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T**ORDINANCE AMENDMENT REVIEW SHEET**

Amendment: C20-2012-017 Rainey Street Historic District Density and Height

Description: Consider an ordinance amending Chapter 25-2-739 of the City Code, to encourage relocating historically significant buildings to appropriate locations outside of the Subdistrict in lieu of demolishing them.

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Planning Commission on September 25, 2012

The existing Rainey Street Subdistrict Regulations (Section 25-2-739) provide incentives for the relocation of historically significant structures within the Subdistrict, the entire area of which has Central Business District Zoning. The area of the Subdistrict from River Street to Driskill Street was listed as a National Register Historic District in September 1985 due to its historical significance and architectural integrity. The Central Business District zoning allows for high-rise, dense redevelopment of properties in the Subdistrict, which may lead property owners to seek demolition of historically significant buildings. Relocation of the historically significant buildings and their adaptive reuse is preferred over demolition as it allows for continued productive use of these resources, meets sustainability goals, reduces the amount of building materials being sent to the landfill, and allows the buildings to serve as compatible in-fill in other neighborhoods.

Therefore the Historic Landmark Commission passed a resolution requesting the Subdistrict incentives be revised to encourage developers to pursue relocating historically significant buildings to appropriate locations outside the district in lieu of demolishing them.

The Planning Commission initiated the code revisions and the proposal was presented to the Waterfront Advisory Board for comment.

The Ordinance will be presented to Planning Commission in January 2013.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances – Voted to send this item to full Planning Commission on January 15, 2013. Vote: 4-0.

Planning Commission – A public hearing at Planning Commission has been set for January 22, 2013.

Council Action

City Council – A public hearing at City Council has been set for February 14, 2013.

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Ordinance Number: NA

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ORDINANCE NO. _____

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AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE RELATING TO HISTORICALLY SIGNIFICANT BUILDINGS ON RAINEY STREET.

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

PART 1. Section 25-2-739 (*Rainey Street Subdistrict Regulations*) of the City Code is amended to reflect the following:

§ 25-2-739 RAINEY STREET SUBDISTRICT REGULATIONS.

- (A) This section applies in the Rainey Street subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 150 feet landward from the Town Lake shoreline; and
 - (2) 50 feet from the Waller Creek centerline.
- (C) This subsection applies to property zoned central business district (CBD) after April 17, 2005.
 - (1) For a building located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus, the development must have sidewalks not less than ten feet wide along the street frontage.
 - (2) For a residential or mixed-use building, the maximum building height is 40 feet. This limitation does not apply if at least five percent of the dwelling units on the site are available to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
 - (3) A use with a drive-in service is prohibited.
 - (4) The permitted floor-to-area ratio is 12 to 1 if the building height limitation of 40 feet prescribed by Paragraph (2) does not apply and the development cumulates at least 65 points, as described in this paragraph.
 - (a) The development qualifies for 10 points if:
 - (i) at least 10 percent of the gross floor area of the development is used for a residential use; and
 - (ii) at least 10 percent of the gross floor area of the development is used for a nonresidential use.

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- (b) The development qualifies for 15 points if the development complies with this paragraph.
- (i) Street lights must be installed along the street frontage. The street lights may not be closer together than 88 feet and may not be farther apart than 112 feet.
 - (ii) Conduit for traffic signals and street lighting must be installed along the street frontage. The conduit and its installation must comply with the City's criteria manuals.
 - (iii) Shade trees must be installed along the street frontage. The trees may not be closer together than 22 feet and may not be farther apart than 30 feet. The trees must be Class A trees, as described in the City's criteria manuals.
 - (iv) Benches must be installed along the street frontage. Two benches for each 150 feet of street frontage are required.
 - (v) Trash receptacles must be installed along the street frontage. One trash receptacle for each street adjoining the development is required.
 - (vi) The director shall determine the placement of the street lights, conduit, shade trees, benches, and trash receptacles. Only products approved by the director may be used. The director shall by rule promulgate a list of approved products.
- (c) The development qualifies for 10 points if:
- (i) for a non-residential or mixed-use building:
 - 1. along not less than 75 percent of the building's street frontage, for a building depth of not less than 20 feet the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet; and
 - 2. for a ground level wall that faces a public street, not less than 50 percent of the wall area that is between two and ten feet above grade is constructed of glass with a visible transmittance rating of 0.6 or higher; or
 - (ii) for a residential building, each ground floor dwelling unit has its principal entrance facing and opening onto the street.
- (d) The development qualifies for five points if at least 10 percent of the development is used for a plaza, square, park, green, or other similar open space.
- (e) The development qualifies for five points if:

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- (i) the parking is underground;
- (ii) the parking is located in an interior court; or
- (iii) the parking is located in an above-ground parking structure; and
 - 1. the headlights of automobiles in the parking structure are not directly visible from an adjacent building or a building across a street, other than an alley; and
 - 2. automobiles in the parking structure are screened from public view; and
- (iv) for a parking garage within 50 feet of a public street other than an alley:
 - 1. each floor must be flat, except for access ramps between floors;
 - 2. the minimum distance between a floor and the structural portion of the ceiling is eight feet; and
 - 3. the minimum distance between adjacent floors is ten feet.

(f) The development qualifies for five points if the development complies with this paragraph.

- (i) For a building adjacent to a historically significant structure, as determined in accordance with Subsection (C)(4)(j), the adjacent portions of the building above the second story are stepped back not less than 15 feet.
- (ii) Each building has an entrance on each street on which it has frontage.
- (iii) Each primary building entrance is architecturally differentiated from the entrances to the building's street level businesses, if any.

(g) The development qualifies for:

- (i) five points if each building achieves at least a two star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (*Adoption of Rules*); or
- (ii) 10 points if each building achieves at least a three star rating under the Austin Green Building program.

(h) The development qualifies for five points if the development improves street or pedestrian connectivity in the Rainey Street subdistrict. The improvement must be in addition to a sidewalk or street improvement that is already required by this title.

(i) The development qualifies for 10 points if the development is located along Rainey Street or River Street and each building has:

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- (i) a minimum front setback of ten feet; and
- (iii) a base wall with a maximum height of 45 feet and a building setback of not less than 15 feet at the top of the base wall.

- (j) The development qualifies for five points for each historically significant building structure that is preserved on-site, ~~or~~ relocated to a site within the Rainey Street subdistrict, or relocated to a location within the city limits as determined appropriate by the Historic Landmark Commission, up to a maximum of 25 points. A building structure is historically significant if the City's historic preservation officer determines that the building structure contributes to the historic character of the Rainey Street National Register Historic District.

PART 2. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013

Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Jannette Goodall
City Clerk