other neighbors and on the general quality of life in Austin. I strongly recommend that these requests will be denied.

Progress in the form of continual development and commercialization of our charming old residential neighborhoods is not in the best interest of Austin's future as a quality place to live.

Sincerely,  
Nancy Webber  
806 W. 31st Street

2/8/2012

**Patterson, Clark**

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**From:** Paul [redacted]  
**Sent:** Wednesday, February 08, 2012 12:58 PM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Mr. Patterson,

My wife and I live 2 blocks from 34<sup>th</sup> and west and we **strongly oppose** the up zoning requests in cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134.

If you have any questions regarding our opinion, feel free to call or email. 512.318.3171

cheers,  
paul

3019 west ave

2/8/2012

**Patterson, Clark**

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**From:** Alex Courtade [mailto:alexcourtade@yahoo.com]  
**Sent:** Wednesday, February 08, 2012 10:25 AM  
**To:** Patterson, Clark  
**Cc:** Brooke Courtade  
**Subject:** Strongly opposed to upzoning at 34th St. [C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134]

Dear Mr. Patterson,

My wife and I are home owners less than a quarter mile from W. 34th St. and West Ave. We are strongly opposed to four pending upzoning requests relating to that area (cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134).

Changing zoning is extremely serious. This particular zoning change would cause great harm to the residential character of the neighborhood. **We urge you to recommend that all four zoning request changes be denied.**

There are many reasons to deny the requests. Our neighborhood is already sandwiched between two major commercial areas on Guadalupe and Lamar. Allowing an upzoning to general office along 34th St would create a major commercial development in the heart of the neighborhood. There would be giant four and five story buildings next to one story single family homes, more traffic, more people, more parked cars, and much less open space. The current owners are not even making full use of their existing zoning, but are asking for far more. Without mincing words, this simply appears to be a money grab at the expense of residents.

We are greatly concerned about the effect that an upzoning would have on our property and on the properties of other neighbors. We strongly hope that these requests will be denied.

Best Regards,

Alex & Brooke Courtade  
609 W. 35th St.  
Austin, TX 78705  
(512) 322-5219



## Patterson, Clark

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**From:** Will Clark [REDACTED]  
**Sent:** Wednesday, February 08, 2012 10:34 AM  
**To:** Patterson, Clark  
**Subject:** Regarding Case Numbers C14-2011-0131, -0132, - 0133, -0134

Mr. Patterson –

I live in the Heritage neighborhood (3011 West Ave) and would like to add my voice to the conversation referenced by the case numbers in the subject. My understanding is that there have been previous conversations where the neighborhood agreed to the light office (LO) designation for the 34<sup>th</sup> street property. I agree with my neighbors that an “up zoning” to general office (GO) would hurt the neighborhood. Please add me to the list of concerned neighbors who would prefer the zoning stay as LO. Let me know if you have any questions.

Thanks.

**Will Clark**  
*Director, R&D*  
OpenText  
[wclark@opentext.com](mailto:wclark@opentext.com)  
512 741 1211 office  
512 415 6260 mobile

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## **Patterson, Clark**

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**From:** Stella Powell <~~stella.powell@gmail.com~~>  
**Sent:** Wednesday, June 20, 2012 2:36 PM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Planning Commissioners,

As a resident of the Heritage neighborhood, I am writing to oppose the upzoning requested in the the cases listed in the subject line of this message. Please appreciate that this zoning change is directly at odds with the neighborhood plan and should be rejected. The involved cases are: C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Specifically, I oppose the upzoning from LO to GO and the Plan Amendment for these reasons below:

1. The development would be out of scale in the heart of our neighborhood. GO belongs on Lamar or 38th Street, not on 34th Street that runs through the residential core of the neighborhood. Under the current LO zoning the owner can already build approximately double the size of what is currently on these lots. GO would allow a building that is three times the size of what is there now as well as parking structures roughly that size, an overall six-fold increase in scale.
2. Upzoning these lots from LO to GO would allow hospital uses and other uses that are completely inappropriate for the middle of a neighborhood. These lots are adjacent to single-family owner-occupied residences. Medical offices generate traffic and demand for parking.
3. Changing the zoning would undermine Heritage's neighborhood plan. Approving upzoning would call into question the entire purpose of expending all that effort on a comprehensive neighborhood plan if it will simply be overridden piecemeal. There is nothing extraordinary about this upzoning request that merits overriding the neighborhood plan: it is simply an attempt to maximize profits on the parcels.

