Clark, Kate

From: Ryan Popple
Sent: Monday, October 5, 2020 12:53 PM
To: Clark, Kate
Subject: protect neighborhood

*** External Email - Exercise Caution ***

Dear Council Member *(Pool, Kitchen, Tovo, Alter and Mayor Steve Adler)*,

I am writing today to ask for your support in protecting the Montopolis neighborhood. On October 1st City Council members will discuss upzoning the property 508 Kemp St. to SF-6. This proposed upzoning poses a threat to the environment, risks displacing predominately African American and Hispanic families who have lived in the Montopolis neighborhood for generations, and endangers the safety of the neighborhood and community members.

The Montopolis neighborhood has a diverse ecology and we must protect the green space. The 508 Kemp St. property sits adjacent to Circle Acres Nature Preserve, formerly Grove Landfill. Development of this property may threaten the integrity of the landfill cap. This may lead to toxic landfill eroding into the creek thus polluting our waterways.

The Montopolis neighborhood is one of the most diverse neighborhoods in Austin. It is historically a low-income community of color and it needs to be protected from gentrification, displacement, and institutional racism. The Montopolis neighborhood plan supports development within the existing SF-3 zoning to keep with the tradition of single-family homes in this neighborhood. Upzoning to SF-6 on the 508 Kemp St. property will inevitably result in upzoning of the 8+ other properties petitioning for SF-6 which will result in a significant increase of property values and property taxes which will lead to the displacement of families who have lived in this neighborhood for generations. I ask that you please support the neighborhood and stand up to protect the integrity of our community.

And finally, I would like to call your attention to the safety of the community. Upzoning to SF-6 will significantly increase traffic along Kemp Street, which is the solitary entrance and exit to the neighborhood. The developer of another tract of land proposed for upzoning to SF-6, projected an increase of 250 cars/day just from this single development (there are a total of 9 single family tracts of land proposed for upzoning, some of which propose greater than 100 units). This increase in traffic will endanger the safety of the neighborhood as well as the greater Austin community who use Kemp street and the Montopolis bridge as a commuter friendly route to connect to downtown. Please protect the safety of our community and vote against upzoning. Please honor the neighborhood's valid petition and vote to protect this neighborhood. I ask that you join me and oppose the upzoning of 508 Kemp St. Thank you.

Sincerely,
Ryan Popple

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

Clark, Kate

From: Martin-macbook
Sent: Monday, October 5, 2020 1:06 PM
To: Clark, Kate
Subject: Letter for Austin City Council

*** External Email - Exercise Caution ***

Dear Kate Clark,

I am writing today to ask for your support in protecting the Montopolis neighborhood. On October 1st City Council members will discuss upzoning the property 508 Kemp St. to SF-6. This proposed upzoning poses a threat to the environment, risks displacing predominately African American and Hispanic families who have lived in the Montopolis neighborhood for generations, and endangers the safety of the neighborhood and community members.

The Montopolis neighborhood has a diverse ecology and we must protect the green space. The 508 Kemp St. property sits adjacent to Circle Acres Nature Preserve, formerly Grove Landfill. Development of this property may threaten the integrity of the landfill cap. This may lead to toxic landfill eroding into the creek thus polluting our waterways.

The Montopolis neighborhood is one of the most diverse neighborhoods in Austin. It is historically a low-income community of color and it needs to be protected from gentrification, displacement, and institutional racism. The Montopolis neighborhood plan supports development within the existing SF-3 zoning to keep with the tradition of single-family homes in this neighborhood. Upzoning to SF-6 on the 508 Kemp St. property will inevitably result in upzoning of the 8+ other properties petitioning for SF-6 which will result in a significant increase of property values and property taxes which will lead to the displacement of families who have lived in this neighborhood for generations. I ask that you please support the neighborhood and stand up to protect the integrity of our community.

And finally, I would like to call your attention to the safety of the community. Upzoning to SF-6 will significantly increase traffic along Kemp Street, which is the solitary entrance and exit to the neighborhood. The developer of another tract of land proposed for upzoning to SF-6, projected an increase of 250 cars/day just from this single development (there are a total of 9 single family tracts of land proposed for upzoning, some of which propose greater than 100 units). This increase in traffic will endanger the safety of the neighborhood as well as the greater Austin community who use Kemp street and the Montopolis bridge as a commuter friendly route to connect to downtown. Please protect the safety of our community and vote against upzoning. Please honor the neighborhood's valid petition and vote to protect this neighborhood. I ask that you join me and oppose the upzoning of 508 Kemp St. Thank you.

Sincerely,
Martin Capek, [redacted], +420606536877

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

Clark, Kate

From: Jamie cooper-eills
Sent: Tuesday, October 6, 2020 7:29 AM
To: Clark, Kate; Pool, Leslie; Adler, Steve; Kitchen, Ann; Alter, Alison; Tovo, Kathie
Subject: Letter for city council

*** External Email - Exercise Caution ***

Dear Council Member *(Pool, Kitchen, Tovo, Alter and Mayor Steve Adler)*,

I am writing today to ask for your support in protecting the Montopolis neighborhood. On October 1st City Council members will discuss upzoning the property 508 Kemp St. to SF-6. This proposed upzoning poses a threat to the environment, risks displacing predominately African American and Hispanic families who have lived in the Montopolis neighborhood for generations, and endangers the safety of the neighborhood and community members.

The Montopolis neighborhood has a diverse ecology and we must protect the green space. The 508 Kemp St. property sits adjacent to Circle Acres Nature Preserve, formerly Grove Landfill. Development of this property may threaten the integrity of the landfill cap. This may lead to toxic landfill eroding into the creek thus polluting our waterways.

The Montopolis neighborhood is one of the most diverse neighborhoods in Austin. It is historically a low-income community of color and it needs to be protected from gentrification, displacement, and institutional racism. The Montopolis neighborhood plan supports development within the existing SF-3 zoning to keep with the tradition of single-family homes in this neighborhood. Upzoning to SF-6 on the 508 Kemp St.property will inevitably result in upzoning of the 8+ other properties petitioning for SF-6 which will result in a significant increase of property values and property taxes which will lead to the displacement of families who have lived in this neighborhood for generations. I ask that you please support the neighborhood and stand up to protect the integrity of our community.

