

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

C15-2012-0126
ROW-10836294
TP-011300 0220

STREET ADDRESS: 1917 David Street, Austin Texas 78705

LEGAL DESCRIPTION: Subdivision -

LOT 18 BLK 2 OLT 26-28 DIV D CARRINGTON SUBD

Lot (s) 18 Block 2 Outlot 26-28 Division Carrington
Subdivision _____

ZONING DISTRICT: SF-3

I/WE Nuria Zaragoza on behalf of myself/ourselves as
authorized

Agent for Original West University NA affirm
that on 11th

Day of September, 2012, hereby apply for an interpretation hearing before the
Board of

Adjustment.

Watershed Protection and Development Review Department interpretation is: _____

Re: 2011-106377PR

- 1) The project does not exceed the LDC limitations placed on duplexes outlined on 25-2-555 D.
- 2) The project complies with 25-6-655 Apendix A.
- 3) The project complies with 25-2-981, Subchapter C, Article 9.
- 4) The proposed project is compatible with SF-3 use.

RECEIVED
SEP 12 2012

I feel the correct interpretation is:

- 1) With 10 bedrooms, the project exceeds the LDC limitations placed on duplexes outlined on 25-2-555 D.
- 2) With 10 bedrooms, the project is required 8 parking spaces per 25-6-655 Appendix A. With 4 parking spaces, the project does not meet the requirements.
- 3) With the 10 bedrooms, the project needs to comply with the landscaping requirements outlined in 25-2-981. It does not.
- 4) The project is not compatible with SF-3 use. It is clearly designed for group residential use as defined in the LDC 25-2-3 (5)

NOTE: The board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable findings statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:

1) The project has 10 bedrooms, thus exceeds the number of bedrooms allowed under LDC 25-2-555 D

(D) This subsection applies to a duplex residential use.

(1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.

The limit was placed in 2003 as a remedy for the "super duplex", and its devastating effects on neighborhoods. It was passed by Council with these words:

The Council finds that the regulations in this ordinance are necessary to ensure that a duplex residential use is not established unless it is compatible with other nearby land uses. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety

Although some of the bedrooms are not accurately labeled, this structure has a total of 10 bedrooms.

The ten bedrooms will be served by 6 full bathrooms, with a total of 12 lavatory sinks.

The vast majority of projects are unaffected by bedroom counts. There are some instances, however, when the number of bedrooms needs to be calculated. This is the case with 25-2-555. If the City is going to regulate based on bedrooms counts, it is unreasonable for reviewers to refuse the authority to make that determination. At this point, reviewers simply read what is written on a plan. The process is based on the "honor system". Real Estate professionals, appraisers, habitually determine what is a bedroom and what is not a bedroom. Any of them would report that this project exceeds six bedrooms.

A room designated on the floor plan of a residential duplex project should be considered a "bedroom" for the purposes of determining the number of bedrooms allowed under section 25-2-555(0) of the Land Development Code if :

(A) the room is a minimum of 70 square feet in area and is not a kitchen, bathroom, garage, utility room, or common circulation space (halls or stairs),

(B) the room is configured so that it is or is capable of being a private space separated from all other areas of the building by a permanent door or doors,

To reiterate, the vast majority of projects would be unaffected by a bedroom definition. For those projects where the number of bedrooms trigger a regulation, common sense design variations

would ensure reasonable use, while preventing bad actors from exploiting the land Development Code and the neighborhoods that have to live with their projects.

For example, on this project the game rooms are fully enclosed private spaces. A game room, truly intended to be a game room, would likely meet all the above mentioned criteria except that of privacy.

2) With 10 bedrooms, the project required 8 parking spaces per 25-6-655 Appendix A. With 4 parking spaces, the project does not meet the requirements.

Appendix A states that a duplex with more than 6 bedrooms must provide one parking space per bedroom. As this project is in the urban core, it would be reduced by 20% to 8 parking spaces. Although it is apparent that the parking plan for this project includes the decomposed parking area surrounding the legal parking spaces, they would not be legal parking spaces as they would significantly increase impervious cover beyond the allowable 45%.

3) With the 10 bedrooms, the project needs to comply with the landscaping requirements outlined in 25-2-981. It does not.