In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked-out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

The upzoning would provide a tremendous economic gift to the owners of the property, who either had the opportunity to participate in the development of the neighborhood plan or purchased the properties after its adoption. The monetary value of that gift will be borne several times over by the residents of the neighborhood, both as economic loss in their own property values but just as importantly in the negative impact on quality of life.

HNA's neighborhood plan would be severely and irrevocably undermined by an upzoning of this magnitude. Furthermore the use of neighborhood planning as a vital, ongoing means to shape Austin's future would lose much credibility and effectiveness once the ease with which plans can be circumvented has been demonstrated.

Sincerely,

Stella Powell  
32nd Street  
Heritage Neighborhood

## **Patterson, Clark**

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**From:** Sanjay Mishra <mishra.sanjay@gmail.com>  
**Sent:** Wednesday, June 20, 2012 2:33 PM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Planning Commissioners,

As a resident within 200 feet of the properties referenced in the above cases, and as a signer of a petition opposing the property owner's request for zoning change, I'm writing to add context to my opposition to the zoning change as expressed by my signature on the valid petition.

I, and several of my neighbors, have been involved in lengthy and detailed discussions with the owners to identify ways in which a redevelopment of these properties could result in benefit both to the neighborhood as well as the owners. We have presented what we consider to be reasonable goals and terms to the owners, and while some progress has been made toward reaching those goals, much ground still needs to be covered to reach a resolution that's acceptable to both sides.

I believe that as a neighborhood, we're better off trying to work with the owners to reach a mutually satisfactory outcome. I further believe that categorically opposing the change in zoning doesn't necessarily guarantee a beneficial outcome for the neighborhood.

I request that you to deny an unrestricted change in zoning from LO to GO and that you encourage the property owners to continue to work with the neighborhood to reach an outcome that's a win for both sides.

Best regards,  
Sanjay Mishra  
3200 West Ave

## Patterson, Clark

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**From:** Jolene Kiolbassa <j.kiolbassa@cityofaustin.com>  
**Sent:** Tuesday, June 19, 2012 6:29 PM  
**To:** Patterson, Clark  
**Cc:** Jolene Kiolbassa  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-0134 and NPA-2012-0019.01

Dear Clark --

Please register my opposition to the upzoning and the Plan Amendment for the four tracts comprising five acres on W. 34th in the heart of Heritage Neighborhood.

One question I always have in these upzoning cases is why does City staff recommend an upzoning contrary to our Neighborhood Plan, as staff has done in this case? I do not understand why the City spends hundreds of thousands of dollars and months of staff time and research developing a Neighborhood Plan only to ignore it. All the hours we neighbors and City staffers devoted to the Neighborhood Plan seem to be for naught. I especially do not understand what could possibly have changed in our area or the City to warrant staff support for a change in zoning from LO to GO since Heritage, in the Central Austin Neighborhood Plan, accepted increased density on our perimeter.

In this case, approving GO zoning would generate much more traffic, threaten the streetscape on W 34th (a popular bike route and our children's path to Bryker Woods Elementary School), remove mature trees and allow buildings three times the size of what is already on the ground.

A perfect fit in our neighborhood would be for these properties to become senior residential, something akin to Westminster Manor. Our Neighborhood Plan, which the stakeholders so carefully thought out, denoted these parcels "Mixed-Use" so appropriate residential could be developed there despite their transformation to medical offices forty years ago. This is also why the FLUM still shows Single Family lots on the south sides of largest tract. Residential would compliment our highly walkable neighborhood, would create more density and would knit together the north and south parts of our neighborhood. GO zoning, on the other hand, would create an even larger hole in the middle of Heritage.

