

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0158  
Conventus Corporation and Finley Company

**P.C. DATE:** June 24, 1014

**ADDRESS:** 619 Congress Avenue

**AREA:** 0.2535 acres

**OWNER:** Conventus Corporation

**APPLICANT:** Armbrust & Brown, PLLC (Lynn Ann Carley)

**ZONING FROM:** CBD; Central Business District

**ZONING TO:** CBD-CURE; Central Business District-Central Urban Redevelopment District with modifications to Section 25-2-743(A)(3) and 25-6-592(F), to allow for a modified street setback of 40 feet above 30 feet in building height, and to allow for one loading space measuring 10' by 30', respectively.

**NEIGHBORHOOD PLAN AREA:** Downtown

**SUMMARY STAFF RECOMMENDATION:**

There are three parts to staff's recommendation.

- 1) Staff recommends granting CBD-CURE, Central Business District – Central Urban Redevelopment District, with the condition that the Applicant executes a Public Restrictive Covenant (RC) agreeing to participate in the City's Great Streets Program, at the owner's expense, at the time of site development. This public RC must be executed prior to 3<sup>rd</sup> Reading of the rezoning ordinance at City Council.
- 2) Staff further recommends that the CURE overlay modify Land Development Code Section 25-2-743(A)(3), to allow for a modified setback of 40 feet, instead of 60 feet, above 30 feet in building height, as requested by the applicant.
- 3) Staff's recommendation on the applicant's request that the CURE overlay modify Land Development Code Section 25-6-592(F), to allow for a reduction in the number and size of required off-street loading facilities, is pending.

**PLANNING COMMISSION RECOMMENDATION:**

Scheduled for Consideration June 24, 2014

**DESIGN COMMISSION RECOMMENDATION:**

May 27, 2014

Motion 1: Find the project in substantial compliance with Urban Design Guidelines and accept work group letter of recommendation (Motion: J. Shieh; Second: J. Cotera) 6-0 (Absent: J. Wiginton).

Motion 2: Design Commission direct applicant to Minimize impact on adjacent property owners; Work with adjacent stakeholder to reach an equitable arrangement to maintain urban and economic viability; Address vertical party wall concerns (Motion: D. Almy; Second: B. Whatley) 5-0-1 Absent: J. Wiginton; Off Dias: J. Cotera) (see Exhibit D).

C14  
1/2**DOWNTOWN COMMISSION RECOMMENDATION:**

April 16, 2014 Recommended with Conditions (Motion: J. Galligan; Second: D. Glover) 10-0-1 (Abstain: S. Mathon; Absent: L. Sokol, B. Willenzik) (see Exhibit C-1 & C-2).

**HISTORIC LANDMARK COMMISSION:**

March 24, 2014 Considered a request to Construct a high-rise hotel building and Great Streets improvements; as part of the Commission's review of permits in National Register Historic Districts, issued comments (see Exhibit B-4) \*

\* The Historic Landmark Commission (HLC) did not take action or make a motion on this case because their review of projects in National Register Historic Districts is "advisory" only. The HLC provides comments only.

**DEPARTMENT COMMENTS:**

The subject tract is comprised of .2535 acres at the southeast corner of Congress Avenue and 7<sup>th</sup> Street (see Exhibits A). The approximate 1 and ½ lot tract currently houses a restaurant and surface parking. Across Congress Avenue is One America Center and the historic Sampson-Henricks Building; the InterContinental Stephen F. Austin Hotel is to the north and the Driskill Hotel is to the east and southeast. A string of commercial uses stretch to the south, which is anchored by the Littlefield Building at the corner of Congress Avenue and 6<sup>th</sup> Street.

The applicant is proposing a 450-room hotel with associated meeting space, fitness area, hotel food and beverage spaces, and lease space for a 5400 square feet restaurant use. The mid-rise hotel would take vehicular access only from 7<sup>th</sup> Street.

The request to rezone the property from CBD to CBD-CURE is accompanied by a request to modify two sections of the Land Development Code (LDC). The first, Section 25-2-643(A)(3), pertains to the Congress Avenue Conditional Overlay; the second, Section 25-6-592(F), pertains to off-street loading requirements. Each is discussed in turn below.

