

## **ZONING CHANGE REVIEW SHEET**

**CASE NUMBER:** C14H-2009-0054

**HLC DATE:** September 24, 2009  
October 26, 2009

**P.C. DATE:** November 10, 2009

**AREA:** approx. .175 acre

**APPLICANT:** Historic Landmark Commission

**HISTORIC NAME:** 83 Rainey Street

**WATERSHED:** Town Lake

**ADDRESS OF PROPOSED ZONING CHANGE:** 83 Rainey Street

**ZONING FROM:** CBD

**ZONING TO:** CBD-H

**SUMMARY STAFF RECOMMENDATION:** Staff is working with the applicant to form an agreement which would change the recommendation to withdraw the historic zoning case in favor of a restoration plan with an addition including necessary demolition.

**HISTORIC LANDMARK COMMISSION ACTION:**

**September 24, 2009:** Initiated a historic zoning case. (4-0, 2 absent)

**October 26, 2009:** Recommended the proposed zoning change from Central Business District (CBD) to Central Business District – Historic (CBD-H) combining district zoning for the architectural and historical significance of the house (5-0).

**PLANNING COMMISSION ACTION:** November 10, 2009: With the comment of staff that the owner was working with staff on a compromise agreement, the Planning Commission voted to send the recommendation of the Historic Landmark Commission “Recommended the proposed zoning change from Central Business District (CBD) to Central Business District – Historic (CBD-H) combining district zoning” on to the City Council, so the case could move forward, on consent (8-0).

**DEPARTMENT COMMENTS:** The ca. 1894 house is contributing to the Rainey Street National Register District. “Despite encroaching development in downtown Austin, the Rainey Street Historic District remains a remarkably intact historic neighborhood that includes a high concentration of modest Victorian era, classically inspired, Craftsman-influenced bungalow dwellings,” (Amy E. Dase and Russell B. Ward in Letter Report No. 1 submitted to the Heritage Society of Austin, 28 April 2000.) The house is listed as a priority 2 for research in the Comprehensive Cultural Resources Survey (1984). It is built in the free classical style and is a microcosm of the NRHD and the central city itself, demonstrating the changes from an Anglo middle class to an Anglo and Latino working class neighborhood. Currently it is transitioning to a mixed use area singularly positioned amid high density residential and tourist development, similar to highly successful historic districts of La Villita in San Antonio, the French Quarter in New Orleans, or Old Town Center in Santa Fe.

**CITY COUNCIL DATE:** January 28, 2010

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Susan Villarreal

**PHONE:** 974-3524

**NEIGHBORHOOD ORGANIZATION:**

Austin Monorail Project  
Austin Neighborhoods Council  
Austin Parks Foundation  
Downtown Austin Neighborhood Association  
Downtown Austin Neighborhood Coalition  
Downtown Austin Neighborhood Assn.  
(DANA)  
Home Builders Association of Greater Austin  
Homeless Neighborhood Assn.

Greater East Austin Neighborhood  
Association  
League of Bicycling Voters  
Save Town Lake.Org  
Sentral Plus East Austin Koalition (SPEAK)  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and  
Appealers Organization  
Tejano Town

**BASIS FOR RECOMMENDATION:**

**ARCHITECTURE**

The building is a one-story wood-frame late Victorian cottage with a brick chimney and front porch built in a wing and gable style. There is a rear shed addition, the doors and windows have been covered with decorative metalwork in recent years and an intrusive stone wall has been built in the front yard between the house and the right-of-way.

**HISTORY OF THE PROPERTY**

The address is first listed in the Austin City Directory in 1894-95 as the residence of Dennis Sheehan, Sr., teamster, and his son, Dennis W. Sheehan, Jr., a tailor for R. Renz, and another Sheehan, John. By the end of the century, John Sheehan is listed as the resident of 83 Rainey, also a teamster, with Miss Kate Sheehan, saleslady at Hatzfeld and Company and Patrick F. Sheehan, a butcher, also at this address. (It appears that Patrick lived at 304 Willow Street in 1893-94.) There may be a mistake in the directory as in 1897-98, a John J. Sheehan, also a teamster, is listed at 83 Rainey and in 1910, a John P. Sheehan, heavy hauler is listed, who might actually be the same individual.

Several other Sheehan families appear to be listed in Austin at this time, two of them associated with meat markets in Austin. One, John Sheehan, worked at a meat market at 122 Congress Avenue. Another, Jeremiah F. Sheehan, was the Proprietor of the Eclipse Meat Market, located at 209 W. 6th Street. Jeremiah's namesake (son or father?) and two other family members worked with him in that enterprise.

In any case, there are no Sheehans listed in the 1916 Austin City Directory. At that time, The house at 83 Rainey Street was occupied by Joseph J. Machen and Misses Kate, Margaret and Mary, presumably his daughters, all stenographers for Austin Bondsmen. Joseph and Lizzie Machen are again listed in the 1920 Directory, this time with Joseph as an employee of Sheehan Transfer Company. The daughters are not listed.

From 1930 to 1940, T.H. White and his wife Viola owned the house. Mr. White was a Meat Cutter. His wife lived in the house as a widow. Raymond and Delores Donley bought the house by 1949 and lived there with their son and daughter-in-law. The owners in the 1970s and 1980s were Pablo J. and Victoria E. Astran.

The house is a contributing structure to the Rainey Street National Register Historic District.

**PARCEL NO.:** 0203031011

**DEED RECORD:** 06302009

**LEGAL DESCRIPTION:** Lot 10, Block 1, Outlot 72-73 Division E of the Driskill & Rainey Subdivision

**ANNUAL TAX ABATEMENT:** \$4,124 (owner-occupied rate); \$2,087 (income-producing rate). Of which, \$1003, and \$501, respectively, would be in City tax savings.

**APPRAISED VALUE:** \$307,200, Land \$72,783, Improvements, \$379,983, Total

**PRESENT USE:** Vacant

**CONDITION:** Fair/Poor

The applicant has commissioned a structural report which is attached detailing the condition of the building.

