

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0136 – 2609 and 2611 Davis Lane, DISTRICT: 5
 Lots 1 and 2, Charles Hoffman Subdivision

ZONING FROM: SF-2 TO: SF-3

ADDRESS: 2609 and 2611 Davis Lane

SITE AREA: 0.73 acres (31,799 square feet)

PROPERTY OWNER: Doors Development Gold LLC c/o Jeffery Davis (Prashant Vank)

AGENT: Land Answers, Inc. (Jim Wittliff)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence (SF-3) district zoning. *For a summary of the basis of Staff's recommendation, see page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 19, 2021:

October 5, 2021: *APPROVED A POSTPONEMENT TO OCTOBER 19, 2021
 [D. KING; H. SMITH – 2ND] (9-0) T. BRAY – ABSTAIN; C. ACOSTA
 – ABSENT*

CITY COUNCIL ACTION:

November 4, 2021:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area consists of two platted lots, is located on the south side of Davis Lane between Leo Street and Collingwood Drive, and zoned single family residence - standard lot (SF-2) district. There is one single family residence on the west lot and the east lot is undeveloped. This segment of Davis Lane contains an undeveloped tract and single family residences on lots annexed into the City limits in the mid-1980s. There are single family residences and an undeveloped tract to the north (SF-2), single family residences on

large lots to the east (SF-1), single family residences and a two-family residence on large lots to the south (SF-2; SF-3-CO; DR), and single family residences and two manufactured homes on lots to the west (SF-2). *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).*

The Applicant has requested family residence (SF-3) district zoning in order to build a two-family residence on each lot. This would allow for one single family residence, plus a second detached unit not to exceed 1,100 square feet or a floor-to-area ratio of 0.15 : 1, whichever is smaller on each lot. The detached unit is limited to 2 stories or 30 feet in height, and 550 square feet on the second story, if any.

BASIS OF RECOMMENDATION:

- 1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

- 2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested SF-3 zoning would allow for four residences on the two lots. Staff recommends the Applicant’s request because the tract meets the intent of the SF-3 district as it fronts on a residential section of Davis Lane and is located within an existing residential neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	One single family residence; Undeveloped
<i>North</i>	SF-2	Single family residences; One undeveloped tract
<i>South</i>	SF-2; SF-3-CO; DR	Single family residences; Undeveloped lot; Two-family residence
<i>East</i>	SF-1	Single family residences on large lots in the Castlewood Annex subdivision
<i>West</i>	SF-2	Single family residences; Two manufactured homes

NEIGHBORHOOD PLANNING AREA: Not Applicable

TIA: Is not required

WATERSHED: South Boggy Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Cowan Elementary School Bailey Middle School Akins High School

COMMUNITY REGISTRY LIST:

97 – Castlewood - Oak Valley Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1343 – Oak Hill Trails Association 1363 – SEL Texas
 1424 – Preservation Austin 1429 – GO! Austin/Vamos! Austin (GAVA)-78745
 1443 – Shiloh Oaks Neighborhood Association 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance 1550 – Homeless Neighborhood Association
 1559 – Palomino Park HOA 1596 – TNR BCP – Travis County Natural Resources
 1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0060 – Leo Street Residential – 8707 Leo Street	SF-2 to SF-3- CO, w/CO prohibiting duplex use	To Grant SF-3-CO w/an additional -CO to require a 25-foot rear setback	Apvd SF-3-CO as Commission recommended (10-9-2018).
C14-97-0066 – Castlewood-Oak Valley Neighborhood Association – 2211 - 2605 Toulouse Dr at Queenswood Dr	SF-2 to SF-1	To Grant	Apvd (8-21-1997).

RELATED CASES:

The rezoning area is platted as Lots 1 and 2, Charles Hoffman Subdivision, a subdivision approved in June 1959 (C8S-59-076).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Davis Lane	60 feet	20 feet	Level 3	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the south side of Davis Lane, and consists of two lots, totaling 0.73 acres in size. One lot is undeveloped while the other has a single-family house on it. The property is not located within a small planning area or along or near an Activity Center or Corridor. However, West Gate Boulevard is a major arterial in this area of Austin and is located approximately a half-mile driving distance from the subject property. Surrounding land uses include single family housing in all four directions. The proposal is to change the zoning from SF-2 to SF-3 to permit two-family residential uses on the lots.

Connectivity

This section of Davis Lane is narrow and includes a public sidewalk located on one side of the street. A public transit stop is located approximately 200 feet from the subject property. There is an unprotected bike lane and complete sidewalks going west on Davis Lane, near Leo Street. The Ellen Higgins Pocket Park is located approximately 1,000 feet walking distance from the subject property. The mobility options in the area are average, while connectivity options are only fair because most uses beyond residential and the pocket park are located over a half-mile from the subject property, including a public school and a convenience store.

Imagine Austin

The Imagine Austin Comprehensive Plan (IACP) does not designate this area as being along or near an Activity Center or Activity Corridor. The following Imagine Austin policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **HN P10.** Create complete neighborhoods across Austin that have a **mix of housing types and land uses**, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon other residential uses in the area; providing additional missing middle housing units; but average mobility but fair connectivity options in the area, this project partially supports the Imagine Austin Comprehensive Plan.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development

Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

Impervious Cover

The maximum impervious cover allowed by the *SF-3* zoning district would be 45%, which is based on the more restrictive zoning regulations.

PARD – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, single family with SF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land

acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

This project will be subject to Subchapter F and will be reviewed by the Residential Review division.

Rezoning from SF-2 to SF-3 does not trigger the application of compatibility standards.

For duplex residential site plans, the applicable building standards are outlined below:
Breakdown by square footage for living area/garage/patio/porch is required on duplex.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2-foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2-foot setback.

Austin Transportation Department Comments

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 74 feet of right-of-way for Davis Lane. It is recommended that 37 feet of right-of-way from the existing centerline should be dedicated for Davis Lane according to the Transportation Criteria Manual with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Transportation Assessment

A traffic impact analysis is not required for this site.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

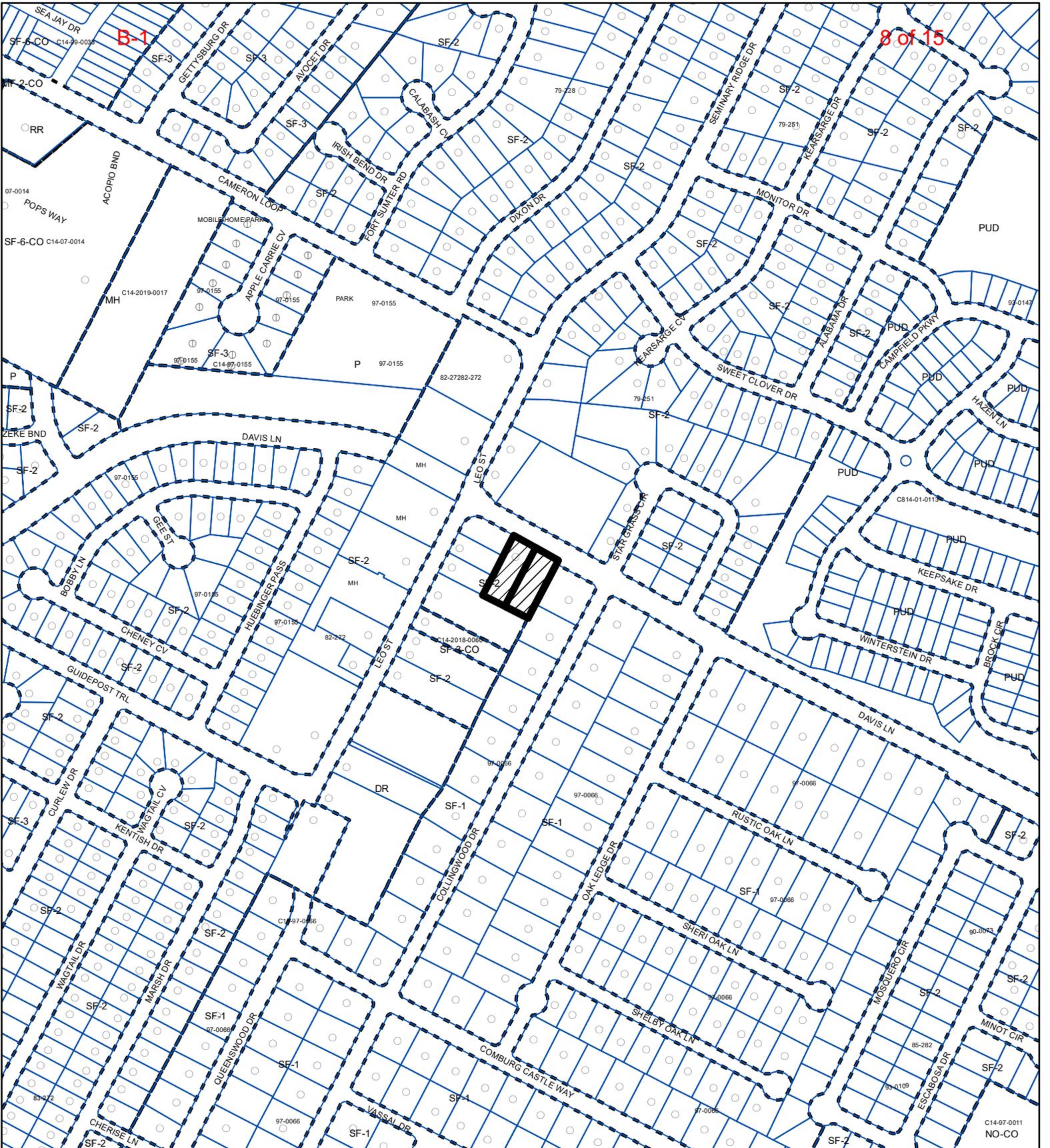
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS AND ATTACHMENT TO FOLLOW:

A: Zoning Map

A-1: Aerial Map

Correspondence Received



B-1

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ZONING

Exhibit A

ZONING CASE#: C14-2021-0136



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

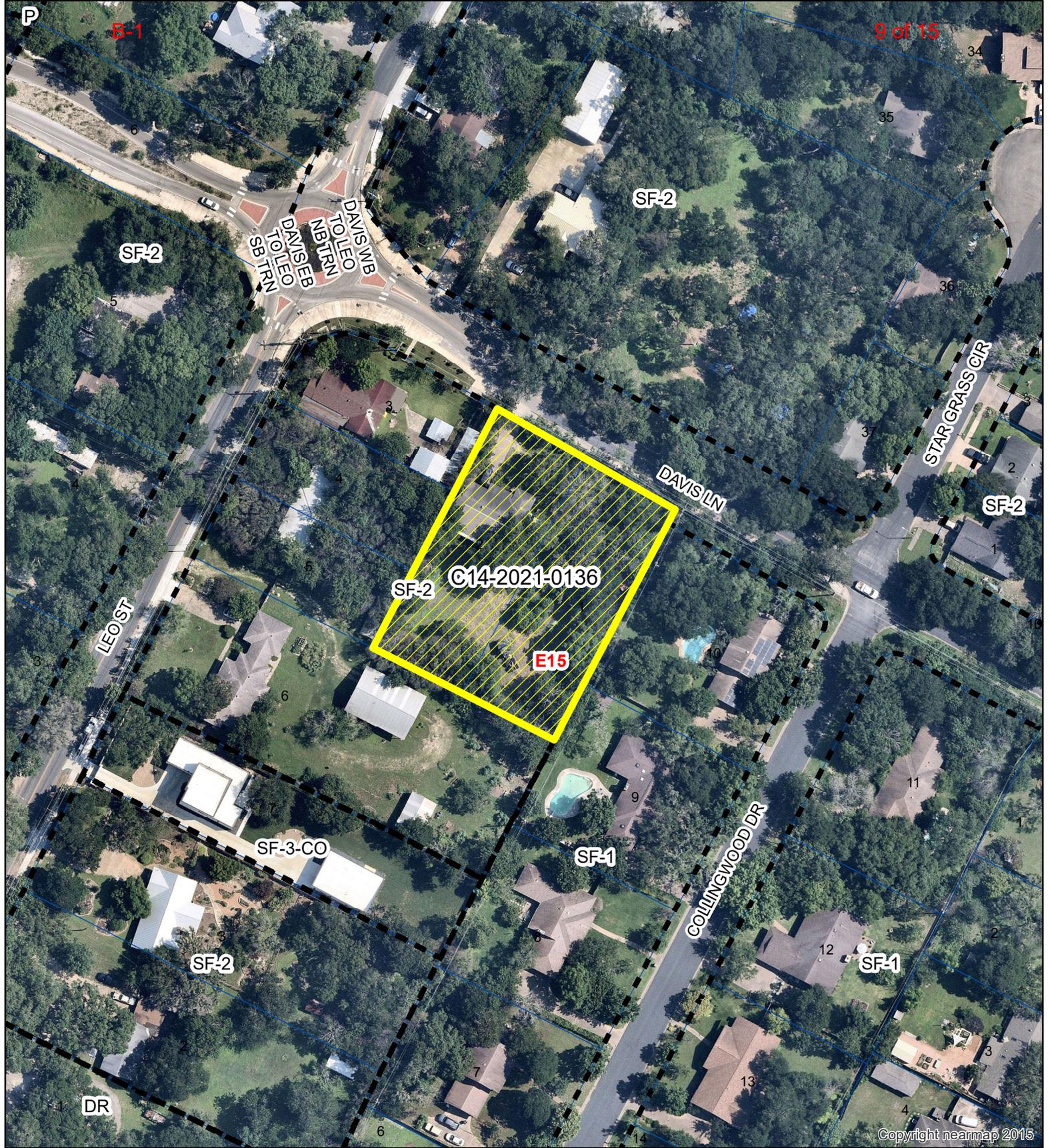


1" = 400'

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.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 8/13/2021



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**2609 and 2611 Davis Lane,
Lots 1 and 2, Charles Hoffman Subdivision**

Exhibit A - 1

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2021-0136
 LOCATION: 2609 and 2611 Davis Lane
 SUBJECT AREA: .73 Acres
 GRID: E15
 MANAGER: Wendy Rhoades



1" = 100'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



From: [Rhoades, Wendy](#)
To:
Subject: RE: case number C14-2021-0136
Date: Tuesday, September 28, 2021 2:21:00 PM

Ms. Wilson,

The Applicant proposes to rezone these two lots from SF-2 to SF-3 in order to have the ability build an accessory dwelling unit on each lot. This would allow for a total of 2 dwelling units on each lot, for a total of 4 units across both lots. Based on your description, it sounds like the drainage infrastructure installed when the subdivision was built may have eroded over time. I contacted the City's Residential Review section to find out if building an accessory dwelling unit on a property results in drainage or flooding review at the building permit stage. Their response is that drainage and flooding issues are not generally reviewed at the building permit stage unless a new driveway is being proposed that is 10' or less from a storm sewer inlet. A floodplain review is only assigned if a regulated floodplain encroaches onto the property (I did not find a regulated floodplain).

The maximum amount of impervious cover (hardscape area including buildings, paved driveways and sidewalks, etc.) is 45% for both SF-2 and SF-3 zoning, so additional construction under SF-2 or SF-3 zoning would have to remain within that limit.

I believe your neighbor Mr. Bruce Willenzik who lives at 8701 Leo Street is coordinating a discussion with Mr. Wittliff (the agent for this rezoning application) about the requested change in zoning, and you may want to contact him to find out he plans to bring up drainage issues at that time.

I will attach your correspondence to the backup that will be forwarded to the Zoning and Platting Commission this Friday. I will also send you a link to the finalized Commission agenda which includes a link to register to speak in-person at the meeting, information about parking validation for the meeting, and backup material.

Sincerely,
Wendy Rhoades

From: Angelica Wilson
Sent: Sunday, September 26, 2021 12:23 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: case number C14-2021-0136

*** External Email - Exercise Caution ***

Hello,

My name is Angelica Wilson. I own 8708 Leo Street. I am emailing in regards to the proposed change from SF2 to SF3 at 2609 and 2611 Davis Lane. I filled out the paper reply but did not see an address to send it in so I thought I would email everything I wrote.

I've lived on Leo Street for over a decade. Flooding on the west side of Collingswood drive, from their backyards flowing toward the street, has always been a serious issue.

The city has made plans to add drainage to Leo street then postponed for decades. My neighbors gave me all the letters from the city dating back for decades when they moved away.

We just had a sidewalk put in on the east side of the street but it didn't include drainage improvements.

When the property across the street from me was rezoned to SF 3 the builder built 2 homes with a long impervious concrete driveway. Since then the house next door, which happens to be my mother's house, has experienced **ankle deep flooding** along the North side, front half, of her property. That never happened before the new build next door in my 12+ years of living on this street. Water would flow from West to East but was managed by her landscaping choices and never ankle deep!

The builders actually built a berm in her backyard to prevent her house from flooding because of their construction. We added dry creeks and other flood prevention walls as well. By hand. Because a retired nurse and current teacher don't really make a wage that allows for paying for that kind of work.

So, I am object to allowing for more SF-2 to SF-3 changes without first addressing the real and present day flooding problems. Please do not willingly and intentionally set up my neighbors for further damage to their lives and their properties.

Roads, like Westgate between William Cannon and Ben White, experience severe flooding that causes hydroplaning with very little rain. I don't want to see that kind of preventable consequence happen due to poor planning in my neighborhood.

Thank you and I look forward to your reply.

Angie Wilson

"Unless someone like you cares a whole awful lot,
Nothing is going to get better. It's not."

The Lorax- Dr. Seuss

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From: [Rhoades, Wendy](#)
To:
Subject: RE: Case C14-2021-0136 - I OPPOSE
Date: Monday, October 4, 2021 4:01:00 PM
Attachments: [Preliminary Staff Proposed Actions - Zoning and Platting Commission October 5 2021 Agenda.pdf](#)
[21-0136 2609 11 Davis Ln SF-2 to SF-3.pdf](#)

Hi Mr. Sannes,

The Zoning and Platting Commission agenda and zoning case report are attached. The 2609 and 2611 Davis Lane case is Item B-2 on the agenda and based on neighborhood feedback, is slated as a discussion item. Please refer to page 4 for a link to register to address the Commission in advance of the meeting and page 7 regarding Speaker Testimony. Pages 4-6 include parking validation instructions. I've provided responses to your questions below.

I look forward to meeting you tomorrow (Tuesday) evening at 6 p.m. in the Council Chambers.

Sincerely,
Wendy Rhoades

From: Dan Sannes
Sent: Monday, October 4, 2021 12:14 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>;
Subject: Case C14-2021-0136 - I OPPOSE

*** External Email - Exercise Caution ***

Hi Wendy,

My name is Dan Sannes. I live at 8705 Collinwood Drive.

I oppose this zoning change. I bought my house in a neighborhood zoned for single family residences. About 18 months ago a similar zoning change was made. This gives you an idea of how these things go. That zoning change was approved 18 months ago, so this one will probably be approved too. And there you have it! Homeowners like me who want to live in a neighborhood of single family homes have no rights. Writing letters and going to hearings is just a waste of my time.

Points to consider:

The builder does not care about the neighborhood; the builder cares about profit.

The city does not care about my rights or the 'feel' of the neighborhood. The city cares about increasing housing density and increasing the tax base. More homes equals more taxes.

The zoning letter states 'Duplex use is permitted under development standards which maintain single-family characteristics'. THIS IS A JOKE. If single-family characteristics are to be maintained that means it should remain zoned for single family homes.

Irony. The neighborhood will transition to high-density. My neighborhood will be less appealing, the homes less desirable and my property will still GO UP!

Questions for you:

Is this zoning change, if it passes, going to authorize building 1 or 2 duplexes? I don't understand the zoning map that was provided to me. The zoning map shows the area that is under consideration for a zoning change. The Applicant proposes to build one single family residence and one accessory dwelling unit on each lot (also known as a two-family residence), for a total of 4 units across both lots. The SF-3 zoning district allows for single family residences, two-family residences, and duplexes. The number of units on an SF-3 lot cannot exceed 2, so a single family residence, plus a duplex would not be allowed (3 units) nor would 2 duplexes (4 units), or three (3) single family residences.

If the zoning change has not yet been approved, why is construction equipment already at the site, and all the trees have already been cut down? I briefly spoke with the Owner's agent (Mr. Wittliff) about your concern. Mr. Wittliff reports that equipment was brought to the site to clean up debris and remove several small trees, but those trees were not classified as protected (18" caliper or greater) or Heritage (24" caliper or greater).

If I attend the public hearing, may I ask you what to expect? I have never been to a hearing. Please see attached ZAP agenda and case report which includes correspondence received as of Friday, October 1st. I will include your correspondence as part of late backup material that will be forwarded to the Commission.

Thank you.

Dan Sannes

612 991 4331

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2021-0136
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: October 5, 2021, Zoning and Platting Commission

JAMES M. THOMAS

Your Name (please print)

I am in favor
 I object

8602 OAK LEDGE DR. 78748

Your address(es) affected by this application (optional)

James M. Thomas

Signature

09-26-2021

Date

Daytime Telephone (Optional): 512-658-6632

Comments: I object to this re-zoning for two reasons. All the adjacent homes are single family homes. Adding duplex use will NOT add to the desirability of our neighborhood. Also, DAVIS LANE is already congested AT THE tiny TRAFFIC Circle just west of this property. Having multiple cars trying to pull onto DAVIS Ln. here is a recipe for disaster. THERE WILL BE Accidents here if you allow this development!

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Wendy Rhoades
P. O. Box 1088, Austin, TX 78767
Or email to:
wendy.rhoades@austintexas.gov

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Case Number: C14-2021-0136
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: October 5, 2021, Zoning and Platting Commission

JOHN P. SMITH

Your Name (please print)

I am in favor
 I object

8700 COLLINGWOOD DR

Your address(es) affected by this application (optional)

[Handwritten Signature]

Signature

9-25-21

Date

Daytime Telephone (Optional): 512-282-9640

Comments: THE TWO PROPERTIES HAD ONE SINGLE FAMILY HOME ON IT. THE TWO LOT ARE JUST A LITTLE BIGGER THAN A NORMAL LOT AND THEY WANT TO PUT FOUR FAMILIES THEIR. THIS WILL CAUSE TO MUCH CONGESTION ON A HIGH TRAFFIC USE DAVIS LANE AND OVER CROWDED LOT.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Wendy Rhoades
P. O. Box 1088, Austin, TX 78767
Or email to:
wendy.rhoades@austintexas.gov

City of Austin
OCT 05 2021
NHCD / AHFC