

Meredith, Maureen

To: Jenny Grayson; Tomko, Jonathan
Subject: RE: Voting against C14-2022-0150 - 3117-3121 E 12th St

From: Jenny Grayson
Sent: Monday, May 22, 2023 5:32 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>
Subject: Voting against C14-2022-0150 - 3117-3121 E 12th St

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Hello,

I'm emailing you to oppose the requested zoning change for 3117 and 3121 E 12th Street.

Please see my letter below.

I have lived in McKinley Heights since 2010 and currently serve as the neighborhood president. I strongly oppose removing the conditional overlay from the Rosewood Neighborhood Plan. When I was looking for my long-term home, I considered the neighborhoods, their neighborhood plans for growth and development, traffic, public transportation, greenery, thoroughfares and more. One of the reasons why I moved to McKinley Heights was the progressive, thoughtful community plan known as the Rosewood Neighborhood Plan which was adopted by our city council in 2002.

The Rosewood Neighborhood Plan was designed with the goal of making East Austin affordable, walkable, shoppable, inclusive and scalable. Working under this plan and with the neighborhoods, a number of mixed-use businesses have successfully built to scale (up to 40 feet), rented or sold their housing units and have rented out business space on the first floor. I believe this is a replicable, scalable plan for our neighborhood, as did our city council when it approved and adopted the neighborhood plan. I encourage the planning commission to respect the homeowners wishes and not allow the conditional overlay to be removed. Doing so would set a dangerous precedent for developments to build up to 90 foot buildings all along 12th street – a 2 lane street that cannot accommodate the influx of traffic of all forms (pedestrian, bike, bus, and cars) that would accompany such large buildings.

Their rezoning petition requests CS-MU-V-CO-NP. Importantly, the city defines the code CS – or commercial service district - as being “intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic services generally incompatible with residential environment.” Even in the city's own words, you all agree that a “CS” code, or a commercial services code is incompatible with a residential environment, and 3117 and 3121 E 12th Street are surrounded by residential plots and neighbors. This land is in the middle of a neighborhood.

When the investors purchased 3117 and 3121 E 12th Street, they were aware of the Rosewood Neighborhood Plan and the conditions under which they could operate. They understood the conditional overlay capped building height at 40 feet, and they chose to purchase that property. Please make them adhere to our neighborhood plan just as you would any other resident in Rosewood area. This plan is in place for a reason, and having a commercial service in the middle of two neighborhoods is not safe and does not make sense.

In the Homewood Heights and McKinley Heights neighborhoods, a minimum of 43 properties are now owned by a single investment firm. At least half – or 23 - of those properties sit vacant and 6 are abandoned. This is not a request for a single landowner to remove a conditional overlay for building height. This is an organized takeover of the east side by large investment firms with lots of money and lots of time to wait. Wait for their property value to increase so they can flip it for a profit. Wait for East Austin residents to die so they can acquire more land. Wait for East Austin residents to get fed up and abandon their homes because we no longer live in a neighborhood – The removal of this conditional overlay will mean up to 90 foot buildings for all these properties along 12th street. As stated previously, more than half of the lots owned by a large developer in East Austin sit vacant and have for years. The conditional overlay is not preventing developers from building. Their desire to remove zoning, increase their property value, scoop up more properties in east Austin and leave them vacant to sell at a later date when their property value increases substantially is the source for their request. Please do not remove the conditional overlay!

12th Street is a two lane street – one lane in each direction – with bike lanes and recently added sidewalks. With the growth in Austin, residents are experiencing dangerous cars cutting through neighborhoods to avoid major throughfare traffic. For years, residents of McKinley Heights have been petitioning the city for speed bumps on Harvey Street, but apparently our streets aren't unsafe enough to warrant an intervention. Cars cut dangerously through our neighborhood, from MLK Blvd to 12th Street or vice versa to avoid the congestion on Airport Blvd, speeding in excess of 40 mph, damaging vehicles, not slowing for pedestrians, and damaging the safety of our neighborhood psyche.

12th street at 5 PM is a nightmare. People heading from downtown use 12th Street to connect to Airport Blvd and then 183. The increased traffic flow is already straining the current infrastructure, and there's no way to increase traffic flow on 12th street without knocking down homes. How will this already congested area hold an additional 110 residential units in such a small space. And please be aware that the 90 foot buildings won't be limited to these two

lots. Every lot on 12th street has the potential to build up to 90 feet if this conditional overlay is removed. This is not scalable and not appropriate for a neighborhood.

Most units in this proposed hypothetical building will have multiple cars per household. If you're hoping residents of this proposed development will use public transportation or the metro rail, don't hold your breath. According to February 2023 ridership data found on the CapMetro website, ridership is stagnant on Bus route 6 – the E12th Street bus. If you think new residents will use the MetroRail, and assuming they work downtown, they would need to spend at least 45 minutes walking to the rail, waiting, riding and then walking to their final destination as opposed to driving their car downtown in 12 minutes or less. Traffic congestion in this area is already unsustainable, and we do not need 10 story buildings to add to the congestion.

Upzoning does not help the community. It increases land value, does nothing to positively impact housing needs or low income unit availability and increases taxes for residents - many of whom have been in the neighborhood since the 40's when McKinley Heights came into existence. These older residents may have an exemption saving them from the increased taxes, but it does nothing to help the family member who inherits the home. They will inherit a paid-for property that they cannot afford based solely on the assessed value of the land, and you will push minorities out of east Austin. If you approve this request, you are only hurting the homeowners who want to live in their neighborhood.

Finally, the community opposes this rezoning request. Please listen to us. In a recent poll among neighbors in McKinley Heights, along 12th street, 13th street and 14th streets – those who will be most impacted by a large building on 12th street – a majority of residents oppose the rezoning proposition and a minority of residents want to know more about the rezoning before confirming their stance.

As a homeowner who is in favor of development within the scope of the Rosewood Neighborhood Plan, I'm requesting that you all do not remove the conditional overlay for 3117 and 3121 E 12th St.

Thank you,

Jennifer Grayson

512-293-8819

3106 E 14th St

Austin TX 78702

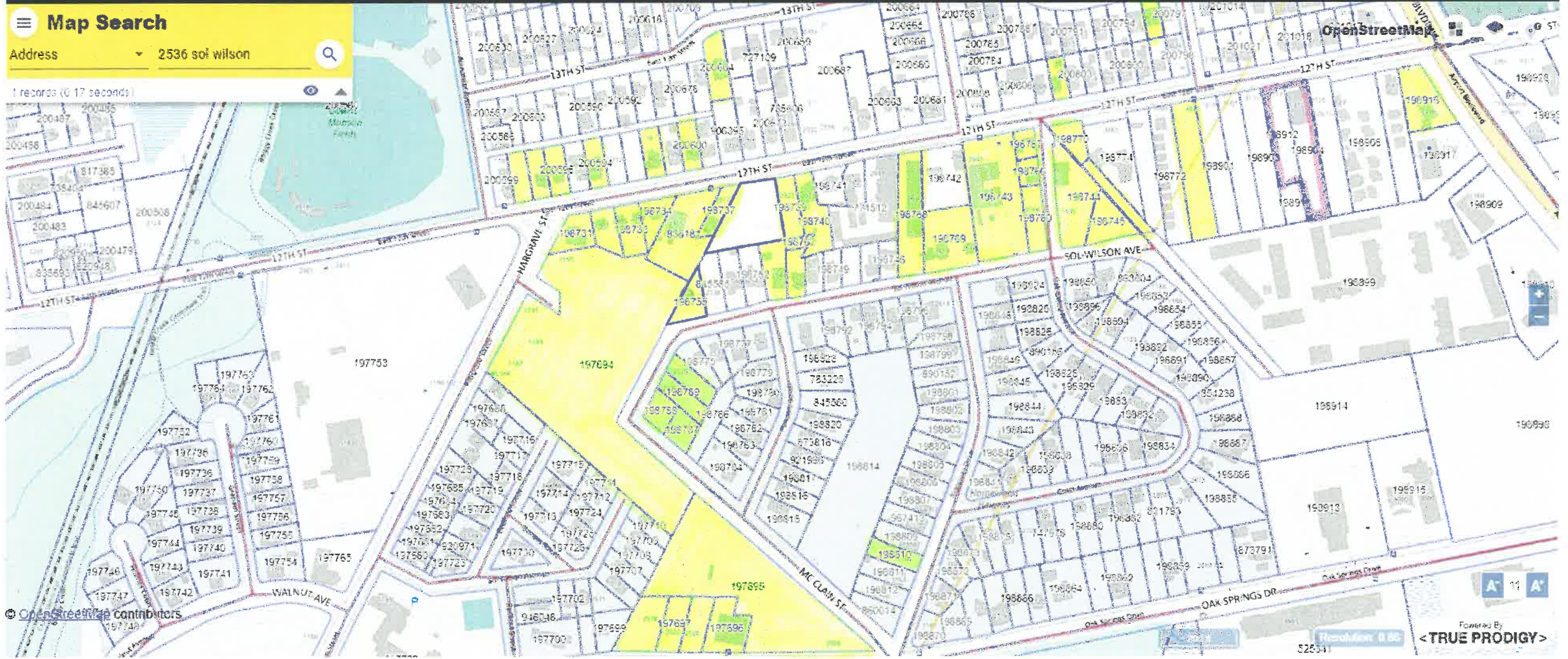
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Meredith, Maureen

To: Daniel Wells
Cc: Tomko, Jonathan; homewoodheightsneighborhood@gmail.com
Subject: RE: Resident against item 7 and item 8 on the planning commission agenda - 5/23

From: Daniel Wells
Sent: Tuesday, May 23, 2023 7:50 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@gmail.com
Subject: Resident against item 7 and item 8 on the planning commission agenda - 5/23

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Planning commissioners,

I am a resident of the Homewood Heights neighborhood and would like to voice my opposition to item 7 and 8 on tonight's planning commission agenda.

Please see the attached document for the justification for our opposition. We do not want to see this change to the Rosewood neighborhood plan and strongly oppose allowing 90ft tall buildings.

Thank you for your time and consideration,

Daniel Wells

In 2022, a developer called Geysers Group purchased 3121 & 3117 E 12th Street. They're operating through Horizontal Investors LP with unnamed silent partners. They hired Michael Whellan, of Armbrust & Brown to seek higher entitlements immediately after acquiring the properties.

Zoning and Neighborhood Plan Amendment

The uncontroversial part of Whellan's request is for uniform zoning across 3121 and 3117 E 12th (CS-MU-V-CO-NP [commercial service, mixed use, vertical, with a conditional overlay from the neighborhood plan]). The controversial part is Whellan's parallel request to amend the Rosewood Neighborhood Plan to eliminate a 40ft conditional overlay from their site.

Whellan's zoning application requests:

CS-General Commercial Services district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. **MU-Mixed Use combining district** is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. **V-Vertical Mixed Use Building (V) combining district** may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. **CO- Conditional Overlay combining district** may be applied by requiring standards tailored to individual properties. **NP- Neighborhood Plan district** denotes a tract located within the boundaries of an adopted neighborhood plan.

Whellan's parallel NPA requests is to delete the component that makes his zoning application appear uncontroversial (CO-NP). ~~CO-NP~~ reverts land use to what the city itself defines as "incompatible with residential environments." The proposed zoning without the conditional overlay sets a base height of 60ft, allowed to increase by right to 90ft without residential compatibility via the VMU2 Ordinance adopted by the city in 2022.

The applicant seems ignorant to the meaning of our community's conditional overlay. My understanding of the history of the Rosewood Neighborhood Plan, informed by lifelong residents and the documents authors, is as follows:

After Austin formally segregated the city in 1928 it mixed very intense land use into East Austin neighborhoods, particularly after the 1957 Industrial Overlay. Land use under the 1957 Industrial Overlay inappropriately positioned nuisance generating, high traffic, polluting, and industrial land uses directly next to families' homes. Over time, those proximate but incompatible land uses were enshrined in the city's zoning maps. After almost two years of effort and advocacy, residents from the Rosewood Neighborhood Contact Team successfully drafted their own neighborhood plan, adopted by the city in 2002 as an ordinance. It envisioned the compact, complete, walkable, inclusive community that the city is still trying to get other neighborhoods to catch up to today. One of its achievements was undoing incompatible land uses created by decades of discriminatory zoning, by establishing a residential scale of 40ft.

Whellan's application to strip that conditional overlay is essentially a request to rewrite our community's plan so that it suits a developer's undesigned theoretical building. And it is fully theoretical. His team provided no specific information to the community and offered no community benefits. Also, his paperwork blankly lists 110 theoretical units for the property, indicating no interest in multi-bedroom units for families.

Community Opposition to the Developer's Application

Current residents have thoroughly considered and oppose the developer's request to remove the conditional overlay. Residents met with Whellan's team and thoroughly discussed the case. All community feedback was ignored. At the Homewood Heights Neighborhood Association's April 2023 meeting, members voted unanimously in opposition to the removal of the conditional overlay. At a special called meeting of the Rosewood Neighborhood Contact Team, all voted in opposition, with one abstention.

Achievements of the Rosewood Neighborhood Plan

The Rosewood Neighborhood plan undoes discriminatory base zoning, allows small lot amnesty, incorporates vertical mixed use, provided for literally millions of square feet of land for Austin's most financially vulnerable residents, and prioritized *balanced* infill development. The 2020 Census confirms that the neighborhoods within in the Rosewood Neighborhood Plan are racially, economically, and even architecturally diverse.

The city's adoption of The Rosewood Neighborhood Plan also gave *our community* the right to come together, review, and amend our Rosewood Neighborhood Plan. This is the opposite of that. The imbalance that Whellan's advocating for has never been sought by our community, and through official votes at neighborhood meetings residents have expressed undivided opposition.

Traffic Hazard

90ft scale is dysfunctional and unrepeatable in our community. 12th Street is a two-lane residential collector street lined with single family homes and residential-scaled multifamily and retail. More than doubling the scale of what's allowed will overwhelm purely residential streets in McKinley Heights and Homewood Heights with cut-through traffic. This would be particularly dangerous in Homewood Heights, where 3 streets leading to 12th Street were thoughtlessly eliminated (Harvey Street was vacated south of 12th St., Summers St. has been illegally fenced off, and an unofficial street at 3009 E 12th St. was legally fenced off).

Today, there's more than three times the reasonable traffic load, plus multifamily traffic to Elm Ridge Apartments, and cut-through traffic from drivers avoiding lights on Airport Blvd – all overwhelming a residential street without effective traffic calming measures (Oak Grove Ave on north, and Ridgeway Drive on the south). Multiple vehicle strikes have been

witnessed and documented by residents. The list of anecdotal near-misses is too long to include. Consider, too, that these hazards exist already, when most of the entitlements on 12th Street haven't even materialized.

Entitlements Under the Rosewood Neighborhood Plan

It's clear that Austin as a whole is plagued with challenges of affordability and access to housing. The Rosewood Neighborhood Plan has done nothing but solve those challenges since its inception.

Under the current Rosewood Neighborhood Plan market-rate, deeply affordable, and permanent supportive housing apartments have been constructed, both recently and in the past. Multiple developers have successfully built apartment buildings with ground floor retail under the current Rosewood Neighborhood Plan (2931 E 12th Street, 3007 E 12th). Numerous vacant sites on 12th Street, including 3117 & 3121 E 12th Street, allow the construction of new multifamily apartments and retail *today*. The Rosewood Neighborhood Plan works, and as noted above it was more progressive in 2002 than most neighborhoods are in 2023.

Application of the 12th Street conditional overlay was deliberate and narrowly tailored. The conditional overlay was not applied to properties with frontage on Airport Blvd, which was designed to facilitate a fundamentally different volume of people, commerce, and vehicles. On Airport Blvd, our neighborhood has a 130 unit deeply affordable multifamily site (1190 Airport Blvd). North of that is an empty site with no conditional overlay that Horizontal Investors must have overlooked. Go figure.

In 2022, Horizontal Investors understood the exact entitlements they purchased at 3121 and 3117 E 12th. They gambled that Whellan could stigmatize East Austin neighborhoods, exploit Austin's affordability problems (fueled mostly by other parts of the city), and lean on candidates they financially backed to extract more value than they paid for. We're literally listening to a boutique lawyer, hired by a couple that sold their company for \$280million, suggesting that East Austin is exclusionary, because they want their theoretical building more theoretically profitable, so that they can (in their own words) "stretch [their] influence further."

It's also plausible that this case is nothing more than a pretext for changing the entitlements on speculator-owned properties along 12th Street, owned by Whellan's other client. Geysler Group does not list the subject properties on its website. And the subject properties are roughly bookended by properties owned by the speculator and the Austin Housing Finance Corporation (1196 Airport Blvd to 3021 E 12th Street).

Development Under the Rosewood Neighborhood Plan

An inventory of land use in our area shows that a speculative property buyer recently acquired 34 properties in the Homewood Heights Neighborhood (and another 9 properties in McKinley Heights). Of the properties in Homewood Heights, 21 parcels are vacant dirt, 6 more contain abandoned structures, and 4 are unimproved and selling alcohol. This is easily the largest barrier to new infill development, new multifamily housing, and the retail needs of our community. As stated previously, Whellan represents the owner of all those properties.

Whellan insists the Rosewood Neighborhood Plan must be amended to allow for the creation of affordable housing. That's untrue. His client is free to build affordable housing immediately at the scale established by the neighborhood. That would only add to the affordable housing our community already constructed at 3005 E 12th (New Milestones Foundation), 1190 Airport Blvd (Elm Ridge Apartments), 3000 Oak Springs (Terraces at Oak Springs PSH), 905 Bedford (Booker T Washington Terraces), 3107 E 12th (Anderson Village), 3001 Oak Springs (Oak Springs Villas Apartments), 1165 Airport Blvd (Integral Care PES), 2504 New York Drive (Mt. Carmel Apartments). Those properties are within a quarter mile radius and contain over 2 million square feet of land.

In addition to our numerous deeply affordable multifamily sites, most single-family homes in the neighborhood that can afford and physically accommodate an ADU have done so. New construction on single family lots is often a two-plex or four-plex.

Upzoning Study

A senior Research Associate at the Urban Institute in Washington D.C., with a PhD in City Planning from MIT, Masters in City Planning from MIT, Masters of Science in Transportation from MIT, and BA in Architecture and Urban Studies from Yale, published a relevant study on upzoning in 2019. <https://yonahfreemark.com/wp-content/uploads/2019/01/Freemark-Upzoning-Chicago.pdf>

Freemark writes:

This study's key contribution is evaluating how the property market responds on the specific parcels where upzoning occurs. ... On the *specific parcels where upzoning occurs*, costs appear to go up for individual housing units. ... [N]o short-term impact on permit volume for new housing units. But I also find no medium-term effect—over five years—on construction permitting, a surprising result given commonly held expectations about how upzonings work. ... If the product of upzoning is no change in construction levels but increases in property transaction values, including for some existing housing units, this policy may have some negative consequences in upzoned neighborhoods that rapidly become more expensive. For a scholarly community generally focused on improving affordability in the *regional* housing market through additional housing supply, this poses a challenge that requires further consideration of the varying, and potentially contradictory, impacts of upzoning. ... For those hoping to address affordability, they may need to look for other solutions (Freemark 2019).

Freemark also cites previous studies with similar findings:

High levels of allowed construction produced property speculation on land in cities like Los Angeles in the early twentieth century (Weiss 1987).

Angotti (2016) suggests that upzoning in New York was associated with higher property values, pricing out existing residents (Angotti 2016).

The research is directly relevant to what's occurring in our neighborhood. Entitlement changes, and even the prospect of entitlement changes, have created a frothy market packed with unproductive speculators.

Meredith, Maureen

To: Tyler Myers; Shaw, Todd - BC; Estrada, Nancy; Rivera, Andrew; Harden, Joi; Tomko, Jonathan
Subject: RE: Support for Items 7&8 and Upcoming Meeting

From: Tyler Myers

Sent: Saturday, May 20, 2023 3:12 AM

To: Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>

Subject: Support for Items 7&8 and Upcoming Meeting

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Hello,

I am writing in today to express my 100% support for items 7&8 at the upcoming planning commission meeting regarding the plan amendment and rezoning of 3121 E. 12th Street.

I'm am a current resident in this neighborhood and have been for many years. I believe this will be a valuable addition to the neighborhood and helps the city achieve many of its goals regarding affordable housing, housing with close proximity to transit, and creating walkable and livable neighborhoods.

Thanks for listening,

Tyler Myers

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Tyler Myers
713-416-8881

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Meredith, Maureen

To: Seth Wilkerson
Subject: RE: Speaker Registration: May 23, 2023 Planning Commission

From: Seth Wilkerson
Sent: Monday, May 22, 2023 3:57 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Re: Speaker Registration: May 23, 2023 Planning Commission

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I filled out the form to speak, but could you please make sure this gets included in the event that something comes up.

I'm writing to say that I am opposed to the rezoning and the removal of the conditional overlay in case NPA-2022-0008.01. I won't be able to make the meeting, but like many of my neighbors I have serious concerns with the precedent this would set.

The proposed height increase is not necessary or required for any architectural designs provided to date. The investors were aware of the existing overlay when the property was purchased and should abide by the neighborhood plan that exists to serve as an outline for future development in our neighborhood. The building should be no more than 40ft.

If the overlay were approved, I understand it would open a much larger area to be further developed above the 40ft limit and I simply do not want this in my neighborhood. There are plenty of successful mixed use developments that are operating under the existing conditional overlay and I see no need for an exception in this case, especially when no plans have been submitted.

I urge the city to reject any changes or amendments to the existing neighborhood plan and keep our neighborhood's development in line with our vision for the area.

Thank you,

Seth Wilkerson
3113 E 13th ST

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Meredith, Maureen

To: Yasmin Eljirby; Tomko, Jonathan
Subject: RE: Case# NPA-2022-0008.01

-----Original Message-----

From: Yasmin Eljirby
Sent: Friday, May 19, 2023 10:24 PM
To: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case# NPA-2022-0008.01

Hello,

Unfortunately I cannot attend the meeting on May 23rd regarding rezoning and removal of the rosewood neighborhood plan's conditional overall of 40 foot maximum. Since I cannot attend the meeting, I would like to make my views known. My hope for the area is to see it grow similarly to plaza saltillo. I would like the 40 foot maximum overlay to be removed and set to 100, but with an understanding that developers must begin building within a reasonable timeframe. This will require developers to move quickly and help resolve the issues E 12th street is currently facing. E 12th is currently home to many empty and decrepit lots that are being left unattended for years. These empty lots have become a hub for illegal activity.

Thank you,
Yasmin Eljirby