

From: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Please add to backup for Case # C15-2017-0034 (1600, 1606 S.1st Street)
Date: Monday, August 14, 2017 11:37:42 AM
Attachments: [BCNA PSW 1600 S. First BOA Ltr 170812.docx](#)

Hello Leane

Could you please add the attached letter from the Bouldin Creek Neighborhood Association (BCNA) to backup materials for this case? We're working with PSW as we speak, to get the memorandum of understanding with exhibits signed and hope to have that to you shortly.

Best regards,

Cory Walton President, BCNA

Date: 12 August 2017

To: City of Austin Board of Adjustment

Re: Variance Request, Case # C15-2017-0034 (1600, 1606 S.1st Street)

Board of Adjustment Members,

The Bouldin Creek Neighborhood Association (BCNA) collaborated with the developer for several months along with City Planning and Development and Traffic Department Review Staff, in an effort to arrive at a mixed use project development plan that:

- Respects Neighborhood Plan compatibility between residential and commercial properties,
- Addresses the plan's goal to preserve the neighborhood's historic ethnic and economic diversity,
- Produces additional residential infill and density on a principal transit corridor
- Comports with City traffic objectives
- Ameliorates to the extent possible negative traffic and parking impacts on adjacent residents and residential streets.

In consideration of the above, BCNA by vote of its general association on August 8, 2017 supports the requested variances conditional on the following:

1. Memorialize PSW's August 7, 2017 presentation addressing BCNA steering and zoning committee requests/concerns in a Memorandum of Understanding signed by both parties prior to BOA hearing, (Attached)
2. Inclusion by the Board of Adjustment of as many as possible of the 10 conditions outlined in the Memorandum of Understanding as conditions to the variances, if granted.

Thank you for your attention and consideration

A handwritten signature in dark ink, appearing to read "Cory Walton", with a stylized, flowing script.

Cory Walton, President
Bouldin Creek Neighborhood Association

Date: 12 August 2017

To: City of Austin Board of Adjustment

Re: Variance Request, Case # C15-2017-0034 (1600, 1606 S.1st Street)

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In consideration of the above, BCNA by vote of its general association on August 8, 2017 supports the requested variances conditional on the following:

1. Memorialize PSW's August 7, 2017 presentation addressing BCNA steering and zoning committee requests/concerns in a Memorandum of Understanding signed by both parties prior to BOA hearing, (Attached)
2. Inclusion by the Board of Adjustment of as many as possible of the 9 conditions outlined in the Memorandum of Understanding as conditions to the variances, if granted.

Thank you for your attention and consideration

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Cory Walton, President
Bouldin Creek Neighborhood Association

Memorandum of Understanding (MOU)
Between
PSW Real Estate and the Bouldin Creek Neighborhood Association

August 2017

PSW Real Estate (PSW) and the Bouldin Creek Neighborhood Association (BCNA) have worked cooperatively to come to agreement on issues and concerns regarding PSW's proposed project at 1600 South 1st Street. This MOU commits PSW to the following conditions/resolutions agreed upon and outlined below as "Conditions," in exchange for support from the BCNA Steering Committee, Zoning Committee, and General Association at the Board of Adjustments case for the following variance:

Variance Request:

PSW has requested variance(s) to Article 10, Compatibility Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) to:

- A. (B) to allow a concrete or equivalent pedestrian walkway structure up to the south property line within the 25 foot setback from property in an urban family residence SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located; and to
- B. (C) (1) to increase the allowed height of a structure that is 50 feet or less from property along the south property line that is either in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located from 2 stories and 30 feet (required, permitted) to 4 stories and 55' (requested); and to
- C. (C) (2) to increase the allowed height of a structure that is more than 50 feet and not more than 100 feet or less from property along the south property line that is either in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located from 3 stories and 40 feet (required, permitted) to 4 stories and 55' (requested); and to
- D. (C) (3) to increase the allowed height of a structure that is more than 100 feet but not more than 300 feet from property along the south and west property lines that is zoned SF-5 or more restrictive, from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive from 3 stories and 40 feet (required, permitted) to 4 stories and 55 feet (requested)

in order to construct a 4-story mixed use structure in a “CS-MU-V-CO-NP”, General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay - Neighborhood Plan zoning district. (Bouldin)

Conditions:

