



June 5, 2019

Re: GAIN request for reconsideration

Case: #C15-2019-0027, 810 ½ San Marcos Street

Dear Chair Burkhardt and Board of Adjustment Members:

The Organization of Central East Austin Neighborhoods, which serves as the contact team for the Central East Austin neighborhood plan area, respectfully urges you to grant the request for reconsideration of the above-referenced case submitted by Guadalupe Association for an Improved Neighborhood.

There appears to have been a notification error preventing GAIN stakeholders from participating in the May 13, 2019 hearing. Had they been able that evening to provide you the background, analysis and perspective laid out in their May 22 letter, you may have reached a different conclusion.

The applicant does not appear to have a hardship, except as regards its desire for a taller viewing deck to overlook the historic French Legation. We hope that you will give careful consideration to GAIN's discussion (as quoted below). Any site challenges to functional ingress and egress can be achieved without exceeding the NCCD's current controls of the building envelope.

The East 11th Street NCCD is the product of years of complex negotiations that aimed to balance considerable latitude for commercial areas with a few measures for conservation of adjacent public and private historic spaces. We ask that you please do all you can to retain that balance, either by denying the variance requests or postponing to allow more time for the applicant to work with GAIN towards an optimal solution.

Thank you for considering our perspective and for your service to Austin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nate Jones', followed by a long horizontal flourish.

Nate Jones

President, Organization of Central East Austin Neighborhoods

the weeds behind a silt fence; [2]. Previous designs developed by the applicant for the same project needed no variances. And, relatively minor design changes to the current design could be made to the second story and roofing that would create the desired space for the project *without any need for the variance in height*. The AMLI Eastside Apartments, Eleven apartments, Tyndall condominiums, and La Vista de Guadalupe apartments have all been constructed in sub-district 3 of the NCCD without any variance from using the mean elevation of adjacent streets to determine heights; 3). A variance to the *supposed* requirement to use existing curb cuts allowing instead ingress and egress for the project parking off of East 9th Street would eliminate the need for the two drive-through driveways and the museum space could then be located on the first floor, as the applicant told us they desired, eliminating traffic problems and the need for additional height;]4). The owners

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2019-0027

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, June 10, 2019

Deborah Utley
Your Name (please print)

1011 E 8th St

Your address(es) affected by this application

Deborah Utley
Signature

6-7-19
Date

Daytime Telephone: 512-413-2250

Comments:

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2019-0027

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, June 10, 2019

Michael Gonzalez

Your Name (please print)

1111 E. 8th St. Austin TX

Your address(es) affected by this application

Elaine Ramirez

Signature

☐ I am in favor
☒ I object

Date

Daytime Telephone:

512 491-4812

Comments:

I object to the requested

variance(s) to increase proposed

heights being requested by the

applicant. + (variance to zoning setback)

Boa Mts. 6-10-19

CASE # C15-2019-0027

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2019-0027

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, June 10, 2019

David Scheinfeld

Your Name (please print)

1009 E. 9th St Austin TX 78702

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 253-208-7018

Comments: We are a residential neighborhood.

We oppose increased height because it

aesthetically decreases our views, increases

shade, and typically increases # of people

in building which increase traffic

parking in neighborhood. GAIN has suggested

alternative design ideas that allows builder

to have desired sq. feet, but not increase 10 feet

or more opening to garage on E 9th or off

If you use this form to comment, it may be returned to: Sen

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: elaine.ramirez@austintexas.gov

☐ I am in favor
☒ I object

Thank You for
helping preserve / protect
our neighborhood

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2019-0027

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, June 10, 2019

Your Name (please print)

DAVID WEST

☐ I am in favor
☒ I object

Your address(es) affected by this application

1013 E 9TH ST

Signature

David West

Date

6/3/19

Daytime Telephone: 512 478-4190

Comments:

PLEASE SEE COMMENTS
FROM THE GUADALUPE
NEIGHBORHOOD ASSOCIATION
OPPOSING TO THIS
REBUTAL FOR VARIANCE,
THE NEIGHBORHOOD IS STILL
IN OPPOSITION TO THIS.

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov

INFORMATION

(s) are expected to attend a public hearing. However, if you do attend, you may support or AGAINST the proposed action. You may also contact a neighborhood organization that has expressed an interest in an appeal.

The board or commission may postpone or reschedule a later date, or recommend approval or denial. The board or commission announces a decision or continuation that is not later than 30 days after the public hearing. No further notice is required.

An appeal may be appealed by a person with standing who is identified as a person who is filing a public hearing on an appeal or is standing to appeal the decision.

Any person who is the applicant or record owner, or who communicates an interest to a neighbor, may appeal.

The board or commission before or after the public hearing orally identifies the issues of the appeal and the contact person listed on a notice of appeal.

The public hearing is held at the public hearing;

The public hearing is held within 500 feet of the subject property.

The public hearing is held within 500 feet of the subject property.

The public hearing is held within 500 feet of the subject property boundaries are within 500 feet of the subject property.

The public hearing is held within 500 feet of the subject property boundaries are within 500 feet of the subject property.

The public hearing is held within 500 feet of the subject property boundaries are within 500 feet of the subject property.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2019-0027

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, June 10, 2019

Delia Sifuentes, Ben Sifuentes
Your Name (please print)

☐ I am in favor
☒ I object

811 San Marcos St., 1003 E 9th St
Your address(es) affected by this application AUSTIN TX 78702

Delia Sifuentes, Ben Sifuentes 6-8-19
Signature Date

Daytime Telephone: 512 797 4977 (daughter - Marina Sifuentes)

Comments: See attached comments

If you use this form to comment, it may be returned to:
City of Austin-Development Services Department/ 1st Floor
Elaine Ramirez
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: elaine.ramirez@austintexas.gov

Case Number C15-2019-0027

Contact: Elaine Ramirez

Public Hearing: Board of Adjustment, June 10, 2019

I write on behalf of myself, Delia Sifuentes, and my husband, Ben Sifuentes. We oppose the variance requested by The Daughters of the Republic of Texas ("DRT"). Our home at 1003 E. 9th Street, Austin, Texas 78702 has been in my family since it was built by my father in approximately 1914. I was born in that home. I acquired the home from my father around 1973, and will be passing the home down to my own children. This is a true family home. I also own the home at 811 San Marcos, Austin, Texas 78702. That home was sold to me by my former neighbor who was a lifetime friend and who, upon learning she had a terminal illness, asked me to buy the home from her and give her a life estate for her remaining months. It was important to her that a person from the neighborhood get her home because she knew I would advocate for the preservation of her home and the neighborhood. Granting the variance request would have a negative impact on our property and the other homes in the area. A building of 50 feet in height, instead of the allowed 40 feet, would be out of character for the structures in the area. The neighborhood is full of historic homes, some of which have been in families for over 100 years. DRT puts a paramount on preserving Texas history so it seems antithetical that they would want to disrupt the historical integrity of a historic neighborhood to build an unnecessarily tall building. As the Neighborhood Association has laid out, it is possible for DRT to construct their building without the need for the variance. The neighborhood was recently designated a historical overlay district meaning the city has deemed the architecture and the neighborhood to be historically significant. Allowing the variance would be contrary to the city's acknowledgement of maintaining the historical integrity of the neighborhood. We respectfully request the Board of Adjustment to deny the unnecessary and intrusive variance request.