# ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0009 – 1725 Toomey DISTRICT: 5

ZONING FROM: CS TO: MF-6

ADDRESS: 1725 Toomey Road

SITE AREA: 0.90 Acres

PROPERTY OWNER:
1725 Toomey LLC

AGENT:
Drenner Group (Amanda Swor)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends multifamily residence highest density (MF-6) district zoning.** *For a summary of the basis of staff's recommendation, see page 3.*

SMALL AREA PLANNING JOINT COMMITTEE

**June 2, 2021** **Forwarded to Planning Commission without a Recommendation.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 26, 2021** **Forwarded to City Council without a Recommendation.**

October 12, 2021 Approved neighborhood's request to postpone to October 26, 2021 on the consent agenda. Vote: 9-0. [Commissioner Schneider – 1st, Commissioner Shieh – 2nd; Commissioner Praxis was off the dais; Vice Chair Hempel and Commissioners Azhar and Connolly were absent].

September 14, 2021 Approved neighborhood's request to postpone to October 12, 2021 on the consent agenda. Vote: 11-0. [Vice Chair Hempel – 1st, Commissioner Azhar – 2nd; Commissioners Praxis and Shieh were absent.].

August 24, 2021 The public hearing portion for the Planning Commission meeting was canceled due to technical difficulties.

July 27, 2021 Approved neighborhood's request to postpone to August 24, 2021 on the consent agenda. Vote: 10-0. [Commissioner Schneider - 1st, Commissioner Azhar - 2nd; Chair Shaw and Commissioners Howard and Thompson were absent].

| | |
|---|---|
| July 13, 2021 | Approved neighborhood's request to postpone to July 27, 2021 on the consent agenda. Vote: 8-0. [Vice Chair Hempel - 1st, Commissioner Flores - 2nd; Commissioners Azhar, Howard, Rosa Praxis, Llanes Pulido and Schneider were absent]. |

CITY COUNCIL ACTION:

| | |
|---|---|
| **December 9, 2021** | **Scheduled for City Council.** |
| December 2, 2021 | Approved neighborhood's request to postpone to December 9, 2021 on the consent agenda. Vote: 10-0. [Council Member Casar was off the dais]. |
| November 18, 2021 | Approved neighborhood's request to postpone to December 2, 2021 on the consent agenda. Vote: 11-0. |
| November 4, 2021 | Approved staff's request to postpone to November 18, 2021 on the consent agenda. Vote: 11-0. |
| October 21, 2021 | Approved staff's request to postpone to November 4, 2021 on the consent agenda. Vote: 10-0. [Council Member Casar was off the dais]. |
| September 30, 2021 | Approved staff's request to postpone to October 21, 2021 on the consent agenda. Vote: 10-0. [Mayor Adler was off the dais]. |
| August 26, 2021 | Approved staff's request to postpone to September 30, 2021 on the consent agenda. Vote: 11-0. |
| July 29, 2021 | Approved staff's request to postpone to August 26, 2021 on the consent agenda. Vote: 11-0. |

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition to and in favor of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received.*

Prior to the Public Hearing at Planning Commission on October 26, 2021, questions were provided to staff to answer, please see *Exhibit E: Questions to Staff.*

Prior to this rezoning case being submitted, a tree permit (2020-127211 TP) was filed and approved to remove a heritage tree at this property. The following is a summary of the application timeline from the Community Tree Preservation Division:

> The application was received on September 4, 2020 and included detailed photographs and a narrative report from a private Certified Arborist. These materials demonstrated the

damage to the structure that was caused by the tree. The application also cited internal decay as a cause for concern and was statutorily disapproved pending documentation that supported that claim.

On November 16, 2020 a tomography report from Tree Associates, LLC and completed International Society of Arboriculture tree risk assessment form were submitted to the City for further review.

It was determined that the damage that was being caused to the structure (the roof of the apartment complex had been physically deformed by the upper stem of the tree), combined with the evidence of the presence of less-sound wood in the lower stem and extreme proximity to high-value targets provided sufficient justification for removal of this tree. The Tree Permit was issued on November 20, 2020.

On November 1, 2021 staff received a petition opposing the rezoning of this property. **The current petition percentage is 37.35%, making this a valid petition.** Please see *Exhibit F: Formal Petition*, for a map of the petition area, list of property owners within the petition buffer and signatures received.

CASE MANAGER COMMENTS:

This property is located at the southeast corner of Sterzing Street and Toomey Road and is approximately 0.9 acres. It is currently zoned CS and developed with an existing multifamily building. Adjacent zoning to the east and south is CS, across Sterzing Street to the west are CS, CS-CO and LO zoned tracts and to the north across Toomey Road is a P zoned tract. This property is located within the South Lamar Combined Neighborhood Planning Area (Zilker Neighborhood) which does not have an adopted Future Land Use Map (FLUM). Please see *Exhibit A: Zoning* and *Exhibit B: Aerial Map.*

Per the applicant's application, they are requesting to rezone from CS to MF-6 to allow for a residential development with up to 215 units. Due to the number of proposed residential units, staff provided AISD the Educational Impact Statement (EIS) forms submitted in the application. Their response is included in *Exhibit D: EIS from AISD*.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

   The City's current Land Development Code (LDC) defines the base zoning district for MF-6 as:

   *"…the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major*

*institutional or employment center, or an area for which the high density multifamily use is desired."*

This property is located 320 feet from Barton Springs Road and 0.30 miles from S. Lamar Boulevard. Both streets are identified as Level 3 streets in the Austin Strategic Mobility Plan and have CapMetro bus routes running along them, one of which is a high-frequency route and is proposed to be enhanced through ProjectConnect's initial investments service map. S. Lamar Boulevard is also identified as a Core Transit Corridor in the LDC and an Activity Corridor within the Imagine Austin Comprehensive Plan. Additionally, this property is adjacent to Butler Shores Metro Park and is within a quarter mile of Zilker Park, the Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge. Rezoning this property to MF-6 would be consistent with the purpose statement of the zoning district, and provide increased residential opportunities near significant public spaces and within walking distance of existing and planned transit corridors.

EXISTING ZONING AND LAND USES:

| | Zoning | Land Uses |
|---|---|---|
| Site | CS | Multi-family residential |
| North | P | Parkland |
| South | CS | Restaurant (general) |
| East | CS | Multi-family residential |
| West | LO and CS-CO | Professional office and Multi-family residential |

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP area - Zilker (suspended)

TIA: A TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: Lady Bird Lake Watershed

OVERLAYS: Residential Design Standards, Waterfront Setbacks Overlay, Waterfront Overlay (Butler Shores)

SCHOOLS: Zilker Elementary, O. Henry Middle and Austin High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
Friends of Austin Neighborhoods
Friends of Zilker
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Perry Grid 614
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group

South Central Coalition
TNR BCP - Travis County Natural Resources

Zilker Neighborhood Association

AREA CASE HISTORIES:

| Number | Request | Commission | City Council |
|---|---|---|---|
| C14-07-0018<br>Barton Place<br>1600 Barton Springs Rd | From CS to MF-6 | Approved staff's recommendation of MF-6-CO; CO was to limit height to 75 feet.<br>The height limit for this property was an agreement between the applicant and the neighborhood, staff supported the agreement between the two parties. | Approved MF-6-CO as Commission recommended (2/28/08). |
| C14-05-0189<br>1900 Barton Springs Rd | From CS-CO & LO-CO to CS-CO, as amended | Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650. | Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07). |
| C14-05-0186<br>404 Sterzing Street | From CS to CS-CO, as amended | Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650. | Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07). |

RELATED CASES:

There are no related cases to this rezoning case.

EXISTING STREET CHARACTERISTICS:

| Street | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|---|---|---|---|---|---|---|
| Sterzing Street | 52’ | 30’ | Level 1 | No | N/A | Yes |
| Toomey Road | 52’ | 30’ | Level 1 | No | N/A | Yes |

OTHER STAFF COMMENTS:

Comprehensive Planning

The property is approximately 0.90 acres in size and located at the southeast corner of Toomey Road and Sterzing Street intersection. The current use is a small 40-unit multifamily apartment building. The site is located 0.30 miles from the South Lamar Activity Corridor and is not in area with an adopted neighborhood plan. Surrounding land uses includes Butler Shores Park, sports fields, the Butler Hike and Bike Trail and Downtown Austin to the north; the south are a variety of commercial uses; to the west is a condominium building; and to the east is an apartment complex. The proposal is to remove the existing 40-unit complex and construct up to a 215-unit multistory apartment building.

*Connectivity*
Public sidewalks are located along both sides of S. Lamar Boulevard and Barton Springs Road and partially along Toomey Road. Sterzing Street has an incomplete public sidewalk system. A CapMetro transit stop is located 650 feet from the subject area. Several bus lines run on S. Lamar Boulevard including the 803 Rapid Bus. The Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge are located within a quarter of a mile from this site. The mobility options in this area are above average.

*Imagine Austin*
The Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an Activity Corridor and is just south of the Downtown Regional Center. It is also located along a designated High Capacity Transit Corridor. Activity Corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. These Corridors are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

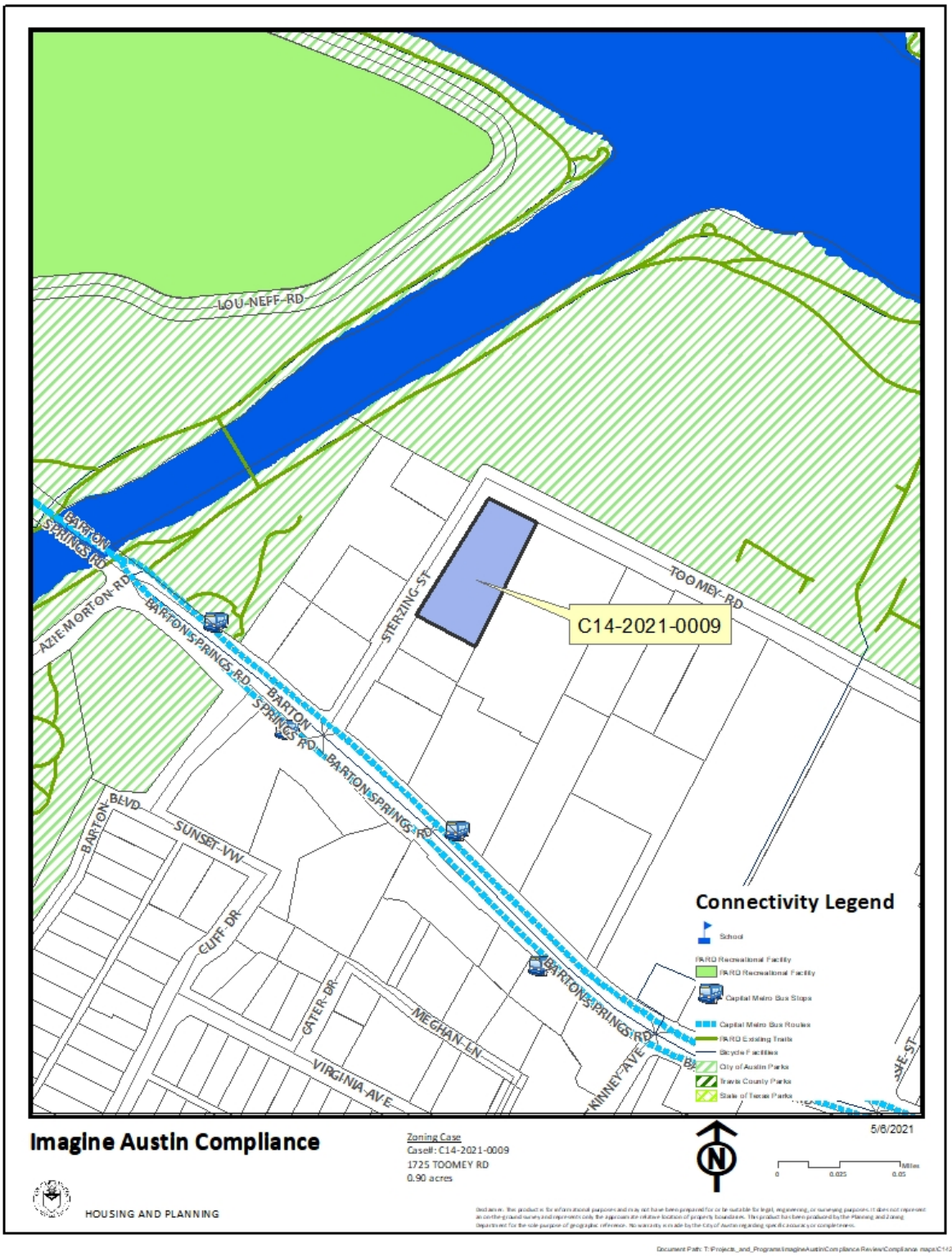
The following Imagine Austin policies are also applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based upon nearby multifamily uses; the above average connectivity and mobility options in the area, and the site being located near an Activity Corridor, which supports dense, connected and pedestrian oriented development, this proposed project supports the policies of the Imagine Austin Comprehensive Plan.




Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone but is within the 1,500-foot Edwards Aquifer Recharge Verification Zone. The site is located in the Lady Bird

Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and on-site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire Review

The following chart identifies locations within 1,000 feet of the subject parcel with Austin Fire Department (AFD) Aboveground Hazardous Material permits. These locations present minimal risk of an off-site consequence to the parcel being reviewed.

| ADDRESS | PROPERTY NAME | HMP PERMIT | PRIMARY HAZMAT |
|---|---|---|---|
| 1501 Toomey Rd. | COA Transportation Department | Type C | 15 pounds of solid with NFPA 704 health rating of “4.” |
| 1902 Barton Springs Rd. | Verizon-Sterzing | Type C | 50 gallons of corrosive battery electrolyte in gel suspension |
| 1728 Barton Springs Rd. | Chuy’s | Type B | 356 lbs. of liquefied compressed carbon dioxide gas; 3,123 Ft.$^3$ of liquefied petroleum gas |
| 1608 Barton Springs Rd. | Ski Shores Cafe | Type B | 3,670 Ft.$^3$ of liquefied petroleum gas |
| 1600 Barton Springs Rd | Barton Place Condominiums | Type B | 400 gallons #2 diesel – emergency power generator |

PARD Review

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code §25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. This site is within the Butler Shores Waterfront Overlay and the Waterfront Setback Overlay. Additional development standards and use requirements will apply.

Transportation

*Transportation Assessment*
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

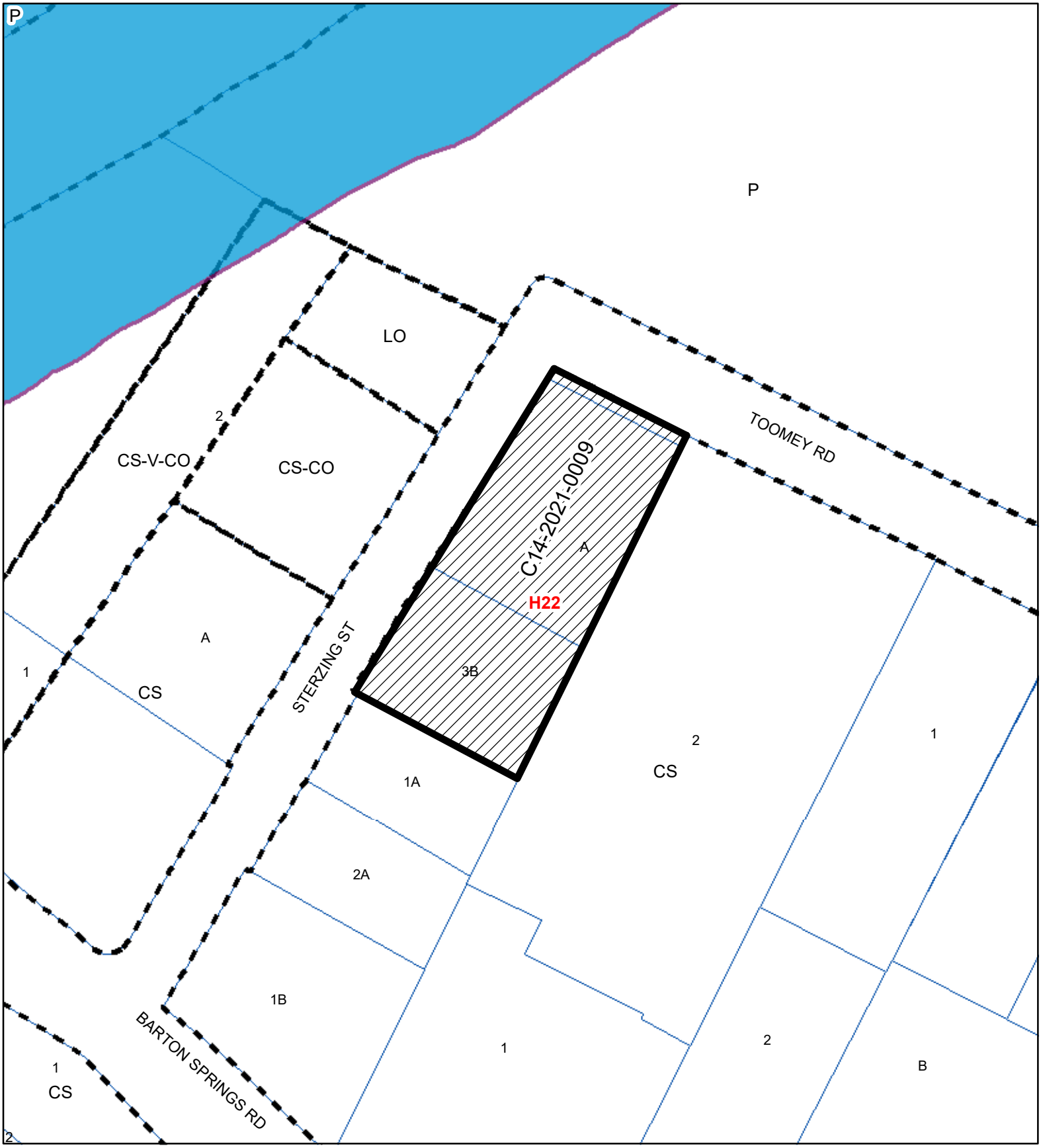
Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: EIS from AISD

Exhibit E: Questions to Staff

Exhibit F: Formal Petition




N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 100'

# 1725 Toomey Rd. Rezoning

Exhibit A

ZONING CASE#: C14-2021-0009
LOCATION: 1725 Toomey Road
SUBJECT AREA: 0.90 ACRES
GRID: H22
MANAGER: KATE CLARK

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.




N

1" = 100'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

# 1725 Toomey Rd. Rezoning

Exhibit B

ZONING CASE#: C14-2021-0009
LOCATION: 1725 Toomey Road
SUBJECT AREA: 0.90 ACRES
GRID: H22
MANAGER: KATE CLARK

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Exhibit C

## Clark, Kate

**From:** Ronnie Brooks
**Sent:** Wednesday, January 6, 2021 2:03 PM
**To:** Clark, Kate
**Cc:** KURT SIMONS; Diana Wallace; Ken Wallace; a WORK a WORK xx; ANN VANDERBURG; Christian Brooks
**Subject:** 1725 Toomey Rezoning Case - Mobile Manor, LLC and 1717, Ltd. as Interested Parties

*** External Email - Exercise Caution ***

Ms. Clark,

Please register **Mobile Manor, LLC** and **1717, Ltd.** as interested parties to the Rezoning Case at 1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, height, parking, and more.

Mobile Manor, LLC is the property owner of record next door at 1717 Toomey Road.

1717, Ltd. is the lessee of the ground lease next door at 1717 Toomey Road.

Respective addresses for notice are:

**Mobile Manor, LLC**
**1717, Ltd.**
**Att: Diana Wallace**
**Att: Kurt Simons**
**2603 Rollingwood Drive**
**4201 Bee Cave Road, Ste A-204**
**Austin, TX 78746**
**Austin, TX 78746**

Thank you,

Ronnie Brooks
Partner, 1717, Ltd.

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## Clark, Kate

**From:** Catherine Cooke
**Sent:** Friday, February 26, 2021 2:16 PM
**To:** Clark, Kate
**Subject:** 1725 Toomey Concerns

*** External Email - Exercise Caution ***

Hi Kate,

Thanks for speaking with me earlier on the phone. I wanted to formally state how deeply opposed I am to the zoning changes allowing yet another huge high rise to be built on Toomey. As I'm sure you know, Toomey is a very small street that already has FOUR huge high rises on the block. There are thousands of people that live in this small small area, already overcrowded with cars that pollute, directly next to Austin's beloved Barton Creek and Zilker Park. Each of these high rises has occupancies- MANY occupancies. We are not in dire need of more housing. And we definitely aren't in need of more expensive housing. In fact, there are even more high rises being built just blocks away that will provide expensive housing for thousands more people. We do not need *more* expensive, overpriced housing.

What exists currently at 1725 Toomey is what makes Austin special yet is becoming exceedingly rare. Our complex is holding onto what has been so great about Austin: we are friends, look out for each other, and invest in the community. We are mixed ages that actually still mingle and have some people who have lived here for decades. Their lives are rooted here, not recent tech transplants. We have beloved elderly teachers who have been forced to recently retire due to COVID concerns, people working in immigrant and refugee resettlement nonprofits, and just genuinely good people who can't afford the crazy rents of the high rises that continue to go up all around us. We cannot forget to take care of our residents who make average wages just for the sake of profit, greed, and the incoming tech transplants. I lived in San Francisco for 6 years and can certainly tell you how that doesn't end well!

Please don't allow the destruction of what keeps Austin so special.

You may use any of my comments, name, and contact info publicly. My phone number is 713-598-1112.

Thank you,

Cat Cooke
Resident of 1725 Toomey

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## Clark, Kate

**From:** Katherine Culotta
**Sent:** Saturday, February 27, 2021 12:13 AM
**To:** Clark, Kate
**Subject:** Concerns about role-zoning of 1725 Toomey Rd

*** External Email - Exercise Caution ***

Hello Kate,

My name is Katie Culotta and I've lived at 1725 Toomey Rd for almost 6 years. I heard of a possible re-zoning to demolish our current building and replacing it with a high rise.

I would humbly ask that you reconsider. Toomey Rd has changed a lot since I moved it and it's mostly been new complexes like Coldwater, Zilker on the Park, Barton Place, and Cole. At some point, there will be no original buildings that created such a weird & special city.

There are high rises popping up left and right in 78704 and it's extremely sad to watch our city disappear into a sea of glass and metal. Please let me know if anything can be done to protect the place I've called home for so many years. We have residents that have lived in this building for decades. Not to mention the mature pecan trees that have been ripped out thus far in an effort to make the property more attractive to builders.

I'm happy to chat with you further and thank you for your consideration!

Warmly,
Katie

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## Clark, Kate

**From:** Becky Taylor
**Sent:** Tuesday, March 16, 2021 9:48 PM
**To:** Clark, Kate
**Subject:** 1725 Toomey rezoning case- opposition

*** External Email - Exercise Caution ***

Dear Kate:

Please register BartonPlace Condominiums as an interested party to t he rezoning case at1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, parking, noise, pedestrian/pet safety, and more. Thank you for your time.

Kind regards,
Rebecca Taylor
[redacted]
"Fellowship is the purpose behind our creation" - Marcus Aurelius

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# LETTER OF OPPOSITION

Re: Letter of Opposition to Rezoning Case C14-2021-0009 for the Property at 1725 Toomey Rd.

Dear City Staff, Commissioners, Mayor, and City Council Members:

The HOA Board of Directors for the Barton Place Condominiums ***oppose*** the proposed MF-6 zoning of the property since it would allow for a level of density that is inappropriate for the surrounding area. Barton Place Condominiums, comprised of 270 condominiums at an aggregate valuation of at least $150 Million, is located just over 500 feet from the subject property, and will be directly, materially, and negatively impacted by this change if approved.

Approval would exacerbate traffic issues for our residents and other nearby residents, visitors, and businesses, and public buildings, including the new Dougherty Arts Center, which is planned to be constructed on Toomey Road across the street from the subject property.

The increased traffic would also impact future residents, visitors, and employees at the nearby Taco PUD and Schlotzsky's PUD developments, which per the Austin Transportation Department will generate a combined 5,000 new average daily vehicle trips, and so there will not be roadway capacity remaining after they are constructed. The proposed zoning would also allow for a level of density that will worsen the traffic congestion and vehicle queue issues for people trying to access our City's beloved ZACH Theater, Butler Fields, Umlauf Sculpture Garden, Barton Springs Pool and Greenbelt, and Zilker Park.

For the above reasons, we oppose rezoning the property to MF-6. Our strong preference is that any structure be restricted to no more than 60', which is the maximum height allowed for most properties in the surrounding area, and is taller than existing nearby structures.

Thank you for your consideration.

Sincerely,

Becky Taylor, Chair

Future Development Committee, HOA Board of Directors

The Barton Place Condominiums

## Clark, Kate

**From:** Jay Roth
**Sent:** Monday, April 26, 2021 10:27 AM
**To:** Clark, Kate
**Subject:** 1725 Toomey Rd

*** External Email - Exercise Caution ***

I recieved information that the owners of 1725 Toomey Rd (78704) are looking to demolish the building and replace it with a 200 unit tower. I believe they are in the process of requesting a variance. As a longtime resident of the area, I have multiple and very severe concerns about this being allowed to go through.

Jay

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# Zilker Neighborhood Association

**Re: Opposition to 1725 Toomey rezoning in Waterfront Overlay (C14-2021-0009)**

May 27, 2021

The Zilker Neighborhood Association strongly opposes the proposed rezoning of the property at 1725 Toomey Road from CS to a zoning category that would allow for a building up to 90 feet in height, since the rezoning would conflict with the environmentally sensitive area, exacerbate existing traffic issues, and create new problems.

Below is a "before and after" photo approximation of how an MF-6 zoned building would appear if it were built to the limits of the entitlements, which would likely happen in order to accommodate 215 units. The view in the photo is looking southeast across Barton Creek from the Butler Hike and Bike Trail at Lou Neff Point. The horizontal white line across the building's face is the current zoning height of 60 feet.



Building in excess of current height limits, which are 60 feet tall, would be out of scale with the surrounding neighborhood and would be incompatible with the purpose of the Waterfront Overlay, since it would not promote the harmonious interaction and transition between urban development and the park land and shoreline of Lady Bird Lake (as is required by the City Code). It would block sunlight and views, impair access, and accelerate efforts to create a canyon-like effect of tall buildings in close proximity to–and especially on the east shoreline of--Barton Creek. A building greater than 60 feet in height would also be especially inappropriate for this particular property because:

1. The property is not just on the edge of the Waterfront Overlay. Rather, the overlay extends south of the property across Barton Springs Road.
2. There is an Overlay Setback running through the front of the property.
3. The property is only approximately 325' from Barton Creek.

4. Increased zoning entitlements at the intersection of Toomey Road and Sterzing Road would exacerbate congestion on Barton Springs Road very near the intersection of Azie Morton Road, and also exacerbate congestion at Toomey Road and South Lamar, which is very near the entrances of the proposed Dougherty Arts Center parking garage and the area-wide parking garage of the Schlotzsky's PUD project at 218 S Lamar.

A building taller than 60 feet is also incompatible with the proposed new Dougherty Arts Center, which is planned to be constructed on the other side of Toomey Road. The center will serve as a valuable cultural resource, and it should be protected against the type of construction that would be allowed under the proposed 90 feet zoning. Toomey and Sterzing are very small streets that provide the only access to Butler Shores Park. Toomey is, in essence, a "park road," providing essential park access while providing safe pedestrian and bike travel, away from Barton Springs Road and Lamar. Toomey traffic and parking is already problematic. The city should not be making land use decisions that increase auto traffic on Toomey and Sterzing.

Sincerely,

David Piper

Secretary, Zilker Neighborhood Association

## Clark, Kate

**From:** Carey Rouse
**Sent:** Wednesday, June 16, 2021 1:24 PM
**To:** Clark, Kate
**Subject:** C14-2021-0009

*** External Email - Exercise Caution ***

1725 toomey

I am the President of the HOA board for a condo complex within 500 ft of the existing property. I fully support the request for rezoning because the current building is a complete eyesore. As a president of the HOA it is important for me that our property values continue to rise and that will be the case if we can get a newer taller building to replace the one that's there now.

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**ARNOLD AND ASSOCIATES**
**ATTORNEYS AT LAW**
A PROFESSIONAL CORPORATION
406 STERZING STREET, SUITE 300
PATRICE ARNOLD AUSTIN, TEXAS 78704-1027 email: [redacted]

(512) 472-8000
Fax: (512) 474-7121

July 6, 2021

Planning Commission
City of Austin

Re: 1725 Toomey Road, Application for Rezoning to MF-6
Case Number C14-2021-0009

Dear Commissioners,

I own the 3-story office building at 406 Sterzing Street, located directly across the street from the subject property (the below photo of our building was taken from the curb along 1725 Toomey). Our family has owned and occupied 406 Sterzing for over 30 years.

I oppose the proposed zoning change that would increase the allowable building height to ten stories. In my opinion, a building this tall would be incompatible with the surroundings.

The allowed height should be no greater than that of the existing structures on Toomey Road and Sterzing Street. Such a height will allow the owner of 1725 Toomey reasonable use of the land, without overburdening or adversely affecting neighboring properties or creating an undesirable precedent.

Toomey and Sterzing are narrow interior streets, virtually abutting a public park. They can barely accommodate existing traffic, and are unsuitable to the extra vehicle load that such a dense development would create. I would not object to a building of this height on a wider street such as South Lamar Boulevard, but it is inappropriate for streets with the modest width of Toomey and Sterzing.

Sincerely,

Patrice Arnold

PATRICE ARNOLD



## Clark, Kate

**From:** James Kracht
**Sent:** Friday, July 9, 2021 9:00 AM
**To:** Clark, Kate
**Subject:** Comments On Case #C14-2021-0009

*** External Email - Exercise Caution ***

Hello Kate,

I'm a resident at 1725 Toomey Road. As you know it is currently up to be rezoned to an MF-6 lot. I would like to submit my objection to this measure.

A few comments I'd like to leave on my objection:

Disregarding the history of this building that has stood since the 1960's; this apartment complex is one of the only affordable buildings along Barton Springs road. The price points of whatever planned development will happen after rezoning certainly haven't been released yet; but it will be safe to assume someone making the median income of this city won't be able to afford it. This is my most unemotional objection to the measure. That destroying the economic diversity of this neighborhood is not just morally wrong but statistically not great for the neighborhood as a social ecosystem.

I'm not inherently against changing the capacity of inhabitants on this lot. Austin faces a housing shortage, especially after the pandemic. But it's an ***affordable*** housing shortage. Building more tall "radiant garden cities" as Jane Jacobs would call them- facing inward and barring the street entry- will only serve to ruin this neighborhood. Zilker and Barton Springs belong to Austin and it's people. Not just it's rich people, and certainly not just tourists. An economically diverse neighborhood is a safer neighborhood afterall.

I would like to put forward that if the city decides to change the zoning of this lot, that it also passes with it a stipulation. That whatever development be spawned here (once we destroy a beautiful testament to what this neighborhood looked like in Austin's "Good ol' days") be forced into a contract demanding a large percentage of it's units be affordable housing. Or perhaps even a cap on the rent allowed to be charged if I were to lean further left.

Please don't let Zilker- and for that matter central south Austin- be walled off to the vast majority of people who live in this city. And please don't let Barton Springs road become like South Congress, a desert of a tourist trap.

Thanks for your time and consideration,
James

**James T. Kracht**
*Video Editor*
512.786.3069 | Mobile
Jameskracht.com

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 13, 2021, Planning Commission**

Sarah H. Parks
*Your Name (please print)*

☐ **I am in favor**
☒ **I object**

1717 Toomey, #511, Austin 78704
*Your address(es) affected by this application (optional)*

Sarah H. Parks — 7/11/21
*Signature* — *Date*

Daytime Telephone (Optional): 713-501-5230

Comments:

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767

Or email to:
**Kate.Clark@austintexas.gov**

## Clark, Kate

**From:** J Petru
**Sent:** Monday, July 12, 2021 6:59 AM
**To:** Clark, Kate
**Subject:** 1725 Toomey Road, Case Number: C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate. I'm not sure exactly whom to send my input to, but I received your contact information in the mail. May I ask that you share this email with the rest of the Planning Commission? (I'm sure they have lots of input from the community already).

My name is Jeff Petru. I'm a current property resident at Zilkr on the Park (next the 1725 Toomey Rd). I hope the Commission fully rejects the proposed changes requested by the developers of 1725 Toomey. Obviously the rules are in place to maintain the integrity of the neighborhood. The slippery slope of moving from a mid-rise community to a high-rise (high-density) community comes in small changes/exceptions to the rules. The vibrant, openness of the Zilkr neighborhood is under threat. Please ensure the existing rules ares respected. We can keep the Zilkr neighborhood spirit intact with the Commission's support.

Thank you in advance of tomorrow meeting.

-Jeff

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 13, 2021, Planning Commission**

ROBERT PALM
*Your Name (please print)*

☐ **I am in favor**
☒ **I object**

1717 Toomey #533
*Your address(es) affected by this application (optional)*

*Signature*

7/12/2021
*Date*

Daytime Telephone (Optional): 512 921 4943

Comments: THE APPLICANT IS ASKING FOR A ZONING DENSITY APPROPRIATE FOR DOWNTOWN. BUT THIS AREA IS A NEIGHBORHOOD - WITH BASEBALL FIELDS ACROSS THE STREET AND JUST A SHORT WALK TO ZILKER PARK. THE HEIGHT WOULD BE DISRUPTIVE TO THE CITY SKYLINE, THE TRAFFIC ON A SMALL ROAD WOULD BE TOO MUCH. THIS IS A TERRIBLE IDEA.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767

Or email to:
**Kate.Clark@austintexas.gov**

## Clark, Kate

**From:** Andie Haddad
**Sent:** Monday, July 12, 2021 2:42 PM
**To:** Clark, Kate
**Subject:** Rezoning Request of 1725 Toomey Road

*** External Email - Exercise Caution ***

Hello,

I was notified of a request for rezoning of 1725 Toomey Road.

I am against the re-zoning of this property.

It is my understanding that this re-zoning will lead to new construction. Among other concerns, this brings noise pollution to a tranquil area.

Toomey is a narrow street that already houses multiple high rise buildings. An additional high rise building would overwhelm our small street with additional traffic and add further pollution to the nearby parks and trails.

This area is not in need of overprice generic corporate housing. We need to keep the historic apartments that currently reside on this land as they are.

This rezoning reeks of greed and is the antithesis of what I know Austin to be. The apartments on the land in question should be left alone. They provide an option to regular families who want to lease in this area; families who make Austin a wonderful community. New construction will only price median income families out of this area. There are plenty of apartments and condos in this area for the overpaid and overinflated tech transplants, the Barton Springs apartments add character and flexibility. We cannot bend to those that would seek to tear down our history.

The street of Toomey is also much narrower than other streets that would be better suited to large high-rise apartments. The larger building would be a blight on this street and would overcrowd the narrow street with too much traffic.

I am against this re-zoning.

My comments are available to be published as it relates to this issue.

Thank you,
Andie

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## Clark, Kate

**From:** Amanda Autry
**Sent:** Monday, July 12, 2021 3:12 PM
**To:** Clark, Kate
**Subject:** C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate,

This is the contact email that I was given about 1725 Toomey rd.

We just purchased a condo in this community this year. The reason that we purchased THIS home was because of the morning sun and our city view. Building a higher building would eliminate both for me causing actual damage to the value of our home but most importantly the quality of my life.

