

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0009 – 1725 Toomey

DISTRICT: 5

ZONING FROM: CS

TO: MF-6

ADDRESS: 1725 Toomey Road

SITE AREA: 0.90 Acres

PROPERTY OWNER:
1725 Toomey LLC

AGENT:
Drenner Group (Amanda Swor)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends multifamily residence highest density (MF-6) district zoning. *For a summary of the basis of staff's recommendation, see page 2 and 3.*

SMALL AREA PLANNING JOINT COMMITTEE

June 2, 2021 **Forwarded to Planning Commission without a Recommendation.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 27, 2021 **Scheduled for Planning Commission**

July 13, 2021 Approved neighborhood's request to postpone to July 27, 2021 on the consent agenda. Vote: 8-0. [Vice Chair Hempel - 1st, Commissioner Flores - 2nd; Commissioners Azhar, Howard, Rosa Praxis, Llanes Pulido and Schneider were absent].

CITY COUNCIL ACTION:

July 29, 2021 **Scheduled for City Council**

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition and in favor of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

Separate from and prior to this rezoning case being submitted, a tree permit (2020-127211 TP) was filed and approved to remove a heritage tree at this property. The following is a summary of the application timeline from the Community Tree Preservation Division:

The application was received on September 4, 2020 and included detailed photographs and a narrative report from a private Certified Arborist. These materials demonstrated the damage to the structure that was caused by the tree. The application also cited internal decay as a cause for concern and was statutorily disapproved pending documentation that supported that claim.

On November 16, 2020 a tomography report from Tree Associates, LLC and completed International Society of Arboriculture tree risk assessment form were submitted to the City for further review.

It was determined that the damage that was being caused to the structure (the roof of the apartment complex had been physically deformed by the upper stem of the tree), combined with the evidence of the presence of less-sound wood in the lower stem and extreme proximity to high-value targets provided sufficient justification for removal of this tree. The Tree Permit was issued on November 20, 2020.

CASE MANAGER COMMENTS:

This property is located at the southeast corner of Sterzing Street and Toomey Road and is approximately 0.9 acres. It is currently zoned CS and developed with an existing multifamily building. Adjacent zoning to the east and south is CS, across Sterzing Street to the west are CS, CS-CO and LO zoned tracts and to the north across Toomey Road is a P zoned tract. This property is located within the South Lamar Combined Neighborhood Planning Area (Zilker Neighborhood) which does not have an adopted Future Land Use Map (FLUM). Please see *Exhibit A: Zoning* and *Exhibit B: Aerial Map*.

Per the applicant's application, they are requesting to rezone from CS to MF-6 to allow for a residential development with up to 215 units. Due to the number of proposed residential units, staff provided AISD the Educational Impact Statement (EIS) forms submitted in the application. Their response is included in *Exhibit D: EIS from AISD*.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The City's current Land Development Code (LDC) defines the base zoning district for MF-6 as:

"...the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major

institutional or employment center, or an area for which the high density multifamily use is desired.”

This property is located 320 feet from Barton Springs Road and 0.30 miles from S. Lamar Boulevard. Both streets are identified as Level 3 streets in the Austin Strategic Mobility Plan and have CapMetro bus routes running along them, one of which is a high-frequency route and is proposed to be enhanced through ProjectConnect’s initial investments service map. S. Lamar Boulevard is also identified as a Core Transit Corridor in the LDC and an Activity Corridor within the Imagine Austin Comprehensive Plan. Additionally, this property is adjacent to Butler Shores Metro Park and is within a quarter mile of Zilker Park, the Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge. Rezoning this property to MF-6 would be consistent with the purpose statement of the zoning district, and provide increased residential opportunities near significant public spaces and within walking distance of existing and planned transit corridors.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS	Multi-family residential
North	P	Parkland
South	CS	Restaurant (general)
East	CS	Multi-family residential
West	LO and CS-CO	Professional office and Multi-family residential

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP area - Zilker (suspended)

TIA: A TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: Lady Bird Lake Watershed

OVERLAYS: Residential Design Standards, Waterfront Setbacks Overlay, Waterfront Overlay (Butler Shores)

SCHOOLS: Zilker Elementary, O. Henry Middle and Austin High Schools

NEIGHBORHOOD ORGANIZATIONS

- | | |
|------------------------------------|-------------------------------------|
| Austin Independent School District | Homeless Neighborhood Association |
| Austin Lost and Found Pets | Neighborhood Empowerment Foundation |
| Austin Neighborhoods Council | Perry Grid 614 |
| Bike Austin | Preservation Austin |
| Friends of Austin Neighborhoods | SELTexas |
| Friends of Zilker | Sierra Club, Austin Regional Group |

South Central Coalition
TNR BCP - Travis County Natural
Resources

Zilker Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-07-0018 Barton Place 1600 Barton Springs Rd	From CS to MF-6	Approved staff's recommendation of MF-6-CO; CO was to limit height to 75 feet. The height limit for this property was an agreement between the applicant and the neighborhood, staff supported the agreement between the two parties.	Approved MF-6-CO as Commission recommended (2/28/08).
C14-05-0189 1900 Barton Springs Rd	From CS-CO & LO-CO to CS-CO, as amended	Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650.	Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07).
C14-05-0186 404 Sterzing Street	From CS to CS-CO, as amended	Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650.	Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07).

RELATED CASES:

There are no related cases to this rezoning case.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Sterzing Street	52'	30'	Level 1	No	N/A	Yes
Toomey Road	52'	30'	Level 1	No	N/A	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The property is approximately 0.90 acres in size and located at the southeast corner of Toomey Road and Sterzing Street intersection. The current use is a small 40-unit multifamily apartment building. The site is located 0.30 miles from the South Lamar Activity Corridor and is not in area with an adopted neighborhood plan. Surrounding land uses includes Butler Shores Park, sports fields, the Butler Hike and Bike Trail and Downtown Austin to the north; the south are a variety of commercial uses; to the west is a condominium building; and to the east is an apartment complex. The proposal is to remove the existing 40-unit complex and construct up to a 215-unit multistory apartment building.

