ORDINANCE AMENDMENT REVIEW SHEET
C20-2019-012

Description:
Discuss and consider an ordinance amending Title 25 of the City Code to correct a Downtown Density Bonus boundary mapping discrepancy for the property at 827 West 12th Street.

Background:
The Downtown Austin Plan (DAP) was adopted with amendments by the Austin City Council in December 2011 by Ordinance No. 20111208-093. 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. 12th Street was derived.

Staff researched the following:

1. **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.

2. **Existing lot attributes**
   - Existing lot is approximately 24,393 ft²;
   - Approximately 14,866 ft² 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").

3. **Existing zoning**
   Under Ordinance No. 20190620-124, The existing zoning on the site is Downtown Mixed-use Conditional Overlay (DMU-CO) combining district. The conditional overlay imposed on the site sets a maximum height of a building or structure on the property to not exceed 60 feet. (See Attachment "D").

4. **Building permit data**
   Building permit data for the property depicts small alterations, rehabilitations, and interior work to existing structures dating to 1985 without evidence of major construction on the site. (See Attachment "E").

Staff Recommendation:
Staff recommends the proposed code amendment as depicted in the proposed draft maps. (See Attachment "F")

City Council and Board and Commission Actions:

- **June 19, 2019 - Codes and Ordinances Joint Committee** Recommended code amendment to the Planning Commission on a 5-0 vote (Commissioners Kazi and Barrera-Ramirez absent).
- **June 20, 2019 – City Council** approved Ordinance No. 20190620-124 on Third Reading rezoning the subject property from Commercial Services (CS) to DMU-CO.
- **July 9, 2019 – Planning Commission:** Recommended initiation of the code amendment on a 11-0 vote.

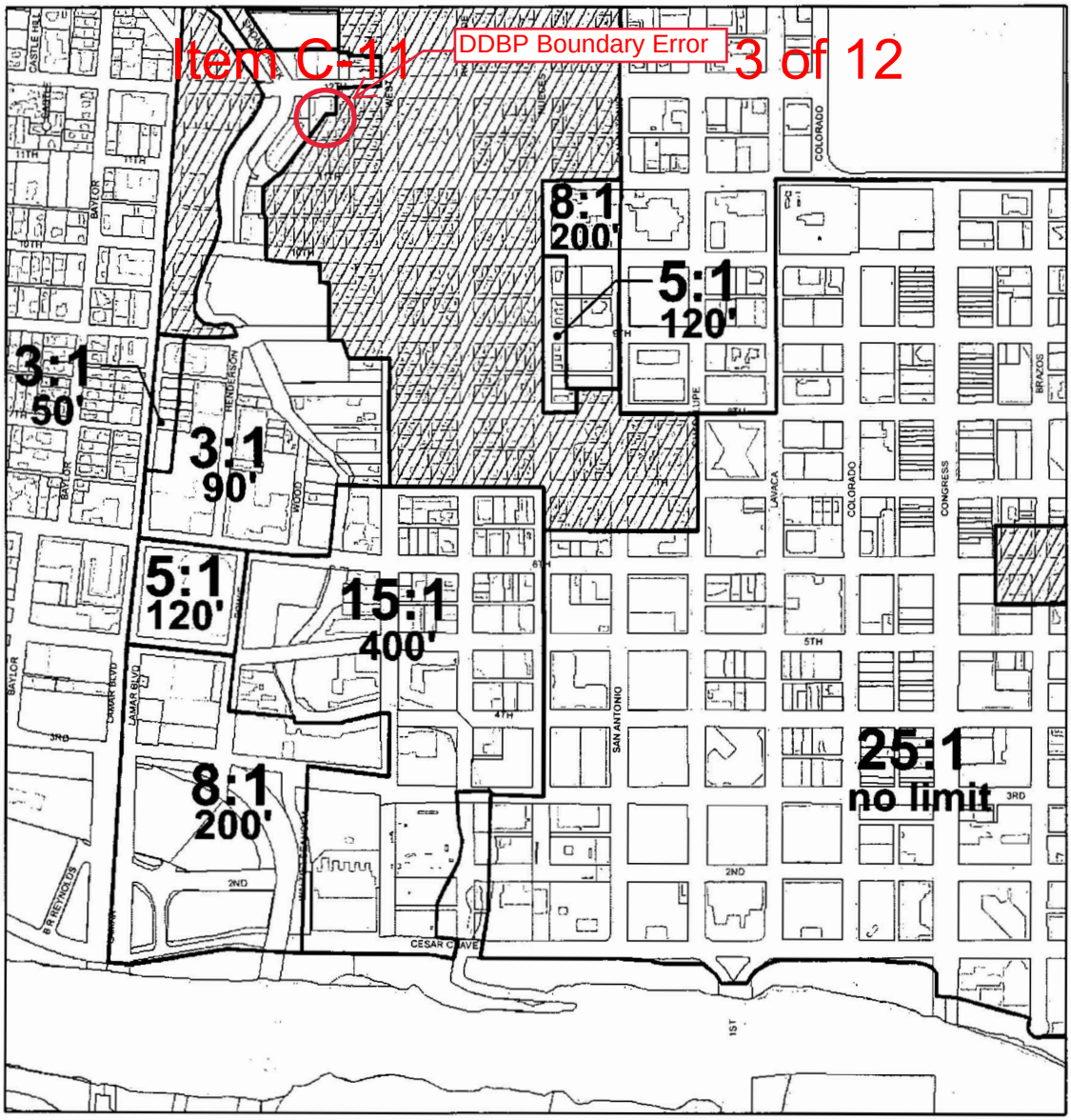
Council Action on Code Amendment: **Pending**