**PRESENT OWNER**

Nueces Street Capitol, LLC

By applicant: Robert Icenhauer-Ramirez

1103 Nueces Street

Austin, Texas 78701

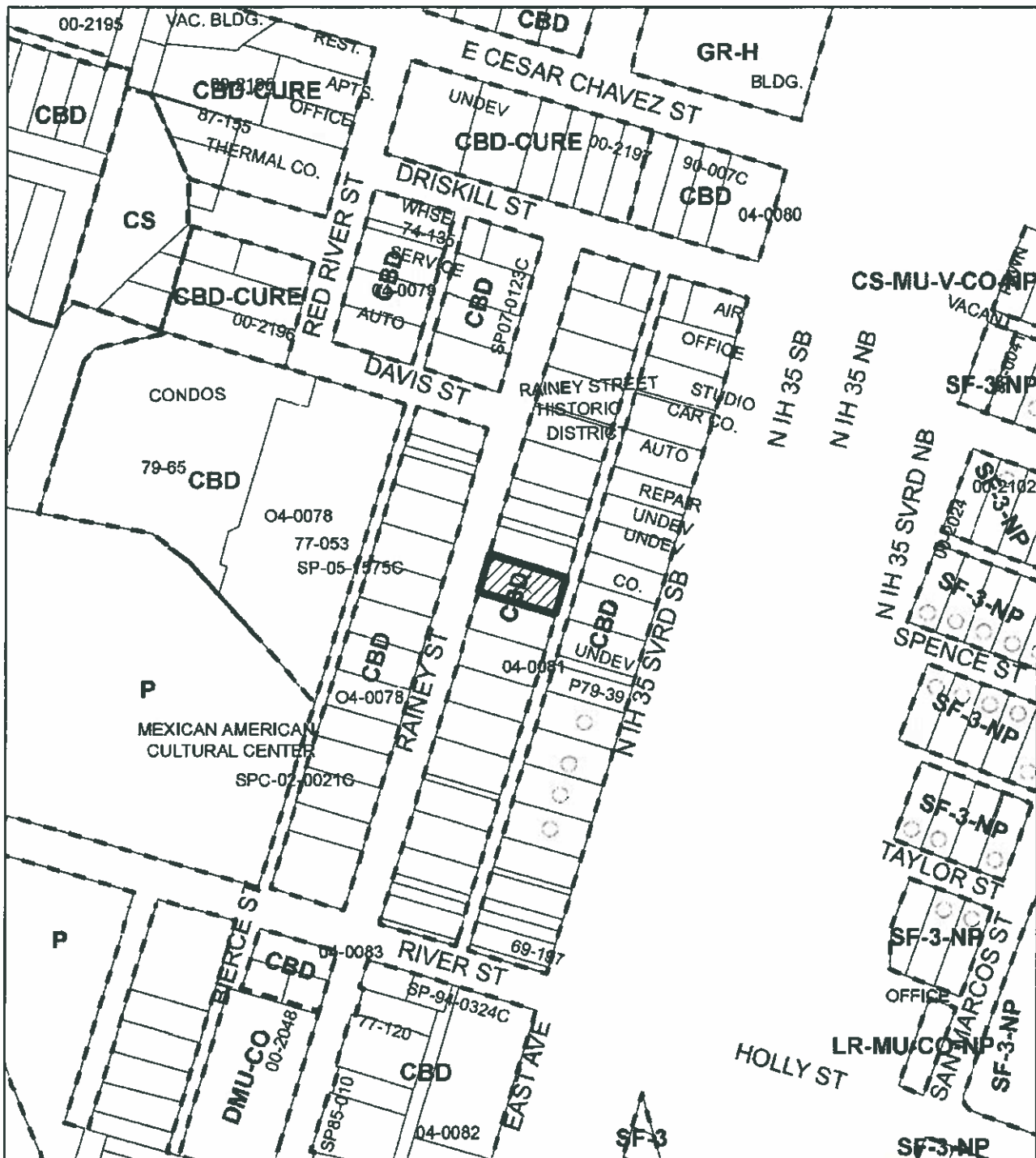
**DATE BUILT:** ca. 1894

**ALTERATIONS/ADDITIONS:** Ironwork over the windows, rear addition and detached carport




**ORIGINAL OWNER(S):** Dennis Sheehan (1893-4)

**OTHER HISTORICAL DESIGNATIONS:**

The house is listed as a Priority 2 for research in the Comprehensive Cultural Resources Survey (1984).



1" = 200'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

#### NATIONAL REGISTER DISTRICT

ZONING CASE#: NRD-2009-0070  
 ADDRESS: 83 RAINEY ST  
 SUBJECT AREA: 0.000 ACRES  
 GRID: J21  
 MANAGER: S. SADOWSKY



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

## PHOTOGRAPHS



## OCCUPANCY HISTORY

### 83 RAINEY STREET

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Completed September 2009

City Historic Preservation Office Staff

1980	Pablo J. and Victoria E. Astran, owners No occupation listed	
1975	Pablo J. and Victoria E. Astran, owners Capital Memorial Court	
1960	Paul and Vctoria A. Estrand [sic] Laborer	
1949	Raymond and Delores Donley, owners City Barber Shop Raymond and Zelba Donley Jr. Salesman, Whites Auto Stores	
1940	Mrs. V. D. White, owners No occupation listed	
1935	T.H. and Viola White, owners No occupation listed	
1930-31	T.H. and Viola White, owners Meat Cutter Washington Market	
1927*	R.H. and Julia James, owner Ticket Agent, M.P. Lines	*T.H. White at 84 Rainey Street, renter
1920	J.J. and Lizzie Macken, owners Sheehan Transfer Co.	
1916*	Joseph J. Machen Teamster Miss Kate Machen Stenographer, Ray McCuthan Bonds Miss Margaret M. Machen Stenographer, Sandbo and Shelton, Bonds Miss Mary M. Machen Student, Bonds	*No Sheehans listed in Austin in 1916
1910	John P. Sheehan, Heavy hauling	

1897-98	John J. Sheehan, Teamster Miss Kate Sheehan Saleslady, Hatzfeld and Co. Patrick F. Sheehan, butcher	* John Sheehan, 75 Rainey, renter
1895-96	Dennis Sheehan, Sr., renter Teamster Dennis W. Sheehan, Jr. Tailor, R. Renz John Sheehan	*Patrick F. Sheehan, 304 Willow
1893-94	same as above	

Also listed under the surname Sheehan in the 1893-1898 directories at other addresses were:

Nicholas A. Sheehan, Clerk (with Jeremiah Sheehan)  
Edward Sheehan, Clerk (with Jeremiah Sheehan)  
Jeremiah F. Sheehan, Proprietor Eclipse Meat Market (209 W. 6<sup>th</sup> Street)  
Jeremiah Sheehan, Contractor  
Emma Sheehan, Widow (of William)  
John Sheehan, Meat Market at 122 Congress

In 1891-92, there is a Miss Bertie Sheehan, Principal of Scott's Store District School



THE AUSTIN

# CHRONICLE

Local Lilith Faire:  
Kitty Gordon  
Handful  
Shindigs p.54

Closing  
Down Rainey  
Street

Does Downtown's Last Real Neighborhood  
Want to Be Saved? by Mike Clark-Madison p.18

18 No. 46

[www.auschron.com](http://www.auschron.com)

July 16, 1999



311 The Austin Chronicle July 16, 1980



begin in September with the past fiscal year. More, perhaps the city is simply neglected out from CSC. Towns like Fruit and other enemies of modern politics, but even with this commitment, Ramsey Street has to be inspired almost as much enthusiasm as a museum about. Which only makes sense, given the turbulence the city has faced and will face now as it makes across Ramsey, but is still real. The second-most thing that could happen to Ramsey Street is if the city then only what's easy and politically expedient. The worst thing would be if it did nothing at all.

### What It Looks Like

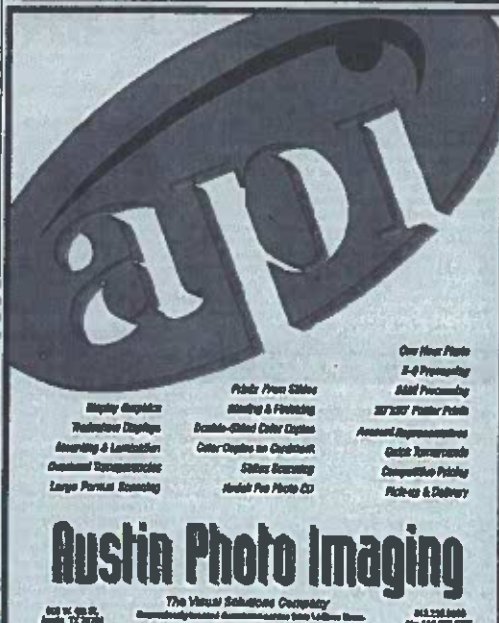
Some key of the land. Railway Street itself runs north-south through the middle of the 85-acre Rainey neighborhood, which lies between 133rd and Walker Creek, Center Church Street and Town Lake. Most of the property lying to the east (along Town Avenue) and west (along Red River) of Railway Street is either vacant or has been given over to downtown-type uses, though not necessarily the high-rent uses envisioned for the New Downtown.

