TO: Mayor Lee Leffingwell, Mayor Pro Tem Mike Martinez, City Council

Members

DATE: May 6, 2010

FROM: Ridgelea Neighborhood Association

RE: Case # SPC-2009-0066C, appeal of ZAP denial of Conditional Use Permit

(CUP) for a Proposed Jefferson Street Rehab Hospital

On March 2, the Zoning and Platting Commission voted 5-2 to deny this application for a CUP. The Commissioners found that the proposed hospital failed to meet Austin's criteria for a Conditional Use Permit, and that its failures were too fundamental to be cured through any conditions. We think your Commissioners did their job well, and we ask that you uphold their decision.

Six neighborhood associations in central Austin, as well as dozens of small businesses and health care professionals, have joined us in asking for your support. This hospital is proposed in the wrong place, where it would damage neighborhoods and small businesses, some in business in this neighborhood for over forty years.

The proposal is located on Shoal Creek, within feet of the 100-year flood plain, and is in the 500-year flood plain. Approval of this project would allow a massive and inappropriate development on the Creek's edge for decades to come, with no pedestrian and bicycle connections to the Greenbelt.

Central Texas Rehab is proposing other locations, which are appropriate and will make a better medical facility. These locations do not position the intense 24-hour operation of a hospital directly adjacent to single-family homes. We look forward to working in support of the hospital to see the rehab facility built expeditiously, but in the right place.

Seven neighborhood associations are working together with the hospital to achieve a good planning outcome. Two of your commissions, BOA and ZAP, have stood up to uphold the City's standards and avoid a bad outcome. We need your leadership to get the job done.

Mandy de Mayo, President

Michael Holleran & Judith Morrow Sanders

Zoning & Development Committee co-chairs

Ridgelea Neighborhood Association

Attachment:

February 26, 2010 Memorandum to the Austin Zoning and Platting Commission

Ridgelea Neighborhood Association :: 2.26.2010: 2

TO: Austin Zoning and Platting Commission (ZAP)

DATE: February 26, 2010

SPC-2009-0066C :: ZAP

FROM: Ridgelea Neighborhood Association

RE: Case # SPC-2009-0066C, Request for Conditional Use Permit (CUP) to

construct a 59,000 sf Hospital (General) on the property located at 1600 West 38th Street (in addition to an existing 102,000 sf Medical Office building)

The Ridgelea Neighborhood Association opposes this Conditional Use Permit. We are joined in our opposition by Oakmont Heights NA, Rosedale NA, Bryker Woods NA, and West Austin Neighborhood Group.

Hospital (General) use is fundamentally incompatible with single-family residential use directly abutting it (§25-5-145-B-3). These incompatibilities cannot be cured through conditions. This CUP would apply to the whole site, and would create a three-and-a-half acre potential Hospital (General) site on a residential street sat a distance from the three existing area hospitals.

The proposed Hospital does not provide "adequate and convenient off-street parking" (§25-5-145-B-4). Small businesses directly across the street in the Kerbey Lane neighborhood commercial district would be seriously threatened by this parking impact.

The application has underprojected traffic generation from the proposed use. It will adversely affect the safety and convenience of vehicular and pedestrian circulation (§25-5-145-C-2).

On the next pages we provide you further detail, organized in the same format as the staff report.

We look to you as our Land Use Commission to protect us from this proposal that does not meet the CUP Evaluation Criteria in Austin Code.

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section."

A conditional use site plan must:

1. Comply with the requirements of this title;

Staff response: This application complies with the requirements of this title.

SPC-2009-0066C :: ZAP

Neighborhood response:

The Neighborhood Traffic Analysis does not meet Code requirements. It looks only at a single street, not all residential streets within 1500 feet. The application does not include a Traffic Impact Analysis, which would be required if traffic generation were accurately computed.

2. Comply with the objectives and purposes of the zoning district;

Staff response: This application complies with the objectives and purposes of the zoning district.

Neighborhood response: Austin City Code § 25-2-103: "General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments."