And finally, I would like to call your attention to the safety of the community. Upzoning to SF-6 will significantly increase traffic along Kemp Street, which is the solitary entrance and exit to the neighborhood. The developer of another tract of land proposed for upzoning to SF-6, projected an increase of 250 cars/day just from this single development (there are a total of 9 single family tracts of land proposed for upzoning, some of which propose greater than 100 units). This increase in traffic will endanger the safety of the neighborhood as well as the greater Austin community who use Kemp street and the Montopolis bridge as a commuter friendly route to connect to downtown. Please protect the safety of our community and vote against upzoning. Please honor the neighborhood's valid petition and vote to protect this neighborhood. I ask that you join me and oppose the upzoning of 508 Kemp St. Thank you.

Sincerely,
Jamie Cooper-Ellis. [redacted]

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

Clark, Kate

From: Will Blount
Sent: Tuesday, October 13, 2020 5:27 PM
To: Clark, Kate
Subject: 508 kemp st

*** External Email - Exercise Caution ***

Dear Council Member *(Pool, Kitchen, Tovo, Alter and Mayor Steve Adler)*,

I am writing today to ask for your support in protecting the Montopolis neighborhood. On October 1st City Council members will discuss upzoning the property 508 Kemp St. to SF-6. This proposed upzoning poses a threat to the environment, risks displacing predominately African American and Hispanic families who have lived in the Montopolis neighborhood for generations, and endangers the safety of the neighborhood and community members.

The Montopolis neighborhood has a diverse ecology and we must protect the green space. The 508 Kemp St. property sits adjacent to Circle Acres Nature Preserve, formerly Grove Landfill. Development of this property may threaten the integrity of the landfill cap. This may lead to toxic landfill eroding into the creek thus polluting our waterways.

The Montopolis neighborhood is one of the most diverse neighborhoods in Austin. It is historically a low-income community of color and it needs to be protected from gentrification, displacement, and institutional racism. The Montopolis neighborhood plan supports development within the existing SF-3 zoning to keep with the tradition of single-family homes in this neighborhood. Upzoning to SF-6 on the 508 Kemp St. property will inevitably result in upzoning of the 8+ other properties petitioning for SF-6 which will result in a significant increase of property values and property taxes which will lead to the displacement of families who have lived in this neighborhood for generations. I ask that you please support the neighborhood and stand up to protect the integrity of our community.

And finally, I would like to call your attention to the safety of the community. Upzoning to SF-6 will significantly increase traffic along Kemp Street, which is the solitary entrance and exit to the neighborhood. The developer of another tract of land proposed for upzoning to SF-6, projected an increase of 250 cars/day just from this single development (there are a total of 9 single family tracts of land proposed for upzoning, some of which propose greater than 100 units). This increase in traffic will endanger the safety of the neighborhood as well as the greater Austin community who use Kemp street and the Montopolis bridge as a commuter friendly route to connect to downtown. Please protect the safety of our community and vote against upzoning. Please honor the neighborhood's valid petition and vote to protect this neighborhood. I ask that you join me and oppose the upzoning of 508 Kemp St. Thank you.

Sincerely,
Will Blount

Clark, Kate

From: Audrey Carlson
Sent: Tuesday, October 13, 2020 10:15 PM
To: Clark, Kate
Subject: OPPOSE rezoning

*** External Email - Exercise Caution ***

Hi,
I oppose the rezoning of C14-2020-0038-508 Kemp St Please stop the developers from ruining our diverse city and driving people out of their homes! Please stop the destruction of our city's natural spaces.
Thank you
Audrey Carlson
78759
Registered and active voter

Sent from my iPhone
CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

Dear City Council,

Ecology Action opposes the rezoning of 508 Kemp Street from sf-3 to sf-6. We have many concerns about the proposal to build a 34-unit condo community on the adjacent property and want to address these concerns, as well as call your attention to a few issues that could affect current and potential litigation with the city.

Our adjacent property at 420 Kemp St. is the former Grove Landfill, a City dumping ground in the 1960s. The City never owned the property but rented the lot from the Grove family to openly burn municipal waste. The landfill was never properly sited or capped and is known to have several contaminants in the soil and groundwater below. After the City stopped municipal dumping here in 1970 they abandoned it, yet the property was used by contractors to dump all sorts of materials for nearly 30 years afterwards, including hazardous materials like asbestos, toxic chemicals, car batteries, medical waste, and literally tons of asphalt shingles. We know that the 508 and 600 Kemp properties have similar contaminant issues because the dumping occurred from these properties on to ours below and trash was and still is also strewn about the back half of the 508 lot. In fact, I personally helped clean up trash on both 508 and 600 Kemp from 2005-07. Many dumped items remain sticking out of the ground and buried below 508 Kemp St. and a small portion of the landfill cap is also under the back of 508 Kemp with the landfill buffer covering nearly half that property. This is not a greenfield as claimed by Council Member Flannigan during First Reading.

Our environmental concerns center around three main issues. First, the cap was poorly constructed, even by 1970s standards. Since the City did not own the property, they took advantage of not having any legal obligation to ensure the contaminants dumped here were properly looked after. The perimeter of the landfill is literally the south bank of Country Club Creek East and is within the floodplain of the Colorado River. During storm events of 2 inches or more water fills the wetland high enough to gradually erode the edge of the landfill cap. We spend a great deal of time, effort and money to plant and maintain a vegetative buffer to maintain the cap integrity and prevent further leaching into the creek and river. However, we have witnessed the situation deteriorate with every new apartment development upstream. Recently, large trees in the wetland are being knocked over during medium size storms events and new gullies are forming upstream in Guerrero Park. The timing of these events coincides with large developments all the way at the top of the watershed at Montopolis near Oltorf. The heavy riprap below the Grove Blvd Bridge in Guerrero Park is being pushed 30 or more feet into our preserve's floodplain, demonstrating the enormous force generated by increasing impervious cover, even from developments that have engineered water management plans in place. Many more apartment complexes are currently under construction or slated to begin soon within this watershed and this situation will only get worse.

During medium to large floods, of which we have had over half a dozen in the past three years, the Colorado River backflows up the creek into the Montopolis Wetland. This is important because the creek is situated in highly erosive alluvial deposits and fast-moving water changes the creek channel, sometimes drastically in a single large storm event. The cap is most

vulnerable on City ROW property between the creek and 508 Kemp St. and this is also where the topography of the 508 Kemp lot naturally drains. However, on the back of 508 Kemp is currently a closed canopy forest. Closed canopy forests have the opposite effect of impervious cover by helping to greatly slow and absorb water during rain events thus preventing erosion events. Replacing this dense forest with a large amount of impervious cover is a recipe for disaster and could result in very costly and difficult clean-up efforts in the future, a future we know will see larger volume rain events. Every degree Celsius in temperature rise results in a 7% increase in atmospheric moisture and what goes up must come down. This creates a great deal of erosive energy that City best management practices are currently failing to adequately address, even by Atlas-14 standards. We are at the bottom of a 900-acre watershed and every mistake upstream result in damage downstream, and often requires public funds to deal with the mess. Who will be liable if this development leads to the collapse of the cap into the Creek? The City? The developer? The new homeowners? This needs to be addressed. The City should explore options to purchase and conserve the back half of 508 Kemp and atone for past sins of polluting this area and make meaningful efforts to ensure the contamination here doesn't wind up in the Colorado River. The Department of Watershed Protection has expressed interest in this option prior to the COVID crisis.

