MEMORANDUM

TO: Mayor and City Council

FROM: Jerry Rusthoven, Chief Zoning Officer
Housing and Planning Department

DATE: January 24, 2022

SUBJECT: C14-2021-0137 – 3427 Jefferson Street
(District 10)
Petition

Signatures have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than the existing LR-NP, neighborhood commercial – neighborhood plan district. The petition includes 20.16% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials are attached.

If you need additional information, please contact Jerry Rusthoven, at 512-974-3207.

Jerry Rusthoven, Chief Zoning Officer
Housing and Planning Department

xc: Spencer Cronk, City Manager
J. Rodney Gonzales, Assistant City Manager
Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PETITION

Case#: C14-2021-0137
PETITION

File Number: C14-2021-0137

Address of Rezoning Request: 3427 Jefferson Street

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LR-NP – Neighborhood Commercial District.

The applicant seeks Commercial Services CS-NP zoning. According to the City, CS zoning is “intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.”

The applicant plans to build a four story, 41,000 square feet office/retail building with a 2,000 square foot patio at the fourth-floor level available for outdoor gatherings. Traffic entering or exiting the building will be on Glenview and Jefferson Streets and for a building this size will be at levels inappropriate and unsafe for neighborhood streets which are used by residents, and by Bryker Woods Elementary school students walking to school from the north side of W. 35th St.

Expanding CS zoning in this location would be contrary to sound zoning principles and would have an adverse impact on the surrounding neighborhood and school.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature: [Signature]
Printed Name and Title: [Printed Name and Title]
Address: [Address]

[Signature]

[Printed Name and Title]

[Address]
PETITION

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

[Signatures and printed names]

[Addresses]
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature  
Printed Name and Title

Lisa Johnson, 1715 West 35th 78235
PETITION

File Number: C14-2021-0137

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature: [Signature]
Printed Name: [Printed Name]
Address: [Address]

[Handwritten Signature]
[Handwritten Name]
[Handwritten Address]
PETITION

File Number: C14-2021-0137

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature
Irene Pickhardt

Printed Name
Irene Pickhardt

Address
3311 Bryker

Signature
Nina Caramico

Printed Name
MIA CARAMICO

Address
1701 W. 34th St.

Signature
Claire Eckert

Printed Name
CLAIRE ECKERT

Address
2405 Hallow

Signature
Cindy Pickhardt

Printed Name
CINDY PICKHARDT

Address
3311 BRYKER

Signature
Sita Lakshminarayana

Printed Name
SITA LAKSHMINARAYAN

Address
3309 BRYKER DR.

Signature
Cindy Kaplan

Printed Name
CINDY KAPLAN

Address
3313 BRYKER

Signature
Michael Curry

Printed Name
MICHAEL CURRY

Address
3307 BRYKER DR.

Signature
Julian Weiss

Printed Name
SUSAN HEISS

Address
3304 BRYKER

Signature
Lyssa Allen

Printed Name
LYSSA ALLEN

Address
3310 BRYKER DR.

Signature
Jen Spielley

Printed Name
SOGA SPIELBERG

Address
1708 W. 34th St.

Signature
Sonya Spiel

Printed Name
SONYA SPIEL

Address
Sonyaspiel19@gmail.com
PETITION

File Number: C14-2021-0137
Address of Rezoning Request: 3427 Jefferson Street
To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature                Printed Name              Address
Rachel Boyce             Rachel Boyce              3402 Glenview Ave 78703
Milli Christner          Milli Christner          1704 W. 34th 78703
L. Vesper McAdoo         L. Vesper McAdoo         330 W. Glenview
Renate Freid             Renate Freid             3314 Glenview
Paul Voss                Paul Kapsner             3314 Kerbey
Caroline Kapsner         Caroline Kapsner         3314 Kerbey
Rita de los Gi-          Roger de los Garza        3315 Glenview
Austin Hunter            Mellen Hunter            3404 Jefferson St
Elizabeth Cates          Elizabeth Cates          3404 Jefferson St
File Number: C14-2021-0137

