

Rhoades, Wendy

From: John Thorne-Thomsen <jthornethomsen@gmail.com>
Sent: Thursday, April 18, 2019 9:22 PM
To: Alanna Gold
Cc: Rhoades, Wendy; greg.anderson@austintexas.gov; Flores, Yvette - BC; DeHoyosHart, Angela - BC; Kazi, Faye - BC; Kenny, Conor - BC; McGraw, Karen - BC; Schissler, James - BC; Schneider, Robert - BC; Seeger, Patricia - BC; Shaw, Todd - BC; Shieh, James - BC; Thompson, Jeffrey - BC; Burkhardt, William - BC; Mendoza, Richard [AW]; Craig, Ken; Anderson, Greg - BC; Teich, Ann - BC; John Thorne-Thompson; Greg Dayton; Merila Walker; bryan paul; Jennifer Paul; Skye Best; John Donaruma; Dave Chakos
Subject: Re: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141

Planning Commission Members and Ms. Rhoades,

I am writing to elaborate on Alanna's email with respect to the unpermitted addition, specifically with respect to its quality, workmanship and the suitability of its foundation. As I mentioned at the meeting in February, I am a licensed professional engineer in the state of Texas, specializing in civil and structural engineering. While my current work relates to telecommunications infrastructure, I have worked in residential structural design in the past. Based on the photos Alanna attached in her email and observations I have made, I believe that the foundation on the addition is substandard.

As can be seen in photos 1 and 2, the foundation underneath the southern/southeastern part of the house does not appear to be slab on grade -- the concrete post block in the first photo would not fit under the siding if there were a slab foundation. The erosion underneath the siding in photo 2 would be extremely unlikely with a slab foundation as well. If this is indeed some sort of post and beam foundation, the installation of siding all the way to grade is not an appropriate design; there is little or no ventilation of the crawlspace, water infiltration does not appear to have been considered, and there are multiple access points for pests.

Furthermore, the addition already appears to be settling. The rear wall is not plumb, the roof ridgeline is sagging, and as can be seen in Alanna's fifth photo, the trim on corner of the building is beginning to tear apart, and the siding is showing evidence of deflection. In light of the visible settlement of the foundation, and in the absence of design documentation or even a permit, it is my opinion that this is an inadequate foundation.

Also, according to the survey submitted to Ms Rhoades, the addition appears to be too close to the property boundary: the corner is 4.2' from the property line, while the minimum setback on that side is 5'. This would also presumably be an issue to getting this property back into compliance.

Lastly, considering the poor workmanship on the dormers that can be seen from the street, the shingles that have blown off the roof and seals around building envelope penetrations evident in Alanna's third and sixth photos, I am also concerned about the adequacy of the framing, roofing, electrical, plumbing and HVAC work done on the addition and throughout the rest of the house.

In total, the required remediation on this property may be substantial.

I spoke with Erica Thompson, the Code Department contact listed on the Notice of Violation, this afternoon. She informed me the code complaint enforcement is on hold pending resolution of this rezoning application. Per the notice of violation, the property owner must bring this structure into compliance in a timely fashion or risk fines, "suspension or cancellation of existing site plan, permit or certificate of occupancy" or in

the case of "dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties." I do not believe that a property that could lose its certificate of occupancy or be ordered demolished is a good candidate for a rezoning application.

Given the potentially extensive remediation and the severity of the possible consequences from the city Code Department on this property I request the **Planning Commission deny this rezoning application** so the code violations may be addressed. Rezoning this property as it currently stands will not serve to improve our neighborhood or community, nor will letting this property languish in disrepair. I believe the code violations should be assessed fully and addressed prior to considering the suitability of this property for the rezoning application.

Thank you again for your time,

John Thorne-Thomsen, PE
1902 Inverness

On Thu, Apr 18, 2019 at 2:44 PM Alanna Gold <goldalanna@gmail.com> wrote:
Wendy and Planning Commission Representatives:

We wanted to give you an update on the status of our questions and concerns regarding 1907 Inverness Blvd C14-2018-0141.

