

**From:** David Piper

**Sent:** Tuesday, January 09, 2018 10:45 AM

**To:** Rivera, Andrew

**Subject:** ZNA backup for Didactica Preschool CUP, agenda item C-18, case SPC-2016-0368A

Andrew,

Will you please enter this email and the two attached documents as backup for the Didactica Preschool case on tonight's PC agenda? The two biggest errors in the parking calculations, as we see them, are:

1. Deduction for shower facilities applied to the entire site using showers only in the Didactica Preschool.
2. Calculation of Krua Thai Restaurant square footage. The building is much bigger than the sf in the parking table.

There are various other square footages that we calculated differently and questions about usage of some areas in the site plan. Details are shown in the attached documents. In addition, the number of proposed students is significantly larger than what was stated to us by the school's Director. This is important to us because of the already congested parking lot very near the problematic Hether/Lamar intersection.

Dave Piper

President, Zilker Neighborhood Association

## **Zilker Neighborhood Association**

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**2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681**

January 8, 2018

Re: SPC-2016-0368A, Didactica Preschool Conditional Use Permit, 1507 Hether

To: Planning Commission and Case Manager Nikki Hoelter

The ZNA zoning committee does not oppose the use of 1507 Hether by Didactica Preschool, but we do oppose the Conditional Use site plan as submitted. We would accept it with the following conditions:

Condition 1: The preschool is limited to 40 students.

Condition 2: The gross floor areas and parking calculations are corrected on the Conditional Use site plan to reflect the total building areas, as listed in the attached table, and sufficient parking is provided to meet the corrected parking requirements. Please note that the irregularly shaped warehouse used for indoor storage at the northwest corner of the site appears to be largely vacant. If this is the case, perhaps demolishing this warehouse would allow enough additional parking spaces to be provided to alleviate the current parking shortage.

Condition 3: The 10% parking reduction for employee showers within the preschool applies only to the preschool parking requirement, not to the entire shopping center.

Condition 4: The number of bicycle spaces provided must equal the number of car spaces eliminated by the bicycle deduction.

Condition 5: The Conditional Use Permit will not become effective until the Parking Site Plan has been fully implemented and certified by an engineer.

The issues that led us to request these conditions are described in detail in the attached comments, tables, and photos.

We request that the Planning Commission carefully review the revised site plan and make certain that these issues have been resolved prior to approving the Conditional Use permit, and that conditions 1 and 5 be attached to the Conditional Use permit.

Thank you for your service.

Dave Piper  
President, Zilker Neighborhood Association

**January 9, 2018, Planning Commission Meeting (Item C-18)  
SPC-2016-0368A - 1507 Hether (Didactica Preschool)**

While the Zilker Neighborhood Association (ZNA) Executive Committee does not oppose the proposed use change at the Didactica Preschool, the Committee does oppose the parking site plan, as proposed in the newly revised site plan. The commercial parking lot that will be providing all of the parking and access to the preschool is a mess. Over the years, as the small workshops and retail uses have been remodeled as restaurants, the parking requirements have been inconsistently calculated and incorrectly represented. This piecemeal redevelopment has created many issues that we believe violate the Land Development Code. The situation should not be allowed to be continued through this site plan and conditional use permit.

We request that the Planning Commission carefully review the revised site plan and make certain that the issues raised below have been resolved prior to approving the CUP. The CUP should not be approved until the issues are resolved.

**Issues**

The following are the issues identified in the revised site plan:

**1. Verify Proposed Uses**

A site plan exemption for this site (DA-2016-0085) was submitted on 01 Feb 2016 and issued by the City on 30 Mar 2016. It requested a change of use for Building #3 from storage (residential) to commercial kitchen. It is unclear whether this change of use is still envisioned. In the currently proposed site plan, Building #3 is ignored in the parking calculations. Presumably, it is included in the proposed parking plan as residential storage for the residential duplex (Building #2) that is adjacent to it. If there is still a plan to convert this building to a commercial kitchen, then this use and its required parking requirement must be included in the proposed site plan. Otherwise, the site plan exemption DA-2016-0085 issued for this change of use must no longer be considered valid.

