90
Revised Staff Report w/ Exhibits
HPD

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0151(RCA3) – Shoal Creek Walk P.C. DATE: February 9, 2021

ADDRESS: 835 West 6th Street

DISTRICT: 9

SITE AREA: 2.6 acres (113,256 square feet)

NEIGHBORHOOD PLAN AREA: Downtown Austin Plan (Market / Lamar) District

PROPERTY OWNER: Shoal Creek Walk, LTD., (Richard W. Duggan III)

AGENT: Armbrust and Brown, PLLC, (Amanda Surman)

CASE MANAGER: Mark Graham (512-974-3574), mark.graham@austintexas.gov

REQUEST: To amend a 2010 Restrictive Covenant to modify the condition that requires installing a 10,000 square foot green roof, and a 10,000-gallon rain water collection tank and associated equipment to irrigate the green roof.

SUMMARY STAFF RECOMMENDATION:
Staff recommends granting a third Amendment to the Restrictive Covenant as requested by the Applicant.

PLANNING COMMISSION ACTION:
February 9, 2021: ***APPROVED THE RESTRICTIVE COVENANT AMENDMENT, AS STAFF RECOMMENDED.***
[J. SHIEH; P. SEEGER – 2ND] (11-0) TWO VACANCIES ON THE COMMISSION.

CITY COUNCIL ACTION:
March 4, 2021:

RESTRICTIVE COVENANT AMENDMENT RECORDING NUMBER:

ISSUES:
No issues identified.

CASE MANAGER COMMENTS:
Applicant requests changing the Restrictive Covenant which requires installing a green roof and a 10,000-gallon rainwater storage tank with Phase II development. Instead, Applicant proposes to provide funding to the Shoal Creek Conservancy for a project that restores parapets and installs lighting to the 1887 West 6th Street historic limestone bridge over Shoal Creek. The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to do the work listed in the attached Shoal Creek Conservancy letter. Please refer to the Applicant's proposed redlines to the Restrictive Covenant.

The proposed Restrictive Covenant Amendment area is comprised of a 2.6-acre tract that contains commercial buildings and parking structure situated next to Shoal Creek Greenbelt hike and bike trail facilities. This amendment application proposes to modify the covenant recorded in Office of Public Records of Travis County, Texas as Document 2010083202 and later amended in Documents 2013085495 and 2014188351.

Phase I of the development included two buildings: 225,000 sq. ft. of administrative offices - and 6,790 sq. ft. of retail space. Phase II of the development, currently under construction, will add another 150,000 sq. ft. of administrative offices.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	DMU-CURE	Office
West	DMU	Office, retail (Whole Foods)
East	P, DMU, CBD-CO	Shoal Creek Greenbelt, Commercial
South	DMU, DMU-CURE-CO, P, CBD-CO	Commercial, residential towers, greenbelt
North	DMU	Office

ABUTTING STREETS AND TRANSIT:

Street Name	ROW	Pavement	Classification	Sidewalks	Bus Route
West 6th Street	93	50'	Level 3	Yes, both sides	#4, 5, 103, 484
West 5th Street	72	50'	Level 3	Yes, both sides	#4, 5, 103, 484, 980, 981, 985
Bowie Street	86'	41'	Level 1	Yes, both sides	No
Shoal Creek Greenbelt Trail				Yes	
6th Street Access Trail				Yes	

TIA: Site must demonstrate compliance with access study and mitigations agreed to with SP-2012-0036C.

WATERSHED: Shoal Creek – Urban

CAPITAL VIEW CORRIDOR: Yes, Barton Creek Pedestrian Bridge

SCHOOLS: AISD

Mathews Elementary	O. Henry Middle	Austin High

COMMUNITY REGISTRY LIST:

Austin Independent School District	Historic Austin Neighborhood Association
Austin Lost and Found Pets	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Old Austin Neighborhood Association
City of Austin Downtown Commission	Preservation Austin
Downtown Austin Alliance	SEL Texas
Downtown Austin Neighborhood Assn. (DANA)	Shoal Creek Conservancy
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group

LEGAL DESCRIPTION:
2.6 ACRES BEING A PORTION OF Lots 1-3, Block 5, Subdivision of the Raymond Plateau, Outlot 11, Division Z of the City of Austin, Texas, recorded in Volume V, Page 401, Deed Records of Travis County, Texas and Book 1 Page 30, Plat Records of Travis County, Texas; same being Lots 1-6, 9 and a portion of Lot 7, Resubdivision of Original Lots One and Two in Block No. 5 Outlot 11, Division Z of Austin, Texas, recorded in Book 1 Page 19, said Resubdivision leaving a remnant of original Lot 2.

Deed conveying the property to the present owners: Document No. 2005151718.

DEPARTMENT COMMENTS:

Parks and Recreation
PR1: This restrictive covenant includes reference to open space and improvements to the Shoal Creek Trail. Before Phase 2 is complete, Schlosser Development and the development team for Shoal Creek Walk have agreed to provide an easement for public access along the trail connection required in this restrictive covenant. The easement will ensure ongoing public access to the Shoal Creek Trail from Sixth Street. This easement is documented in a License Agreement with the City of Austin. thomas.rowlinson@austintexas.gov

The improvements for the Sixth Street Bridge will be in public rights of way. The Shoal Creek Conservancy and Austin Public Works Department are coordinating the work that will be funded in part by a City of Austin, Neighborhood Partnering grant to the Shoal Creek Conservancy and with the funding provided by the Developer, in the 3rd Amendment to the Restrictive Covenant.

Watershed Protection & Environmental
The proposed changes to the restrictive covenant reflect Department negotiations with the applicant.

Cases for this site:
C14-2009-0151 – "East Block" Rezone from DMU to DMU-CURE, in 2009.
C14-2009-0151(RCA) – First Amendment to Restrictive Covenant, in 2013.
C14-2009-0151(RCA2) – Second Amendment to Restrictive Covenant, in 2014.
C14-2009-0151(RCA3) – Third Amendment to Restrictive Covenant, in 2020. (This case)
C14H-2018-0014 – Historic Landmark designation of West 6th Street Bridge, in 2018.

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14H-04-0005 SAYERS HOUSE 709 Rio Grande St.	Rezone 0.1781 ac. from GO-MU to GO-MU-H	To Grant	Apvd. 06/24/2004 Ord.#040624-Z-10
C14-2016-0034 701 RIO GRANDE & 602 W 7th St.	Rezone 0.602 ac. in 2 tracts from GO to DMU-CO. Condition A. building height limit to 60 feet. B. prohibited uses: Cocktail lounge, bail bond svcs., pawn shop svcs, liquor sales, outdoor entertainment.	To Grant	Apvd. 06/16/2016 Ord.# 20160616-061
C14-2012-0083 Cirrus Rezoning 602, 604, 606, 700, and 702 West Ave. and 800 W 6th St.	Rezone 1.839 ac. from DMU-CO-CURE & LO, GO to DMU-CURE & DMU-CO. Tract 1: 1.34 ac., tract 2: 0.27 ac. and 0.23 ac.. Part 2 A-D: A. maximum building height on tract 1 is 136 feet. B. maximum building height is 90 feet. C.26 foot building setback on tract 2. D. prohibited uses on tract 2: automotive repair svcs, automotive sales, counseling svcs. Drop-off recycling collection facility, exterminating svcs, financial svcs, funeral svcs., guidance svcs., local utility svcs., outdoor entertainment, liquor sales, residential treatment, pawn shop services, restaurant(limited), service station, bail bond svcs.	To Grant	Apvd. 06/06/2013 Ord.# 20130606-063
C14-05-0040	Rezone 1.337 ac. From GO & DMU to DMU-CO-CURE. Condition: maximum	To Grant	Apvd. 06/28/2005

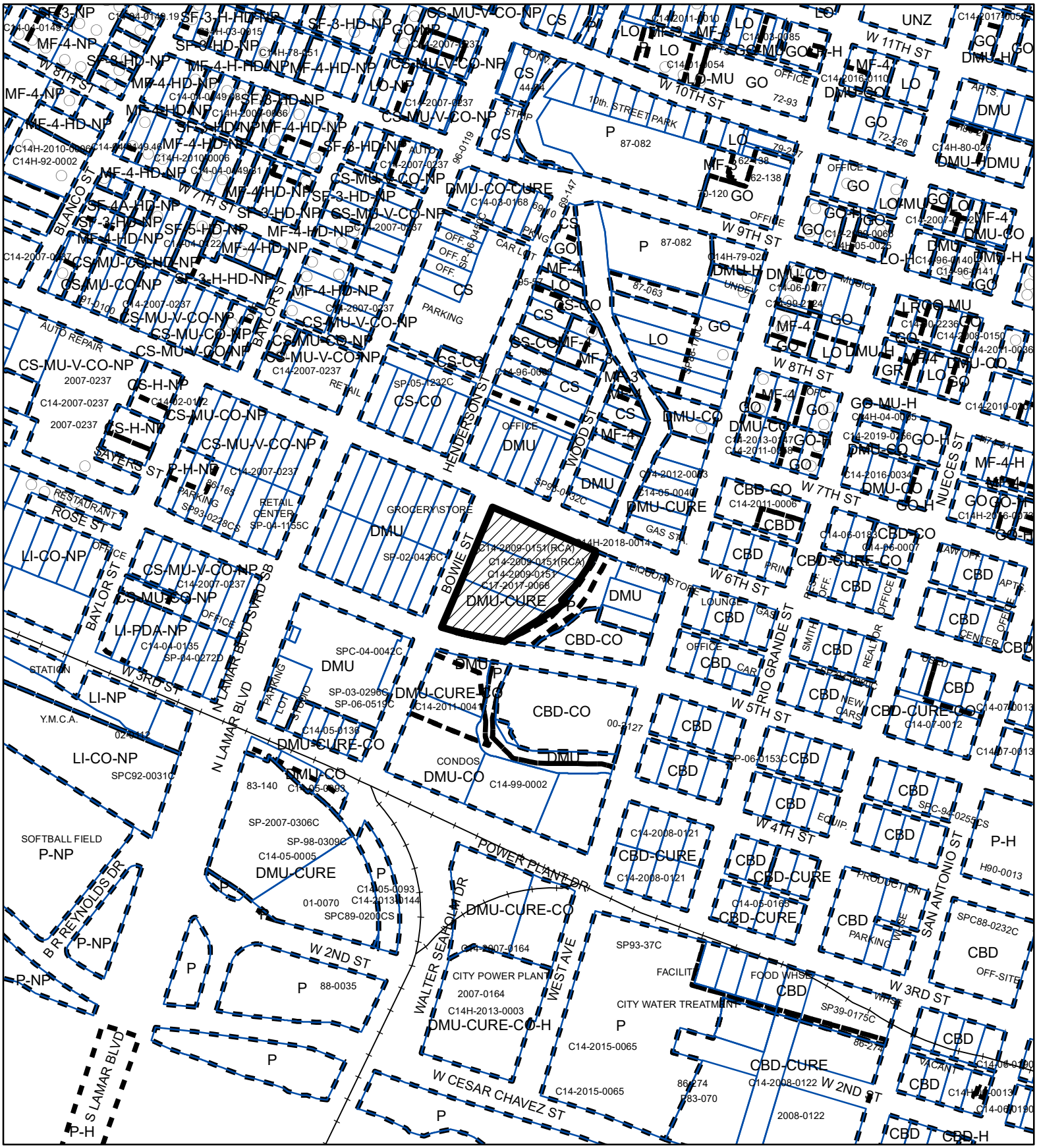
800 WEST 6TH St. & 602, 606 and 700 West Ave.	height of building is 136 feet. Maximum 2000 vehicle trips/day.		Ord.# 20050728-Z021
C14-2019-0156 707 Rio Grande St.	Rezone 0.2069 ac. from GO-H to DMU-CO. Conditions A-B. A. Maximum 60 foot building height. B. Prohibited uses: bail bond svcs, cocktail lounge, exterminating svcs., funeral svcs., hospital svcs.(general), hospital svcs.,(limited), limited warehousing and distribution, liquor sales, outdoor entertainment, pawn shop svcs.	To Grant	Apvd. 03/12/2020 Ord.#20200312-059
C14H-2018-0014 W 6th St Bridge Over Shoal Creek	Rezone W. 6th St. historic (1887) limestone bridge over Shoal Creek as historic landmark	To Grant	Apvd. 04/12/2018 Ord.#20180412-050
C14-2007-0144 800 West Ave.	Rezone 1.265 ac. from GO/LO to DMU-CO. 6 Conditions.	To Grant	Apvd. Ord.# withdrawn
C14-2013-0147 707 West Avenue Rezoning	Rezone 0.45 ac from CS-CO-CO to DMU-CO. 2 condition: A. maximum 2000 vehicle trips/day; B. maximum 60-foot building height.	To Grant	Apvd. 06/12/2014 Ord.#20140612-100
C14-2011-0006 701 & 711 West 7th Street Rezoning	Rezone from GO/GR to CBD-CO. 6 conditions, A-F. A. maximum 375 building height; B. minimum 50% residential uses; C. minimum of one underground floor of parking; D. maximum 2000 vehicle trips/day; E. amplified sound prohibited; F. list of prohibited uses: automotive rentals, automotive repair svcs., automotive sales, automotive washing (of any type) bail bond svcs., carriage stable, convention center, pawn shop svcs..	To Grant	Apvd. 08/25/2011 Ord.#20110825-097
C14-06-0177 807 West Ave.	Rezone 0.117 ac. from MF-4 to DMU-CO. 3 Conditions: 1. Prohibited uses: automotive repair svcs., automotive sales, automotive washing(of any type), cocktail lounge, counseling svcs., drop-off recycling collection facility, exterminating svcs., funeral svcs., guidance svcs., local utility svcs., outdoor entertainment, pawn shop svcs., residential treatment, restaurant	To Grant	Apvd.11/02/2011 Ord.#20061102-050

	(general), restaurant (limited) safety svcs., service station, telecommunication tower. 2. Drive-in svcs. Prohibited as accessory to commercial use. 3. Maximum 60-foot building height.		
C14-06-0183 605, 615 W. 7th St. CLB/7th & Rio Grande	Rezone 0.407 ac. From GR to CBD-CURE-CO. Part 2, 7 conditions, A-G. If building on site exceeds 60 foot height: A. FAR maximum 11:1; B. 70% gross floor area shall be for residential uses; C. for building exceeding 68 feet 1. 15 foot step-back from W. 7th St. ROW require and 2. A seven foot step-back from Rio Grande St. ROW required; D. 2 levels of underground parking required and above ground parking shall be screened; E. loading spaces shall be located in the alley south of property; F. pedestrian uses shall occupy 75% of the building frontage along Rio Grande St. and W. 7th St. G. cocktail lounge is prohibited use. Part 3, 2 conditions, A-B. A. maximum 2000 vehicle trips/day; and B. vehicular access from Rio Grande St. to parking structure shall be for residential uses only.	To Grant	Apvd. 03/01/2007 Ord.# 20070301-055
C14-96-0063 605 Henderson St. SABIA BOTANICALS - CONSENT	Rezone 0.172 ac. From MF-4 to CS-CURE. Part 2 changes to CS development regulations: 1. Maximum FAR 0.18:1 and 2. Parking required at ratio of 1/1000 sq. ft..	To Grant	Apvd. 06/06/1996 Ord.# 960606-L
C14H-2011-0001 623, 702 Wood St. Shoal Creek Houses	Rezone 0.22 ac. MF-3-P to MF-3-P-H	To Grant	Expired/ demolished
C14-2007-0247 Monarch Rezoning	Rezone 2.148 ac. from CBD-CO to CBD	Withdrawn	Not Applicable
C14-2011-0058 707 West Ave. Rezoning	Rezone 0.444 ac. from GO to CS-MU-CO. Conditions A-B. A. Maximum 2000 vehicle trips/day. B. Prohibited uses: agricultural sales and svcs., automotive rentals, automotive repair svcs., automotive sales, commercial blood plasma center, building maintenance	To Grant	Apvd. 10/06/2011 Ord.# 20111006-076

	svcs., campground, commercial off-street parking, construction sales and svcs., convenience storage, drop-off recycling collection facility, equipment repair svcs., equipment sales, funeral svcs., kennels, monument retail sales, plant nursery, pawn shop svcs., service station, stables, vehicular storage, veterinary svcs., automotive washing (of any type), bail bond svcs., consumer convenience svcs., consumer repair svcs., exterminating svcs., financial svcs., food preparation, food sales, general retail sales (convenience) general retail sales (general), indoor entertainment, indoor sports and recreation, laundry svcs., outdoor entertainment, outdoor sports and recreation, personal improvement svcs., pet svcs., restaurant (general) theater, custom manufacturing, limited warehousing and distribution.		
C14-99-2124 805 WEST AVENUE	Rezone 0.280 ac. MF-4 to DMU-CO. Part 2 has 5 conditions. 1. Prohibited uses: counseling svcs., guidance svcs., residential treatment, safety svcs., telecommunication towers, local utility svcs., automotive repair svcs. Restaurant (drive-in, fast food), automotive sales, service station, automotive washing (any type), drop-off recycling collection facility, exterminating svcs., funeral svcs., outdoor education, pawn shop. 2. Maximum 78% of gross floor area for non-residential uses. 3. A parking space may not be located in the front street yard adjacent to West Avenue. 4. Minimum 15-foot building setback to West Avenue. 5. Maximum 60-foot building height.	To Grant GO-MU-CO w/CO for no more than 78% of gross floor area is to be non-residential. RC prohibiting surface parking between West Ave & the structure closest to West Ave; no structure or portion of structure may be located less than 15' from West Ave & to prohibit bail bond offices	Apvd. 03/23/2000 Ord.# 000323-56

ATTACHMENTS:

Exhibit A: Zoning Map
Exhibit B: Aerial Map
Questions from Planning Commission
Applicant's proposed redlines to the
RC Correspondence
Shoal Creek Conservancy



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

Restrictive Covenant Amendment

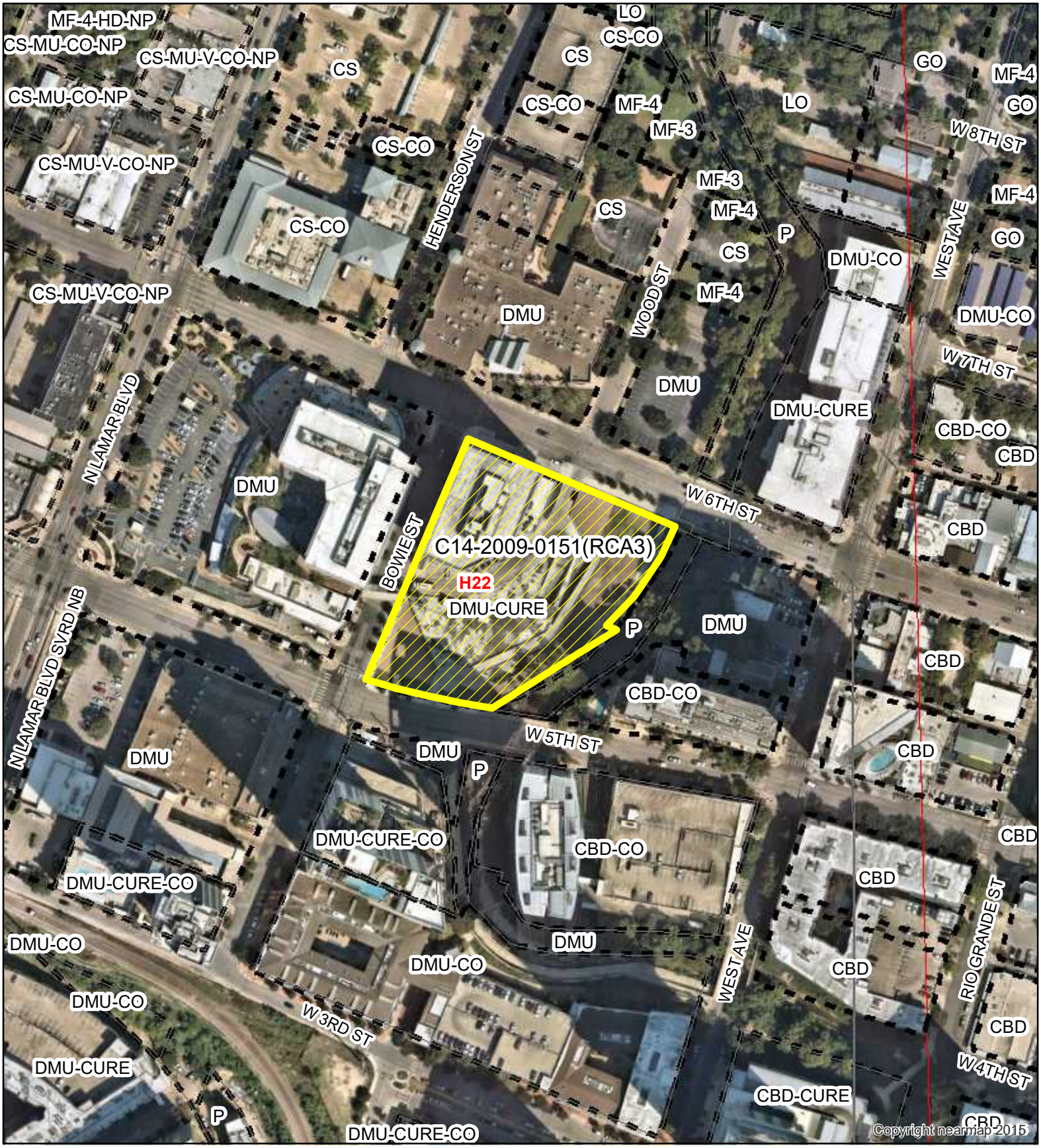
CASE#: C14-2009-0151(RCA3)

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 12/28/2020



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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 200'

Shoal Creek Walk

ZONING CASE#: C14-2009-0151(RCA3)
LOCATION: 835 W. 6TH ST.
SUBJECT AREA: 2.60 Acres
GRID: H22
MANAGER: MARK GRAHAM

CITY OF AUSTIN FOUNDED 1839

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.

Planning Commission Questions for 02/09/2021 Meeting

Item B4 - 385 West 6th Street, Shoal Creek Watershed; Downtown Austin Plan

Question: Why was the RC required in the first place? Did applicant get to waive certain regulatory requirements by providing the green roof and rainwater collection?

Staff Response:

When the applicant proposed to rezone the property from DMU to DMU-CURE in (Case # C14-2009-0151 in November 2009), the City negotiated "community benefits" in conjunction with the modification of building height from the DMU maximum of 120' to DMU-CURE height of 350'. The Design Commission outlined several benefits related to project design including building a green roof (please refer to attached memo).

Mark Graham, Case Manager

AUSTIN DESIGN COMMISSION

BART WHATLEY
CHAIR
JUAN COTERA
DAVID KNOLL
ELEANOR MCKINNEY
JAMES SHIEH
RICHARD WEISS
JEANNIE WIGINTON

JORGE E. ROUSSELIN
STAFF LIAISON

February 15, 2010

RE: Shoal Creek Walk Project

The Design Commission thanks you for the opportunity to review and comment on the proposed Shoal Creek Walk Project located at 835 W. 6th Street. We understand that the Project Team is seeking a rezoning from Downtown Mixed Use (DMU) to DMU-CURE (Central Urban Redevelopment Combining District) 120 ft to 350 ft.

We recognize and appreciate the Community Benefits that have been committed to by the developers. Those benefits, totaling more than two million dollars, include the following:

- Green Building – 1 Star
- Lance Armstrong Bikeway – dedication of 5' East of Bowie Street
- Coordinate with City on West side of Bowie to include scope of bide lane in the project with City reimbursement
- Green roof on one of the two buildings
- Improvements to Shoal Creek hike and bide trail
- Shoal Creek channelization to reduce flooding
- Compliance with Parkland ordinance ($650 per unit)
- Open Space – 30,000-35,000 sf/70-80% of an acre

As a follow up to our recent subcommittee meeting, we would like to suggest that the Project Team look at pulling back the parking building on the 6th Street pedestrian side in order to provide a secondary use in the future that can be retrofitted if parking is not needed.

The Design Commission respectfully requests the opportunity to review a more detailed layout of the Project as it is developed.

Again, thank you for your presentation to the Design Commission and allowing us the opportunity to comment on the Project.

Sincerely,

Bart Whatley
Chair, City of Austin Design Commission

TRV 2014188351
7 PGS

THIRD ~~SECOND~~ AMENDED RESTRICTIVE COVENANT FOR ZONING CASE NO. C14-2009-0151(RCA~~X~~)3

Owner:	Shoal Creek Walk, Ltd., a Texas limited company
Address:	601 North Lamar, Suite 301, Austin, Texas 78703
City:	The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.
City Council:	The City Council of the City of Austin
Consideration:	Ten and No/100 Dollars ($10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited company, as owner of all that certain property described in Zoning File No. C14-2009-0151, consisting of approximately 2.6 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Document No. 2010083202, (the "Restrictive Covenant") and amended in Document No. 2013085495 imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Original Property at the time of such modification, amendment or termination.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited company is the current owner (the "Owner") of the Original Property on the date of this Second Amended Restrictive Covenant ("Second Amended RC") and desires to amend the Restrictive Covenant as to the Original Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Paragraph No. 3 of the Restrictive Covenant is deleted in its entirety and the following provision is substituted in its place.

Green Roofs. Green roof development and associated features may be developed in a phased program for site development. The following are minimum standards:

City Council
date: 12-11-14
Item No. 154

A. If the project is constructed in a single phase:

The project will satisfy the provisions of the Restrictive Covenant, as amended, and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design and/or other acceptable on-grade planting area(s); and include the construction of an approved water quality pond that treats approximately 93 percent of the site.

B. If the project is constructed in two phases:

(1) The project will include in the first phase: an approved water quality pond that treats approximately 93 percent of the site; and include approximately 20,000 square feet of re-vegetated, and open to the sky area. The re-vegetated area(s) cannot be combined to meet other City standards such as landscaping, etc.; and,

(2) The project will include in the second phase: an approved water quality pond that treats approximately 100% percent of the site; ~~and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design. The green roof shall be designed according to City approved requirements and standards.~~

and Owner will provide approximately $150,000.00 in funds to the Shoal Creek Conservancy to install lighting and restore the parapets at the 1887 West 6th Street Bridge over Shoal Creek.

2. Except as expressly provided for in this Second Amended RC, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as amended as set forth in the Restrictive Covenant, as amended shall continue in full force and effect on and after the effective date of this Second Amended RC.

3. The City Manager, or his designee, shall execute on behalf of the City, this Second Amended RC as authorized by the City Council of the City of Austin. The Second Amended RC shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the 9th day of December, 2014.

OWNER:

SHOAL CREEK WALK, LTD.,
a Texas limited partnership

By: **SHOAL CREEK WALK GP, L.L.C.,**
a Texas limited liability company,
its general partner

By: _____
BRADLEY SCHLOSSER
Manager

CITY OF AUSTIN:

By: _____
SUE EDWARDS,
Assistant City Manager,
City of Austin

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 9th day of December, 2014, by Bradley Schlosser, Manager, of Shoal Creek Walk GP, L.L.C., a Texas limited liability company, general partner of Shoal Creek Walk, Ltd., a Texas limited partnership, on behalf of the limited partnership.

LISA R. ROSE
Notary Public, State of Texas
My Commission Expires
March 08, 2017

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 17th day of December, 2014, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

JESSICA CORONADO
Notary Public, State of Texas
My Commission expires
January 22, 2017

Notary Public, State of Texas

TRACT 2
FIELD NOTES FOR
2.600 ACRES

DESCRIBING 2.600 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS CONSISTING OF THAT CERTAIN 2.05 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000117493, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS ("OPRTCT"), AND THAT CERTAIN 0.55 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000119070, OPRTCT; SAID 2.600 ACRES BEING A PORTION OF LOTS 1-3, BLOCK 5, SUBDIVISION OF THE RAYMOND PLATEAU, OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN VOLUME V PG. 401, DEED RECORDS OF TRAVIS COUNTY, TEXAS ("DRTCT") AND BOOK 1 PAGE 30, PLAT RECORDS OF TRAVIS COUNTY, TEXAS ("PRTCT"); SAME BEING LOTS 1-6, 9 AND A PORTION OF LOT 7, RESUBDIVISION OF ORIGINAL LOTS ONE AND TWO IN BLOCK NO. 5 OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN BOOK 1 PAGE 19, PRTCT; SAID RESUBDIVISION LEAVING A REMNANT OF THE ORIGINAL LOT 2; SAID 2.600 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1" square bolt head found at the northeast corner of said 2.05 acre tract in the south r.o.w. line of West 6th Street (80' r.o.w.); said point being the northwest corner of that certain 1703 s.f. tract conveyed to the City of Austin by deed of record in Volume 7439 Page 408, DRTCT; and from said beginning point run the following nine (9) courses and distances:

THENCE along the common line of the said 2.05 acre tract and the said 1703 s.f. tract, by courses 1-3 as follows:

1) S 26°57'22" W - 52.30 feet to a 1/2" iron rod found at an angle point;
2) S 35°56'58" W - 76.23 feet to a round bolt head found at an angle point;
3) S 45°39'37" W - 62.46 feet to a 1/2" iron rod found at the most easterly southeast corner of said 2.05 acre tract and being in the north line of said 0.55 acre tract;

THENCE along the north line of said 0.55 acre tract and the south line of said 1703 s.f. tract by course 4 as follows:

4) S 64°45'52" E - 16.33 feet to a lead plug and tack found in concrete sidewalk at the northeast corner of said 0.55 acre tract and the southeast corner of said 1703 s.f. tract;

THENCE along the east line of said 0.55 acre tract by course 5 as follows:

5) S 59°35'08" W - 230.99 feet to a lead plug and tack found in concrete sidewalk in the north r.o.w. line of West 5th Street (80' r.o.w.) at the southeast corner of said 0.55 acre tract;

THENCE along the south lines of said 0.55 acre and 2.05 acre tracts and the north r.o.w. line of West 5th Street by courses 6 and 7 as follows:

6) N 77°26'35" W - at 60.22 feet pass a 1/2" iron rod found with Wallace Group cap and continuing in all 81.93 feet to a 1/2" iron rod set with Wallace Group cap at a point of curvature;

Description of a 2.600 acre tract (continued)

7) Along a curve to the right whose radius is 899.60 feet with an arc length of 110.49 feet and whose chord bears N 73°57'58" W - 110.42 feet to a 1/2" iron rod found with Accusurve cap at the intersection of the north r.o.w. line of West 5th Street with the east r.o.w. line of Bowie Street (80' r.o.w.);

THENCE along the west line of said 2.05 acre tract and the east r.o.w. line of Bowie Street by course 8 as follows:

8) N 25°02'25" E - 410.76 feet to a headless PK nail found in concrete at the northwest corner of said 2.05 acre tract, same being the intersection of the east r.o.w. line of Bowie Street and the south r.o.w. line of West 6th Street;

THENCE along the north line of said 2.05 acre tract and the south r.o.w. line of West 6th Street by course 9 as follows:

9) S 64°58'55"E - 341.88 feet to the **POINT OF BEGINNING** of the herein described tract, encompassing within the metes recited 2.600 acres of land, more or less, as computed by The Wallace Group, Inc. in July, 2002.

Bearing Basis: Found monuments along east r.o.w. of Lamar Blvd. between West 5th and 6th Streets as shown on July 1998 Accursurve survey (N 24°57'00" E) which was based on monumented centerline of Lamar Blvd.

Daniel M. Flaherty, R.P.L.S. #5004
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Phone: (512) 248-0065
Fax: (512) 246-0359
Work Order No. 11790



07-30-2002
Date

AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: J. Collins, Paralegal

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dec 18, 2014 03:25 PM 2014188351
BENAVIDESV: $50.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

7.21.20

To: City of Austin Watershed Protection Department
505 Barton Spring Rd, 11th Floor, Austin, TX 78704

On behalf of Shoal Creek Conservancy (SCC), I write to express support for the Whole Foods Market proposal to provide matching funds to install lighting and restore the parapets at the 1887 West 6th Street Bridge over Shoal Creek as a community benefit project. This contribution will be a widely beneficial alternative to the green roof requirement, as it will impact more Austinites and help the City of Austin and SCC enhance trail user safety and revitalize a unique cultural and historic destination along the Shoal Creek Trail. The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to fund implementation of the following shovel-ready construction work:

Lighting Installation

- Parapet Lighting
  - Lighting along the parapets at street level (similar to lighting on the Lady Bird Lake Boardwalk)
- Vault Lighting
  - Lighting along the top of the tunnel interiors, in all three vaults
  - Pathway lighting along the ground in the westernmost vault where the Shoal Creek Trail passes through
  - Front Door lighting at the entrances to the westernmost vault (where the Trail passes through) to create a pool of light at the tunnel entrances

Parapet Reconstruction

- Restoration of the south parapet and reconstruction of the missing north parapet

Please do not hesitate to reach out, if you have any questions: ivey@shoalcreekconservancy.org, 512-474-2412

Sincerely,

Ivey Kaiser, SCC Executive Director

CC: Will Marsh, Endeavor Real Estate Group
Collin Eicke, Whole Foods Market

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Project Background & Community Benefit

Matching support from Whole Foods Market will unlock the critical next steps towards restoring a historic landmark along Shoal Creek and adding safety-focused infrastructure to provide comfort to trail users.

About the West 6th Street Bridge

The West Sixth Street Bridge is a three-span limestone arch bridge that holds a special but often unheralded place in Austin and Texas' history. The bridge was constructed by hand in 1887 with local limestone, predating construction of the Texas Capitol building several blocks away. Its wide street dimension was an innovation that allowed for two-way wagon traffic and later, mule-drawn trolleys to the other side of Shoal Creek, leading to the western expansion of the city. Few examples of hand-built stone bridges from this period still exist in Texas, making it one of the state's oldest masonry arches.

While the street surface has been modified over time, the bridge is essentially the same structure built in the 1800s. Remarkably this bridge survived in the heart of Austin and continues to serve as one of the city's principal east-west arteries. The bridge was listed in the National Register of Historic Places in 2014, and a Historic American Engineering Survey (HAER) was conducted in 1996. The bridge was registered as a Local Historic Landmark in 2018.

West 6th Street Bridge Restoration: Project Background

Restoration Study

In 2016, SCC commissioned the *West 6th Street Bridge Restoration Study* from Sparks Engineering, a world-renowned firm who specialize in historic reconstruction. The restoration study was supported by the Texas Historical Commission's Texas Preservation Trust Fund grant program and the Burdine Johnson Foundation. The study provides a restoration roadmap for the bridge, as well as outlining a compatible holistic treatment of the streetscape and creekway. As our partners at the Texas Historical Commission have aptly stated, the report has been "worth its weight in gold" since then.

Importantly, the study revealed a serious public safety concern. Severe loss of mortar had significantly reduced the carrying capacity of the bridge to only about 20% of its original capacity. SCC shared these findings with the City, which resulted in emergency re-grouting of the bridge by the City's Public Works Department. SCC facilitated conversations between the City, Sparks Engineering, and Bat Conservation International to ensure that the repairs both preserved the historic integrity of the bridge and ensured the safe and humane evacuation of the bridge's resident bats. This work was completed in Spring 2016.

Design Schematics & Construction Documents

After completion of the restoration study, the Burdine Johnson Foundation committed funding to support design work by Sparks Engineering targeting the reconstruction of the bridge's parapets and the installation of lighting along the sidewalk and trail. The Foundation's gift matched funds committed by the Texas Historical Commission's Certified Local Government Grant Program. Design schematics have been completed for all elements of the bridge's rehabilitation, and construction documents have been completed for lighting installation and parapet reconstruction.

SCC looks forward to leveraging the proposed contribution to bring these designs to life and provide the Austin community a safer trail and a more beautiful historic destination along the Shoal Creek greenway.

OLD AUSTIN
NEIGHBORHOOD ASSOCIATION

Post Office Box 1282
Austin, TX 78767
www.originalaustin.org

22 February 2021

C14H-2021-0006

Dear Mayor and City Council:

The Old Austin Neighborhood Association (OANA) supports the request to change the zoning of 416 W. 12th Street from General Office (GO) to Downtown Mixed-Use (DMU).

Our support of this zoning change is conditioned on the following DMU uses not being permitted: cocktail lounge, liquor sales, bail bond services, pawn shop services, and outdoor entertainment.

Under the applicant's proposal, this project would provide much-needed housing above activated ground-floor restaurant space – exactly the type of walkable, transit-supportive growth that is needed in our Imagine Austin Downtown Center. And, importantly, it would do so by participating in the Downtown Density Bonus Program, which requires a substantial payment to an affordable housing community benefit and allows for payments for other community benefits.

Austin's downtown is an appropriate place for directing growth to help meet our housing goals, especially when that growth is sought through a density bonus program. The proposed project will provide housing within easy walking distance of parks, jobs, services, shops, restaurants, and other amenities, and will help the City further its affordability goals. Consequently, OANA supports the Planning Commission's DMU-120 recommendation and does not support city staff's recommended height restriction.

If this zoning change request is approved and the applicate applies for participation in the Downtown Density Bonus Program, OANA will be advocating for community benefit contributions in addition to the project's expected affordable housing contribution. One such community benefit, logical due to the project's location on W. 12th Street would support of the downtown 'urban greenbelt' project that is envisioned to connect many of Austin's downtown parks spaces. This key public amenity is already supported by the Downtown Austin Alliance, Shoal Creek Conservancy, Waterloo Greenway, The Trail Foundation, Pease Park Conservancy, Friends of Wooldridge Square, and Austin Parks Foundation.

In summary, with these conditions, OANA supports the applicant's request for DMU at 416 W. 12th Street and urges you to support this zoning change.

Sincerely,

Ted Siff, President

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