

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

PDC Bldg, [6310 Wilhelmina Delco Lane](#) – 2nd Floor 2109.20

Office: 512-978-1735

**The Site Plan team within DSD's Land Use Review Division is committed to maintaining a high level of review and customer service. Currently, we are experiencing review delays and slower response to customer emails and phone calls. Progress of a review can be tracked online via the following website: <https://abc.austintexas.gov/web/permit/public-search-other?reset=true>*

*For kudos or immediate concerns, please contact my supervisor Rosemary Avila at rosemary.avila@austintexas.gov or Christine Barton-Holmes at christine.barton-holmes@austintexas.gov. Thank you for your patience and understanding, and we look forward to serving you in the near future.**

From: Rivera, Andrew

Sent: Friday, April 22, 2022 10:15 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Lofton, Zack <Zack.Lofton@austintexas.gov>; Johns, Renee <Renee.Johns@austintexas.gov>; Sarah Sumner <Sarah.Sumner@traviscountytexas.gov>; Bennett, Jennifer <Jennifer.Bennett@austintexas.gov>

Subject: PC April 26th Agenda

All:

Please forward the attached agenda and speaker registration link below to applicants and interested parties.

<https://forms.office.com/Pages/ResponsePage.aspx?id=9hleXKumRUux0L5GCKmmf-rCcM0VJ45NoBmTPGEWfEdURjVJU0RZND3WE1TMEhHTFk1N1RBSDiCVi4u>

For staff participating via videoconference, link will be sent Tuesday afternoon (same link as for commissioners).

Thank you,

Andrew

Andrew D. Rivera

Land Use Commissions Liaison

City of Austin - Housing and Planning Department

P.O. Box 1088

Austin, Texas 78767

512-974-6508

www.austintexas.gov

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Lofton, Zack

From: Lofton, Zack
Sent: Tuesday, April 26, 2022 10:52 AM
To: Dawna I Ballard
Subject: RE: 1400 Cedar Avenue Project

Good morning Dawna:

Thanks for sending this in. I will include it in the background materials.

Zack

Zack Lofton, AICP, CNU-A
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City of Austin Development Services Department
PDC Bldg, 6310 Wilhelmina Delco Lane – 2nd Floor 2109.20
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From: Dawna I Ballard [REDACTED]
Sent: Tuesday, April 26, 2022 8:42 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: 1400 Cedar Avenue Project

*** External Email - Exercise Caution ***

Hi Zack:

I'm attaching a letter about the project at 1400 Cedar Avenue. Please include it in the file for discussion tonight.

many thanks,
Dawna

--

Dawna I. Ballard, Ph.D., Associate Professor
Department of Communication Studies
Moody College of Communication
University of Texas at Austin

If you want to reach me...

In person: <https://dawna.youcanbook.me/>

Postal Mail: 2504 Whitis Avenue (A1105), Austin, TX 78712-1075

Faster: @dawnaballard on Twitter; @iteachtime on Instagram

Slower: dballard@austin.utexas.edu

"Time isn't the main thing. It's the only thing." --Miles Davis

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Lofton, Zack

From: Lofton, Zack
Sent: Friday, May 6, 2022 2:07 PM
To: Marissa Fajt
Subject: RE: FW: Planning Commission May 10th Agenda and Speaker Registration

That's right. The Planning Commission can only approve a height waiver from Section 25-2-1063 of the code if the proposed project meets certain requirements for how the site's laid out etc.(25-2-1081) The proposed project doesn't meet any of those requirements. So because of that I cannot give it a staff recommendation for approval. The applicant can still apply for a waiver through the Board of Zoning Adjustment but that's a totally different process.

And yes you're right, there are a lot of pieces that need to be lined up when a waiver is requested...or really anytime. ☺

Let me know if you have any other questions.

Zack

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From: Marissa Fajt [REDACTED]
Sent: Friday, May 6, 2022 1:44 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: FW: Planning Commission May 10th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Got it, I think? So some other entity would grant the height waiver? Trying to navigate the city is very complex. I can't imagine what all you have to know to help people get through it.

On Fri, May 6, 2022 at 12:34 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Marissa:

There's more information in the background materials which you can find when you click the hyperlink in the agenda. Essentially it's because the Planning Commission is not permitted to grant a height waiver under these circumstances. Given that, we can't recommend they approve it since they are not actually able to do that.

Zack

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From: Marissa Fajt [REDACTED]
Sent: Friday, May 6, 2022 12:11 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: FW: Planning Commission May 10th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Oh. Is the reason the staff isn't recommending this in the information you sent? Or why isn't the staff recommending this?

On Fri, May 6, 2022 at 12:00 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Marissa:

As we discussed, if you'd like to speak on Tuesday at the Planning Commission meeting as an interested party, you can sign up at the speaker registration link below. Please let me know if you have any questions. One note is that this agenda says 1400 Cedar Avenue's waiver request is "recommended" by staff but that is an error and it's being updated. There's more information in the background materials about staff's reason for not recommending. Please let me know if you have any questions. Have a great weekend!

Sincerely,

Zack Lofton, AICP, CNU-A

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From: Rivera, Andrew

Sent: Friday, May 6, 2022 10:28 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Lubomudrov, Andrei <Andrei.Lubomudrov@austintexas.gov>; Lofton, Zack <Zack.Lofton@austintexas.gov>; Smith, Mashell <Mashell.Smith@austintexas.gov>; Johns, Renee <Renee.Johns@austintexas.gov>; Bennett, Jennifer <Jennifer.Bennett@austintexas.gov>; Zavala, Cesar <Cesar.Zavala@austintexas.gov>; Daniels, Susan <Susan.Daniels@austintexas.gov>; Potenza-Arnold, Kathryn <Kathryn.Potenza-Arnold@austintexas.gov>; Kitten, Cole <Cole.Kitten@austintexas.gov>

Subject: Planning Commission May 10th Agenda and Speaker Registration

All:

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For staff participating via videoconference, link will be sent Tuesday afternoon (same link as for commissioners).

Thank you,

Andrew

Andrew D. Rivera

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Lofton, Zack

From: Lofton, Zack
Sent: Friday, May 6, 2022 4:47 PM
To: Ian Zurzolo
Subject: RE: FW: Planning Commission May 10th Agenda and Speaker Registration

No problem. There's more information in the background materials - just click the hyperlink in the agenda. But essentially it's because the Planning Commission is not permitted to grant a height waiver under these circumstances. Given that, we can't recommend they approve it since they are not actually able to do that.

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From: Ian Zurzolo [REDACTED]
Sent: Friday, May 6, 2022 4:14 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: FW: Planning Commission May 10th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Thanks for the heads up Zack.

What were the main reasons for staff not recommending? Or could you share the link to the backup materials and page number to find staff's reasoning on?

Thanks again,
Ian

On Fri, May 6, 2022 at 11:43 AM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Ian:

If you'd like to speak on Tuesday at the Planning Commission meeting, you can sign up at the speaker registration link below. Please let me know if you have any questions. One note is that this agenda says 1400 Cedar Avenue's waiver request is "recommended" by staff but that is an error and it's being updated. There's more information in the background

materials about staff's reason for not recommending. Please let me know if you have any questions. Have a great weekend!

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Sent: Friday, May 6, 2022 10:28 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Lubomudrov, Andrei <Andrei.Lubomudrov@austintexas.gov>; Lofton, Zack <Zack.Lofton@austintexas.gov>; Smith, Mashell <Mashell.Smith@austintexas.gov>; Johns, Renee <Renee.Johns@austintexas.gov>; Bennett, Jennifer <Jennifer.Bennett@austintexas.gov>; Zavala, Cesar <Cesar.Zavala@austintexas.gov>; Daniels, Susan <Susan.Daniels@austintexas.gov>; Potenza-Arnold, Kathryn <Kathryn.Potenza-Arnold@austintexas.gov>; Kitten, Cole <Cole.Kitten@austintexas.gov>

Subject: Planning Commission May 10th Agenda and Speaker Registration

All:

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For staff participating via videoconference, link will be sent Tuesday afternoon (same link as for commissioners).

Thank you,

Andrew

Andrew D. Rivera

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Lofton, Zack

From: Lofton, Zack
Sent: Monday, May 9, 2022 11:21 AM
To: Andrew Sinnott
Subject: RE: Item 14 on Planning Commission Agenda tomorrow

Hey Andrew:

You're right, the agenda was posted with an error and staff is *not recommending* the waiver request. The agenda is being updated so it's consistent with the background materials. I'm going to forward you the email I sent to the interested parties last week which clarifies the confusion a bit.

Yep, please submit any comments you have by 1pm tomorrow so they can be included in the background materials.

Let me know if you have any other questions or comments.

Zack

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From: Andrew Sinnott [REDACTED]
Sent: Monday, May 9, 2022 10:23 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Item 14 on Planning Commission Agenda tomorrow

*** External Email - Exercise Caution ***

Hi Zack,

I live at 1602 Cedar Ave. and was curious about this item regarding the compatibility waiver request for 1400 Cedar Ave. The agenda says staff is recommending the waiver request but the staff recommendation within the 51-page item is to *not* recommend. Will staff be recommending or not recommending the waiver? Or does the setbacks waiver need to be considered before a height waiver can be considered?

Also, is 1pm tomorrow the deadline to submit written public comment?

I know this has been a contentious issue for some and I appreciate staff's diligence in working through all of this with the applicant, the Planning Commission, and the general public.

Thanks,
Andrew

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To: City of Austin Planning Commissioners
From: Stakeholders of 1400 Cedar Avenue Project
Regarding: SP-2021-0102C Compatibility Variances
April 22, 2022

We are responding to the proposed development on 1400 Cedar Avenue, a seven-unit three-story condominium structure between 1600-2000 square feet per unit on 0.277 acres of property (amounting to 19 bedrooms plus 7 habitable lofts).

We were pleased to see the changes to the structure made to address our safety concerns. The revised plans to increase the setbacks and decrease the number of units help to reduce the overall flow of traffic on the street, and we appreciate these changes.

We would like the builders to also consider another related point that we raised—i.e., alley access to and from the structure. There is currently only one entrance and exit (on Cedar Avenue) for all units.

Here are a few reasons we think an alley egress and Cedar Avenue ingress will make this a safer and more successful (including a more sought-after) development. Directing some traffic away from Cedar will help manage the following safety concerns:

- The proposed building is a high-density structure on the corner of a street that has no four-way stops, and visibility is often decreased by the number of cars already parked on the street by existing residents.
- Cedar Avenue serves as a primary artery east of Pleasant Valley so visitors are prone to drive over the residential speed limit
- One corner away from 1400 Cedar Avenue (at Cedar Avenue and 16th Street) is a school bus stop for Kealing Junior High School and McCallum High School so children walk to and from school in close proximity of the only proposed entrance of the structure. Additionally, children who attend Campbell Elementary as well as those who are bused to Ann Richards School (picked up at Campbell) also walk past 1400 Cedar Avenue twice a day on their way to and from school. All of this would occur while residents of 1400 Cedar Avenue are likely to be travelling to work. Therefore, anything that we can do to reduce traffic on the Cedar Avenue side of the structure is ideal.
- Finally, in the case of an emergency such as fire, how will all of these residents exit safely? At the same time, there will be no access for emergency vehicles except via Cedar Avenue.

Lofton, Zack

From: Lofton, Zack
Sent: Tuesday, May 24, 2022 10:59 AM
To: Ian Zurzolo
Cc: Rivera, Andrew
Subject: RE: Planning Commission May 24th Agenda and Speaker Registration

Hey Ian:

The applicant has not accepted the request to postpone. So the process Andrew mentioned in his previous email will take place.

Zack

Zack Lofton, AICP, CNU-A
Senior Planner, Land Use Review
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From: Ian Zurzolo [REDACTED]
Sent: Tuesday, May 24, 2022 9:00 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Thank you! Unfortunately they have never called me. Another example of the Applicant's unwillingness to engage neighbors.

I know it's not your fault though! :)

Please keep me posted on if they agree to postpone today's call or not.

Thanks,
Ian

On Tue, May 24, 2022 at 8:49 AM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Morning Ian:

We actually can't share emails but I did share your phone number in the past when you gave me permission. Thanks.

Zack

Zack Lofton, AICP, CNU-A

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From: Ian Zurzolo [REDACTED]
Sent: Monday, May 23, 2022 7:34 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Thanks Andrew. Zack, you may share my email with the Applicant and feel free to CC me on any communication with them.

Thanks,

Ian

On Mon, May 23, 2022 at 7:29 PM Rivera, Andrew <Andrew.Rivera@austintexas.gov> wrote:

Hello Mr. Zurzolo,

Zack will convey the request to the applicant, should they agree it will be offered for consent postponement to June 28th (Mr. Carroll is aware of the June 28th date, due to staff being unavailable June 14th).

Should the applicant not agree to the postponement, it will be set for discussion postponement and PC will consider the postponement after hearing from 2 individuals in support of the postponement and 2 against. I can note you as the second person in favor of the postponement. This will occur after the reading of the consent agenda.

Should the Commission not vote in favor of the postponement, the item will be heard in the order listed on the agenda.

Please note, during discussion postponement, speakers should refrain from delving into the merits of the case.

Thank you,

Andrew

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From: Ian Zurzolo [REDACTED]
Sent: Monday, May 23, 2022 5:29:23 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Thanks for the added clarification, Zack.

I spoke with other members of the Chestnut Planning Contact Team and we would appreciate a postponement regarding 1400 Cedar Ave on the agenda so we have more time to respond to the revised proposal. I believe David Carroll already submitted a request.

Can you please confirm there will be a postponement? Ideally, it would be at least 2 weeks from now.

Thanks again,

Ian

On Mon, May 23, 2022 at 3:47 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hey Ian:

No problem.

The proposed project greatly under-develops the lots compared to what's permitted in the base zoning and the overlays, and it also complies with all other compatibility and zoning regulations. For those reasons, we believe it's reasonable.

Zack

Zack Lofton, AICP, CNU-A

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From: Ian Zurzolo [REDACTED]
Sent: Monday, May 23, 2022 1:32 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Thanks for your continued engagement, Zack, it's been appreciated and I hope you know that. We understand you are just trying to do your job.

Our frustrations are mostly with the applicant, although we do disagree with City's rationale in this case. **Perhaps some additional clarity and transparency around what you mean by a "reasonable trade off" would help us understand better**, as it seems the negatives far outweigh any positives, and we don't agree that it meets the intention of Imagine Austin.

On Mon, May 23, 2022 at 12:59 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Ian:

Thanks for your feedback. As you know, the feedback we get from the public is included in the background materials, so your comments are definitely heard. Anyone from the community is also welcome to voice their comments at the meeting tomorrow.

Zack

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

PDC Bldg, [6310 Wilhelmina Delco Lane](#) – 2nd Floor 2109.20



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*For kudos or immediate concerns, please contact my supervisor Rosemary Avila at rosemary.avila@austintexas.gov or Christine Barton-Holmes at christine.barton-holmes@austintexas.gov. Thank you for your patience and understanding, and we look forward to serving you in the near future.**

From: Ian Zurzolo [REDACTED]
Sent: Monday, May 23, 2022 12:37 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

*** External Email - Exercise Caution ***

Hi Zack,

Thanks for the quick response.

As you know, "Missing Middle Housing" is a transformative concept that highlights the need for diverse, *affordable* housing choices in sustainable, walkable neighborhoods. The proposed developments at 1400 Cedar Ave are not earmarked as affordable housing, and in fact would be *unaffordable* to the majority of Austin residents, especially those currently living in Chestnut. **The reasoning provided by the city does not seem to accurately fit the intention of the City's Comprehensive Plan, Imagine Austin.**

I think you will see an overwhelming protest from concerned neighbors at tomorrow's meeting. I hope this changes your mind as a representative supported by taxpayers to better align with residents' needs and expectations. The Chestnut neighborhood has always been open to development and density increases; however, the tactics and ultimate proposal by this applicant has been disheartening to say the least. We would appreciate it if the city recognized that and reconsidered their recommendation.

Thanks,

Ian

On Mon, May 23, 2022 at 11:51 AM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Ian:

Staff's rationale for recommending approval is the same as when we initially recommended the first proposal for approval. For starters, the proposed development is permitted by-right according to its zoning. As you know, the site has been up-zoned two times in the past and has other incentives in the ordinances to facilitate development. From Staff's perspective, we believe the proposed development provides missing middle housing in a compact form which is consistent with the City's Comprehensive Plan, [Imagine Austin](#). For those reasons, we feel that the request has a reasonable trade off.

Related to safety, the waiver request is for reducing the rear yard (west) and side yard (north) setbacks which does not impact the sightlines at 14th Street and Cedar Avenue that were mentioned at the previous commission meeting.

Hope that helps.

Zack

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

PDC Bldg, [6310 Wilhelmina Delco Lane](#) – 2nd Floor 2109.20

Office: 512-978-1735



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*For kudos or immediate concerns, please contact my supervisor Rosemary Avila at rosemary.avila@austintexas.gov or Christine Barton-Holmes at christine.barton-holmes@austintexas.gov. Thank you for your patience and understanding, and we look forward to serving you in the near future.**

From: Ian Zurzolo [REDACTED]
Sent: Sunday, May 22, 2022 1:18 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Planning Commission May 24th Agenda and Speaker Registration

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Hi Zack and Andrew,

Thank you for sending me the sign up form for Tuesday's meeting.

I must say I am extremely disappointed - mostly with the developers for lying to the community by saying they would compromise with a 5-unit design and now reverting back to a 7-unit design...But I am also disappointed that city staff have "recommended" this 7-unit proposal after hearing overwhelming opposition from the entire neighborhood against it. This does not feel like the city has the best interests for the community in mind, especially considering the safety issues to pedestrians/drivers and the lawsuits that will surely be forthcoming.

Can you please explain the staff's rationale?

Thanks,

Ian

On Fri, May 20, 2022 at 12:25 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hey there:

If you'd like to sign up to speak next Tuesday, please register at the link below.

Let me know if you have any questions.

Zack

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

PDC Bldg, [6310 Wilhelmina Delco Lane](#) – 2nd Floor 2109.20

Office: 512-978-1735

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For kudos or immediate concerns, please contact my supervisor Rosemary Avila at rosemary.avila@austintexas.gov or Christine Barton-Holmes at christine.barton-holmes@austintexas.gov. Thank you for your patience and understanding, and we look forward to serving you in the near future.**

De: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Enviado: viernes, mayo 20, 2022 10:30 a.m.

Para: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Zavala, Cesar <Cesar.Zavala@austintexas.gov>; Bennett, Jennifer <Jennifer.Bennett@austintexas.gov>; Quinnelly, Dee Dee <DeeDee.Quinnelly@austintexas.gov>; Lofton, Zack <Zack.Lofton@austintexas.gov>

Asunto: Planning Commission May 24th Agenda and Speaker Registration

All:

Please forward the attached agenda and speaker registration link below to applicants and interested parties.

<https://forms.office.com/Pages/ResponsePage.aspx?id=9hleXKumRUux0L5GCKmmf-rCcM0VJ45NoBmTPGEWfEdURjVJU0RZND3WE1TMEhHTFk1N1RBSDICVi4u>

For staff participating via videoconference, link will be sent Tuesday afternoon (same link as for commissioners).

Thank you,

Andrew

Andrew D. Rivera

Land Use Commissions Liaison

City of Austin - Housing and Planning Department

P.O. Box 1088

Austin, Texas 78767

512-974-6508

www.austintexas.gov

Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: <https://bit.ly/HPDLobbyingForm>

Please note that all information provided is subject to public disclosure. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)



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Lofton, Zack

From: Lofton, Zack
Sent: Monday, May 23, 2022 3:03 PM
To: Rivera, Andrew; David Carroll
Subject: RE: 1400 Cedar Ave

Thank you both!

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review
City of Austin Development Services Department
PDC Bldg, 6310 Wilhelmina Delco Lane – 2nd Floor 2109.20
Office: 512-978-1735



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*For kudos or immediate concerns, please contact my supervisor Rosemary Avila at rosemary.avila@austintexas.gov or Christine Barton-Holmes at christine.barton-holmes@austintexas.gov. Thank you for your patience and understanding, and we look forward to serving you in the near future.**

From: Rivera, Andrew
Sent: Monday, May 23, 2022 3:00 PM
To: David Carroll [REDACTED]; Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: RE: 1400 Cedar Ave

Thank you, I'll convey to PC June 28th.

Zack, please convey this date to the applicant.

Andrew

From: David Carroll [REDACTED]
Sent: Monday, May 23, 2022 2:56 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: 1400 Cedar Ave

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Any date after that works for Zack is fine too.

Thanks,
David

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Monday, May 23, 2022 2:54 PM

To: David Carroll <[REDACTED]> Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: RE: 1400 Cedar Ave

Hi Andrew and David:

I am not available June 14th, so another date is preferred.

Thanks,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

PDC Bldg, 6310 Wilhelmina Delco Lane – 2nd Floor 2109.20

Office: 512-978-1735



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From: David Carroll <[REDACTED]>

Sent: Monday, May 23, 2022 2:54 PM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Lofton, Zack <Zack.Lofton@austintexas.gov>

Subject: Re: 1400 Cedar Ave

*** External Email - Exercise Caution ***

Hi Andrew- June 14th should provide enough time, thanks.

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Sent: Monday, May 23, 2022 2:26 PM

To: David Carroll <[REDACTED]> Lofton, Zack <Zack.Lofton@austintexas.gov>

Subject: Re: 1400 Cedar Ave

Hello Mr. Carroll,

Can you please provide a specific date for the postponement. The postponement must be within 60 days of the meeting See dates below:

- June 14
- June 28
- July 12

Also should the applicant not be in agreement this will be a discussion postponement to be considered by PC. Please register to speak to the item including the postponement request (only need to register once for the meeting). Should PC not grant the postponement, the item will be heard Tuesday evening.

Thank you,
Andrew

Get [Outlook for iOS](#)

From: David Carroll [REDACTED]
Sent: Monday, May 23, 2022 2:00:56 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: 1400 Cedar Ave

*** External Email - Exercise Caution ***

As a follow, we are just seeing the revised design for the first time and need more time to digest it. If possible, we would like to ask for a postponement on this item, in order for the Contact Team to review, discuss with the applicant, and call for a new vote.

Thank you,
David Carroll
Chair, Chestnut Neighborhood Plan Contact Team

From: David Carroll
Sent: Monday, May 23, 2022 1:36 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: 1400 Cedar Ave

Zack, Andrew-

I would like to make clear that while there is opposition to this case from neighbors, the Chestnut Neighborhood Contact Team has not officially voted on the revised design. So, any letter that is received from the neighbors on this case, aside from the original letter from that I sent from the NPCT, is not an official statement from the NPCT and is only the opinion of the neighbor who sends it.

Thanks,

David Carroll
Chair, Chestnut Neighborhood Plan Contact Team

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Lofton, Zack

From: [REDACTED]
Sent: Tuesday, May 24, 2022 6:49 AM
To: Ian Zurzolo
Cc: Shaw, Todd - BC; Hempel, Claire - BC; Flores, Yvette - BC; Shieh, James - BC; Praxis, Solvej - BC; Schneider, Robert - BC; Howard, Patrick - BC; Thompson, Jeffrey - BC; Mushtaler, Jennifer - BC; Cox, Grayson - BC; Llanes, Carmen - BC; Anderson, Greg - BC; Azhar, Awais - BC; Singh, Arati - BC; Lofton, Zack; Rivera, Andrew; Anita; Marissa Fajt; Dawna I Ballard; Caitfenn@gmail.com; Kathryn Lin
Subject: Re: 1400 Cedar Ave - Reject setback exemption and waiver from § 25-2-1063

*** External Email - Exercise Caution ***

Good message, Ian! Thank you.

Gracia y paz,

mjb

Marian J. Barber, PhD
1813 Cedar Ave.
Austin, TX 78702

[REDACTED]
512-769-2858

On Mon, May 23, 2022 at 7:57 PM Ian Zurzolo [REDACTED] > wrote:
Dear Planning Commissioners,

This letter is to inform the Planning Commission that **concerned residents in the Chestnut Neighborhood do NOT support the requested setback exemption and compatibility waiver for 1400 Cedar Avenue** to reduce the north-facing setback from 25 feet to 7 feet.

City staff's rationale for recommending approval of this exemption is that the proposed development provides "missing middle housing" to align with the City's Comprehensive Plan, Imagine Austin; however, the proposed units at 1400 Cedar Ave are not earmarked as affordable housing, and in fact would be *unaffordable* to the majority of Austin residents, especially those currently living in Chestnut. While we appreciate the efforts of City staff and acknowledge their difficult job balancing the needs of developers and residents, **the recommendation reasoning provided by City staff does not seem to accurately fit the intention of the City's Comprehensive Plan, Imagine Austin, and should therefore be rejected.**

The Chestnut Neighborhood has a long history of supporting density in our neighborhood. That said, we believe a 7-foot setback is inappropriate in this location next to single-family homes and unnecessary for the success of this project. As seen in the first attachment to this email, **even with the current 7-unit building**

proposal, a 15-foot setback appears doable. Despite repeated requests by the neighborhood, the applicant has yet to respond to our alternative recommendations. During the initial Planning Commission meeting in April, one of the commissioners also brought up this alternative plan proposed by the Chestnut Neighborhood Planning Committee, but the Applicant refused to address the question directly. This is very unfortunate, as we believe there is a solution here that provides the desired density and better aligns with our neighborhood plan.

With a more thoughtful design, **the original 25-foot setback might be doable as well utilizing a 5-unit building plan** as seen in the second attachment. While the Applicant led neighbors to believe that they would pursue this option, they only today informed the Chestnut Neighborhood Plan Contact team that they will no longer consider it without any valid reasons, even though city staff informed the Applicant that it was possible by going through the BOA approval process for a height exemption. A revised plan to increase the setbacks and decrease the number of units would help to reduce the overall flow of traffic on the street and alleviate safety concerns, which the neighborhood would have greatly appreciated, so we hope the Applicant will reconsider this feasible possibility.

We have also yet to receive an adequate response from the Applicant concerning alley access to and from the structure. We acknowledge that the applicant is not required to include an alley exit, and that it may require more investment on their part due to the potential grading challenges, however we would still like to request that they do the alley cut-out regardless. There is currently only one entrance and exit (on Cedar Avenue) for all units. Alley egress and Cedar Avenue ingress will make this a safer and more successful development by directing some traffic away from Cedar Ave and helping manage the following safety concerns:

- The proposed building is a high-density structure on the corner of a street that has no four-way stops, and visibility is often decreased by the number of cars already parked on the street by existing residents.
- Cedar Avenue serves as a primary artery east of Pleasant Valley so visitors are prone to drive over the residential speed limit, making it dangerous for oncoming cars including those from the proposed development's driveway.
- A school bus stop for Kealing Junior High School and McCallum High School is located one block away, so children walk to and from school in close proximity to the only proposed entrance of the structure. Additionally, children who attend nearby Campbell Elementary also walk past 1400 Cedar Avenue twice a day on their way to and from school.
- Finally, in the case of an emergency such as a fire, future residents at 1400 Cedar will have difficulty exiting safely without an alley exit. Likewise, there will only be access for emergency vehicles via Cedar Avenue, which could lead to delays costing lives.

As concerned neighbors and Austin residents, we ask the Planning Commission members to *reject the setback exemption requested*, and we hope the applicant will pursue a more reasonable alternative plan. Unfortunately up until now, the Applicant has not been a faithful nor communicative member of this community, which is unfortunate considering the repeated requests from neighbors to engage. We do not believe this project warrants the setback exemptions for the current proposal, particularly considering the traffic safety issues that will surely lead to a headache of lawsuits for the city. While we understand the profit motives of the Applicant and the density needs of the city, there is a balance to be reached that doesn't sacrifice safety and working with the neighborhood.

Thank you for your consideration.

Respectfully,
Residents of the Chestnut Neighborhood:
Ian Zurzolo

Ying Jie (Kathryn) Lin
Marian Barber
Dawna Ballard
Joe Harper
Marissa Fajt
Anita Jones
Caitlin Fennessy

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