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature
Rachel Boyce

Printed Name
Rachel Boyce

Address
3402 W Lone Star Ave 78703
PETITION

File Number: C14-2021-0137

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To: Austin City Council

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<table>
<thead>
<tr>
<th>Signature</th>
<th>Printed Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeanne E. Leor</td>
<td>Jeanne E. Leor</td>
<td>1513 Monroe Dr. 78703</td>
</tr>
<tr>
<td>Wendy Carnegie</td>
<td>Wendy Carnegie</td>
<td>3202 Kerby Rd. 78703</td>
</tr>
<tr>
<td>Amy</td>
<td>Amy Carnegie</td>
<td>3201 - Ave Bldg 78703</td>
</tr>
<tr>
<td>Carl Green</td>
<td>Carl Green</td>
<td>1503 W 32nd St 78703</td>
</tr>
<tr>
<td>Jan Linx</td>
<td>Jan Linx</td>
<td>3302 Beverly Rd. 78728</td>
</tr>
<tr>
<td>Helene Krakauer</td>
<td>Helene Krakauer</td>
<td>1706 W 32nd 78703</td>
</tr>
<tr>
<td>Herb Ganz</td>
<td>Herb Ganz</td>
<td>7005 W 32nd 78703</td>
</tr>
<tr>
<td>Nicole Mueller</td>
<td>Nicole Mueller</td>
<td>301 Beverly Rd. 78703</td>
</tr>
<tr>
<td>Steve</td>
<td>Steve</td>
<td>3005 Beverly Rd 78703</td>
</tr>
<tr>
<td>Chris Mueller</td>
<td>Chris Mueller</td>
<td>3101 Beverly Rd 78703</td>
</tr>
<tr>
<td>Margaret A. Cook</td>
<td>Margaret A. Cook</td>
<td>3213 Beverly Rd 78703</td>
</tr>
<tr>
<td>Jason Fernandez</td>
<td>Jason Fernandez</td>
<td>1707 W 32nd St 78703</td>
</tr>
</tbody>
</table>
Authorization

Re: C14-2021-0137; 3427 Jefferson St.

I attest that as Managing Member of the Avenue H LLC, the owner of the property at 1608 W. 34th St. 78703, I am duly authorized to protest (and do protest) a zoning change in the above referenced case.

Karl Shackelford
Managing Member, Avenue H LLC
Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for AVENUE H, LLC, a Domestic Limited Liability Company (LLC), file number 800149372.

KARL A SHACKELFORD
Member

1608 W 34th St
Austin
Tx - 78703

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 21, 2022.

John B. Scott
Secretary of State
Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Articles of Organization for AVENUE H, LLC (file number 800149372), a Domestic Limited Liability Company (LLC), was filed in this office on December 05, 2002.

It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate KARL A. SHACKELFORD as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

1608 WEST 34TH STREET

AUSTIN, TX - 78703 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.

John B. Scott
Secretary of State
Corporate Authorization

Re: C14-2021-0137; 3427 Jefferson St.

I attest that as Managing Member/President of EC Real Estate Investments LLC, the owner of the property at 3404 Jefferson, I am duly authorized to protest (and do protest) on behalf of the corporation, any change of zoning in the above referenced case.

Elizabeth Cates
Managing Member/President
EC Real Estate Investments LLC
Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for EC REAL ESTATE INVESTMENTS, LLC, a Domestic Limited Liability Company (LLC), file number 803128334.

ELIZABETH CATES
MANAGING MEMBER

98 San Jacinto Blvd 2601
Austin
Tx - 78701

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.

John B. Scott
Secretary of State
Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for EC REAL ESTATE INVESTMENTS, LLC (file number 803128334), a Domestic Limited Liability Company (LLC), was filed in this office on September 26, 2018.

It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate ELIZABETH CATES as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

98 SAN JACINTO BOULEVARD FSR 2601
AUSTIN, TX - 78701 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.

John B. Scott
Secretary of State
Re: C14-2021-0137; 3427 Jefferson St.

I attest that I am duly authorized to protest (and do protest) a zoning change in the above referenced case on behalf of the owner of the property at 1702 W. 34th St. 78703.