4) The project is not compatible with SF-3 use. It is clearly designed for group residential use as defined in the LDC 25-2-3 (5)

Group Residential use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

It is apparent in the plans that the intended use for this structure is group residential. It is unfathomable that there be 12 lavatory sinks for 6 residents, or almost 1300 sq. ft. of habitable storage space. This space will store humans, and many more than six.

It is not reasonable to approve a permit that will establish a structure intended for an illegal use.

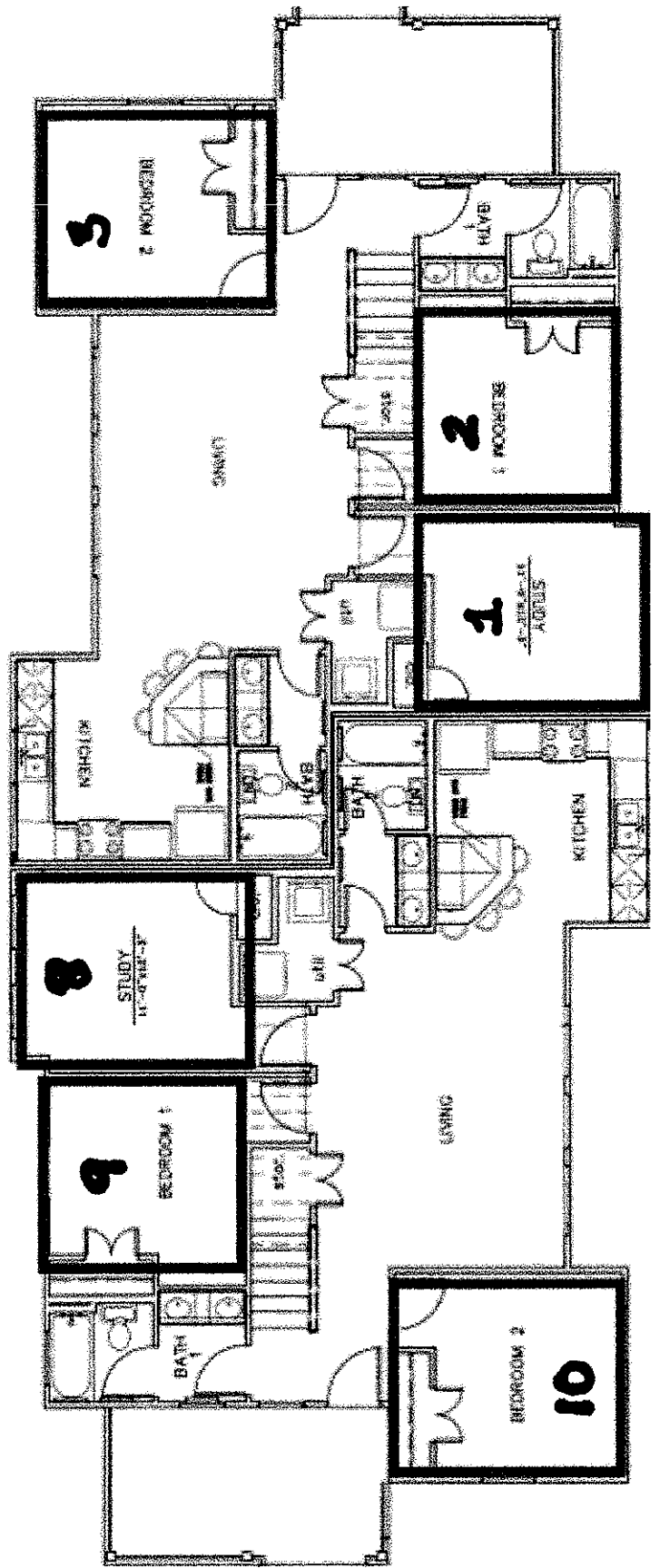
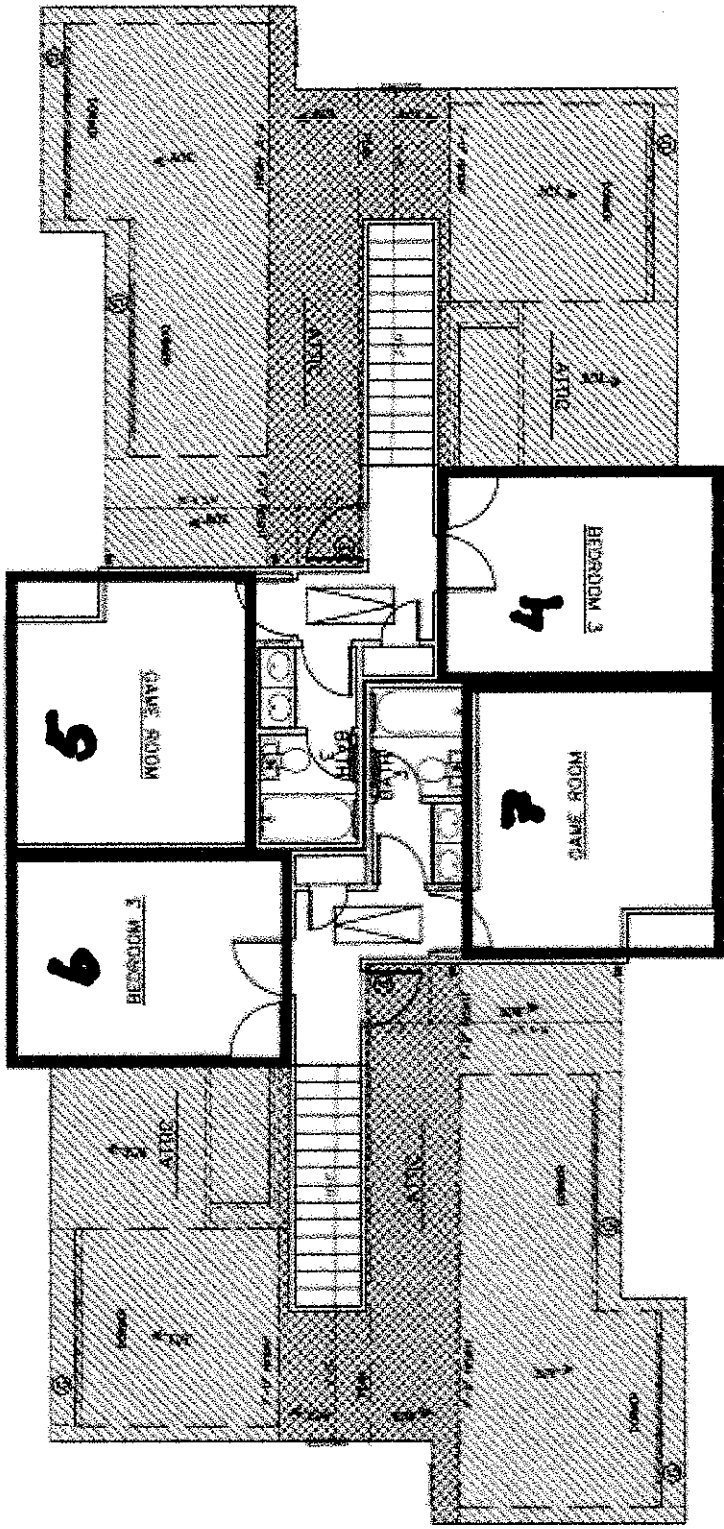
This property owner has run an illegal four-plex on the site since he purchased the property in 2006. Although it has had an open Code Compliance Case since the purchase, it has continued to be rented and inhabited.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:

In order for this lot to be developed in the manner in which this permit seeks to develop it, it would require MF-4 zoning. If that is the intention, the property owner should seek a zoning change. Otherwise, this property should be developed with the same regulations as SF-3 properties , with a structure intended to house a MAXIMUM of 6 unrelated persons.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

Granting this permit will result in a special privilege to this property owner by permitting a structure to be built which does not meet the requirements of the Land Development Code. This interpretation seeks to ensure that this property is developed consistently with other SF-3 properties.



The Lear Company
2108 W. Ben White Boulevard
P.O. Box 163662
Austin, TX 78716
(512)329-8290

4/17/2012

Board of Adjustment
Chairman Jeff Jack

RE: 1917 David St, Austin, TX

Chairman:

I have reviewed plans submitted to me in regard to the property to be built at 1917 David St., Austin, TX, Lot 18, Block 2, Carrington Subdivision. It was requested for me to observe the plans to offer my professional opinion as a real estate appraiser in regard to objectively observed bedrooms. I would conclude that the plans clearly indicate exceeding the three (3) bedroom per unit duplex limit.

Please find attached my qualifications, as well as a copy of my state certification.

Sincerely,



Ted Lear, SRA
TX-1321124-G

A RESUME OF THE QUALIFICATIONS OF TED N. LEAR

My name is Ted Lear and I am an independent real estate appraiser and owner of The Lear Company, a real estate appraisal and consulting firm with offices at 2108 W. Ben White Boulevard, Austin, Texas. I have been actively engaged in the appraisal of real estate since 1983, after receiving my degree from the University of Texas. I have had the privilege of developing experience in the appraisal and analysis of multiple types of properties. Before opening my own office, I managed the residential appraisal department of Sayers & Associates, Inc. I have spent 100% of my career time appraising during the past 28 years.

Designations

SRA designation – Appraisal Institute (Senior Residential Appraiser)

State Certification

General Real Estate Appraiser - Certificate Number: TX-1321121-G

Employment History

Sayers & Associates	7/83 - 1/95
The Lear Company	1/95 - Present

Education and Memberships

University of Texas; BBA, Petroleum Land Management, 1983
Appraisal Institute-SRA Member

I am up to date regarding all ongoing education requirements. In addition to state licensing course requirements every two years, I am required to submit evidence of 100 hours of classwork every five years for the Appraisal Institute.

Experience, Types of Appraisal Work Performed

The bulk of my workload is appraisals performed for mortgage lending purposes (both resale and new construction). In addition to these type appraisals, I also have many years experience appraising properties for the purpose of litigation. My experience goes beyond the valuation process, but also into the process of court testimony. I also provide services to property owners, developers, and other prospective purchasers in a consultant role, as well as that of the appraiser. My experience also encompasses both proposed and developed properties.

The
WEST UNIVERSITY
NEIGHBORHOOD ASSOCIATION



1908 Cliff St.
Austin, Texas 78705
September 11, 2012

Mr. Greg Guernsey
Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8865

Re: Standing to appeal 1917 David St. 78705 BP 2012-084972

Dear Mr. Guernsey:

Please see attached electronic mail correspondence from John McDonald, confirming status as an interested party. This development is within the boundaries of our neighborhood association, Original West University Neighborhood Association. I am an officer in the association.

As stated in the application, my address is: 1908 Cliff St. Austin Texas, 78705. My contact number is 512-791-9674.

Sincerely yours,



Nuria Zaragoza
President, OWUNA

from: john mcdonak

FW: 2012-079335 PR,1917 David

John Mcdonald

Folders

Inbox 15107

Junk

Drafts 43

Sent

Deleted

POP

canpac agenda

code compliance

contractors

ebay 8

izzy rsvp

juniper

Kathie Tovo

samamas

stealth dorms

Search Results

New folder

Quick views

Documents 153

Flagged 15

Photos 536

Shipping updates 11

New category



John Mcdonald 8/08/12

To: Darren Cain, Darren@coasmp4.ci.austin.tx.us

Cc: Nuria Zaragoza

View contact

Darren,

Make sure Nuria Zaragosa is added as an interested party on the number below at 1917 David Street.

JMM

----- Forwarded Message

From: Nuria Zaragoza <tedandnuria@hotmail.com>

Date: Wed, 8 Aug 2012 07:16:23 -0600

To: "john.mcdonald@austintexas.gov"

<john.mcdonald@austintexas.gov>, Nuria zaragoza <tedandnuria@hotmail.com>

Cc: "carol.gibbs@austintexas.gov" <carol.gibbs@austintexas.gov> Mowat <ann_mowat@yahoo.com>

Subject: 2012-079335 PR,1917 David

Dear John,



Please list me as an interested party on the 1917 David permit : 079335 PR <https://www.austintexas.gov/devreview/d_showpropertyfolder?clicked=searchByOther>

Thank you.

Nuria

Sent from my iPhone

----- End of Forwarded Message

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1 130
 Revision D
 11/22/201

NAD 1983 StatePlane
 Texas_Central_FIPS_4203 Feet
 Projection: Lambert_Conformal_Conic

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Travis Central Appraisal District
 8314 Cross Park Drive
 Austin, Texas 78754
 Internet Address: www.traviscad.org
 P.O. Box 149C
 Austin, Texas 71
 Main Telephone Number (512) 834-8317

Dear Board Members,

First of all, thank you for the time you have spent on this appeal. It has surely been long and tedious for you, yet, it is apparent that you want to solution that will stop the circumvention of the Code, without having unintended consequences on legitimate projects.

As you are aware, the project you ruled on at the May 14, 2012 BOA Meeting, has been re-submitted without any substantive changes to the floor plan. We believe the reason why it was resubmitted without change was because they believe that your prior ruling will not affect their proposed project:

- 1) Project will be able to have 10 bedrooms, despite the LDC limit of 6.
- 2) Project will be designed specifically to house 10 unrelated people, despite that being a group residential use not allowed in SF-3 zoning.

Bedrooms

In your recommended definition, you exempt rooms that can be classified as common living areas. A common "study" or a "gameroom" could likely be classified as "common living areas".

BOA ruling

(1) A room designated on the floor plan of a residential duplex project should be considered a "Bedroom" for the purposes of determining the number of bedrooms allowed under section 25-2-555(0) of the Land Development Code if :

(A) the room is a minimum of 70 square feet in area and is not a kitchen, bathroom, garage, utility room, common living area or common circulation space (halls or stairs),

(C) the room is configured so that it is or is capable of being a private space separated from all other areas of the building by a permanent door or doors, and

(D) if all designated "bedrooms" shown on the plans have access to bathrooms only through shared common living areas also accessible from these rooms and no shown bedroom has direct access to any of the bathrooms.

(2) It is recognized that an interpretation relies on the specifics of a case. Because the original project permit application has been withdrawn, an interpretation at this time is not applicable. However it is my hope that this recommendation, will be used by the Director when considering what constitutes a bedroom with regard to future projects meeting the requirements of Section 25-2-555

Since the BOA hearing, we have found a definition, and a list of requirements for "bedrooms" in the International Property Maintenance Code (IPMC).

The international Property Maintenance Code is adopted in the Land Development Code § 25-12-211.

§ 25-12-211 PROPERTY MAINTENANCE CODE.

(A) The International Property Maintenance Code, 2009 Edition, published by the International Code Council ("2009 International Property Maintenance Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*).

The International Residential Code states full compatibility with the International Property Maintenance Code. Further, "R201.3 Terms defined in other Codes:" states that where terms are not defined in the International Residential Code, such terms shall have meanings ascribed to them as in other code publications of the International Code Council.

2009 IPCM Section 202

BEDROOM: Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

As we know from this case, intention can be hard to quantify. Is it the most likely use for a room over the long life of a structure? Is it what an architect designates on a set of plans, despite obvious design incongruences?

Regardless, with this definition, we support the fact that use is not something that is only established after construction, it can also be “intended”.

The definition is followed by a list of requirements. A testament to the thoughtfulness you placed in your prior ruling, the requirements directly correlate with your proposed definition, without the “common living area” potential loophole. The IPCM ensures that living rooms are not labeled as bedrooms with its “privacy”, and “access from bedrooms” provision.

For the purposes of determining the number of bedrooms allowed under section 25-2-555(0) of the Land Development Code, we request that any room that meets the requirements in the IPCM 404.1, 404.3, 404.4.1, 404.4.2, 404.4.3, 404.4.4 be recognized as a bedroom. Leaving out sections 4.04.4, and 404.4.5, as will be explained.

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.3 Minimum ceiling heights. 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134mm) over not less than one-third of the required minimum floor area. In calculating floor area of such rooms, only those portions of the floor area with

404.4 Bedroom and Living requirements. Every dwelling unit shall contain at least one bedrooms and one living room and every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5. Exception: This does not include Efficiency Units under Section 404.6.

404.4.1 Room area. With the exception of qualifying Efficiency Units, every living room shall contain at least 120 square feet (11.2 m²) and every bedroom or other habitable room shall contain at least 70 sq. ft. (6.5m²) of usable floor area. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 sq. ft. (4.65m²) for each occupant in excess of two. One child per room not more than 24 months in age will be exempt from these calculations.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

As has been discussed by this Board before, it would be detrimental for bedrooms to omit safety requirements in order to sidestep the "bedroom" classification".

Because of such concern and to avoid potential loopholes, we request that requirements outlined in 404.4.5 and 404.4 not be included. 404.4.5 outlines safety and emergency requirements without adding to the definition of a bedrooms as it pertains to this issue. 404.4 requires compliance with 404.4.5, without adding significance to the definition as it pertains to this issue.

Group Residential Use

We urge you to rule on this part of our appeal. The floor plan of 1917 David is very unusual. It ONLY meets the needs of large numbers of unrelated persons living in group housing.