The applicant seems to be also requesting a change of use for Tiny Pies. In the parking table, the applicant lists Tiny Pies (Building #13) as a restaurant. Previous site plans have based the parking requirement on the use as “food sales.” In the Site Plan Exemption (DA-2008-0605) filed for Pie Slice in 2008, the proposed land use was “Food Sales.” In the Site Plan Exemption (DA-2011-0281) filed for this same location (no project name given) in 2011, the proposed land use was “Restaurant (take out only).” If the Building #13 use is for “food sales,” then the parking requirements are actually reduced for this building. It is inconsistencies like this that lead to confusion and introduce errors that are propagated through future site plan changes.

The applicant has removed the 675 sf Didactica II building (Bldg #11) from the tables and calculations and has whited it out on the site plan. However, this building is still on the property (see Attachment 1) and hasn't been demolished. It is unclear what the intended use of this building is. If it is intended to remain and have a use, then the parking requirements for this use must be included. Building #11 should be shown on the site plan and its use identified, or it

should be shown and marked for demolition.

## 2. Gross Floor Areas of the Buildings

The applicant has used incorrect Gross Floor Areas (GFA) in calculating the parking requirements. The applicant has simply whited out the square footages previously shown on the site plan and replaced them with the square footages in the parking table without any justification for doing so. Unfortunately, the site plan submitted does not show the dimensions of the various buildings. However, several previously submitted site plans for this site do show the dimensions (Attachment 2 for El Meson submitted in 2008 and Attachment 3 for Golden Goose submitted in 2017). These dimensions are based on a survey conducted by a licensed surveyor in 1977. Additionally, the area of the El Meson restaurant porch (see Attachment 4), containing tables on which food and drinks are periodically served, has been consistently omitted from the parking calculations and labeled only as a covered walkway.

Based on the dimensions shown on previously submitted site plans, the parking table of the proposed Didactica site plan understates the GFAs for the following buildings, in which the GFA affects the parking calculations, by 2,304 sf:

Bldg	Use	Dimensions (in previous site plans)	Actual GFA (based on dimensions)	Site Plan GFA (in proposed parking table calculations)	GFA Understated in Site Plan
#1	El Meson restaurant	50' x 60.15'	3,008 sf	3,000 sf	8 sf
#1	El Meson restaurant porch	7.6' x 60.15'	457 sf	0 sf	457 sf
#4	warehouse (indoor storage)	25.4' x 107.5'	2,730 sf	2,458 sf	272 sf
#5	warehouse (indoor storage)	irregular	3,762 sf	3,491 sf	271 sf
#13	Tiny Pies food sales	20' x 45'	900 sf	760 sf	140 sf
#14	vacant restaurant space (14A) office space (14B)	29.8' x 60'	1,788 sf	990 sf (14A) + 441 sf (14B) = 1,431 sf	357 sf
#15	Krua Urban Thai restaurant	25.2' x 71'	1,789 sf	990 sf	799 sf

Correcting the GFA results in a parking deficiency of 20 spaces (see Attachment 5). Unless the buildings shown above have somehow shrunk in size or the 1977 survey and the dimensions shown on the previous site plans were in error, the applicant is using inaccurate square footages and/or not including other uses. These errors must be corrected and the parking requirements recalculated. If the applicant or the City staff believes the original dimensions determined by a licensed surveyor in 1977 are in error, then the applicant should have a new survey performed by a licensed surveyor.

### 3. Restroom Parking Reductions

The applicant took a 10% parking reduction by providing showers and changing facilities as allowed under LDC § 25-6-478. Unfortunately, the applicant took this reduction for the total GFA of all of the buildings on the site rather than just the Didactica building in which the showers and changing facilities are located.

The 2007 Smart Streets Task Force recommended and the 2009 City of Austin Bicycle Plan Update adopted by the City Council called for this parking reduction to encourage employees to bicycle to work, rather than drive their cars. For this reason, the language within the code is building-specific, not site-specific. The shower and changing facilities are clearly available only to the employees/patrons utilizing the Didactica facilities, and not to the employees/patrons of every building/business on the site. To make them available to employees/patrons of the entire site would certainly be unwise for a day care facility.

Additionally, the number of bicycle spaces proposed for the site (5) does not even make sense with this 10% parking reduction. The proposed parking reduction for showers and changing facilities is 10.7 car spaces. Common sense would dictate that the number of bicycle spaces provided should be commensurate with the number of car spaces lost (i.e., 11) if the purpose of this parking reduction, encouraging employees to bicycle to work, is to be realized.

