

211 East 7th Street, Suite 818  
Austin, TX 78701  
512.469.1766

www.downtownaustin.com  
www.downtownaustintv.org



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March 25, 2013

Mr. Steve Drenner  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701

Mr. Drenner,

At its March 19, 2013 meeting, the Downtown Austin Alliance Board of Directors voted to support a PUD that would allow 96 feet in height for 211 South Lamar.

Sincerely,

Larry Graham, Chair

# THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

JAMES E. COUSAR  
DIRECT DIAL: (512) 469-6112  
EMAIL: James.Cousar@tklaw.com

1900 SAN JACINTO CENTER  
98 SAN JACINTO BOULEVARD  
AUSTIN, TEXAS 78701-4238  
(512) 469-6100  
FAX (512) 469-6180  
www.tklaw.com

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April 5, 2013

Mr. Steve Drenner  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701

Re: Post-Paggi PUD Application

Dear Mr. Drenner:

This law firm represents Bridges On the Park Condominium Association, Inc. (BOTP), which is made up of the residents of the property immediately to the South of the proposed Post-Paggi PUD ("the PUD"). The developers of the PUD, whom you represent, are seeking a zoning change, and are currently scheduled to present their application to the Waterfront Planning Advisory Board (WPAB) and the Planning Commission during the week of April 8.

After reviewing the PUD application and certain conceptual drawings made available by the applicant, BOTP is prepared to withdraw its opposition to the PUD if the applicant will agree to the following terms and conditions:

1. All structures within the PUD will have a height limit no greater than the height of the Zachary Scott Theater curtain wall structure, as built, or 75 feet, whichever is lower.
2. The PUD will maintain current zoning setbacks of a minimum of ten feet along South Lamar Blvd. and Lee Barton Dr., with sidewalk continuity to the existing sidewalks of BOTP along those streets. On Lee Barton Dr., the sidewalk will begin at the southern boundary of the Paggi House property (owned by the applicant) and extend to the corner of Lee Barton Dr. and West Riverside.
3. For purposes of light, exhaust circulation, and emergency access, the south edge of the PUD structure will maintain a minimum ten foot setback opposite the existing north wall of the unit of BOTP that faces the PUD property. The south facing wall of the PUD structure opposite BOTP will be constructed

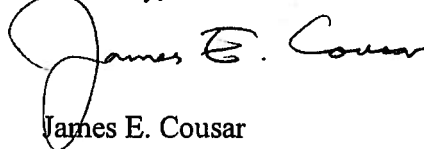
with a light reflective surface to be approved by BOTP, such approval not to be unreasonably withheld.

4. The Paggi House grease trap equipment that currently is in the public right-of-way will be removed, and no other private obstruction of the public right-of-way will be permitted adjacent to the Paggi House property.
5. The owners of the PUD will agree to support a request to the City of Austin to eliminate parallel parking on the west side of Lee Barton Dr. (except short term commercial vehicle access) and to prohibit U-turns of southbound traffic on South Lamar Blvd. opposite the PUD and BOTP.
6. These provisions (other than 4 and 5) will be incorporated into the PUD ordinance and all will be incorporated into a private restrictive covenant to run with the land and to be enforceable by BOTP. The language of the covenant must be approved by BOTP, and the executed covenant will be held by counsel for BOTP until after Council approval of the PUD in a form no less restrictive than the current application, as modified by these terms, and it will be recorded only after such Council approval. If Council denies a zoning change, the executed restrictive covenant will be returned to applicant's counsel.

A copy of this letter is being provided simultaneously to City staff, to members of the WPAB, to members of the Planning Commission, and to members of the City Council.

We hope these proposals will be acceptable to the applicant and will form the basis of a long term, amicable relationship between the residents of BOTP and their new neighbors to the north.

Sincerely,



James E. Cousar

c: Members, Waterfront Planning Advisory Board  
Members, Planning Commission  
Mayor and City Council  
Lee Heckman  
Members, BOTP Board of Directors



April 5, 2013

City of Austin Waterfront Planning Advisory Board Members:

This letter is to inform you that the Bouldin Creek Neighborhood Association (BCNA) Steering Committee, is in support of the Zilker Neighborhood Association, the Bridges on the Park Condominium Association, and the Zachary Scott Theater Board of Trustees Executive Committee, in our strong opposition to the proposed up-zoning for 211 S. Lamar Blvd., (**Case Number C814-2012-00160**) and requests the Board reject the requested zoning for the following reasons:

- **The proposed site of less than one (1) acre does not meet the minimum requirement (Tier 1) for planned unit development (PUD) zoning.** PUDs were intended for large, complex projects of ten (10) acres or more. No mitigating circumstances on this site justify exemption from that minimum requirement, other than the developer's desire to maximize square footage and profit, at the expense of adjacent residents, City park-goers, and commuters. This proposal privatizes gain and socializes costs.
- **This proposal makes only token gestures at the community benefits required of such up-zoning and its accompanying entitlements.** It provides no on-site affordable housing component, which discourages ethnic diversity and widens the Social-Economic-Status (SES) gap between the current economically and racially diverse residents which characterize our Downtown and central neighborhoods.
- **The proposal would add nothing to public transit access that doesn't already exist.** It adds no pedestrian-oriented retail or other commercial use that could not be provided under existing base zoning and IS provided by adjacent similarly-zoned properties. The proposed open "public" spaces are proportionally no greater than those voluntarily provided by adjacent properties. Preserving mature or heritage trees where possible should be expected of any responsible development—especially in light of the mounting evidence of climate change.
- **The proposed up-zoning would fly in the face of the Waterfront Overlay**—which was adopted by the City of Austin to protect the waterfront from exactly the type of over-development and walling off proposed within this project. The Waterfront Overlay's clearly-defined maximum setbacks and building heights ensure enjoyment of the waterfront, its open spaces and view corridors for future generations of Austinites. Those limits must be respected if our city is to enjoy the qualities that make life here so enjoyable and marketable. Additionally, the proposed structure creates looming heights which will overshadow parkland and adjacent private properties.
- **Additional density in this delicate area would exacerbate already severe traffic burdens** - Traffic already is congested on Lamar Boulevard and the historically significant Lamar Bridge. The proposal would add traffic on Riverside Drive, which bisects our City's crown jewel public park, creating safety risks for large public events and daily use of the park.

In conclusion, the proposed development does not meet PUD minimum standards and the costs of this proposal to current residents clearly outweigh any tax-base benefits from the density increase. Density in itself is no public benefit when it only reduces people's access to and enjoyment of public and private assets, decreases their safety in transit, and increases their travel time. We hope you will consider all aspects, current and future, of this proposed development not only on its impact to the tax-base but also to the quality of lives of all Austinites who traverse this major intersection.

Thank you, board members, for your public service and for your consideration in this important matter.

Sincerely,

*Cyndi Collen*

Cyndi Collen, President

Bouldin Creek Neighborhood Association