

MEMORANDUM

TO: Dora Anguiano, Planning Commission Coordinator
Planning and Zoning Department

FROM: Eric J. Hammack, Real Estate Supervisor
Land Management Section
Office of Real Estate Services

DATE: July 1st, 2015

SUBJECT: F#9478-1501 – Aerial Encroachment of the East 7th Street
right-of-way and the San Marcos Street right of way by
balconies and roof overhangs.

C21
1

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. **The proposed aerial encroachments will include balconies and roof overhangs which will be features of a planned hotel at the northwest corner of the intersection of East 7th Street and San Marcos Street. The right-of-way encroachments will be behind the curb.** All affected departments and private utility franchise holders have reviewed this request and recommend approval.

The applicant has requested that this item be submitted for placement on the July 14th, 2015, **Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079, or landmanagement@austintexas.gov

Applicant: Sergio Mendoza, of LOC Consultants

Property Owner: Bruner Interests, LLC

Mr. Mendoza or his delegate will be present at the meeting to answer any questions regarding the project, if needed.

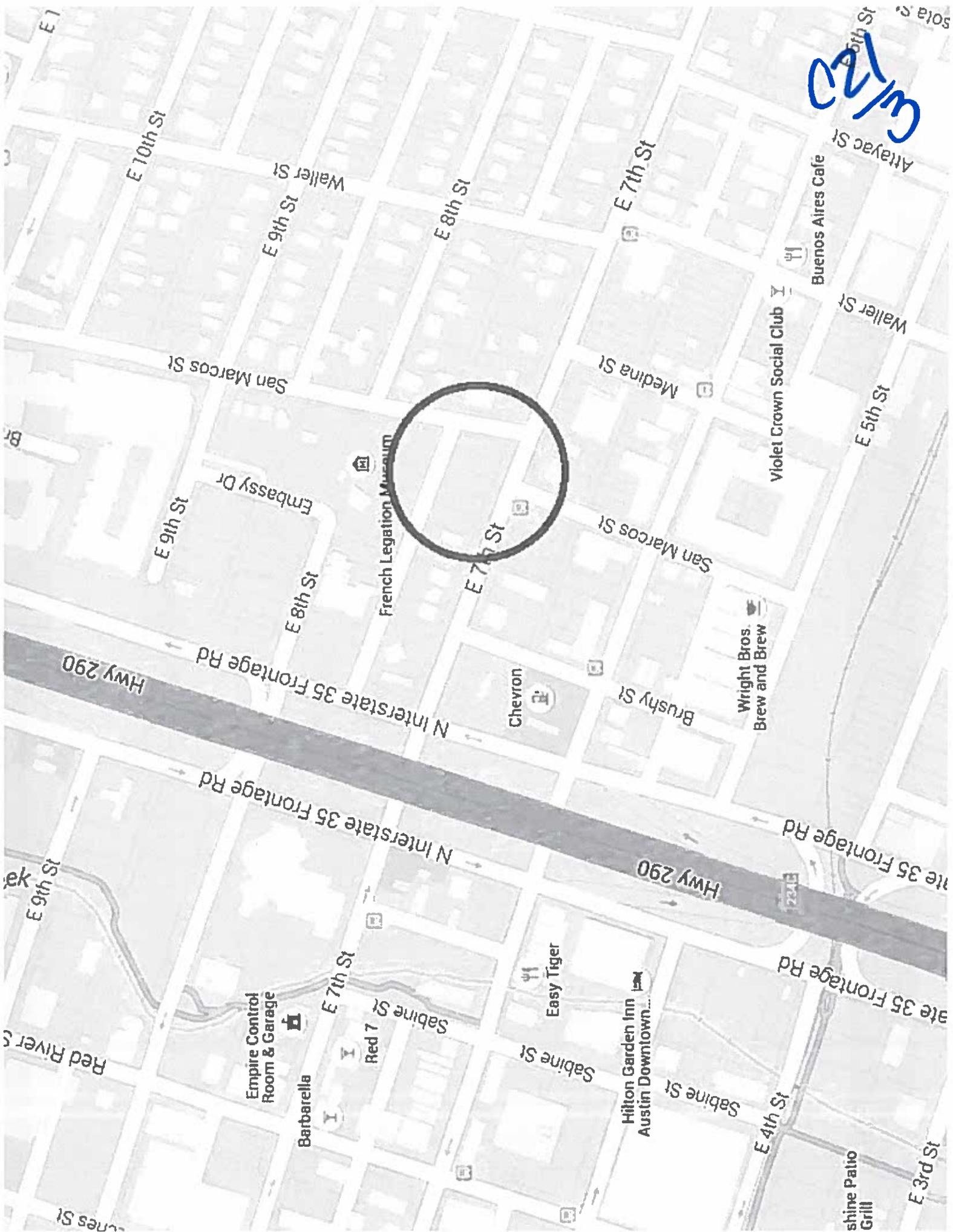
Eric J. Hammack, Real Estate Supervisor
Land Management Section

OFFICE OF REAL ESTATE SERVICES
Attachments

DEPARTMENT COMMENTS FOR THE AERIAL ENCROACHMENT OF
EAST 7th STREET RIGHT-OF-WAY AND THE SAN MARCOS RIGHT OF WAY
BY BALCONIES AND ROOF OVERHANGS.

C21
1/2

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CTM – GAATN	APPROVE
CAPITAL METRO	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE - APPLICANT RESPONSIBLE FOR COST OF UTILITY RELOCATION, IF ANY.
PARC	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS (Office of the City Engineer)	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE



Handwritten signature in blue ink.



French Legation Museum

Chevron

Wright Bros. Brew and Brew

Hilton Garden Inn Austin Downtown

shine Patio Grill

Buenos Aires Cafe

Violet Crown Social Club

Artayac St

Waller St

E 5th St

ate 35 Frontage Rd

HWY 290

ate 35 Frontage Rd

E 4th St

E 3rd St

Empire Control Room & Garage

Barbarella

Red 7

Easy Tiger

Sabine St

Sabine St

E 10th St

E 9th St

E 8th St

E 7th St

E 9th St

E 8th St

E 7th St

San Marcos St

Brushy St

San Marcos St

Embassy Dr

HWY 290

N Interstate 35 Frontage Rd

E 9th St

Red Rivers

unes St



F20

San Marcos St

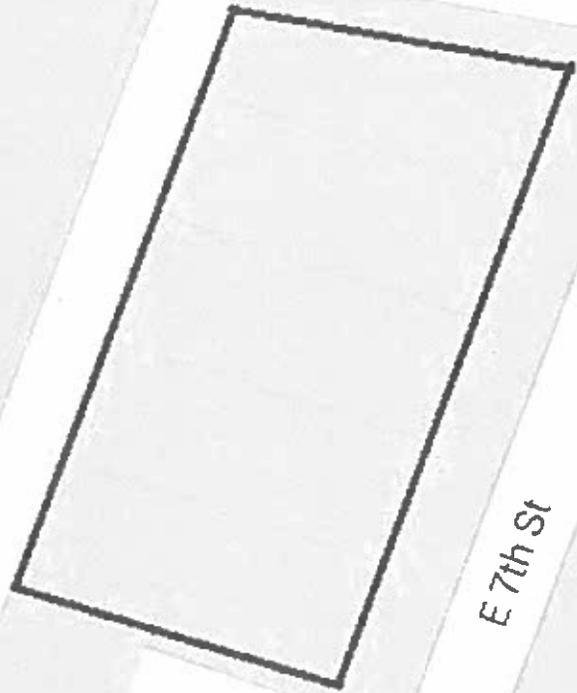
Clayton & Little

Miller Imaging & Digital Solutions

San Marcos St

E 7th St

French Legation Museum



E 7th St

n Marcos St

100 Pizzas

E 7th St

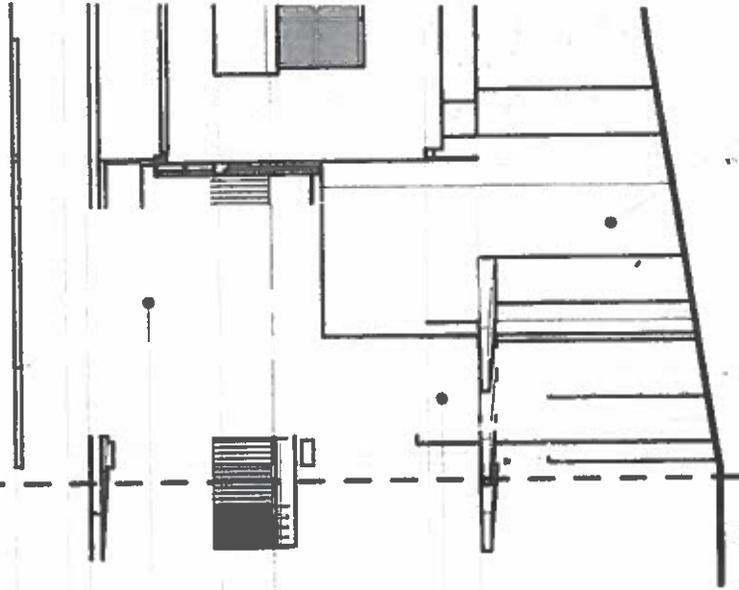
Helm Boots

Brushy St

Well

St

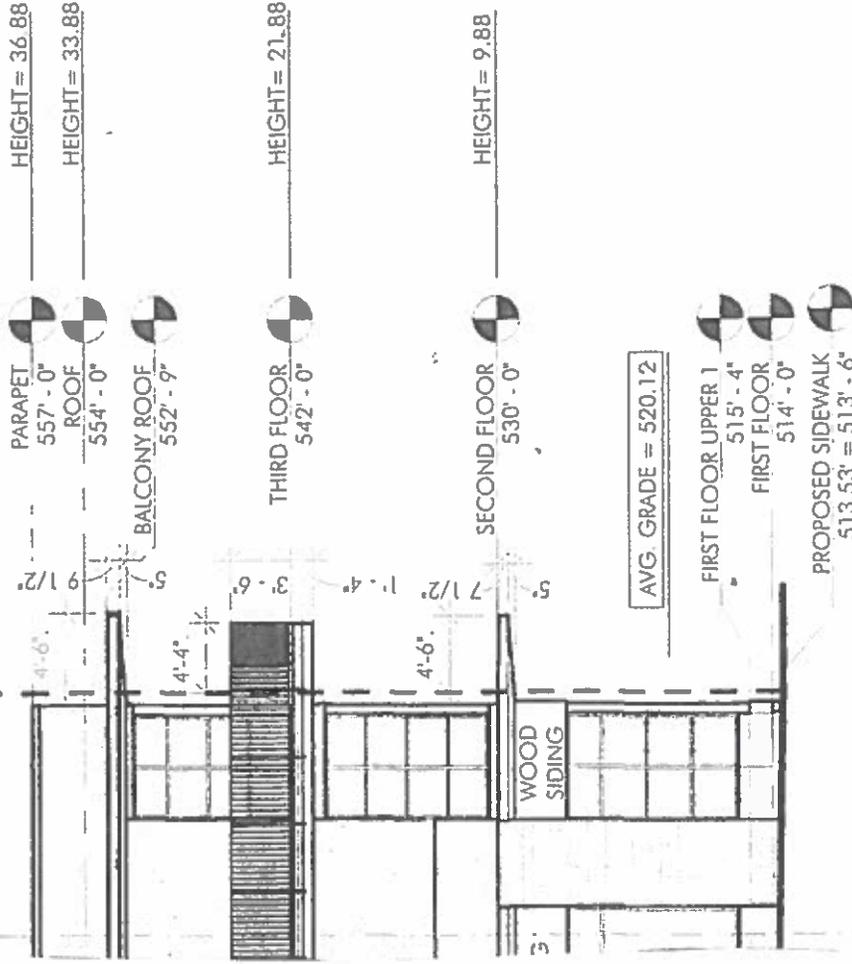
PROPERTY LINE
SAN MARCOS STREET
R.O.W.



STUCCO

STONE VENEER

PROPERTY LINE
SAN MARCOS STREET
R.O.W.



PARAPET
557'-0"
HEIGHT = 36.88

ROOF
554'-0"
HEIGHT = 33.88

BALCONY ROOF
552'-9"

THIRD FLOOR
542'-0"
HEIGHT = 21.88

SECOND FLOOR
530'-0"
HEIGHT = 9.88

AVG. GRADE = 520.12

FIRST FLOOR UPPER 1
515'-4"

FIRST FLOOR
514'-0"

PROPOSED SIDEWALK
513.53' = 513'-6"

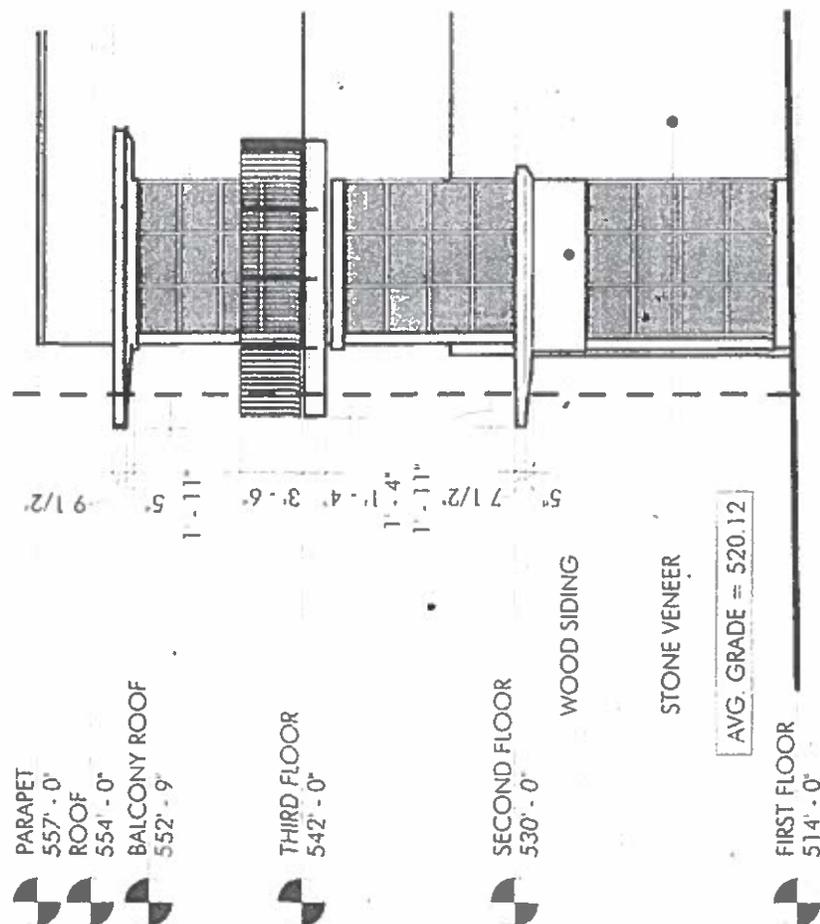
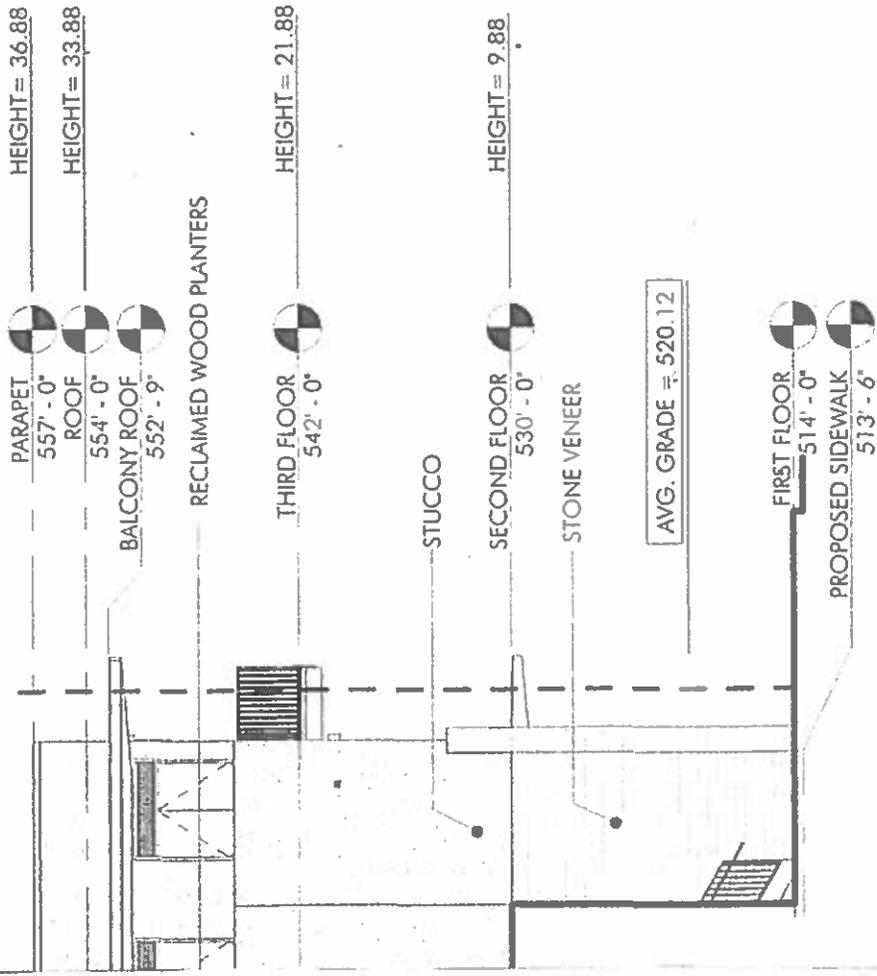
ENCROACHMENTS ON SAN MARCOS STREET

3/32" = 1'-0"

0/2

PROPERTY LINE @ E. 7TH STREET R.O.W.:
 DIMENSIONS ARE SHOWN AT THE FURTHEST POINT OF ENCROACHMENT, THE PROPERTY LINE IS NOT PARALLEL TO BUILDING, SEE PLANS.

PROPERTY LINE @ E. 7TH STREET R.O.W.: DIMENSIONS ARE SHOWN AT THE FURTHEST POINT OF ENCROACHMENT, THE PROPERTY LINE IS NOT PARALLEL TO BUILDING, SEE PLANS.



ENCROACHMENTS ON E 7th STREET

3/32" = 1'-0"

C2/6

MEMORANDUM

Case No.: 9478-1501
Date: 1/30/15

C21
/7

SUBJECT: AERIAL ENCROACHMENT OF RIGHT OF WAY

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------|
| () Lucy Cabading | AT&T | () Marilyn Shashoua | PARD |
| () Melody Giambruno | Austin Energy | () Danielle Guevara | PDRD (LUR-Engineering) |
| () Rob Spillar | Austin Transportation Director | () Sangeeta Jain | PDRD (LUR-Transportation) |
| () Angela Baez | Austin Water | () Mark Walters | PDRD (N'borhood Planning) |
| () Roberto Gonzalez | Capital Metro | () Humberto Rey | PDRD (Urban Design) |
| () Shawn Murphy | CTM – GAATN | () Wendy Rhoades | PDRD (Zoning Review) |
| () Milissa Warren | EMS | () David Boswell | City Engineer |
| () David Brietzke | Fire | () Christian Barraza | Texas Gas |
| () John Schultz | Google | () Scott Wratten | Time Warner |
| () Luis Mata | Grande Communication | () Katina Bohrer | WPD (Engineering) |
| () Bruna Quinonez | Code Compliance | | |

A request has been received for the aerial Encroachment of Right of Way by balconies and roof overhangs (Adjacent to San Marcos Street and East 7th Street).

Please review this request and return your comments to Eric Hammack (974-7079), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: February 17th, 2015

APPROVAL: _____ YES _____ Yes, Subj. to Reqm't _____ No

Comments: _____

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):

Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

LOC Consultants, LLP

Civil, Structural, & Environmental Engineers

Firm No. F-4756

Transmittal letter

January 14, 2015

C21
4

Re: Encroachment Agreement Application
San Marcos Hotel
916 East 7th Street
SP-2014-00117C

Dear Reviewers,

The above referenced site consists of 5 empty lots located on the N.W. corner of San Marcos and East 7th street. It is within the Imagine Austin Comprehensive Plan, on a Plaza Saltillo TOD "Pedestrian Priority Street", and in the Urban, Waller Creek Watershed. The San Marcos Hotel is a 3-story, 22,938 SF building footprint with a 1st floor restaurant, and 2nd floor deck which connects all buildings together. We believe this hotel will be a positive improvement to the immediate area in keeping with the compact, creative and connected Austin objectives the community has embraced.

1. This is a commercial Project.
2. The public sidewalks are being dedicated to the City of Austin by a proposed separate instrument Sidewalk Easement. It has been signed by the owner/developer, and will be submitted for recording as part of the license agreement that has recently been submitted.
3. The encroachments are
 - 1) Above the San Marcos Street R.O.W., and
 - 2) Above and reaching across the E. 7th street sidewalk easement and into the E. 7th street R.O.W.
4. The balconies and roof overhangs are proposed on paper only, via SP-2014-0117C. They are NOT existing.
5. The applicant and developer, Bruner Interests, understand that all overhead utilities that exist within the encroachment area must be relocated at the developer's own expense. All such overhead lines will be relocated underground.
6. Following the requirements of the Plaza Saltillo TOD, the buildings are placed as close to the property lines as possible, being pushed back only by the public sidewalks encroaching on our property (varying from 2' to 5.6). The front of the Hotel and restaurant face the south, giving them a propensity to be hot for most of the year here in Austin, Texas. Therefore, the architect has proposed a series of roof overhangs. Following the Saltillo TOD, they project a few feet into the R.O.W. There are matching roof overhangs along San Marcos as well. The third floor has balconies from the individual hotel units that project into the R.O.W. as well.

C21
/g

7. SP-2014-0117C, which includes the balconies and roof overhangs along with everything else proposed for the San Marcos Hotel Construction, has been under review by the City of Austin for many months now.

8. A Declaration of Easements and Restrictive Covenant Regarding Unified Development and Maintenance of Drainage Facilities document has been notarized by the owner, and we are in the process of seeking the UDF approval.

9. We are not proposing S.M.A.R.T. Housing.

10. We expect to begin construction in the spring of 2015.

11. Current status of adjacent properties: The French Legation is located across the alley to the North of the site. There is an office building across San Marcos Street, to the East of the site. South of the site across E. 7th Street, there are undeveloped lots and industrial warehouses. And on the West, there is a single family residence structure. ON THE CORNERS: There is a Residence of SF-3-H-NP to the NE of the site, across E. 7th Street.

12. The site is NOT within the UT boundaries.

13. The site is NOT within the Downtown boundaries.

14. The balconies and roof overhangs proposed, and the proposed site development as a whole, supports some of the priority programs and policy directives set forth in the Imagine Austin Comprehensive Plan in the following ways.

The developer has purchased four long-abandoned, over-grown lots that currently IMPEDE pedestrian traffic along E. 7th and San Marcos Streets, just one block from IH-35. The R.O.W. along East 7th Street is not wide enough to accommodate the minimum current requirement for a sidewalk in the R.O.W. Furthermore, the existing sidewalk along East 7th Street is 2.4 feet wide, between a very busy street curb and a 5-foot tall retaining wall in the R.O.W. This condition continues along this site for 236 feet. Therefore, our first priority is to remove the retaining wall from the R.O.W., and pull the public sidewalk away from the street curb behind its required 7-foot clear zone. This puts the proposed/required 5-foot public sidewalk onto private property. The proposed sidewalk placement follows figure 3-13 of the Plaza Saltillo TOD.

The proposed development will open up the R.O.W. to safe pedestrian traffic. Then, the proposed trees, irrigation, balconies and roof overhangs will make those pedestrian areas inviting and comfortable. Without the balconies and roof overhangs, the proposed hotel will look much less human. Furthermore, the TOD requires shading structures. The development proposed for this site will make this neighborhood more compact and connected. There is a green area proposed on the Northwest side of the site near the French Legation. All along the West (single family) side of the site, there is green space with a series of formal gardens flowing into the center of the site. Then, there is a green courtyard centered on the South side of the site, facing E. 7th Street.

Being so close to IH-35 and the high rises on the other side, taller buildings on these blocks will act as buffers to the traffic noise for the rest of the neighborhood in the future. The developer

intends for the San Marcos Hotel to develop, connect and beautify this portion of the neighborhood in keeping with the pedestrian priority Plaza Saltillo TOD.

15. Please refer to sheets 20, 21, and 22 for all of the vertical and 3-D information you require. You will find that the architect has provided detailed information on those sheets.

I hope I have provided all of the details you need for your review. Please feel free to contact me if there is any further information you require.

Thank you



Cheryl L. Silverman

C21
/10

Application for an Encroachment Agreement

C21
/11

File No. 9478-1501
Department Use Only

DATE: 1-30-15
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: Aerial Sub-surface Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: roof overhangs, balconies

Has encroachment been installed prior to application: Yes No

Adjoins property at the following street address: 914 E. 7th St.

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 0206050214, 0206050215, 0206050216, 0206050217

Survey & Abstract No. _____

Lot(s) 1-5 Block 4 Outlot 1, Div. B

Subdivision Name: Robertson

Plat Book 1 Page Number 95 Document Number 2013182648

County/Records: Travis County; Deed Real Property Official Public

NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: <input checked="" type="checkbox"/> YES / NO	<u>SP-2014-0117C</u>
Subdivision: Case: YES / NO	<u>N/A</u>
Building Permit: YES / NO	

4. APPLICANT INFORMATION

Name: Cheryl L. Silverman

Firm Name: LOC Consultants

Address: 1000 E. Cesar Chavez City: Austin State: TX

Zip: 78702 Phone: (512) 499-0908 Fax No.: (512) 499-0907

EMAIL ADDRESS: cheryl@loccivil.com

5. DEVELOPER INFORMATION

Name: Scott Bruner

Firm Name: Bruner Interests LLC

Address: 5 Oak Hill Place City: Texarkana State: Texas

Zip: 75503-4101 Phone: (903) 255-6221 Fax No.: ()

021
/12

6. LANDOWNER INFORMATION

Name: Bruner Interests LLC (as shown on Deed)
Address: 5 Oak Hill Place City: Texarkana State: TX
Zip: 75503-4101 Phone: (903) 255-6221 Fax No.: ()
Lienholder Name: N/A
Lienholder Address: _____
Lienholder Phone Number: _____ Fax Number: _____
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: N/A
Address: _____ City: _____ State: _____
Zip: _____ Phone: () _____ Fax No.: () _____
Contact Person: _____ Phone: _____

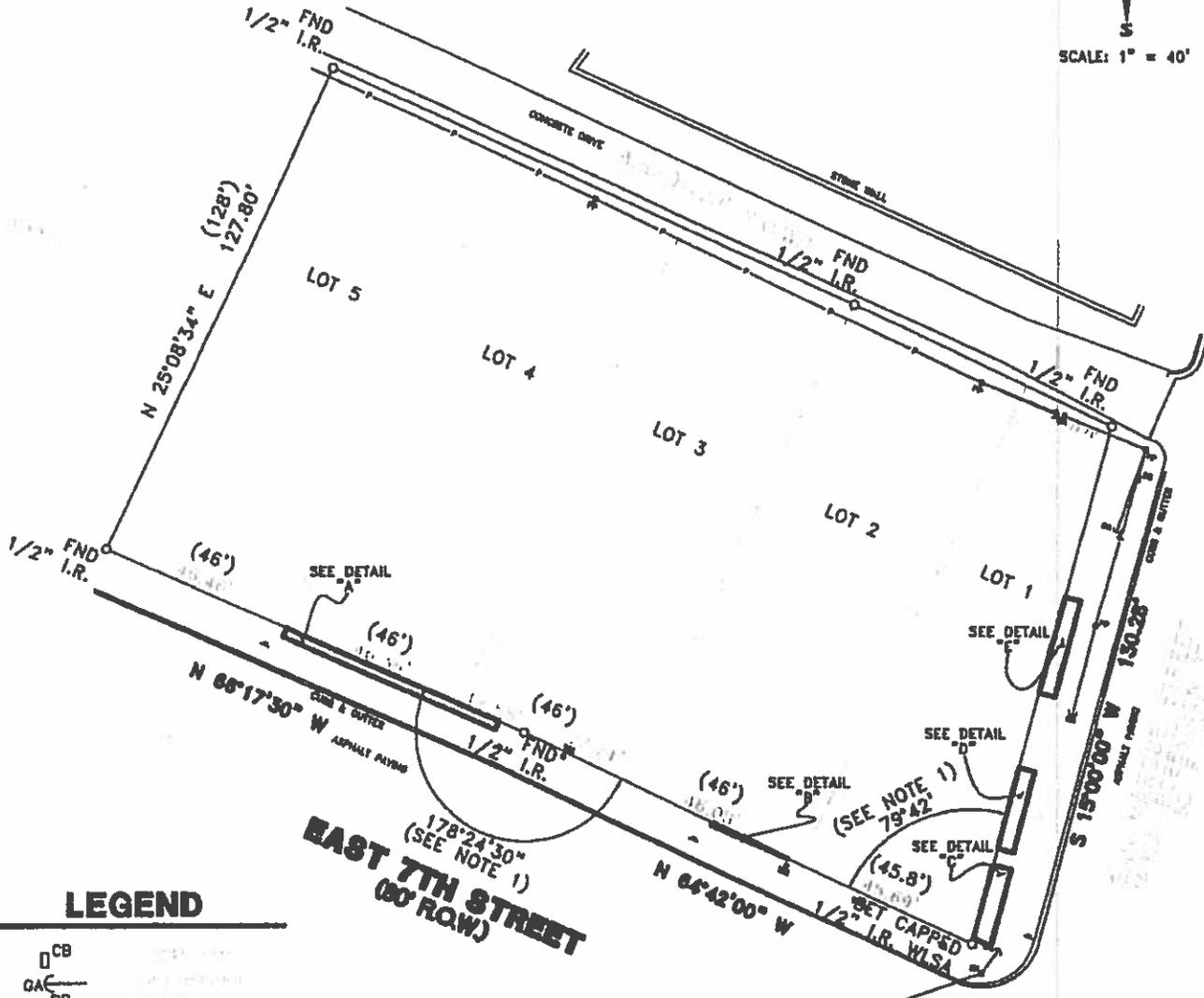
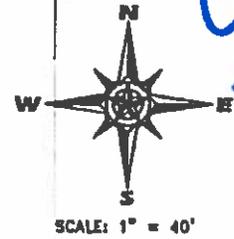
I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: Cheryl L. Silverman
Applicant

- Please check the appropriate box.
- Landowner
 - Tenant
 - Agent for Landowner
 - Agent for Tenant

EXHIBIT FOR ENCROACHMENT AGREEMENT OF 387 SQ.FT. BEING TRACT 1: 122 SQ.FT.; TRACT 2: 6 SQ.FT.;
 TRACT 3: 85 SQ.FT.; TRACT 4: 79 SQ.FT.; AND TRACT 5: 95 SQ.FT.
 TRACTS 1 AND 2 BEING A PORTION OF EAST 7th STREET; TRACTS 3, 4, AND 5 BEING A PORTION OF
 SAN MARCOS STREET
 TRAVIS COUNTY, TEXAS

C21
13



LEGEND

- CB
- GAC
- PP
- SP
- ⊥
- WM
- ()
- △

NOTE:
 1) ANGULAR MEASUREMENTS ARE BASED UPON THE
 CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS
 SURVEY DATED 04/02/64 AND RECORDED IN CABINET
 2, DRAW A, NUMBER 586(b).



Michael Turner 12/11/14
 DATE

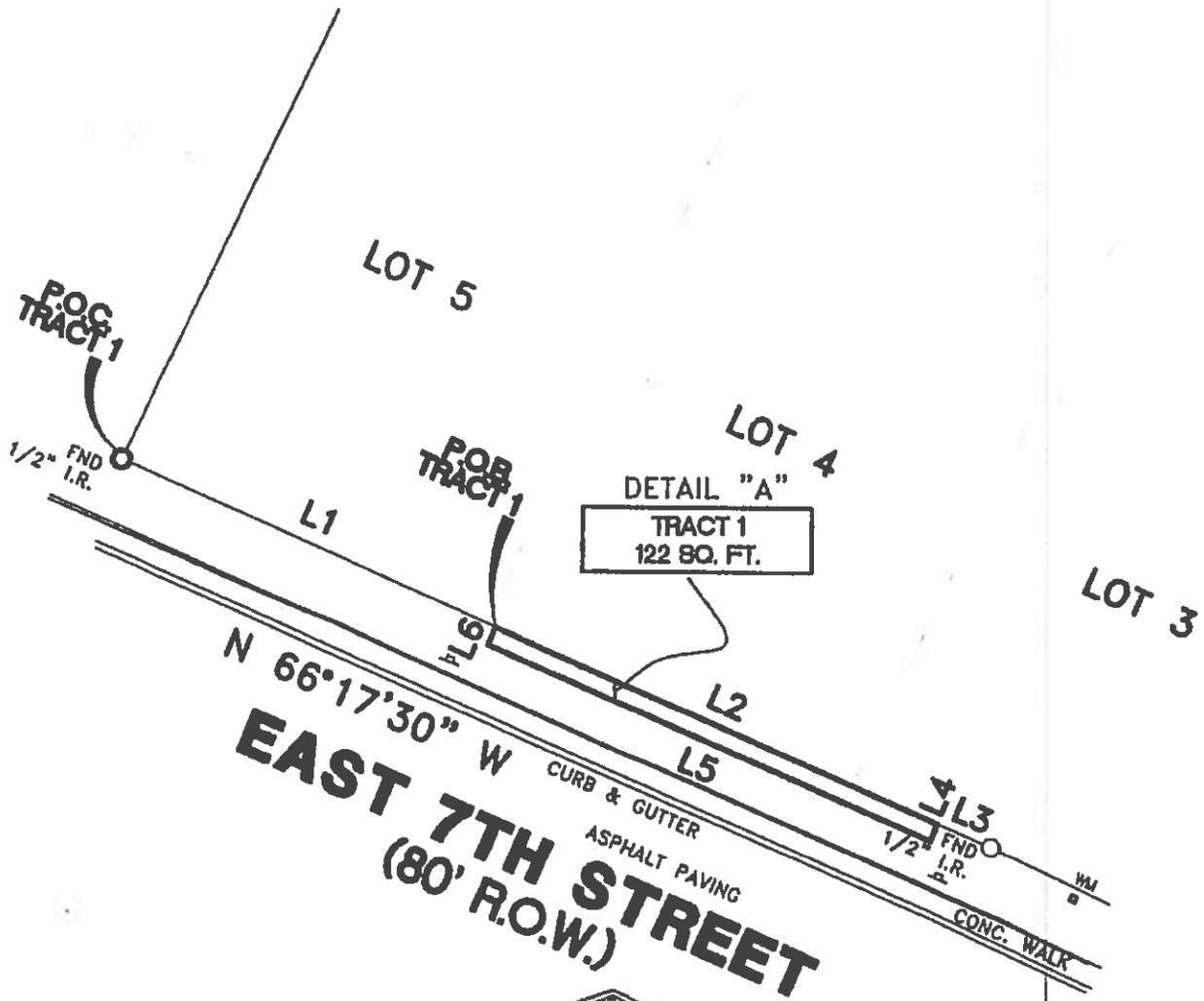
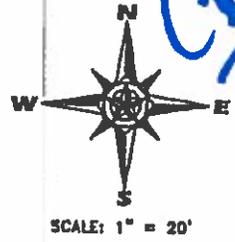
MICHAEL TURNER
 TEXAS R.P.L.S. NO. 6441

DRAWN BY: MDL
 DATE: 12/05/14

JOB NO. 28485-EA
 SHEET 1 OF 10

Windross Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (512) 328-2100 FAX (512) 328-2770

EXHIBIT FOR ENCROACHMENT AGREEMENT OF 387 SQ.FT. BEING TRACT 1: 122 SQ.FT.; TRACT 2: 6 SQ.FT.;
 TRACT 3: 85 SQ.FT.; TRACT 4: 79 SQ.FT.; AND TRACT 5: 95 SQ.FT.
 TRACTS 1 AND 2 BEING A PORTION OF EAST 7th STREET; TRACTS 3, 4, AND 5 BEING A PORTION OF
 SAN MARCOS STREET
 TRAVIS COUNTY, TEXAS



N 66°17'30" W
EAST 7TH STREET
 (80' R.O.W.)

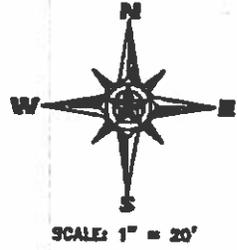


Michael Turner
 MICHAEL TURNER
 TEXAS R.P.L.S. NO. 6441
 DATE

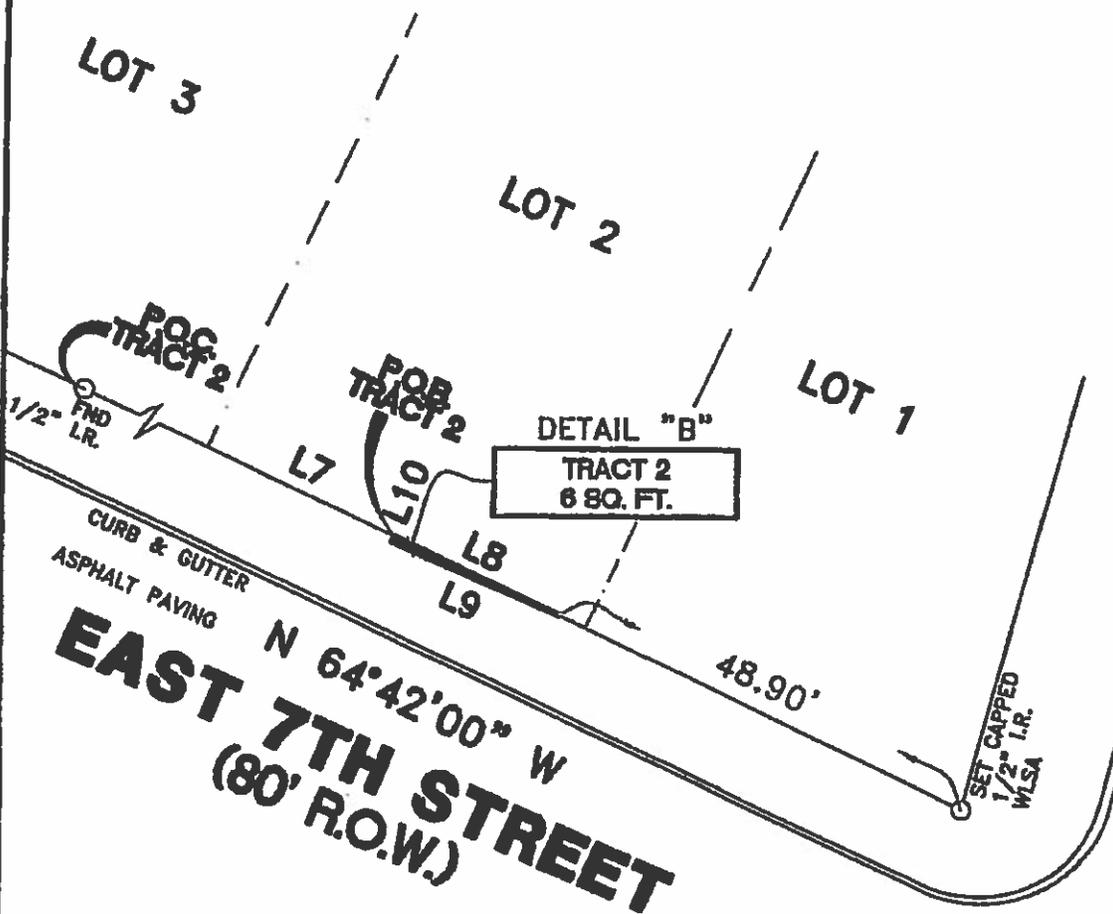
Windross Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (512) 326-2100 FAX (512) 326-2770

DRAWN BY: MDL
 DATE: 12/05/14
 JOB NO. 28485-EA
 SHEET 2 OF 10

EXHIBIT FOR ENCROACHMENT AGREEMENT OF 387 SQ.FT. BEING TRACT 1: 122 SQ.FT.; TRACT 2: 6 SQ.FT.;
 TRACT 3: 85 SQ.FT.; TRACT 4: 79 SQ.FT.; AND TRACT 5: 95 SQ.FT.
 TRACTS 1 AND 2 BEING A PORTION OF EAST 7th STREET; TRACTS 3, 4, AND 5 BEING A PORTION OF
 SAN MARCOS STREET
 TRAVIS COUNTY, TEXAS



Handwritten: 02/15



N 64°42'00" W
EAST 7TH STREET
 (80' R.O.W.)

ASPHALT PAVING
SAN MARCOS STREET
 (A.K.A. ROBERTSON ST.)
 (60' R.O.W.)

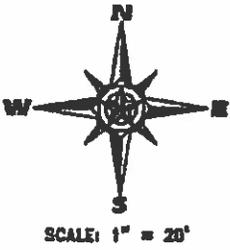


Professional Land Surveyors Association
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (812) 328-2100 FAX (812) 328-2770
WORKING FOR THE PUBLIC SINCE 1890

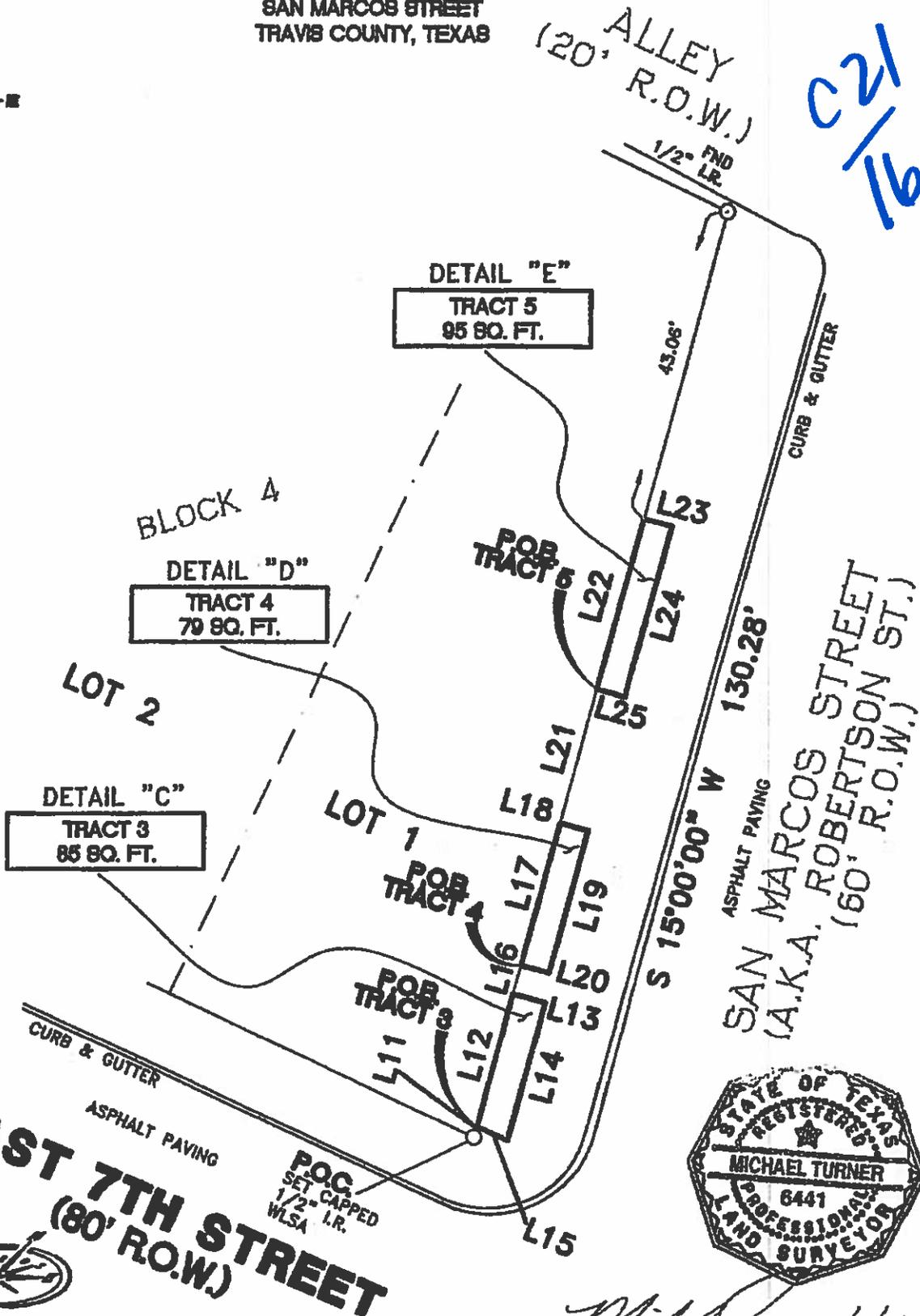
Handwritten signature: M.T. 12/11/14
 MICHAEL TURNER
 TEXAS R.P.L.S. NO. 6441
 DATE
 REVISED: 01/07/15
 DRAWN BY: MDL
 DATE: 12/05/14

JOB NO. 28485-EA
 SHEET 3 OF 10

EXHIBIT FOR ENCROACHMENT AGREEMENT OF 387 SQ.FT. BEING TRACT 1: 122 SQ.FT.; TRACT 2: 6 SQ.FT.; TRACT 3: 85 SQ.FT.; TRACT 4: 79 SQ.FT.; AND TRACT 5: 95 SQ.FT. TRACTS 1 AND 2 BEING A PORTION OF EAST 7th STREET; TRACTS 3, 4, AND 5 BEING A PORTION OF SAN MARCOS STREET TRAVIS COUNTY, TEXAS



C21/16



EAST 7TH STREET
(80' R.O.W.)



Michael Turner 12/11/14
DATE

MICHAEL TURNER
TEXAS R.P.L.S. NO. 6441
REVISED: 01/07/15
DRAWN BY: MDL
DATE: 12/05/14

JOB NO. 28485-EA
SHEET 4 OF 10

EXHIBIT FOR ENCROACHMENT AGREEMENT OF 387 SO.FT. BEING TRACT 1: 122 SO.FT.; TRACT 2: 6 SO.FT.;
 TRACT 3: 85 SO.FT.; TRACT 4: 79 SO.FT.; AND TRACT 5: 95 SO.FT.
 TRACTS 1 AND 2 BEING A PORTION OF EAST 7th STREET; TRACTS 3, 4, AND 5 BEING A PORTION OF
 SAN MARCOS STREET
 TRAVIS COUNTY, TEXAS

C21
 1/17

LINE TABLE

LINE	DISTANCE	BEARING
L1	47.60'	S 86°17'30" E
L2	58.06'	S 86°17'30" E
L3	6.71'	S 86°17'30" E
L4	2.14'	S 23°38'59" W
L5	56.06'	N 86°20'56" W
L6	2.20'	N 23°38'59" E
L7	50.50'	S 84°42'00" E
L8	20.08'	S 84°42'00" E
L9	20.07'	N 66°23'41" W
L10	0.59'	N 23°38'59" E
L11	1.47'	N 15°00'00" E
L12	18.67'	N 15°00'00" E
L13	4.49'	S 75°00'00" E
L14	19.35'	S 15°00'00" W
L15	4.55'	N 66°21'01" W
L16	4.08'	N 15°00'00" E
L17	20.07'	N 15°00'00" E
L18	3.92'	S 74°56'28" E
L19	20.07'	S 15°00'00" W
L20	3.92'	N 74°56'30" W
L21	18.81'	N 15°00'00" E
L22	24.12'	N 15°00'00" E
L23	3.92'	S 74°56'27" E
L24	24.12'	S 15°00'00" W
L25	3.92'	N 74°56'28" W



Windrose Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (512) 328-2100 FAX (512) 328-2770



Michael Turner

MICHAEL TURNER
 TEXAS R.P.L.S. NO. 6441

12/11/14

DATE

DRAWN BY: MDL
 DATE: 12/05/14

JOB NO. 28485-EA
 SHEET 5 OF 10