I sit on my porch every morning and watch the sun rise and in the evenings we sit out and look at our city view. An exemption to build a larger building would negatively impact our investment. This is my favorite thing about our home.

We aren't retired folks with an indispensable amount of money to just up and move to a new place. We methodically chose this place, spent our life savings on a down payment and I am inclined to do what I need to do to protect that.

If you have any questions for me please let me know.

Thanks.

--
**Amanda Autry**
*Empowerment Experience Facilitator*
Retreats|Meditation|Coaching
P. 410-841-9370
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**Clark, Kate**

**From:** dfdubois
**Sent:** Monday, July 12, 2021 4:08 PM
**To:** Clark, Kate
**Subject:** 1725 Toomey Road Exemption

*** External Email - Exercise Caution ***

Hello Kate,

My understanding is that the developers at 1725 Toomey are seeking an exemption for a larger, high density development. Sending this note to voice my objection to this. The rules related to this were put in place to help maintain the spirit of the neighborhood. The shift to a high density neighborhood would not be beneficial to the neighborhood or to Austin as a whole.

Thanks,
Doug DuBois
1900 Barton Springs Road
Austin, TX 78704
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## Clark, Kate

**From:** casey jones
**Sent:** Monday, July 12, 2021 12:01 PM
**To:** Clark, Kate
**Subject:** Case Number C14-2021-0009

*** External Email - Exercise Caution ***

Hi Kate

My name is Casey Jones, I live in the 1900 Barton Springs road building and was wondering if you had some time to talk through the proposed building at 1725 Toomey?

I had some questions about this process, reasons to vote no or yes on a site like this. It stands to eliminate some/all of the city view I have so I'm wondering how to go about voicing that concern and learning what type of impact one view actually would have.

Let me know your thoughts and if you've got some time to chat.

Thanks,
Casey
--

Casey Jones
443.839.6507
[redacted]

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## Clark, Kate

**From:** Dale Fuller
**Sent:** Monday, July 12, 2021 5:48 PM
**To:** Clark, Kate
**Subject:** Case C14-2021-0009 related to 1725 Toomey Road

*** External Email - Exercise Caution ***

Dear Ms. Clark,

I am an owner of unit #3045 located at 1900 Barton Springs Road, Austin, Texas. The building is known as Zilkr on The Park. My unit faces the building located at 1725 Toomey Road. It is my understanding a potential developer of 1725 Toomey Road is requesting a zoning variance to exceed the current five floor zoning code.

I am opposed to this variance request as the code was developed for a reason, which should not be disregarded at this point. The Zilkr neighborhood is just that, a neighborhood- not a concrete jungle as you have in downtown Austin. Additional building height would block views, and subsequent additional residential units would increase traffic in an already congested area. Parking on Sterzing Road and Toomey road is already at capacity, and this variance would increase the number of vehicles looking for parking.

Respectfully,

Dale W. Fuller

--
Dale W. Fuller
3845-5 Lander Road
Chagrin Falls, Ohio 44022-1361
216.789.9821

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## Clark, Kate

**From:** Laura
**Sent:** Monday, July 12, 2021 7:34 PM
**To:** Clark, Kate
**Subject:** High rise on toomey

*** External Email - Exercise Caution ***

The reason for hi rise is to bring more people in meeting more congestion. The area is congested enough the beauty will be destroyed if you allow this.

Sent from my iPhone
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## Clark, Kate

**From:** Julie Johnson
**Sent:** Monday, July 12, 2021 6:26 PM
**To:** Clark, Kate
**Subject:** C14-2021-0009

*** External Email - Exercise Caution ***

Hello Ms. Clark,

I am writing about the proposed high density complex at 1725 Toomey Rd. My husband and I own a condo at 1900 Barton Springs Rd. directly across Sterzing from the proposed complex. This area is already extremely hard to navigate with all the scooters, bikes, pedestrians, and cars. Adding a large increase of vehicles to that area will make it excessively dangerous. Also, the height restrictions on the buildings are in effect to keep with the feel of the neighborhood. The Planning and Zoning Commission has already allowed a complex to be in excess of the height restrictions on South Lamar. We believe this is the reason we are being bombarded with zoning request changes. Once the floodgates are opened there is no stopping the flow.

We are against this proposal. Thank you for your consideration.

Sincerely,
Julie and Bill Johnson
1900 Barton Springs Rd. #4030
Austin, TX 78704
512-589-6682

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## Clark, Kate

**From:** Suzanne DuBois
**Sent:** Tuesday, July 13, 2021 9:55 AM
**To:** Clark, Kate
**Subject:** Regarding 1725 Toomey Development Request

*** External Email - Exercise Caution ***

Hello Kate,

It has come to my attention that the developers at 1725 Toomey are seeking an exemption for a large, high density development. I am sending this note to voice my objection. The rules related to housing in our neighborhood were put in place to help maintain a certain "spirit" for the neighborhood. A high density development would not be beneficial to the neighborhood or to Austin as a whole.

Sincerely,
Suzanne DuBois
1900 Barton Springs Road
Austin, TX 78704
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## PUBLIC HEARING INFORMATION

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 13, 2021, Planning Commission**

Lauren Goldstein
*Your Name (please print)*

☐ **I am in favor**
☒ **I object**

1717 Toomey Rd [redacted] Austin, TX 78704
*Your address(es) affected by this application (optional)*

*Signature* 7/13/21 *Date*

Daytime Telephone (Optional): 512-840-1761

Comments: I would not only ruin the neighborhood but it also goes against the buildup that are already here who were not allowed to "skirt" the law to their benefit. NO!

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767

Or email to:
**Kate.Clark@austintexas.gov**

## Clark, Kate

**From:** Neil Syme
**Sent:** Tuesday, July 13, 2021 8:45 PM
**To:** Clark, Kate
**Subject:** Rezoning Toomey street

*** External Email - Exercise Caution ***

Hello

We're worried about the new rezoning that is being proposed 1725 toomey street. The heart and soul of this community is about the local and family feel to the area and I believe a very high rise and high occupancy building would seriously dilute this. Barton springs area is an Austin unique gem so anything that gets in the way of this should be resisted within reason.

Appreciate if this and others that I've spoken to that share this view is considered as part of the decision.

Thanks

Neil.

Sent from my iPhone
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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 13, 2021, Planning Commission**

SAMUEL S. HOUSTON JR
*Your Name (please print)*

☐ I am in favor
☒ I object

1900 BARTON SPRINGS, RD
*Your address(es) affected by this application (optional)*

S S Houston — 7/12/20
*Signature* — *Date*

Daytime Telephone (Optional): 512-658-1785

Comments: My wife and I object to the rezoning of this property to allow high density housing. The area is properly zoned at this time consistant with what we think is in order for our neighborhood. Please don't ~~xxxx~~ screw up our neighborhood with high density zoning. The city has messed it up enough already

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767

Or email to:
**Kate.Clark@austintexas.gov**

City of Austin
JUL 15 2021
NHCD / AHFC

## Clark, Kate

**From:** MARY ROWLAND
**Sent:** Thursday, July 15, 2021 6:05 PM
**To:** Clark, Kate
**Subject:** C14-2021-0009

*** External Email - Exercise Caution ***

Hello! Ms. Clark, This is not a high rise neighborhood and I live at Zilk on the Park and along with my neighbors we love the view of the Austin city skyline from our homes. When we purchased a place to call home we didn't expect to have a high rise in front of us! Please inform.
Thank you,
Mary Rowland

Sent from my iPhone
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## Clark, Kate

**From:** David Piper
**Sent:** Tuesday, July 20, 2021 11:17 AM
**To:** Clark, Kate
**Subject:** 1725 Toomey--Further backup material
**Attachments:** Loopnet- 1725 Toomey for sale.pdf

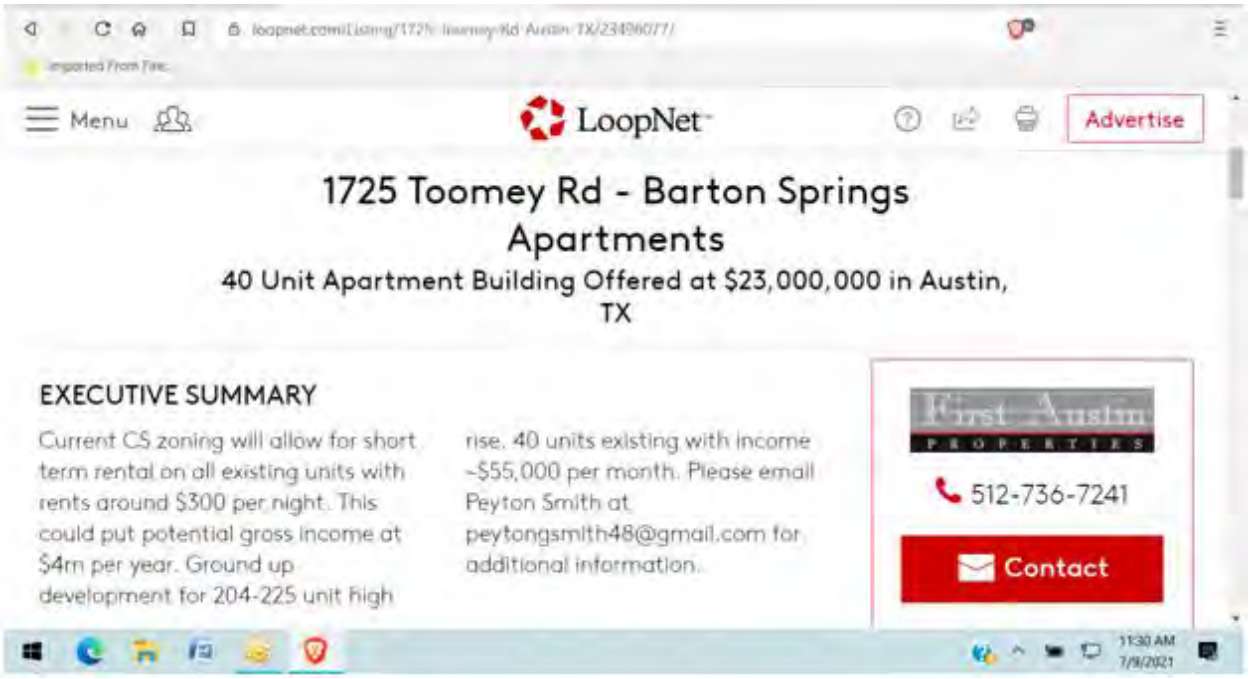
*** External Email - Exercise Caution ***

Kate,
Can you add these "for sale" screen shots of 1725 Toomey Rd into the backup material? Thank you for your time.

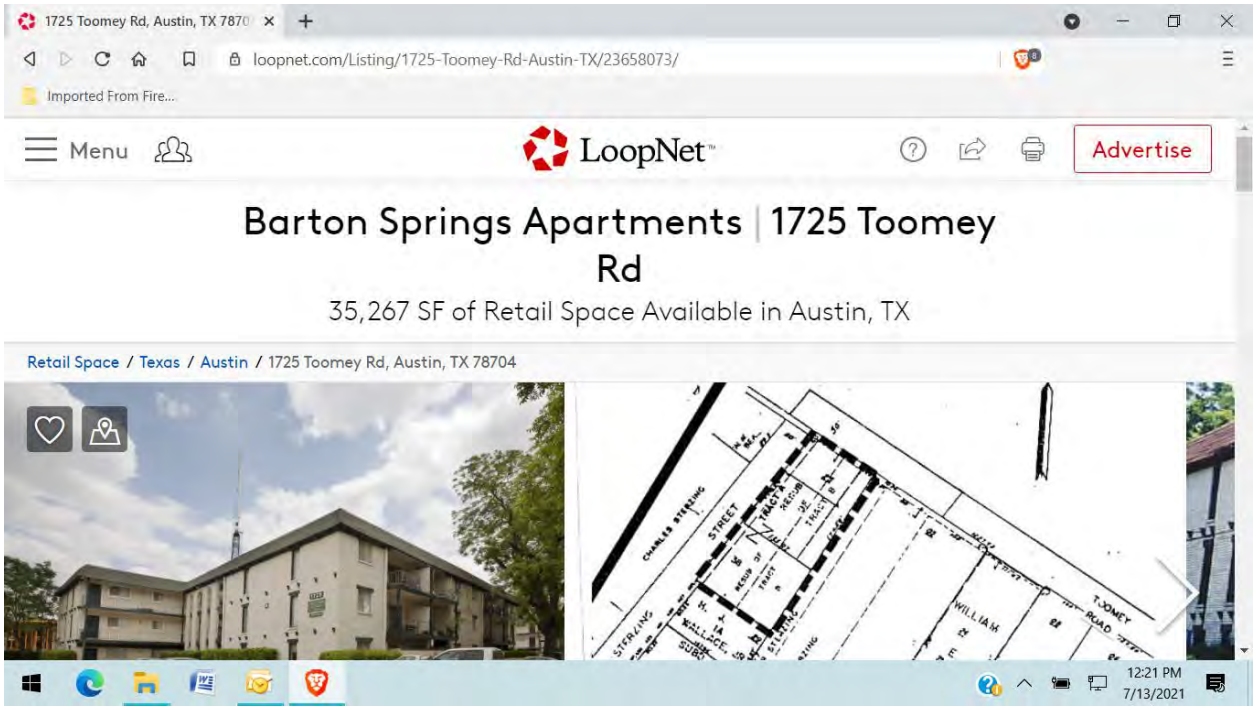
Dave

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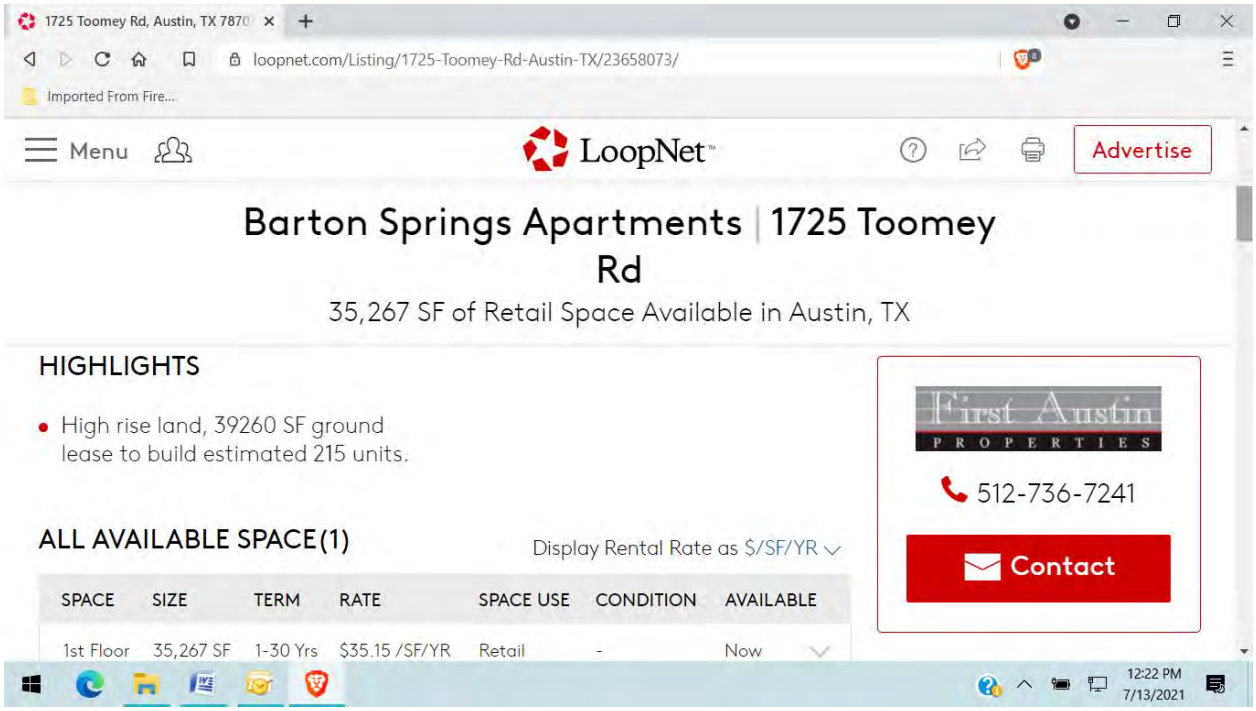
7-11-21


Menu
LoopNet
Advertise
1725 Toomey Rd - Barton Springs Apartments
40 Unit Apartment Building Offered at $23,000,000 in Austin, TX
EXECUTIVE SUMMARY
Current CS zoning will allow for short term rental on all existing units with rents around $300 per night. This could put potential gross income at $4m per year. Ground up development for 204-225 unit high rise. 40 units existing with income ~$55,000 per month. Please email Peyton Smith at peytongsmith48@gmail.com for additional information.
First Austin PROPERTIES
512-736-7241
Contact
11:30 AM
7/9/2021

7-13-21


1725 Toomey Rd, Austin, TX 7870
loopnet.com/Listing/1725-Toomey-Rd-Austin-TX/23658073/
Imported From Fire...
Menu
LoopNet
Advertise
Barton Springs Apartments | 1725 Toomey Rd
35,267 SF of Retail Space Available in Austin, TX
Retail Space / Texas / Austin / 1725 Toomey Rd, Austin, TX 78704
CHARLES STERLING STREET
WILLIAM T. JOMEY ROAD
12:21 PM
7/13/2021

7-13-21


1725 Toomey Rd, Austin, TX 7870
loopnet.com/Listing/1725-Toomey-Rd-Austin-TX/23658073/
Imported From Fire...
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Advertise
Barton Springs Apartments | 1725 Toomey Rd
35,267 SF of Retail Space Available in Austin, TX
HIGHLIGHTS
High rise land, 39260 SF ground lease to build estimated 215 units.
First Austin PROPERTIES
512-736-7241
Contact
ALL AVAILABLE SPACE(1)
Display Rental Rate as $/SF/YR
SPACE SIZE TERM RATE SPACE USE CONDITION AVAILABLE
1st Floor 35,267 SF 1-30 Yrs $35.15 /SF/YR Retail - Now
12:22 PM
7/13/2021

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 29, 2021, City Council**

Sarah Ellis
*Your Name (please print)*

☐ I am in favor
☑ I object

1717 Toomey Rd
*Your address(es) affected by this application (optional)*

*Signature*

07/16/2021
*Date*

Daytime Telephone (Optional): 281.799.8951

Comments:

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767
Or email to:
**Kate.Clark@austintexas.gov**

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: July 29, 2021, City Council**

Joseph Ott
*Your Name (please print)*

☒ I am in favor
☐ I object

1717 Toomey #238
*Your address(es) affected by this application (optional)*

*Signature*

7.27.21
*Date*

Daytime Telephone (Optional):

Comments: Functionally Obsolete existing Structure. Very desirable residential area Use Appropriate.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767
Or email to:
**Kate.Clark@austintexas.gov**

## Clark, Kate

**From:** Jim Karabaic
**Sent:** Monday, August 23, 2021 10:35 PM
**To:** Clark, Kate
**Subject:** opposition to rezoning of 1725 Toomey Road property

*** External Email - Exercise Caution ***

Hello Ms. Clark,

I am submitting this letter in opposition to the proposed 'rezoning' of the property at 1725 Toomey Rd. I have been a resident here for many years, and I believe the 'rezoning' of this property will only worsen a safety issue that we are already dealing with.

As you may know, there are several 'events' held throughout the year at Zilker Park and the surrounding grounds. Whenever we have one of these events such as ACL Festival, Blues on the Green, The Trail of Lights, etc, we experience a large traffic jam all along our streets (Toomey Road and Sterzing avenue). The safety concern is this: With cars packing both sides of the road and traffic at a standstill (it's like a full parking lot with cars barely moving for hours at a time), there is absolutely NO WAY that the city would be able to get a fire truck down here, or an EMS vehicle, or a police officer. When we are 'blocked in' by these (already existing) traffic jams, we are at grave risk - if we were in need of the services of the Austin Fire Department, the Austin EMS, or the police. Rezoning this property and increasing the population here (fivefold) will only make it much worse.

The current number of units here is about forty. The proposal for 'rezoning' includes a request for up to 215 units here. This is simply going to make the location even more 'unsafe', because it will just lead to even more cars and more crowding.

Does the City of Austin have plans to completely 'relocate' the Austin City Limits Music Festival or the Blues on the Green, or the Trail of Lights? Do they have a plan to use the 'Starflight Helicopter here? Will it land in the baseball fields?

Finally, there is a legitimate concern to preserve at least some 'affordable housing' in the downtown Austin area. The people who live here are teachers, nurses, airline pilots, and state workers. My neighbors are hard working people, and we are not millionaires. This area already has several high rise buildings in which the rents start at $2,000.00 a month and go up from there. New condos start selling at 1.5 MILLION dollars. None of my hard working middle class neighbors - none of us - could possibly afford to live here if all the housing follows suit.

Please take these concerns into your decision - making process. Please help keep this neighborhood safe and affordable for hard working middle class Austinites like the residents who choose to live here. Thank you, James Karabaic, unit #300, at 1725 Toomey Road.

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## Clark, Kate

**From:** Justin Huse
**Sent:** Monday, August 23, 2021 12:55 PM
**To:** Clark, Kate
**Subject:** Letter of Opposition and Handouts

*** External Email - Exercise Caution ***

Kate,

My name is Justin Huse and I currently live in Barton Springs Apartments on 1725 Toomey Road. I am writing this to inform you that I am vehemently opposed to rezoning this property, item B-7 on the PC agenda. This wonderful apartment complex has existed since the 1970's and represents one of the last bastions of old Austin on Barton Springs Road. I myself have been fortunate to call this place home for over six years, while some of my neighbors have lived here for decades. As a native Austinite, I urge you to not allow this home for so many to be destroyed just to have gaudy overpriced condos replace it. Please let us continue to live in the place we call home.

Sincerely,
Justin Huse

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## Clark, Kate

**From:** [redacted]
**Sent:** Tuesday, August 24, 2021 11:06 AM
**To:** Rivera, Andrew; Clark, Kate
**Subject:** Opposition to rezoning 1725 Toomey Rd, B-7 PC agenda

*** External Email - Exercise Caution ***

Hello,

I am writing in opposition to the rezoning of 1725 Toomey Rd. Austin 78704, item B-7 on the PC agenda for the hearing on Aug 24, 2021.

There are many reasons to oppose this: environmental impacts, displacement of residents, traffic chaos, public safety, removal of heritage trees, and simply keeping Austin weird.

The tiny streets of Toomey and Sterzing are already impassable during major events or even busy weekends at the park. This is a MAJOR safety issue that has concerned many residents for years. Emergency vehicles would not be able to get through, and the streets are way too tiny to handle even the existing traffic on a regular basis, especially during any festivals or events or weekends when many in the city want to be at the park. There is also a great deal of runoff from car pollution into the sensitive creek and Edwards aquifer.

Many of the residents at 1725 Toomey Rd are long-term local Austinites who help to keep Austin's culture what it is. There is a severe shortage of any even somewhat affordable housing in the Zilker/Barton Springs area. The problem of displacement is not something Austin should want to be known for, and there are already many high rises in the area. People don't want more.

There are two endangered salamanders nearby and the creek pollution from urban runoff is already getting extremely bad. This sensitive area should not be heavily developed. The more natural feels contributes much to Austin's culture and reputation.

The removal of a heritage tree specifically for this rezoning process was very questionable, and will be publicized broadly if the rezoning occurs partly for that. (See information from Dan Sewell)

Many (almost all) local residents don't want to see Austin become like Dallas. Austin needs a bit of its quirky old heritage and culture found in places like the Barton Springs Apt complex to keep its Austin vibe. This is a trait that makes the city more valuable and more desirable for people.

Please don't choose to displace all the lovely folks from their homes at 1725 Toomey Rd. It would be devastating for some. These are good people who are valuable and respected citizens in the community.

Keep Austin Weird!