Connectivity

Public sidewalks are located along both sides of South Lamar Boulevard and Barton Springs Road and partially along Toomey Road. Sterzing Street has an incomplete public sidewalk system. A CapMetro transit stop is located 650 feet from the subject area. Several bus lines run on South Lamar Boulevard including the 803 Rapid Bus. The Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge are located within a quarter of a mile from this site. The mobility options in this area are above average.

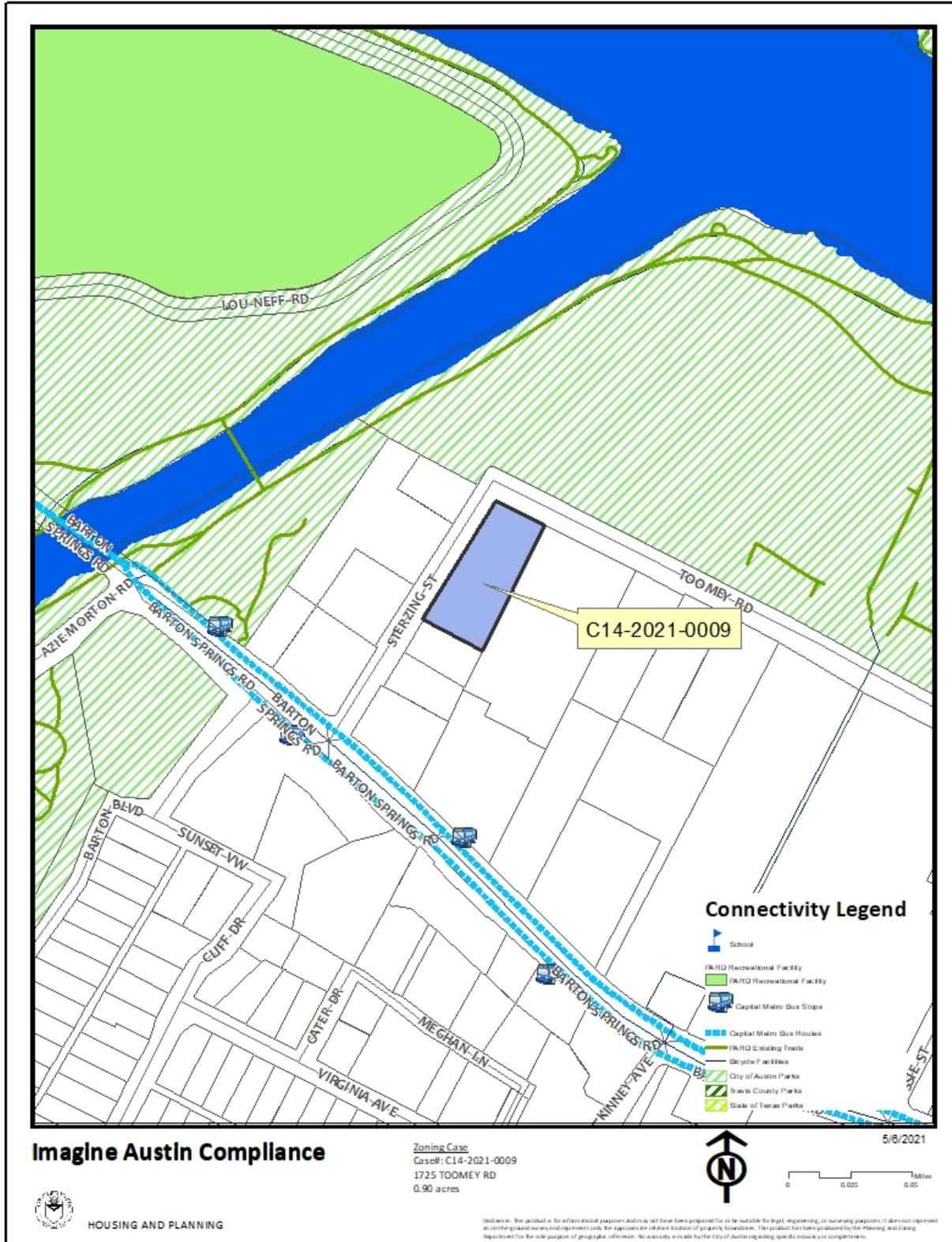
Imagine Austin

The Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an Activity Corridor and is just south of the Downtown Regional Center. It is also located along a designated High Capacity Transit Corridor. Activity Corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. These Corridors are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are also applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based upon nearby multifamily uses; the above average connectivity and mobility options in the area, and the site being located near an Activity Corridor, which supports dense, connected and pedestrian oriented development, this proposed project supports the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone but is within the 1,500-foot Edwards Aquifer Recharge Verification Zone. The site is located in the Lady Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire Review

The following chart identifies locations within 1,000 feet of the subject parcel with Austin Fire Department (AFD) Aboveground Hazardous Material permits. These locations present minimal risk of an off-site consequence to the parcel being reviewed.

ADDRESS	PROPERTY NAME	HMP PERMIT	PRIMARY HAZMAT
1501 Toomey Rd.	COA Transportation Department	Type C	15 pounds of solid with NFPA 704 health rating of "4."
1902 Barton Springs Rd.	Verizon-Sterzing	Type C	50 gallons of corrosive battery electrolyte in gel suspension
1728 Barton Springs Rd.	Chuy's	Type B	356 lbs. of liquefied compressed carbon dioxide gas; 3,123 Ft. ³ of liquefied petroleum gas
1608 Barton Springs Rd.	Ski Shores Cafe	Type B	3,670 Ft. ³ of liquefied petroleum gas

ADDRESS	PROPERTY NAME	HMP PERMIT	PRIMARY HAZMAT
1600 Barton Springs Rd	Barton Place Condominiums	Type B	400 gallons #2 diesel – emergency power generator

PARD Review

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant’s request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. This site is within the Butler Shores Waterfront Overlay and the Waterfront Setback Overlay. Additional development standards and use requirements will apply.

