



The Cherrywood Neighborhood is bounded by I-35, 38 ½ Street, Airport Boulevard, and Manor Road. It is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

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January 27, 2022

Dear City of Austin leadership,

As the Cherrywood Neighborhood Association (CNA) we have participated in the engagement opportunities offered by the Texas Department of Transportation (TxDOT) on the Interstate-35 Capital Express Central Project (CapEx Project), and also the recent opportunity offered by the City of Austin (City) related to cap and stitch options. We have repeatedly encouraged neighborhood residents and business owners to provide their personal feedback on the CapEx Project, which will have a dramatic impact on our urban neighborhood—both during construction and for generations after completion. While we appreciate the engagement opportunities to date, we remain concerned that neighborhood impacts are not being reflected in the CapEx Project design and implementation strategies. On January 27, 2022, the CNA Steering Committee approved this fourth letter regarding the CapEx Project.

While Cherrywood residents remain enthusiastic about TxDOT's commitment to removing the upper decks, and the CNA supports the letters issued by the City of Austin and others in Fall 2021, we feel strongly that there remain deficiencies in TxDOT's process and current design alternatives for the "Cherrywood section" between Dean Keeton Street and Wilshire Boulevard. (We recognize the section between 15th Street and Dean Keeton to substantively reflect TxDOT conversations with UT Austin).

To summarize the key points in this letter:

- The Cherrywood section is as vital as the downtown section in terms of urban character and future residential potential and deserves a similar level of creativity, innovation, and advocacy from the City.
- We offer several design refinements focused on extending the boulevard frontage road approach, expanded stitches or full caps, active use of remaining land and several other elements.
- We support a fair and transparent approach to what appears to be the inevitable dislocation of all existing businesses on the frontage roads between Dean Keeton and Airport Boulevard.
- We support those organizations and voices still calling for the CapEx Project to meaningfully address the historical equity issues amplified and reinforced by I-35.

The schematics provided on August 10, 2021, reflect only a cursory response to our community concerns and result in unnecessary harm and huge missed opportunities in the Cherrywood section.

The revised schematic for Modified Alternative 3 provided on January 25, 2022, shows some recognition of our concerns and a partial response to community feedback — promising first steps in reducing the negative impact of this project for the current and future residents of the north central neighborhoods that will disproportionately bear the outcomes of I-35 renovation. We understand that Modified Alternative 3 is what TxDOT intends to take forward into deeper environmental and legal study, specifically as shown in the expanded right-of-way *width* and the *depth* of the new lanes. We also understand additional, even significant, refinements within these dimensions are still possible. Somewhat skeptically, we hold good faith trust in TxDOT and the City to continue to pursue the additional refinements we propose in this letter and those advocated by other community organizations.

At a high level, what we have yet to see is that the Cherrywood section of the CapEx Project is receiving as much innovation, creativity, and even additional funding as has been focused on the downtown section. We believe options like full capping and shorter/safer east-west connections provide arguably greater benefits for the current and future residential fabric of the Cherrywood section than in the commercial section of downtown. **We therefore call on the City to advocate on behalf of Cherrywood for the design principles they are already promoting in the downtown section.**

This letter amplifies points specific to the Cherrywood section that have been articulated in previous letters from December 2020, April 2021, September 2021, and were further explored in an open house on September 8, 2021, and in a survey of Cherrywood residents and business owners (select results in September 2021 letter).

Improving community awareness and additional engagement opportunities

We reiterate that many Cherrywood residents have been engaged in conversation about renovating the I-35 central section for decades. We live the reality of the highway daily. Almost all of us moved into this part of Austin in full awareness of our proximity to the freeway and its eventual renovation, yet there are many who are still learning about the scale and impact of this project.

We recognize that community engagement requires a great deal of coordination, but it is a fundamental and paramount effort when planning for generation-spanning investments such as the CapEx Project. Indeed, this awareness drives our collective insistence that TxDOT act in better alignment with the stated aspirations for this project (a commitment to a “no wider” and “no higher” alternative) and actively listen and respond to community input in a more meaningful way than in years past.

We amplify this insistence and extend it to the City in regard to your ongoing engagement efforts. We note no contact with CNA seems to have been attempted as the City drafted the January 7, 2022, memo, which includes City preferences for design options in the Cherrywood section.

As a neighborhood, we are eager to work with the City to increase community awareness and look forward to collaborating much more closely with City staff going forward to generate creative solutions for our neighborhood.

Revisiting design alternatives

As we have stated previously, the CNA amplifies calls from Reconnect Austin, as well as NCINC, the City of Austin, Travis County, Downtown Austin Alliance and others for a narrower right-of-way and creative frontage road and cap & stitch design alternatives. We encourage the City to negotiate with TxDOT to pursue development of a still narrower design that incorporates more cantilevered/stacked lanes or tunneled lanes (as in the UT section) in the Cherrywood section. This is a critical issue for current residents of Cherrywood on the east side of I-35 and for current and future multi-family residents on the west side of I-35 in this urban section, as well as for many other community organizations.

Specifically, we request the City collaborate with CNA on the following design alternatives:

Eliminate the northbound exit ramp to E. 38 ½ Street. We appreciate that the proposed alternatives replicate the existing conditions for exit ramps. But we note the exit ramp to Manor Road/Dean Keeton and the ramp to Wilshire Boulevard/Airport Boulevard provide adequate future accessibility to our residents and businesses. Eliminating the exit ramp to 38 ½ Street between these two appears to relieve the necessity for much of the right-of-way expansion in the Cherrywood section. We see no justification for retaining this exit ramp in the new designs, whether it relates either to balancing the number of I-35 main lanes or frequency of access ramps, and dispute the importance of this specific ramp for access to the Mueller redevelopment.

One of the primary benefits of Cherrywood's proximity to I-35 is freeway on- and off-ramps convenient to our homes. While the importance of this convenience is decidedly mixed across neighborhood survey respondents in September 2021, **there is a general willingness to concede convenience of access in exchange for design alternatives that minimize right-of-way encroachment on homes and that creates an urban frontage road and freeway landscape more conducive to development according to City of Austin and neighborhood goals** (see charts in September 2021 letter).

Stitch at E. 38 ½ Street overpass. We appreciate that TxDOT has removed the northbound-to-southbound turn-around at this bridge to facilitate stitching around this overpass, but we are concerned that the design in the recently released plans will only add additional hardscaping and will not actually become a functionally usable amenity. **We encourage the City and TxDOT to explore creating a significantly wider stitch, if not a full cap, extending at least as far south as Concordia Avenue, regardless of who is responsible for funding.** We note that future development along the west side of I-35 at this intersection will very likely be additional multi-family and mixed-use mid-rises, similar to the recent construction at the intersection of E. 32nd and I-35. There will be hundreds, if not thousands, more residents in this area in the future who will benefit from a meaningful, functional cap. Furthermore, if possible, we encourage this design to be mirrored on the north side of the overpass.

Boulevard frontage road. We are enthusiastic about TxDOT's creativity with the boulevard frontage road alignment between Manor Road and Dean Keeton, as well as the slightly wider, gapped boulevard design in the downtown section between 5th and 7th Streets. We understand the TxDOT preference to build on solid ground when it is available, as through expanded right-of-way, instead of a cantilever/stacked design as we are requesting. However, we understand this to be a preference, not a requirement. Clearly it is possible as demonstrated in the downtown section. As stated earlier, we believe the Cherrywood section deserves as much innovation and funding focus as the downtown section to retain and enhance the character of the neighborhood. **We requested in a previous letter for this option to be replicated in the Cherrywood section on the west side of I-35 from E. 32nd Street extending as far north as possible, even to Airport Boulevard.** We understand another objection to this concept is a TxDOT concern related to future business use of a new northbound frontage road on the eastside of I-35. However, each design alternative offered to date, as well as the recently released Modified Alternative 3, appear to require completely displacing all existing frontage road businesses between E. 30th and E. 38 ½ Streets to accommodate the design and/or construction phase of the CapEx Project. In addition, the design alternatives shown to date do not appear to leave enough remaining land post-construction on the east side for a legal lot on which a future business could be established (see below for additional comment on remaining land). We do not understand what future business opportunities TxDOT is trying to protect with maintaining a frontage road on both sides of I-35. **We encourage the City to join us in seeking further exploration of this urban design option.**

New intersection design at E. 32nd Street. Again, the boulevard frontage road concept between Manor Road and Dean Keeton is exciting. **We encourage the City to work with TxDOT to replicate the**

Dean Keeton intersection/overpass design at the E. 32nd Street intersection. We acknowledge this will require extending the boulevard frontage road design from the UT section north to the E. 32nd Street intersection. We see this is already intended to be a signalized intersection and suggest that vehicles seeking to access the northbound on-ramp just north of E. 32nd Street can utilize a dedicated lane at the intersection as is frequently done in other cities. The frontage roads could then shift together to the west side in a boulevard design (or separate to either side on the north side of the intersection). The northbound-to-southbound turnaround can be eliminated and vehicles can simply go through the intersection light cycle to make the turnaround. If separated frontage roads, the southbound-to-northbound turnaround could remain, albeit narrower (as shown in Alternative 1 in August 2021). This change would greatly reduce the right-of-way expansion needed between Dean Keeton and E. 32nd Street, reducing – perhaps eliminating – the negative impact on the People’s Community Clinic Center for Women’s Health and Prenatal Care and also Stars Café.