Allowing a 10% parking reduction for the entire site does not meet with the intent of the code and would set a bad precedent. The 10% parking reduction must be restricted to the GFA of the Didactica facilities and not applied to the total GFA of the entire site.

### 4. Number of Students

As previously stated, the applicant has removed the Didactica II building (Bldg #11) from the site plan by whiting it out. This building formerly housed 22.5 students. Because of the removal, the total capacity of students for the two remaining buildings should now be 67.6, not the 91 as now shown on the site plan, if one student per 30 square feet is indeed the allowable density and if the appropriate square footage has been used in the calculation.

Furthermore, at a ZNA executive meeting last year, the applicants assured us that they did not intend to care for the 91 children shown on the site plan and that they did not know who proposed a maximum number of students or how such a high number could have been calculated. They estimated that the school's current enrollment is 36 children. The intensity of use represented by the school building capacity of 91 as noted on the site plan is not appropriate to the site. Allowing 91 drop-offs in the morning and 91 pick-ups in the afternoon would surely exacerbate the over-capacity traffic situation on Hether Street, which now exceeds the traffic thresholds set forth in the LDC 25-6-116. [Note: Last year this over-capacity on Hether required the Planning Commission's approval of a variance for the office building now under construction next door. The only vehicle access to the parking garage, office floors, and two new restaurant spaces will be a single driveway on Hether, adjacent to 1507 Hether (SP-2016-0196C).]

With the elimination of Building 11 from the site plan and the traffic issues, the reduced capacity of the school must be stated clearly on the site plan and in the conditional use permit.

### 5. Zoning

The applicant's site plan shows the zoning for the warehouse (indoor storage) in the northwest corner of the property to be SF-3. The City claims that this is CS zoning (see Attachment 6). This issue needs to be resolved and corrected either in the City's records or on the applicant's site plan. Failure to do so will only lead to further confusion and complications in the future when the parking site plan is once again amended for a change of use.

### 6. Construction

It is not clear that the "concrete parking surface throughout," as represented in the Site Plan, is actually planned to be completed. The City staff's review sheet states that all construction will be constructed with a site plan exemption, which only allows construction of 1,000 sf or less. A significant portion of the proposed parking is located on either asphalt or gravel surfaces, which appear to be in excess of 1,000 sf. It is unclear how the representation that the parking surface will be concrete throughout will be met by using a site plan exemption limited to 1,000 sf.

### 7. Effective Date of Conditional Use Permit

A condition should be added to the Conditional Use Permit that the permit will not become effective until the Parking Site Plan has been fully implemented and certified by an Engineer in accordance with the representations made on the site plan, including necessary concrete paving (the site plan indicates concrete paving throughout), sidewalks, curb and gutter reconstruction, and restriping. This is to ensure that the site plan is implemented before Didactica can increase its capacity. All too often, an entity will begin operating under a Conditional Use Permit without complying with the underlying Site Plan.