Following the postponement of the February 26th meeting due to the applicant not present, and in anticipation of the hearing on April 23rd, we want to inform you that the owners of properties adjacent and near 1907 Inverness Blvd met and agreed that we are still in **OBJECTION** of the property being rezoned. Not only are the concerns from an email dated February 9th (below) still applicable, but we have additional concerns about the safety of property due to the code violations and the general state of the house. As you can see, in the attached photos, the quality of the construction is evident through the lack of supportive foundation that unpermitted extension (photos 1 & 2). In addition, the owners have not maintained the exterior of the house in sometime, with roof singles laying by the front door (photo 3), large weeds and an unkempt lawn (photo 4 & 5), and improper drainage from the home/ rat entrance (photo 6). The drainage that comes from the house when occupied flows onto our property (1905 Inverness Blvd) and the applicant was informed of this on January 22nd. This, in addition to other reason outlined by Greg Dayton on February 9th, leads us to the conclusion that the home is unsafe, and that the applicant doesn't have the best interest of the neighborhood in mind. No progress has been made to improve the home and add value to the neighborhood. The only activity seen in the past nine months was the survey being completed, which was requested by Ms. Rhodes for the application. Also, please note, that according to the updated survey submitted by the applicant, the amount of impervious cover exceeds the maximum allowed under the NO-MU designation.

Given this, I would argue that given the recent increase in our property taxes as of April, 2019, the value of our homes would be impacted by the general appearance and status of this unoccupied structure and not accurately reflected in the market value assessed by the City of Austin. Also, this will be the fourth time that we've come down to City Hall, and hope that we're able to make progress on this matter on Tuesday, and that the applicant will be present and we can finally move forward with this matter.

Based on the these factors, along with the factors outlined by Greg Dayton in February, **we urge you to deny the applicant's request to rezone the property.**

Thank you,

Alanna Dayton

Email from Greg Dayton on February 9th

We have worked to gather additional support of our position in the form of a petition which we will deliver to Wendy Rhoades on Monday. This petition has the signatures of property owners from Inverness Blvd., St. Albans Blvd., Kings Highway, Brittnay Blvd., and Fair Oaks Dr. **The owners who signed the petition are requesting that the Planning Commission deny the zoning change at 1907 Inverness so that it remain SF-3.**

Please include the following in the case back-up materials for the review of the planning and zoning representatives: The forthcoming petition, this email, and any other emails sent since January 22 and before the February 12 hearing in objection to this zoning change.

Also, the back-up materials included comments about the "Psychic Business" that operated in that home before the current owner took possession. It is our understanding that this was an unpermitted business that was shut down by the city. Further, it was a business that seemed to be more of a hobby for the previous owner than an income-generating business. Specifically, we did not see any foot traffic that could be identified as customers.

Why we Object:

1. *Neighborhood safety* - Due to the substantial number of uses that could be permitted under the LO-MU designation, we strongly protest the rezoning of 1907 Inverness Blvd and insist it remain SF-3. It is clear to us that what could begin as an insurance office and living space might quickly become something different and less stable for our community.
2. *Truthfulness and intent*: Following the January 22 meeting, Wendy Rhoades introduced the neighborhood owners in attendance to the representative of Marquee Investments, Mr. Johnathan Perlstein. Mr. Perlstein assured us that a tenant was in negotiation to live and work out of 1907 Inverness Blvd (one who was a State Farm agent and would only see a few clients a month - this seems counterintuitive). At that time, we pointed out that the property was listed for sale online and there was a large for sale sign from a commercial realtor posted on the property. Mr. Perlstein said that was a mistake and the property was not for sale. However, since that meeting, the property has been continuously listed for sale as a commercial space both online and the for sale sign remains (the listing was updated as recently as February 5, 2019 by the realty company "Commercial Market Exchange": <https://www.loopnet.com/Listing/1907-Inverness-Blvd-Austin-TX/14081542/> - screenshot attached as pdf as well as photo of sign). Therefore, we do not believe in the assurances of the owner or their representatives. Further, this discrepancy in the facts leads us to doubt the integrity and intentions of Marquee Investments.
3. *Current ownership, commercial zoning, and a lack of stability* - The following is a list of properties and the tenants of the owners of Marquee Investments that was culled from the Travis Central Appraisal District, Austin Zoning Records, and internet research:
 - 2105 Justin Lane, 78757 - Justin Plaza. Costmetics & beauty company, State Farm Insurance, AA, 2 salons, auto title, surveying company, barber shop, nail salon,
 - 1705 Bench Mark Dr, 78728 - two contracting companies
 - 15307 Ginger St, 78728 - warehouse property [for sale by Commercial Market Exchange](#) which [listed 1907 Inverness as a commercial property for sale](#)
 - 11102 Bluff Bend Dr, 78753 - commercial warehouse - Austin Countertops
 - 11020 Bluff Bend Dr, 78753 - commercial lot adjacent to 11102 Bluff Bend used by Austin Countertops

