

§ 25-11-243 - ACTION ON A CERTIFICATE OF APPROPRIATENESS.

- (A) This section applies to an application under Section 25-11-241(A) or (B) (Application For Certificate).
- (B) If the commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark:
 - (1) the commission shall issue a certificate of appropriateness; and
 - (2) the commission shall provide the certificate to the building official not later than the 30th day after the date of the public hearing.
 - (3) The building official shall provide the certificate to the applicant not later than the fifth day after the day the building official receives the certificate from the commission.
- (C) If the commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark:
 - (1) the commission shall notify the building official that the application has been disapproved; and
 - (2) the commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
 - (a) the disapproval; and
 - (b) the changes in the application that are necessary for the commission's approval.
- (D) In making a determination under this section, the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

Source: Section 13-2-760(b)(2) and (3), and (c)(4); Ord. 990225-70; Ord. 000629-103; Ord. 031211-11.

WESTLAW

Code of Federal Regulations
Title 36. Parks, Forests, and Public Property
Chapter I. National Park Service, Department of the Interior (Refs & Annos)
§ 67.7 Standards for rehabilitation.
Code of Federal Regulations Title 36. Parks, Forests, and Public Property Effective: June 27, 2011 (Approx. 5 pages)
(Refs & Annos)

Effective: June 27, 2011

36 C.F.R. § 67.7

§ 67.7 Standards for rehabilitation.

Currentness

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

CONGRESS AVENUE BLOCK 110, LLC

4615 Bunny Run
Austin, Texas 78746
(512) 327-2666

February 22, 2017

Mr. Steve Sadowsky
City of Austin
P.O. Box 1088
Austin, TX 78767-8810

Email: steve.sadowsky@austin.texas.gov

RE: C14H-1982-0001, ZC-1982-000001

Dear Mr. Sadowsky,

I understand a Notice of Public Hearing Certificate of Appropriateness was mailed to all property owners within 500 feet of the subject property. In this case the subject property is 916 Congress Avenue. I wish to advise you that I did not receive a notification. My proper mailing address is in your system because I received and returned to you the Affidavit for Certification of Historic or Archeological Sites on December 29, 2016 for my properties located at 906, 908 and 912 Congress Avenue.

I object to the property owner's request for a Certificate of Appropriateness.

My objection is multi-fold. The buildings in this block were constructed around 1877 and are stone walls. All of our walls depend on the next door neighbor's wall for lateral support. The contractor has not replied to my certified letter objecting to their project. I have not seen any evidence of a mitigation plan for the walls. If their project causes an adjoining wall at 914 Congress to weaken and/or collapse, then that affects 914's structural integrity which impacts my walls at 912 Congress.

Please feel free to contact me if you need more information from me in my reasons for objecting to their request.

Thank you,

Christie B. Nalle

CONGRESS AVENUE BLOCK 110, LLC

4615 Bunny Run
Austin, Texas 78746
(512) 327-2666

April 7, 2017

Mr. Steve Sadowsky
Historic Landmark Commission
505 Barton Springs Road
Austin, TX 78701

RE: C14H-1982-0001-F -- 916 Congress Avenue

Dear Mr. Sadowsky:

Our family owns 906, 908 and 912 Congress Avenue and we are concerned about the proposed construction project at the above referenced property.

Bill and I met with Eric Tyler and Buzz Hughes on March 28th. We expressed concerns about the following issues that will directly affect our buildings, especially 912 Congress:

1. Blocking of the alley during business hours (7am – 10:30pm six days a week)
2. Dust mitigation issues
3. Vibration affecting the structural integrity of our historic 1877 walls
4. Proposed swing of the crane over our buildings
5. Potential damage to our rooftops
6. Loss of parking for our tenants
7. Lost business for our tenants due to noise, dust, vibration of walls and floors, and inability of vendors to access the restaurants and retail tenants.

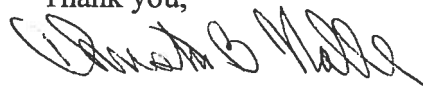
Their standard response to the seven questions was “it won’t happen”, “it isn’t going to be a problem”, “we will deal with it should it occur”, and “the project will be completed in 31 weeks”. Their answers do not address any of the concerns of our neighbors who share common walls, nor do their answers give me any comfort as to the protection of my tenants.

We do not object to a thoughtful renovation of their building, but we do not believe a wholesale demolition and construction of a six story building without any consideration of the potential damage to the neighboring buildings is acceptable.

We will not give permission to 916 Congress Avenue to use our property as a staging area for their mobile crane. We will also not give them permission to use our air space for their construction crane.

We respectfully request that the Historic Landmark Commission delay consideration of their current request until all of the above issues have been resolved with the property owners that are being affected by this proposed project.

Thank you,



Christie B. Nalle

CONGRESS AVENUE BLOCK 110, LLC

4615 Bunny Run
Austin, Texas 78746
(512) 327-2666

April 7, 2017

Mr. Eric Tyler
Mastodon Ventures, Inc.
515 Congress Avenue
Suite 1400
Austin, TX 78701

Mr. Buzz Hughes
The Burt Group
2111 Kramer Lane
Suite 100
Austin, TX 78758

Email: etvler@mastodonventures.com

buzz@burtgroup.com

Dear Eric and Buzz,

I would like to thank you for meeting with Bill and me on March 28, 2017 to discuss your proposed project at 916 Congress Avenue.

We had numerous concerns that you indicated would be addressed in the Dropbox file you sent us last week. I have reviewed the file and still do not find the answers to our concerns. The most important of the issues are the following:

- Blocking of the alley during business hours (7am – 10:30pm six days a week)
- Dust mitigation issues
- Vibration affecting the structural integrity of our walls
- Proposed swing of the crane over our buildings
- Potential damage to our rooftops
- Loss of parking for our tenants
- Lost business revenue for our tenants due to noise, dust, vibration of walls and floors, and inability of vendors and clients to access our tenants.