Ordinance Number: NA

City Staff: Jorge E. Rousselin **Phone:** (512) 974-2975

Email: Jorge.rousselin@austintexas.gov

Item C-11 DDBP Boundary Error 3 of 12



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 2: Page 6

Attachment A

Maximum Floor Area Ratio (FAR)
Maximum Height (Feet)

Areas Ineligible for Density Bonus Program
(Height and density may not exceed underlying zoning)

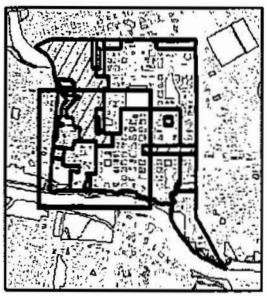
Public Parks/ Open Space (ineligible)

TCAD Parcels

NOTE: Properties in the Rainey Street Subdistrict of the Waterfront overlay must obtain a floor-to-area ratio (FAR) of up to 8:1by 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 25-2-586 of the City Code.

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

0 0.05 0.1 0.2 Miles



PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

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1/27/2014

Escrow File No.: 0808014-HMG

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 "E", 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 12th 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 hilty 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 ½" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", at an interior ell 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 ½" 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 ½" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", in the south line of West 12th Street, at the northeast corner of said Elmiger tract, for the northwest corner of this tract.

THENCE, with the south line of West 12th 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:
Arpenteurs Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232
© 2006 All Rights Reserved

STATE OF TEXAS REGISTERED ROBERT M. BARCOMB 4772 PROFESSIONAL LAND SURVEYOR

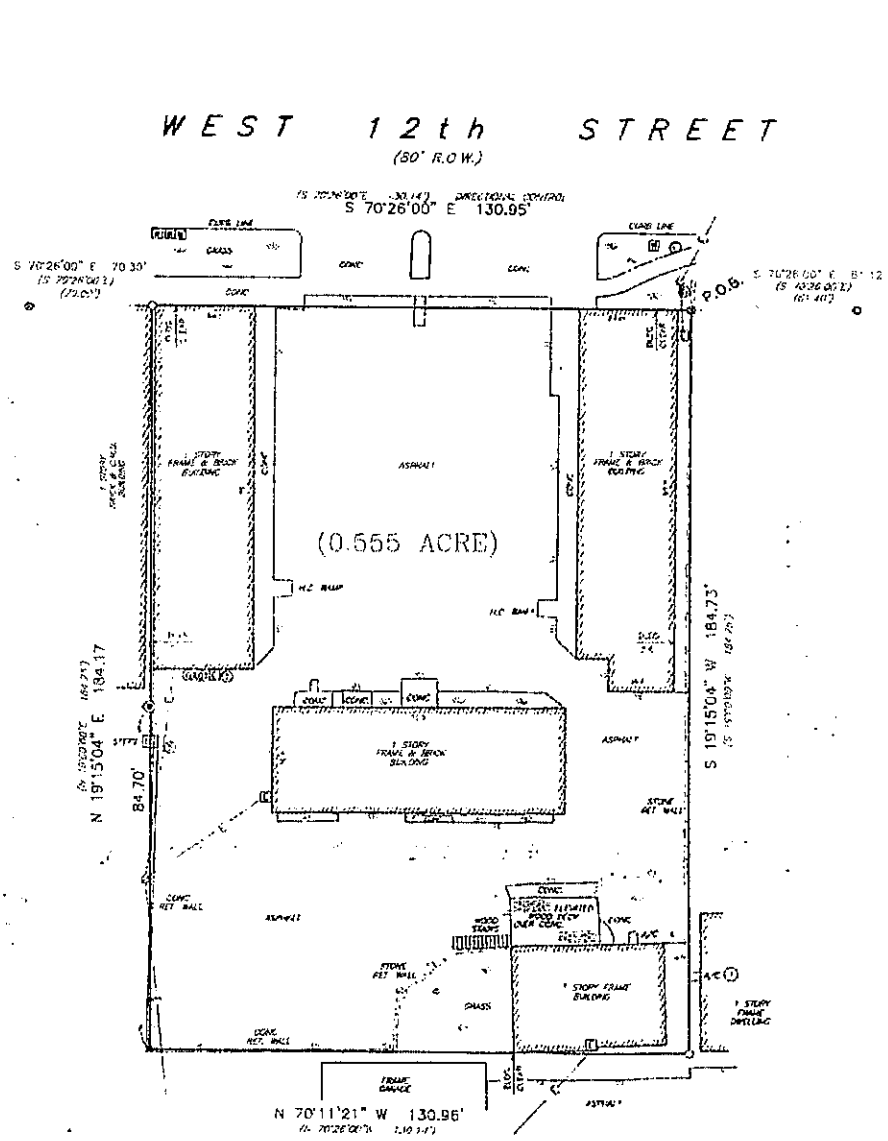
Robert M. Barcomb
R.P.L.S. No 4772

SURVEY PLAT

LEGAL DESCRIPTION: 0.555 ACRE OUT OF OUTLOT B, DIVISION "E", 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 823 & 825 WEST 12th STREET, AUSTIN, TEXAS

AND BEING ADDITIONALLY DESCRIBED IN ACCOMPANYING FIELD NOTES



SCALE 1" = 20'

BEARING BASIS
DOCUMENT NO. 2004028529
O.P.R.T.C.Tx.

LEGEND

- 1/2" IRON PIN FOUND
- 5/8" IRON PIN FOUND
- NAIL FOUND
- 1/2" IRON PIN SET STAMPED "CARPENTEUR RPLS 4772"
- "X" CUT IN CONCRETE FOUND
- POWER POLE
- TELEPHONE BOX
- GAS METER
- ELECTRICAL MANHOLE
- SANITARY SEWER MANHOLE
- WATER METER
- ELECTRIC METER
- RECORD INFORMATION
- —E— 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) ADJACENT'S A/C PAD PROTRUDES OVER PROPERTY LINE 0.1'

MARCH 7, 2006

EXCLUSIVELY TO DAN A. WESTBROOK & CHRISTINA WESTBROOK AND THE LIEN HOLDERS AND TO LAWYERS TITLE INSURANCE CORPORATION PER FILE NO. 2421004506 EFFECTIVE DATE AUG. 16, 2005

THE UNDERSIGNED HEREBY STATES THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, THAT THERE ARE NO APPARENT SIGNIFICANT DISCREPANCIES, OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY ADJOINS A DEDICATED ROW. THIS PLAT SUBSTANTIALLY SHOWS THE LOCATIONS OF EASEMENTS, RESTRICTIONS, AND BUILDING SET BACKS OF RECORD LISTED IN TITLE COMMITMENT SCHEDULE B, FILE NO. 2421004506, EFFECTIVE AUG. 16, 2005, ISSUED DATE AUG. 26, 2005. SURVEYOR HAS RELIED UPON SAID COMMITMENT FOR THE NATURE AND LOCATION OF ENCUMBRANCES