This request is similar to other requests in the Central Business District to add the Central Urban Redevelopment District or "CURE" overlay to properties located in the urban core to allow for additional height, additional floor-area-ratio, a modification to the Congress Avenue Overlay requirements, modification of parking or loading requirements, or other code modification(s).

**Congress Avenue Conditional Overlay**

The first part of the request, a modification to Section 25-2-643(A)(3), would reduce the distance the structure must be setback from Congress Avenue, above 30' in height, from a setback of 60 feet to 40 feet. The Congress Avenue (CA) combining district, which extends across the entire depth of the site, has a number of design requirements for new development, including that buildings within 60' of Congress Avenue must be a minimum of 30' in height, and a maximum of 90 feet. Effectively, this means the minimum setback along Congress is 60' for anything above 30' in height.

The request is identical to the one granted to Frost Bank Tower (Case # C14-00-2208), and to a proposal at 501 and 501-515 Congress (C14-06-0069 and C14-06-0071). The setback reduction was reaffirmed in the yet to be constructed project at 501 Congress (Case #C14-2008-0144). This request is also identical to that granted in 2<sup>nd</sup> & Congress (C14-2010-0054) and reaffirmed when that property was rezoned with the JW Marriott Hotel project (C14-2012-0048).

C14  
3

All of these cases, and their subject property, are located on the east side of Congress Avenue. In each instance, a portion of the justification for modification of the setback rested with the fact the shape of the east side of the street had already been determined with the construction of a structure at 823 Congress. Though the setback specified in the CA combining district applies to new development or redevelopment, it should also be noted that buildings at 919 Congress and 1005 Congress, as well as the Littlefield Building and Stephen F. Austin, are all non-complying with the tiered setback as specified in the combining district. Additional examples of encroachment include buildings at 515 Congress and the above mentioned Frost Bank Tower.

In line with this east-vs-west characterization for modified setbacks, a more recent request to add CURE to the property immediately northwest of the intersection of Congress and 8<sup>th</sup>, was denied by the Council (C14-2011-0065). While that application of CURE involved code modifications for a proposed FAR of 20:1, a provision of no off-street parking, loading in alleyways and other substantive modifications, it also included a proposed relaxed setback from Congress of 30 feet. A review of the public hearings for that project indicates a general argument that the east side of Congress is different than the west. Precedent for modification of the setback on the east side exists, and has been reaffirmed by recent Council actions. The same cannot be said for the western side.

Regardless of whether the subject tract is east or west (and it is east), the CA combining district was not established to protect views. Rather, the combining district, according to its purpose statement, is intended for 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.

Moreover, the recently adopted Downtown Austin Plan encourages a review of this setback requirement. Specifically, that Plan found that "This required setback 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." (p. 73). The Plan concludes that "the City should consider relaxing the 60-foot setback requirement of the Congress Avenue Overlay District" (p. 74).

Of note, this property is also impacted by the Capital View Corridors (CVC) Conditional Overlay. The South Congress at East Live Oak Corridor, one of twenty-six view corridors, extends 2.35 miles from the Capital southward towards the Congress Avenue/Live Oak Street intersection. The CVC restricts maximum height in view corridors; the CVC does not speak to the issue of setbacks or stepbacks. Consequently, modification of the CA combining district setback as requested by the applicant, from 60' to 40', has no bearing on the requirements, if any, under the CVC Conditional Overlay.

#### **Off-Street Loading Facilities**

The second part of the request is a reduction in the number of required off-street loading spaces, and specification of a smaller space in terms of square footage. Per Section 25-6-592(F) of the LDC, the number and size requirements of required off-street loading spaces is determined by a project's use(s) and square footage. Within the central business district, an off-street loading facility must be located on site; because this property is adjacent to an alley, that loading facility must be accessible from the alley, which itself can be used for loading and unloading as a permitted use.

Because multiple uses are often located in a single building or site, a common loading space can be used, if the Director determines that the loading space can adequately serve each use.

