

Lofton, Zack

From: Lofton, Zack
Sent: Tuesday, March 1, 2022 4:49 PM
To: Ian Zurzolo
Subject: RE: Case Number: SP-2021-0102C

Great. We don't necessarily have concerns about the project. The site plan actually proposes reducing impervious cover from about 97% to about 72%. The city has also recommended the site connect access to the alley but not required it.

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: Tuesday, March 1, 2022 4:01 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Case Number: SP-2021-0102C

Thanks that was helpful.

Are there any remaining concerns that the city has about the proposed plan?

It seems like there could be a impermeable coverage issue as well as no entry/exit facing the alley.

On Tue, Mar 1, 2022 at 3:57 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi there, Ian:

Please see my comments below in red.

- Will there be sidewalks surrounding the property on both Cedar Ave and 14th street? **Yes, they are proposing sidewalks on both streets.**
- Will there be a minimum of 2 on-site parking spaces per unit? If not, is it allowed by the city to have less? **There is not a minimum of 2 on-site parking spaces per unit and yes it is allowed that they have**

less. They will have 11 spaces which meets the City's requirement without any waivers or variances. They will also have bike parking spaces as well.

- Is the height of any of the proposed units above city allowances? No, they are within all height limits.
- How long is the proposed construction timeline? I do not have an answer to that, since this is just the site plan stage and so early in the process. That would be a question for the contractor but likely can't be determined until the plans are finalized they know exactly what they are building.

Please let me know if you have any other questions.

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

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From: Ian Zurzold [REDACTED]

Sent: Tuesday, March 1, 2022 3:07 PM

To: Lofton, Zack <Zack.Lofton@austintexas.gov>

Subject: Re: Case Number: SP-2021-0102C

Hello Zack,

I am an interested party for the proposed development at 1400 Cedar Ave. I have a couple questions:

- Will there be sidewalks surrounding the property on both Cedar Ave and 14th street?
- Will there be a minimum of 2 on-site parking spaces per unit? If not, is it allowed by the city to have less?

- Is the height of any of the proposed units above city allowances?
- How long is the proposed construction timeline?

Thanks,

Ian Zurzolo

On Tue, Mar 1, 2022 at 7:03 AM Edmond, Cindy <Cindy.Edmond@austintexas.gov> wrote:

Please email the case manager regarding your questions. thanks

From: Ian Zurzolo [REDACTED]
Sent: Monday, February 28, 2022 5:48 PM
To: Edmond, Cindy <Cindy.Edmond@austintexas.gov>
Subject: Case Number: SP-2021-0102C

*** External Email - Exercise Caution ***

Hi Cindy,

I am an interested party for the proposed development at 1400 Cedar Ave. I have a couple questions:

- Will there be sidewalks surrounding the property on both Cedar Ave and 14th street?
- Will there be a minimum of 2 on-site parking spaces per unit? If not, is it allowed by the city to have less?
- Is the height of any of the proposed units above city allowances?
- How long is the proposed construction timeline?

Thanks,

Ian Zurzolo

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Lofton, Zack

From: Lofton, Zack
Sent: Thursday, March 3, 2022 9:20 AM
To: Pati Fisher
Subject: RE: Case No: SP-2021-0102C
Attachments: FINAL Background Materials - Compatibility Waiver - 1400 Cedar Ave - SP-2021-0102C.pdf

Good morning, Pati:

Yes, there are 7 units being proposed on these two lots. The background materials for the Planning Commission meeting are attached and show the site plan and elevations, in addition to a few other things. Please let me know if you have any more questions.

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



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From: Pati Fisher [REDACTED]
Sent: Thursday, March 3, 2022 8:54 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Fwd: Case No: SP-2021-0102C

Hi Zack:

Please see the forwarded email below.

Thanks in advance.

Kind regards,
Pati Fisher

Sent from my iPad

Begin forwarded message:

From: "Edmond, Cindy" <Cindy.Edmond@austintexas.gov>
Date: March 3, 2022 at 7:30:50 AM CST
To: Pati Fisher [REDACTED]
Subject: RE: Case No: SP-2021-0102C

Please email the case manager regarding your question. Thanks

-----Original Message-----

From: Pati Fisher [REDACTED]
Sent: Wednesday, March 02, 2022 5:49 PM
To: Edmond, Cindy <Cindy.Edmond@austintexas.gov>
Subject: Case No: SP-2021-0102C

*** External Email - Exercise Caution ***

Hi Cindy:

Regarding the case number above for project 1400 Cedar Ave. Can you tell me how many units are proposed for this site? Also, do you have any elevations or renderings of the project available for my husband and I to see? We will be unable to attend the meeting next week.