This would include everything from the Haldey Inn and Towers of Tower Lake to a major printing plant, offices for the Austin Fire Department and Texas MHIHL, several other offices and multi-level developments, and don't forget - the newly approved, so-called-unbuilt Mexican-American Cultural Center (MACC). And across the street, of course, is the Convention Center, for which history is to become an auxiliary parking lot. Right in the middle of all this, on or just off Riney Street back, are the 49 indignantly historic that have so complicated this town.

These are what remain of more than 150 homes that were standing — though often barely — in 1967, when Ausua's old urban-renewal program did what we think is the first comprehensive land-use survey of the area, at the time considered a high priority for clearance. Though this is not Ausua's oldest or the same, it was never what you'd call a glamorous neighborhood, and was initially home to squatters and small businessmen, the same folks who occupied much of the old Colorado River floodplains.

Those trailers, and successive waves of working-class households, left few traces, much of what the 1967 study considered a wholly transient town was composed of houses that were, at the time, only 20 to 30 years old. But 18 surviving houses on Rotary Street today date from

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# Rainey Street,

from p. 19

the same 1893-1930 era as the Eastside neighborhoods in which in pre-interwar days Rainey was connected. And, like several of those neighborhoods, Rainey Street has since 1986 been listed as a historic district on the National Register of Historic Places.

This designation throws a spanner in the works of any large-scale plan to clear Rainey Street of its homes; indeed, that was the intent of the activists who applied for the National Register listing. The historic district doesn't exactly shut down redevelopment, but even if the core of Rainey houses within the district boundaries were left alone, their existence constitutes what property owners can do with the surrounding land. The city code restricts, in various ways, what you can build or operate near to or near property that is either zoned or used for single-family, and there's not much land in Rainey that isn't affected by these compatibility restrictions.

More importantly, the existence of a Neighborhood-Maple-Capitol in the middle of what would otherwise surely be densely packed downtown real estate is enough to scare all sorts of well-meaning developers — especially since this neighborhood is largely Mexican-American

**"Even if you wanted to preserve the houses, Rainey Street will look dramatically different in two or three years, and that reality is what's pushed people over the top."**

— resident Bridget Shea

and was for years a holy cause, probably for the coalition of activists we now call El Concilio, which claimed "the last Chicano neighborhood west of 1-35" as its birthright, even after it was clear that Rainey Street didn't really want to be "saved" as badly as outsiders wanted to save it.

As with much of El Concilio's struggling grounds along Town Lake, Rainey Street used to be a lot more Anglo — 40% in 1960, higher before then — than the southside's this-twas-always-been-our-better-ethnic-world imply. Of course, it was the Anglos who were most likely to pull up stakes during Rainey's 30-plus years of terminal neighborhood illness, though now — and upon the Eastside neighborhoods — the ethnic balance is tilting back, with an influx of Anglo second-city types looking for affordability in the urban core.

## Who Lives There

Among the members of Rainey Street's most famous residents, former council member and now City Springs Alliance director Bridget Shea, who with husband John Unsworth and two sons lives on the corner of Rainey and Davis. That is, most famous current residents. You'd be surprised at how many local landmarks have a Rainey Street address in their past. It's a neat little neighborhood, and some people would definitely like to keep living here, but they're in the minority, she says. Even if you wanted to preserve the houses, Rainey Street will look dramatically different even in two or three years and

Former council member Bridget Shea with husband John Unsworth and sons Charlie in front of their home on Rainey Street.



Clockwise from above: Rainey Street Neighborhood Association president Maria Elena Hernandez and her daughter Eva; speed bumps on Rainey Street; and Rainey Street kids circa 1991.



that reality is what's pushed people over the top."

Shea is one of the last people you'd expect to be advocating for the de-preservation, if you will, of a historic working-class urban neighborhood, but "the majority of residents have increased in upward mobility and getting more money. John and I were about the only ones who wanted to stay residential. Even if we were the newcomers and weren't about to sell our new neighbors what to do."

Soon they were not just bobbed, but out in front of their neighbors' cause. "We wanted people to understand the value of their property, with all the things being developed in the area, and [to] look for the best solution that would

allow the longtime residents to get the best value for their land."

If this were a movie — either *Alfredo on Rainey Street* or *Highway on Rainey Street*, Part V, take your pick — Shea would be one of the above-the-line ones. Donovan and screenwriter would be Bobby Velasquez, who has been working for 15 years to find the Los Angeles for his family — playwright Ray Velasquez was the *Boy of the Year* — and his neighbors. "We've lived here for 35 years, but this is the reality," he says. "I just want to make sure the Hispanic people are not screwed out the door."

Velasquez's goal for some time has been a combined offering by the neighbors on issues,

and probably the actual consolidation of the properties. "I never really have liked to bother my neighbors, but they are interested in moving out and leaving something for their kids while they're alive," he says. "If they don't sell together, they're not going to get as much — they'll get rubbed by developers who flip the property three or four times. So everybody wants to stick together."

And what about the inevitable boldness? "Nobody's been left out of these discussions — the only ones who haven't been involved are the absentee landlords who just bought in for an investment," Velasquez says. "It would be nice

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# Rainey Street,

from p.22

of a hint to me if somebody who doesn't live here holds out, but if it were someone who lives here, I have to respect my neighbors. But they know what's going on."

## The Developers Cometh

The post-actors of the Rainey Street saga's current installment would be Robert Knight and Perry Lorenz, the downtown landowners who hold big chunks of the Rainey area and even bigger visions for the future. "We originally proposed new houses, almost zero-lot-line, within the existing lot lines [of their parcel] in the south end of [the neighborhood]," says Lorenz. "That was the path we headed down until we realized there was sympathy for much more intense uses by the homeowners who knew they could get the same houses, more money, and a better neighborhood somewhere else."

What Knight and Lorenz did — which, in retrospect, may not have been such a wise idea to turn those "much more intense uses" into a tangible, if totally hypothetical, format. By now, everyone who's been involved in the Rainey saga has seen maps, rendered for Knight and Lorenz by staff at Gruenke, Simpson, and Cowan, showing Rainey Street turned into a single major new development, covering dozens of walk-to-work acres, with space for hotels, condos, entertainment, and that oft-banned downtown beast, destination retail. (Think Galleria. Think Mall of America.) The existing street grid could be altered or could disappear entirely (see map, p.24).

Now do not reflexively jump to "never here, it's hard to think of a major city — even San Francisco — that doesn't have something like this already. The place is just such a project in downtown Austin as few, and the Rainey Downtown City is nothing if not ready for bold new ideas. None of which means it's a good idea, but a Rainey mega-mall is not an outrageous idea either, at least not any more. It would have been five years ago.)

