

# MEMORANDUM

**TO:** Emily Smith, Urban Transportation Commission Coordinator  
Austin Transportation Department

**FROM:** Kim Vasquez, Property Agent Senior

**DATE:** August 2, 2017

**SUBJECT: F#9835-1705 Right of Way Vacation – Alley of E. 7<sup>th</sup> St.**

Attached are the departmental comments and other information pertinent to the referenced alley right of way vacation. The area being requested for vacation will be used for future development. All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to the following conditions:

- (i) A Restrictive Covenant establishing that all loading and unloading of trash and recycling collection service shall take place on site and not within the public right of way; and
- (ii) Property owner to be responsible for fees and costs of any required utility relocation.

The applicant has requested that this item be submitted for placement on the **August 8, 2017 Urban Transportation Commission Agenda**

Staff contact: Kim Vasquez 512-974-9241, [kim.vasquez@austintexas.gov](mailto:kim.vasquez@austintexas.gov)

Applicant: Leah Bojo, Senior Land Use & Policy Manager Drenner Group, PC

Property Owner: The Domestic & Foreign Missionary Society of  
The Protestant Episcopal Church in the USA

The applicant and/or the property owner's representative will be present at the meeting to answer any questions regarding the development project and vacation request.

Kim Vasquez, Property Agent Senior  
Land Management

**OFFICE OF REAL ESTATE SERVICES**

Attachments

## SUMMARY OF REVIEW COMMENTS REPORT

### F#9835-1705 ALLEY RIGHT OF WAY VACATION [DOWNTOWN ALLEY OF E. 7<sup>TH</sup> STREET]

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#### CONDITIONAL APPROVAL COMMENTS

##### AT&T

ASSESSMENT: "AT&T requires relocating existing utilities in order to vacate at owner's expense." – **Chris Cowen, AT&T**

##### AUSTIN ENERGY

ASSESSMENT: "Approved subject to AE streetlight feed is located within the alley. AE will need to have access to the infrastructure to do maintenance work or applicant must pay to relocate the feed." – **Christine Esparza, Austin Energy**

- Applicant accepts AE conditional approval that street light infrastructure would be relocated at owner's expense as a part of the development.

##### DEVELOPMENT SERVICES – LAND USE REVIEW ENGINEERING

ASSESSMENT: "Based on the letter provided and the Existing Site and Demolition Plan submitted under SP-20170137C, there is no existing drainage infrastructure within this alley. Therefore from a DSD LUR Engineering perspective, the vacation of the alley is approved; however, if it is discovered that any drainage infrastructure is within this alley vacation request must be re-coordinated through DSD LUR Engineering." – **David Gomez, DSD Land Use Review Engineering**

##### DEVELOPMENT SERVICES – LAND USE REVIEW TRANSPORTATION

ASSESSMENT: "Approved with Conditions: All loading and unloading including trash as required by the site plan shall happen on site. No maneuvering shall take place in the public right of way. This should be done as a restrictive covenant." – **Sangeeta Jain, DSD Land Use Review Transportation**

##### CHARTER COMMUNICATIONS

ASSESSMENT: "Please use caution around aerial facilities. Please coordinate relocation or removal with Charter/Spectrum." – **Doug Dixon, Charter Communications**

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#### APPROVED COMMENTS

- |                            |  |
|----------------------------|--|
| • AUSTIN RESOURCE RECOVERY | • PARKS & RECREATION (PARC)                            |
| • AUSTIN TRANSPORTATION    | • PLANNING & ZONING <u>Neighborhood Planning</u>       |
| • AUSTIN WATER             | • PLANNING & ZONING <u>Urban Design</u>                |
| • CODE COMPLIANCE          | • PLANNING & ZONING <u>Zoning Review</u>               |
| • CTM-GAATN                | • PUBLIC WORKS <u>Sidewalks &amp; Special Projects</u> |
| • EMS                      | • PUBLIC WORKS <u>Street &amp; Bridge Operations</u>   |
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- FIRE

- TEXAS GAS

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- GOOGLE

- WATERSHED PROTECTION Engineering

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- GRANDE COMMUNICATIONS

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## MEMORANDUM

Case No.: 9835-1705

Date: May 30, 2017

SUBJECT:

ALLEY VACATION

( ) Lucy Cabading	AT&T	( ) Jackie Chuter	PARD
( ) Melody Giambruno	Austin Energy	( ) David Marquez	DSD (LUR-Engineering)
( ) Katrina Fenrick	Austin Resource Recovery	( ) Sangeeta Jain	DSD (LUR-Transportation)
( ) Rob Spillar	Austin Transportation Director	( ) Mark Walters	P&Z (Comp. Planning)
( ) Angela Baez	Austin Water	( ) Humberto Rey	P&Z (Urban Design)
( ) Bruna Quinonez	Code Compliance	( ) Wendy Rhoades	P&Z (Zoning Review)
( ) Carlos Dematos	CTM - GAATN	( ) David Boswell	PWD - Office of City Eng'r
( ) Milissa Warren	EMS	( ) Nadia Barrera	PWD (connectivity)
( ) Frank Alvarez	Fire	( ) Christian Barraza	Texas Gas
( ) Scott Cunningham	Google	( ) Joseph Boyle	Time Warner
( ) Daniel Pina	Grande Communication	( ) Katina Bohrer	WPD (Engineering)
( ) Roland Rodriguez	Fire	( ) Joydeep Goswami	DSD (LUR-Engineering)

A request has been received for full vacation of the E. 7<sup>th</sup> alley between Neches Street and Trinity Street (unconstructed area, currently used as a parking lot), generally located at 711 Trinity.

Please review this request and return your comments to Mashell Smith at: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov). Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350.

**Due Date: June 13, 2017.**

APPROVAL: \_\_\_\_\_ YES \_\_\_\_\_ Yes, Subj. to Req'm'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: \_\_\_\_\_



# DRENNER GROUP

Leah M. Bojo  
512.807.2918 DIRECT  
lbojo@drennergroupp.com

May 25, 2017

**VIA HAND DELIVERY**

Ms. Lauraine Rizer  
Real Estate Services Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Re: Episcopal Archives Right of Way Vacation - for a 5,519 square foot public right-of-way located at 711 Trinity Street between 7<sup>th</sup> and 8<sup>th</sup> street (the "Property").

Dear Ms. Rizer:

As representative of the owner of the above stated Property, we respectfully submit the enclosed right of way vacation application package for the Domestic & Foreign Missionary Society of the Protestant Episcopal Church of the USA. The requested vacation is for 0.1267 acres, or 5,519 square feet, being a portion of Block 87, Original City of Austin Subdivision. The alley was dedicated per the plat and was not purchased by the City of Austin. The area to be vacated is in the same subdivision as the plat.

The right of way is a constructed alley currently serving the surface parking lot located on this block. The only known utility in the alley is an Austin Energy overhead line serving the parking kiosk for the surface parking lot. Additionally, there are utilities including Texas Gas Service, Austin Energy, Time Warner Cable, and Austin Water on and adjacent to the site that will be relocated, as needed, as part of this project.

The Episcopal Archives Project is a mixed use project consisting of residential, office, and hotel uses over a ground floor, pedestrian-oriented market use and a pedestrian-oriented archive showcasing the International Episcopal Church's archive collection. The development will encompass the entire block. The block is encumbered with a Capitol View Corridor which covers all but the southwest corner of the block. As a result of this Capitol View Corridor, the majority of the building will be around 70 feet in height, with a tower on the southwest corner. The

pedestrian-oriented market is planned to span the alley, creating a vibrant and permeable ground floor that interacts with the streetscape outside, while also creating a sense of place inside, through the variety of market uses. Site plan SP-2017-0137C has been submitted for this project. Because this block is subdivided into thirteen individual parcels, it will be developed with a unified development agreement. It is not a SMART housing project. Construction is expected to begin in the summer of 2018.

The current zoning of the subject-parcels is Central Business District (CBD). The adjacent parcels are zoned CBD, Central Business District – Historic (CBD-H), and Downtown Mixed Use (DMU) and are developed with a variety of uses including cocktail lounges, St. David's Episcopal Church, a surface parking lot, the Salvation Army Center, and the Austin Resource Center for the Homeless (ARCH). The current surface parking lot will be entirely replaced by the development, which will include parking for its own uses that will also be made available to the public. The parking for this project will be handled entirely on-site. No agreements or easements have been executed with the adjacent landowners.

The area to be vacated lies within the Downtown Austin Plan area and complies with the Plan's criteria for vacation laid out in Transportation Priority 1.3. This is a full-block development and will not result in a need for on-street servicing or loading. All of the service facilities will be provided on the site in the first subterranean floor of the parking garage. The entrance to this facility will be off of Neches Street and will be code-compliant.

The request also complies with Imagine Austin in that the vacation enables the market which will contribute to "a safe, vibrant, day- and night-time urban lifestyle for residents, workers, and visitors." This project is supported by:

- LUT P7, Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- LUT P29, Develop accessible community gathering places such as plazas, parks, farmers' markets, sidewalks, and streets in all parts of Austin, especially within activity centers and along activity corridors including Downtown, future Transit Oriented Developments, in denser, mixed use communities, and other redevelopment areas, that encourage interaction and provide places for people of all ages to visit and relax.
- LUT P30, Protect and enhance the unique qualities of Austin's treasured public spaces and places such as parks, plazas, and streetscapes; and, where needed, enrich those areas lacking distinctive visual character or where the character has faded.

These Land Use and Transportation Policies contribute to the Priority Principle of investing in a compact and connected Austin. The Imagine Austin Plan states that compact places are gentler on the environment and create sociable "activity centers" that contribute to our quality of life. The Plan also states that as Austin becomes more compact, creating special urban places where people love to gather can keep our city livable.

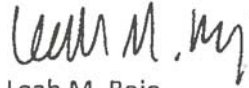
May 25, 2017

Page 3

Please see the included attachment "A" for the vacation detail as required per the application material.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah M. Bojo". The signature is fluid and cursive, with the first name "Leah" being the most prominent part.

Leah M. Bojo

cc: Bobby Dillard, Cielo Property Group (via electronic delivery)  
Branigan Mulcahy, Cielo Property Group (via electronic delivery)  
Mike Critchley, Cielo Property Group (via electronic delivery)



# APPLICATION FOR STREET OR ALLEY VACATION

File No. 9835-1705  
Department Use Only

DATE: May 30 2017  
Department Use Only

## TYPE OF VACATION

Type of Vacation: Street: \_\_\_\_\_; Alley: X; ROW \_\_\_\_\_ Hundred Block: 700  
Name of Street/Alley/ROW: Trinity Street between 7th & 8th Is it constructed: (Yes) No  
Property address: 711 Trinity Street  
Purpose of vacation: Construct building over existing alley

## PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0206040301-0206040313  
Survey & Abstract No.: NA  
Lot(s): 1-8 Block: 87 Outlot: NA  
Subdivision Name: Original City of Austin  
Plat Book NA Page Number NA Document Number NA

Neighborhood Association Name: Downtown Austin Neighborhood Association  
Address including zip code: 211 E. 7th Street, 78701

## RELATED CASES

Existing Site Plan (circle one): (YES) NO  
Subdivision: Case (circle one): YES (NO)  
Zoning Case (circle one): YES (NO)  
FILE NUMBERS  
SP-2017-0137C

## PROJECT NAME, if applicable:

Name of Development Project: Episcopal Archives  
Is this a S.M.A.R.T. Housing Project (circle one): YES (NO)  
Is this within the Downtown Austin Plan Boundaries (circle one): (YES) NO

## OWNER INFORMATION

Name: Domestic & Foreign Ministry Society of the Episcopal Church (shown on Deed)  
Address: 815 Second Street Phone: 678-424-8787 Fax No.: ( )  
City: New York County: New York State: New York Zip Code: 10017  
Contact Person/Title: Kurt Barnes Cell Phone: ( )  
Email Address: \_\_\_\_\_  
(If multiple owners are joining in this request, complete names and addresses for each must be attached.)

## APPLICANT INFORMATION

Name: Leah Bojo  
Firm Name: Drenner Group  
Address: 200 Lee Barton Drive, Ste 100  
City: Austin State: TX Zip Code: 78704  
Office No.: 512-807-2918 Cell No.: 612-665-1570 Fax No.: ( )  
EMAIL ADDRESS: lbojo@drennergroupp.com

The undersigned Landowner Applicant understands: 1) This application will be handled in accordance with standard City policies and procedures. 2) No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. 3) The application and fee in no way obligate the City to vacate the subject area. 4) All documents related to this transaction and a certified check for the appraised value must be delivered to the City of Austin prior to placing the item on the Council Agenda for final approval.

Signed By: Leah Bojo  
Landowner Applicant



F#

Legal Description  
Travis County, Texas

Alley Vacation  
D&A Job No. 1686-001

**EXHIBIT "A"**

**DESCRIPTION OF A TRACT OF LAND CONTAINING 0.1267 ACRES (5,519 SQ. FT.), AND BEING ALL OF THE ALLEY LOCATED IN BLOCK 87 OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ADJACENT TO LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 OF SAID BLOCK 87, AS CONVEYED TO THE DOMESTIC & FOREIGN MISSIONARY SOCIETY OF THE PROTESTANT EPISCOPAL CHURCH IN THE USA, PER DEED RECORDED AS DOCUMENT NO. 2009091964 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.1267 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

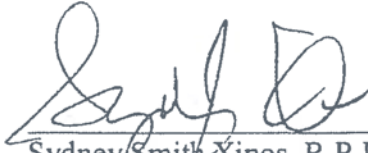
**BEGINNING** at a ½-inch iron rod found at the easterly common corner of said Lot 4 and of said alley, said point being on the westerly right-of-way line of Neches Street (80' wide right-of-way), for the southeast corner and **POINT OF BEGINNING** hereof;

**THENCE**, along the common line of the southerly right-of-way line of said alley and the northerly line of said Lot 4, and then of said Lot 3, and then of said Lot 2, and then of said Lot 1, N73°25'04"W, a distance of 276.00 feet to a ½-inch iron rod found at the westerly common corner of said Lot 1 and of said alley, said point being on the easterly right-of-way line of Trinity Street (80' wide right-of-way);

**THENCE**, along the common line of the easterly right-of-way line of Trinity Street, and the westerly right-of-way line of said alley, N16°35'18"E, a distance of 20.00 feet to a ½-inch iron rod found at the westerly common corner of said Lot 8 and of said alley;

**THENCE**, along the common line of the northerly right-of-way line of said alley and the southerly line of said Lot 8, and then of said Lot 7, and then of said Lot 6, and then of said Lot 5, S73°25'04"E, a distance of 275.99 feet to a calculated point on the westerly right-of-way line of Neches Street, for the southeast corner of said Lot 5, from which a ½-inch iron rod found at the northeast corner of said Lot 5 lies N16°33'23"E, a distance of 128.43 feet;

**THENCE**, along the common line of the westerly right-of-way line of Neches Street, and the easterly right-of-way line of said alley, S16°33'23"W, a distance of 20.00 feet to the **POINT OF BEGINNING**, and containing 0.1267 acres of land, more or less.



5/23/17

Sydney Smith Xinos, R.P.L.S.

Date

Texas Registration No. 5361

Doucet & Associates Inc.,

7401 B Hwy. 71 West, Suite 160

Austin, Texas 78735

Firm Registration No. 10105800



TCAD Parcel ID:

Austin Grid:

# LEGEND

—	ALLEY VACATION LINE
- - -	EXISTING PROPERTY LINES
- - -	EXISTING RIGHT OF WAY LINE
●	1/2" IRON ROD WITH CAP FOUND (UNLESS NOTED)
△	CALCULATED POINT
P.C.B.	POINT OF BEGINNING
DOC. #	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	S16°33'23"W	20.00'
L2	N16°35'18"E	20.00'

**EAST 8TH STREET  
(80' R.O.W.)**

1/2" IRON  
ROD FOUND

THE DOMESTIC & FOREIGN MISSIONARY SOCIETY OF  
THE PROTESTANT EPISCOPAL CHURCH IN THE USA  
DOCUMENT NO. 2009091964, G.P.R.T.C.T.

BLOCK 87 OF THE ORIGINAL CITY OF  
AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING  
TO THE PLAT ON FILE AT THE GENERAL  
LAND OFFICE OF THE STATE OF TEXAS.

LOT 5

LOT 7

LOT 8

LOT 6

1/2" IRON  
ROD FOUND

S73°25'04"E | 275.99'

**0.1267 ACRES**

**5,519 SQUARE FEET**

N73°25'04"W | 276.00'

LOT 2

LOT 3

BLOCK 87 OF THE ORIGINAL CITY OF AUSTIN,  
TRAVIS COUNTY, TEXAS, ACCORDING TO THE  
PLAT ON FILE AT THE GENERAL LAND OFFICE OF  
THE STATE OF TEXAS.

THE DOMESTIC & FOREIGN MISSIONARY SOCIETY OF  
THE PROTESTANT EPISCOPAL CHURCH IN THE USA  
DOCUMENT NO. 2009091964, O.P.R.T.C.T.

P.O.B.  
1/2" IRON  
ROD FOUND

LOT 4

**TRINITY STREET (80' R.O.W.)**

**NECHES STREET (80' R.O.W.)**

## SURVEY CONTROL:

TEXAS COORDINATE SYSTEM 1983  
(CENTRAL ZONE-4203)  
NAD 83. (CORS) U.S. SURVEY FEET  
GEIOD MODEL G03U03  
COMBINED SCALE FACTOR 0.999963024880  
PROJECT CONTROL POINTS WERE ESTABLISHED USING THE  
LEICA DATA SYSTEM COOP NETWORK.

## VERTICAL DATUM:

THE VERTICAL DATUM FOR DOUCET AND ASSOC. CONTROL  
POINT #300 WAS ESTABLISHED USING LEICA DATA SYSTEM  
COOP NETWORK. NAVD'88 VERTICAL DATUM.



GRAPHIC SCALE: 1" = 40'

**ALLEY VACATION  
CITY OF AUSTIN,  
TRAVIS COUNTY, TEXAS**

**DA DOUCET  
& ASSOCIATES**

Civil Engineering - Planning - Surveying/Mapping

7401 B. Highway 71 W, Suite 160

Austin, Texas 78735, Phone: (512)-583-2600

www.doucetandassociates.com

TBPLS Firm Registration Number: 10105800

P:\1686-001\geocspat a\DWG\1514 - 001 ALLEY VACATION.dwg

Date: 05-23-2017

Scale: 1"=40'

Drawn by: DK

Reviewer: SYD

Project: 1686-001

Sheet: 1 of 1

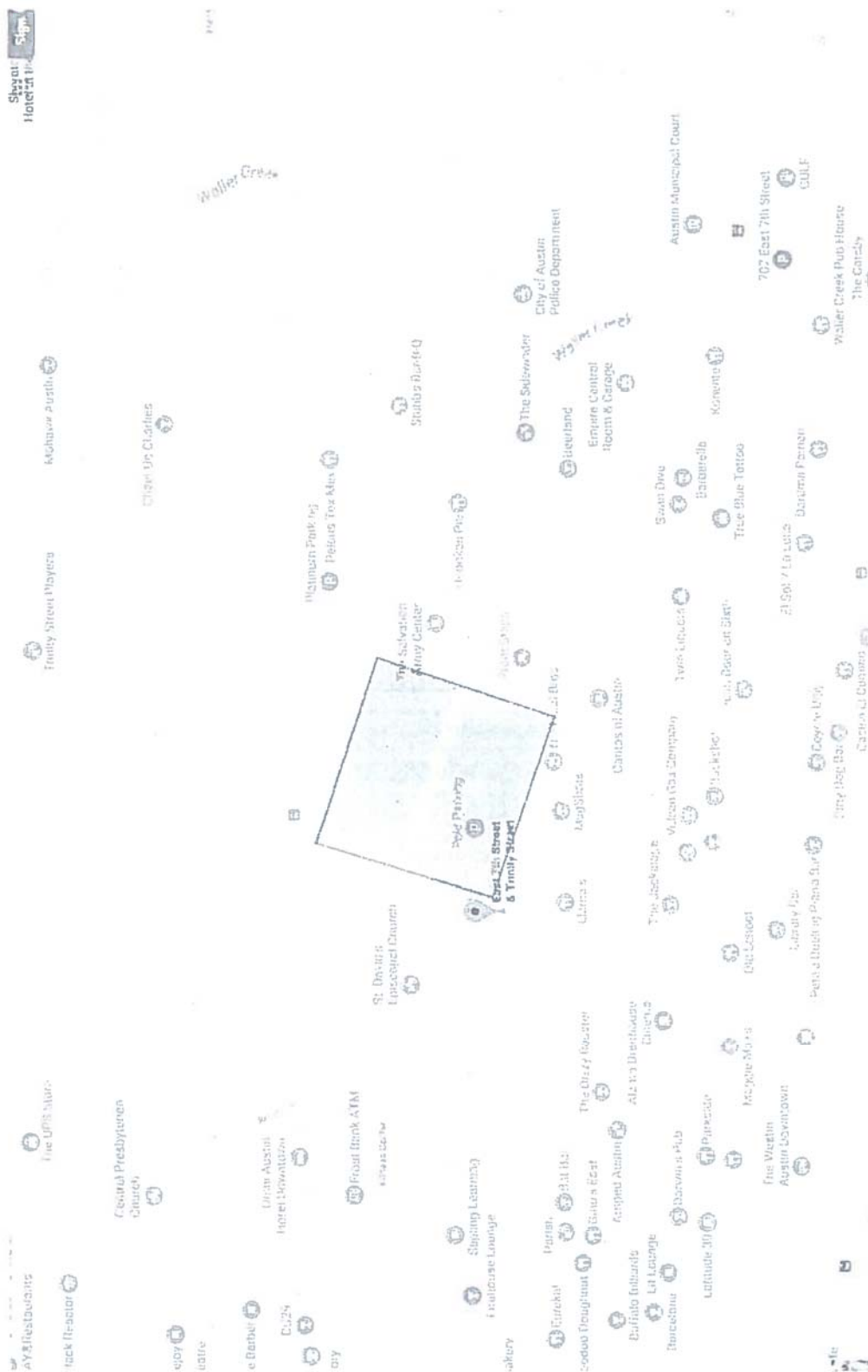
Field Book: 463

Party Chief: JM

Survey Date: 10-25-2016



**Warning**  
Do not use



Drawn by L. J. Paine 1930





August 8, 2017



Chris Riley  
President

Mayor and Council of the City of Austin  
301 W. 2nd Street  
Austin, Texas 78701

Kimberly Levinson  
Vice President

RE: Block 87 - Cielo project

Roger L. Cauvin  
Secretary

Honorable Mayor, Mayor Pro Tem, and Council,

Susan Hoffman  
Treasurer

We recently met with a representative of Cielo Property Group to discuss their plans for Block 87, located between St. David's and the ARCH. Based on that discussion, we want to convey our support for the alley vacation and encroachment agreements Cielo is proposing. We also want to urge the Council to update the city's approach to traffic impact analyses for downtown projects.

Steven Blackmon

Erica Diaz

Eileen McPhillips  
Portner

1. Alley vacation

DANA supports the approach to alley vacations set out in the Downtown Plan:

Philip Wiley

Vacation or abandonment of alleys should be avoided, and occur only in special circumstances where equivalent off-street service facilities are provided (e.g., with a full-block development), and where such vacation does not result in a need for on-street servicing/loading. (TP-1.3, p. 146.)

Kristina Witt

While DANA generally prefers to see alleys to remain intact, the present situation involves special circumstances that meet the criteria set out in TP-1.3:

- Cielo is proposing a full-block development.
- The open area Cielo is proposing below grade would allow trucks to provide services and maneuver without any need for on-street servicing/loading.
- We understand that staff will require a restrictive covenant providing that services must be provided on-site, which will ensure that the concerns reflected in TP-1.3 are addressed even if this project does not materialize.

Additionally, Cielo is proposing ground-level retail uses that would face both inward and outward, with pedestrian access points on the north and south sides of the block, which would ensure that the block will remain porous for pedestrians even without the alley. Under these circumstances, we believe vacation of the alley is warranted to allow this project to proceed.

2. Encroachment agreements

DANA supports the agreements Cielo is seeking that would allow it to encroach over the western and southern property lines, and under the adjoining streets. These encroachments would have no negative effects on the conditions for pedestrians around the project. And placing all the parking underground will make the building significantly more appealing than many other downtown projects. Given the context of this project, we believe the encroachment agreements are reasonable and justified, especially considering the constraints imposed by the capitol view corridor.

### 3. Traffic impact analysis

We understand that the city is requiring a Traffic Impact Analysis for this project based on levels of service on nearby streets. This is an outdated approach for a mixed-use project in the Central Business District. We would prefer an analysis based on Vehicle Miles Traveled, with agreements negotiated for measures aimed at traffic demand management.

While we will welcome signal improvements at nearby intersections, we would also like to see measures aimed at reducing vehicle miles. Cielo has agreed to decouple parking in the project from residential leases, and to make the parking available to the public, both of which we appreciate. We would also like to see other traffic-reducing measures, such as car-sharing spaces, bike-sharing stations, ample bike storage, the provision of transit passes, and a consulting package with Movability Austin.

### 4. Other considerations

Block 87 has remained a surface parking lot for many years because of the significant challenges any development on this block will face – most importantly, the capitol view corridor protecting a view from northbound I-35, and the proximity of the ARCH. The project Cielo is proposing would not only bring more homes, shops, office space, and hotel rooms to downtown; it would also significantly improve conditions for pedestrians in the area around this block. And any fees in lieu provided for the Downtown Density Bonus would go toward housing-first permanent supportive housing for the chronically homeless, which is urgently needed.

Based on the context of this site, and the considerable benefits this project would offer, we urge approval of the alley vacation and encroachment agreements Cielo is seeking.

Respectfully,

Board of Directors of The Downtown Austin Neighborhood Association

Cc: [Greg.Guernsey@austintexas.gov](mailto:Greg.Guernsey@austintexas.gov)