

Shna meeting  
2/11/14

Item 1

Action Item: 1307 Waller zoning change

Sean Garretson (Vice President SHNA Board) synopsisizes the item for a vote: Applicant is seeking a rezoning of 1307 Waller from SF-3 to SF-4A. Vote is whether the neighborhood supports the zoning change.

Toria English (SHNA Board President and Applicant): We went over our impervious cover limit, from 45% to about 60%. We thought we had small lot amnesty, We went to the City for the application for the pool installation. We verified the small lot amnesty lot with them. We also bricked the front to create another parking space that's required. The City came out and said we are too large for small lot amnesty. We want a zoning change to SF4A from SF-3 to bring us into compliance with the City.

We don't need neighborhood support, but I would like neighborhood support. I went around the neighborhood to answer questions, and I was able to garner support.

[Introduces her attorney Jeffrey Howard of McLean and Howard Law to explain her application to the Planning Commission]

Jeffrey Howard Applicant's attorney): In 2001-2002 CEANP (Central East Austin Neighborhood Plan), it goes back to that, gave infill options to promote infill and moderate density. There are two tools: small lot amnesty (for existing lots), and urban home special use (new lots). And SF-4A is an infill option. In 2006, the property was subdivided, took two lots and turned it into four. That was done under the urban home tool that allows a small SF-3. All four lots are under 5,000 sq ft. One lot is under 4,000 sq ft.

Urban Home has a flaw. It allows for 65% imp cover but only if your lot is 4,000 sq ft or less, with no room on margins. It penalizes someone who has a lot that's over 4,000 sq ft. By having a slightly larger lot, you get so much less impervious cover - 45%.

We have three options:

1. Amend the code
2. Ask for variance – usually granted based on hardships, steep slopes, unusual lot configuration, large tree. They don't grant zoning variances where a zoning change could be.
3. Ask for a zoning change. SF-4A is appropriate here. It matches characteristics, and very few lots qualify for it in this neighborhood.

[At this point, Sean Garretson reviews the meeting the SHNA board had to discuss this zoning change and reports to the members present that the board opposes the zoning change and is recommending a “no” vote.]

Kirsten Siegfried (SHNA Board member): My concern is that Rob determined the impervious cover for each of those lots when they were developed and determined them based on a drainage study. Flooding is my main concern.

Rob Seidenberg (SHNA member and developer of said subdivision): A specific number of impervious cover was allotted each lot. Another oversight by the City is that they didn't check the subdivision files. On the actual subdivision, issues of water retention, and potential additional retention when the other lots behind were to be developed were taken into account. Those other lots are being developed right now.

Jeffrey Howard: The impervious cover limits were based on the zoning. It was the development Detention Waiver - Rob got one based on zoning. If we can correct the zoning, we can correct the impervious cover issues, revise our plat - not to waive the detention, but to address it.

Kirsten: How would you do that?

Jeffrey Howard: We would go to an engineer and say here is where that runoff goes and is some kind of detention required or not?

Sean Garretson: I think we have to go back to the issue of the zoning, though the impervious cover issue is important.

Paula Reckson (SHNA member and property owner adjacent to Applicant): I'm one of the best people to speak to the impervious cover and drainage issues. We live downhill and next door to the Englishes. Rob (Seidenberg) did some work with us to help out our neighbors to the east. The Englishes constructed a French drain to the east into a pop-off drain to handle their runoff, and installed some concrete to stop the erosion in the back of their yard. So, there's already a drainage problem that we're all having to deal with.

Sean Garretson: I spoke with Heather Chapman, the City's case manager on this zoning case recently. This item will be presented March 6, before the Planning Commission. She doesn't know what the staff recommendation is going to be, and she also said she has some more questions. Specifically, she wants the documentation as to when applications were submitted for the pool and the driveway.

Tracy Witte (SHNA member): That SF-4A zoning is not just for houses within that small crack that you're describing. I think it's a bad idea to set a precedent with this zoning change.

Mr. McBee (SHNA member): What happens if nothing is approved?

Jeffrey Howard: The city could start an enforcement action, assess fines, until - I don't know - the impervious cover is removed.

Suzanne McBee (SHNA member): So there's no consequences for the City.

Paula Reckson: The pool company put the pool pump in the setback.

Toria English: We're not talking about the setbacks

Rob Seidenberg: What about financial hardship?

Jeffrey Howard: No, that's not a consideration.

Charlie Reckson (SHNA member and property owner adjacent to Applicant): How did the city make this mistake?

Jeffrey Howard: I don't know.

Toria English: There were cement parking lines in our backyard, and the pool company removed it, but we didn't know a second parking space was a requirement (for our house).