C14  
4

Likewise, the Director may modify the number and size of spaces required after reviewing documentation provided by the applicant concerning the demand for loading facilities for similar developments. In other words, the variance requested by the applicant can be granted – administratively – during the time of site planning.

A site plan for the proposed hotel use of the site has been submitted for review. Based on the currently proposed uses and square feet of those uses on this tract, the LDC would require at least one 10' x 30' space and at least one 10' x 40' space. If the subject tract were located outside the central business district, a minimum of three loading spaces would be required.

Planning and Development Review Department transportation review staff, along with Austin Transportation Department staff, do not support granting a reduction in the number or size of off-street loading facilities with the rezoning case at this time (see Exhibit T).

As noted above, a site plan is under review. Staff is awaiting the receipt of additional information from the applicant prior to determining whether to support the variance request. In the absence of such information, staff cannot conclude the proposal for one, smaller, shared loading facility is sufficient for the needs of the proposed development, or determine the safety and convenience impacts to other alley users. If information provided to and reviewed by staff does support the applicant's request, then certainly this waiver can be supported. Even so, this waiver need not be granted through the rezoning application, as it can be administratively approved with a site plan.

Related, if the variance is granted, and granted through the rezoning application, it becomes an entitlement for the property that, potentially, could be developed with a different use or mix of uses in which a single loading facility may or may not prove adequate. Discussion about potentially tying the uses as proposed on the current site plan to a variance granted at zoning, in a manner similar to tying uses, capacity, and infrastructure improvements by means of a Traffic Impact Analysis at zoning, is underway. However, whether a public RC or other documentation is appropriate and binding in this situation, is unknown at this time.

It is important to reiterate that not supporting the variance request with the zoning application does not in any way preclude a reduction in the number or size with the site planning application. Rather, staff is of the opinion that additional information is required prior to any reductions being granted, and that the granting of such reductions may be done administratively.

**NOTE:** Staff may recommend granting the loading space variance prior to Planning Commission or City Council Consideration if the requisite data is provided by the applicant and staff has sufficient time to review it. Staff would want to ensure, however, that granting the variance with the rezoning request does not unduly limit staff ability to require additional spaces or space configuration should the ultimate use change from the hotel use as proposed.

#### **ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle</b>	<b>Bus Service</b>	<b>Sidewalks</b>
Congress Avenue	120 feet	60 feet	Major Arterial Undivided-6 lanes (MAU 6)	Route 347 / Shared Lane	Yes	Yes
E. 7 <sup>th</sup> Street	80 feet	50 feet	Major Arterial Undivided-4	No (Route 52)	Yes	Yes

C14  
1/5

			lanes (MAU 4)	eastward at Red River)		
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**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CBD	Restaurant; Surface Parking
<i>North</i>	CBD-H; CBD	7 <sup>th</sup> St; InterContinental Stephen F. Austin Hotel, Structured Parking
<i>East</i>	CBD-H; CBD	Alley; The Driskill Hotel (with restaurant); IFC Crossroads House; 610 Brazos (office use); Brazos Street
<i>South</i>	CBD; CBD-H	Restaurant, Cleaners, Jewelers; Theater; Grocery; Banking; Littlefield Building (office & restaurant on ground); 6 <sup>th</sup> Street
<i>West</i>	CBD; CBD-H	Congress Av; One American Center (office & commercial on ground); Sampson Building (restaurant on ground)

**TIA:** Deferred to Site Planning Stage**WATERSHED:** Lady Bird Lake**CAPITOL VIEW CORRIDOR:** Yes**DESIRED DEVELOPMENT ZONE:** Yes**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Old Pecan Street Assn.	23
Downtown Austin Neighborhood Assn.	402
Downtown Austin Alliance	438
Austin Neighborhoods Council	511
City of Austin Downtown Commission	623
Austin Independent School District	742
Sixth Street Austin Association	751
Downtown Austin Neighborhood Coalition	767
Austin Warehouse District Association	778
Homeless Neighborhood Assn.	1037
Bike Austin	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Preservation Austin	1424