Transportation

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

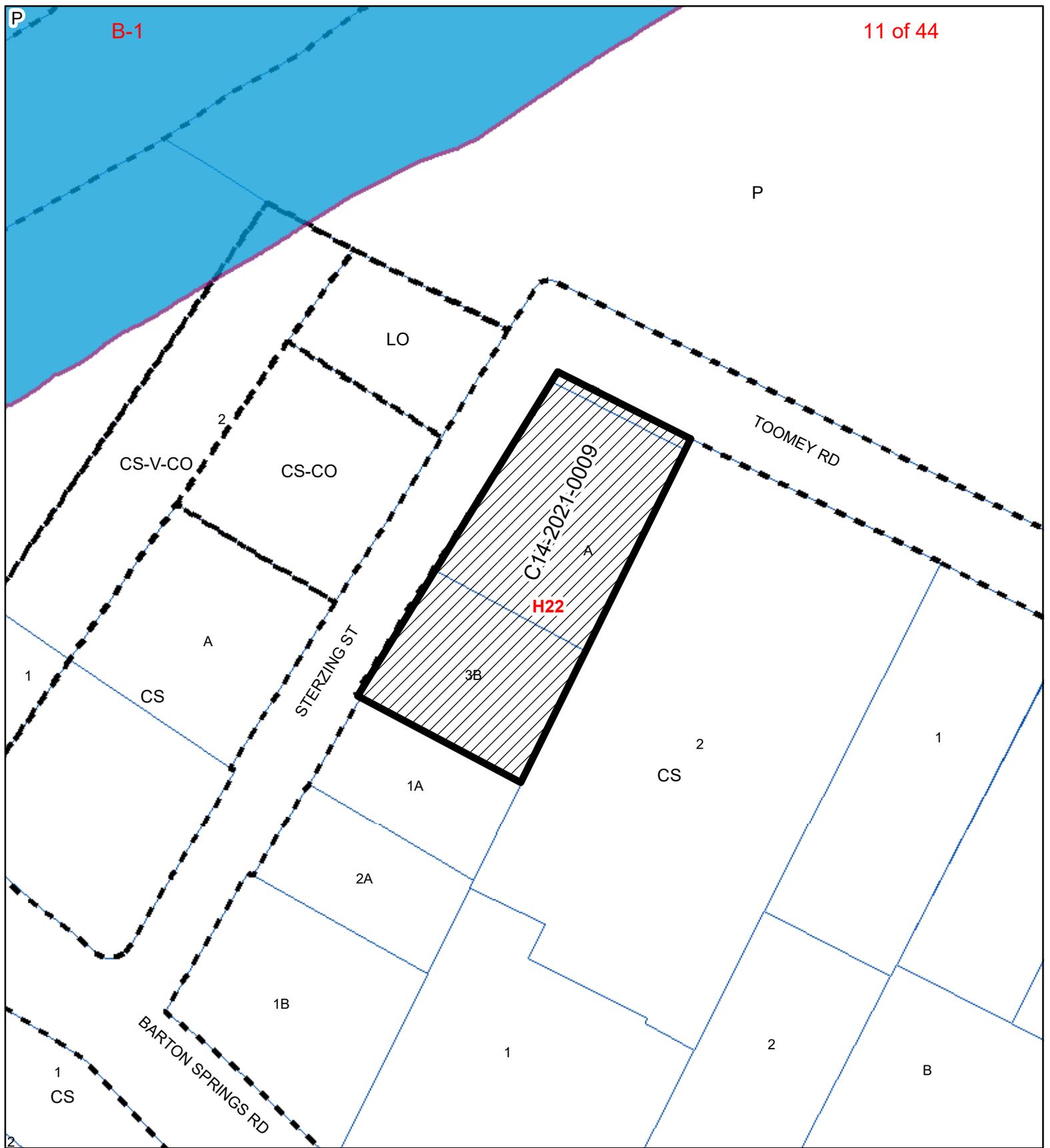
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: EIS from AISD



1" = 100'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1725 Toomey Rd. Rezoning

Exhibit A

ZONING CASE#: C14-2021-0009
 LOCATION: 1725 Toomey Road
 SUBJECT AREA: 0.90 ACRES
 GRID: H22
 MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 100'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1725 Toomey Rd. Rezoning

Exhibit B

ZONING CASE#: C14-2021-0009
 LOCATION: 1725 Toomey Road
 SUBJECT AREA: 0.90 ACRES
 GRID: H22
 MANAGER: KATE CLARK



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Clark, Kate

From: Ronnie Brooks
Sent: Wednesday, January 6, 2021 2:03 PM
To: Clark, Kate
Cc: KURT SIMONS; Diana Wallace; Ken Wallace; a WORK a WORK xx; ANN VANDERBURG; Christian Brooks
Subject: 1725 Toomey Rezoning Case - Mobile Manor, LLC and 1717, Ltd. as Interested Parties

*** External Email - Exercise Caution ***

Ms. Clark,

Please register **Mobile Manor, LLC** and **1717, Ltd.** as interested parties to the Rezoning Case at 1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, height, parking, and more.

Mobile Manor, LLC is the property owner of record next door at 1717 Toomey Road.

1717, Ltd. is the lessee of the ground lease next door at 1717 Toomey Road.

Respective addresses for notice are:

Mobile Manor, LLC
1717, Ltd.
Att: Diana Wallace
Att: Kurt Simons
2603 Rollingwood Drive
4201 Bee Cave Road, Ste A-204
Austin, TX 78746
Austin, TX 78746

Thank you,

Ronnie Brooks
Partner, 1717, Ltd.

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Clark, Kate

From: Catherine Cooke
Sent: Friday, February 26, 2021 2:16 PM
To: Clark, Kate
Subject: 1725 Toomey Concerns

*** External Email - Exercise Caution ***

Hi Kate,

Thanks for speaking with me earlier on the phone. I wanted to formally state how deeply opposed I am to the zoning changes allowing yet another huge high rise to be built on Toomey. As I'm sure you know, Toomey is a very small street that already has FOUR huge high rises on the block. There are thousands of people that live in this small small area, already overcrowded with cars that pollute, directly next to Austin's beloved Barton Creek and Zilker Park. Each of these high rises has occupancies- MANY occupancies. We are not in dire need of more housing. And we definitely aren't in need of more expensive housing. In fact, there are even more high rises being built just blocks away that will provide expensive housing for thousands more people. We do not need *more* expensive, overpriced housing.

