

BOA INTERPRETATION APPEAL COVERSHEET

CASE: C15-2021-0009

BOA DATE: February 8th, 2021

ADDRESS: 314 & 316 W 34th St

COUNCIL DISTRICT: 9

APPELLANT: Mary Ingle

AGENT: Robert Levinski

ZONING: SF-3-NCCD-NP (NUNA)

LEGAL DESCRIPTION: LOT 8 BLK 5 OLT 77 DIV D BUDDINGTON SUBD

APPEAL REQUEST: an appeal challenging staff decision in regards to the number of parking spaces.

SUMMARY: any proposed development must comply with the provisions of the NCCD

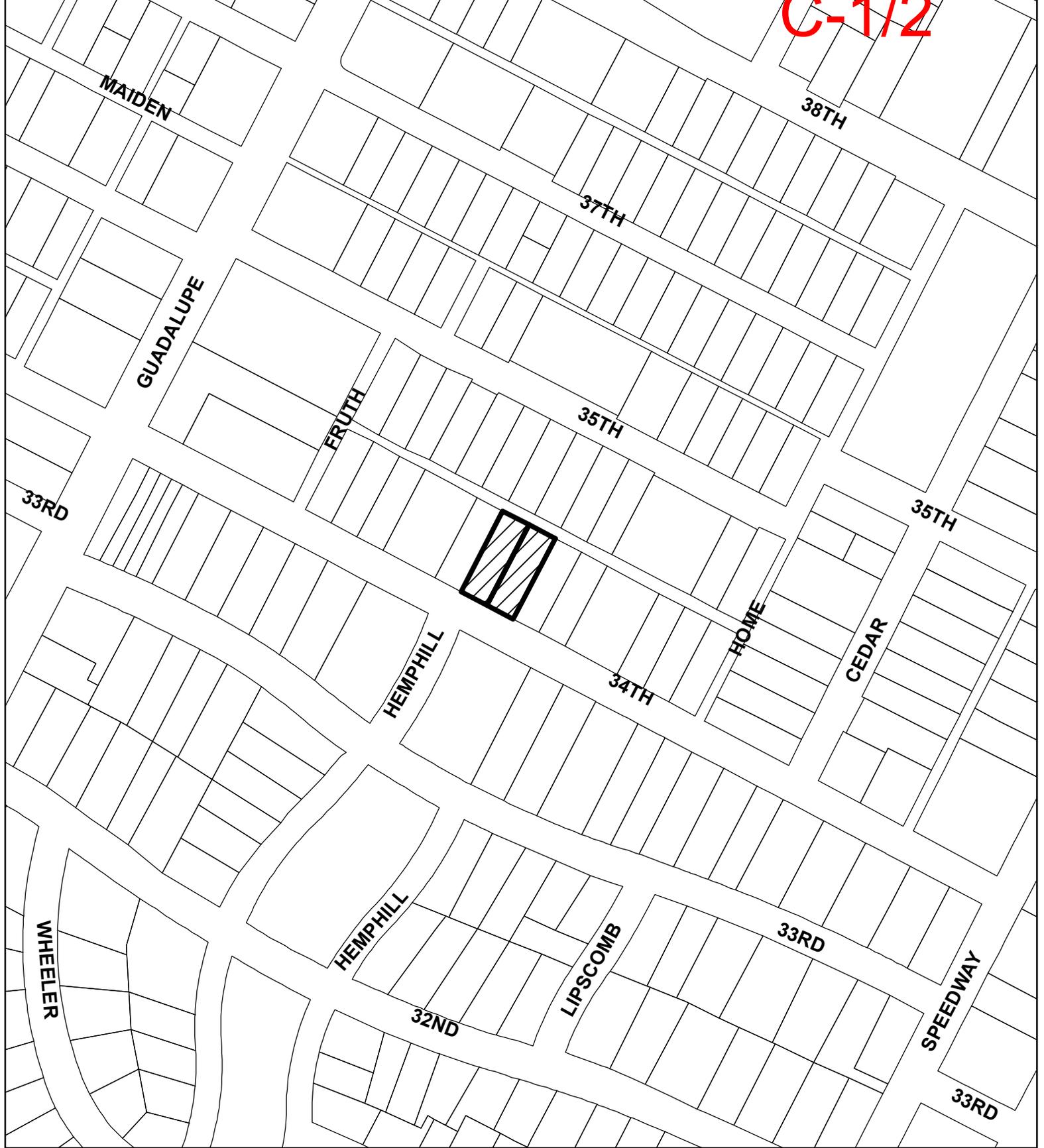
ISSUES: misapplication of the zoning requirements for the properties.

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD-NP	Single-Family
<i>North</i>	SF-3-NCCD-NP	Single-Family
<i>South</i>	SF-3-NCCD-NP	Single-Family
<i>East</i>	SF-3-NCCD-NP	Single-Family
<i>West</i>	SF-3-NCCD-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Bike Austin
- CANPAC (Central Austin Neigh Plan Area Committee)
- Central Austin Community Development Corporation
- Central Austin Urbanists
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- North University Neighborhood Association
- North University Neighborhood Association Development Review Committee
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group

C-1/2



NOTIFICATIONS

CASE#: C15-2021-0009
LOCATION: 314 & 316 W 34TH STREET



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 208'



Board of Adjustment Interpretations Application Appeal of an Administrative Decision

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 314 & 316 W 34th Street

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-3-NCCD-NP

I/We Robert Levinski on behalf of myself/ourselves as authorized agent for Mary Ingle, Mark Feist, et al. (see attached letter) affirm that on Month January, Day 22, Year 2021, hereby apply for a hearing before the hearing before the Board of Adjustment.

Development Services Department interpretation is:

REVISED: only four parking spaces are required for a two-family residential use, based on the inapplicability of Part 6, Section 7(j) of the North University NCCD to the proposed structures

I feel the correct interpretation is:

Based on the requirements of Part 6, Section 7(j) of the North University NCCD, five parking spaces should be required for a two-family residential use containing five full bathrooms and four half bathrooms, located within a 1/4-mile of an activity center

Section 2: Findings

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 supporting documents.

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

Part 6, Section 7(j) explicitly requires that, for a two-family residential use that contains at least five bathrooms, "[a]n additional parking space is required for each new full bathroom constructed on the property." City staff has only required two additional parking spaces, in violation of the NCCD. City staff would require that each structure have five bathrooms for the triggering threshold to have been met. See attached letter for further explanation.

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:

Consistent application of the NCCD ensures consistent character.

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

The current interpretation by City staff does grant a special privilege to a property owner by creating a loophole to avoid compliance with the NCCD and creating an incentive to build a stealth dorm.

Section 3: Applicant/Aggrieved Party Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Robert J. Levinski Date: 12/28/2020

Applicant Name (typed or printed): Robert J. Levinski

Applicant Mailing Address: 7705 Croftwood Drive, Unit B

City: Austin State: TX Zip: 78749

Phone (will be public information): (512) 636-7649

Email (optional – will be public information): [REDACTED]

Section 4: Owner Information

Owner Name: WANG TIAN PU & WANG JIN & LIYN YAO

Owner Mailing Address: RP28 PING YEUNG VILLAGE FANLING, HONG KONG &

City: NO 302 UNIT 3 BLDG 2 LINGXIC SHANZHUAN State: N/A Zip:

Section 5: Agent Information

Agent Name: Roy Jensen

Agent Mailing Address: 5701 W Slaughter Lane

City: Austin State: TX Zip: 78749

Phone (will be public information):

Email (optional – will be public information):

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

See attached.

**LEVINSKI
LAW**

FIGHT FOR THE THINGS YOU CARE ABOUT.

January 22, 2020
Submitted for Backup Material

Board of Adjustment
City of Austin
301 W.2nd Street
Austin, TX 78701

Re: Appeal of Administrative Decision / Code Interpretation,
Building Permits 2019-228104 & 2020-036229 (314 & 316 W 34th Street)

Dear Board Members,

This letter is written on behalf of Mary Ingle, an officer of CANPAC, and Mark Feist, an owner of real property located at 407 W 34th Street, each of which are registered interested parties of the above-referenced building permits for 314 & 316 W 34th Street. Joining Ms. Ingle and Mr. Feist in this appeal are other residents in the immediate vicinity of the proposed structures, each of which have also registered as interested parties: Lynn Marshall, Barbara Davis, John Davis, Jan Moyle, Abby Tucker, Dick Holland, Randy Thompson, Jim Creswell, Mike Marcom, Kendall Levy, Rachel Bowman, and Pam Morris (collectively, the “**Appellants**”). These Appellants represent individuals that live within 200 feet of the proposed structures or are officers of Neighborhood Planning Contact Teams (i.e., City boards) or the North University Neighborhood Association.

Quick Note & Request for the City to Rescind Permits

I must start this letter by issuing you an apology to the Board of Adjustment. Backup material is due for this item today—January 22, 2020—but the City has yet to issue a final determination on how it is interpreting the relevant zoning ordinances.

After our initial appeal on December 28, 2020, challenging the building permits based on the City’s erroneous application of the Urban Core Parking Reduction to the parking requirements of the NUNA NCCD, **the City has since agreed with our position and admitted that the permits were approved in error, but the City still refuses to rescind the permits** and wants more time to find a different interpretation that will save the permits. With the City’s position being a moving target, it is difficult for me to know what information to submit to you in advance of the hearing (or, at this point, what code interpretation I am even appealing). I hope to be able to provide you with additional information at the time of the hearing.

Due to statutory deadlines, a postponement request for this matter is likely infeasible, but we may still request it. But, given that we actually won our appeal by the City changing its position, we believe the City is obligated to rescind the permits. Should the City need additional time to review the permits, that should be done after the permits are rescinded. The City is eating up the neighborhoods clock and denying them the opportunity to fairly plead their case to the Board of Adjustment.

Background

The subject properties are located within the boundaries of the North University Conservation Combining District (“**NUNA NCCD**”), which was approved by the Austin City Council on August 26, 2004 via Ordinance No. [040826-58](#). An NCCD is a zoning overlay that modifies the use and site development regulations of Title 25 of the Land Development Code. As such, any proposed development must comply with the provisions of the NCCD, as well as the baseline requirements of the Land Development Code.

The approved [building permits](#) for 314 & 316 W 34th Street are mirror images of each other. For each property, the applicant intends to construct a new primary residence as part of a “Two-Family Residential” use. Within each new primary residence, the applicant intends to build four (4) bedrooms and seven (7) bathrooms, as well as habitable attic space.¹ Both properties also contain existing secondary units, each with two (2) bedrooms and two (2) full bathrooms. In total, each of these adjacent properties will contain six (6) legal bedrooms and nine (9) bathrooms.

Under any common-sense review of the permits submitted by the applicant, the structures that the applicant intends to construct are being built to accommodate a significant number of occupants. Given their proximity to The University of Texas and past experiences with similarly configured properties, these structures are typically leased to students on a by-the-bedroom basis as part of a rooming house, which the neighbors in this area commonly refer to as “stealth dorms.” Based on the configuration of the rooms in the structure, it is likely that each of these properties will be leased to 8-10 students (not including guests), well-exceeding the occupancy limits of this area which are difficult if not impossible to enforce.

Unfortunately, common sense is not a requirement of the City Code. Time and time again, builders—especially in this area of town—attempt to stretch the limits of the code, through loopholes and misinterpretations, to maximize their profits, without regard to impacts of the neighboring residents. The facts in this case are a prime example of the reason that neighborhoods created NCCDs in the first place, crafting zoning ordinances to get ahead of builders who exploit the code.

Provision in Dispute

Part 6, Section 7(j) of the NUNA NCCD reads:

“This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.”

¹ Although not immediately relevant to this appeal, the habitable attic space includes areas labelled as a “media area” and a “den” that are obviously configured to serve as mezzanine-style bedrooms. Were these rooms properly considered bedrooms, the total amount of bedrooms in the primary structures would be six (6) and the total amount of bedrooms per property would be eight (8).

City's Position Has Reversed Their Decision; Position Remains Uncertain

On December 28, 2020, I filed an appeal on behalf of the Appellants related to the above-referenced permits, challenging the City's interpretation of Part 6, Section 7(j) of the NUNA NCCD. This appeal was based on the City's erroneous application of the Urban Core Parking Reduction located in § 25-6-478(A) of the Land Development Code. In approving the building permits, the City had wrongfully applied the Urban Core Parking Reduction to reduce the parking requirements of the NUNA NCCD from five (5) parking space to four (4).

Following our appeal, we exercised our right pursuant to LDC §25-1-186 to request a meeting with City staff to plead our case. On Friday, January 8th, we met with City staff to explain that the Urban Core Parking Reduction only applied to the standard parking requirements of Appendix A of Chapter 25-6, not the NUNA NCCD. City staff told us that they understood our position and would get back to us the following week. They did not.

It was only three days ago (January 17, 2020) that I was informed that the City agreed with the basis of our appeal, admitting that the building permits had been improperly approved based on the City's erroneous interpretation of the code.

In any normal case, that would be the end of the story. Because the City agreed that it improperly interpreted the code, the approval of the permits would normally be reversed and would be put back into review. That is not what happened.

On Wednesday (January 20, 2020), City staff explained that because the building permits were approved—albeit erroneously—**the City would attempt to find any possible interpretation of the code that would keep them valid.**

Or, put another way, even though the City staff approved the permits in error, they will stretch the realms of logic, grammar, and statutory interpretation to find the world's tiniest hook to hang their hat on, so long as they do not have to reverse the permits.

The hook they found is small—very, very small.

Tenets of Statutory Interpretation

In administrative law, the predominant measure of whether an administrative agency's decision or action was proper is the "arbitrary or capricious" test. I remember studying this in law school and thinking, "How could someone ever prove that an action was arbitrary or capricious?" The bar seemed so high, and the access to information about how a decision was made is often so limited. Well, with this case, I now have the answer.

Throughout the review of these building permits, the City has changed its interpretation of the applicable law ***FOUR TIMES***, each time making a decision favorable to the applicant. So far, the neighborhood has been forced to (i) show that Part 6, Section 7(j) of the NUNA NCCD exists; (ii) prove that Part 6, Section 7(k) has no relevance to this situation or would otherwise not alter the outcome; and (iii) prove that the Urban Core Parking Reduction does not reduce the parking requirements of the NUNA NCCD. Each time, the neighborhood has been proven correct. The only thing that has been consistent in the City's review of these building permits

is that the City has been inconsistent, applying arbitrary and capricious interpretations to meet a desired outcome.

We are now addressing the City's fourth interpretation—that the word “all” does not mean “all.” Despite months of acknowledging that the Part 6, Section 7(j) applies, the City is now saying that the 5-bathroom threshold contained therein does not apply the applicable building permits at issue.

Part 6, Section 7(j) of the NUNA NCCD reads:

“This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.”

Up until the week of this letter, the City has consistently (and properly) interpreted the first sentence to be based on the aggregate sum of all bathrooms located within the use. For example, on a two-family residential use, if there are three (3) bathrooms in the primary structure and two (2) bathrooms in the secondary structure, the total amount of bathrooms equals five (5) bathrooms, $2 + 3 = 5$.

The City's new position (at least as of the date of this letter) appears to be that the word “all” in the first sentence should be read to mean “each”. As we will show below, this is nothing more than a last-minute “*Hail Mary*” from their own 20-yard line. Sometimes, it's better to just take a knee.

To help guide the Board of Adjustment in interpreting this provision, we offer the follow canons of statutory interpretation:

1. Apply the Plain Meaning & Follow the Ordinary Usage.

The City's interpretation defies the rules of grammar and attempts to apply a new meaning to the word “all”. My third-grade grammar teacher, Mrs. Ryan, would be horrified.

The words “all” and “each” have very different meanings. To see how the word “each” would change the meaning of the sentence, consider the following juxtaposition:

Ordinance as Written: “This section applies . . . if there are at least five bathrooms in all buildings in which the use is located.”; **vs.**

City's Interpretation: “This section applies . . . if there are at least five bathrooms in each building[] in which the use is located.”

To help explain how the use of the word “all” compares with the use of the word “each,” here is a hyperlinked grammar lesson: [click here](#).

“**ALL**” refers to the entire group as a whole.

“**EACH**” refers to the individual members of a group.

2. Read the Provisions Holistically.

The City's interpretation ignores the zoning applicable definitions. To understand why the NUNA NCCD uses the phrase "all buildings in which the use is located," **it is important to remember that the two-family residential use—by definition—extends to two buildings.** The definition of "Two-Family Residential" is "the use of a lot for two dwelling units, each in a separate building other than a mobile home." See LDC § 25-2-3(15). The use is contained in two separate buildings, so the NUNA NCCD is directing us to aggregate the total number of bathrooms in all buildings.

3. Look to the Legislative Intent.

The City's interpretation is inconsistent with the legislative intent. The provision in dispute is part of a zoning ordinance that was adopted to address the proliferation of stealth dorms. Because occupancy limits are largely ineffective and unenforceable, and because the City has been unwilling to define stealth dorms as a use, the NCCDs have attempted to craft modifications to building form to address the externalities of stealth dorms and deter developers from building them.

Many of the lots within the neighborhood were originally developed with two separate structures, usually less than 1,000 sq. ft. in size and including one or two bathrooms. When developers began tearing down these more modest-sized structures and began building mega-complexes to rent to large groups of university students on a per-bedroom basis, the neighborhood adopted the NUNA NCCD to address this situation.

By exempting two-family uses with less than five (5) bathrooms, the NUNA NCCD excluded remodels of the smaller-scale two-family uses that are historic to the neighborhood. Two-family residential uses exceeding five bathrooms would simply need to add a parking space for each new full bathroom added to the site.

Part 6, Section 7(j) functions as both an occupancy limit and a reasonable tool to address parking, traffic, and safety problems. By tying the number of bathrooms to the number of parking spaces, the NUNA NCCD effectively limits the occupancy of the site. When the developer is forced to add a new parking space for each new bathroom, there is a functional limit on the overall scale of the structure. Additionally, this provision works to address the negative externalities of parking, traffic, and safety problems by ensuring there are on-site parking spaces available to accommodate the additional density. By no means is this a perfect remedy, but it is the adopted zoning regulation and is enforceable.

4. Avoid Absurd Results.

The City's interpretation leads to absurd results or would otherwise render the entire provision meaningless. The following chart shows various scenarios using the City's interpretation that "each" building must have five bathrooms for the threshold to apply:

<i>City's Revised Interpretation</i>	Exist. Full Baths	Unit 1 Full Baths	Unit 2 Full Baths	Total Baths (Agg.)	City's Parking Required
Subj. Permit	2	2	3	5	2 spaces
Scenario A	2	2	5	7	2 spaces
Scenario B	2	3	5	8	2 spaces
Scenario C	2	4	5	9	2 spaces
Scenario D	2	5	5	10	10 spaces
Scenario E	2	2	8	10	2 spaces
Scenario F	2	2	20	22	2 spaces

Assuming that under each scenario, the new development is provided a credit of two existing bathrooms (as is the case with the subject permit), where the new bathrooms are located leads to some wild outcomes that would be entirely inconsistent with the legislative intent of the NUNA NCCD.

Under the City’s interpretation, Part 6, Section 7(j) would only be triggered if both structures contained five bathrooms, as illustrated by Scenario D. Under Scenario D, the parking requirement would leap to 10 parking spaces required from 2 parking spaces.

Under all other scenarios illustrated, the total number of parking spaces remains at 2. This includes scenarios which contain the same or exceed the number of bathrooms as Scenario D. For example, under Scenario E, so long as each new bathroom is located only in Unit 2, the parking requirement remains at 2, even though there are the same number of bathrooms as Scenario D. This absurdity is hyperbolized by Scenario F. **Under the City’s interpretation, a developer could build 22+ bathrooms in a two-family residential use and still only be required to build 2 parking spaces.**

It is much simpler to understand the 5 bathrooms as an aggregate threshold, considering its legislative intent to help regulate stealth dorms:

<i>Neigh. Interpretation</i>	Exist. Full Baths	New Full Baths	Total Baths (Agg.)	Neigh's Parking Required
Subj. Permit	2	3	5	5 spaces
Scenario G	2	2	4	2 spaces
Scenario H	2	3	5	5 spaces
Scenario I	2	4	6	6 spaces
Scenario J	2	5	7	7 spaces
Scenario K	2	6	8	8 spaces
Scenario L	2	7	9	9 spaces

As shown, under the neighborhood’s interpretation (and the City’s past practices), you simply add one parking space for each new full bathroom over the 5-bedroom threshold, regardless of which structure it is located within. It ties to the zoning use, not the building.

Conclusion

Based on the above analysis, the City's revised interpretation is blatantly arbitrary and capricious and should be overturned by the Board of Adjustment. It fails to follow any logical application of the legislative intent of the NUNA NCCD and would lead to absurd results.

The two-family residential uses on the property each contain more than five (5) bathrooms. Each property contains nine (9) bathrooms; this includes three (3) new full bathrooms on each property.

Based on the baseline parking requirement of two (2) parking spaces, the provisions of Part 6, Sec. 7(j) of the NUNA NCCD would require an additional parking space for each full bathroom constructed on the property. In this case, there are three (3) new full bathrooms being constructed, meaning that three (3) new parking spaces must be provided by the applicant beyond the baseline requirement.

Baseline Parking Requirement: 2 parking spaces
Additional Parking Requirement: + 3 parking spaces
Total Parking Requirement: **5 parking spaces**

The applicable build permits only show four (4) parking spaces. Because the building permits lack the number of parking spaces required by the NUNA NCCD, the permit should be overturned.

We appreciate your consideration of this appeal.

Thank you,

Robert J. Levinski
Attorney, Levinski Law
7705 Croftwood Dr, B
Austin, TX 78749
512-636-7649


LEVINSKI
LAW

FIGHT FOR THE THINGS YOU CARE ABOUT.

December 29, 2020

Susan Barr
Residential Plans Examiner
City of Austin
505 Barton Springs Rd.
Austin, TX 78704

Re: Appeal of Administrative Decision / Code Interpretation,
Building Permits 2019-228104 & 2020-036229 (314 & 316 W 34th Street)

Ms. Barr,

This letter is written on behalf of Mary Ingle (“**Appellant**”), a representative of CANPAC and a registered interested party of the above-referenced building permits for 314 & 316 W 34th Street. This letter, coupled with the attached application, serves as our formal appeal of these building permits, which were administratively approved on December 15, 2020.

