



## **BOARD OF ADJUSTMENT CODE INTERPRETATION**

**DATE OF INTERPRETATION:** October 1, 2021

**INTERPRETATION NO.:** CI2021-0012-BOA

**TITLE:** Parking Calculations in the North University NCCD

**RELATED DEPT. & DIVISION:** Development Services Department

**TOPIC:** Parking; NCCD

**DECISION MAKER:** Board of Adjustment

**RELATED CASE NO.:** C15-2021-0009

**DATE OF DECISION:** February 8, 2021

**SUPPORTING MATERIALS:** Staff Report:  
<http://www.austintexas.gov/edims/document.cfm?id=354230>  
Appellant's Presentation:  
<http://www.austintexas.gov/edims/document.cfm?id=354224>  
Agenda Backup:  
<http://www.austintexas.gov/edims/document.cfm?id=354004>  
Interpretation Appeal Decision Sheet:  
<http://www.austintexas.gov/edims/document.cfm?id=355464>

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**SUMMARY:** The North University Neighborhood Conservation and Combining District (NCCD) requires an additional parking space for each new full bathroom constructed in a two-family or duplex residential use if there are at least five bathrooms in all buildings in which the use is located. This memo documents the Board of Adjustment's interpretation of the North University NCCD's parking requirement and its relationship to the general 20% "Urban Core" parking reduction under the Land Development Code (LDC).

**CODE SECTIONS:** Land Development Code (LDC), Chapter 25-6 (*Transportation*)

- [LDC § 25-6-478](#) (*Motor Vehicle Reductions General*)

North University Neighborhood Conservation Combining District (NCCD),  
[Ordinance 040826-58](#)

- Part 6, Section 7, Paragraph J at Page 22

## **CODE INTERPRETATION:**

### Background

Minimum parking requirements are codified in the LDC and in separately adopted regulatory ordinances. In the LDC, general parking requirements are established in Chapter 25-6, Appendix A, with additional requirements codified in Article 7 (*Off-Street Parking and Loading*). LDC § 25-6-478 (*Motor Vehicle Reductions General*) provides for several reductions in parking requirements, including a general 20% reduction from the minimum required by Appendix A for development located in a defined area of central Austin.

The North University NCCD modifies the LDC's parking requirements for two-family and duplex uses. At page 22 of the ordinance (linked above), in Paragraph J, an additional parking space is required for each bathroom constructed if there are at least five bathrooms in all buildings in which the use is located.

### Interpretation

On February 8, 2021, the Board of Adjustment considered an appeal challenging staff's interpretation of the North University NCCD's parking requirements and the applicability of parking reductions under LDC § 25-6-478 to development within the NCCD. In response to the appeal, the Board of Adjustment determined that:

- The 20% urban core parking reduction in LDC § 25-6-478 applies only to the parking spaces required by Chapter 25-6, Appendix A; and
- The additional parking requirement imposed Paragraph J (at page 22) of the NCCD applies if a two-family or duplex residential use contains at least five bathrooms, even if one or both of the buildings comprising the use contains fewer than five bathrooms.

### Relevant Code Sections

#### — **Subsections (A)-(B) of LDC § 25-6-478 (*Motor Vehicle Reductions General*):**

(A) Except as provided in Subsection (B) of this section, the minimum off-street parking required within the area bound by the following roads is 80% of that established by Appendix A (*Table of Off-street parking and Loading Requirements*):

- (1) Highway 183 from Burnet Road to Highway 71;
- (2) Highway 71 from Highway 183 to Loop 1;
- (3) Loop 1 from Highway 71 to Lake Austin Boulevard;

- (4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;
  - (5) Exposition Boulevard from Lake Austin Boulevard to 38th Street;
  - (6) 38th Street from Exposition Boulevard to Loop 1;
  - (7) Loop 1 from 38th Street to RM Road 2222;
  - (8) RM Road 2222 from Loop 1 to Mesa Drive;
  - (9) Mesa Drive from RM Road 2222 to Spicewood Springs Road;
  - (10) Spicewood Springs Road from Mesa Drive to Loop 360;
  - (11) Loop 360 from Spicewood Springs Road to Great Hills Trail;
  - (12) Great Hills Trail from Loop 360 to Highway 183;
  - (13) Highway 183 from Great Hills Trail to Braker Lane;
  - (14) Braker Lane from Highway 183 to Burnet Road; and
  - (15) Burnet Road from Braker Lane to Highway 183.
- (B) The reduction provided in Subsection (A) does not apply:
- (1) To property in a central business (CBD) district or an area with a TOD district or regulatory plan, downtown mixed use (DMU) district;
  - (2) To a commercial, industrial, or civic use in a traditional neighborhood (TN) district;
  - (3) To a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
  - (4) To property in the university neighborhood overlay (UNO) district; or
  - (5) If the off-street parking requirement has been modified under [Section 25-6-473](#) (*Modification Of Parking Requirement*) or [Section 25-6-476](#) (*Parking For Mixed-Use Developments*).
- **Page 22 of the North University NCCD, Part 6, Section 7, Paragraph J:**
- j. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.




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Brent D. Lloyd, Development Officer

**Historical Note:** This interpretation summarizes an interpretation made by the Board of Adjustment on February 8, 2021, under BOA Case No. C15-2021-0009, with additional background provided for context. This document is for informational purposes only and is not the official recordation of BOA Case No. C15-2021-0009. For official records for BOA Case No. C15-2021-0009, see the [City Clerk's website](#).