VALID ONLY FOR ORIGINAL BLUELINE PRINT WITH RED INK SIGNATURE AND SEAL

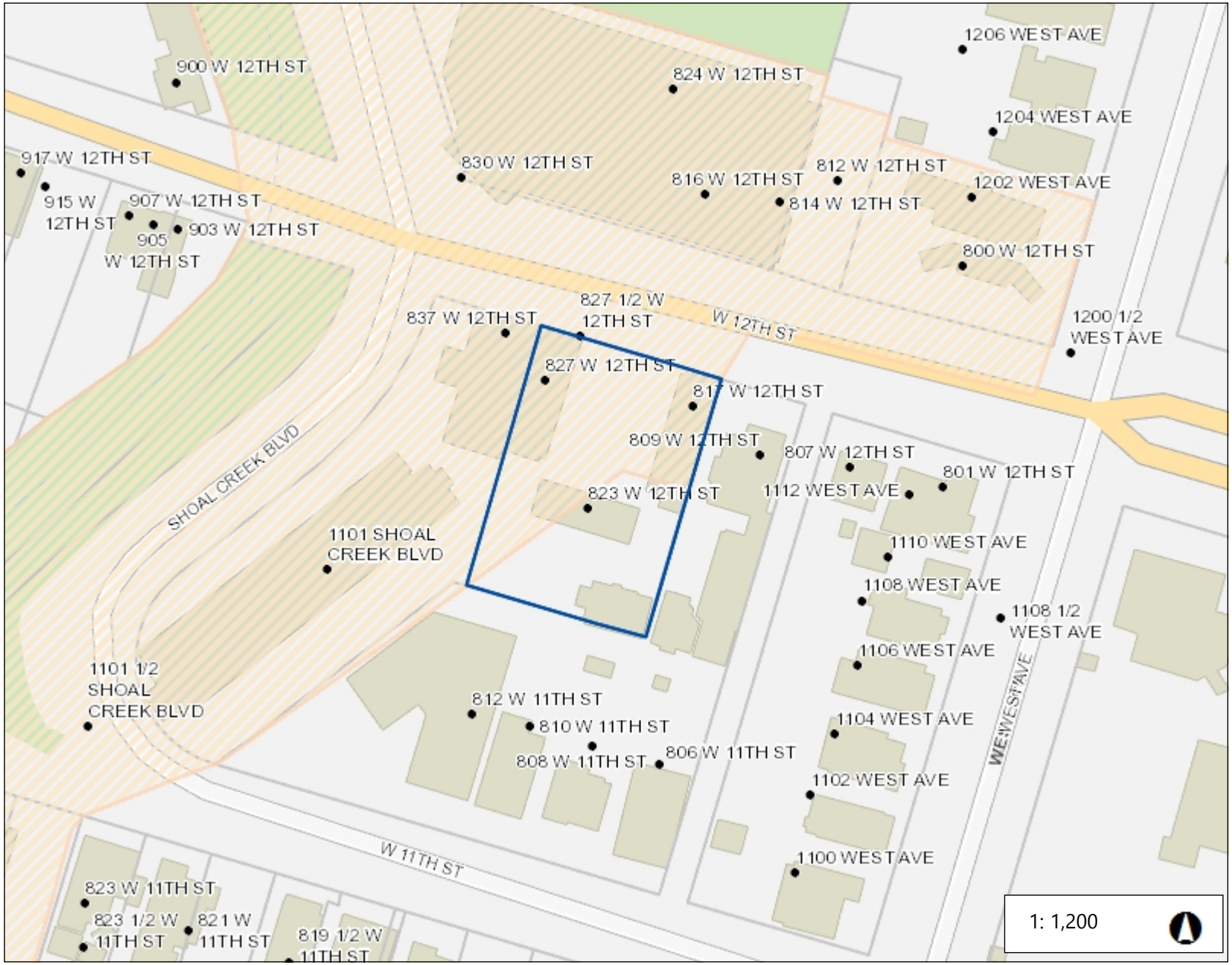
ROBERT N. BARCOMB, RPLS NO. 4772

CARPENTEURS PROFESSIONAL SURVEYING
8906 WALL STREET, SUITE 302
AUSTIN, TEXAS 78754
(512) 832-1232

2006 © ALL RIGHTS RESERVED

CAD BY: RD

Property Profile



Legend

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

Attachment C

Notes

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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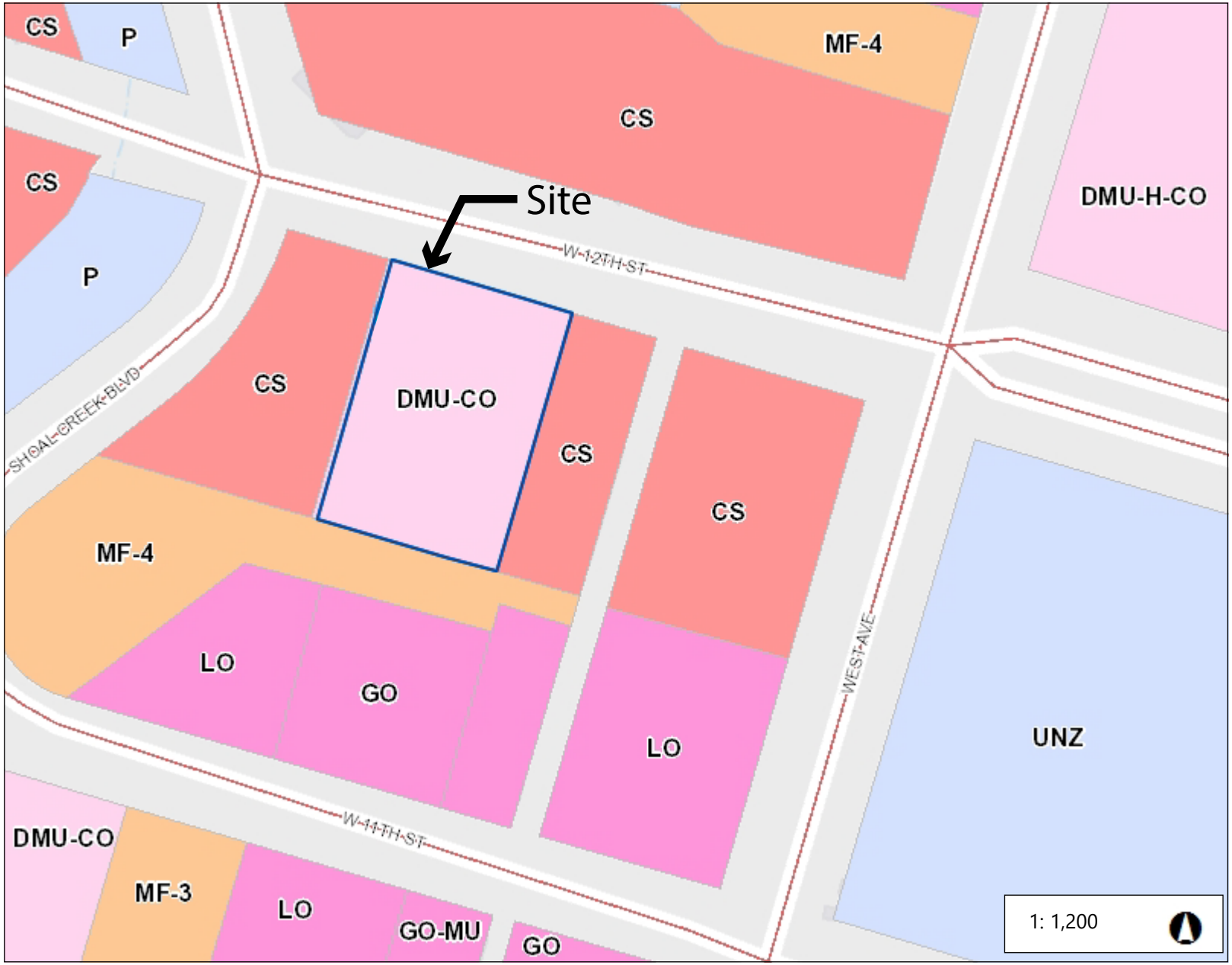
Property Profile