Principal Dispute

The approved building permits lack the requisite number of parking spaces, based on the application of Part 6, Section 7(j) of the North University Neighborhood Conservation Combining District (“**NUNA NCCD**”). As detailed below, the total number of parking spaces required for the intended use should be five (5) parking spaces for each property, but the approved permits only provide for four (4) parking spaces. This is a misapplication of the zoning requirements for the properties, and the permits therefore should be overturned.

Background

The subject properties are located within the boundaries of the NUNA NCCD, which was approved by the Austin City Council on August 26, 2004 via Ordinance No. [040826-58](#). An NCCD is a zoning overlay that modifies the use and site development regulations of Title 25 of the Land Development Code. As such, any proposed development must comply with the provisions of the NCCD, as well as the baseline requirements of the Land Development Code.

The approved [building permits](#) for 314 & 316 W 34th Street are mirror images of each other. For each property, the applicant intends to construct a new primary residence as part of a “Two-Family Residential” use. Within each new primary residence, the applicant intends to build four (4) bedrooms and seven (7) bathrooms, as well as habitable attic space.¹ Both properties also contain existing secondary units, each with two (2) bedrooms and two (2) full bathrooms. In total, each of these adjacent properties will contain six (6) legal bedrooms and nine (9) bathrooms.

¹ Although not immediately relevant to this appeal, the habitable attic space includes areas labelled as a “media area” and a “den” that are obviously configured to serve as mezzanine-style bedrooms. Were these rooms properly considered bedrooms, the total amount of bedrooms in the primary structures would be six (6) and the total amount of bedrooms per property would be eight (8).

Under any common-sense review of the permits submitted by the applicant, the structures that the applicant intends to construct are being built to accommodate a significant number of occupants. Given their proximity to The University of Texas and past experiences with similarly configured properties, these structures are typically leased to students on a by-the-bedroom basis as part of a rooming house, which the neighbors in this area commonly refer to as “stealth dorms.” Based on the configuration of the rooms in the structure, it is likely that each of these properties will be leased to 8-10 students (not including guests), well-exceeding the occupancy limits of this area which are difficult if not impossible to enforce.

Unfortunately, common sense is not a requirement of the City Code. Time and time again, builders—especially in this area of town—attempt to stretch the limits of the code, through loopholes and misinterpretations, to maximize their profits, without regard to impacts of the neighboring residents. This results in hypervigilance from affected neighbors in reviewing and responding to proposed building permit applications, because the neighbors must rely on the City’s enforcement of the codes as written.

We are disappointed that this matter resulted in an appeal of an approved permit, as the neighbors attempted multiple times to highlight the applicable portions of the City Code that would be violated by the proposed permits. Nonetheless, here we are.

Following the filing of this appeal, we hereby request that, pursuant to Sec. 25-1-186 of the Land Development Code, City staff schedule a meeting with all interested parties to discuss and attempt to resolve the issues raised by this appeal. We believe, after a thorough vetting of the issues and a further explanation of the inaccuracy of staff’s interpretation of the code, City staff will revoke this permit and the appeal will no longer be necessary.

Permit Revision

In mid-October, representatives of the North University Neighborhood Association (“**NUNA**”) wrote to Residential Review with concerns that the plans submitted by the applicant would violate certain provisions of the North University Neighborhood Conservation Combining District (“**NUNA NCCD**”). Principally, the proposed building plans lacked sufficient parking based on the requirements of Part 6, Section 7(j) of the NUNA NCCD. At the time, the applicant intended to construct five (5) full bathrooms and two (2) half bathrooms, in the primary residence.

On November 3, 2020, City staff notified NUNA that, after consulting with the City’s legal department, the City concurred with NUNA that the proposed permits lacked sufficient parking and the permits were put on inactive status, pending a revision to bring the plans into compliance with City Code. Subsequently to this decision, the applicant revised the permits by removing two showers from the plans, effectively modifying two full bathrooms to “half bathrooms,” without removing any space from the buildings or otherwise modifying the walls/internal structure.

NUNA NCCD Violation

Despite the revisions, each of the approved permits continue to violate Part 6, Section 7(j) of the NUNA NCCD, which states:

“This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.”

As City staff has acknowledged in email correspondence, this provision of the NCCD is triggered because this property contains more than five (5) bathrooms. Under the approved permits, each property contains nine (9) bathrooms, which includes five (5) full bathrooms and four (4) half bathrooms.

Thus, pursuant to Part 6, Sec. 7(j) of the NUNA NCCD, the applicant must provide an **additional parking space . . . for each new full bathroom constructed on the property**, beyond baseline parking requirements.

To figure out the baseline parking requirements for a two-family residential use, one would need to look to Chapter 25-6, Appendix A of the Land Development Code. For a two-family residential use, the principal unit is required to have two (2) parking spaces. Because these properties are located within a quarter mile of Guadalupe (an activity corridor), the secondary unit is not required to provide an additional parking space. Thus, the baseline requirement for a two-family residential use for each of these properties is two (2) parking spaces.

Section 25-6-478(A) of the Land Development Code, commonly referred to as the “**Urban Core Parking Reduction**,” offers a reduction of the total number of minimum off-street parking spaces required in the urban core. It establishes the parking minimum for a property to that of “80% of that established by Appendix A (*Table of Off-street parking and Loading Requirements*).” Or, put another way, the parking minimums established under Appendix A may be reduced by 20%.

Applying the Urban Core Parking Reduction, the total number of spaces required by a two-family residential use within the urban core would be 1.6 parking spaces; however, pursuant to Sec. 25-6-472(F), this fractional requirement would be simply rounded back up to two (2) parking spaces, and the baseline parking requirement would remain at two (2) parking spaces.

<p>Chapter 25-Appendix A Requirement For a Two-Family Residential Use within ¼-Mile of an Activity Corridor</p>	<p>Urban Core Parking Reduction, 25-6-478(A): “the minimum off-street parking required within the [urban core] is 80% of that established by Appendix A (Table of Off-street parking and Loading Requirements)”:</p>	<p>Rounding Based on 25-6-472(F): “If a calculation under Appendix A (Tables Of Off-Street Parking And Loading Requirements) results in a fractional requirement, a fraction of 0.5 or greater is rounded to the next larger whole number.”</p>
<p>Primary Structure: 2 parking spaces Secondary Structure: 0 parking spaces</p>	<p>$(2 \times 0.8) =$ 1.6 parking spaces</p>	<p>1.6 rounds to 2 parking spaces</p>

After having established the baseline parking requirement of two (2) parking spaces, the provisions of Part 6, Sec. 7(j) of the NUNA NCCD would require an additional parking space for each full bathroom constructed on the property. In this case, there are three (3) new full bathrooms being constructed, meaning that three (3) new parking spaces must be provided by the applicant beyond the baseline requirement.

Baseline Parking Requirement: 2 parking spaces
Additional Parking Requirement: + 3 parking spaces
Total Parking Requirement: 5 parking spaces

Thus, five (5) total parking spaces should be reflected on the proposed plans. However, the approved building permits only show two 17' x 17' parking pads. This is only enough space for four (4) parking spaces. The requirements of Part 6, Sec. 7(j) of the NUNA NCCD have not been met.

Based on prior communications, City staff applied the Urban Core Parking Reduction *after* determining that five (5) parking spaces are required for the proposed two-family residential use. However, this is a misapplication of both the NUNA NCCD requirements and the Urban Core Parking Reduction.

The Urban Core Parking Reduction explicitly states:

“[T]he minimum off-street parking required within [the urban core] is 80% of that established by Appendix A (Table of Off-street parking and Loading Requirements).”

It merely modifies the parking requirements established by Chapter 25-6, Appendix A—nothing else. It does not provide a discount on all parking requirements. As noted above, it simply reaches into Appendix A and changes the “2” to a “1.6” for two-family residential.

The NUNA NCCD requires additional parking beyond that which is required by the standard parking requirements. That is generally how NCCDs work. They are zoning overlays that modify the baseline City Code to augment the code with additional requirements specific to a geographic area. Sometimes NCCDs relax code requirements, and sometimes they restrict code further. In this circumstance, the NUNA NCCD requires additional parking spaces to be provided for specific uses, beyond the code’s baseline requirements. To read otherwise would negate the meaning of the word “additional.”

Neither the language of Sec. 25-6-478(A) nor the NCCD itself would suggest that Urban Core Parking Reduction overrides the NUNA NCCD parking requirements. City staff has no authority to waive or modify the requirements of a zoning ordinance. Such an inference would need to be expressly provided by the city code.

Conclusion

Based on the above analysis, the building permits lack the number of parking spaces required by the NUNA NCCD. The permit should be overturned, and the applicant should be required to modify its building plans by either (i) modifying the proposed structures to remove a full bathroom from the primary residence or (ii) accommodating an additional parking space on their property.

We appreciate your consideration of this appeal. Please feel free to call me, if you have any questions concerning the above.

Thank you,

Robert J. Levinski
Attorney, Levinski Law
7705 Croftwood Dr, B
Austin, TX 78749
512-636-7649





Board of Adjustment Interpretations Application Appeal of an Administrative Decision

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 314 & 316 W 34th Street

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-3-NCCD-NP

I/We Robert Levinski on behalf of myself/ourselves as authorized agent for Mary Ingle affirm that on Month December, Day 28, Year 2020, hereby apply for a hearing before the hearing before the Board of Adjustment.

Development Services Department interpretation is:

Only four parking spaces are required for a two-family residential use

I feel the correct interpretation is:

Based on the requirements of Part 6, Section 7(j) of the North University NCCD, five parking spaces should be required for a two-family residential use containing five full bathrooms and four half bathrooms, located within a 1/4-mile of an activity center

Section 2: Findings

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 supporting documents.

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

Part 6, Section 7(j) explicitly requires that, for a two-family residential use that contains at least five bathrooms, "[a]n additional parking space is required for each new full bathroom constructed on the property." City staff has only required two additional parking spaces, in violation of the NCCD. City staff has misapplied the urban core parking reduction in granting a parking reduction to a zoning requirement. See attached letter for further explanation.

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:

Consistent application of the NCCD ensures consistent character.

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

The current interpretation by City staff does grant a special privilege to a property owner by creating a loophole to avoid compliance with the NCCD and creating an incentive to build a stealth dorm.

Section 3: Applicant/Aggrieved Party Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Robert J. Levinski Date: 12/28/2020

Applicant Name (typed or printed): Robert J. Levinski

Applicant Mailing Address: 7705 Croftwood Drive, Unit B

City: Austin State: TX Zip: 78749

Phone (will be public information): (512) 636-7649

Email (optional – will be public information): [REDACTED]

Section 4: Owner Information

Owner Name: WANG TIAN PU & WANG JIN & LIYN YAO

Owner Mailing Address: RP28 PING YEUNG VILLAGE FANLING, HONG KONG &

City: NO 302 UNIT 3 BLDG 2 LINGXIC SHANZHUAN State: N/A Zip:

Section 5: Agent Information

Agent Name: Roy Jensen

Agent Mailing Address: 5701 W Slaughter Lane

City: Austin State: TX Zip: 78749

Phone (will be public information):

Email (optional – will be public information):

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

See attached.

ORDINANCE NO. 040826-58

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE NORTH UNIVERSITY NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT FOR THE PROPERTY WHOSE BOUNDARIES ARE 38TH STREET TO THE NORTH, SAN JACINTO BOULEVARD AND 27TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD-NP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to establish the North University neighborhood conservation-neighborhood plan (NCCD-NP) combining district and to add a NCCD-NP to each base zoning district within the property and to change the base zoning districts on 74 tracts of land on the property described in Zoning Case No.C14-04-0022, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 234.87 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, (the "Property"),

generally known as the North University conservation-neighborhood plan combining district, locally known as the area bounded by 38th Street to the north, San Jacinto Boulevard and 27th Street to the south, Guadalupe Street to the west, and Duval Street to the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning of the 74 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, multifamily residence high density (MF-5) district, multifamily residence medium density-historic (MF-3-H) combining district, limited office (LO) district, general office (GO) district, general office-mixed use (GO-MU) combining district, neighborhood commercial (LR) district, general commercial services (CS) district, commercial-liquor sales (CS-1) district, and unzoned (UNZ) district to family residence

neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district, multifamily residence limited density-neighborhood conservation-neighborhood plan (MF-1-NCCD-NP) combining district, multifamily residence low density-neighborhood conservation-neighborhood plan (MF-2-NCCD-NP) combining district, multifamily residence medium density-neighborhood conservation-neighborhood plan (MF-3-NCCD-NP) combining district, multifamily residence moderate high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district, multifamily residence high density-neighborhood conservation-neighborhood plan (MF-5-NCCD-NP) combining district, multifamily residence limited density-historic-neighborhood conservation-neighborhood plan (MF-1-H-NCCD-NP) combining district, multifamily residence low density-historic-neighborhood conservation-neighborhood plan (MF-2-H-NCCD-NP) combining district, multifamily residence medium density-historic-neighborhood conservation-neighborhood plan (MF-3-H-NCCD-NP) combining district, neighborhood office-neighborhood conservation-neighborhood plan (NO-NCCD-NP) combining district, limited office-neighborhood conservation-neighborhood plan (LO-NCCD-NP) combining district, community commercial-neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district, neighborhood commercial-neighborhood conservation-neighborhood plan (LR-NCCD-NP) combining district, general commercial services-neighborhood conservation-neighborhood plan (CS-NCCD-NP) combining district, and public-neighborhood conservation-neighborhood plan (P-NCCD-NP) combining district.

TRACT	ADDRESS	FROM	TO
APD-843	3004-A FRUTH ST; 502 W 30TH ST	CS	GR-NCCD-NP
APD-846	501, 503 W 30TH ST; 2910 FRUTH ST	LO	GR-NCCD-NP
APD-848	500, 510 W 29TH ST	LO, CS	GR-NCCD-NP
APD-850	0 FRUTH ST (W PT OF LOT 4-7 BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-851	0 W 30TH ST (W TRI OF LOT 10-11 BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-852	0 WEST DR (PART OF LOT 2-7&10-14 * & ALLEY BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-853	0 W 29TH ST (E PT OF LOT 1-4,14-15 BLK 2 OLT 74 DIV D FRUTH ADDN)	MF-3, UNZ	P-NCCD-NP
APD-855	0 HEMPHILL PARK (W PART OF LOT 7-9 BLK 3 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-856	0 (LOT 5,10-14 & E PT OF LOT 6-8 & ALLEY BLK 3 OLT 73 DIV D FRUTH ADDN), 201 W 30TH ST (THE PORTION OF BLK 4, ALLEY, & ADJ W25FT OF STREET OLT 73 DIV D FRUTH ADDN THAT EXTENDS FROM THE NORTH RIGHT-OF-WAY LINE OF W 29TH ST TO THE CENTERLINE OF WALLER CREEK)	UNZ	P-NCCD-NP
APD-861	3001 CEDAR ST (N 156 FT OF S 176 FT OF BENCHMARK CONDOMINIUMS AMENDED)	GO	MF-4-NCCD-NP
APD-861A	3001 CEDAR ST (S 20 FT OF BENCHMARK CONDOMINIUMS AMENDED)	GO	MF-4-NCCD-NP
APD-865	2807, 2809, 2811 HEMPHILL PARK; 305 W 29TH ST;	MF-5	NO-NCCD-NP

TRACT	ADDRESS	FROM	TO
GDC-714A	2819 (E 37.79 FT LOT 2 BLK 2 OLT 14 DIV D FRUTH ADDN) GUADALUPE ST	CS-1	CS-NCCD-NP
GDN-701A	505 W 38TH ST (E 16 FT LOT 3 BLK 2 OLT 77 DIV D LAKEVIEW ADDN)	LO	CS-NCCD-NP
GDN-704A	510 W 35TH ST (E 16 FT LOT 3 BLK 1 OLT 77 DIV B STEINLE ADDN)	GO	CS-NCCD-NP
GDS-715A	2819 (E 37.79 FT AV & 1/2 ADJ 16 FT VAC ALLEY LOT 1 BLK 2 OLT 14 DIV D FRUTH ADDN)	CS-1	CS-NCCD-NP
RDE-783A	3710 TOM GREEN ST	MF-3	SF-3-NCCD-NP
RDE-784	300 E 35TH ST; 3503 GROOMS ST	MF-3	MF-1-NCCD-NP
RDE-794	3405 HELMS ST	MF-4	MF-3-NCCD-NP
RDE-805A	407 E 35TH ST; 3408 (S 5 FT LOT 6 BLK 9 RESUB OF BLK 9 GROOMS ADDN), 3410, 3412 DUVAL ST	MF-3	SF-3-NCCD-NP
RDE-807A	3305 HELMS ST; 200, 202, 204 E 33RD ST	MF-3, MF-2	SF-3-NCCD-NP
RDE-809	305 E 34TH ST	MF-4	MF-3-H-NCCD- NP
RDE-810A	311 E 34TH ST	MF-4	MF-3-NCCD-NP
RDE-813	3305 TOM GREEN ST	MF-3	MF-2-NCCD-NP
RDE-818A	202 E 32ND ST	MF-4	MF-3-NCCD-NP
RDE-821	400, 402 E 32ND ST; 3203 TOM GREEN ST	MF-3	SF-3-NCCD-NP
RDE-825	301 E 32ND ST	MF-4	MF-2-NCCD-NP
RDE-826	300, 302, 304, 308 MOORE BLVD; 303, 305, 309 E 32ND ST; 3110, 3112 WALLING DR; 3111 GROOMS ST	MF-4	SF-3-NCCD-NP
RDE-827	308 MOORE BLVD; 3108 WALLING DR	MF-4	MF-2-NCCD-NP
RDE-828	301, 303, 305, 309 MOORE BLVD; 3105 GROOMS ST	MF-4	SF-3-NCCD-NP
RDE-829	311 MOORE BLVD	MF-4	MF-1-NCCD-NP
RDE-830	200, 202, 206 E 31ST ST; 3103 GROOMS ST	MF-4	MF-1-NCCD-NP
RDE-831	208 E 31ST ST	MF-4	MF-3-NCCD-NP
RDE-832	3100, 3102, 3104 TOM GREEN ST; 3101, 3103, 3105, 3109 WALLING DR	MF-4	SF-3-NCCD-NP
RDE-833	403, 405, 407 E 32ND ST	MF-4	SF-3-NCCD-NP
RDE-834	3116 BENELVA DR	MF-4	MF-1-NCCD-NP
RDW-729A	403 W 38TH ST	MF-4	MF-3-NCCD-NP
RDW-737A	404 W 35TH ST	MF-4	MF-3-NCCD-NP
RDW-739A	405 W 35TH ST	MF-4	SF-3-NCCD-NP
RDW-740	303, 305 W 35TH ST	MF-4	MF-3-NCCD-NP
RDW-742	408, 410 W 34TH ST; 3405 FRUTH ST	MF-3	SF-3-NCCD-NP
RDW-742B	400 W 34TH ST	MF-4	SF-3-NCCD-NP
RDW-742D	306, 308, 310, 312 W 34TH ST	MF-3	MF-1-NCCD-NP
RDW-745	3707, 3709 CEDAR ST	MF-4	MF-2-NCCD-NP
RDW-746	3703, 3705 CEDAR ST	MF-4	SF-3-NCCD-NP
RDW-748A	3405 CEDAR ST	MF-3	SF-3-NCCD-NP
RDW-755	3201 HEMPHILL PARK	SF-3	P-NCCD-NP
RDW-763B	3112 WHEELER ST (S 34 FT LOT 2 MARKOVITS & DILLER ADDN)	MF-3	SF-3-NCCD-NP
RDW-766	3006, 3008 HEMPHILL PARK	MF-3	SF-3-NCCD-NP

TRACT	ADDRESS	FROM	TO
RDW-767	0 HEMPHILL PARK (1.05ACR APPROX LOT 1 BLK 2 OLT 74 DIV D ALDRIDGE PLACE)	SF-3	P-NCCD-NP
RDW-770	3105, 3107 CEDAR ST	MF-4	MF-1-NCCD-NP
RDW-773	3013 HEMPHILL PARK	UNZ	P-NCCD-NP
RDW-774	300 W 30TH ST	UNZ	P-NCCD-NP
SD-868	3706 SPEEDWAY	MF-4	LR-NCCD-NP
SD-869A	3704 (LOT 9 BLK 2 OLT 77 DIV D SIMMS RESUB OF BUDDINGTON SUBD)	LR	MF-4-NCCD-NP
SD-870	102 W 35TH ST; 3502, 3504 SPEEDWAY	MF-4	MF-1-NCCD-NP
SD-870A	3500 SPEEDWAY	MF-4	MF-1-H-NCCD-NP
SD-872	104 E 37TH, 3701, 3703 SPEEDWAY	GO, MF-4	LO-NCCD-NP
SD-874	3410, 3412, 3414 SPEEDWAY	MF-4	MF-1-NCCD-NP
SD-879	3121 SPEEDWAY	CS	MF-4-NCCD-NP
SD-880	3105 (W1/2 OF LOT 3 BLK 15 DIV D GROOMS ADDN), 3107, 3109, 3111 SPEEDWAY; 3104 (E1/2 OF LOT 3 BLK 15 DIV D GROOMS ADDN) HELMS ST	CS	NO-NCCD-NP
SD-880A	3108 (S45FT OF E69FT OF LOT 5 BLK 15 DIV D GROOMS ADDN) HELMS ST	CS	NO-NCCD-NP
SJD-886	300, 302, 304, 306 E 30TH ST; 3001 SPEEDWAY	LR, GO-MU, MF-4	CS-NCCD-NP
SJD-886A	400, 402, 404, 406 E 30TH ST	MF-4	CS-NCCD-NP
SJD-887	303 E 30TH ST	LR	CS-NCCD-NP
SJD-888	2911 SAN JACINTO BLVD	CS	CS-1-NCCD-NP
SJD-889	309, 405, 407, 409 E 30TH ST; 2827 SAN JACINTO BLVD	LR	CS-NCCD-NP
SJD-889A	411 E 30TH ST	LR	CS-NCCD-NP
TD-722	506 W 37TH ST	MF-4	LO-NCCD-NP
TD-725	502 W 35TH ST	MF-4	MF-3-NCCD-NP
TD-726A	3401 (E 117.39 FT OF S CEN 65.8 FT OF BLK 6 OLT 77 DIV D BUDDINGTON SUB) GUADALUPE ST	MF-3	CS-NCCD-NP
TD-727	506 (S 94.35 FT OF THE E 202.93 FT BLK 6 OLT 77 BUDDINGTON SUB LESS THE PORTION DESCRIBED IN TRACT TD-728) W 34TH ST	CS	CS-H-NCCD-NP
TD-728	506 (62%, MORE OR LESS, OF S 94.35 FT OF E 202.93 FT BLK 6 OLT 77 BUDDINGTON SUB) W 34TH ST	MF-3-H	MF-2-H-NCCD-NP
WCD-893A	2803 HEMPHILL PARK (N 100 FT OF S 200 FT OF W 1/2 OF LOT 10 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP
WCD-893B	2707 HEMPHILL PARK (N 46FT OF W 1/2 OF LOT 4 & W 1/2 OF LOT 5 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP
WCD-893C	2703 GUADALUPE ST; 300 W 27TH ST (LOTS 1-2 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP

PART 3. Definitions. In this ordinance:

ACCESSORY BUILDING means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

CIRCULAR DRIVEWAY means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

COMMERCIAL DISTRICT means the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-1) district.

DISTRICT means the Residential District, Speedway District, Adams Park District, San Jacinto District, Guadalupe District, Transition District, and Waller Creek/Seminary District.

DRIVEWAY RUNNERS means a pair of pavement strips used as access to a parking space.

EXCESS PARKING means parking spaces that exceed the parking required by Title 25 of the Code and the regulations in this ordinance.

FRONT OF BUILDING means the side of a building that includes the main entrance to the building including any offset.

HABITABLE SPACE has the meaning used in the Building Code.

HALF-STORY means livable space that is contained between the eave and ridge of a dwelling.

MANEUVERING means managing a vehicle into or out of a driveway or parking space from a public right-of-way.

PEDESTRIAN-ORIENTED USES means those uses identified in Subsection (C) of Section 25-2-691 (*Waterfront Overlay District Uses*).

REDEVELOPMENT means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

TANDEM PARKING means one car behind another so that one car must be moved before the other can be accessed.

PART 4. The North University NCCD-NP is divided into the following districts which are more particularly identified on the map attached as Exhibit "C".

1. The Residential District - includes all property not included in another district from 27th to 38th Street and from Guadalupe Street to Duval Street. It includes Districts 1 and 1A.
2. The Speedway District - generally located along both sides of Speedway Street from 30th Street to 38th Street. It includes Districts 2 and 2A.
3. The Adams Park District - generally located within one-half block of Adams Park between 29th Street and 30th Street. It includes Districts 3 and 3A.
4. The San Jacinto District – generally located in the area bounded by Duval Street, West 31st Street, Speedway and San Jacinto Street. It includes District 4.
5. The Guadalupe District – generally located along the east side of Guadalupe Street from 27th Street to 38th Street. This district does not include single family residential zoning districts. This includes District 5.
6. The Transition District – generally located east of the northern section of the Guadalupe District from 34th Street to 38th Street. It includes District 6.
7. The Waller Creek/Seminary District – generally located from 27th Street to 30th Street and from Speedway to the Adams Park District. It includes Districts 7, 7A, and 7B.

PART 5. Permitted and Conditional Uses.

1. Residential Base Districts.
 - a. Except as provided in this section, the permitted and conditional uses for the residential base zoning districts apply in accordance with the Code.

- b. Single family attached residential use is prohibited.
- c. Group residential use is prohibited in the Residential District, the Transition District, the San Jacinto District, and the Speedway District.
- d. Except as provided in Subsection e, a civic use that is 5,000 gross square feet or less is permitted. A civic use that is greater than 5,000 gross square feet is a conditional use. This does not apply to a religious assembly use or to a use in Waller Creek/Seminary district 7 and 7A.
- e. Religious assembly use is a permitted use.
- f. A drive-in service use is not permitted.

2. Commercial Base District.

Except as otherwise provided in this ordinance, the following table establishes the permitted and conditional uses for property in commercial zoning district in the North University NCCD-NP.

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
	CS/LR	LO/NO						
Residential Uses								
Bed & Breakfast (Group 1)	P	P	P	P	P	P	P	P
Bed & Breakfast (Group 2)	P	P	P	P	P	P	P	P
Condominium Residential	P	P	P	P	P	P	C	P
Duplex Residential	--	P	P	P	--	--	--	P
Group Residential	--	--	P	P(2)	P(5)	P	P	--
Mobile Home Residential	--	--	--	--	--	--	--	--
Multifamily Residential	P	--	P	P	P	P	P	P
Retirement Housing (Small Site)	P	P	P	P	P	P	P	P
Retirement Housing (Large Site)	C	--	C	C	C	C	P	C
Single-Family Attached Residential	--	--	--	--	--	--	--	--

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guadalupe 5	Transition 6
	CS/LR	LO/NO						
Single-Family Residential	P	P	P	P	P	P	--	P
Small Lot Single-Family Residential	--	--	P	--	--	--	--	--
Townhouse Residential	--	P	P	P	--	--	--	--
Two-Family Residential	P	P	P	P	P	P	--	P
Commercial Uses	2	2	2A	3	3A	4	5	6
Administrative and Business Offices	P	P	P	P	P	P	P	P
Agricultural Sales and Services	--	--	--	--	--	--	--	--
Art Gallery	P	--	P	--	P	P	P	--
Art Workshop	--	--	P	--	P	C	P	P
Automotive Rentals	--	--	--	--	--	--	P(2)	--
Automotive Repair Services	--	--	--	--	--	--	P(2)	--
Automotive Sales	--	--	--	--	--	--	P(2)	--
Automotive Washing (of any type)	--	--	--	--	--	--	P(2)	--
Building Maintenance Services	--	--	--	--	--	--	--	--
Business or Trade School	--	--	P	--	C	C	C	--
Business Support Services	--	--	--	--	P(1)	P(1)	P(2)	--
Campground	--	--	--	--	--	--	--	--
Carriage Stable	--	--	--	--	--	--	--	--
Cocktail Lounge	--	--	--	--	P(10)	C(2)	--	--
Commercial Blood Plasma Center	--	--	--	--	--	--	--	--
Commercial Off-Street Parking	--	--	--	--	--	--	--	--
Communications Services	P	--	P	--	P	P	P	P
Construction Sales and Services	--	--	--	--	--	--	--	--
Consumer Convenience Services	P	--	P	--	P	P	P	--
Consumer Repair Services	P	--	P	--	P	P	P	--

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guadalupe 5	Transition 6
	CS/LR	LO/NO						
Convenience Storage	--	--	--	--	--	--	--	--
Drop-Off Recycling Collection Facility	--	--	--	--	--	--	--	--
Electronic Prototype Assembly	--	--	P	--	--	--	--	--
Equipment Repair Services	--	--	--	--	--	--	--	--
Equipment Sales	--	--	--	--	--	--	--	--
Exterminating Services	--	--	--	--	--	--	--	--
Financial Services	--	--	P	--	--	--	P	--
Food Preparation	P	--	P	--	P	P	P	--
Food Sales	P(4)	--	P	--	P(4)	P/C	P(3)	--
Funeral Services	--	--	--	--	--	--	--	--
General Retail Sales (Convenience)	P	--	P	--	P	P	P	--
General Retail Sales (General)	P/C(13)	--	P	--	P	P	P	--
Hotel-Motel	P	--	P	--	P	P	P	C
Indoor Entertainment	--	--	P	--	--	--	--	--
Indoor Sports and Recreation	--	--	P	--	C	C	C	--
Kennels	--	--	--	--	--	--	--	--
Laundry Services	--	--	--	--	--	--	P(11)	--
Liquor Sales	--	--	--	--	--	--	P(10)	--
Marina	--	--	--	--	--	--	--	--
Medical Offices -- Exceeding 5000 sq. ft. gross floor area	--	--	P(6)	--	C	C	P	--
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	P	--	P	--	P	P	P	--
Monument Retail Sales	--	--	--	--	--	--	--	--
Off-Site Accessory Parking	--	--	C	P(12)	C	C	C	--
Outdoor Entertainment	--	--	--	--	--	--	--	--

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
	CS/LR	LO/NO						
Outdoor Sports and Recreation	--	--	--	--	C	--	C	--
Pawn Shop Services	--	--	P(4)	--	--	--	--	--
Personal Improvement Services	P	--	P	--	P	P	P	--
Personal Services	P	--	P	--	P	P	P	P
Pet Services	--	--	P	--	P	P	P	--
Plant Nursery	--	--	--	--	C	C	C	--
Printing and Publishing	--	--	--	--	--	--	P	--
Professional Office	P	P	P	P	P	P	P	--
Recreational Equipment Maint. & Stor.	--	--	--	--	--	--	--	--
Recreational Equipment Sales	--	--	--	--	--	--	--	--
Research Assembly Services	--	--	--	--	--	--	--	--
Research Services	--	--	P	--	--	--	--	--
Research Testing Services	--	--	--	--	--	--	--	--
Research Warehousing Services	--	--	--	--	--	--	--	--
Restaurant (General)	P(4)	--	P/C(7)	--	P	P	P	--
Restaurant (Limited)	P	--	P	--	P	P	P	--
Scrap and Salvage	--	--	--	--	--	--	--	--
Service Station	--	--	P(8)	--	--	--	P(2)	--
Software Development	P	P	P	P	P	P	P	P
Special Use Historic	C	--	C	--	C	C	P	C
Stables	--	--	--	--	--	--	--	--
Theater	P/C(13)	--	P	--	P	P	P	--
Vehicle Storage	--	--	--	--	--	--	--	--
Veterinary Services	P(4)	--	P(4)	--	--	--	P	--
Industrial Uses	2	2	2A	3	3A	4	5	6
Basic Industry	--	--	--	--	--	--	--	--
Custom Manufacturing	P(4)	--	P(4)	--	P(4)	P(4)	P(4)	--

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guadalupe 5	Transition 6
	CS/LR	LO/NO						
General Warehousing and Distribution	--	--	--	--	--	--	--	--
Light Manufacturing	--	--	--	--	--	--	--	--
Limited Warehousing and Distribution	--	--	--	--	--	--	--	--
Recycling Center	--	--	--	--	--	--	--	--
Resource Extraction	--	--	--	--	--	--	--	--
Urban Farm	P	P	P	P	P	--	--	P
All Other Agricultural Uses	--	--	--	--	--	--	--	--
Civic Uses	2	2	2A	3	3A	4	5	6
Administrative Services	P(4)	P	P(4)	P	P	P	P	P
Aviation Facilities	--	--	--	--	--	--	--	--
Camp	--	--	--	--	--	--	--	--
Cemetery	--	--	--	--	--	--	--	--
Club or Lodge	--	--	--	--	--	--	--	--
College and University Facilities	--		C		--	C	C	--
Communication Service Facilities	C	--	P	--	C	C	C	--
Community Events	--	--	--	--	--	--	--	--
Community Recreation (Private)	--	--	P(9)	--	C	C	C	--
Community Recreation (Public)	--	--	--	--	C	C	C	--
Congregate Living	--	C	C	C	--	--	--	--
Convalescent Services	--	--	--	--	--	--	--	--
Convention Center	--	--	--	--	--	--	--	--
Counseling Services	--	--	--	--	--	--	P	--
Cultural Services	P	--	P	--	P	P	P	C
Day Care Services (Commercial)	C	C	C	C	C	C	C	--
Day Care Services (General)	C	P	C	P	C	C	P	--
Day Care Services (Limited)	P	P	P	P	P	P	P	P

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
	CS/LR	LO/NO						
Detention Facilities	--	--	--	--	--	--	--	--
Employee Recreation	--	--	--	--	--	--	--	--
Family Home	--	P	P	P	P	P	P	P
Group Home, Class I (General)	--	--	P	C	C	C	C	C
Group Home, Class I (Limited)	--	--	P	P	P	P	P	P
Group Home, Class II	--	--	C	--	--	--	C	--
Guidance Services	--	--	C	--	--	--	C	--
Hospital Services (General)	--	--	--	--	--	--	--	--
Hospital Services (Limited)	--	--	P	--	--	--	C	--
Local Utility Services	C	C	C	C	C	C	C	C
Maintenance and Service Facilities	--	--	--	--	--	--	--	--
Major Public Facilities	--	--	--	--	--	--	--	--
Major Utility Facilities	--	--	--	--	--	--	--	--
Military Installations	--	--	--	--	--	--	--	--
Park and Recreation Services (General)	--	--	--	--	--	--	--	--
Park and Recreation Services (Special)	--	--	--	--	--	--	--	--
Postal Facilities	C	--	C	--	--	--	C	--
Private Primary Educational Facilities	--	--	C	C	C	C	C	C
Private Secondary Educational Facilities	--	--	--	C	C	C	C	C
Public Primary Educational Facilities	--	--	--	C	P	P	P	P
Public Secondary Educational Facilities	--	--	--	C	P	P	P	P
Railroad Facilities	--	--	--	--	--	--	--	--
Religious Assembly	P	P	P	P	P	P	P	P
Residential Treatment	--	--	C	C	--	--	--	--
Safety Services	C	--	C	--	C	C	C	--
Transitional Housing	--	--	--	--	--	--	C	--

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
	CS/LR	LO/NO						
Transportation Terminal	--	--	--	--	--	--	--	--
All other Civic Uses	--	--	--	--	--	--	--	--
(1) Limited to 5,000 Gross Square Feet								
(2) Limited to south of 29th St..								
(3) Limited to 10,000 Gross Square Feet								
(4) Limited to 2,500 Gross Square Feet								
(5) South of 30th St. only								
(6) Limited to 8,000 Gross Square Feet								
(7) Conditional over 3500 Square Feet								
(8) Limited to 2,000 Gross Square Feet								
(9) Indoor only								
(10) Limited to CS-1 only								
(11) Permitted only at 3001 Guadalupe								
(12) Permitted at 3000 Hemphill Park only								
(13) P under 5,000GSF - C over 5,000 SF per tenant								

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Residential Uses			
Bed & Breakfast (Group 1)	P	P	P
Bed & Breakfast (Group 2)	P	P	P
Condominium Residential	P	P	P
Duplex Residential	P	P	P

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Group Residential	P	P	P
Mobile Home Residential	--	--	--
Multifamily Residential	P	P	P
Retirement Housing (Small Site)	P	P	P
Retirement Housing (Large Site)	C	C	C
Single-Family Attached Residential	--	--	--
Single-Family Residential	P	P	P
Small Lot Single-Family Residential	--	--	--
Townhouse Residential	P	P	P
Two-Family Residential	P	P	P
Commercial Uses	7	7A	7B
Administrative and Business Offices	P(2)	P	--
Agricultural Sales and Services	--	--	--
Art Workshop	--	P	--
Art Gallery	--	--	--
Automotive Rentals	--	--	--
Automotive Repair Services	--	--	--
Automotive Sales	--	--	--
Automotive Washing (of any type)	--	--	--
Building Maintenance Services	--	--	--
Business or Trade School	--	--	--
Business Support Services	--	--	--
Campground	--	--	--
Carriage Stable	--	--	--
Cocktail Lounge	--	--	--
Commercial Blood Plasma Center	--	--	--
Commercial Off-Street Parking	--	--	--
Communications Services	P(2)	P	--
Construction Sales and Services	--	--	--

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Consumer Convenience Services	P(2)	P	--
Consumer Repair Services	--	--	--
Convenience Storage	--	--	--
Drop-Off Recycling Collection Facility	--	--	--
Electronic Prototype Assembly	--	--	--
Equipment Repair Services	--	--	--
Equipment Sales	--	--	--
Exterminating Services	--	--	--
Financial Services	C(2)	P	--
Food Preparation	P(2)	P	--
Food Sales	P(2)	P	--
Funeral Services	--	--	--
General Retail Sales (Convenience)	--	P	--
General Retail Sales (General)	--	--	--
Hotel-Motel	P(2) (3)	P	--
Indoor Entertainment	--	--	--
Indoor Sports and Recreation	--	P	--
Kennels	--	--	--
Laundry Services	--	--	--
Liquor Sales	--	--	--
Marina	--	--	--
Medical Offices -- exceeding 5000 sq. ft. gross floor area	--	--	--
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	--	--	--
Monument Retail Sales	--	--	--
Off-Site Accessory Parking	P(1)	P(1)	--
Outdoor Entertainment	--	--	--
Outdoor Sports and Recreation	--	--	--

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Pawn Shop Services	--	--	--
Personal Improvement Services	--	--	--
Personal Services	--	--	--
Pet Services	--	--	--
Plant Nursery	--	--	--
Printing and Publishing	--	--	--
Professional Office	--	--	--
Recreational Equipment Maint. & Stor.	--	--	--
Recreational Equipment Sales	--	--	--
Research Assembly Services	--	--	--
Research Services	--	--	--
Research Testing Services	--	--	--
Research Warehousing Services	--	--	--
Restaurant (General)	--	P/C(1)	--
Restaurant (Limited)	--	P/C(1)	--
Scrap and Salvage	--	--	--
Service Station	--	--	--
Software Development	--	P	--
Special Use Historic	--	P	--
Stables	--	--	--
Theater	--	P	--
Vehicle Storage	--	--	--
Veterinary Services	--	--	--
Industrial Uses	7	7A	7B
Basic Industry	--	--	--
Custom Manufacturing	--	--	--
General Warehousing and Distribution	--	--	--
Light Manufacturing	--	--	--
Limited Warehousing and Distribution	--	--	--

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Recycling Center	--	--	--
Resource Extraction	--	--	--
Urban Farm	P	P	P
All Other Agricultural Uses	--	--	--
Civic Uses	7	7A	7B
Administrative Services	P	P	P
Aviation Facilities	--	--	--
Camp	--	--	--
Cemetery	--	--	--
Club or Lodge	--	--	--
College and University Facilities	P	P	--
Communication Service Facilities	--	P	--
Community Events	--	--	--
Community Recreation (Private)	P	P	C
Community Recreation (Public)	P	P	C
Congregate Living	C	C	C
Convalescent Services	--	--	--
Convention Center	--	--	--
Counseling Services	C	C	--
Cultural Services	P	P	C
Day Care Services (Commercial)	P	P	P
Day Care Services (General)	P	P	P
Day Care Services (Limited)	P	P	P
Detention Facilities	--	--	--
Employee Recreation	--	--	--
Family Home	P	P	P
Group Home, Class I (General)	P	P	C
Group Home, Class I (Limited)	P	P	C
Group Home, Class II	--	--	--

NUNA NCCD DISTRICTS	Waller Crk/ Seminary 7	Waller Crk/ Seminary 7A	Waller Crk/ Seminary 7B
Guidance Services	P	P	--
Hospital Services (General)	--	--	--
Hospital Services (Limited)	--	--	--
Local Utility Services	C	C	C
Maintenance and Service Facilities	--	--	--
Major Public Facilities	--	--	--
Major Utility Facilities	--	--	--
Military Installations	--	--	--
Park and Recreation Services (General)	--	--	--
Park and Recreation Services (Special)	--	--	--
Postal Facilities	--	--	--
Private Primary Educational Facilities	P	P	P
Private Secondary Educational Facilities	P	P	P
Public Primary Educational Facilities	P	P	P
Public Secondary Educational Facilities	P	P	P
Railroad Facilities	--	--	--
Religious Assembly	P	P	P
Residential Treatment	--	--	--
Safety Services	--	--	--
Transitional Housing	--	--	--
Transportation Terminal	--	--	--
All other Civic Uses	--	--	--
<p>(1) P under 5,000GSF – C over 5,000 SF per tenant (2) Total commercial uses shall not exceed 10,000 SF (does not apply to accessory uses); A display window for commercial uses may not be visible from 30th St.; A commercial building entrance or sign may not be located on or visible from 30th St.; (3) Limited to temporary housing of Seminary faculty, students and staff</p>			

3. This section applies to the uses established in Section 2 of this part.
 - a. A drive-in service use is not permitted.
 - b. An automotive repair services use and a service station use are permitted uses on Guadalupe north of 35th Street. The maximum lot size for the use is 12,500 square feet.
 - c. A multi-family residential use, condominium residential use, or any combination of multifamily and condominium residential uses permitted in the Guadalupe District may not exceed 75 percent of the gross floor area of all buildings constructed on a site.
 - d. A residential use may not be located in the front 70 percent of the ground floor of a building in the Guadalupe District.
 - e. Only residential uses may be located above the ground floor in the Transition District.
 - f. A telecommunication tower use is a permitted or conditional use as defined by Section 25-2-839 (*Telecommunication Towers*) of the Code.
 - g. A commercial use that is permitted in the Guadalupe District is permitted on Tract TD 726 if:
 - 1) there is a five foot setback at Fruth and W. 35th Streets;
 - 2) vehicular access is prohibited to Fruth Street; and
 - 3) a commercial use is screened according to Section 25-2-1066 (*Screening Requirements*) of the Code.
 - h. The following uses are permitted on Tract RDE 817
 - 1) uses permitted in the neighborhood office district; and
 - 2) a single-family residential, two-family residential, and duplex residential use.

PART 6. General Provisions. Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP. This section does not apply to Waller Creek/Seminary District 7 or District 7A.

1. Pedestrian-oriented uses. A pedestrian-oriented use, a civic use, or habitable space shall be located at the front of a building on the ground floor.
2. Front of building and lot.
 - a. Except as provided in Subsection b, a building shall front on the short side of the lot or where lots have been combined, on the side where the original short ends of the lots fronted.
 - b. A building on a through lot located west of Speedway between West 33rd Street and West 34th Street shall front on West 33rd Street.
3. Street yard setbacks.
 - a. Front yard setback.. The minimum front yard setback equals the average of the front yard setbacks of the principal single family buildings on the same side of the street of a block. The maximum setback may not exceed the average setback by more than five feet.
 - b. Street side yard setbacks. Except as otherwise provided in this section, minimum street side yard setbacks are established by Exhibit "E".
 - 1) On a block face that includes an alley approach, the street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots that front the same street. In this section, a building across an alley is a building on an adjoining lot. The street side yard setback may be established by a building that contains a living unit on the ground floor that fronts on the same street.
 - 2) If there are no adjoining buildings that contain a living unit on the ground floor that fronts on the same street to establish an average setback, then the street yard setbacks are according to the Setback Map attached as Exhibit "E".
 - c. Notwithstanding any other provision in this section, a street side yard setback may not be less than five feet.

4. Site development standards for certain two-family residential uses. Except in the Guadalupe District, this section applies to construction of a two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standard of the Code.
5. Two-family residential use.
 - a. In the Residential District, a two family residential use is permitted on a lot that is 7,000 square feet or larger and has a front lot width of at least 50 feet.
 - b. In District 1A, a two family use is permitted on a lot that is at least 7,000 square feet or larger and has a front lot width of at least 48 feet.
 - c. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the rear dwelling unit may exceed 850 square feet if:
 - 1) living space is provided on the ground floor.
 - 2) one unit has frontage on a north-south street; and
 - 3) one unit has frontage on an east-west street.
6. Duplex residential use. In the Residential District, a duplex residential use is permitted on a lot that is 7,000 square feet or larger and has a front lot width of at least 50 feet.
7. Parking.
 - a. Except as otherwise provided in this section, a parking space for a residential use may not be located in a street side yard.
 - b. The maximum number of parking spaces in all street yards on a site is two.
 - c. Pavement for a parking space in a front yard may not be located in front of a principal structure.

- d. Except for a single-family or two-family residential use, excess parking is prohibited.
- e. This subsection applies to an existing single-family, duplex, or two-family residential. If 400 square feet or more are added to the conditioned gross building floor area, the use must comply with current parking regulations. This includes conversion of accessory space to habitable space.
- f. A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
- g. For a multi-family use, a parking space must be provided for each bedroom in a dwelling unit.
- h. For tandem parking, only one car may be parked behind one other. This provision includes a car parked in a garage or open parking area.
- i. The following provision applies to required parking spaces.
 - 1) For a single-family residential use, tandem parking is permitted.
 - 2) For a multi-family use, tandem parking is permitted if both spaces are assigned to the same unit.
 - 3) For a duplex or two-family residential use, tandem parking is permitted if the use is less than 2,500 gross square feet.
- j. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
- k. The parking requirements in Title 25 and this ordinance apply to a two-family or duplex residential use that is converted from a single-family use.

8. Driveways and parking access.

- a. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. The Director of the Watershed

Protection and Development Review Department must approve design and construction. Parking spaces must be solid pavement.

- b. Alley access is permitted if the access complies with applicable City regulations for turning and maneuvering into and out of parking spaces. The sum of the alley width and the distance between the property line and the parking space must equal 25 feet or more.
- c. The following provisions apply in all Districts except the Guadalupe District.
 - 1) Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units.
 - 2) The width of a driveway for a single family residential use may not exceed:
 - i) 12 feet from the driveway apron to the building setback line for a one lane driveway;
 - ii) 18 feet for a two lane driveway; and
 - iii) 24 feet from the building setback line to a parking area.
 - 3) Except as otherwise provided in this subsection, for a commercial, civic, multifamily residential, or condominium residential use with three or more units, the maximum driveway width is the minimum allowed by the City Code. If the minimum width established by the Code is less than 20 feet, then the maximum width is 20 feet.
 - 4) A one-lane circular driveway is permitted on lots over 100 feet wide.
- d. Not more than a total of two driveway lanes are permitted in all street yards of a single-family, duplex or two-family residential use.

9. Accessory buildings.

Accessory buildings may not exceed 10 percent of the site area.

10. Fences.

A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.

11. Minimum site area for multifamily uses (square feet).

RESIDENTIAL, SPEEDWAY & TRANSITION DISTRICTS							
	Efficiency	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
MF-1	2500	3000	3500	4000	4500	5000	5500
MF-2	1600	2000	2400	2800	3200	3600	4000
MF-3	1400	1700	2000	2300	2600	2900	3200
MF-4	1200	1400	1600	1800	2000	2200	2400
MF-5	1200	1400	1600	1800	2000	2200	2400
MF-6	1200	1400	1600	1800	2000	2200	2400
NO	3600	4000	4400	4800	5200	5600	6000
LO/LR	1600	2000	2400	2800	3200	3600	4000
GO/GR/CS/CS-1	1200	1400	1600	1800	2000	2200	2400

ADAMS PARK DISTRICT							
	Eff'cy	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
MF-1	2500	3000	3500	4000	4500	5000	5500
MF-2	1600	2000	2400	2800	3200	3600	4000
MF-3	1200	1500	1800	2100	2400	2700	3000
MF-4	800	1000	1200	1400	1600	1800	2000
MF-5	800	1000	1200	1400	1600	1800	2000
MF-6	800	1000	1200	1400	1600	1800	2000
NO	2500	3000	3500	4000	4500	5000	5500
LO/LR	1200	1400	1600	1800	2000	2200	2400

GO/GR/CS/CS-1	700	800	900	1000	1100	1200	1300
SAN JACINTO, GUADALUPE, SPEEDWAY 2A, & WALLER CREEK 7B DISTRICTS							
	Eff'cy	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
MF-1	2500	3000	3500	4000	4500	5000	6000
MF-2	1600	2000	2400	2800	3200	3600	4000
MF-3	1200	1500	1800	2100	2400	2700	3000
MF-4	700	800	900	1000	1100	1200	1300
MF-5	700	800	900	1000	1100	1200	1300
MF-6	700	800	900	1000	1100	1200	1300
NO	2500	3000	3500	4000	4500	5000	6000
LO/LR	700	800	900	1000	1100	1200	1300
GO/GR/CS/CS-1	600	700	800	900	1000	1100	1200

PART 7. RESIDENTIAL DISTRICT. The Residential District is intended to protect the original buildings and development patterns of the neighborhood that were established for residential use. Single family homes and some of the older multi-family structures were built in the context of the traditional development patterns. New residential development should respect traditional patterns including building orientation, scale, height, setbacks and parking location.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

RESIDENTIAL DISTRICT	SITE DEVELOPMENT STANDARDS				
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Min. lot size	5750*	8000*	8000*	8000*	5750*
Min. lot width	50*	50*	50*	50*	50%
Max. FAR	Duplex 0.4:1	0.5:1	0.5:1	0.5:1	0.35:1
Max. building coverage	40%	45%	50%	55%	35%

RESIDENTIAL DISTRICT	SITE DEVELOPMENT STANDARDS				
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Max. impervious cover	45%	55%	60%	65%	60%
Max height	(See Height Map – Exhibit -D)				
Min. front setback	(See Part 6. General Provisions)				
Max. front setback	(See Part 6. General Provisions)				
Min. street side yard setback	(See Part 6. General Provisions)				
Min. interior side yard setback	5'***	5'***	5'***	5'***	5'***
Min. rear setback -- principal structure	10' ***	10' ***	10' ***	10' ***	10' ***
*See Part 6. Subsections 5 & 6 (General Provisions)					
**A new principal structure must be at least 10' from a principal structure on an adjacent lot					
***For a through lot the rear setback is 15'					

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet.
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

- a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
- b. Interior side yard setback: The minimum setback from an interior side property line is five feet.

- c. Rear setback - the minimum setback from a rear property line abutting an alley or the South side of West 34th St. for an accessory building that is not more than 30 feet in height, is five feet.
 - d. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
 - e. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.
4. On 3701 Cedar Street, the maximum number of multifamily units is 40 units per acre.
 5. On 208 E. 31st Street, the maximum number of multifamily units is 28 units per acre.
 6. Compatibility standards for height and setbacks do not apply to the rear 70 feet of the common property line between 305 East 34th Street (Tract RDE 809) and 309 E. 34th Street (Tract RDE 810-part).

PART 8. SPEEDWAY DISTRICT. The Speedway District is intended to protect remaining single family buildings, encourage multi-family redevelopment compatible with nearby single family structures, enhance historical streetscape patterns, and support existing commercial uses. Area "2A" is intended to replace existing intense commercial zoning with mixed use zoning to encourage infill residential development with appropriate supporting commercial use.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

SPEEDWAY DISTRICT	SITE DEVELOPMENT STANDARDS								
	SF-3	MF-1	MF-2	MF-3	MF-4	NO	LO/GO	LR	CS
Min. Lot Size	5750*	8000*	8000*	8000*	8000*	5750*	5750*	5750*	5750*
Min. Lot Width	50*	50*	50*	50*	50*	50*	50*	50*	50*
Max. FAR	duplex 0.4 : 1	0.5 : 1	0.5 : 1	0.75 : 1	0.75 : 1	0.5:1	0.7:1	0.5:1	2.0:1

SPEEDWAY DISTRICT	SITE DEVELOPMENT STANDARDS								
	SF-3	MF-1	MF-2	MF-3	MF-4	NO	LO/GO	LR	CS
Max. Building Coverage	40%	45%	50%	55%	60%	40%	50%	50%	95%
Max. Impervious Cover	45%	55%	60%	65%	70%	60%	70%	80%	95%
Max. Height	(see Height Map - Exhibit D)								
Min. Front Setback	(See Part 6. General Provisions)								
Max. Front Setback	(See Part 6. General Provisions)								
Min. Street Side Yard Setback	(See Part 6. General Provisions)								
Min. Interior Side Yard Setback	5'***	5'***	5'***	5'***	5'***	5'***	5'***	5'***	5'***
Min. Rear Setback	10'***	10'***	10'***	10'***	10'***	10'***	10'***	10'***	10'***
* See Part 6. Subsections 5 & 6 (General Provisions)									
** A new principal structure must be at least 10' from a principal structure on an adjacent lot.									
*** For a through lot the rear setback is 15'.									

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet.
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

- a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.

2) The setback map determines any other street yard setback.

- b. Interior side yard setback: The minimum setback from an interior side property line is five feet.
- c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
- d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.

4. Front of building.

All buildings shall front onto Speedway unless they have no Speedway lot frontage.

5. Parking for a restaurant use with outdoor seating.

a. This section applies to a restaurant use located at:

- 3706 Speedway (Tract SD 868)
- 3705 Speedway (Tract SD 871)
- 100 E. 31st Street. (Tract SD 881)
- 100 E. 31st Street (Tract SD 883)
- 3000 University (Tract SD 883A)

b. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 5 and is not used to determine the parking requirement if:

- 1) The outdoor seating does not exceed 40 percent of the total seating; and
- 2) Not more than 10 tables are located outside.

c. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and is used to determine the parking requirement.

6. Development located at 3410 and 3412 Speedway (Tract SD 874) does not trigger height or setback compatibility regulations at 3414 Speedway (Tract SD 874) and 3408 Speedway (Tract 875) if the development is more than 30 feet in height.

7. The following apply to Lots 8-14, Block 6, Fruth Addition (Tracts SD 883, SD, 882A, SD 883, and SD 883A).
- a. The total gross floor area may not exceed 58,652 square feet.
 - b. The maximum number of multifamily units is 50 units and 114 bedrooms.
 - c. The parking requirement for a multifamily residential use is one space per bedroom for resident parking plus a number equal to ten percent of the resident parking for visitor parking.
 - d. The maximum number of parking spaces allowed on the site is 139.
 - e. Only pedestrian-oriented uses and residential living space are permitted along University Street.
 - f. One driveway is permitted from the property to University Street. Except as otherwise provided, the maximum width of a driveway is the minimum width established by the City Code. If the minimum width established by the Code is less than 20 feet, then the maximum width is 20 feet.
 - g. The minimum building setbacks are as follows:
 - 1) W. 31st – 14 feet
 - 2) University – 15 feet
 - 3) Alley – 0 feet
 - h. Building height.
 - 1) Except as otherwise provided, the maximum height is 45 feet.
 - 2) Within 30 feet of property line on West 31st Street, the maximum eave height is three stories and 30 feet.
 - 3) Beyond 30 feet of the property line on West 31st Street, the maximum eave height is 40 feet.

4) Within 20 feet of the property line on West 30th Street the maximum eave height is two stories and 20 feet.

5) Beyond 20 feet of the property line on West 30th Street, the maximum eave height is 40 feet.

6) The maximum eave height is 40 feet on University Street.

i. Lighting on the street side of a building shall be shielded.

j. Parking is prohibited in a street yard on University Street.

k. A pole sign and freestanding sign are prohibited.

l. The maximum setback from University Street for a commercial use is 15 feet.

8. The following applies to Tract 880A.

a. The minimum front setback is five feet.

b. The minimum side yard setback is 0 feet.

c. The maximum impervious cover is 95 percent.

PART 9. ADAMS PARK DISTRICT. The Adams Park District is intended to encourage public use and enjoyment of Adams Park and to support public efforts to improve the park and the streets surrounding it. The district regulations allow a mix of commercial and residential uses that are oriented to face the park, that encourage pedestrian traffic, and that are compatible with nearby residential areas.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

ADAMS PARK DISTRICT	SITE DEVELOPMENT STANDARDS						
	MF-1/ MF-2/ MF-3	MF-4	MF-5/ MF-6	NO	LO	GR	CS & CS-1
Min. Lot Size	8000*	8000*	8000*	5000'	5750*	5750*	5750*

ADAMS PARK DISTRICT	SITE DEVELOPMENT STANDARDS						
	MF-1/ MF-2/ MF-3	MF-4	MF-5/ MF-6	NO	LO	GR	CS & CS-1
Min. Lot Width	50**	50**	50**	50**	50**	50**	50**
Max. FAR	0.75 : 1	0.75 : 1	1.0 : 1	0.6:1	0.75 : 1	1.0 : 1	1.0 : 1
Max. Building Coverage	55%	60%	60%	50%	50%	50%	60%
Max. Impervious Cover	65%	70%	70%	70%	80%	80%	80%
Max. Height	(see Height Map – Exhibit D)						
Min. Front Setback	(see Setback Map – Exhibit E)						
Max. Front Setback	(see Setback Map -- Exhibit E)						
Min. Street Side Yard Setback	(see Setback Map – Exhibit E)						
Min. Interior Side Yard Setback	5***	5***	5***	5***	5***	5***	5***
Min. Rear Setback	10****	10****	10****	10****	10****	10****	10****
* See Part 6. Subsections 5 & 6 (General Provisions)							
** A new principal structure must be at least 10' from a principal structure on an adjacent lot.							
*** For a through lot the rear setback is 15'.							

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet.
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

- d. Notwithstanding Subsections a and b, the setback for a porch or patio abutting Adams Park or a street adjacent to Adams Park is five feet.
3. Accessory building setbacks.
 - a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
 - b. Interior side yard setback: The minimum setback from an interior side property line is five feet.
 - c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
 - d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.
 4. Front of building.
 - a. A principal building shall front onto Adams Park.
 - b. A building façade that fronts on Adams Park, West 29th Street, Fruth Street, or West 30th street shall have an entrance or window on each level of the building.
 - c. Curb cuts are not permitted on the side of a lot that faces W. 29th, Fruth or W. 30th Streets and also faces the park unless there is no other access.
 - d. A loading dock or service area of a building may not face Adams Park, Fruth Street or West 30th Street.
 - e. Parking at the ground level may not be visible from Adams Park. Automobiles in the upper level of a parking structure must be screened from public view.
 5. Parking for a restaurant use with outdoor seating.

- a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 5 ~~6~~ and is not used to determine the parking requirement if:
 - 1) The outdoor seating does not exceed 40 percent of the total seating; and
 - 2) Not more than 10 tables are located outside.
- b. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and is used to determine the parking requirement.

PART 10. SAN JACINTO STREET DISTRICT. The San Jacinto District is intended to encourage redevelopment of older housing stock in concert with appropriate commercial uses to foster a dense enclave of housing with supporting commercial use close to the University of Texas campus.

- 1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply in the San Jacinto Street District.

SAN JACINTO STREET DISTRICT	SITE DEVELOPMENT STANDARDS	
	MF-4	CS & CS-1
Min. Lot Size	8000*	5750*
Min. Lot Width	50**	50**
Max. FAR****	0.75 : 1	2.0 : 1
Max. Building Coverage	60%	60%
Max. Impervious Cover*****	70%	80%
Max. Height	(see Height Map – Exhibit D)	
Min. Front Setback	(see Setback Map – Exhibit - E)	
Max. Front Setback	(see Setback Map – Exhibit - E)	

SAN JACINTO STREET DISTRICT	SITE DEVELOPMENT STANDARDS	
	MF-4	CS & CS-1
Min. Street Side Yard Setback	(see Setback Map – Exhibit - E)	
Min. Interior Side Yard Setback	5'	0'
Min. Rear Setback	10'***	10'****
<p>* See Part 6. Subsections 5 & 6 (General Provisions)</p> <p>** A new principal structure must be at least 10' from a principal structure on an adjacent lot.</p> <p>*** Except as shown on the Setback Map.</p> <p>****The Max. FAR for Tract SJD-885A is 1:1.17</p> <p>*****The Max. impervious cover for Tract SJD-885A is 76 %</p>		

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

- a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
- b. Interior side yard setback: The minimum setback from an interior side property

line is five feet.

- c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
- d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.

4. Front of buildings.

- a. A building shall front onto San Jacinto Street, Duval Street, East 30th Street, or East 31st Street.
- b. A building entrance shall face the street.
- c. A loading dock or service area may not face the streets.

5. A parking area that is located at ground level and under a building must be screened from the street.

6. Parking for a restaurant use with outdoor seating.

- a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 5 ~~6~~ and is not used to determine the parking requirement if:
 - 1) The outdoor seating does not exceed 40 percent of the total seating; and
 - 2) Not more than 10 tables are located outside.
- b. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and is used to determine the parking requirement.

PART 11. GUADALUPE DISTRICT. The Guadalupe District is intended to support commercial use that serves area residents, to allow new opportunities for additional housing by permitting residential use above the first floor, to enhance the Guadalupe streetscape for pedestrian activity and to accommodate and plan for all modes of transportation.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply in the Guadalupe District.

GUADALUPE DISTRICT	SITE DEVELOPMENT STANDARDS	
	MF-6	CS / CS-1
Min. Lot Size	8000	4000
Min. Lot Width	50	25
Max. FAR	--	2:01
Max. Building Coverage	70%	95%
Max. Impervious Cover	80%	95%
Max. Height	(see Height Map – Exhibit - D)	
Min. Front Setback	(see Setback Map – Exhibit - E)	
Max. Front Setback	(see Setback Map – Exhibit - E)	
Min. Street Side Yard Setback	(see Setback Map – Exhibit - E)	
Min. Interior Side Yard Setback	5'	0'
Min. Rear Setback	10'	10'
Min. Accessory Bldg. Setback	10'	10'

2. This section applies to Tracts GDS 716, GDS 716A, and GDS 716B.
 - a. Except as otherwise provided in this section the maximum height of a building is 60 feet.
 - b. The site development regulations shown in Subsection c apply to a development

project that meets the following conditions:

- 1) parking must not be visible from Guadalupe Street or Fruth Street except through an access driveway;
- 2) a minimum 80 percent of the street frontage is occupied by pedestrian oriented uses; and
- 3) the pedestrian oriented uses occupy at least 28 feet of the ground floor of a building.

c. This subsection applies to a development project described in Subsection b.

- 1) The maximum height is 70 feet.
- 2) Except as otherwise provided in this subsection, the minimum setback from Fruth Street is ten feet. For the portion of a building that is at least 11 feet above grade at the setback, the minimum setback is three feet.
- 3) Except as otherwise provided in this subsection, the minimum setback from the alley is two feet. For Tract GDS 716B, there is no minimum setback.
- 4) The maximum F.A.R. is 3.5 to 1.0.
- 5) The minimum site area requirements set out in Part 6, Section 11 does not apply.
- 6) The maximum gross floor area requirements set out in Part 5, Section 3.c does not apply.

d. Fifty percent of a building may have a maximum height of 70 feet if the same percentage of the building is reduced in height to 50 feet or less. The area that is reduced in height must include the front 5 feet of the building that is adjacent to Guadalupe Street.

e. In the area above 60 feet, a parapet, screening or open space may exceed the final height of a building by an amount not greater than 10 percent of the additional height about 60 feet.

3. Front of buildings.

- a. If a lot fronts Guadalupe Street, a building on the lot shall front Guadalupe Street.
 - b. A building entrance shall face Guadalupe Street.
 - c. A loading dock or service area may not face Guadalupe Street.
 - d. A building façade that fronts on Guadalupe Street shall have an entrance or window on each level of the building.
 - e. A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
4. Parking for a restaurant use with outdoor seating.
- a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 5 ~~6~~ and is not used to determine the parking requirement if:
 - 1) The outdoor seating does not exceed 40 percent of the total seating; and
 - 2) Not more than 10 tables are located outside.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area or that exceeds ten tables is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and is used to determine the parking requirement.
5. The rear setback for development at 2801 Guadalupe is 0 feet.

PART 12. TRANSITION DISTRICT. The Transition District is intended to create a transition between commercial uses on Guadalupe and the single family uses on the streets that intersect Guadalupe Street. The district allows low intensity commercial uses or multi-family uses in a scale and character that respects the single family homes that lie close to this busy arterial.

- 1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply in the Transition District.

TRANSITION DISTRICT	SITE DEVELOPMENT STANDARDS				
	SF-2, SF-3	MF1,MF2	MF3,MF4	NO,LO,GO	CS
Min. Lot Size	5750*	8000*	8000*	5750*	5750*
Min. Lot Width	50**	50**	50**	50**	50**
Max. FAR	0.4 :1 duplex	0.5 : 1	.75 : 1	1.0 : 1	2.0 : 1
Max. Building Coverage	40%	50%	55%	50%	60%
Max. Impervious Cover	45%	60%	65%	80%	80%
Max. Height	(See Height Map – Exhibit - D)				
Min. Front Setback	(See Setback Map – Exhibit – E)				
Max. Front Setback	(See Setback Map – Exhibit -- E)				
Min. Street Side Yard Setback	(See Setback Map – Exhibit – E)				
Min. Interior Side Yard Setback	5'***	5'***	5'***	5'***	5'***
Min. Rear Setback	10'****	10'****	10'****	10'****	10'****
* See Part 6. Subsections 5 & 6 (General Provisions)					
** See Part 6. Subsections 5 & 6 (General Provisions)					
*** A new principal structure must be at least 10' from a principal structure on an adjacent lot.					
**** Except as shown on the Setback Map.					

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.
 - a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
 - b. Interior side yard setback: The minimum setback from an interior side property line is five feet.
 - c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
 - d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.

PART 13. WALLER CREEK / SEMINARY DISTRICT. The Waller Creek/Seminary District is intended to provide opportunities for continued development of the Austin Presbyterian Seminary, to provide additional housing for its students and their families, and to encourage additional housing density on adjacent tracts that lie close to the University of Texas.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply in the Waller Creek/Seminary District.

WALLER CREEK / SEMINARY	SITE DEVELOPMENT STANDARDS			
	MF-3	MF-4	MF-5	MF-6
Min. Lot Size	8000*	8000*	8000*	8000*
Min. Lot Width	50*	50*	50*	50*
Max. FAR	1 : 1****	1 : 1****	1 : 1****	--
Max. Building Coverage	55%	60%	60%	70%

WALLER CREEK / SEMINARY	SITE DEVELOPMENT STANDARDS			
	MF-3	MF-4	MF-5	MF-6
Max. Impervious Cover	65%	70%	70%	80%
Max. Height	(see Height Map -- Exhibit - D)			
Min. Front Setback	(See Setback Map - Exhibit - E)			
Max. Front Setback	(See Setback Map - Exhibit - E)			
Min. Street Side Yard Setback	(See Setback Map - Exhibit - E)			
Min. Interior Side Yard Setback	5'***	5'***	5'***	5'***
Min. Rear Setback	10'****	10'****	10'****	10'****
* See Part 6. Subsections 5 & 6 (General Provisions)				
** A new principal structure must be at least 10' from a principal structure on an adjacent lot.				
*** For a through lot the minimum setback is 15'				
**** FAR for District 7A is 2 : 1				

2. Porch setback .

- a. A porch may extend a maximum of eight feet in front of the street yard setback if a principal building has a setback of at least 25 feet
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

- a. Street yard setback - for an accessory building the minimum setback from:

- 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
 - b. Interior side yard setback: The minimum setback from an interior side property line is five feet.
 - c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
 - d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.
4. As long as any of the existing structures remain at 2807, 2809 and 2811 Hemphill Park and 305 W. 29th Streets, new multifamily development that abuts the properties may not exceed a height of 30 feet within 50 feet of a common property line. A 15 foot setback is required from the common property line.
 5. The height limit on the part of District 7 north of Waller Creek is 45 feet beginning at the property line along 30th Street and continuing to a point 23 feet inside the property line. The height on the remainder of the lot is 52 feet. The eave line may not exceed 40 feet at the 30th Street property line. Within 20 feet of the property line along 30th Street an intervening eave line not exceeding 20 feet above grade is required.
 6. The maximum height is 70 feet in Waller Creek/Seminary District 7A.
 7. This section applies to the use and site development regulations in Districts 7 and 7A. This section does not grant a variance related to the floodplain regulations.
 - a. the maximum building cover and the maximum impervious cover is 95 percent outside the 100 year flood plain and 60 percent within the 100 year flood plain.
 - b. In Districts 7 and 7A structured parking is permitted in the 100 year floodplain, but not the 25 year floodplain.
 8. This section applies to parking requirements for the Waller Creek/Seminary District.

For dwelling units associated with a college and university facilities use, one parking space per dwelling unit is required. For dorm uses, one parking space per two

residents is required. For all other uses, one parking space per 1,000 square feet less the parking provided for residential uses is required.

9. For certain existing buildings, the setbacks are established as shown on Exhibit "F".
10. The minimum site area for multifamily uses (square feet).

WALLER CREEK 7 DISTRICT							
	Eff'cy	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
Multifamily uses	700	800	900	1000	1100	1200	1300
WALLER CREEK 7A DISTRICT							
	Eff'cy	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
MF-3	1200	1500	1800	2100	2400	2700	3000
MF-4	700	800	900	1000	1100	1200	1300
MF-5	700	800	900	1000	1100	1200	1300
MF-6	700	800	900	1000	1100	1200	1300

11. A pedestrian-oriented use, civic use, or habitable space shall be located at the front of a building on the ground floor.
12. This section applies to driveways.
 - a. Except as otherwise provided in this subsection, for a commercial, civic, multifamily residential, or condominium residential use with three or more units, the maximum driveway width is the minimum allowed by the City Code.
 - b. If the minimum width established by the Code is less than 20 feet, then the maximum width is 20 feet.
 - c. If University Avenue is vacated and becomes a private drive, then this Section does not apply.

PART 14. The following applies to property at 2701 and 2717 Guadalupe Street and 2804 through 2816 Hemphill Park that are part of Tracts APD 864, APD 863, GDS 717, GDS 718, and GDS 719.

1. The property is more particularly described as follows:

Tract One: A 1.070 acre tract of land, more or less, out of Lots 16-19, Block 1, Fruth Addition and out of a portion of Lot A, Hemphill Park Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "G" incorporated into this ordinance, and

Tract Two: A 0.794 acre tract of land, more or less, out of a 1.864 acre tract out of Lots 2, 23, 12-19, Block 1, Fruth Addition and out of a portion of Lot A, Hemphill Park Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "H" incorporated into this ordinance, (the "Property").

2. The maximum number of residential units on the Property is 150 units.
3. The maximum height of a building or structure or portion of a building or structure on Tract One shall be 60 feet from ground level.
4. The maximum height of a building or structure is 40 feet on the property identified in Tract Two as a 5,410 square foot parcel of land, more particularly described by metes and bounds in Exhibit "G" generally located in the area along and adjacent to 29th Street and Hemphill Park. A height measurement taken at the southwest corner of 29th Street and Hemphill Park shall be used to determine the base line for measuring this 40-foot height.
5. The minimum site area for dwelling units on Tract Two must comply with Section 25-2-647 of the City Code.
6. The minimum site area of Tracts One and Two when combined may not be less than the following:

468 square feet for a one bedroom dwelling unit, and
564 square feet for a dwelling unit with two or more bedrooms.
7. Access to the parking garage shall be limited to a single driveway on 29th Street and a single driveway located between 29th Street and Guadalupe Street.

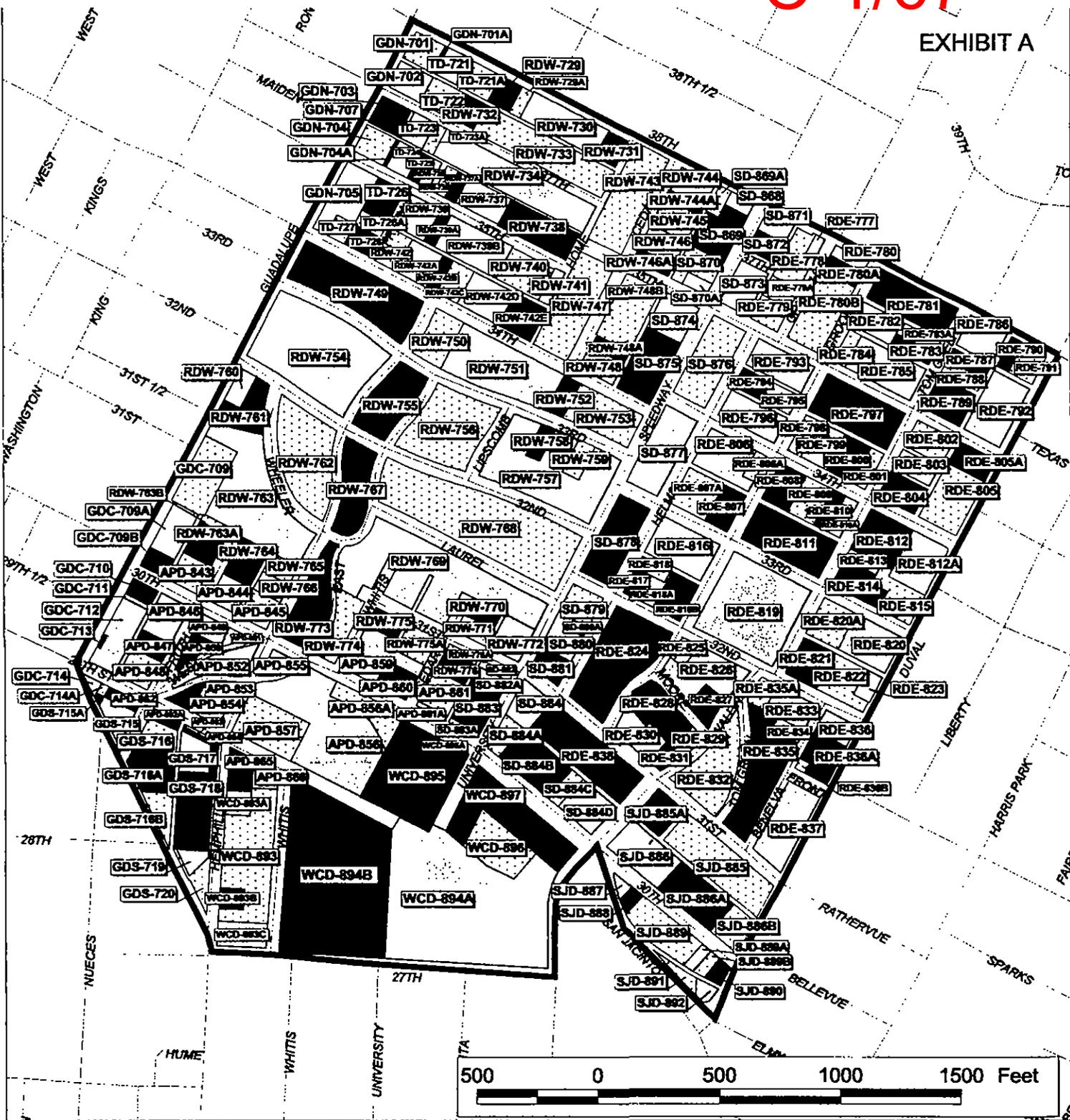


Exhibit A:
North University Neighborhood
Conservation Combining District:
Rezonings Approved 8/26/04
 Case #C14-04-0022



City of Austin
 Neighborhood Planning and Zoning Department



Legend

-  Properties with proposed zoning changes
-  Properties with proposed zoning changes
-  Properties with proposed zoning changes
-  Tract Number

North University NCCD: All Tracts
Case# C14-04-0022 Approved on 3rd Reading 8/26/04

TRACT	ADDRESS	FROM	TO
APD-843	3004-A FRUTH ST; 502 W 30TH ST	CS	GR-NCCD-NP
APD-844	404 W 30TH ST; 3005 FRUTH ST	LO	LO-NCCD-NP
APD-845	3004 HEMPHILL PARK; 400, 402 W 30TH ST	LO	LO-NCCD-NP
APD-846	501, 503 W 30TH ST; 2910 FRUTH ST	LO	GR-NCCD-NP
APD-847	2908 FRUTH ST	CS-1-MU	CS-1-NCCD-NP
APD-848	500, 510 W 29TH ST	LO, CS	GR-NCCD-NP
APD-849	407 W 30TH ST	GR	GR-NCCD-NP
APD-850	0 FRUTH ST (W PT OF LOT 4-7 BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-851	0 W 30TH ST (W TRI OF LOT 10-11 BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-852	0 WEST DR (PART OF LOT 2-7&10-14 * & ALLEY BLK 2 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-853	0 W 29TH ST (E PT OF LOT 1-4,14-15 BLK 2 OLT 74 DIV D FRUTH ADDN)	MF-3, UNZ	P-NCCD-NP
APD-854	2902 HEMPHILL PARK; 400 W 29TH ST	MF-3	MF-3-NCCD-NP
APD-855	0 HEMPHILL PARK (W PART OF LOT 7-9 BLK 3 OLT 73 DIV D FRUTH ADDN)	UNZ	P-NCCD-NP
APD-856	0 (LOT 5,10-14 & E PT OF LOT 6-8 & ALLEY BLK 3 OLT 73 DIV D FRUTH ADDN), 201 W 30TH ST (THE PORTION OF BLK 4, ALLEY, & ADJ W25FT OF STREET OLT 73 DIV D FRUTH ADDN THAT EXTENDS FROM THE NORTH RIGHT-OF-WAY LINE OF W 29TH ST TO THE CENTERLINE OF WALLER CREEK)	UNZ	P-NCCD-NP
APD-856A	201 W 30TH ST (THE PORTION OF BLK 4, ALLEY, & ADJ W25FT OF STREET OLT 73 DIV D FRUTH ADDN THAT EXTENDS FROM THE SOUTH RIGHT-OF-WAY LINE OF W 30TH ST TO THE CENTERLINE OF WALLER CREEK)	P	P-NCCD-NP
APD-857	300 W 29TH ST	LO-H	LO-H-NCCD-NP
APD-859	3001 (LOT 1 FIRST ENGLISH LUTHERAN CHURCH SUBDIVISION SAVE AND EXCEPT A 0.315 ACRE TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT A) WHITIS AVE	MF-4	MF-4-NCCD-NP
APD-860	3001 (A 0.315 ACRE TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT A) WHITIS AVE	LO	LO-NCCD-NP
APD-861	3001 CEDAR ST (N 156 FT OF S 176 FT OF BENCHMARK CONDOMINIUMS AMENDED)	GO	MF-4-NCCD-NP
APD-861A	3001 CEDAR ST (S 20 FT OF BENCHMARK CONDOMINIUMS	GO	MF-4-NCCD-NP
APD-862	2819 (LOT 3 & ADJ 16 FT VAC ALLEY BLK 2 OLT 14 DIV D FRUTH ADDN) GUADALUPE ST	CS	CS-NCCD-NP
APD-862A	2815 (LOT 11 BLK 1 OLT 14 DIV D FRUTH ADDN) FRUTH ST; 409 W 29TH ST	CS	CS-NCCD-NP
APD-863	2812, 2814, 2816 HEMPHILL PARK (PART; SEE ALSO APD-864)	CS	CS-NCCD-NP
APD-864	2812, 2814, 2816 HEMPHILL PARK (PART; SEE ALSO APD-863)	CS-MU-CO	CS-NCCD-NP
APD-865	2807, 2809, 2811 HEMPHILL PARK; 305 W 29TH ST;	MF-5	NO-NCCD-NP
APD-866	301 W 29TH ST	MF-5	MF-5-NCCD-NP
GDC-709	3035, 3101, 3105 GUADALUPE ST	CS	CS-NCCD-NP
GDC-709A	3009, 3021, 3023, 3025 GUADALUPE ST	CS	CS-NCCD-NP
GDC-709B	3001 GUADALUPE ST	CS	CS-NCCD-NP
GDC-710	2927 GUADALUPE ST	CS	CS-NCCD-NP
GDC-711	2927 GUADALUPE ST	CS-1	CS-1-NCCD-NP
GDC-712	512 W 29TH ST; 2909, 2915, 2927 GUADALUPE ST	CS	CS-NCCD-NP
GDC-713	2909 GUADALUPE ST	CS-1	CS-1-NCCD-NP
GDC-714	2825 (W 53FT AV LOT 2 & ADJ TRI OF LOT 1 BLK 2 OLT 14 DIV D FRUTH ADDN) GUADALUPE ST	CS-1	CS-1-NCCD-NP
GDC-714A	2819 (E 37.79 FT LOT 2 BLK 2 OLT 14 DIV D FRUTH ADDN) GUADALUPE ST	CS-1	CS-NCCD-NP
GDN-701	3711 GUADALUPE ST; 505 W 38TH ST (W 34 FT LOT 3 BLK 2 OLT 77 DIV D LAKEVIEW ADDN)	CS	CS-NCCD-NP

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TRACT	ADDRESS	FROM	TO
GDN-701A	505 W 38TH ST (E 16 FT LOT 3 BLK 2 OLT 77 DIV D LAKEVIEW ADDN)	LO	CS-NCCD-NP
GDN-702	506 W 37TH ST; 3701 GUADALUPE ST	CS	CS-NCCD-NP
GDN-703	507 (W 35 FT LOT 3 BLK 1 OLT 77 DIV D LAKEVIEW ADDN), 509, 519 W 37TH ST	CS	CS-NCCD-NP
GDN-704	510-512 W 35TH ST (LOT 1&2 & W 34 FT LOT 3 LESS S 5FT BLK 1 OLT 77 DIV B STEINLE ADDN); 3501 GUADALUPE ST	CS	CS-NCCD-NP
GDN-704A	510 W 35TH ST (E 16 FT LOT 3 BLK 1 OLT 77 DIV B STEINLE ADDN)	GO	CS-NCCD-NP
GDN-705	3401 (S 94.2 FT OF W 63.9 FT & W 150 FT OF S CEN 65.8 FT BLK 6 OLT 77 DIV D BUDDINGTON SUB), 3423 (W 150 FT OF THE N 155 FT BLK 6 OLT 77 DIV D BUDDINGTON SUB) GUADALUPE ST	CS	CS-NCCD-NP
GDN-707	507 (E 15 FT LOT 3 BLK 1 OLT 77 DIV D LAKEVIEW ADDN) W 37TH ST	LO	LO-NCCD-NP
GDS-715	2819 (LOTS 4-6 & 1/2 ADJ 16 FT VAC ALLEY BLK 2 OLT 14 DIV D FRUTH ADDN) GUADALUPE ST	CS	CS-NCCD-NP
GDS-715A	2819 (E 37.79 FT AV & 1/2 ADJ 16 FT VAC ALLEY LOT 1 BLK 2 OLT 14 DIV D FRUTH ADDN)	CS-1	CS-NCCD-NP
GDS-716	2815 (LOTS 9-10 BLK 1 OLT 14 DIV D FRUTH ADDN) FRUTH ST	CS	CS-NCCD-NP
GDS-716A	2811, 2827 GUADALUPE ST	CS	CS-NCCD-NP
GDS-716B	2801 GUADALUPE ST	CS	CS-NCCD-NP
GDS-717	2806, 2808, 2810, 2812, 2814, 2816 HEMPHILL PARK; 2717 GUADALUPE ST (PART; SEE ALSO GDS-718 & GDS-720)	CS-MU-CO	CS-NCCD-NP
GDS-718	2806, 2808, 2810 HEMPHILL PARK; 2717 GUADALUPE ST (PART; SEE ALSO GDS-717 & GDS-720)	MF-6-CO	MF-6-NCCD-NP
GDS-719	2711 GUADALUPE ST (PART; SEE ALSO GDS-720)	CS-MU-CO	CS-NCCD-NP
GDS-720	2806, 2808, 2810 HEMPHILL PARK; 2711 (PART; SEE ALSO GDS-719), 2717 GUADALUPE ST (PART; SEE ALSO GDS-717 & GDS-718)	CS	CS-NCCD-NP
RDE-777	107 E 38TH ST	SF-3	SF-3-NCCD-NP
RDE-778	105, 107 E 38TH ST; 110 E 37TH ST	MF-3	MF-3-NCCD-NP
RDE-779	104, 106 E 35TH ST	SF-3	SF-3-NCCD-NP
RDE-779A	3504 GRIFFITH ST	MF-2	MF-2-NCCD-NP
RDE-780	209 E 38TH ST	SF-3	SF-3-NCCD-NP
RDE-780A	3706 GROOMS ST	MF-3	MF-3-NCCD-NP
RDE-780B	3504, 3606, 3608, 3704 GROOMS ST; 3705 GRIFFITH ST; 200, 202, 204 E 35TH ST	SF-3	SF-3-NCCD-NP
RDE-781	301, 303, 305, 309, 311, 313 E 38TH	SF-3	SF-3-NCCD-NP
RDE-782	3601, 3605 GROOMS ST	P	P-NCCD-NP
RDE-783	3506 TOM GREEN ST	MF-3	MF-3-NCCD-NP
RDE-783A	3710 TOM GREEN ST	MF-3	SF-3-NCCD-NP
RDE-784	300 E 35TH ST; 3503 GROOMS ST	MF-3	MF-1-NCCD-NP
RDE-785	3500, 3502 TOM GREEN ST; 302, 304, 306, 308 E 35TH ST	SF-3	SF-3-NCCD-NP
RDE-786	401, 403, 405 E 38TH ST	SF-3	SF-3-NCCD-NP
RDE-787	3709 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-788	3707 TOM GREEN ST	MF-3	MF-3-NCCD-NP
RDE-789	400, 402, 404 E 35TH ST; 3503 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-790	407 E 38TH ST	SF-3	SF-3-NCCD-NP
RDE-791	409 E 38TH ST	MF-3	MF-3-NCCD-NP
RDE-792	3500, 3502, 3504, 3506, 3508 DUVAL ST	SF-3	SF-3-NCCD-NP
RDE-793	201, 203, 205, 207, 209 E 35TH ST	SF-3	SF-3-NCCD-NP
RDE-794	3405 HELMS ST	MF-4	MF-3-NCCD-NP
RDE-795	3402, 3404 GROOMS ST	SF-3	SF-3-NCCD-NP
RDE-796	200, 202, 204, 206, 208 E 34TH ST	SF-3	SF-3-NCCD-NP
RDE-797	301, 303, 305, 307, 309, 311, 313 E 35TH ST; 3406 TOM GREEN ST	SF-3	SF-3-NCCD-NP

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TRACT	ADDRESS	FROM	TO
RDE-798	3401, 3403, 3405 GROOMS ST	MF-2	MF-2-NCCD-NP
RDE-799	302, 304 E 34TH ST	MF-3	MF-3-NCCD-NP
RDE-800	306, 308 E 34TH ST	MF-2	MF-2-NCCD-NP
RDE-801	3400 TOM GREEN ST; 310 E 34TH ST	MF-3-H	MF-3-H-NCCD-NP
RDE-802	401, 403, 405 E 35TH ST; 3409 TOM GREEN STREET	SF-3	SF-3-NCCD-NP
RDE-803	3405 TOM GREEN ST; 3407 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-804	400, 402, 404 E 34TH ST	SF-3	SF-3-NCCD-NP
RDE-805	3400, 3402, 3406, 3408 (N 45 FT LOT 5 RESUB OF BLK 9 GROOMS ADDN) DUVAL ST	SF-3	SF-3-NCCD-NP
RDE-805A	407 E 35TH ST; 3408 (S 5 FT LOT 6 BLK 9 RESUB OF BLK 9 GROOMS ADDN), 3410, 3412 DUVAL ST	MF-3	SF-3-NCCD-NP
RDE-806	201, 203, 205, 207 E 34TH ST; 3306 GROOMS ST; 3307 HELMS ST	SF-3	SF-3-NCCD-NP
RDE-806A	209 E 34TH ST	SF-3-H	SF-3-H-NCCD-NP
RDE-807	206, 208 E 33RD ST; 0 (N54FT OF LOT 9-10 BLK 19 HARRIS SIDON RESUB OF GROOMS ADDN), 3304 GROOMS ST	SF-3	SF-3-NCCD-NP
RDE-807A	3305 HELMS ST; 200, 202, 204 E 33RD ST	MF-3, MF-2	SF-3-NCCD-NP
RDE-808	301 E 34TH ST; 3309 GROOMS ST	MF-3	MF-3-NCCD-NP
RDE-809	305 E 34TH ST	MF-4	MF-3-H-NCCD-NP
RDE-810	309 E 34TH ST	MF-3	MF-3-NCCD-NP
RDE-810A	311 E 34TH ST	MF-4	MF-3-NCCD-NP
RDE-811	300, 302, 304, 306 E 33RD ST; 3300, 3304 TOM GREEN ST; 3305 GROOMS ST	MF-3	MF-3-NCCD-NP
RDE-812	401, 405 E 34TH ST; 3307 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-812A	3306, 3312 DUVAL ST	SF-3	SF-3-NCCD-NP
RDE-813	3305 TOM GREEN ST	MF-3	MF-2-NCCD-NP
RDE-814	400, 406, 408 E 33RD ST; 3303 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-815	3300 DUVAL ST	SF-3-H	SF-3-H-NCCD-NP
RDE-816	201, 203, 207, 209 E 33RD ST; 3205 HELMS ST; 3206 GROOMS ST	SF-3	SF-3-NCCD-NP
RDE-817	200 E 32ND ST	NO-MU-H	NO-H-NCCD-NP
RDE-818	3203 HELMS ST	MF-3	MF-3-NCCD-NP
RDE-818A	202 E 32ND ST	MF-4	MF-3-NCCD-NP
RDE-818B	208, 210 E 32ND ST; 0 (N110FT OF LOT 4 & N110FT OF E55FT OF LOT 3 GROOMS ADDN), 3202 GROOMS ST	MF-3	MF-3-NCCD-NP
RDE-819	300, 302, 304, 306, 308 E 32ND ST; 301, 307 E 33RD ST; 3200, 3204 TOM GREEN ST; 3205, 3207 GROOMS ST	MF-3	MF-3-NCCD-NP
RDE-820	405 E 33RD ST; 3208 (S 85FT OF LOT 8 * & W 61FT OF S 85FT LOT 7 BLK 7 GROOMS ADDN), 3208 (S 85FT OF LOT 6 * & E 11FT OF S 85FT LOT 7 BLK 7 GROOMS ADDN), 3210 DUVAL ST	SF-3	SF-3-NCCD-NP
RDE-820A	401, 403 E 33RD ST; 3205 TOM GREEN ST	SF-3	SF-3-NCCD-NP
RDE-821	400, 402 E 32ND ST; 3203 TOM GREEN ST	MF-3	SF-3-NCCD-NP
RDE-822	3200 DUVAL ST	MF-3	MF-3-NCCD-NP
RDE-823	3203 DUVAL ST	SF-3	SF-3-NCCD-NP
RDE-824	110, 114 E 31ST ST; 3115 HELMS ST	MF-4	MF-4-NCCD-NP
RDE-825	301 E 32ND ST	MF-4	MF-2-NCCD-NP
RDE-826	300, 302, 304, 308 MOORE BLVD; 303, 305, 309 E 32ND ST; 3110, 3112 WALLING DR; 3111 GROOMS ST	MF-4	SF-3-NCCD-NP
RDE-827	308 MOORE BLVD; 3108 WALLING DR	MF-4	MF-2-NCCD-NP
RDE-828	301, 303, 305, 309 MOORE BLVD; 3105 GROOMS ST	MF-4	SF-3-NCCD-NP
RDE-829	311 MOORE BLVD	MF-4	MF-1-NCCD-NP
RDE-830	200, 202, 206 E 31ST ST; 3103 GROOMS ST	MF-4	MF-1-NCCD-NP
RDE-831	208 E 31ST ST	MF-4	MF-3-NCCD-NP
RDE-832	3100, 3102, 3104 TOM GREEN ST; 3101, 3103, 3105, 3109 WALLING DR	MF-4	SF-3-NCCD-NP
RDE-833	403, 405, 407 E 32ND ST	MF-4	SF-3-NCCD-NP
RDE-834	3116 BENELVA DR	MF-4	MF-1-NCCD-NP
RDE-835	3101, 3103, 3111, 3115 TOM GREEN ST	MF-4	MF-4-NCCD-NP

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RDE-835A	3119 TOM GREEN ST	MF-4	MF-4-NCCD-NP
RDE-836	3126 DUVAL ST (N 100 FT BLK 6 DIV D GROOMS ADDN)	SF-3	SF-3-NCCD-NP
RDE-836A	3126 DUVAL ST (S 178 FT BLK 6 DIV D GROOMS ADDN EXCLUDING W 45 FT OF S 45FT OF S 178FT BLK 6 DIV D GROOMS ADDN)	SF-3-H	SF-3-H-NCCD-NP
RDE-836B	3126 DUVAL ST (W 45 FT OF S 45FT OF S 178FT BLK 6 DIV D GROOMS ADDN)	SF-3	SF-3-NCCD-NP
RDE-837	404 E 31ST ST; 3102, 3104, 3106, 3100 DUVAL ST; 3103 BENELVA DR	MF-4	MF-4-NCCD-NP
RDE-838	105, 107, 109, 203, 209 E 31ST ST; 3004, 3006 SPEEDWAY	MF-4	MF-4-NCCD-NP
RDW-729	407 W 38TH ST	MF-3	MF-3-NCCD-NP
RDW-729A	403 W 38TH ST	MF-4	MF-3-NCCD-NP
RDW-730	305, 307, 309, 311, 313, 315, 401 W 38TH ST	SF-3	SF-3-NCCD-NP
RDW-731	301 W 38TH ST	MF-4	MF-4-NCCD-NP
RDW-732	408 W 37TH ST	MF-3	MF-3-NCCD-NP
RDW-733	300, 302, 304, 306, 308, 310, 312, 314, 400, 402, 404, 406 W 37TH ST	SF-3	SF-3-NCCD-NP
RDW-734	301, 303, 305, 307, 309, 311, 313, 315, 401, 403, 405, 407 (N1/2 OF LOT 9 BLK 1 OLT 77 DIV D LAKEVIEW ADDN), 407 (S1/2 OF LOT 9 BLK 1 OLT 77 DIV D LAKEVIEW ADDN), 409, 411 W 37TH ST	SF-3	SF-3-NCCD-NP
RDW-735	500 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-736	406 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-737	400 W 35TH ST	MF-3	MF-3-NCCD-NP
RDW-737A	404 W 35TH ST	MF-4	MF-3-NCCD-NP
RDW-738	300, 302, 304, 306, 308, 310 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-739	407, 409, 411 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-739A	405 W 35TH ST	MF-4	SF-3-NCCD-NP
RDW-739B	311, 313, 315, 317, 401, 403 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-740	303, 305 W 35TH ST	MF-4	MF-3-NCCD-NP
RDW-741	301 W 35TH ST	SF-3	SF-3-NCCD-NP
RDW-742	408, 410 W 34TH ST; 3405 FRUTH ST	MF-3	SF-3-NCCD-NP
RDW-742A	402, 404, 406 W 34TH ST	SF-3	SF-3-NCCD-NP
RDW-742B	400 W 34TH ST	MF-4	SF-3-NCCD-NP
RDW-742C	314, 316 W 34TH ST	SF-3	SF-3-NCCD-NP
RDW-742D	306, 308, 310, 312 W 34TH ST	MF-3	MF-1-NCCD-NP
RDW-742E	300, 302, 304 W 34TH ST	SF-3	SF-3-NCCD-NP
RDW-743	3710 CEDAR ST	SF-3-H	SF-3-H-NCCD-NP
RDW-744	109, 111 W 38TH ST	MF-4	MF-4-NCCD-NP
RDW-744A	3711 CEDAR ST	SF-3	SF-3-NCCD-NP
RDW-745	3707, 3709 CEDAR ST	MF-4	MF-2-NCCD-NP
RDW-746	3703, 3705 CEDAR ST	MF-4	SF-3-NCCD-NP
RDW-746A	3701 CEDAR ST	MF-4	MF-4-NCCD-NP
RDW-747	203, 207 W 35TH ST; 3400, 3402, 3404, 3406, 3408, 3410, 3412, 3414 CEDAR ST	SF-3	SF-3-NCCD-NP
RDW-748	110 W 34TH ST; 3401 CEDAR ST	SF-3	SF-3-NCCD-NP
RDW-748A	3405 CEDAR ST	MF-3	SF-3-NCCD-NP
RDW-748B	3407, 3409, 3411, 3413, 3415, 3417 CEDAR ST	SF-3	SF-3-NCCD-NP
RDW-749	400, 404, 406, 408, 500, 502, 504, 506, 508, 510, 512 W 33RD ST; 3312 HEMPHILL PARK; 407, 409, 411, 501, 505, 507 W 34TH ST	SF-3	SF-3-NCCD-NP
RDW-750	212 W 33RD ST	SF-3-H	SF-3-H-NCCD-NP
RDW-751	112, 114, 200, 202, 204, 206, 208, 210 W 33RD ST; 301, 303, 305 W 34TH ST	SF-3	SF-3-NCCD-NP
RDW-752	110 W 33RD ST	SF-3-H	SF-3-H-NCCD-NP
RDW-753	100, 102, 104, 108 W 33RD ST; 105, 109, 115 W 34TH ST	SF-3	SF-3-NCCD-NP

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TRACT	ADDRESS	FROM	TO
RDW-754	404, 406, 408, 410, 412 W 32ND ST; 401, 405, 407 (LOT 38 * LESS E7FT OF BLK 5 OLT 74 DIV D ALDRIDGE PLACE), 407 (E 7FT OF LOT 38 BLK 5 OLT 74 DIV D ALDRIDGE PLACE), 501, 503, 507 W 33RD ST; 3200, 3202, 3204, 3206, 3208, 3210 HEMPHILL PARK; 3201, 3203, 3205 GUADALUPE ST	SF-3	SF-3-NCCD-NP
RDW-755	3201 HEMPHILL PARK	SF-3	P-NCCD-NP
RDW-756	200, 202, 204, 206, 208 W 32ND ST; 201, 203, 205, 207, 209 W 33RD ST; 3204 LIPSCOMB ST; 3209 HEMPHILL PARK	SF-3	SF-3-NCCD-NP
RDW-757	100, 102, 104, 106, 108, 110, 112 W 32ND ST; 101, 103, 107, 111, 113 W 33RD ST; 3202, 3206 SPEEDWAY	SF-3	SF-3-NCCD-NP
RDW-758	109 W 33RD ST	SF-3-H	SF-3-H-NCCD-NP
RDW-759	105 W 33RD ST	SF-3-H	SF-3-H-NCCD-NP
RDW-760	415 W 32ND ST	SF-3	SF-3-NCCD-NP
RDW-761	3120, 3124 WHEELER ST	SF-3-H	SF-3-H-NCCD-NP
RDW-762	401, 407 W 32ND ST; 3101, 3103, 3105, 3107, 3109 WHEELER ST; 3102, 3104, 3106 HEMPHILL PARK	SF-3	SF-3-NCCD-NP
RDW-763	3014 HEMPHILL PARK; 3100, 3102, 3108, 3110, 3112 (LOT 2 MARKOVITS & DILLER ADDN SAVE AND EXCEPT THE S 34 FT), 3114, 3116, 3118 WHEELER ST; 3117 GUADALUPE ST	SF-3	SF-3-NCCD-NP
RDW-763A	3006, 3008, 3010 FRUTH ST	MF-3	MF-3-NCCD-NP
RDW-763B	3112 WHEELER ST (S 34 FT LOT 2 MARKOVITS & DILLER ADDN)	MF-3	SF-3-NCCD-NP
RDW-764	3009, 3011 FRUTH ST	MF-3	MF-3-NCCD-NP
RDW-765	3010 HEMPHILL PARK	MF-3	MF-3-NCCD-NP
RDW-766	3006, 3008 HEMPHILL PARK	MF-3	SF-3-NCCD-NP
RDW-767	0 HEMPHILL PARK (1.05ACR APPROX LOT 1 BLK 2 OLT 74 DIV D ALDRIDGE PLACE)	SF-3	P-NCCD-NP
RDW-768	103, 105, 107, 109, 113, 115, 117, 201, 203, 205, 207 W 32ND ST; 3121, 3123, 3125 HEMPHILL PARK; 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122 LAUREL LN; 3116 SPEEDWAY	SF-3	SF-3-NCCD-NP
RDW-769	101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123 LAUREL LN; 202, 204, 208 W 31ST ST; 3100, 3102 WHITIS AVE; 3102, 3104 CEDAR ST; 3105, 3107 WHITIS AVE; 3107, 3109, 3111, 3115, 3117 HEMPHILL PARK	SF-3	SF-3-NCCD-NP
RDW-770	3105, 3107 CEDAR ST	MF-4	MF-1-NCCD-NP
RDW-771	3101 CEDAR ST	MF-4	MF-4-NCCD-NP
RDW-772	3100, 3106 SPEEDWAY	MF-4	MF-4-NCCD-NP
RDW-773	3013 HEMPHILL PARK	UNZ	P-NCCD-NP
RDW-774	300 W 30TH ST	UNZ	P-NCCD-NP
RDW-775	3011 WHITIS AVE	MF-4	MF-4-NCCD-NP
RDW-775A	201 W 31ST ST, 3008, 3010 CEDAR ST	MF-4	MF-4-NCCD-NP
RDW-776	3001 CEDAR ST (S 102 FT OF N 132 FT OF BENCHMARK CONDOMINIUMS AMENDED)	MF-4	MF-4-NCCD-NP
RDW-776A	3001 CEDAR ST (N 30 FT OF BENCHMARK CONDOMINIUMS)	MF-4	MF-4-NCCD-NP
SD-868	3706 SPEEDWAY	MF-4	LR-NCCD-NP
SD-869	3506, 3704 (LOTS 6-7 BLK 2 OLT 77 DIV D SIMMS RESUB OF BUDDINGTON SUBD) SPEEDWAY	MF-4	MF-4-NCCD-NP
SD-869A	3704 (LOT 9 BLK 2 OLT 77 DIV D SIMMS RESUB OF BUDDINGTON SUBD)	LR	MF-4-NCCD-NP
SD-870	102 W 35TH ST; 3502, 3504 SPEEDWAY	MF-4	MF-1-NCCD-NP
SD-870A	3500 SPEEDWAY	MF-4	MF-1-H-NCCD-NP
SD-871	3707 SPEEDWAY	LR	LR-NCCD-NP
SD-872	104 E 37TH, 3701, 3703 SPEEDWAY	GO, MF-4	LO-NCCD-NP
SD-873	3501 SPEEDWAY	MF-4	MF-4-NCCD-NP
SD-874	3410, 3412, 3414 SPEEDWAY	MF-4	MF-1-NCCD-NP
SD-875	3400, 3406, 3408 SPEEDWAY	MF-4	MF-4-NCCD-NP
SD-876	3401 SPEEDWAY	MF-4	MF-4-NCCD-NP

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TRACT	ADDRESS	FROM	TO
SD-877	103 E 34TH ST; 3301, 3305, 3307, 3309, 3311 SPEEDWAY; 3304 HELMS ST	MF-4	MF-4-NCCD-NP
SD-878	101 E 33RD ST; 104 E 32ND ST; 3201 SPEEDWAY; 3202 HELMS ST	MF-4	MF-4-NCCD-NP
SD-879	3121 SPEEDWAY	CS	MF-4-NCCD-NP
SD-880	3105 (W1/2 OF LOT 3 BLK 15 DIV D GROOMS ADDN), 3107, 3109, 3111 SPEEDWAY; 3104 (E1/2 OF LOT 3 BLK 15 DIV D GROOMS ADDN) HELMS ST	CS	NO-NCCD-NP
SD-880A	3108 (S45FT OF E69FT OF LOT 5 BLK 15 DIV D GROOMS ADDN) HELMS ST	CS	NO-NCCD-NP
SD-881	100-106 E 31ST ST; 3104 HELMS ST; 3101 SPEEDWAY (LOTS 1-2 BLK 15 DIV D GROOMS ADDN)	CS	CS-NCCD-NP
SD-882	101 (N 30 FT OF E87FT OF LOT 8 BLK 6 OLT 73 DIV D FRUTH ADDN), 103 (N 30 FT OF W 50FT OF LOT 8 BLK 6 OLT 73 DIV D FRUTH ADDN) W 31ST ST	MF-4	MF-4-NCCD-NP
SD-882A	101 (S 14 FT OF E87FT OF LOT 8 BLK 6 OLT 73 DIV D FRUTH ADDN), 103 (S 14 FT OF W 50 FT OF LOT 8 & W 50 FT OF LOT 9 BLK 6 OLT 73 DIV D FRUTH ADDN) W 31ST ST; 3010 UNIVERSITY AVE	MF-4	MF-4-NCCD-NP
SD-883	3000 (N 24 FT LOT 14 & LOT 13 BLK 6 OLT 73 DIV D FRUTH ADDN), 3004, 3006, 3008 UNIVERSITY AVE	CS	CS-NCCD-NP
SD-883A	3000 UNIVERSITY AVE (S 20 FT LOT 14 BLK 6 OLT 73 DIV D FRUTH ADDN)	CS	CS-NCCD-NP
SD-884	101, 103 E 31ST ST; 3007 UNIVERSITY AVE	MF-4	MF-4-NCCD-NP
SD-884A	3005 UNIVERSITY AVE; 100 E 30TH ST	MF-4	MF-4-NCCD-NP
SD-884B	102, 106, 110 E 30TH ST	MF-4	MF-4-NCCD-NP
SD-884C	200 E 30TH ST	GO-H	GO-H-NCCD-NP
SD-884D	202, 204, 206 E 30TH ST; 3000, 3002 SPEEDWAY	MF-4	MF-4-NCCD-NP
SJD-885	307, 311, 405, 409, 411 E 31ST ST; 3006, 3008 DUVAL ST	MF-4	MF-4-NCCD-NP
SJD-885A	3007, 3011 SPEEDWAY	MF-4	MF-4-NCCD-NP
SJD-886	300, 302, 304, 306 E 30TH ST; 3001 SPEEDWAY	LR, GO-MU, MF-4	CS-NCCD-NP
SJD-886A	400, 402, 404, 406 E 30TH ST	MF-4	CS-NCCD-NP
SJD-886B	3000 DUVAL ST	CS	CS-NCCD-NP
SJD-887	303 E 30TH ST	LR	CS-NCCD-NP
SJD-888	2911 SAN JACINTO BLVD	CS	CS-1-NCCD-NP
SJD-889	309, 405, 407, 409 E 30TH ST; 2827 SAN JACINTO BLVD	LR	CS-NCCD-NP
SJD-889A	411 E 30TH ST	LR	CS-NCCD-NP
SJD-889B	415 E 30TH ST	CS	CS-NCCD-NP
SJD-890	2906 DUVAL ST	CS-1	CS-1-NCCD-NP
SJD-891	2805 (PART OF LOT 4-6 & ADJ VAC ALLEY BLK 3 OLT 10 DIV D MOORE SUBD SAVE AND EXCEPT A 7,225 SQUARE FOOT TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT B) SAN JACINTO BLVD; 2900 (LOTS 4-6 AND ADJ VAC ALLEY BLK 3 OLT 10 DIV D MOORE SUBD SAVE AND EXCEPT A 7,225 SQUARE FOOT TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT B) DUVAL ST	CS	CS-NCCD-NP
SJD-892	A 7,225 SQUARE FOOT TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT B (LOCALLY KNOWN AS 2801-2805 SAN JACINTO BLVD AND 2800-2904 DUVAL ST)	CS-1	CS-1-NCCD-NP
TD-721	501 (LOT 5 BLK 2 OLT 77 DIV D LAKEVIEW ADDN), 503 (LOT 4 * LESS N5FT OF BLK 2 OLT 77 DIV D LAKEVIEW ADDN) W 38TH ST	LO	LO-NCCD-NP
TD-721A	409 W 38TH ST	MF-4	MF-4-NCCD-NP
TD-722	506 W 37TH ST	MF-4	LO-NCCD-NP
TD-723	503, 505 W 37TH ST	LO	LO-NCCD-NP
TD-723A	501 W 37TH ST	LO	LO-NCCD-NP
TD-724	504, 506 W 35TH ST	SF-3	SF-3-NCCD-NP
TD-725	502 W 35TH ST	MF-4	MF-3-NCCD-NP

North University NCCD: All Tracts
Case# C14-04-0022 Approved on 3rd Reading 8/26/04

TRACT	ADDRESS	FROM	TO
TD-726	3423 GUADALUPE ST (E 117.15 FT OF N 155 FT OF BLK 6 OLT 77 DIV D BUDDINGTON SUB)	CS	CS-NCCD-NP
TD-726A	3401 (E 117.39 FT OF S CEN 65.8 FT OF BLK 6 OLT 77 DIV D BUDDINGTON SUB) GUADALUPE ST	MF-3	CS-NCCD-NP
TD-727	506 (S 94.35 FT OF THE E 202.93 FT BLK 6 OLT 77 BUDDINGTON SUB LESS THE PORTION DESCRIBED IN TRACT TD-728) W 34TH ST	CS	CS-H-NCCD-NP
TD-728	506 (62%, MORE OR LESS, OF S 94.35 FT OF E 202.93 FT BLK 6 OLT 77 BUDDINGTON SUB) W 34TH ST	MF-3-H	MF-2-H-NCCD-NP
WCD-893	2711, 2713, 2715, 2721, 2801 HEMPHILL PARK; 0 (E 1/2 OF LOT 4&5 BLK 13 OLT 13 DIV D WHITIS SUBD), 2710, 2712, 2714, 2800, 2802, 2804, 2808 WHITIS AVE; 300 W 27TH ST (LOT 3 & S 4FT OF W 103.5' LOT 4 BLK 13 OLT 13 DIV D WHITIS SUBD)	MF-5	MF-5-NCCD-NP
WCD-893A	2803 HEMPHILL PARK (N 100 FT OF S 200 FT OF W 1/2 OF LOT 10 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP
WCD-893B	2707 HEMPHILL PARK (N 46FT OF W 1/2 OF LOT 4 & W 1/2 OF LOT 5 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP
WCD-893C	2703 GUADALUPE ST; 300 W 27TH ST (LOTS 1-2 BLK 13 OLT 13 DIV D WHITIS SUBD)	CS	MF-5-NCCD-NP
WCD-894A	100-106 E 27TH ST	MF-5	MF-5-NCCD-NP
WCD-894B	210 W 27TH ST	MF-5	MF-5-NCCD-NP
WCD-895	2910 (ALL OF BLK 5 & ALLEY & E 25 FT OF STR OLT 73 DIV D FRUTH ADDN SAVE AND EXCEPT THE N 20 FT SOUTH OF AND PARALLEL TO E 30TH ST) UNIVERSITY AVE	MF-3	MF-3-NCCD-NP
WCD-895A	2910 (N 20 FT SOUTH OF AND PARALLEL TO E 30TH ST, BLK 5, ALLEY & E 25 FT OF STR OLT 73 DIV D FRUTH ADDN) UNIVERSITY AVE	MF-3	MF-3-NCCD-NP
WCD-896	103 E 30TH ST (A 2.214 ACRE TRACT OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT C)	MF-4	MF-4-NCCD-NP
WCD-897	103 E 30TH ST (N 150 FT SOUTH OF AND PARALLEL TO E 30TH ST, THE WEST PORTION BEING 100 FT EAST OF AND PARALLEL TO UNIVERSITY AVE, SAVE AND EXCEPT THE N 20 FT SOUTH OF AND PARALLEL TO E 30TH ST, LOT A AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY ADDN)	MF-4	MF-4-NCCD-NP

**NORTH UNIVERSITY CONSERVATION COMBINING DISTRICT
EXHIBITS FOR ZONING CASE C14-04-0022**

EXHIBIT A (Tract APD-859)

A 0.315 ACRE TRACT OF LAND OUT OF LOTS 14, 13, AND A PORTION OF LOT 12, BLOCK 7 OF THE FRUTH ADDITION AS RECORDED IN BOOK 2, PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.315 ACRES BEING 0.038 ACRES OF LAND OUT OF AND A PART OF LOTS 11 AND 12 OF SAID BLOCK 7 AS CONVEYED TO FIRST ENGLISH LUTHERAN CHURCH BY DEED RECORDED IN VOLUME 698, PAGE 497 OF THE TRAVIS COUNTY DEED RECORDS, AND 0.277 ACRES OF LAND CONVEYED TO FIRST ENGLISH LUTHERAN CHURCH BY DEED RECORDED IN VOLUME 756, PAGE 401 OF THE TRAVIS COUNTY DEED RECORDS; SAID 0.315 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the southwest corner of said Lot 14, said point being also in the north R.O.W. of West 30th Street;

THENCE N 29° 41' E along the east line of a 16 foot wide alley vacated by instrument recorded in volume 3358, Page 1656, of the Deed Records of Travis County, Texas, a distance of 100.00 feet to a point in the west line of said Lot 12, from which the northwest corner of Lot 12 bears N 29° 41' E, 32.00 feet;

THENCE S 60° 12' E 137.00 feet to a point in the West R.O.W. of Cedar Street, and the east line of said Lot 12, from which the northeast corner of Lot 12 bears N 29° 41' E, 32.00 feet

THENCE S 29° 41' W along the west R.O.W. of Cedar Street, 100.00 feet to the southeast corner of said Lot 14;

THENCE N 60° 12' W along the south line of Lot 14 and being also along the North R.O.W. of West 30th Street, 137.00 feet to the PLACE OF BEGINNING and containing 0.315 acres, more or less,

locally known as 3000, 3002, and 3004 Cedar Street, and 200-204 W 30th Street in the City of Austin, Travis County, Texas.

EXHIBIT B (Tract SJD-892)

A 7,225 SQUARE FOOT TRACT OF LAND OUT OF LOTS 4-5 AND ADJACENT VACATED ALLEY BLOCK 2 OUTLOT 10 DIVISION D MOORE SUBDIVISION BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the southwestern most point of the owner's property, said point lying in the north right-of-way line of the 2800 block of San Jacinto Boulevard, and said point also being in the common, brick wall which separates owner's property from the Mae Crockett Estate's property and from said point of beginning;

THENCE N 50° 48' E 36.8 feet to a point lying in the back wall of the building;

THENCE with the back wall of said building S 58' 4' E 23.3 feet to a point;

THENCE continuing with the back wall of said building, N 86° 41' E 16.12 feet to the most northeasterly corner of the building;

THENCE with the east wall of said building S 3° 19' E 15.0 feet to the most southeasterly corner of the building;

THENCE with the south wall of said building S 86° 41' W approximately 34 feet to a point in the south wall where said wall bears farther to the south;

THENCE with said wall bearing approximately S 67° 41' W approximately 22 feet to a point, said point lying in the north right-of-way line of the 2800 block of San Jacinto Boulevard;

THENCE with the north right-of-way line of San Jacinto Boulevard, N 38° 50' W approximately 20 feet to the point of beginning;

locally known as 2801-2805 San Jacinto Boulevard and 2800-2904 Duval in the City of Austin, Travis County, Texas.

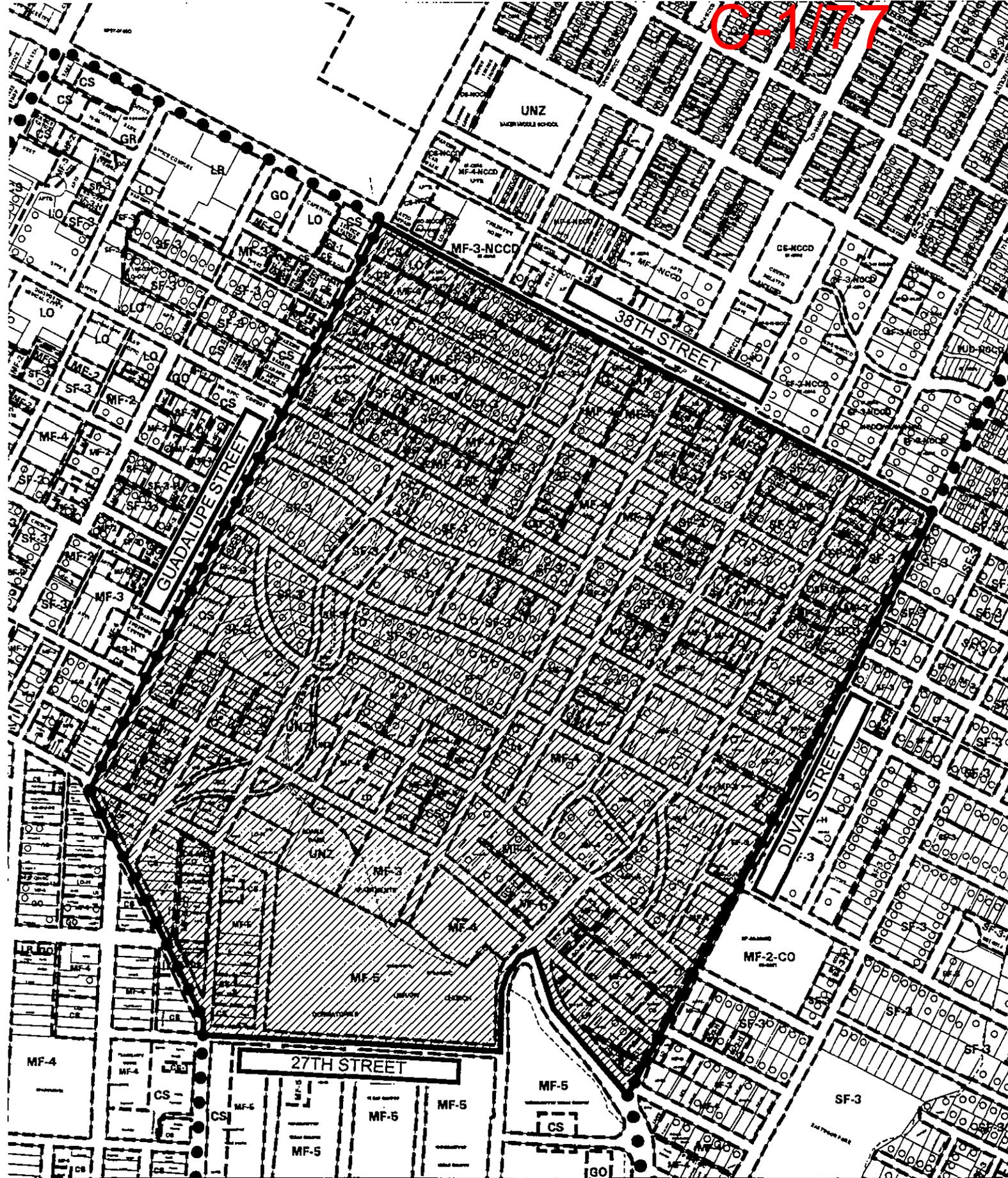
EXHIBIT C (Tract WCD-896)

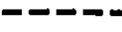
A 2.214 ACRE TRACT OF LAND OUT OF THE J.G. DUNN SURVEY AND THE THOMAS GREY SURVEY NO. 10 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT A, AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY ADDITION RECORDED IN PLAT BOOK 82, PAGES 14 THROUGH 15 INCLUSIVE OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS; SAID 2.214 ACRES BEING ALL OF SAID LOT A, SAVE AND EXCEPT THE TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Being a portion of said Lot A bounded on the north by a line one hundred and fifty feet (150.00') south of and parallel to the north line of said Lot A, same being the south right-of-way (60') line of East 30th Street, bounded on the east by the northwest line of Resubdivision of Reserve No. 14, Block 4 Grooms Addition, a subdivision of record found in Plat Book 1, Page 36 of said Plat Records, bounded on the south by the most southwesterly line of said Lot A, and bounded on the west by a line one hundred feet (100.00') east of and parallel to the most westerly line of said Lot A, same being the southeasterly right-of-way (60') line of University Avenue.

"This document was prepared under 22 TAC 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

CITY



N
 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: G. RHOADES
 1" = 600'

CASE #: C14-04-0022
 ADDRESS: NORTH UNIVERSITY
 PLANNED NEIGHBORHOOD PLAN
 SUBJECT AREA (acres): 234.870

ZONING EXHIBIT B

DATE: 04-03

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J24-25

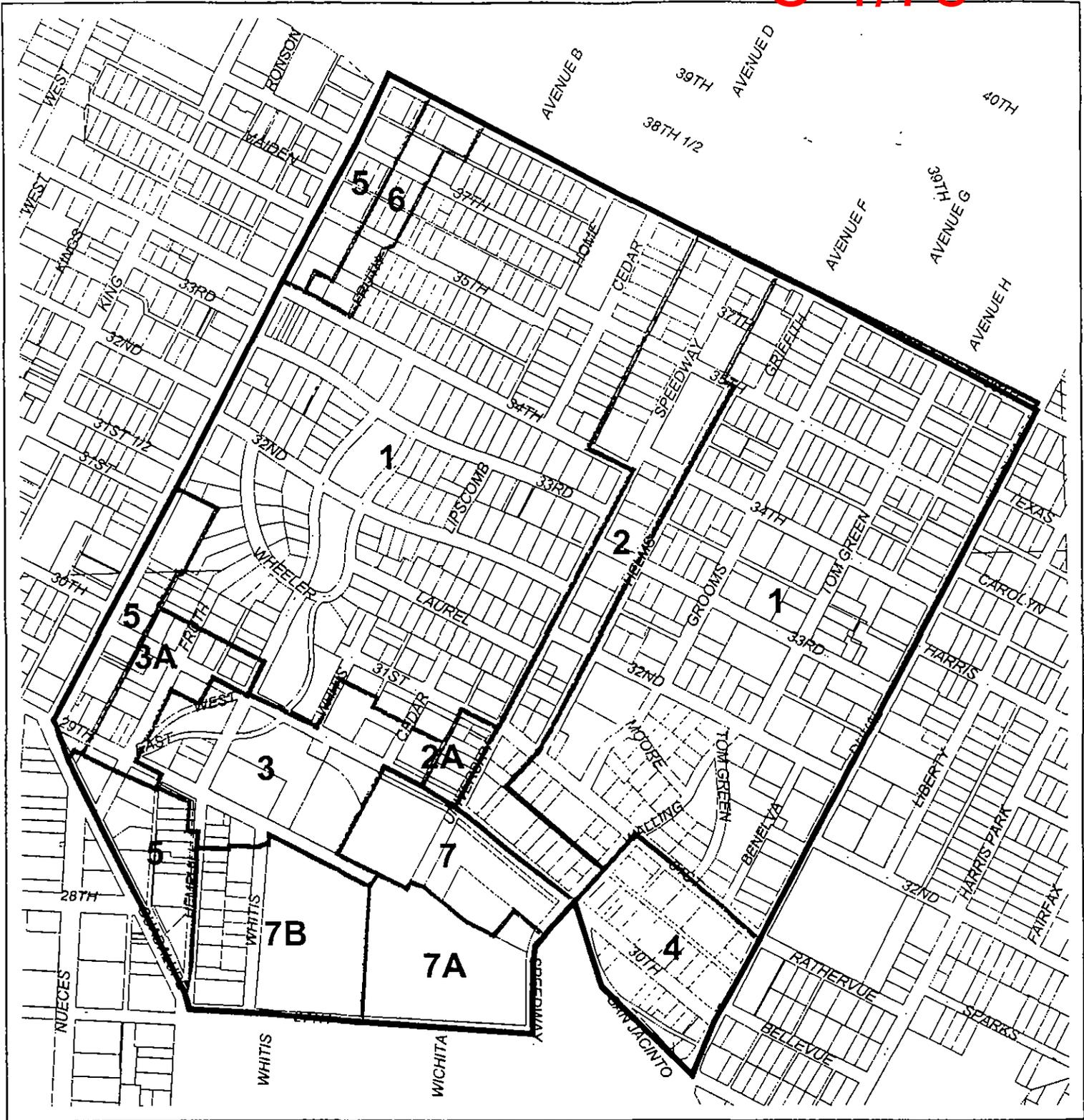
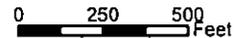


Exhibit C:
North University Neighborhood
Conservation Combining District

C14-04-0022 Approved on 3rd Reading 8/26/04



City of Austin
 Neighborhood Planning and Zoning Department



Key to Districts

- Residential District, East & West (RDE, RDW) 1
- Speedway District (SD) 2-2A
- Adams Park District (APD) 3-3A
- San Jacinto District (SJD) 4
- Guadalupe District (GDN, GDC, GDS) 5
- Transition District (TD) 6
- Waller Creek/Seminary District (WCD) 7-7A-7B

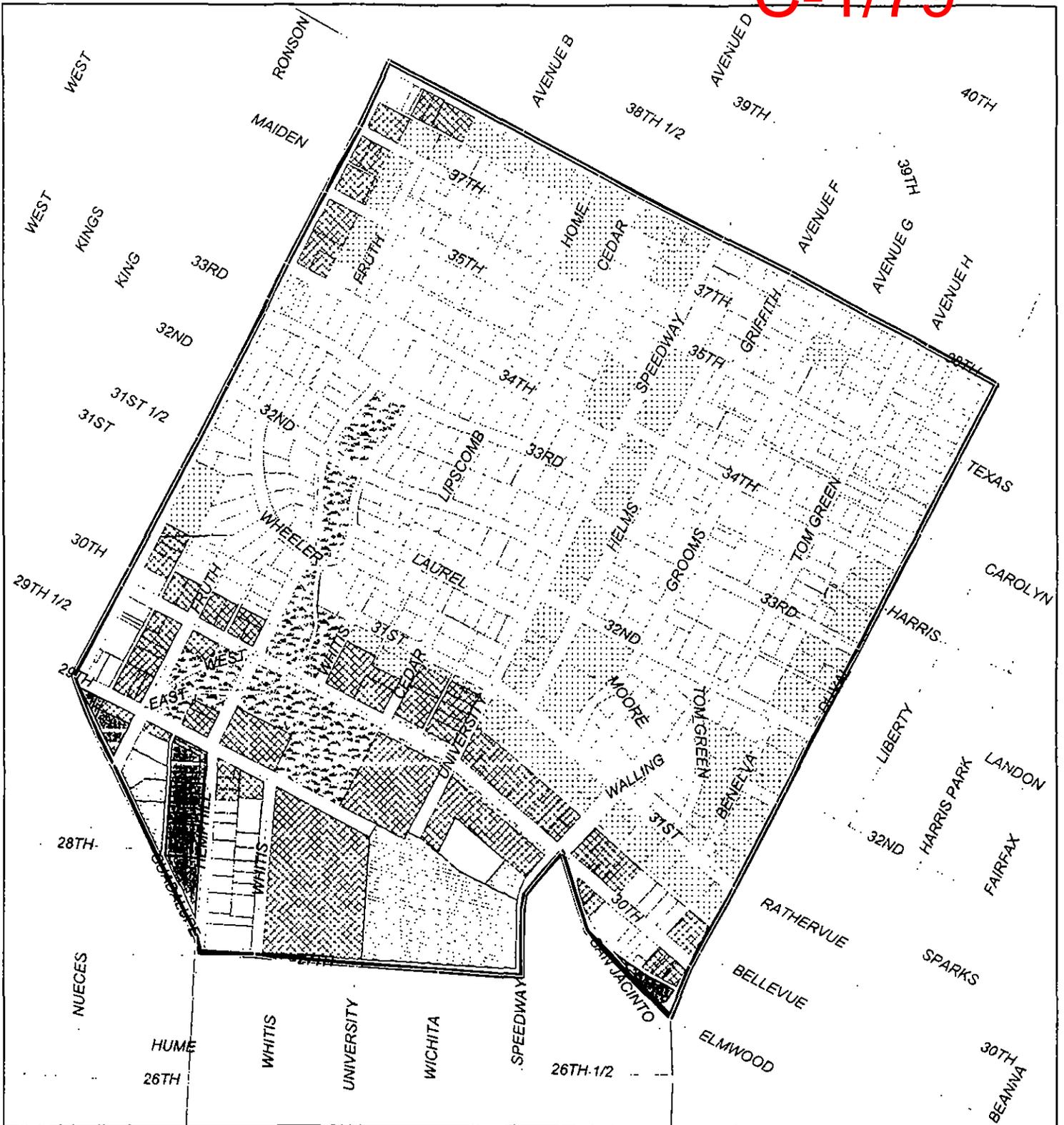
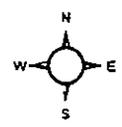
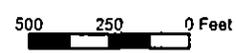


Exhibit D:
North University Neighborhood
Conservation Combining District
Maximum Building Height

C14-04-0022



City of Austin
 Neighborhood Planning and Zoning Department



Legend

- | | |
|---------|---------|
| 30 Feet | 50 Feet |
| 35 Feet | 60 Feet |
| 40 Feet | 70 Feet |
| | Park |
| Street | |

North University Neighborhood NCCD Exhibit E

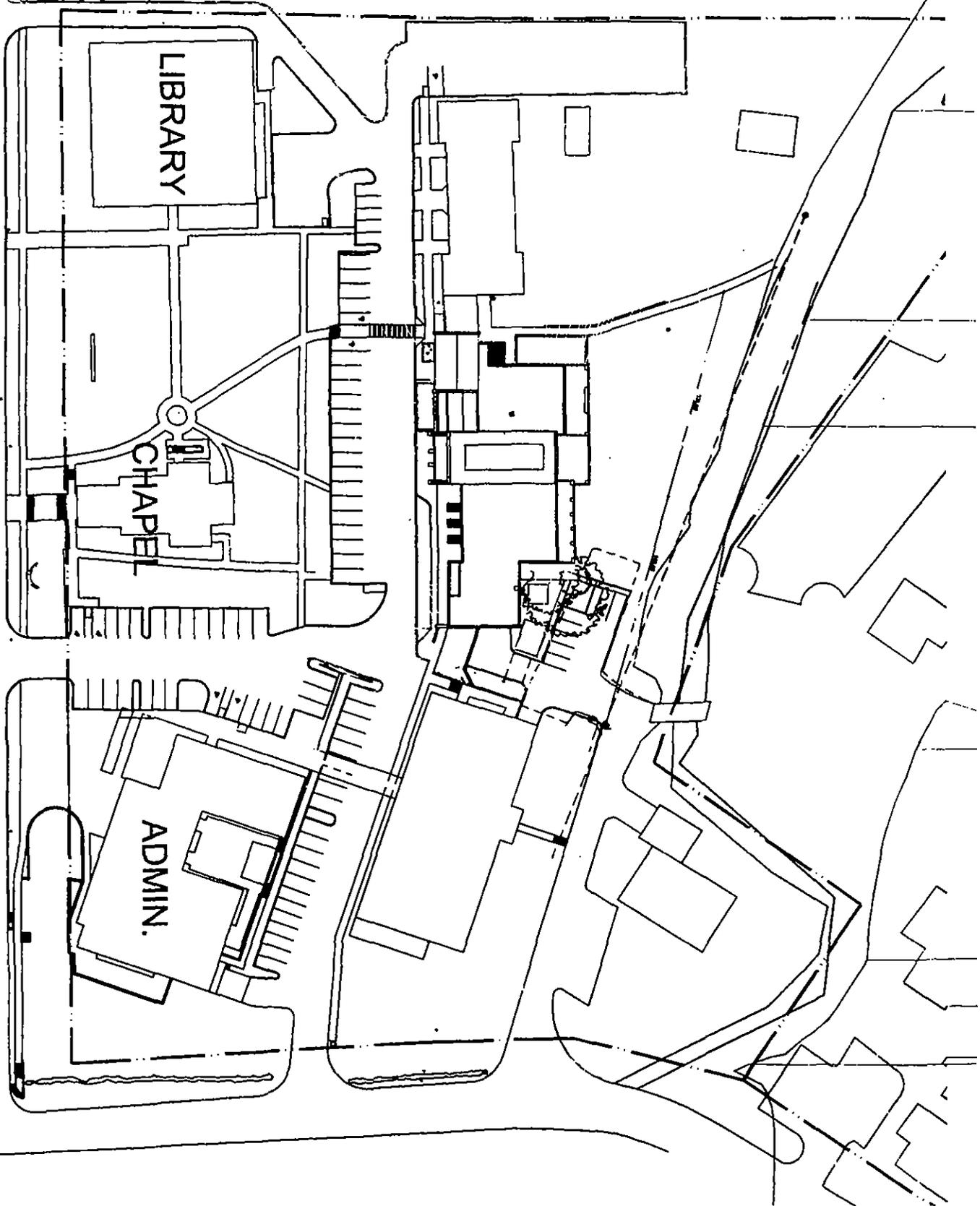
C-1/80
Street Setbacks
(where averaging is not applicable)

-  Min. (25') - Max. (30')
-  Min. (15') - Max. (—')
-  Min. (05') - Max. (10')



FRONT SETBACKS
FROM 27TH ST

LIBRARY 5'
CHAPEL 0'
ADMIN. 0'



27TH STREET

TRACT 7A WALLER CREEK/SEMINARY DISTRICT
EXHIBIT F

CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

TRACT ONE

APRIL 16, 2001

FIELD NOTE DESCRIPTION FOR ZONING CHANGE APPLICATION OF 1.070 ACRES OF LAND, BEING A PORTION OF LOTS 16-19, BLOCK 1, FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT A, HEMPHILL PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 73 PAGE 33 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID 1.070 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning for reference at a 1/2 inch iron rod found in the west right-of-way line of Hemphill Park at the Northeast corner of Lot 16, Block 1, Fruth Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 2 Page 157 of the Plat Records of Travis County, Texas;

Thence with the north line of said Lot 16, N 83 deg. 05' 45" W 10.19 ft. to a point at the Northeast corner and PLACE OF BEGINNING of the herein described tract;

THENCE crossing the interior of Lots 16-19, Block 1 of said Fruth Addition and of Lot A, Hemphill Park, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 73 Page 33 of the Plat Records of Travis County, Texas, respectively, S 06 deg. 49' 23" W 322.31 ft. to a point in the south line of said Lot A at the Southeast corner of this tract, and from which a PK Nail found at the Southeast corner of said Lot A bears S 83 deg. 02' 23" E 10.00 ft.;

THENCE with the south line of said Lot A, N 83 deg. 02' 23" W 144.50 ft. to a point at the Southwest corner of this tract, and from which a 60 D nail found at the Southwest corner of said Lot A bears N 83 deg. 02' 23" W 5.00 ft.;

THENCE crossing the interior of said Lot A and Lots 19-16 respectively, N 06 deg. 46' 56" E 322.17 ft. to a point at the Northwest corner of this tract, and from which a 1/2 inch iron pipe found at the Northwest corner of said Lot 16 bears N 83 deg. 05' 45" W 5.00 ft.;

THENCE with the north line of said Lot 16, S 83 deg. 05' 45" E 144.73 ft. to the Place of Beginning, containing 1.070 Acres of land.

PREPARED: April 16, 2001
SURVEYED: December 18, 2000 and March 29, 2001

BY:

Holt Carson
Registered Professional Land Surveyor No. 5166



see sketch 638078a

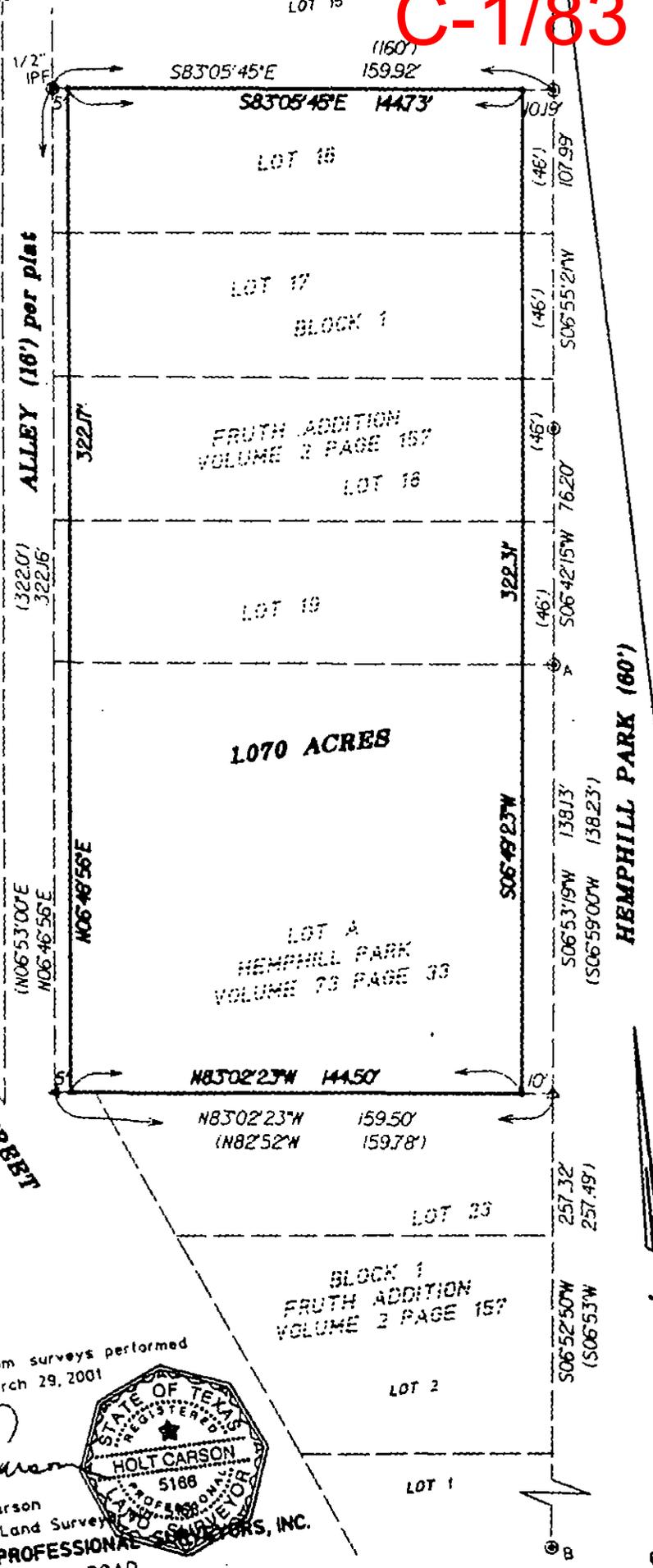
EXHIBIT 2

C-1/83

NOTES FOR ZONING CHANGE APPLICATION FOR 1.070 ACRES OF LAND BEING A PORTION OF LOTS 16-19, BLOCK 1, FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT A, HEMPHILL PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 73 PAGE 33 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

- LEGEND
- ⊙ 1/2" Iron Rod Found
 - IPF ⊙ 1/2" Iron Pipe Found
 - ▲ 60 D Nail Found
 - △ PK Nail Found
 - Calculated Point
- (Record Bearing and/or Distance)

Orientation for this survey is based on a bearing of S06°53'W between points A and B labeled hereon



GUADALUPE STREET (ROW VARIES)

SCALE: 1"=40'

PREPARED April 16, 2001 from surveys performed December 18, 2000 and March 29, 2001

Holt Carson
 Holt Carson
 Registered Professional Land Surveyor
CARSON AND BUSH PROFESSIONAL SURVEYORS, INC.
 1904 FORTVIEW ROAD
 AUSTIN, TX 78704
 (512) 442-0990

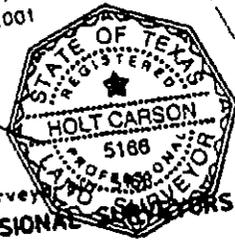


EXHIBIT G

C638078a

CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

C-1/84

TRACT TWO

FEBRUARY 19, 2002

FIELD NOTE DESCRIPTION FOR ZONING CHANGE APPLICATION OF 0.794 ACRES OF LAND, BEING PORTIONS OF LOTS 2, 23 AND 12-19, BLOCK 1, FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT A, HEMPHILL PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 73 PAGE 33 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID 0.794 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60 D nail found in the east line of a 16 ft. wide alley at the Southwest corner of Lot A, Hemphill Park, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 73 Page 33 of the Plat Records of Travis County, Texas, and being the most westerly corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE with the east line of said alley, the following four courses:

- 1) N 06 deg. 46' 56" E 322.16 ft. to a ½ inch iron pipe found at the westerly common corner of Lots 16 and 15, Block 1, Fruth Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 2 Page 157 of the Plat Records of Travis County, Texas;
- 2) N 06 deg. 49' 44" E 137.86 ft. to a ½ inch iron rod found at the westerly common corner of Lots 13 and 12, Block 1 of said Fruth Addition;
- 3) N 06 deg. 48' 22" E 29.98 ft. to a 5/8" iron rod found at an angle point in the west line of said Lot 12;
- 4) N 29 deg. 32' 40" E 25.03 to a calculated point at the Northwest corner of this tract, and from which a point in the southwesterly right-of-way line of West 29th Street at the record location of the Northwest corner of said Lot 2 bears N 29 deg. 32' 40" E 10.00 ft.;

THENCE crossing the interior of said Lot 12 on a course 10 ft. from and parallel to the southwesterly right-of-way line of West 29th Street, S 60 deg. 14' 19" E 152.08 ft. to a point at the Northeast corner of this tract, and from which a 3/4 inch iron pipe found at the intersection of the southwesterly right-of-way line of West 29th Street and the west right-of-way line of Hemphill Park bears N 64 deg. 16' 45" E 12.14 ft.

EXHIBIT H

THENCE on a course 10 ft. from and parallel to the west right-of-way line of Hemphill Park, the following two courses:

1) crossing the interior of said Lot 12 and of Lots 13, 14, 15, 16, 17, 18, and 19 of said Block 1, Fruth Addition, and said Lot A, respectively, **S 06 deg. 49' 23" W 454.20 ft.** to a point in the south line of said Lot A, and from which a PK nail found at the Southeast corner of said Lot A bears S 83 deg. 02' 23" E 10.00 ft.,

2) crossing the interior of Lot 23, Block 1, Fruth Addition, **S 06 deg. 53' 19" W 28.90 ft.** to a point at the Southeast corner of this tract;

THENCE crossing the interior of said Lot 23 and of Lot 2, Block 1, Fruth Addition, respectively, **S 48 deg. 24' 49" W 110.21 ft.** to a point in the northeasterly right-of-way line of Guadalupe Street at the most southerly corner of this tract, and from which a ½ inch iron rod at the intersection of the northeasterly right-of-way line of Guadalupe Street and the west right-of-way line of Hemphill Park bears S 22 deg. 46' 19" E 167.92 ft.;

THENCE continuing across the interior of said Lots 2 and 23, respectively, with the northeasterly right-of-way line of Guadalupe Street, **N 22 deg. 46' 19" W 128.41 ft.** to a 60 D nail found in the south line of said Lot A, and being angle point of this tract;

THENCE with the south line of said Lot A, **N 83 deg. 01' 21" W 12.90 ft.** to the Place of Beginning, containing 1.864 Acres of land, **SAVE AND EXCEPT** the following 1.070 Acre tract located within the bounds of the above:

Beginning for reference at said 60 D nail found in the east line of the alley at the Southwest corner of Lot A, being the Place of Beginning of the above described 1.864 Acre tract,

Thence **S 83 deg. 01' 21" E 5.00 ft.** to a point at the Southwest corner and **Place of Beginning of the herein described excepted tract;**

THENCE crossing the interior of said Lot A and said Lots 19-16, respectively, on a course 5 ft. from and parallel to the alley, **N 06 deg. 46' 56" E 322.17 ft.** to a point at the Northwest corner of this excepted tract, and from which a ½ inch iron pipe found at the west common corner of said Lots 16 and 15 bears N 83 deg. 05' 45" W 5.00 ft.;

THENCE with the north line of said Lot 16, **S 83 deg. 05' 45" E 144.73 ft.** to a point at the Northeast corner of this excepted tract, and from which a ½ inch iron rod found at the easterly common corner of said Lots 15 and 16 bears S 83 deg. 05' 44" E 10.19 ft. ;

THENCE crossing the interior of said Lots 16-19, and Lot a, respectively, on a course 10 ft. from and parallel to the west right-of way of Hemphill Park, **S 06 deg. 49' 23" W 322.31 ft.** to a point in the south line of said Lot A at the Southeast corner of this excepted tract, and from which a PK Nail found at the Southeast corner of said Lot A bears S 83 deg. 02' 23" E 10.00 ft.;

EXHIBIT H

THENCE with the south line of said Lot A, N 83 deg. 02' 23" W 144.50 ft. to the Place of Beginning of the excepted tract, for a balance of 0.794 Acre of land proposed for this zoning change application,

OF WHICH 5410 SQ. FT. OF SAID 0.794 ACRE IS SUBJECT TO A 40 FT. BUILDING HEIGHT LIMITATION. SAID RESTRICTED 5410 SQ. FT. TRACT IS DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the east line of said 16 ft. wide alley at the Northwest corner of said 0.794 Acre tract described above, and being S 29 deg. 32' 40" W 10.00 ft. from the intersection of said alley and the southwest right-of-way line of West 29th Street for the most northerly corner and Place of Beginning of the herein described tract subject to building height limitation;

THENCE on a course 10 ft. from and parallel to the southwest right-of-way line of West 29th Street, S 60 deg. 14' 19" E 152.08 ft. to a point, being the Northeast corner of said 0.794 Acre tract, and being the Northeast corner of this tract;;

THENCE on a course 10 ft. from and parallel to the west right-of-way line of Hemphill Park, S 06 deg. 49' 22" W 131.87 ft. to a point in the south line of said Lot 15 at the Southeast corner of this tract;

THENCE with the south line of said Lot 15, N 83 deg. 05' 45" W 20.00 ft. to a point at the Southwest corner of this tract;

THENCE crossing the interior of said Lots 15, 14, 13, and 12, respectively, the following two courses:

1) on a course 30 ft. from and parallel to the west right-of-way line of Hemphill Park, N 06 deg. 49' 22" E 118.59 ft. to a point;

2) on a course 30 ft. from and parallel to the southwest right-of-way line of West 29th Street, N 60 deg. 14' 19" W 138.76 ft. to a point in the east line of said 16 ft. wide alley at the most westerly corner of this tract, and from which a 5/8 inch iron rod found at the southwest corner of said Lot 12 bears S 29 deg. 32' 40" W 5.03 ft.;

THENCE with the east line of said alley, N 29 deg. 32' 40" E 20.00 ft. to the Place of Beginning, containing 5,410 square feet of land.

PREPARED: February 19, 2002.

BY:



Holt Carson
Registered Professional Land Surveyor No. 5166



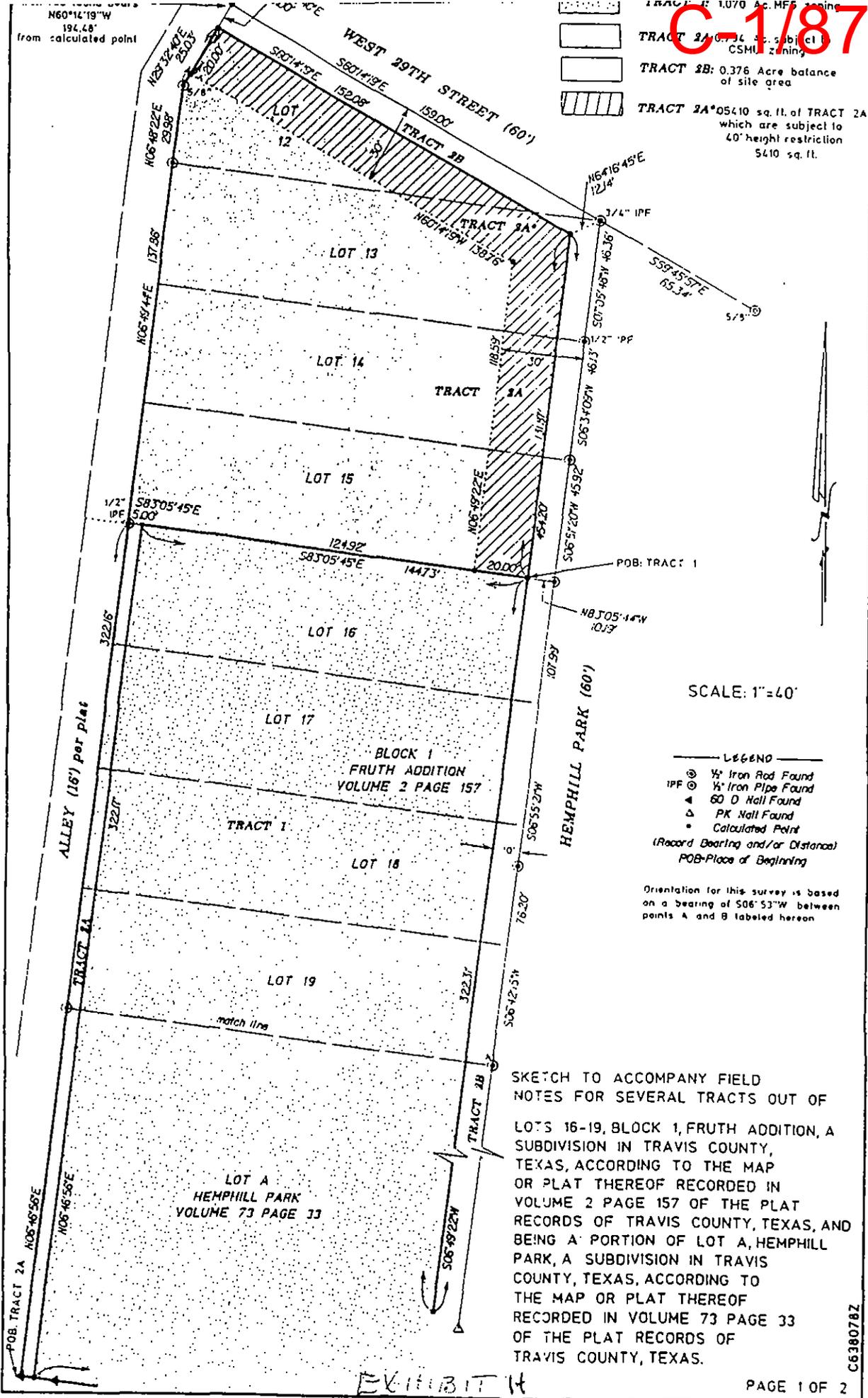
638078C

EXHIBIT H

N60°12'19"W
194.48'
from calculated point

C-1/87

TRACT 1: 1.070 Ac. M.F.F. zoning
TRACT 2A: 0.734 Ac. subject to CSMU zoning
TRACT 2B: 0.376 Acre balance of site area
TRACT 2A*05410 sq. ft. of TRACT 2A which are subject to 40' height restriction 5410 sq. ft.



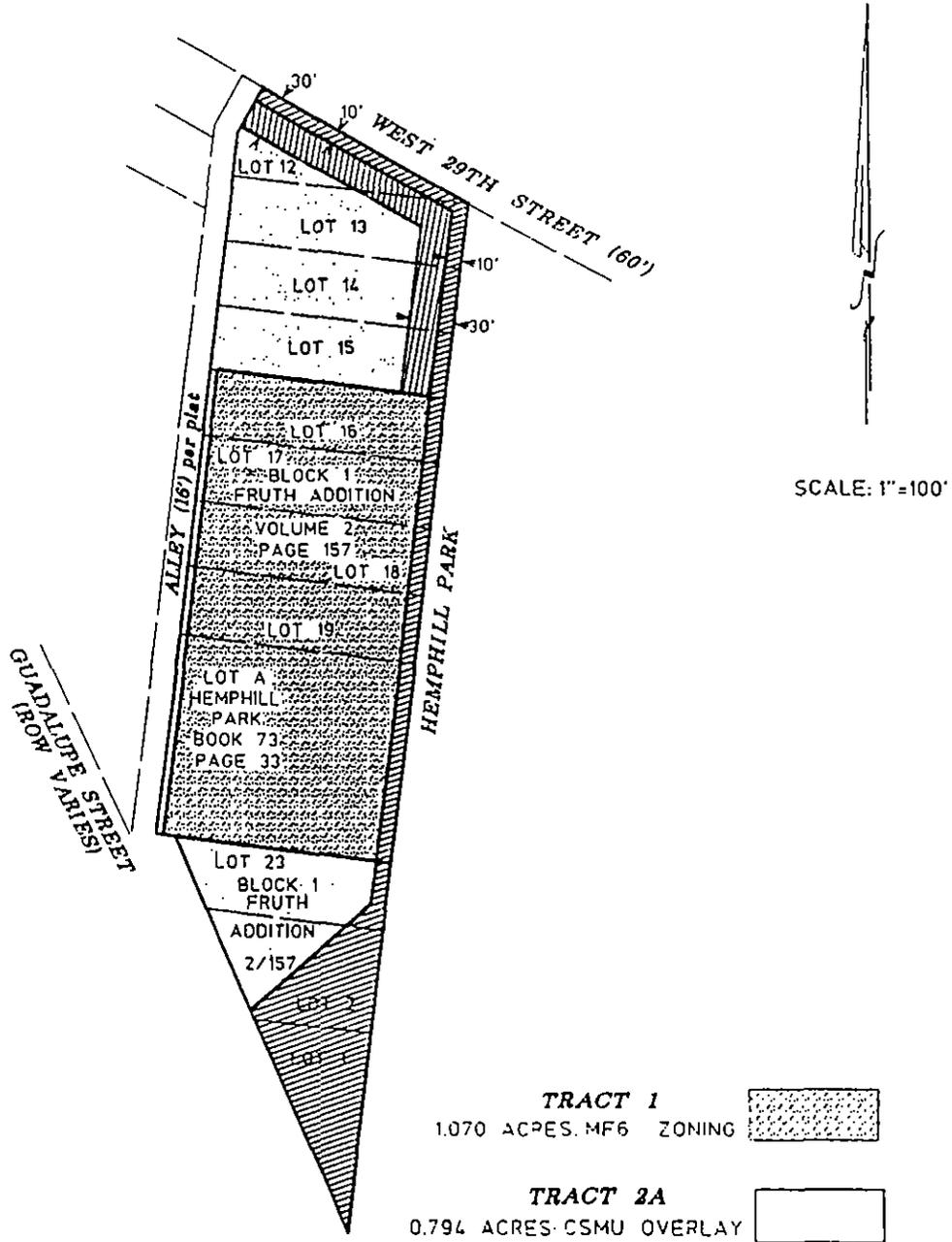
SKETCH TO ACCOMPANY FIELD NOTES FOR SEVERAL TRACTS OUT OF LOTS 16-19, BLOCK 1, FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT A, HEMPHILL PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 73 PAGE 33 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

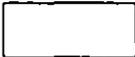
EXHIBIT 14

C638078Z

KEY MAP TO ACCOMPANY FIELD NOTES TO SEVERAL TRACTS OF LAND OUT OF THE EAST PORTION OF BLOCK 1, FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

accompanies sketch C638078z



- TRACT 1**
1.070 ACRES MF6 ZONING 
- TRACT 2A**
0.794 ACRES CSMU OVERLAY 
- TRACT 2B**
0.376 ACRE BALANCE OF SITE 
- TRACT 2A***
PORTIONS OF CSMU TRACT SUBJECT TO 40 FT. HEIGHT LIMITATION 

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AUSTIN, TX 78704
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EXHIBITS G+H