

## NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET

### **Amendment:**

Downtown Density Bonus. Consider initiation of an amendment to Title 25 of the City Code related to [25-2-586 \(B\) Downtown Density Bonus Map and Table](#) to correct a mapping discrepancy.

### **Description:**

Clarify Downtown Density Bonus boundary mapping discrepancy along 12<sup>th</sup> Street west of West Ave.

### **Proposed Language:** N/A

### **Background:**

The [Downtown Austin Plan \(DAP\)](#) was adopted with amendments by the Austin City Council in December 2011 by [Ordinance No. 201111208-093](#). The DAP established fundamental principles relating to a Downtown Density Bonus Program (DDBP) to address and provide:

1. Maintaining existing height and density limits as a baseline with some adjustments based on the surrounding context;
2. Establish a Density Bonus Program for downtown;
3. Employ additional density incentives to achieve specific community objectives; and
4. Establish specific scale-compatibility standards that are tailored to the downtown context.

Per 25-2-586 (B), floor area ratio (FAR) and height maps were created to describe where the DDBP applies while assigning maximum floor-to-area (FAR) and heights across multiple portions of downtown. (See Attachment “A”).

A possible mapping discrepancy was brought to Staff’s attention with the intent to understand how the boundary affecting the property at 827 W. 12<sup>th</sup> Street was derived.

### **Staff researched the following:**

#### **a. Existing lot configuration per filed notes** (See Attachment “B”)

The existing plat depicts one lot with multiple buildings on the site dating to 2006 and prior to the DAP and the DDBP;

#### **b. Existing lot attributes**

- Existing lot is approximately 24,393 ft<sup>2</sup>;
- Approximately 14,866 ft<sup>2</sup> of the existing lot is currently included in the DDBP boundary (approximately 61% of the lot); and
- The current DDBP boundary apparently bisects two structures on the site and does not adhere to existing lot lines. (See Attachment “C”).

#### **c. Existing zoning**

The existing zoning on the site is Commercial Services (CS) and corresponds to lot lies (See Attachment “D”); and

**d. Building permit data**

Building permit data depicts small alterations, rehabs, and interior work to existing structures dating to 1985 without evidence of major construction on the site.

**Staff Recommendation:**

Staff recommends initiation of this code amendment and adjustment to the DDBP boundary to include the remaining approximately 10,027 ft<sup>2</sup> of the property and encompass the entire lot at 827 W. 12<sup>th</sup> St. as there is evidence of a potential map error. This map correction will achieve consistency in following lot lines and based on the findings of the above research that predated the DAP and DDBP. (See Attachment “E”).

**Board and Commission Actions:**

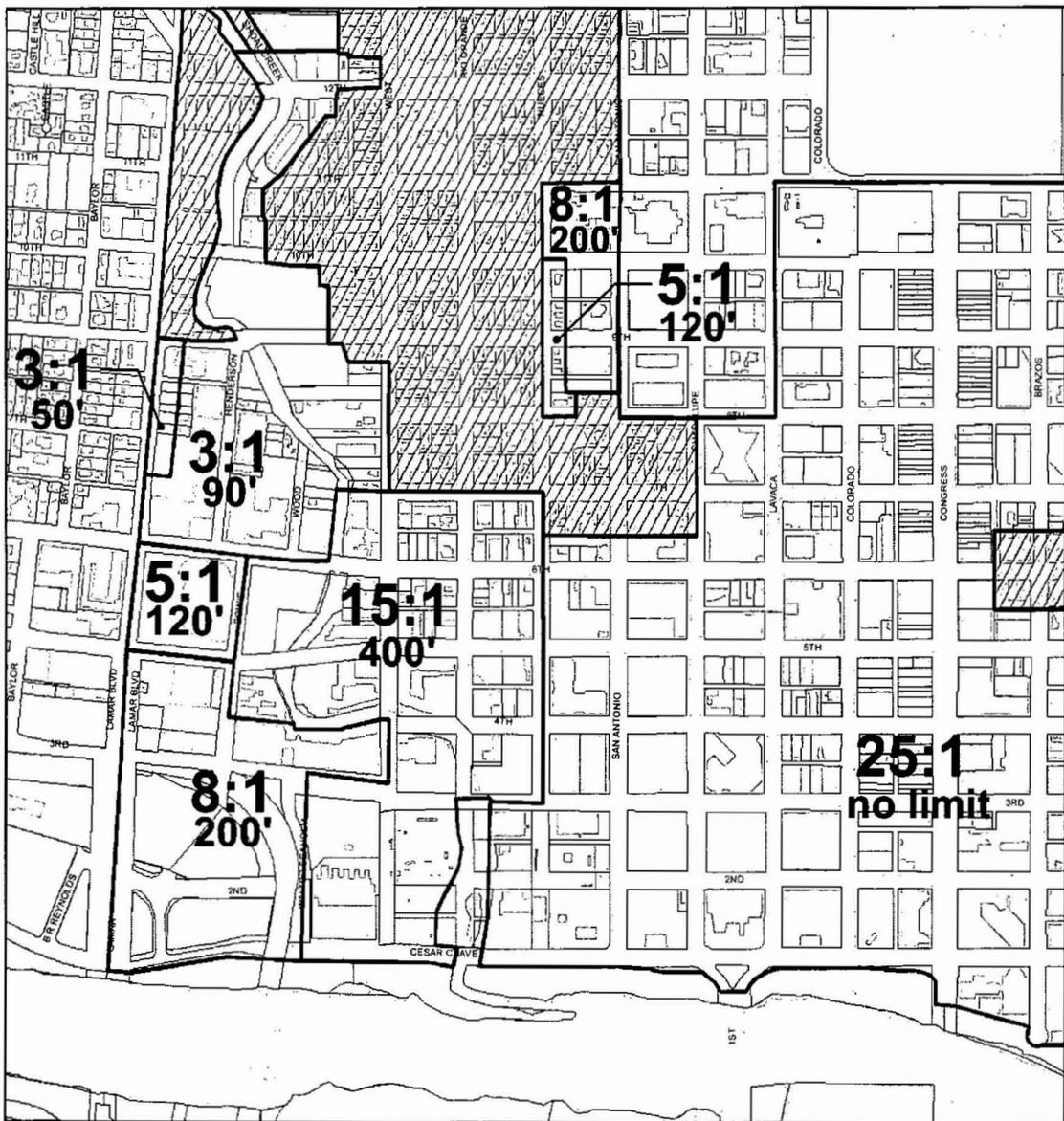
**Council Action:**

**Ordinance Number:** NA

**City Staff:** Jorge E. Rousselin

**Phone:** (512) 974-2975

**Email:** [jorge.rousselin@austintexas.gov](mailto:jorge.rousselin@austintexas.gov)

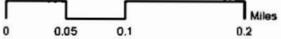


**Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map**  
 Figure 2: Page 6

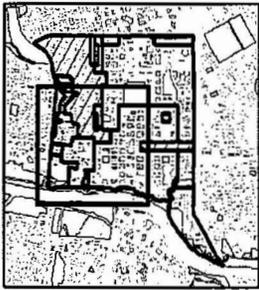
-  Maximum Floor Area Ratio (FAR)
-  Maximum Height (Feet)
-  Areas Ineligible for Density Bonus Program (Height and density may not exceed underlying zoning)
-  Public Parks/ Open Space (ineligible)
-  TCAD Parcels

**NOTE:** Properties in the Rainey Street Subdistrict of the Waterfront overlay must obtain a floor-to-area ratio (FAR) of up to 8:1 by meeting the requirements of Section 25-2-739 of the City Code. FAR exceeding 8:1 may be obtained through the Downtown Density Bonus Program, as described in Section 25-2-686 of the City Code.

**NOTE:** Maximum heights shown do not reflect restrictions imposed by Capital View Corridors (CVC) or special districts.



**Attachment A**



**EXHIBIT "A"**

**Being 0.555 of an acre of land more or less, out of and a part of, OUTLOT NO. FIVE (5) IN DIVISION "E", in Travis County, Texas. Said tract being more particularly described in field note Exhibit "A".**

Being 0.555 acre out of Outlot 5, Division "B", in the City of Austin, Travis County, Texas, according to the map or plat of record in the General Land Office of the State of Texas, as shown on accompanying survey plat and being more particularly described as follows (Bearings for this survey obtained from Document No. 2004028529, Official Public Records, Travis County, Texas):

**BEGINNING** at an "x" cut in concrete found in the south line of West 12<sup>th</sup> Street (80' R.O.W.), at the most northerly northwest corner of a tract described in a deed to C. M. Dachis, recorded in Volume 5919, Page 2085, Deed Records, Travis County, Texas, for the northeast corner of this tract, from said point, a hilly nail found bears, S 70°26'00" E, 61.12'; and an "x" cut in concrete found bears, N 70°26'00" W, said course constitutes directional control for this survey, 201.25'.