Second, there will be lasting damage to the natural setting and biodiversity at Circle Acres Nature Preserve. Our site was once the most polluted in Montopolis and one of the worst E.P.A. brownfields in Austin. Today, we have created an oasis of biodiversity and are statistically amongst the most biodiverse ten acres anywhere in the city. (https://www.inaturalist.org/projects/circle-acres-biodiversity) I know it might sound absurd that this former dumping ground covered in over 100 tons of trash could perform so well ecologically, but that is a testament to the more than 15 years of tireless hard work by staff and thousands of volunteers.

Circle Acres has three distinct ecotones and is connected to the river system via a mature riparian corridor. Our site is free and open to the public and is a community benefit for the people of Montopolis and Austin at large. The 508 Kemp property is currently a quiet refuge for wildlife including many deer, rare birds, bobcats, ring tailed cats, and grey foxes. I have personally witnessed them all on the 508 lot.

What is unique about our site is that one can enter the property and be surrounded by greenspace. Being situated next to Guerrero Park amplifies this effect. This is important because the known health benefits of being in greenspace rests on not seeing urban development, it is a psychological effect that can't be attained with condos replacing dense forest along our border. It will forever ruin the natural setting of our preserve. This community needs more of these greenspaces, not less. Furthermore, as the neighborhood develops, we are already seeing the adverse effects of increasing density on our capacity to manage the land for both nature and people. We worry about the effects of 34 more families seeking to relieve their pets and attempting to use the wildlife refuge as a dog park. I have personally had to deal with the result of off-leash dogs mangling young fawns, not to mention the dog feces left in bags daily. By more than doubling the domiciles on Kemp with this project right along our border we

may have to seriously consider restricting access to the preserve from Kemp Street, something we do not want to do, but may be forced too. By allowing a development of this density you are taking away from Montopolis, not adding.

The third environmental concern is the false argument we keep hearing from Council Members and your staffers. Rezoning this property will not result in greater environmental scrutiny for development. According to your city staff, who are charged with knowing the rules, this is a false argument. Because the 508 lot has a very steep topography any sf-3 subdivision of the lot will trigger the same level of environmental scrutiny called an Environmental Resource Inventory (see 25-8-121 ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT). Furthermore, because the landfill is under the back of 508 (the landfill buffer also encompasses over half the property) any development in the buffer has to be reviewed for contamination and potential to disturb the cap or mobilize toxic elements beneath it (see: 25-1-84 APPLICATIONS RELATING TO A CLOSED MUNICIPAL SOLID WASTE LANDFILL).

I have also heard Council Members state that this project will protect trees. That is insulting. This development will remove literally hundreds of trees. Yes, they will be required to protect heritage trees, but the vast majority of the forest here will be cleared, including 50-60 years old Texas Persimmons that do not grow wide enough to be protected. Take a look at an aerial photo and see how the forest here has some of the densest canopy coverage in the area. It should be protected, not cleared.

We also want to address what some Council Members have referred to as anti-gentrification measures in this rezoning and call attention to some glaring blind spots in the approach taken. While we appreciate the need in Austin for more affordable housing units, we question the wisdom of using a program designed to bring economic diversity to wealthier parts of Austin as a vehicle to upzone and introduce higher income earners into a neighborhood acknowledged as highly vulnerable. Affordability Unlocked was never meant to be used as a vehicle to spot zone neighborhoods, and it should not be allowed to here. What some Council Members seem to be missing is that the 80% MFI units are 2.5 times the MFI of the neighborhood. You are not creating opportunities for Montopolis residents, but opportunities to replace them. Also, these are all multi bedroom 80% MFI units, not 60-80%. Council Members should stop repeating numbers for single unit 60% MFI units when characterizing this development, it is dishonest and shows bad faith. Low income neighbors would literally not qualify to partake in this program.

There is also the other half of this project, 17 Luxury Condos by a developer that markets their ability to make 30% above market rate on their high-end condo projects. While legally this is not supposed to affect the tax rate of neighbors, we know in actuality it certainly will. The market will speak, and it will say to the existing neighbors “time to move on.” The proof of this is written all over East Austin. You are opening the floodgates for the same failed model of development for those who can pay and displacement for those who came first. You will be using Affordability Unlocked to unleash gentrification on what you know is one of the most vulnerable neighborhoods while simultaneously ignoring every single recommendation in the

Uprooted study about countering the devastating effects of gentrification on poor communities of color. This is shameful and nothing to hold up as a model or a win for Montopolis residents.

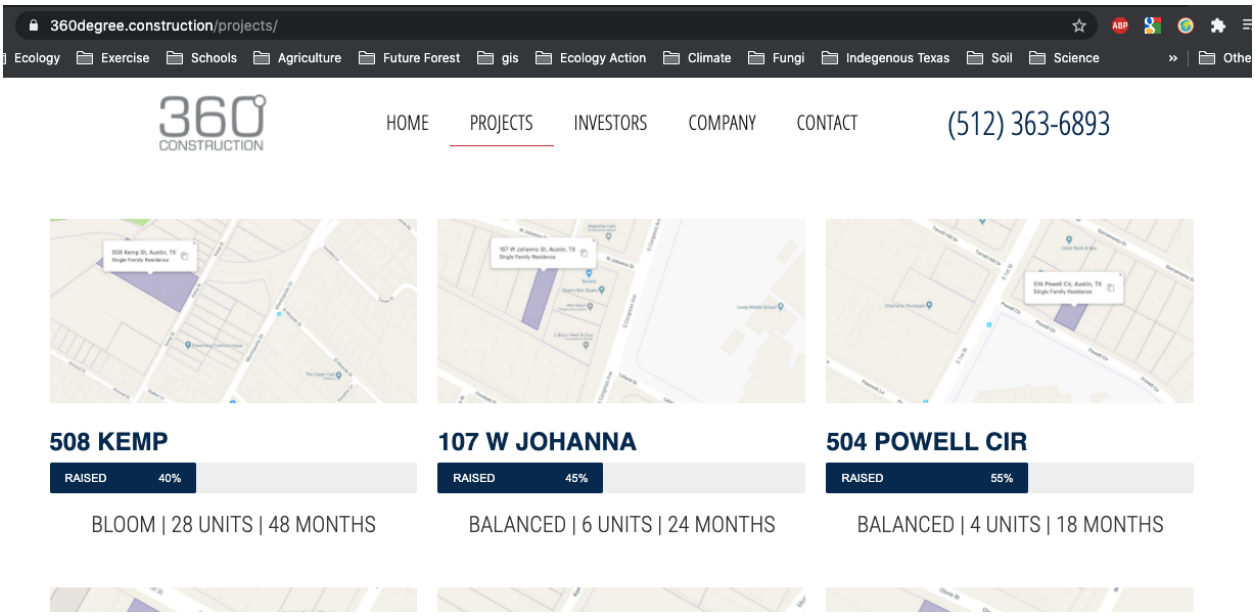
In regard to the potential to affect ongoing litigation with the city, I want to bring to your attention that the City is currently in litigation with Austin Stowell regarding the eminent domain case across the street at the historical Montopolis Negro School. (http://burdittprairie.org/montopolis-negro-school-3/).

