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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0065 The Austin Hotel

P. C. DATE: 11-08-2011

ADDRESS: 800 & 804 Congress Avenue

AREA: 0.338 acres

APPLICANT: Gone to Texas Capital One, L.P.
(David Kahn)
The Karotkin Family Real Estate Trust
(Doris Karotkin, Trustee)

AGENT: Winstead, P.C.
(Michele Haussmann)

NEIGHBORHOOD PLAN AREA: Downtown

CAPITOL VIEW: Yes

T.I.A.: Waived – See the Transportation Reviewer's comments.

HILL COUNTRY ROADWAY: No

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CBD, Central Business District & CBD-H, Central Business District - Historic Landmark.

ZONING TO: CBD-CURE Central Business District - Central Urban Redevelopment District. CBD-H-CURE Central Business District - Historic Landmark - Central Urban Redevelopment District.

SUMMARY STAFF RECOMMENDATION:

Staff recommends CBD-CURE – Central Business District – Central Urban Redevelopment District and CBD-H-CURE – Central Business District – Historic Landmark-Central Urban Redevelopment District. The CURE overlay would allow a floor to area ratio of 20-1 and to modify Section 25-2-643 of the City Code to allow a building setback of fifteen feet (15') from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30') from ground level and whose maximum height may not exceed ninety feet (90') and to modify Section 25-6-592(C)(2) of the Austin City Code to allow for loading and unloading within the alley located between West 9th Street and West 8th Street adjacent to the property and to modify Section 9.3.0 #3 of the Transportation Criteria Manual to allow for maneuvering in the public right-of-way and to allow for off site parking. The applicant has also agreed to enter into a Public Restrictive Covenant with the City of Austin. The Restrictive Covenant would ensure that the project complies with the City of Austin Great Streets Master Plan Streetscape Standards for any new development on the property.

DEPARTMENT COMMENTS:

The site is developed on the corner with a one story building that is currently a restaurant and to north a three story office building that is zoned "Historic" for the Bosch-Hogg building facade. The applicant is proposing a mid rise hotel that will include office space, restaurants, meeting space and live music venues. The applicant is proposing to leave the historic facade intact and construct the new building behind it. The applicant is requesting a reduction to the Congress Avenue Overlay. In particular, the applicant is requesting a building setback of fifteen feet (15') from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30') from ground level and whose maximum height may not exceed ninety feet (90'). There is a graphic in your backup that depicts the Congress Avenue Overlay and the applicant's request. The Downtown Austin Plan on page 73 recommends a

reduction in the current sixty foot (60') setback to fifteen feet (15'). The Downtown Austin Plans states that the "required setback of 60 feet is greater than necessary to protect the historic character and symbolic significance of Congress Avenue". This request is similar to other requests in the Central Business District to add the "CURE" overlay to properties located in the urban core to allow for additional height for vertical development. This site is located within the "desired development zone" where development is encouraged to locate. This case will be heard by the Downtown Commission on October 19th. This case was heard by the Design Commission on September 26th and the Commission recommended approval of the request. This case will be heard by the Historic Landmark Commission on October 24th.

PLANNING COMMISSION RECOMMENDATION:

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

DOWNTOWN COMMISSION RECOMMENDATION:

The applicant will be attending the Downtown Commission on October 19th.

DESIGN COMMISSION RECOMMENDATION:

The Design Commission at their regularly scheduled meeting on September 26th, 2011, voted to approve the project as requested (see attached letter).

BASIS FOR RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

Granting the staff recommendation would be in keeping with granting similar requests to modify Floor-to-Area-Ratio (FAR) in the past.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CBD	Mixed use Building
NORTH	CBD	Mixed use Building
SOUTH	CBD-H	Mixed use Building
EAST	CBD-H	Mixed use Building
WEST	CBD-H	Mixed use Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0029	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-06-0071	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-06-069	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-08-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-08-0144	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-09-0079	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association
- Original Austin Neighborhood Association

SCHOOLS:

Matthews Elementary School, O' Henry Middle School, Austin High School

SITE PLAN:

- SP 1. This site is within the Congress Avenue Overlay and the National Registered Historic District. The Historic Landmark Commission may need to review the zoning case on the property. Please contact the Historic Preservation Officer at 974-6454 for additional information [Chapter 25-11]. Any remodel will also need to be reviewed and approved by the HLC.
- SP 2. Any new development is subject to Subchapter E, Design Standards and Mixed Use. Additional comments will be made upon submittal of the site plan.