- 2711 Kelly Ln, 78660 - warehouse space [also for sale by Commercial Market Exchange](#) that has [listed 1907 Inverness as a commercial property for sale](#).
- 201 W. Powell Lane, 78753 - lawn maintenance company,
- 1934 Rutland Dr, 78758 - Paris Hookah Lounge
- 2801 East 5th Street, 78702 - dog grooming business
- Corner of West 5th & Congress in 2015/2016. The owners Proposed strip club at this location and a site plan application was submitted to the city by [Aus-Tex Consulting](#). (the company contracted by Marquee investments to coordinate 1907 Inverness zoning change). Currently home to Shiner's Saloon
- 103 W. 5 St - office
- 4605, 4607, 4609 N Interstate HY 35 TX 75751 - A children's science academy, empty lot, and the Royal Hookah Cafe.
- 9558 HY 290 78724 - empty lot, second to the west from Reservoir Ct
- 9701 E HY 290 78724 - empty lot on east side of Reservoir Ct and Frontage road
- 9705 Reservoir Ct, 78724 - lot adjacent to 9701 E HY 290. Formerly Pink Monkey Caberet adult club.
- 9704 Reservoir Ct, 78724 - empty lot across from 9705 Reservoir Ct.
- 9570 Reservoir Ct, 78724 - empty lot at corner of Reservoir Ct and 290 frontage road.
- 704 W St. Johns Ave 78752 - Visible Style Hair Salon
- 7205 N Lamar Blvd, 78752 - DC Tatts (tattoo shop), Happy Clouds (head shop/smoke shop), Queen Eyebrow Threading, Beauty Salon
- Property ID 267821 - empty lot
- Property ID 267822 - empty lot
- 401 FM RD 685, 78660 - Commercial lot with shopping at front (am/pm Grocery), and warehouse space behind it early learning center, sign shop, boxing gym, tire shop, wrestling gym.
- 15505 I-35, 78660 - car sales
- Property ID 821836 - empty lot

We don't have an issue with Marquee Investments using their resources to develop properties. And we also understand that not all of these businesses could operate on an LO-MU property but we list Marquee Investment's properties and tenants to illustrate the wide net that an investment company casts when finding tenants (and, by extension, buyers of the property). However, we do not want to see this lot rezoned and opened for the many types of uses that fall under the LO-MU code - we have no doubt that the highest bidder will win the day and the desires of the community will not be a driving concern of Marquee Investments' owners. Further, we object to the uncertainty that may come with a commercial lot as opposed to the stability and certainty of an SF-3 residential lot, no matter who the owner may be. Finally, we see a possibility where this building is razed and the lot left empty until a commercial buyer is found at the right price. We base this on the fact that the building has some [outstanding code violations](#).

Also, in looking over the above list, it is important to note that Marquee Investments has two of their other properties listed for sale with Commercial Exchange Market. Again, we find it hard to believe in any promises made by the owners as to the immediate and future use of the property.

4. Availability of commercial property in the surrounding neighborhood. There are numerous available and/or vacant commercial spaces on Manchaca Rd. and W Stassney La. The following are all less than 0.5 miles from 1907 Inverness and the adjacent bus stop. This search was done in one afternoon and without the benefit of a realtor's aid. We simply walked the neighborhood, took notes, and checked the city and county records:

1. 1500 W Stassney La (see attached photos): formerly AAA News Inc. Zoned CS-V-LR-NP. apx. 14,000 sq ft, total. [Travis CAD - ID 511151](#)
2. 1604-1606 W Stassney La (see attached photos): 18,500 sf warehouse space listed as Stassney Business Center for lease on [LoopNet](#). [Travis CAD - ID 319736](#)

3. 2056 W Stassney La (see attached photos). Building is vacant - [City Zoning profile is blank](#) zoned as SM Store according to Travis CAD records. Building was submitted to Austin 311 for graffiti removal apx. 5 months ago (ID [18-00237957](#)). [Travis CAD - ID 511103](#)
4. 5700 Manchaca Road - Cherry Creek Plaza main building. [Three spaces listed on LoopNet for lease](#) : a) Suite 300 - retail (4000 sf) [currently City of Austin Municipal Court]. b) Suite 240 - Standard Retail (11,292-22,585 sf) currently retail, owner willing to divide. [Currently Thrift Town] c) Suite 310 - Office/Retail (900 sf). [Currently used as bakery kitchen but not for direct sale]. [Travis CAD - ID 319824](#)
5. 5608 Manchaca Rd (see attached photos). Formerly Subway currently empty and part of Cherry Creek Plaza Partnership. Note the commercial "For Lease" sign for food truck spaces. There is only one food truck in Cherry Creek Plaza [Travis CAD - ID 319826](#)
6. 2007 West Stassney Rd (see attached photos). Building is currently empty - food truck in front. part of Cherry Creek Plaza Partnership [Travis CAD - ID 319827](#)
7. 4908 Manchaca Rd. There is an office space for lease on [LoopNet](#), This property was purchased in late 2017 and renovated. The lease space is still available. [Travis CAD - ID 51013](#)
8. 5316 Manchaca Rd. Part of Crocket Square where Strange Brew was located. There is a for lease sign in front (directly across from the for sale sign for 1907 Inverness Blvd. See attached photos. [Travis CAD - ID 511072](#)

Further, we have several vape shops, a tattoo shop, several barber shops and hair salons, a title loan broker, and a pawn shop in the neighborhood. We don't see the need for more of these types of businesses but worry that that this is the kind of "Storefront Retail/Office" that Marquee Investments and Commercial Market Exchange are marketing in the sale listing referenced above and attached. And we do have some empty buildings that investors are not in a hurry to rent out or sell, instead taking the loss as a write-off. Again, we don't want to see that happen on our street.

5. *Parking and Street Safety.* Parking has been a chronic issue for all residents in this area of Manchaca Road. However, for those of us across the street from Crocket Square, we have a unique problem. When Austin favorite Strange Brew was open, the overflow parking landed directly across the street on Inverness Blvd. We also have ACC students that park on our street since we are the closest side street to the South Austin ACC Campus on the east side of Manchaca. And Since Austin Java opened across the street, the parking on Inverness has gotten worse (see attached photos). With the old Strange Brew space under renovation and [expected to be occupied by "Captain Quackenbush's Coffeehouse and Bakery"](#) soon, this problem will only intensify. Adding a commercial lot at 1907 Inverness, even if there are 4-6 available spaces on the property, will make a difficult problem even more dangerous. We don't have sidewalks on Inverness and a lot of children (infant - high school) and adult pedestrian traffic. During afternoon rush hour, Inverness, St. Albans, and Fair Oaks experience a high volume of traffic as people headed south will cut through our neighborhood to get to Stassney La. ***Add in commercial traffic coming and going from a property that faces Inverness Blvd, not Manchaca, we have serious concerns for the safety of our families and all that come through our neighborhood.***

Given the number of lots that have available or unused space, and the lack of affordable housing in South Austin, as well as our interest in keeping our neighborhood safe, we don't see the logic in changing the zoning of 1907 Inverness Blvd. In this case, the South Austin Neighborhood Combined Plan would not meet its stated vision if 1907 is rezoned. The vision: "Create a complete community that is mobile and interconnected; compact, accessible, and affordable; natural and sustainable; healthy, safe, creative, and engaged." As outlined above, rezoning 1907 Inverness would negatively impact the residential character of our neighborhood, likely reduce the affordability of housing in the immediate neighborhood (by removing an SF-3); it would not be healthy or safe for the residents or South Austin at large, would degrade neighborhood safety and diminish the a growing community that has been building since ground was broken in 1967.

It is with this additional information and wider context that we urge the staff to change their position from "Recommend" to "Not Recommended. We will be in attendance on Tuesday and plan to formally address the Planning Commission with our wishes that 1907 Inverness Blvd remain SF-3.

Thank you for your time. We look forward to seeing you on Tuesday.



