

Agenda Questions/Responses
March 09, 2006

- 6. Please provide proposed language for this item and a copy of the petition. (Council Member Raul Alvarez)**

This has been provided as late back-up to Council Offices and as an attachment via email.

- 16. Provide a copy of the form that verifies that subcontractors were notified. (Council Member Raul Alvarez)**

This has been provided to Council Offices as late back-up and as an attachment via email.

- 21. I have not been able to find the council approved item on the October 6, 2005 agenda that says we entered into a service agreement with this company; will you please provide our office some background material, before Wednesday?**

What is the difference between Allied Barton Security personnel and City of Austin Security personnel?

Are they being paid at a higher salary than our own security personnel?

How much money was/will be saved as a result of our hiring an outside security agency to work 24/7?

Why aren't we increasing on own security personnel to handle the security for this City-owned facility?

Does Allied Barton Security personnel carry weapons?

(Mayor Pro Tem Danny Thomas)

This has been provided to Council Offices as an attachment via email.

- 22. Why do we have some vehicles purchased under Item 22 and some under Item 23? Also, please explain the rationale for purchases ready for LNG conversion versus not ready for LNG conversion. (Council Member Lee Leffingwell)**

All of the vehicles to be purchased were not available from one source. The Chevrolet and International manufactured vehicles are only available through IIGAC. The vehicles being purchased through BuyBoard are all Ford manufactured vehicles.

The decision on what type of vehicles to buy is made by the Fleet Officer based on the City's goal to purchase vehicles with the cleanest burning fuel, availability of alternative fuel or hybrid vehicles, the operational needs of the end user (on-road or off-road, towing or hauling capacity, etc.), and Fleet's ability to support the vehicles. Chevrolet only has the 6.0 liter gasoline engine truck ready for LPG conversion at this time. With this authorization we will

purchase 11 trucks and one service truck from Chevrolet that are ready for LPG conversion. After-market LPG conversion kits are currently being developed for the Ford F150 and F250 trucks. Fleet Services will be able to convert the twenty-five F150/F250 trucks included with this authorization when these conversion kits are available later this spring. In total, of the 150 vehicles being purchased with these two Council actions, 43% or 64 vehicles are either hybrids or have the ability for LPG conversion. In addition, 6 vehicles are flex fuel so that when ethanol is more widely distributed the City can also begin to take advantage of that cleaner burning fuel.

- 25. There is no backup explaining interim development rule hardships for this specific cases. Please provide. (Council Member Lee Leffingwell)**

The staff report has been provided to Council Offices as late back-up and as an attachment via email.

- 26. There is no backup explaining interim development rule hardships for this specific cases. Please provide. (Council Member Lee Leffingwell)**

The staff report has been provided to Council Offices as late back-up and as an attachment via email.

- 59. The back-up states that the current site plan is for a commercial use and that the applicant changed the use to residential. The applicant has stated that this has always been a residential project. What is the basis for staff's position that the current site plan is for a commercial project? (Council Member Raul Alvarez)**

A subdivision application was filed in 1995 and approved in 1996 which specified commercial development on this property. Because the property was outside the city limits at the time, the applicant was required to place a note on the plat restricting the use to non-residential development to avoid paying parkland fees. The note did leave the door open for residential development by stating that no residential use would be allowed unless parkland fees were paid. When the site plan for condominium development was filed in 2001, the applicant did pay parkland fees. However, in staff's opinion the original project proposed was commercial, and there was a change in the project when the site plan application for the condos was filed. Therefore, if the site plan expires, the applicant cannot grandfather the project back to the date of the plat and will have to comply with current regulations.



Item # 6

**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 6
AGENDA DATE: Thu 03/09/2006
PAGE: 1 of 1

SUBJECT: Approve an ordinance ordering an election for the purpose of submitting a citizen's initiative charter amendment to the voters related to mandating online access to city administrative records and eliminating certain state law authority.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING City Clerk's Office
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Shirley Gentry

FOR MORE INFORMATION CONTACT: Shirley Gentry, City Clerk, 974-2211

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MAY 13, 2006, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS; AND PROVIDING FOR THE CONDUCT OF THE ELECTION.

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

PART 1. A charter amendment election shall be held in the City on May 13, 2006, at which the ballot shall be prepared to permit voting "yes" or "no" on the following proposition:

Shall the city charter be amended to require that the City create and maintain at City expense, which may include tax revenue, a "real time" online electronic document data system for written electronic communication relating to most city business, including personal correspondence with public officials, permit applications, complaints, appointments calendars for elected officials and certain City employees, and other information of a "significant public interest", prohibit the City from exercising state law protection for information that could expose the City to greater financial liability, require the City to maintain all City records beyond state law requirements, and require that companies seeking to do business with the City waive their right to protect proprietary business information submitted to the City?

PART 2. If this proposition is approved by the majority of the voters voting at the election, the City Charter shall be amended to add a new Article XIV to read:

ARTICLE XIV. OPEN GOVERNMENT ONLINE.

§ 1. POLICY.

The citizens of the City of Austin establish Austin as a leader in open, online, and participatory government. An open and online government allows our community to benefit from and respond to the wisdom, knowledge, experience and interests of everyone. The Austin community is ideally suited to utilize technology to open our city government to greater public oversight and participation. Public oversight and participation require that public servants do not have the right to decide what is good for the citizens to know and what is not good for them to know. The citizens insist on

remaining informed so they may retain control over the instruments of government they have created. The purpose and subject of this amendment is to assure open government. This amendment and other open government laws shall always be liberally construed to favor openness.

§ 2. PRIVACY PROTECTED.

Nothing within this amendment should be interpreted in a manner that would violate an individual's existing constitutional or common law rights to privacy.

§ 3. OPEN GOVERNMENT ONLINE.

The City must, as expeditiously as possible and to the greatest extent practical, make all public information available online in real time and accessible to the public. This move to online access is a more efficient, timely, and open substitute for the manual and slow processing of public information requests. The City's actions to make public information accessible should be integrated with a move to carry out city business online, so that the processes of managing and governing the city and of public disclosure become one and the same.

(A) OPEN ACCESS TO CITY BUSINESS.

- (1) Within one year of the date this Amendment takes effect, applications and proposals for any permit or contract of significant value must be provided to the City in an electronic format.
- (2) The City must assign a name and number and create a website or similar online electronic format to manage all matters that seek:
 - (a) a permit for development of more than two acres or for development anticipating development costs of more than \$1 million;
 - (b) a contract involving the expenditure of \$500,000 or more of city funds;
 - (c) economic development assistance of more than \$50,000 in value; and
 - (d) all other instances where it is reasonably anticipated that there is significant public interest in the matter.
- (3) With respect to each matter subject to Section 3(A)(2), the City must

maintain a system for electronic notification (such as email lists) to interested persons of any event or new information relating to the matter. Any individual or organization may register as an interested person.

(4) All public information concerning the matter subject to Section 3(A)(2) must be posted to the website. All written communications between the City and the applicant relating to the matter must be posted online in real time in a manner searchable by the public.

(B) OPEN ACCESS TO CITY CALENDARS.

(1) For all matters involving City business, the following people must maintain calendars of all meetings and maintain logs of all telephone calls:

- (a) City Councilmembers and their staff;
- (b) City Manager and his or her staff;
- (c) Assistant City Managers and their staff; and
- (d) all department heads.

(2) These calendars and logs must contain the time, date, subject matter, and persons involved in all meetings and telephone calls involving City business. These calendars must be used to schedule and record all past and future meetings that occur after the implementation date of this section.

(3) Calendars and logs must be posted online in real time and be accessible to the public.

(4) "Meetings" includes all informal and formal meetings including but not limited to telephone conferences, videoconferences, happy hours, and luncheons.

(5) This provision must be implemented within six months of approval of this amendment.

(C) OPEN ACCESS TO CITY ELECTRONIC COMMUNICATIONS.

(1) In order to better preserve written electronic communication for public disclosure, the City must establish a system that automatically archives all incoming and outgoing electronic communication that deals with City business to and from the following people in their official

capacity:

- (a) City Councilmembers and their staff;
- (b) City Manager and his or her staff;
- (c) Assistant City Managers and their staff; and
- (d) all department heads.

(2) The above people are prohibited from discussing City business via any form of written electronic communication, such as a private email account, that is outside of the City's automatic archiving system.

(D) OPEN ACCESS TO CITY FUNCTIONS. Within six months of approval of this Amendment, the City must maintain online in a manner directly accessible to the general public the following:

- (1) A chart showing the organizational structure of the City and its staff along with phone numbers and other contact information together with statements of the general course and method by which City functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;
- (2) Statements of general policy or interpretations of general applicability;
- (3) Administrative staff manuals and instructions to staff of general applicability that affect a member of the public;
- (4) All public information requests made to the City and all communications to the Attorney General or to the requestor regarding these public information requests, except to the extent the City is otherwise entitled to withhold and keep confidential specific documents or portions of documents;
- (5) All public information that has previously been released to someone making a public information request and which, because of the nature of the subject matter, the City determines is or is likely to become the subject of a subsequent public information request for substantially the same information;
- (6) The style, docket number, and a short description of the subject matter of any litigation in which the City is a party, together with all

court-filed pleadings in any litigation that the City is a party; and

(7) Agendas, minutes, and transcripts or recordings, except for executive sessions, of all meetings of the City Council, City Boards, and City Commissions.

(E) EFFECTIVE ACCESS TO INFORMATION. The City must create and maintain online tables of contents and indexes to enable the general public to easily find and access online City documents and public information. Information must be searchable, and be able to be located by author/submitter, individual recipient, date, and subject matter.

§ 4. PUBLIC INFORMATION.

The term "public information" means information that is required to be produced under Texas Government Code § 552.021. Public information also includes the following categories that must be produced in response to a public information request:

(A) INFORMATION RELATING TO CIVIL LITIGATION. That the City is a party to litigation does not render information relating to that litigation less important; rather it often means the information is a matter of heightened public interest. Therefore, the City must not withhold information relating to civil litigation under Texas Government Code § 552.103, but it may withhold under other Public Information Act exceptions.

(B) ECONOMIC DEVELOPMENT INFORMATION. Information relating to economic development assistance or incentives is public information to which the public has a right of access.

(1) The City must require all businesses and individuals seeking to engage in the type of economic development negotiations referenced in Texas Government Code § 552.131 to execute and deliver to the City a waiver of any rights to prevent the public disclosure of all information exchanged with the City. The City is without authority to engage in economic development negotiations with any company that has not first executed a waiver.

(2) The City is without authority to shield economic development offers under Texas Government Code § 552.131(b).

(3) Nothing in section 4(B) prevents a City from withholding documents under Texas Government Code §§ 552.104, 552.105, or 552.108.

(C) **AGENCY MEMORANDA.** Open government in Austin ensures the people have access not only to the final decisions made by government officials but also to the process by which those decisions are made. The City must not use Texas Government Code § 552.111 to withhold information reflecting advice, opinion, and recommendations on policymaking matters, except the City may withhold attorney work product.

(D) **PERSONNEL FILES.** The City of Austin must not maintain an optional personnel file as authorized under Texas Local Government Code § 143.089(g) for employees of the Austin Police Department, nor does the City have authority to enter into any meet and confer or other agreement with any police officer association that requires creation or maintenance of a separate file that is closed to the public.

(E) **EMAILS RELATED TO CITY BUSINESS.** Email or other written electronic communication to or from a public official concerning City business is public information, including communications to or from privately owned email accounts or computers.

§ 5. OPEN MEETINGS.

(A) **SETTLEMENTS.** In any litigation or pre-litigation matter of public interest, no settlement shall be given final approval without at least one public hearing. All terms proposed for settlement must be posted online at least seven days prior to the public hearing.

(B) **ECONOMIC DEVELOPMENT.** Negotiations related to economic development agreements, grants, loans, or programs from the City involving more than \$500,000 will be undertaken in meetings open to a public audience with 72 hours prior notice provided to the public. All presentations of information to the City Council and consideration or deliberation by the City Council of any proposed economic development agreement, grant, loan or other program must occur in lawfully noticed public meetings.

(C) **MEET AND CONFER NEGOTIATIONS.** Deliberations relating to a meet and confer agreement or proposed agreement between representatives of the City and representatives of any police officers association must be open to the public. The City is without authority to enter into any agreement to close these meetings.