We agree with staff: the proposal complies all too well with these purposes.

3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff response: This application is compatible with the abutting sites in all of these cases. The site is complying with compatibility standards, and there is a vegetative buffer and a wooden fence between the single family residences [sic].

Neighborhood response:

The proposed *use* is not compatible with abutting uses. Hospitals are intensive land uses. They impose negative impacts on surrounding residential and business areas, including 24/7 traffic, parking and noise. With existing single-family residential uses directly abutting the site, those incompatibilities are extreme and unacceptable.

Rehab Hospitals are not fundamentally different from other hospitals. The use category proposed here is Hospital (General). The health care industry evolves rapidly, and the evolution is toward more intensive use of facilities. These characteristics of operation are generally beyond the reach of CUP conditions.

Access and traffic circulation are not compatible with abutting uses. The Institute of Transportation Engineers (ITE) recommended formula for this use produces a traffic estimate of 2179 trips/day, three times the number reported in the NTA. A direct route to northbound MoPac cuts through our

neighborhood, bypassing traffic signals that are already congested. A slightly less direct route to southbound MoPac will become attractive as congestion increases.

(Complying with compatibility standards is a Code requirement. The proposal complies because BOA denied this applicant's request for variances last year.)

4. Provide adequate and convenient off-street parking and loading facilities;

Staff response: Adequate parking and loading facilities have been provided.

Neighborhood response:

The proposed parking is grossly inadequate for the new use. It provides the exact minimum required by Austin Code, 1 space per four beds and 1 space per 2 peak-hour employees. This amount is further reduced by the 20% Central Area parking reduction, so only 33 spaces are required for a 60-bed, 59,000 sf facility. It meets Code, but it does not come close to providing for the needs of the proposed use.

For a hospital of this size (60 beds, 53 peak employees):

33
33
113
128
208
240

Facilities that do not provide more than required by Austin Code (such as Cornerstone Hospital in Rosedale) create serious negative impacts for their neighbors.

In addition, the proposed garage will exacerbate parking deficiencies for the existing Medical Office Building:

- it will make most of the site's parking even more remote from the existing building and less convenient, increasing the tendency of visitors to take parking from neighborhood businesses;
- the proposed parking layout includes 115 compact car spaces at the minimum width of 7'6". Best-practice compact spaces are provided in prime locations, so that compact car users will take them first. These are, instead, concentrated in the most remote levels of the garage, where they will be the last spaces on site, for drivers of any size vehicle. Under these conditions they will

not yield 115 effective spaces.

The applicant has submitted a "parking study" that fails to address any of these issues.

- it limits its count to the site itself, ignoring the main existing problem which is off-site parking load on surrounding streets and businesses;
- it cherry-picks parking projections through a mixture of Code requirements (where they are lower than ITE data or other sources), and existing parking count (where that is lower than Code because off-site parkers have not been counted).

During the construction phase, there is not sufficient unused parking in proximity to the site to accommodate the shuttle and valet arrangements proposed by the Applicant.

Staff acknowledges that its response on this item reflects compliance with Code minimum, and nothing more. Staff conducted no independent analysis and exercised no professional judgment as to actual adequacy of the proposed parking.

5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;

Staff response: The proposed project does not contribute to any of these adverse effects. The site is complying with compatibility standards.

Neighborhood response:

The proposed Hospital introduces 24/7 traffic and emergency response vehicles immediately abutting single-family residences.

6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.

Staff response: The proposed project is not in the East Austin Overlay or an adopted neighborhood plan.

Neighborhood response: staff is correct.

A Conditional Use Site Plan May Not:

1. More adversely affect an adjoining site than would a permitted use;

Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted one.

Neighborhood response:

Hospital (General) is indeed a more adverse use than any other that is feasible on this site. Hospitals as a land use have long-term corrosive effects on neighboring properties.

2. adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;

Staff response: The site plan is not anticipated to have any detriment of safety or convenience.