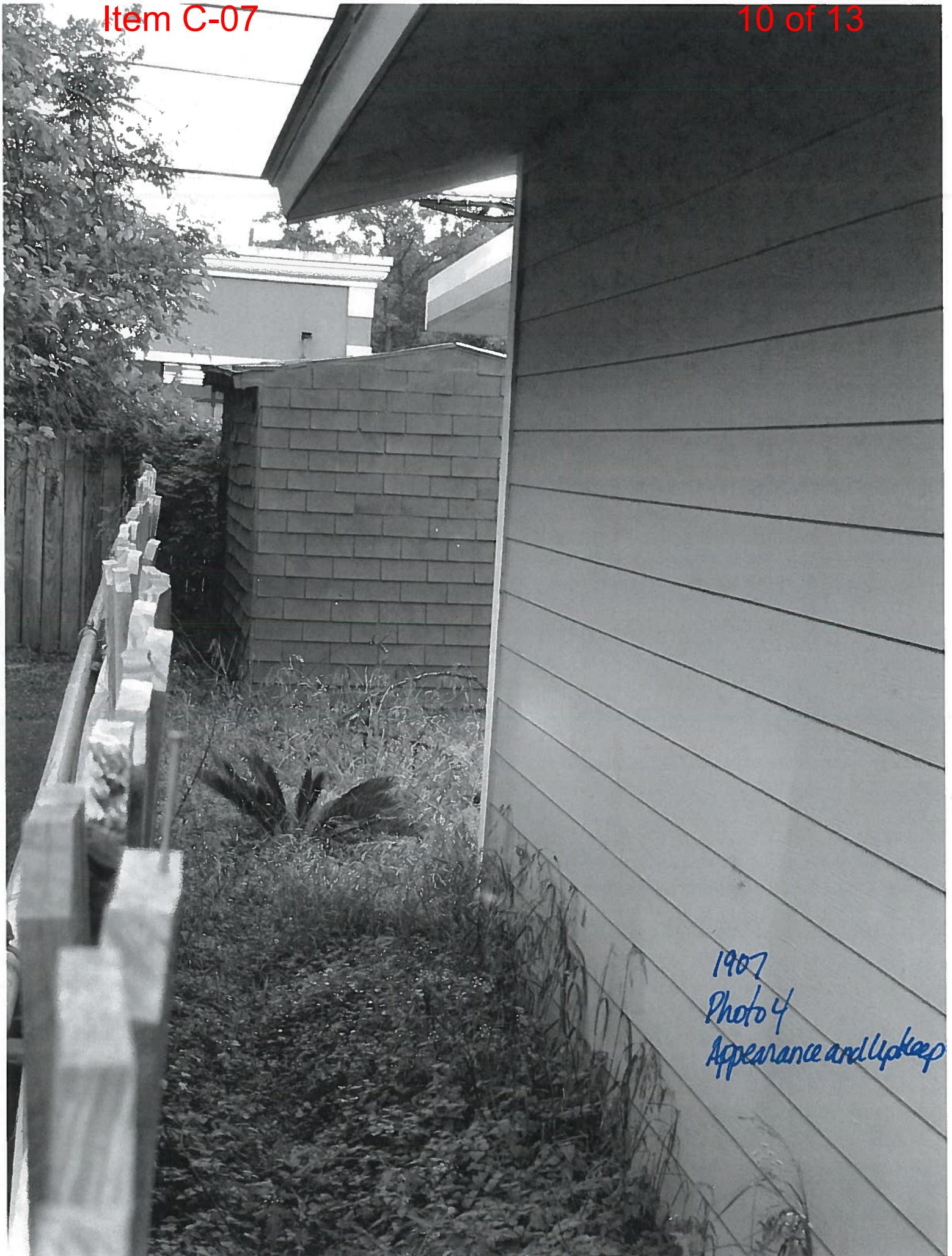
1907 Photo /



1907 Photo 2



Photo 3
1907 Roof Shingles



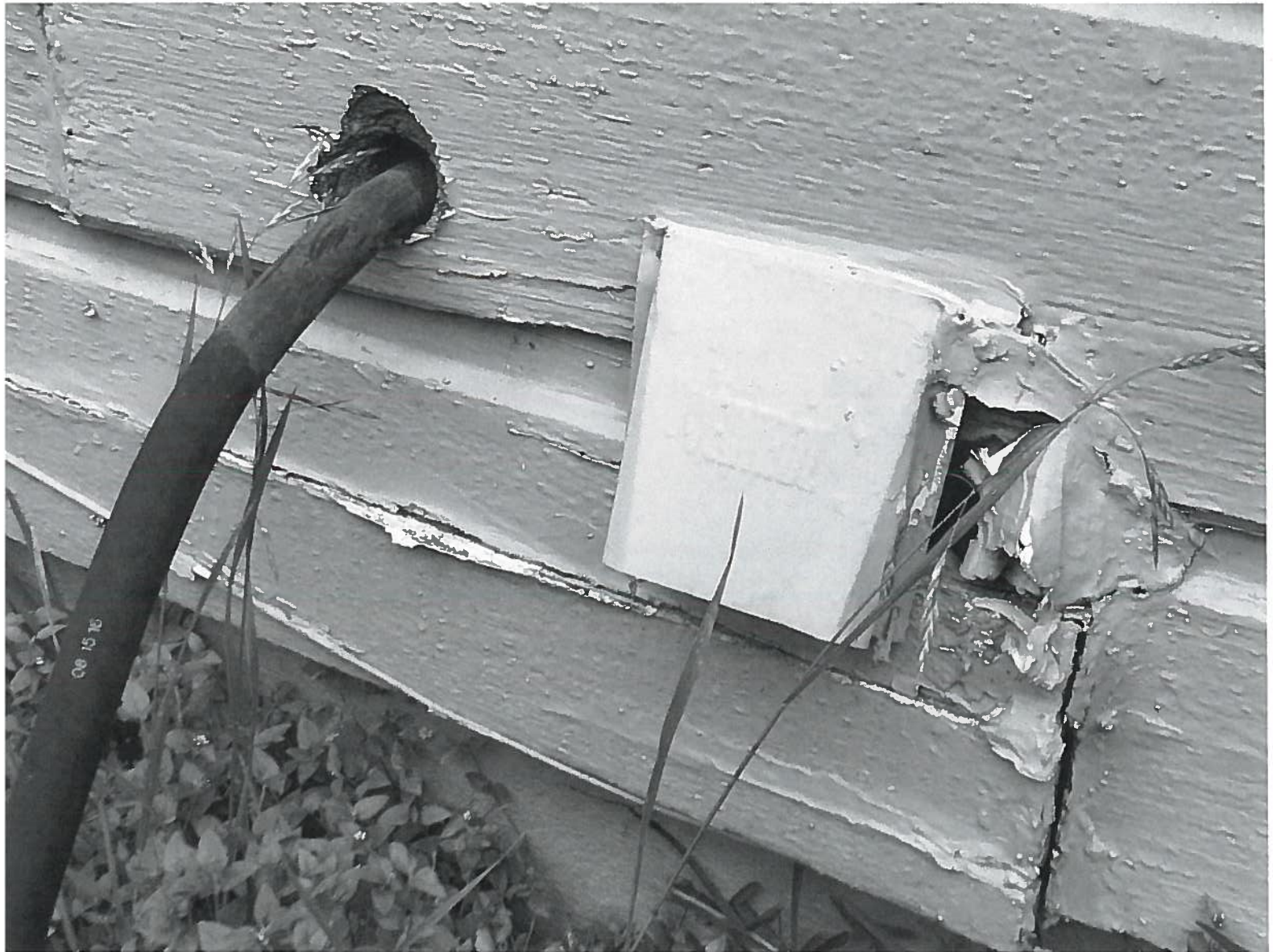
1907
Photo 4
Appearance and Upkeep

Item C-07

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1907 Photo 3
Appearance and Upkeep





1907 Photo 6
Improper Drainage and
Rat Entrance

April 23, 2019 Planning Commission Q&A Report

7. **Rezoning:** **C14-2018-0141 - 1907 Inverness Zoning Change; District 5**
Location: 1907 Inverness Boulevard, Williamson Creek Watershed; South Austin Combined (South Manchaca) NP Area
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)
Agent: Austex Building Consultants (Jonathan Perlstein)
Request: SF-3-NP to NO-MU-NP, as amended
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719
Planning and Zoning Department

Question: Commissioner Schneider

- Since this was last before the PC, have there been discussions between the neighbors and the owner/developer? What has been the outcome of those discussions?
- There were concerns raised that there may be numerous code violations at the proposed property, have those concerns been addressed?
- Has there been a change in the opposition to the proposed change from the neighbors? Is there a valid petition in place and if so can you explain what that means for approval at the PC or the council?

Answer: Staff

1. Discussions between the Owner and Agent and the neighbors have not occurred since the last Planning Commission meeting on February 26, 2019.
2. The Owner and Agent provided a survey of the Property with impervious cover figures (61.2% of the property), but to my knowledge they have not done background work to start addressing the code violations, and have not been in contact with the Code Department.
3. The neighbors remain opposed to the proposed rezoning to the NO-MU-NP district. The valid petition remains at 33.34% and is informational to the Planning Commission. At final readings of the rezoning ordinance at Council, 9 out of 11 Council members must vote in favor of the rezoning change to NO-MU-NP in order for the case to be approved. This case is listed on Council's April 25th agenda, however, Staff is requesting postponement to May 9th in order to have adequate time to re-compile the backup that will be forwarded to Council.