

## President's Report October 2008

by Bill Bednar

The last Executive Committee meeting in September reflected continuing neighborhood concerns. We continue to struggle along with the newsletter, searching for a better and more regularized way of getting it out. (But hey, you're reading it, aren't you?!) I have a couple of nibbles for editor, but if you're interested in helping, give me a call.

The unlicensed bar opened by the Spider House at the "Art Authority", 29th and Fruth, has apparently been shut down by the ABC. That situation will bear watching, however. Those two parcels, along with the video rental place across the alley on Guadalupe are under common ownership. Some members worry that a loud music venue might eventually come to pass, while others would not be opposed to, say, a wine bar or jazz club. We will keep an eye on it.

I am pleased to report that the Seminary of the Southwest closed on its purchase of the Phi Delt tract at 3100 N. Duval in mid-September. The property will be developed as married student housing in keeping with the plans discussed last June. Thanks and congratulations again to all hands who participated in this effort!

The NPT continues to press the city on NCCD and occupancy issues, most urgently in regard to the newly "remodeled" super duplex at 400 East 33rd. The city has permitted this thing and allowed it to be built despite numerous NCCD violations—the most glaring being insufficient parking for the structure and no place to put parking that could make it legal. More in Mary Ingle's NPT Report in this issue. We just have to find a way to increase owner and city awareness of the NCCD requirements. The NCCD was a magnificent achievement, but one thing for sure—getting it passed was not enough. It is going to take day-by-day, month-by-month monitoring, informing, complaining, nagging, and a few heel-drummin', slatherin' wall-eyed fits to get it obeyed. One idea, which we are pursuing, is to get a copy of the NCCD ordinance into the hands of the listing realtor the moment a "for sale" sign appears in NUNA so it can be part of the disclosure to the buyer from the very beginning.

With the fall and football season, the problem of noisy parties has reared up again. At the October meeting, we will have a presentation by our current APD

## NOTICE: Next Neighborhood Meeting

**Monday, October 6, 2008, 7 P.M.**  
**First English Lutheran Church**  
**30th and Whitis Streets**

### AGENDA

#### Program:

**Officer Schouest, APD**

#### Reports:

**President- Bill Bednar**

**Treasurer- Jan Moyle**

**Committee Reports**

## Join Your Neighborhood Association Today

It is never too late to renew or establish your membership with NUNA. We need your support in the form of a check for \$10 per individual or \$20 per family. This money helps pay for the newsletter, for the annual usage fees of the church and AGE building, and for other memberships and expenses our organization encounters.

Please send your dues to:

Jan Moyle  
Treasurer for NUNA  
200 West 32nd Street  
Austin, 78705

representative, Officer Swouest, on a "prior warning" program that can be implemented on a street-by-street, or even "problem house" basis. This will enable officers, upon a neighbor's complaint, to issue citations at chronic noisy parties without going through the rigamarole and delay of warnings at the scene.

The October meeting will be at First English Lutheran Church on Monday, October 6, 2008, at 7:00 PM. Please come!



## NPT Update

By Mary Ingle

The NUNA Planning Team (NPT) met both in August and September to discuss the properties: 3100 Duval, 400 E 33rd Street, 305 E 38th street. We also decided that the NPT bylaws needed some revision for more flexibility. Additionally, the current "Welcome Letter" for new residents of the neighborhood, which may be distributed, as needed, was circulated among the group.

The best news for the NPT was that the Episcopal Seminary finalized the purchase of the property at 3100 Duval formerly owned by the Phi Delta Theta Fraternity. This success of this property transaction was primarily due to the hard work of the NUNA Planning Team. Good work, team!

A new (legal) duplex use at 400 E 33rd has presented the NPT with some challenges; the permitting department review failed to account for the parking requirements which are discussed in great detail in our NCCD ordinance until the last moment, and a violation of occupancy limits which is under another City department, Code Enforcement. In addition to some setback violations, the parking issue is the only part with which the NPT was able to get some traction with the City staff for a resolution to date. It is not clear whether the parking arrangement suggested by the City will actually be compliant with our NCCD regulations. The duplex is required to have 3 parking spaces due to the Urban Core Parking Reduction Ordinance. The corner-lot is long and skinny; the duplex was built using the existing footprint of the original building and an addition in the back, which means that there is not room for any more parking.

The NCCD states that there may only be 2 parking spots in the street-side yard (33rd Street side); the NCCD does not allow for parking in the front yard (Tom Green side); the front yard does not necessarily mean where the front doors of the structure (33rd Street) are located. The question remains: where will the other required parking space be placed? Perhaps a parking spot suspended in mid air is the answer!?!?

Our NCCD is an ordinance. It has the force of law unlike regular Neighborhood Plans; because of the ordinance status, NCCDs may not be granted variances for regulations spelled out and for regulations differing from the City standard. The City is still working on this parking problem at 400 E 33 Steet, because the owner is prohibited in seeking a variance from the Board of Adjustments (BOA). What this dilemma points out is that parking should be the first thing reviewed by the staff rather than the last thing. "If you can park it, you can probably build anything" within the McMansion regulations.

The duplex at 400 E 33 Street is a super duplex disguised in the "permitting world" as "a duplex with 3 bedrooms per side plus a loft/study" (euphemism for another bedroom!); unfortunately, the units are being advertised on Craig's list currently as 4 bedroom units, just

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as suspected. Until the parking situation is settled, the final inspection and certificate of occupancy of the building may not be issued. After that is resolved and only then, Code Enforcement will be able to deal with the occupancy limit of 6 unrelated adults per site. Unfortunately, memories of the old super duplex fight from several years back resurface here for some of us.

The property owner of 305 E 38th Street with a double lot and 2 single family houses on the site connected with a breezeway, requested a letter of support for a resubdivision of his property. This sensible proposal would change the lot lines to create two 50' wide lots, consistent with the existing fabric/original lot sizes on the street. The resubdivision process is a statutory process by the State of Texas with approval or disapproval within a certain time frame; there is no public hearing for any input. The property owner withdrew his request for a letter of support since he really doesn't need it to move forward with his resubdivision. This also meant less work for the NPT!

The NPT has a “Welcome Letter” for new residents, which explains some ground rules about living in a neighborhood. It spells out how to be a good neighbor with information about noise effects on neighbors, prohibited activities, trash pickup and recycling, penalties and enforcement, parking details, and last but not least, how to contribute to our neighborhood. If anyone would like a copy of this letter or would like to have some letters delivered, please call 320-8449.

Two brave members of the NUNA Planning Team, Bill Bednar and Scott Morris, volunteered to tackle the first round of NPT bylaw revisions before the next NPT meeting in October. They will bring their revisions for the group to consider at the next meeting, Wednesday, October 8. These meetings are open to NUNA residents. We encourage and need participation in neighborhood issues. If you would like to attend our meetings, please call Mary Ingle, 320-8449.



## Hemphill Bridge Repairs

The Hemphill Bridge repairs have been underway over the last couple of months to preserve the historic bridges in Hemphill Park. Here is an update from Pirouz Moin, P.E., Street and Bridge Division, Public Works Department.

“Most of the repairs have happened under the bridges. This included concrete patch repair (extensive overhead patches) to repair areas of spalled and honeycombed concrete and to replace big chunks of concrete missing around drain inlets under the bridges with exposed reinforcement that were fixed. On 33rd St. North side of the street there was a big void under the sidewalk going down to underside of bridge that was fixed with poured concrete from the top. There have been extensive repairs done to the wingwalls and bridge parapets on all the bridges.

The scour holes behind the wingwalls are still there. Our environmental people wanted us to place small rocks instead of fill in those scour holes. I have been asking them to reconsider because the fill behind the walls would work better (not as permanent as rocks – but better in keeping the area drainage working in this situation) and also would look a lot better after vegetation comes in (the fill will be re-vegetated by the contractor after it is placed in). I had to promise extensive monitoring of the bridges to make them consider the fill option. They are still reviewing it. We have fixed all areas just around and under the bridges to assure the structures are safe for years to come.

The contractor will pressure wash all patched concrete areas next, and seal the concrete. I have asked the contractor to check for available dyes to be added to the sealant to provide us with a matching color/shade like the weathered concrete. Of course in a few months the concrete would match much better but instead of waiting a few months I am asking the contractor to try to match it now.

The sidewalks would also be replaced on 32nd St. and Wheeler along with ADA ramps at the ends of each section.”

## Sparky Park Update

Recent meetings of the neighborhood with Gene Faulk, Project Manager of the Sparky Park Project show that construction is proceeding slowly but surely. For those of you who have not walked by to take a look at the Art Wall designed by Berthold, you really should, it is already something quite amazing!

Other action items that we hope the Parks department will have accomplished in the near future are:

1. Plantings to be done in November when it is the right temperature and weather to plant-this includes trees- crepe myrtles, one large big tooth maple to replace the dead one on site, and Mexican plums,
2. Install vines for the large trellis (when grass goes in) such as wisteria, trumpet vine, etc.
3. Locate benches- 3 or 4 (2 in front yard, 2 in back) We need to discuss the placement of these at a later date (consult neighborhood and Berthold because it would be helpful to be able to look at the art wall from a bench perspective),
4. Install double back doors (which have been boarded up with ply wood) for the building. These have been ordered to make building more secure and improve the look.
5. Determine where granite gravel paths will run and consult with the neighborhood and Berthold:
  - a. Location around art wall
  - b. Width of path needs to be decided.

Finally, we need help from the neighborhood to find matching letters to fill in the spelling of the North Austin Substation on front of building before the work is finished (PARD crew will help affix these letters if found). If anyone has any suggestions on where to find such please contact Douglas Plummer at douglas\_plummer@hotmail.com.



## Curfews and Noise Levels - Tips

We are an eclectic neighborhood with many kinds of people living here, including students. It is not a predominately student neighborhood, and it is sometimes necessary to remind those who are not permanent residents that they live here alongside permanent residents: families with young children, professionals such as doctors and nurses, UT professors, and older residents. Because of our unique composition, it is important to remind them of the rules regarding noisy parties and loud music that the City of Austin enforces through the Austin Police Department. The neighborhood residents routinely notify the police if there are noisy, disturbing parties in progress, and the police officers will come and shut them down.

If any resident is having problems with noise, noisy parties, something currently, in progress, please call 911 (not 311) to report the problem. Please also ask for a reference number.

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## NEW DISTRICT REPRESENTATIVE WITH APD

Our neighborhood APD District Representative has changed; Troy Schouest is the new officer. He may be contacted- 974-5829, and his email address is: [Troy.Schouest@ci.austin.tx.us](mailto:Troy.Schouest@ci.austin.tx.us)

## HybridRealtor@Stanberry.com



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## A Special Thanks To A Great Neighbor

Our neighborhood association would like to extend a very special thank you to **Pallas Art Web Design** who most graciously offered to let us use their server for our NUNA website, [www.nuna-austin.org](http://www.nuna-austin.org).

## Advertise your business in the NUNA Newsletter!

Here are our rates for ads:

\$200 per year (6 issues) for 2" X 3.5"

or \$300 per year (6 issues) for 4" X 3.5"

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