### **Possible Parking Solution**

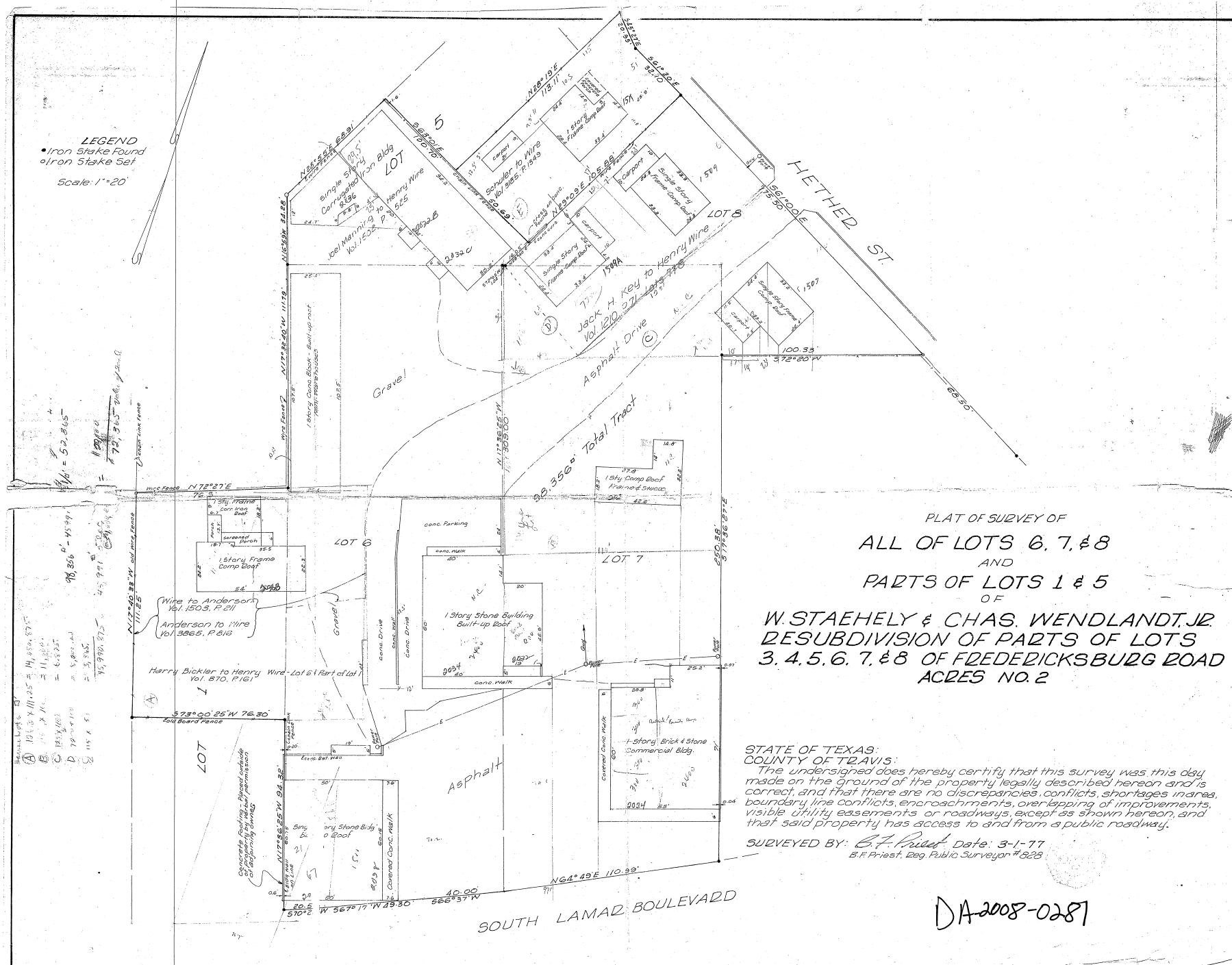
As previously indicated, the Zilker Neighborhood Association does not oppose a daycare facility use on the site but is concerned with exacerbating the existing parking deficiencies in the commercial parking areas. The irregularly shaped warehouse used for indoor storage at the northwest corner of the site appears to be largely vacant. If this is the case, demolishing this warehouse could allow several parking spaces to be added, perhaps even enough to alleviate the current parking shortage.



Attachment 1 - Didactica (Building #11)



## Attachment 2 - El Meson Site Plan DA-2008-0281





LEGEND  
• Iron Stake Found  
○ Iron Stake Set  
Scale: 1"=20'

A R C H I T E C T S

AUSTIN TEXAS 78704  
512 587 6612

CAUTION: DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE THE PROPERTY OF  
THE ARCHITECT AND MAY ONLY BE USED IN  
CONJUNCTION WITH THIS PROJECT

SEAL \_\_\_\_\_

PROJECT \_\_\_\_\_

## Golden Goose

2034 S Lamar Blvd.  
Austin, Texas 78704

DRAWN BY \_\_\_\_\_  
XX, XX, XX

SET ISSUE

REVISIONS		
REV ID	CHANGE NAME	DATE

SHEET TITLE \_\_\_\_\_

SITE PLAN

SHEET: 2 of 21

A0.2

Tuesday, August 8, 2017 | 8:08 AM  
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FLAT OF SURVEY OF  
 ALL OF LOTS 6, 7, & 8  
 AND  
 PARTS OF LOTS 1 & 5  
 OF  
 W. STAEHEL & CHAS. WENDLANDT, JR.  
 RESUBDIVISION OF PARTS OF LOTS  
 3, 4, 5, 6, 7, & 8 OF FREDERICKSBURG ROAD  
 ACRES NO. 2

