

603 West Eighteenth Street  
 Austin, Texas 78701  
 shoalcrk@att.net

**Late Backup**

April 12, 2011

Mayor Leffingwell, Mayor Pro Tem Martinez, and  
 Austin City Council members Riley, Shade, Morrison, Spelman, and Cole  
 P. O. Box 1088  
 Austin, Texas 78767

RE: Downtown Austin Plan as it relates to Panhandle of the Proposed NW District

Dear Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Riley, Shade, Morrison, Spelman, and Cole:

We own property on 18<sup>th</sup> Street near Nueces that has been zoned GO since before we purchased it in 1983. We are writing to urge you not to approve the proposed Downtown Austin Plan and supporting documents (DAP) in their current form with respect to the area bounded by 15<sup>th</sup> Street on the south, Martin Luther King on the north, San Antonio on the east, and Rio Grande on the west. This area, which is located between the proposed Uptown/ Capitol District and the proposed Judges Hill District, has been included in the DAP as a narrow "Panhandle" to the proposed Northwest District.

The "Panhandle" has been zoned and used almost entirely for commercial purposes for at least 30 years, primarily GO<sup>1</sup> with some multi-family residential, and a more recent trend toward DMU-120. *The "Panhandle" is outside Capitol View Corridors.* This makes it one of few relatively undeveloped portions of downtown where the height of future developments would not be constrained to protect capitol views.<sup>2</sup>

- o The DAP would severely limit the height and density of future development in the Panhandle area ostensibly to protect the single family residential portion of Judges Hill, when in fact, that area already is well protected by topography (see attachment), and by buffering from the existing structures along West Avenue and Rio Grande, most of which are 2-3 stories tall. The DAP characterizes Judges Hill as a single-family residential area.<sup>3</sup> However, West Avenue and Rio Grande, which both are within the boundaries of the proposed Judges Hill District, have been zoned and used primarily for offices and multi-family housing for many years.<sup>4</sup> The single-family residential part of Judges Hill is west of West Avenue, along Pearl, San Gabriel, and Vance's Circle. The rear boundaries of

---

<sup>1</sup> See City of Austin zoning maps, DAP Appendix F and page 6 of the Northwest District Plan (May 21, 2010 draft). The DAP mischaracterizes the zoning in the proposed Northwest District as predominantly LO and GO (see page 38).

<sup>2</sup> DAP page 11.

<sup>3</sup> For example, see page 31, and more importantly, the following statement regarding mixed use at the top of page 78, "An appropriate mix of residential and non-residential uses should be allowed in all parts of Downtown, except for Judges Hill, which should generally be preserved as a single-family residential neighborhood."

<sup>4</sup> It is noteworthy that the eastern boundary of Judges Hill was recently changed from West Avenue to Rio Grande well after initiation of the downtown planning process.

property on the east side of West Avenue are 540 feet from Nueces (see attachment), Pearl is even farther (over 900 feet), and San Gabriel and Vance Circle are even farther and also are on western slope (Lamar side) of Judges Hill. The topography is such that new DMU-120 buildings, or even taller, on or near both sides of Nueces would not be visible from the single-family, residential part of Judges Hill.

- The DAP grossly understates the development potential of the Panhandle because it excludes from designation as an opportunity site any property with a building that, from a windshield survey in 1984, appeared to be 50 or more years old and was intact. In 1984, this was the criterion for further study to determine any possible historic significance. By contrast, the DAP uses this very low standard to characterize most of the Panhandle as a possible national historic district, thereby drawing attention away from the tremendous development potential of the Panhandle area. To date only three buildings in the entire Panhandle *actually* have been designated historic,<sup>5</sup> and together they represent a miniscule portion of property within the Panhandle. Structures found to be of significant historic value certainly should be preserved for posterity, but it is unlikely that the vast majority of the 50+ year old buildings in the Panhandle area are truly historic.
- The Panhandle, which is located north of 15<sup>th</sup> Street, was not part of Austin's first residential neighborhood. The Northwest District Plan states that:

Most of the Northwest District (15<sup>th</sup> Street and southward) was platted within the original Waller Plan in 1839 and developed as Austin's first residential neighborhood with houses of prominent citizens dating back to the mid-19<sup>th</sup> century.<sup>6</sup>

The DAP's goal for the proposed Northwest District, to "preserve the neighborhood's historic residential character," relates to the history of the area south of 15<sup>th</sup> Street, not to the Panhandle. Similarly, the urban design priority to "establish form-based design standards to promote compatibility with the historic neighborhood fabric" refers to the history of the area south of 15<sup>th</sup> Street. Furthermore, the DAP states that all seven of its goals for the proposed Northwest District "are consistent with those already established by the Original Austin Neighborhood Association."<sup>7</sup> However, the Panhandle is not located within the boundaries of the Original Austin Neighborhood Association, and it is not a residential area. The Panhandle has been zoned and used primarily for office and multifamily purposes for many years with a recent trend toward DMU-120, which was intended for areas like the Panhandle that serve as transitions between the CBD and surrounding areas. The Panhandle area has far more in common with the characteristics and goals for the portion of the proposed Uptown Capitol District that is bounded by MLK, 15<sup>th</sup>, San Antonio, and Lavaca Street than with those of the proposed Northwest District. Therefore, it would make sense for the Panhandle to be made part of the Uptown/Capitol District.

- Input from property owners in the Panhandle area has been largely ignored in the development of the DAP. By contrast, the Judges Hill Neighborhood Association (JHNA), which does not represent Panhandle property owners, has been treated as a "Panhandle

---

<sup>5</sup> See page 39 of the DAP.

<sup>6</sup> Page 3 of the Northwest District Plan (May 21, 2010 Draft). This is the most recent version available as of April 10, 2011.

<sup>7</sup> Page 9 of the Northwest District Plan (May 21, 2010 Draft).

Area stakeholder” and permitted to dominate planning for the Panhandle. At the same time, the proposed Judges Hill District has been allowed to be excluded from the downtown planning process. No public “stakeholders” meetings were held to discuss planning for the proposed Judges Hill District or the implications of the DAP’s characterization of the proposed Judges Hill District as a single-family residential neighborhood despite the predominantly office and multi-family nature of the Judges Hill portions of West Avenue, Rio Grande, and North Lamar. It is noteworthy that the JHNA does not represent owners of commercial property; its bylaws limit its membership to *residential* property owners.<sup>8</sup> The bylaws also favor single-family residential members over condominium or apartment members by allowing each residential lot only 2 votes irrespective of size or number of condo or apartment units or residents.

- Compatibility standards were intended to protect single-family residential areas from commercial encroachment, but currently there is no comparable protection from single-family residential encroachment into office or multi-family residential areas like the Panhandle. The spot zoning or down zoning of a property to single-family residential in a commercial or multi-family neighborhood limits future development of all properties within a 540-foot radius. This is not consistent with the vision of a compact, vibrant, livable, densely populated, economically and environmentally sustainable, and accessible downtown. The DAP proposes to eliminate compatibility standards in the Panhandle, but the site-development restrictions it is proposing to replace them with are overly restrictive. The DAP’s proposed “compatibility zones” for the Panhandle were drawn around existing spot-zoned and recently spot down-zoned SF-3 properties on West Avenue, which like Rio Grande, is primarily office and multi-family residential. Furthermore, the proposed limitations on building heights in the Panhandle were not adjusted sufficiently for topography. The topographic adjustments that were made were based on 15<sup>th</sup> Street, which is not representative of the differences in topography between the single-family residential portion of Judges Hill and the Panhandle. None of the single-family residential streets in Judges Hill even extend as far south as 15<sup>th</sup> Street. The topography between 17<sup>th</sup> and 18<sup>th</sup> Streets is the most representative, and that part of both Pearl Street and West Avenue is 34 feet higher in elevation than Rio Grande and 58 feet higher in elevation than Nueces. This means that a 60-foot tall building on Nueces would be sidewalk height on West Avenue (540 or more feet away) and Pearl Street (900 or more feet away). Similarly, the proposed limitations on FAR and the setback requirements in much of the Panhandle area are far more restrictive than in DMU-120 or than needed to transition to the commercial/multi-family portion of Judges Hill (Rio Grande and West), which in turn transition to the single-family residential part (west of West Avenue).

In conclusion, the site development restrictions in the DAP with respect to the Panhandle area are far more restrictive than necessary to protect the residential part of the proposed Judges Hill District given the topography of the area, buffering by existing structures on West Avenue and Rio Grande (the vast majority of which are offices and apartment buildings), and distance from the Panhandle. Building heights of 120 feet or even taller on or near both sides of Nueces would not be visible from the single-family residential part of Judges Hill. Furthermore, the location of the Panhandle outside of capitol view corridors makes it one of the few relatively undeveloped parts of the Downtown where future development need not be constrained to protect capitol views. Allowing continuation of the recent trend toward DMU-120 base zoning in the Panhandle area would be consistent with the DAP’s vision of fostering the development of a more compact, vibrant, livable, densely populated, diverse, and economically and

---

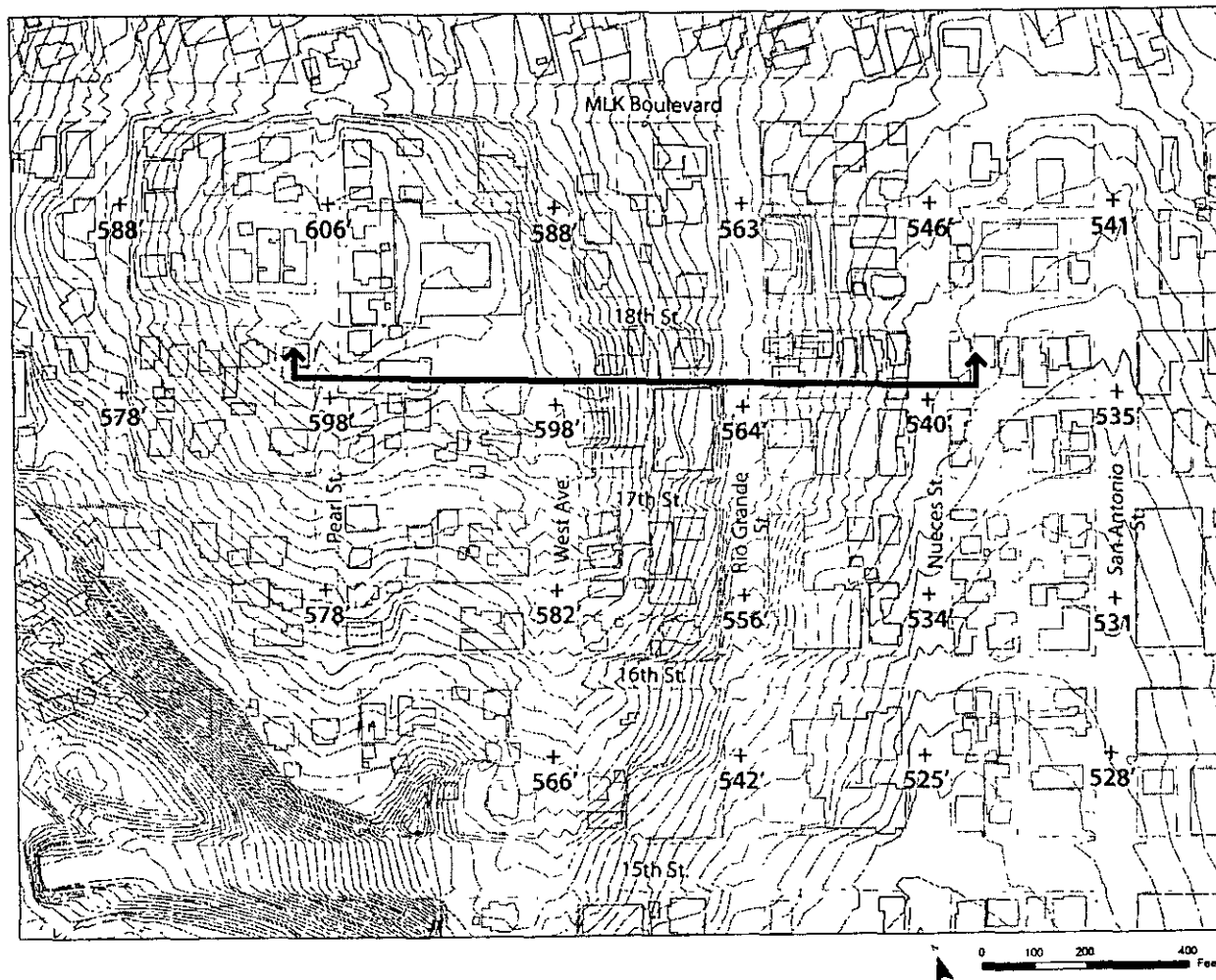
<sup>8</sup> By-laws post on the JHNA website as of April 10, 2011.

environmentally sustainable downtown with an effective multi-modal transportation system. Furthermore, the Panhandle area has far more in common with the characteristics and goals in the DAP for the portion of the proposed Uptown Capitol District that is bounded by Martin Luther King, 15<sup>th</sup> Street, San Antonio, and Lavaca Street than with those of the proposed Northwest District. We hope that you will vote to modify the DAP as it relates to the Panhandle area by making the Panhandle area a part of the proposed Uptown/Capitol District instead of the proposed Northwest District, and by allowing DMU-120 base zoning on and near both sides of Nueces.

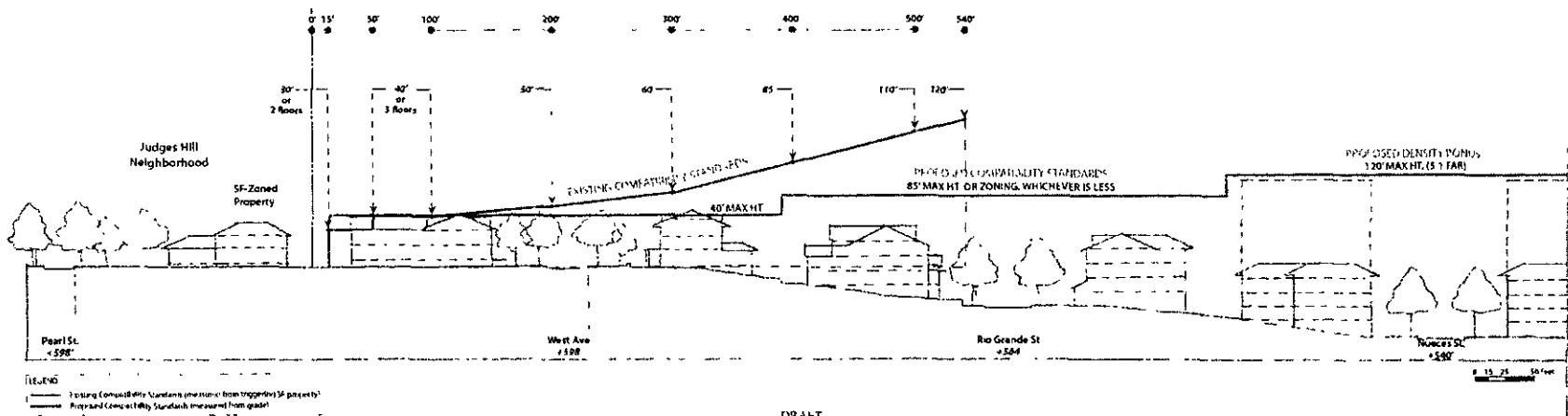
Thank you very much for your consideration.

Sincerely,

David C. Warner  
Phyllis Warner



DRAFT  
JUDGES HILL NEIGHBORHOOD COMPATIBILITY STUDY: EXISTING TOPOGRAPHY  
**Downtown Austin Plan**  
*Prepared by McCann Adams Studio for the City of Austin*  
REVISED AUGUST 17, 2010



DRAFT  
 JUDGES HILL NEIGHBORHOOD COMPATIBILITY STUDY: TYPICAL SECTION BETWEEN 17TH AND 18TH STREETS  
 Downtown Austin Plan  
 Prepared by "4C" and Adam Spalla for the City of Austin  
 REV 2023 PRELIMINAL AUGUST 17, 2023