1. “Project must meet AEGB Multi-family rating of 1 star prior to issuance of final Certificate of Occupancy.”
 - a. Stipulation to be required site development permit (SDP) coversheet note. 1 star compliance will be required to receive final Certificate of Occupancy.
 - b. No star rating was given, but 1 star was mutually agreed upon because it is much more difficult to meet on MF than on SF, and is a good expectation.
2. Vehicular access point—Per COA determination, the entrance/exit is required to be off Monroe. Lee Austin at the City of Austin has confirmed approval and funding for installation of a stop light at Monroe and South 1st.
 - a. Site Development Permit will reflect access to Monroe.
3. “Employees of onsite businesses are required to park in garage while at work.”
 - a. Stipulation of Board of Adjustments (BOA) variances.
 - b. Stipulation to be included in lease agreement
4. “Owner to provide free parking for customers of onsite businesses and guests of residents.”
 - a. Stipulation of Board of Adjustments (BOA) variances.
5. “Owner to provide controlled access, paid public parking for all parking spaces provided that are in addition to that required by the City of Austin.”
 - a. Stipulation of BOA variances.
 - b. The goal of both parties is to get as many cars off the streets and into the garage as possible.
6. Project will have no adverse impacts on drainage/flooding.
 - a. Strict COA requirements do not allow discharge rate to be increased leaving the site. Runoff rates from the site will not increase and no adverse impacts from the development will be allowed, as stipulated by the City of Austin during SDP review.
7. “Owner agrees to incorporate 5 affordable units in the project, 80% MFI for 40 years. With the 5 affordable units, the project will be capped at 62 units. The unit cap of 62 units, will not apply to any residential space on the ground floor. Residential space on the ground floor is limited to a maximum of 4000sf.”
 - a. Stipulation of the BOA variances.

- b. If 5 affordable units are provided to the specs above, PSW will be allowed to build a 4th floor, and associated elevator and stairwell, up to but not beyond, a line offset from the Western property line by 100', as described in the variance request.
 - c. It is understood by all that not all additional square footage will be allocated to the 5 affordable units.
- 8. "Building to be 80% masonry (including stucco), glass, and heavy metal panel, excluding facades facing into the courtyard."
 - a. Stipulation of BOA variances
 - b. Originally requested at 95%, but further discussions led us to agree that the outside of the building, not including the facades facing the courtyard, would be subject to this requirement and this would achieve the look the neighborhood desired.
- 9. "Owner will record a Public access easement along its Southern property line from S 1st to a gate accessing the adjacent SF-5 property."
 - a. Stipulation of BOA variances.

This MOU will be effective August 13th, 2017, and can only be dissolved with approval from both parties.

Signed:

Ross Wilson, Division President
PSW Real Estate

Cory Walton, President
BCNA



March 20, 2017

Board of Adjustment Members,

As the manager of the ownership entity of 1615-1617 South Second Street, we support the variance request by PSW to waive the compatibility tent triggered by our property on their subject property at 1600 South First Street.

We are supportive of this request because we feel any impact created by the additional massing would be appropriately mitigated by the 25' setback and vegetated screening as agreed upon between the two property owners. It is our understanding LDC 25-2-1051 (A)(1) is the specific piece of code for which PSW is seeking a variance.

In addition, it is our opinion the project at 1600 South First Street would be an amenity to our future home-owners as it would provide additional neighborhood retail/commercial space, and provide an agreement for direct access from our property to South First Street. We believe the pedestrian connection to South First Street will be a genuine benefit, not only to us but also to the neighborhood, since we will allow the public to use our private drive for access.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Keady". The signature is fluid and cursive, with a large initial "P" and "K".

Pegalo Inc.

501 North I-35 • Austin, Texas • 512-485-3000

PUBLIC HEARING INFORMATION

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 application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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 will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

Case Number: C15-2017-0034, 1606 South 1st St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 14, 2017

Merrick Ungar

Your Name (please print)

1607 S 3rd St Unit B

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone:

512-422-9064

Date

8/6/17

Comments: *As a resident and real estate agent in the Bouldin Creek neighborhood for the past 12 years I feel this lot should not be allowed to change the compatibility standards set by the city. It will have a huge negative impact on the local community.*

Comments must be returned by 10 am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

M01/26

PUBLIC HEARING INFORMATION

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 14, 2017

John & Carol Brejet

Your Name (please print)

1607 S. 3rd St. Unit A

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 713-501-6935

Date

8/7/17

Comments: This will have a negative impact

on our local neighborhood if you change the ~~scope of the project~~ compatibility standards for this lot!

M01/27

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P. O. Box 1088
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(Note: mailed comments must be postmarked by the Wednesday prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 14, 2017

Reed Duke

Your Name (please print)

705 W. Milton

Your address(es) affected by this application

Reed Duke

Signature

Daytime Telephone: *512-441-7248*

Date

8/7/17

Comments:

*Please - No more Mission
greed - don't let the
developers destroy what's
left of the neighborhood.*

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Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

M01/28

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 14, 2017

Oathy Collins

Your Name (please print)

Cell West Annee

Your address(es) affected by this application

512 791-4256

Signature

Date

Daytime Telephone:

Comments:

I believe that South 1st has already been affected enough by all the building bores and has enough and 3rd story residential's w/ the speed - too slow thing down

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Leane Heldenfels

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Austin, TX 78767-1088

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M01/29