Anyway, Lorenz and Knight also get points to emphasize the fact that their maps are not real projects. Just illustrations of what could be done with Rainey Street if it were master planned. But the facts remain: if either they or the Rainey neighbors are so far apart, up-dollar for their land — the securing figure is \$43 a square foot —



Perry Lorenz, Planning and Development Coordinator for the Museum of Contemporary Art, stands on the corner site of the building.

they're going to need downtown zoning (CBD) on all their consolidated property. Any developer who would attempt to build on the Rainey area — who would buy 40-acre acres of CBD-zoned land, in one place, for that price — a total of over \$100 million — is going to build very, very big. And a residential/entertainment/hotel complex makes more sense than an office complex or the mother of all condos towers, since those sectors are happening right now elsewhere in the urban core. See "Rainey's Price Tag" below for more on the real-estate economics of Rainey Street.

Rainey does not mean, however, that Lorenz and Knight's vision is the end goal of everyone on Rainey Street. It is indisputable that the absolute majority of Rainey property owners, including homeowners, support a planning process that leads to upgrading, probably to CBD. Beyond that, who sells, who buys, who builds, and what gets built on how many parcels is all undecided, and whatever, for one, errand "office build-

ings, probably a hotel, and something to work with the MACC. We're not against the MACC."

## The MACC Stance

But the Museum of Contemporary Art Center — or more precisely to backers, since the MACC doesn't exist yet — is not definitely against Lorenz and Knight's vision. Part of this opposition is easy to foresee: some of these Lorenz/Knight maps show the MACC and the Austin Museum of Art (which was caught in the CSC shuffle when the proceedings were made) combined into one facility as part of the project.

Now, to put it simply, the MACC is a politically sensitive subject, and one should not try to fix it in such ways. And it's sensitive in the sense that Rainey Street has long been sensitive, even though El Comodoro has so far stayed clear of the controversy, when all these people sit down at the chamber table to a few weeks or

months, it'll likely be the MACC team whose position will be closest to the traditional El Comodoro Rainey-ness-ness line.

"We'll like to see the residents stay there, and I know that some don't want to, but must do," says the MACC's Dennis Salas. "I think there's a perception that the neighborhood is behind Knight's plan, but I don't know if the residents really know all that's going on. ... We definitely support a consistent plan for the neighborhood that we all have input in. But Robert Knight is very passionate about his vision and convinced that there's no other way. We can't just have his plan shoved down our throats — there need to be other voices brought in as well. And that's the biggest obstacle right now to having something everyone can agree with."

Just as the Rainey neighbors and Lorenz and Knight have found common cause, the MACC has allied with Gordon Dunningway, the Dallas developer whose application for downtown redevelopment zoning (DDU) — a less intense category

## RAINEY'S PRICE TAG

It used to be that when activists talked about "protecting the interests" of the people of Rainey Street, they meant protecting them from being forced out. Now, it's more likely to be protecting them from being forced off. It has not escaped the neighborhood's notice that they are downtown, and downtown land is expensive. Very expensive.

When talking about the price tag for the selling of Rainey Street, a number that comes up often — and is usually attributed to Robert Knight — is \$10 a square foot. That translates into nearly \$130,000 for a typical house-size house lot, commercial lots for the neighborhood lot on Rainey Street, but still between \$1 million and \$1.5 million for Rainey alone (from Brickell to River Street). If you add in the adjacent block of East Avenue (much of which is owned by the Volkswagen family and Knight and Perry Lorenz), with its highway frontage, you're probably topped \$13 million.

In this too much to pay for a chunk of downtown Austin? Probably, though Knight and Lorenz are right when they argue that, since 40- to 50-acre chunks of downtown are not usually planned, a developer who would build that much land — that a big real estate — could be willing to pay a premium for it. Rainey-own-ers in every way an unprecedented price for the central business district — the land for TTI Company, the former Franklin Federal building, went for more than \$100 a foot back of the height of Boom 91. And Rainey neighbors recent being offered comparable prices by speculators in years past. But a price that would require multi-acre CBD zoning to

support a project that would likely have to include a high-rise commercial to offset the land cost. ("If you pay that much for land," says developer Gordon Dunningway, "you have to build to get it up, and further up.") This would be impossible, or at least tough, if even this of the single-family residential homeowners could not. Aside from the logistical problems a mid-block holdout would pose to any project, current zoning standards prevent anything resembling a midblock from being taller than 20 feet, require substantial setbacks, or narrow lots at all.

If we and up with a Rainey Street where some or all of the contingencies — or, perhaps, the 50 that are "contingency scenarios" to the National Register Historic District — remain, you could still get CBD zoning for them and convert them to office or industrial, but the value of the resulting parcels, largely non-sustainable downtown parcels would be a lot less, and that's effectively and up with a downtown midblock (DDU) neighborhood, which is the zoning Dunningway applied for last year.

## Approximate Property Values

	Single-Family	Commercial
Rainey St. Neighborhood	\$19,900	\$100,000
West Avenue, downtown	\$79,000	\$225,000
Travis Heights / S. Congress	\$66,600	\$60,000
CBD - Congress Avenue	N/A	\$800,000

It's hard to say what land is worth as well as worth, since so much neighborhood value is Austin-ness. The best recent sale, on either the downtown or Rainey side of East — where Lorenz and Robert Dunningway are building their Michael's center — is probably the closest, but it's increased by major amounts, while Rainey is effectively a out-of-the-way parcel, but not a lot.

About the only way to gauge the relative value of land, when it's improvements, in different parts of town is by looking at property appraisal records through the Travis Central Appraisal District — and, as most owners in Central Austin have, TCAD values often have no more than a passing relationship to actual market prices. But for what they're worth: Right now, an average residential house lot on Rainey Street, within the Lorenz, is appraised at between \$14,800 and \$28,000. But the same-sized lot used for commercial use — for example, on East Avenue, or north of Brickell Street — is valued at upward of \$100,000. Interestingly, the latter values were slightly lower this year than they were in 1990.

Meanwhile, on the other side of downtown, a residential lot on West Avenue, south of ADE — a "downtown-adjacent" neighborhood of a sort — is appraised at upward of \$70,000, whereas the same lot used commercially above the amount is around \$225,000. A residential lot in Travis Heights might — if it were the same size as a Rainey Street lot — be appraised as high as \$68,000, while the same amount of commercial property on South Congress would be about \$20,000. And the same amount of land on Congress Avenue proper — say, underneath the Franklin Federal building — is appraised at well over \$800,000, and has gone up nearly 50% in just one year.

— K.C.B.



## politics

then CBD - for the property at the far south end of Rainey, next to the MACC, brought Rainey Street back into the news. It's ironic that Dan Dumas has become the lightning rod here, since everyone - the MACC, Lomax and Knight, Weintraub, whoever - claims to really like his project, which combines lake-view condos with a small-scale retail. "The new scenario is downtown housing, and Dumasway has responded to that," says Lomax. "I think it's a good project and a good idea, and it's exactly what I would have done."

So why did Lomax et al. fight the zoning change for a project ultimately so much smaller? One reason is that spot-sprinkling that one piece (it was formerly LO Clinical offices) into the downtown office buildings next to it on East Avenue runs counter to the neighborhood's vision of operating through a Rainey Street master plan. "We're puzzled about the value of a planning process from which this major project has basically been exempted," says Shea. "It makes us want to re-evaluate our opinions." (Dumasway owns another piece of land north of the present project, and has said he wants to be part of any neighborhood plan.)

