



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of an ORDER of the Building and Standards Commission of the City of Austin, Texas, issued on March 24, 2021, relating to Case No. CL-2021-002327, consisting of four pages, as on file in the Office of the City Clerk the 1st day of April 2021.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 1st day of April, 2021.



JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS



Case No. CL-2021-002327
In the Matter of
911 Congress Avenue
Austin, Texas 78701

Before the Building
and Standards Commission
of the City of Austin, Texas

State of Texas
County of Travis

**ORDER OF THE BUILDING AND STANDARDS COMMISSION
OF THE CITY OF AUSTIN, TEXAS**

On March 24, 2021, under the authority of Chapters 54 and 214 of the Texas Local Government Code, the Building and Standards Commission ("Commission") of the City of Austin, Texas, considered 911 Congress Avenue, ("the Property") and took action as described below.

A. ORDER

The Commission orders the following:

1. The Commission **ORDERS** that the Findings of Fact and Conclusions of Law for this property be adopted.
2. The Commission **ORDERS** that the owner of record complete the following within ninety (90) days from the date the Order is mailed to the owner of record:
 - a. obtain and finalize all necessary permits in accordance with the requirements for historic structures, including approval from the Historic Landmark Commission, if necessary;
 - b. correct the cited violations by completing all repairs to the structure;
 - c. request inspection(s) from Austin Code to verify compliance; and
3. The Commission **ORDERS** that on the ninety-first (91st) day, if the repairs as required by this order are not complete, assess a civil penalty of \$1,000 per week that will continue to accrue until the Code Official determines that the repairs required by this order are complete. Interest shall accrue at a rate of 10 percent per year from the date of the assessment until paid in full.

VALIDITY OF ORDER NOT AFFECTED BY TRANSFER: When a Commission order has been filed in the deed records, the Commission order is valid even if the property is sold or otherwise transferred. A person who acquires an interest in the property after a Commission order is recorded is subject to the requirements of the Commission order.

B. FINDINGS OF FACT

The Commission makes the following findings of fact:

I. PROPERTY IDENTIFICATION

The property which is the subject of this proceeding is located at 911 Congress Avenue Austin, Texas.

The property is legally known as N 23FT OF LOT 3 BLOCK 111 ORIGINAL CITY.

II. OWNER IDENTIFICATION

By copy of the Travis Central Appraisal District records, 911 CONGRESS LLC c/o DALTON WALLACE is the title owner.

III. INSPECTION INFORMATION

On November 18, 2020, the premises was inspected by Austin Code Officer Willis Adams for the City of Austin and violations were found. On December 18, 2020, Austin Code Officer Willis Adams performed an inspection at this location and found that the conditions remained the same. On March 10, 2021, Austin Code Officer Willis Adams performed an inspection at this location and found the property remains in violation.

IV. NOTICE OF VIOLATION

The Austin Code Department of the City of Austin provided notice to the following individuals/entities:

911 Congress Avenue LLC c/o Dalton Wallace (Owner)

Mail sent certified 7016 0910 0000 5958 6522 on November 19, 2020.

Mail sent regular on November 19, 2020.

Received /signed by Nicke S. on December 21, 2020.

V. APPEAL INFORMATION FOR THE NOTICES OF VIOLATION

No appeal was received by the Code Official's designee to the Commission related to the Notices of Violation described in Subsection B. IV. (*Notices of Violation*).

VI. NOTICES OF HEARING

The Austin Code Department of the City of Austin provided the following notification of hearing by posting on the premises on March 11, 2021 and by publication in the Austin American Statesman on March 12, 2021. Additionally, notice of hearing was sent to:

911 Congress Avenue LLC c/o Dalton Wallace (Owner)

Mail sent certified 7019 2280 0001 1062 0681 on March 11, 2021.

Mail sent regular on March 11, 2021.

911 Congress Avenue LLC c/o Dalton Wallace (Registered Agent)

Mail sent certified 7019 2280 0001 1062 0674 on March 11, 2021.

Mail sent regular on March 11, 2021.

VII. VIOLATIONS

The following condition(s) of the premises violate the identified subsections of the International Property Maintenance Code, adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code. These noted violations create a public nuisance and the premises is considered unsafe with substandard conditions.

Description of Violation: Unsafe Conditions (§304.1.1): The following exterior condition(s) are unsafe: exterior walls and windows.

Remedy: Repair exterior walls, windows and bring building up to City Code.

Description of Violation: Protective Treatment (§304.2): All exterior surfaces, including but not limited to, doors, door and window frames, cornices and trim, have not been maintained in good condition.

Remedy: Repair exterior surfaces and bring structure up to Code.

Description of Violation: Windows, Skylights and Doorframes (§304.13): Windows, skylights, doors and frames have not been kept in sound condition, good repair and weather tight.

Remedy: Repair all windows and window frames.

Description of Violation: Windows, Skylights and Doorframes (§304.13.1): Window glazing materials have not been maintained free from cracks and holes. Structure has damaged and/or broken windows.

Remedy: Repair all windows and window frames.

Description of Violation: Overhang Extensions (§304.9): Overhanging extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts have not been maintained in good repair or properly anchored. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Remedy: Repair all overhanging extensions and wall surfaces.

Description of Violation: Doors (§304.15): Exterior doors, door assemblies, operator systems if provided, and hardware, have not been maintained in good condition. Locks on means of egress doors shall be in accordance with Section 702.3

Remedy: Repair exterior doors and hardware and, maintain property.

Description of Violation: Foundation Walls (§304.5): Foundation walls are not being maintained plumb and/or free from open cracks and breaks, allowing entry of rodents and other pests.

condition(s) are unsafe: exterior walls and windows.

Remedy: Repair surface walls and bring property up to Code.

Description of Violation: Exterior Walls (§304.6): Exterior walls have holes, breaks, and loose or rotting materials; and, are not maintained, weatherproofed or properly surface coated to prevent deterioration.

Remedy: Repair exterior walls.

Description of Violation: Building Security (§304.18): Doors, windows or hatchways for dwelling units and/or rooming units have not been maintained to provide security for property within.

Remedy: Repair all windows and doors; and, secure property.

Description of Violation: Windows (§304.18.2): Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

Remedy: Repair all windows.

Description of Violation: Doors (§304.18.1): Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a

deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Remedy: Repair all doors.

VIII. PERMITS SECURED

No permit has been secured for this property.

C. CONCLUSIONS OF LAW

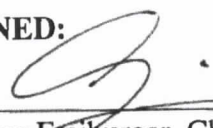
The Commission makes the following conclusions of law:

The Commission concludes that the property described above does not comply with the Austin City Code.

The Commission concludes that the Austin Code Department served notice for the Commission's March 24, 2021 hearing as described above and in accordance with applicable laws and ordinances.

The Commission concludes that because substandard conditions described above exist at the property, these noted violations create a public nuisance and the premises is considered unsafe with substandard conditions.

SIGNED:

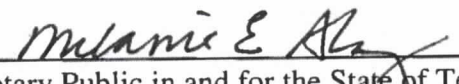


Andrea Freiburger, Chair
Building and Standards Commission

Date

3/30/21

SWORN and SUBSCRIBED before me this
30th day of March, 2021.



Notary Public in and for the State of Texas

Return to: City of Austin
Austin Code Department
P.O. Box 1088, Austin, Texas 78767 - 1088
ATTN: Melanie Alley, BSC Coordinator

