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To: [Anderson, Greg - BC](#); [Azhar, Awais - BC](#); [Cox, Grayson - BC](#); [Flores, Yvette - BC](#); [Hempel, Claire - BC](#); [Howard, Patrick - BC](#); [Mushtaler, Jennifer - BC](#); [Llanes, Carmen - BC](#); [Schneider, Robert - BC](#); [Shaw, Todd - BC](#); [Shieh, James - BC](#); [Thompson, Jeffrey - BC](#); [Rivera, Andrew](#); [Morgan, Anne](#); [Contreras, Kalan](#)
Cc: [Bill Aleshire](#)
Subject: Comments to Commissioners on Agenda Item 19, Oct 11, 2022; C14H-2022-0073 - Westgate Tower
Date: Tuesday, October 11, 2022 10:29:37 AM
Attachments: [CASE NUMBER C14H-2022-0073- WESTGATE PC 10-11-22 PC.pdf](#)
[Tex Gov't Code section 211.0165.pdf](#)
[HISTORIC ZONING APPLICATION FORM, INSTRUCTIONS \(redline\).pdf](#)
[ZONING CHANGE REVIEW SHEET \(Signed\).pdf](#)
[Westgate Tower - Unit 1202 Delinquent Tax Bill.pdf](#)
[Westgate Tower - Unit 1409 Delinquent Tax Bill.pdf](#)

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SIX (6) ATTACHMENTS

CASE NUMBER: C14H-2022-0073
WESTGATE CONDOMINIUM ASSOCIATION
1122 COLORADO STREET, AUSTIN, TX
PLANNING COMMISSION – OCTOBER 11, 2022

The current Application is invalid and incomplete. The Planning Commission should reject the Westgate Tower application for zoning change because:

- 1. APPLICATION INACCURATE & INCOMPLETE:** The application is incomplete, contains inaccurate information, and fails to follow procedures required using the City's form for Historic Zoning. The applicant is not the "Owner;" the applicant has not provided proof of each Owner, not the HOA. **The HOA and HOA Board own no real property, only Owners can grant the applicant written permission to seek the zoning change on the Owner's behalf.**
- 2. OWNER SIGNATURES REQUIRED ON APPLICATION:** 1122 Colorado Street, Austin, Texas is owned by 102 individual owners. Contrary to the false assertion in the application that the "Owner" is "Westgate Condominium Association," that association does not own any of the property at that location. **The 102 owners each have a deed, and each own their condominium plus a percentage of the common area.** The land and common area are not owned by a single person, entity, or the HOA. **City staff's Zoning Change Review Sheet falsely says, "PRESENT OWNERS: Westgate Condominium Association." *Not true.***

The ownership list is included in the agenda backup, but there is **no documentation showing which Owners of the 102 individual parcels are applying for zoning**, or in accordance with the City rules, signed an authorization by any one, let alone all, of the Owners for the Association or any agent to seek historic zoning on each of the Owner's behalf. ***This alone is sufficient grounds to deny the application.***

Each Owner was not provided a statement, as required by Local Govt Code LGC § 211.0165(c) describing the impact that a historic designation of the owner's property may have on the owner or the Owner's property not later than 15th day

before the initial hearing. *This alone is sufficient grounds to deny the application.*

3. **NON-COMPLIANCE WITH STATE LAW – CITY COUNCIL NEEDS TO DESIGNATE COMMISSION WITH SOLE AUTHORITY:** The City must comply with Tex. Loc. Gov't Code § 211.0165 (as amended by S.B. 1585, eff. September 1, 2021), which requires the City to “designate *one*” commission (zoning, planning or historical commission) “with *exclusive authority* to approve the designations of properties as local historic landmarks....” Since September 1, 2021 no property can be subjected to action on historic zoning by more than one commission, which must be designated as the exclusive authority to designate property as historic. Moreover, unless “the owner of the property(s) consents,” the vote required for such designation by both the “designated” commission and the City Council must be by 3/4th vote.

If the Historic Landmark Commission is given “*exclusive authority*”, then the Planning Commission would not have authority on this historic zoning case or any others.

