

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0039 (1705 and 1707 Evergreen)

DISTRICT: 9

ADDRESS: 1705 and 1707 Evergreen Avenue

ZONING FROM: SF-3

TO: CS-MU

SITE AREA: 0.629 acres

PROPERTY OWNER: Helsinki Partners LLC (Darius Fisher)

AGENT: Husch Blackwell LLP (Nikelle Meade)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends CS-MU, General Commercial Services-Mixed Use Combining District, zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 13, 2023: Approved staff's recommendation of CS-MU zoning (11-0, C.Hempel-absent); A. Azhar-1st, J. Mushtaler-2nd.

CITY COUNCIL ACTION:

July 20, 2023

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of two lots making up 0.629 acres fronting Evergreen Avenue that are developed with single family residences, with outbuildings. To the north, there is an office/warehouse development (Vaughn House, Inc.) that is zoned CS and a multifamily use (Fairfield) zoned CS-V. Behind this property to the east, there are railroad tracks. Across Evergreen Avenue to the west, there are professional office uses (JVD, The Davis Agency Real Estate) and a Personal Services use (R Salon) zoned CS, CS-CO. The lots to the south contains a short term rental use and an office that are zoned CS-MU. According to the application, the property owner is requesting CS-MU zoning to redevelop this site with office-mixed use.

The staff recommends General Commercial Services-Mixed Use Combining District zoning because the property meets the intent of the zoning. The property is one block from a major arterial roadway, S. Lamar Boulevard and is located in an area where redevelopment can provide a mixture of office, commercial, and civic uses that will serve the surrounding community. There is a precedent in land use patterns for mixed use development in this area to the north, south and west. The site under consideration is surrounded by commercial zoning and uses as there is CS and CS-V zoning to the north, CS-CO and CS zoning to the west and CS-MU zoning to the south along Evergreen Avenue. The property is located within 0.08 mile from the South Lamar Activity Corridor, near the Metro Rapid bus line along S. Lamar Boulevard (a Core Transit Corridor) and adjacent to an urban trail network along the UPC/ASA railroad to the east.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

- 2. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The site under consideration is surrounded by commercial and commercial/mixed use zoning. There is CS and CS-V zoning to the north, CS-CO and CS zoning to the west and CS-MU zoning to the south along Evergreen Avenue.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Residences
<i>North</i>	CS, CS-V	Office/Warehouse (Vaughn House, Inc.), Multifamily (Fairfield)
<i>South</i>	CS-MU	Short Term Rental, Office
<i>East</i>	SF-3-NP	Railway, Single Family Residences
<i>West</i>	CS-V, CS-CO, CS	Professional Office (JVD, The Davis Agency Real Estate), Personal Services (R Salon)

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP Area – Zilker (suspended)

TIA: Deferred to the time of Site Plan

WATERSHED: West Bouldin Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Bike Austin
- Bouldin Creek Neighborhood Association
- Bouldin Creek Neighborhood Planning Team
- Friends of Austin Neighborhoods
- Friends of Zilker
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- Perry Grid 614
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group
- South Central Coalition
- TNR BCP - Travis County Natural Resources
- Zilker Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0097 (Evergreen at Mary: 1709 & 1803 Evergreen Ave and 1204 W Mary St)	Tract 1: CS and SF-3 to CS-MU Tract 2: MF-3-H to CS-MU-H	10/26/20: Approved staff's recommendation to rezone Tract 1 to CS-MU and Tract 2 to GO- MU-H on the consent agenda. Vote: 10-0. [B. Heimsath, B. Valenzuela – 2nd; A. Papavasiliou was absent].	12/03/20: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201203-071 for CS-MU combining district for Tract 1 and GO-MU-H combining district for Tract 2 was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on an 11-0 vote.
C14-2017-0026 (Boulding Creek Neighborhood Plan Garage Placement Zoning)	To add LDC SEC. 25-2-1604 garage placement to planning area to be allowed on eligible properties.	To grant staff's recommendation.	9/28/17: Approved an indefinite postponement request by staff.
C14-04-0101 (N. Lamar Blvd – Evergreen Ave –W Mary St Rezoning S. Lamar Blvd.)	SF-3, CS, CSCO and CS-MU-CO to CS-MU-CO	To grant staff's recommendation of CS-MU-CO, with a CO to make certain land uses as conditional.	1/27/05: Approved GR-MU- CO, with CO to prohibit some land uses and make others conditional.
C14-01-0009 (Live/Work Lofts: 1800 Evergreen Ave)	SF-3 to CS-MU	To grant staff's recommendation of CS-MU-CO; CO to prohibit a set of land uses and trip limit.	3/29/01: Approved CS-MU-CO as Commission recommended.
C14-01-0135 (1211 West Mary)	CS and SF-3 to SF-6	To grant SF-6-CO, with a CO to require a vegetative strip if compatibility was triggered by development.	12/13/01: Approved SF-6-CO as Commission recommended.
C14-00-2172 (1702 Evergreen Ave)	SF-3 to CS	To grant CS-CO, with a CO to prohibit a set of land uses.	11/30/00: Approved CS-CO as Commission recommended.

