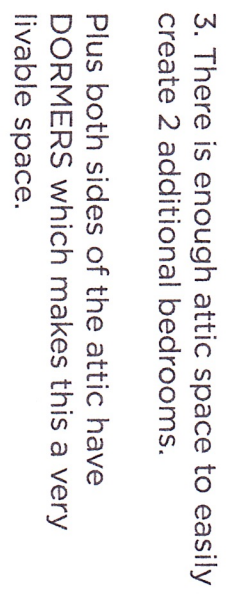


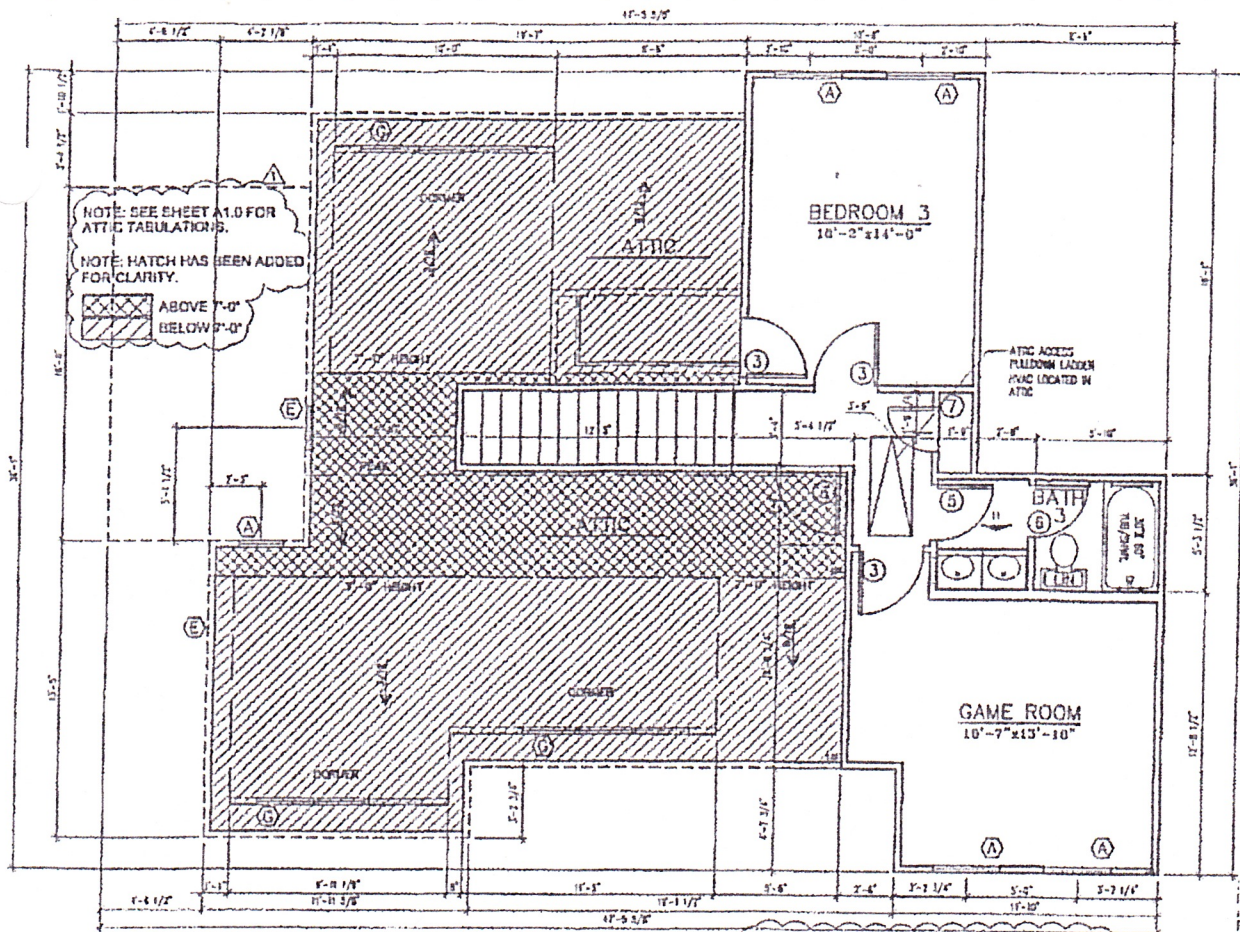
(upper level for only half of the building)



3. There is enough attic space to easily create 2 additional bedrooms.

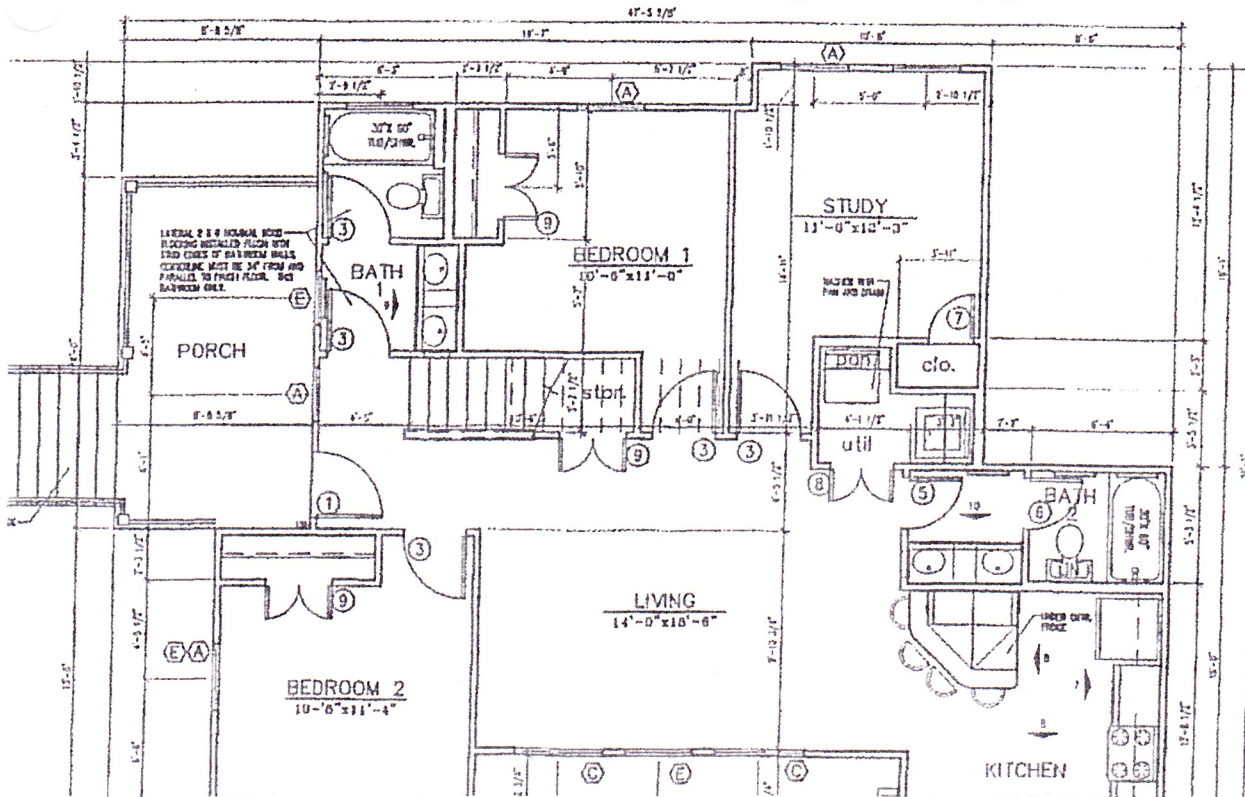
Plus both sides of the attic have DORMERS which makes this a very livable space.





② SECOND FLOOR PLAN (A & B)

FIRST &  
SECOND  
FLOOR  
PLANS  
FOR  
ONE  
UNIT



SEE  
BEDROOM  
DIMENSIONS.

## Duplex exceeds .4 FAR limit, and 4,000 sq. ft. of Gross Floor Area Limit outlined in LDC 25-2-555

The project has a true storage space of 880 square feet above the second story. That space does not have permanent access, only pull down stairs. It does not have adequate height, light or ventilation, and it stores the mechanical equipment.

In addition, the structure has 1,292 square feet of space intended for human habitation. This space was not counted towards gross floor area because it was labeled as "storage". The space is served by permanent stairs, it meets habitable ceiling heights, it has enviable windows and light, and has a full electrical plan.

Attached are the code sections that speak to definition of gross floor area, and exemptions from the calculation. No part of the Land Development Code exempts the 1,292 square feet because the developer thought of labeling it as "storage".



Fire Inspection	No
Health Inspection	No
Usage Category	103
Hazardous Pipeline Review Required	No
Electric Service Planning Application?	Yes
ESPA Application Number	rls 6-17
ESPA Approval Date	Jan 6, 2012
Site has Water availability?	Yes
Site has Waste Water availability?	Yes
Site has a septic system?	No
Subject to RD&C Requirements	RESIDENTIAL DESIGN STANDARDS
Maximum FAR allowed	4
Existing 1 Fl Area	0
Existing 1 Fl Area-Ceiling Ht over 15'	0
Existing 1 Fl Area-Ceiling Ht 15' or less	0
Existing Total 1 Fl Gross Area	0
Existing 2 Fl Area	0
Existing 2 Fl Area-Ceiling Ht over 15'	0
Existing 2 Fl Area-Ceiling Ht 15' or less	0
Existing Total 2 Fl Gross Area	0
Existing 3rd Fl Area	0
Existing 3 Fl Area-Ceiling Ht over 15'	0
Existing 3 Fl Area-Ceiling Ht 15' or less	0
Existing Total 3rd Fl Gross Area	0
Existing Basement Gross Area	0
Existing Garage attached	0
Existing Garage detached	0
Existing Carport	0
Existing Total Sq Ft	0
New/Addn 1 Fl Area	2320
New/Addn 1 Fl Area-Ceiling Ht over 15'	0
New/Addn 1 Fl Area-Ceiling Ht 15' or less	2320
New/Addn Total 1 Fl Gross Area	2320
New/Addn 2 Fl Area	882
New/Addn 2 Fl Area-Ceiling Ht over 15'	0
New/Addn 2 Fl Area-Ceiling Ht 15' or less	882
New/Addn Total 2 Fl Gross Area	882
New/Addn 3 Fl Area	1292
New/Addn 3 Fl Area-Ceiling Ht over 15'	0
New/Addn 3 Fl Area-Ceiling Ht 15' or less	1292
New/Addn Total 3 Fl Gross Area	1292
New/Addition Basement Gross Area	0
New/Addition Garage attached	0
New/Addition Garage detached	0
New/Addition Carport	0
New/Addition Total Sq Ft	4494
Total Number of Driveways	00
Driveway Width 1	00
Total Number of Sidewalks	1
Certificate of Occupancy to be Issued	Yes
Code Year	2006
Code Type	International Residential Code

## PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
1917		DAVID					AUSTIN	TX	78705	Lot: 18 Block: 2 Subdivision: CARRINGTON SUBDN OUTLOT 11 26 27 28 DIV D 1895
Lot: 18 Block: 2 Subdivision: CARRINGTON SUBDN OUTLOT 11 26 27 28 DIV D 1895										

## PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal	Phone1
Applicant	Real Estate (Michael McHone)	PO BOX 8142	Austin	TX	78713	(512)481-9111

## PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Residential Intake	Closed	Nov 23, 2011	Nov 23, 2011	Nov 23, 2011	Bryan Walker (974-2708)	1
Plan Review Administration	Open					0
Residential Zoning Review	Approved	Dec 28, 2011	Nov 29, 2011	Jan 6, 2012	Victor Villarreal (974-2947)	6
Tree Ordinance Review	Open				Michael Embesi (974-1876)	0
Residential Revision After Issuance	Open	Jan 6, 2012				0

## FOLDER ATTACHMENT

Description	Detail

[View Attachment](#)



(43) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

### **GROSS FLOOR AREA.**

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

**3.3.1.** In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

**3.3.2.** Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter:

A. Up to 450 square feet of:

1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;
2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:
  - a. detached from the principal structure; or
  - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or
3. A parking area that is open on two or more sides, if:
  - i. it does not have habitable space above it; and
  - ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

B. Up to 200 square feet of:

1. An attached parking area if it used to meet the minimum parking requirement;  
or

2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:

- a. detached from the principal structure; or
- b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.

C. An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.

**3.3.3.** Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

A. A ground floor porch, including a screened porch, provided that:

- 1. the porch is not accessible by automobile and is not connected to a driveway; and
- 2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if:

- 1. The habitable portion does not extend beyond the first-story footprint and is:
  - a. Below natural or finished grade, whichever is lower; and
  - b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.
- 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

C. A habitable portion of an attic, if:

- 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
- 2. It is fully contained within the roof structure;



3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

**3.3.4.** An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

- A. Area is measured on the outside surface of the exterior walls; and
- B. Height is measured from the finished floor elevation, up to either:

1. the underside of the roof rafters; or
2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

*Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.*

## Group Residential Use- Plan and Arrangement of 1917 David Street

Due to the design of the structure, this building will never be occupied by a unit of related persons. There are no en-suite bathrooms, no master bedroom, significantly smaller than normal common area (25% as opposed to 40-50%), and a series of smaller than average, similarly sized bedrooms.

The Plan and arrangement is consistent with group residential use, and is incompatible with single-family neighborhood characteristics:

GROUP RESIDENTIAL use is the use of a site for occupancy by a group of more than **six persons** who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

§ 25-2-57 FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.

**A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.**

Source: Section 13-2-45; Ord. 990225-70; Ord. 031211-11.

Once built, this structure will be inhabited by 10-14 unrelated persons, and will have 6-8 cars without designated parking. That is incompatible with single-family neighborhood characteristics.



## Bedroom Definition and Safety

In the vast majority of projects, the number of bedrooms in a residence is, and will continue to be irrelevant. However, the super-duplex ordinance requires a bedroom definition in order to be applied.

The spirit of the ordinance calls for any private room, with the potential to be a bedroom, to be called a bedroom. It is entirely possible that the developer of 1917 David truly intends to put nothing but pinball machines in the gamerooms. However, it is inconceivable to think that in the life of the structure, with changing tenants, and changing owners, those rooms won't eventually be used as bedrooms.

For the purposes of interpreting 25-5-555D a bedroom could reasonably be defined as any room that:

1. meets the definition for habitable space under IRC 2006 Section R202 (space to be used for living, eating, cooking, and sleeping ) AND
2. meets the minimum area requirements per IRC 2006 section 304 (70 square feet, minimum 7" dimension) AND
3. is a private space or can be made private by the addition of a door AND
4. has outside door and or window which meets the minimum requirements for emergency escape

The definition proposed is in line with the LDC. Recently, the code (25-2-511) was revised to amend another section where the word "bedroom" was being circumvented. The change involved regulating any increase in square footage by 70 sq ft, instead of regulating bedrooms.

In the past, despite labels on plans, reviewers would call any room with a closet, other than a bathroom or a kitchen, a bedroom. Although we do not see the value in reverting back to that definition, we do believe reviewers should go back to actively defining spaces.

Safety- There is concern that if a definition includes a safety provision, like egress, unscrupulous developers will forgo safety in order to avoid the bedroom label. That may be a real concern, and that portion of the definition may need to be removed, or as a disincentive, a significant mandatory fine may be placed on those who risk their tenants' safety.

Regardless, no condition is more unsafe than simply turning a blind eye. By not acknowledging the true nature of a space, inspectors cannot enforce safety features like proper egress, or smoke detectors. Furthermore, large numbers of unrelated persons do not function as a unit. For that reason, group residential projects have added requirements to ensure safety. If there was honesty about the occupancy of stealth dorms, they would be classified as commercial projects and be required to have fire protection sprinklers, annual inspections, etc.

## Code Compliance vs. Permitting

Some may think that this should be a Code Compliance and not a permitting issue.

We could not disagree more. Once the structure is built, it is too late.

Even if the Code Compliance Department had unlimited resources, which it does not, it is very difficult to control what happens behind closed doors.

Residential rental projects do not have annual inspections, which means an investigator would have to be "invited" in, in order to assess whether the unit was occupied in accordance with the permits, or not.

The Code Compliance History of this property, under to ownership of the current owner, shows how difficult it is to enforce occupancy issues.

The records show that investigators determined that 1917 David was an illegal fourplex in 2006. However, the property continued to be leased out five years after the initial determination was made.