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**Update to the Board of Adjustment
General / Parking Variance Application**

This is an update to the previously filed Board of Adjustment General/Parking Variance Application, which was submitted on 01/07/2016 by Michael R. McHone.

RECITALS:

WHEREAS, on 01/07/2016 Michael R. McHone submitted a Board of Adjustment General/Parking Variance Application (the "Application"),

WHEREAS, the Case, ROW and Tax numbers for the Application are as follows:

Case#: C15-2016-0019
ROW#: 11469366
Tax#: 0214010407

NOW, THEREFORE, Michael R. McHone is updating a portion of the information provided in the Application as follows:

UPDATE:

- 1) Section 1: Application Statement - 2502 Nueces LLC, a Texas limited liability company, is the new owner of the property pursuant to a purchase agreement between First Choice Property and 2502 Nueces LLC with a closing date of June 1, 2016.
- 2) Section 2 - Variance Findings (Hardship (a)) is hereby deleted in its entirety and replaced with the following:

"The parking structure design is limited due to requirements imposed by Austin Energy and the University Neighborhood Overlay (UNO). Specifically, Austin Energy is requiring the placement of their energy vault on Nueces Street. Further, the UNO requires retail on the first floor of Nueces. As a result, strict compliance with the parking requirement is not reasonable."

- 3) Section 6 - Additional Space is hereby supplemented as follows:

"Applicant is seeing a parking variance of fifteen (15) parking spots and agrees to enter into a one year lease each year hereafter with neighboring properties to satisfy this parking requirement. Further, the lease for the parking will be verified by NHCD when they conduct the annual SMART Housing affordability audit."

All of the provisions of the Application originally filed and not updated herein shall remain.

IN WITNESS WHEREOF, the undersigned have executed this update effective as of the below referenced date.

Agent Certificate


Mike McHone

6/7/2016
Date

C15-2016-0018-9
4/68

June 8, 2016

Board of Adjustment Members:

Re: **2502 Nueces** BOA parking variance request- The Central Austin Neighborhood Planning Advisory Committee, CANPAC, voted to support the BOA parking variance request by the owner, David Kanne. We are satisfied that a notarized letter of intent to secure leased parking agreements for 10 years has been included for the planning team and the BOA. We are satisfied that the application findings are more accurate concerning the number of parking spaces needed for the variance, and that they have been clarified in the BOA application with an additional letter, as well as, the substantive, revised findings for the variance request (which have nothing to do with a turning radius for the parking).

Best,

Adam Stevens and Bart Whatley, CANPAC Co-Chairs

4/69

Board of Adjustment,
Re: C15-2016-0018, 915 W. 22nd Street

Central Austin Neighborhoods Planning Area Committee (CANPAC) is the city designated contact team for the West University Planning Area, which includes the UNO (University Neighborhood Overlay) zoning district.

CANPAC supports the reduced parking requirements in the current neighborhood plan at 915 W. 22nd Street, which requires only five parking spaces for the proposed structure at this site. CANPAC feels two spaces, one of them dedicated to ADA parking, are not sufficient for a commercial building of this size. This building will have 28 bedrooms and with double occupancy could have over 50 residents and a commercial kitchen.

Even if all residents have no vehicles of their own on site one space is not sufficient to service this building as family members, guests of residents, service trucks or delivery vehicles would all be competing for one space. The streets adjacent to this corner lot are both no parking on all curbs adjacent to the building, leaving no publicly available parking available to support this building. Residents and their guests aside, there is nowhere for the city to even install a loading or commercial zone to accommodate people moving in and out, trades-people making repairs, simple UPS deliveries or rideshare/taxi pickups. A transportation plan for residents to store personal cars elsewhere doesn't address how a commercial building will function with only one parking space.

There is not a hardship with this case, the owner is proposing to build an oversize commercial structure on a single lot platted for a single residence. The owner knew the limitations of the lot before beginning this project. Typically when a residence is torn down to build a new UNO project several of these size residential lots are bundled together to provide the appropriate size site to construct and support this type of building.

Per city of Austin code and federal guidelines tandem parking is not permitted for ADA parking spaces or non-single family use.

Thank you,

Adam Stephens, CANPAC co-chair
Bart Whatley, CANPAC co-chair