Your traffic control plan shows barricading of the alley from 7am – 7pm seven days a week. It also shows channelizing devices starting in the middle of the 908 parking area. The plan indicates a road closed sign in the alley between 908 and 910 with a work zone partially on 912. This is one example of this project's failure to properly address the concerns of the property owners and tenants who will be seriously affected by your project that has clearly not been well thought out at this point.

Your TCP shows both total alley closures as well as a "work zone" on our property. You have no right to block the rear access to our properties, nor do you have any right to come onto our properties for any work-related activity.

We have met with our tenants and listened to their concerns about your project. Your project, as presented, has the potential to effectively close their doors. We join our tenants in holding your company responsible for both their losses as well as our lost rental income.

Be advised that, at this time, Congress Avenue Block 110, LLC does not grant The Burt Group, Mastodon Ventures and all other entities involved in the project at 916 Congress permission to invade the air space above 906, 908 and 912 Congress Avenue. Nor do you have permission to install a mobile crane on these three properties or block ingress and egress to the buildings. Understand that you do not have permission to enter any of our properties for any purpose beyond patronizing the businesses contained therein.

Bill and I believe a viable project can be done on your site, but we seriously doubt the magnitude of the one you have planned is feasible without creating significant damage to the surrounding businesses.

We would like to see in writing very specific solutions for these issues. Until we can be assured of the safety of our buildings and the wellbeing and safety of our tenants, we are unable to support your present plans.

Thank you,

A handwritten signature in black ink, appearing to read "Christie B. Nalle", written in a cursive style.

Christie B. Nalle

The site development plan for Block 110 shows a rectangular block bounded by West 10th Street to the north and Congress Avenue to the east. The block contains six lots: Lot 1 (DA-1), Lot 2 (DA-2), Lot 3, Lot 4, Lot 5, and Lot 6. A large red arrow indicates a proposed change in lot boundaries or area, labeled "131'-0\"".

LOT 1 (DA-1)

NO PROPOSED CHANGES IN USE OR VOLUME OF TRAFFIC

LOT 2 (DA-2)

NO PROPOSED CHANGES IN USE OR VOLUME OF TRAFFIC

LOT 3

LOT 4

LOT 5

LOT 6

WEST 10TH STREET

CONGRESS AVENUE

ALLEY

BLOCK 110

912

NOTES:

DRAINAGE AREA DA-1

Existing Conditions - Proposed Conditions

AREA	2-yr	10-yr	25-yr	100-yr
Paved	0.04	0.04	0.04	0.04
Asphalt	0.71	0.83	0.92	0.97
Tc (min)	5.0	5.0	5.0	5.0
I	5.76	8.77	11	12.54
Q (cfs)	0.2	0.3	0.4	0.5

Rational Method Q C^{0.77}A
Impervious Cover = 100%

DRAINAGE AREA DA-2

Existing Conditions - Proposed Conditions

AREA	2-yr	10-yr	25-yr	100-yr
Paved	0.04	0.04	0.04	0.04
Asphalt	0.71	0.83	0.92	0.97
Tc (min)	5.0	5.0	5.0	5.0
I	5.76	8.77	11	12.54
Q (cfs)	0.2	0.3	0.4	0.5

Rational Method Q C^{0.77}A
Impervious Cover = 100%

LINETYPE LEGEND

BLOCK LEGEND

916 CONGRESS SITE DEVELOPMENT PLANS

916 CONGRESS AVENUE

GRADING & DRAINAGE PLAN

916 HOLDINGS LLC

316 CONGRESS AVENUE

AUSTIN, TEXAS 78701

KIMBLETT BRUEHL + GARCIA | LSTES

CONTACT: TREV WATSON

06 of 11

SP-2014-0058C

06.11
SR-2014-0057C



Christie Nalle <christienalle@gmail.com>

916 Project

Kelly Gray <kgray@sgifs.com>

Mon, Apr 10, 2017 at 2:03 PM

To: "buzz@burtgroup.com" <buzz@burtgroup.com>

Cc: "christienalle@gmail.com" <christienalle@gmail.com>

Buzz

I understand you are in the process of a major remodel of the 916 building. I would like to get some detailed information of exactly what you are planning and how it will affect my property. In addition I would like to note that you do not have my permission to use the air space above my property.

Thanks,

Kelly Gray

Kelly Gray

Chairman of the Board/CEO



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@ServiceGroupAcademy

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Christie Nalle <christienalle@gmail.com>

916 Congress

Bill Pope <popeorsons@aol.com>

Mon, Apr 10, 2017 at 12:19 PM

To: buzz@burtgroup.com

Cc: Sally Fowler <sassy0039@gmail.com>, Herb@hpaoffice.com

I am John Pope . My sister, Sally Fowler and I own 922 Congress and the apartments on tenth street just behind that property. Although we are excited to see your project come to fruition , I have to share my concerns about your buying all the meter spaces on 10th street as my tenants on tenth street utilize these spaces ! I am requesting a copy of your logistics plan and the proposed traffic control plan. Below are the big concerns:

Sound, Dust & Light Mitigation

Trucks idling in front of the apartments on 10th street for demolition haul off and concrete pours would be terrible. We will need to have street sweepers and plans to keep from disturbing residents with light and sound. Will the structure be steel or concrete?

Air

Your company might consider the switch to a luffing crane or negotiate with the property owners regarding the encroachment of their air rights.

If the project disrupts my ongoing leases with my current tenants , we would need compensation for the loss of business income .

Your,
John Pope

Sent from my iPhone