

RE: Item 62 – Austin City Council Meeting – 12/2/2021

Postponed from earlier Council Meeting

Dear Austin City Council Members, Mayor, Mayor Pro Tem & other interested parties:

I write to you not only as a concerned citizen and affected homeowner, but also as a former board member of the Austin Revitalization Authority and past president of the Swede Hill Neighborhood Association, and also as someone who personally devoted hundreds of hours to the development and drafting of the East 12th St. NCCD.

So what I'm presenting here are not theories. This is a realistic perspective shaped not by studies and academic forecasts, but by an almost 20-year view, from the street, of the past, present and future of East 12th St. and its surrounding neighborhoods.

This attempt to gift additional entitlements to properties along East 12th St. (as proposed) not only is misguided, but it also flies in the face of the good-faith, community endeavors that produced the NCCD in the first place.

Our community was led to believe that this ongoing effort by the URA and City Council was about streamlining and aligning various NCCD and URA documents—not radically altering them. Why are a few people behind the scenes suddenly heaping on entitlements at the last minute?

Clean up the documents—sure. Eliminate ambiguities and discrepancies between various regulations—good idea. But, at the last minute, to suddenly throw away years of genuine community efforts and foist upon those citizens unwanted and unnecessary entitlements—well, that's just plain wrong. And wholly unnecessary.

Who in their right mind could actually believe that it's necessary to further incentivize the development of a commercial corridor that already has in place sweetheart entitlements which were implemented with the blessing of the surrounding neighborhoods?

We're talking about a corridor situated spectacularly close to downtown, Waterloo Park, the former Brackenridge site, the state Capitol, the University of Texas and downtown. Who could think that the city has to go against the wishes of the surrounding communities to further enrich those who can assuredly make a killing by developing within the current regulations?

All that is needed to revitalize the street is effective oversight and implementation of a plan that already has all the entitlements required to do great things. If only the people with the most promising properties were not holding them and our community hostage.

Simply put, granting additional entitlements along East 12th St. (for height and FAR, etc.) will do nothing but further enrich Eureka Holdings, an out-of-town investor who has for more than a decade done absolutely nothing for the community. It will reward a group that most people in the community would classify as a bad actor.

Once upon a time--for a long time--East 12th St. needed help. Blocks were empty; it was forgotten and forlorn. The NCCD was drafted as a tool to help incentivize developers to bring badly needed and desired services to the surrounding neighborhoods.

Unfortunately the NCCD didn't make much of an impact. And the street remains far from fully revitalized, as developers focused on other parts of the city.

But then, at the urging of the community, the City put up for sale its holdings along the street, with strict rules about what and when things could be built. It was an attempt--again--to bring needed services to the neighborhoods. But even that went awry.

I was part of a group--partnering with, among others, the African American Cultural & Heritage District--that submitted an RFP proposal for some of that land.

Another submission came from Dallas-based Eureka Holdings. But the impacted neighborhoods sensed that Eureka had no genuine interest in working with the community on a revitalization plan that offered anything more than massive profits, and we made it clear that we preferred that the City sell to a more local, community-sensitive group.

In the end, the land--all of the city-owned parcels--was awarded to the Butler group. But then, almost immediately, that group did exactly what was NOT supposed to happen. Despite rules specifically forbidding it, they flipped some of their newly acquired land for a profit; and then that buyer did the same and sold it to Eureka, who by then was in the midst of purchasing dozens of properties along East 12th St.

The community was not happy.

And they still aren't.

Flash forward to 2021. The Butler group erected some buildings on East 12th St. A few other brave souls have built new projects along the street. But a great deal of the street remains much as it was before we even drafted the NCCD: empty, bereft of local services.

The only difference now is that Eureka owns the lion's share of the street. Sure, they're renting out a few parcels for temporary uses. But mostly they're land banking: waiting for their holdings to accrue more value and hoping the city (and us taxpayers) will finance infrastructure improvements so that, in the end, they can make even more money when they sell the land--neighbors be damned. And you can be sure the price tags on those properties are not going to be feasible for locally owned businesses and service providers.

The reason there are no local services along East 12th St. isn't because the zoning and land-use regulations don't allow it. It's because the only parcels that would be ripe for such development are being hoarded by out-of-towners with different goals and interests.

In an 8/2/2018 article in the *Statesman*, a Eureka representative vowed to work with locals to follow the land-use guidelines currently in place: "That's what makes a great neighborhood--talking to the local residents, talking to the local non-profits, trying to bring everyone together. A great, vibrant neighborhood is what we'd like to see."

But actions speak louder than words. If that's what Eureka wanted, we would have seen that by now.

Here's what's even worse—and baffling.

We now have the powers-that-be pushing to further award Eureka by astronomically raising the value of their holdings. Why are our elected representatives so willing to be complicit in this scheme? After all, it wasn't long ago that the Mayor Pro Tem publicly stated that something rotten was going on along East 12th St.

Just as pernicious, some of the city's proposed actions not only seem unnecessary, but they actually would encourage the destruction of what little historic fabric exists in the area.

For instance, not all of the properties on East 12th St. currently enjoy unlimited FAR. Best example: the Bible Believers property at the corner of 12th and Waller Streets. Granting greater FAR limits there will almost undoubtedly encourage the abandonment and eventual destruction of one of the few buildings that was spared the eminent domain wrecking ball unleashed along the street by the City of Austin decades ago.

These proposed changes being pushed by the Mayor Pro Tem and others are far from benign (i.e., potentially raising maximum heights to 75 or even 90 feet along E 11th and 12th Streets).

The current maximum permitted heights of 50 to 60 feet along 12th St. only exist because residential stakeholders agreed years ago to waive some compatibility requirements to spur on much-needed (at the time) development, to afford 12th St. property owners more latitude to redevelop vacant and underutilized lots in accordance with a mutually shared vision for the street. That was a concession made by neighborhood stakeholders in hopes of having some of the neighborhood's needs met by that future development.

Most East 12th St. lots are 150-foot deep and right next door to or across narrow alleys from lower-density residential. To allow even further heights would be devastating to the surrounding neighborhoods.

If these changes go through, the lesson will be that no matter how much East Austin neighborhoods sacrifice to compromise and accommodate growth, there is no limit to how much further what is left will be compromised. And ruined.

Please do not support or abet such destruction.

Sincerely,

r

Rob Seidenberg
East Austin, TX 78702

PETITION

Date: 10/14/2021

File Number: URP case and E 12th St NCCD case

C14-2021-0037

To: Austin City Council

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- 1) Increases maximum permitted heights by right, via a density bonus, or by any other program or means beyond the current height maximums set by the NCCD, as laid out on P3 of this petition, and the 20% waiver available under the current URP;
- 2) Loosens express prohibition of cocktail lounge and/or liquor sale uses, as these are currently prohibited by the base zoning and NCCD use regulations;
- 3) Loosens the current restrictions on any of the uses prohibited or otherwise limited by the NCCD, as provided on P4 of this petition;
- 4) Prohibits single-family use or in any way diminishes or restricts the rights of properties currently used for single-family, whatever the zoning classification, including as to the repair, expansion, reconstruction or ability to shift use back and forth between single-family and other uses permitted on the property;
- 5) Prohibits or in any way diminishes or restricts condominium residential or townhouse residential uses, including as to their location on the ground floor of or fronting East 12th Street, as these uses provide housing options and align with the vision for a mix of neighborhood-scaled housing, office and retail along this street; and/or
- 6) Increases maximum FAR by right, via a density bonus, or by any other program or means beyond that permitted by the underlying base zoning, as unlimited FARs are unnecessary to achieve full build-out at current maximum heights.

This petition is presented to invoke the protections in Section 25-2-284 of the City of Austin Land Development Code and Section 211.006 (d) of the Texas Local Government Code. I reserve my right to protest further changes as they are raised from the Austin City Council dais through third reading of any/all cases.

SIGNATURE

PRINTED NAME

ADDRESS

Donald Prible

Donald Prible

1507 E 14 ST

Joseph Crotchett

Joseph Crotchett

1511 E 14 ST

Alicia Carter

Alicia Carter

1801 E. 14th ST

Carole Carter

Carole Carter

1801 E. 14th ST

JANE RANDOLPH

JANE RANDOLPH

1309 Concho Street

Taw Randolph

Taw Randolph

1309 Concho St.

Susan Oringer

Susan Oringer

1504 E 13th ST

MIRRELL ORINGER

MIRRELL ORINGER

1504 E. 13th St.

78702

PAIVI PUTSEPP-SEUTERT

PAIVI PUTSEPP-SEUTERT

1804 E 14th ST

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HEIDI BURNS

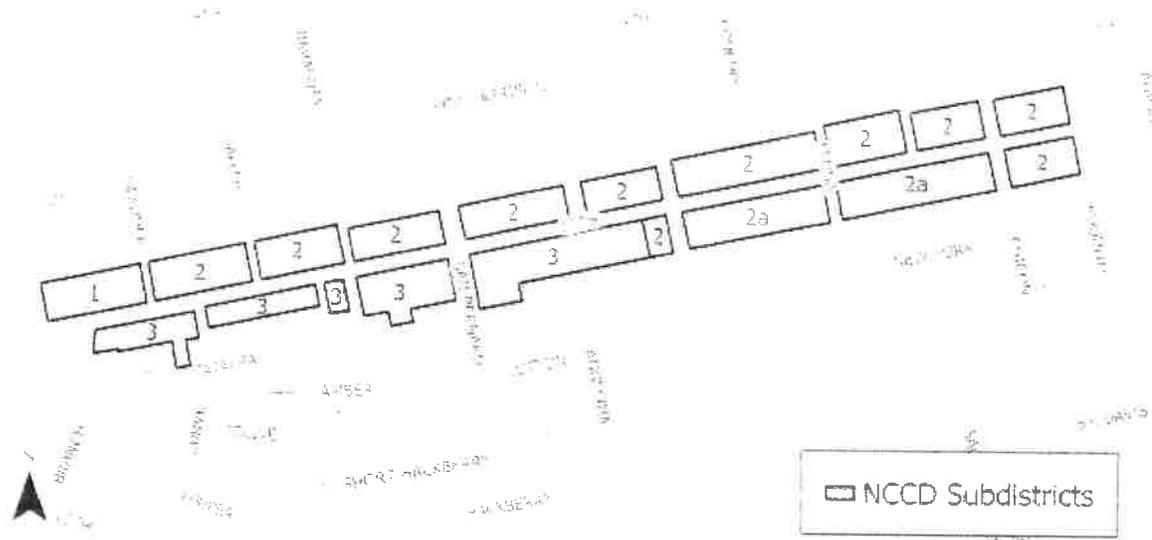
1706 E 14th ST

Date: 11/15/21

Contact Name: SUSAN ORINGER

Phone Number: 203-247-2680

CURRENT EAST 12TH ST NCCD HEIGHT MAXIMUMS REFERRED TO IN NUMBER 1 ABOVE.



Subdistrict	Height (max.)
1	60 ft
2	50 ft
2a	35 ft
3	35 ft

CURRENT EAST 12TH STREET NCCD USE PROHIBITIONS AND LIMITATIONS
REFERRED TO IN NUMBERS 2 AND 3 ABOVE.

B. Prohibited Uses

The following uses are prohibited in the East 12th Street NCCD. Those uses currently existing are allowed to continue as a legal non-conforming use as per the Land Development Code, section 25.2-941.

- | | |
|--|--|
| 1. Adult-Oriented Businesses | 14. Drive Through Services as an accessory use to a restaurant |
| 2. Automotive Rental | 15. Equipment Repair Services |
| 3. Automotive Repair | 16. Equipment Sales |
| 4. Automotive Sales | 17. Exterminating Services |
| 5. Automotive Washing | 18. Kennels |
| 6. Bail Bond Services | 19. Liquor Sales |
| 7. Campground | 20. Pawn Shop Services |
| 8. Carriage Stable | 21. Outdoor Entertainment |
| 9. Cocktail Lounge* | 22. Outdoor Recreation |
| 10. Laundry Service | 23. Service Stations |
| 11. Commercial Plasma Center | 24. Telecommunication Tower (if sited on ground) |
| 12. Convenience Storage | 25. Vehicle Storage |
| 13. Drop-off recycling Collection Facility | 26. Veterinary Services |

* Cocktail Lounge is a conditional use 1808-1812 E. 12th Street.

C. Conditional Uses

The following uses are conditional uses throughout the East 12th Street NCCD, and require a conditional use permit.

1. Telecommunication Tower, if located on the roof of an otherwise permitted structure. (Maximum height requirements still apply)
2. Drive-through services with the hours of operation between midnight and 6:00 AM, if used for an automated teller machine
3. Cocktail Lounge is a conditional use at 1808-1812 E. 12th Street.

D. Drive Through Uses

Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions

1. The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
2. The maximum curb cut for a drive through accessory use must not exceed 30 feet.
3. Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.
4. A drive through automatic Teller Machine (ATM) operating between the hours of 12 midnight and 6:00 AM is a conditionally permitted use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

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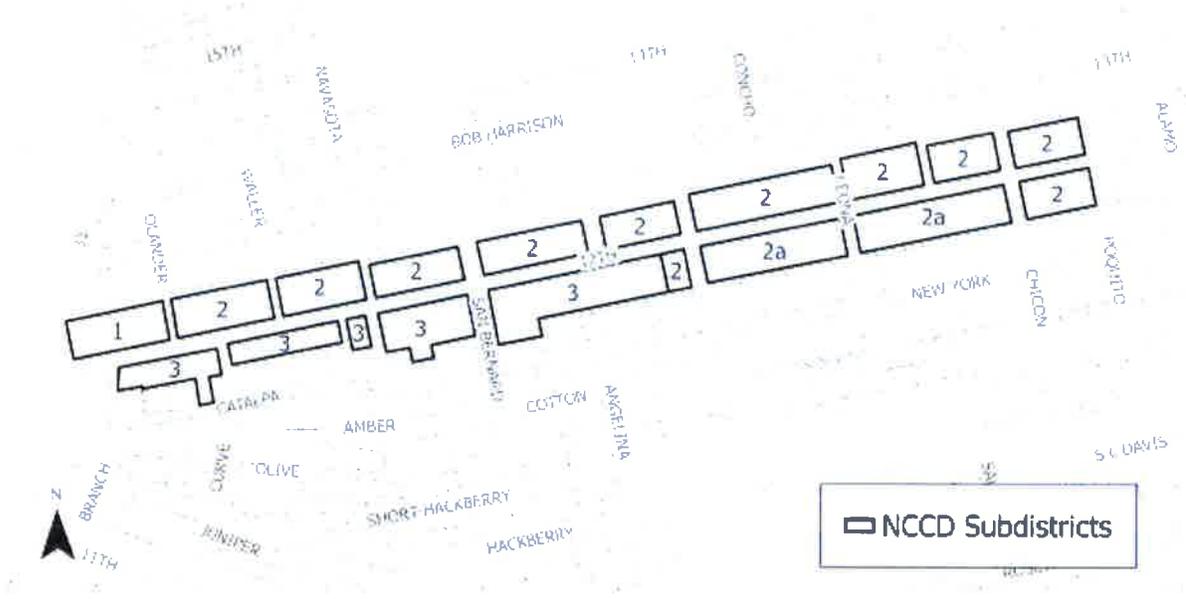
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This petition is presented to invoke the protections in Section 25-2-284 of the City of Austin Land Development Code and Section 211.006 (d) of the Texas Local Government Code. I reserve my right to protest further changes as they are raised from the Austin City Council dais through third reading of any/all cases.

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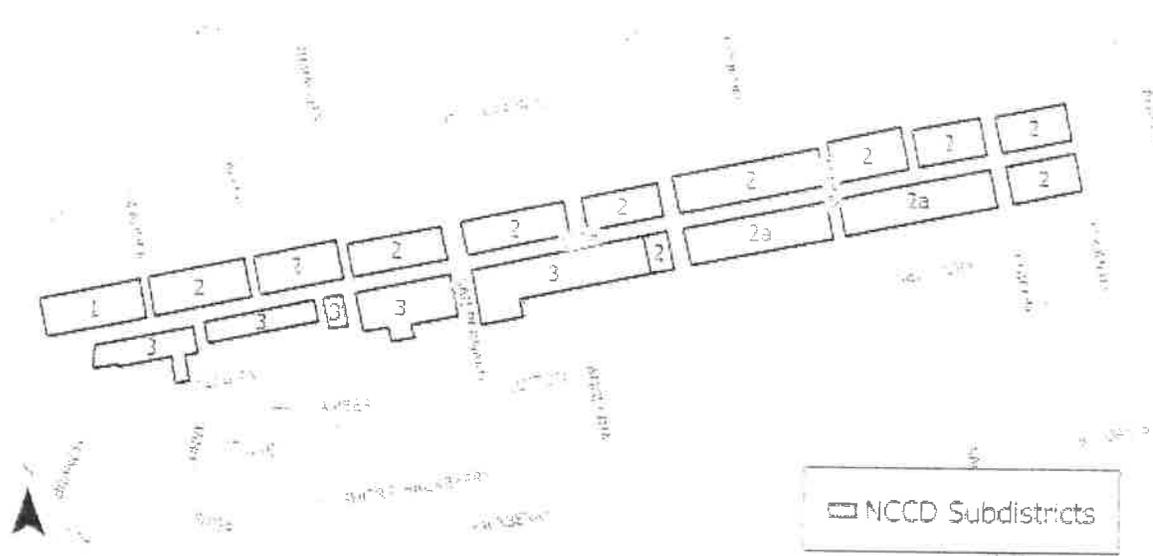
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SIGNATURE

[Handwritten Signature]

PRINTED NAME

Billy Hunter

ADDRESS

1601 E 12th

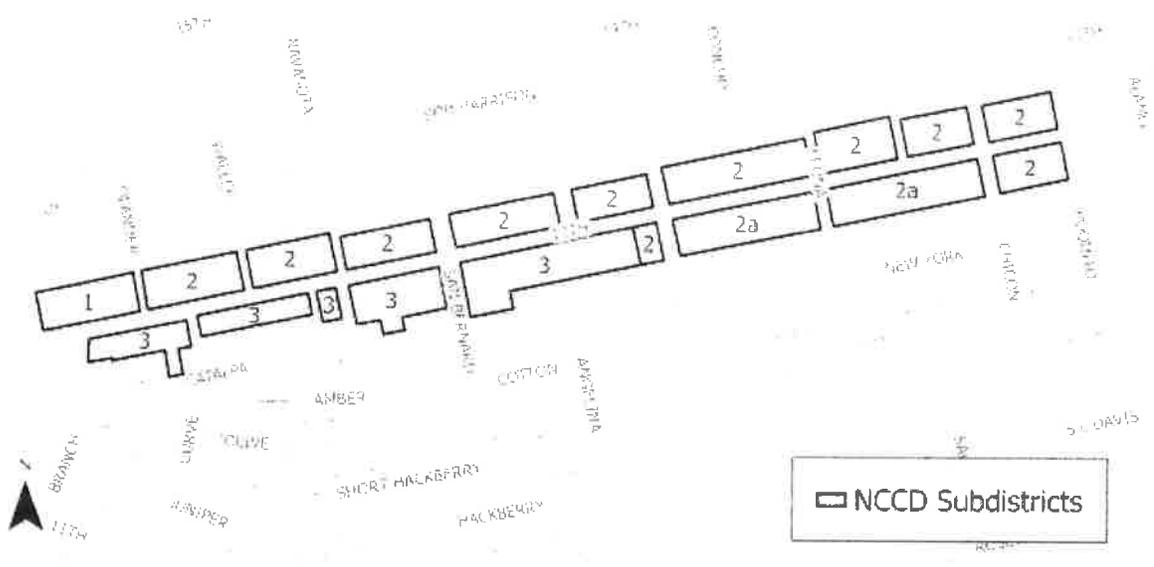
Lined area for additional text or notes.

Date: 10-18-2021

Contact Name: Thomas VANDyKE

Phone Number: 512-740-6298

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PRINTED NAME

ADDRESS

Thomas C. Vanduyke, Sr. *THOMAS C. VANDUYKE, SR.* *1606 NEW YORK AVE*

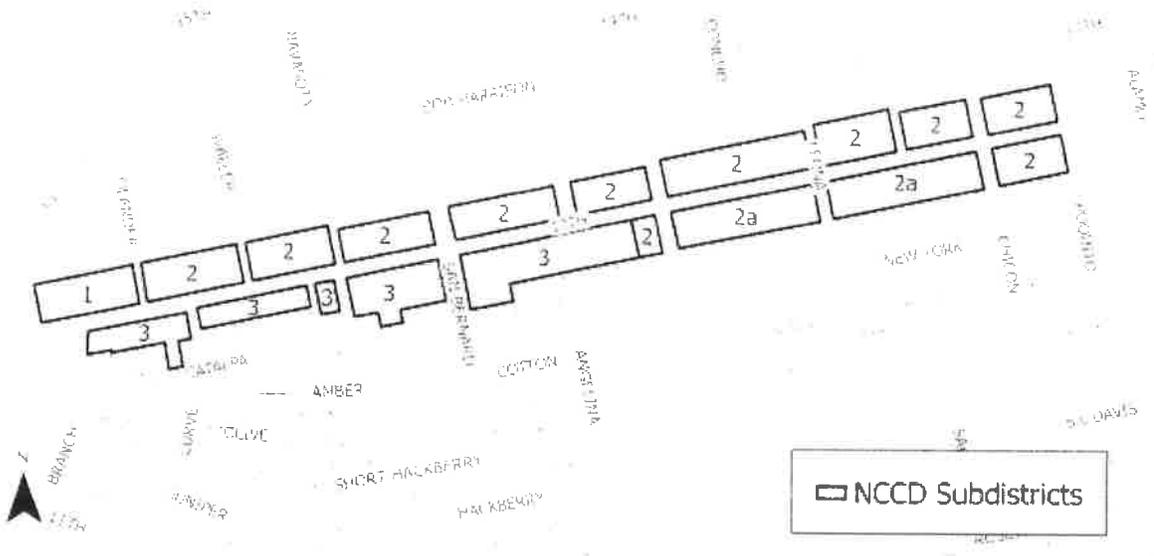
* *Heir To The Property*

Date: *11-14-2021*

Contact Name: *CLIFTON VANDUYKE*

Phone Number: *512-740-6298*

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The following uses are prohibited in the East 12th Street NCCD. Those uses currently existing are allowed to continue as a legal non-conforming use as per the Land Development Code, section 25.2.941:

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| 6. Bail Bond Services | 19. Liquor Sales |
| 7. Campground | 20. Pawn Shop Services |
| 8. Carriage Stable | 21. Outdoor Entertainment |
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* Cocktail Lounge is a conditional use 1808-1812 E 12th Street.

C. Conditional Uses

The following uses are conditional uses throughout the East 12th Street NCCD, and require a conditional use permit.

1. Telecommunication Tower, if located on the roof of an otherwise permitted structure. (Maximum height requirements still apply)
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1. The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
2. The maximum curb cut for a drive through accessory use must not exceed 30 feet.
3. Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.
4. A drive through automatic Teller Machine (ATM) operating between the hours of 12 midnight and 6:00 AM is a conditionally permitted use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

PETITION

Date: 10/14/2021

File Number: URP case and E 12th St NCCD case

C14-2021-0037

To: Austin City Council

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- 1) Increases maximum permitted heights by right, via a density bonus, or by any other program or means beyond the current height maximums set by the NCCD, as laid out on P3 of this petition, and the 20% waiver available under the current URP;
- 2) Loosens express prohibition of cocktail lounge and/or liquor sale uses, as these are currently prohibited by the base zoning and NCCD use regulations;
- 3) Loosens the current restrictions on any of the uses prohibited or otherwise limited by the NCCD, as provided on P4 of this petition;
- 4) Prohibits single-family use or in any way diminishes or restricts the rights of properties currently used for single-family, whatever the zoning classification, including as to the repair, expansion, reconstruction or ability to shift use back and forth between single-family and other uses permitted on the property;
- 5) Prohibits or in any way diminishes or restricts condominium residential or townhouse residential uses, including as to their location on the ground floor of or fronting East 12th Street, as these uses provide housing options and align with the vision for a mix of neighborhood-scaled housing, office and retail along this street; and/or
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This petition is presented to invoke the protections in Section 25-2-284 of the City of Austin Land Development Code and Section 211.006 (d) of the Texas Local Government Code. I reserve my right to protest further changes as they are raised from the Austin City Council dais through third reading of any/all cases.

SIGNATURE

PRINTED NAME

ADDRESS

Ida M. Hunt

Ida M. Hunt

1721 East 12th Street
(1706 New York Ave)

Date: 10-18-2021

Contact Name: THOMAS VANDYKE

Phone Number: 512-740-6298

CURRENT EAST 12TH STREET NCCD USE PROHIBITIONS AND LIMITATIONS
REFERRED TO IN NUMBERS 2 AND 3 ABOVE.

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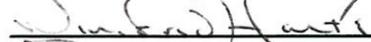
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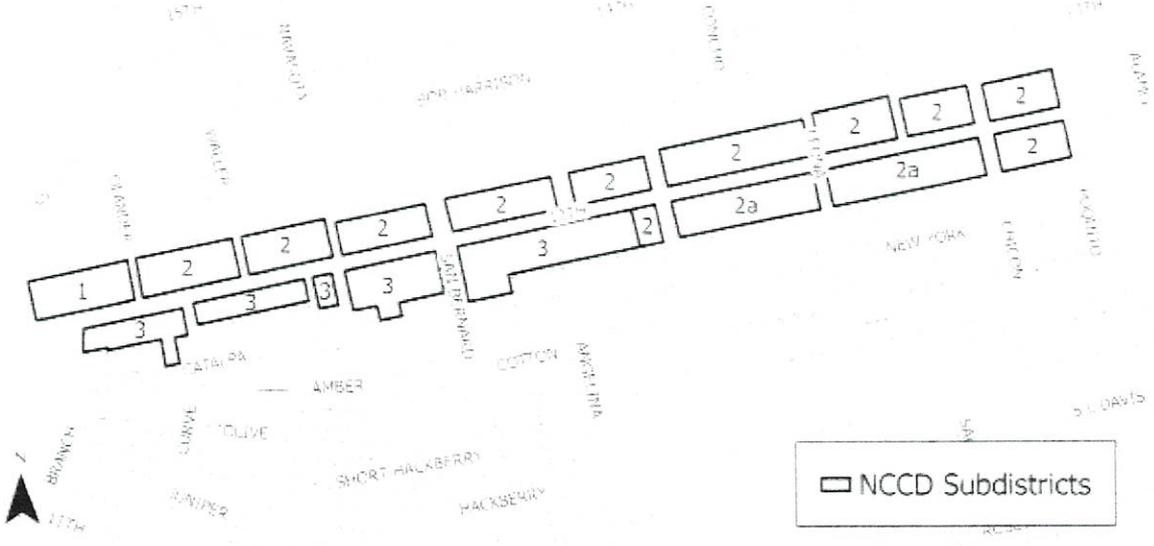
	Kristoffer Lundberg	1203 E 13th St 78702
	Kelsey Baldwin	1003 E. 13th St., 78702
	Jacqueline J. Canning	1003 E. 13th, 78702
	Robert Seidenberg	1001 E 13th St 78702
	Wm. Fred Harte	1001 E 13th St 78702
	Danielle Becker	1208 NAVASOTA ST. 78702

Date: 10/18/2021

Contact Name: Rob Seidenberg

Phone Number: 512-228-2900

CURRENT EAST 12TH ST NCCD HEIGHT MAXIMUMS REFERRED TO IN NUMBER 1 ABOVE.



Subdistrict	Height (max.)
1	60 ft
2	50 ft
2a	35 ft
3	35 ft

CURRENT EAST 12TH STREET NCCD USE PROHIBITIONS AND LIMITATIONS
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SIGNATURE

PRINTED NAME

ADDRESS

Thomas C. Van Dyke, Sr.

Thomas C. VANDYKE SR.

1506 NEW YORK AVE.

Chad White

Chad White

1504 New York Ave

Robert Davis

ROBERT DAVIS

1604 NEW YORK AVE.

Edward Winston

EDWARD WINSTON

1608 NEW YORK AVE

Jada M. Hunt

Jada M. Hunt

1706 New York Ave

Earline Carter

Earline Carter

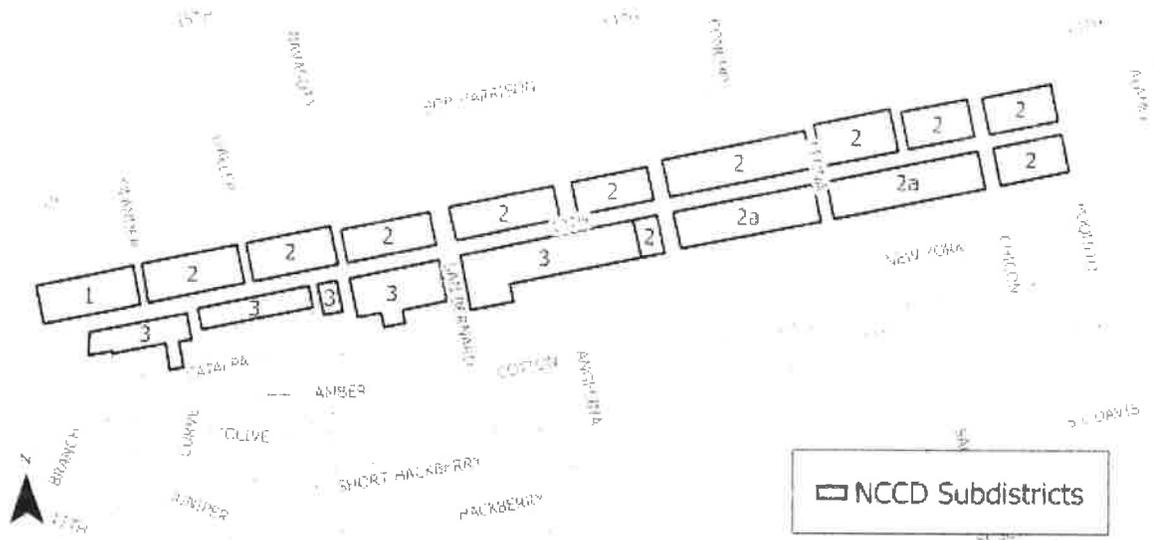
1704 New York Ave

Date: 10-18-2021

Contact Name: Thomas VANDYKE

Phone Number: 512-740-6298

CURRENT EAST 12TH ST NCCD HEIGHT MAXIMUMS REFERRED TO IN NUMBER 1 ABOVE.



Subdistrict	Height (max.)
1	60 ft
2	50 ft
2a	35 ft
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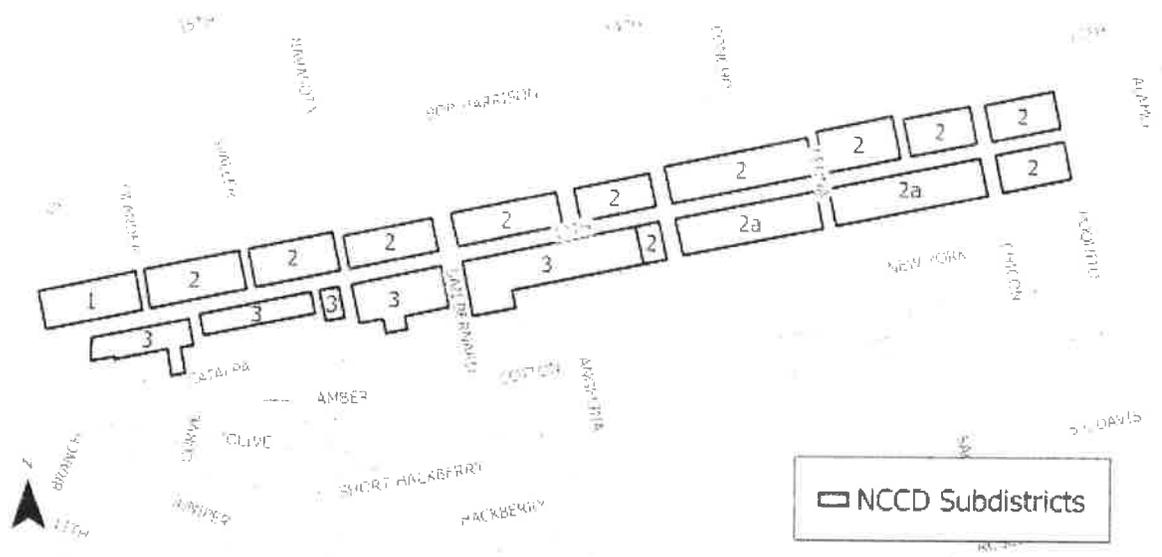
	Lee C. Sherman	1800 New York Ave
	Charles Alexander	1808 New York Ave
	Keri Slater	1708 New York Ave
	Matt Slater	1708 New York Ave.
	Susie Breau	1800 New York Ave.

Date: 10/18/21

Contact Name: Lee Sherman

Phone Number: 512-784-2003

CURRENT EAST 12TH ST NCCD HEIGHT MAXIMUMS REFERRED TO IN NUMBER 1 ABOVE.



Subdistrict	Height (max.)
1	60 ft
2	50 ft
2a	35 ft
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**CURRENT EAST 12TH STREET NCCD USE PROHIBITIONS AND LIMITATIONS
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Re: Urban Renewal Plan and NCCDs

November 8, 2021

Dear Mayor, Mayor Pro Tem and Council,

The Organization of Central East Austin Neighborhoods respectfully requests that you support an alignment package for the Urban Renewal Plan and East 11th and East 12th Street NCCDs **with the effect of preserving current development entitlements.**

These regulatory documents represent thousands of hours of community negotiation and compromise to provide additional height and/or relaxed setbacks that enable corridor properties to more easily deliver a mix of retail, housing and commercial services in a manner that complements the existing context of homes, businesses, and civic institutions. Residents along and nearby each street gave up standard compatibility protections in exchange for a more tailored set of permitted uses that promote the shared vision for a pedestrian-oriented place to live and access one's daily needs.

For more than two years, and as tasked, the Urban Renewal Board has worked diligently to streamline these documents for ease of use and to align them to eliminate contradictions. Their drafts are clear, much more concise, and largely reflect the board's stated intent to carry forward existing development standards.

However, they do propose a few substantive changes, and we anticipate that others may come from the dais. **We ask you to ensure the following are not part of the documents you ultimately adopt, as they undo the fundamental agreements around which this community coalesced.**

- Prohibition of single-family use and restriction of condominium residential and townhouse residential uses within the East 12th Street NCCD and along the side streets of the East 11th Street NCCD;
- Increase of maximum heights via a density bonus program or any other means;
- Expansion of alcohol-related use permissions where currently they are prohibited;
- Expansion of use permissions for any other uses currently prohibited or limited by the NCCDs; and
- Unlimited FAR on lots where currently FAR is otherwise set by base zoning or NCCD provision.

Thank you and your staff for your time and thoughtful consideration of our requests. They come from a place of respect for all the stakeholders before us and among us who made significant concessions to balance interests and promote a shared vision for revitalization.

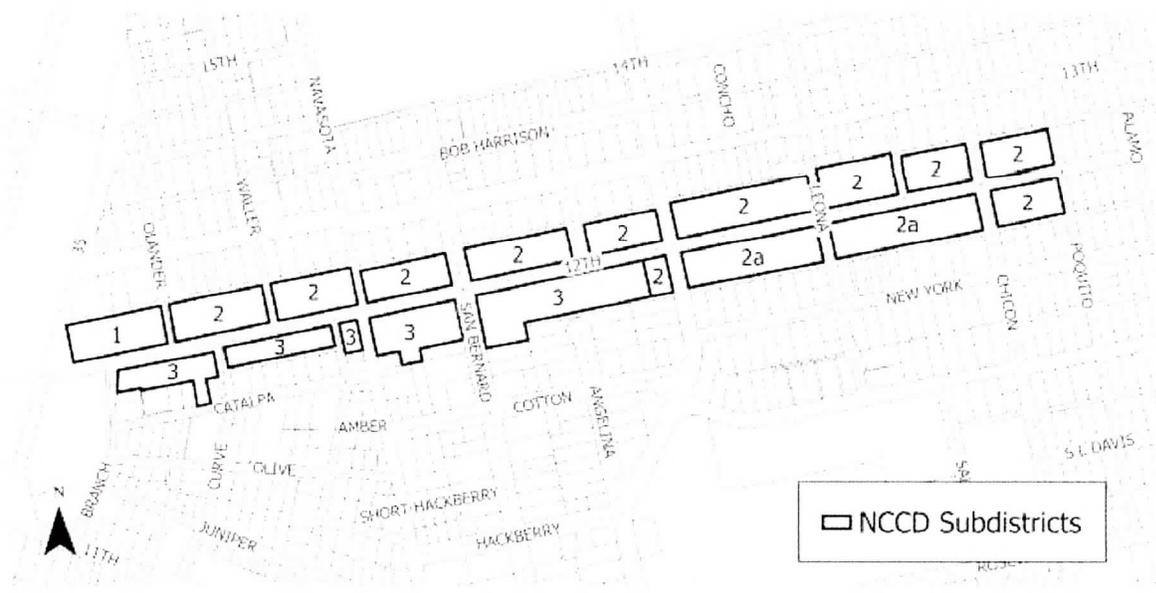
Sincerely,

A handwritten signature in blue ink, appearing to be 'Nathan Jones', with a long horizontal line extending to the right.

Nathan Jones

President, Organization of Central East Austin Neighborhoods

CURRENT EAST 12TH ST NCCD HEIGHT MAXIMUMS REFERRED TO ABOVE.



Subdistrict	Height (max.)
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2	50 ft
2a	35 ft
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CURRENT EAST 11TH ST NCCD HEIGHT MAXIMUMS REFERRED TO ABOVE.



Existing Height Maximums

E. 11th St