The technical codes and the Land Development Code repeatedly speak to the premise that a structure that houses more than six unrelated adults on a site ceases to have a residential use.

- **A ROOMING HOUSE** –A building, other than a hotel, where lodging without meals for more than six (6) unrelated persons is provided for compensation
- **GROUP RESIDENTIAL USE** is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis.
- **MAXIMUM OCCUPACY** for SF-3 (the zoning of 1917 David) no more than six unrelated adults per SITE
- **SUPER DUPLEX ORDINANCE**- No more than three bedrooms allowed per side of a duplex

Again, the point of all this code is to draw a clear line between structures that house 6 unrelated persons, and structures that house more than six unrelated persons.

How do we know that this floor is intended to house more than six unrelated persons

- Ten small, similarly sized, bedrooms
- Unusually small kitchen and living room. Ratio communal space versus private space is 25%, the norm is around 40%
- 12 lavatory Sinks
- No on-suite bathrooms
- No master bedrooms

If you give staff the ability and responsibility to recognize stealth bedrooms and rooming houses, there will not be an unintended negative impact on construction designed for either large families or lifestyles that call for bonus rooms. It will only affect those trying to maximize their investments by circumventing the code, while placing their occupants at risk and deteriorating neighborhoods.

We again ask you to find that the 1917 David Plans, despite the creative labeling, have 10 bedrooms. We also ask you to find that the structure, designed to house 10 unrelated adults, is intended to have a group residential use and is thus incompatible with SF-3 zoning.

Thank you for taking the time to read this, and I look forward to seeing you on the 29th.

Respectfully,

Nuria Zaragoza
OWUNA- President
CANPAC- Co-Chair

Walker, Susan

From: [REDACTED]
Sent: Monday, October 22, 2012 10:57 AM
To: Walker, Susan
Subject: FW: Bedroom definition for occupancy limit
Attachments: Bedroom Recommendation from May 14, 2012 BOA Hearing.pdf; Int'l Code Provisions (IRC and IPMC).docx

Hi Susan.

Would you please distribute this information to the Board of Adjustment (BoA) regarding the definition of a "bedroom" that was proposed at the May 14, 2012 Board of Adjustment meeting (attached)? I am not providing this information in any official capacity from the Building and Fire Code Board of Appeals, but instead as information that may be relevant as follow-up information to the May 14 meeting, though it may also be relevant to any pending appeal regarding that case (1917 David).

As you may know, the Building and Fire Code Board of Appeals recently considered the "bedroom" definition issue at our Oct. 9 appeal hearing for 1917 David Street. When I asked staff if they had made any progress on the "bedroom" definition recommendation from the BoA, they said, "no," and explained that the "recommendation for staff" consideration that you made did not require any action on their part.

More importantly, you should know that the term "bedroom" is actually defined in our technical codes, specifically, the 2009 International Property Maintenance Code (IPMC) (with local amendments thereto). Although staff has stated that the applicable 2006 International *Residential* Code (IRC) does not define "bedroom," the term is used throughout the IRC. In addition, IRC states that "Where terms are not defined in this code such terms shall have meanings ascribed to them as in other code publications of the International Code Council" (IRC 201.3) and that "Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies." (IRC 201.4).

The 2009 International Property Maintenance Code (with local amendments thereto highlighted in green in the attached Word document) is one of the "other code publications," and it actually defines "bedroom" and provides some specific "Bedroom and living requirements" under the "Occupancy Limitations" provisions of the IPMC code. See attached excerpts from IRC and IPMC. In light of the explicit code provisions, I would propose that any room meeting the stated definition and requirements of a bedroom from the IPMC would qualify as a "bedroom" for purposes of evaluating the "occupancy limits" of 25-2-511. I presented this argument at our appeal hearing, but was outvoted 3-2. My belief is that the IPMC provisions directly apply to the "occupancy limits" requirements for duplexes, and thought this might help you with your recommendation. Interestingly to me, your proposed definition of "bedroom" seems to have a lot of overlap with the IPMC requirements, though maybe you knew this already.

Mike Cannatti

PS – The relevant IRC code (2006) is posted online at <http://publicecodes.cyberregs.com/icod/irc/2006f2/index.htm>, and the relevant IPMC code (2009) is posted online at <http://publicecodes.cyberregs.com/icod/ipmc/2009/index.htm>. Of course, the local amendments are listed at LDC Section 25-12, Article 9 (Property Maintenance Code) and Article 11 (Residential Code).

May 14, 2012 BOA Meeting

Case No. C 15-2012-0044 Nuria Zaragosa for Michael Said 1917 David Street

Boardmember's Motion:

"I move that the Board of Adjustment take no action on the appeal based on the fact that the original applicant in this case has withdrawn their request for a building permit and therefore there is no longer an active development approval by the Director for this location. However, I also find that the plans previously submitted for 1917 David Street were approved on an incorrect interpretation of Section 25-2-555 (D) of the Land Development Code with regard to what constitutes a "bedroom".

For this reason, my motion also includes the following recommendation for staff to consider when applying Section 25-2-555 in future cases.

Recommendation:

- (1) A room designated on the floor plan of a residential duplex project should be considered a "Bedroom" for the purposes of determining the number of bedrooms allowed under section 25-2-555(D) of the Land Development Code if :
 - (A) the room is a minimum of 70 square feet in area and is not a kitchen, bathroom, garage, utility room, common living area or common circulation space (halls or stairs),
 - (C) the room is configured so that it is or is capable of being a private space separated from all other areas of the building by a permanent door or doors, and
 - (D) if all designated "bedrooms" shown on the plans have access to bathrooms only through shared common living areas also accessible from these rooms and no shown bedroom has direct access to any of the bathrooms.
- (2) It is recognized that an interpretation relies on the specifics of a case. Because the original project permit application has been withdrawn, an interpretation at this time is not applicable. However it is my hope that this recommendation, will be used by the Director when considering what constitutes a bedroom with regard to future projects meeting the requirements of Section 25-2-555

2006 International Residential code (IRC)

R201.3 Terms defined in other codes.

Where terms are not defined in this code such terms shall have meanings ascribed to them as in other code publications of the International Code Council.

SECTION R202 DEFINITIONS

* * *

HABITABLE SPACE. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

SECTION R304 MINIMUM ROOM AREAS

R304.1 Minimum area.

Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²) of gross floor area.

R304.2 Other rooms.

Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.3 Minimum dimensions.

Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

2009 International Property Maintenance Code (IPMC)

SECTION 202

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

202-2113 (B) Local Amendment to 2009 International Property Maintenance Code
Date: IPMC Section 202-4 and 202-11 and add new 202-1 and 202-11

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units, hotel units, housekeeping units, rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less

than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every dwelling unit shall contain at least one bedroom and one living room and every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Exception: Units that contain fewer than two bedrooms.

404.4.1 Room area. With the exception of a unit with one bedroom, every living room shall contain at least 120 square feet (11.2 m²) and every bedroom or other habitable room shall contain at least 70 square feet (6.5 m²) of usable floor area. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 10 square feet (0.9 m²) for each occupant in excess of two. One child per room for more than two children shall be counted as two children for all calculations.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every *bedroom* shall contain at least 70 square feet (6.5 m²).

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width

requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

Walker, Susan

From: [REDACTED]
Sent: Saturday, October 20, 2012 6:43 PM
To: Walker, Susan
Subject: october 29th, interpretation appeal

Dear Susan Walker,

I am resorting to email because I am out of town but wish to contribute my support for the special, culturally valuable Old West University neighborhood. I am an advocate particularly for the historic Neill-Cochran House Museum (Abner Cook, 1855) in this neighborhood where development pressures continually threaten its family character. I oppose the ploys on David Street to hide dense rental properties in projects that are presented as "houses." Thank you for counting me among neighborhood objections and in support of the above-referenced appeal.

Karen Pope, PhD
Austin resident
Baylor faculty (art history)
Please excuse brevity, typos; sent from a phone

Walker, Susan

From: [REDACTED]
Sent: Monday, October 22, 2012 2:24 PM
To: Walker, Susan
Subject: October 29th interpretation appeal

Dear Ms. Walker:

As a member of the Original West University Neighborhood Association, I support the appeal of the decision by the building and Fire Code Board of Appeals regarding BP 2012-084972, PR-2012-079335.

The proposed building meets the definition of a rooming house, reviewable under the International Building Code. The capacity of the proposed project--which would house as many as ten unrelated adults--is a threat to the integrity and livability of our largely single-family residential neighborhood and particularly to residents along David Street.

Please include this message in the backup materials for the appeal.

Sincerely yours,

Muriel Wright
1211 West 22-1/2 Street
Austin, Texas 78705