Thank you for truly considering all the very real and dangerous impacts this rezoning would cause.

Much appreciated!

Sincerely,

[redacted]

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## Clark, Kate

**From:** David Borden
**Sent:** Tuesday, August 24, 2021 11:50 AM
**To:** Clark, Kate
**Subject:** Opposition to Rezoning of 1725 Toomey Road

*** External Email - Exercise Caution ***

Hi Kate,

I am in opposition to to the rezoning of 1725 Toomey Road. I believe that the rezoning will cause undue safety concerns for the residents and neighboring communities. One example is an emergency vehicle can not get through during high traffic, especially on the corner that 1725 is located on.

Thank you

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08/23/2021

To: Planning Commissioners

To Whom It May Concern:

I am writing a Letter of Opposition regarding the rezoning of 1725 Toomey Road (Item B-7 on the PC agenda), which I am vehemently against.

The Barton Springs Apartment, a building occupied by long-time tenants, including teachers, the elderly, and the disabled, such as me, is the type of lower income housing that is so desperately needed right now, as the gentrification of Austin washes away Texan culture and Texans themselves. But the Barton Springs Apartment also houses new tenants, who pay higher prices than older residents, as well. In other words, this building serves as an example of compromise in the great city of Austin, -- not allowing lower income residents to be dislocated or even possibly homeless, but also welcoming the new residents who can afford (and do not mind) paying the market value price of their apartments due to the great location. I have no doubt that the new owner could gain a better profit by simply remodeling half of the building or creating an extension, for fancier and more competitive apartments to offer for the highest price they wish to new tenants. It is clear that the current tenants who pay higher rents are aware of the older residents that pay lower rents, and, again, they understand and co-habit peacefully and happily. Demolishing this building would not only be costly, but it would also be a tragedy to the native Austin nature (trees) and eco system that exists here.

Furthermore, as Austin rapidly changes, it is urgent to hold on to its history, giving it value, and keeping reflections of Austin past to understand Austin future. Barton Springs Apartment, built in 1967, gives us a story – the story of Austin – in every detail. The foundation of the building is phenomenal and unlike anything built today, which is why I once again argue that the owners have not considered more creative profitable solutions in taking advantage of what already exists, in their desperate urge to make a return on their investment. But, demolishing this beloved

building, and destroying this peaceful and well-known corner of Austin is certainly not the solution.

All I ask is for your committee to consider negotiations and other solutions, and also consider the hazard of having a high rise with hundreds of units. We've recently seen in the news buildings collapse, and one has to wonder if this little corner of Toomey Road even has the capacity or space for such a project.

Yours,
M. N.

From: Mark Menn (apt. 211)

Opposition to Rezoning and Demolition of Barton Springs Apartment 1725 Toomey Rd.

To the committee,

I, Mark Menn, have been a tenant of 1725 Toomey Road for thirty years as an affordable housing tenant, before and after retirement. I have the following points for my opposition to rezone and demolish Barton Springs Apartments:

1. Affordable Housing Availability Barton Springs Apartment: provides affordable housing for working class and student tenants. Zilkr on the Park and Coldwater / Condo apartments on both sides of the Barton Springs Apartments are already present with luxury units with several vacancies. By retaining Barton Springs Apartments affordable housing will remain available.
2. Traffic and Safety: With 5 baseball fields, Zack Theater, existing condos/apartments, and Zilker Park events; traffic and safety are already at a breaking point.
3. Culture of the Neighborhood: Barton Springs Apartments has four heritage pecan trees at the North parking lot on Toomey Road. These trees should be preserved since they produce the best pecans every two or three years. They were planted in the 1960s by the original owner when the apartments were named Casa Pecana.

I do not have an email address; therefore, this letter is being transcribed and transmitted through my neighbor.

Thank you.

Mark Menn

## Clark, Kate

**From:** Catherine Frels
**Sent:** Tuesday, August 24, 2021 1:24 PM
**To:** Clark, Kate; Rivera, Andrew
**Subject:** 1725 Toomey Rd — opposed to rezoning

*** External Email - Exercise Caution ***

Dear Kate and Andrew,

This is my letter of opposition for the rezoning of 1725 Toomey Rd (Item B-7 on the PC agenda).

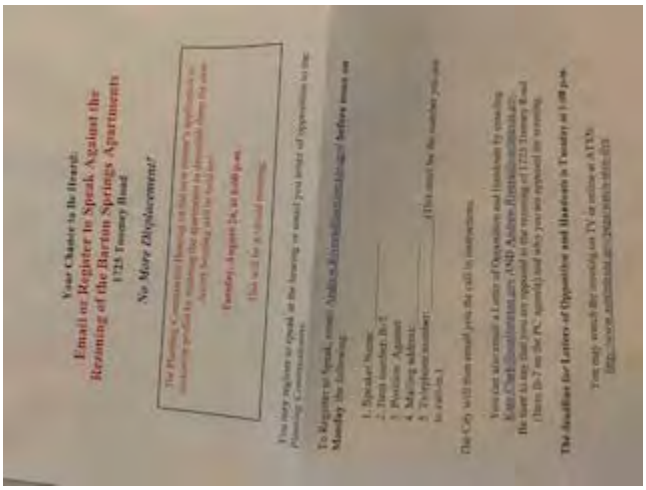
I am a resident of the building across the street (1900 Barton Springs Rd - unit 2035, Austin, TX 78704), and feel the neighborhood is already overcrowded and cannot sustain further population or automobile traffic.

The environmental and noise impact of both construction and additional population would further congest the neighborhood and impair quality of life for the existing community.

I urge you and others to please oppose this re-zoning.

Thank you for your consideration of my petition.

Sincerely,
Catherine Frels




Catherine Frels
Authentic Leadership & Communication
Facilitator-Coach/Writer-Performer
Phone: 646-653-2337
LinkedIn: Catherine-Frels-1585825

*Developing Scientists of the Mind*
*and Acrobats of the Heart. Because the WAY we work IS our work!*

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# LETTER OF OPPOSITION

Re: Letter of Opposition to Rezoning Case C14-2021-0009 for the Property at 1725 Toomey Rd.

Dear City Staff, Commissioners, Mayor, and City Council Members:

The HOA Board of Directors for the Barton Place Condominiums ***oppose*** the proposed MF-6 zoning of the property since it would allow for a level of density that is inappropriate for the surrounding area. Barton Place Condominiums, comprised of 270 condominiums at an aggregate valuation of at least $150 Million, is located just over 500 feet from the subject property, and will be directly, materially, and negatively impacted by this change if approved.

Approval would exacerbate traffic issues for our residents and other nearby residents, visitors, and businesses, and public buildings, including the new Dougherty Arts Center, which is planned to be constructed on Toomey Road across the street from the subject property.

The increased traffic would also impact future residents, visitors, and employees at the nearby Taco PUD and Schlotzsky's PUD developments, which per the Austin Transportation Department will generate a combined 5,000 new average daily vehicle trips, and so there will not be roadway capacity remaining after they are constructed. The proposed zoning would also allow for a level of density that will worsen the traffic congestion and vehicle queue issues for people trying to access our City's beloved ZACH Theater, Butler Fields, Umlauf Sculpture Garden, Barton Springs Pool and Greenbelt, and Zilker Park.

For the above reasons, we oppose rezoning the property to MF-6. Our strong preference is that any structure be restricted to no more than 60', which is the maximum height allowed for most properties in the surrounding area, and is taller than existing nearby structures.

Thank you for your consideration.

Sincerely,

Becky Taylor, Chair

Future Development Committee, HOA Board of Directors

The Barton Place Condominiums

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: September 14, 2021, Planning Commission**
**September 30, 2021, Cabildo municipal**

Amy Carter
*Your Name (please print)*

☐ **I am in favor**
☒ **I object**

1717 Toomey Rd #533 Austin, TX 78704
*Your address(es) affected by this application (optional)*

*Signature*

09/05/2021
*Date*

Daytime Telephone (Optional):

Comments: We have a hard enough time driving down our street. I'd love to see a new building, but no more than 5 floors.

I object the rezoning of 1725 Toomey.

Thank You!

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767
Or email to:
**Kate.Clark@austintexas.gov**

## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District,* a ciertos usos urbanos de comercio. La designación *MU-* Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación *MU-* Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*: www.austintexas.gov/planning.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y pueden ser publicadas en línea.

**Numero de caso: C14-2021-0009**
**Persona designada: Kate Clark, 512-974-1237**
**Audiencia Publica: Septiembre 14, 2021, Comisión de planificación**
**Septiembre 30, 2021, Cabildo municipal**

OSCAR CARMONA
*Su nombre (en letra de molde)*

☐ **I am in favor**
☒ **I object**

1900 BARTON SPRINGS RD. UNIT 2013
*Su domicilio(s) afectado(s) por esta solicitud (opcional)*

*Firma*

09/08/2021
*Fecha*

Número de teléfono durante el día (opcional): (512) 785 24 14

Comentarios:

Si usted usa esta forma para proveer comentarios, puede retornarlos:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767

O por correo electrónico a:
**Kate.Clark@austintexas.gov**

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**Case Number: C14-2021-0009**
**Contact: Kate Clark, 512-974-1237**
**Public Hearing: October 21, 2021, City Council**

RICHARD A. NELSON
*Your Name (please print)*

☐ I am in favor
☒ I object

1717 TOOMEY RD APT 545 78704
*Your address(es) affected by this application (optional)*

Richard A. Nelson
*Signature*

10/8/21
*Date*

Daytime Telephone (Optional):_____

Comments: THE 1725 TOOMEY PROJECT SHOULD BE REQUIRED TO MEET THE SAME HEIGHT LIMITS ALREADY MET BY ALL OTHER APT & CONDO BUILDINGS ALONG TOOMEY RD. WITHOUT MEETING THOSE SAME HEIGHT RESTRICTIONS, THE NEW BUILDING WILL TOWER OVER THE COLDWATER NEXT DOOR, IT WILL BE AN INAPPROPRIATE OUT-OF-PLACE EYESORE IN THE ENTIRE NEIGHBORHOOD) AND EVEN NEGATIVELY IMPACT THE CURRENT VIEWS FROM NEARBY ZILKER PARK. NO JUSTIFICATION FOR A HEIGHT RESTRICTION WAIVER.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
**Kate Clark**
P. O. Box 1088, Austin, TX 78767
Or email to:
**Kate.Clark@austintexas.gov**

City of Austin
OCT 14 2021
NHCD / AHFC

## Clark, Kate

**From:** D. Harry Sewell
**Sent:** Thursday, October 21, 2021 3:50 PM
**To:** Clark, Kate
**Cc:** [redacted]; [redacted]; Ruy Martinez; Barton Tenants; [redacted]; [redacted]; amber.hitchens@austintx.gov; Rivera, Andrew; dona.tiemann@austintx.gov; ann.kitchen@austintx.gov
**Subject:** Re: Zoning Case C14-2021-0009 (1725 Toomey Rd) _ Backup Update, Extension Requests & Traffic

Kate,

Thank you for your response in such a timely manner, as usual and for addressing each issue.

I will be ready this Tuesday to go on record with the planning commission since the applicant denies my extension request. I look forward to it as I have questions/issues for the applicant that, I feel, need to be addressed in front of the commission.

Regardless of how many times it is said that the tree permit and the rezoning case are separate issues, it doesn't change the fact that they are not separate issues. This is why tree permits have a 'removal for development' and 'removal for non development' classifications. Since this tree removal was done by an investor, not a developer, they were able to trick the arborist department by withholding information and lying. No site plan, no demo plan etc. because they aren't builders, This loop hole will be closed soon, fines for tree poaching will be raised, as a city can be both for development and for the trees, like myself.

Again, the fact that the tree issue was put on the backup shows that you and your team know they relate. The fact you wont put the truth about it, in the division manager's own words, shows me the intent to actively cover it up. The only reason it was put on the backup was because I had to work 8 months, file 2 freedom of information requests and stick my neck out and my reputation to get it there.

The way this should have been handled was to address the tree permit crime, give the property owner the slap on the wrist, and then simply proceed. Like next door at Coldwater, if I am not mistaken.

Please add this email to the backup and thank you again for your time. See everyone on Tuesday.

D. Harry Sewell

On Thu, Oct 21, 2021 at 2:51 PM Clark, Kate <Kate.Clark@austintexas.gov> wrote:

> Dan,
>
> From your email these are the following items you have asked me to address:
>
> - Include Keith Mars words in 'Issue' section of backup

    - I hear your concerns about the tree permit. That being said I would like to remind you that the tree permit and rezoning case are separate processes and have different criteria for review and recommendation. I cannot speak to what goes into a tree permit review, but I can tell you having trees on site does not affect whether a property may or may not be rezoned to another zoning district.
- Formal petition clarity
    - A formal petition requires the signature(s) of the property owner, long-term lease holder signatures do not count towards the required 20%.
    - When a petition is filed, our GIS staff creates a 200' buffer around the property and generates a list of property owners within that 200'. Only the land within the 200' buffer may be counted towards the petition. In your scenario, if the signing HOA has the legal authority to sign the petition, only the portion of their land within the 200' buffer would be counted, not their entire property.
- Extension request
    - I have reached out to the applicant to let them know you are requesting a postponement to this case. They will not agree to another postponement. Please come prepared next Tuesday to discuss the merits of your request. The Planning Commission will hear from you and from the applicant on the postponement request and take a vote to either postpone the case to a specific date or to hear the case.
- Add this email to back up
    - I will include a copy of your email in my late backup that is forwarded to the Planning Commission and City Council and posted online. For privacy reasons, all email addresses will be redacted or removed, but all other personal information provided in your email will remain unchanged.

**Kate Clark, AICP, LEED AP**

*Senior Planner*

**City of Austin | Housing and Planning Department**

Mailing Address: P.O.Box 1088, Austin, Texas 78767

**Tel:** 512-974-1237

**Email:** kate.clark@austintexas.gov

---

**From:** D. Harry Sewell
**Sent:** Thursday, October 21, 2021 6:41 AM
**To:** Clark, Kate <Kate.Clark@austintexas.gov>
**Cc:** [redacted]; [redacted]; Ruy Martinez <[redacted]>; Barton Tenants <[redacted]>; [redacted]; [redacted]; amber.hitchens@austintx.gov; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; dona.tiemann@austintx.gov; ann.kitchen@austintx.gov
**Subject:** Zoning Case C14-2021-0009 (1725 Toomey Rd) _ Backup Update, Extension Requests & Traffic

*** External Email - Exercise Caution ***

Kate,

Could you please update the "issues" section of this case's Backup where it describes there to be no issue with the tree removal and include the words of Keith Mars, division manager of the Austin Arborist's department shown in the attached email please (bottom of first page and top of the second). I was given consent to use his words by Mr. Mars himself; who I hope still plans on attending the hearings. Could also state that if you wanted.

I understand this contradicts the current non-issue described in the 'issue' section but I find it relevant and believe it is the right of the people to be properly informed as such. I'd also like to request that the first sentence in this 'issue' section where it states 'a tree permit (2020-127211 TP) was filed and approved to remove a heritage tree' be just a little bit more specific by adding the permits classification so it read clearer and as such, "a tree removal permit for 'non-development reasons' was filed and approved....'

Also, code isn't very clear in it's regulations of a formal zoning petition and I was hoping you could clarify if the lease holders of a property (for instance the long-term lease holders of the adjacent baseball fields) were to be opposed would their opposition be factored into the needed 20%.

And if the HOA of a nearby property within the 200 ft required were to be in support of a petition in opposition, would that suffice in incorporating the propertie's entire boundary into the required 20% of owned topography within the 200ft of opposed rezone case's landmark?

Could you please ask the applicant for an extension as almost one year has passed since the application of this rezone and since Amber Hitchens (who's email I believe I copied correctly) waived the Traffic Impact Analysis as now design for such things as the Dougherty Arts development seems to be down to two choices allowing for a proper TIA to be conducted? Her reasoning for deferring such TIA was until future land use became finalized, and finalized it has become.

The property owner may not be able to perform such an analysis (or two) in a short period however, the applicant of this rezone case representing him has significant experience in them, not only in this neighborhood but on these exact streets.

With such significance to the accessibility of Zilker Park I believe this request to be proper and not out of line and would clearly better inform city council to make a clearer decision and therefore, better serve the people of Austin.

By no means a tall order to request as TIA's are typically a significant factor in the decisions of a rezone case, not to mention one at the entrance to Zilker park. District 5 City Rep Ann Kitchen has given her thoughts to the traffic of Toomey in relation to DAC so I'd like to think she'd agree that a simple TIA of this property be conducted incorporating either or even both proposed designs of the DAC.

Many are unclear if one extension request is the limit of sucha citizen as myself, in which case please let me know and I can have it immediately submitted by someone else.

Please add this email to this case's backup in my opposition to the rezone, thank you.

Recap:

Include Keith Mars words in 'Issue' section of backup

Formal petition clarity

Extension request

Add this email to back up

Thank you,

D. Harry Sewell

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**Zilker Neighborhood Association opposition to zoning case at 1725 Toomey Road (CS to MF-6)**

**C14-2021-0009**

**November 2, 2021**

This zoning case is exactly what the Waterfront Overlay was created to protect against: a tall building that would loom over Barton Creek. (See pictorial representation from the Hike and Bike Train at Lou Neff Point.) Please note that the Waterfront Overlay height limit is the lower of 96' or the base zoning, which is 60 feet in this case.



Two buildings in Butler Shores have 96 feet zoning, but they are both PUDs, which is very different than MF-6 zoning. Those PUDs are directly on South Lamar Blvd and were required to provide extensive public benefits such as open space, mixed use, and public access. Barton Place Condos are 75' in the rear, but the owners of that project traded their 15' of extra height at the back of the building for keeping the frontage on Barton Springs Road at two stories. In addition, they contributed a public use trail to connect Barton Springs Road with Toomey Rd. Also, those developers kicked in enough affordable housing money to the Mary Lee Foundation on South Lamar that allowed them to leverage federal dollars and renovate the foundation's entire campus.

The 1725 Toomey case appears to be purely speculative zoning. The one-acre property is listed for $32M in anticipation of getting the 50% height increase allowed by MF-6. Granting MF-6 zoning would accelerate the price of all other developable properties along Toomey Road and Barton Springs Road such as Shady Grove, the Pecan Grove trailer court, and the iconic restaurants that have come to define the area.

The city needs affordable housing. We can get so much more public good out of developable land than MF-6 projects that undercut options such as Affordability Unlocked, VMU, and others. For example, there is a project in the works at 2001 South Lamar for a 453-unit, multi-family development with 227 affordable units. The S.M.A.R.T. Housing certification letter for the project states that 92 of the units will serve households at 50% MFI, and 90 units will serve households at 60% MFI. The Affordability Unlocked application for the project indicates that at least 25% of the affordable units will be available for older persons. That is the type of housing Austin needs.

If this MF-6 rezoning case on Toomey Road is approved and gives away the height bonus, we should expect new investors to forego VMU and S.M.A.R.T. Housing applications and instead file for MF-6 rezoning with minimal affordability requirements. Why would investors provide significant affordability if they can get increased entitlements without having to include VMU or S.M.A.R.T. Housing options?

In addition to the 227 deeply affordable units that I mentioned earlier, the Zilker Neighborhood is home to other large, deeply affordable apartment projects. Foundation Communities is currently building at 1508 S. Lamar, Pathways at Goodrich Place was recognized and visited by the Secretary of HUD, and Bluebonnet Studios on S. Lamar is another Foundation Community that the neighborhood embraces. Hundreds of other VMU units at 60% MFI have been built in the neighborhood. It makes no sense to abandon what is working for a zoning change that will kick off MF-6 luxury housing in the neighborhood.

Obviously, VMU and S.M.A.R.T. Housing options are not a fit for the current owner's plans at 1725 Toomey. However, the city is not obligated to facilitate speculative real estate investments if they are not in the public interest. I urge you to vote against this rezoning case and allow a better project to emerge that is more in line with the public interest.

Other viable, relatively new residential projects literally next door to 1725 Toomey were built at 60 feet. There is no good reason to grant a 50% height increase at this location which would set a precedent for the area, lead to much higher housing prices in the aftermath, and quash any hope for VMU or S.M.A.R.T. Housing options in Butler Shores. This is why this zoning case has failed to get a recommendation from any previous board or commission.

Sincerely,

David Piper

Secretary, Zilker Neighborhood Association

## Clark, Kate

**From:** D. Harry Sewell
**Sent:** Thursday, November 4, 2021 12:23 AM
**To:** Clark, Kate
**Subject:** 1725 Toomey Rd - Postponement Request

*** External Email - Exercise Caution ***

Kate,
Could you submit this for me please and let me know if anything else is needed for me to address the council if they deny your request for postponement.

In the unlikely event City council would deny staff's request to postpone I would also like to request postponement, in agreement with staff, but for the following reason: on paper this case shows multiple prior extensions, a signed agreement with Barton tenants and our local representative, (through the Zilker Neighborhood Association, Inc.)having given an open invitation for anyone to voice any concerns and therefore, easily does not represent the actual events currently taking place .

I would like to address the actual reality to the situation to the council in the unlikelihood they deny staff's postponement request. Staff was asked, along with myself, why so many postponements had taken place at Planning Commission as 2 requests were from me and one, the fault of staff.

Having no explanation to staff's postponement request I would like to insure the best interest of my neighbors and those interested will be conveyed to council that represents the current and actual situation not shown on paper , and would like to support the staff and address the council if postponement is denied.

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## Clark, Kate

**From:** August Krupp
**Sent:** Friday, November 19, 2021 3:28 PM
**To:** Brady, Erika; Clark, Kate
**Cc:** Kitchen, Ann
**Subject:** Re: Council Item 88 Resident Input

*** External Email - Exercise Caution ***

Hello,

I do not know if item #88 was addressed in yesterday's council meeting or not. I was disconnected & did not have an opportunity later in the evening to give a verbal statement. My verbal-turned-written statement in favor of rezoning 1725 Toomey, as an owner and resident of Unit 4505 at Bartonplace is below:

I am August Krupp and I am an owner and resident at Bartonplace, just down the road from the 1725 Toomey property being discussed for re-zoning. I am in favor of the 1725 property to be re-zoned as multi-family residence highest density (MF-6), including the 90' height increase from 60'.

It is my opinion that Austin has an affordable housing issue, as described in the nation-wide New York Times article I'm sure you all saw last week. Our housing demand is greatly outstripping supply, resulting in rapidly increasing prices in the urban core areas and greater suburban sprawl. By far the easiest and least costly action for the city to take is to continue granting increased density zoning applications and height exemptions for buildings this close to the urban core.

By creating more housing options closer to downtown, we can improve housing supply, cut down on transportation costs and their environmental repercussions, and assist in tempering rising housing cost issues.

Living so close to downtown, I moved here with the expectation that development will occur. Denying developments with housing density this close to the city will only hamstring Austin's ability to accommodate growth.

Approving this rezoning application will help address the serious housing problem we all know Austin faces going forward.

Thanks for listening to my statement, and I hope you all have a good afternoon.

Thanks,

August Krupp
(979) 292-4779

> On Nov 18, 2021, at 2:24 PM, August Krupp [redacted] wrote:
>
> Hello Erika,
>
> I was on hold listening to the council discuss item #52 when the call disconnected. I am planning & had requested to provide input on item #88. Would you be able to provide the dial-in information?
>
> Also, if I am unavailable for the time slot (as it seems the agenda is running behind), to where can I submit a written statement?

>
> Thanks
>
> August Krupp
> (979) 292-4779

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Exhibit D

# EDUCATIONAL IMPACT STATEMENT

***Prepared for the City of Austin***

Austin Independent School District

**PROJECT NAME:** **1725 Toomey**

ADDRESS/LOCATION: 1725 Toomey Road

CASE #: C14-2021-0009

☐ NEW SINGLE FAMILY ☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY ☐ TAX CREDIT

# SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION

Elementary School: _____ Middle School: _____ High School: _____

# MF UNITS: 215 STUDENTS PER UNIT ASSUMPTION

Elementary School: .01 Middle School: .007 High School: .01

## IMPACT ON SCHOOLS

The student yield factor of 0.027 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multifamily complexes built within the area since 2005.

This site has an existing 40-unit complex, which will be demolished. There are no current AISD students that reside at this site. The proposed 500-unit multifamily development is projected to add approximately 6 students across all grade levels to the projected student population. It is estimated that of the 6 students, 2 will be assigned to Zilker Elementary School, 2 to O. Henry Middle School, and 2 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025/26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Zilker ES (97%) and Austin HS (101%), and below the target range at O. Henry MS (68%). The projected additional students at O. Henry would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

## TRANSPORTATION IMPACT

Students within the proposed development attending O. Henry MS will qualify for transportation. Students attending Zilker ES or Austin HS will not qualify for transportation unless a hazardous route condition is identified.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** **02/11/2021** **Executive Director:** DocuSigned by: Beth Wilson 38E0989C305B4F8...

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# EDUCATIONAL IMPACT STATEMENT

*Prepared for the City of Austin*

Austin Independent School District

## DATA ANALYSIS WORKSHEET

**ELEMENTARY SCHOOL: Zilker**

ADDRESS: 1900 Bluebonnet Lane

PERMANENT CAPACITY: 460
MOBILITY RATE: +13.6%

**POPULATION** (without mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|---|---|---|---|
| **Number** | 390 | 386 | 388 |
| **% of Permanent Capacity** | 85% | 84% | 84% |

**ENROLLMENT** (with mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|---|---|---|---|
| **Number** | 443 | 444 | 446 |
| **% of Permanent Capacity** | 96% | 97% | 97% |

**MIDDLE SCHOOL: O. Henry**

ADDRESS: 2610 West 10th St.

PERMANENT CAPACITY: 945
MOBILITY RATE: -1.5%

**POPULATION** (without mobility rate)

| MIDDLE SCHOOL STUDENTS | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|---|---|---|---|
| **Number** | 939 | 657 | 659 |
| **% of Permanent Capacity** | 99% | 70% | 70% |

**ENROLLMENT** (with mobility rate)

| MIDDLE SCHOOL STUDENTS | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|---|---|---|---|
| **Number** | 925 | 636 | 638 |
| **% of Permanent Capacity** | 98% | 67% | 68% |

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# EDUCATIONAL IMPACT STATEMENT

*Prepared for the City of Austin*

Austin
Independent
School District

**HIGH SCHOOL: Austin**

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247
MOBILITY RATE: +11.5%

**POPULATION** (without mobility rate)

| HIGH SCHOOL STUDENTS | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|---|---|---|---|
| **Number** | 2,110 | 2,037 | 2,039 |
| **% of Permanent Capacity** | 94% | 91% | 91% |

**ENROLLMENT** (with mobility rate)

| HIGH SCHOOL STUDENTS | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|---|---|---|---|
| **Number** | 2,353 | 2,269 | 2,271 |
| **% of Permanent Capacity** | 105% | 101% | 101% |

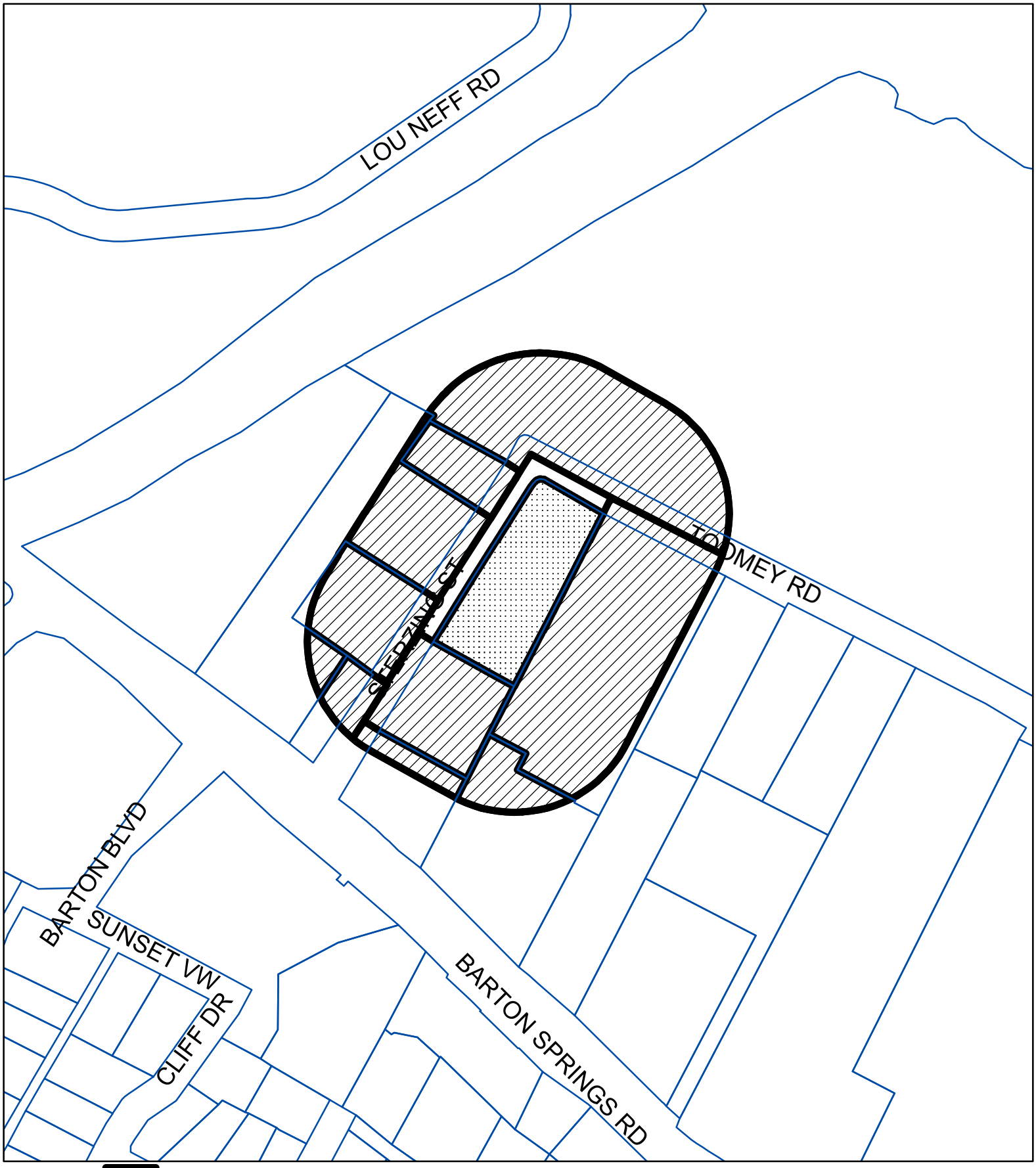
Exhibit E

**Chair Shaw's Question:**
The Imagine Austin Growth Map "Directs growth away from the Barton Springs Zone of the Edwards Aquifer recharge and contributing zones and other water-supply watersheds." Similarly, the Austin Strategic Mobility Plan does not prescribe any transportation priority networks west of Lamar Blvd. and south of Lady Bird Lake. Wasn't the intent of Imagine Austin and ASMP to discourage density in these environmentally sensitive areas?

**Staff Response:**
While the Imagine Austin Growth Map helps us plan for future development by identifying activity corridors and centers as well as environmentally sensitive areas, it is also meant to coexist and work with our Land Development Code (LDC).

LDC 25-8 establishes five watershed classifications in the city (urban, suburban, water supply rural, water supply suburban and Barton Springs Zone). These zones have different impervious cover limits based on environmental sensitivity. This site is classified as an urban watershed, and therefore the impervious cover is limited by the zoning district. This property is already developed with multiple structures and associated parking and is allowed up to 95% impervious cover. If rezoned to MF-6 and redeveloped in the future, the allowable impervious cover would decrease to 80% to match the zoning district.

Separate from the watershed classifications are the four aquifer recharge zone statuses: recharge zone, contributing zone, verification zone, and not recharge zone. A portion of this site is located within the "verification zone". The verification zone means that the property may or may not be over the recharge zone. An onsite investigation would be necessary to confirm its status. This investigation is done when a site plan is submitted.




N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

# PETITION

Exhibit F

Case#: C14-2021-0009

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Case Number:

# PETITION

**C14-2021-0009**

Date: 11/3/2021

Total Square Footage of Buffer: 301366.6042

Percentage of Square Footage Owned by Petitioners Within Buffer: 37.35%

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 |
|---|---|---|---|---|---|
| 0105020429 | 435 STERZING ST 78704 | 4W-SSP LLC | no | 29786.94 | 0.00% |
| 0105020426 | 1728 BARTON SPRINGS RD 78704 | 4W-WIT LLC | no | 6584.48 | 0.00% |
| 0106040101 | 406 STERZING ST AUSTIN 78704 | ARNOLD JAMES H JR & PATRICE | yes | 13851.10 | 4.60% |
| 0105020101 | 200 S LAMAR BLVD 78704 | CITY OF AUSTIN | no | 76406.03 | 0.00% |
| 0106040109 | 412 STERZING ST 78704 | FERRIS RICHARD E | no | 25511.11 | 0.00% |
| 0106040105 | 1800 BARTON SPRINGS RD 78704 | FERRIS RICHARD E | no | 7320.09 | 0.00% |
| 0105020430 | 1720 BARTON SPRINGS RD 78704 | MOBILE MANOR INC | yes | 11555.21 | 3.83% |
| 0105020431 | 1717 TOOMEY RD 78704 | MOBILE MANOR INC | yes | 87142.89 | 28.92% |
| 0106040301 | 1900 BARTON SPRINGS RD 78704 | ZILKR ON THE PARK CONDOMINIUMS | no | 30841.68 | 0.00% |
| **Total** | | | | **288999.52** | **37.35%** |

# PETITION

Date: JULY 21, 2021
File Number: C14-2021-0009
Address of Rezoning Request:
1725 Toomey Road, Austin, TX 78704

To: The 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 CS.

The requested zoning would violate the purpose of the Waterfront Overlay, which "is to promote the harmonious interaction and transition between urban development and the park land and shoreline" of Lady Bird Lake, since allowing the construction of a building taller than 60 feet so close to the lake would contribute to a canyon-like effect along the lake. A building taller than 60 feet would also be out of character with the surrounding area, and the level of density that would be allowed under the zoning would impair access to public assets (such as Zilker Park, Barton Springs, ZACH Theatre, and the Dougherty Arts Center) by exacerbating existing traffic issues.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| Signature | Printed Name | Address |
|---|---|---|
| Patrice Arnold | PATRICE ARNOLD | 406 STERZING ST. AUSTIN, TX 78704 |
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Contact Name: Micah King Phone Number: 512-370-3468 Date: 11/1/21

# PETITION

Date: 7-21-2021
File Number: C14-2021-0009
Address of Rezoning Request:
1725 Toomey Road, Austin, TX 78704

To: The 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 CS.

The requested zoning would violate the purpose of the Waterfront Overlay, which "is to promote the harmonious interaction and transition between urban development and the park land and shoreline" of Lady Bird Lake, since allowing the construction of a building taller than 60 feet so close to the lake would contribute to a canyon-like effect along the lake. A building taller than 60 feet would also be out of character with the surrounding area, and the level of density that would be allowed under the zoning would impair access to public assets (such as Zilker Park, Barton Springs, ZACH Theatre, and the Dougherty Arts Center) by exacerbating existing traffic issues.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| Signature | Printed Name | Address |
|---|---|---|
| Diana Marie Wallace | Diana Marie Wallace, Manager, Mobile Manor, LLC (f/k/a & o/b/o Mobile Manor, Inc.) | 1717 Toomey Rd. and 1720 Barton Springs Rd., Austin, TX 78704 |
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Contact Name: Micah King Phone Number: 512-370-3468 Date: 11/1/21