STATE OF TEXAS,  
COUNTY OF TARRANT,  
The undersigned does hereby certify that this survey was this day  
made on the ground of the property legally described hereon and is  
correct, and that there are no discrepancies, conflicts, shortages in area,  
boundary line conflicts, encroachments, overlapping of improvements,  
visible utility easements or roadways, except as shown hereon, and  
that said property has access to and from a public roadway.

SURVEYED BY: *B.F. Priest* Date: *3-1-77*  
*B.F. Priest, Reg. Public Surveyor #828*

1 SITE PLAN  
SCALE: 1" = 20'

DA-2017-0689

Attachment 4 - El Meson Front Porch



BLDG NO. USE	ADDRESS	TCAD PARCEL	SP Table sf	Dim1 ft	Dim2 ft	Actual sf	residential units	staff	factor	Req'd Parking based on table sf	Req'd Parking based on actual sf
1 Restaurant (El Meson)	2038 S Lamar	100239									
Restaurant (El Meson main building)			3000	60.15	50	3007.5		1 space/75 sf	75	40.00	40.10
Restaurant (El Meson outdoor porch)				60.15	7.6	457.14		1 space/75 sf	75	0.00	6.10
2 2-family dwelling	2038-B S Lamar	100240	1800				2	2 per unit	2	4.00	4.00
3 Residential Storage	2038-B S Lamar	100240					--	--	--	--	--
4 Storage (mini-warehouse)		100239	2458	25.4	107.5	2730.5		1 space/1000 sf	1000	2.46	2.73
5 Storage (warehouse)		100241	3491	irregular		3762		1 space/1000 sf	1000	3.49	3.76
6 1-family dwelling	1511 Hether	100245	1136				1	2 per unit	2	2.00	2.00
7 1-family dwelling	1509-A Hether	100245	1089				1	2 per unit	2	2.00	2.00
8 1-family dwelling	1509-B Hether	100231	1039				1	2 per unit	2	2.00	2.00
9 Daycare (Didactica III)	1507 Hether	100231	1048					incl below		--	--
10 Daycare (Didactica I)	2028 S Lamar	100231	895					6	1 per staff	1	6.00
11 Unknown use (Didactica II)	2028 S Lamar	100231							--	--	--
12 Cocktail Lounge (Golden Goose)	2034 S Lamar	100239	2400	40	60	2400		1 space/100 sf	100	24.00	24.00
13 Restaurant (Tiny Pies)	2032 S Lamar	100239	760	20	45	900		1 space/100 sf	100	7.60	9.00
14 Multiple uses	2026 S Lamar	100231		29.8	60	1788					
Restaurant (14A) [was Henri's; currently vacant]			990			990		1 space/100 sf	100	9.90	9.90
Office space (14B) [currently vacant]			441			441		1 space/275 sf	275	1.60	1.60
Unknown use [currently vacant; assumed office]						357		1 space/275 sf	275	0.00	1.30
15 Restaurant (Krua Urban Thai)	2024 S Lamar	100231		25.2	71	1789.2					
Restaurant (Krua Urban Thai)			990	25.2	71	990		1 space/100 sf	100	9.90	9.90
Unknown use (assumed part of Krua Urban Thai)						799.2		1 space/100 sf	100	0.00	7.99
<b>Subtotal before Amnesty Reduction</b>										114.95	132.38
Golden Goose amnesty reduction										-8.00	-8.00
<b>Required Parking before Additional Reductions</b>										<b>106.95</b>	<b>124.38</b>
								Urban Core Reduction		20.00%	20.00%
										-21.39	-24.88
								Shower/Changing Facility Reduction *		10.00%	10.00%
										-10.70	-0.60
								Parking Required		74.87	98.91
<b>Required Parking after Additional Reductions</b>								Parking Required (rounded)		<b>75</b>	<b>99</b>
								Parking Provided		79	79
								Difference		4	-20



## Attachment 6 - City of Austin Zoning Map