Signature

Marvin Joseph
Printed

The Joseph Family Living Trust
Property Owner
THE JOSEPH FAMILY LIVING TRUST
Married A, B, Alternate B, and C
Revocable Living Trust

Trustors
Marvin L. Joseph and Clariette B. Joseph
7803 Lindenwood Circle
Austin, Texas 78731-1512

Supervising Attorney
Kay Lively
2107 Tishomingo Trail
Austin, Texas 78734-2866
(512) 215-8597

Advisor
Kay Lively
2107 Tishomingo Trail
Austin, Texas 78734-2866
(512) 215-8597

Document Preparation
The Estate Plan™
730 Sandhill Road, Suite 120
Reno, Nevada 89521
(800) 350-1234
2. GENERAL TERMS OF THIS TRUST

2.1 Name of this Trust
A. Preferred Trust Name. This Trust shall be known as: "The Joseph Family Living Trust."
B. Alternate Trust Name. This Trust may also be referred to as "The Joseph Family Living Trust, dated October 2, 2008, Marvin L. Joseph and Clariette B. Joseph, Trustors", or as "The Joseph Family Living Trust, dated October 2, 2008."

2.2 Effective Date of this Trust
A. This Trust shall be effective immediately upon its execution by the Trustors.

2.3 The Trust Estate
A. Property Held in Trust. All property, real, personal and mixed transferred to and held by this Trust and by any of the sub-trusts created by this Trust is referred to herein as the "Trust Estate."
B. Administration of Such Property. The Trustee shall hold, administer and distribute the Trust Estate, together with any property that may at any time be transferred to this Trust after the effective date hereof, and any property that may, in any way, at any time be made subject to this Trust together with the income, issues and profits therefrom, according to the provisions of this Trust.

2.4 Mandatory Binding Arbitration
A. THIS TRUST IS SUBJECT TO BINDING ARBITRATION.
B. Binding Arbitration. Any dispute arising wherein this Trust is named as a party and any dispute with any person regarding this Trust or any of its terms, the Trust Estate, or any property held or proposed to be held by this Trust shall be submitted to binding arbitration.
C. Arbitration Procedure. All arbitrated disputes hereunder shall be governed by the procedures and rules adopted and then in force of the American Arbitration Association, its successors or assigns.

2.5 Parties to this Trust
A. The parties to this Trust are the following:
Each party hereto represents that he or she understands this Agreement and has had an opportunity to examine and discuss this Agreement and its terms with their own legal counsel. If either party hereto did not avail themselves of the opportunity to examine and discuss this document with legal counsel of their own choosing before signing this document, by their signature below they waive such opportunity.

**Governing Law**

This Agreement shall be governed by the laws of the State of Texas.

**Binding on Heirs**

This Agreement is binding upon the parties hereto together with their heirs, beneficiaries, Trustees, Successor Trustees, Executors, Personal Representatives, Administrators, assigns and successors in interest.

**Modification and Amendment**

This Agreement may be modified or amended only by a document in writing signed by the parties hereto accompanied by the same formalities as attended the original execution of this Agreement and attached to this Agreement.

**Execution**

IN WITNESS WHEREOF, the parties have executed this Agreement this 5th day of July, 2012.

Marvin D. Joseph

Clariette B. Joseph
THE STATE OF TEXAS
COUNTY OF TRAVIS

This document was acknowledged before me by Marvin L. Joseph and Clarette B. Joseph on the date herein set forth.

Date: July 5, 2012

(End of Part Twenty-seven)
Re: C14-2021-0137; 3427 Jefferson St.

I attest that I am duly authorized to protest (and do protest) a zoning change in the above referenced case on behalf of the owner of the property at 1715 W. 35th St.

Signature

Roya Johnson
Printed Name

President
Title or position

West End Properties Inc
Property Owner
Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for WEST END PROPERTIES, INC, a Domestic For-Profit Corporation, file number 101486100.

ROYA JOHNSON
P.VP
1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
SECRETARY
1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
TREASURER
1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
DIRECTOR
1715 W 35th
Austin
Tx - 78703

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.
Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Articles Of Incorporation for WEST END PROPERTIES, INC. (file number 101486100), a Domestic For-Profit Corporation, was filed in this office on October 22, 1986.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.

John B. Scott
Secretary of State