Sincerely,  
Jolene Kiolbassa

**Patterson, Clark**

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**From:** Lizzie Cain Clark <lizziecainclark@gmail.com>  
**Sent:** Thursday, May 17, 2012 11:33 AM  
**To:** <ally.janet@ebeglobal.net; debiment@earthlink.net; amde@earthlink.net; clare.anderson.07@gmail.com; alfonsochamando@gmail.com; commjma@ebeglobal.net; danielplaza@earthlink.net; nathalfeld@yahoo.com>  
**Cc:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment: C14-2011-0131 C14-2011-0132, C14-2011-0133 C14-2011-0134

RE: West 34th Street Redevelopment:

C14-2011-0131

C14-2011-0132,

C14-2011-0133

C14-2011-0134

Commissioners,

I write you to **oppose the zoning change from LO to GO on these cases.**

You may be aware that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29th and 38th Streets. The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood, adjacent to residential properties.

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under the current LO zoning, the owner can build approximately double the size of what is now on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential character of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.



Please vote to keep the zoning on these tracts as is. Thank you for your attention.

Lizzie Cain Clark

3011 West Ave

512.323.6945

## **Patterson, Clark**

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**From:** paul <~~paulpedersen@gmail.com~~>  
**Sent:** Tuesday, June 19, 2012 8:21 AM  
**To:** Patterson, Clark  
**Cc:** 'Amy Pedersen'  
**Subject:** medical up zoning on 34th - C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Clark,

I know you've gotten a lot of feedback from other residents in Heritage recently so I'm sure you already know that back in 2004 the neighborhood created a plan to prevent things like this from happening and now here we are not even 10 years later having to fight to uphold this plan which was setup to keep large commercial developments from encroaching into the core of our hood.

There will already be increased traffic and noise as these lots are going to get re-built anyway, but the thought of allowing GO sized developments means that our neighborhood is going to be affected negatively with their large parking garages, more impermeable cover, more employees and patients congesting our neighborhood streets, more traffic zooming past my office window where I work all day, more near accidents and people honking at our round-a-bout they try race down west to try avoid backed up traffic on Lamar.

While I am all for development, REIT has made it clear to the neighborhood that they are not willing to meet our needs in regards to protecting the neighborhood and offsetting the effects of the up zoning.

Please stand behind us and vote against up zoning these lots to GO.

Paul & Amy Pedersen

3019 West Ave

## **Patterson, Clark**

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**From:** Kislak <kislak@teecore.com>  
**Sent:** Tuesday, June 19, 2012 7:07 AM  
**To:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Mr. Patterson,

This letter is to respectfully ask you to keep the current zoning on tracts C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134 in the Heritage Neighborhood. In addition, REIT, the property owner, is requesting a change to the FLUM on two lots that are zoned SF adjacent to these tracts, a change to which we are also opposed. In both instances the owner is requesting a change to GO.

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets. The perimeter of this small neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

We, the neighborhood, have been in conversation with REIT as of two years ago and consistently we have voiced our concerns regarding compatibility, scale, appropriate uses within the neighborhood, tree preservation and traffic. In January of this year we formed a working group to represent the neighborhood to negotiate with REIT as a response to a proposal they presented to the neighborhood. We entered into good faith negotiations with REIT and have been clear about the neighborhood improvements and development restrictions that would mitigate aspects of the change in zoning.

On May 8th, 50+ residents of the Heritage neighborhood opposed the up-zoning request based on the lack of significant movement from REIT during negotiations. At this point, again due to lack of significant advancement, we are forced to oppose their zoning change request.

We all believe that the neighborhood plan that was agreed to and signed into law in 2004 should have protected us from having to address tract-by-tract re-zoning requests now and established that the middle of the neighborhood should be protected from anything higher than LO zoning. We do understand that REIT has a right to develop their property and turn a profit with their current LO zoning.

We believe that the size and scope of a GO building with potential hospital utilization vs. the LO buildings currently allowed will not only adversely affect vehicular traffic, streetscapes and cyclist/pedestrian traffic. It will also set precedent for the rest of the LO tracts in the middle of the neighborhood. We accept the commercial nature of our business neighbors on our perimeter; GO is just not appropriate in the middle of the neighborhood and the land-use map should not be changed.

We are opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.

4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is. Thank you for your attention.

Kisla Jimenez and Jonathan Williams  
3012 West Avenue  
Austin, TX 78705

## Patterson, Clark

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**From:** John Boardman <~~john@boardmangrimes.com~~>  
**Sent:** Tuesday, May 15, 2012 9:47 PM  
**To:** ~~stilly@impro.net; sbeglobal.net; dohmonti@castinn.com; vskirk@att.net; amdooley@aol.com;~~  
~~dave.miller@nyc.gov; alfonso@nyc.gov; commims@seglobal.net;~~  
~~donna.patterson@gmail.com; tnrighatfield@yahoo.com~~  
**Cc:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Commissioners,

I am opposed to the zoning change from LO to GO on these cases for the reasons I will list below. These cases affect the Heritage Neighborhood, a small neighborhood only a few blocks long in each direction: 29th Street to 38th Street and Lamar to Guadalupe. Much of the northern edge of our neighborhood has already been consumed by office development, but we have a strong residential core that has blossomed in the past 10 years with many young families (including mine with three young children). Approving a variance simply to allow larger office buildings in our neighborhood will make this area less attractive to the kind of committed citizens that are vital the central city.

1. The development would be far out of scale for a street that runs through a neighborhood. The proposed buildings should be placed on arterial corridors like Lamar, not on 34th Street that bisects the neighborhood. Under the current LO zoning the owner can already build approximately double the size of what is currently on these lots. GO would allow a building that is three times the size of what is there now as well as parking structures roughly that size, an overall six-fold increase in scale.
2. This is *not* smart growth; this is simply an attempt to maximize revenue for the development. If this were a residential project or mixed-use project, I could support increased density, but this is an office building who employees and customers will commute from other areas of the city.
3. Upzoning these lots from LO to GO would allow hospital uses and other uses that are completely inappropriate for the middle of a neighborhood. These lots are adjacent to single-family owner-occupied residences.
4. The Heritage neighborhood voted to work with the applicant to find a mutually beneficial agreement. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning as-is and compatible with the neighborhood.

Sincerely,  
John Boardman  
700 W 32nd St

## **Patterson, Clark**

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**From:** Ann Cogdell <ann.cogdell@gmail.com>  
**Sent:** Tuesday, May 15, 2012 5:19 PM  
**To:** ~~sully.pumpkin@sbcglobal.net; dchimento@austin.rr.com; vekirk@att.net; andaleoy@aol.com;~~  
~~dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net;~~  
~~donna.planson@gmail.com; mnrghatfield@yahoo.com~~  
**Cc:** Patterson, Clark  
**Subject:** RE: West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Commissioners--

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29th and 38th Streets.

The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

As a long-time resident of the Heritage Neighborhood, I want to see the peaceful and residential character of our neighborhood maintained.

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is. Thank you for your attention.

Ann Cogdell



Bellmont-Cogdell House  
810 West 31st Street  
Austin, TX 78705

## Patterson, Clark

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**From:** sofia martinez <clarkfriday@gmail.com>  
**Sent:** Tuesday, May 15, 2012 1:12 PM  
**To:** ~~ally.patterson@shaglobal.net; dohiment@justice.com; vokink@att.net; mdealey@aol.com;~~  
~~dawn.anderson.07@gmail.com; alfonsothomander@gmail.com; ed.majors@shaglobal.net;~~  
~~donna.planc@comcast.net; timgatfield@yahoo.com~~  
**Cc:** Patterson, Clark  
**Subject:** RE: West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Commissioners,

I live a few blocks from the proposed redevelopment, and have lived here for almost 12 years. In that time the neighborhood has grown more and more crowded. When I bought my house I understood I would be living in a very urban environment and both accepted and welcomed it, but I also welcomed the fact that our neighborhood is a tree-filled, kid-filled island within the busy streets that border it (Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets).

The properties on the proposed development are in the middle of this neighborhood island and are surrounded by residential properties. I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. With the LO zoning the owner already has, the owner can approximately double the size of the building currently there. But if the owners get GO, they can build triple the size of the current buildings, plus add large parking structures. That just doesn't fit in the scale of the interior of a neighborhood.
2. This neighborhood is already struggling with parking. Many of the streets are narrow and lined with parked vehicles, forcing cars to take turns pulling over to let oncoming traffic pass by. The neighborhood is full of children who often walk or bike to school. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January of this year, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. The neighborhood committee has met frequently and come up with many proposals in good faith. Yet since January, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning the way it is now.

Thank you,  
Sofia Martinez

## Patterson, Clark

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**From:** Betsy Greenberg <betsy.greenberg@gmail.com>  
**Sent:** Monday, May 14, 2012 10:52 AM  
**To:** ~~sully.jumpnot@sboglobal.net; donna.venti@att.net; volkirk@att.net; andealoy@aol.com;~~  
~~dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; conmjms@sboglobal.net;~~  
donna.plum.com@gmail.com; Dick Hatfield  
**Cc:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Re: West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Commissioners,

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets. The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the **middle of the neighborhood adjacent to residential properties.**

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is. Thank you for your attention.

Betsy Greenberg  
3009 Washington Square

## Patterson, Clark

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**From:** Lindy Heatherington <heatherington.lindy@gmail.com>  
**Sent:** Monday, May 14, 2012 10:37 AM  
**To:** ~~stella@shoglobal.net, dominic@ustin.r.com, vkirk@att.net, amdealey@aol.com;~~  
~~dave.anderson.67@gmail.com, alfonsohernandez@gmail.com, commjms@shoglobal.net;~~  
~~douglas.piano@gmail.com, morghettida@yahoo.com~~  
**Cc:** Patterson, Clark; Brent Heatherington  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Commissioners,

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets. The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is. Thank you for your attention.

Lindy Heatherington  
3208 King Street

## **Patterson, Clark**

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**From:** Will Clark <[wclark@opentext.com](mailto:wclark@opentext.com)>  
**Sent:** Monday, June 18, 2012 2:03 PM  
**To:** Patterson, Clark  
**Cc:** Betsy Greenberg; Jolene Kiobassa; Kislá  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Mr. Patterson,

On the eve of the June 26<sup>th</sup> meeting, I wanted to reiterate my opposition to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as LO.

Thank you for your attention.

Will Clark  
3011 West Ave

**Will Clark**  
*Director, R&D*  
OpenText  
[wclark@opentext.com](mailto:wclark@opentext.com)  
512 741 1211 office  
512 415 6260 mobile

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## Patterson, Clark

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**From:** Stephen Thomas <~~Stephen.Thomas@symantec.com~~>  
**Sent:** Thursday, May 24, 2012 9:09 AM  
**To:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Mr. Patterson,

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29th and 38th Streets. The perimeter of the neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please keep the zoning on these tracks as is. Thank you for your attention.

Regards,

stephen thomas

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**Stephen L. Thomas, CISSP**  
District Manager, Sales  
3001 Washington Sq.  
Austin, TX 78705  
Symantec Corporation  
[www.symantec.com](http://www.symantec.com)

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**Office:** (512) 215-8539 **Mobile:** (512) 750-8786 **Fax:** (512) 716-8005  
[stephen\\_thomas@symantec.com](mailto:stephen_thomas@symantec.com)

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## Patterson, Clark

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**From:** Betsy Greenberg <betsy.greenberg@gmail.com>  
**Sent:** Wednesday, June 20, 2012 4:32 PM  
**To:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

I am opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking.  
The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.
4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Thank you for your attention.

## **Patterson, Clark**

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**From:** david .• yépez <montunos@yahoo.com>  
**Sent:** Wednesday, June 20, 2012 4:51 PM  
**To:** Patterson, Clark  
**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133 and C14-2011-013

Dear Planning Commissioners,  
Please OPPOSE the upzoning and Plan Amendment for the four tracts comprising five acres on W. 34th.

I am great propoent of increased density in cities. If nothing else, the definition of a city is a density of population. It is a natural process to create such communities, traditionally. However, as we are all well aware now, this natural process became perverted by planning since the mid 1900s that herded us into cars as the alpha and omega of transportation. Austin has made some tiny steps of progress reversing the tide but we still deal with the repurcussions of the naivety of the previous generation: traffic congestion, pollution, loss of community, etc. Included in those symptoms that still linger today are two that are particular to the W. 34th St. project.

Firstly, the parking garages. Developers still seem to think that we can have our cake and eat it, too, when it comes to the suburban model, i.e. we can have density in the central areas, then inflate a magical parking garage under each project and people can still drive to their heart's content. It does not work as you will see on your drive home today. One third of our infrastructure in this city is already devoted solely to the automobile yet we have the worst traffic in the US by some accounts. Or could it be the reason we have the worst traffic by some accounts is a third of our infrastructure is devoted to the automobile?