The other reason is that, by allowing a major project at that site, the city has effectively eliminated the option of redeveloping the worst grid, a

I'm just a guy who wouldn't do anything to hurt that neighborhood or the residents. I want forward because the city wanted me that Smart Growth project built house-city housing, and that's what this is about. It's not intended as a slap in the face to the neighborhood in any way."

All this together persuaded both the Planning Commission and City Council to not only approve Dumasway's request, but to do so unanimously, overriding the valid position in opposition to the project, presented by the Rainey neighbors. "It's a very difficult issue, and I was in a quandary," says Council Member Chris Garcia. "But I didn't think we needed to hold this development hostage so that we could do planning for someone else."

### What Happens Next?

So what happens now? In terms of a planning process, nobody knows yet. Just that there will be one. "The question we have right now is what is the goal for this neighborhood," says city planning director Allison Librach, who has been tasked - without additional resources or staff, naturally - with the project. "The question of what will be done or should be done to help them reach that goal is still up in the air."

As with other downtown projects, Librach's

**"Right now, the issue with the planning process is credibility. If the city had really wanted to be involved in a planning effort down here, they would have made it a priority. My guess is that the city really doesn't want to be involved because of several hot-potato issues."**

— developer Robert Knight

key element of Knight's vision. "It takes a pretty big piece out of the puzzle," Knight says. "I add another couple of caveats, which I think are major caveats, but you work with what you have to work with."

For his part, Dumasway emphasizes that his project "is a real deal - not a speculative plan or drawing on a piece of paper that says maybe we'll move the pieces, build this big ridge, (and the houses) down. The speculation involved in whatever else was going to happen here was way beyond my budget. It was purely the scenarios that forced me and convinced to force me to go forward."

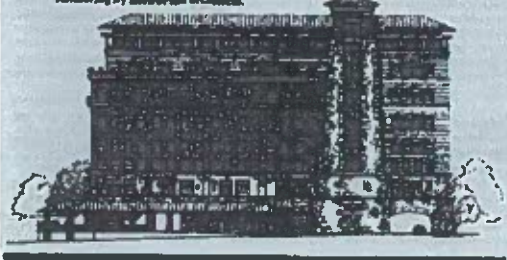
"I've always thought that what I want to do isn't incompatible with anyone else's vision for the neighborhood," Dumasway continues. "I personally don't think it should be CBD - I think it would be a great mixed-use neighborhood - but I'm not opposed to it. I'm not a land planner."

Next job will be to make through all the pretense planning for Rainey Street. One "Plan Planning History," p. 26, for the historical highlights, a corpus that is full of reminders that some of these ideas - single-family redevelopment, mixed use, or total CBD redevelopment - is new (even the current case for mixed housing and traffic circles is not new; traffic calming improvements on Rainey were proposed in 1984 and finally built last year).

Back in April, Garcia had asked that Dumasway's case be delayed 45 days to give the Rainey neighbors time to "consider the options that may be available to them." Those days come and went without the Rainey neighbors hearing anything from city staff. Now, while there's talk of the process beginning this month, it appears more likely that serious work would not commence until the next fiscal year (or at least until after the budget is adopted, since all other work is pushed

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Developer Christian Dumasway recently secured zoning approval for his Rainey Street Condominiums, an eight-story residential project housing 80-90 units, a roof garden, a fitness center, and banquet facilities. Rendering by Sherbrook architects.



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# Here Today, Gone Tomorrow?

Pretty much everyone seems to agree that the Rainey Street neighborhood can't stay the way it is for much longer. (Of course, that's been the conventional wisdom for 30 years; see timeline below). The question is, now is it going to evolve? Here are a couple of different ways of looking at that question:

## ON THE GROUND

Left is the current vision and the old and flow of the new market - in other words, if the city doesn't step in with a master plan, development in the area will proceed piecemeal, with individual projects applying for zoning, variances, and permits as they come up. The map at right shows the existing lot lines as they stand today. The heart of Rainey Street itself is listed as an historic district (between Oakhill and River streets) on the National Register of Historic Places, but no one quite knows yet what that means for redevelopment.

**CBD FUTURE:** These property owners - including longtime neighborhood leader Bobby Velazquez (1) and downtown movers Perry Barrow and Robert Knight (2) - have formally indicated their desire for a neighborhood master plan that would include "some movement with the Central Business District." Some of these properties - primarily along the Red River and East Avenue - are already home to CBD uses. (Properties in white below indicate property owners who are neither opposed nor in favor of a neighborhood plan.)



**URGENT STREET BORDER:** Cities developer Gordon Dunaway's masterplan project at the end of Rainey (3) will be "somewhere around" the single-family houses elsewhere in the street, but not as intense as CBD. Dunaway also owns property north of the condo project (4), which he says he'd like to have included in any neighborhood master plan.

**CITY-OWNED PROPERTIES:** The City of Austin owns some 2,000 acres or more along Town Lake. A sizable chunk of that is dedicated to the future Mexican-American Cultural Center (within the dotted line).

## MASTER PLAN?

The independent rendering at left, produced by the architectural firm of Chamber, Blumstein, and Coates for developers Robert Knight and Perry Barrow, shows what Rainey Street might look like as a single major new development, encompassing almost all of the street, with space for hotels, condos, restaurants, and retail. The existing street grid would be abandoned or could disappear entirely; in this version, Red River is extended to a place in front of the MACC, and Rainey Street itself is turned into a pedestrian walkway.

Dear to mind that for something like this to happen, all of those included into shown above would have to be consolidated into one or a few parcels, re-zoned CBD, and made available to a single developer. It's unlikely that this could be done without the city stepping in to help broker the deal, and given developers' Austin's history, it's unlikely that any developer would pass up the opportunity to ask for a city "creative package."



## PAST PLANNING EFFORTS

We've been down this street before

Having now been on the brink of collapse for more than three decades, Rainey Street has been the focus of many ambitious plans and schemes. Good to have the neighborhood laid to rest is to replace it. Meantime, the Rainey Street plan on the shelf contains a surprising number of what today are the plausible, even fashionable, ideas. Here are some highlights of the history of Rainey planning.

**1982:** The Austin Community Forward Program, the city's first city-funded urban-renewal plan, proposes relocating 170 of the 180 families it was facing in Rainey, yielding its "large scale high-density residential development" along the lake and encouraging along the shoreline, and a transit service center on East Avenue. At the same time, the "Maple Apartments" seeks housing complex, let the art of Trinity and the holiday tree Town Lake were already under construction.

**1978:** The Lower Valley Creek Development Plan, which began with the Red and the River, encompasses what was then the Mexican American Cultural Center, also "to be reserved for neighborhood development." The plan calls for greatly increased residential and "multi-use" projects along the entire length of the canal.

**1976:** City planners produce a "reconstruction and redevelopment program" for Rainey that shakes the neighborhood into three zones. It would rehabilitate the homes along Rainey for low-income residents, develop the MACC as an medium-

density housing, and develop the edges into retail and commercial, more intense to the north, more neighborhood-scale to the east.

**1975:** The American City Corporation's huge downtown-renewal plan - covering nearly half of Fourth Street - calls for all of Rainey Street to be re-zoned from the map, 300s replaced by apartments and townhouses in a lovely garden setting.