SPC-2009-0066C :: ZAP

Neighborhood response:

Ridgelea has narrow streets. Some intersect on a diagonal. There are no sidewalks. Cars cannot park on both sides of the street and still afford safe movement of two-way traffic. Our children walk to school and ride bikes on these streets. Visibility of oncoming traffic, cyclists and pedestrians is limited and would worsen if drivers in search of parking spaces park too close to intersections and on both sides of the street, a likely scenario given how severely under-parked the proposed facility would be.

3. adversely affect an adjacent property or traffic control through the location, lighting, or type of signs;

Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.

Neighborhood response: no sign or lighting problems that we know of.

A site plan may not adversely affect the public health, safety or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

[Staff made no response]

Neighborhood response:

The proposal would adversely affect public safety by creating traffic and pedestrian hazards.

The proposal would adversely affect public welfare by eroding the viability of a neighborhood commercial center, and damaging the residential environment.

The proposal will materially injure values of surrounding properties. The impact of hospital facilities on surrounding neighborhoods is demonstrated throughout Austin. Hospital development and expansion sets into motion a series of corrosive impacts on surrounding areas that revolve around unmet parking demand: land being converted to parking lots, which in turn become heat banks and increase impervious cover and run-off; commercial uses that serve hospital instead of neighborhood needs; spill-over parking onto neighborhood streets; reduced residential property values; and, eventually, fewer viable residential neighborhoods within the urban core.



Ehrlich Realty Corp.

1601 W. 38th Street, Suite 206 Austin, Texas 78731

Telephone 512-451-5166 Fax 512-451-8062

May 6, 2010

Mayor Lee Leffingwell Austin City Council Members City Hall 301 W. 2nd Street Austin, Texas 78701

Re:

SPC-2009-0066C, Appeal of Zoning and Platting Commission Decision

Jefferson Building Rehabilitation Hospital

Dear Mayor Leffingwell and Council Members:

I am the owner of 1601 W. 38th Street, Jefferson Square, a shopping center across from the Jefferson Building. I am attaching a petition in opposition to the proposed Rehab Hospital signed by most of the retailers and small business owners in the immediate vicinity of the proposal.

These are all local Austin small business in the Kerbey Lane retail district. Some of these Austin icons have been in the same location for over 40 years and are concerned that traffic and parking problems will put them out of business. The large hospital is over 100 times the size of most of these charming stores and would alter the character of the neighboring properties with its density, traffic and coverage.

The area is already beyond capacity on traffic and parking and the massive development with the hospital would end the pedestrian friendly retail district.

We respectfully request that you uphold the Zoning and Platting Commission's decision to deny the conditional use permit for the Rehabilitation Hospital.

Sincerely,
North Ehlih

Robert M. Ehrlich, Jr.

February 16, 2010

Zoning and Platting Commission c/o Sue Welch City of Austin Planning & Development Review Department 505 Barton Springs Rd. Austin, Texas 78704

Re: SPC-2009-0066C; Opposition to Conditional Use Permit

Dear Commissioners:

We, the businesses and commercial property owners in the vicinity of the proposed development, oppose granting a conditional use permit for Hospital Services (General) for this project. We oppose this permit because:

- This conditional use permit will allow the development of a 60,000 square-foot hospital that will absolutely overwhelm parking in this area. Nearby parking is already constrained, and as primarily small-business owners, we depend on this parking to survive. Our businesses will suffer as the limited number of parking spaces is eaten up by the patients, employees, relatives, and visitors of the hospital.
- Hospital Services (General) is the broadest possible zoning category for medical uses in the Land Development Code. We oppose granting such a broad entitlement in an area predominated by retail boutiques and small local businesses. This development is out of scale with the neighborhood and will harm the area's character. Having a full-scale hospital across the street from our shops and stores will discourage customers from visiting our businesses.
- The additional traffic generated by this development poses a safety hazard. Pedestrians will be at risk during morning and afternoon commutes, lunch hours, and during off-hours shift changes. If a full-service hospital is built, the arrival and departure of emergency vehicles will cause sudden traffic congestion.