The second symptom, I will cite, is subtle yet significant: We still tend to seperate and cluster like things. It started with urban flight and continues today with zoning. We want to sweep similar things under the rug and forget about them when just the opposite is the solution. In this case clustering all medical needs into such concentrated area can have its benefits but at a certain point it encourages the sprawl model as those workers and patrons look to live farther away from a medical-industrial area. Whatever happened to the general practitioner just a block or two away on main street? We zoned them out of business and the sense of community that came with that.

Density is great! As long it is comes in a diverse form and not a monolithic block of only medical offices or giant apartment complexes or a strip mall, etc. And really only after we have good public transportation to support it.

I support increased density but Austin is not ready for it. The Heritage neighborhood is not ready for it. Lamar Blvd is not ready for it.

Please oppose the upzoning.

Thank you,  
David Conley  
609 W. 32nd St.  
Austin, TX 78705

## **Patterson, Clark**

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**From:** Michelle Carlson <mj2carlson@gmail.com>  
**Sent:** Wednesday, June 20, 2012 10:20 PM  
**To:** Patterson, Clark  
**Subject:** West 34th Street Redevelopment, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Commissioners,

This letter is to respectfully ask you to keep the current zoning on tracts C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134 in the Heritage Neighborhood. In addition, REIT, the property owner, is requesting a change to the FLUM on two lots that are zoned SF adjacent to these tracts, a change to which we are also opposed. In both instances the owner is requesting a change to GO.

Please be aware as you consider these cases that the Heritage neighborhood is bordered by Guadalupe, Lamar, 29<sup>th</sup> and 38<sup>th</sup> Streets. The perimeter of this small neighborhood is entirely commercial. In contrast, the properties on these applications are in the middle of the neighborhood adjacent to residential properties.

We, the neighborhood, have been in conversation with REIT as of two years ago and consistently we have voiced our concerns regarding compatibility, scale, appropriate uses within the neighborhood, tree preservation and traffic. In January of this year we formed a working group to represent the neighborhood to negotiate with REIT as a response to a proposal they presented to the neighborhood. We entered into good faith negotiations with REIT and have been clear about the neighborhood improvements and development restrictions that would mitigate aspects of the change in zoning.

On May 8th, 50+ residents of the Heritage neighborhood opposed the up-zoning request based on the lack of significant movement from REIT during negotiations. At this point, again due to lack of significant advancement, we are forced to oppose their zoning change request.

We all believe that the neighborhood plan that was agreed to and signed into law in 2004 should have protected us from having to address tract-by-tract re-zoning requests now and established that the middle of the neighborhood should be protected from anything higher than LO zoning. We do understand that REIT has a right to develop their property and turn a profit with their current LO zoning.

We believe that the size and scope of a GO building with potential hospital utilization vs. the LO buildings currently allowed will not only adversely affect vehicular traffic, streetscapes and cyclist/pedestrian traffic. It will also set precedent for the rest of the LO tracts in the middle of the neighborhood. We accept the commercial nature of our business neighbors on our perimeter; GO is just not appropriate in the middle of the neighborhood and the land-use map should not be changed.

We are opposed to the zoning change from LO to GO on these cases for the following reasons:

1. The proposed development will be inappropriately scaled in our neighborhood. Under LO zoning, the owner can build approximately double the size of what is on the ground. A building that is three times the size of what is there now in addition to parking structures of roughly the same size is not appropriate for the middle of our neighborhood.
2. Medical offices generate a lot of traffic and demand for parking. The proposed development and density under GO will inappropriately increase traffic within the neighborhood.
3. Many of the additional uses associated with GO are inappropriate for the middle of our neighborhood. Hospital uses in particular are not compatible with the residential portion of the neighborhood.

4. In January 2012, the Heritage neighborhood voted to work with the applicant to see if a mutually beneficial agreement could be worked out. Since then, the applicant has increased the size of the proposed development without agreeing to provide anything substantial to mitigate the effect of this zoning change on the neighborhood.

Please vote to keep the zoning on these tracks as is. Thank you for your attention.

Michelle Carlson & Paul Lupa  
903 W. 31st St.  
Austin, TX 78705