- SP 3. FYI - For information about Great Streets (boundaries are 11th, Lamar, Town Lake and IH35), please contact Humberto Rey, with Urban Design Division of Neighborhood Planning and Zoning, at 974-7288. If any work is proposed within the ROW in the downtown area or any of the City of Austin's designated Core Transit Corridors, please also contact Humberto Rey and Andy Halm with ROW Management, at 974-7185.
- SP 4. FYI - This site is within the Downtown area (boundaries are MLK, Lamar, Town Lake and IH-35), and it is recommended that the Design Commission be contacted to discuss the project. For more information regarding the Design Commission, please contact Jorge Rousselin, with Urban Design Division of Neighborhood Planning and Zoning, at 974-2975.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

TRANSPORTATION:

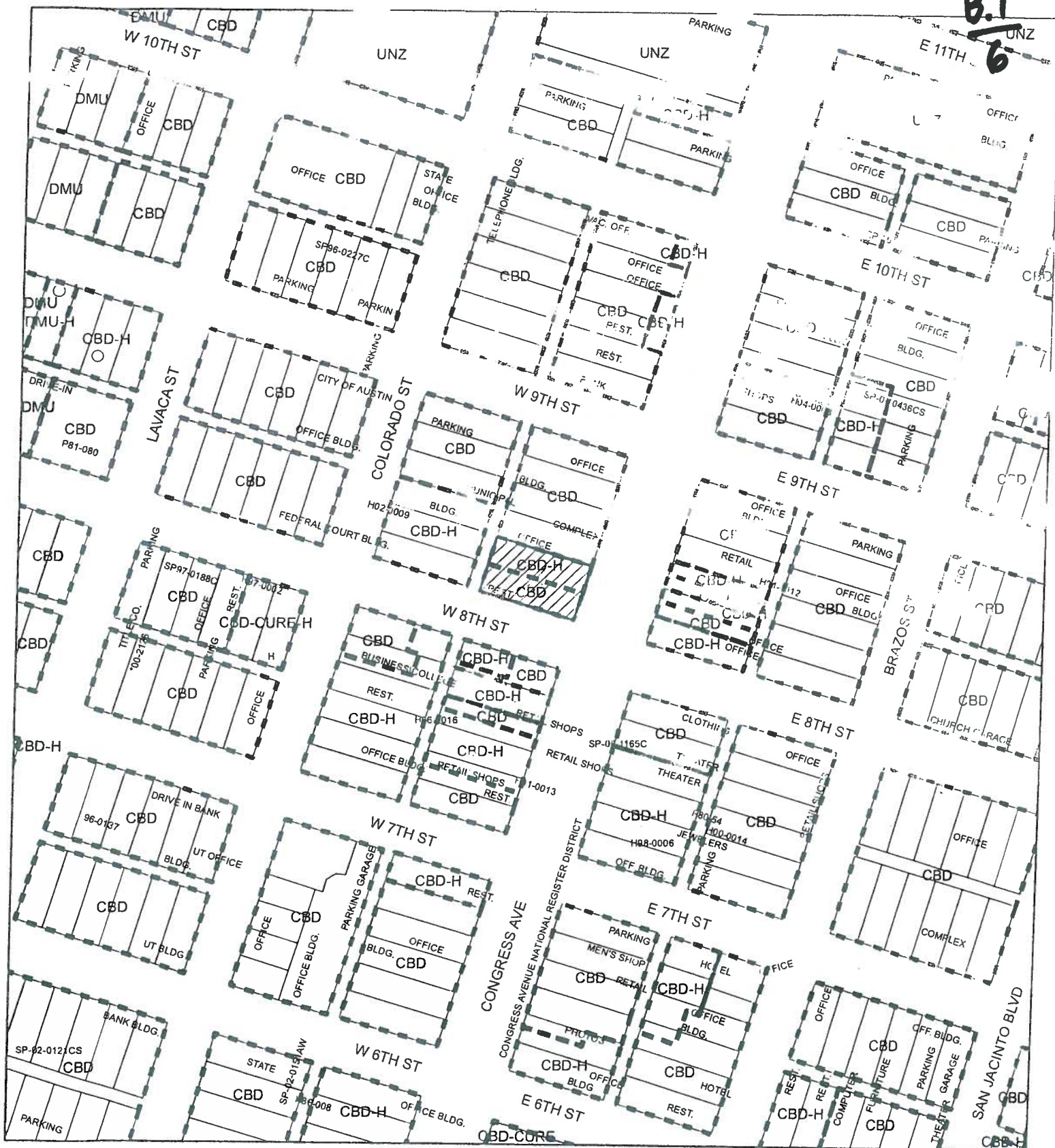
- TR1. No additional right-of-way is needed at this time.
- TR2. The traffic impact analysis for this site was waived because the applicant proposes that no parking will be provided on site. Additionally, there are currently no projects to which this site can contribute pro rata share. The traffic impacts analysis requirements will be reassessed at the time of site plan based on proposed driveway access, valet circulation plans, and the presence of on-site parking.

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Congress	120	60	Arterial	Yes	Yes	No
8th Street	80	60	Arterial	Yes	Yes	No

CITY COUNCIL DATE: January 12th, 2012**ACTION:****ORDINANCE READINGS:** 1ST 2ND 3RD **ORDINANCE NUMBER:****CASE MANAGER:** Clark Patterson
Clark.patterson@ci.austin.tx.us**PHONE:** 974-7691