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
EVERGREEN AVE	Local Mobility - Level 1	58 feet	47 feet	23 feet	Existing 5 feet sidewalks	No	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 1705 and 1707 EVERGREEN AVE. C14-2023-0039. 0.629 acres from SF-3 to CS-MU. Single Family to Office and 12 Multifamily Units. March 27, 2023

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: 0.08 mile from the South Lamar Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Mixed use: Provides a mix of residential and non-industrial uses.
Y	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
10	Total Number of “Yes’s”

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The development as proposed will require parkland dedication for the new residential units - parkland that will also serve the surrounding neighborhood through the additional park investment. The Parks and Recreation Department (PARC) would consider a connection to Bethany Cemetery and Givens District Park toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood park connectivity, a criterion for onsite dedication.

Please note that residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required for any new market-rate residential units

proposed by this development at the time of subdivision or site plan, per City Code § 25-1-601.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Site Plan

GENERAL

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

DEMOLITIONS AND RELOCATIONS

FYI: The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property. All existing structures shown to be removed will require a demolition permit from the City of Austin Housing and Planning Department. Please contact the Historic Preservation Officer at 974-3393 or preservation@austintexas.gov for additional information [Chapter 25-11]. Please begin this process as soon as possible as it can take some time.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for EVERGREEN AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for EVERGREEN AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

There is a proposed Tier 2 Urban Trail adjacent to this site, along the UPC/ASA railroad. The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity. This is the same for Tier I and Tier II trails.

