

# **EXHIBIT E**

W. 35<sup>th</sup> Street: Neighborhood  
Stakeholder and Property Owner  
Comments

## DiGiuseppe, Paul

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**From:** DiGiuseppe, Paul  
**Sent:** Monday, December 07, 2009 2:02 PM  
**To:** 'DBarcinski@aol.com'; 'Michael Curry'; 'JBASCIANO@austin.rr.com'; 'Michael R. Cannatti'; 'Blake Tollett'; 'August W. Harris III'; 'susan pascoe'; 'Jerry Balaka'; 'mwstockerdds@gmx.net'; 'wjmwm@austin.rr.com'; 'Joaniejoy1@aol.com'; 'rayzvonek@capitalcdc.com'  
**Cc:** Guernsey, Greg; Shaw, Chad; Hockmuller, Mike; Patterson, Clark; Haywood, Carol  
**Subject:** RE: 35th Street

**Attachments:** Compatibility Scan.pdf



Compatibility  
Scan.pdf (68 K8)...

Dear All:

I am writing this e-mail in response to both Derek and Michael's e-mails. I am also copying all of the property owners so that all parties are getting this information. We want a fair and transparent process that hopefully resolves issues.

The three main focus points are on the similarities and differences between Limited Office (LO) and Limited Office-Mixed Use (LO-MU) zoning, potential restrictions that could be considered as part of a conditional overlay, and the conformance status of the properties. The properties in question are located at 1717, 1721, 1801, 1803, & 1805 W.35th Street.

### I. Current Conditions

There are five subject properties with a total of 36 residential units on 1.322 acres. This averages to about 27 units per acre. I have not been able to determine the amount of office development. Based on the review of an aerial photograph, it is not clear the number of parking spaces due to trees blocking the view and un-striped parking. While I cannot determine the exact amount of impervious cover, the aerials show very little permeable land (possibly approaching over 95% impervious cover). The aerials also show that most of the buildings are built close to the rear property line.

### II. Similarities and Differences between LO and LO-MU Zoning

Please note that the following refers to new development or redevelopment of property based on the current standards of these zoning options. Should no new development, remodeling or redevelopment occur, the property owners are not required to meet the current development standards under either zoning option. You will want to pay close attention to the last section of the e-mail dealing with conformance status as it effects development, redevelopment, and remodeling potential.

#### A) Development Standards

With the exception of parking requirements, the development standards are the same between the two categories (LO-MU site standards are based on LO). Thus, height (40 ft or 3 stories maximum), impervious cover (70% maximum), maximum building coverage (50% maximum), floor to area ratio (0.7:1 maximum), and building setbacks (front: 25 feet; interior side: 5 feet; and rear yard: 5 feet) are the same between both categories. This means that there is no difference between the two options in the amount of allowable square footage that could be built or building design. Parking standards are based on the type of use proposed during the site plan stage which occurs after a property is rezoned.

#### B) Allowable Uses

Under LO, uses are limited to general office uses such as administrative, medical, and professional office as well as group homes, private educational services, and club or lodge. LO-MU allows all of the uses under LO as well as residential including single-family, duplexes, apartments, and condominiums. LO-MU allows for a development to be all

straightforward illustration of what could happen; the range is too great. Such an exercise is time consuming, costly, and beyond the scope of neighborhood planning or zoning processes. This type of work is conducted at the site planning level.

It is likely that whatever could get approved under LO or LO-MU would be roughly the same amount of square footage that is currently on the ground. Also, the maximum number of residential units would be about the same as currently built. In addition, as LO and LO-MU have the same development standards, the buildable square footage and development standards are the same. As the number of parking spaces is dependent on the uses, it is not possible to predict the number of parking spaces.

### III) Possible Conditional Overlays

Some neighborhood stakeholders have provided their vision for what they would like these properties to be or, conversely, not be. Some of these values can be met through the code requirements identified above. Others might be achieved through a conditional overlay. A conditional overlay is a tool by which the City can place additional restrictions on uses (i.e. prohibiting auto sales) and development standards (i.e. reducing height from 60 feet to 40 feet) normally allowed under a zoning category.

