

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0065 The Austin Hotel

P. C. DATE: 11/08/11, 01/10/12, 01/24/12

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)

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'), Section 25-6-592(B)(1), (B)(2) and 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 25-6-501(E) of the Austin City Code to allow for off-site parking and to modify Section 25-6-591 of the Austin City Code to not provide an off-street parking facility. 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 provides all required off-street parking in an off-site parking facility in accordance with Section 25-6-501 of the City Code and the provisions of Section 25-6-501(E) are modified to allow all parking for persons with disabilities to be located off-site as long as (i) such off-site parking meets the requirements of Section 25-6-501 and (ii) the minimum number of parking spaces for persons with disabilities as required by the Building Code are located on streets immediately adjacent to the site, comply with ADA design requirements and are in locations approved by the director of Planning and Development Review Department and the Austin Transportation Department and 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 façade 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 stepback of 60 feet is greater then necessary to protect the historic character and symbolic significance of Congress Avenue". The Downtown Austin Plan on page 74 states that "the City should require building additions to historic structures to be stepped back from the Congress Avenue-facing façade by approximately 15 feet". The applicants request is in keeping with this recommendation of the Downtown Austin Plan. 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 and for a reduction in the required setback along Congress Avenue. Four properties have recently requested a reduction from the required sixty foot (60') setback on the Congress Avenue Overlay to forty feet (40') and all were granted approval from the City Council. This site is located within the "desired development zone" where development is encouraged to locate. This case was heard by the Design Commission on September 26th and the Commission recommended approval of the request. This case was heard by the Downtown Commission on October 19th and their request was recommended and the vote was 8 for, 1 against and 3 abstained. This case was heard by the Historic Landmark Commission on December 12th and they voted to send the case to the Planning Commission with out a recommendation on a vote of 3-1. Note: Single family, multifamily and commercial uses on properties zoned CBD or DMU are required to meet a 1-star rating under Austin Energy's Green Building Program.

PLANNING COMMISSION RECOMMENDATION:

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

This case was heard by the Historic Landmark Commission on December 12th and they voted to send the case to the Planning Commission without a recommendation on a vote of 3-1.

DOWNTOWN COMMISSION RECOMMENDATION:

The applicant attending the Downtown Commission on October 19th and their request was recommended and the vote was 8 for, 1 against and 3 abstained.

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

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

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.

CITY COUNCIL DATE: January 12th, 2012
February 2nd, 2012

ACTION: Postponed to February 2, 2012

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

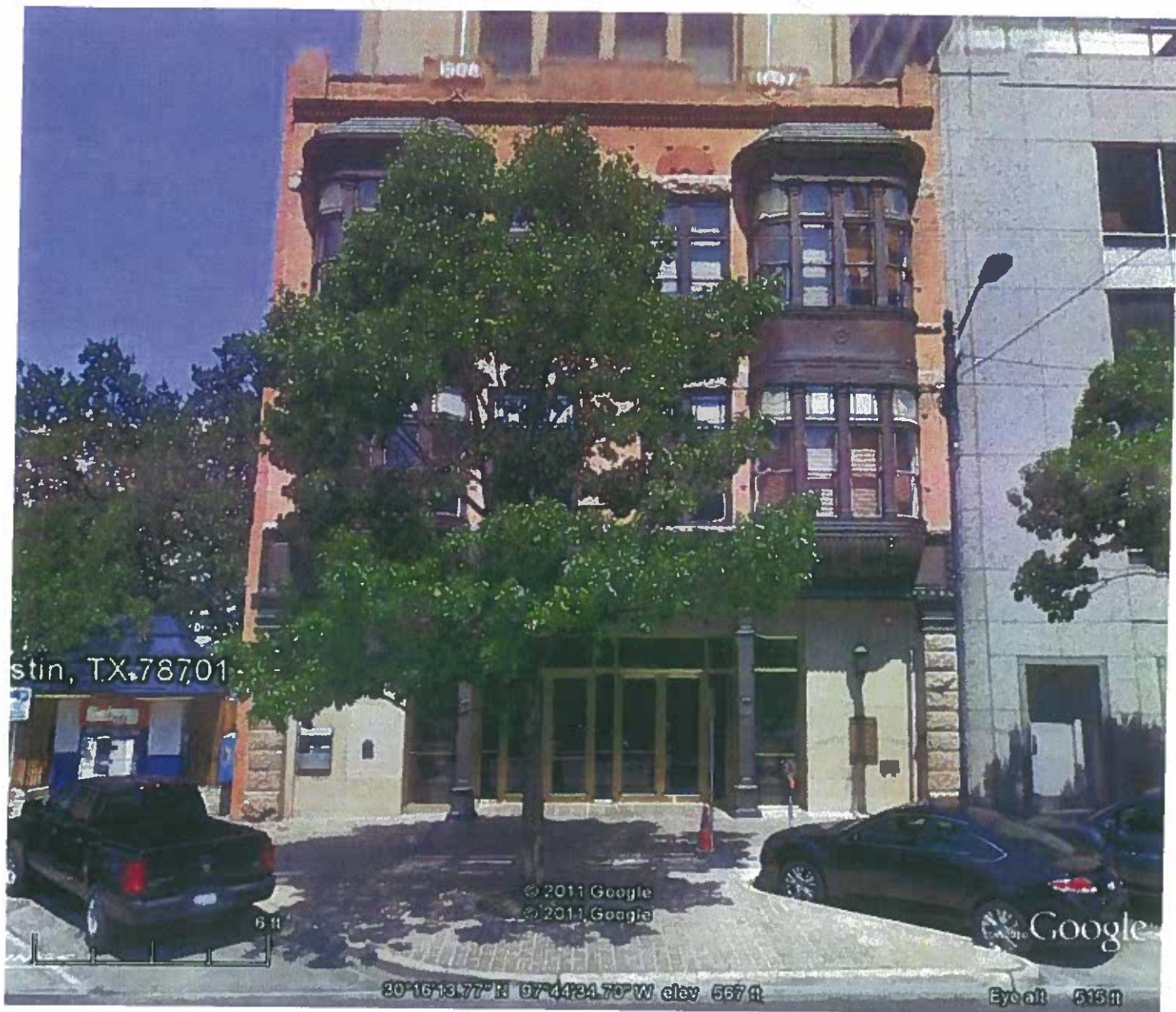
CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