Rick McGee (SHNA member and property owner two houses downhill from Applicant): Has there been any action taken to address the question of drainage?

Toria English: The city has reviewed it. They determined that there is no issue.

[unidentified questioner]: How much impervious cover is on the property right now?

Jeffrey Howard: I think we're certain that we're under 65% impervious cover.

Kirsten Siegfried: I think this issue has taken up more than the time allotted and we need to bring it to a vote.

Sean Garretson: I agree.

[Arguments begin over the method of voting, specifically whether to count the letters Toria English wrote and showed neighbors, asking them to sign on as supporters. She asks the board to consider the letters to be absentee ballots. The SHNA Secretary Louisa Brinsmade notes they must be verified and that the method of gathering them is questionable considering they were gathered by the applicant, are not in ballot form, and are letters that appear to give SHNA Board support to the zoning. Sean Garretson, Kirsten Siegfried note that the Board disseminated notices that the Board opposes the zoning change around the same time that Ms. English was disseminating letters that made it appear the SHNA Board approved the zoning change. Then begins a discussion over whether absentee voting is an acceptable Swede Hill neighborhood practice. Two instances where it has been used are recounted. Mike Tolleson (SHNA member) notes that a "voice vote" is the neighborhood standard and tradition. Mr. Tolleson then calls for a voice vote of just those present at the meeting. Ms. English opposes that method and asks for her signed letters to be counted. She also asks that we vote by ballot so that she may have a record of the vote. Arguments continue until Sean Garretson announces that he doesn't believe we will be able to vote on this action item at this meeting, rather the Board should postpone the vote until March 4. In the meantime, the SHNA Board will discuss the issue of voting methods, make a decision before the March meeting and notify the neighbors when that decision is made.]

Agenda Item #2

Pending sales of lots on East 12th ST. to Butler Equity Holdings Ltd for construction of five-story vertical mixed use buildings - Austin Stowell.

Kirsten: Austin can't make it, but I can describe what happened at the URB (Urban Renewal Board). The first lot (Tract 3) is 1120 East 12th. The URB is recommending that the city sell the lot to Butler Equity Holdings. The second lot is on East 12th and Angelina (Tract 5). Same thing – the URB is recommending selling to Butler Equity Holdings. Both site plans for both lots call for a 5-story mixed use building - 48 apt units on Angelina and East 12<sup>th</sup>, and 36 on Navasota and East 12th. Austin Stowell told me he is planning to market those apartments to medical students.

There were two bids for Tract 3, and three bids for Tract 5. The URB chose Butler for both of those lots, and is recommending the City Council approve sale of these lots to Butler at this Thursday's City Council meeting. [The City Council postponed their vote on the sale of the lots until Thursday February 27.]

Rob Seidenberg (SHNA member and Bidder on Tract 5): At the risk of sounding like a disgruntled loser, the NCCD allows for a 40% reduction in required parking. Which means they will be providing 40% less parking than they might need.

Arthur Anton (SHNA member): Retail and residential require a certain amount of reduction. So the NCCD allows for a 20% parking reduction.

Rob Seidenberg: Parking is expensive - sometimes a lot more is made than needed. I do want to point this out - this bid is based on a 40% reduction in parking, not 20% as in city code.

Michael Young: Those parking space numbers are also based on the number of parking spaces in the street, in the neighborhoods behind a development. This development will get to claim those as part of their spaces, as will several other developers - claiming the same spots several times over several developments.

Kirsten Siegfried: The ingress and egress is on Navasota and Angelina, in our neighborhood, not on East 12th.

[unidentified questioner]: Is this a done deal?

Sean Garretson [SHNA Board Vice President and Bidder on Tract 5 with Rob Seidenberg]: It is not, in fact. Staff is not entirely happy with this plan.

Kirsten Siegfried: These are 60-foot buildings with 10 ft. setback. This is very close to our single-family homes.

Sean Garretson: Neighborhood is interested in owner-occupied buildings, but they did not submit that - they submitted them for rental.

Tracy Witte: Eureka Holdings - is proposing a much smaller development.

[Argument ensues between Sean Garretson and Tracy Witte over describing the bid from Eureka Holdings to the gathered members. Discussion ends with recommendation from several SHNA Board Members that we gather for a meeting to discuss next steps on this item.]

### 3. Hotel/Restaurant/Bakery on East 12<sup>th</sup> (10 minutes) Danika Boyle

Danika Boyle: We are wrapping up Phase 1 of fundraising, and getting to permitting stage. We were wanting to raise the money first, but investors starting asking use to start the permitting process. Hopefully we'll begin February/March, and break ground in January/February 2015.

We're pretty far along. It's designed "exteriorally", but not the interior. This is a really important project to me: this is a purpose-build. I've always wanted to design a boutique hotel, gardens, subtleties, with quietude, a chateau-model.

The learning curve is quite steep, but the industry has seen my deck, and major hoteliers are liking the model.

We're working on a cross-shaped design – "Mies van der Rohe" style - light in certain places. We didn't want a wall facing 12th. We wanted extensive grounds and gardens.

With management, it's been about finding the right partner. We're excited, and selective about who takes over control of that.

Bakery and retail front would be on Olander. The NCCD doesn't allow entrances on East 12th. So, it's on Olander. We're going to rent off-lot parking.

During development, we'll put in a pop-up bakery on Olander side. It would not be a hard structure. We want to hear from you all - about what you want in our bakery, etc.. [Danika has bakery concept pictures.]

It will be 18 months from now when we would start. We can distribute the list of items we would offer in the bakery pod, with a manicured lawn, chairs, a walk-up counter. We'll come up with our top 10 hot items for the menu in the next 3-4 months.

Sean Garretson: Temporary pod?

Danika Boyle; No food park, just one pop-up bakery.

Sean: What about the height of your hotel?

Danika Boyle: We can go up to 60 feet, but we're only at 50 feet, because, in part, we want gardens. We have a 16 foot differential at East 12th, so that will provide the plinth, if you will. Will Schnier is our engineer.

We would like to have an art exhibit space and salon that's open to the public. Next to that would be the motor court and lobby. The first floor starts at the alley (off Olander), and about 20 ft from the back are the gardens. We're about 180 feet wide, so at 60 ft in would be the terrace, with three rooftop cabins tucked in the middle at the highest point, and rooftop gardens as well. Looking at event space also, but only small events, and no live music.

We'll have 60 rooms. That will maximize our ability to have a return as well a return on the programs we want to provide.

Danika Boyle: We want special event permitting only for parking. We're sensitive to the neighborhood - we'll take care of the people around us. We'll have 64 parking spaces, minus the 20% reduction allowed under the NCCD, and for the overflow we're doing valet parking at off-site location.

My goal is to have guests approach the property and park their car, or have their car parked for them by the valet.

We'll have a site development plan by April. We're in the design stage of that.

We're not dev it to the maximum use. We could have 5-6 stories, but we don't want that.

Sean Garretson: Will you please send the bakery concept pictures and information to Kirsten?

Danika Boyle: I will.

Item #3

Purple Martin birdhouse proposal for Swede Hill Park by Joanna Vaughn

Joanna Vaughn:

There is a class on purple martin houses on February 15, if anyone wants to go.

According to the bylaws, we will have to have a vote on anything more expensive than \$200, so we'll have to vote next month, but we've probably missed the scouts. [Purple Martins send out "scouts" for nesting areas in the weeks prior to the onset of spring weather.]

We do have a year before they come again. Martins like open space - there has to be 25 feet of open space around their houses.

We will meet with whomever is interested to discover what to recommend to SHNA next month.

Agenda Item #4

Code Next Community Character Update by Kris Bowen

Kris Bowen: I'm glad we had so many people here tonight. It's a good cross-cut of people who are building, residents who've lived here a long time, etc.

Code Next Community Character is concerned with parking, setbacks and density. Those are the three main things they're going to look at and make decisions on what the neighbors want. They will put that into a report that goes to CODE Next, and then goes as a recommendation to City Council.

Sean Garretson: CODE Next modifies our current code to codify new city plan.

Kris Bowen: CODE Next is interested in hearing from the neighborhood. So, they are engaging the neighborhood by putting up a DIY neighborhood mapping kit. Not limited to neighborhood associations, but it's something relevant for all the new development coming up. If the board deems it necessary to do a DIY kit, or a committee that would be engaged towards doing a DIY kit, then that could be used by CODE Next to represent our neighborhood and what we want to see in terms of code and development.

CODE Next is the entity that is responsible for gathering neighborhood input. Ultimately East 12th Street is a blank slate. It shouldn't be just single-family home owners; it should be like the meeting tonight, a cross-cut of people who are excited about what's happening.

Sean Garretson: The timeline is that it could take two years to gather all this information. The City Council will vote on this. This is your opportunity to get your input in.

Kris Bowen: Saturday February 15th is the cut off date to sign up for optional training. I'm not sure if that's our last opportunity to participate in the CODE Next project.

Kirsten Siegfried: I've gone to a few CODE Next meetings. It is supposed to be a rewriting of all development code to make it simpler to everyone – residents and developers.

Our neighborhood is a poster-child for the overlays of development code, causing all kinds of confusion.

8:30pm [End of Meeting]