**1980:** Initiated by the American City plan, the East Austin Chicano Economic Development Corporation - EACEED, an offshoot of Paul Hernandez's original alliance, now known as El Centro - proposes a plan "based upon the concept of upgrading the historical residential use of the Rainey neighborhood as a predominantly Mexican-American barrio." The Barrow plan is the first to propose designating a historic district, done formal in 1987. It also includes what at the time was quite novel (for Austin) ideas for more control, residential tax incentives and a "anti-speculation tax incentive," all of which El Centro still pushes for today. As for land use itself, the Barrow plan echoes many of the suggestions of the city's 1978 comprehensive plan and urges that the neighborhood be surrounded by a greenbelt.

**1980:** Also in response to the study over American City, a paper "Development Alternatives for the Rainey Area" study is drafted by city planners. It offers three scenarios, all of which protect the existing single-family housing along Rainey Street, and none of which proposes full-scale CBD zoning and development for this neighborhood, but all of which require zoning changes and public investment. The alternative study is the first to take a comprehensive look at our downtown, already a problem in Rainey 100 years past, discontinue later, pushed a decade for the Texas of Town Lake.





## Rainey Street,

from p. 23

aside during budget season)

"Right now, the issue with the planning process is credibility," says Knight. "If the city had really wanted to be involved in a planning effort down here, they would have made it a priority. My guess is that the city really doesn't want to be involved because of several hot-potato issues."

The city counters that — in the words of Garcia's aide, Paul Saldana — "we have to be involved, because so many of the projects affecting the neighborhood are city projects. If the outcome of the plan is that we do need to govern single-family residential in this area, the city needs to make that happen, since we'll be reaping the benefits of more conventions, more traffic along Walker Creek," more programming and visitors to the MACC. At a minimum, the residents need to benefit as well, because they'll be assuming the burden of everything that happens there."

One could say the city should have sensed this 10 years ago, when the current Convention Center site was approved by the voters. Not that the attempt wasn't made; when Skidmore, Owings and Merrill did the site-selection study that brought the Palazzo Turistico to Rainey Street's back door, they were asked to produce an addendum with suggestions for Rainey Street. But that — like most of the planning for the area around the center — went on the shelf. "When there's a convention, it totally blocks us in," says Velasquez. "We just sit in our yards and watch the thing rise up off I-35."

Part of what Knight perceives as a credibility gap is really cognitive dissonance. Even though

the idea of relocating Rainey has been on the table for decades, it's so much more to decide to displace single-family houses that nobody can believe a neighborhood may actually want to go commercial. "And they may be right," says Lorena. "If we go down the planning path and find out that there's five people with big plans but everyone else really wants to leave the neighborhood alone, then that's the way it should be," he says. "The truth is our friend. If it isn't true, then this is where people want, then I'm the last person to say heads off."

Even though voters for Rainey Street don't seem to vary as much as they did 15 years ago,

**"When there's a convention [at the Convention Center], it totally blocks us in. We just sit in our yards and watch the smog rise up off I-35."**  
— resident Bobby Velasquez

they still vary, and nobody will be entirely happy with the plan that gets produced. But they'll be even less happy with nothing. "Simply separating the area, and leaving the market with its norms, could never fix big problems," says Garcia. "I'm trying to figure out how the city can help the neighbors get to their objectives and protect their property — how can we do that? I don't think anybody knows. And nobody has figured it out for 20 years. But it's a wonderful neighborhood, and everybody wants to make sure that we don't damage it any further or bust its residents any more. I don't know how to succeed, but we can try."

1988: Here's this for you: In response to an upcoming request to support a major project at the very foot of Rainey Street — that's right, the same property now owned by Gordon Carmichael — the city officials who approved the site and discovered that, to the surprise, many Rainey residents are ready to sell out. (By the way, the project was Rainey House, now part of the Planning Commission.) The entire project seems to have been for protecting Rainey residents, but notes that "it is difficult to find area, outside, besides for the Rainey neighborhood." Among these reasons are traffic-clogging projects that were finally completed 12 years later.

1989: After recommending a new Rainey House for a three-story, two-to-four-story Austin Convention Center, the city's consultant, Skidmore, Owings, and Merrill — America's most famous architectural firm — is quickly asked to prepare an addendum showing how Rainey Street could benefit with the Palazzo Turistico. As it turns out, nothing gets done.

1991: The Regional Urban Design Assistance Team (RUDAT) sent by the American Institute of Architects recommends the preservation of the Rainey Street neighborhood. But it gives no details, and none are forthcoming in "A Call to Action," the report of the local RUDAT implementation committee (part of today's Downtown Austin Alliance). The 1991 follow-up, "RUDAT Revisited: A Call to Action," does not address Rainey Street.

1992: The City of Austin County Commission's long-awaited downtown design guidelines take a pass on Rainey, recommending by reference the 1981 Addendum and the 1991 update. (The first guidelines also defer to working plans for other areas — Town Lake Park, East 17th/18th streets, and South Congress — but those plans are a lot further than the 15- and 20-year-old Rainey plans.)

—ALEM

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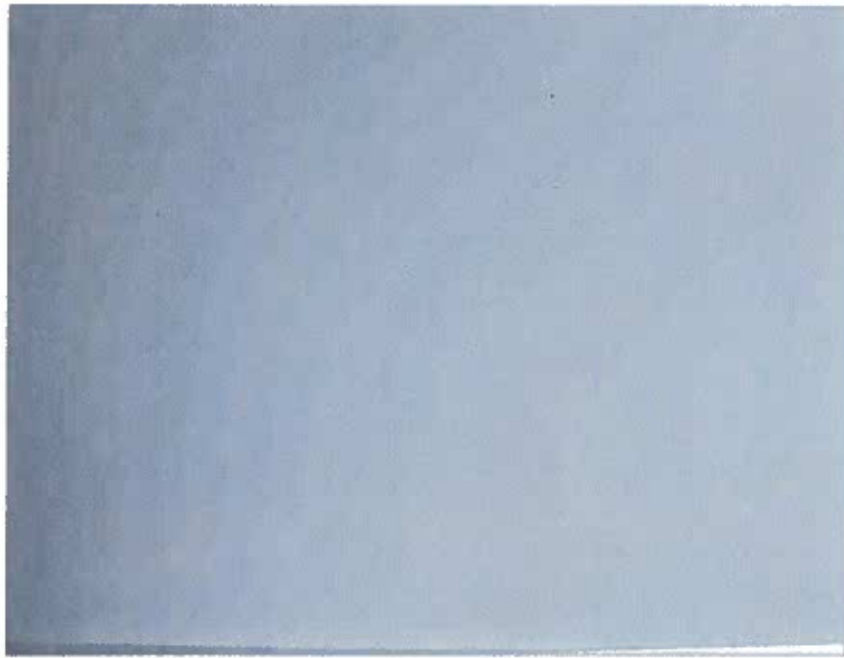
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The Austin Chronicle July 16, 1992 27

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# **RAINEY STREET - SITE ANALYSIS**

ARCHITECTURAL RESOURCES / CARPENTRY DETAILS 11

## **QUEEN ANNE / SQUARE POSTS WITH DECORATIVE (MISSING) BRACKETS**



880 Rainey Street, 1944

887 Rainey Street, 1888

896 Rainey Street, 1889

893 Rainey Street, 1885

## **QUEEN ANNE / SPINDLEWORK**



894 Rainey Street, 1881

898 Rainey Street, 1884

## **QUEEN ANNE / FREE CLASSIC**



894 Rainey Street, 1888

893 Rainey Street, 1886

894 Rainey Street, 1881

893 Rainey Street, 1885

MJ STRUCTURES



**Preliminary Structural Condition Assessment**

**83 Rainey Street**

**September 21, 2009**

**For Mr. Robert Icenhauer-Ramirez**

**Project Number: 09036**

MJ STRUCTURES

September 21, 2009

Mr. Robert Icenhauer-Ramirez  
1103 Nueces Street  
Austin, Texas 78701

Re: **Preliminary Structural Condition Assessment Report**  
**83 Rainey Street**  
**Project Number: 09036**

Dear Mr. Ramirez,

We are pleased to submit our completed Preliminary Structural Condition Assessment Report on the existing wood framed building at 83 Rainey Street.

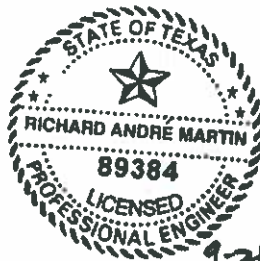
The structure has experienced severe movement and distortion resulting from foundation heave and settlement and has areas of severe deterioration from water induced rot. Our findings and recommendations are provided in the enclosed report.

Please let me know if you have any questions.

Sincerely,



MJ Structures, PLLC  
Richard A. Martin, PE  
Principal Engineer



Cc: Maija Kreishman -- Michael Hsu Design Office

## **Introduction**

The building located at 83 Rainey Street is a single story wood framed residential structure built sometime in the 1930's or 1940's. The current owner is intending to establish a commercial business on the property and is assessing the feasibility of remodeling the existing building for that use. The existing building has clear evidence of significant deterioration and foundation movement leading to a concern that it would not be feasible to salvage the existing building.

This Preliminary Structural Condition Assessment was authorized by Mr. Robert Icenhauer-Ramirez on September 17, 2009. The field observations and assessments were conducted by staff from MJ Structures, PLLC on September 18, 2009.

The purpose of this investigation is to perform a preliminary assessment of the condition of the existing structural frame related to damage or deterioration from use, structural performance and from exposure to weather and water leakage. The investigation also includes an evaluation of structural framing repairs and improvements that would be required to remodel the building for an intended commercial use. This report does not provide a detailed assessment and does not include structural analysis of the framing systems.

## **Scope of Investigation and Assessment**

This investigation includes observation and assessment of the condition of the existing wood framed structure. This investigation is a preliminary assessment of the condition of the existing structural frame and is intended to identify if there are conditions in the building that are not structurally adequate and conditions that might require more detailed investigation and analysis. Our assessment is based on visual observations of the current condition of the existing structural frame which included observations from within the crawl space, within the building, in the attic and around the exterior.

A general plan of the building is presented in "Appendix A: Field Observations Drawing" showing the basic building layout, floor levelness measurements, and indications of notable conditions observed. These general drawings are included to portray observed conditions and measurements. Dimensions and sizes shown are provided for reference and shall not be relied upon for detailed measurement, pricing or evaluation. Photographs are included where necessary to more clearly describe conditions of concern. No testing (non-destructive, destructive, load testing, etc.) was performed for this Preliminary Structural Condition Assessment work.

## **Observations**

The building structure is framed with dimensional lumber and is supported on what appears to be the original cedar post foundations. The floor is framed with 2x8 floor joists on 4x6 beams. Walls are framed with 2x4 studs. Roof framing is with 2x4 rafters and ceiling joists.

The measurements of the floor levelness are referenced to a zero elevation point adjacent the front door on the west. The maximum rise from this point is measured at 0.5 inches and the maximum drop from this point is 8.5 inches within the contiguous interior space. The far south west corner of front porch is 10.6 inches lower than entry door, and east end of an apparent addition is 9.2 inches lower than entry door. The north central room seems to have the most severe drop of 8.1 inches.

Walls around the perimeter of the building are significantly out of plumb with measurements of around 1 3/4" vertical eccentricity over a 4'-5 1/2" plumbed height (approximately 3 1/2" out of plumb from floor to ceiling) at the north east corner. Most of the windows and doors around exterior are observed to be racked within the wall with measured drop of 3" across a 6'-5" wide sill at the north bedroom window.

The wood framing at the porch is severely weathered and rotted at the roof and floor framing and currently has shores to prop up the existing frame. There are locations within the building where interior framing has visibly deteriorated from localized water leakage. The floor framing around the majority of the



perimeter of the building has significant rot damage. There are numerous locations where ceiling and wall finishes show significant staining from water leakage and wood framing where concealed from view could be rotted. Exterior finishes around the house are in disrepair and it appears that there has been significant water penetration, at least in recent years. In particular cracks and openings at finishes are evident around doors and windows and provide direct path for water infiltration to wall structural framing. Finish wood around these areas is rotted around the east door and in many other locations.

The cedar posts at the foundation are resting on the surface of grade soil in many locations and are not providing sufficient bearing capacity and are susceptible to surface ground movement and erosion. The posts themselves are in relatively good condition and show only minimal signs of deterioration. A portable fan was observed in the crawl space which suggests at one time there was excessive moisture or humidity in the crawl space that could have contributed to wood deterioration.

#### **Movement Assessment**

The existing building has undergone significant movement which appears to be caused primarily from foundation heaving and settlement. The building code requires that footings be designed such that differential movement is simply minimized, but foundations are customarily designed for a maximum differential movement of one inch. A maximum differential movement of two inches is generally considered an upper bound when evaluating existing residential buildings. The building code prescribes maximum deflection limits for structural frames to prevent damage to brittle finishes as span over 360 for live loads and span over 240 for total loads (dead plus live loads). The code also prescribes maximum deflections for any load condition for structures not supporting any finishes as span over 120 which can be considered a limit beyond which structural framing is damaged.

The maximum differential movement within the enclosed building is approximately 8 inches which far exceeds a reasonable serviceability limit of 2 inches. The floor elevations vary in somewhat random locations with numerous rises and drops and do not exhibit a uniform and general slope across the building. Differential movement at various locations in the building are as follows:

Location	Measured Differential (Inches)	L/240 Limit (Inches)	Percent of Limit	L/120 Limit (Inches)	Percent of Limit
Central north room	7.6	1.6	475%	3.2	238%
Central south room	5.2	1.6	325%	3.2	163%
East end room	4.1	0.9	455%	1.8	228%
Exterior wall at NE	3.5	0.9	388%	1.8	194%
Exterior sill at North	3.0	0.6	500%	1.2	250%

The differential movement in the building far exceeds limits for protection of finishes by as much as 500% and exceeds the limit at which structural framing is likely to be damaged by as much as 250%. It is our opinion that the differential movement that has occurred in this building is so severe that framing members and connections have likely been overstressed and have failed at numerous locations throughout the building. The differential movement evident in the floor and the walls would project through to the roof framing and would likely have cause similar framing and connection failures. The structural movement and distortions are a primary contributor to cracks and openings in the finishes allowing water penetration. Framing members, particularly in the floor, that have experienced this severe movement likely have permanent deformation that would not be reversible.

#### **Code Compliance**

The original wood framed structure was likely built to comply with residential building codes and practices at the time of its original construction. The new work would involve Repairs, Alterations and Change of Occupancy as defined by the International Existing Building Code, and so the building would need to be brought into compliance with the current International Building Code.



