

**MEMORANDUM**

**TO:** Andrew Rivera, Planning Commission

**FROM:** Jacquelyn Armstrong, Property Agent Senior  
Land Management, Development Services Department

**DATE:** July 05, 2022

**SUBJECT:** F#2021-155370 LM Street Right-of-Way Encroachments of aerial 2<sup>nd</sup> floor balcony as well as amenity and lobby areas on floors 13-16.

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Attached is the Application Packet and Master Comment Report pertaining to a request to encroach into the right-of-way of East 2<sup>nd</sup> Street. The right of way is fully paved and heavily traveled by vehicles and pedestrians. The proposed encroachments are for a 182 square foot area to be used for a 2<sup>nd</sup> floor restaurant balcony and an 886 square foot area to be used for an amenity and lobby encroachment on floors 13-16. The abutting properties are owned by 2<sup>nd</sup> Street Development LLC. Per the transmittal letter dated March 16, 2022, received by the City of Austin, the applicant states: the proposed encroachments support the Priority Programs identified in the Imagine Austin Comprehensive Plan. The abutting tract is currently associated with the site plan under SP-2021-0172C.

All affected departments and private utility franchise stakeholders have reviewed the application and recommend approval, subject to the reviewers' conditions shown on the attached Master Comment Report.

Per City Code §14-11-54 – Notice to any registered neighborhood organization whose boundaries are within all or a portion of the encroachment area. A neighborhood plan contact team or registered neighborhood organization whose boundaries are within all or a portion of the encroachment area may submit comments regarding the proposed encroachment. No comments were received by staff.

The applicant has requested that this item be submitted for placement on the July 12, 2022, Planning Commission Agenda.

Staff contact: Jacquelyn Armstrong, Land Management, Property Agent Senior  
Development Services Department, 512-974-7149, [jacquelyn.armstrong@austintexas.gov](mailto:jacquelyn.armstrong@austintexas.gov)

Applicant: Harrison M. Hudson/Kimley Horn  
737-202-3202/Harrison.hudson@kimley-horn.com

Abutting Landowner: 2<sup>nd</sup> Street Development LLC.

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

Attachments:  
Summary of Review Comments Report and Application Packet



Mashell Smith  
 City of Austin Development  
 Services Department  
 6310 Wihelmina Delco Dr.  
 Austin, TX 78752

03/16/2022

RE:

**Encroachment Agreement Application  
 Transmittal Letter  
 307 E 2<sup>nd</sup> Street - SP-2021-0172C**

On behalf of our clients, Knight Family Partnership LTD. and M.M Reynolds 67 M.OM. Trust, Kimley Horn is submitting an encroachment agreement application to construct and maintain above grade encroachments for the proposed mixed-use (hotel, restaurant, cocktail lounge and residential) development located on 307 E 2<sup>nd</sup> Street. Per the encroachment agreement application packet, below are the transmittal questions and responses.

This encroachment has been modified from the first submittal to no longer include encroachments in the alley and garage encroachments. Additionally, the encroachments have been reduced to area of lower balcony encroachment on the 2<sup>nd</sup> floor is to be used as a restaurant balcony (0.0042 acres) and an area of amenity and lobby encroachment on the 13-16<sup>th</sup> floors is to be used as an amenity and lobby space for the hotel (0.0203 acres).

**1. Is this a residential or commercial project?**

The project includes a 62 story, mixed-use building with associated parking garage, streetscape, and utility improvements. The proposed building will include 133 residential units, 330 hotel rooms, and 10,031 SF of cocktail lounge/restaurant.

**2. How was the area of encroachment dedicated? By plat or by separate instrument?**

The area of encroachment was dedicated by plat, recorded in the Plan of the City of Austin plat records of Travis County, Texas.

**3. Did the City purchase the area where the proposed encroachment would be located? (i.e., by Street Deed)**

No, the City did not purchase right-of-way in which the encroachment is located. Trinity Street and E 2<sup>nd</sup> Street were dedicated by plat.

**4. Does the encroachment currently exist, or is it only proposed on paper?**

The encroachment does not exist; it is being proposed with this application.

**5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant's expense.**

There are no utilities within the encroachment area.

**6. How do you plan to develop the proposed encroachment area?**

There are several encroachment areas being proposed with this application.

\*The area of lower balcony encroachment on the 2<sup>nd</sup> floor is to be used as a restaurant balcony.

\*The area of amenity and lobby encroachment on the 13-16<sup>th</sup> floors is to be used as an amenity and lobby space for the hotel.

**7. Has the site plan been submitted on your project? If not, is the project exempt from the site plan process?**

Yes, a site plan has been submitted for the project. The project is under review with the Development Services Department under SPC-2021-0172C and has been coordinating with AULCC under UCC# 210218-01-01.

**8. Is your project a Unified Development?**

Yes, the proposed building will be developed under a unified development agreement with joint use access between sites. The UDA is being reviewed under the site plan permit, SPC-2021-0172C

**9. Is your project a S.M.A.R.T. Housing project?**

No, the proposed development is not a S.M.A.R.T. housing project.

**10. When do you anticipate starting construction of the development?**

If SDP is obtained and council approves the project prior to, the project is to start construction January 2023.

**11. What is the current status of the adjacent properties?**

North: To the North of the site is E 2<sup>nd</sup> Street. Across E 2<sup>nd</sup> Street is two restaurants, which currently has a site plan under review.

South: To the South of the site is a public alley. Across the Alley is the Marriot Hotel which currently has an approved site plan.

West: To the West of the site is a restaurant that currently has no plans for redevelopment.

East: To the East of the site is Trinity Street. Across Trinity is a Convention Center with no current plans for redevelopment.

**12. What type of parking facilities currently exist?**

There are currently no parking facilities on the site besides a gravel lot.

**13. Does the area of encroachment lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45<sup>th</sup> Street?**

No, the project is not within the UT boundaries.

**14. Does the area of encroachment lie within Downtown boundaries: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard?**

Yes, the project is within the Downtown boundaries.

**15. Does the proposed encroachment support the Priority programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how?**

The proposed project supports the priority program and policies set forth in the Imagine Austin Comprehensive Plan. Some examples are stated below.

- a. Compact and Connected: The proposed development is in line with the goal of a compact, connected Austin that is less car dependent and more walking, bicycling, and transit-friendly. The project proposed parking reductions to what is required by Appendix A. Additionally, the project is proposing more bicycle spaces (interior to the garage and within the streetscape) that will be available to the public.
- b. Workforce and Education: The development, especially the commercial component, will provide job opportunities for Austin residents.
- c. Household Affordability: The development is not proposing on-site affordable housing and will pay fee-in-lieu.

*Page 3*

Should you have any questions or require additional information, please contact me at (737) 202-3202 or [harrison.hudson@kimley-horn.com](mailto:harrison.hudson@kimley-horn.com) or Natalia Garau, P.E. at (737) 202-3214 or [natalia.garau@kimley-horn.com](mailto:natalia.garau@kimley-horn.com).

Sincerely,

A handwritten signature in blue ink that reads "Ngarau".

Natalia Garau, P.E.  
Project Manager





March 14, 2022

City of Austin  
Development Assistance Center  
6310 Wilhelmina Delco Dr.  
Austin, Texas 78752

**RE: 307 E 2<sup>ND</sup> Street**  
**Case# SP-2021-0172C Encroachment Agreement**

To Whom It May Concern:

Please accept this Comment Response Letter for the above referenced project's Encroachment Agreement. This submittal is in response to the comments provided by the City of Austin on January 13, 2022. The original comments have also been included below for reference.

**AW Infrastructure Management - Eric Sermenio - 512-972-0497**

Austin Water (AW) does not recommend the request approximate 0.1388 acres (6,050 square-feet) of Right-of-Way (ROW) Encroachment request at this time. The area requested for ROW encroachment is more particularly described as being situated in the City of Austin, Travis County, Texas, being a portion of Trinity Street (80-foot Right-of-Way), East 2nd Street (80-foot Right-of-Way), and a portion of a 20-foot alley in Block 16, being a public Right-of-Way within the City of Austin, Texas, and being adjacent to Lot 6, Block 16 of the Original City of Austin, According to the map or plat on file in the General Land Office of the State of Texas and with an address of 307 E 2nd Street, Austin, Texas, 78701.

More information is needed to confirm actual ground elevation and the bottom floor elevation closest to ground elevation to ensure AW will have a minimum of 17-feet vertical clearance from ground to bottom of encroachment over right-of-way. Applicant is to provide a new survey or cross-section showing actual ground elevation and bottom elevation to closest encroachment of ROW. The statement at the top of the exhibits provided that states "Elevations shown are based on an assumed elevation of 100.00" at the finished floor of the main lobby" is not sufficient. The city needs proof of actual ground elevations and certified. Additionally, there is concerned about operation and maintenance of existing AW infrastructure in the area. AW is requesting applicant to provide a response on where equipment/materials will reside? And, if AW needs to access our water or wastewater lines, will equipment/materials be easy to move for City personnel to access? How close will the equipment be from the existing utilities?

**Response:** Encroachment area has been revised, and the encroachment is not extending over AWU infrastructure. Actual ground elevation has been added in Blue to both the survey exhibits and the architectural exhibit. Bottom of the lower encroachment is 18' above ground.

**LM DSD Planning Review- Sutton Giese - 512-974-1612**

BPBD1. ELEVATIONS: The elevations in this plan set do not indicate an accurate height. There are no dimensions on the (unstamped) drawings. Please indicate how the balconies over 8' and below 15' comply with 3202.3.2 in the 2021 IBC.

**Response:** Elevations have been updated and dimensions have been provided.



BPBD2. SITE PLAN: The approved and released Site Plan from January does not contain any elevations or complete plans. There appears to be a Revision to a Site Plan from May of this year - SP-2021-0172C. This document is currently listed as Inactive. Please note that no License Agreement will be able to be approved until the information on the Site Plan has been approved, and will be able to be compared to the drawings submitted as part of this License Agreement.

**Response:** The Site Plan Update 2, submitted on 03/07/2022 matched the plans submitted with this application.

**LM Electric Review - Rosario Navarro - 512-322-6754**

1. Show the proposed encroachment areas in relation to Austin Energy's electric facilities. There must be 35' clear above manholes and where the vault doors will be.  
**Response:** The encroachment area has been revised and is no longer over AE facilities nor within the Alley right-of-way.
2. Contact Rudy Vela at [rudy.vela@austineenergy.com](mailto:rudy.vela@austineenergy.com) to discuss the vault location and size and the encroachments in relation to AE's existing and proposed facilities.  
**Response:** Rudy Vela is in project and has been in coordination with design team.