§ 6. RETENTION OF PUBLIC INFORMATION.

(A) The City must preserve in perpetuity all recordings and minutes of City

Council, board, and commission meetings and all documents reviewed at these meetings. All executive sessions must be recorded by video and audio.

(B) The City will create a records retention schedule as prescribed by the Local Government Code that retains all public information for a minimum of ten years.

(C) The City must make a good faith effort to preserve all electronic information in a sustainable format so that future generations may have access. To reach this goal, the City, wherever practical, must use open formats.

§ 7. ONLINE ACCESS.

All references within this article to "online" refer to the Internet or future similar technology. Any fees for access to City public information databases and search functions must be waived for individuals, non-profit organizations, and registered neighborhood groups. The City Public Information Officer must assist persons without access to online resources to obtain timely access to online public information.

§ 8. ENFORCEMENT.

Noncompliance by the City, any City official, or City employee with this Amendment is enforceable by an action for injunction or mandamus. In addition, each official or other person found to have knowingly and willfully violated this Amendment is liable for a \$500 civil penalty for each violation.

§ 9. SEVERABILITY.

If any provision or phrase of this charter amendment, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this charter amendment shall not be affected by that invalidity; and all provisions or phrases of this charter amendment are severable for that purpose.

§ 10. ADOPTION AND IMPLEMENTATION.

Upon approval by the voters of the City of Austin, this amendment shall take effect immediately. In the event of any conflict with other provisions of the Austin City Charter, the provisions of this Open Government Online Amendment will prevail. The sections of this Amendment must be codified together as a separate Article of the Austin City Charter captioned "Open Government Online". Any references to state statutes in this Amendment should be updated in the event that they are re-numbered.

PART 3. The election shall be conducted as provided in Ordinance No. 20060302-002. The provisions of Ordinance No. 20060302-002 relating to the conduct of the election are incorporated by reference as part of this ordinance.

PART 4. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006 §
 §
 §
 §

 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk



City of Austin

Public Information Office

301 W. Second St., Austin, TX 78701

NEWS RELEASE

Item #6

For immediate release

March 6, 2006

Contact: Shirley Gentry, City Clerk, (512) 974-2211

Chris Florance, Public Information Office, (512) 974-2980

Petition meets signature requirements for May 13 election

The City of Austin has determined that a petition mandating online access to City administrative records and eliminating certain state law authority meets the requirement for the minimum number of signatures of valid voters.

City Council must place this issue on the May 13 ballot and will consider ballot language at the March 9 Council meeting. The petition drive was led by the Save Our Springs Alliance.

A total of 20,162 signatures were submitted on the original petition. The required minimum number of signatures of validly registered voters is 18,908.

A random sample of 5,051 of the signatures (or 25 percent as required by law) was checked. Deleting names of persons not on the voter rolls, lines without signatures and duplicated signatures, the sample contained 4,997 unique signatures of voters.

Using the sample, statistician Dr. Tom Sager of the University of Texas – hired by the City to review the data – estimated that there are 19,946 valid signatures on the petition. Sager reported that the petition almost certainly contains at least the required 18,908 valid signatures.

The random sampling method to determine ballot qualification is allowed by the Texas State Election Code. State law requires that a petition must be signed by a number of qualified (registered) voters equal to at least 5 percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller. In Austin's case the 5 percent is smaller and equals 18,908.

####

Project: ACWP Downtown/White Horse Trail Wastewater Improvements Phase 1-rebid
Recommended Low Bidder: Oscar Renda Contracting, Inc. Bid Amt. \$3,271,885.00
Project Goals: AA = 7.74%; Hisp = 10.32%; NA = %; Asi = 0.42% ; NA/Asi = %; WBE = 7.02%

Achieved Goals:

AA=3.37%; HISP=0.23%; ASI=0.46%; WBE=7.03%

33055 FENCING, TEMPORARY	
5507818 BARRICADES	
65841 PIPE, FIBERGLASS	
6584639 PIPE, DUCTILE IRON	
65860 PIPE, PVC	
79050 SOD, GRASS	
80198 SIGNS, CONST	
89030 MANHOLES	
91038 ASBESTOS	
91071 SHORING	
91319 CONSTRUCTION, CURB AND GUTTER	
9133919 BACK FILL, TRENCH	
91345 CONSTRUCTION, SEWER	
91347 CONSTRUCTION, SIDEWALK	
9136048 MANHOLES, CONST	
9157297 PHOTOGRAPHY, CONSTRUCTION	
96148 LABORATORY AND FIELD TESTING	
9621618 BORING FOR ROAD CROSSING	
96239 HAULING SERVICES	
96877 SURVEYING	
98814 EROSION CONTROL	
9885229 LANDSCAPING, TREE	
40509 FUEL	
Not Listed	

Totals

\$362,720.00	\$0.00	60	60	5	144	144	12	12	12	1	65	65	9
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[illegible]

Item # 21

**AGENDA QUESTION RESPONSE
030906, ITEM #21**

I have not been able to find the council approved item on the October 6, 2005 agenda that says we entered into a service agreement with this company, will you please provide our office some background material, before Wednesday? Thank you.

On October 6, 2005, City Council approved an ordinance authorizing the City Manager "...to negotiate and execute all documents necessary to acquire certain property and improvements" for the site known as 8301 Cameron Road.

To protect the City's investment and to avoid interruption in critical services such as emergency generator maintenance, fire sprinkler, fire detection, alarm and security services at this site, the negotiations with the former owner included the assignment and assumption of three contracts, including a contract with Allied Barton for security services.

The City chose to assume the Allied Barton contract on an interim basis until a site-specific Invitation for Bids for security services could be developed, advertised, evaluated and awarded. The Allied Barton contract is now before City Council to request authorization of an amendment to allow the contract to extend beyond the City Manager's \$47,000 spending authority. The bid process for a new security services contract will culminate with a Recommendation for Council Action in mid-April 2006.

1. What is the difference between Allied Barton Security personnel and City of Austin Security personnel?

The type of services provided by Allied Barton security personnel at 8301 Cameron Road and City of Austin security personnel at City Hall and the Municipal Building are similar. With the exception of a few sites, including City Hall, Municipal Building and some library facilities, security guards at City buildings are supplied through private contractors. Allied Barton Security Services is one such private contractor.

2. Are they being paid at a higher salary than our own security personnel?

No, the City of Austin security personnel are paid more than Allied Barton personnel under the terms of this contract. Under the contract assumed by the City, Allied Barton's guards are paid \$10.50/hour; the on-site supervisor receives \$12.50/hour. The City's pay scale for guards, updated in October 2005, ranges from a minimum of \$10.90 to \$15.60 per hour, based on qualifications and experience. The new contract set to come before you in April will require that guards be paid the \$10.90 living wage.

3. How much money was/will be saved as a result of our hiring an outside security agency to work 24/7?

On March 1, 2006, Invitation for Bids # MO06300124 to solicit a contract for security services to replace the Allied Barton contract closed. Although the bid evaluations are not yet complete, the initial bid tabulation shows that 12 of the 13 apparent responsive bidders' proposals are below the basic labor/benefits estimate for the same coverage to be performed by City personnel.

It appears that savings of more than \$107,500 will be realized by contracting the services. This number will increase when training, uniforms, pagers, the cost of a supervisor, mileage, office supplies and other costs are added to City labor/benefits costs.

4. Why aren't we increasing on own security personnel to handle the security for this City-owned facility?

Two major factors influenced the decision to solicit this Invitation for Bids for security services:

- *Management infrastructure and availability of Resources*
A security contractor is in a better position with infrastructure in place to hire, train, outfit, schedule and maintain a security staff of sufficient size as to have access to a pool of employees from which to pull to cover for vacations, illness, vacancies and emergencies. The City does not have sufficient resources to support the fluctuations in staffing requirements inherent in this type of service. Although there will be costs and staff time required to manage this contract, the City would have to "staff up" to replicate the security infrastructure if City personnel provided security.
- *Cost*
As mentioned above, the City is expected to save more than \$107,500 per year by contracting for security services for Cameron Road and Technicenter.

This short-term contract with Allied Barton is expected to end on April 30, 2006. A Recommendation for Council Action for a new security contract is expected to be brought forward to Council in mid-April.

5. Does Allied Barton Security personnel carry weapons?

Allied Barton personnel are not armed under the terms of this contract.



Item # 25

MEMORANDUM

TO: Mayor and Council

FROM: Joseph G. Pantaloni, P.E., Director
Watershed Protection and Development Review Department

DATE: March 8, 2006

SUBJECT: Interim Development Regulations Waiver Request: 2005 Matthews Dr.

BACKGROUND

On February 16, 2006, the City Council adopted Ordinance 20060216-043 establishing interim development regulations applicable to certain building permits for single family and duplex structures in areas of the City that were subdivided prior to March 1974.

APPLICATION

On March 2, 2006, the applicant submitted an application for a waiver from Part 3 Section 2 of Ordinance 20060216-043 that limits construction of a new single family or duplex residence on a lot where a structure has been or will be demolished or relocated to the greater of:

- (a) 0.4 to 1 floor-to-area ratio;
- (b) 2,500 square feet; or
- (c) 20 percent more square feet than the existing or pre-existing structure.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Construct a new 3,480 sf single family residence at 2005 Matthew Dr.
- Demolish 1,058 sf single family residence (application filed concurrently with waiver application)

Applicant proposes additional construction:

- 75 sf 1st floor covered porches
- 420 sf attached garage
- 50 sf additional driveway area (garage to have alley access)
- 100 sf basement to mitigate overall height and size of residence (included in 3,480 sf)

ZONING

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the West Austin Neighborhood Group and the Austin Neighborhoods Council areas
- The neighborhood is commonly known as Tarrytown

DEVELOPMENT REGULATIONS

The proposed addition requires the applicant to request a Council Waiver because it creates a structure that exceeds all three size limitations set forth in Pat 3(3) of the ordinance:

- (a) 0.4 to 1 FAR would allow 2,600 sf
 - Proposed addition creates 3,480 sf on 6,500 sf lot, which equates to a 0.53 FAR
- (b) Proposed structure will exceed 2,500 sf by 980 sf
- (c) An application for a demolition permit has been filed with the Historic Preservation Office to demolish a 1,058 sf structure
 - Ordinance allows for 20 percent increase over previous structure size
 - $1,058 \text{ sf} + 211.6 \text{ sf (20 percent)} = 1,269.6 \text{ sf maximum size allowed}$
 - $\text{Proposed } 3,480 \text{ sf} - 1,269.6 \text{ sf} = 2,210.4 \text{ sf over maximum allowed}$

WAIVER

The applicant requests the waiver under Part 4(1)(a) on the following grounds:

- The regulations pose undue hardship on the applicant due to a significant time and financial investment on the project, and
- Approval of the waiver will not adversely affect public health, safety, or welfare.

STAFF ASSESSMENT

The information submitted with the applicant's waiver application can be summarized as follows:

- Evidence was submitted indicating neighborhood support from seven neighbors
- Information was provided indicating undue hardship
- Applicant proposes to reduce bulk and mass of residence by the construction of a basement.
- At this time no evidence has been submitted stating that proposed development will not have an adverse impact on drainage.

March 8, 2006

STAFF RECOMMENDATION: CONDITIONAL APPROVAL

Staff recommends approval on the condition that the applicant supplies documentation that there is no adverse impact to public health, safety, and welfare.

Sincerely,



Joseph G. Pantalone, P.E., Director
Watershed Protection and Development Review Department

Attachments:

Waiver Application
Supplemental Information provided by applicant

Cc: Toby Hammett Futrell, City Manager
Laura J. Huffman, Assistant City Manager
Greg Guernsey, Neighborhood Planning and Zoning
Tammie H. Williamson, AICP, Assistant Director, Watershed Protection and Development Review
Marty Terry, Attorney Senior, Law Department

APPLICATION SUBMITTED BY APPLICANT MARCH 2, 2006

061616R

CITY OF AUSTIN
REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 2060216-043

STREET ADDRESS: 2005 Matthews Dr
 LEGAL DESCRIPTION: Subdivision Laurel Heights
 Lot(s) 1 Block 6 Outlot Division
 Zoning District: SF-3 Neighborhood Plan (if applicable) N/A

Type of work to be done (Select appropriate option and provide description of the proposed project):

☒ New Construction: New SF residence
 Addition:

Please select one of the following:

☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: We have invested over two years in the development of a house which integrates well within the neighborhood. This design now exceeds 4 FAR.