#### Affordable Housing

One of the goals provided by the neighborhood was the provision for affordable housing. Texas law prohibits local governments from mandating affordable housing. Thus, we are prohibited from placing such a condition.

#### Garage Placement

It was asked that we prohibit the placement of a parking garage along the back of the property. City staff is open to seeing whether the parties are willing to agree to this condition. Keep in mind that compatibility will move any such structure further away and reduce the height. Also, due to the high cost, parking garages are typically associated with large-scale development. In this case, it's probably unlikely that a parking garage would be built due to the smaller-scaled nature of LO or LO-MU. Also, parking garage locations are usually determined at the site plan stage where factors such as building configuration, use, and adjacent uses are considered.

#### Mix of Uses

There was concern over the properties becoming all residential, primarily apartments. The neighborhood has asked for a requirement to mandate a mixture of uses (office and residential). City staff is open to seeing whether the parties are willing to agree to this condition.

#### Five Small Scaled Developments

The neighborhood raised a concern that all five properties could be merged into one large development. Their preference is to keep the properties separate with small development as is currently the case. While LO and LO-MU results in small scale development, the City cannot prohibit the sale of private land such that the parcels must remain separate. This would be a violation of private property rights. In addition, the City cannot mandate that these properties be developed separately. In addition, assembling of lots to form one parcel rather than five can occur under the current zoning as well as LO-MU.

#### Building Height

The neighborhood requested that the height be limited, with some suggesting two stories. City staff is open to seeing whether the parties are willing to agree to this condition. Keep in mind that SF-3 zoning allows up to 32 feet while LO and LO-MU allows 3 stories or 40 feet which is a difference of eight feet which is not even one full story. While most of the homes along 34th Street are one story, current zoning allows for them to increase height. Also, 40 feet is appropriate on 35th Street, a big arterial street that is also a core transit corridor. As described under Compatibility Standards, compatibility standards reduce the height along the rear yard of the subject parcels to 30 feet which is 2 feet less than SF-3 maximum building height.

### IV) Conformance status

From: DBarcinski@aol.com

Sent: Wednesday, November 25, 2009 11:05 AM

To: DiGiuseppe, Paul

Cc: mcmediate@msn.com; JBASCIANO@austin.rr.com; mcannatti@hamiltonterrire.com; blake.tollett@earthlink.net; harris@cfs-texas.com; spascoe@grandecom.net; jerry\_balaka@hotmail.com; Hockmuller, Mike; Guernsey, Greg; Haywood, Carol; Stoll, Garner

Subject: Re: Central West Austin Neighborhood meeting Monday 23 November

Paul:

Thanks for the reply.

Few questions on redevelopment:

1. If new zoning is adopted for those properties, will the new zoning classification determine allowable impervious cover or will there be grandfathering of existing coverage in place prior to 1984 ?
2. Same question - grandfather of setbacks.
3. Two projects are under construction in BrykerWoods currently and do not seem to follow the Commercial Design Standards you mention. How does this sort of thing happen ??
4. Compatablity will certainly apply but a parking garage against a historic single family neighborhood is a bad fit from both design and planning point of view. Is there language in the Commercial Design Standards or the Compatibility Standards that address this condition that mega zoning five properties would create. Do you have suggested Conditional Provision language to avoid this.

Derek

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In a message dated 11/25/2009 10:50:24 A.M. Central Standard Time, Paul.DiGiuseppe@ci.austin.tx.us writes:

Hi Derek:

First, I should have also addressed you on the e-mail I sent to Michael because you have some overlapping issues. Sorry about that.

I appreciate you providing a vision for what you would like to see. Your vision and concern was also stated by others in the room during the meetings regarding these properties. I will be checking with zoning staff to see about the conditional overlay and will include those conditions that you mention in your e-mail. Once I find what we can offer, I will have to determine the best way to coordinate with neighborhood stakeholders and property owners. My hope is that a compromise can be reached between staff, neighborhood stakeholders and property owners.

Please keep in mind there are some requirements in place that must be addressed should there be any redevelopment. Compatibility requirements will cause a lowering of heights at the back of the property. The current development standards such including setbacks and impervious cover must be met. Commercial Design Standards (35th Street is a Core Transit Corridor) has a series of requirements including pushing more of the building toward 35th Street, articulation, wide sidewalks, trees, etc. Information on commercial design standards are found here: <http://www.ci.austin.tx.us/planning/designstandards.htm> <<http://www.ci.austin.tx.us/planning/designstandards.htm>> . Please note that the State of Texas prohibits local governments from mandating affordable housing so we cannot legally include that provision in the conditional overlay. However, I will check with zoning staff to see if other options exist for affordable housing.

Derek Barcinski

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From: Michael Curry [mcmediate@msn.com]

Sent: Wednesday, November 25, 2009 2:45 PM

To: DiGiuseppe, Paul

Cc: 'Joyce Basciano'; 'Michael R. Cannatti'; 'Blake Tollett'; 'August W. Harris III'; 'susan pascoe'; 'Jerry Balaka'; Hockmuller, Mike; Guernsey, Greg; Haywood, Carol; Stoll, Garner; DBarcinski@aol.com

Subject: CWANPA -- Nov. 23 2009 meeting

Paul, thanks.

I apologize for this rejoinder but I do think - if you are carrying our thoughts forward - that you and the others listed above need to clearly know our position.

Regarding your third paragraph, the policy of the City, during my involvement over the last few decades, has always been that use must align with zoning, not that zoning must align with use. When the City revises land regulations it will grant property owners the right to continue the existing use under one of several theories, such as "grandfathering" or "legal but non-conforming." In the case of these properties, the City went further and included provisions providing that the properties were conforming uses and conforming structures. See, LDC Sections 25-2-942 and 25-2-962. But permitting a continued use is simply as a matter of fairness to the landowner. The policy of the City, as expressed in the change in the Code, is that the use should ultimately transition to the new parameters of the zoning category. So in this case to say that the existing land use dictates a change in zoning is exactly backwards. It especially makes no sense when that change in zoning (a) does not require a continuation of the use that exists on the ground and (b) permits uses and structures that are different from those that exist today. These proposed zoning changes do not "implement the future land use map recommendations" of the community. Rather, the City is taking the planning out of the community's hands by proposing its own Future Land Use Map that does not align with either the zoning on the ground or the wishes of the community and then pushing a blanket rezoning of four commercial properties to implement the City's FLUM. And, unlike other proposed re-zonings you referred to in your fifth paragraph, what the City proposes here is an up-zoning against the wishes of the community and it contravention of the FLUM adopted by consensus during the City's process. As I'm sure you gathered from the meeting the other night, the community considers this to be a very serious breach of the covenant between the City and the community that underlies the neighborhood planning process.

Regarding your fourth paragraph, I do not know whether or not LO-MU allows "roughly" the same number of residential units that currently exist. That would require an analysis far more detailed than either the City or the neighborhood has conducted and, frankly, beyond my capabilities. But, as you well know, the impact of a development is measured by much more than the number of units and it is best measured in the context of a real life project the likes of which we do not have here. This much is beyond dispute: when zoning is granted in a vacuum and especially when it is granted on-the-fly as is being proposed here, the input of neighbors on future project is reduced to zero because the developer already has the zoning. I can provide you with case studies from our neighborhood and the planning area to prove that proposition if you need it.

Continuing with your fourth paragraph, I take great exception, and I know my neighbors would take great offense, at the suggestion that LO-MU zoning "best matches what the neighborhood has said they would like to keep." We have stated that we are fine with the current use as it exists on the ground - which is, to a limited extent, a horizontal combination of uses on some of the properties. We have been unequivocal that we are opposed to MU zoning because it permits a vertical combination of uses -- something that does not exist today and, therefore something that is not there for us to "keep." Maintaining the current zoning will permit the current uses to continue. While we can live

In the case of the properties on 35th Street, it is our contention that LO-MU best represents the existing uses (residential and office) and allows roughly the same number of residential units that currently exist. Second, as the neighborhood stakeholders in attendance have stated they like the current mix of residential and office uses, we believe that LO-MU best matches what the neighborhood has said they would like to keep. Third, our recommendation is consistent with other Central West Austin Neighborhood Plan zoning recommendations where zoning is proposed to change in order to align with current uses. Fourth, the building heights are the same for LO and LO-MU.

Just to put the Central West Austin Neighborhood Plan in perspective, some neighborhood plans have resulted in thousands of properties being rezoned. Central West Austin will only have about a dozen rezoning proposals which, as far as I know, is the lowest of any neighborhood plan. In most cases, we actually are proposing a downzoning to a category that best fits the use on the ground such as proposing the rezoning of single family homes on Bonnie and Robinhood from CS to SF-3 or rezoning a portion of Westenfield Park from MF-2 to P. When factoring all of the rezoning of the entire planning area, the end result is a net reduction in development rights which, as far as I know, is a first for any neighborhood plan.

Regarding your e-mail over the conformance provisions, I have not had a chance to speak with Greg or Chad but will try to do so next week. I will also inquire about the request for height restrictions and the mixed use requirement.

I hope you and your family have a Happy Thanksgiving.

Paul

Paul DiGiuseppe, Principal Planner

City of Austin Planning and Development Review Department

505 Barton Springs Rd., 5th floor

Austin, TX 78704

paul.digiuseppe@ci.austin.tx.us

Phone: (512) 974-2865

Fax: (512) 974-6054

Mailing address: P.O. Box 1088, Austin, TX 78767

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From: Michael Curry [mailto:mcmediate@msn.com <mailto:mcmediate@msn.com> ]

Sent: Tuesday, November 24, 2009 1:54 AM

To: DiGiuseppe, Paul; Hockmuller, Mike

Cc: 'Joyce Basciano'; 'Michael R. Cannatti'; 'Blake Tollett'; 'August W. Harris III'; 'susan pascoe'; 'Michael Curry'; 'Jerry Balaka'

Subject: CWANPA -- Nov. 23 2009 meeting

Paul and Mike,

That was a difficult meeting for everyone - especially the guys at the front of the room. Thank you for conducting yourselves in a professional way and for giving us an opportunity to express our views. I hope you know that it is not you, it is the message you are communicating on behalf of the City, that folks were upset with.

Best regards,  
Michael Curry

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From: Michael Curry [mcmediate@msn.com]  
Sent: Tuesday, November 24, 2009 3:28 PM  
To: DiGiuseppe, Paul; Hockmuller, Mike  
Cc: Shaw, Chad; 'Michael Curry'  
Subject: Conforming Uses

Dear Paul and Mike,

I want to make sure that we are on the same page on the issue of conforming/non conforming uses since that is your stated motivation for pushing rezoning of the LO property on W. 35th St.

My understanding, and I invite Chad to indicate if he disagrees with what I'm about to say, is that according to the Land Development Code, the LO properties on W. 35th St. are both conforming uses and conforming structures pursuant to Sections 25-2-942 and 25-2-962 assuming they were conforming on March 1, 1984.

There is nothing in the Land Development Code preventing a continuation of the current uses, there is nothing in the Code preventing the owners from maintaining the structures and there is nothing in the Code preventing the owner from rebuilding the structures if they burn down assuming they act prudently and responsibly. The most that can be said - if one is looking for limitations on the use - is that there is an argument that the structures cannot be expanded. The counter argument would be that there is nothing in the Code that expressly says that and it is hard to argue that conforming structures, such as these, have less rights than non-conforming structures for which modifications are permitted. In any event, the argument is likely moot on three and probably all four of the properties because if you look at them, they are completely built out and there is no land left for them to expand, assuming any of them would even want to do so.

These landowners actually have more rights than the average LO landowner because they get to continue a residential use on property that is zoned commercial while retaining the right to develop other uses consistent with their zoning. And, there is nothing in the neighborhood planning process that has taken away any of their rights or impaired their use in any way.

This then is the thin reed on which the City is pushing rezoning in the neighborhood planning process. Again, we hope you will reconsider your position.

Best regards and best wishes for a great Thanksgiving. You certainly have our thanks for your hard work.

Michael

P.S. And thank you Chad for taking the time to speak with me again today.

## Bryker Woods Neighborhood Association Austin, Texas

1907 West 34<sup>th</sup> Street  
Austin, Texas 78703  
May 22, 2010

Dave Sullivan, Chair  
Danette Chimenti  
Jay Reddy

Mandy Dealey  
Benjamin De Leon  
Clint Small

Dave Anderson  
Saundra Kirk  
Kathryne Tovo

Re: C14-2010-0051: 1717, 1721 1801, 1803 and 1805 W. 35<sup>th</sup> Street.  
Windsor Road Planning Area/Central West Austin Neighborhood Plan

Dear Commissioners,

We write on behalf of the Board of the Bryker Woods Neighborhood Association and as participating stakeholders in the CWANPA planning process. This letter will focus on a very specific but extremely important issue involved in the Plan: the Staff's application to rezone the above-referenced properties on West 35<sup>th</sup> St. from LO to LO-MU-NP. We urge you to recommend DENIAL of this application and vote to maintain the current zoning.

**1. Background.** These are five tracts representing four properties, two of which are multi-family residential and two of which are a combination of multi-family and small office uses. They are part of a block the Plan describes as a "building by building, horizontal collection of small neighborhood-serving businesses, stores, and apartments" L.2.7. They were developed before 1984 when multi-family use could be legally built on LO zoning. Notwithstanding their LO zoning, these properties are by Code conforming uses and conforming structures. See LDC §§ 25-2-942 and 25-2-962<sup>1</sup>. These legal conforming uses adjoin single family homes and the two have coexisted for decades.

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<sup>1</sup> § 25-2-942. USES CONFORMING ON MARCH 1, 1984. The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

§ 25-2-962 STRUCTURES COMPLYING ON MARCH 1, 1984. (A) A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements of this chapter.



development project. They will have no forum to make objections or request improvements, modifications or adjustments to the project. What Staff is proposing is a blanket rezoning of four properties (five lots) across the fence from single family homes. There are no development proposals. The Staff is the applicant. No one can say what any future mixed use projects on these properties will look like or what their impact, singularly or collectively, will be on the adjoining neighbors. Comparing site development standards among zoning districts is no substitute for input into a real project, subjected to public scrutiny. As a matter of simple fairness, the adjoining homeowners should have a chance to voice their opinion as to the appropriateness of any mixed use development that will overlook their back yards for the next 50 years. They should not lose that chance through the neighborhood planning process.

It should be noted that the text of the Plan provides that "[i]f these properties redevelop, encourage a similar scale and the preservation of affordable rental housing, which contributes to the diversity of the neighborhood." (L.2.1) Granting the zoning application as part of the Plan would remove any means or opportunity for the neighborhood to implement this provision. Rezoning these properties in this process silences our neighbors' voices and ties their hands.

**5. Conclusion.** The Staff's zoning application is unwarranted. There is no "non-conforming use" to "correct." Regardless, the Staff's rationale, were it fact-based, could not be used to justify a zoning change to the detriment of the community. There is overwhelming opposition to this application. It jeopardizes the existing affordable housing and leaves the adjoining homeowners and the neighborhood -- and for that matter the Planning Commission and City Council -- with no say in any future mixed use development. Granting this application would be very bad policy and would reflect a failure of the neighborhood planning process.

We urge the Commission to adopt the community's Neighborhood Commercial FLUM recommendation and deny the Staff's application for rezoning. Thank you for all of your work on behalf of the citizens of Austin.

Sincerely,

Joyce Basciano, President  
Bryker Woods Neighborhood Association

Michael Curry, Chair  
BWNA Neighborhood Plan  
Subcommittee

C 5

**From:** Ray Zvonek [mailto:rayzvonek@aol.com]  
**Sent:** Wednesday, April 08, 2009 2:35 PM  
**To:** Craig, Victoria  
**Subject:** 1803 and 1805 W. 35th-NEIGHBORHOOD MIXED USE

Victoria,

Please let this email serve as my recommendation that my properties at 1803 W. 35<sup>th</sup> and 1805 W. 35<sup>th</sup> have a land use of NEIGHBORHOOD MIXED USE.