Legend

- Streets
- Street Labels
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTI
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- 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

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

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Notes

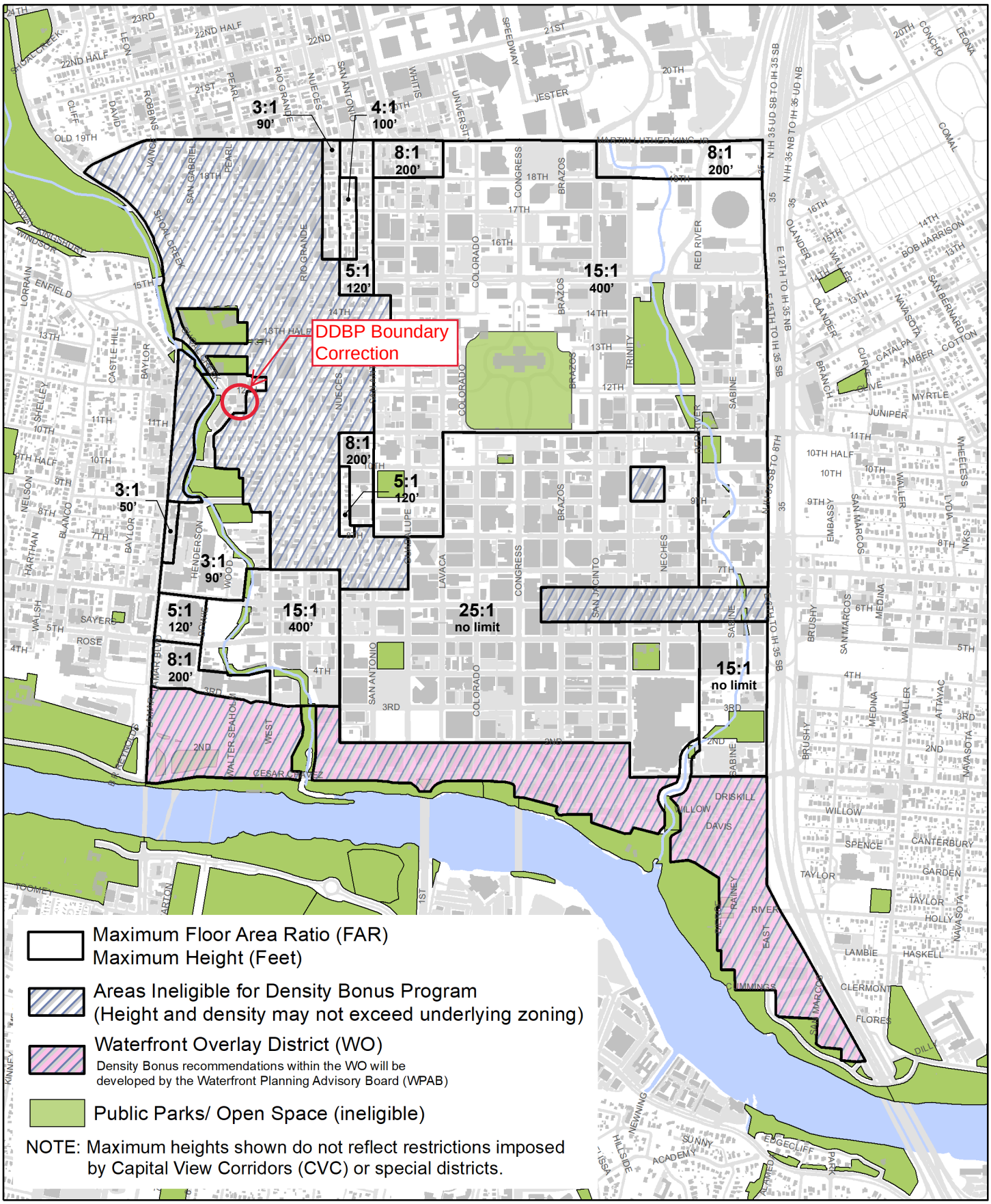
Attachment D

Building Permit Data
817-823 W. 12th Street

PROPERTYNAME	FOLDERNAME	FOLDERRSN	REFERENCEFILE	SEQUENCE_NUMBER	FOLDER_IN DATE	FOLDER_ISS UEDATE	FOLDERDESCRIPTION
817 W 12TH ST	817 W 12TH ST	10370055	2009-129926 BP	20-09129926 BP	24-NOV-09	24-NOV-09	Change of Use and Interior Remodel from Retail to Printing & Publishing Services
817 W 12TH ST	817 12 Street West A 00000	514131	0226708	19-82009318 BP	04-FEB-82	04-FEB-82	Conc Blk W/Brk Ven Stl Joing Roof Retail Sales
817 W 12TH ST	817 - 827 W. 12th Street	10710375	DA-2012-0086	20-12007755 DA	25-JAN-12	26-JAN-12	APPROVED Exemption
817 W 12TH ST	Dynamic Reprographics	10357615	DA-2009-1087	20-09118566 DA	23-OCT-09	27-OCT-09	APPROVED Exemption
817 W 12TH ST	817 12 Street West A 00000	4074947	0226708	19-82009318 EP	04-FEB-82	04-FEB-82	Conc Blk W/Brk Ven Stl Joing Roof Retail Sales
817 W 12TH ST	817 W 12TH ST	10370057	2009-129926 EP	20-09129926 EP	24-NOV-09	30-NOV-09	Change of Use and Interior Remodel from Retail to Printing & Publishing Services
817 W 12TH ST	817 W 12TH ST	4864790	BPI-00226708	20-00209190 IP	27-MAY-00		Permit Number: 00226708.
817 W 12TH ST	817 W 12TH ST	4919407	BPP-00069552	20-00154275 IP	23-MAY-00		Permit Number: 00069552.
817 W 12TH ST	817 W 12TH ST	4881574	BPP-00020850	20-00192437 IP	23-MAY-00		Permit Number: 00020850.
817 W 12TH ST	817 W 12TH ST	4888226	BPP-00030979	20-00185762 IP	23-MAY-00		Permit Number: 00030979.
817 W 12TH ST	817 W 12TH ST	4887747	BPP-00030314	20-00186241 IP	23-MAY-00		Permit Number: 00030314.
817 W 12TH ST	817 W 12TH ST	4859185	BPI-00218632	20-00214814 IP	27-MAY-00		Permit Number: 00218632.
817 W 12TH ST	817 W 12TH ST	4895357	BPP-00040139	20-00178620 IP	23-MAY-00		Permit Number: 00040139.
817 W 12TH ST	817 W 12TH ST	4879846	BPP-0000298R	20-00194137 IP	23-MAY-00		Permit Number: 0000298R.
817 W 12TH ST	817 12 Street West A 00000	3176289	0226708	19-82009318 MP	04-FEB-82	04-FEB-82	Conc Blk W/Brk Ven Stl Joing Roof Retail Sales