If you select Option 1, you must select one of the following:

☒ The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: Attached is a 24" x 36" presentation layout which depicts how the house will integrate with the neighborhood. We have spoken with many of the neighbors and -or- they are in support of the development. (Birgit Enstrom - owner)

I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

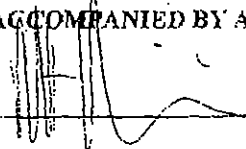
Explain:

 2. The following development agreement permits the activity:

 3. I have acquired a right under Texas Local Government Chapter 245 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation:

 4. I am providing appropriate drainage facilities. Explain:

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/owner: 

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

FOR STAFF USE

Date waiver application filed with City of Austin: March 2, 2006

Date scheduled for City Council action: March 9, 2006

WAIVER APPLICATION

REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS

NAME OF APPLICANT: BIRGIT ENSTROM

NAME OF PROPERTY OWNER: BIRGIT ENSTROM

ADDRESS OF LOT SEEKING WAIVER:

2005 Matthews Drive Austin Texas 78703

LEGAL DESCRIPTION:

Lot 1, Block 6, Laurel Heights, Austin, Travis

I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below:

We have invested over two years in the development of a house which integrates well with the neighborhood. This design now exceeds the 0.4 FAR.

Check one:

☐ The granting of this waiver will not adversely affect the public health, safety and welfare. Describe why:

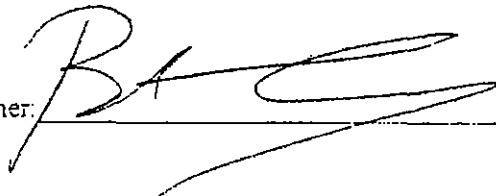
Attached is a 24"x36" presentation layout which depicts ~~of~~ how the house will integrate with Or the neighborhood. We have spoken with many of the neighbors and they are in support of

☐ I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

Explain those safeguards:

the development.

Signature of applicant/owner:



RP# 06161LD

To: Austin City Council
From: Birgit Enstrom & Hugh Randolph
Re: Neighborhood Support for 0.4 FAR Waiver for 2005 Matthews Drive
Date: March 2, 2006

After having lived at 2005 Matthews Drive for eight years, we understand and appreciate the character of the neighborhood and will develop our property, in conjunction with Matt Risinger of Risinger Homes, to enhance the neighborhood. Below please find the neighbors which support our endeavor which would require a waiver of the 0.4 FAR.

<u>Name</u>	<u>Address</u>
Dennis Jorgensen	31100 Matthews Dr
Amy Surgen	3801 Stevenson Ave
John H. H. H.	3802 STEVENSON AVE.
Op. Davis	3709 Stevenson
Ch. Beagquist	3707 Stevenson
Kim Beagquist	3707 STEVENSON AVE.
Jim Jorgensen	3705 Stevenson Ave

SUPPLEMENTAL INFORMATION SUBMITTED BY APPLICANT
MARCH 7, 2006

Waiver Application
2005 Matthews Drive
Matt Risinger -- Applicant
Birgit Enstrom -- Owner
Hugh Jefferson Randolph -- Architect

#1

I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below:

The property owner Birgit Enstrom commissioned architect Hugh Jefferson Randolph to design a 3400 sq. foot house on this 6500 lot in the fall of 2005. They spent countless hours designing this home to meet all the regulations that were in place prior to the Moratorium and we feel that this new interim regulation places an undue hardship on us.

#2

The granting of this waiver will not adversely affect the public health, safety, and welfare. Describe why:

First, the house has been designed to be very sensitive in terms of massing and scale. The elevation shows a great balance between the one story (55%) and the two story sections (45%). The two story half of the house is oriented toward the road intersection (we're on a corner lot), which means the majority of the mass has a greater distance apart from the neighboring houses. This variation of roof height also brings the scale of the house lower and gives the impression of a house much smaller than 3400 sq. feet. Next, with the garage off the alley and underneath the house in a basement location you won't see garage doors from the street and the building footprint smaller. Lastly, the home's impervious cover is several percentage points lower than the current allowable regulations thereby mitigating the risk of drainage issues. I think you'll agree when you look over these plans that this house we have designed fits well into the existing fabric of the neighborhood, and we have several neighbor's signatures agreeing with that point. I ask you to please grant us this waiver so we can build this great new addition to the community. Thanks for your time.

Sincerely,

Matt Risinger

Please see attached photograph's of neighboring houses to support our case for compatibility.

Existing House (Demolition permit has been obtained BP# 06-2219RD)



The house across the street at 3417 Stevenson Ave. is under construction and will be 6200 sq. feet when completed.



This house at 2100 Matthews Dr. is diagonally across the street from our house.



This home is across the road at 3801 Stevenson Avenue. It has a similar feel to our plan with a two story section and a one story section.



CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number	<u>BP-06-1416R</u>
Building Permit No.	_____
Plat No.	<u>DR</u> Date _____
Reviewer	_____

PRIMARY PROJECT DATA

Service Address	<u>2005 Matthews Dr</u>	Tax Parcel No.	_____
Legal Description	Lot <u>1</u> Block <u>6</u> Subdivision <u>Laurel Heights</u> Section _____ Phase _____		
If in a Planned Unit Development, provide Name and Case No. _____ <small>(attach final approved copies of subdivision and site plan)</small>			
<i>If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.</i>			
Description of Work	Remodel (specify) _____		
<input checked="" type="checkbox"/> New Residence	_____		
<input type="checkbox"/> Duplex	Addition (specify) _____		
<input type="checkbox"/> Garage <input type="checkbox"/> attached <input type="checkbox"/> detached	_____		
<input type="checkbox"/> Carport <input type="checkbox"/> attached <input type="checkbox"/> detached	Other (specify) _____		
<input type="checkbox"/> Pool	_____		
Zoning (e.g. SF-1, SF-2...)	<u>SF 3</u>	Height of building	<u>28</u> ft. # of floors <u>2</u>
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. (LDC 25-2-551(B)(6))			
Does this site have a Board of Adjustment ruling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach the B.O.A. documentation			
Will this development require a cut and fill in excess of 4 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Does this site front a paved street? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A paved alley? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

**VALUATIONS FOR
REMODELS ONLY**

Building	\$ _____
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway & Sidewalk	\$ _____
TOTAL	\$ _____
<small>(labor and materials)</small>	

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size	<u>6500</u> sq.ft.
Job Valuation	\$ <u>450,000</u>
<small>(Labor and materials)</small>	
Total Job Valuation (remodels and additions)	\$ _____
<small>(Labor and materials)</small>	

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Birgit Enstrom</u>	Telephone (h) <u>293-1994</u>
		(w) _____
BUILDER	Company Name <u>Risinger Homes LP</u>	Telephone <u>535-4063</u>
	Contact/Applicant's Name <u>Matt Risinger</u>	Pager <u>466-6078</u>
DRIVEWAY /SIDEWALK	Contractor _____	FAX <u>366-7246</u>
		Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____	Telephone _____
	Address _____	City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:

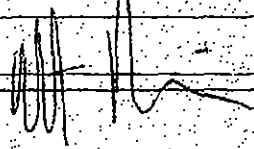
_____ telephone ☒ e-mail: Matt@risingerhomes.com

You may check the status of this application at www.ci.austin.tx.us/development/permitvr.htm

Service Address

2005 Matthews Dr.

Applicant's Signature



Date

3/6/05

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition
a. 1 st floor conditioned area	2,280 sq.ft.		sq.ft.
b. 2 nd floor conditioned area	1,100 sq.ft.		sq.ft.
c. 3 rd floor conditioned area	sq.ft.		sq.ft.
d. Basement	100 sq.ft.		sq.ft.
e. Garage / Carport			
X attached	120 sq.ft.		sq.ft.
detached	sq.ft.		sq.ft.
f. Wood decks (must be counted at 100%)	sq.ft.		sq.ft.
g. Breezeways	sq.ft.		sq.ft.
h. Covered patios	sq.ft.		sq.ft.
i. Covered porches	75 sq.ft.		sq.ft.
j. Balconies	100 sq.ft.		sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.		sq.ft.
l. Other building or covered area(s)	sq.ft.		sq.ft.
Specify			

TOTAL BUILDING AREA (add a. through l.)

4,075

sq.ft.

sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

2380

sq.ft.

36

% of lot.

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	sq.ft.
b. Driveway area on private property	50 sq.ft.
c. Sidewalk / walkways on private property	45 sq.ft.
d. Uncovered patios	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	sq.ft.
f. Air conditioner pads	30 sq.ft.
g. Concrete decks	sq.ft.
h. Other (specify)	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

2505

sq.ft.

38

% of lot

MATTHEWS DRIVE

PROPERTY LINE

KR44 RAMPOL RD, 996-4001
SITE PLAN / 2005 MATTHEWS DRIVE

85'

LOT 1,
BLOCK G,
LIBRA HEIGHTS

PROPERTY LINE

5'

ROOF OF
2 STORY

STONE FRONT
W/ MATTHEWS

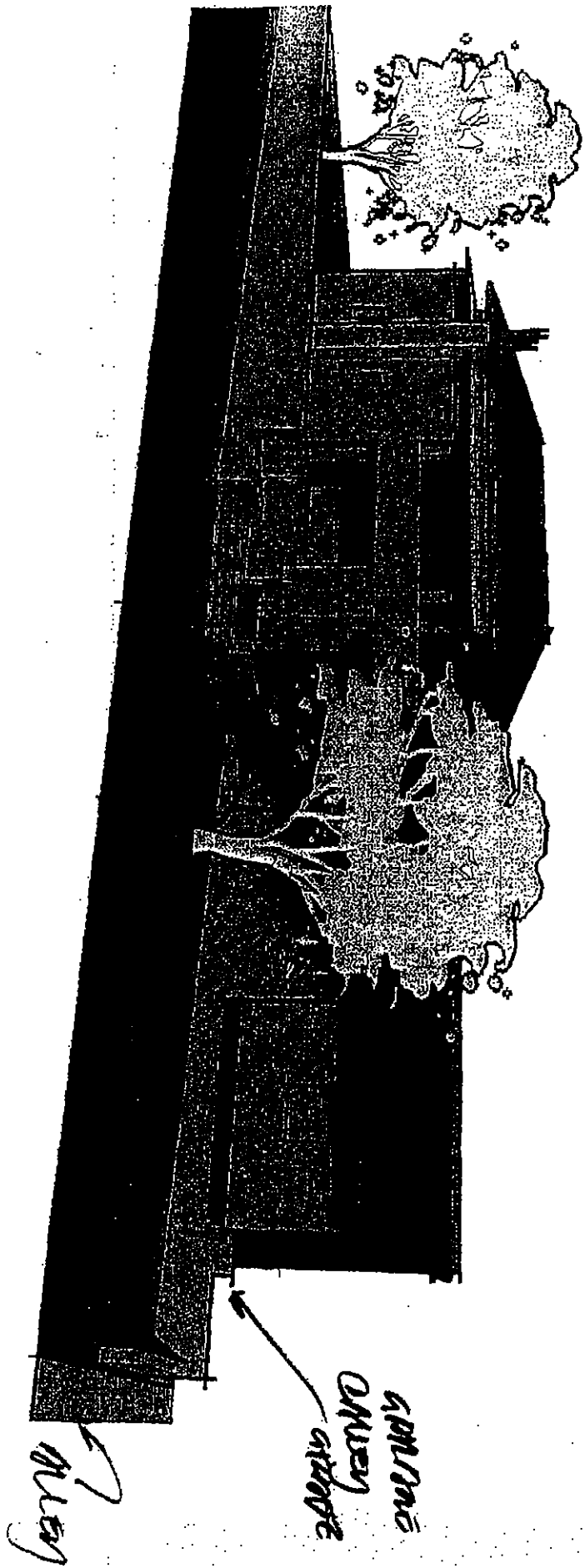
ROOF

15'-0"

ROOF OF
SINGLE STOREY

10'-0"