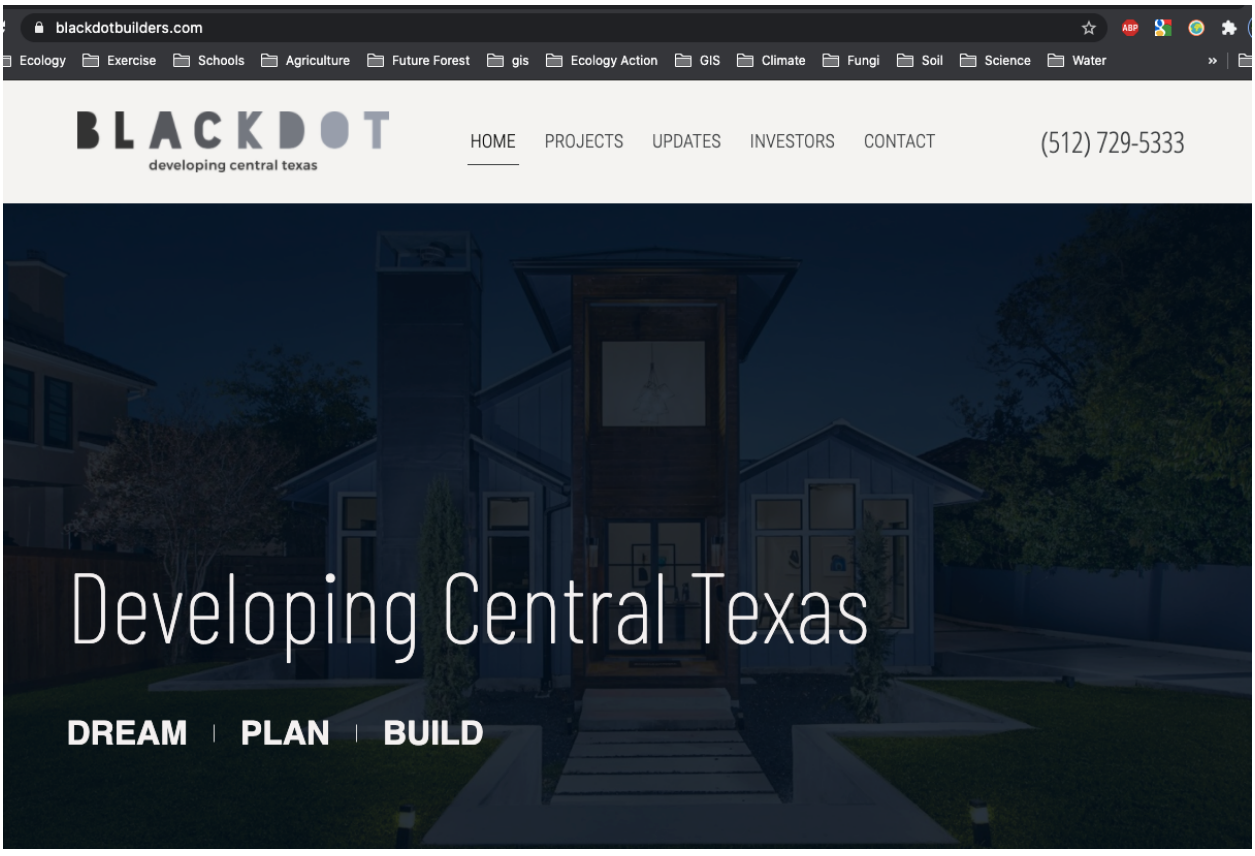
Mr. Stowell and his KEEP Investment Group was able to hold on to a small corner of the lot (.176 acre) claiming he would build his family homestead. According to a warranty deed for the property filed August 28, 2019, soon after the City seized the school, Mr. Stowell sold the lot for an astounding $761,000 to Black Dot Builders LLC. KEEP and Black Dot have done at least one other deal prior. This figure is well beyond the value of other lots in this area, even with the new luxury building currently going up. Black Dot is owned by the same owners of 360 Degree Construction, the applicant on the 508 Kemp rezoning. The two companies have the same owners and identical websites (see below). Mr. Stowell is currently arguing with the City that he deserved more than the $464,000 valuation for the property that the City sold him and later seized.

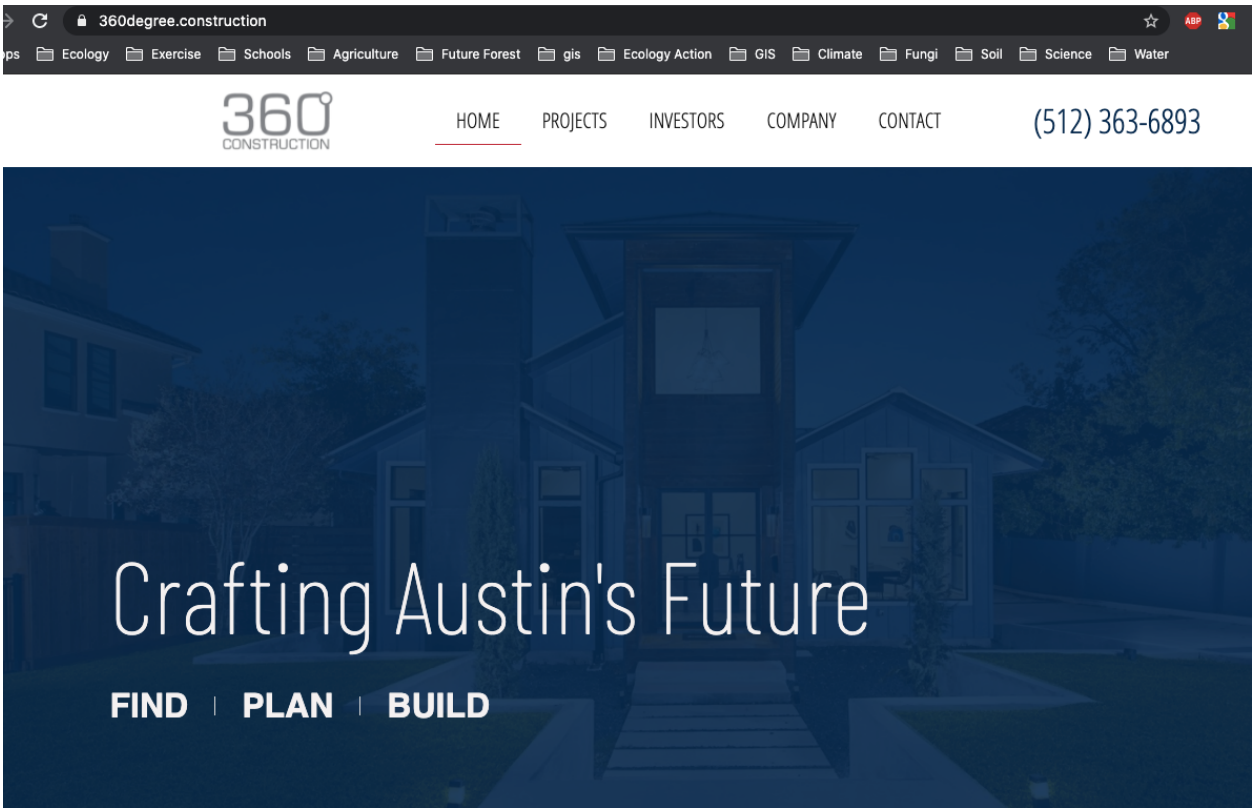
I will remind you of some of the history of the 500 Montopolis School site. The City seized through eminent domain the property in 1987 from St. Edwards Missionary Baptist Church in order to build a road, effectively destroying the congregation in the process. The road was never built. The City then sold the lot to Austin Stowell's KEEP Investments in 2015, only later to buy it back from Mr. Stowell. Has the City determined whether Austin Stowell is an investor in this project as well? 360 Construction states they are a "syndicate of individual investors" but do not share on their website who the investors are (see below). Has the city looked in to whether rezoning across the street at 508 Kemp will impact the outcome of the ongoing litigation? I do not know the answers to these questions, but it seems the City should be aware and look into this arrangement before proceeding to better understand how it will effect tax payers in this litigation. I will also note that the applicant's lobbyist, Ms. Bojo, also represented Mr. Stowell in his efforts to demolish the historical school.

Please stand with this neighborhood and except the recommendations of the City's Planning and Zoning Department and deny this rezoning request.

Thank you
Eric Paulus
Ecology Action of Texas


360degree.construction/projects/
Ecology
Exercise
Schools
Agriculture
Future Forest
gis
Ecology Action
Climate
Fungi
Indegenous Texas
Soil
Science
360 CONSTRUCTION
HOME
PROJECTS
INVESTORS
COMPANY
CONTACT
(512) 363-6893
508 KEMP
RAISED 40%
BLOOM | 28 UNITS | 48 MONTHS
107 W JOHANNA
RAISED 45%
BALANCED | 6 UNITS | 24 MONTHS
504 POWELL CIR
RAISED 55%
BALANCED | 4 UNITS | 18 MONTHS


blackdotbuilders.com
Ecology
Exercise
Schools
Agriculture
Future Forest
gis
Ecology Action
GIS
Climate
Fungi
Soil
Science
Water
BLACKDOT
developing central texas
HOME
PROJECTS
UPDATES
INVESTORS
CONTACT
(512) 729-5333
Developing Central Texas
DREAM | PLAN | BUILD



360 CONSTRUCTION
HOME PROJECTS INVESTORS COMPANY CONTACT
(512) 363-6893

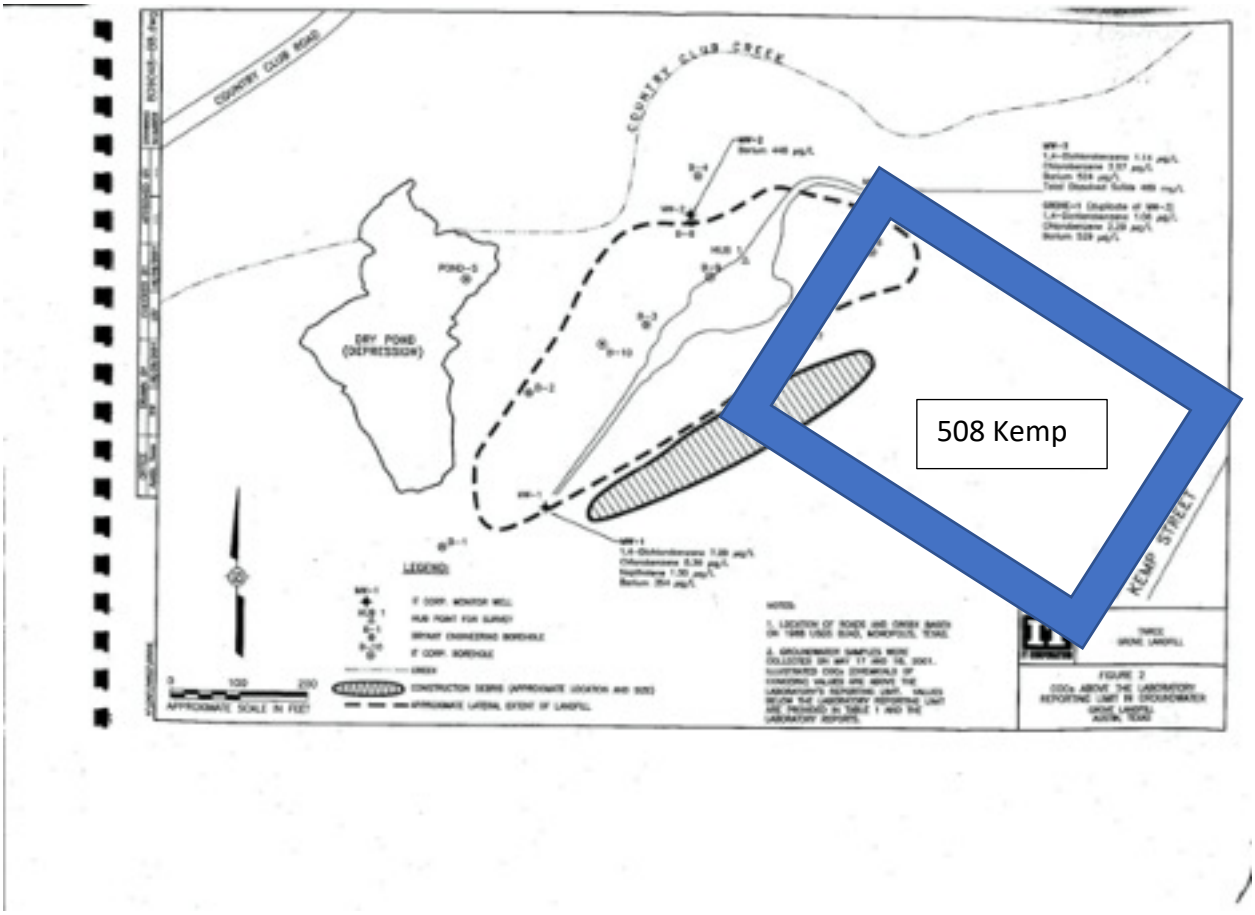
Investors

All of our new construction projects are funded by syndicates of individual investors using private capital. Balance your time and risk with higher preferred return or more back-end upside. Sound interesting? Contact our funding department.

LEARN MORE

CITY STAFF RECOMMENDS TO DENY REZONING:

BASIS OF RECOMMENDATION: 1. The proposed zoning should be consistent with the purpose statement of the district sought. Zoning changes should promote compatibility with adjacent and nearby uses. The applicant is requesting a base zoning district of SF-6. This district is intended as an area for moderate density single family, duplex, two family, townhouse and condominium use. It is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate. This property is located midblock on a local residential street, is predominately surrounded by SF-3-NP zoning and is internal to the Montopolis Neighborhood. Kemp Street is classified as a Level 1 road in the Austin Strategic Mobility Plan (ASMP) and is not a through street. Additionally, Housing and Neighborhood Policy 11 (HN P11) states: Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites. Because this site is located internally to the neighborhood, is not located along a through street nor is it close to or have easy access to a major thoroughfare, Staff does not recommend rezoning this property to SF-6-NP. For this area of the Montopolis Neighborhood, the base zoning of SF-6 is more appropriate along major collectors/thoroughfares and/or towards the periphery of the neighborhood boundary.



Jonathan Davidson

6218 Clovis Street
Austin, TX 78741
[redacted]

October 14, 2020

To the Austin City Council and the Mayor,

Your Honors,

I am writing this to you regarding the rezoning case you are considering at 508 Kemp Street.I am sure you have heard from many Austin residents regarding this case. As a Montopolis neighborhood resident, I do not know a single person in this area that supports any rezoning on this lot.

Last month, at the eleventh hour before the first reading of this case at City Council, the developer interested in this lot invoked "Affordability Unlocked" as a potential reason to grant the SF-6 entitlement they were asking for. Though there are undeniable benefits to Affordability Unlocked as an ordinance, to use it as a zoning tool would constitute blatant misuse of a law intended to be a means of achieving density in previously unaffordable areas.

Affordablity Unlocked was designed to be an extremely simple tool that, when applied to existing zoning, expedites development of middle class housing, eliminating the need for all of the red tape, Planning and Zoning Commission hearings, City Council meetings, and the rest of it. Instead we find ourselves dedicating limitless hours and resources in a discussion that "Affordability Unlocked" was supposed to circumvent.

As a *density* tool, Affordability Unlocked takes an existing zoning category and gives it a little extra, finding a compromise that is more than the existing zoning, but less than the next category up. To use this as a *zoning* tool, the compromise is thrown out. To change zoning from 'SF-3' to 'SF-6+Affordability Unlocked' is taking existing zoning and giving it A LOT extra, more like going up two zoning categories.

Councilwoman Kitchen told me in a Zoom call that "Affordability Unlocked" was intended to provide affordable housing in more expensive established Austin neighborhoods, opening up opportunities in areas that were previously out of reach for middle class residents.The idea was to bring *down* income averages in the wealthiest neighborhoods, not bring *up* the income averages in the poorest neighborhoods.

I am a carpenter and a welder. I designed and built my own house in this very unique neighborhood. The process was an incredible challenge. Austin is known to be a city that

holds builders to a higher standard than most cities. I learned that this ridge in Montopolis has additional challenges. The soil is sandy and has a very low bearing capacity, meaning foundations need to be deeper than you would expect. There is a large amount of buried rubbish on this ridge, as it was an unofficial scrap dump for decades. My experience tells me that the lot at 508 Kemp Street has a topography, a steep downwards slope, that will make it very difficult to predict how much it will cost to built what you have planned. Not great for keeping units affordable. The design and construction process has so many variables that can affect what one can and cannot do on a particular piece of land. This specific piece of land is one that obviously hides more surprises than most. If given the entitlement, I suspect the engineers will find this lot unsuitable for the amount of development proposed with the Affordability Unlocked bonus.

I understand that there will be a private restrictive covenant signed with Habitat for Humanity to ensure affordable units will be built. A representative from HH told me that the covenant would not return the zoning to SF-3 if the developer reneged on affordable units, because a zoning change is permanent. Instead, it would remain SF-6, but there would be language restricting all future construction on the lot to SF-3 standards. To this I would say that restrictive covenants have been known to be broken. Also, does this sound pretty complicated? I thought "Affordability Unlocked" was supposed to be simple.This is why it should not be used as justification for rezoning a piece of property. If a lot can be rezoned on its own merits, the discussion is different. But the Planning Commission Staff found this lot to be unsuitable for SF-6 zoning.

There are a lot of extremely emotional and logical reasons to oppose this zoning case. My neighbors have highlighted all of those reasons. These reasons are very specific to the very special neighborhood of Montopolis. But I would like to appeal to you based on something specific to the entire city of Austin: if "Affordability Unlocked" is misused like this it will threaten the viability of using this ordinance where it is appropriate.

Thank you for your service, and please consider these points.

Jonathan Davidson

Oct 14, 2020

Dear Council Members,

I'd like to offer a rebuttal of some of the arguments we keep hearing from Council Members and paid lobbyists to do with 508 Kemp (Item 66) and reinforce the opposition against this development.