Water Utility

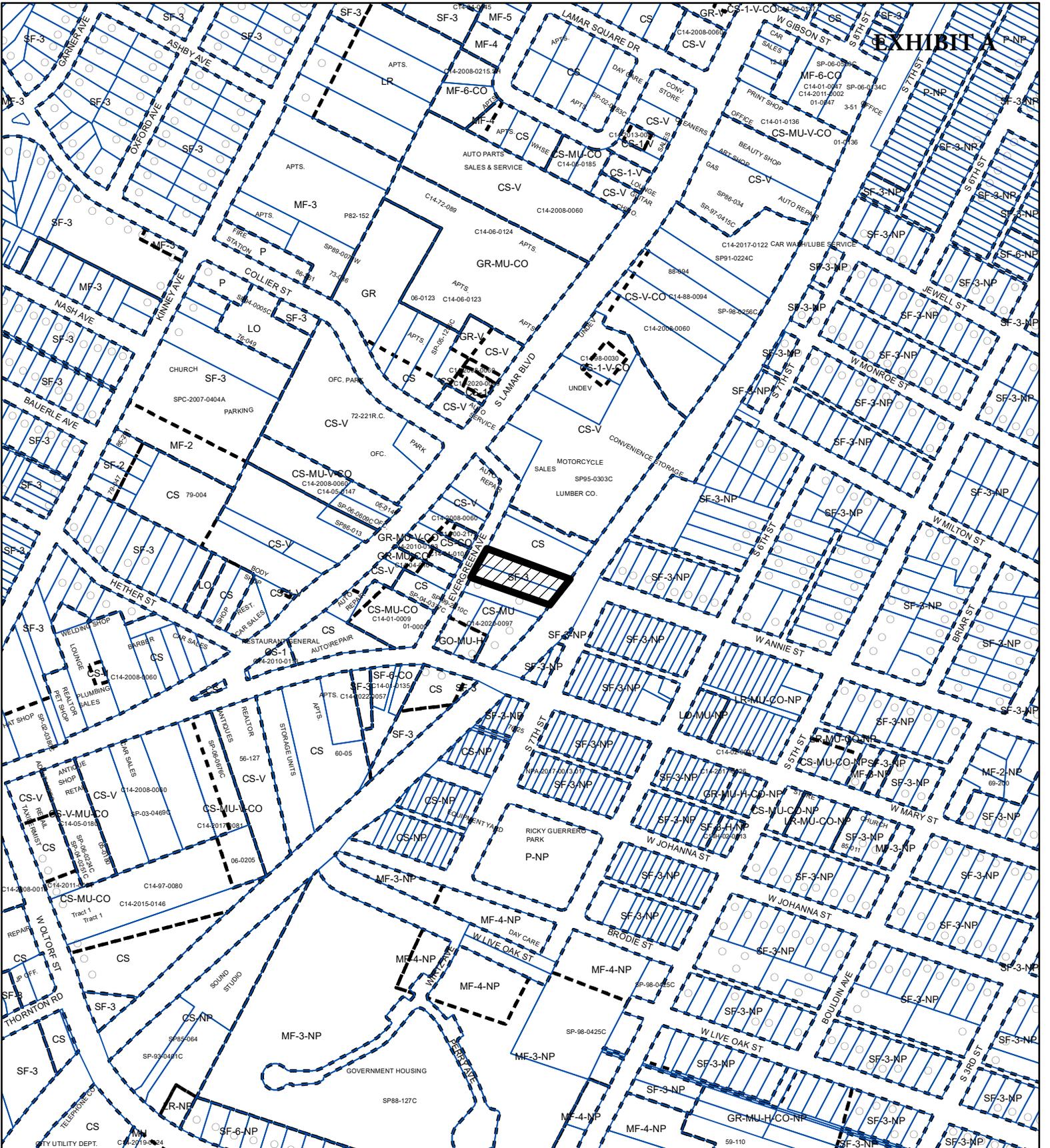
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2023-0039



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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



Created: 3/27/2023



1705 and 1707 Evergreen Ave

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0039
 LOCATION: 1705 & 1707 Evergreen Ave
 SUBJECT AREA: 0.0629 Acres
 GRID: H21
 MANAGER: Sherri Sirwaitis



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From: [Drew Zerdecki](#)
To: [Sirwaitis, Sherri](#)
Subject: Re: Comment regarding Case Number C14-2023-0039
Date: Friday, June 2, 2023 1:17:07 PM

*** External Email - Exercise Caution ***

Hello again. While you're at it, could you add this youtube link to the material for the staff report? It's a video of the traffic situation on Evergreen. Thanks again.

<https://youtu.be/3qF9-Jw22DU>

On Fri, Jun 2, 2023 at 12:42 PM Drew Zerdecki <[Drew.Zerdecki@cityofaustin.gov](#)> wrote:

Thanks for your help! Could you please also add me as an interested party to this case to make sure I continue to get notifications?

Have a good weekend.

Thanks,
Drew

On Mon, May 8, 2023 at 2:55 PM Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov> wrote:

Hi Mr. Zerdecki,

I have added your comments to the file that I created for this case. They will be included with the staff report as part of the backup material for this case when it proceeds to Commission.

Thank you,

Sherri Sirwaitis

*City of Austin
Housing & Planning Department
sherri.sirwaitis@austintexas.gov
512-974-3057(office)*

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

*** External Email - Exercise Caution ***

From: [Drew Zerdecki](#)
To: [Sirwaltis, Sherri](#)
Subject: Fwd: Comment regarding Case Number C14-2023-0039
Date: Monday, May 8, 2023 2:48:48 PM

*** External Email - Exercise Caution ***

See below.