What exists currently at 1725 Toomey is what makes Austin special yet is becoming exceedingly rare. Our complex is holding onto what has been so great about Austin: we are friends, look out for each other, and invest in the community. We are mixed ages that actually still mingle and have some people who have lived here for decades. Their lives are rooted here, not recent tech transplants. We have beloved elderly teachers who have been forced to recently retire due to COVID concerns, people working in immigrant and refugee resettlement nonprofits, and just genuinely good people who can't afford the crazy rents of the high rises that continue to go up all around us. We cannot forget to take care of our residents who make average wages just for the sake of profit, greed, and the incoming tech transplants. I lived in San Francisco for 6 years and can certainly tell you how that doesn't end well!

Please don't allow the destruction of what keeps Austin so special.

You may use any of my comments, name, and contact info publicly. My phone number is 713-598-1112.

Thank you,

Cat Cooke
Resident of 1725 Toomey

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Clark, Kate

From: Katherine Culotta
Sent: Saturday, February 27, 2021 12:13 AM
To: Clark, Kate
Subject: Concerns about role-zoning of 1725 Toomey Rd

*** External Email - Exercise Caution ***

Hello Kate,

My name is Katie Culotta and I've lived at 1725 Toomey Rd for almost 6 years. I heard of a possible re-zoning to demolish our current building and replacing it with a high rise.

I would humbly ask that you reconsider. Toomey Rd has changed a lot since I moved it and it's mostly been new complexes like Coldwater, Zilker on the Park, Barton Place, and Cole. At some point, there will be no original buildings that created such a weird & special city.

There are high rises popping up left and right in 78704 and it's extremely sad to watch our city disappear into a sea of glass and metal. Please let me know if anything can be done to protect the place I've called home for so many years. We have residents that have lived in this building for decades. Not to mention the mature pecan trees that have been ripped out thus far in an effort to make the property more attractive to builders.

I'm happy to chat with you further and thank you for your consideration!

Warmly,
Katie

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Clark, Kate

From: Becky Taylor
Sent: Tuesday, March 16, 2021 9:48 PM
To: Clark, Kate
Subject: 1725 Toomey rezoning case- opposition

*** External Email - Exercise Caution ***

Dear Kate:

Please register BartonPlace Condominiums as an interested party to the rezoning case at 1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, parking, noise, pedestrian/pet safety, and more. Thank you for your time.

Kind regards,
Rebecca Taylor



“Fellowship is the purpose behind our creation” - Marcus Aurelius

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LETTER OF OPPOSITION

Re: Letter of Opposition to Rezoning Case C14-2021-0009 for the Property at 1725 Toomey Rd.

Dear City Staff, Commissioners, Mayor, and City Council Members:

The HOA Board of Directors for the Barton Place Condominiums *oppose* the proposed MF-6 zoning of the property since it would allow for a level of density that is inappropriate for the surrounding area. Barton Place Condominiums, comprised of 270 condominiums at an aggregate valuation of at least \$150 Million, is located just over 500 feet from the subject property, and will be directly, materially, and negatively impacted by this change if approved.

Approval would exacerbate traffic issues for our residents and other nearby residents, visitors, and businesses, and public buildings, including the new Dougherty Arts Center, which is planned to be constructed on Toomey Road across the street from the subject property.

The increased traffic would also impact future residents, visitors, and employees at the nearby Taco PUD and Schlotzsky's PUD developments, which per the Austin Transportation Department will generate a combined 5,000 new average daily vehicle trips, and so there will not be roadway capacity remaining after they are constructed. The proposed zoning would also allow for a level of density that will worsen the traffic congestion and vehicle queue issues for people trying to access our City's beloved ZACH Theater, Butler Fields, Umlauf Sculpture Garden, Barton Springs Pool and Greenbelt, and Zilker Park.

For the above reasons, we oppose rezoning the property to MF-6. Our strong preference is that any structure be restricted to no more than 60', which is the maximum height allowed for most properties in the surrounding area, and is taller than existing nearby structures.

Thank you for your consideration.

Sincerely,

Becky Taylor, Chair

Future Development Committee, HOA Board of Directors

The Barton Place Condominiums

Clark, Kate

From: Jay Roth
Sent: Monday, April 26, 2021 10:27 AM
To: Clark, Kate
Subject: 1725 Toomey Rd

*** External Email - Exercise Caution ***

I recieved information that the owners of 1725 Toomey Rd (78704) are looking to demolish the building and replace it with a 200 unit tower. I believe they are in the process of requesting a variance. As a longtime resident of the area, I have multiple and very severe concerns about this being allowed to go through.

Jay

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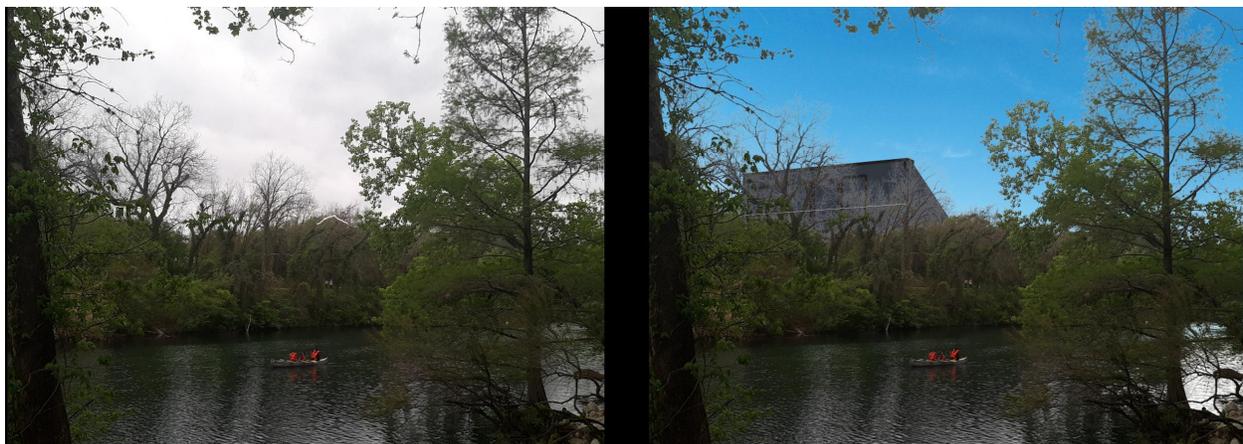
Zilker Neighborhood Association

Re: Opposition to 1725 Toomey rezoning in Waterfront Overlay (C14-2021-0009)

May 27, 2021

The Zilker Neighborhood Association strongly opposes the proposed rezoning of the property at 1725 Toomey Road from CS to a zoning category that would allow for a building up to 90 feet in height, since the rezoning would conflict with the environmentally sensitive area, exacerbate existing traffic issues, and create new problems.

Below is a "before and after" photo approximation of how an MF-6 zoned building would appear if it were built to the limits of the entitlements, which would likely happen in order to accommodate 215 units. The view in the photo is looking southeast across Barton Creek from the Butler Hike and Bike Trail at Lou Neff Point. The horizontal white line across the building's face is the current zoning height of 60 feet.



Building in excess of current height limits, which are 60 feet tall, would be out of scale with the surrounding neighborhood and would be incompatible with the purpose of the Waterfront Overlay, since it would not promote the harmonious interaction and transition between urban development and the park land and shoreline of Lady Bird Lake (as is required by the City Code). It would block sunlight and views, impair access, and accelerate efforts to create a canyon-like effect of tall buildings in close proximity to—and especially on the east shoreline of--Barton Creek. A building greater than 60 feet in height would also be especially inappropriate for this particular property because:

1. The property is not just on the edge of the Waterfront Overlay. Rather, the overlay extends south of the property across Barton Springs Road.
2. There is an Overlay Setback running through the front of the property.
3. The property is only approximately 325' from Barton Creek.

4. Increased zoning entitlements at the intersection of Toomey Road and Sterzing Road would exacerbate congestion on Barton Springs Road very near the intersection of Azie Morton Road, and also exacerbate congestion at Toomey Road and South Lamar, which is very near the entrances of the proposed Dougherty Arts Center parking garage and the area-wide parking garage of the Schlotzsky's PUD project at 218 S Lamar.

A building taller than 60 feet is also incompatible with the proposed new Dougherty Arts Center, which is planned to be constructed on the other side of Toomey Road. The center will serve as a valuable cultural resource, and it should be protected against the type of construction that would be allowed under the proposed 90 feet zoning. Toomey and Sterzing are very small streets that provide the only access to Butler Shores Park. Toomey is, in essence, a "park road," providing essential park access while providing safe pedestrian and bike travel, away from Barton Springs Road and Lamar. Toomey traffic and parking is already problematic. The city should not be making land use decisions that increase auto traffic on Toomey and Sterzing.

Sincerely,

David Piper

Secretary, Zilker Neighborhood Association

Clark, Kate

From: Carey Rouse
Sent: Wednesday, June 16, 2021 1:24 PM
To: Clark, Kate
Subject: C14-2021-0009

*** External Email - Exercise Caution ***

1725 toomey

I am the President of the HOA board for a condo complex within 500 ft of the existing property. I fully support the request for rezoning because the current building is a complete eyesore. As a president of the HOA it is important for me that our property values continue to rise and that will be the case if we can get a newer taller building to replace the one that's there now.

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ARNOLD AND ASSOCIATES**ATTORNEYS AT LAW**

A PROFESSIONAL CORPORATION

406 STERZING STREET, SUITE 300

AUSTIN, TEXAS 78704-1027

PATRICE ARNOLD

email: [REDACTED]

(512) 472-8000

Fax: (512) 474-7121

July 6, 2021

Planning Commission
City of AustinRe: 1725 Toomey Road, Application for Rezoning to MF-6
Case Number C14-2021-0009

Dear Commissioners,

I own the 3-story office building at 406 Sterzing Street, located directly across the street from the subject property (the below photo of our building was taken from the curb along 1725 Toomey). Our family has owned and occupied 406 Sterzing for over 30 years.

I oppose the proposed zoning change that would increase the allowable building height to ten stories. In my opinion, a building this tall would be incompatible with the surroundings.

The allowed height should be no greater than that of the existing structures on Toomey Road and Sterzing Street. Such a height will allow the owner of 1725 Toomey reasonable use of the land, without overburdening or adversely affecting neighboring properties or creating an undesirable precedent.

Toomey and Sterzing are narrow interior streets, virtually abutting a public park. They can barely accommodate existing traffic, and are unsuitable to the extra vehicle load that such a dense development would create. I would not object to a building of this height on a wider street such as South Lamar Boulevard, but it is inappropriate for streets with the modest width of Toomey and Sterzing.

Sincerely,



PATRICE ARNOLD

Clark, Kate

From: James Kracht
Sent: Friday, July 9, 2021 9:00 AM
To: Clark, Kate
Subject: Comments On Case #C14-2021-0009

*** External Email - Exercise Caution ***

Hello Kate,

I'm a resident at 1725 Toomey Road. As you know it is currently up to be rezoned to an MF-6 lot. I would like to submit my objection to this measure.

A few comments I'd like to leave on my objection:

Disregarding the history of this building that has stood since the 1960's; this apartment complex is one of the only affordable buildings along Barton Springs road. The price points of whatever planned development will happen after rezoning certainly haven't been released yet; but it will be safe to assume someone making the median income of this city won't be able to afford it. This is my most unemotional objection to the measure. That destroying the economic diversity of this neighborhood is not just morally wrong but statistically not great for the neighborhood as a social ecosystem.

I'm not inherently against changing the capacity of inhabitants on this lot. Austin faces a housing shortage, especially after the pandemic. But it's an **affordable** housing shortage. Building more tall "radiant garden cities" as Jane Jacobs would call them- facing inward and barring the street entry- will only serve to ruin this neighborhood. Zilker and Barton Springs belong to Austin and it's people. Not just it's rich people, and certainly not just tourists. An economically diverse neighborhood is a safer neighborhood afterall.

I would like to put forward that if the city decides to change the zoning of this lot, that it also passes with it a stipulation. That whatever development be spawned here (once we destroy a beautiful testament to what this neighborhood looked like in Austin's "Good ol' days") be forced into a contract demanding a large percentage of it's units be affordable housing. Or perhaps even a cap on the rent allowed to be charged if I were to lean further left.

Please don't let Zilker- and for that matter central south Austin- be walled off to the vast majority of people who live in this city. And please don't let Barton Springs road become like South Congress, a desert of a tourist trap.

Thanks for your time and consideration,
James

James T. Kracht
Video Editor
512.786.3069 | Mobile
Jameskracht.com

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2021-0009
Contact: Kate Clark, 512-974-1237
Public Hearing: July 13, 2021, Planning Commission

Sarah H. Parks

Your Name (please print)

1717 Toomey, # 511, Austin 78704

Your address(es) affected by this application (optional)

Sarah H. Parks

Signature

I am in favor
 I object

7/11/21

Date

Daytime Telephone (Optional): 713-501-5230

Comments: _____

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Kate Clark
P. O. Box 1088, Austin, TX 78767

Or email to:
Kate.Clark@austintexas.gov

Clark, Kate

From: J Petru
Sent: Monday, July 12, 2021 6:59 AM
To: Clark, Kate
Subject: 1725 Toomey Road, Case Number: C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate. I'm not sure exactly whom to send my input to, but I received your contact information in the mail. May I ask that you share this email with the rest of the Planning Commission? (I'm sure they have lots of input from the community already).

My name is Jeff Petru. I'm a current property resident at Zilkr on the Park (next the 1725 Toomey Rd). I hope the Commission fully rejects the proposed changes requested by the developers of 1725 Toomey. Obviously the rules are in place to maintain the integrity of the neighborhood. The slippery slope of moving from a mid-rise community to a high-rise (high-density) community comes in small changes/exceptions to the rules. The vibrant, openness of the Zilkr neighborhood is under threat. Please ensure the existing rules are respected. We can keep the Zilkr neighborhood spirit intact with the Commission's support.

Thank you in advance of tomorrow meeting.

-Jeff

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Case Number: C14-2021-0009
Contact: Kate Clark, 512-974-1237
Public Hearing: July 13, 2021, Planning Commission

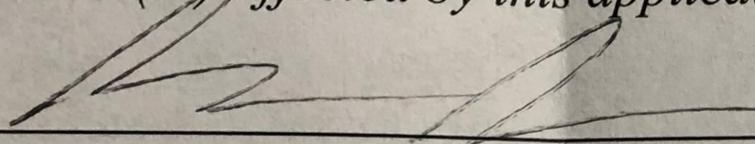
ROBERT PALM

Your Name (please print)

I am in favor
 I object

1717 Toomey # 533

Your address(es) affected by this application (optional)



7/12/2021

Signature

Date

Daytime Telephone (Optional): 512 921 4943

Comments: THE APPLICANT IS ASKING FOR
A ZONING DENSITY APPROPRIATE FOR
DOWNTOWN, BUT THIS AREA IS A
NEIGHBORHOOD - WITH BASEBALL FIELDS
ACROSS THE STREET AND JUST A
SHORT WALK TO ZILKER PARK. THE
HEIGHT WOULD BE DISRUPTIVE TO THE
CITY SKYLINE, THE TRAFFIC ON A SMALL
ROAD WOULD BE TOO MUCH. THIS IS A TERRIBLE
IDEA.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Kate Clark
P. O. Box 1088, Austin, TX 78767

Or email to:
Kate.Clark@austintexas.gov

Clark, Kate

From: Andie Haddad
Sent: Monday, July 12, 2021 2:42 PM
To: Clark, Kate
Subject: Rezoning Request of 1725 Toomey Road

*** External Email - Exercise Caution ***

Hello,

I was notified of a request for rezoning of 1725 Toomey Road.

I am against the re-zoning of this property.

It is my understanding that this re-zoning will lead to new construction. Among other concerns, this brings noise pollution to a tranquil area.

Toomey is a narrow street that already houses multiple high rise buildings. An additional high rise building would overwhelm our small street with additional traffic and add further pollution to the nearby parks and trails.

This area is not in need of overprice generic corporate housing. We need to keep the historic apartments that currently reside on this land as they are.

This rezoning reeks of greed and is the antithesis of what I know Austin to be. The apartments on the land in question should be left alone. They provide an option to regular families who want to lease in this area; families who make Austin a wonderful community. New construction will only price median income families out of this area. There are plenty of apartments and condos in this area for the overpaid and overinflated tech transplants, the Barton Springs apartments add character and flexibility. We cannot bend to those that would seek to tear down our history.

The street of Toomey is also much narrower than other streets that would be better suited to large high-rise apartments. The larger building would be a blight on this street and would overcrowd the narrow street with too much traffic.

I am against this re-zoning.

My comments are available to be published as it relates to this issue.

Thank you,
Andie

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Clark, Kate

From: Amanda Autry
Sent: Monday, July 12, 2021 3:12 PM
To: Clark, Kate
Subject: C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate,

This is the contact email that I was given about 1725 Toomey rd.

We just purchased a condo in this community this year. The reason that we purchased THIS home was because of the morning sun and our city view. Building a higher building would eliminate both for me causing actual damage to the value of our home but most importantly the quality of my life.

I sit on my porch every morning and watch the sun rise and in the evenings we sit out and look at our city view. An exemption to build a larger building would negatively impact our investment. This is my favorite thing about our home.

We aren't retired folks with an indispensable amount of money to just up and move to a new place. We methodically chose this place, spent our life savings on a down payment and I am inclined to do what I need to do to protect that.

If you have any questions for me please let me know.

Thanks.

--

Amanda Autry
Empowerment Experience Facilitator
Retreats | Meditation | Coaching
P. 410-841-9370

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Clark, Kate

From: dfdubois
Sent: Monday, July 12, 2021 4:08 PM
To: Clark, Kate
Subject: 1725 Toomey Road Exemption

*** External Email - Exercise Caution ***

Hello Kate,

My understanding is that the developers at 1725 Toomey are seeking an exemption for a larger, high density development. Sending this note to voice my objection to this. The rules related to this were put in place to help maintain the spirit of the neighborhood. The shift to a high density neighborhood would not be beneficial to the neighborhood or to Austin as a whole.

Thanks,
Doug DuBois
1900 Barton Springs Road
Austin, TX 78704

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Clark, Kate

From: casey jones
Sent: Monday, July 12, 2021 12:01 PM
To: Clark, Kate
Subject: Case Number C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate

My name is Casey Jones, I live in the 1900 Barton Springs road building and was wondering if you had some time to talk through the proposed building at 1725 Toomey?

I had some questions about this process, reasons to vote no or yes on a site like this. It stands to eliminate some/all of the city view I have so I'm wondering how to go about voicing that concern and learning what type of impact one view actually would have.

Let me know your thoughts and if you've got some time to chat.

Thanks,
Casey
--

Casey Jones
443.839.6507
[REDACTED]

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Clark, Kate

From: Dale Fuller
Sent: Monday, July 12, 2021 5:48 PM
To: Clark, Kate
Subject: Case C14-2021-0009 related to 1725 Toomey Road

*** External Email - Exercise Caution ***

Dear Ms. Clark,

I am an owner of unit #3045 located at 1900 Barton Springs Road, Austin, Texas. The building is known as Zilkr on The Park. My unit faces the building located at 1725 Toomey Road. It is my understanding a potential developer of 1725 Toomey Road is requesting a zoning variance to exceed the current five floor zoning code.

I am opposed to this variance request as the code was developed for a reason, which should not be disregarded at this point. The Zilkr neighborhood is just that, a neighborhood- not a concrete jungle as you have in downtown Austin. Additional building height would block views, and subsequent additional residential units would increase traffic in an already congested area. Parking on Sterzing Road and Toomey road is already at capacity, and this variance would increase the number of vehicles looking for parking.

Respectfully,

Dale W. Fuller

--

Dale W. Fuller
3845-5 Lander Road
Chagrin Falls, Ohio 44022-1361
216.789.9821

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Clark, Kate

From: Laura
Sent: Monday, July 12, 2021 7:34 PM
To: Clark, Kate
Subject: High rise on toomey

*** External Email - Exercise Caution ***

The reason for hi rise is to bring more people in meeting more congestion. The area is congested enough the beauty will be destroyed if you allow this.

Sent from my iPhone

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Clark, Kate

From: Julie Johnson
Sent: Monday, July 12, 2021 6:26 PM
To: Clark, Kate
Subject: C14-2021-0009

*** External Email - Exercise Caution ***

Hello Ms. Clark,

I am writing about the proposed high density complex at 1725 Toomey Rd. My husband and I own a condo at 1900 Barton Springs Rd. directly across Sterzing from the proposed complex. This area is already extremely hard to navigate with all the scooters, bikes, pedestrians, and cars. Adding a large increase of vehicles to that area will make it excessively dangerous. Also, the height restrictions on the buildings are in effect to keep with the feel of the neighborhood. The Planning and Zoning Commission has already allowed a complex to be in excess of the height restrictions on South Lamar. We believe this is the reason we are being bombarded with zoning request changes. Once the floodgates are opened there is no stopping the flow.

We are against this proposal. Thank you for your consideration.

Sincerely,
Julie and Bill Johnson
1900 Barton Springs Rd. #4030
Austin, TX 78704
512-589-6682

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Clark, Kate

From: Suzanne DuBois
Sent: Tuesday, July 13, 2021 9:55 AM
To: Clark, Kate
Subject: Regarding 1725 Toomey Development Request

*** External Email - Exercise Caution ***

Hello Kate,

It has come to my attention that the developers at 1725 Toomey are seeking an exemption for a large, high density development. I am sending this note to voice my objection. The rules related to housing in our neighborhood were put in place to help maintain a certain "spirit" for the neighborhood. A high density development would not be beneficial to the neighborhood or to Austin as a whole.

Sincerely,
Suzanne DuBois
[1900 Barton Springs Road](#)
[Austin, TX 78704](#)

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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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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.austintexas.gov/planning.

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Case Number: C14-2021-0009
Contact: Kate Clark, 512-974-1237
Public Hearing: July 13, 2021, Planning Commission

Lauren Goldstein

Your Name (please print)

1717 Toomey Rd [redacted] Austin, TX 78704

Your address(es) affected by this application (optional)

I am in favor
 I object

[Signature]

Signature

7/13/21

Date

Daytime Telephone (Optional): 512-840-1761

Comments:

I would not only run the neighborhood but it also goes against the buildings that are already here who were not allowed to "skirt" the law to their benefit. NO!

If you use this form to comment, it may be returned to:
 City of Austin, Housing & Planning Department
 Kate Clark
 P. O. Box 1088, Austin, TX 78767

Or email to:
 Kate.Clark@austintexas.gov

Clark, Kate

From: Neil Syme
Sent: Tuesday, July 13, 2021 8:45 PM
To: Clark, Kate
Subject: Rezoning Toomey street

*** External Email - Exercise Caution ***

Hello

We're worried about the new rezoning that is being proposed 1725 toomey street. The heart and soul of this community is about the local and family feel to the area and I believe a very high rise and high occupancy building would seriously dilute this. Barton springs area is an Austin unique gem so anything that gets in the way of this should be resisted within reason.

Appreciate if this and others that I've spoken to that share this view is considered as part of the decision.

Thanks

Neil.