Revised pedestrian/bicycle overpass at Wilshire Boulevard. We appreciate TxDOT’s efforts to replace the existing vehicle/ped/bike access from Nature’s Treasures to the Hancock Mall with a new ped/bike elevated overpass. However, the switchbacks shown for the new overpass will greatly complicate future land use and residential density on the receiving properties on both the east and west side of the expanded freeway. We propose a different design for a non-vehicular, ped/bike only, signalized, at-grade crossing in essentially the same location as the existing crossing. We note the managed lanes are depressed in this area, there is an existing signalized intersection located a safe distance from the existing off-ramp, and none of the existing frontage road curb cuts on either side are roadways and therefore can be relocated as needed for a new at-grade, ped/bike only crossing could be located.

Removal of billboards. There are five double-sided billboards on the east side of I-35 in the Cherrywood section. We note the schematics do not indicate new or relocated billboard easements. We request the City support our interests with TxDOT to retire these billboards and not allow them to be relocated to any other roadway.

Business displacement during construction

While we continue to encourage revised design alternatives that require minimal right-of-way expansion for final transportation as well as for temporary construction purposes, we recognize the seeming inevitability of fatal impacts to beloved neighborhood businesses on the frontage road, including Escuelita del Alma, Stars Café, and Taqueria Los Altos, as well as Dreamers, Le Rouge, Texas Gamers Lounge, the Zebra Smoke Shop, and others. In fact, residents are more concerned with existing business displacement than with negative impacts to their property values (see survey in September 2021 letter).

Regardless of personal opinions about the nature or purpose of these businesses, with few exceptions, they are small, locally owned businesses with property owners, business owners, and employees who live in this community and contribute to the Austin economy. The CNA supports all of these businesses and their employees equally. Displacement is a deeply intertwined land use and social concern for our neighborhood. **We encourage the City to collaborate with CNA to ensure that business owners are fully aware of the TxDOT process for property acquisition and displacement options, and that a fair and transparent process be used for all impacted businesses.**

Maximizing remaining land for creative use

Looking ahead to post-construction conditions, we appreciate that TxDOT appears to be moving away from a right-of-way acquisition approach that would result in small, land-locked, privately owned “remainder” lots that would create complications for the City and CNA. We are tentatively hopeful that the new acquisition approach resulting in TxDOT-owned “potential enhanced aesthetic areas” is an opportunity for creative, innovative urban land use. The opportunities will be different block-by-block,

which we realize is perhaps too fine a scale for TxDOT to analyze but is certainly an appropriate scale for City focus.

The current frontage road lots between Edgewood Avenue and E. 38 ½ Street are shallow and appear to result in narrow strips of land remaining after TxDOT expansion and construction, suggesting a focus on total business relocation and a linear residential buffer options for the residences on Robinson Avenue. We will also be working to ensure residents in these blocks understand and engage in the noise evaluation and mitigation process that TxDOT is legally obligated to pursue.

The current frontage road lots between E. 30th Street and Edgewood Avenue are deeper and appear to offer the possibility of useable remaining land after TxDOT expansion and construction. The “potential enhanced aesthetic areas” appear not to allow for conventional business uses but perhaps facilitates long-term future land use planning between the City and CNA to creatively return this land to interactive, functional use benefiting area residents. **In our September 2021 letter, we requested TxDOT leave at least 60 feet of land depth to allow for greatest range of possible future uses.**

We have detailed an initial set of principles in our earlier letters (available online) that would exemplify a best-case scenario for future land use in the Cherrywood section, regardless of a new frontage road configuration. **We are also eager to explore the uses TxDOT is initially proposing as appropriate for “potential enhanced aesthetic areas,” but we firmly believe active uses are necessary.** CNA recognizes that future land use is not a primary concern for TxDOT and efforts will have to be coordinated with the City and adjacent private property owners, so we will continue to refine these principles through community engagement that includes TxDOT and City staff.

Equity

As stated in our previous letters, CNA continues to support the work of People United for Mobility Access (PUMA), Our Future 35, and other organizations that still question the higher-level Purpose and Need statements for the CapEx Project, which many believe still fall short of addressing critical steps such as acknowledging the legacy of racism and segregation embodied in the roadway and committing to righting historical wrongs. We agree with and support those that assert that I-35 is a persistent physical embodiment of Austin’s on-going struggle with institutional segregation and racism. CNA believes the CapEx Project can and must include positive community equity goals beyond mobility – such as investment in affordable housing and reconciliation initiatives – and we will continue to ally with and stand with groups that are focused on equity goals.

Sincerely,

Cherrywood Neighborhood Association Steering Committee

cc: Austin City Council Members
Texas Senator Sarah Eckhardt
Texas Representative Sheryl Cole
Tucker Ferguson, Texas Department of Transportation
Susan Fraser, Texas Department of Transportation
Lynda Rife, Rifeline Communications