Thank you for your consideration of our opposition to this conditional use permit.

By:
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Address:

February 16, 2010

Zoning and Platting Commission c/o Sue Welch City of Austin Planning & Development Review Department 505 Barton Springs Rd. Austin, Texas 78704

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Thank you for your consideration of our opposition to this conditional use permit. $\rho_{0,2,0,7} = \rho_{0,2,7}$

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As tenants of the Jefferson Building, we strongly oppose the application for a Conditional Use Permit for the proposed Jefferson Street Rehabilitation Hospital and support the Zoning and Planning Commission's 5 to 2 vote to deny the request.

At present, the Jefferson Building is home primarily to medical, dental, psychological, and psychiatric practices that serve the surrounding community. Among the primary assets of the Building are its accessible parking and location in a quiet, residential area. While the building management has made no attempt to inform tenants about its plan for the site, an examination of available documents indicate plans that would dramatically alter the character of this property and the surrounding area.

During the extended construction phase of the proposed project, in which most of the original parking will be eliminated, the developers apparently propose to shuttle patients and visitors to the Jefferson Building from a remote parking site. With the large majority of patients taking off work for tightly scheduled healthcare or other appointments, it is hard to imagine them driving to a remote location, waiting for a shuttle or valet, and then repeating this to return. It is more likely that time-pressured visitors will search the neighborhood streets for increasingly scarce parking spots, leading to greater congestion and high levels of stress and frustration. This situation is almost certain to take a heavy toll on both the neighborhood ambiance and the tension levels of often frail or distressed patients and others coming to their appointments for mental health care, cancer screenings, and other treatments.

Based on the builder's proposed site plan, there is every reason to conclude that severe parking and traffic flow problems would arise after the replacement of most existing parking with a parking garage. The proposed garage appears quite insufficient to meet the actual increases in demand for parking resulting from the new hospital, especially at peak hours. Apparently, the project would propose to add only about 45 net new spaces to accommodate a 59,000 sq. ft. hospital.

In addition, there appear to be significant problems with convenient access of lower 2 floors of the proposed parking garage to the Jefferson Building. These 2 levels are not only far away from the building by car, but equally far away for pedestrians once they get out of the car. This can only magnify the effects of the project's overall shortage of parking and the spill over to surrounding areas.

Also, besides adding a financial burden to employees and visitors, the replacement of ample, safe, accessible, and free parking with a circuitously designed parking garage presents an unwanted hardship to all visitors, especially physically limited or vulnerable patients

From the standpoint of parking, traffic flows on and around the property, noise levels, area ambiance and overall hardship to building users, this is a development plan that is simply incompatible with the needs of the area and the limited available space of the site. What we observe is an attempt to create a new use for this property, with seemingly minimal concern for the serious, lasting hardships this will impose on the well established, professional users already on this property.

In summary, we tenants of the Jefferson Building conclude that the proposed project is unsuitable to the existing site and would radically and permanently alter the character of the existing building, the surrounding neighborhood, and our ability as professionals to continue to adequately serve our patients and clients. We strongly and adamantly oppose this request for a conditional use permit.

Regarding Case # SP-2009-0066C: As outlined in the attached letter, we tenants of the Jefferson Building, conclude that existing building, the surrounding neighborhood, and our ability as professionals to continue to serve adequately our the proposed project is unsuitable to the existing site and would radically and permanently alter the character of the patients and clients. We oppose the application for a Conditional Use Permit for the proposed Jefferson Street Rehabilitation Hospital and support the Zoning and Planning Commission's 5 to 2 vote to deny the request.

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you may email the office manager, Katie, at group_428@yahoo.com or call 454-3685. If you need more than 9 spaces for signatures, Please return Petitions to suite 428 no later than 5:30 pm Wednesday, May 5th. please feel free to photocopy this page.

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you may email the office manager, Katie, at group 428@yahoo.com or call 454-3685. If you need more than 9 spaces for signatures, Please return Petitions to suite 428 ho later than 5:30 pm Wednesday, M please feel free to photocopy this page.

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