**LM PWD-OCE Review - Jose Ramos - 512-974-8763**

1. Why can't the residential balconies, lobby balconies, amenities and parking garage facade be contained wholly within the property or not encroach as far into the right-of-way/street? Please provide documentation demonstrating why the elements cannot be accommodated on the property, without encroaching into the public right-of-way. Please label elements and surveys consistently so they can be easily cross-referenced.  
**Response:** The encroachment area has been revised. Residential balconies and parking garage facades are now contained wholly within the property. Due to street activation and need for space for mechanical rooms, this project has a need for encroachment area to satisfy amenity, lobby, and restaurant space needs. Survey exhibits have been revised.
2. The encroachment agreement application only lists elements; however, more surveys were provided. Please reconcile the number of elements in the application with the surveys provided.  
**Response:** This has been revised. A revised transmittal letter has been attached to the submittal. There are currently two encroachments.
  1. Level 2 – Restaurant Balcony
  2. Level 13-16 – Amenity and Lobby for hotel
3. What contingencies will be put in place to ensure that no falling objects will have negative affect the right-of-way?  
**Response:** None. These balconies are treated as a typical balcony overlooking sidewalk/street.
4. If not license agreement has been submitted for this project, a license agreement will be required.  
**Response:** At the time of the original SDP and Encroachment Agreement submittal, the City's guidance was that license agreements could not be submitted until AWU signatures were obtained on the SDP. This changes recently, so a license agreement will be submitted within the next two weeks.

**LM Urban Design Review - Nolan Stone – 512-974-7691**

Additional comments from Urban Design may follow as the comments below are addressed. If clarification is needed on any of the comments below, please contact this reviewer to schedule a meeting.

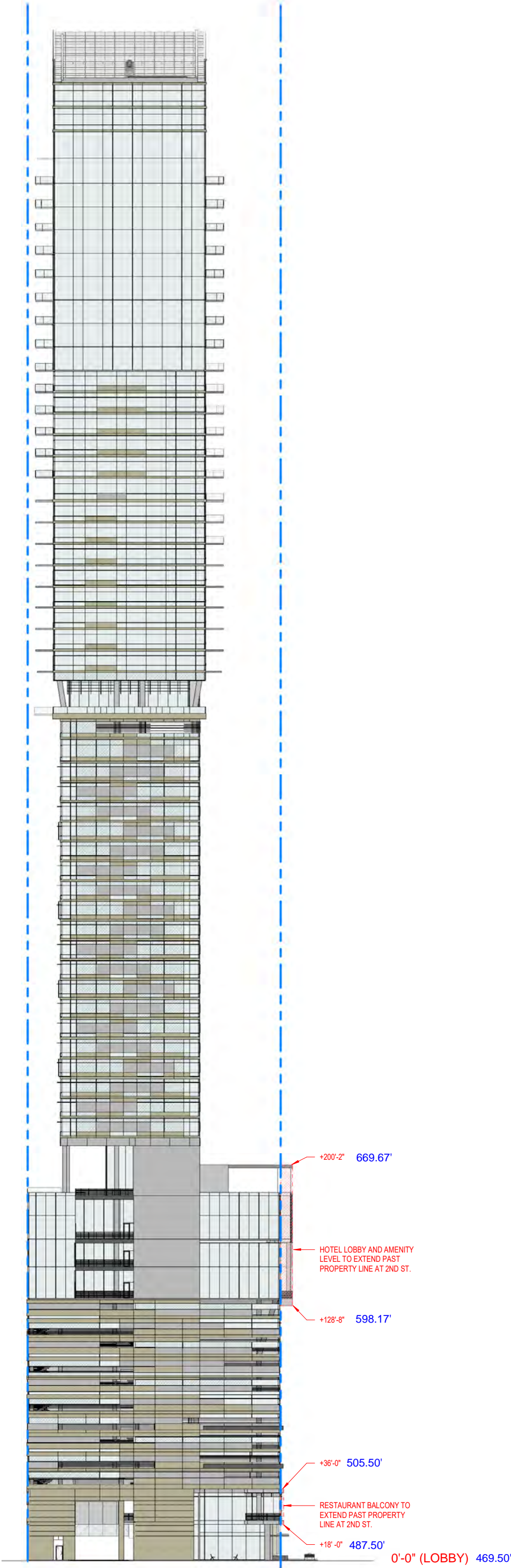
1. Please clarify if project will participate in DDBP per LDC 25-2-586. If the project does participate in the DDBP, Great Streets will be required as a Gatekeeper Requirement. Please clarify if the project is to voluntarily participate in the Great Streets Program for Reimbursement per Resolution No. 040205-14. If the project wishes not to participate in DDBP and the Great Streets Program, the project will need to achieve compliance for Subchapter E Streetscape Standards. Please coordinate with Mr. Aaron Jenkins (Aaron.Jenkins@austintexas.gov) of the Urban Design Division to schedule a presentation before the Design Commission.  
**Response:** This project is participating the the DDBP and has presented to Design Comission.
2. Trinity Street frontage will require approval from Historic Preservation Division. Please contact Elizabeth Brummett (Elizabeth.Brummett@austintexas.gov) to obtain approval.  
**Response:** Elizabeth Brummett is in project and has been in coordination for Historic Preservation Division approval.
3. Please coordinate with the Community Tree Preservation for approval of the proposed 2nd Story encroachment, as it will impact the existing trees on Trinity Street.  
**Response:** The encroachment area has been revised to minimize encroachment area on Trinity.
4. Please see outstanding comments of SP-2021-0172C. Make sure plans match with encroachment agreement plan set.  
**Response:** The Site Plan Update 2, submitted on 03/07/2022 matched the plans submitted with this application.

**END OF REPORT**

Please contact me at 737-202-3214 if additional information is required.  
Sincerely,

A handwritten signature in blue ink that reads "Ngarau".

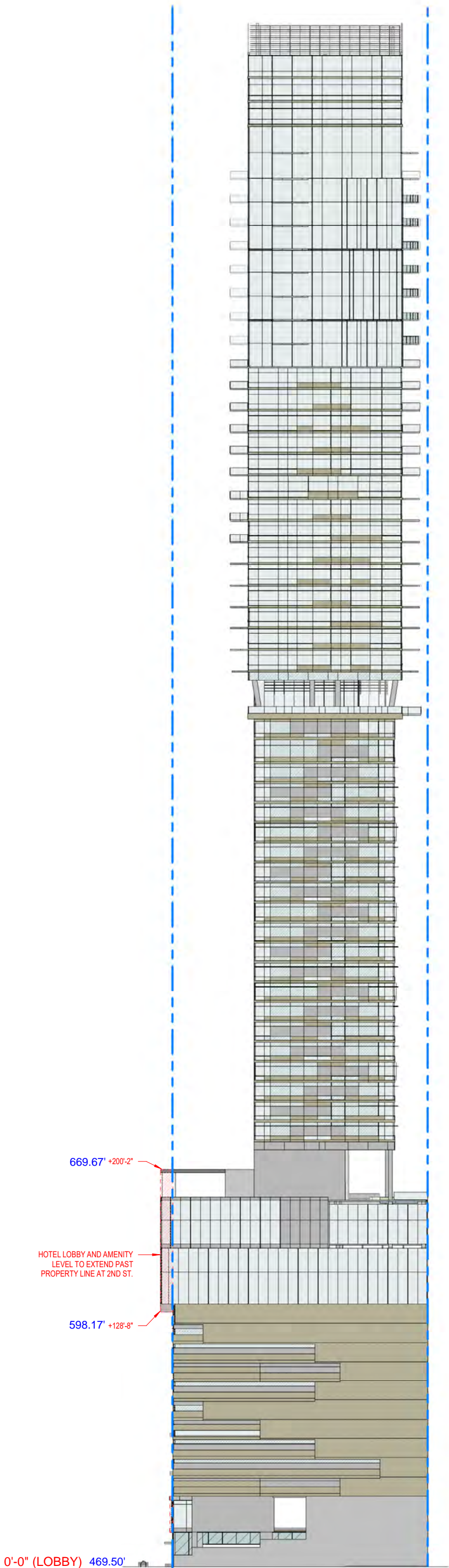
Natalia Garau, P.E.  
KIMLEY-HORN AND ASSOCIATES, INC.



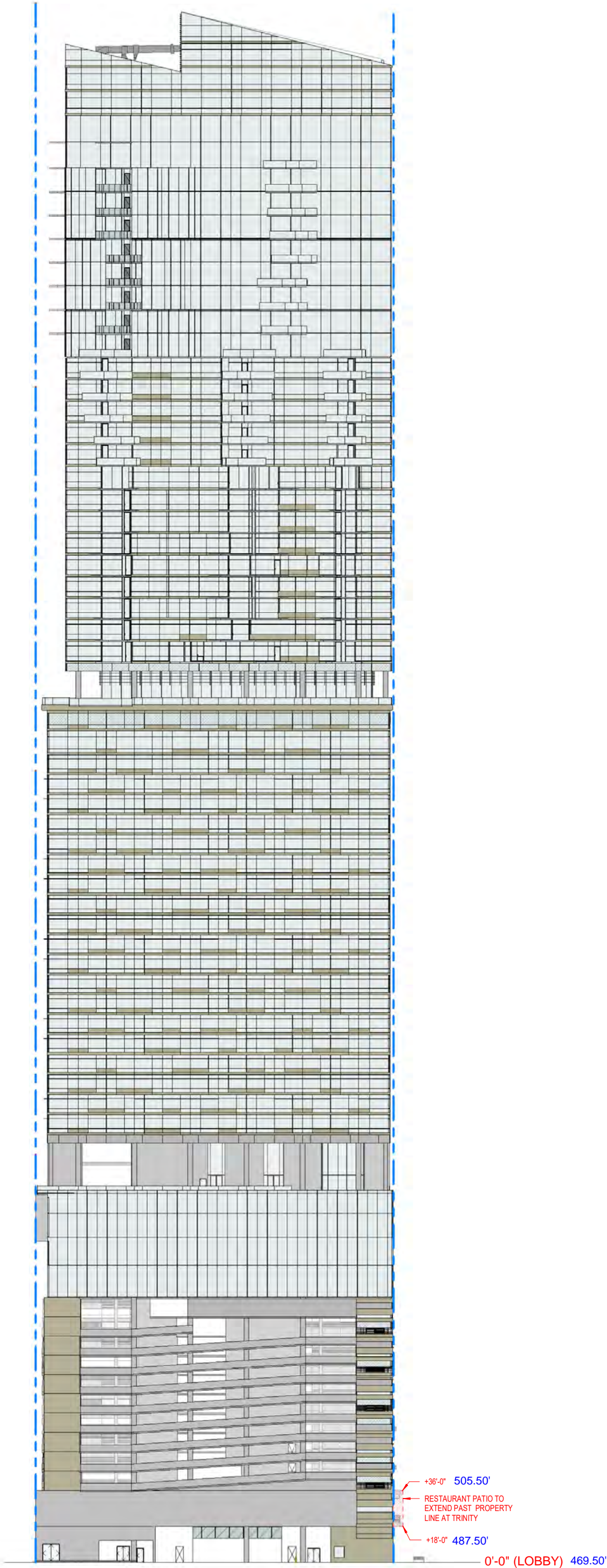














**EAST 2ND STREET**  
(80' R.O.W.)

144.5'

6.1'

LOT 11, BLOCK "8"  
ORIGINAL CITY OF AUSTIN  
ZONING: CBD  
USE: RESTAURANT

LOT 10, BLOCK "8"  
ORIGINAL CITY OF AUSTIN  
ZONING: CBD  
USE: PARKING

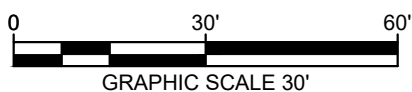
LOT 9, BLOCK "8"  
ORIGINAL CITY OF AUSTIN  
ZONING: CBD  
USE: OFFICE

LOT 8, BLOCK "8"  
ORIGINAL CITY OF AUSTIN  
ZONING: CBD  
USE: RESTAURANT

LOT 7, BLOCK "8"  
ORIGINAL CITY OF AUSTIN  
ZONING: CBD  
USE: RESTAURANT

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

**ALLEY**  
(20' R.O.W.)

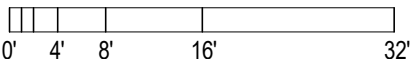
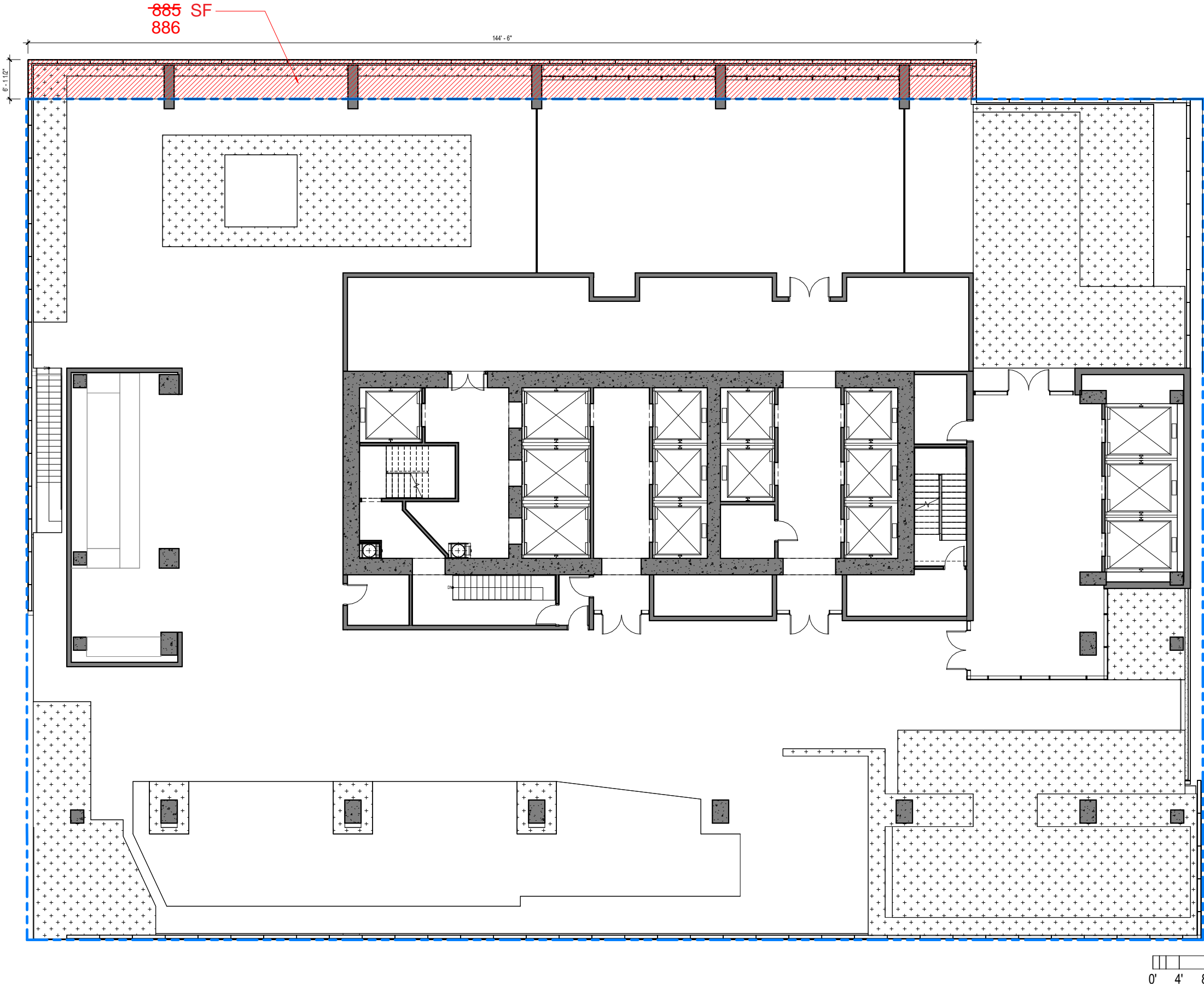


307 E 2nd Street  
Level 13-16 - Amenity & Lobby  
Austin, Travis County, Texas

**Kimley»Horn**

5301 Southwest Parkway- Building 2, Suite 100  
Austin, Texas 78735  
512-646-2237  
State of Texas Registration No. F-928





(Encroachment Agreement)  
East 2nd Street

**Legal Description**

**BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0203 ACRE (886 SQUARE FEET) SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF EAST 2ND STREET (80' RIGHT-OF-WAY), A PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF AUSTIN, TEXAS, AND BEING ADJACENT TO LOTS 7-10, BLOCK 8 OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID LOT 7 AND THE EAST 41.3 FEET OF SAID LOT 8 CONVEYED TO M.M. REYNOLDS 67 M.O.M. TRUST IN VOLUME 11571, PAGE 754 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), AND THE WEST 4.9 FEET OF SAID LOT 8, SAID LOT 9, AND THE EAST 41.2 FEET OF SAID LOT 10 BEING CONVEYED TO KNIGHT FAMILY PARTNERSHIP, LTD IN DOCUMENT NO. 2018130131 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.0203 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**



PO Box 90876  
Austin, TX 78709  
512.554.3371  
sduarte@4wardls.com  
[www.4wardls.com](http://www.4wardls.com)

**COMMENCING**, at a mag nail with “4Ward Boundary” washer set at the intersection of the west right-of-way line of Trinity Street (80' Right-of-way) with the south right-of-way line of said East 2nd Street, and being the northeast corner of said Lot 7, from which a mag nail with “4Ward Boundary” washer set at the intersection of the north right-of-way line of a 20' Alley in Block 8 of said Original City of Austin, with the west right-of-way line of said Trinity Street, and being the southeast corner of said Lot 7 bears, S16°33'50"W, a distance of 128.12 feet;

**THENCE**, with the south right-of-way line of said East 2nd Street and the north line of said Lot 7, N73°26'41"W, a distance of 34.50 feet to a calculated point for the southeast corner and **POINT OF BEGINNING** hereof;

**THENCE**, continuing with the south right-of-way line of said East 2nd Street and the north line of said Lot 7, in part with the north line of said Lots 8-10, N73°26'41"W, a distance of **144.50** feet to a calculated point for the southwest corner hereof, from which a mag nail with “4Ward Boundary” washer set at the intersection of the east right-of-way line of San Jacinto Boulevard (80' Right-of-way) with the south right-of-way line of said East 2nd Street, and being the northwest corner of Lot 12, Block 8 of said Original City of Austin bears, N73°26'41"W, a distance of 96.83 feet;

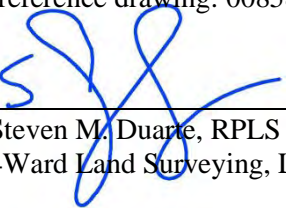
**THENCE**, leaving the south right-of-way line of said East 2nd Street and the north line of said Lot 10, the following three (3) courses and distances:

- 1) **N16°33'19"E**, a distance of **6.13** feet to a calculated point for the northwest corner hereof,
- 2) **S73°26'41"E**, a distance of **144.50** feet to a calculated point for the northeast corner hereof, and
- 3) **S16°33'19"W**, a distance of **6.13** feet to the **POINT OF BEGINNING** and containing 0.0203 Acre (886 Square Feet) of land, more or less.

F# \_\_\_\_\_

**Notes:**

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000058431559. See attached sketch (reference drawing: 00858\_EA\_Amenity & Lobby\_rev2.dwg.)

  
3/14/2022  
Steven M. Duarte, RPLS #5940  
4Ward Land Surveying, LLC



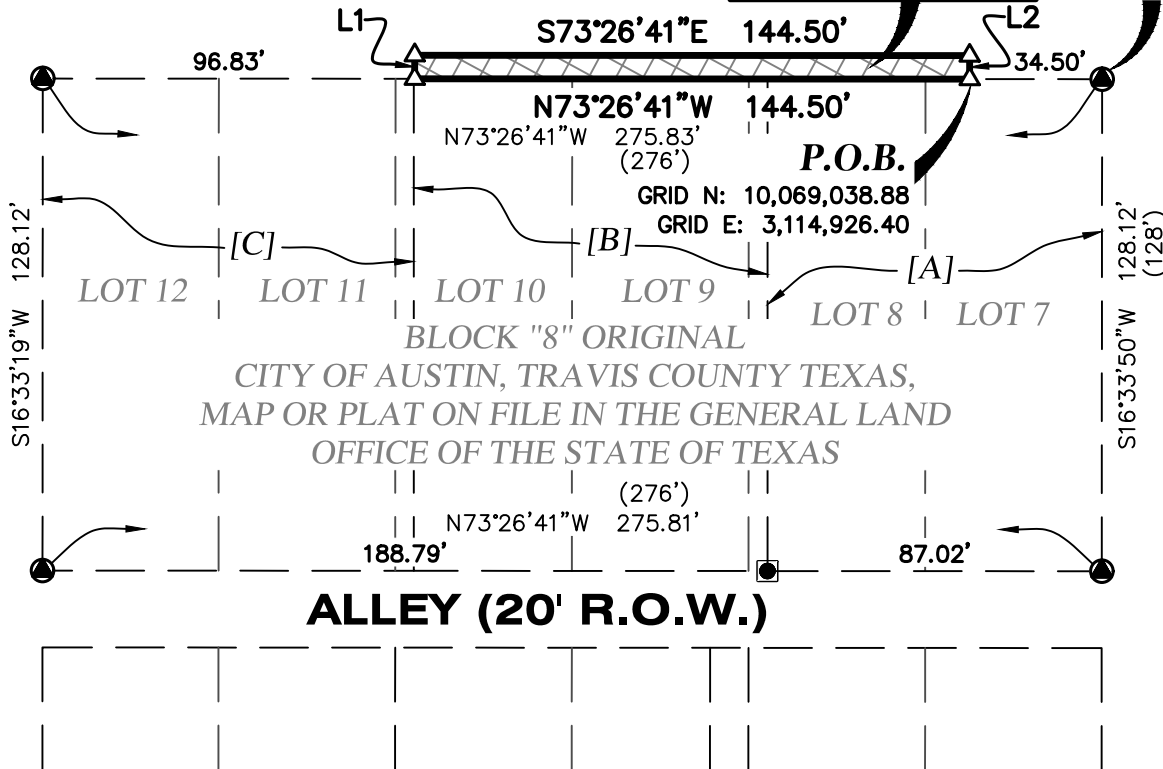
**EAST 2ND STREET  
(LIVE OAK STREET)  
(80' R.O.W.)**

**ENCROACHMENT  
AGREEMENT  
0.0203 ACRE(S)  
886 SQUARE FEET**

**P.O.C.**

GRID N: 10,069,029.05  
GRID E: 3,114,959.47

**SAN JACINTO BOULEVARD  
(80' R.O.W.)**



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

BLOCK "8" ORIGINAL  
CITY OF AUSTIN, TRAVIS COUNTY TEXAS,  
MAP OR PLAT ON FILE IN THE GENERAL LAND  
OFFICE OF THE STATE OF TEXAS

[A]

LOTS 7 AND THE EAST 41.3' OF LOT 8,  
BLOCK "8", ORIGINAL CITY OF AUSTIN  
M.M. REYNOLDS 67 M.O.M. TRUST  
VOL. 11571, PG. 754  
R.P.R.T.C.T.

[B]

THE WEST 4.9' OF LOT 8, LOT 9 AND  
THE EAST 41.2' OF LOT 10, BLOCK "8",  
ORIGINAL CITY OF AUSTIN  
KNIGHT FAMILY PARTNERSHIP, LTD  
DOC. # 2018130131  
O.P.R.T.C.T.

[C]

LOTS 11 AND 12 AND THE WEST 4.8' OF LOT 10,  
BLOCK "8", ORIGINAL CITY OF AUSTIN  
KUHN-POZEZ PROPERTIES  
VOL. 8054, PG. 870  
D.R.T.C.T.



**0.0203 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

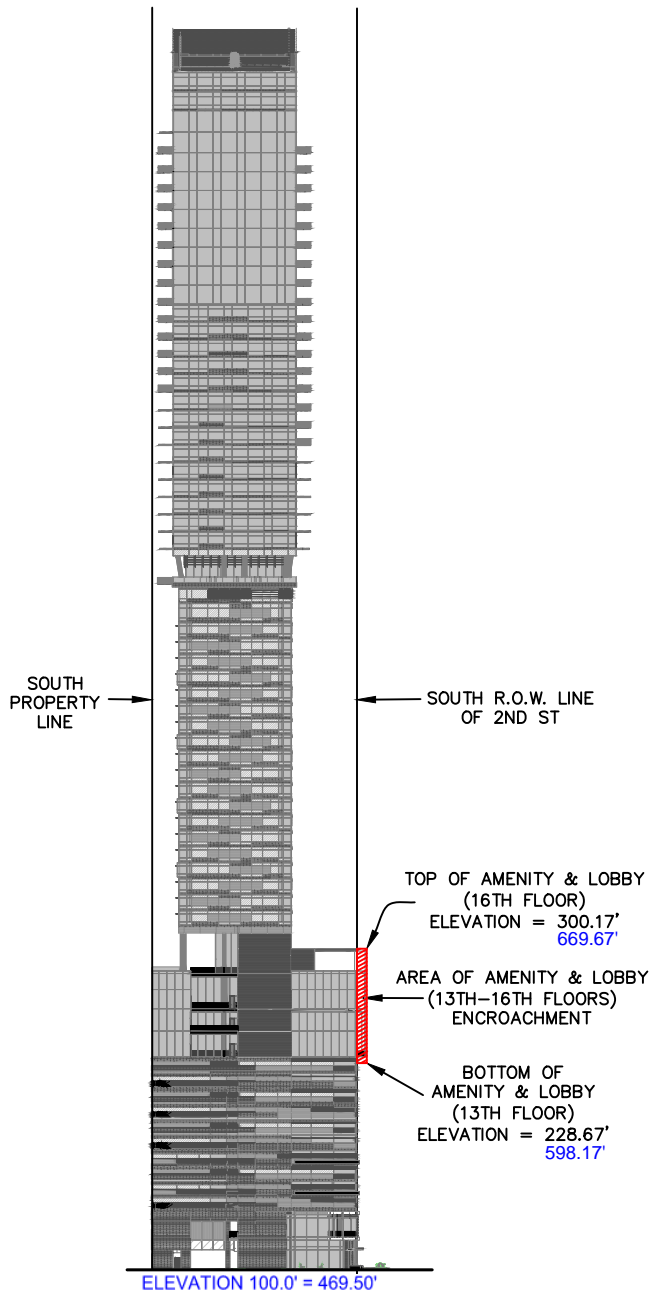
Date:	3/14/2022
Project:	00858
Scale:	1" = 50'
Reviewer:	FM
Tech:	FM
Field Crew:	TS/JC
Survey Date:	APR. 2019
Sheet:	1 OF 3

B-14

**PROFILE VIEW**

(ON EAST SIDE OF BUILDING LOOKING WEST)

- 1) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT THE FINISHED FLOOR OF THE MAIN LOBBY.

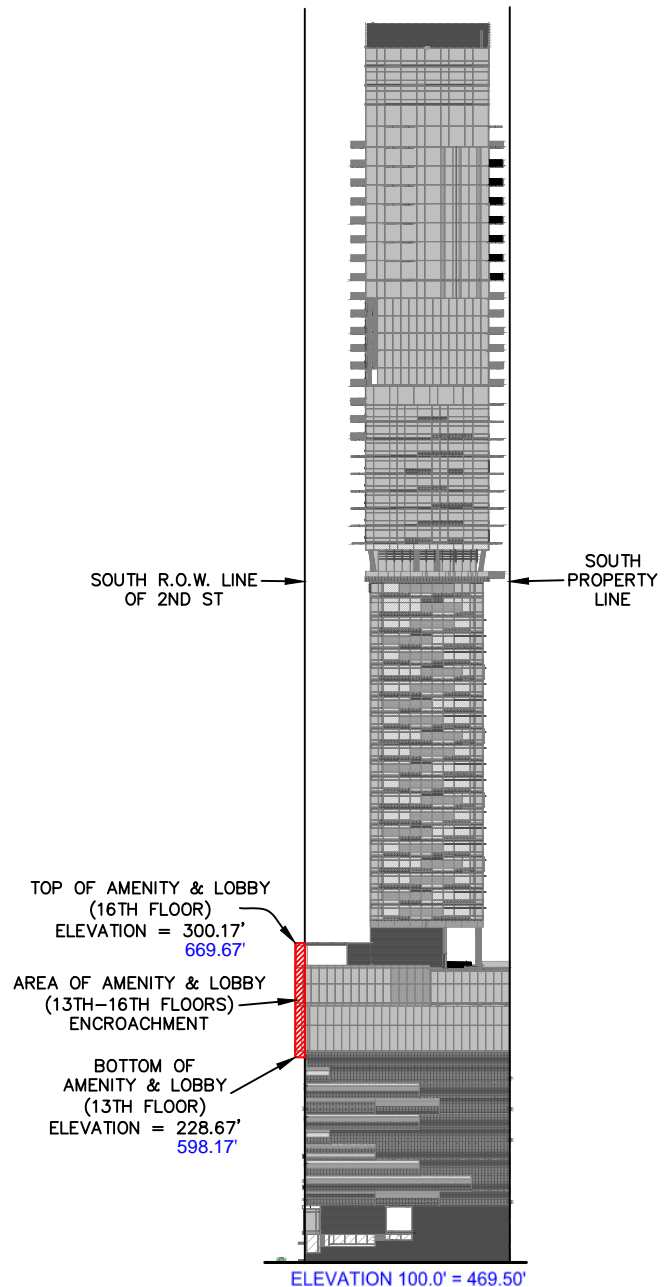


17 of 55

**PROFILE VIEW**

(ON WEST SIDE OF BUILDING LOOKING EAST)

- 1) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT THE FINISHED FLOOR OF THE MAIN LOBBY.
- 2) THE ENCROACHMENT AREA HAS AN APPROXIMATE VOLUME OF 63,349 CUBIC FEET.



**0.0203 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

Date:	3/14/2022
Project:	00858
Scale:	NTS
Reviewer:	FM
Tech:	FM
Field Crew:	TS/JC
Survey Date:	APR. 2019
Sheet:	2 OF 3

## LEGEND

	PROPOSED EASEMENT LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
	CALCULATED POINT
	MAG NAIL WITH "4WARD BOUNDARY" WASHER SET
	IRON ROD WITH ILLEGIBLE CAP FOUND (UNLESS NOTED)
DOC. #	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER ORIGINAL CITY OF AUSTIN

TCAD PARCEL #192857  
COA GRID #J22

## LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N16°33'19"E	6.13'
L2	S16°33'19"W	6.13'



3/14/2022

### NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000058431559.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

**0.0203 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**



A Limited Liability Company

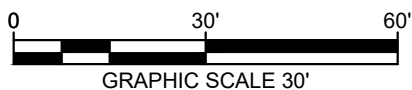
PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

Date:	3/14/2022
Project:	00858
Scale:	N/A
Reviewer:	FM
Tech:	FM
Field Crew:	TS/JC
Survey Date:	APR. 2019
Sheet:	3 OF 3



# EAST 2ND STREET

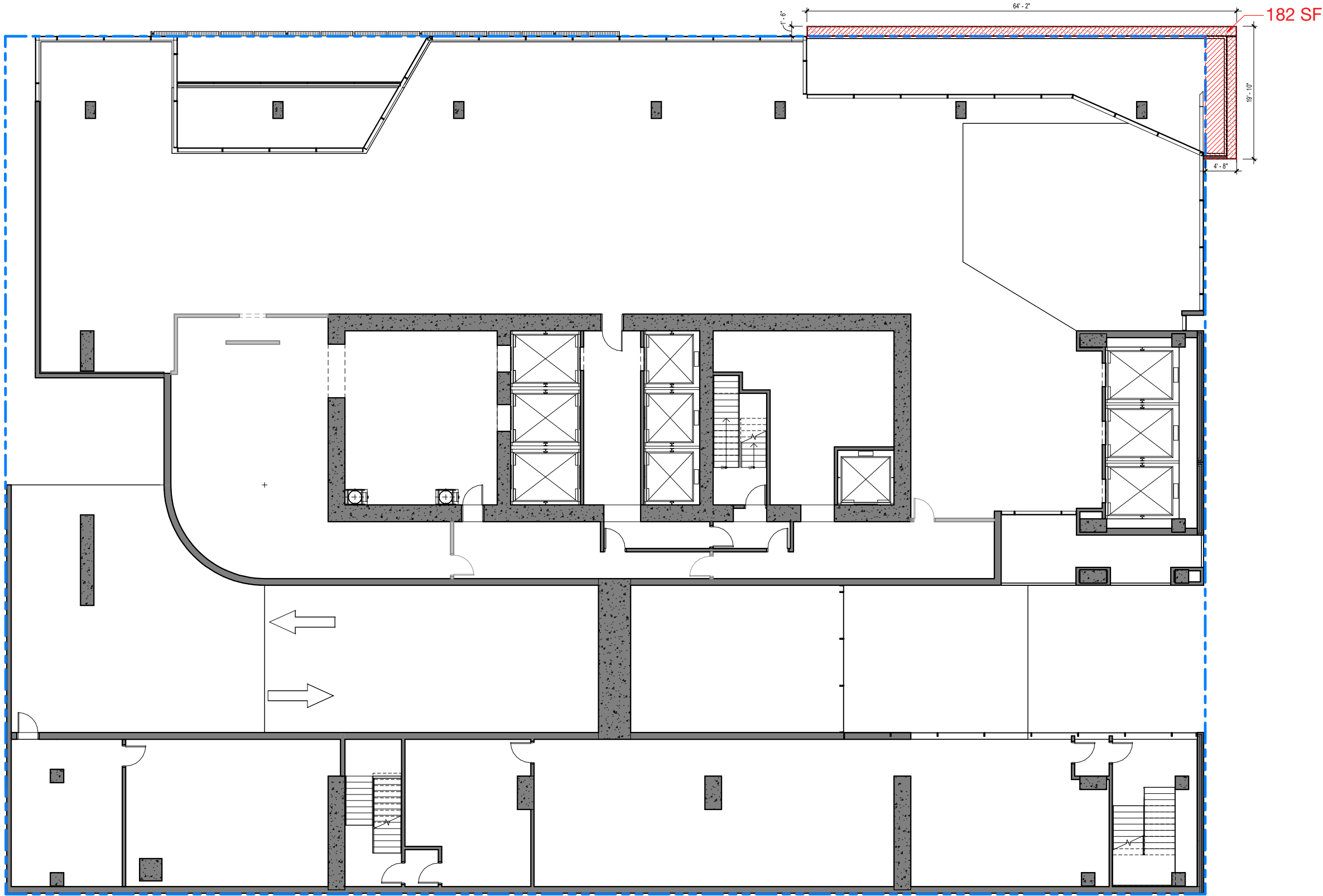
(80' R.O.W.)



307 E 2nd Street  
Level 2  
Austin, Travis County, Texas

**Kimley»Horn**

5301 Southwest Parkway- Building 2, Suite 100  
Austin, Texas 78735  
512-646-2237  
State of Texas Registration No. F-928





F# \_\_\_\_\_

(Encroachment Agreement)  
Trinity Street & East 2nd Street

**Legal Description**

**BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0042 ACRE (182 SQUARE FEET) SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF TRINITY STREET (80' RIGHT-OF-WAY), AND A PORTION OF EAST 2ND STREET (80' RIGHT-OF-WAY), BOTH BEING PUBLIC RIGHT-OF-WAYS WITHIN THE CITY OF AUSTIN, TEXAS, AND BEING ADJACENT TO LOTS 7 & 8, BLOCK 8 OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID LOT 7 AND THE EAST 41.3 FEET OF SAID LOT 8 CONVEYED TO M.M. REYNOLDS 67 M.O.M. TRUST IN VOLUME 11571, PAGE 754 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 0.0042 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**



PO Box 90876  
Austin, TX 78709  
512.554.3371  
sduarte@4wardls.com  
[www.4wardls.com](http://www.4wardls.com)

**BEGINNING**, at a mag nail with “4Ward Boundary” washer set at the intersection of the west right-of-way line of said Trinity Street with the south right-of-way line of said East 2nd Street, being the northeast corner of said Lot 7, for an interior ell-corner and **POINT OF BEGINNING** hereof;

**THENCE**, with the south right-of-way line of said East 2nd Street and the north line of said Lots 7 & 8, **N73°26'41"W**, a distance of **59.50** feet to a calculated point for an ell-corner hereof, from which a mag nail with “4Ward Boundary” washer set at the intersection of the east right-of-way line San Jacinto Boulevard (80' Right-of-way) with the south right-of-way line of said East 2nd Street, and being the northwest corner of Lot 12, Block 8 of said Original City of Austin bears, **N73°26'41"W**, a distance of 216.33 feet;

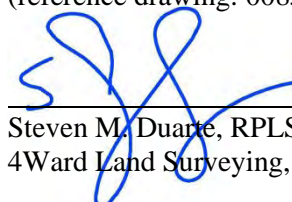
**THENCE**, leaving the south right-of-way line of said East 2nd Street and the north line of said Lot 8, over and across said East 2nd Street and said Trinity Street, the following four (4) courses and distances:

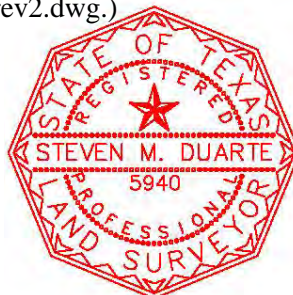
- 1) **N16°33'19"E**, a distance of **1.50** feet to a calculated point for the northwest corner hereof,
- 2) **S73°26'41"E**, a distance of **64.17** feet to a calculated point for the northeast corner hereof,
- 3) **S16°33'19"W**, a distance of **19.83** feet to a calculated point for the southeast corner hereof, and
- 4) **N73°26'41"W**, a distance of **4.67** feet to a calculated point for the southwest corner hereof, said point being in the west right-of-way line of said Trinity Street, and being in the east line of said Lot 7, from which a mag nail with “4Ward Boundary” washer set at the intersection of the north right-of-way line of a 20' Alley in Block 8 of said Original City of Austin, with the west right-of-way line of said Trinity Street, and being the southeast corner of said Lot 7 bears, **S16°33'50"W**, a distance of 109.79 feet;

**THENCE**, with the west right-of-way line of said Trinity Street and the east line of said Lot 7, **N16°33'50"E**, a distance of **18.33** feet to the **POINT OF BEGINNING** and containing 0.0042 Acre (182 Square Feet) of land, more or less.

**Notes:**

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000058431559. See attached sketch (reference drawing: 00858\_EA\_Lower Balcony\_rev2.dwg.)

  
3/14/2022  
Steven M. Duarte, RPLS #5940  
4Ward Land Surveying, LLC

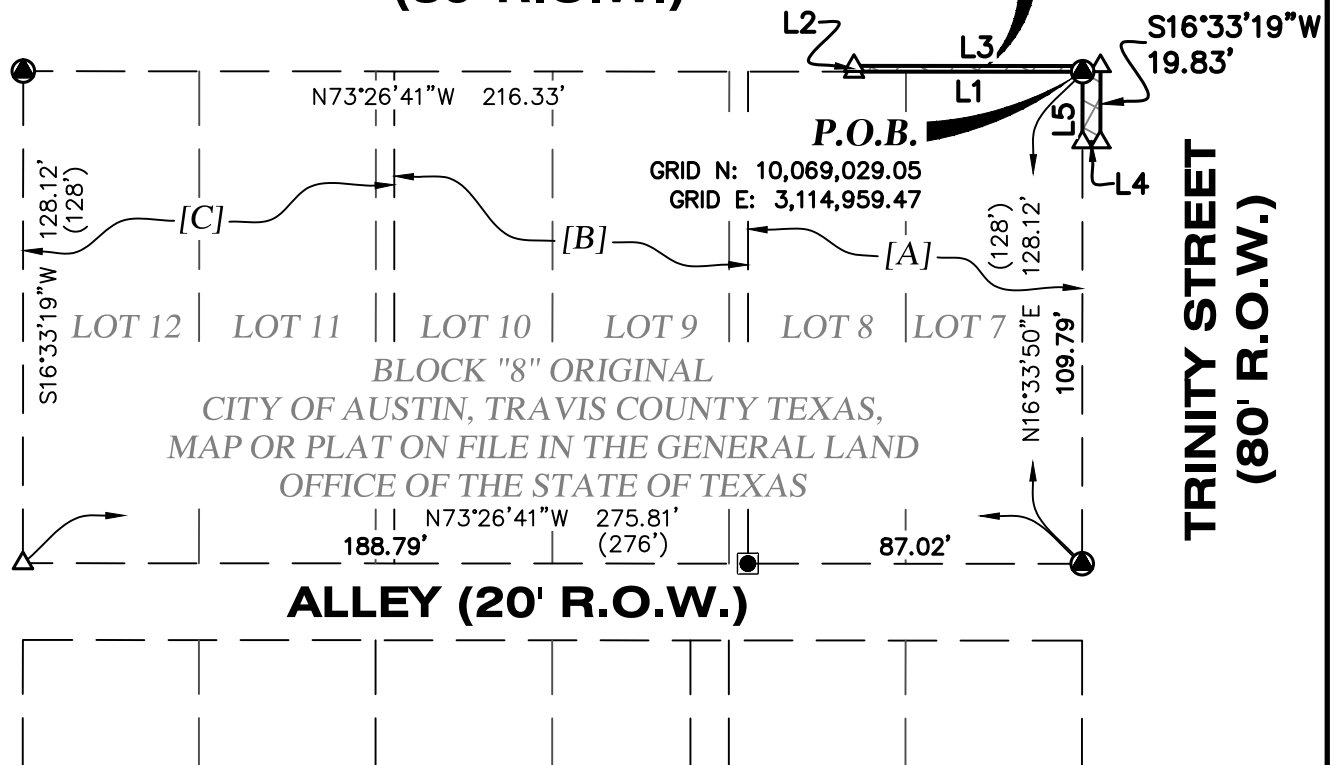


**SAN JACINTO BOULEVARD  
(80' R.O.W.)**

**EAST 2ND STREET  
(LIVE OAK STREET)  
(80' R.O.W.)**

**ENCROACHMENT AREA**

0.0042 ACRE(S)  
182 SQUARE FEET



[A]

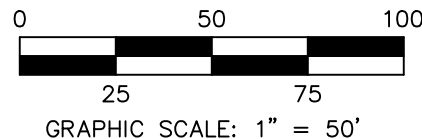
LOTS 7 AND THE EAST 41.3' OF LOT 8,  
BLOCK "8", ORIGINAL CITY OF AUSTIN  
M.M. REYNOLDS 67 M.O.M. TRUST  
VOL. 11571, PG. 754  
R.P.R.T.C.T.

[C]

LOTS 11 AND 12 AND THE WEST 4.8' OF LOT 10,  
BLOCK "8", ORIGINAL CITY OF AUSTIN  
KUHN-POZEZ PROPERTIES  
VOL. 8054, PG. 870  
D.R.T.C.T.

[B]

THE WEST 4.9' OF LOT 8, LOT 9 AND  
THE EAST 41.2' OF LOT 10, BLOCK "8",  
ORIGINAL CITY OF AUSTIN  
KNIGHT FAMILY PARTNERSHIP, LTD  
DOC. # 2018130131  
O.P.R.T.C.T.



**0.0042 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

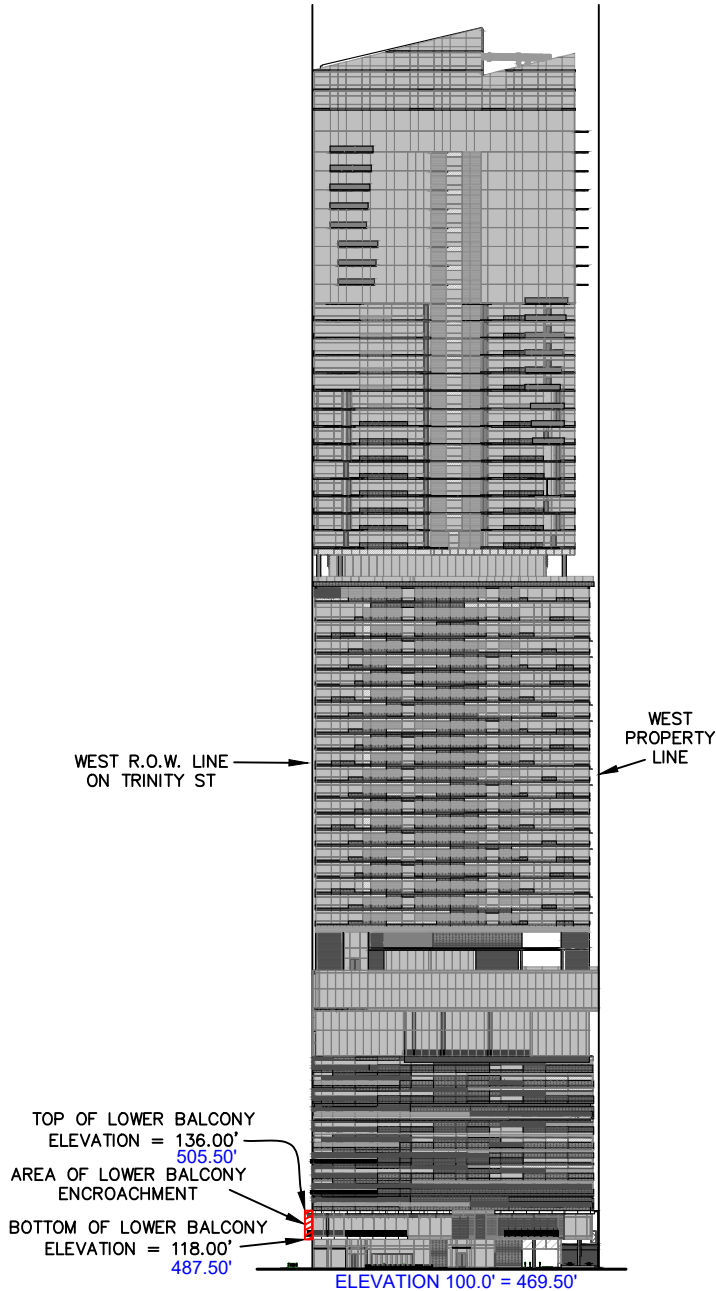
Date:	3/14/2022
Project:	00858
Scale:	1" = 50'
Reviewer:	FM
Tech:	FM
Field Crew:	TS/JC
Survey Date:	APR. 2019
Sheet:	1 OF 3

B-14

### PROFILE VIEW

(ON NORTH SIDE OF BUILDING LOOKING SOUTH)

- 1) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT THE FINISHED FLOOR OF THE MAIN LOBBY.



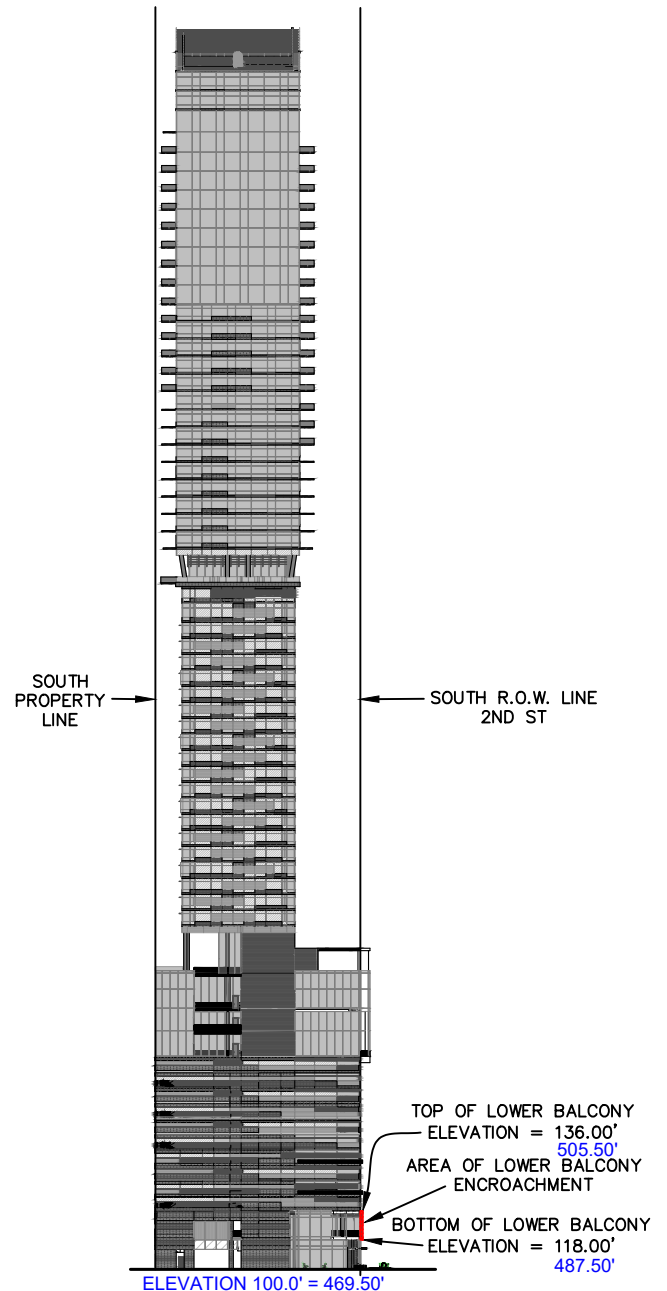
**0.0042 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**

### PROFILE VIEW

23 of 55

(ON EAST SIDE OF BUILDING LOOKING WEST)

- 1) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT THE FINISHED FLOOR OF THE MAIN LOBBY.
- 2) THE ENCROACHMENT AREA HAS AN APPROXIMATE VOLUME OF 3,276 CUBIC FEET.



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

Date:	3/14/2022
Project:	00858
Scale:	NTS
Reviewer:	FM
Tech:	FM
Field Crew:	TS/JC
Survey Date:	APR. 2019
Sheet:	2 OF 3

LEGEND	
	PROPOSED EASEMENT LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
	CALCULATED POINT
	MAG NAIL WITH "4WARD BOUNDARY" WASHER SET
	IRON ROD WITH ILLEGIBLE CAP FOUND (UNLESS NOTED)
DOC. #	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER ORIGINAL CITY OF AUSTIN

TCAD PARCEL #192857  
COA GRID #J22

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N73°26'41"W	59.50'
L2	N16°33'19"E	1.50'
L3	S73°26'41"E	64.17'
L4	N73°26'41"W	4.67'
L5	N16°33'50"E	18.33'



3/14/2022

#### NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000058431559.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

**0.0042 ACRE  
ENCROACHMENT  
AGREEMENT  
City of Austin,  
Travis County, Texas**

 <b>4WARD</b> <i>Land Surveying</i> A Limited Liability Company PO Box 90876, Austin Texas 78709 WWW.4WARDLS.COM (512) 537-2384 TBPLS FIRM #10174300	Date:	3/14/2022
	Project:	00858
	Scale:	N/A
	Reviewer:	FM
	Tech:	FM
	Field Crew:	TS/JC
	Survey Date:	APR. 2019
	Sheet:	3 OF 3

### Application for an Encroachment Agreement

File No. 2021-153370 LM  
Department Use Only

DATE: October 27, 2021  
Department Use Only

#### 1. TYPE OF ENCROACHMENT

Encroachment Type: <u>X</u> <u>Aerial</u> <u>Sub-surface</u> <u>Surface</u>
List TYPE OF ENCROACHMENT to be placed on Public Property: <u>Aerial encroachment for residential balconies, amenities and lobby balconies, parking garage facade</u>
Has encroachment been installed prior to application: Yes <input type="radio"/> No <input checked="" type="radio"/>
Adjoins property at the following street address: <u>Trinity St. &amp; 2nd St.</u>

#### 2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: <u>192856 &amp; 192857</u>
Survey & Abstract No. _____
Lot(s) <u>7, 8, 9, East 41.2' of 10</u> Block <u>8</u> Outlot _____
Subdivision Name: <u>Original City of Austin</u>
Plat Book <u>11571</u> Page Number <u>754</u> Document Number <u>20181301131</u>
County/Records: <u>Travis</u> County: <u>Deed</u> Real Property <u>Official Public</u>
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

BOTH PARCELS  
Conveyance  
information  
for abutting  
properties

#### 3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES <input checked="" type="radio"/> NO <input checked="" type="radio"/>	<u>SP-2021-0172C</u>
Subdivision: Case: YES <input checked="" type="radio"/> NO <input checked="" type="radio"/>	_____
Building Permit: YES <input checked="" type="radio"/> NO <input checked="" type="radio"/>	_____

#### 4. CONSULTANT INFORMATION

Name: <u>Harrison M. Hudson, P.E.</u>		
Firm Name: <u>Kimley Horn &amp; Associates, Inc.</u>		
Address: <u>2600 Via Fortuna, Terrace I, Suite 300</u>	City: <u>Austin</u>	State: <u>TX</u>
Zip: <u>78746</u>	Phone: <u>( 737 ) 202-3202</u>	Fax No.: <u>( )</u>
EMAIL ADDRESS: <u>harrison.hudson@kimley-horn.com</u>		

#### 5. DEVELOPER/APPLICANT INFORMATION

Name: <u>BRAD STEIN</u>		
Firm Name: <u>INTRACORP</u>		
Address: <u>515 Congress Ave Suite 1620</u>	City: <u>Austin</u>	State: <u>TX</u>
Zip: <u>78701</u>	Phone: <u>512-466-2721</u>	No.: <u>( )</u>

**6. LANDOWNER INFORMATION**

Name: <u>KNIGHT FAMILY PARTNERSHIP LTD</u> (as shown on Deed)			
Address: <u>302 E 2ND STREET</u>	City: <u>Austin</u>	State: <u>TX</u>	
Zip: <u>78701</u>	Phone: _____	Fax No.: (____) _____	
Lienholder Name: <u>JAMES KNIGHT</u>			
Lienholder Address: <u>302 E 2ND STREET Austin, TX 78701</u>			
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: _____			
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:  \_\_\_\_\_  
Applicant

Please check the appropriate box.

- ☐ Landowner  
☐ Tenant  
☒ Agent for Landowner  
☐ Agent for Tenant

**6. LANDOWNER INFORMATION**

Name: M.M. Reynolds 67 M.O.M. Trust \_\_\_\_\_ (as shown on Deed)

Address: 815 Brazos Street, Suite 606 City: Austin State: TX

Zip: 78701 Phone: \_\_\_\_\_ Fax No.: (\_\_\_\_) \_\_\_\_\_

Lienholder Name: Mike Reynolds \_\_\_\_\_

Lienholder Address: 4009 SABIO DR APT 164 AUSTIN, TX 78749

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: \_\_\_\_\_

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:  \_\_\_\_\_  
Applicant

Please check the appropriate box.

☐ Landowner☐ Tenant☒ Agent for Landowner☐ Agent for Tenant



## MASTER COMMENT REPORT

As of: June 06, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



Review Dept.	Reviewer	Phone	Attempt Date	Approved Date
LM AT&T (SWBT)				

No Comment	Mashell Smith	(512) 974-7079	05/10/2022	05/10/2022
Comments:	<P>Multiple emails have been sent to reviewer to receive a response. Deadline for response was 4/4/2022, At this time, staff will proceed with processing the application for approval. Reviewer response may change between now and signing of the encroachment agreement; If any lines are problematic, it is the responsibility of the owner to have them moved.			

Approved	Kathy Uhrig	512-978-1639	11/08/2021	11/08/2021
Comments:	I approve of this encroachment. Thank you, David A. Williams LEAD OSP PLNG & ENGRG DESIGN 817 W. North Loop Austin, TX 78756 737 255-4856			



As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



Review Dept.

Reviewer

Phone

Attempt Date

Approved Date

LM ATD Review

Approved

Ravi Dhamrat

512-974-1217

12/03/2021

**12/03/2021**

**Comments:** Approved per ATD Director review.

Approved

Ravi Dhamrat

512-974-1217

04/12/2022

**04/12/2022**

**Comments:** Approved as resubmittal is a reduced scope from first submittal and fits inside encroachment envelope that was previously approved by ATD Director.

As of: June 14, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
LM Austin Resource Recovery Review				

Approved	Michael Zavala	(512) 974-1837	10/29/2021	10/29/2021
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Comments: See no issues with this encroachment that would effect any ARR services.

Approved	Heather Ketten	512-974-1954	04/11/2022	04/11/2022
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Comments: The aerial encroachment should not affect access for our vehicles along the affected streets.

As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
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LM AW Infrastructure Management

<b>Rejected</b>	Eric Sermeno	512-972-0497	11/18/2021	
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**Comments:** Austin Water (AW) does not recommend the request approximate 0.1388 acres (6,050 square-foot) of Right-of-Way (ROW) Encroachment request at this time. The area requested for ROW encroachment is more particularly described as being situated in the City of Austin, Travis County, Texas, being a portion of Trinity Street (80-foot Right-of-Way), East 2nd Street (80-foot Right-of-Way), and a portion of a 20-foot alley in Block 16, being a public Right-of-Way within the City of Austin, Texas, and being adjacent to Lot 6, Block 16 of the Original City of Austin, According to the map or plat on file in the General Land Office of the State of Texas and with an address of 307 E 2nd Street, Austin, Texas, 78701.

More information is needed to confirm actual ground elevation and the bottom floor elevation closest to ground elevation to ensure AW will have a minimum of 17-feet vertical clearance from ground to bottom of encroachment over right-of-way. Applicant is to provide a new survey or cross-section showing actual ground elevation and bottom elevation to closest encroachment of ROW. The statement at the top of the exhibits provided that states "Elevations shown are based on an assumed elevation of 100.00' at the finished floor of the main lobby" is not sufficient. The city needs proof of actual ground elevations and certified. Additionally, there is concern about operation and maintenance of existing AW infrastructure in the area. AW is requesting applicant to provide a response on where equipment/materials will reside? And, if AW needs to access our water or wastewater lines, will equipment/materials be easy to move for City personnel to access? How close will the equipment be from the existing utilities?

<b>Rejected</b>	Mashell Smith	(512) 974-7079	03/31/2022	
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**Comments:** Applicant needs to clarify which encroachment location is correct. The first exhibits requested encroachments on the North side of 2nd and Trinity while the revised request showed encroachments on the South side of 2nd and Trinity.

As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



Review Dept.	Reviewer	Phone	Attempt Date	Approved Date
Approved	Mashell Smith	(512) 974-7079	06/01/2022	06/01/2022
Comments:	Duplicate Review: AW Eli Pruitt approved May 2, 2022 - see other comment			
	Austin Water (AW) has no objections to the (1st) 0.0203 acre (866 Square Feet) and (2nd) 0.0042 acre (182 Square Feet) Encroachment Agreements. The 1st agreement is better described as being a tract of land containing 0.0203 Acre (866 Square Feet) situated in the City of Austin, Travis County, Texas, being a portion of East 2nd Street (80-foot Right of Way), a public Right of Way within the City of Austin, Texas, and being adjacent to Lots 7-10, Block 8 of the original City of Austin. The 2nd agreement is better described as being a tract of land containing 0.0042 Acre (182 Square Feet) situated in the City of Austin, Travis County , Texas, being a portion of Trinity Street (80-foot Right of Way), and a portion of East 2nd Street (80-foot Right of Way), both being a public Right of Ways within the City of Austin, Texas, and being adjacent to Lots 7 and 8, Block 8 of the original City of Austin, both according to the map or plat on file in the General Land Office of the State of Texas , and with an address of 307 E 2nd St, Austin, TX 78701.			
Approved	Eli Pruitt	512-972-0493	05/02/2022	05/02/2022
Comments:	Austin Water (AW) has no objections to the (1st) 0.0203 acre (866 Square Feet) and (2nd) 0.0042 acre (182 Square Feet) Encroachment Agreements. The 1st agreement is better described as being a tract of land containing 0.0203 Acre (866 Square Feet) situated in the City of Austin, Travis County, Texas, being a portion of East 2nd Street (80-foot Right of Way), a public Right of Way within the City of Austin, Texas, and being adjacent to Lots 7-10, Block 8 of the original City of Austin. The 2nd agreement is better described as being a tract of land containing 0.0042 Acre (182 Square Feet) situated in the City of Austin, Travis County , Texas, being a portion of Trinity Street (80-foot Right of Way), and a portion of East 2nd Street (80-foot Right of Way), both being a public Right of Ways within the City of Austin, Texas, and being adjacent to Lots 7 and 8, Block 8 of the original City of Austin, both according to the map or plat on file in the General Land Office of the State of Texas , and with an address of 307 E 2nd St, Austin, TX 78701.			
Approved	Eli Pruitt	512-972-0493	04/28/2022	04/28/2022
Comments:	Austin Water (AW) has no objections to the (1st) 0.0203 acre (866 Square Feet) and (2nd) 0.0042 acre (182 Square Feet) Encroachment Agreements. The 1st agreement is better described as being a tract of land containing 0.0203 Acre (866 Square Feet) situated in the City of Austin, Travis County, Texas, being a portion of East 2nd Street (80-foot Right of Way), a public Right of Way within the City of Austin, Texas, and being adjacent to Lots 7-10, Block 8 of the original City of Austin. The 2nd agreement is better described as being a tract of land containing 0.0042 Acre (182 Square Feet) situated in the City of Austin, Travis County , Texas, being a portion of Trinity Street (80-foot Right of Way), and a portion of East 2nd Street (80-foot Right of Way), both being public Right of Ways within the City of Austin, Texas, and being adjacent to Lots 7 and 8, Block 8 of the original City of Austin, both according to the map or plat on file in the General Land Office of the State of Texas , and with an address of 307 E 2nd St, Austin, TX 78701.			

As of: June 14, 2022

**PROJECT NUMBER:** 2021-155370 LM

**PROJECT NAME:** [2021-155370] LM 307 E 2nd Street

**LOCATION:** 307 E 2ND ST, AUSTIN, TX 78701



<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
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LM Capital Metro

<b>Approved</b>	Mashell Smith	(512) 974-7079	10/29/2021	<b>10/29/2021</b>
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**Comments:** Hello The following work is Approved by Cap Metro . Please proceed with permitting . Any questions please reach out to me . 512-417-6387 -Cell  
Ron Foster  
Assistant Transportation Planner , Capital Metro  
P: 512-389-7565 | M: 512-417-6387

<b>Approved</b>	Mashell Smith	(512) 974-7079	03/29/2022	<b>03/29/2022</b>
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**Comments:** Hello The following work is Approved by Cap Metro . Please proceed with permitting . Any questions please reach out to me . 512-417-6387 -Cell

Ron Foster (pronouns: he/him )  
Assistant Transportation Planner , Capital Metro  
P: 512-389-7565 | M: 512-417-6387  
E:Ron.Foster@CapMetro.Org  
W: www.capmetro.org  
A: 2910 E 5th Street

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As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
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LM Code Enforcement Review

Approved	Alicia Tovar	512-944-6145	12/02/2021	12/02/2021
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Comments: None

Approved	Mashell Smith	(512) 974-7079	04/28/2022	04/28/2022
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Comments: Austin Code Enforcement no longer reviews encroachment applications.

As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
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LM DSD - Planning Review

<b>Rejected</b>	Sutton Giese	(512) 974-1612	11/22/2021	
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**Comments:** BPBD1. ELEVATIONS: The elevations in this plan set do not indicate an accurate height. There are no dimensions on the (unstamped) drawings. Please indicate how the balconies over 8' and below 15' comply with 3202.3.2 in the 2021 IBC.

BPBD2. SITE PLAN: The approved and released Site Plan from January does not contain any elevations or complete plans. There appears to be a Revision to a Site Plan from May of this year - SP-2021-0172C. This document is currently listed as Inactive. Please note that no License Agreement will be able to be approved until the information on the Site Plan has been approved, and will be able to be compared to the drawings submitted as part of this License Agreement.

<b>No Comment</b>	Mashell Smith	(512) 974-7079	06/01/2022	<b>06/01/2022</b>
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**Comments:** Duplicate review Ron Menard approved 4-12-2022

<b>Approved</b>	Ron Menard	512-974-2384	04/12/2022	<b>04/12/2022</b>
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**Comments:** None

As of: June 6, 2022

PROJECT NUMBER: 2021-155370 LM

PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



Review Dept.

Reviewer

Phone

Attempt Date

Approved Date

**LM Electric Review**

**Rejected**

Rosario Navarro

512-322-6754

11/15/2021

**Comments:**

Denied.

1. Show the proposed encroachment areas in relation to Austin Energy's electric facilities. There must be 35' clear above manholes and where the vault doors will be.

2. Contact Rudy Vela at rudy.vela@austinenergy.com to discuss the vault location and size and the encroachments in relation to AE's existing and proposed facilities.

**Rejected**

Mashell Smith

(512) 974-7079

04/13/2022

**Comments:**

Denied. Demonstrate that the restaurant balcony(ies) along 2nd Street are a minimum of 7'6" from the existing underground electric conduit and streetlight poles.

**Approved**

Mashell Smith

(512) 974-7079

06/01/2022

**06/01/2022**

**Comments:**

This is a duplicate review. See comments in other LM Electric Review panel



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Approved	Rosario Navarro	512-322-6754	05/19/2022	<b>05/19/2022</b>
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**Comments:** AE approved.

#### LM EMS Review

Approved	Milissa Warren	(512)972-7234	11/02/2021	<b>11/02/2021</b>
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**Comments:** EMS will support staff recommendation on this request.

Approved	Milissa Warren	(512)972-7234	04/25/2022	<b>04/25/2022</b>
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**Comments:** EMS will support staff recommendation on this request.

As of: June 06, 2022

PROJECT NUMBER: 2021-155370 LM  
PROJECT NAME: [2021-155370] LM 307 E 2nd Street

LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



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LM Fire For Site Plan Review

Approved	Tom Migl	512-974-0164	11/15/2021	11/15/2021
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Comments: None

Approved	Tom Migl	512-974-0164	03/30/2022	03/30/2022
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Comments: None

As of: June 06, 2022

PROJECT NUMBER: 2021-155370 LM

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Review Dept.

Reviewer

Phone

Attempt Date

Approved Date

LM GAATN Review

Approved

Carlos DeMatos

(512) 974-6513

11/05/2021

**11/05/2021**

Comments: None

Approved

Carlos DeMatos

(512) 974-6513

03/28/2022

**03/28/2022**

Comments: None

As of: June 14, 2022

**PROJECT NUMBER:** 2021-155370 LM

**PROJECT NAME:** [2021-155370] LM 307 E 2nd Street

**LOCATION:** 307 E 2ND ST, AUSTIN, TX 78701



Review Dept.

Reviewer

Phone

Attempt Date

Approved Date

LM Google Fiber Texas

**Approved**

Kathy Uhrig

512-978-1639

11/08/2021

**11/08/2021**

**Comments:** Google has UG facilities along Trinity St and approves of the Aerial Encroachment - 2021-155370 LM 307 E 2nd Street Application. Google Fiber has no conflicts.

Please let me know if you have any questions.

Thank you,

Kari McNelly | Telecommunications Planner Texas Utility Engineering, LLC. - An EN Engineering Company

6709 Guada Coma | Schertz, TX 78154

Telephone: 210.728.3132 | Cell: 972.261.9442 kmcnelly@txue-inc.com | www.txue-inc.com

**Approved**

Mashell Smith

(512) 974-7079

04/28/2022

**04/28/2022**

**Comments:** Google Fiber is clear along E 2nd Street and approves this Encroachment Application for - 2021-155370 LM 307 E 2nd Street.

Please let me know if you have any questions.

Thank you!

Elizabeth Figueroa | Project Assistant

Texas Utility Engineering, LLC. - An EN Engineering Company

6709 Guada Coma | Schertz, TX 78154

Main: 210.728.3166 |

As of: June 14, 2022

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LM Grande Communications				
Approved	Daniel Pina	512-978-1639	10/29/2021	10/29/2021
Comments:	Grande has no objections Daniel Piña Utility Coordinator- Austin/San Marcos Grande Communications® Cell:737-346-7155 daniel.pina@mygrande.com			
Approved	Daniel Pina	(512) 974-7079	03/29/2022	03/29/2022
Comments:	Grande has no objections Daniel Pina - daniel.pina@astound.com			

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LM PARD / Planning & Design Review

Approved	Robynne Heymans	512-974-9549	11/14/2021	11/14/2021
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Comments: None

Approved	Robynne Heymans	512-974-9549	03/30/2022	03/30/2022
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Comments: None

As of: June 14, 2022

**PROJECT NUMBER:** 2021-155370 LM

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**LM PAZ Long Range Planning Review**

<b>Rejected</b>	Kathleen Fox	512-974-7877	03/28/2022	
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**Comments:** 307 E. 2nd Street Encroachment Permit  
Comments submitted on March 28, 2022  
Not enough information given on how much this project will take of the public sidewalk and if parking or egress onto into project area will block the public sidewalk or pose a hazard to pedestrians.  
Relevant Imagine Austin policies and text:  
LUT P11. Promote complete street4 design that includes features such as traffic calming elements, street trees, wide sidewalks, and pedestrian, bicycle, and transit access throughout Austin, considering the safety needs of people of all ages and abilities.  
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.  
Text from Imagine Austin on Page 131: Limit places for exclusions. Not every street can or needs to become a complete street. Exclusions are sometimes necessary, but there should be a high standard for allowing exceptions. For example, specific reasons for not installing sidewalks should be described.

<b>Approved</b>	Kathleen Fox	512-974-7877	11/23/2021	<b>11/23/2021</b>
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**Comments:** Proposal does not conflict with the policies of the Imagine Austin Comprehensive Plan.

Kathleen Fox  
City of Austin | Housing & Planning Dept.  
Tel | 512.974.7877  
Email | kathleen.fox@austintexas.gov

As of: June 14, 2022

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Approved	Kathleen Fox	512-974-7877	04/12/2022	04/12/2022
Comments:	Proposal does not conflict with the policies of the Imagine Austin Comprehensive Plan.			

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#### LM PAZ Zoning Review

Approved	Wendy Rhoades	512-974-7719	10/28/2021	10/28/2021
Comments:	No comments; Approved			
Approved	Wendy Rhoades	512-974-7719	03/24/2022	03/24/2022
Comments:	No comments; Approved			



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<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
LM PWD Safe Route to Schools Review				
Approved	Tracy Ho	512-974-7142	11/17/2021	11/17/2021
Comments:	None			
Approved	Tracy Ho	512-974-7142	04/11/2022	04/11/2022
Comments:	None			

As of: June 6, 2022

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<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
LM PWD Sidewalks & Special Projects Review				

Approved	Eric Dusza	512-974-6504	11/02/2021	11/02/2021
Comments:	None			

Approved	Eric Dusza	512-974-6504	03/28/2022	03/28/2022
Comments:	None			

As of: June 06, 2022

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<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
LM PWD Urban Trails Review				
Approved	Katie Wettick	512-974-3529	11/05/2021	11/05/2021
Comments:	None			

Approved	Katie Wettick	512-974-3529	03/24/2022	03/24/2022
Comments:	None			

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As of: June 6, 2022

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LM PWD-OCE Review

Rejected	Jose Ramos	512-974-8763	11/18/2021	
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**Comments:**

1. Why can't the residential balconies, lobby balconies, amenities and parking garage facade be contained wholly within the property or not encroach as far into the right-of-way/street? Please provide documentation demonstrating why the elements cannot be accommodated on the property, without encroaching into the public right-of-way. Please label elements and surveys consistently so they can be easily cross-referenced.
2. The encroachment agreement application only lists elements; however, more surveys were provided. Please reconcile the number of elements in the application with the surveys provided.
3. What contingencies will be put in place to ensure that no falling objects will have negative affect the right-of-way?
4. If not license agreement has been submitted for this project, a license agreement will be required.

Rejected	Jose Ramos	512-974-8763	04/04/2022	
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**Comments:**

1. Provide additional information on the 16th floor encroachment. It appears that the 16th floor may be proposed as an open air floor, provide information/details on what contingencies will be put in place to ensure that no falling objects will have a negative effect on the right-of-way.

Rejected	Jose Ramos	512-974-8763	04/04/2022	
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**Comments:**

1. Provide additional information on the 16th floor encroachment. It appears that the 16th floor may be proposed as an open air floor, provide information/details on what contingencies will be put in place to ensure that no falling objects will have a negative effect on the right-of-way.

As of: June 06, 2022

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Approved	Jose Ramos	512-974-8763	04/28/2022	04/28/2022
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Comments: None

Approved	Jose Ramos	512-974-8763	04/26/2022	04/26/2022
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Comments: None

As of: June 6, 2022

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LM Texas Gas Services

<b>Approved With Conditions</b>	Aaron Diaz	(512) 974-7079	11/04/2021	<b>11/04/2021</b>
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**Comments:** Approved with requirements- For mains that require relocation please contact newbusiness@onegas.com. For service line that will remain in-place, keep a 2 foot clearance (horizontal and vertical) from trees and use caution when digging near TGS lines. Entity that causes damage to TGS lines is responsible for all costs. Dial 1-800-DIG-TESS at least 48 hours prior to any excavation to have gas lines located.

Aaron Diaz  
Engineer I  
P: 512-465-1132  
C: 512-348-4650  
Aaron.Diaz@onegas.com

<b>Approved</b>	Aaron Diaz	(512) 974-7079	04/28/2022	<b>04/28/2022</b>
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**Comments:** Approved- No conflicts expected.

Aaron Diaz  
Engineer I  
P: 512-465-1132  
C: 512-348-4650  
Aaron.Diaz@onegas.com

<b>Approved</b>	Aaron Diaz	(512) 974-7079	04/28/2022	<b>04/28/2022</b>
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**Comments:** Approved- No conflicts expected.

Aaron Diaz  
Engineer I  
P: 512-465-1132  
C: 512-348-4650  
Aaron.Diaz@onegas.com

As of: June 14, 2022

PROJECT NUMBER: 2021-155370 LM

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LM Time Warner Cable / Charter

<b>Approved With Conditions</b>	Timothy White	(512) 974-7079	04/28/2022	<b>04/28/2022</b>
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**Comments:** 4/27/2022 Approval: Yes  
Comments: Charter/Spectrum approves provided any relocations and or adjustments of Charter/Spectrum facilities will be paid by the applicant/developer/owner.  
Fred McElmurry 512-539-1832

<b>Approved</b>	Timothy White	(512) 974-7079	01/13/2022	<b>01/13/2022</b>
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**Comments:** All,  
Approved.  
Please see attached, this request is now completed.  
  
Please let us know if anything further is needed.  
  
Thanks,  
Troy Smith

Troy T. Smith Jr | Construction Supervisor | D-512.682-8593|C-512.748-1425 CTX Construction, 810 W Howard Ln, Austin, TX 78753 Troy.  
Smith1@Charter.com



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LM Transportation Planning

No Comment	Mashell Smith	(512) 974-7079	05/31/2022	05/31/2022
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**Comments:** Per Ivan Naranjo DSD Transportation planning has been deleted and now all transportation comments are done by ATD - so we don't need to have comments from DSD Transportation. DSD Transportation Planning no longer exists

Approved	Mashell Smith	(512) 974-7079	12/15/2021	12/15/2021
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**Comments:** Per Ivan Naranjo DSD Transportation planning has been deleted and now all transportation comments are done by ATD - so we don't need to have comments from DSD Transportation. DSD Transportation Planning no longer exists.

As of: June 14, 2022

PROJECT NUMBER: 2021-155370 LM

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LM Urban Design Review

Rejected	Nolan Stone	512-974-7691	11/17/2021	
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Comments: 11/17/2021 & REJECTED

Additional comments from Urban Design may follow as the comments below are addressed. If clarification is needed on any of the comments below, please contact this reviewer to schedule a meeting.

1. Please clarify if project will participate in DDBP per LDC 25-2-586. If the project does participate in the DDBP, Great Streets will be required as a Gatekeeper Requirement. Please clarify if the project is to voluntarily participate in the Great Streets Program for Reimbursement per Resolution No. 040205-14. If the project wishes not to participate in DDBP and the Great Streets Program, the project will need to achieve compliance for Subchapter E Streetscape Standards. Please coordinate with Mr. Aaron Jenkins (Aaron.Jenkins@austintexas.gov) of the Urban Design Division to schedule a presentation before the Design Commission.

2. Trinity Street frontage will require approval from Historic Preservation Division. Please contact Elizabeth Brummett (Elizabeth.Brummett@austintexas.gov) to obtain approval.

3. Please coordinate with the Community Tree Preservation for approval of the proposed 2nd Story encroachment, as it will impact the existing trees on Trinity Street.

4. Please see outstanding comments of SP-2021-0172C. Make sure plans match with encroachment agreement plan set.

Rejected	Nolan Stone	512-974-7691	03/31/2022	
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Comments: 03/31/2022 - Rejected

1. Restaurant Patio on 2nd floor creates conflict with street trees. There needs to be 35 FT vertical clearance to allow proper growth of street trees.

As of: June 06, 2022

PROJECT NUMBER: 2021-155370 LM  
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LOCATION: 307 E 2ND ST, AUSTIN, TX 78701



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<b>Rejected</b>	Nolan Stone	512-974-7691	03/31/2022	
<b>Comments:</b>	03/31/2022 - Rejected			
	1. Restaurant Patio on 2nd floor creates conflict with street trees. There needs to 35 FT vertical clearance to allow proper growth of street trees.			

<b>Approved</b>	Nolan Stone	512-974-7691	06/06/2022	<b>06/06/2022</b>
<b>Comments:</b>	None			

As of: June 14, 2022

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<u>Review Dept.</u>	<u>Reviewer</u>	<u>Phone</u>	<u>Attempt Date</u>	<u>Approved Date</u>
Mobility Bond Review				
No Review Required	CPO Mobility Reviewers		11/01/2021	11/01/2021
<b>Comments:</b> This does not fall within the Corridor Construction Program Limits.				

No Review Required	CPO Mobility Reviewers		03/25/2022	03/25/2022
<b>Comments:</b> This does not fall within the Corridor Construction Program Limits.				

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**Additional backup may be found at the link below.**

[https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/40\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm)