

NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION

www.nuna-austin.org



January 31, 2021

TO: Members of the City of Austin Board of Adjustment (BOA)

The North University Neighborhood Association (NUNA) Executive Committee (EC) supports the appeal of building permits for 314 & 316 W 34th St. We would like to point out the following issues regarding City of Austin (COA) staff reviews:

- *The permit reviews were in error* based on our Neighborhood Conservation Combining District (NCCD) provisions in Ordinance 04 0826-58, (p. 22, j. and k.). The NCCD documents were reviewed by the City's Legal Department, adopted and approved as an overlay ordinance in 2004.
- *Urban Core Parking Reduction Standards were misinterpreted.* In the NCCD, (pg. 22, provision j.) relates to the number of bathrooms for duplex or two-family residential use. This provision was added to address a phenomenon, termed "stealth dorms" from the early 2000's. Unfortunately, this phenomenon has returned in another form with nine bathrooms on each property. This configuration constitutes a contemporary version of the "stealth dorm" concept.

Our hope that is that the appeal of building permits for 314 & 316 W 34th St will yield an outcome compliant with NCCD ordinances. We assert that this outcome can preserve our central Austin neighborhood relative to safely in a community characterized by abundant walking and biking patterns, as well as automobile traffic, a goal of COA overall planning.

Sincerely,

Barbara L. Davis
NUNA Co-President

CC; Robert J. Levinski
Attorney, Levinski Law
7705 Croftwood Dr, B
Austin, TX 78749

C-1/2 LATE BACKUP

From: Tanner Blair
To: [Ramirez, Elaine](#)
Subject: Appeal for 314 and 316 W. 34th Street #C15-2021-0009
Date: Tuesday, February 02, 2021 1:52:25 PM

*** External Email - Exercise Caution ***

Hello Elaine,

As the chair of Central Austin Urbanists, I am writing to inform you that our organization would encourage Board of Adjustment to interpret the NUNA NCCD in the narrowest way possible. Climate change is real. This housing would be in walking distance to transit, the university, and more amenities than we can list here. This is one of the few locations in the city that can truly support a car-free lifestyle and insisting that new housing continue to reinforce and promote automotive-centric living is a threat to the long-term health of our community.

Additionally, we take exception to the tone and content of Mr. Levinski's application, especially the continued use of the term "stealth dorms". At a time when housing costs are at an all-time high, it is very telling the character and substance of their argument that so much emphasis is placed on making sure that families and groups people that don't meet their platonic ideal are denigrated and relegated to the status of nuisance. This segregationist attitude is anathema to the spirit of radical inclusion that we believe is the actual foundation of a community, and we ask that the city reject the argument that there is a right way and a wrong way for families to look.

Given the dubious merits of requiring parking, the very real climate crisis, and the very real housing crisis, we ask that the Board of Adjustment stand by staff's judgement and not require more parking spaces than absolutely necessary.

Regards,
Tanner Blair
Central Austin Urbanists

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C-1/3 LATE BACKUP

To: Board of Adjustment - Interpretation Appeal

Unfortunately, I will not be in town to speak for the appeal of 314 & 316 W. 34th St. on February 8th so I'm writing you now. I live on 34th Street within 200 ft of this development.

As a neighborhood, we worked very hard to come up with a NCCD to protect ourselves from stealth dorm developments that violate occupancy limits and the unrealistic parking requirements associated with them. Developments like this one is precisely why we took the effort to create occupancy, parking, and bathroom limits with new developments. Our NCCD has Occupancy Limits that restricts occupancy to 4 unrelated adults in main structures with 2 unrelated adults in any back structure for a particular property.

This development, which is considered 2 properties has 18 bathrooms, 9 for each property with parking for only a small fraction of the occupants (8). The city has designated 34th Street a thoroughfare for a future bike lane. West 34th Street is currently restricted to parking on only the north side of the street for safety and emergency vehicle access. Parking is already tight with current residents since parking is only allowed on one side of the street. What will a development with 18 bathrooms and 8 parking spaces do to the neighborhood? Let me tell you, It will overwhelm it by creating safety and access issues for any other property near it... not to mention safety issues for the future bike lane.

Looking at the plans, we all know that this is a stealth dorm. We all know that at least 2 people will be using each of the 18 bathrooms despite what names are on the leases. We all know that the majority of college kids have cars. We all know that only a small fraction of the cars associated with the property will be able to park on property. We all know that because of inadequate parking requirements on property that 20 vehicles at a minimum will be forced to park on an already crowded and restricted street and surrounding streets.

My question is why are current ordinances for occupancy & parking limits not being taken into consideration before approving building permits? Is the city willing to sacrifice safety, quality of life, & current neighborhood ordinances for density and property tax revenues at all cost? Is this what the COA is calling "smart growth" for our city?

I'm calling for developers to be limited to the laws and ordinances that are currently in place... and that the COA do their job and take into account these laws and ordinances when granting building permits to developers.

I truly hope that the COA will follow the laws and ordinances that have been a part of our NCCD for the last 17 years. Thank you for your time and consideration.

Mark W. Feist
407 W. 34th Street

C-1/4 LATE BACKUP

314 & 316 Public Hearing

To: Board of Adjustment - Interpretation Appeal - Yes, In favor of the interpretation

RE: Case Number C15-2021-0009

I am the owner of 310 & 312 W. 34th next door to 314 & 316 W. 34th Street of this proposed development.

From looking at the proposed plans for 314 & 316, it is evident that this is a stealth dorm development that violates occupancy limits and the unrealistic parking requirements associated with them. NCCD has Occupancy Limits that restricts occupancy to 4 unrelated adults in main structures with 2 unrelated adults in any back structure for a particular property.

This development, which is considered 2 properties has 18 bathrooms, 9 for each property with parking for only a small fraction of the occupants (8). The city has designated 34th Street a thoroughfare for a future bike lane. West 34th Street is currently restricted to parking on only the north side of the street for safety and emergency vehicle access. Parking is already tight with current residents since parking is only allowed on one side of the street. What will a development with 18 bathrooms and 8 parking spaces do to the neighborhood? Let me tell you, It will overwhelm it by creating safety and access issues for any other property near it... not to mention safety issues for the future bike lane.

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I'm calling for developers to be limited to the laws and ordinances that are currently in place... and that the COA do their job and take into account these laws and ordinances when granting building permits to developers.

Thank You,

Ginger Hurst (The Ginger Rhodes Hurst Living Trust)
3512 Greenway Street
Owner of 310 & 312 W. 34th

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

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

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2021-0009

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; February 8th, 2021

William Becker

Your Name (please print)

407 West 33rd Austin 78705

Your address(es) affected by this application

W. Becker

Signature

Jan 31, 2021
Date

Daytime Telephone: 512-452-9793

Comments: We support the ~~appeal~~ ^{appellant} Mary Ingle. There should be additional parking provided for this development. 34th street is a narrow street that connects Speedway & Guadalupe with no intermediate stop signs. On street parking is hazardous. Parking in the narrow alley that borders the north side of the property is not possible. I personally inspected this property yesterday (1/30/2021).

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

☐ I am in favor
☒ I object

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C-1/6 LATE BACKUP

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Case Number: C15-2021-0009

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; February 8th, 2021

BEN MARROQUIN

Your Name (please print)

308 WEST 34th St, B

Your address(es) affected by this application

Ben Marroquin

Signature

2/3/2021

Date

Daytime Telephone: **512-797-7476**

Comments: **The concept of building another health dormitory in my single-family home neighborhood is wrong and further encroaches on the amenities provided by single-family zoning. I object to this proposed development based on neighborhood safety and the need to conserve water for our future.**

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C15-2021-0009

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment, February 8th, 2021

Macy Twale
Your Name (please print)

346 Duval St.
Your address(es) affected by this application

Austin, TX
City

[Signature]
Signature

2/1/21
Date

Daytime Telephone: 512 446-0448

Comments: I believe that staff is not interpreting our NCCD and code

correctly regarding 314 & 316 W 34th St. of 22 existing provisions
related to the number of full bath enclaves. This was added to the
NCCD to prevent the proliferation of full bath enclaves. This case is
similar to previous case in 2010, 1715 David St where bedrooms were
being challenged. Obviously if the number of bedrooms are 5F3
it is a full bath enclaves. This is the new reclassification
of a single down with over occupancy. If it looks like a duck and
sounds like a duck - it is a duck. we need to follow the current
code & the NCCD in this case.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

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Case Number: C15-2021-0009

Contact: Elaine Ramirez, elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; February 8th, 2021

Kendall Levy

Your Name (please print)

400 W 33RD ST. 78705

Your address(es) affected by this application

EL *2/4/21*

Signature

Date

Daytime Telephone: 512-415-2536

Comments: I support the NCCD overlay ordinance. If this case is not resolved, the NCCD will be invalidated.

This is obviously a stealth down-abide by the same rules and regulations as everyone else is doing. Thank you!

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

Sent from my iPhone

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