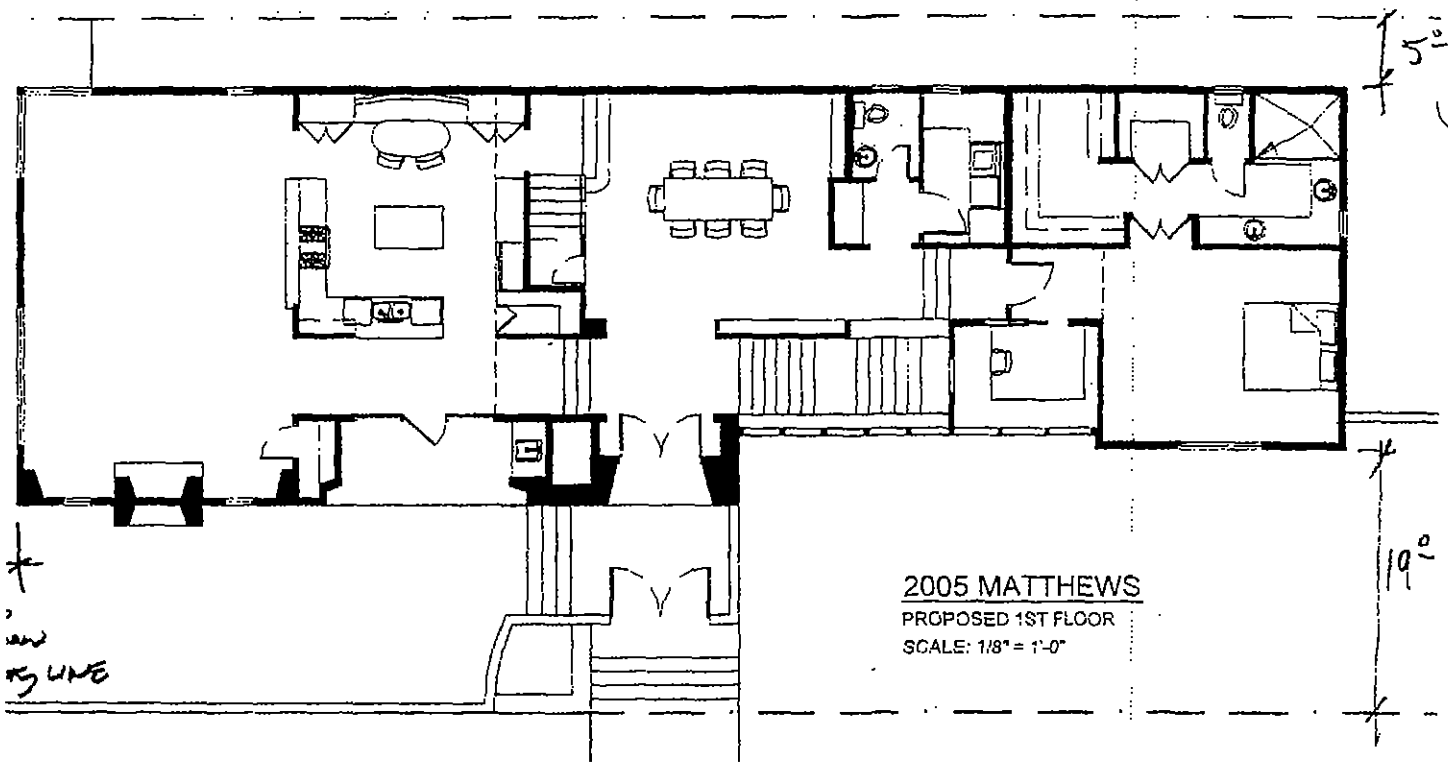
PROPERTY LINE



VIEW FROM
INTERIORS

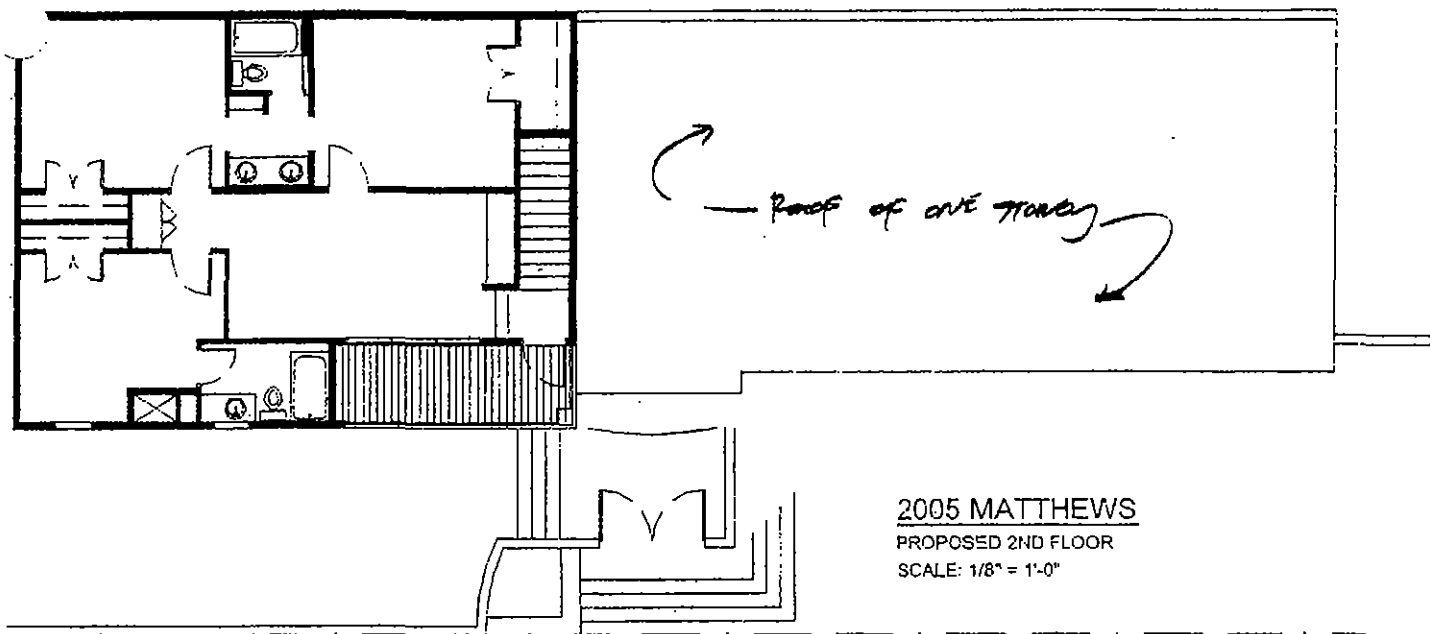
COMMON
DRIVEWAY
DRIVE

DRIVE



2005 MATTHEWS
PROPOSED 1ST FLOOR
SCALE: 1/8" = 1'-0"

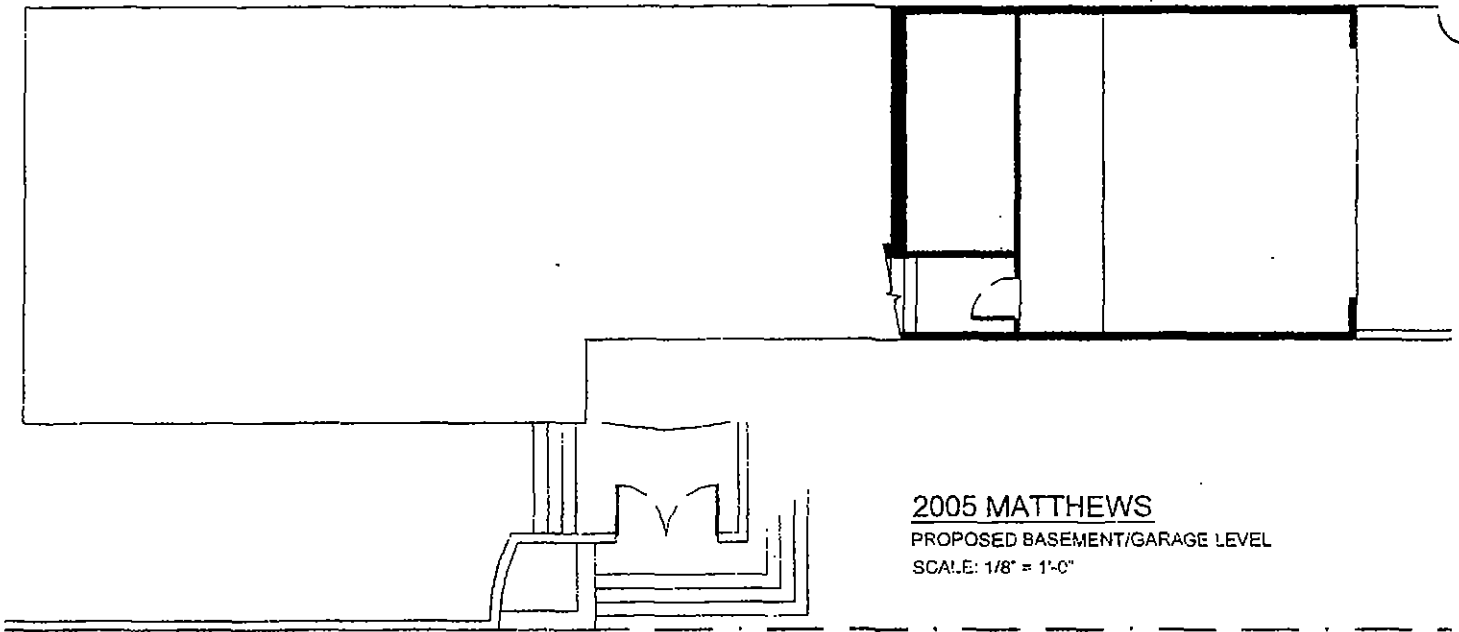
MATTHEWS



2005 MATTHEWS

PROPOSED 2ND FLOOR

SCALE: 1/8" = 1'-0"



2005 MATTHEWS

PROPOSED BASEMENT/GARAGE LEVEL

SCALE: 1/8" = 1'-0"

Item # 26



MEMORANDUM

TO: Mayor and Council

FROM: Joseph G. Pantalion, P.E., Director
Watershed Protection and Development Review Department

DATE: March 7, 2006

SUBJECT: Interim Development Regulations Waiver Request: 2308 W. 9th St.

BACKGROUND

On February 16, 2006 the City Council adopted an ordinance establishing interim development regulations applicable to certain building permits for single family residential structures in areas of the City with inadequate drainage infrastructure.

APPLICATION

On March 1, 2006, the applicant submitted an application for a waiver from Part 3(2) of the referenced ordinance. For a new single family or duplex permit, Part 3(2) limits the structure's size after the construction to the greater of:

- (a) 0.4 to 1 floor-to-area ratio (FAR);
- (b) 2,500 square feet (sf); or
- (c) 20 percent more square feet than the existing or pre-existing structure.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Construct a new 2 story 3,996 square foot gross floor area two story 4 bedroom duplex at 2308 W. 9th St.
- Previous structure was a 1,000 sf single family residence which was demolished September 2004

Applicant proposes additional construction: (totals include both sides)

- 80 sf - 1st floor covered porches
- 988 sf - attached garages
- 978 sf - additional driveway area

ZONING

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the West Austin Neighborhood Group and the Austin Neighborhoods Council areas

DEVELOPMENT REGULATIONS

The proposed development requires the applicant to request a Council Waiver because it creates a structure that exceeds all three size limitations set forth in Part 3(2) of the ordinance:

- (a) 0.4 to 1 FAR would allow 3,724 sf
 - Proposed duplex creates 3,996 sf on 9,312 sf lot, which equates to a 0.43 FAR
- (b) Proposed structure will exceed 2,500 sf by 1,496 sf
- (c) In September 2004, the Historic Preservation and Zoning Review Offices approved the demolition of a 1,000 sf structure.
 - Ordinance allows for 20 percent increase over previous structure size
 - $1,000 \text{ sf} + 200 \text{ sf (20 percent)} = 1,200 \text{ sf}$ maximum size allowed
 - $\text{Proposed } 3,996 \text{ sf} - 1,200 \text{ sf} = 2,796 \text{ sf}$ over maximum allowed

WAIVER

The applicant requests the waiver under Part 4(1)(a) on the following grounds:

- The regulations pose undue hardship on the applicant due to a significant time and financial investment on the project, and
- Approval of the waiver will not adversely affect public health, safety, or welfare.

STAFF ASSESSMENT

The information submitted with the applicant's waiver application meets the minimum criteria required for a waiver contained in Part 4 (1)(a).

- Information was provided indicating undue hardship, and
 - Information was provided indicating the development will not adversely affect public welfare
- Evidence was submitted that supports project expenditures, and/or neighborhood compatibility issues; i.e. proof of square footage for surrounding residences, photos of surrounding residences, etc
- Evidence was submitted indicating neighborhood support from two neighbors
- A sealed engineering letter was submitted stating that proposed development will not have an adverse impact drainage.

STAFF RECOMMENDATION: APPROVAL

Staff recommends approval of the waiver request based upon Part 4(1)(a) of the Ordinance because staff finds that it imposes undue hardship on the applicant and the development does not adversely affect the public health, safety, and welfare.

Sincerely,



Joseph G. Pantalion, P.E., Director

Watershed Protection and Development Review Department

Attachments:

Waiver Application

Supplemental Information provided by applicant

Cc: Toby Hammett Futrell, City Manager
Laura J. Huffman, Assistant City Manager
Greg Guernsey, Neighborhood Planning and Zoning
Tammie H. Williamson, AICP, Assistant Director, Watershed Protection and Development Review
Marty Terry, Attorney Senior, Law Department

APPLICATION SUBMITTED BY APPLICANT MARCH 1, 2006

Associated BP Number:

CITY OF AUSTIN
REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 2060216-043

STREET ADDRESS: 2308 W. 9TH ST
LEGAL DESCRIPTION: Subdivision BOULEVARD HEIGHTS
Lot(s) 11-13 Block 5 Outlot _____ Division _____
Zoning District: SF3 Neighborhood Plan (if applicable): _____

Type of work to be done (Select appropriate option and provide description of the proposed project):

☒ New Construction: 4,000 SF DUPLEX
Addition: _____

Please select one of the following:

☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: SEE ATTACHED WAIVER NARRATIVE

If you select Option 1, you must select one of the following:

☒ The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: SEE ATTACHED EXHIBIT A

-or-

I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

Explain: _____

2. The following development agreement permits the activity: _____
3. I have acquired a right under Texas Local Government Chapter 245 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation: _____
4. I am providing appropriate drainage facilities. Explain: _____

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/ owner: [Signature]

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

FOR STAFF USE

Date waiver application filed with City of Austin: March 1, 2006
Date scheduled for City Council action: March 9, 2006

EXHIBIT A

The granting of this waiver will not adversely affect the public health, safety and welfare. Describe why:

This request is to allow for the construction of a 4,000 SF duplex that would comply with all of the requirements set forth under the duplex ordinance in effect prior to the new development regulations. Given the lot size of 9,300 SF, the proposed waiver allowing for a 4,000 SF duplex would constitute a .43 FAR on this lot.

Additionally, there will be no adverse drainage issues associated with this lot as evidenced by the attached "Drainage Certificate" prepared by a licensed engineer.

(512) 472-8865
(512) 472-8860

RHETT HOESTENBACH
ATTORNEY AT LAW
1007 E. 7TH STREET
AUSTIN, TEXAS 78702



Waiver Narrative

On November 16, 2005, I purchased 2308 W. 9th St., located in the Boulevard Heights subdivision in Austin, Travis County. I paid the premium price of \$398,000 for a buildable lot that has been vacant without any structures since October 2004.

Before purchasing this property, I searched the Deep Eddy and Tarrytown neighborhoods to locate a desirable piece of land to build my new residence. I found that residential real estate in these two areas is expensive despite the fact that most of the homes existing in these neighborhoods are old and small.

It was my desire to live close to downtown where I work and close to Lake Austin where I play. To make this project affordable and to meet my needs for square footage, I decided to build a new duplex and live in one unit and rent or sell the other unit.

At the time that I bought my land in November, I was aware that a new city ordinance had gone into effect that limited total duplex size to 4000 square feet for lots under 10,000 square feet. Armed with that information, I hired a builder and an architect and began my quest to construct two 2000 square foot units in one duplex. I have now spent close to \$100,000 of my own money on this project.

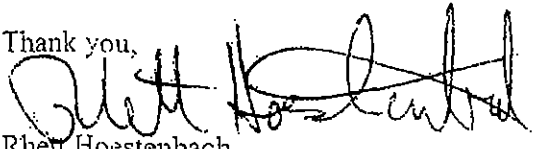
The recent moratorium imposed by the city with a .4 FAR shall prevent me from moving forward with my architectural plans and building project. I was shocked to learn that I would be prevented by the new moratorium rules from building a 4000 square foot duplex. I most certainly would not have paid \$398,000.00 for my land had I known that I would be limited to a duplex of less than 4000 square feet. Unfortunately, my money has been spent and the interest on my loan is accruing.

I attended both city council meetings and felt relieved when our city council members explained that folks in my situation could apply for a hardship. I was further relieved when our Mayor, Will Wynn, explained that those of us who had already invested in building projects prior to the moratorium would have no problem qualifying for the hardship.

I have attached to this hardship narrative the following exhibits:

- (1) Warranty Deed
- (2) Closing Statement
- (3) Residential Construction Contract
- (4) Builder Fee Check
- (5) Architect Invoice
- (6) Development Expense Check

Thank you,


Rhett Hoestenbach

A. U.S. Department of Housing and Urban Development		B. Type of Loan	
		1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FMHA
		3. <input type="checkbox"/> VA	4. <input type="checkbox"/> Other, Ins.
6. File Number		7. Loan Number	
507040			
9. Mortgage Ins. Case No.			
Settlement Statement			
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("POC") were paid outside the closing; they are shown here for information purposes and are not included in the totals.			
D. Name of Borrower: Brett Hoestenbach, 1007 E. 7th Street, Austin, TX 78702			
E. Name of Seller: S Sunny Partners, 2207 Lake Austin Blvd, Austin, TX 78703			
F. Name of Lender: Southwest Bank			
G. Property Location: Lot 11-13, Block 6, BOULEVARD HEIGHTS 2508 W 9th St., Austin, TX 78703			
H. Settlement Agent: Gracy Title Company Place of Settlement: 524 North Lamar, Suite 200, Austin, TX 78703			
I. Settlement Date: 11/16/2005		Proration Date: 11/16/2005	
J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross amount due from borrower:		400. Gross amount due to seller:	
101. Contract sales price	398,000.00	401. Contract sales price	398,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	1,885.47	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes 11/16/2005 to 1/1/2006	90.72	406. City/town taxes 11/16/2005 to 1/1/2006	90.72
107. County taxes 11/16/2005 to 1/1/2006	118.21	407. County taxes 11/16/2005 to 1/1/2006	118.21
108. Assessments		408. Assessments	
109. School taxes 11/16/2005 to 1/1/2006	332.38	409. School taxes 11/16/2005 to 1/1/2006	332.38
110. ACC taxes 11/16/2005 to 1/1/2006	20.30	410. ACC taxes 11/16/2005 to 1/1/2006	20.30
111.		411.	
112.		412.	
120. Gross amount due from borrower:	400,447.08	420. Gross amount due to seller:	398,551.61
200. Amount paid by or in behalf of the borrower:		500. Amount paid by or in behalf of the seller:	
201. Depositor's earnest money	3,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)	318,400.00	502. Settlement charges to seller (line 1400)	10,318.25
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Principal amount of second loan		504. Payoff of first mortgage loan	379,104.41
205.		505. Payoff of second mortgage loan	
206.		506.	
207. Option fee	200.00	507. Option fee	200.00
208.		508.	
209.		509.	
Adjustments for items unpaid by seller:		Adjustments for items unpaid by seller:	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213. School taxes		513. School taxes	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total paid by/borrower:	321,600.00	520. Total reduction in amount due seller:	398,622.66
300. Cash at settlement from/borrower:		600. Cash at settlement from/seller:	
301. Gross amount due from borrower (line 120)	400,447.08	601. Gross amount due to seller (line 420)	398,551.61
302. Less amount paid by/borrower (line 220)	321,600.00	602. Less total reduction in amount due seller (line 520)	318,622.66
303. CASH (X) FROM () TO BORROWER	78,847.08	603. CASH (FROM () TO SELLER	61.05

SUBSTITUTE FORM 1099 SELLER STATEMENT - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of buyer's real estate tax reportable to the IRS) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTION - If this real estate was your principal residence, file form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of form 4797, Form 8552 and/or Schedule D (Form 1040).

You are required by law to provide Gracy Title Company with your correct taxpayer identification number.

If you do not provide Gracy Title Company with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

Sunny Partners

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number _____
Building Permit No. _____
Plat No. _____ Date _____
Reviewer _____

PRIMARY PROJECT DATA

Service Address 2308 W. 9TH ST. Tax Parcel No. 01100608080000
Legal Description
Lot 11-13 Block 5 Subdivision BOULEVARD HEIGHTS Section _____ Phase _____
If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
Description of Work _____ Remodel (specify) _____
____ New Residence _____
☒ Duplex _____ Addition (specify) _____
☒ Garage ☒ attached _____ detached _____
____ Carport ☒ attached _____ detached _____
____ Pool _____ Other (specify) _____
Zoning (e.g. SP-1, SF-2...) SF-3 Height of building 30 ft. # of floors 2
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval.
(LDC 25-2-551(B)(6))
Does this site have a Board of Adjustment ruling? ____ Yes ☒ No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? ____ Yes ☒ No
Does this site front a paved street? ☒ Yes ____ No A paved alley? ____ Yes ☒ No

**VALUATIONS FOR
REMODELS ONLY**

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway
& Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size 9300 sq. ft.
Job Valuation \$ 476,200
(Labor and materials)

Total Job Valuation (remodels and additions)
\$ _____
(Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>RHETT HOESTENBACH</u>	Telephone <u>(512) 587-7773 cell</u> <u>(512) 472-8865 ofc</u>
BUILDER	Company Name <u>CASA BUILDERS</u>	Telephone <u>970-9077</u>
	Contact/Applicant's Name <u>BOB WAGNER</u>	Pager _____ FAX <u>347-9926</u>
DRIVEWAY /SIDEWALK	Contractor _____	Telephone _____
CERTIFICATE OF OCCUPANCY	Name <u>CASA BUILDERS</u>	Telephone <u>970-9077</u>
	Address <u>2714 BEE CAVES RD #205</u>	City <u>AUSTIN</u> ST <u>TX</u> ZIP <u>78746</u>

If you would like to be notified when your application is approved, please select the method:

☒ telephone ☐ e-mail: BOB WAGNER 970-9077

You may check the status of this application at www.ci.austin.tx.us/development/picriyr.htm

Address

2308 W. 9TH ST.

Applicant's Signature

[Signature]

Date

March 1, 2006

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	sq. ft.		2,130	sq. ft.
b. 2 nd floor conditioned area	sq. ft.		1,866	sq. ft.
c. 3 rd floor conditioned area	sq. ft.			sq. ft.
d. Basement	sq. ft.			sq. ft.
e. Garage / Carport				
<input checked="" type="checkbox"/> attached	sq. ft.		988	sq. ft.
<input type="checkbox"/> detached	sq. ft.			sq. ft.
f. Wood decks [must be counted at 100%]	sq. ft.			sq. ft.
g. Breezeways	sq. ft.			sq. ft.
h. Covered patios	sq. ft.			sq. ft.
i. Covered porches	sq. ft.		80	sq. ft.
j. Balconies	sq. ft.			sq. ft.
k. Swimming pool(s) [pool surface area(s)]	sq. ft.			sq. ft.
l. Other building or covered area(s)	sq. ft.			sq. ft.
Specify:				

TOTAL BUILDING AREA (add a. through l.)

sq. ft.

5064

sq. ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

3198

sq. ft.

34

% of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	3198	sq. ft.
b. Driveway area on private property	978	sq. ft.
c. Sidewalk / walkways on private property		sq. ft.
d. Uncovered patios		sq. ft.
e. Uncovered wood decks [may be counted at 50%]		sq. ft.
f. Air conditioner pads		sq. ft.
g. Concrete decks		sq. ft.
h. Other (specify)		sq. ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

4,176

sq. ft.

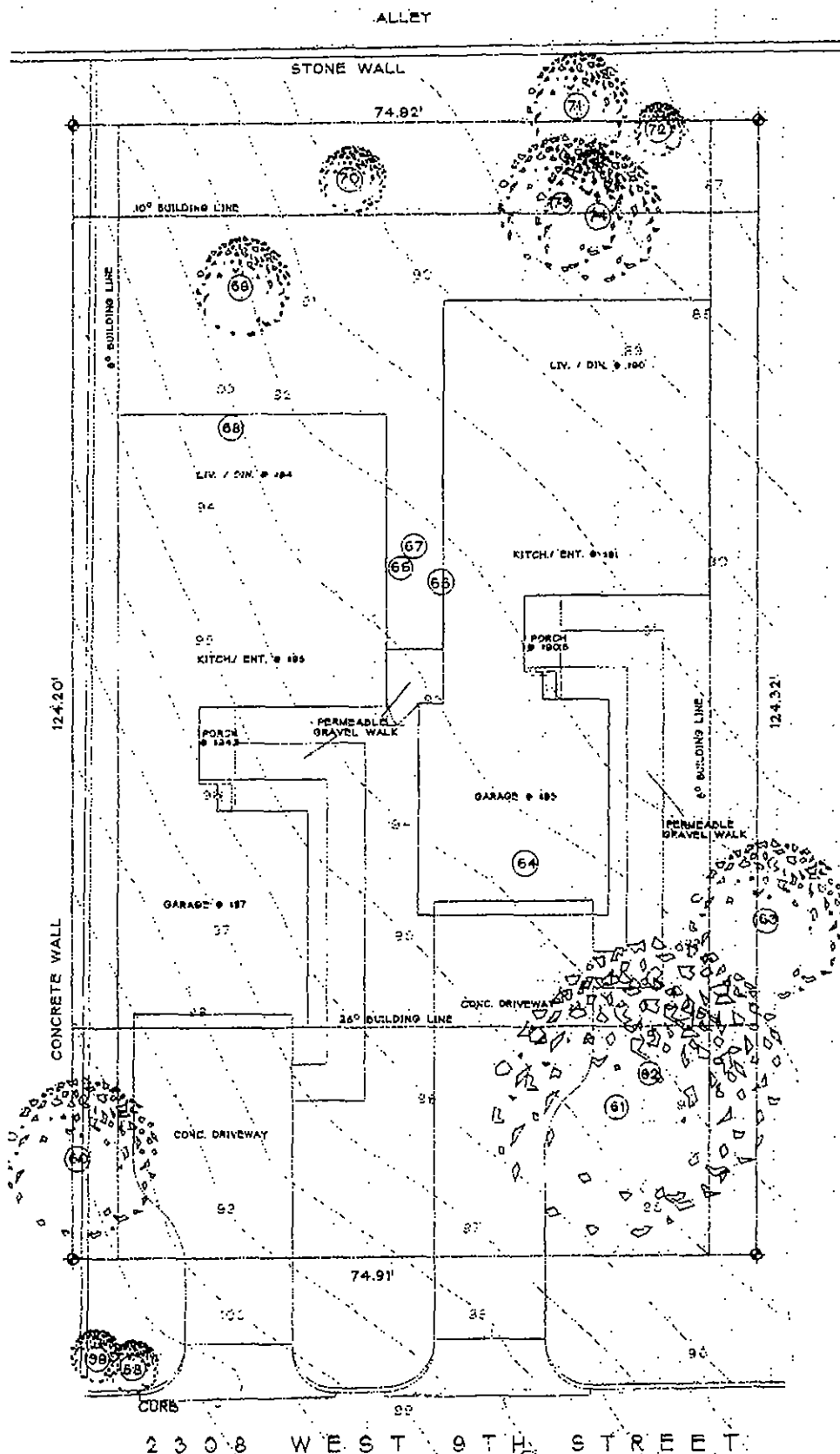
44.90

% of lot

RESIDENTIAL PERMIT APPLICATION

2428

Rejection Notes/Additional Comments (for office use only):



LOT CALCULATIONS

LOT AREA	8,202 S.F.
IMPROVEMENTS	
FIRST FLOOR	2,150 S.F.
GARAGES	968 S.F.
PORCH & PLANTER	80 S.F.
DRIVEWAY	878 S.F.
TOTAL IMPROVEMENTS	4,176 S.F.
LOT COVERAGE	44.86 %

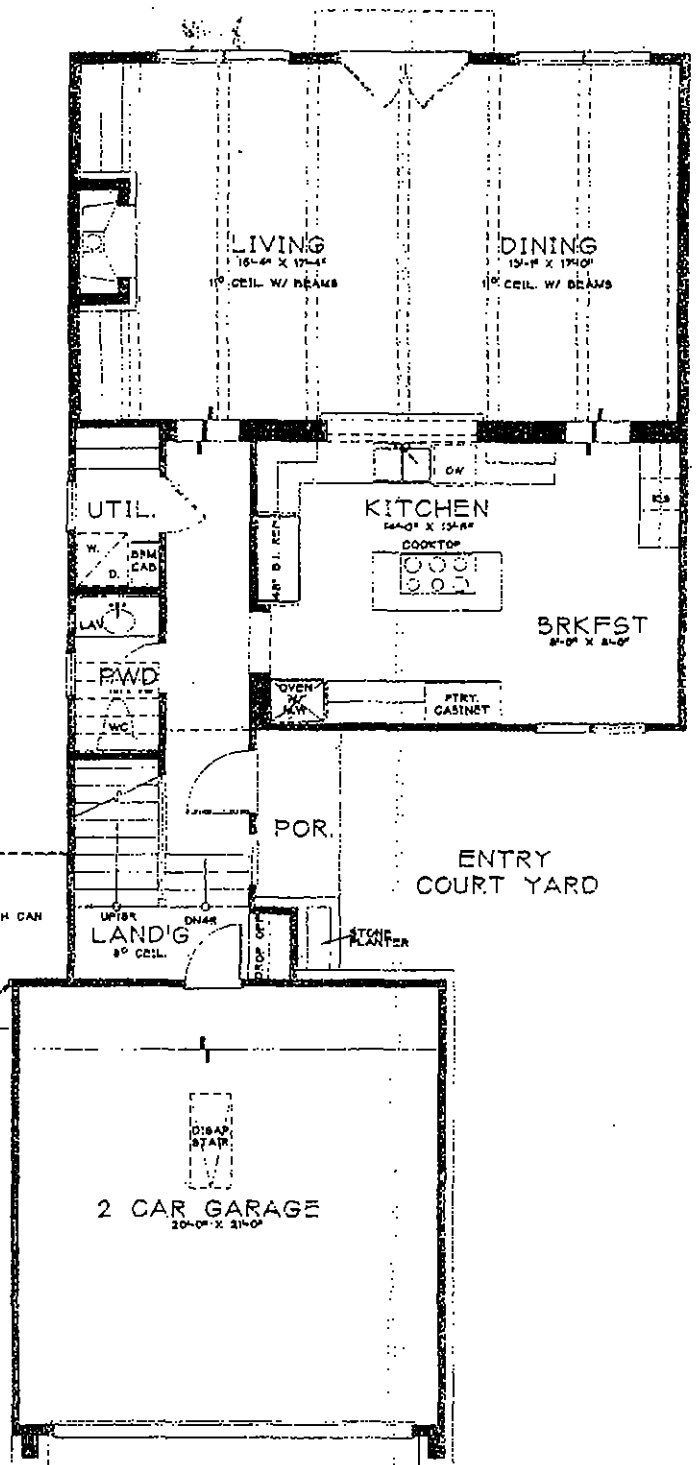
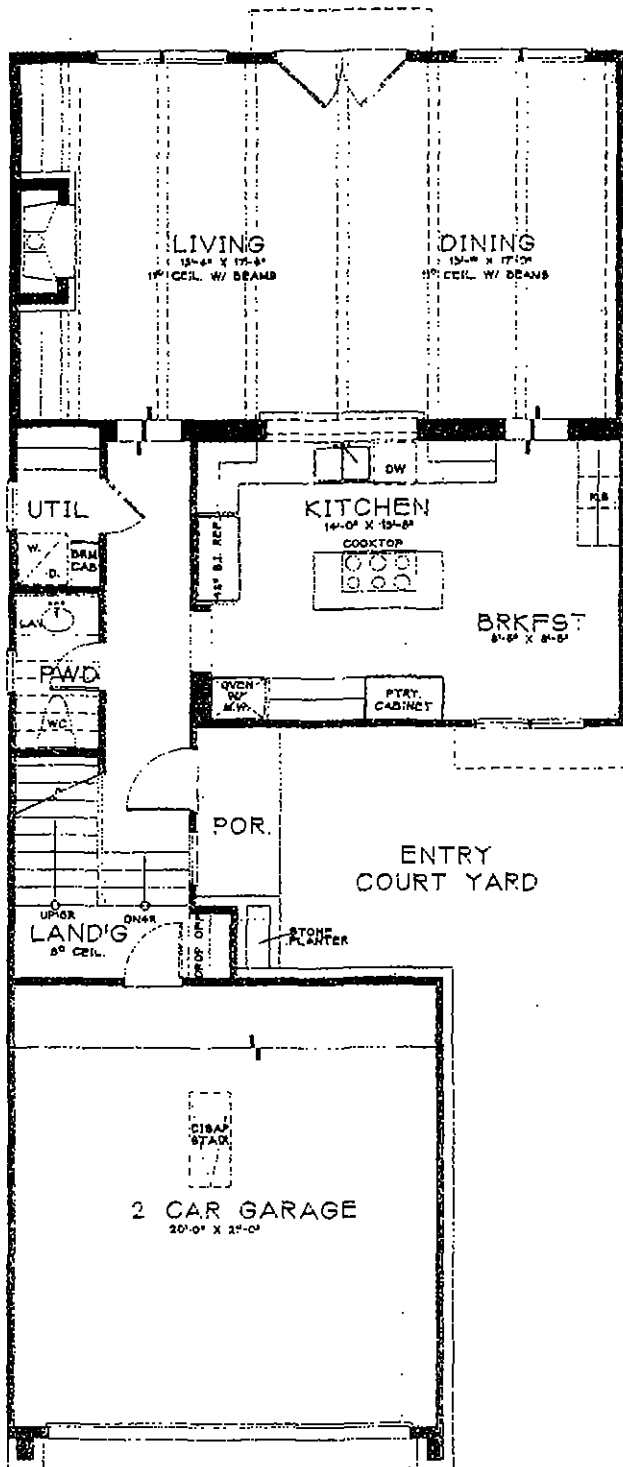


NORTH
 LOT: 11, 12, & 13
 BLOCK: 5
 BOULEVARD HEIGHTS
 SUBDIVISION
 COUNTY: TRAVIS
 AUSTIN

SCALE 1" = 16.89'

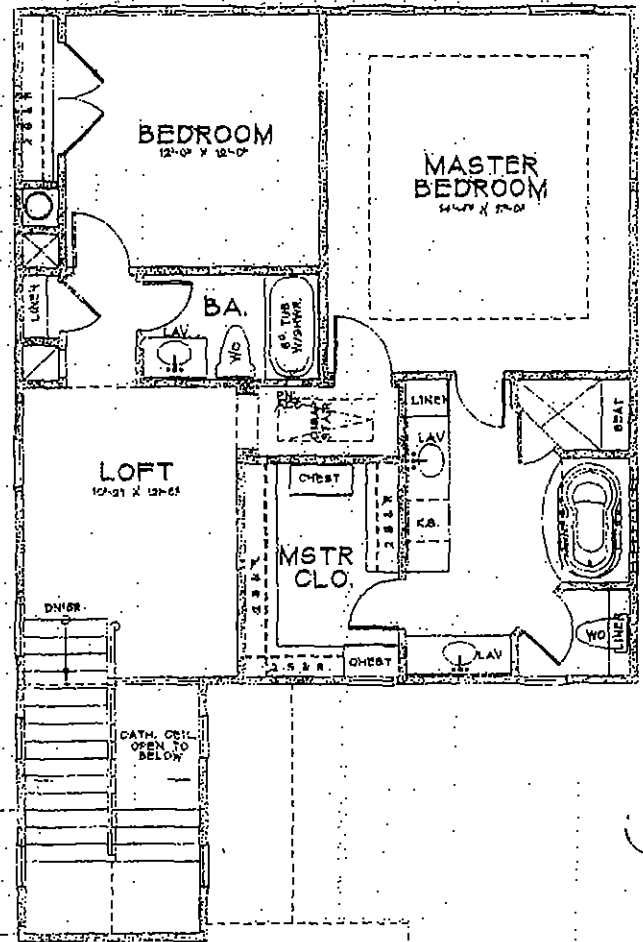
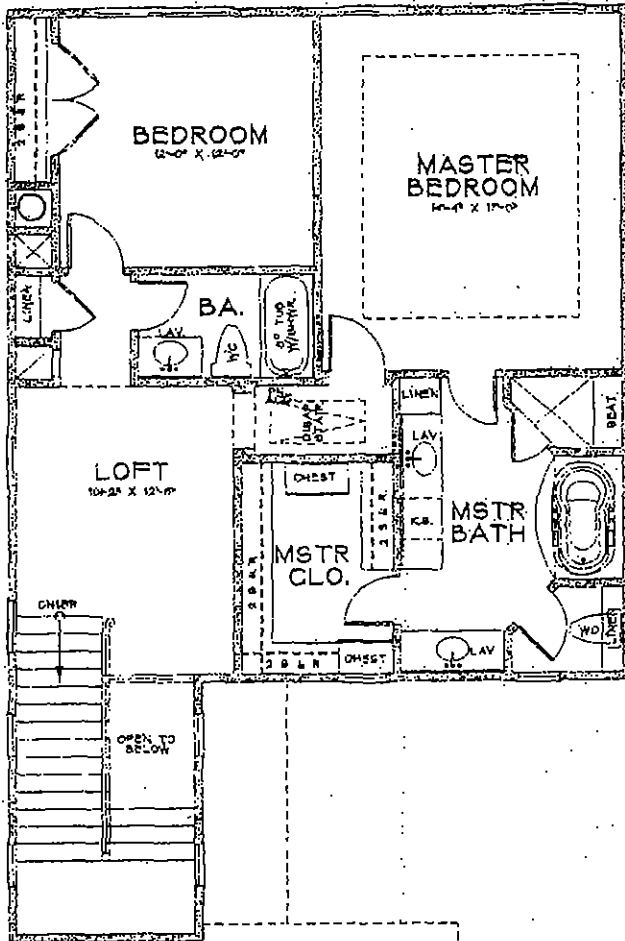
FLOORPLANS AND ELEVATIONS





EA. UNIT

FIRST FLOOR	1,661 S.F.
SECOND FLOOR	822 S.F.
TOTAL LW. AREA	2,483 S.F.
2 CAR GARAGE	194 S.F.
POINT & PLANTER	41 S.F.
TOTAL G.F. AREA	2,623 S.F.
COMMON AREA	41 S.F.



EA. UNIT

FIRST FLOOR	1,065 S.F.
SECOND FLOOR	933 S.F.

TOTAL LIV. AREA	1,998 S.F.
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2 CAR GARAGE	494 S.F.
PORCH & PLANTER	40 S.F.

TOTAL COV. AREA	2,532 S.F.
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COMMON AREA	44 S.F.
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LOT CALCULATIONS

LOT AREA	9,308 S.F.
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IMPROVEMENTS

FIRST FLOOR	2,130 S.F.
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GARAGES	988 S.F.
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PORCH & PLANTER	80 S.F.
-----------------	---------

DRIVEWAY	978 S.F.
----------	----------

TOTAL IMPROVEMENTS	4,176 S.F.
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LOT COVERAGE	44.86 %
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SUPPLEMENTAL INFORMATION SUBMITTED BY APPLICANT
MARCH 6, 2006



TEXAS
DESIGN
INTERESTS, LLC

7500 HWY 71 WEST, SUITE 106
AUSTIN, TX 78735

(512) 301-3389 (D)
(512) 301-3348 (F)

March 6, 2006

Director
Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, TX 78703

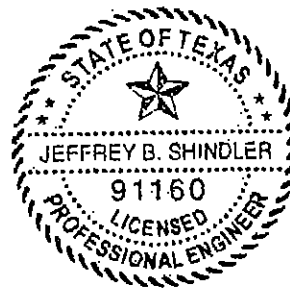
RE: Engineer's Drainage Certification
2308 West 9th Street
Austin, TX

To Whom It May Concern:

I certify that I have personally conducted a topographic review and field investigation of the existing and proposed flow patterns for stormwater runoff from the subject lot to the mainstream of Johnson Creek. At build-out conditions allowable by zoning, restrictive covenant or plat note, the stormwater flows from the subject subdivision will not cause any increase in flooding conditions to the interior of existing building structures, including basement areas, for storms of magnitude up through the 100-year event.

Sincerely,

Jeff Shindler, P.E.



RESIDENTIAL/COMMERCIAL
CIVIL & STRUCTURAL ENGINEERING

http://maps.taxnetusa.com/travis_maps/pdf_01/1_1006.pdf - Microsoft Internet Explorer

File Edit View Favorites Tools Help



Back



Stop



Refresh



Home



Search



Favorites



History



Mail



Print



Cut



Copy



Paste

http://maps.taxnetusa.com/travis_maps/pdf_01/1_1006.pdf



Spam



ABOR



Compass



Library



DVD's



Netflix



Maps



Travis CAD



Wells



Cingular1



Cingular



Google



Phone



KIM

Save a Copy

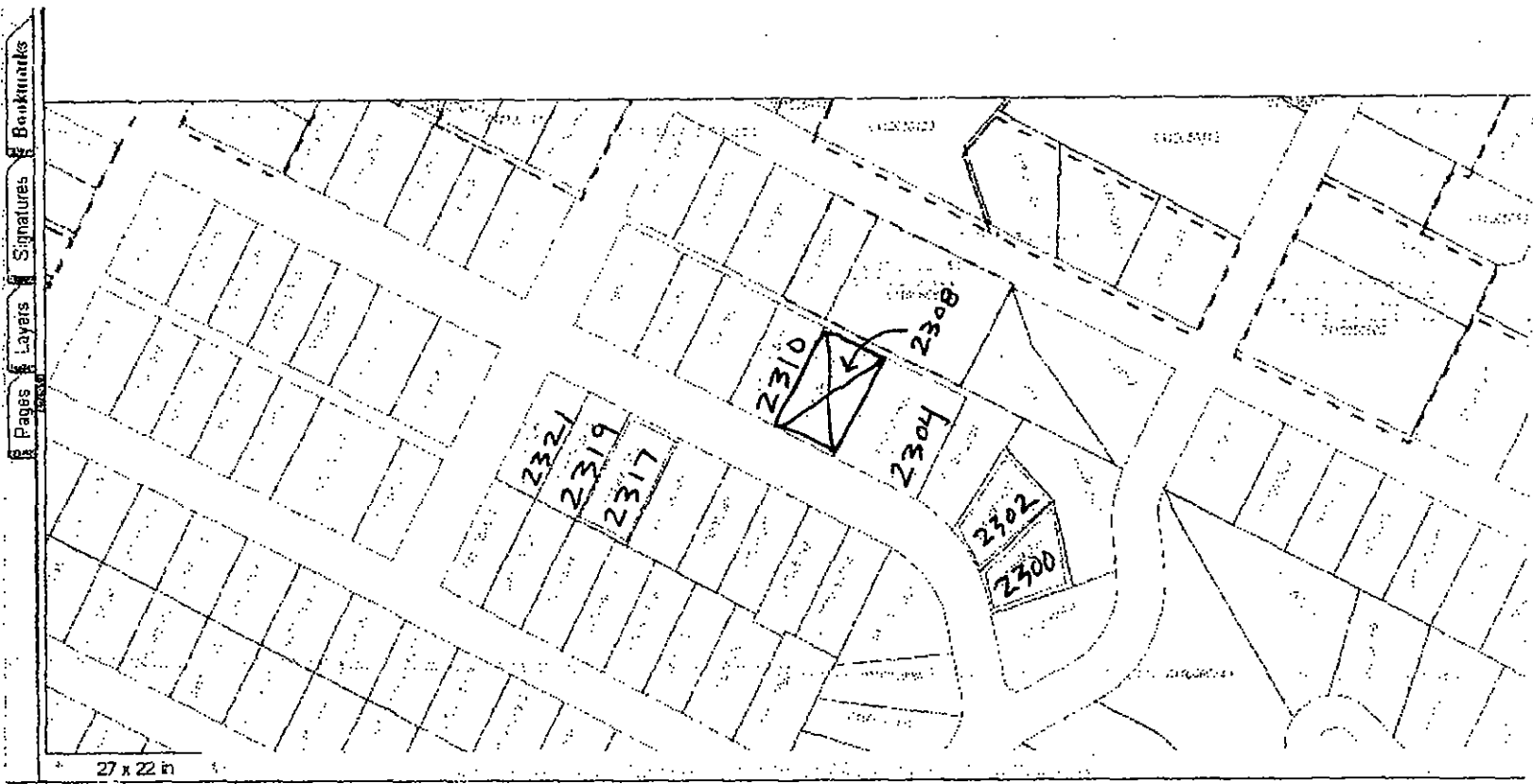
Print

Email

Select Text

66 67%

Search engines for
Bell Customer



1 of 1

Done

Internet



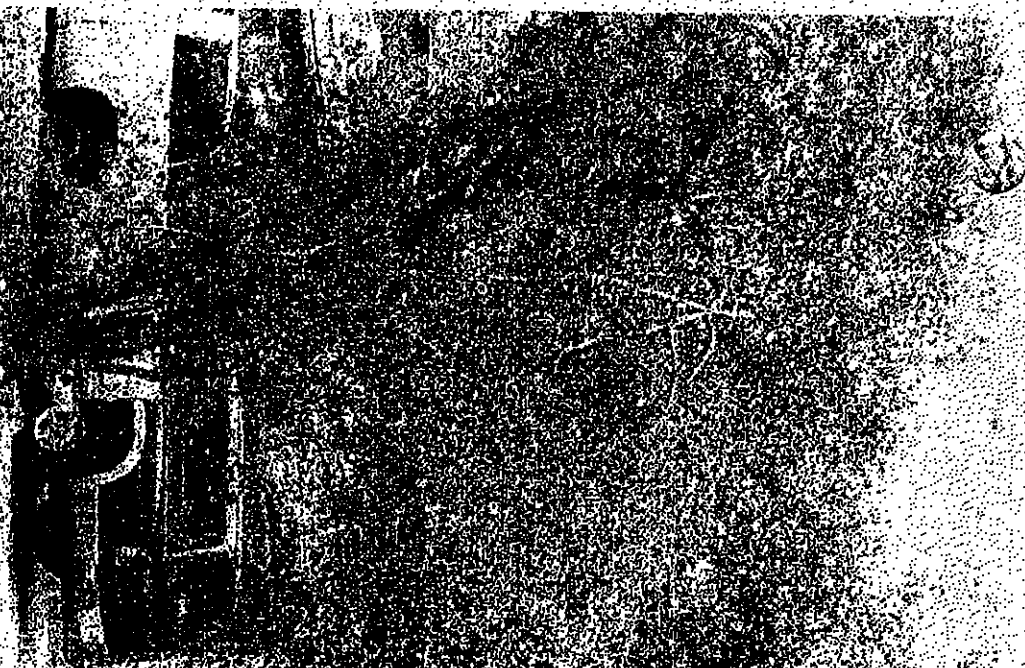
2302 W 9th St



2300 W. 9th St.

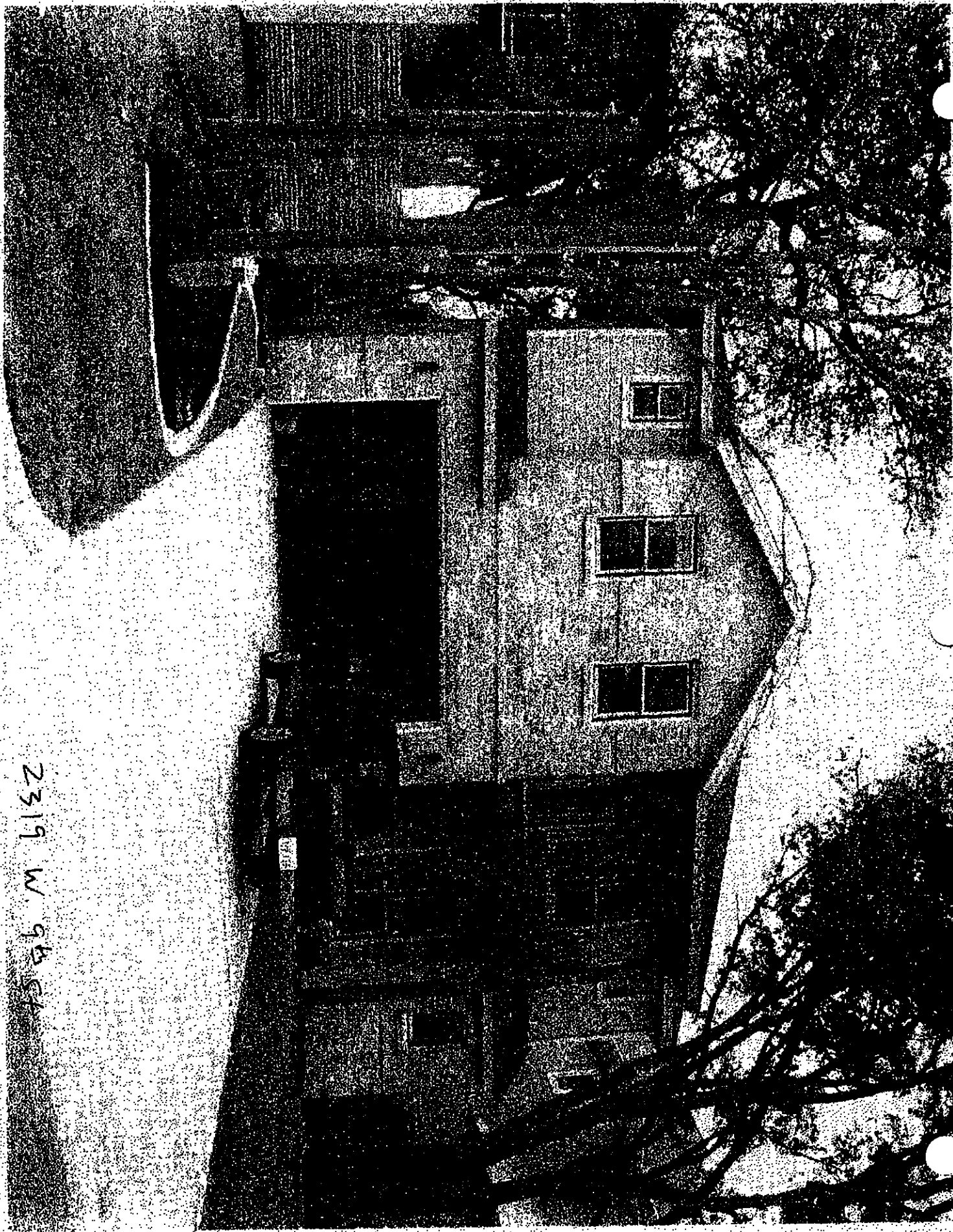


2300 W. 9th St.

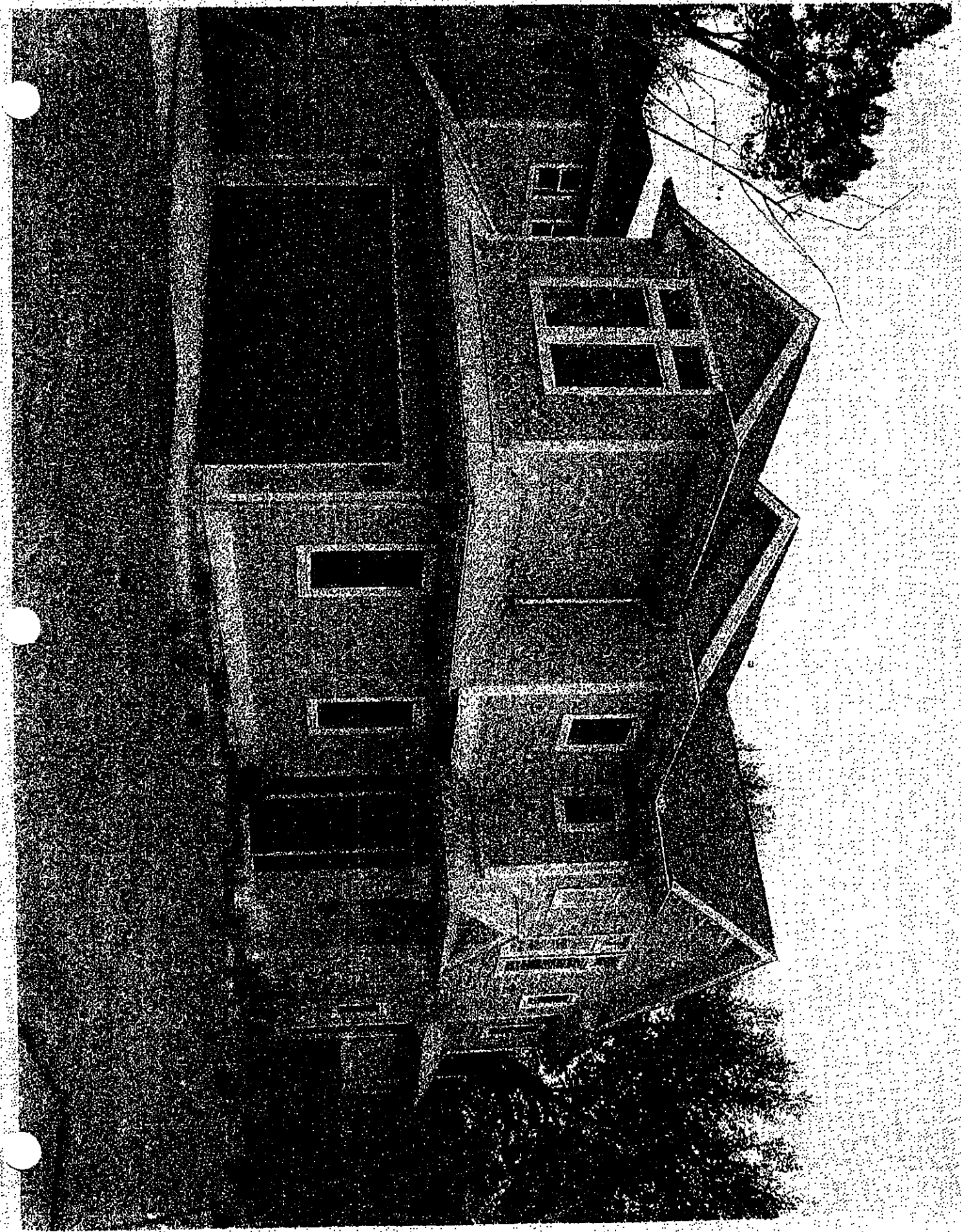


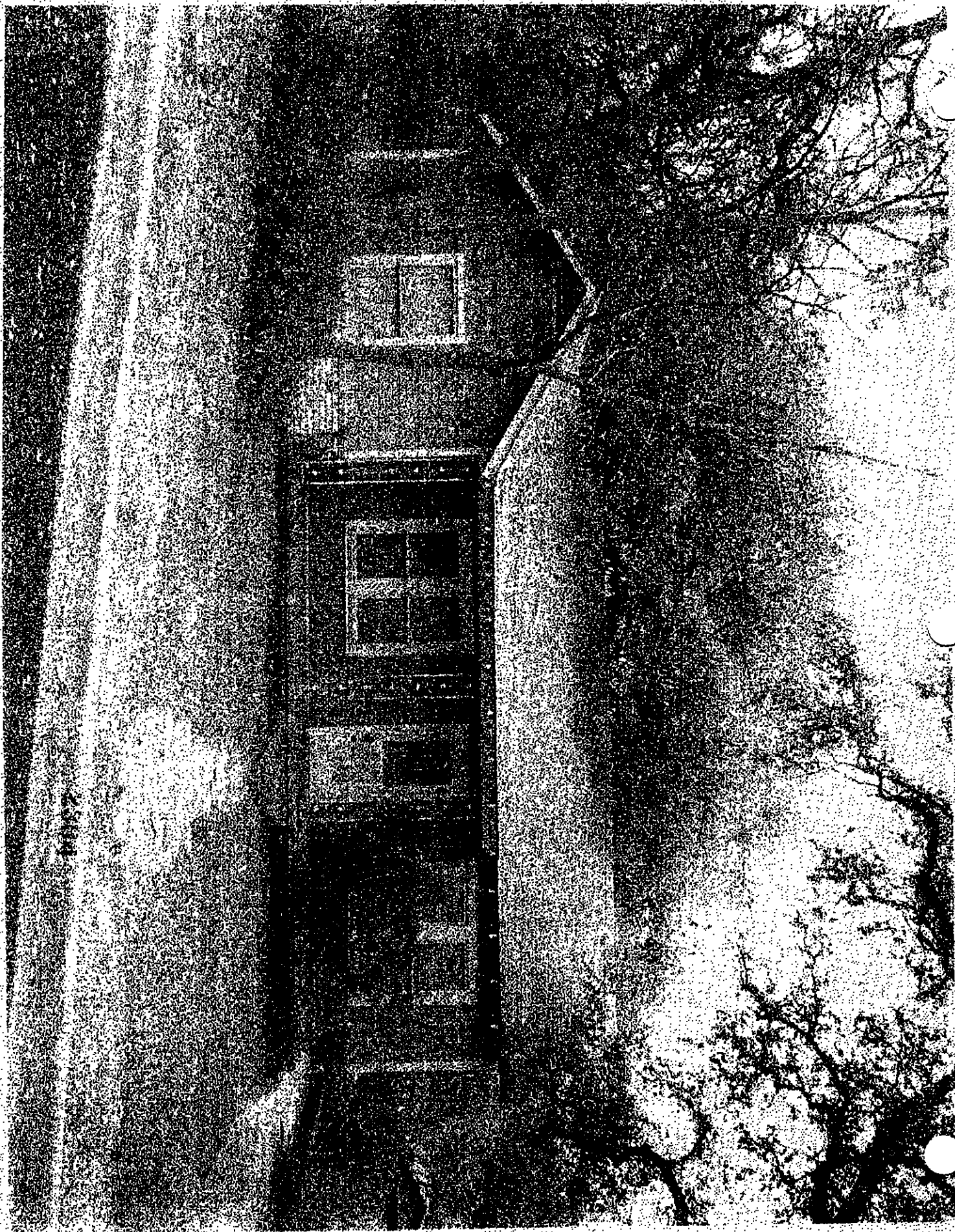


2317 W 9th St



2319 W. 9th St





LETTERS OF SUPPORT FROM NEIGHBORS

March 1, 2006

Bob Wagner
Casa Builders
2714 Bee Caves Road, Suite 205
Austin, TX 78746

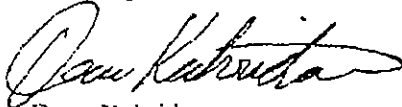
Dear Bob,

Thanks for sharing the proposed plans for the 4000 sq. ft. duplex project at 2308 W 9th St.
I had a chance to review the proposed plans in detail today.

In my opinion, this looks like a real nice addition to our neighborhood and the design fits
the lot real well. My wife and I would support granting a waiver to the moratorium for
this particular duplex.

Best of luck with the project and looking forward to its completion and some new
neighbors.

Best Regards,



Dean Kakridas

2321 W. 9th St.
Austin, TX 78703

2319 West 9th Street
Austin TX 78703

1 March, 2006

Re: Duplex Construction Plans, 2308 West 9th Street

To whom it may concern:

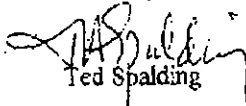
I am the owner of the home at 2319 West 9th Street and am writing this letter in support of the plans by Casa Builders for the construction of a duplex at 2308 West 9th Street.

Over the past few years I have had the opportunity to visit a number of the homes that Casa Builders has constructed nearby and I have always found those homes to be excellent, both in quality and taste. They are not bland, "big box" homes or nor are they "over-the-top" mansions; they're simply tasteful and appealing homes of a style very befitting to a downtown Austin area.

I have reviewed the plans for the subject duplex and feel that this development would be an asset to our neighborhood. While the units are slightly larger than the limits under the current moratorium, they were envisioned and designed some time ago. Thus it seems appropriate that they be "grandfathered" and that the newly enacted limits should be waived.

Please do not hesitate to contact me at 944-6788 if you would like to discuss further.

Sincerely,


Ted Spalding