It seems their principal argument is that gentrification is happening, so why don't we just lie back and enjoy it. My neighbors on Kemp street are well aware of the effects of rising taxes and land values and the pressure this puts on people to sell and move.

Building 33 Condos (17 at market rates) on a street that has had around 20 houses total for the last several decades represents a dramatic change that will certainly cause taxes and land values to rise at an accelerated rate, speeding up displacement, and bringing with it an overnight change in demographics.

The people who will be directly impacted by this have shown up repeatedly, asking you to please respect the agreed-upon Neighborhood Plan. Why do so few City Council and planning commission members hear their voices?

The developers asking for valuable entitlements haven't sincerely tried to win support or involve the community. On top of this, their plan keeps changing, not for the better, and hasn’t been spelled out clearly to us. Worse yet, there's been nothing in writing to make any of the promises mentioned binding. Once they get their way, tripling the land’s value, what’s to stop them from flipping the lot for profit without making good?

The Montopolis neighborhood overwhelmingly opposes this plan and there's a valid petition. Why is it so difficult to take a simple “No, thank you" for an answer?

Advocates for this development say we're stubborn and refuse any growth. They say there's no other choice. That's not true.

There are ample SF-6 and Multifamily lots in Montopolis that are vacant and available for this type of development along nearby corridors. The Montopolis Neighborhood Plan already allows for more density in the form of Multifamily, SF-6, Commercial and Industrial than any other part of town. Please look at the FLUM. Newcomers and developers are welcome to add density using a plethora of special infill options such as "Cottage Lots" "Small Lot Amnesty" and ADUs." Please respect the Neighborhood Plan.

The fact is that Montopolis already offers some of the most affordable housing in central Austin, and there are already currently Condos available in 78741 near or below 80% MFI being offered.

Affordability Unlocked offers very little benefit when it is used in lower-income neighborhoods like Montopolis. Why allow this program to become a Trojan horse and force this upon an unwilling neighborhood?

Advocates for this development like to exaggerate the cost of housing in Montopolis to make their Condos sound better by comparison. There are no million-dollar homes or $840k condos on Kemp street and I'm not seeing any comparable sales to support the numbers we keep hearing. If someone is sharing the appraised value of the largest home in this neighborhood (which is two homes on one lot, btw), and comparing this to a 1 bedroom condo, then I'd say this is an extremely misleading representation. It's sad to see misrepresentations from real estate lobbyists repeated directly by paid City staff.

At the Montopolis Contact team meeting, Leah Bojo said there would be NO Units for sale at 60%. I've heard several people repeating the 60% number, but Leah made clear that ALL of the income-restricted units will sell at 80% MFI. Please ask her this yourself.

What I heard her say is that 60% refers only to the minimum income restriction to apply. Please keep in mind that the average family being displaced by the rising land values makes less than 40% MFI and would be excluded, by definition, from applying. Who does this help?
Lobbyists for the developers claim this entitlement comes with strict environmental review, but they neglect to mention that **any** subdivision on this lot will trigger environmental review, including the hypothetical 10 house scenario that has been threatened as an alternative. I suggest you ask Kate Clark about this.

Lobbyists for this development say there is no choice but to build 10 giant houses if this doesn't get approved. In reality, the people pushing for this project have not yet committed to buying the property, so the argument is inappropriate.

There are plenty of other possibilities we could see here. Leah Bojo presented a different plan with very numbers (something like 16 structures) for the Planning Commission to vote on, for instance, but then changed the plan when it was proposed to City Council. Another option that the neighborhood wishes the City would consider is the possibility of partnering with us on a more ecologically and culturally sensitive low-income project.

The Planning Commission staff recommended denial of the 508 Kemp up-zoning plan to the commission’s voting members. The staff report makes clear this is spot-zoning and inappropriate use of the zoning designation. I can forward a copy to anyone who would like to read it. Why is this not being discussed?

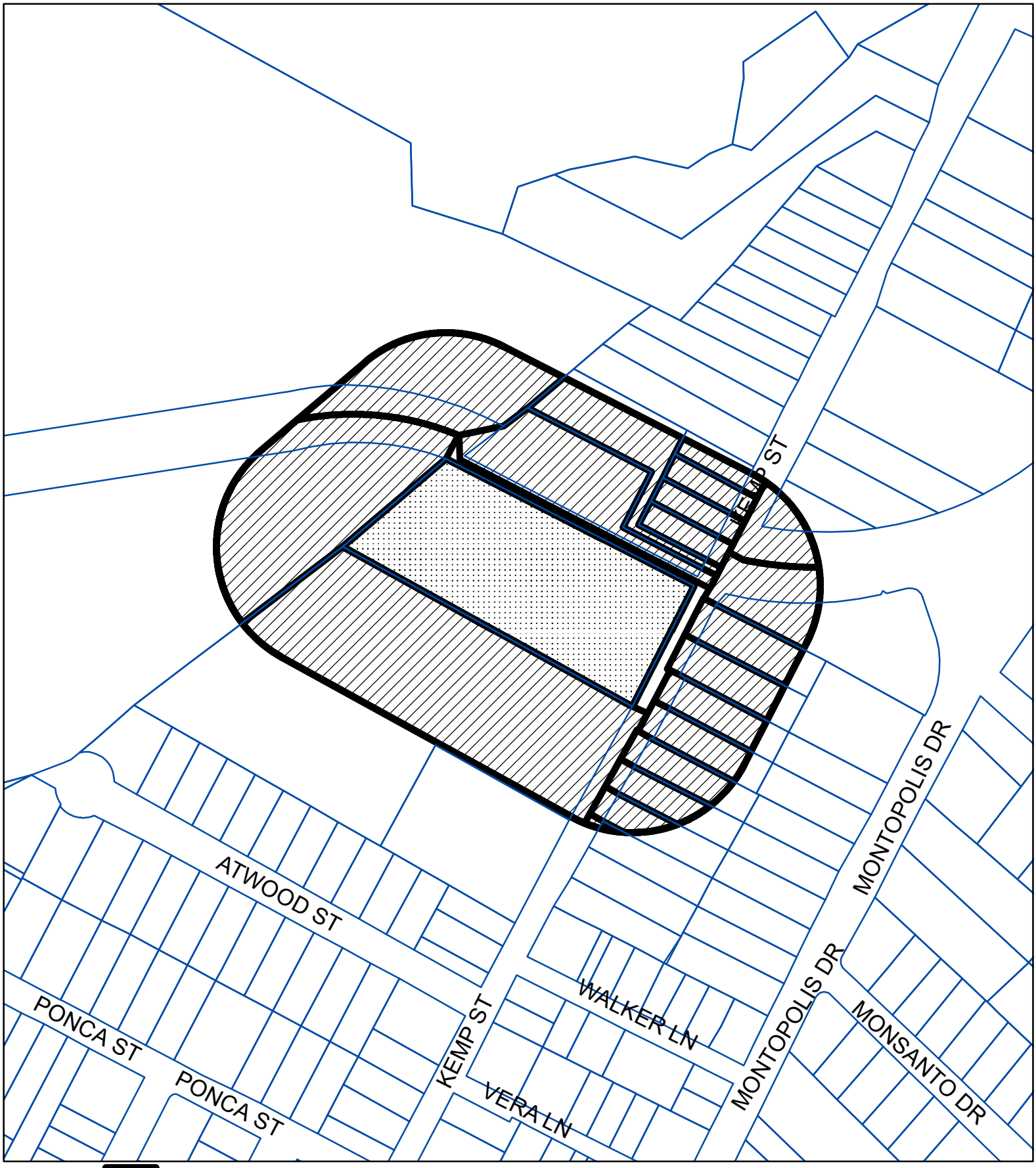
Affordability Unlocked isn't supposed to be used as a carrot-on-a-stick to win valuable entitlements with no-strings-attached. Building Condos is not a cure for displacement, it's the cause of it. Paving over a mature forest will not protect the environment, it will cause irreversible harm. There's no need to destroy thriving Black and Latinx-owned residential neighborhoods or pave over ecologically-sensitive preserves when there's plenty of appropriately zoned vacant lots for sale along nearby corridors.