4. **MISSING TAX CERTIFICATES:** There appear to be unpaid taxes on one or more Westgate condominiums. The Application Instructions Section 1 says, “A Tax Certificate [indicating that not taxes are owed on the property] must be submitted with all zoning applications.” The application is incomplete because it does not include 102 tax certificates showing taxes paid current, running the risk that the Planning Commission would approve Historic Zoning on a property on which there are delinquent taxes.

This alone is sufficient grounds to deny the application.

5. **OWNERS OF WESTGATE TOWER HAVE NOT SIGNED THE APPLICATION, NOR AUTHORIZED THE AGENT IN COMPLIANCE WITH CITY APPLICATION INSTRUCTIONS AND STATE LAW:**

The City’s “Application Instructions” for Historic Zoning Section A (1) says “Please indicate name of current owner. The current owner, or authorized agent, may apply for the zoning change.” Application Instruction A (16) (“Owner Information” states: “Owner information - Owner information is required. If the owner agrees to be represented by an agent, then please a written authorization for the agent to represent the owner's interests. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.”

No owner signatures are included in the application. An undated, unsworn, letter on stationery from “*The Westgate*,” signed by Gordon Johnson as “*Westgate President*” purports that the “Board of Directors for the Westgate Condominium Association” authorized Brian Evans to serve as “*Agent on behalf of all Westgate Owners*.” The letter does not indicate how the Board of Directors obtained authority to make such a designation, nor does the letter even state the date of any meeting by the Directors at which such vote occurred. Regardless, to be a valid application, either **each Owner must sign it or provide a legible signature directly designating an agent to represent that, Owner.** The process and application information used by the Westgate Tower application violates state law and the City’s own procedures by omitting the Owner’s themselves from ever putting in writing, anywhere, that the

Owner wants or agrees to the restrictions of historic zoning. *This alone is reason enough for the Planning Commission to reject the application.*

6. **MISSING DEED REFERENCE TO THE PRESENT OWNER, OCCUPANCY:**

The Application Instructions Section 11 requires “The volume and page numbers of the deed conveying the property to the present owner and the total size of the property conveyed shall be shown....” The application does not contain the County Clerk’s property record “volume and page numbers” of the deed to “the present owner.” The Application contains Standard Form F.1 (“Historical Documentation – Deed Chronology”), but all the applicant did was put the street address on the “example” form, *i.e.*, the form submitted does not contain any deed chronology for the property and ignores the instruction “Continue through the present.”

Likewise, the Application does not contain the required Form F.2 (“Historical Documentation – Occupancy History”). The applicant merely inserted the street address on the “example” form and does not comply with the instruction to “provide a chronology of all occupants of the property from its construction to the present.”

7. **SYSTEMIC FAILURE TO COMPLY WITH STATE LAW:**

On March 17, 2022, the City of Austin lost a court challenge to its zoning tactics in *City of Austin v. Acuna*, No. 14-20-00356-CV, 2022 WL 805953, at *2 (Tex. App.—Houston [14th Dist.] Mar. 17, 2022, no pet.). With that fresh slap from the Courts, one might expect the City officials to carefully comply with zoning statutes, including Tex. Loc. Gov’t Code section 211.0165. **Nothing in the application backup demonstrates any compliance with any part of Section 211.0165.**

The Application also violated the Austin City Code. Austin City Code § 25-2-242(3) says zoning may be initiated by the “record owner.” **This application was not initiated by the record owners and no proper designation of an Agent for each Owner has been provided. Austin City Code § 25-2-353(B) says: A record owner or the record owner's agent filing an application for an owner-initiated historic landmark (H) designation shall affirm that no person involved in the matter was or will be compensated on a contingent fee basis or arrangement. *No such affirmation is included in the Application or agenda backup.***

- **Why has this application which is expecting a massive tax break, being processed in violation of State law, and contrary to normal application requirements of the City?**
- **The Landmark Commission should have not approved the Application** without requiring each Owner to sign a designation of agent, and should have required the Application include all of the required information. Likewise, the Planning Commission should reject this application as incomplete, unauthorized by each Owner, and in violation of Tex. Loc. Gov’t Code § 211.0165 and Austin City Code § 25.2-353(B). **At this point, there is a question whether the Historic Landmark or the Planning Commission have jurisdiction.**
- **We have heard no arguments from the either the applicant, nor any condo high-rise owners explaining the public benefit** of giving them a tax windfall of as much as \$675,000 annually away from the City, Travis County, ACC, AISD, and Travis Health. Our needs for affordable housing, our homeless, our school children, our roads, parks,

and health system present a far greater public need.

- **Planning Commissioners you have the power to recommend historic zoning and historic tax exemption only for the Common Area (land, landscaping, and building structure and exterior), and exclude the 102 high-rise condos at a cost of over \$650,000 annually, in perpetuity. To include the individual condos in tax exemptions serves absolutely no public benefit, nor any preservation purpose.**

Respectfully,
Richard Hardin

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City of Austin - Historic Preservation Office Historic Zoning Application Packet

General Overview

Historic zoning is a zoning overlay which is added to the base zoning of a specific tract of land (for example CBD-H denotes Central Business District-Historic Zoning). To qualify for City Historic Landmark status, a property must meet one or more (but typically five or more) of the local historic criteria (see criteria below). Applicants need to submit historical documentation demonstrating how the property meets these criteria (see attached submittal requirements).

The City Historic Landmark Commission reviews all applications for City Historic Landmark designation, with the Austin City Council making final decisions on these designations. Please note that at least (3) months is typically required to process a City Historic Landmark designation through the City Council from the time a complete application is received.

Once designated, all proposed exterior site and building changes (other than routine maintenance) to a historically zoned tract require advance review and approval by the City Historic Landmark Commission. A copy of the Historic Landmark Commission's review standards is available from the City Historic Preservation Office. City Historic Landmark properties that are in good repair and in full compliance with the City historic review requirements are eligible to apply annually for a historic property tax exemption. For information on the historic zoning process, refer to Chapter 25-2 of the City Land Development Code.

WHERE TO APPLY:

To ensure that the application is complete, an advance review by the City Historic Preservation Office is required. Applications may be submitted at the receptionist's desk, 5th floor, One Texas Center, 505 Barton Springs Road by appointment. Phone (512) 974-2727 for an appointment.

TIME FRAME FOR PROCESSING HISTORIC ZONING CASES:

Each historic zoning case is reviewed by the Historic Landmark Commission at a regularly scheduled meeting of the Commission approximately four to six weeks after receipt of application. The Historic Landmark Commission meets once a month, typically on the 4th Monday of each month. The case is then heard by either the Zoning and Platting Commission or the Planning Commission approximately three weeks after the Historic Landmark Commission hearing, and then by the City Council approximately six weeks later.

SUBMITTAL REQUIREMENTS:

Refer to Instructions and Submittal Checklist. Complete Application Forms, supplemental materials, and Affidavits.

THE FOLLOWING CITY HISTORIC LANDMARK CRITERIA ARE CONSIDERED WHEN REVIEWING A CITY HISTORIC LANDMARK APPLICATION:

- The property is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996); and
- The property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity; and
- The property is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark OR demonstrates significance in at least two of the following categories:
 - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.
 - (ii) Historical Associations. The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.
 - (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;

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Historic Zoning Application Packet

- (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group.
- (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.

HOW TO OBTAIN INFORMATION:

Contact the City Historic Preservation Office if you have questions concerning an Historic Zoning application. The Historic Preservation Officer will serve as liaison between you and the City of Austin and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc., should be directed to the Historic Preservation Officer at (512) 974-6454.

APPOINTMENTS:

Appointments should be made if you wish to see the City Historic Preservation Officer or other staff.

ETHICS AND FINANCIAL DISCLOSURE INFORMATION:

If you or your agent/representative were a City employee or City official within the past 24 months, you may be subject to the Ethics and Financial Disclosure Ordinance (860717-X). Additional information is available from the City Clerk.

City of Austin - Historic Preservation Office
Historic Zoning Application Packet

Application Instructions

All applications must include: A. Application Form, B. Tax Maps, C. Tax Certificate, D. Submittal Verification and Inspection Authorization Form, E. Acknowledgement Form, and F. Historical Documentation. All information must be complete before an application form can be accepted and processed. Please note that fees are required for owner-initiated historic zoning cases [contact City Intake Office at (512) 974-2681 or (512) 974-6338 for fee information].

A. APPLICATION FORM - Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:

1. **Owner:** Please indicate name of current owner. The current owner, or authorized agent, may apply for the zoning change.
2. **Project Name:** Fill in the proposed "historic name" of the property. Generally, this should be the last name of the first owner of the historic house/building followed by last names of any owners who occupied the site for a significant amount of time (e.g., Bailey-Houston House).
3. **Project Street Address(es):** Indicate the project address or, if not available, the range of addresses for all streets abutting the property. For assistance, contact city addressing staff at 974-2398.
4. **Area to be Rezoned:** The area of the tract(s) for which a zoning change is being requested shall be shown in square feet or acres. If more than one type of zoning is being requested, identify each tract and indicate size and type of zoning being requested.
5. **Existing and Proposed Zoning:** Indicate existing zoning (e.g., SF-3) and use (e.g., residence), as well as proposed zoning (e.g., SF-3-H) and use (e.g., residence). If more than one tract is involved, identify by tract number and corresponding acreage or square footage. Zoning map books are available in the Document Sales Section, One Texas Center, 505 Barton Springs Road, 1st Floor in order to assist with verifying a tract's existing zoning.
6. - 9. **Active Zoning case, Subdivision case, Restrictive Covenant changes, and/or Site Plan Requests:** If there are any pending requests on the property covered by this application, please indicate requested information.
10. **Property Description:** The property description shall accurately describe only that area for which a zoning change is being requested. This description shall be by either lot and block of a recorded subdivision, including plat book and page, or by certified field notes describing only the land area needed for the proposed use(s). If field notes are supplied, the survey map and a copy of field notes are needed using the following format:
 - a) Prepared on 8 1/2 x 11 paper
 - b) Typed in a standard business typeface (Legible)
 - c) Begin with a caption that describes the total tract
 - d) Surveyor's calls included
 - e) End with the words "to the point of beginning"
 - f) Sealed by a registered public surveyor
11. **Deed Reference and tax parcel identification number.** The volume and page numbers of the deed conveying the property to the present owner and the total size of the property conveyed shall be shown. This information is on your deed or is available in the County Clerk's Office, Travis County Courthouse. Tax parcel identification information is available from the Travis County Appraisal District (TCAD) on their web site www.traviscad.org at Walnut Creek Business Park, 8314 Cross Park Drive (U.S. 290 and Cross Park Drive), phone (512) 834-9317.
- 12.-14. **Other Provisions. Combining/Overlay Districts** - If the historic zoning request falls within a zoning combining district (such as a Neighborhood Plan or NP combining area), National Register Historic District or other overlay districts please fill in this information in the space provided. For additional information, contact the the Development Assistance Center at (512) 974-6370.

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Historic Zoning Application Packet

15. **Type of Ownership** - If the ownership is other than sole or community property, attach a list of the partners/beneficiaries/principals and their positions.

16. **Owner information** - Owner information is required. If the owner agrees to be represented by an agent, then please a written authorization for the agent to represent the owner's interests. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.

17. **Agent Information** - If designated, this will be the Planning and Zoning Department's primary contact. If the agent changes, your Case Manager should be notified.

B. TAX MAPS - Tax maps are used to obtain property owner names and addresses for notification. Tax maps must be submitted with all zoning applications and shall meet the following requirements:

1. One blueline copy of each of the current tax plats, showing all properties within 500 feet of the tract for which zoning approval is being requested. Include all maps referred to in the 500 feet surrounding the tract. Outline the subject tract in red. (DO NOT SPLICE THE MAPS TOGETHER).

Tax maps are available at the Travis County Appraisal District (TCAD) at Walnut Creek Business Park, 8314 Cross Park Drive (U.S. 290 & Cross Park Drive), phone 834-9317.

2. For projects located outside of Travis County, applicants must submit a list of names and addresses of all property owners located within a 500-foot radius of the subject tract.

C. TAX CERTIFICATE - A Tax Certificate must be submitted with all zoning applications. This certificate may be obtained from the County Tax Office located at 5501 Airport Boulevard and should indicate that no taxes are owed on the property.

D. INSPECTION AUTHORIZATION FORM – A signed authorization form must be included.

E. ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTE/DEED RESTRICTIONS - A signed acknowledgement form is required. The applicant should carefully check records before signing the attached acknowledgement form. Plat notes are shown on the face of the subdivision plat. Plats are available at the City or the County Courthouse. Deed restrictions are recorded at the Courthouse if you do not already have a copy.

F. HISTORICAL DOCUMENTATION – The applicant needs to submit one full copy of supporting historic documentation for city use (will NOT be returned). All information should be submitted loose or paper-clipped; no stapled, glued or bound documents please. An informational brochure providing additional information on historic research and potential sources of information is available from the City Historic Preservation Office at 974-2727, on the Historic Preservation Office web site or at the Austin History Center.

- (1) A chronological list of prior owners. This chronology should begin at a minimum with the transaction whereby the owner who is believed or known to have built the first building on the site first acquired some or all of the property. (Deed information available at the Travis County Clerk's Office, at 5501 Airport Boulevard). See attached form F.1.
- (2) A chronological list of occupants/residents/tenants, their occupations, and their dates of occupancy for all years of a building's existence (Usually available from the City Directories in the Austin History Center). See attached form F.2.
- (3) Biographical data on owners and occupants as available. Please copy all information available, including newspaper articles, family records, marriage certificates, etc. For cemeteries, a list of burial names and biographical data on associated personages required. (Contact the Austin History Center for biography files, obituary records, census data, marriage and death records, etc. Other sources include previous occupants/owners or their descendants, company/organization archives, etc.).

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Historic Zoning Application Packet

- (4) Information on historically significant events which occurred at the location, if known (see 3. above for research information).
- (5) Color digital prints showing full exterior views, including all elevations, setting, outbuildings, and details of structural and landscape features. Photographs should be labelled on the back in pencil and should be submitted loose (un-affixed).
- (6) Information on architect, builder, contractor and any craftsmen who worked on the buildings and structures on the site when available. (See 3. above for possible sources).
- (7) Reproductions (high quality photocopies acceptable) of historical photographs when available (Sources include Austin History Center, previous owners and occupants or their descendants, company/organization archives, etc.).
- (8) A dimensioned site plan or survey showing the tract in question and the location/placement of all buildings/structures on the tract.
- (9) A brief historical narrative (no more than 40 7 pages) providing:
 - A brief chronology and overview of the property's history and development, including dates for all new construction (houses, outbuildings, wells, etc.) and alterations. (Sources include mechanic's liens, Sanborn Fire Insurance Maps, Austin History Center records, family records, etc.);
 - A summary of the primary uses and occupants of property over time, and any important persons associated with the site (include full names, birth, marriage and death dates);
 - A justification as to which specific city historic landmark criteria the property meets and why.

A brochure providing additional information on how to conduct historic research and potential sources of information is available from the City Historic Preservation Office at 974-2727 on the Historic Preservation Office web site or at the Austin History Center.

Submittal Checklist

- A. Application Form.
- B. Full size tax maps (1"=100') showing properties within 300' of zoning request
- C. Tax certificate or letter from the County Tax office (Not a tax receipt)
- D. Submittal Verification and Inspection Authorization Form.
- E. Acknowledgment Form
- F. Historical Documentation (including Attachment A, B, photographs, historical narrative, and copies of historical information)

City of Austin - Historic Preservation Office
Historic Zoning Application Packet

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY	
APPLICATION DATE: _____	FILE NUMBER(S) _____
TENTATIVE HLC DATE: _____	
TENTATIVE PC or ZAP DATE: _____	
TENTATIVE CC DATE: _____	CITY INITIATED: YES / NO
CASE MANAGER _____	ROLLBACK: YES/NO
APPLICATION ACCEPTED BY: _____	

BASIC PROJECT DATA:

1. OWNER'S NAME: _____	
2. PROJECT NAME: _____	
3. PROJECT STREET ADDRESS (or Range): _____	
ZIP _____	COUNTY: _____
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____ FRONTAGE FEET ALONG THE N. S. E. W. (CIRCLE ONE) SIDE OF	
_____ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS	
APPROXIMATELY _____	DISTANCE FROM ITS
INTERSECTION WITH _____	CROSS STREET.

AREA TO BE REZONED:

4. ACRES _____	(OR)	SQ.FT. _____			
5. ZONING AND LAND USE INFORMATION:					
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES / NO)	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES / NO)	FILE NUMBER: _____
8. SUBDIVISION? (YES / NO)	FILE NUMBER: _____
9. SITE PLAN? (YES / NO)	FILE NUMBER: _____

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PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: _____
Block(s) _____ Lot(s) _____ Outlot(s) _____
Plat Book: _____ Page _____
Number: _____
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: _____ **PAGE:** _____ **TAX PARCEL I.D. NO.** _____

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD,NP, etc) _____
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO
14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: _____
TRAFFIC SERIAL ZONE(S): _____

OWNERSHIP TYPE:

15. ___SOLE ___COMMUNITY PROPERTY ___PARTNERSHIP ___CORPORATION ___TRUST

If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION
SIGNATURE: _____ NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
EMAIL ADDRESS: _____

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION
SIGNATURE: _____ NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
CONTACT PERSON: _____ TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____

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**D. SUBMITTAL VERIFICATION
AND INSPECTION AUTHORIZATION**

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**

Signature

Date

Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**

Signature

Date

Name (Typed or Printed)

Firm (If applicable)

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E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, _____ have checked for subdivision plat notes, deed restrictions,

(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

(Applicant's signature)

(Date)

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F. 1: Historical Documentation - Deed Chronology

Deed Research for (fill in address) _____

List Deeds chronologically, beginning with earliest transaction first and proceeding through present ownership. The first transaction listed should date at least back to when the original builder of any historic structures on the site first acquired the property (i.e., should pre-date the construction of any buildings/structures on the site). Please use the format delineated below.

For each transaction please include: name of Grantor/Grantee, date of transaction, legal description involved, price, and volume/page number of deed records. If there is a mechanic's lien please copy the entire document.

Example:

Transaction

Vol./Page

John Doe to Mary Smith,
Lots 1-3, Block B, Driving Park Addition
March 13, 1882
\$2500

Vol. 52, pp. 22-60

Mary Smith, estate, to Ingrid Jones
Lots 1-2, Block B, Driving Park Addition
January 12, 1903

Vol. 409, pp. 552-554

(Continue through the present)

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F. 2: Historical Documentation - Occupancy History

Occupancy Research for (fill in address) _____

Using City Directories available at the Austin History Center or other information available, please provide a chronology of all occupants of the property from its construction to the present. For commercial property, please provide residential information on business owner as well.

Year	Occupant Name and Reference	Source
1872-1873	A.S. Roberts, Dry Goods and general groceries provisions, City Directories e s Congress b Hickory and Ash Streets A.S. Roberts (Ada), Roberts Dry Goods, r. 610 W. 12 th Street, 2.	
1877-78	Jones, David W., Wholesale Furniture dealer and carpets, 806 Congress Avenue Jones, David W. (Martha), Furniture Dealer, r. 312 W. 5 th Street, 4.	City Directories

(Continue through the present)

Tex. Loc. Go'vt Code

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK OR DISTRICT. (a) Except as provided by Subsection (b), a municipality that has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries may not designate a property as a local historic landmark or include a property within the boundaries of a local historic district unless:

- (1) the owner of the property consents to the designation or inclusion; or
- (2) if the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of:

(A) the governing body of the municipality; and

(B) the zoning, planning, or historical commission of the municipality, if any.

(a-1) If a municipality has more than one commission described by Subsection (a)(2)(B), the municipality shall designate one of those commissions as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district under that paragraph.

(b) If the property is owned by an organization that qualifies as a religious organization under Section 11.20, Tax Code, the municipality may designate the property as a local historic landmark or include the property in a local historic district only if the organization consents to the designation or inclusion.

(c) The municipality must provide the property owner a statement that describes the impact that a historic designation or inclusion in a local historic district of the owner's property may have on the owner and the owner's property. The municipality must provide the statement to the owner not later than the 15th day before the date of the initial hearing on the historic designation or inclusion in a local historic district of the property of:

(1) the zoning, planning, or historical commission, if any; or

(2) the governing body of the municipality.

(d) The historic designation impact statement must include lists of the:

(1) regulations that may be applied to any structure on the property after the designation;

(2) procedures for the designation;

(3) tax benefits that may be applied to the property after the designation; and

(4) rehabilitation or repair programs that the municipality offers for a property designated as historic.

(e) The municipality must allow an owner to withdraw consent at any time during the designation process.

Added by Acts 2019, 86th Leg., R.S., Ch. 231 (H.B. 2496), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 405 (S.B. 1585), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 405 (S.B. 1585), Sec. 2, eff. September 1, 2021.

Bruce Elfant
Assessor And Collector
of Taxes
Travis County Tax Office
2433 Ridgepoint Dr.
Austin, TX 78754-5231



P. O. Box 149328
Austin, TX 78714-9328
(512) 854-9473 voice
(512) 854-9235 fax

TRAVIS COUNTY TAX BILL

1	TAX YEAR	2	BASE TAX DUE	3	PENALTY AND INTEREST DUE	4	ATTORNEY FEES DUE	5	TOTAL DUE
TOTAL BASE TAXES, PENALTY, INTEREST & ATTORNEY FEES DUE:								6	
TOTAL OTHER FEES DUE:								7	
TOTAL AMOUNT DUE FOR ALL YEARS:								8	
PRINT DATE:			PRINT TIME:						

9		PROPERTY LOCATION ADDRESS	
10		LEGAL DESCRIPTION	
11	BILLING NO.	12	PROPERTY TYPE
		REAL	PERSONAL
13		PARCEL NUMBER	

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1	TAX YEAR	2	BASE TAX DUE	3	PENALTY AND INTEREST DUE	4	ATTORNEY FEES DUE	5	TOTAL DUE
TOTAL BASE TAXES, PENALTY, INTEREST & ATTORNEY FEES DUE:								6	
TOTAL OTHER FEES DUE:								7	
TOTAL AMOUNT DUE FOR ALL YEARS:								8	
PRINT DATE:			PRINT TIME:						

9		PROPERTY LOCATION ADDRESS	
10		LEGAL DESCRIPTION	
11	BILLING NO.	12	PROPERTY TYPE
		REAL	PERSONAL
13		PARCEL NUMBER	

ZONING CHANGE REVIEW SHEET

HLC DATE: July 6, 2022
September 27, 2022; October 11, 2022

PC DATE: August 9, 2022; August 23, 2022;

CASE NUMBER: C14H-2022-0073

ADDRESS OF PROPOSED ZONING CHANGE: 1122 Colorado Street

APPLICANT: Brian Evans, Westgate Condominium Association

HISTORIC NAME: Westgate Tower

WATERSHED: Lady Bird Lake

ZONING CHANGE: CBD to CBD-H

COUNCIL DISTRICT: 9

STAFF RECOMMENDATION: Staff recommends the proposed zoning change from Central Business District (CBD) zoning to Central Business District – Historic Landmark (CBD-H) combining district zoning.

QUALIFICATIONS FOR LANDMARK DESIGNATION: Architecture and historical associations: The Westgate Tower is an excellent example of New Formalism, is the only building in Austin designed by architect Edward Durell Stone, and has served as a model for mixed-use building.¹

HISTORIC LANDMARK COMMISSION ACTION: 2012 – recommend historic zoning; 2022 – recommend historic zoning

PLANNING COMMISSION ACTION: August 9, 2022 – postpone to August 23, 2022 per neighborhood request. August 23, 2022 – postpone to September 27. September 27, 2022 – postpone to October 11 per staff request.

CITY COUNCIL DATE: N/A

ACTION: N/A

ORDINANCE READINGS: N/A

ORDINANCE NUMBER: N/A

CASE MANAGER: Kalan Contreras, 974-2727

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Central Austin Community Development Corporation, City of Austin Downtown Commission, Downtown Austin Alliance, Downtown Austin Neighborhood Assn. (DANA), Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, SEL Texas, Sierra Club, Austin Regional Group

DEPARTMENT COMMENTS: The building was listed on the National Register of Historic Places in 2010. Land Development Code §25-2-352(A)(3)(a) states that City Council may designate a historic landmark if it retains integrity, is over 50 years old, and is individually listed in the National Register of Historic Places.

The Historic Landmark Commission recommended historic zoning in 2012; however, the application was withdrawn by the applicant prior to Planning Commission hearing.

BASIS FOR RECOMMENDATION:

§25-2-352(A)(3)(a) The property is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark.

The building was listed on the National Register of Historic Places in 2010.

§25-2-352(A)(3)(b)(i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building.

¹ Sadowsky, Steve. "Zoning Change Review Sheet: C14H-2012-0089." 2012.
<https://www.austintexas.gov/edims/document.cfm?id=176342>