Thank you,

Ray Zvonek

**RAY A. ZVONEK**  
**512-615-0365**

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**From:** Joan J. Culver [mailto:joan.j.culver@aol.com]  
**Sent:** Wednesday, April 08, 2009 5:08 PM  
**To:** Craig, Victoria  
**Subject:** RE: 1801 W. 35th Street, Neighborhood Mixed Use

**Dear Ms. Craig, I would like to go on record as requesting that our property at 1801 W. 35th Street, Austin, Texas, be designated as land use of Neighborhood Mixed Use. I would greatly appreciate it if you would make certain that my request is duly noted. Thank you, Mrs. Joseph (Joan J.) Culver**

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**From:** wjm [mailto:wjm@jmwilson.com]  
**Sent:** Tuesday, April 14, 2009 1:02 PM  
**To:** Craig, Victoria  
**Subject:** zoning

Victoria,

Please let this email serve as my recommendation that my property at 1717 W. 35th St. have a land use of NEIGHBORHOOD MIXED USE.

Thank you,  
J. Mark Waugh  
Owner  
512-451-0988

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CS

## DiGiuseppe, Paul

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**From:** wjm  
**Sent:** Monday, December 14, 2009 11:38 AM  
**To:** DiGiuseppe, Paul  
**Subject:** Re: 35th Street

Dear Paul,

Thanks to you and your staff for all the effort you have put into regarding the zoning of our property and our neighbors. Having rental property in various areas of the city, I am well aware of the hesitation and down right harrassing resentment that neighborhood associations can create. While I know they may mean well, I sometimes wonder if they realize that we also have rights to properly maintain a profitable business/property. As we all know, they are not making any more land and we all need to develop it in a manner to facilitate the increasing number of people.

I wish to re-emphasize that I do not wish to change my original position of supporting the proposal being submitted by the City Planners in reference to the zoning of my property located at 1717 West 35th Street.

Once again, thank you.

Mark Waugh  
512-451-0988

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

From: "DiGiuseppe, Paul" <Paul.DiGiuseppe@ci.austin.tx.us>  
To: <DBarcinski@aol.com>; "Michael Curry" <mcmediate@msn.com>; <JBASCIANO@austin.rr.com>; "Michael R. Cannatti" <mcannatti@hamiltonterrire.com>; "Blake Tollett" <blake.tollett@earthlink.net>; "August W. Harris III" <harris@cfs-texas.com>; "susan pascoe" <spascoe@grandecom.net>; "Jerry Balaka" <jerry\_balaka@hotmail.com>; <mwstockerdds@gmx.net>; <wjmwm@austin.rr.com>; <Joaniejoy1@aol.com>; <rayzvonek@capitalcdc.com>  
Cc: "Guernsey, Greg" <greg.guernsey@ci.austin.tx.us>; "Shaw, Chad" <Chad.Shaw@ci.austin.tx.us>; "Hockmuller, Mike" <Mike.Hockmuller@ci.austin.tx.us>; "Patterson, Clark" <clark.patterson@ci.austin.tx.us>; "Haywood, Carol" <Carol.Haywood@ci.austin.tx.us>  
Sent: Monday, December 07, 2009 2:02 PM  
Subject: RE: 35th Street

Dear All:

I am writing this e-mail in response to both Derek and Michael's e-mails. I am also copying all of the property owners so that all parties are getting this information. We want a fair and transparent process that hopefully resolves issues.

The three main focus points are on the similarities and differences between Limited Office (LO) and Limited Office-Mixed Use (LO-MU) zoning, potential restrictions that could be considered as part of a conditional overlay, and the conformance status of the properties. The properties in question are located at 1717, 1721, 1801, 1803, & 1805 W.35th Street.

### I. Current Conditions

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C5

## DiGiuseppe, Paul

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**From:** Ray Zvonek [mailto:zvonek@engtelinda.com]  
**Sent:** Monday, December 14, 2009 9:33 AM  
**To:** DiGiuseppe, Paul  
**Subject:** RE: 35th Street

Hi Paul,

Hope you are doing well this morning. I just wanted to let you know that my vote regarding my properties at 1803 and 1805 W. 35th is to not put any restrictions on the LO-MU zoning. Let me know if you have any questions.