The residential codes require floor framing to be designed to support a 40 pound per square foot live load whereas the proposed commercial use would require a 100 pound per square foot design live load. Although this floor likely has some surplus capacity beyond a residential live load, it would need to be substantially strengthened to support the higher live load requirements. Framing would need to be completely replaced or retrofitted throughout the entire floor.

#### **Recommendations and Conclusion**

In order to use the existing building for the proposed cafe use, the majority of existing framing would need to be removed and replaced. The building would require a new foundation system that extends sufficiently deep into the soil to control movement and erosion. The floor framing would require strengthening throughout to satisfy the higher design loading requirements for a cafe use. The majority of existing floor framing would need to be removed and replaced due to rot damage and due to stress and connection damage from severe building movement and because of permanent deformation. After framing and leveling the floor, the walls and roof framing would not return to plumb and square alignment and would therefore need to be disassembled and reconstructed at least in part. The majority of wall framing and roof framing would need to be demolished and reconstructed to replace conditions that are rotted and stress damaged. Most of the finishes on the interior and exterior would need to be removed to properly review the condition and to properly perform the replacement, alignment, repair and strengthening work. Very little of the original structure would remain intact.

#### **References**

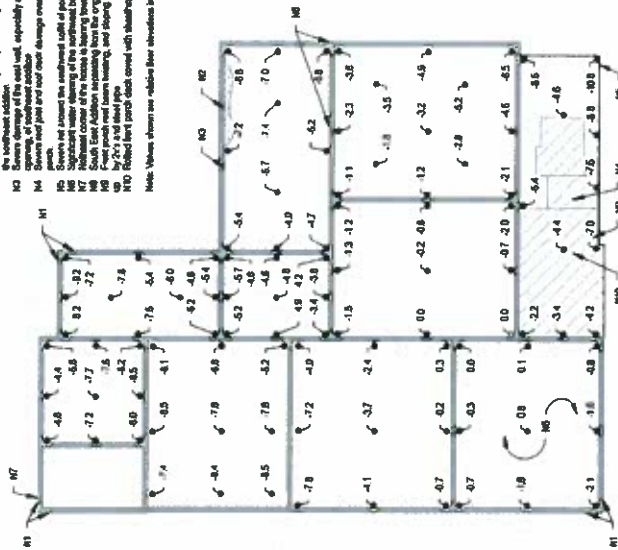
1. International Building Code, 2003 Edition, International Code Council.
2. International Residential Code, 2006 Edition, International Code Council.
3. International Existing Building Code, 2006 Edition, International Code Council.
4. Guideline for Structural Condition Assessment of Existing Buildings, SEI/ASCE 11-99, American Society of Civil Engineers, 2000.

## **APPENDIX A**

### **Field Observation Drawings**

**OBSERVATION NOTES**

- |     |  |
|-----|--|
| N1  | Weld not around the perimeter of the base metal.                                       |
| N2  | Excessive base spalling and joint damage at the balance of the northwest addition.     |
| N3  | Excessive base spalling and joint damage at the balance of the southeast addition.     |
| N4  | Current damage of the east wall, especially around door opening, of basement addition. |
| N5  | Current wall joint and roof deck damage over the front porch.                          |
| N6  | Severe roof around the southeast wall of porch roof.                                   |
| N7  | Significant water damage of the basement between ceiling and roof.                     |
| N8  | Northwest corner of the house is leaning toward the south.                             |
| N9  | Southwest corner of the house is leaning toward the north.                             |
| N10 | East-north addition separating from the original structure.                            |
| N11 | Front porch roof insulation missing, and shingles is propped up by 2x4 and steel pipe. |
| N12 | Roofed front porch deck covered with shingles.   |



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83 Rainey St.  
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GENERAL BUILDING PLAN  
S-1  
Date: 9-21-2008



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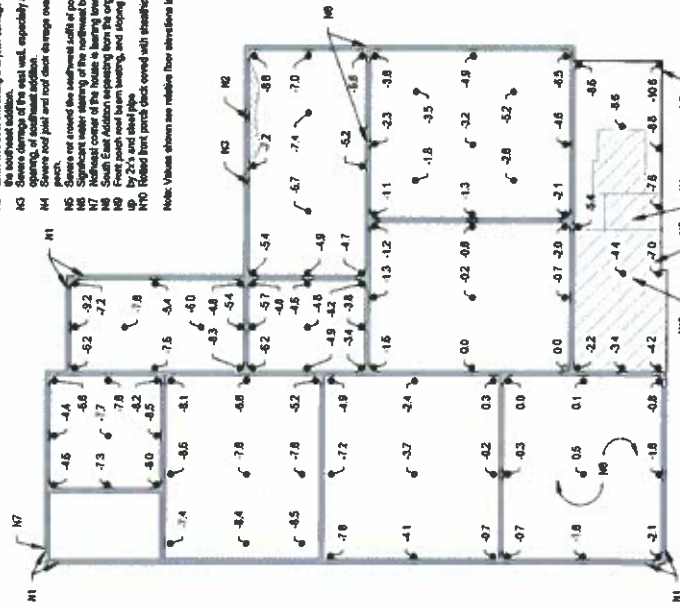

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83 Rainey St.  
Austin, Texas 78701  
GENERAL BUILDING PLAN  
S-1  
Date: 9/21/2008

OBSERVATION NOTES:

- |     |  |
|-----|--|
| N1  | Void not around the perimeter of the floor level.                                      |
| N2  | Extensive floor settling and joint damage at the interior of the southeast location.   |
| N3  | Severe damage of the east wall, especially around door opening, of southeast location. |
| N4  | Severe joint and roof truss damage over the front porch.                               |
| N5  | Severe rot around the southeast side of porch roof.                                    |
| N6  | Significant water staining of the northwest bedroom ceiling.                           |
| N7  | Significant water staining of the house is toward the south.                           |
| N8  | South East Addition separating from the original structure.                            |
| N9  | Front porch not as square and sloping 1/4 in. prepreg.                                 |
| N10 | By 2x4's and steel joist.  |
| N11 | Front porch deck covered with shingles.  |



**Note:** Values shown are relative flow integrations in each.





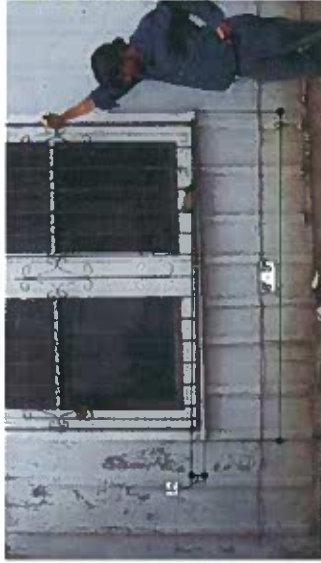
1 LAUNDRY ROOM FLOOR DEFLECTION



2 LAUNDRY ROOM FLOOR OUT OF LEVEL



3 NORTHEAST CORNER OUT OF PLUMB



4 NORTH FACE BEDROOM FRAME RACKED

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7 SOUTHEAST ROOM ADDITION



5 FRONT PORCH RAFTERS AND ROOF DECK ROTTED



8 ROT AT PERIMETER FINISH



6 FRONT PORCH ROTTED WOOD

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