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.
- **October 8, 2019 – Planning Commission**: Closed the public hearing and recommended approval of the code amendment as presented on a 13-0 vote.

Council Action on Code Amendment: Pending

Ordinance Number: NA

City Staff: Jorge E. Rousselin

Phone: (512) 974-2975

Email: Jorge.rousselin@austintexas.gov
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 "D", 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 (60' R.O.W.), at the most northerly northwest corner of a tract described in a deed to C. M. Dashe, recorded in Volume 5919, Page 2085, Deed Records, Travis County, Texas, for the northeast corner of this tract, from said point, a hilly rail 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 Dashe tract and the east line of this tract, S 19°15'04" W, 184.73', to a ¾" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", at an interior oil corner in said Dashe tract, for the southeast corner of this tract.

THENCE, with the north line of said Dashe tract and the south line of this tract, N 70°11'29" W, 130.96', to a ¾" iron pin found at the most westerly northwest corner of said Dashe tract, at the southwest corner of a tract described as 0.66 acre in a deed to Gilbert Cou фа, et ux, recorded in Volume 3272, Page 319, Deed Records, Travis County, Texas, currently owned by Coutse Financial Group, Inc., for the southwest corner of this tract.

THENCE, with the east line of said Coutse 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 Coutse tract and the southeast corner of a tract described in a deed to Jimiger Family, Ltd., recorded in Volume 12337, Page 2306, Real Property Records, Travis County, Texas, in all, 184.17', to a ¾" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", in the south line of West 12th Street, at the northeast corner of said Jimiger 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:

Arpentsur 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

Attachment B
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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
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**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.
<table>
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<th>Address</th>
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<td>817-823 W. 12th Street</td>
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<td>Rehab/repair existing deck. Original permit was 2006-018517 BP.</td>
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<td>823 W 12th Street</td>
<td>Change of use and Interior remodel from Admin/Bus Office to Printing &amp; Publishing Services.</td>
</tr>
<tr>
<td>817-823 W. 12th Street</td>
<td>823 W 12th Street</td>
<td>Replace Elec Meter &amp; Riser-Commercial</td>
</tr>
<tr>
<td>817-823 W. 12th Street</td>
<td>823 W 12th Street</td>
<td>Schedule sewer repair located at address. 823 W. 12th St at property only possible street cut 10x10, curb/gutter cut 10x5, 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.</td>
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<td>823 W 12th Street</td>
<td>Gas Repair</td>
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<td>817-823 W. 12th Street</td>
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<td>Applicant proposes to rezone approximately 0.555 acres from CS to DMU-CO.</td>
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</table>
Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 1: Page 1

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)

NOTE: Maximum heights shown do not reflect restrictions imposed by Capital View Corridors (CVC) or special districts.
Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 1: Page 2

- Maximum Floor Area Ratio (FAR)
- Maximum Height (Feet)
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Attachment F
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