817 W 12TH ST	817 W 12TH ST	10370058	2009-129926 MP	20-09129926 MP	24-NOV-09	01-DEC-09	Change of Use and Interior Remodel from Retail to Printing & Publishing Services
817 W 12TH ST	817 W 12TH ST	10898000	2013-015439 PP	20-13015439 PP	19-FEB-13	21-FEB-13	Replace sewer line to comm bldg only.
817 W 12TH ST	817 12 Street West A 00000	3569094	0218632	19-81001710 PP	04-AUG-81	04-AUG-81	Plumbing For Commercial - Gas
817 W 12TH ST	817 12 Street West A 00000	3572581	0226708	19-82009318 PP	04-FEB-82	04-FEB-82	Conc Blk W/Brk Ven Stl Joing Roof Retail Sales
817 W 12TH ST	817 W 12TH ST	10370059	2009-129926 PP	20-09129926 PP	24-NOV-09	01-DEC-09	Change of Use and Interior Remodel from Retail to Printing & Publishing Services
817 W 12TH ST	817 W 12TH ST	10359813	2009-120567 PR	20-09120567 PR	30-OCT-09	24-NOV-09	Change of Use and Interior Remodel from Retail to Printing & Publishing Services
817 W 12TH ST	Grande - W 12th St 800 Blk - Overlashing	12073442	2018-185499 RW	20-18185499 RW	24-OCT-18	02-NOV-18	One vehicle. What are their dimensions (20 x 8)? 1hr (1 Day No parking spots will be effected by the install. Sign-offs will be required from all residences and buildings affected by your work. We have the permission from the customer on the private property. Austin
817 W 12TH ST	PIER Migration Water Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2326315	B3268	19-47B3268 W	23-MAY-47	23-MAY-47	
817 W 12TH ST	PIER Migration Water Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2325663	B2506	19-46B2506 W	13-DEC-46	13-DEC-46	
817 W 12TH ST	PIER Migration Sewer Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2274909	8097A	19-288097A W	31-OCT-28	31-OCT-28	
817 W 12TH ST	PIER Migration Water Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2323727	A4244	19-30A4244 W	15-MAY-30	15-MAY-30	
817 W 12TH ST	PIER Migration Water Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2346507	E16991	19-58E16991 W	23-JUN-58	23-JUN-58	
817 W 12TH ST	PIER Migration Water Tap - 817 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2429277	G24223	19-82G24223 W	19-MAY-82	19-MAY-82	
823 W 12TH ST	823 W 12TH ST	10370067	2009-129934 BP	20-09129934 BP	24-NOV-09	24-NOV-09	Change of use and Interior remodel from Admn/Bus Office to Printing & Publishing Services.
823 W 12TH ST	823 W 12th St	738456	06023534	20-06018517 BP	13-OCT-06	19-OCT-06	**Ref expired 2009-128462**Rebuild Portion Of Exst Wood Deck Over Exst Imp Coverage. Relocate Stairs.

Building Permit Data
817-823 W. 12th Street

823 W 12TH ST	823 W 12TH ST	10368378	2009-128462 BP	20-09128462 BP	19-NOV-09	19-NOV-09	Rehab/repair existing deck. Original permit was 2006-018517 BP.
823 W 12TH ST	DAN & CHRISTINA WESTBROOK	277611	C8I-06-0482	20-06000482 DA	17-OCT-06		
823 W 12TH ST	823 W 12TH ST	10370069	2009-129934 EP	20-09129934 EP	24-NOV-09	30-NOV-09	Change of use and Interior remodel from Admn/Bus Office to Printing & Publishing Services.
823 W 12TH ST	823 12 Street West A 00000	4261931	9708010	19-97001749 EP	23-JUN-97	23-JUN-97	Replace Elec Meter & Riser-Commercial
823 W 12TH ST	AWU - 12TH ST W 823 SEWER LINE REPAIR	10939575	2013-043975 EX	20-13043975 EX	30-APR-13	03-MAY-13	SCHEDULED SEWER REPAIR LOCATED AT ADDRESS. 823 W. 12TH ST AT PROPERTY ONLY POSSIBLE STREET CUT 10X10, CURB / GUTTER CUT 10X2, DRIVEWAY CUT,12X8, SIDEWALK CUT 5X5 AT THIS LOCATION. SR#485882 THANKS ELTON RAY RANDEL JR. IF RIGHT OF WAY MANAGEMENT RECOGNIZES THIS AS A PROTECTED STREET WE WILL BACKFILL IN ACCORDANCE WITH NEW STREET STANDARDS
823 W 12TH ST	823 W 12TH ST	4864825	BPI-00226754	20-00209175 IP	27-MAY-00		Permit Number: 00226754.
823 W 12TH ST	823 W 12TH ST	4795897	BPI-00119352	20-00002746 IP	26-MAY-00		Permit Number: 00119352.
823 W 12TH ST	823 W 12TH ST	4964581	BPP-00119352	20-00109129 IP	24-MAY-00		Permit Number: 00119352.
823 W 12TH ST	823 12 Street West A 00000	3352788	9708010	19-97001749 MP	23-JUN-97	23-JUN-97	Replace Elec Meter & Riser-Commercial
823 W 12TH ST	823 W 12TH ST	10370070	2009-129934 MP	20-09129934 MP	24-NOV-09	01-DEC-09	Change of use and Interior remodel from Admn/Bus Office to Printing & Publishing Services.
823 W 12TH ST	823 W 12TH ST	10370071	2009-129934 PP	20-09129934 PP	24-NOV-09	01-DEC-09	Change of use and Interior remodel from Admn/Bus Office to Printing & Publishing Services.
823 W 12TH ST	823 12 Street West A .00000	3609676	8509404	19-85025528 PP	19-APR-85	19-APR-85	Gas Repair
823 W 12TH ST	823 12 Street West A 00000	3572608	0226754	19-82009364 PP	05-FEB-82	05-FEB-82	Pulled Meter Residence
823 W 12TH ST	823 W 12TH ST	10359811	2009-120565 PR	20-09120565 PR	30-OCT-09	24-NOV-09	Change of use and Interior remodel from Admn/Bus Office to Printing & Publishing Services.
823 W 12TH ST	RESIDENTIAL ADDITION	277493	BP-06-10761RA	20-06010761 PR	13-OCT-06	19-OCT-06	Rebuild Portion Of Exst Wood Deck Over Exst Imp Coverage. Relocate Stairs.
823 W 12TH ST	823 W 12TH ST	10368374	2009-128458 PR	20-09128458 PR	19-NOV-09	19-NOV-09	Rehab/repair existing deck. Original permit was 2006-018517 BP.
823 W 12TH ST	PIER Migration Water Tap - 823 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2323728	A4246	19-30A4246 W	15-MAY-30	15-MAY-30	
827 W 12TH ST	827 W 12TH ST - PRELIM	12193531		20-19071466 GF	07-MAY-19		
827 W 12TH ST	827 W 12TH STREET-	12209212		20-19084731 GF	31-MAY-19		
827 W 12TH ST	827 W 12TH ST	4999805	BPP-00169460	20-00073900 IP	24-MAY-00		Permit Number: 00169460.
827 W 12TH ST	827 W 12TH ST	4999804	BPP-00169459	20-00073899 IP	24-MAY-00		Permit Number: 00169459.
827 W 12TH ST	PIER Migration Water Tap - 827 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2486972	2780	19-352780 W	15-MAY-35	15-MAY-35	
827 W 12TH ST	PIER Migration Sewer Tap - 827 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2183400	11901	19-3511901 W	14-MAY-35	14-MAY-35	
827 W 12TH ST	PIER Migration Water Tap - 827 W 12TH ST, AUSTIN-FULL PURPOSE, 78701	2403487	E9122	19-56E9122 W	09-JAN-56	09-JAN-56	
827 W 12TH ST	827 W 12th Street	12147345	C14-2019-0050	20-19032581 ZC	01-MAR-19		The Applicant proposes to rezone approximately 0.555 acres from CS to DMU-CO.



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 1: Page 1

PLANNING AND ZONING DEPARTMENT

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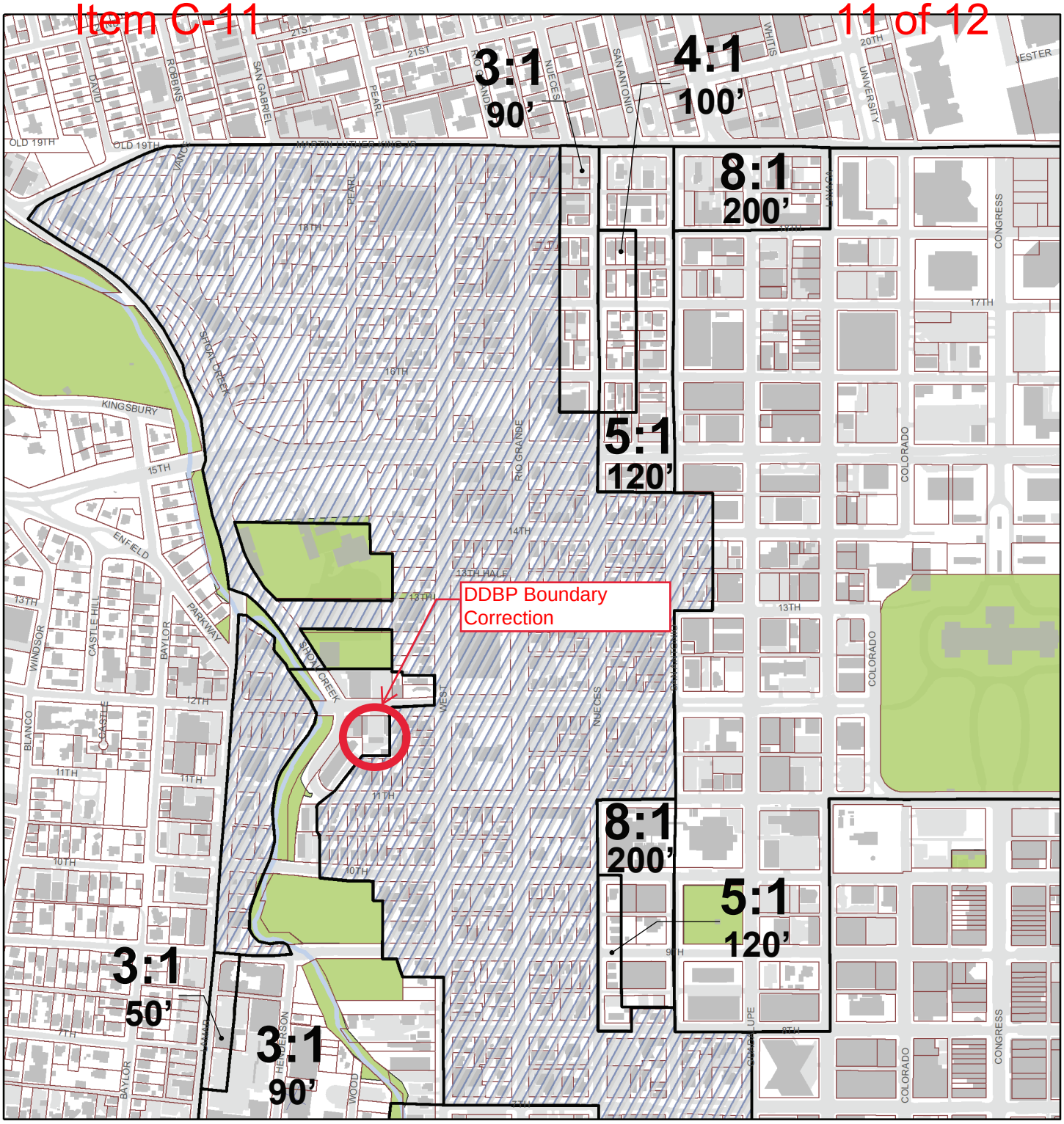
0 0.125 0.25 0.5 Miles

9/23/2019

Attachment F

DRAFT



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 1: Page 2

Attachment F

DRAFT

Maximum Floor Area Ratio (FAR)
Maximum Height (Feet)

Areas Ineligible for Density Bonus Program
(Height and density may not exceed underlying zoning)

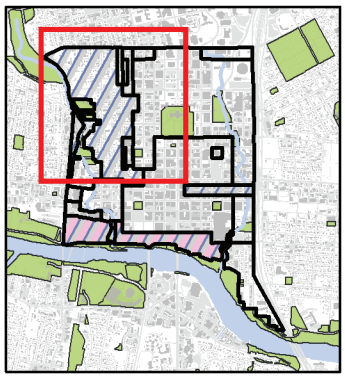
Waterfront Overlay District (WO)
Density Bonus recommendations within the WO will be developed by the Waterfront Planning Advisory Board (WPAB)

Public Parks/ Open Space (ineligible)

TCAD Parcels

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

0 0.05 0.1 0.2 Miles



PLANNING AND ZONING DEPARTMENT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

9/23/2019

LTDB LLC

August 20, 2019

Jorge Rousselin
Development Services Division Manager
City of Austin
505 Barton Springs Rd, Suite 575
Austin, Texas 78704

Dear Mr. Rousselin,

As the owner of 827 W. 12th Street, I support the proposed code amendment that would modify the Downtown Density Bonus map to include the entirety of the property. We appreciate the City's willingness to address this mapping error.

All best!

Lisa Tipps
Sole member, LTDB LLC

P.O. Box 300038 Austin, Texas 78703 512.431.0269