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ZONING

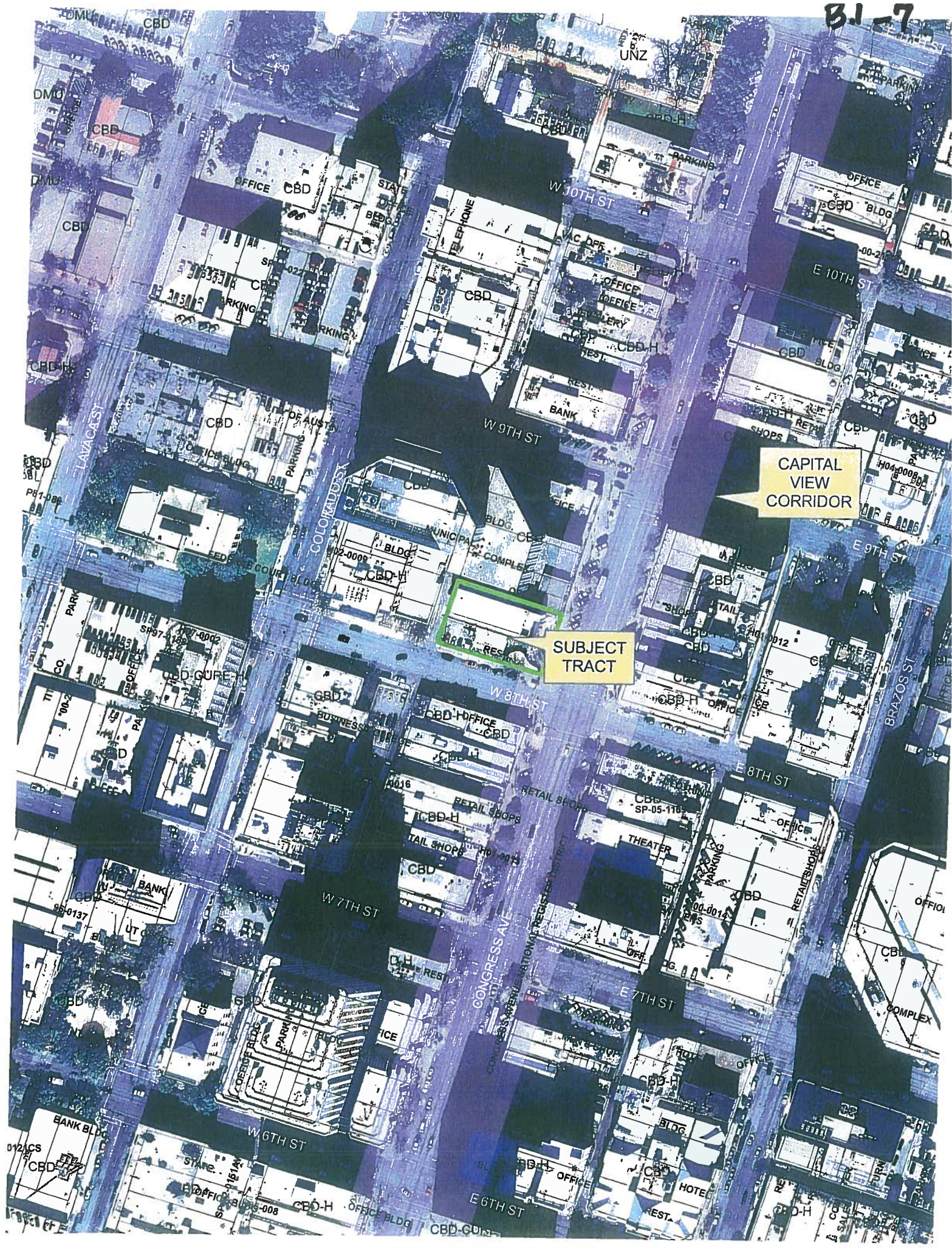
ZONING CASE#: C14-2011-0065
 LOCATION: 800 CONGRESS AVE.
 SUBJECT AREA: 0.338 AC.
 GRID: J22
 MANAGER: C. PATTERSON



- N
- SUBJECT TRACT
 - PENDING CASE
 - ZONING BOUNDARY

1" = 200'

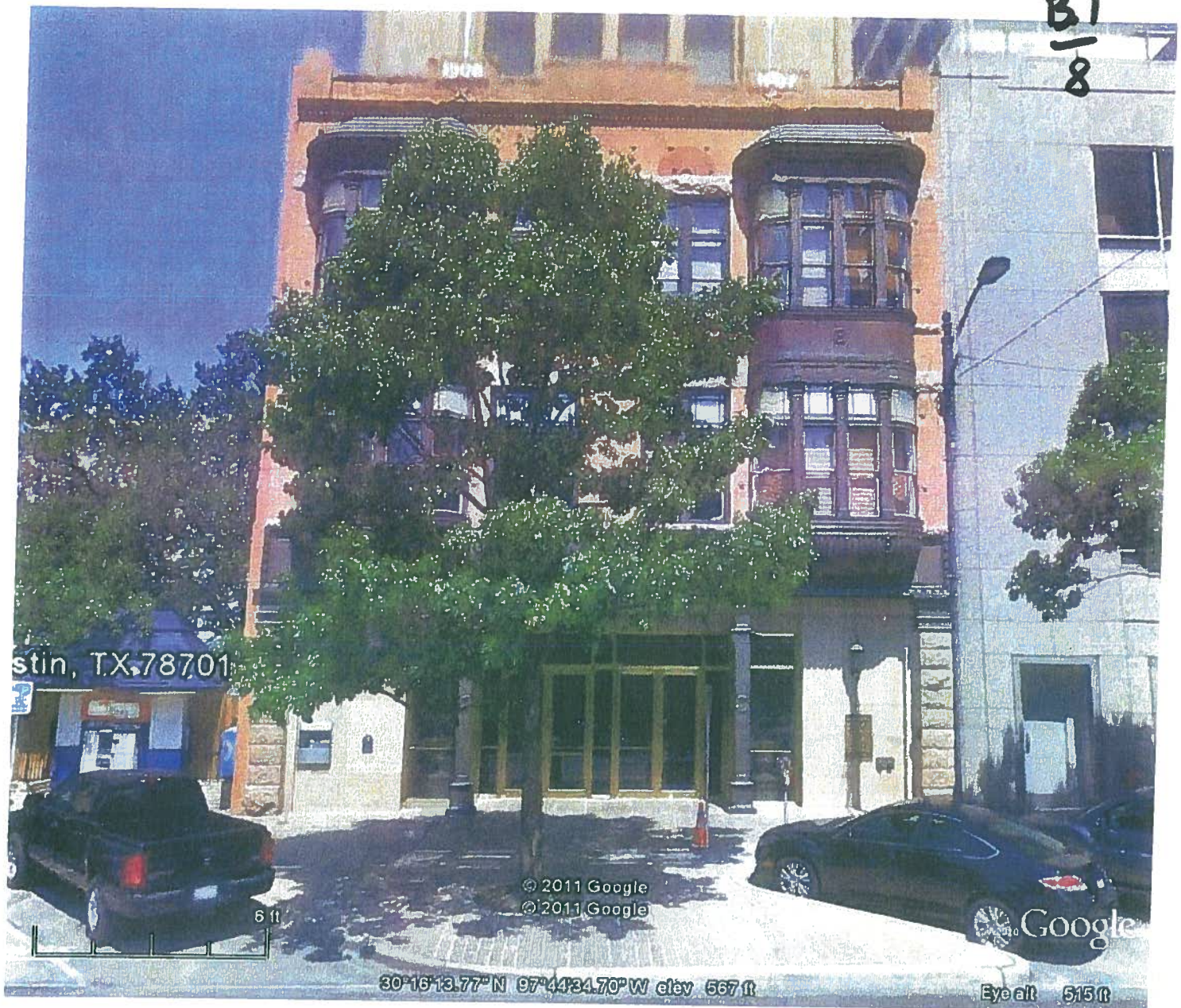
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



CAPITAL VIEW CORRIDOR

SUBJECT TRACT

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City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

CAPITOL VIEW CORRIDOR DETERMINATION

C17-2011-0090

For: 800 Congress
8/10/2011

Case Reviewer: Lynda Courtney

974-2810

This site is traversed by Capitol View Corridor # 6, "South Congress at E. Live Oak". This was established as one of the view corridors in the Capitol View Preservation Ordinances 840802-T and 841220-CC. The Capitol View Corridor calculations are established to determine the maximum height structures may be built without compromising a straight line which connects a viewpoint to the base of the capitol dome.

For the Capitol View Corridor # 6, six points were identified on the site where the view corridor crosses the edge site corners of the property lines or at the midpoint of a segment line. Points A-F are shown on the attached graphic to illustrate the locations on which this determination was made.

The specified points A-F, as shown on the graphic attachment, would allow for building heights between 132.10 to 137.52 feet above the ground level of the specified site. The maximum elevation allowable for any structure at this location would be between 641.10 and 642.13 feet above sea level.

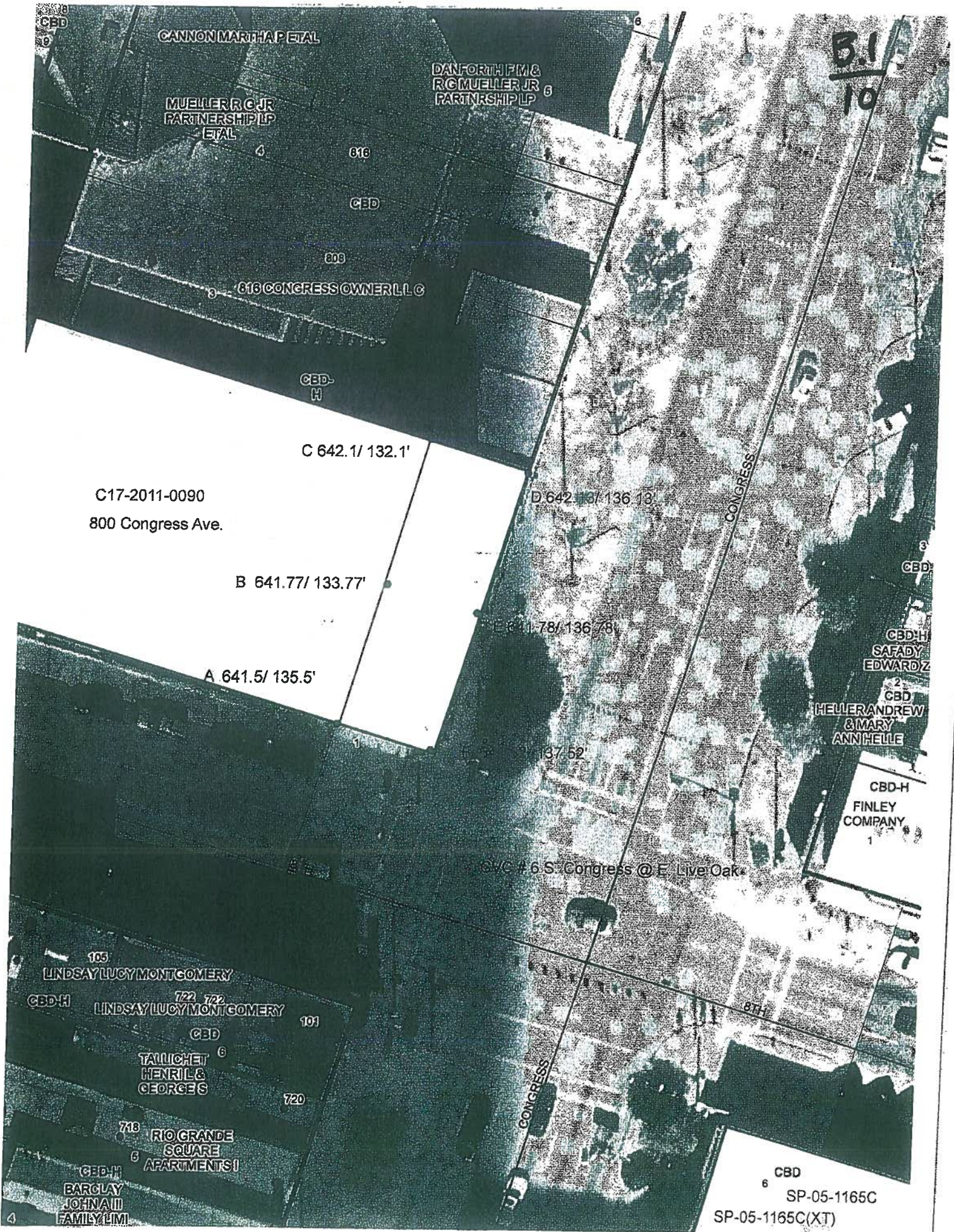
The set of calculations are shown on the worksheet, included as an exhibit with this report. Height is measured as explained in the definition from the City of Austin Land Development Code. **The maximum elevations shown at these points represent the heights above sea level beyond which any development on the site cannot exceed.**

Allowable heights may be interpolated along the capitol view corridor lines based on these calculated points. The zoning for this site is CBD, "Central Business District" which has no specific height restriction. The maximum heights allowed in the Capitol View Corridor are more restrictive than the zoning heights, so those height limitations are the regulatory heights in that portion of the site.

If you have any questions about this determination, please call Lynda Courtney at 974-2810.

Lynda J. Courtney
Development Services Process Coordinator
Planning and Development Review Department
Attachments

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CANNON MARTHA PETAL

DANFORTH F M &
R C MUELLER JR
PARTNERSHIP LP

MUELLER R C JR
PARTNERSHIP LP
ETAL

616

CED

808

616 CONGRESS OWNER LLC

CBD-H

C 642.1/ 132.1'

C17-2011-0090
800 Congress Ave.

B 641.77/ 133.77'

A 641.5/ 135.5'

D 642.13/ 136.13'

E 641.78/ 136.78'

137.52'

CVC # 6 S Congress @ E Live Oak

105
LINDSAY LUCY MONTGOMERY

CBD-H
722 722
LINDSAY LUCY MONTGOMERY

101

CED

TALLICHET
HENRI &
GEORGES

720

718

RIO GRANDE
SQUARE
APARTMENTS I

CBD-H
BARCLAY
JOHN III
FAMILY LMI

B.1
10

CBD

CBD-H
SAFADY
EDWARD Z

CBD
HELLER ANDREW
& MARY
ANN HELLE

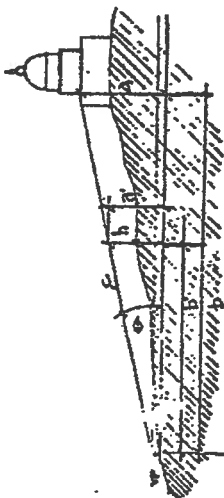
CBD-H
FINLEY
COMPANY

CBD

SP-05-1165C
SP-05-1165C(XT)

Height Determination Worksheet

Location Map


$$\begin{aligned} \tan \theta &= \frac{a}{b} \\ \tan \theta \times b' &= a' \\ a' &= c \cdot h \end{aligned}$$

VP = VIEWPOINT

- a = elevation of base of dome (653) minus VP elevation
- b = distance from VP to Capital
- c = sightline to Capital
- d = VP elevation to sightline at review site
- e = distance from VP to REVIEW SITE
- h = ellipsoidal height

naive and poor
of end point

gram sheet
of review site
gram sheet
of review site

measure site
to capital!
"B" subtract from

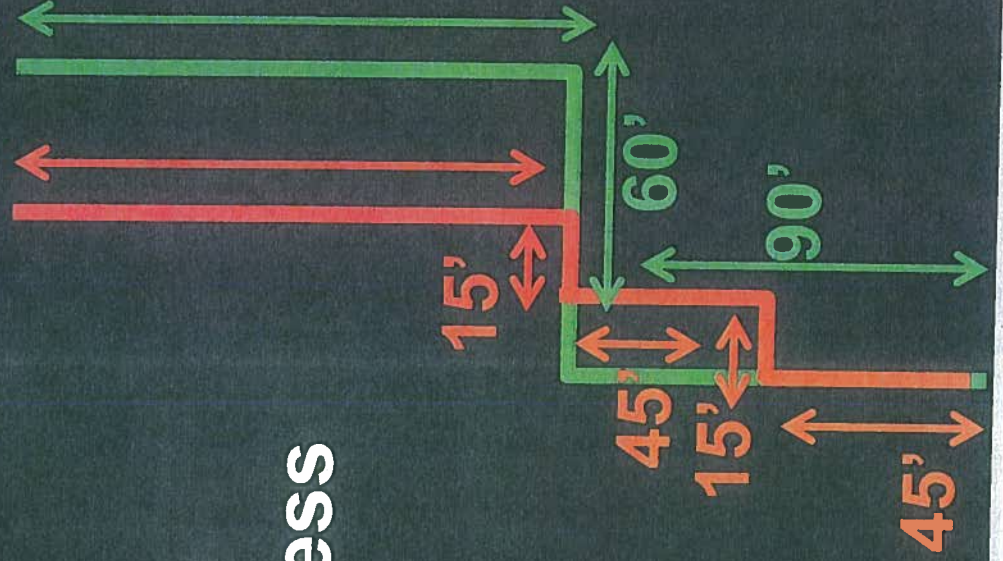
A	1792
B	1749
C	1696
D	1692
E	1747
F	1789

[illegible]
$$\frac{B.1}{11}$$

Congress Avenue Overlay

City Code

CURE Request 800-804 Congress

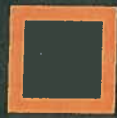


Street Level

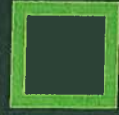
Congress Avenue Overlay



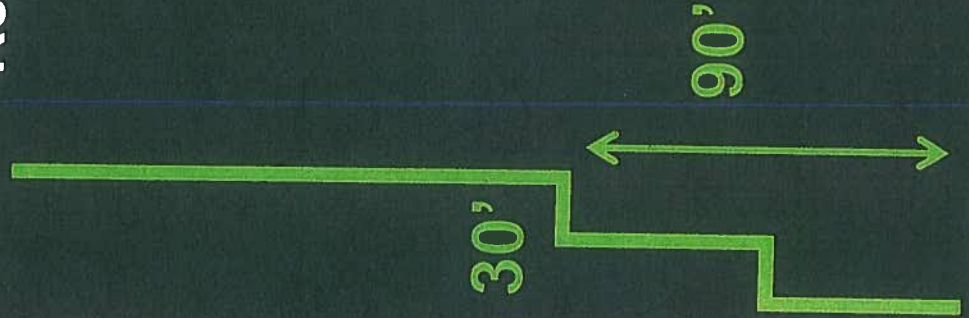
City Code



CVC



CURE
Request



Street Level

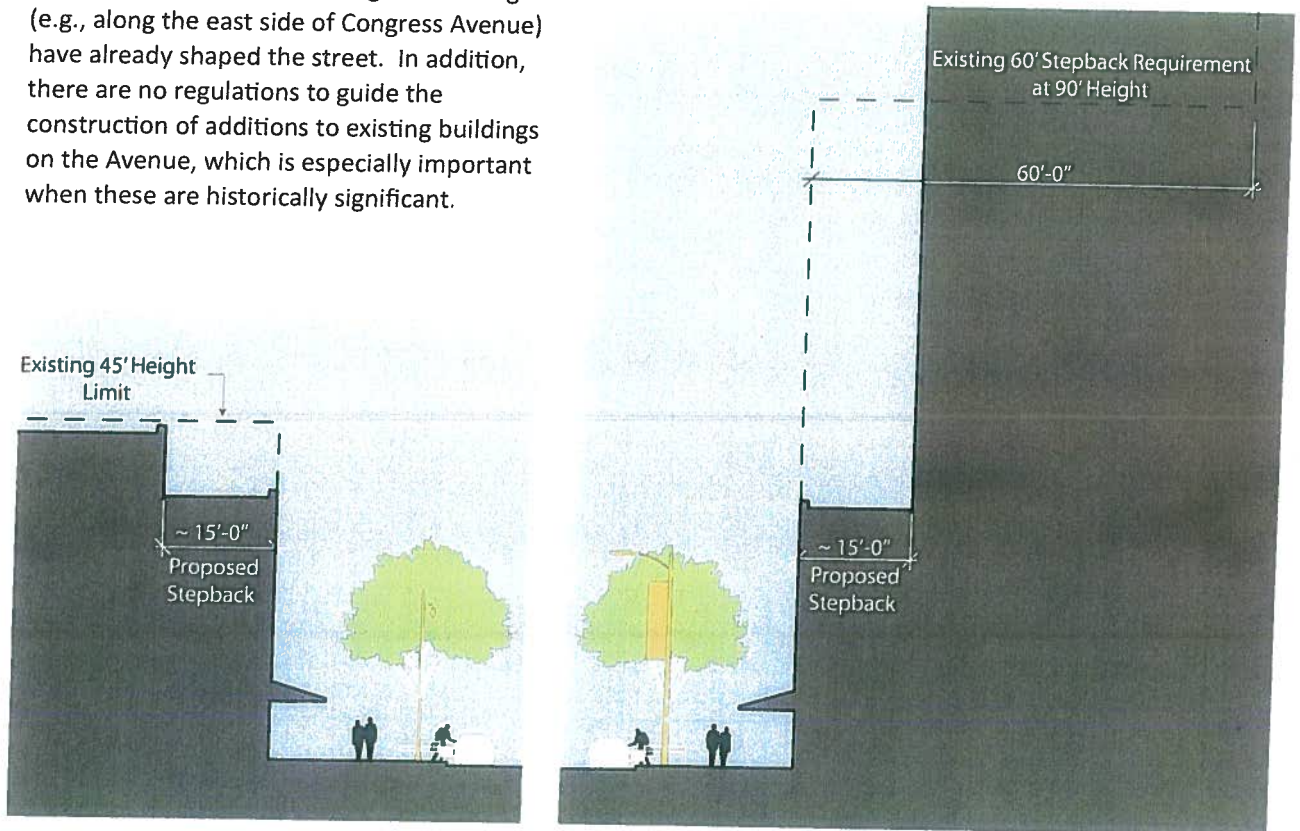
- The City should maintain these as design standards, but also require rooftop additions on historic buildings to be stepped back from the front façade of the original, historic structure by approximately 15 feet. This would help maintain the original building's distinct form, silhouette and prominence, while allowing for compatible roof terraces and/or additional stories.
- The *Sixth Street Austin* Public Improvement District (PID) should be tasked with developing appropriate rooftop terrace and signage standards and with enforcing these.



The character of the East 6th Street NRHD has been diminished by ad hoc rooftop additions.

HP-2.4: Introduce stepback provisions for new buildings and building additions within the Congress Avenue National Register Historic District.

Properties along Congress Avenue are currently under the protection of a NRHD, a Capitol View Corridor and the Congress Avenue Overlay District. The Overlay requires new buildings (or additions) to step back by 60 feet starting at a height of at least 30 feet, but no greater than 90 feet. This required stepback of 60 feet is greater than necessary to protect the historic character and symbolic significance of Congress Avenue since existing tall buildings (e.g., along the east side of Congress Avenue) have already shaped the street. In addition, there are no regulations to guide the construction of additions to existing buildings on the Avenue, which is especially important when these are historically significant.



Proposed Stepback Provision for East 6th Street and Congress Avenue NRHDs

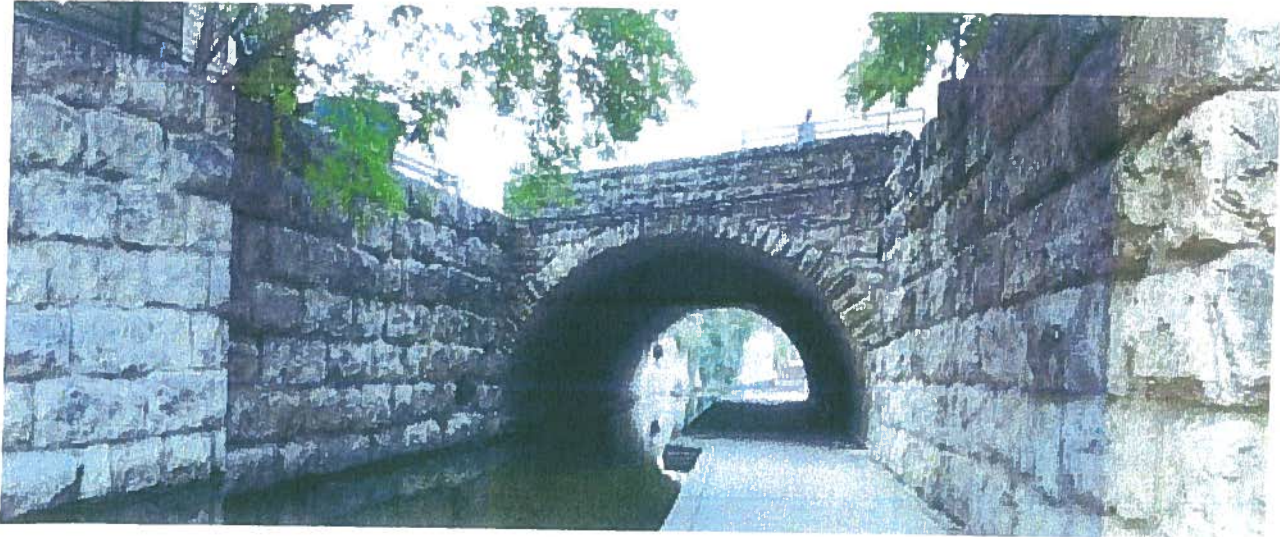
- The City should require building additions to historic structures to be stepped back from the Congress Avenue-facing façade by approximately 15 feet. In addition, the City should consider relaxing the 60-foot setback requirement of the Congress Avenue Overlay District.

HP-3. ADMINISTRATION: *The City should intensify its role in managing and funding Downtown preservation.*

Currently the City's Historic Preservation Office has three full-time staff, which is not adequate to accomplish much beyond the monthly administration of Historic Landmark Commission meetings. The CHPO is not funded to engage in more proactive planning efforts, required updates, public outreach and education, website development, etc., nor does it have the ability to support high-priority preservation projects. There are also no sources of capital funding for needed renovations of key Downtown historic resources, including publicly-owned parks and park structures, bridges, etc. The few grant programs available for historic preservation are generally small and reserved for local government organizations.

The City's seven commissioners on the Historic Landmark Commission are called upon to interpret federal, state and local standards for designation of landmarks and districts, and to do so objectively, fairly and consistently. They must review building permit and Certificate of Appropriateness applications and determine whether the work proposed is consistent with best preservation practices and federal, state and local standards for preservation, rehabilitation and restoration. It is important that there be sufficient staff capacity to advise the Commission, and that the Commission be reinforced with members who have technical expertise, including preservation architects and architectural historians, who could continue to provide informed and effective review of project applications.

Restoration of Downtown's historic public infrastructure, such as bridges and parks, is needed.





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Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

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October 7, 2011

Ms. Michele Haussmann
Winstead, PC

Re: Unofficial Design Commission Action on the Austin Hotel

Dear Ms. Haussmann,

This letter is to inform you of the unofficial Design Commission action on the above referenced project submittal to the Commission on September 26, 2011. The agenda posting and action were as follows:

*Discussion and possible action on the Conceptual submittal of the Austin Hotel located at 800 and 804 Congress Ave. seeking additional entitlements on the property in reference to the floor-to-area ratio, off-site parking, modification of the setback requirements of the Congress Ave. Overlay, and maneuvering in the alley. (David Kahn, Colina West);
The motion to approve project as presented with requested entitlements made by Jeannie Wiginton and second by David Knoll was approved on a vote of 6-0.*

Please note that the above does not represent official meeting minutes as those will be considered at the Design Commission regular meeting on October 24, 2011.

Please contact me at (512) 974-2975 if you have any questions or need additional information.

Sincerely,

Jorge E. Rousselin, Development Services Process Coordinator
Planning and Development Review Department - Urban Design Division

cc: George Adams, Assistant Director, PDRD
Jim Robertson, Manager, Urban Design Division, PDRD
Bart Whatley, Chair, Design Commission
Clark Patterson, Senior Planner, PDRD

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0065

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011
Planning Commission, Nov 8, 2011
City Council, Jan 12, 2012

NICHOLAS SAENZ - PANGLOSS

Your Name (please print)

☒ I am in favor
☐ I object

713 CONGRESS AVENUE

Your address(es) affected by this application

[Signature]
Signature

11/18/2011
Date

Daytime Telephone: 512-692-0525

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011
Planning Commission, Nov 8, 2011
City Council, Jan 12, 2012

☒ I am in favor
☐ I object

NICHOLAS SPENZER - PROPOSITOR
Your Name (please print)

219 CONGRESS AVENUE

Your address(es) affected by this application

11/18/2011
Date

[Signature]
Signature

Daytime Telephone: 512-692-0575

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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Case Number: C14-2011-0065

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011

Planning Commission, Nov 8, 2011

City Council, Jan 12, 2012

David Kahn
Your Name (please print)

☒ I am in favor
☐ I object

804 Congress

Your address(es) affected by this application

David Kahn

by CR

Signature

Date

Daytime Telephone: 512 482 6122

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P O. Box 1088

Austin, TX 78767-8810

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Public Hearing: Historic Landmark Commission, Oct 24, 2011
Planning Commission, Nov 8, 2011
City Council, Jan 12, 2012

Come To Texas Capital One LP

Your Name (please print) SHAWDON DAVIS

KAHN

804 CONGRESS AV

Your address(es) affected by this application

10-20-11

Date

Signature

Daytime Telephone: (512) 426-5136

Comments: CELEST PROJECT

☒ I am in favor ☐ I object
--

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

2/21 B.1

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0065

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011

Planning Commission, Nov 8, 2011

City Council, Jan 12, 2012

SINCLAIR BLACK SR. AUSTIN JSB

Your Name (please print)

200 WEST 4TH ST.

Your address(es) affected by this application

Jordan Black

Signature

Daytime Telephone: 731-4471

Date

10.19.11

Comments: BY ALL MEANS, WE NEED MORE

SMALL HOTELS.

☒ I am in favor
☐ I object

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B.1
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Planning Commission, Nov 8, 2011
City Council, Jan 12, 2012

Doris Karetkin
Your Name (please print)

☒ I am in favor ☐ I object
--

Doris Karetkin
Your address(es) affected by this application

Doris Karetkin
Signature

Date

Daytime Telephone: _____

Comments: _____

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Clark Patterson

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Austin, TX 78767-8810

B.1
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