Sincerely,
Pati Fisher

Sent from my iPad

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Lofton, Zack

From: Lofton, Zack
Sent: Friday, March 4, 2022 8:30 AM
To: Anita
Subject: RE: Background Materials - 1400 Cedar Ave

Good morning, Anita:

If the Planning Commission does not approve the waiver, the applicant will not be able to build within 25 feet of the north and west property lines. If they intend to continue with the same development, they'd just need to reorient it so it doesn't go into the setbacks.

Sincerely,

Zack Lofton, AICP, CNU-A
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From: Anita [REDACTED]
Sent: Thursday, March 3, 2022 4:43 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Background Materials - 1400 Cedar Ave

*** External Email - Exercise Caution ***

Hi Zack
Anita here. If the do not approve the wavier. What will happen?
Thanks Anita

[Sent from the all new AOL app for iOS](#)

On Thursday, March 3, 2022, 1:53 PM, Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Anita:

Attached are the background materials that are available to the public. Please let me know if you have any questions or comments.

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

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Lofton, Zack

From: Lofton, Zack
Sent: Tuesday, March 29, 2022 2:47 PM
To: David Carroll
Subject: RE: Item B24- 1400 Cedar

Hi David:

Yes, Alejandra is the contact. Her information is below. Have you tried contacting her?

Engineer:
Alejandra Flores
[REDACTED]
Civiltude LLC

Zack Lofton, AICP, CNU-A
Senior Planner, Land Use Review
City of Austin Development Services Department
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From: David Carroll [REDACTED]
Sent: Tuesday, March 29, 2022 2:44 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

*** External Email - Exercise Caution ***

Hi Zack- Are you talking about the civil engineer? I have reached out to them and am happy to do so again. I know them well.

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Tuesday, March 29, 2022 10:59 AM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Good morning, David:

I've heard from the engineer that they still haven't hear from you. Can you share a phone they can reach you on? Thanks.

Zack Lofton, AICP, CNU-A

Lofton, Zack

From: David Carroll [REDACTED]
Sent: Friday, April 1, 2022 10:08 AM
To: Lofton, Zack
Subject: Re: Item B24- 1400 Cedar

*** External Email - Exercise Caution ***

Hi Zack- Thanks for the follow up. Yes, we have touched base and the engineer and developer have agreed to meet with the contact team next week.

Thanks,
David

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Friday, April 1, 2022 9:26 AM
To: David Carroll <[REDACTED]>
Subject: RE: Item B24- 1400 Cedar

Good morning David:

Hope your week is going well. Not sure if you've contacted the engineer yet but I'm happy to share your contact info with them if you like. If so, please let me know how they can contact you by phone since we don't share interested party email addresses.

Thanks,
Zack

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From: David Carroll [REDACTED]
Sent: Tuesday, March 29, 2022 2:44 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

*** External Email - Exercise Caution ***

Hi Zack- Are you talking about the civil engineer? I have reached out to them and am happy to do so again. I know them well.

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Tuesday, March 29, 2022 10:59 AM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Good morning, David:

I've heard from the engineer that they still haven't hear from you. Can you share a phone they can reach you on? Thanks.

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From: Lofton, Zack
Sent: Friday, March 25, 2022 3:53 PM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Thanks for sending this over David. And yes, the only catch is that many times they are already in the process when they beginning asking to do more than what is permitted by right. But I understand what you're saying. Thanks.

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From: David Carroll [REDACTED]
Sent: Friday, March 25, 2022 12:18 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

*** External Email - Exercise Caution ***

Thanks for the clarification, Zack. Please see attached letter from the contact team.

As an aside, it would help if developers met with contact teams early in the process. As it builds mistrust that is hard to undo. There is also a lot of bad information out there, since neighbors don't understand codes and ordinances. Maybe the city can encourage developers to do so?

Thanks again,
David

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Thursday, March 24, 2022 1:52 PM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Gosh, sorry it's 25-1-21(49).

Zack Lofton, AICP, CNU-A
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From: Lofton, Zack
Sent: Thursday, March 24, 2022 1:52 PM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Hey David:

I was just talking with a colleague and she mentioned where we get our height measures. Before I told you it was Sub F but it's actually 25-1-121. It basically says the same things (it is the exact same for this particular case) but just wanted to let you know that's our authority not Sub F.

Zack

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From: Lofton, Zack
Sent: Monday, March 14, 2022 9:02 AM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

No problem, David. Hope you had a great weekend.

Zack Lofton, AICP, CNU-A
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From: David Carroll [REDACTED]
Sent: Friday, March 11, 2022 3:45 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

Thanks Zack, I knew that was allowable for SubChapter F, but didn't realize you could penetrate the compatibility tent like that.

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Friday, March 11, 2022 3:38 PM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

No problem, David. Height is measured differently for different types of roofs. Since these are gabled, it's measured from the average of the highest and lowest points of the roof or the highest and lowest points of the dormer, whichever is higher. The part of code that outlines how height is measured is 25-2-SubF - Article 3.4.1. So even though the highest point of the roof may be higher than the regulation height, it can still comply as long as the average is below the regulation height. Let me know if you have any more questions.

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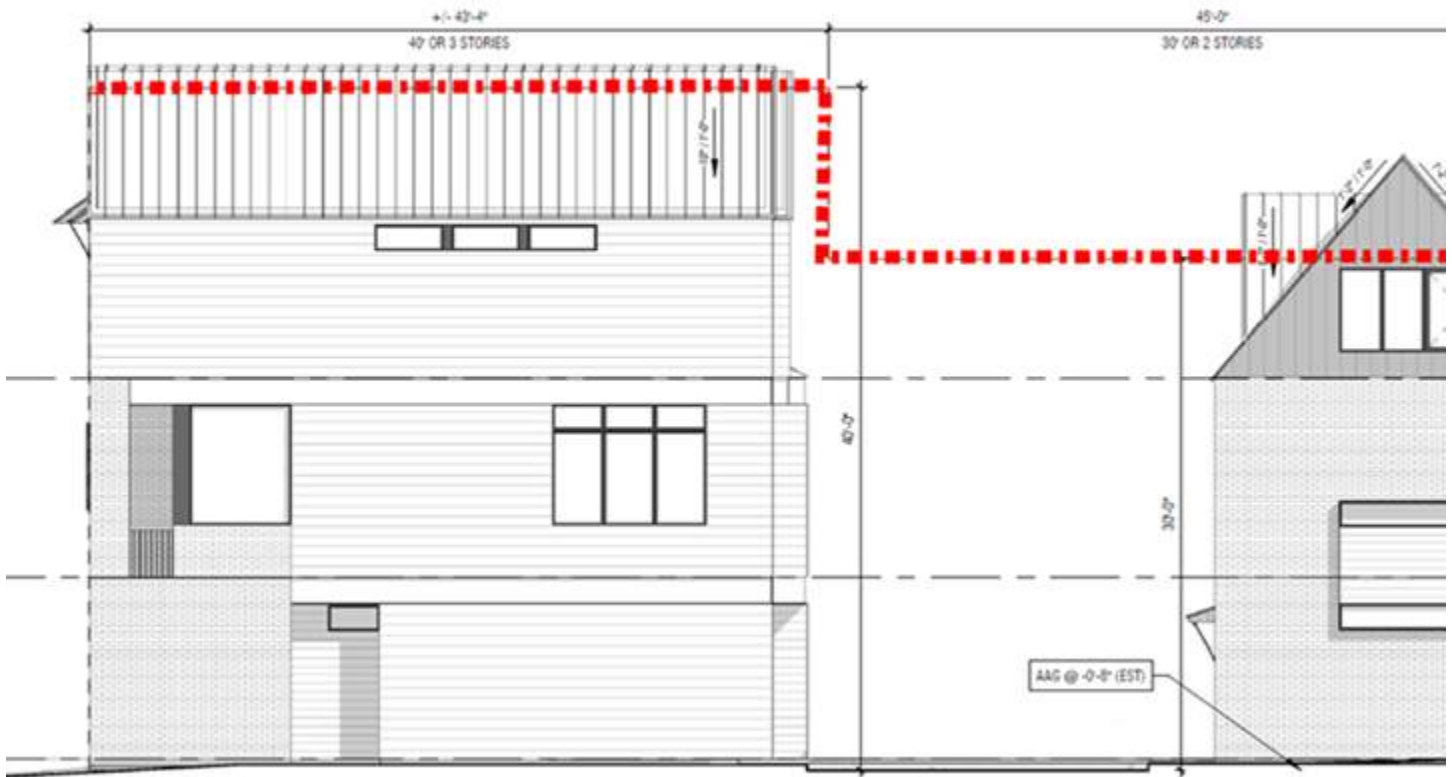


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From: David Carroll [REDACTED]
Sent: Friday, March 11, 2022 2:55 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

Hi Zack- Thanks for the explanation. As for the height, the exhibit seems to clearly show that they are exceeding the compatibility tent- see below. What am I missing? Thanks,



Thanks,
David

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Friday, March 11, 2022 1:15 PM
To: David Carroll [REDACTED]
Subject: RE: Item B24- 1400 Cedar

Hi there, David:

Staff is recommending this compatibility waiver to be approved because the site plan is proposing a "missing middle" housing product that contributes to the housing diversity the City needs and the implications of the waiver are reasonable. In addition, this site plan is in compliance with all other compatibility regulations and zoning regulations.

You are correct that this waiver is only for compatibility setbacks. The proposed development complies with the compatibility height regulations - this is shown in the background materials. I do realize that it's fairly nitty-gritty so let me know if you'd like to have a call to discuss it in more detail.

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

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Building a Better and Safer Austin Together

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From: David Carroll [REDACTED]
Sent: Friday, March 11, 2022 10:23 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

Zack - Looking at this closer, the waiver looks to be just for the compatibility setback, but this project is also violating the allowable compatibility height of 2 stories/30 feet high within 50 feet of triggering property as well as the 3 stories/40 feet within 100 feet of triggering property. How is this being addressed?

Thanks,
David

From: David Carroll [REDACTED]
Sent: Friday, March 11, 2022 10:09 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: Re: Item B24- 1400 Cedar

Hi Zack- Could you please explain staff's reasoning for supporting the compatibility waiver on this case? I know that will be a question from the Contact Team. Is there a hardship that we don't know about it?

Thanks for your help,
David

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Tuesday, March 8, 2022 9:23 AM
To: [REDACTED]
Subject: FW: Item B24- 1400 Cedar

Good morning, Dave:

I am the case manager for the 1400 Cedar site plan and wanted to share the contact information for the applicant, both the engineer and the developer. They asked for your contact info, but instead I asked them to share theirs. They welcome you to contact them to discuss the project.

Engineer:
Alejandra Flores

[REDACTED]
Civiltude LLC

Developer:
Zach Savage

[REDACTED]
Zach Savage Homes

Please let me know if you have any questions.

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

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From: Rivera, Andrew

Sent: Monday, March 7, 2022 1:06 PM

To: David Carroll [REDACTED]

Subject: RE: Item B24- 1400 Cedar

Hello Mr. Carroll:

Thank you for your email. Please provide a desired postponement date:

- April 12, 2022
- April 26, 2022

In the scenario this is a postponement discussion case, please register using the link below.

[March 8, 2022 Planning Commission Speaker Registration \(office.com\)](#)

Thank you,
Andrew

From: David Carroll [REDACTED]

Sent: Monday, March 7, 2022 12:59 PM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>

Subject: Item B24- 1400 Cedar

*** External Email - Exercise Caution ***

Dear Chair Shaw and Vice Chair Hempel,

The Chestnut Neighborhood Plan Contact Team respectfully requests that this item be postponed until April to allow the Contact Team to weigh in on this.

We reached out the applicant months ago to ask about this project and he has ignored repeated requests to meet with us. Further, we just found out about the compatibility waiver request last week and have not been able to organize a quorum in time to discuss before your meeting tonight. With another month, we feel we could weigh in on this issue properly.

Thank you for your consideration,

David Carroll

Chair, Chesnut Neighborhood Plan Contact Team

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Lofton, Zack

From: Rivera, Andrew
Sent: Tuesday, April 12, 2022 5:02 PM
To: Lofton, Zack
Subject: FW: April 12, 2022 Planning Commission Meeting Information

Hi Zack,

Please see email below.

Thank you,
Andrew

From: Ian Zurzolo [REDACTED]
Sent: Tuesday, April 12, 2022 4:34 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: April 12, 2022 Planning Commission Meeting Information

*** External Email - Exercise Caution ***

Hi Andrew,

Is there a way to add this signed opposition petition to the official documents related to the 1400 Cedar Ave case?

To: The City of Austin

From: Community stakeholders at Cedar Avenue and 14th Street

March 2, 2022

Regarding: SP-2021-0102C Compatibility Variances

We are responding to the proposed development on 1400 Cedar Avenue, a seven-unit condominium structure. We understand that the hearing on March 8th, 2022 is regarding a waiver to move the building to 5' instead of the 25' setback requirement on the North and West sides of the property, leaving the building entrance on Cedar Avenue.

As residents in this immediate area, some for two decades, we strongly disagree with the developers that this waiver would not disrupt the neighborhood's feel and that it meets the intent of the Land Ordinance Code.

First, in terms of the neighborhood's feel:

- The majority of the nearby residential properties have significant setbacks—many beyond 25 feet—so this proposed waiver would absolutely change the feel of the neighborhood. Beyond the subjective feel, this is true from a logistic standpoint as well. This relates to the second issue, elaborated below, regarding how it violates the intent of the code.

Second, in terms of the intent of the code:

- Because the development does not include an alley entrance/exit on the West side of the property, dramatically increasing the use of Cedar Avenue this will only magnify the problem of congestion associated with the increased motor vehicle traffic and reduced visibility it will bring. This both impacts the neighborhood's feel and violates the intent of the code.
- The proposed waiver to allow a decreased setback would significantly obscure visibility from the street, creating a danger to residents. It would effectively make an increasingly congested street, which would only increase as visitors to the condominium utilize street parking, narrower.
- This decreased visibility and congestion would also make it more difficult for emergency vehicles to navigate the area and access residents. The proposed development is encroaching into the compatibility 25' setback on the north and west property lines. Decreased setbacks make for tighter corners that large vehicles cannot manage. Additionally, because emergency medical services (EMS) drivers are constrained by time, they need to make quick judgments about access. We experienced this last summer after the resident who shares alley access directly behind the proposed development constructed a fence on the edge of their property, making it impossible for EMS to reach another resident through the south entrance to the alley. The EMS drivers had to quickly judge access and so they assumed that the north entrance would also be too narrow, and

ended up parking the EMS vehicle on 16th Street, and personnel walked through the alley to the house. This delayed critical care in a life-threatening situation. Any further decrease in the setback creates a problem that will only compound over time, reducing residents' safety in the process.

For all of these reasons, we are asking that you deny this proposed waiver.

Thank you.



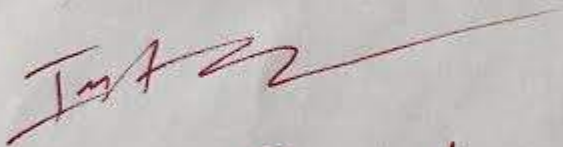
Blake M. McLean

1407 Singleton Ave. 78702



Dawna Ballard

1406 Cedar Ave 78702

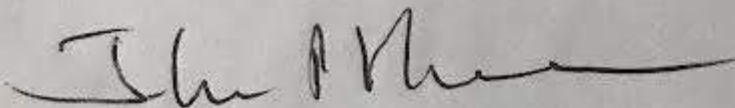


Ian Zurzolo

1408 Cedar Ave 78702



1406 B Cedar Ave 78702



John Humphreys

1404 Cedar Ave 78702

On Tue, Apr 12, 2022 at 3:46 PM Rivera, Andrew <Andrew.Rivera@austintexas.gov> wrote:

All:

Thank you for taking the time to participate in the meeting this evening. If you are not speaking during public communication or the first discussion case, you will not have to remain in chambers (or call in at the beginning of the meeting). An e-mail will be sent when the commission is about 15 minutes away from taking up the next item.

Commission is scheduled to first hear Public Communication followed by item B-11.

Please see disposition of cases below, subject to change.

Current disposition of cases:

<u>NPA-2020-0015.02.SH - 2011 & 2015 E. M. Franklin; District 1</u>	Neighborhood Postponement, Apr. 26th
<u>B-02 C14-2022-0008.SH - 2011 & 2015 E. M. Franklin; District 1</u>	Neighborhood Postponement, Apr. 26th
<u>B-03 NPA-2021-0010.01 - 2400 E. Cesar Chavez Parking Expansion; District 3</u>	Applicant Indef. Postponement
<u>B-04 C14-2021-0121 - 2400 E. Cesar Chavez Parking; District 3</u>	Applicant Indef. Postponement
<u>B-05 NPA-2021-0015.02 - 3101 Hibbetts Road; District 1</u>	Consent
<u>B-06 C14-2021-0134 - 3101 Hibbetts Road; District 1</u>	Consent
<u>B-07 NPA-2021-0015.01 - Austin Sports Facility; District 3</u>	Withdrawn by Applicant
<u>B-08 C14-2021-0125 - Austin Sports Facility; District 3</u>	Withdrawn by Applicant
<u>B-09 NPA-2021-0016.05.SH - Live Make Apartments; District 3</u>	Consent
<u>B-10 C14-2021-0172 - Live Make Apartments; District 3</u>	Consent
<u>B-11 C14-85-244, Part 7 (RCA #3) - 10001 N. Capital of Texas Highway RCA; District 7</u>	Discussion
<u>B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9</u>	Applicant Indef. Postponement
<u>B-13 C814-2021-0175 - 614 S. 1st Street PUD; District 9</u>	Staff Indef. Postponement
<u>B-14 C814-97-0001.15 - Leander Rehabilitation PUD Amendment #16; District 6</u>	Staff Indef. Postponement
<u>B-15 C14-2022-0003 - Clayton Lane Residences, District 4</u>	Consent
<u>B-16 SP-2021-0102C - 1400 Cedar Ave; District 1</u>	Discussion

B-17 C8J-2009-0142.05.1A - Estancia West	Consent
B-18 C8-2020-0188.0A - 1940 Webberville Road Subdivision; District 1	Consent

Current registered speakers:

Anmol Mehra	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Dianna Dean	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Sir. Chase Wright	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Alan Powell	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Bethany Cheng	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Sarah Welch	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Matthew Welch	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Sean Garretson	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Conor Kenny	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Leyla Shams	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Ivan La Frinere-Sandoval	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Lauren Stanley	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Rob Schuwerk	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
Liz Johnson	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
John Osmon	B-01 and B-02 NPA-2020-0015.02. SH and C14-2022-0008. SH - 2011 & 2015 E. M. Franklin ; District 1
David Hartman	B-11 C14-85-244, Part 7 (RCA #3) - 10001 N. Capital of Texas Highway RCA; District 7
John Wilkinson	B-11 C14-85-244, Part 7 (RCA #3) - 10001 N. Capital of Texas Highway RCA; District 7
Karen Saadeh	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Marina Bollinger	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Steven Ward	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Susan Moffat	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Maury Sullivan	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Todd Pruner	B-12 C14-2021-0183 - 4303 and 4307 Speedway; District 9
Alice Glasco	B-15 C14-2022-0003 - Clayton Lane Residences, District 4
Alice Glasco	B-15 C14-2022-0003 - Clayton Lane Residences, District 4

Ian Zurzolo	B-16 SP-2021-0102C - 1400 Cedar Ave; District 1
Anita Jones	B-16 SP-2021-0102C - 1400 Cedar Ave; District 1
Denise Villa-Urban Gravity	B-16 SP-2021-0102C - 1400 Cedar Ave; District 1
Grant Geissinger	B-18 C8-2020-0188.0A - 1940 Webberville Road Subdivision; District 1
Alberto Gutierrez	B-18 C8-2020-0188.0A - 1940 Webberville Road Subdivision; District 1
Enge Xing	B-18 C8-2020-0188.0A - 1940 Webberville Road Subdivision; District 1
Eric Paulus	Public Communication

Discussion items will be conducted as follows:

Staff Presentation

Applicant Presentation

Public Testimony

Applicant Rebuttal

Close Public Hearing

Commission Q & A

Deliberation and Vote

The agenda and backup may be found at the link below:

[Meetings of the Planning Commission - Page 1 | AustinTexas.gov](#)

I will be available via email during the meeting. Please feel free you reach out to me if I can be of assistance.

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: Monday, April 25, 2022 5:14 PM
To: Ian Zurzolo
Cc: Rivera, Andrew
Subject: RE: PC April 26th Agenda

Hey Ian:

The applicant would need to be approved for the waiver before they could get a site plan permit but I don't have any details about when that could be scheduled. The applicant will have to decide if that's the route they will take and then proceed. You can see when the upcoming meetings are though on their website below.

<https://www.austintexas.gov/content/board-adjustment>

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



**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: Ian Zurzolo [REDACTED]
Sent: Monday, April 25, 2022 12:54 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: PC April 26th Agenda

*** External Email - Exercise Caution ***

Thanks. Can you please share details on the Board of Zoning Adjustment process and timelines?

On Mon, Apr 25, 2022 at 11:05 AM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Good morning Ian:

No problem. There's no precedence other than the other properties that've been upzoned to more intense uses. Related to if there is a precedent, I can't say for sure because each waiver is reviewed independently and takes into consideration the specific context. It's worth mentioning that the Planning Commission will not be able to approve a height waiver for this case as it stands – it would need to go to the Board of Zoning Adjustment, which is a whole other process.

Hope this 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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From: Ian Zurzolo [REDACTED]
Sent: Friday, April 22, 2022 6:35 PM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: PC April 26th Agenda

*** External Email - Exercise Caution ***

Thanks for the reply.

The developer has David's phone number and email because they spoke with us once in March (after months of ignoring us). But you can share mine too: [REDACTED]

I just reviewed the revised plans. Is there precedence in our neighborhood for the amount of height restriction waiver they are asking for? To my knowledge there is not, therefore not keeping with the neighborhood aesthetic.

Also, the developer still has not included an alley access in the driveway even though it would not affect the design of the proposed buildings in any way. This was one of the important safety concerns (eg. Ambulance, and traffic going into Cedar Ave). They have yet to give any reason at all, let alone a good one, for why they are not including an alley access.

Thanks and happy earth day,

Ian

On Fri, Apr 22, 2022 at 5:18 PM Lofton, Zack <Zack.Lofton@austintexas.gov> wrote:

Hi Ian,

Yes, you can see the updated proposal in the background materials posted on the Planning Commission webpage.

Related to the applicant not communicating with the neighborhood, I don't have any insight on that other than to say that when David mentioned that previously, I asked for a phone number to relay to the applicant (because we don't give out emails for people from the public) and I was never provided one. That said, please share a good contact phone number and I'm happy to pass it on to the applicant. Of course that doesn't mean they will necessarily call you, but it may be helpful.

Let me know.

Zack

Obtener [Outlook para iOS](#)

De: Ian Zurzolo [REDACTED]

Enviado: Friday, April 22, 2022 4:42:48 PM

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

Asunto: Re: FW: PC April 26th Agenda

*** External Email - Exercise Caution ***

Hi,

Is there an update on if the applicant has changed their setback waiver request or altered their proposed design plan in any way? On the last call there was discussion of having a larger setback that the commission was interested in seeing.

Also, I would like to state for the record that the applicant/developer has not responded to the neighborhood since the last call despite their claims of listening to local neighbor feedback. It seems that they are trying to find loopholes in the zoning code to take advantage of maximum square footage and number of units, and don't care for respecting the neighborhood.

Thanks for your response,

Ian

On Fri, Apr 22, 2022 at 4:36 PM Ian Zurzolo [REDACTED] wrote:

Sign up to speak this Tuesday ASAP

----- Forwarded message -----

From: **Lofton, Zack** <Zack.Lofton@austintexas.gov>

Date: Fri, Apr 22, 2022 at 11:22 AM

Subject: FW: PC April 26th Agenda

To: Ian Zurzolo [REDACTED]

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.

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

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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-rCcM0VJ45NoBmTPGEWfEdURjVJU0RZNDE3WE1TMEhHTFk1N1RBSdICVi4u>

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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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: 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
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: 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

Zack Lofton, AICP, CNU-A
Senior Planner, Land Use Review
City of Austin Development Services Department
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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: 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

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: 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

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: 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:

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

<https://forms.office.com/Pages/ResponsePage.aspx?id=9hleXKumRUux0L5GCKmmf-rCcM0VJ45NoBmTPGEWfEdURjVJU0RZNDE3WE1TMEhHTFk1N1RBSD1CVi4u>

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

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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.

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

City of Austin Development Services Department

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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!

Sincerely,

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

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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

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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
City of Austin Development Services Department
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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

Senior Planner, Land Use Review

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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

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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

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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

*** External Email - Exercise Caution ***

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

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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.

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Thank you,

Andrew

Andrew D. Rivera

Land Use Commissions Liaison

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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

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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

*** External Email - Exercise Caution ***

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

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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

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

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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, Solveij - 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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Lofton, Zack

From: Lofton, Zack
Sent: Tuesday, June 14, 2022 11:34 AM
To: David Carroll; Rivera, Andrew
Subject: RE: 1400 Cedar Ave

Hey David – Yep. If the waiver is approved by PC, the project will comply with Compatibility, except for the setback.

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: David Carroll [REDACTED]
Sent: Tuesday, June 14, 2022 11:15 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: 1400 Cedar Ave

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Hi Zack- Understood, they opted into Compatibility, but then they are asking for a waiver for compatibility, so they aren't really complying at the end of the day. It's just confusing to explain to neighbors. Thanks again,

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Tuesday, June 14, 2022 10:26 AM
To: David Carroll [REDACTED]; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: RE: 1400 Cedar Ave

Morning David:

For uses defined in 1.2.2(K-Q), Subchapter F does apply, **unless** the applicant agrees to comply with Compatibility Standards instead. The applicant agreed to comply with Compatibility at the beginning of the project, which is why that's been the standard of review.

In the end, projects like this (1.2.2, K-Q) near SF housing need to comply with either Sub F or Compatibility. As 1.3.3 states, there is some leeway for the applicant to choose if they are one of the specific types of uses (K-Q).

Does that help? Let me know if you have any questions. Also, let me know if you want to talk on the phone – may be easier to explain that way.

Zack

Zack Lofton, AICP, CNU-A

Senior Planner, Land Use Review

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From: David Carroll [REDACTED]

Sent: Tuesday, June 14, 2022 8:44 AM

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

Subject: Re: 1400 Cedar Ave

*** External Email - Exercise Caution ***

Zack-

One thing I don't understand is why this project is not subject to SubChapter F requirements? Look at Section 1.3.3 below for exceptions to Subchapter F. It basically states that if a project with the uses found in 1.2.2 does not comply with compatibility, then Subchapter F rules apply. Could you please explain?

Thanks again,

1.3.3

This Subchapter does not apply to uses listed in subsections 1.2.2(K)-(Q) of Section 1.2 if an applicant has agreed, in a manner prescribed by the director, to comply with the requirements of Chapter 25-2, Article 10 (Compatibility Standards).

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Sent: Monday, June 13, 2022 9:34 AM
To: David Carroll [REDACTED]; Lofton, Zack <Zack.Lofton@austintexas.gov>
Subject: RE: 1400 Cedar Ave

Received. Thank you, Mr. Carroll.

Andrew

From: David Carroll [REDACTED]
Sent: Monday, June 13, 2022 8:07 AM
To: Lofton, Zack <Zack.Lofton@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: 1400 Cedar Ave

*** External Email - Exercise Caution ***

Good Morning- Here is an updated letter from the Contact Team.
Thanks,

From: Lofton, Zack <Zack.Lofton@austintexas.gov>
Sent: Monday, May 23, 2022 3:02 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; David Carroll [REDACTED]
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
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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>
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To: David Carroll [REDACTED]; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
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Hi Andrew and David:

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Thanks,

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Subject: Re: 1400 Cedar Ave

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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

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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

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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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City of Austin Planning Commission

June 10, 2022

Re: Compatibility Setback Waiver for 1400 Cedar Avenue

Dear Planning Commissioners,

This letter is to inform the Commission that the Chestnut Neighborhood Plan Contact Team does not support the requested compatibility waiver for 1400 Cedar Avenue to reduce the setback from 25 feet to 7 feet.

The Chestnut Neighborhood has a long history of supporting density in our neighborhood, as seen by our adoption of all the neighborhood infill tools as well as working with the city to create the MLK TOD. That said, we believe a 7-foot setback is inappropriate in this location and unnecessary for the desired density of this project. Approving this waiver would mean these homes would not comply with Subchapter F (McMansion) or Compatibility Standards. To this end, the top of the roof ridge is proposed to be over 40 feet high, and 30 feet high at the proposed setback, which is considerably higher than allowed by McMansion. For these reasons, we don't feel the proposed project respects the neighborhood character of Chestnut. Thank you for your consideration.

Respectfully,

Chestnut Neighborhood Plan Contact Team