Instead of demanding dramatic up-zonings, developers should use already agreed-upon infill tools and density bonuses. Mission-driven partnerships on appropriately zoned lots would also be appropriate.

Montopolis is a historic neighborhood fighting to protect its single-family culture and green spaces. This neighborhood was cited in the UpRooted study (which I can also share) as one of the most vulnerable areas to displacement. The City should take steps to prevent displacement from happening in the first place.

Instead of catering to the needs of a few rich developers (like this one who hasn't even committed to buying the property), City officials should listen to the overwhelming voices of neighbors, community leaders, non-profits, and stakeholders who continue asking for respect and to honor what's already been agreed to in the Neighborhood Plan.

Kindly,
Peter Simonite



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2020-0038

Exhibit D

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 " = 200 '

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

Case Number:

C14-2020-0038

PETITION

Date: 7/29/2020

Total Square Footage of Buffer: 404932.3006

Percentage of Square Footage Owned by Petitioners Within Buffer: 31.37%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Precent
0302160104	E RIVERSIDE DR 78741	CITY OF AUSTIN	no	39757.31	0.00%
0303170204	500 MONTOPOLIS DR	CITY OF AUSTIN	no	17072.05	0.00%
0303170132	416 KEMP ST AUSTIN 78741	CLOVIS PARKLAND FAMILY TRUST	yes	19886.52	4.91%
0304160228	509 KEMP ST AUSTIN 78741	CONTI JEFF & REGIS G	yes	9516.98	2.35%
0304160229	507 KEMP ST AUSTIN 78741	CONTI REGIS G	no	9521.65	0.00%
0302160201	E RIVERSIDE DR 78741	ECOLOGY ACTION OF TEXAS	yes	67854.44	16.76%
0303170131	414 KEMP ST 78741	FERNANDEZ SCOTT	no	6122.02	0.00%
0304160217	517 KEMP ST 78741	FLORENCES COMFORT HOUSE INC	no	612.21	0.00%
0304160103	600 KEMP ST 78741	HOME TREES LLC	no	118090.53	0.00%
0304160219	513 KEMP ST 78741	HOWARD JAMES JR & EUGENE & REGINA MITCHELL&	yes	7311.61	1.81%
0303170130	412 KEMP ST 78741	LABOSSIERE CECILE	no	6137.82	0.00%
0304160220	511 KEMP ST 78741	LEI KENDALL Y K & STEPHANIE P MAK &	no	8649.40	0.00%
0303170133	418 KEMP ST 78741	LUNSFORD JESSE &	no	35814.49	0.00%
0303170129	410 KEMP ST 78741	MCKENZIE ADRIEN	no	6151.23	0.00%
0304160218	515 KEMP ST AUSTIN 78741	PONZIANO FLORENCE LIFE ESTATE	no	5004.92	0.00%
0304160222	505 KEMP ST 78741	SOLIS TOMAS	yes	10894.57	2.69%
0303170128	408 KEMP ST AUSTIN 78741	STROSS TREY J	no	4346.77	0.00%
0304160801					
0304160802	503 KEMP ST A	BRAZIL COHL R & LONDON			
0304160803	503 KEMP ST B	FENTON RYAN M	yes	11550.26	2.85%
0303170228	KEMP ST	BLACK DOT BUILDERS LLC	no	11348.04	0.00%
Total				**395642.80**	**31.37%**

PETITION

Date: 6/19/2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Seth Harp	416 Kemp St
	Eric Paulus Ecology Action of Texas	420 Kemp St
	Cohl Brazil	503 Kemp St.
Adam Surita	Adam Surita	511 Kemp St #A
Adam Surita	Adam Surita	511 Kemp St. #B

Contact Name: Noé Elías Phone Number: 512-228-4382

PETITION

Date: 6/20/2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Jeff Conti	Jeff Conti	509 Kemp St.

Contact Name: Jeff Conti Phone Number: 512-698-7001

Noé Elias 512-228-4382

PETITION

Date: 6/20/2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Regina L. Mitchell	Regina L. Mitchell	513 Kemp st. Austin, Tx

Contact Name: Regina Mitchell / Noe Elias Phone Number: 254-368-1477 / 512-228-4382

PETITION

Date: June 25th, 2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Wilson Bryant	600 KEMP st · 5.383 ac.
Home Trees LLC		600 Kemp st. 5.383 ac

Contact Name: Susana Almanza/ Susana Almanza Phone Number:512/770-7896

PETITION

Date: 7/1/2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Tomas Solis	505 Kemp St.

Contact Name: Noé Elias Phone Number: 512-228-4382

PETITION

Date: June 25th, 2020

File Number: C14-2020-0038

Address of Rezoning Request: 508 Kemp

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27th, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Marion Sanchez	Marion Sanchez	405 Kemp, Austin, Tx 78741
Marion Sanchez	Marion Sanchez	401 Kemp, Austin, Tx 78741

Contact Name: Susana Almanza/ Susana Almanza Phone Number:512/770-7896