

December 17, 2019

Re: SRCC Neighborhood Association opposition to requests by 305 S. Congress Ave.

Dear Mr. Rusthoven:

I am following up on our meeting called by Planning and Zoning designed to receive Community Input on Oct 30, 2019. Below please find notes, which should be included in the record.

Recently, Kevin Shunk presented to the SRCC that the development along Lady Bird Lake will be exempt from the ban on development in the Atlas 14 floodplain and recommended that we "buy flood insurance" even as our beloved Venice suffers \$1B in damages.

We have sent a note to the Mayor demanding to know about this alleged exemption and we are fighting that decision and carefully monitoring the current level of run off in order to prepare for any evidence of more run off that affects our property. The City cannot show favoritism to a developer over the rights of property owners, who may demand compensation if their properties are damaged. The City has a duty to protect its citizens and their property from harm, such as from flooding.

1) Mr. Rusthoven, we were surprised that you were not in attendance since your office called the meeting. We were given little notice and no one asked our input on dates.

2) We asked the applicant to provide the letter from City staff to which you refer as the reason for accepting an out-of-cycle application. Please forward to us the letter that YOU received stating that the project is not subject to environmental regulations, such as the setback from the water.

(3) the person submitting the application has received a letter from the director of the appropriate City department stating that the project:

(a) is not subject to current City environmental regulations, but is proposed to be developed under current City environmental regulations;

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4) Mr. Suttle, you wrote in your application that you believed that "industry" was a clerical error and I asked why, since you are aware that there was a printing press on the site, which is "industry". You stated, "I'm an attorney." ???

I do not ask any of my attorneys to falsify information on my behalf, nor do I allow them to do so, and I retain some of the best attorneys in the state. Please correct any misstatements in your application using actual facts. Volunteers have the right to have honest information from which to make recommendations.

5) Past President Gretchen Otto stated that SRCC, the neighborhood most impacted by the proposed project, will not consider any amendments until the SCW regulating plan is in place.

4) She also asked about the great difference in the capacity proposed in your PUD amendment. You explained that the project would not make economic sense if the owner limited its capacity to the current plan. The volunteers emphasized that economic profit is not considered a "hardship," which must be stated in the record of this meeting, so what is the hardship noted in your application?

5) We asked about the progress of the regulatory plan, and Alan explained that his consultants are working on the figures. Alan, exactly what kind of figures are the consultants working on for this project? Are they updating the costs of the "Community benefits" such as the proposed new boardwalk (by the way, there's already a boardwalk there, opening in 2014)? Exactly how much is this project costing the City, Alan? Please send the hours and fees for all consultants working on this project and another report for the Snoopy PUD aka Hooter's PUD.

6) Alan explained how we could help the project.??? We reminded him that he has the duty to ensure that the development must follow the laws and respect the property owners already there.

7) I asked Andy Pastor about parking. He stated that they plan to charge, which means that people will park in front of our houses. Amanda didn't seem to know how close we live to this tract.

8) I asked Andy Pastor what plans the project has to ensure that the concerts planned do not disturb the residents, just like he was asked several months ago when his response was "we studied how to prevent affecting the bats." He offered no update. See note regarding a concert after 11pm on a Sunday:

Hillary Bilheimer hillarybilheimer@gmail.com
[SouthRiverAustin] <SouthRiverAustin@yahoogroups.com>

H12:11 AM (17 hours ago)

to SouthRiverAustin

There was an EDM festival at the Statesman. It was so loud at our house as well. I just typed "Austin Rave November 17" into google at around 11pm because we were so baffled.

Mr. Rusthoven, we expect you to address our valid concerns and work to protect the homeowners affected by this proposed development. Our neighborhood, SRCC, already voted unanimously to deny any change in FLUM, neighborhood plan, or zoning. You should have received notice from our President. If anyone feels that I misheard what was said, please send your evidence to the contrary and I will gladly apologize. My goal is transparency.

Regards,

Paula Kothmann
Homeowner, Travis Heights and Bouldin Creek, two neighborhoods impacted heavily