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

From: **Watson, Michael** <Michael.Watson@austintexas.gov>
Date: Tue, Apr 18, 2023 at 4:07 PM
Subject: RE: Comment regarding Case Number C14-2023-0039
To: Drew Zerdecki <>

Your comment will be added to the record.

Best,

Michael Watson | Pronouns: he, him, his

Plans Examiner A, Residential Zoning

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Email: michael.watson@austintexas.gov

Office: 512-974-3043

From: Drew Zerdecki
Sent: Tuesday, April 18, 2023 3:19 PM
To: Watson, Michael <Michael.Watson@austintexas.gov>
Subject: Re: Comment regarding Case Number C14-2023-0039

*** External Email - Exercise Caution ***

Hi Michael,

I'm just checking back on this one. Did my comment make it into the record? I think my neighbors may also have written to you.

Please send me an update when you get a chance. Thanks.

On Fri, Apr 14, 2023, 10:27 AM Drew Zerdecki wrote:

Hi Michael,

I hope you're doing well. I'm writing in concerning zoning case number C14-2023-0039.

I'm a homeowner within the 500 feet of the proposed project. My request in connection with landowner's proposed switch from SF-3 to CS-MU is that a traffic analysis be conducted before the city makes its decision. Right now, the application states that one is not required.

My main concern with a move to CS-MU at this location at the Evergreen Ave\Mary St. intersection is that it will almost certainly lead to even more traffic congestion at an intersection that is already overwhelmed. If you drive through the intersection, you will know the combination of a very narrow Evergreen, pedestrian traffic, and cars routinely parking well-beyond the No Parking Sign creates congestion that is often dangerous, especially during the timeframe when the train is crossing Mary St. very close to this intersection and vehicular traffic empties out after the train passes.

Additionally, I believe that there is more trouble ahead at the intersection that, if properly considered, should lead to a denial of the application for upzoning. Construction in connection with the city's South Lamar Corridor Improvement Program is scheduled to begin this year at the Evergreen\Mary St intersection. The intersection will become another roundabout on Mary St and vehicular traffic for those intending to go southbound onto South Lamar will now be required to drive down Evergreen before making a left at a signal that will be newly constructed. This will certainly add to the congestion on Evergreen. If that's not bad enough, Evergreen will remain a 2-way street with the street parking.

I strongly believe that these traffic issues should be carefully considered by the city before the decision is made whether to allow the proposed upzoning. It's my understanding that a traffic analysis would be very helpful in this regard.

Will you please add this comment for the council's consideration? Also, when you get a chance could you confirm that it has been added?

Thanks, and have a good weekend.

Drew Zerdecki
1211 W. Mary St.
Austin, TX 78704
512.415.7727

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Drew Zerdecki
Litwin Kach LLP

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0039

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 13, 2023, Planning Commission

Terese St. Arnauld

Your Name (please print)

I am in favor
 I object

1104 W Annie St. - 78709

Your address(es) affected by this application (optional)

T St Arnauld

Signature

12 Jun '23

Date

Daytime Telephone (Optional): _____

Comments: Because the requested zoning is intended predominantly for commercial & industrial activity, the traffic service requirements, and the narrow street itself, are incompatible with the residential environment and current traffic.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2023-0039

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 13, 2023, Planning Commission

DVENSEL KIRK FAINES
Your Name (please print)

I am in favor
 I object

1808 1/2 S. 6TH ST. 78704
Your address(es) affected by this application (optional)

Signature

06/02/23
Date

Daytime Telephone (Optional): 512 707 8802

Comments: EVERGREEN IS A VERY NARROW STREET WHICH ALREADY IS HAVING SIGNIFICANT ISSUES IN HANDLING THE TRAFFIC LEVELS. IT WOULD BE UNCONSCIONABLE TO ADD MORE STREETS TO EVERGREEN AND BY DEFAULT W. MARY ST. WHICH IS ALREADY BURSTING AT THE SEAMS. A DUPLEX OR SIMPLEX MIGHT BE OK BUT NOTHING MORE THAN THAT!

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov