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City of Austin Planning Commission

June 23, 2023

Re: Sixth Street Code Revisions

Dear Mr. Shaw,

Preservation Austin exists to empower Austinites to shape a more inclusive, resilient, and meaningful community culture through preservation. We write to you today to address the proposed Sixth Street Code Revisions, to be discussed at the June 27 meeting of the Planning Commission.

This code amendment was initiated by [Resolution No. 20220609-124](#), approved by City Council on June 9, 2022. This resolution amends the Sixth Street/Pecan Street Combining District overlay contained in Section 25-2-643 of the code to increase the allowable height from 45 feet to 140 feet for structures located on East Sixth Street and east of Neches Street and west of Sabine, in addition to providing guidelines for the preservation of facades on historic structures, to ensure any redevelopment is compatible with the character of the historic district. This code change was made at the request of Stream Realty, who owns these properties and plans to redevelop them.

**We are deeply concerned with setting a precedent for increasing the allowable height for new construction located in the [East Sixth Street National Register District](#).** East Sixth Street is one of Austin's most important historic and cultural assets, downtown and citywide. Efforts to protect this incredible collection of buildings, representing a diverse confluence of our city's history, date back nearly 50 years. The Sixth Street Historic District was listed in the National Register of Historic Places in 1975. City Council later enshrined the East Sixth/Pecan Street Combining District "to protect the historic character of East Sixth and to enhance the pedestrian environment of the area." To date, 33 properties in the Sixth Street National Register District have been designated as local landmarks. For decades, the overlay has contributed to the protection of this district by limiting the allowable height of new construction to 45 feet. **Amending the overlay for these select blocks exposes the entirety of the district to great risk for future code amendments and redevelopment by setting this precedent.**

Given Council's extraordinary resolution to increase entitlements on these two blocks, we are pleased to see that the design standards proposed by staff for these blocks are in close alignment with the [City of Austin Historic Design Standards](#). While the new allowable height of 140 feet will generate development that is inherently incompatible with the district, we welcome the additional oversight for review of projects by the City that the standards provide. It is important to stress that outside the height restrictions prescribed in the overlay, **the district's status as a National Register District does not provide protection from demolition for contributing buildings**, nor does it provide anything greater than advisory review by the Historic Landmark Commission for new development in the district. Given this, we ask **Planning Commission and City Council to recommend inclusion of the additional recommendations made by the Historic Landmark Commission to the proposed code change:**

- Legally codify the proposed design standards by requiring a Certificate of Appropriateness for modifications to contributing structures and new construction to the National Register district.
- Clarifying the definition of “façade” to mean the first 15 feet of a contributing building and requiring that existing façades be preserved where technically feasible.
- Ask Council to consider tax caps for adjacent legacy businesses to mitigate the development pressures that will impact the district as a result of this project.

We especially want to stress our support for establishing legally binding oversight for alterations and new additions to contributing structures on this block. **In exchange for the massive entitlements being granted to Stream, we believe this level of oversight by the City is both necessary and reasonable.**

We also ask that Stream do its part in ensuring that the full story of East Sixth Street is told. During a time of racial segregation in the early 20th century, the district was a locus of Black, Mexican, Lebanese, Jewish, and Chinese-owned businesses. Mexican physician and advocate Alberto Garcia opened a private practice at 209 E. 6<sup>th</sup> Street by 1920. Black pharmacist Thomas DeLashwah owned a pharmacy 421 E. 6<sup>th</sup> Street, which he operated until 1928. Everett Givens—one of Austin’s first Black dentists and the namesake of Givens Park—opened the Lyric Theater at 419 E. 6<sup>th</sup> Street where Black Austinites could watch movies, with Dr. Givens’ dental practice upstairs. This accounting only begins to scratch the surface of the incredible and diverse history that East Sixth contains. The current National Register nomination addresses very little of this important historic context. **As a part of their stewardship, we ask that Stream fund an updated National Register nomination that foregrounds East Sixth Street’s diverse history and updates the status of contributing buildings in the district based on that cultural significance.** Additionally, we ask that Stream invest in interpretive signage throughout the district so that the thousands of visitors to East Sixth Street—locals and tourists alike—can know the story of this special place.

We further encourage City Council to work with property owners to explore additional preservation incentives that would support reinvestment in this district, including the City of Austin’s Heritage Grant program, offering up to \$250,000 to projects that support historic resources and programs that attract tourists, and federal and state historic tax credits, which combined total a 45 percent tax credit on qualifying expenses for income-producing properties.

As we stated in our [letter to Council](#) in 2022, we strongly believe that district-wide historic zoning is the logical next step to creating a vital, cohesive vision for the future of East Sixth Street and strongly urge Council to designate the district as a Local Historic District to ensure that this does not happen again in the future. Should you have any questions, please feel free to contact Policy & Outreach Planner Meghan King at [We](#) thank you for your consideration of this item and your service to Austin.

Sincerely,



Linda Y. Jackson, President