#### **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0079 Wallen/Gamboa **P. C. DATE:** 10/25/11

ADDRESS: 2315 E. 8<sup>th</sup> Street AREA: 0.13 acres

**APPLICANT:** Rolling RDR Properties **AGENT:** Jim Bennett Consulting

(Rick Wallen) (Jim Bennett)

**NEIGHBORHOOD PLAN AREA:** Central East Austin

**CAPITOL VIEW:** No

T.I.A.: No HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek DESIRED DEVELOPMENT ZONE: Yes

**ZONING FROM:** SF-3-NP – Family Residence, Neighborhood Plan

**ZONING TO:** GO-NP – General Office, Neighborhood Plan

# **SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of GO-NP, General Office, Neighborhood Plan zoning. It should be noted that if the zoning is granted, then there might be right-of-way dedication necessary.

#### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve the request with the restrictions that were negotiated with Blackshear/Prospect Hill, which consist of uses limited to:

- Art Gallery, Business support services, Religious assembly and residential;
- Height limit of 2 floors;
- Dwelling unit limit of 2 units;
- NO district site development standards;

Motion approved by Commissioner Danette Chimenti's motion, Commissioner Saundra Kirk seconded the motion on a vote of 6-0; Commissioners Dave Anderson, Richard Hatfield and Jean Stevens were absent.

#### **DEPARTMENT COMMENTS:**

The property is currently developed with a one story building that is currently unoccupied. The requested zoning on the property is not in conformance with Future Land Use Map (FLUM) for the Central East Austin Neighborhood Plan. The FLUM calls for "single family residential" for this tract of land and if you look at the zoning map, there is a clear line of distinction, the alley, between the "single family residential" zoning and the "commercial" zoning for properties that front on Webberville Road. It should also be noted that the applicant has requested the highest, most intense "office" district. There is a lesser, more appropriate "office" zoning district and that would be more

compatible with the existing neighborhood and that is Neighborhood Office (NO). The Neighborhood Office district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The site as it is currently developed offers little to no parking and parking on the street is one of the neighborhood complaints in this area. There was a petition submitted for this case, however the results are not available at this time.

#### **BASIS FOR RECOMMENDATION:**

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

This property is designated as "single family" on the FLUM and changing the zoning to the highest "office" district would be a detriment to the surrounding neighborhood.

## **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES		
SITE	SF-3-NP	Shop		
NORTH	SF-3-NP	Single family residence		
SOUTH	CS-CO-NP	Single family residence		
EAST	SF-3-NP	Undeveloped		
WEST	SF-3-NP	Single family residence		

#### **CASE HISTORIES:**

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL		
		No recent histories			
		3			

#### **NEIGHBORHOOD ORGANIZATION:**

- Organization of Central East Austin Neighborhoods
- Cristo Rey Neighborhood Assoc.
- Austin Neighborhoods Council
- Del Valle Community Coalition

- El Concilio, Coalition of Mexican American Neighborhoods
- United East Austin Coalition
- Blackshear Prospect Hills

#### **SCHOOLS:**

#### **ENVIRONMENTAL:**

- 1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
- 2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
- 3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
- 4. According to flood plain maps, there is no flood plain within the project area.
- 5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
- 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### **SITE PLAN:**

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. If rezoning is only for Lot 8, which measures approximately 47 feet wide, along all property lines adjacent to single family, the following standards will apply with any future development:
  - No structure may be built within 15 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No parking or driveways are allowed within 5 feet of the property line.
  - A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - Additional design regulations will be enforced at the time a site plan is submitted.

## **TRANSPORTATION:**

- **TR1.** If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of E. 8<sup>th</sup> Street in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR2. If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Swenson Avenue in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR4. Existing Street Characteristics:

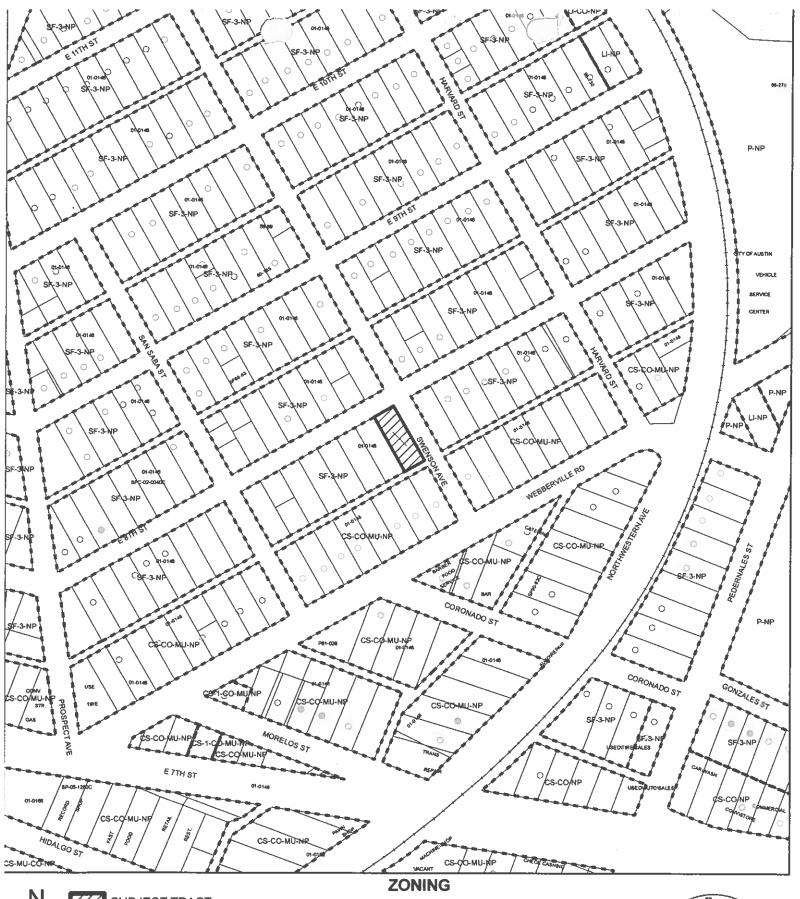
Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Swenson Avenue	40	25	Local	No	No	No
E. 8th Street	40	25	Local	No	No	No

# **<u>CITY COUNCIL DATE:</u>** November 10th, 2011 **<u>ACTION:</u>**

ORDINANCE READINGS: 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup> ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson PHONE: 974-7691

Clark.patterson@ci.austin.tx.us





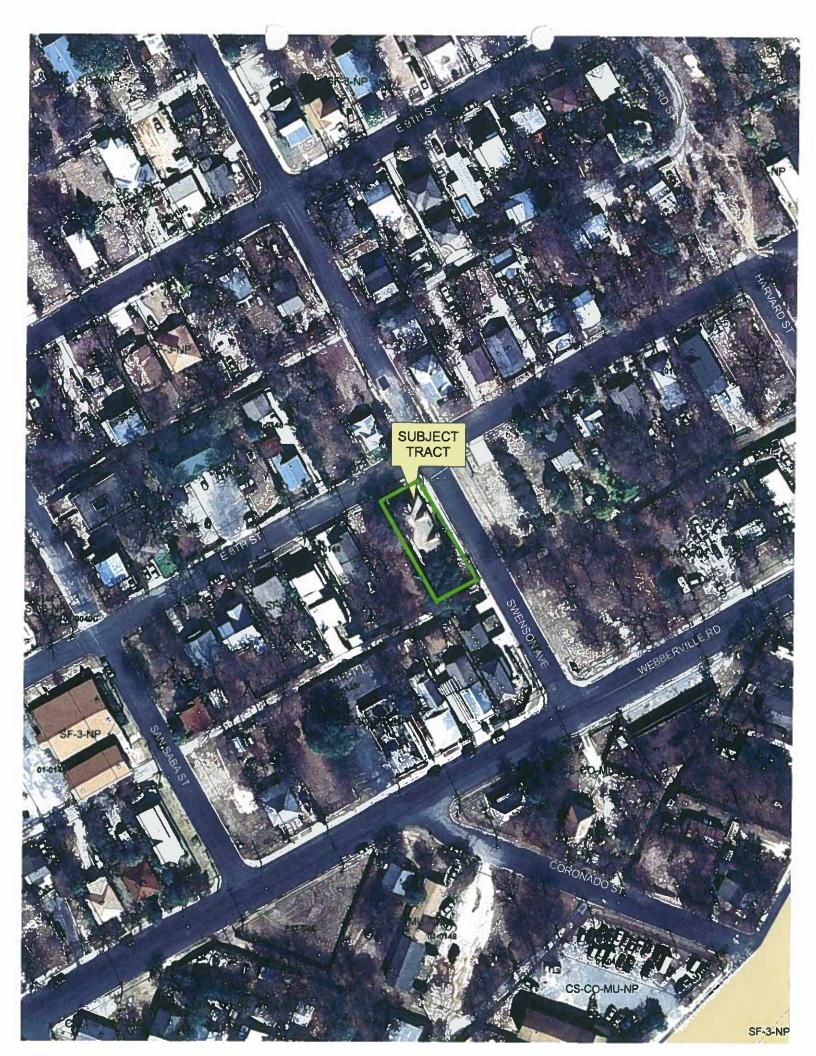
ZONING CASE#: C14-2011-0079 LOCATION: 2315 E 8TH ST

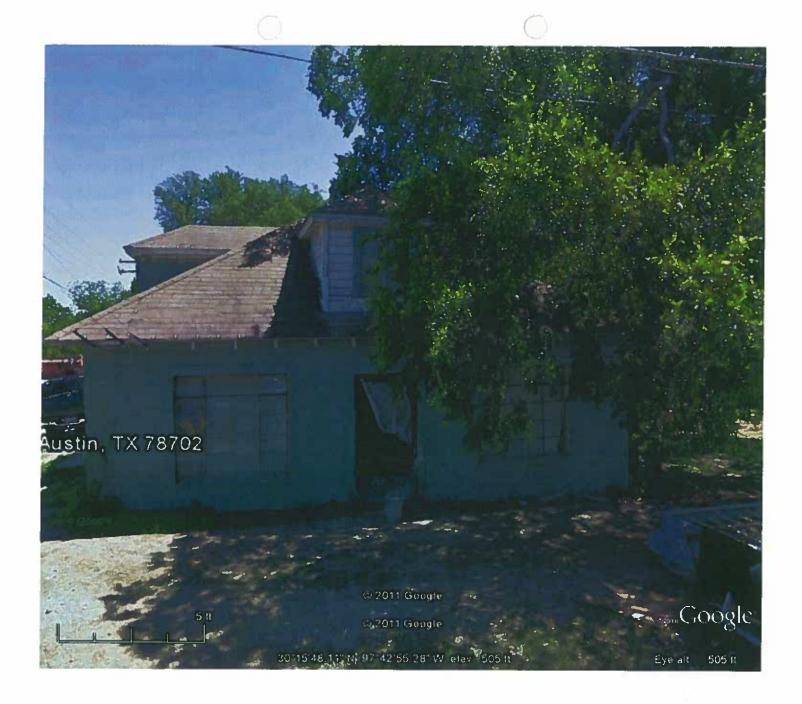
SUBJECT AREA: 0.130 AC.

GRID: K22

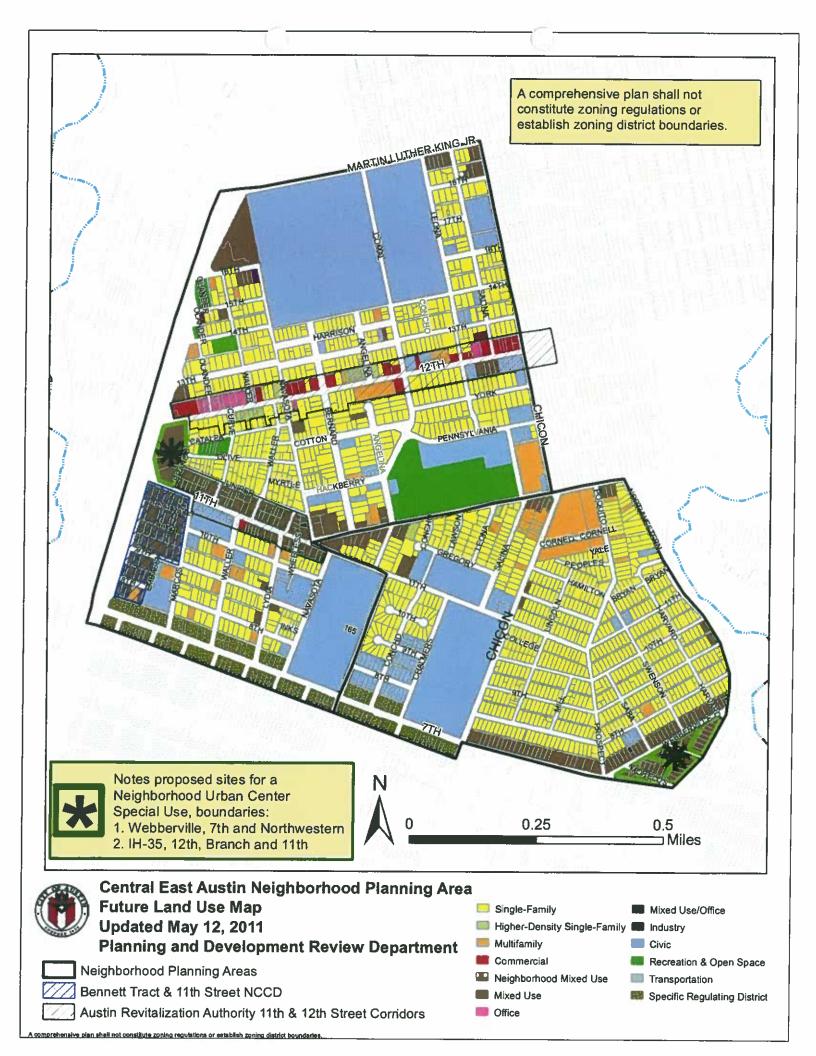
MANAGER: J. RUSTHOVEN











# Blackshear-Prospect Hill Neighborhood Association

On August 25, 2011 the Blackshear-Prospect Hill Neighborhood Association voted to support a request for a zoning change (case# C14-2011-0079) from SF-3-NP to GO-MU-CO-NP for the property located at 2315 East 8th Street. Furthermore we have

included a conditional overlay as described below.
The following is a detailed list of ONLY the permitted uses allowed under the requeste GO-MU-CO-NP zoning change:
Administrative and Business Office
Art Gallery
Art Workshop
Business Support Services
Personal Services
Professional Office
Religious Assembly
Residential
Further conditions that will be limited include:
Height limit of two floors
Dwelling unit limit of two units
Thank you,

**David Thomas** 

President Blackshear-Prospect Hill Neighborhood Association

## Patterson, Clark

From: Meredith, Maureen

**Sent:** Monday, October 17, 2011 1:36 PM

To: Patterson, Clark

Subject: FW: Protest C14-2011-0079; NPA-2011-0009.01

From: DAVID MENDOZA [mailto:dmendoza478@gmail.com]

Sent: Monday, September 19, 2011 9:00 PM

To: Meredith, Maureen

**Subject:** Protest C14-2011-0079; NPA-2011-0009.01

#### Hello Maureen:

Regarding the change of zoning for the property located on 2315 E. 8<sup>th</sup> and the proposed amendment to the neighborhood plan: <u>Please record my protest to both proposals</u>.

There are several reasons for my protest, which I will try to relate here in some reasonable rational fashion. I am afraid that because of the short time frame on which I have to gather my thoughts and respond, I will not achieve both to my satisfaction. I ask your indulgence and patience on my discourse.

Lack of proper notification: I reside about 1 ½ block from 2315 E. 8th. I understand that only property owners / residents residing within 500 ft of the property are notified of proposed zoning changes. However, it is apparent that the notification list used for the zoning change proposal was the same used to notify owners of the proposed amendment to the neighborhood plan. Specifically, the Blackshear / Robertson Hill neighborhood plan. The Blackshear / Robertson Hill (Blackshear) plan was crafted in the early part of the 2000-2010 decade as one segment of the broader Central East Austin Neighborhood Plan. The Central East Austin Plan, I believe, included the three neighborhoods: Guadalupe, Swedish Hill, and Blackshear / Robertson Hill. The process was comprehensive, notification broad reaching (I believe a neighborhood survey was distributed throughout the Blackshear neighborhood segment) and scheduled over many months.

As much time and effort placed into developing the plan; the minimum requirement of any proposed future plan amendments should be that a notification effort near the level of the spirit taken for the original plan in the first place, be made.

Council shortsightedness, lack of historical perspective, and compliant staff leads to neighborhood planning without current residents as principal clients/ beneficiaries.

General history: Central east Austin neighborhoods, similar to Blackshear, have historically been comprised a mosaic of land and structure uses. As recent as the early 1990s, and earlier, it was common to find mom & pop grocery stores and home storefronts, auto repair shops, and warehouse space mixed-in, mixed into, and surrounded by single-family residences. It don't know if any of these businesses were zoning compliant, but irrespective of compliance – the city of Austin appeared not to be bothered, and generally, the diversity of lot/building uses appeared to work for the home residents.

The subject property on East 8th street was for as long as I can remember the "Gamboa

Grocery". Mr Estevan Gamboa lived in the same building as the store. He was not the exception. A block away on 9<sup>th</sup>, near Swensen street, was the tiny Govea storefront; and a few houses closer to San Saba opposite the street was the tiny storefront bakery that engendered the renowned "Joes Bakery" on 7<sup>th</sup> street. In the alley between 9<sup>th</sup> and 10<sup>th</sup> street near Harvard was a metal and textile recycler; at the top to the hill on 11<sup>th</sup> and Swensen was the Johnson storefront, and another storefront below the hill on 11<sup>th</sup> and Bryan.

Circa 2000-2002 under the Kirk Watson mayorship the City of Austin undertook an aggressive neighborhood plan rewrite across the city. It was apparent, working closely with the Blackshear neighborhood association (president Ora Nobles and vice president Jim Butler) that the majority of residents had two principal concerns: (1) retaining and strengthening single-family zoning (2) suspicions about council intentions engendered resistance to participate under the process brought in by staff. In contrast, staff, as well as, business / commercial interest, and new arrivals, weighted-in heavily on mixed-used zoning. Proposals from those interests were couched in terms of best-use, underutilization, and neighborhood empowerment.

The final plan results, as it affected Blackshear, was the adoption of lenient setback rules and allowances of granny flats, etc. The immediate impact of that change was the acceleration of commercial investment activity, rapid escalation of property values, and the subsequent acceleration of displacement of the low-to-moderate income long-term residents. The very consequences that the majority of residents hoped to prevent did not occur. It was not until politically connected higher income West Austin residents (i.e. Enfield, Tarrytown, Brykerwoods, and the like) began to experience the negative effect of over-sized developments in their neighborhoods; was council compelled to listen and ultimately adopt Mac-Mansion zoning rules that helped stem the acceleration of displacement in East Austin Neighborhoods. The economic downturn in 2008 also helped stem the pace of displacement.

In summary, external factors have had more to do with preserving and slowing displacement over a rational pace of time -- whereas, Council neighborhood planning initiatives, and compliant staff, have had the very opposite, detrimental effects of accelerating displacement. I should mention that during the neighborhood planning process a proposal voiced that staff should return to council with a proposal to have no new plan rewrite due to the lack of participation and suspicions of residents towards the planning initiative at that time. Staff would not have any of it, and instead crafted the first draft entirely on its own, with I believe, only 2-3 signees from the Swedish Hill neighborhood association.

#### Reverting to diverse zoning/land uses of old for the benefit of the new:

The specific zoning & amendment proposal illustrates the cruel irony of shortsighted Austin development and neighborhood planning initiatives. As mentioned earlier, throughout many of the Central East Austin neighborhoods a diversity of structures possibly still exist among residential neighborhood that may attract similar proposals for zoning change. The Planning initiative invoked under mayor Kirk Watson was supposed to create zoning continuity within neighborhood boundaries and in effect establish a base of control and rational expectations for the future -- which supposedly, would be particularly beneficial to Central East Austin neighborhoods comprised of diverse zoning / land / structure uses. Instead, what has, and is occurring is that neighborhood plans in East Austin are being pocked-marked with zoning exceptions and in-effect reverting to the neighborhoods of old; only this time for the benefit of better funded, politically stronger new residents and business interests. As a born and raised East Austinite, I am able to enjoy and avail myself of many of the beneficial changes that have occurred in East Austin. I am, however, the exception. The planning activities from the City of Austin have ensured that the main (and almost singular) contribution that can be made by old-time East Austin residents (the very clients the planning initiatives were to benefit) towards developing the new East Austin is to pack-up and move-out.

Zoning change specifically for 2315 E. 8th has no merits.

Changing the zoning of the subject property to a general / office use zoning is highly problematic in that the property has very limited parking space. On the street parking will be serious impact on the neighborhood, especially on small lot residents that already have no space for parking. Recently, a business (the happy hobo) on or about the 2500 block of Webberville Rd. (2 blocks from 2315 E. 8<sup>th</sup>) attempted to acquire parking space exceptions through the city zoning change process. That business existed in a commercial zoned street, however, (I believe) was unsuccessful attaining the exception. It should be noted that while Webberville Rd is a wide street, able to accommodate street parking on both sides without inhibiting two-way moving traffic, the business customers tended to park on the residential streets of Northwestern, Harvard, 8<sup>th</sup> street. The business owner did not make a case for not detrimentally impacting the neighborhood residents despite of being located on a commercial zoned street (Webberville). The case for zoning change of 2315 E; 8<sup>th</sup> street has less merit than that of the Webberville business. Denial of the zoning change should be proposed by staff to council. The alternative of allowing the zoning change, is to set in motion precedents for reverting to diverse land / business use and further undermining the principal goals of the Blackshear neighborhood of retaining and strengthening single family zoning.

Thank you,

David Mendoza

Dear Ms. Meredith,

As I mentioned in our conversation, my wife, Sharon Aguilar and I, are very much opposed to the rezoning of 2315 E. 8<sup>th</sup> St. We live at 2301 E. 9<sup>th</sup> St. which is 326 ft. away from the proposed project, and are currently experiencing difficulties with parking in front of our very own home. Given the fact that the proposed project is currently surrounded by undeveloped single family lots and that a significant number of additional undeveloped single family lots exist throughout our neighborhood, along with the fact that there is a current expansion of an existing church in our neighborhood, we expect for our parking situation to degrade as is. We feel this proposed rezoning will only add to an existing and worsening problem. We feel that to move a vending machine and juke box business from a commercial area on E. 7<sup>th</sup> into our neighborhood, as the owner is proposing, does not serve or benefit our neighborhood in any way.

We were a bit disheartened when we attended the neighborhood meeting you facilitated regarding this project, only to find out that the Blackshear-Prospect Neighborhood Association had already met and were supporting the change, and that immediately following that meeting, OCEAN (the Organization of Central East Austin Neighborhoods) automatically lent their support, stating that they always support Blackshear-Prospect Neighborhood decisions. This seemed so odd that we receive notice to give our input, and when we arrive matters appeared to already be settled. Not to mention that when the project was first made public, I called the individual at the City of Austin listed as case manager, to find out more about the project, and I was told that the project had not been assigned a permanent case manager. I was told that as soon as that person was assigned, I would be contacted, which never happened. So it is not as if we were not being proactive from the very beginning.

We are also disheartened by the fact that in the five years we have lived at this address, we have never been approached by the Blackshear-Prospect Neighborhood Association to join. In fact the website has no way of applying that I can find, and there is minimal contact information given, no address, and not a single telephone number. Only one of the officer's email addresses is provided. We feel that for the Neighborhood association to make a decision like this without notifying those most affected is just wrong.

I researched the Officers of the Neighborhood Association to get a feel for how they themselves might be affected, and found that none lived within 500 ft., and so I do not know that they have a good grasp on the parking situation that we have to deal with. That information is presented below. These distances are direct distances, and of course would be even greater using the streets.

David Thomas (President) 2004 E. 9th St.

1,350 ft away

Nell Peterson (Vice President) no address listed on TCAD

Darryl Meuth (Treasurer) 1134 Concho St.

3,109ft away

Martha Zornes (Secretary) 2409 Bryan St.

Marlen Kraemer (Secretary) 1916 Tillotson Ave.

1,300 ft. away

1,601 ft. away

At the meeting you facilitated, we were also made aware that among the conditions for the support of the Blackshear-Prospect Neighborhood Association, the owner agreed to set aside some space to be used as an Art Gallery, and as a meeting space for the association. At the meeting we also found out that one of the Officers of the Blackshear-Prospect Neighborhood Association is an Artist/Photographer who recently had a temporary gallery located at his home shut down by the City of Austin. Learning this information does raise some conflict of interest questions. We are unsure that the interest of Blackshear-Prospect Neighborhood Association and the interests of the Citizens of the Blackshear Neighborhood are really one and the same. We feel that the endorsement by OCEAN and by the Blackshear-Prospect Neighborhood Association will certainly come into question regarding this issue. And while intentions may be good, we feel we need to be very careful as to exactly whose interests are being protected here.

Yesterday after work, we walked our street for a couple of hours with a petition against the rezoning to get a feel for how our closest neighbors felt, and we found that the great majority was opposed to a project like this coming into our neighborhood, and that parking was the main concern. It is important to note that many of these people were elderly, Spanish speaking, physically impaired, and/or worked very long hours, which I'm sure makes it difficult to be as active in the community as they would like to be. Many were very long time residents, some even born in the neighborhood, who did not even know about the proposed rezoning and what that entails. I attached the petition that we have so far.

We really appreciate the information you emailed to us yesterday, and would very much like if you kept us informed on this case as it progresses. Thank you very much for your time.

Juan Valera and Sharon Aguilar 2301 E. 9<sup>th</sup> St Austin, TX 78702 Tel: 512-964-4982 juanmvalera@gmail.com

Name	<u> </u>	Do Not Su	pport Rezoning	Signature/	<u>'Date</u>
Duan	Valera 230	1 £ . 24h Sx.	<b></b>	July	9/18/11
Maria	Cro7 2305	E9th St		Maria Cru	17 9-13-01
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# **PETITION**

Case Number: C14-2010-0079

2315 E. 8TH ST

Date: 10/24/2011

Total Square Footage of Buffer:

196337.54

Percentage of Square Footage Owned by Petitioners Within Buffer:

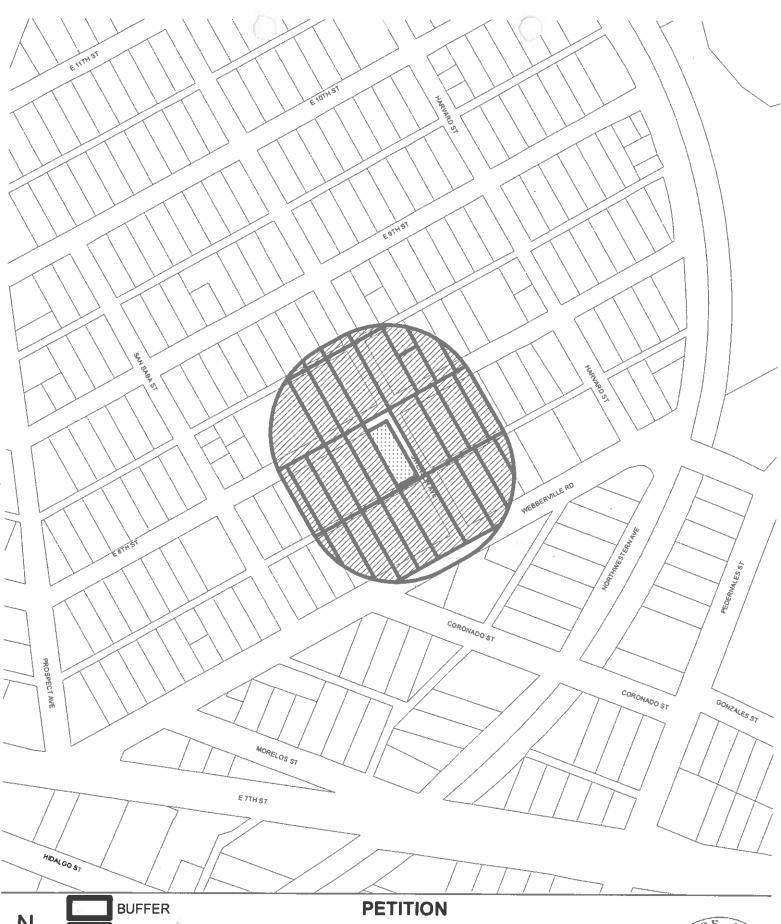
0.27%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
.1	0205101207	2311 B E 9 ST	VASQUEZ EMA M	yes	536.10	0.27%
			HARDEMAN JAMES			
2	0205101208	2313 E 9 ST	ETAL	no	1,011.03	0.00%
			CASWELL JAMES D &		•	
3	0205101209	2315 E 9 ST	MARTHA	no	1,567.97	0.00%
			HERNANDEZ			
4	0205101210	2314 E 8 ST	RAYMOND & TRACY	no	10,029.51	0.00%
5	0205101212	2310 E 8 ST	GARCIA TIBURCIO Q	no	7,030.27	0.00%
6	0205101222	2312 E 8 ST	PANGESTU FRIEDA B	no	7,038.24	0.00%
7	0205101223	2306 E 8 ST	BORDE CORINNE	no	11,858.80	0.00%
8	0205101301	2401 E 9 ST	ASCOTT BRIAN	no	1,121.41	0.00%
			ARRIAGA GUADALUPE			
			& EPIMENIA A			
9	0205101315	2406 E 8 ST	GONZALES APT B	no	1,103.51	0.00%
10	0205101316	2404 E 8 ST	ZARAGOZA NURIA	no	4,818.28	0.00%
11	0205101318	2400 E 8 ST	CASAREZ NEMECIO	no	10,555.19	0.00%
12	0205101319	2402 B E 8 ST	PORTILLO EMMA LUZ	no	2,737.74	0.00%
13	0205101320	2402 E 8 ST	SERDA LUIS	no	3,906.60	0.00%
14	0205101704	2305 E 8 ST	NEGUS MARY E	no	3,128.41	0.00%
15	0205101705	2307 E 8 ST	GARCIA CARLOS	no	7,077.47	0.00%
			WEIGUM KYLE &			
16	0205101706	2309 E 8 ST	SHANNON E	no	7,155.91	0.00%
17	0205101707	2311 E 8 ST	GARCIA ELEUTERIO	no	7,103.25	0.00%
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			NEW LINCOLN			
10	0205404709	2242 E 0 CT	MISSIONARY BAPTIST		7.055.40	
18	0205101708	2313 E 8 ST	BAPTIST CHURCH	no	7,057.46	0.00%
		2326	CITATION REAL			
10	0005404740	WEBBERVILLE	ESTATE HOLDINGS		40.000.40	
19	0205101710	RD 2320	LLC	no	10,860.10	0.00%
		WEBBERVILLE	PEREZ DANIEL &			
20	0205101711	RD			7 400 44	
20	0205101711	2318	FRANCISCA PEREZ	no	7,462.41	0.00%
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21	0205101712	RD	ESPINOZA LILLY % ROSALINDA ESPINOZA		7 400 70	
21	0205101712	2316	ROSALINDA ESPINOZA	no	7,462.79	0.00%
		WEBBERVILLE				
22	0205101712	RD	A OUND LINE A		7 000 50	
22	0205101713	2310	AQUINO LUIS A	no	7,023.50	0.00%
			CARCIA EL EL ITERIO			
22	0205101714	WEBBERVILLE	GARCIA ELEUTERIO			
23	0205101714	RD	QUEZADA	no	5,100.55	0.00%
		2306 WEBBERVILLE	GUEDDEDO LIDOUTO			
24	0205101715	RD	GUERRERO HIPOLITO A JR		4 000 00	
4	0200101710	ואט		no	1,082.29	0.00%
25	0205101801	2401 E 8 ST	COOP TEX HOMES		0.745.00	
26	0205101801	2401 E 6 ST 2403 E 8 ST	LTD PORTO GUIDO	no	9,715.26	0.00%
20	0200101002	2400 E 0 3 I	FORTO GUIDO	no	7,078.49	0.00%

			THOMAS MAIA LIFE			
27	0205101803	2405 E 8 ST	ESTATE	√ no	7,054.33	0.00%
28	0205101804	2407 E 8 ST	CISNEROS JUAN JR	no	5,072.01	0.00%
		2412				
		WEBBERVILLE	RENAISSANCE FAMILY			
29	0205101811	RD	PROPERTIES LP	no	1,419.21	0.00%
		2408				
		WEBBERVILLE	AUSTIN 360			
30	0205101812	RD	INVESTMENTS LLC	no	5,424.36	0.00%
		2404	*			
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31	0205101813	RD	INVESTMENTS LLC	no	7,215.19	0.00%
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32	0205101814	RD	INVESTMENTS LLC	no	10,895.57	0.00%
						Total %
						0.27%







PROPERTY\_OWNER

SUBJECT\_TRACT

CASE#: C14-2011-0079

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