**THENCE**, with the west line of said Dachis tract and the east line of this tract, S 19°15'04" W, 184.73', to a 1/4" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", at an interior all corner in said Dachis tract, for the southeast corner of this tract.

**THENCE**, with the north line of said Dachis tract and the south line of this tract, N 70°11'21" W, 130.96', to a 1/2" iron pin found at the most westerly northwest corner of said Dachis tract, at the southeast corner of a tract described as 0.66 acre in a deed to Gilbert Cuadra, et ux, recorded in Volume 6372, Page 519, Deed Records, Travis County, Texas, currently owned by Cuadra Financial Group, Inc., for the southwest corner of this tract.

**THENCE**, with the east line of said Cuadra tract and the west line of this tract, N 19°15'04" E, passing at 84.70', a 5/8" iron pin found at the northeast corner of said Cuadra tract and the southeast corner of a tract described in a deed to Elmiger Family, Ltd., recorded in Volume 12837, Page 2306, Real Property Records, Travis County, Texas, in all, 184.17', to a 1/2" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", in the south line of West 12<sup>th</sup> Street, at the northeast corner of said Elmiger tract, for the northwest corner of this tract.

**THENCE**, with the south line of West 12<sup>th</sup> Street and the north line of this tract, S 70°26'00" E, 130.95', to the **PLACE OF BEGINNING** and containing 0.555 acre of land, more or less.

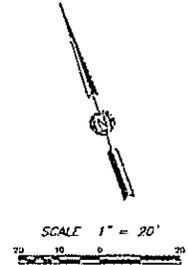
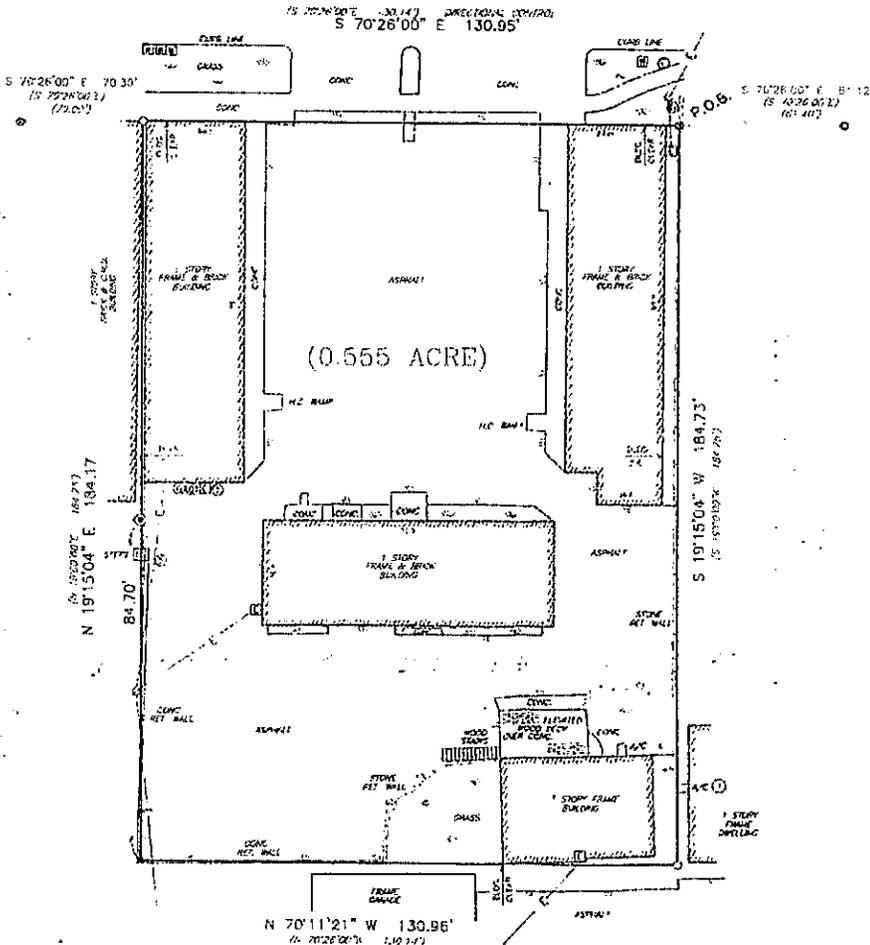
Prepared from a survey made on the ground March 7, 2006, by:  
Arpentours Professional Surveying  
8906 Wall Street, Suite 302  
Austin, Texas 78754  
(512) 832-1232  
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Robert M. Barcomb  
R.P.L.S. No 4772

# SURVEY PLAT

LEGAL DESCRIPTION 0.555 ACRE OUT OF BLOCK 5, DIVISION 10, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS  
 ACCORDING TO THE MAP OR PLAT OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS  
 ALSO LOCALLY KNOWN AS 603 & 605 WEST 12TH STREET, AUSTIN, TEXAS  
 AND BEING ADDITIONALLY DESCRIBED IN ACCOMPANYING FIELD NOTES

## WEST 12th STREET (80' R.O.W.)



BEARING BASIS  
 DOCUMENT NO. 2004078529  
 O.P.R.I.C.T.K.

- LEGEND**
- 1/2" IRON PIN FOUND
  - ⊙ 5/8" IRON PIN FOUND
  - HILTY NAIL FOUND
  - ⊙ 1/2" IRON PIN SET STAMPED "ARPENTEUR RPLS 4772"
  - ⊙ "X" CUT IN CONCRETE FOUND
  - ⊙ PIVOT POLE
  - ⊙ TELEPHONE BOX
  - ⊙ GAS METER
  - ⊙ ELECTRICAL HAND-LE
  - ⊙ SANITARY SEWER HAND-LE
  - ⊙ WATER METER
  - ⊙ ELECTRIC METER
  - ⊙ RECORD INFORMATION
  - AERIAL UTILITY LINE

SYMBOLS SET OUT IN THE "LEGEND" ARE NOT TO SCALE AND ARE SHOWN IN THE APPROXIMATE LOCATION TO INDICATE THEIR PRESENCE.

FENCE LINES SHOWN REPRESENT THE AVERAGE CENTERLINE OF THE POSTS

ZONING AND BUILDING CODE ISSUES NOT ADDRESSED.

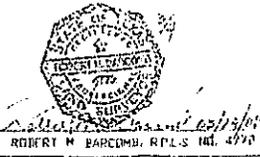
SUBJECT TO ANY AND ALL ENFORCEABLE ORDINANCES, REGULATIONS, RESTRICTIVE CONDITIONS & COVENANTS

**SURVEYOR'S NOTES**

- ① ADJUSTERS 1/4" PAD PROVIDES OVER PROPERTY LINE 0.1'

MARCH 7, 2006  
 EXCLUSIVELY TO DAN A. WESTERHOEK & CHRISTINA WESTERHOEK AND THE LIEN HOLDERS AND TO LAWYERS TITLE INSURANCE CORPORATION  
 PER FILE NO. 2421004506 EFFECTIVE DATE AND 16, 2006

THE UNDERSIGNED HEREBY STATES THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND IN THE PROPERTY LEGALLY DESCRIBED HEREON THAT THERE ARE NO APPARENT SIGNIFICANT DISCREPANCIES, OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY ADHERES TO A UNIFORM ROW. THIS PLAT SUBSTANTIALLY SHOWS THE LOCATIONS OF ENCUMBRANCES, RESTRICTIONS, AND BUILDING SET BACKS OF RECORD LISTED IN TITLE COMMITMENT SCHEDULE P, FILE NO. 2421004506, EFFECTIVE AND 16, 2006, ISSUED DATE AUG. 26, 2005. SURVEYOR HAS RELIED UPON SAID COMMITMENT FOR THE NATURE AND LOCATION OF ENCUMBRANCES. THIS PLAT IS VALID ONLY FOR ORIGINAL BLUELINE PRINT WITH RED INK SIGNATURE AND SEAL.

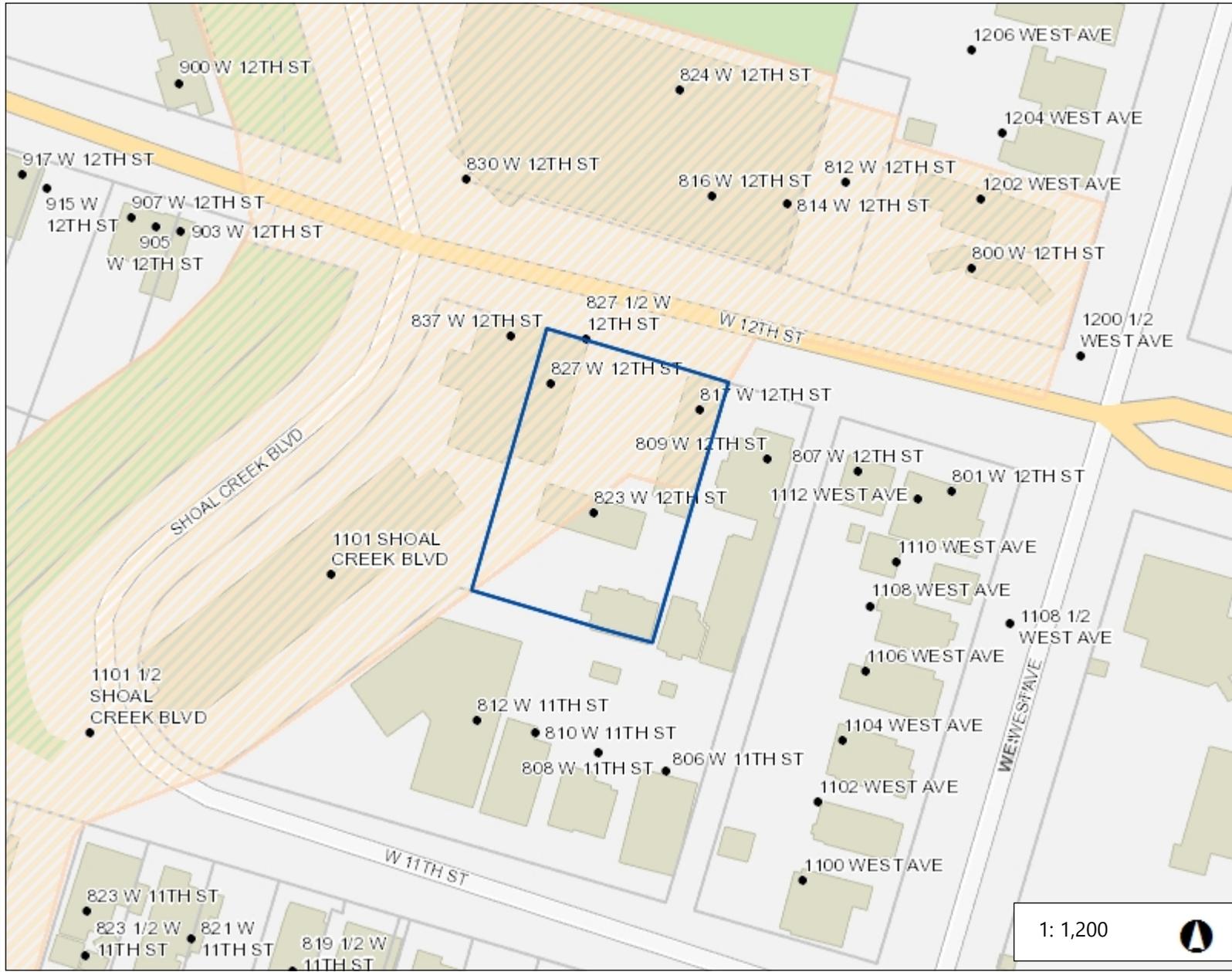


**ARPENTEURS**  
 PROFESSIONAL SURVEYING

1806 W 11th STREET, SUITE 305  
 AUSTIN, TEXAS 78754  
 (512) 632-1232



# Property Profile



## Legend

- Addresses
- Street Labels
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- Downtown Density Bonus

Attachment C

1: 1,200



NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

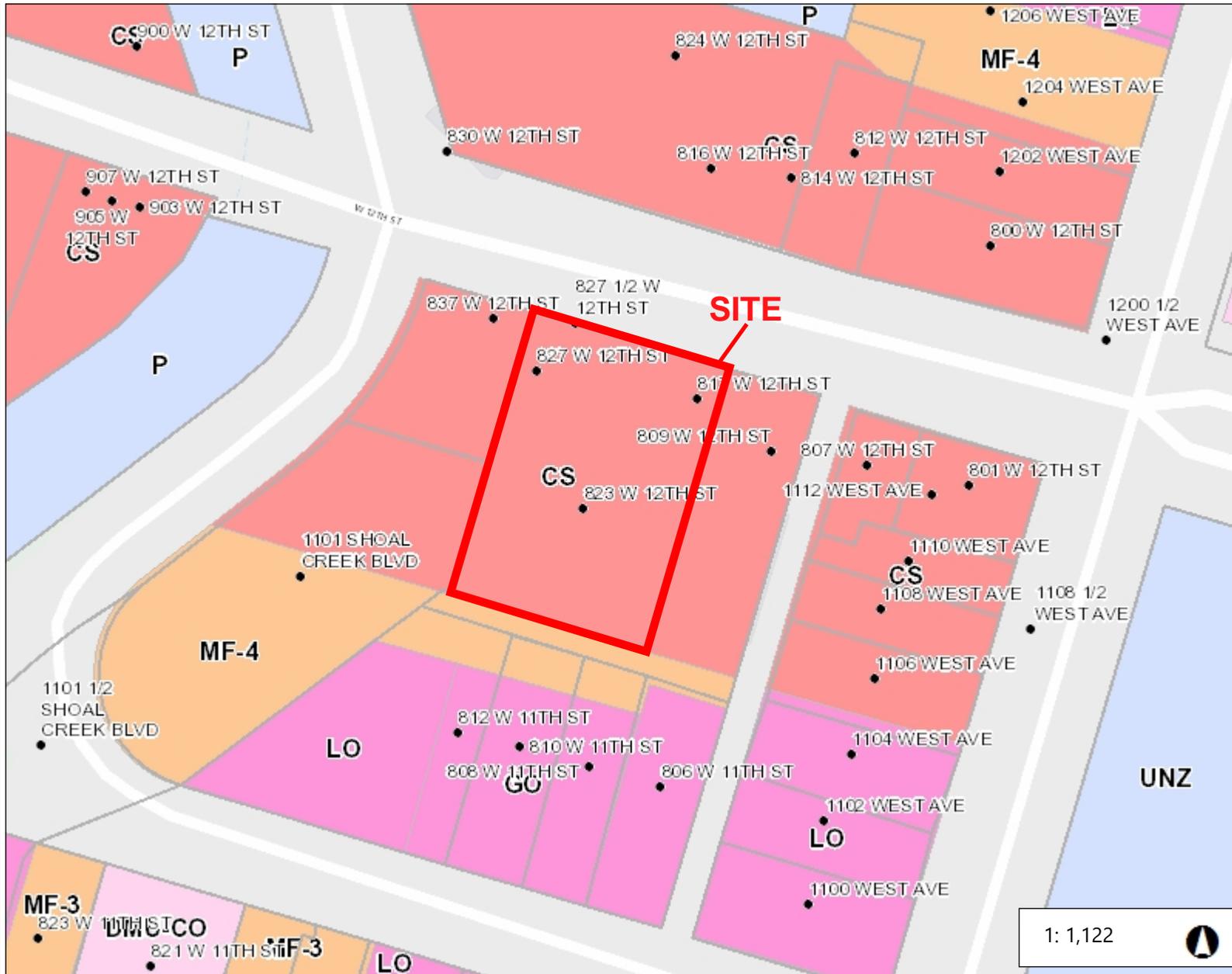
Date Printed:

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Notes



# Property Profile



## Legend

- Addresses
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- TCAD Parcels
- Zoning
  - Single Family (SF)
  - Multi-family (MF)
  - LA, RR
  - Mobile Home (MH)
  - Commercial (CH, CS, GR, LR, L)
  - Office (GO, LO, NO)
  - Industrial (IP, LI, MI, PDA, RD, W/L)
  - CBD, DMU
  - TND, TOD, NBG, ERC
  - PUD
  - AG, DR
  - AV, P, UNZ
  - County/Missing Value

Attachment D

1: 1,122



0.0 0 0.02 0.0 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

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