Sent from my iPhone

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Case Number: C14-2021-0009
Contact: Kate Clark, 512-974-1237
Public Hearing: July 13, 2021, Planning Commission

SAMUEL S. HOUSTON JR
 Your Name (please print)

I am in favor
 I object

1900 BARTON SPRINGS, RD
 Your address(es) affected by this application (optional)

S S Houston 7/12/20
 Signature Date

Daytime Telephone (Optional): 512-658-1785

Comments: My wife and I object to the rezoning of this property to allow high density housing. The area is properly zoned at this time consistent with what we think is in order for our neighborhood. Please don't screw up our neighborhood with high density zoning. The city has messed it up enough already.

If you use this form to comment, it may be returned to:
 City of Austin, Housing & Planning Department

Kate Clark
 P. O. Box 1088, Austin, TX 78767

City of Austin

JUL 15 2021

Or email to:
Kate.Clark@austintexas.gov

NHCD / AHFC

Clark, Kate

From: MARY ROWLAND
Sent: Thursday, July 15, 2021 6:05 PM
To: Clark, Kate
Subject: C14-2021-0009

*** External Email - Exercise Caution ***

Hello! Ms. Clark, This is not a high rise neighborhood and I live at Zilk on the Park and along with my neighbors we love the view of the Austin city skyline from our homes. When we purchased a place to call home we didn't expect to have a high rise in front of us! Please inform.

Thank you,
Mary Rowland

Sent from my iPhone

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Clark, Kate

From: David Piper
Sent: Tuesday, July 20, 2021 11:17 AM
To: Clark, Kate
Subject: 1725 Toomey--Further backup material
Attachments: Loopnet- 1725 Toomey for sale.pdf

*** External Email - Exercise Caution ***

Kate,
Can you add these "for sale" screen shots of 1725 Toomey Rd into the backup material? Thank you for your time.

Dave

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7-11-21

loopnet.com/Listing/1725-Toomey-Rd-Austin-TX/23496077/

Menu [Advertise](#)

1725 Toomey Rd - Barton Springs Apartments

40 Unit Apartment Building Offered at \$23,000,000 in Austin, TX

EXECUTIVE SUMMARY

Current CS zoning will allow for short term rental on all existing units with rents around \$300 per night. This could put potential gross income at \$4m per year. Ground up development for 204-225 unit high rise. 40 units existing with income ~\$55,000 per month. Please email Peyton Smith at peytongsmith48@gmail.com for additional information.

First Austin PROPERTIES
512-736-7241
[Contact](#)

11:30 AM 7/9/2021

7-13-21

1725 Toomey Rd, Austin, TX 78704 x +

loopnet.com/Listing/1725-Toomey-Rd-Austin-TX/23658073/

Menu [Advertise](#)

Barton Springs Apartments | 1725 Toomey Rd

35,267 SF of Retail Space Available in Austin, TX

Retail Space / Texas / Austin / 1725 Toomey Rd, Austin, TX 78704

12:21 PM 7/13/2021

7-13-21

1725 Toomey Rd, Austin, TX 78701 x +

loopnet.com/Listing/1725-Toomey-Rd-Austin-TX/23658073/

Imported From Fire...

Menu [Advertise](#)

Barton Springs Apartments | 1725 Toomey Rd

35,267 SF of Retail Space Available in Austin, TX

HIGHLIGHTS

- High rise land, 39260 SF ground lease to build estimated 215 units.

ALL AVAILABLE SPACE(1)

Display Rental Rate as \$/SF/YR ▾

SPACE	SIZE	TERM	RATE	SPACE USE	CONDITION	AVAILABLE
1st Floor	35,267 SF	1-30 Yrs	\$35.15 /SF/YR	Retail	-	Now ▾

512-736-7241

[Contact](#)

Windows taskbar: 12:22 PM 7/13/2021

B-1

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: 1725 Toomey

ADDRESS/LOCATION: 1725 Toomey Road

CASE #: C14-2021-0009

NEW SINGLE FAMILY

DEMOLITION OF MULTIFAMILY

NEW MULTIFAMILY

TAX CREDIT

# SF UNITS:	<u> </u>	STUDENTS PER UNIT ASSUMPTION
	Elementary School: <u> </u>	Middle School: <u> </u> High School: <u> </u>

# MF UNITS:	<u>215</u>	STUDENTS PER UNIT ASSUMPTION
	Elementary School: <u>.01</u>	Middle School: <u>.007</u> High School: <u>.01</u>

IMPACT ON SCHOOLS

The student yield factor of 0.027 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multifamily complexes built within the area since 2005.

This site has an existing 40-unit complex, which will be demolished. There are no current AISD students that reside at this site. The proposed 500-unit multifamily development is projected to add approximately 6 students across all grade levels to the projected student population. It is estimated that of the 6 students, 2 will be assigned to Zilker Elementary School, 2 to O. Henry Middle School, and 2 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025/26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Zilker ES (97%) and Austin HS (101%), and below the target range at O. Henry MS (68%). The projected additional students at O. Henry would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students within the proposed development attending O. Henry MS will qualify for transportation. Students attending Zilker ES or Austin HS will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 02/11/2021

Executive Director: _____

DocuSigned by:
Beth Wilson

38E0989C305B4F8...

EDUCATIONAL IMPACT STATEMENTAustin
Independent
School District

Prepared for the City of Austin

DATA ANALYSIS WORKSHEET**ELEMENTARY SCHOOL: Zilker**

ADDRESS: 1900 Bluebonnet Lane

PERMANENT CAPACITY: 460

MOBILITY RATE: +13.6%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	390	386	388
% of Permanent Capacity	85%	84%	84%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	443	444	446
% of Permanent Capacity	96%	97%	97%

MIDDLE SCHOOL: O. HenryADDRESS: 2610 West 10th St.

PERMANENT CAPACITY: 945

MOBILITY RATE: -1.5%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	939	657	659
% of Permanent Capacity	99%	70%	70%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	925	636	638
% of Permanent Capacity	98%	67%	68%

B-1

44 of 44

EDUCATIONAL IMPACT STATEMENTAustin
Independent
School District*Prepared for the City of Austin***HIGH SCHOOL: Austin**

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247

MOBILITY RATE: +11.5%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,110	2,037	2,039
% of Permanent Capacity	94%	91%	91%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,353	2,269	2,271
% of Permanent Capacity	105%	101%	101%