Thanks,  
Ray

RAY A. ZVONEK

512-615-0365

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

From: DiGiuseppe, Paul [mailto:Paul.DiGiuseppe@ci.austin.tx.us]  
Sent: Monday, December 07, 2009 2:02 PM  
To: DBarcinski@aol.com; Michael Curry; JBASCIANO@austin.rr.com; Michael R. Cannatti; Blake Tollett; August W. Harris III; susan pascoe; Jerry Balaka; mwstockerdds@gmx.net; wjmwjm@austin.rr.com; Joaniejoy1@aol.com; Ray Zvonek  
Cc: Guernsey, Greg; Shaw, Chad; Hockmuller, Mike; Patterson, Clark; Haywood, Carol  
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#### A) Development Standards

With the exception of parking requirements, the development standards are the same between

C5

PLANNING COMMISSION COMMENT FORM

File # C14-2010-0051  
# C14-2010-0052

Planning Commission Hearing Date: May 25, 2010

Comments: I object to the proposed change for Tract 1 under  
zoning case #C14-2010-0051. I live on 34th St.  
and feel the proposed changes would be detrimental  
to our community.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835. Attn: Paul DiGiuseppe

Name (please print) Jeff Christner

Address 1704 W. 34th St.

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

**DiGiuseppe, Paul**


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**From:** [joan@joan@joan.com](mailto:joan@joan@joan.com)  
**Sent:** Monday, December 14, 2009 9:50 AM  
**To:** DiGiuseppe, Paul  
**Subject:** Re: 35th Street

**Dear Mr. DiGiuseppe, As a property owner on West 35th Street (1801), I STRONGLY vote that the restrictions stay as they are with no further restrictions (conditional overlay) placed on the five properties affected. Thank you for your work on this matter and for trying to insure that the people who own the five properties are not saddled with conditions that are unfair. I appreciate you staying in touch with all parties concerned as to what is happening with this issue. Thank you - Joan Culver**

**DiGiuseppe, Paul**

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**From:**  yahoo.com  
**Sent:** Thursday, November 12, 2009 1:57 AM  
**To:** DiGiuseppe, Paul  
**Subject:** Re: 1801 W. 35th Street

**Thank you for your letter of clarification. I will not be able to attend the meeting but hope that the outcome is for office use-residential. We have no plans for any changes to our property but would certainly like to have the option to make changes in the future if we opted to do that. Again, thank you for writing. Joan Culver**

5/24/2010

## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0051  
# C14-2010-0052

Planning Commission Hearing Date: May 25, 2010

Comments: I object to the proposed change for Tract 1 under  
Zoning case #C14-2010-0051. I live on 34th St.  
and feel the proposed changes would be detrimental  
to our community.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835. Attn: Paul DiGiuseppe

Name (please print) Jeff Christner

Address 1704 W. 34th St.

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)



## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0051  
# C14-2010-0052

Planning Commission Hearing Date: May 25, 2010

Comments: I OBJECT TO THE REZONING OF THE WINDSOR  
ROOD NEIGHBORHOOD PLANNING AREA (545 ACRES) [FILE NUMBER C14-  
2010-0051]. THE CURRENT ZONING SHOULD REMAIN IN PLACE.  
I OBJECT TO REZONING THE SUBJECT PROPERTIES ON 35<sup>TH</sup> STREET.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835. Attn: Paul DiGiuseppe

Name (please print) ELIZABETH K. REED FORAGGER

Address 1701 W 34<sup>TH</sup> ST., AUSTIN, TX 78703

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/ rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- ☐ by attending the Planning Commission hearing and conveying your concerns at that meeting
- ☒ by writing to the Planning Commission, using the form provided on the previous page
- ☐ by writing to the city contact, listed on the previous page

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0051  
# C14-2010-0052

Planning Commission Hearing Date: May 25, 2010

Comments: I OBJECT TO THE REZONING OF THE WINDSOR ROAD  
NEIGHBORHOOD PLANNING AREA (545 ACRES) [File Number  
C14-2010-0051]. THE CURRENT ZONING SHOULD  
REMAIN IN PLACE. I OBJECT TO REZONING THE SUBJECT  
PROPERTIES ON 35TH STREET.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835. Attn: Paul DiGiuseppe

Name (please print) PHILLIP FORRESTER

Address 1701 WEST 34TH ST., AUSTIN, TX 78703

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

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