



September 22, 2025

Planning Commission
City of Austin
301 West 2nd Street
Austin, Texas

RE: C14-2025-0053 - Duval Harris Residential; District 9 Location: 3305, 3303 Duval Street and 501, 505 Harris Avenue, Waller Creek Watershed; Central Austin Combined (Hancock) Neighborhood Planning Area

Request: Deny MF-3 Zoning Request

Reasons:

- MF-1 allows reasonable development with 4 units and 10 bedrooms
- MF-3 is “blank check”: zoning that would allow 11 or 12 units, 36 bedrooms and 60 foot height
- Out of character for neighborhood – currently no MF-3 zoning in Hancock Subdivision
- Hancock Neighborhood Association opposition to MF-3 after supporting MF-1

Dear Commissioners:

My wife and I write to oppose the proposed zoning change on this property from MF-1-NP to MF-3-NP. We are joined in this opposition by our neighbors and the Hancock Neighborhood Association.

I have owned and lived in the house at 500 Harris Avenue since 1980. During those 45 years I have maintained and improved the property consistently with its SF-3 zoning. My wife and I plan to continue to occupy the property as my principal residence for the foreseeable future. I note the house was built in 1924 and is one of several 100+ year old homes adjacent to the subject property.

Neighborhood Association Meeting and Vote to Oppose

The owner and his planner are aware of my concerns and those of the Hancock Neighborhood Association (HNA). I and others requested this increased density request be a formal HNA

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agenda item. The HNA considered the request for MF-3 zoning at its hybrid meeting on July 9, 2025. The owner was present for the meeting by Zoom and identified himself late in the meeting but did not choose to discuss his request. The HNA voted 18 to 6 to oppose the zoning request because of its adverse impact on traffic and the character of the neighborhood. I later spoke by phone with Victoria Haase and communicated my concerns. She did not indicate that the owner was interested in discussing his plans with me or reducing the number of units.

I am advised by Helen Gaebler (owner and resident of 502 Harris Avenue) that she has consulted the owner and asked for written commitments on future development of the property, and he has declined to do so. The owner's planner sent a June 2025 conceptual plan for 4 new 3BR units for a total of 6 units with 16 bedrooms. I understand the owner opposes even the overlay proposed by the Planning Department that is consistent with his conceptual plan. Thus the conceptual plan is just that, and any approval of the current MF-3 application would be "blank check" zoning with the potential for development of up to 11 or 12 units on the property at a height of up to 60 feet.

We also oppose the staff recommendation for MF-3 zoning with an overlay for a maximum of six residential units. The 4 new 3BR units will increase traffic and change the character of the neighborhood. Housing capacity of the property can be increased with the addition of 2, 3BR units permitted by MF-1.

What We Support

The owner indicates he intends to retain the main house with 2, 2BR units. He has a demolition permit to demolish the "garage apartment" with 3 units and 4 BR. Current MF-1 zoning allows for 4 units total. We support replacing the "garage apartment" with 2, 3BR units, for a total of 4 units and 10 BR; an increase of 2BR. As the tenants are likely to be students, the number of bedrooms means more than the number of units to total housing capacity. This would allow space for four off-street parking spaces for the new units. While not required, this is highly desirable since there is no parking on Duval and restricted parking on this block of Harris.

If the owner decides not to demolish the "garage apartment," we support a variance to make the existing structure conforming.

Reasons to Deny the MF-3 Application

Until 2024 the subject property was zoned SF-3. The subject property is now the only private property in the Hancock subdivision not zoned Single Family as shown on the City zoning map (Attachment 1).

The subject property has had five rental units since before 1980. The fact it was non-conforming because it had two more units than allowed by SF-3 zoning was never objected to by me, or to my knowledge by anyone else. The justification for the MF-1 zoning change was to make the existing structures conforming. However, everyone involved knew, or should have known, that MF-1 would allow only four units on a .33 acre lot. There was no need for MF-1 spot zoning to make the current structures conforming; the proper action by the City was a variance rather than a spot zoning change.

We now know making the existing structures conforming was not the owner's true intention. The owner has received a demolition permit for the rear 3-unit structure. This makes approving a change to MF-3 based on making the existing structures conforming moot or disingenuous.

MF-3 zoning with no overlay would let the owner overbuild the property up to 11 or 12 units with a height of 60 feet. The higher number of units would be inconsistent with the character of the surrounding properties and the zoning and character of the Hancock subdivision as a whole. Even the 6-unit conceptual plan would greatly increase the number of bedrooms on the property, with a corresponding increase in traffic and parking demand. Whether 6 or 12 units, the MF-3 development would change the character of the neighborhood for the worse.

There is no economic or public policy justification for the change to MF-3. The current zoning will let the owner develop a total of 4 units. It will let the owner replace the rear structure with 2 units of 3+ bedrooms if he chooses. This would increase the number of occupants the property can support if preservation of housing is an issue. At the rent of \$2,000 to \$3,000 per unit shown in the zoning application, there is no issue of affordable housing at either zoning level.

Please deny the request for rezoning to MF-3.

Sincerely,



Ron Luke, JD, PhD

cc: Cynthia Hadri