CAPITAL
VIEW
CORRIDOR

SUBJECT
TRACT





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.

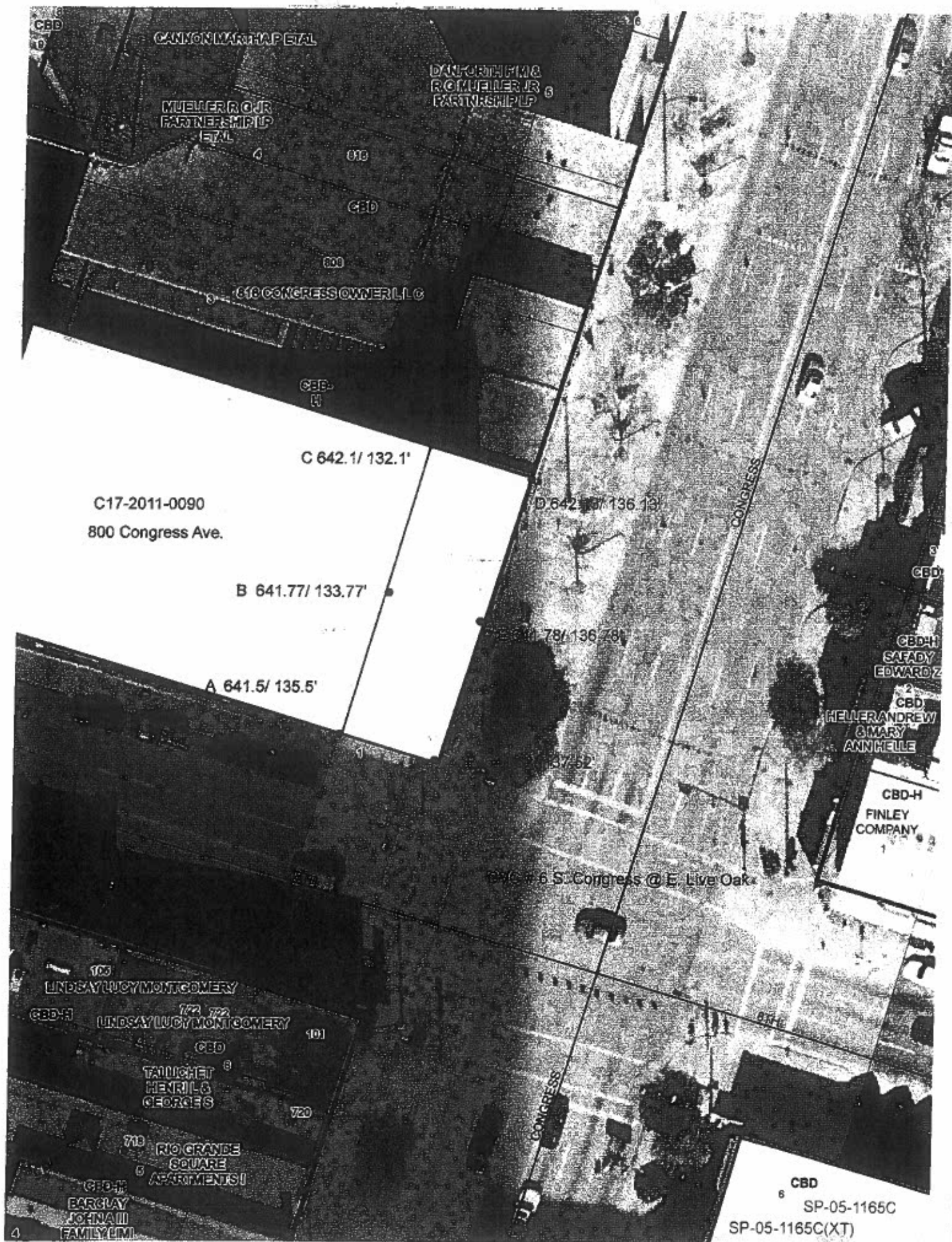
The specified points A-F, as shown on the graphic attachment, would allow for building heights between 132.10 to 137.52 feet above the ground level of the specified site. The maximum elevation allowable for any structure at this location would be between 641.10 and 642.13 feet above sea level.

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



CANNON MARSH ET AL

MUELLER ROJR
PARTNERSHIP
ET AL

DANFORTH FMS
ROMHEIMER JR
PARTNERSHIP

610 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'

137/62

CBD-H
SAFADY
EDWARD Z

CBD
HELLER ANDREW
& MARY
ANN HELE

CBD-H
FINLEY
COMPANY

642.13/62 S. Congress @ E. Live Oak

103
LINDSAY LUCY MONTGOMERY

CBD-H
LINDSAY LUCY MONTGOMERY

TALICHET
HENRI &
GEORGES

710
RIO GRANDE
SQUARE
APARTMENTS I

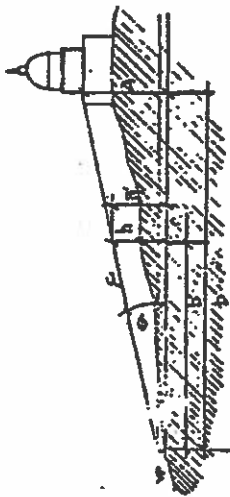
CBD-H
BARCLAY
JOHN III
FAMILY LMI

CBD

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

Height Determination Worksheet

Location Map


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

VP = VERBFORM
 a = elevation of base of dome (153) means VP elevation
 b = distance from VP to Capital
 c = rightline to Capital
 d = VP elevation to right line at review site
 e = distance from VP to review height
 h = atmospheric height

$\tan \alpha \cdot x \cdot b = a$
 $a - c = h$
 (vertical distance of
 point of
 intersection of
 two lines)
 $a =$ distance from VP to Capital
 $c =$ distance to Capital
 $x =$ distance to sightline at review site
 $b =$ distance from VP to review site
 $h =$ above eye height
 don't forget to add
 from sheet top to
 block top of review site

C17-2011-0090
800 Congress

[illegible]

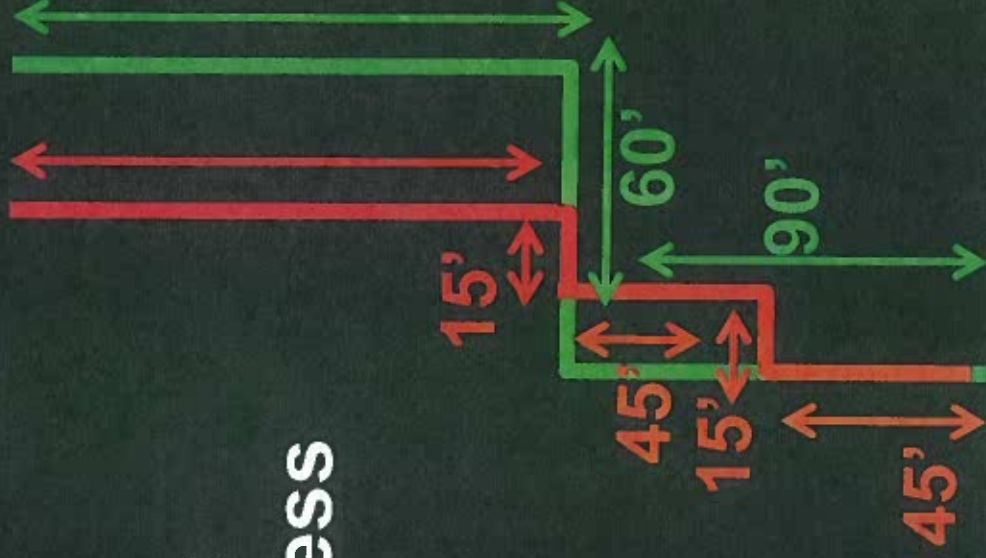
Congress Avenue Overlay



City Code



CURE Request
800-804 Congress



Street Level

Congress Avenue Overlay

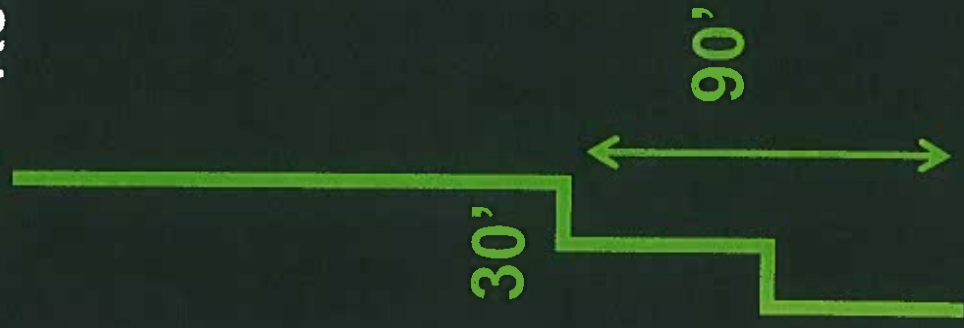
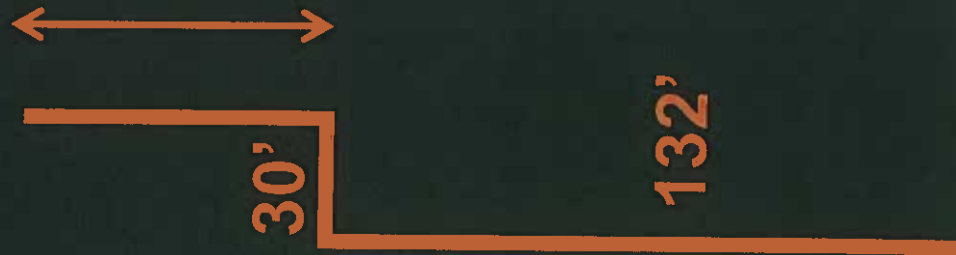
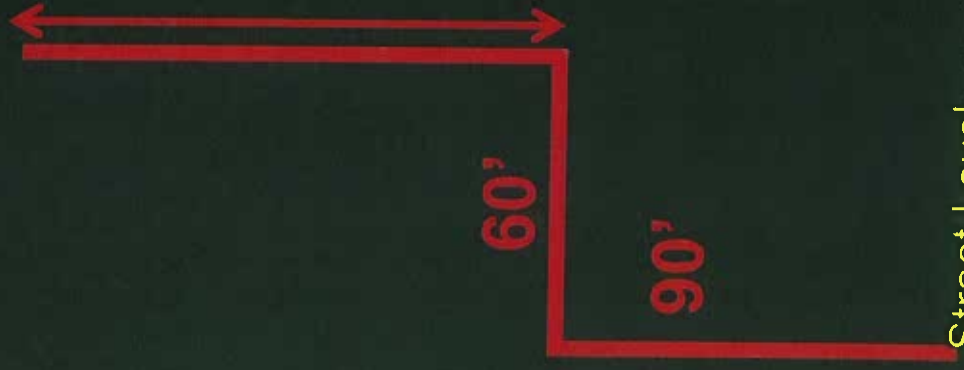
☐ City Code



CVC



CURE
Request



Street Level

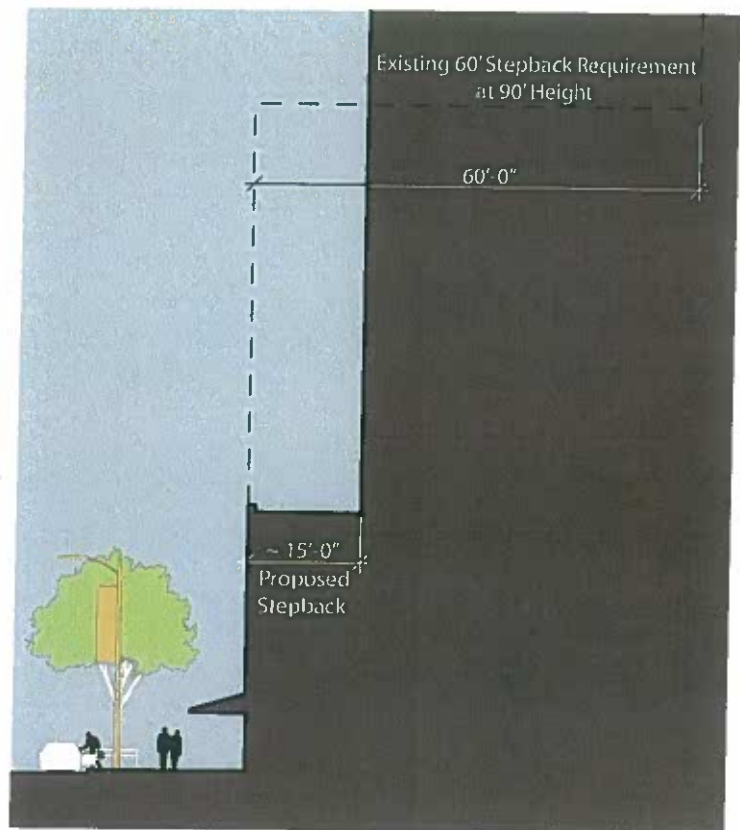
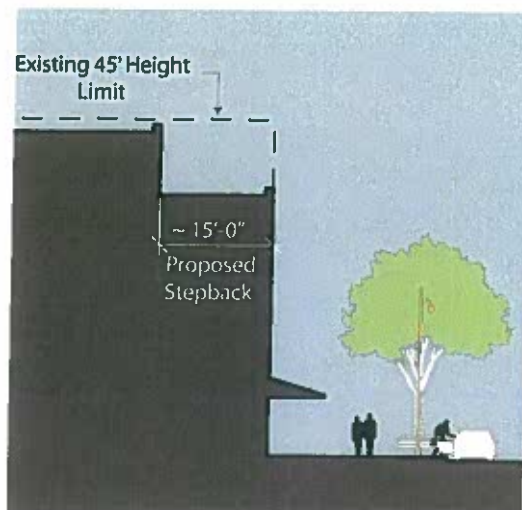
- The City should maintain these as design standards, but also require rooftop additions on historic buildings to be stepped back from the front façade of the original, historic structure by approximately 15 feet. This would help maintain the original building's distinct form, silhouette and prominence, 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.





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

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.*

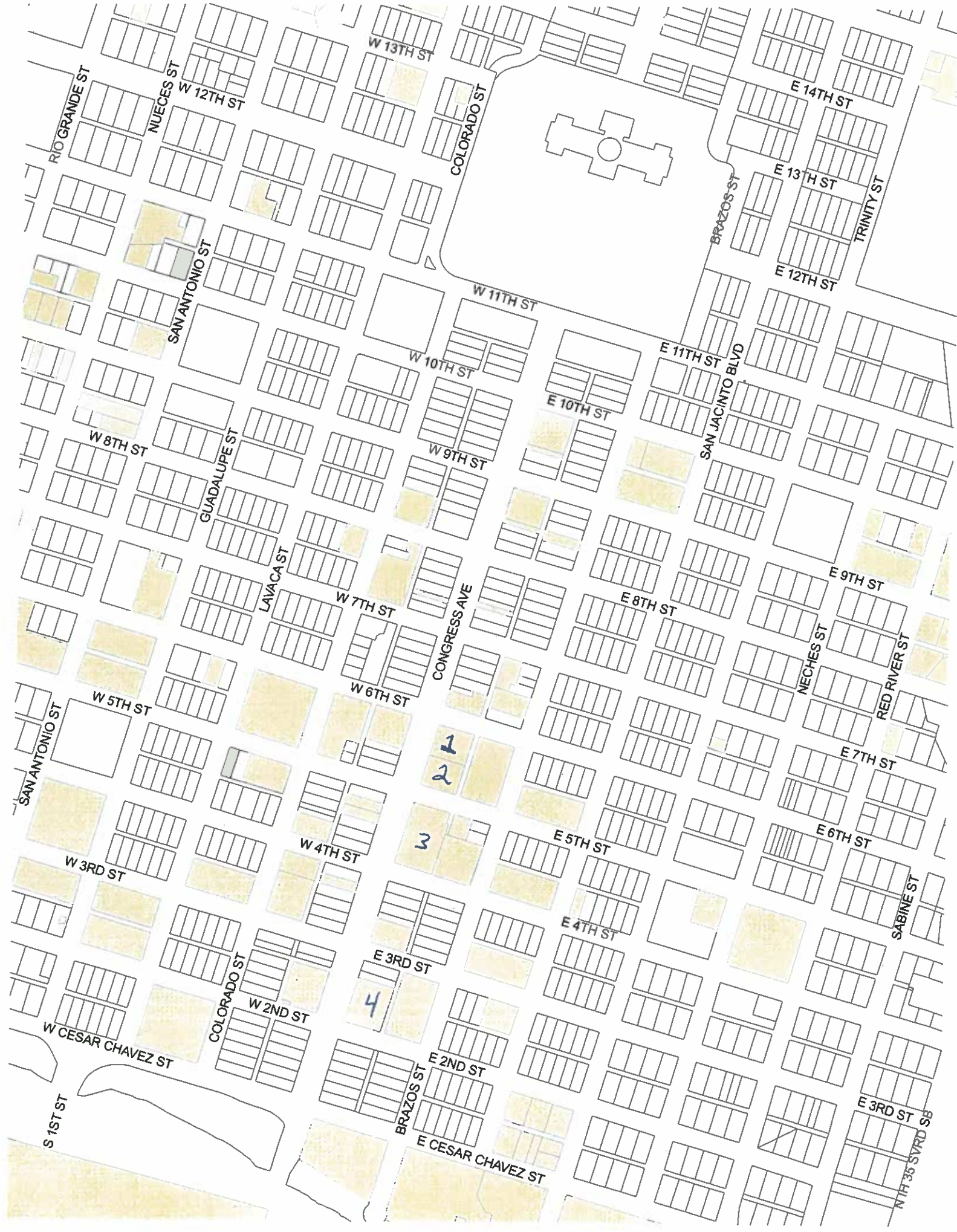
Please note that the above does not represent official meeting minutes as those will be considered at the Design Commission regular meeting on October 24, 2011.

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



1

ORDINANCE NO. 010802-13

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 501-515 CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT (CBD) TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT (CBD-CURE) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Central Business District (CBD) to Central Business District-Central Urban Redevelopment (CBD-CURE) combining district on the property described in File C14-01-0029, as follows:

Lots 1-6, Block 56, Original City of Austin, Travis County, according to the map or plat on file in the General Land Office of the State of Texas, (the "Property")

locally known as 501-515 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

1. Development of the Property may not exceed a floor to area ratio (F.A.R.) of 12 to 1.
2. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height may exceed 90 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.

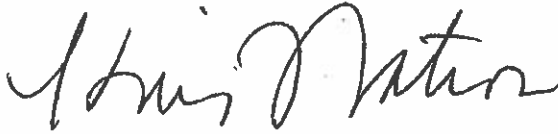
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 13, 2001.

PASSED AND APPROVED

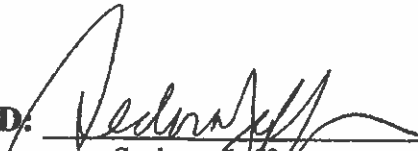
August 2, 2001

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§




Kirk Watson
Mayor

APPROVED:


Sedora Jefferson
Acting City Attorney

ATTEST:


Shirley A. Brown
City Clerk



 1" = 200'	SUBJECT TRACT 	<h2 style="text-align: center;">ZONING EXHIBIT A</h2>		CITY GRID REFERENCE NUMBER J22
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-01-0029	DATE: 01-02	
	CASE MGR: G.RHOADES	ADDRESS: 501-515 CONGRESS AVE	INTLS: BAR	
		SUBJECT AREA (acres): 1.013		

#2

ORDINANCE NO. 20080925-110

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 501 NORTH CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district-central urban redevelopment district (CBD-CURE) combining district to central business district-central urban redevelopment district (CBD-CURE) combining district on the property described in Zoning Case No. C14-2008-0144, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1, 2, and 3, Block 56, Original City of Austin, according to the map or plat on file in the General Land Office of the State of Texas (the "Property"),

locally known as 501 North Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

- A. Development of the Property may not exceed a floor-to-area ratio (F.A.R.) of 20.0 to 1.0.
- B. Section 25-2-643(A) (*Congress Avenue (CA) Combining District Regulations*) is modified to allow a building setback of 40 feet from Congress Avenue for a structure with a minimum height of 30 feet and a maximum height of 90 feet.


Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on October 6, 2008.

PASSED AND APPROVED

September 25, 2008

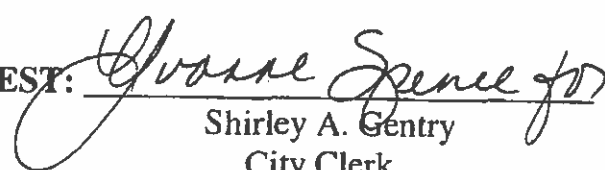
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Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney




ATTEST:


Shirley A. Gentry
City Clerk



ZONING EXHIBIT A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR S. MEEKS

ZONING CASE# C14-2008-0144
 ADDRESS: 501 CONGRESS AVE
 SUBJECT AREA 0.5069 ACRES
 GRID: J22
 MANAGER C. PATTERSON



1" = 400'

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

3

ORDINANCE NO. 001130-107

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOT 1-6, BLOCK 42, ORIGINAL CITY OF AUSTIN, FROM CENTRAL BUSINESS DISTRICT (CBD) TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT (CBD-CURE) COMBINING DISTRICT, LOCALLY KNOWN AS 401-421 CONGRESS AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district (CBD) to central business district-central urban redevelopment (CBD-CURE) combining district on the property described in File C14-00-2208, as follows:

Lots 1-6, Block 42, Original City of Austin, according to the map or plat on file at the General Land Office of the State of Texas (the "Property")


locally known as 401-421 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

1. Development of the Property may not exceed a floor to area ratio (F.A.R.) of 12 to 1.
2. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height is 90 feet from ground level.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.



 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G.RHOADES	CASE #: C14-00-2208 ADDRESS: 401-421 CONGRESS AVE. SUBJECT AREA (acres): 1.015	ZONING <i>EXHIBIT A</i> DATE: 00-10 INTLS: TRC	CITY GRID REFERENCE NUMBER J22
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4

ORDINANCE NO. 20100624-126

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 209 CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT (CBD) DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district (CBD) district to central business district-central urban redevelopment district (CBD-CURE) combining district on the property described in Zoning Case No. C14-2010-0054, on file at the Planning and Development Review Department, as follows:

Lots 1-4, and the south 14.7 feet of Lot 5, Block 18, Original City of Austin, Travis County, Texas, according to the map or plat of record on file in the General Land Office of the State of Texas, (the "Property"),

locally known as 209 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

The following applies to a project with a hotel-motel use with a total of at least 700 rooms on this Property and the property described in Exhibit "B" attached to this ordinance:

1. Development of the Property may not exceed a floor-to-area ratio (F.A.R.) of 16.0 to 1.0, unless the developer elects to participate in the development bonus program under Section 25-2-586 (*Affordable Housing Incentives in a Central Business District (CBD) or Downtown Mixed Use (DMU) Zoning District*) of the Code. Development of the Property under Section 25-2-586 may not exceed a F.A.R. of 25.0 to 1.0, and the floor-to-area ratio limitation for the development shall be 16.0 to 1.0 for the purpose of calculations made under Section 25-2-586.

2. Section 25-6-592 (C) (2) (*Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District*) of the Code is modified to allow loading and unloading within the alley located between 2nd Street and 3rd Street.
3. Section 25-2-643 (*Congress Avenue Combining District Regulations*) of the Code is modified to allow within 40 feet of Congress Avenue a minimum structure height of 30 feet and a maximum structure height of 90 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on July 5, 2010.

PASSED AND APPROVED

_____, June 24, 2010




§
§
§ Lee Leffingwell for
Lee Leffingwell
Mayor

APPROVED: Karen M. Kennard
Karen M. Kennard
Acting City Attorney

ATTEST: Shirley A. Gentry
Shirley A. Gentry
City Clerk

Legend



-  SUBJECT TRACT
 PENDING CASE
 ZONING

SCALE: 1" = 200'

ZONING *EXHIBIT A*

CASE NUMBER: C14-2010-0054
ADDRESS: 201, 209 & 213 CONGRESS AVE
AREA: 0.7299 AC.
GRID: J22
CASE MGR: C.PATTERSON



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.

PUBLIC HEARING INFORMATION

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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 SHERZ - PANYMOUNT

Your Name (please print)

TWENTY

713 CONGRESS AVENUE

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512-692-0528

Comments:

11/18/2011

Date

☒ 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

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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

Nicholas Spentz - State Representative

Your Name (please print)

719 Congress Avenue

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: *512-692-0575*

11/18/2011

Date

☒ I am in favor
☐ I object

Comments:

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

City of Austin

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P. O. Box 1088

Austin, TX 78767-8810

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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)

804 Congress

Your address(es) affected by this application

David Kahn
Signature

Date

10-22-11

Daytime Telephone: 512 482 6122

Comments:

☒ 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

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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

Case To Texas CAPITAL ONE LP

Your Name (please print) SWEDON DAVID KAHN

804 CONGRESS AV

Your address(es) affected by this application

10-20-11

Signature

Date

Daytime Telephone: (512) 426-5136

Comments: CASE PROJECT

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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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

SINGULAR BLACK EXP. AUSTIN JSB

Your Name (please print)

208 WEST 4TH ST.

Your address(es) affected by this application

Singlen Black

Signature

10.19.11

Date

Daytime Telephone: 731-4471

Comments: BY ALL MEANS, WE NEED MORE

SINGLE HOTELS.

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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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

Denis Karetkin

Your Name (please print)

Denis Karetkin

Your address(es) affected by this application

Denis Karetkin

Signature

Date

Daytime Telephone: _____

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

☒ I am in favor
☐ I object

Mayor Lee Leffingwell and
Members of the City Council
PO Box 1088
Austin, Texas 78767

December 13, 2011

RE: 800 Congress application and Congress Avenue

Dear Mayor and Council members,

As you walk Congress Avenue, you enjoy a largely unrestricted view of the Capitol Building due to building height setbacks from the Avenue.

The setbacks were codified by the City Council within the 1984 revised Chapter 13-2A Zoning Ordinance. I am grateful to have served as the Chairman of the Committee that wrote the Overlay and the Zoning Ordinance, which received unanimous Council support.

The Zoning Ordinance Committee carefully crafted the setback in conjunction with the private-sector owners and the larger community to maintain prime views of the Capitol and to improve downtown and the Avenue.

Private-sector building owners supported the setback with their risk investment dollars, architecture, and commitment to a grand Avenue. The owners' high-rises reflect the setback standard even as some buildings preceded its adoption. We at the Trammell Crow Company respected the setback on our 301 Congress high-rise even though our view of the Capitol Building was already blocked by the Hines building at Sixth and Congress. Other building owners up and down the Avenue acted in concert.

Consequently, the setback standard should be maintained as a reflection of the Committee's, Council's, public's and owners' commitment to enhance the architecture and grandeur of Congress Avenue and the Capitol.

Respectfully,



David Bodenman
Chairman, Zoning Ordinance Committee, 1984
Chairman, Planning Commission, 1980-81



MEMORANDUM

TO: Laurie Limbacher, Chair
Historic Landmark Commission Members

FROM: Clark Patterson, AICP
Planning and Development Review Department

DATE: November 9, 2011

RE: Congress Avenue Overlay

In 1984 various ordinances and legislation was passed in an effort to preserve key public views to the Capitol building and dome, and in doing so, the image and identity of Austin as the capital city of Texas. This passage of ordinances and legislation was in response to community concerns that new high-rise development was beginning to overshadow and obstruct views to the Capitol. Consequently, the City and State adopted several ordinances and legislation including the Capitol Dominance Zone that limits building height within a certain radius of the Capitol, the Capitol View Corridors (CVCs), which protect 35 different viewpoints to the Capitol through specific height limits and the Congress Avenue Overlay District, which requires step backs for buildings along the central avenue. The Congress Avenue Overlay was a direct response to the development of a few high rise buildings that had been constructed at the property line with vertical walls going up without any wall articulation. The purpose of the Congress Avenue Overlay was to prevent the "canyon effect" along Congress Avenue.

§ 25-2-165 CONGRESS AVENUE (CA) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

(A) The purpose of the Congress Avenue (CA) overlay district is to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment of the area.

(B) The CA overlay district applies to all property zoned CBD or DMU that is between the alleys on each side of and parallel to Congress Avenue from First Street to Eleventh Street.

Source: Section 13-2-172; Ord. 990225-70; Ord. 031211-11.



909 Congress Ave, Austin, TX 78701

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30°16'14.53"N 97°44'39.53"W elev 502 ft

Google

Eye alt: 511 ft

2917 BOUNDARIES

Boundaries for the CDZ Capitol Dominance Zone shall include all properties within one-fourth mile radius of the State Capitol dome (1,320 feet).

2918 USE REGULATIONS

Permitted and conditional uses for the CDZ Capitol Dominance Zone shall be those uses specified for the base district(s) which are included in the CDZ boundary.

2919 SITE DEVELOPMENT REGULATIONS

Site Development Regulations for the CDZ Capitol Dominance Zone shall be those regulations specified for the base district(s), with the addition of the following requirements:

In close proximity to the State Capitol, the height of surrounding buildings should be limited, but the permitted height may increase as the distance from the Capitol increases. Within 1/4 mile (1,320 feet) of the State Capitol, permitted building heights shall be established by a line that forms a $2\frac{1}{2}^{\circ}$ angle from the base of the Capitol dome and the imaginary plane established at 653 feet elevation above sea level. The formula for calculating the height ceiling at intermediate points shall be established by multiplying the distance from the Capitol center dome by the tangent of $2\frac{1}{2}^{\circ}$ or .04366, and adding this to 653 feet elevation.

2920 CAZ CONGRESS AVENUE ZONE

2921 PURPOSES

The CAZ Congress Avenue Zone is intended for application in combination with the CBD and DMU base districts in order to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment along this unique downtown corridor.

2922 BOUNDARIES

The boundaries of the CAZ Congress Avenue Zone shall include all properties between alleys on either side of Congress Avenue from First Street to Eleventh Street.

2923 USE REGULATIONS

Permitted and conditional uses for the CAZ Congress Avenue Zone shall be those uses specified for the base district.

2924 SITE DEVELOPMENT REGULATIONS

Site development regulations for the CAZ Congress Avenue Zone shall be those regulations specified for the base district with the addition of the following requirements:

1. Within 60 feet adjacent to Congress Avenue, the heights of buildings shall be a minimum of 30 feet and a maximum of 90 feet.
2. To the extent glass is utilized, clear or lightly tinted glass shall be used on the first floor of all buildings and structures.
3. Reflective surface building materials shall be limited to use only when there is no glare.

There shall be no surface parking lots, nor curb cuts, nor unscreened garage openings at any level permitted as a result of any new development within identified Overlay Zone Boundaries on Congress Avenue, East 6th/Pecan Street, or along the street frontage adjacent to Downtown Parks or Town Lake, or along Downtown Creek frontages. The Planning Commission shall have the right to waive one or more of these requirements provided that the Commission includes a finding in its approval that: (1) the applicant has demonstrated that adherence to the regulations is impractical, and (2) the applicant has demonstrated that the proposed project will not unreasonably impair pedestrian and vehicular movement in the affected area and adequate precautions have been made for public safety, convenience and the aesthetic values of the Overlay Zone.

The decision of the Planning Commission may be appealed to the City Council. If the City Council approves such application, it shall be required to make the same findings as provided hereinabove.

2925 PSZ E. SIXTH/PECAN STREET ZONE

2926 PURPOSES

The PSZ E. Sixth/Pecan Street Zone is intended for application in combination with the CBD and DMU base districts in order to protect the historic character of East Sixth/Pecan Street and to enhance the pedestrian orientation of this unique urban area.

2927 BOUNDARIES

The boundaries of the PSZ E. Sixth/Pecan Street Zone shall include all properties between alleys and the extension of alley lines on either side of E. Sixth/Pecan Street from I.H. 35 to the alley east of Congress Avenue.

