

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-feet 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,

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Rob Seidenberg
East Austin, TX 78702

Ordinance that we have re
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por favor llame al
2021-0037

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: C14-2021-0037
Contact: Mark Walters, 512-974-7695
Public Hearing: April 27, 2021, Planning Commission

ANDREA BEADLES
Your Name (please print)

☐ I am in favor
☒ I object

908 CATALPA 78702
Your address(es) affected by this application (OPTIONAL)

[Signature] 4/20/21
Signature Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin, Housing and Planning Department
Mark Walters
P. O. Box 1088, Austin, TX 78767

Or email to:
mark.walters@austintexas.gov

Exhibit G: Additional Public Comment

From: [darcy nuffer](#)
To: [Walters, Mark](#)
Subject: Re: Case #C14-2021-0037
Date: Thursday, August 26, 2021 7:12:48 AM

Hi Mark,

Hopefully these aren't too late.

I live at 1507 E. 13th Street and my property backs up to E. 12th Street. I have lived here 9 1/2 years.

I support greater density on 12th Street, but it needs to be done right. This is a once-in-a-generation chance to create good development along this corridor. Given its location at the heart of the city and the dire need for housing, the 35 foot development limits are too low. I support 50-65 feet along the entire corridor. At the same time, allowing 50 foot limits along the back lot line of some of the parcels is too high. Development should step down to 35 feet at the back of the lots to be compatible with neighboring uses.

The NCCD should be simplified as much as possible to encourage the developer to get things built. The neighborhood has been waiting a long time.

The City should prioritize burying utilities along this corridor. The current spaghetti of wires and poles is not pedestrian-friendly and is frankly embarrassing for a city that claims to value urban space and the 12th Street community.

Thanks so much for your time and consideration.

Darcy
Darcy Nuffer
Landscape Architect
512-567-6278

On Mon, Aug 23, 2021 at 10:46 AM Walters, Mark <Mark.Walters@austintexas.gov> wrote:

Darcy,

You may email your comments to me and I will include them in late backup to Council.

Mark

From: darcy nuffer <> **Sent:** Friday, August 20, 2021 6:12 PM
To: Walters, Mark <Mark.Walters@austintexas.gov>
Subject: Case #C14-2021-0037

*** External Email - Exercise Caution ***

Hi Mark,

I live at 1507 E. 13th Street and the rezoning case above affects my property. I have questions about the changes, including understanding the best way to provide comments if I am unable to attend the Council meeting. Thanks for your help!

Sincerely,

Darcy

Darcy Nuffer
Landscape Architect
512-567-6278

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

Dear Austin City Council Members:

We are writing this letter and providing comments as concerned constituents of District 1.

We want to begin by thanking you for your service. Thank you for your commitment to affordable housing and our East 12th Street neighborhood. The growth of a vibrant, cultural, and business focused hub creates opportunities for our families to live, work, and play in our community.

It is our understanding that there are proposed zoning changes that would affect our neighborhood that we all love and call home. These outlined changes will jeopardize our shared core value of achieving affordability. We fear these changes will cost property owners money, diminish the value of our homes, and diminish our future ability to maintain affordable housing in our community. The changes will stifle the economic opportunities for our East Austin families.

This community does not support proposed changes that limit allowable building heights, limit floor-to-area ratios, limit impervious cover maximums, limit permitted uses, and impose additional conditions on uses.

We ask for your support in fighting for what is best for our future. We appreciate your leadership in pursuing an outcome that promotes diversity, equity, and preservation for East Austin.

Sincerely,

East Austin Community Members

Liam Howard

A handwritten signature in blue ink, appearing to read "Liam Howard", with a stylized, cursive flourish at the end.

October 5, 2021

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P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Michael Marroquin

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October 5, 2021

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Sincerely,

East Austin Community Members

Christopher Campo

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October 5, 2021

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P.O. Box 1088
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Sincerely,

East Austin Community Members

Brian Demgen


October 5, 2021

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Sincerely,

East Austin Community Members

Dustin Moore


October 5, 2021

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Austin, Texas 78767

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Sincerely,

East Austin Community Members

Josh Dale

A handwritten signature in black ink that reads "Josh Dale". The signature is written in a cursive, flowing style with a large, prominent "J" and "D".

October 5, 2021

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Sincerely,

East Austin Community Members

The block contains two handwritten signatures in black ink. The signature on the left is a large, stylized cursive 'E' with a horizontal line extending to the left. The signature on the right is also in cursive, appearing to read 'L. Williams'.

October 5, 2021

Austin City Council
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Austin, Texas 78767

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Sincerely,

East Austin Community Members

Kristee Price

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October 5, 2021

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P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Anthony BACA

A handwritten signature in blue ink, appearing to be "Anthony BACA", with a long horizontal line extending to the right.

October 5, 2021

Austin City Council
P.O. Box 1088
Austin, Texas 78767

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Sincerely,

East Austin Community Members

Halley Dreher 

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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. 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.

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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Case Number: C14-2021-0037

Contact: Mark Walters, 512-974-7695

Public Hearing: October 21, 2021, City Council

DAVID EDWIN RAMERT

Your Name (please print)

1110 EAST 10TH STREET

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

David E. Ramert

Signature

10.7.21

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional):

Comments:

Already discussed for years!

No more height!

City of Austin

OCT 08 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Mark Walters

P. O. Box 1088, Austin, TX 78767

Or email to:

mark.walters@austintexas.gov

Jansson / ZCH
1511 E 13th Street
Austin TX 78702

AUSTIN TX 787
RIO GRANDE DISTRICT
25 AUG 2021 PM 2 L



PS!

Mark Walters
[Redacted]
[Redacted]

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Contact: Mark Walters, 512-974-7695

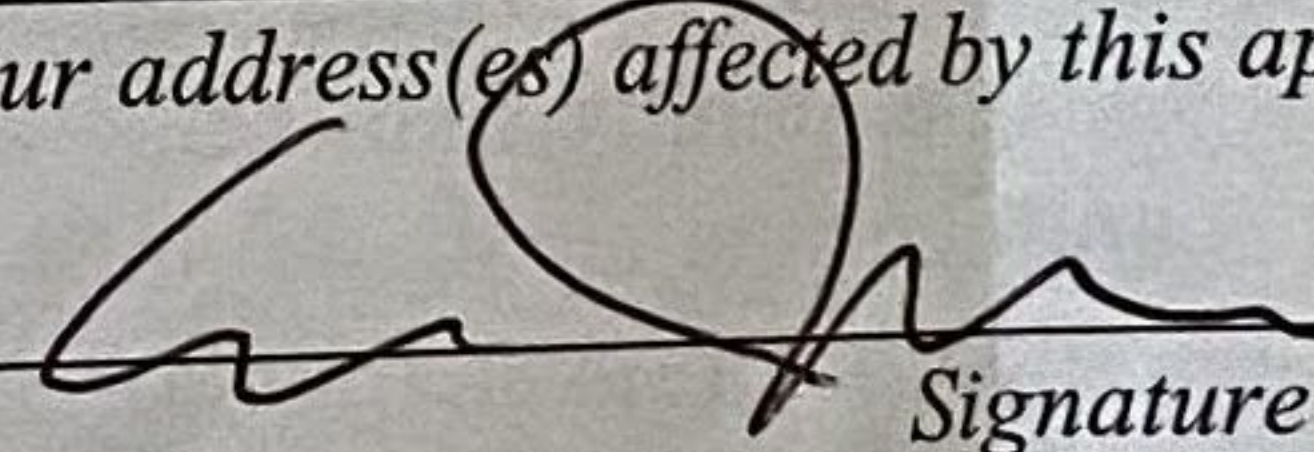
Public Hearing: September 2, City Council

Eric Jansson

Your Name (please print)

1511 East 13th Street

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


Signature

8/20/2021
Date

☒ I am in favor
☐ I object

Daytime Telephone (Optional):

Comments: I am generally in favor of proposals but want to voice particular support for proposed amendments 586 (Agenda Item B-14) which are to change lower height and FAR entitlements.

The current NCCD would damage neighborhood character and needs to be amended in these areas. Thanks.

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

Mark Walters
P. O. Box 1088, Austin, TX 78767

Or email to:
mark.walters@austintexas.gov