ZONING CHANGE REVIEW SHEET

<u>CASE</u>: C14-2024-0060 <u>DISTRICT</u>: 9

ZONING FROM: SF-3-NP ZONING TO: LO-MU-NP

ADDRESS: 5212 Duval Street SITE AREA: 0.1470 acres

(6,402 sq. ft.)

PROPERTY OWNER: Dawn Polunsky

AGENT: Brooke Pfeiffer

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 9, 2024: APPROVED THE APPLICANT'S REQUEST FOR LO-MU-NP.

[A. AZHAR; F. MAXWELL-2ND] (7-3) C. HEMPLE, P. HOWARD, A. PHILLIPS - ABSENT

CITY COUNCIL ACTION:

September 12, 2024:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is approximately 0.15 acres, developed with one single family residence, is near the corner of Duval Street (level 2) and E. 53rd Street (level 2), and is currently zoned family residence-neighborhood plan (SF-3-NP) combined district zoning. The property has single family residences (SF-3-NP) to the north, south, east and west. There are also commercial and business offices located to the north, east and west. *Please refer to Exhibits A (Zoning Map) and B (Aerial View)*.

Staff is recommending the limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning for the medical offices use. This rezoning meets the accessory provisions with the primary use being medical office. While the use of a restaurant is not

C14-2023-0060

permitted in the LO district, the certificate of occupancy will be for the medical office. Migration by Bluebird supports vocational training for adults with autism spectrum disorder and will help transition their clients to jobs with local businesses. The site is located within the North Loop Neighborhood plan and has letters of support from surrounding neighbors and neighborhood contact team.

The property meets ten (10) of the Imagine Austin Decision Guidelines. East 53rd Street is an Imagine Austin Corridor and has an existing bus route/stop adjacent to it. The Imagine Highland Mall Station Center is less than 600 feet going east on E. 53rd Street. Migration by Bluebird supports vocational training for adults with autism spectrum disorder and will help transition their clients to jobs with local businesses.

BASIS OF RECOMMENDATION:

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

The limited office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

The mixed use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

The neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. Zoning should allow for reasonable use of the property.

Limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning will allow for the proposed medical office use and is suitable since it is the intent of the future land use map (FLUM).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single Family Residential
North	SF-3-NP, MF-3-CO-NP	Single Family Residential
	NO-NP, LO-CO-NP	Commercial and Business Offices
South	SF-3-NP	Single Family Residential
East	SF-3-NP	Single Family Residential
	GR-CO-NP	Commercial and Business Offices
West	SF-3-NP	Single Family Residential
	LR-CO-NP	Commercial and Business Offices

NEIGHBORHOOD PLANNING AREA: North Loop

3 C14-2023-0060

WATERSHED: Waller Creek (Urban)

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Ridgetop Elementary School Lamar Middle School McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District North Loop IBIZ District

Austin Lost and Found Pets North Loop Neighborhood Association North Loop Neighborhood Plan Contact Austin Neighborhoods Council

Central Austin Community Development

Corporation

Friends of Austin Neighborhoods Homeless Neighborhood Association,

Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance

Team

Preservation Austin

SELTexas Sierra Club

Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0002 -	To adopt North Loop	To Grant North Loop	Approved North Loop
North Loop	Neighborhood Plan	Neighborhood Plan Area	Neighborhood Plan Area Vertical
Neighborhood Plan	Area Vertical Mixed	Vertical Mixed Use	Mixed Use Building Zoning Opt-
Area Vertical Mixed	Use Building Zoning	Building Zoning Opt-	In/Out as Planning Commission
Use Building Zoning	Opt-In/Out	In/Out (5/13/2008)	Recommended (06/05/2008)
Opt-In/Out			
C14-2010-0139 -	SF-3-NP to NO-NP	To Grant NO-NP	Approved NO-NP as Planning
Avenue H		(10/12/2010)	Commission Recommended
			(11/18/2010)

RELATED CASES:

C14-02-0009: North Loop Neighborhood Plan Combining District--Rezonings

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 5212 DUVAL STREET. C14-2024-0060. Project: 5212 Duval St. North Loop NP. FLUM: Mixed Use. 0.15 acres from SF-3-NP to LO-MU-NP. Existing: single family (2,520 sf). Proposed: medical office (2,520 sf). Project will provide therapy to adults with autism spectrum disorder, offering therapeutic workplace vocational training with programming for a mercantile and café, and local job support.

Yes	Imagine Austin Decision Guidelines
	ete Community Measures *
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: • Adjacent to 51 st Street/Airport/53 rd Street Activity Corridor; 0.12 miles from
	Highland Mall Station Regional Center
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. • Adjacent to bus stop on Duval Street
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. • Sidewalk and bike lane available along Duval St and 53rd St
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. • 0.4 miles to Ridgetop Elementary School
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. • 0.1 miles to Bruning Green Park.
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) • 0.3 miles to medical clinic
	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training. • Migration by Bluebird supports vocational training for adults with autism
	spectrum disorder and will help transition their clients to jobs with local businesses.
V	Industrial Land: Preserves or enhances industrial land. Not leasted even Edwards Aguifan Contributing Zone on Edwards Aguifan Beshargs Zone
Y 10	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone Number of "Yes's"

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 located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

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

Fire:

There are no comments at this time.

PARD – Planning & Design Review:

As of January 1, 2024, there are no parkland dedication requirements for site plans or subdivisions without residential or hotel-motel uses.

Site Plan:

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the North, South, East and West property line, the following standards apply:

- No structure may be built within 15 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 15 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

FYI This site is in the North Loop Neighborhood Plan

Austin Transportation Department – Engineering Review:

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not

required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for DUVAL ST. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for DUVAL ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within 1/4 mile)
DUVAL ST	Local Mobility - Level 2	84 feet	64 feet	37 feet	Existing 5 feet sidewalks	Wide Curb Lane	Yes

Austin Water Utility:

No comments on zoning change.

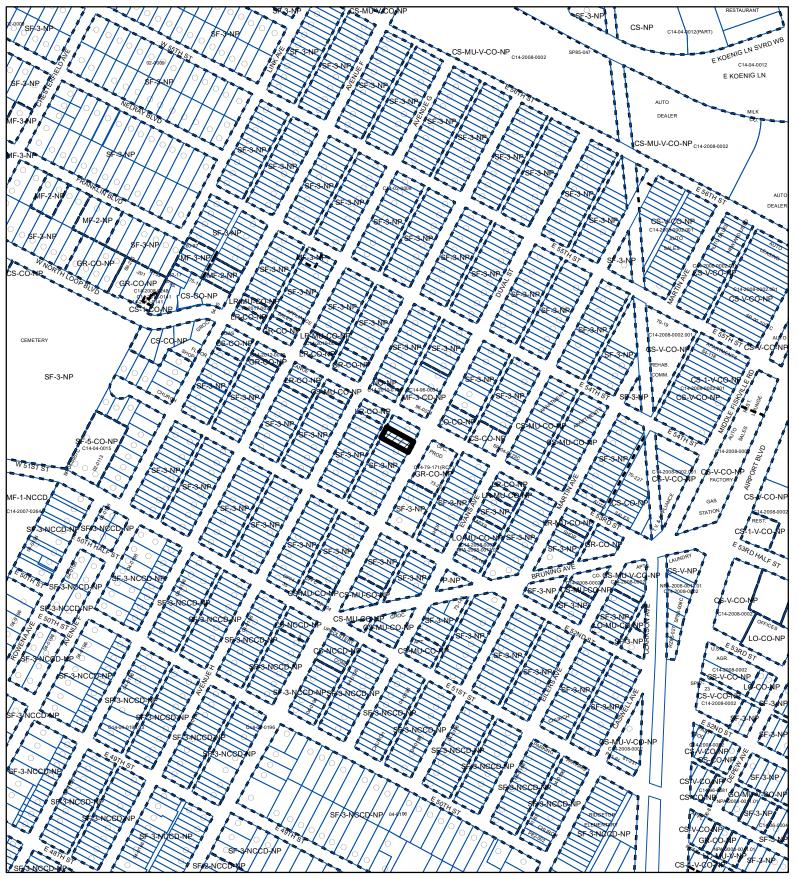
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter

Correspondence from Interested Parties





ZONING

ZONING CASE#: C14-2024-0060

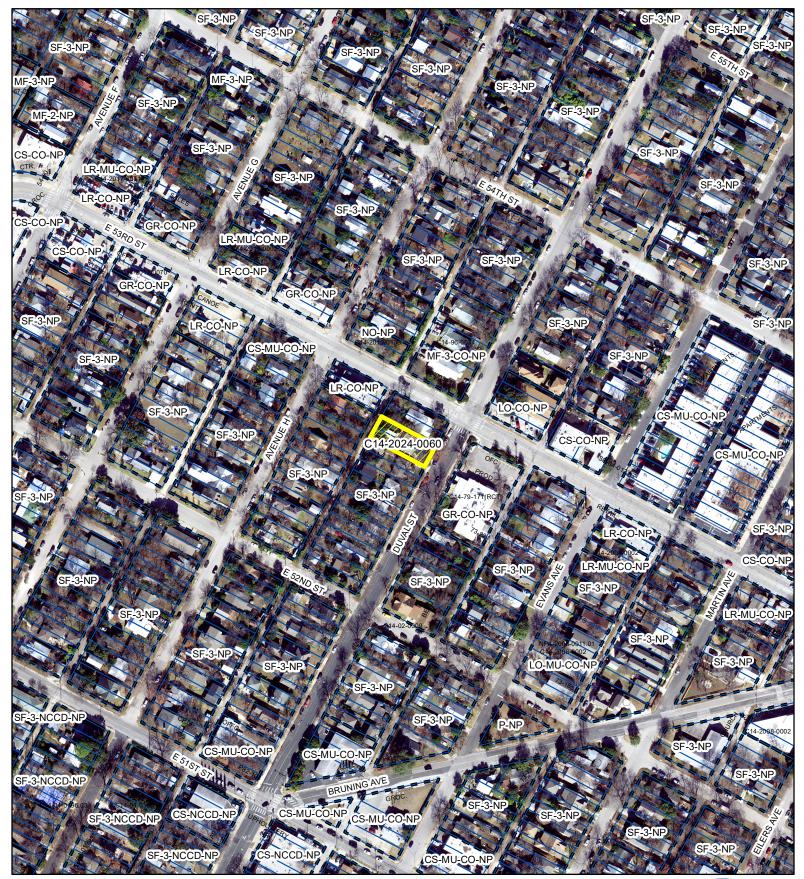
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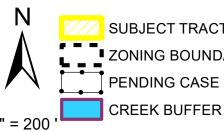


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Created: 4/16/2024





5212 Duval St

SUBJECT TRACT **ZONING BOUNDARY** PENDING CASE

ZONING CASE#: C14-2024-0060 LOCATION: 5212 Duval St SUBJECT AREA: 0.1470

MANAGER: Cynthia Hadri



Created: 7/3/2024 by: MeeksS



Consideration for Re-zoning 5212 Duval St.

Overview of Organization

Migration by Bluebird is a therapeutic workplace, providing hands on vocational training and Applied Behavior Analysis therapy to adults with Autism Spectrum Disorder in a functioning business. Our mission is to provide empirically validated treatment to decrease the 80% unemployment rate of the ASD population while increasing independence and meaningful inclusion in our community. Migration's vision is an environment of inclusivity that fosters acceptance, enhances awareness, and provides support to individuals with autism across their lifespans. There are very few programs addressing vocational and transition needs of this population at all, and this specific program will certainly be one-of-a-kind.

<u>Programs</u>

Migration Mercantile and Cafe: We will operate a small café, serving hot and cold non-alcoholic beverages, baked goods and snacks. We will also sell small gifts, art and other products made by our clients and also sourced from other adult artisans with autism across the country. Many people with autism sell things they make from their homes, and we will partner with them to make their products available in our store. This will increase their exposure and income as well as forge relationships between them and our clients who are making the connections as part of their training. Our clients will have exposure and practice with a variety of vocational skills, including customer service, food and beverage preparation/service, retail/sales, inventory and purchasing, community networking, gardening, computer skills and many more. We will be building foundational, transferable vocational skills that can be applied in a variety of workplaces and allow our clients to obtain and maintain outside employment.

The Mercantile and Café will have limited hours and days of operation in which we're open to the public to allow for ample time to address therapeutic and community goals. We will be closed to the public by early afternoon and not open on weekends.

Individual and group ABA therapy: Based on programs created from initial assessments and ongoing evaluations of progress, our clients will receive 1:1 and group therapy. These services will be both embedded in the time they spend in the retail and café tasks, as well as outside the hours Migration is open to the public. Each client will have an individualized plan of care with specific, measurable goals related to vocational skills, executive functioning, social communication, interpersonal skills, self-management, and activities of daily living.

Local business accommodation training and job support: Our goal is to transition our clients to jobs at local, ATX-based businesses with a titrated level of support. We will connect with

business interested in employing individuals with autism and provide training to their staff, put in any necessary accommodation programs, and provide on-site support and supervision of our clients in their workplace. Based on ongoing assessment, the level of support will gradually be faded until only monthly check ins are needed.

We will also have an assortment of local business representatives and tradespeople come to our facility monthly and present information on their professional fields. This will provide our clients with exposure, knowledge and experience of a wide variety of employment positions so they can choose a path that suits their interests and abilities.

Location information:

We are hoping to rezone as mixed use and rent this location for a number of reasons. The layout of the home with an existing kitchen means we are prepared for the food prep/service aspect, and the rest of the house offers plenty of space for both offices, therapy rooms, supply storage and retail/seating, including a small yard in which we can garden. Its central location makes it easily accessible by public transportation and clients in the greater Austin area. The close proximity to UT gives us an additional benefit, as we would love to have students in the special education school learn from and participate in our program. Of equal importance are the established businesses nearby on Duval and 53rd street, which offer excellent exposure to raise awareness and patronage of our establishment. That means we will also be able to take advantage of existing foot traffic, and would not expect to generate much more traffic. In terms of parking, we have several dedicated spots on the property for staff, and clients will be dropped off.

We would be hard pressed to find another location that fits our unique needs as well as our nonprofit's budget. Additionally, the owner of the property has generously committed to not increase our rent over time. It is common knowledge that Austin's current real estate market is leading to rent hikes every year, often so large that small businesses are forced to relocate. We would love to have a permanent place, in which our group can be a well-known fixture and become integrated into the fabric of the neighborhood and culture. We would like our clients to have as much exposure to their community as possible, and be surrounded by familiar, friendly faces who support our vision.

The founder and Executive Director of Migration lived in this house for a dozen years and knows the neighborhood well. That's what makes us even more convinced that this house is the perfect home for Migration, and that our organization will only contribute to what makes the area so special. We are taking the risk on the significant zoning application fee despite not having raised any money yet, and know that will would lose it if this application is denied. That is how passionate we are about this project and this property, and we hope the neighborhood, commissions and City Council feel the same. We appreciate the time and consideration of everyone involved in this process.

To Whom It May Concern:

I am writing to express my strong support for the rezoning of 5212 Duval St. for mixed use. As a central-Austin native, a former resident of the North Loop neighborhood, and the current owner of the adjacent property, 5210 Duval St., I am invested in the prosperity and well-being of our community.

I believe that the proposed change in zoning to accommodate the nonprofit group, Migration by Bluebird, presents a significant opportunity for both the city of Austin and the neighborhood. By allowing mixed use on this property, we can foster an even more dynamic and inclusive environment that positively contributes to the vitality and social fabric of the area. Migration's mission aligns closely with the values and aspirations of our community. Their presence, and plan to become a long-standing fixture in the area, will certainly enrich the lives of residents and visitors alike. Moreover, this zoning will ensure that our neighborhood continues to evolve in a manner that is both thoughtful and forward-thinking.

North Loop is a special place that will always be in my heart, and I am confident that approving this proposal will be a wise investment in the future of this neighborhood and Austin as a whole. It represents a rare opportunity to leverage our resources for the collective benefit of all stakeholders involved. As such, I urge you to give careful consideration to this matter and to support the rezoning of this property. If you have any questions about my support, please don't hesitate to reach out to me directly.

Sincerely,

Witt McCall Featherston

512-699-3536 | witt@wmcf.me

5212 Duval St case number C14-2024-0060

Maylene Bird

Wed 6/12/2024 7:22 PM
To:Hadri, Cynthia < Cynthia.Hadri@austintexas.gov>

External Email - Exercise Caution

Dear Ms. Hadri:

I support the zoning change for the proposed project at 5212 Duval St., case number C14-2024-0060. I own property very close to this parcel (since 1992) and have watched the changes. I believe that the Future Land Use Map (FLUM) shows this lot, 5212 Duval St, to be approved for mixed use in the future as well as 5214. I want to encourage small neighborhood friendly businesses to inhabit this area as much as possible. I know that a zoning change can possibly pave the way for something other than that, but at least supporting it now with the current business proposal is a step in the right direction. I feel that it is only a matter of time before the area becomes more developed with businesses, especially at the corner of 53rd and Duval St.

Having said that, I want to mention that the current business proposal, Migration by Bluebird, for 5212 Duval St. is one that will not take over the area with parked cars. It will be a quiet, 9 AM-2 PM type of business with most clients being dropped off or using special transit. That means it will not fill the street with parked cars in the evening and prevent people from parking in front of their houses. I was around when the pizza restaurant went in, and I was told it would be a very small "Mom and Pop" business. That was not true. So, I am lending my support in hopes that this business can take hold and set a precedence in the area for more quiet, neighborhood-friendly businesses. The business on the diagonal corner at 5303 Duval St. is a quiet business like that, and I want to encourage that kind of future land use for the area. With the pizza restaurant across the street, I believe it's inevitable for a business to go in at 5212 and 5214. I would like to encourage a small, quiet one while we have one asking for permission to do it.

Sincerely,

Maylene Bird Owner 5305 and 5307 Duval St.

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".

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: C14-2024-0060	
Contact: Cynthia Hadri, 512-974-7620	
Public Hearing: July 9, 2024, Planning Commission	
CIRCIN Malasil	I am in favor
Vour Name (please print)	I object Stone
5107 DUVal St-ATX 78751	
Your address(es) affected by this application (optional)	, ,
Sum Haller 3/	1/24
Signature	Date
Daytime Telephone (Optional):	
Comments: There is limited parking on o	vr
street for several blocks due	40
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of Tubility Troubing of Thenant	

Cynthia Hadri

Or email to:

P. O. Box 1088, Austin, TX 78767

cynthia.hadri@austintexas.gov

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code: https://bit.ly/ATXZoningComment.



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: C14-2024-0060	
Contact: Cynthia Hadri, 512-974-7620	
Public Hearing: July 9, 2024, Planning Commissio	n
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Kathleen Warren	☐ I am in favor
Your Name (please print)	☐ I am in iavor ☐ I object
	ψ2 1 object
5202 Nuval St	
Your address(es) affected by this application (optional)	
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Hattu Maure	7/1/24
Signature	Date
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Daytime Telephone (Optional):	
Community	
Comments:	
	·
If you use this form to comment, it may be returned to:	
City of Austin, Housing & Planning Department	
Cynthia Hadri	
P. O. Box 1088, Austin, TX 78767	
Or email to:	
cynthia.hadri@austintexas.gov	