

Original Austin Neighborhood Association (OANA) Meeting 09-06-2011

The Board of Directors (BoD) of OANA came together on Tuesday 6 September 2011 at the Common Room of the Regency Apartments beginning at 4 PM.

Members in attendance were Rick Hardin, John Horton, Ted Siff, Bill Schell and Blake Tollett. We had a quorum and Ted led the discussion.

With minor grammatical corrections, on motion by Blake with John seconding, the minutes from the August 9th 2011 meeting were unanimously accepted.

We then discussed the resignation from the board of Jocelyn Dabeau. Specifically we talked about a perception that the current composition of the board could potentially lead to conflict of interests in our decision making. We are seeing a lot of rezoning requests in the run up to the proposed adoption of the Downtown Austin Plan (DAP) as well as the result from the ongoing economic development pressures generated by the West 6th Street area, and we do need to be very careful as far as consistency. Representatives of the development community have brought that to our attention. Ted suggested that if the matter of conflict of interest is troublesome to a board member that the member should feel very free to bring their concern up to the Board as an Action Item to be addressed through our By Laws. On the plus side, our director meetings are regularly scheduled and open to the public and our adopted minutes are regularly posted on our website.

Right now we have two vacant board positions, and Ted and Albert have been charged with recruiting. It was pointed out that since our January Annual meeting that business owners are eligible for membership and perhaps that might be a potential pool of candidates available for review.

Albert sent word that he will send an official Treasurer's Report electronically, but for all practical purposes our bank balance remains unchanged from the last report.

John stated that he had no formal governmental report.

Bill reported on his ongoing campaign to bring OANA into the modern age. We have expanded our social media presence to include Tweeting availability to the board members. Bill will send a tutorial to the board so we can understand how to use this account in an appropriate manner. We are next going to open a Facebook account. We discussed how these social media tools create a "cascading" effect in getting information out to the public, and it was emphasized to the board that social media is just that, a public forum. Public forums should be considered very transparent and are not normally appropriate for communications intra-board.

Planning & Zoning

C14-2011-0058; 705-711 West Avenue & 710 W. 7th Street; from GO to CS Zoning District

As it now stands, the City Council passed the requested rezoning on first reading, but the public hearing was left open for further negotiations between the applicant and the neighbors. The

neighbors had filed a valid petition opposing the rezoning request. The matter is scheduled for further Council action on 22 September 2011.

The OANA Board again had a very vigorous discussion of this matter. OANA has a letter of support on this matter in the public record:

Clark Patterson, Case Manager Planning & Development Review Department P. O. Box 1088 Austin, Texas 78767

June 24, 2011

RE: C14-2011-0058 - 707 West Avenue, AKA: 705, 709, 711 West Avenue and 710 West 7th Street

Proposed Zoning Change: From: GO-General Office To CS-General Commercial Services

Dear Mr. Patterson:

The Board of Directors (BoD) of the Original Austin Neighborhood Association (OANA) at its regularly scheduled monthly meeting on June 15, 2011, upon notice to interested parties, discussed the above referenced rezoning request to change the zoning from GO-General Office to CS-General Commercial Services for this property on West Avenue.

The OANA BoD believes that CS zoning is not consistent with the recommendations for the Northwest District of the Downtown Austin Plan. A number of OANA directors are opposed to the proposed rezoning and the application of CS zoning on or north of West 7th Street within the boundaries of OANA. Among their concerns is that this zoning change request, if approved, will set a bad precedent, no matter what conditions are place on it. Additionally, some OANA directors believe the applicant could work with City staff to initiate a code amendment that would allow the uses they need within the DMU zoning category, and once this is done, the applicant could apply for DMU zoning, consistent with the Downtown Austin Plan recommendations.

However, after discussions with you, other city staff and the applicant, the majority of the OANA BoD, does not object to the applicant's proposed uses (i.e., Electronic Prototype Assembly, Electronic Testing and Research Services) at this location.

Therefore, in consultation with the applicant, the OANA BoD supports CS-CO zoning on the subject property, provided that the applicant agrees to a Conditional Overlay (CO) enforced by the City of Austin; and provided the applicant enters into a private Restrictive Covenant (RC) with OANA, limiting this zoning change to 1) this tract of land; 2) at this time; and, 3) to this user.

We propose that the CO would contain the following provisions. First, the CO *would prohibit the following uses* that otherwise would be allowed under CS zoning:

**-Agricultural Sales and Service -Automotive Sales -Campground -Convenience Storage -
Equipment Repair Service -Kennels
-Service Station -Veterinary Services
-Automotive Repair Services -Building Maintenance Services -Construction Sales &
Services
-Automotive Rentals -Blood plasma service -Commercial off street parking -Drop-Off
Recycling Collection Facility
-Equipment Sales -Monument Retail Sales -Stables
- Funeral Services -Plant Nursery -Vehicle Storage**

Second, the CO *would require* Great Streets treatment in the public right of way and pedestrian-oriented uses within the building along both the West 7th Street and West Avenue frontages, as well as creating the appropriate building façade treatments and openings that contribute to a high-quality pedestrian environment, such as those required by Subchapter E of the Land Development Code. (This would also include re-locating the dumpster, which is currently in the public ROW, onto the property and screening it, and screening the surface parking, per the current Landscape Ordinance.

Third, the CO *would require* that in any building on this property a minimum of 50% of the building's net square footage above 60' in height would have to be dedicated to residential uses.

Thank you in help in this case, and please contact me if you have any questions.

**Sincerely;
Ted Siff, President**

The Board's discussion first focused on whether all the conditions precedent in our letter of support for the rezoning request had been met by the applicant, specifically the requested residential use requirement. It should be noted that under the CS zoning district the maximum developmental height allowable is 60 feet so that a CO limiting any future entitlements that would allow development of the property above 60 feet could be considered premature. It should be further noted that the applicant specifically declined to limit their future potential entitlements as far as the requirement of residential use. The consensus of the Board was that the letter of support, in its entirety, was before the Planning Commission and is now in front of the City Council, and that the letter stands as written.

We then discussed the proposed Private Restrictive Covenant between the applicant and OANA. The question was raised as to whether the document sufficiently encouraged the applicant to go forward in changing the permitted uses allowed under Downtown Mixed Use (DMU), the zoning district the property will roll to under the DAP. Regardless of interpretation of the document, Ted told the Board that it was his understanding that once the rezoning request was granted, the Council will ask the Planning Commission's Codes & Ordinance Committee to go forward with the change of uses permitted under DMU to accommodate the needs of the applicant. It should be noted that if the property is granted rezoning to CS-CO and the proposed blanket rezoning as envisioned by the DAP occurs, the property would be rezoned to DMU with a 60 foot

development height limit, and the electronic testing uses currently sought by the applicant would become legal nonconforming uses.

Blake informed the Board that Councilmember Tovo's office had contacted him about placing enforcement of any restrictive covenant between Cirrus Logic and OANA also in the hands of the immediate neighbors. The majority of the Board felt that the neighbors should have drawn up their own enforceable agreement with the applicant.

We next discussed the **Heritage Tree** issue ongoing at the property at **311, 313 and 315 Bowie Street**. This property was recently rezoned to DMU-CURE with an increased entitlement of 400 feet of developable height. It seems there is a large pecan tree located in the center, more or less, of the property that the new owners wish to take out rather than build around. Following process, the matter first went to the Environmental Board where a mitigation value for the tree's removal was determined to be, under the Land Development Code (LDC), \$19,200. The matter was passed to the Planning Commission without recommendation and is currently under discussion. Board member Perry, whose partnership sold the property to the current owner, has asked the Board to weigh in on the matter.

The Board had an interesting discussion on the matter. This is a heritage tree by LDC definition, and this is just the first one within our neighborhood association boundaries that has come up for discussion; as infill occurs, it will not be our last. These heritage trees inure to the greater public benefit, and the ability to monetize their compensatory worth is just one consideration. The loss of trees of this size really can't be compensated by replacement of multiple smaller trees, but the question is whether no heritage tree can be removed. There is something to be said for the type of tree involved, the location of the tree on the property, and the comparison to how much of the property's developmental rights will be lost in attempting to preserve the tree. Here the tree in question is a 60-year-old pecan, pecan's having a life span of approximately 100 years, and the tree is located away from the property's nearest public edge. The applicants have testified that to build around the tree will reduce the available developmental envelope substantially, and they are very willing to increase the mitigation compensation for being allowed to remove the tree. It was discussed that as a general rule of thumb, reductions of a property's entitlements beyond 20 to 25 percent starts to border on a taking. The unanimous consensus of the Board was to write to the Planning Commission to state that OANA supports the requested removal of this heritage tree provided that an agreement could be reached substantially compensating for the tree's removal. Ted will write the letter and send it by the Board for approval.

We then turned to the matter of requiring under the proposed DAP that new predominately liquor sales venues within our boundaries first obtain a Conditional Use Permit (CUP) before public hearing at the Planning Commission. Specifically to OANA, the question is whether new bars or entertainment ventures opening in the West 6th Street area should have to go through public scrutiny, although our recommendation to the City would encompass the entire area within our boundaries. The preliminary CUP process is a requirement vigorously supported by our sister organization, Downtown Austin Neighborhood Association (DANA) throughout the Central Business District (CBD), and through internal communications, OANA has also previously voted to support the requirement. Previously, VIA electronic mail, the Board had voted 6-0-1 (Rick abstaining) to require CUPs going forward for these types of venues. With the

understanding that the CUP requirement applies only to new venues, today we voted 4-0-1 (Rick abstaining) to send a letter to Council stating this decision as they contemplate passing the DAP. Blake was tasked with the authorship.

Rio Grande Street Bike Boulevard-Update

The first roundabout installed on the boulevard is not exactly as originally envisioned to the neighborhood and is somewhat awkward for pedestrians to negotiate. The Public Works Department was sympathetic to the initial public reaction, but the matter must also be commented upon by the Transportation Department. Ted and Albert are tasked with meeting with the chief traffic engineer and seeing if future roundabouts can be modified.

Parks & Open Space-Shoal Creek Partnership

Ted reports that he along with the Austin Parks Foundation (APF) met with our new neighbor Cirrus Logic concerning Shoal Creek. The APF will coordinate a Shoal Creek cleanup by Cirrus Logic's employees this coming January, with the potential for some funding of current general operations and maintenance needs by the company. Cirrus Logic, in anticipated conjunction with other private stakeholders, has also pledged additional time and treasure toward ongoing improvements to the creek. Our board member Bill, the Cirrus Logic public affairs coordinator, was assigned to be one of the point men for the company.

Our allotted time having run, we adjourned. Our next meeting will be Tuesday, 11 October, from 4 to 5:30 PM at the Common Room of the Regency Apartments.

Blake Tollett, Secretary
OANA