**ZONING CASE HISTORIES FOR THIS TRACT:** None

C14  
6**ZONING CASE HISTORIES IN THE AREA:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
<b>EAST of CONGRESS AVENUE (south to north)</b>			
106 E 2 <sup>nd</sup> Street C14-2010-0053 (2 <sup>nd</sup> & Congress East)	From CBD to CBD-CURE	Recommended; 06/08/2010	Approved; 06/24/2010 (RC regarding Great Streets design and traffic management)
209 Congress C14-2010-0054 (2 <sup>nd</sup> & Congress West)			
C14-2012-0048 (JW Marriott)	From CBD-CURE to CBD-CURE (to modify requirements)	Recommended; 06/22/2012	Approved; 06/28/2012 (RC regarding loading & deliveries)
400-401 Brazos C14-00-2207	From CBD to CBD-CURE	Recommended; 11/14/2000	Approved; 11/30/2000
401-421 Congress C14-00-2208 (Frost Tower)			
500-515 Congress C14-01-0029 (Bank of America)	From CBD to CBD-CURE	Recommended; 06/05/2001	Approved; 08/02/2001
501 Congress C14-06-0071	From CBD to CBD-CURE	Recommended; 05/09/2006	Approved; 06/08/2006
501-515 Congress C14-06-0069 (Fifth & Congress)			
121 E 6 <sup>th</sup> Street C14-2008-0143	From CBD to CBD-CURE	Recommended; 08/26/2008	Approved; 09/25/2008
501 Congress C14-2008-0144 (Sixth & Congress-East)			
300 E 5 <sup>th</sup> Street C14-2012-0106 (5 <sup>th</sup> & San Jancinto)	From CBD to CBD-CURE	Recommended; 10/09/2012	Approved; 12/13/2012 (RC requires Great Streets Design)
104 E 6 <sup>th</sup> at Congress C14H-78-033 (Littlefield Building)	From C-2, 4 <sup>th</sup> H&A to C-2-H, 4 <sup>th</sup> H&A		Approved C-2-H; 11/30/1978
604 Brazos Street C14H-2010-0008 (Driskill Hotel)	From CBD to CBD-H	Recommended; 10/12/2010	Approved; 01/13/2011

C14  
/ 4

208 E 6 <sup>th</sup> Street C14H-87-020 (Pagitt-Warmoth/ Webb-Shaw Building)	From CBD to CBD-H	Recommended; 4/26/1988	Approved; 6/23/1988
214 E 6 <sup>th</sup> Street C14H-2012-0005 (Webb-Shaw Building, East Building)	From CBD to CBD-H	Recommended; 01/22/2013	Approved; 01/31/2013
709 Congress C14H-00-0014 Brush-Turner- Hirshfeld Building)	From CBD to CBD-H	Recommended; 07/24/2001	Approved; 08/30/2001
811 Congress C14H-01-0012 (Allen-Von Boeckmann Building)	From CBD to CBD-H	Recommended; 10/09/2001	Approved; 11/21/2001
909 Congress C14H-04-0008 (Mitchell-Roberson Building)	From CBD to CBD-H	Recommended; 06/15/2004	Approved; 06/24/2004
907-909 Congress C14-2010-0090	From CBD-H to CBD- CURE-H	Postponed; 08/24/2010	Indefinite PP; 09/23/2010
911 Congress C14H-2009-0059	From CBD to CBD-H	Under review	
911 Congress C14H-2010-0034	From CBD to CBD-H	Under review	
<b>WEST of CONGRESS AVENUE (south to north)</b>			
200 Congress C14-06-0074 (The Austonian)	From CBD to CBD- CURE-CO	Recommended; 05/23/2006	Approved; 06/22/2006 (RC requires Great Streets design)
301 & 311 Colorado; 114 W 3 <sup>rd</sup> Street C14-2008-0159	From CBD to CBD- CURE	Recommended; 01/27/2009	Approved; 04/02/2009
C14-2012-0028 C142-2008- 0159(RCA) (3 <sup>rd</sup> & Colorado)	From CBD-CURE to CBD-CURE & Amend RC	Recommended; 05/08/2012	Approved; 05/09/2013
416 Congress C14-2010-0186	From CBD to CBD-H- CURE	Recommended 02/22/2011	Approved 03/24/2011
201, 205, & 207 W 5 <sup>th</sup> Street C14-2009-0079 (Austin Hotel Holdings)	From CBD to CBD- CURE	No Recommendation; 11/10/09	Approved; 01/14/10
622 Congress at 7 <sup>th</sup> C14H-83-011 (Sampson-Henricks)	From C-2, 4 <sup>th</sup> H&A to C-2-H, 4 <sup>th</sup> H&A	Recommended; 05/03/1983	Approved; 06/30/1983

C14  
1/8

Building)			
706 Congress C14H-01-0013 (Metz Building, aka Fielding Building)	From CBD to CBD-H	Recommended; 11/13/2001	Approved 11/21/2002
114 W 7 <sup>th</sup> Street C14H-06-0016 (Norwood Tower)	From CBD to CBD-H	Recommended; 05/22/2006	Approved 07/27/2006
708-714 Colorado Street C14H-97-0002 (Brown Building)	From CBD-CURE to CBD-CURE-H	Recommended; 11/18/1997	Approved; 12/18/1997
800 & 804 Congress C14-2011-0065 (The Austin Hotel)	From CBD and CBD- H to CBD-CURE and CBD-H-CURE	Not Recommended; 10/23/2012	Denied; 01/31/2013
124 W 8 <sup>th</sup> Street C14H-02-0009 (Municipal Building)	From CBD to CBD-H	Recommended; 07/16/2002	Approved; 08/29/2002
912 Congress C14H-82-001 (Jacob Lamour Block)	From C-2, 4 <sup>th</sup> H&A to C-2-H, 4 <sup>th</sup> H&A	Recommended; 10/05/1982	Approved; 12/02/1982

**CITY COUNCIL DATE:**

Scheduled to be considered August 7, 2014

**CITY COUNCIL ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604



C14  
/9

## **SUMMARY STAFF RECOMMENDATION**

### **BACKGROUND**

The subject tract is currently zoned CBD, and is covered by the Congress Avenue (CA) Overlay, and partially by the Capitol View Corridor (CVC) Overlay. The request is to rezone the property to CBD-CURE. If the applicant's request is granted, the requirements of the CA would be modified, but the subject tract would still be subject to other CA and CVC requirements.

Central Business District (CBD) is intended for an office, commercial, residential, or civic use located in the downtown area. Site development regulations applicable to a CBD district use are designed to: 1) ensure that a CBD use is compatible with the cultural, commercial, historical, and governmental significance of downtown and preserves selected views of the Capitol; 2) promote the downtown area as a vital commercial retail area; 3) create a network of pleasant public spaces and pedestrian amenities within the downtown area; 4) enhance existing structures, historic features, and circulation patterns in the downtown area; and 5) consider significant natural features and topography in the downtown area.

The purpose of a Central Urban Redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area. A CURE combining district may be used: 1) for sustainable redevelopment of homes, multifamily housing, and small businesses; 2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood; 3) to improve the natural environment; and 4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.

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

The purpose of the Capitol view corridor overlay district is to preserve the view of the State Capitol Building by limiting the height of structures located in the capitol view corridors. Specifically, the property is within the South Congress at East Live Oak Corridor, which extends from the Capitol 2.35 miles south to the Congress Avenue/Live Oak Street intersection.

### **BASIS FOR RECOMMENDATION**

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city; and***

***Granting a request for zoning should result in an equal treatment of similarly situated properties.***

As discussed above in Departmental Comments, the City Council has approved all CBD-CURE requests involving a modified setback – with the one exception being a more complicated request, and being on the western side of Congress Avenue. Granting the request in this instance is consistent with previous Council actions, and ensures equal treatment of similarly situated properties. The denial of the request in that 2011 case demonstrates that each property

C14  
10

is considered individually, and hence granting the request here does not set an undesirable – or automatic – precedent for other properties along Congress Avenue.

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and***

***Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

Properties along Congress Avenue and elsewhere in the downtown area have been granted CURE zoning. Granting the CURE overlay to this property promotes compatibility between this tract and other nearby CURE-entitled properties. Indeed, allowing for the modification of the setback, to mirror other properties along Congress Avenue, encourages architectural design and compatibility that is one of the purposes of CURE. At the same time, nearby historic structures, such as the Driskill and InterContinental Steven F. Austin Hotels, and the Littlefield Building, provide variety and character to the context of this site. As a mid-rise structure, the proposed hotel provides a transition between the 4-story Driskill, the 9-story Littlefield Building, the 15-story Steven F., and the 32-story One America Center on the west side of Congress.

**The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.**

The Commission's and Council's policies, expressed through documents such as the Imagine Austin Comprehensive Plan and Downtown Plan, call for a dense and vibrant central business district. One way to increase density downtown is through vertical development. Granting a modified setback, from 60' to 40' allows for additional vertical development. Although a relaxation of 20' may seem relatively modest, across almost 70' of frontage, this would allow another 1400 square feet of usable space, per floor.

C14  
/ 11

## EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

### Site Characteristics

The site is comprised of 619 and 621 Congress Avenue, which corresponds to the northern 23 feet of Lot 5 and all of Lot 6, Block 69, Original City of Austin Subdivision. It is located to the southwest of the Congress/7<sup>th</sup> Street intersection. The site is developed with a restaurant on the south and surface parking on the north.

### PDRD Environmental Review (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake and Waller Creek Watersheds of the Colorado River Basin, which are both classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. No trees are located on this property. 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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### PDRD Site Plan Review (NH)

1. This project will need to comply with the Congress Avenue Overlay which states:

§ 25-2-643 CONGRESS AVENUE (CA), EAST SIXTH / PECAN STREET (PS), DOWNTOWN PARKS (DP), AND DOWNTOWN CREEKS (DC) COMBINING DISTRICT REGULATIONS.

(A) In the Congress Avenue (CA), East Sixth / Pecan Street (PS), downtown parks (DP), and downtown creeks (DC) combining districts:

(1) glass used on the first floor of a structure must have a visible transmittance rating of 0.6 or higher;

(2) reflective surface building materials must not produce glare; and

(3) within 60 feet of Congress Avenue:

(a) the minimum structure height is 30 feet; and

(b) the maximum structure height is 90 feet

**unless modified as part of the rezoning case.**

C14  
12

2. This site is located within a National Register of Historic Districts, please contact Steve Sadowsky, at 974-6454, for additional information on review of the project.
3. The project will be required to comply with Subchapter E, Commercial Design Guidelines.
4. Streetscape and sidewalk requirements are governed by Great Street requirements for the downtown area. Please contact Humberto Rey, 974-7288 for additional information and design requirements.

### **PDRD Transportation Review (CG)**

1. No additional right-of-way is needed at this time.
2. The traffic impact analysis for this site was waived for the zoning case but will be required at site plan application for analyzing and determining if roadway or traffic improvements are recommended for mitigation of the site traffic impact on nearby intersections. An Access Management Plan will also be required as part of the TIA.
3. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Congress Avenue serves route no. 347 with an existing and recommended Shared Lane.
4. Eric Dusza with the Neighborhood Connectivity Division may have additional comments regarding multi-modal enhancements and facilities.
5. Capital Metro bus service (route nos. 1L, 1M, 3, 5, 7, 10, 17, 20, 30, 101, 127, 142, and 411 ) is available along Congress Avenue. Capital Metro bus service (route nos. 4, 122, 410, 411, and 412) is available along E. 7<sup>th</sup> Street.
6. Existing Street Characteristics:

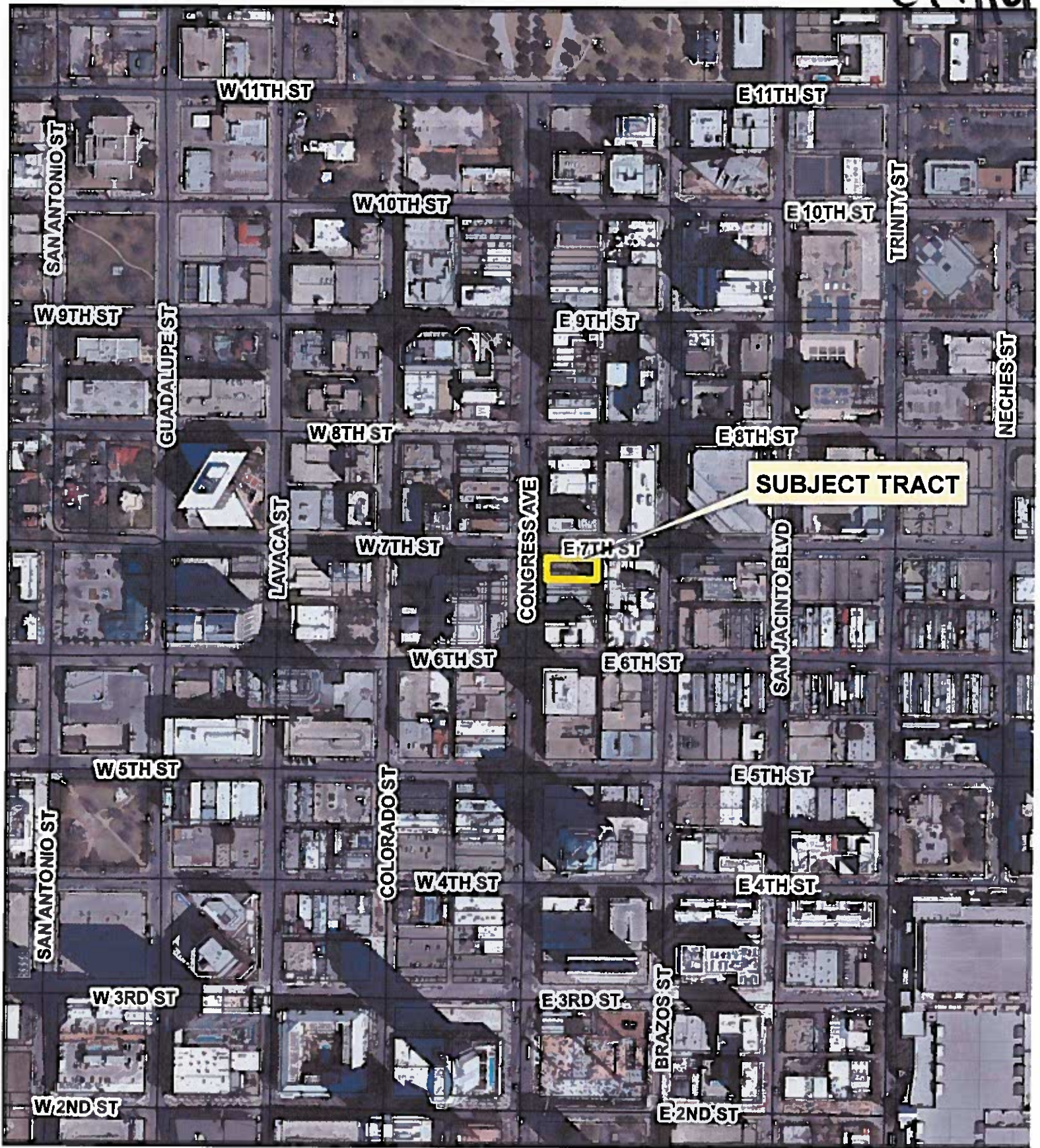
Name	ROW	Pavement	Classification	Daily Traffic
Congress Avenue	120'	60'	Major Arterial Undivided-6 lanes (MAU 6)	Not Available
E. 7 <sup>th</sup> Street	80'	50'	Major Arterial Undivided-4 lanes (MAU 4)	Not Available

### **Water Utility Review (NK)**

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

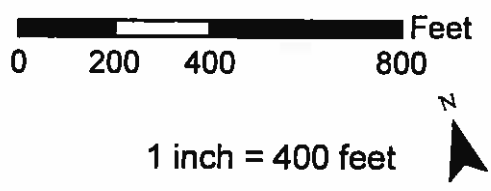






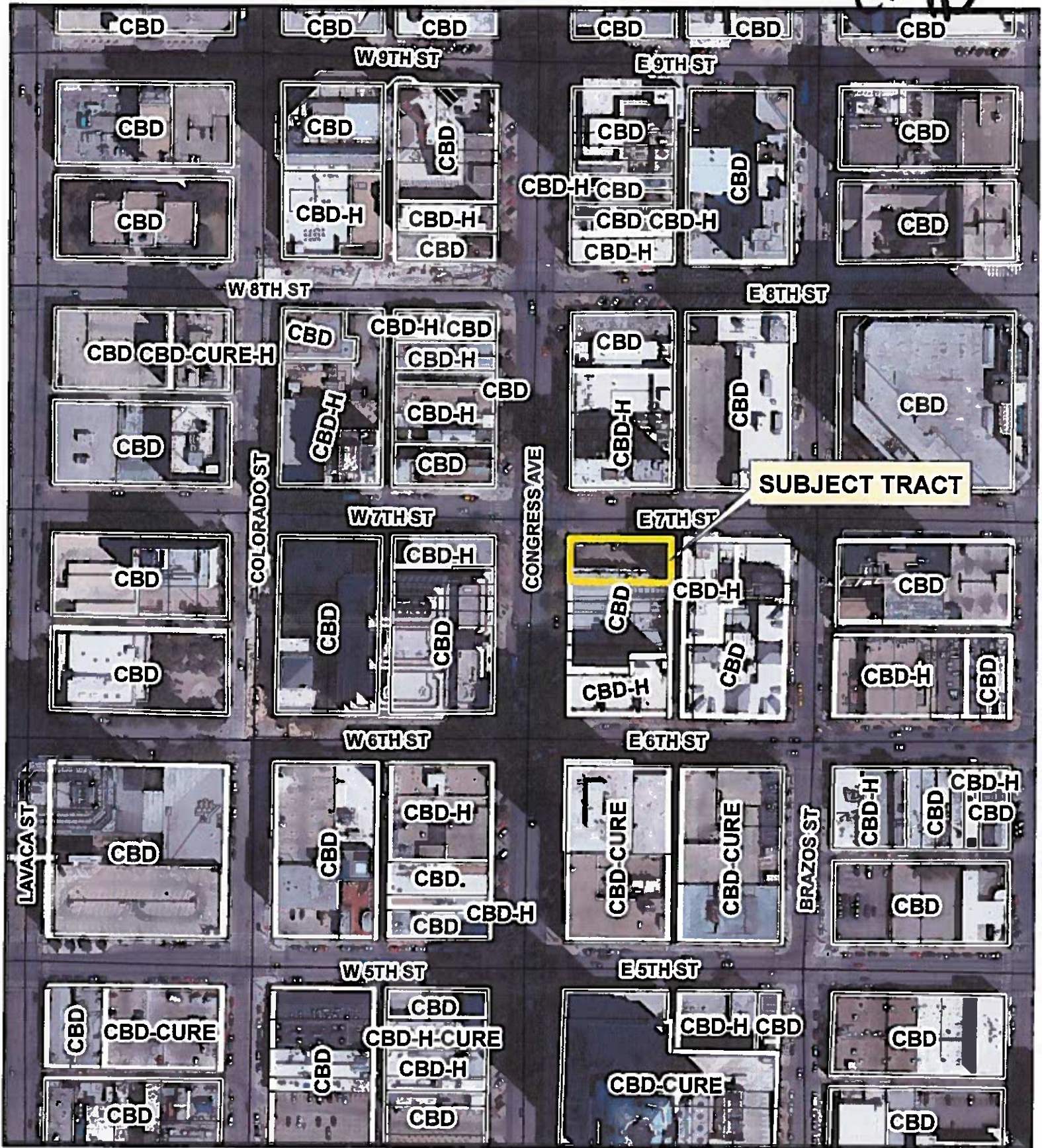
Aerial Data: 2013-03

Exhibit A - 1  
Aerial



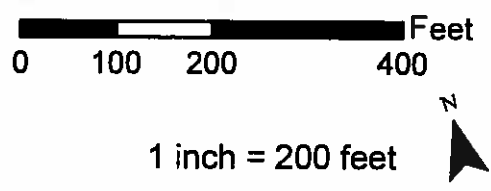


C14/15



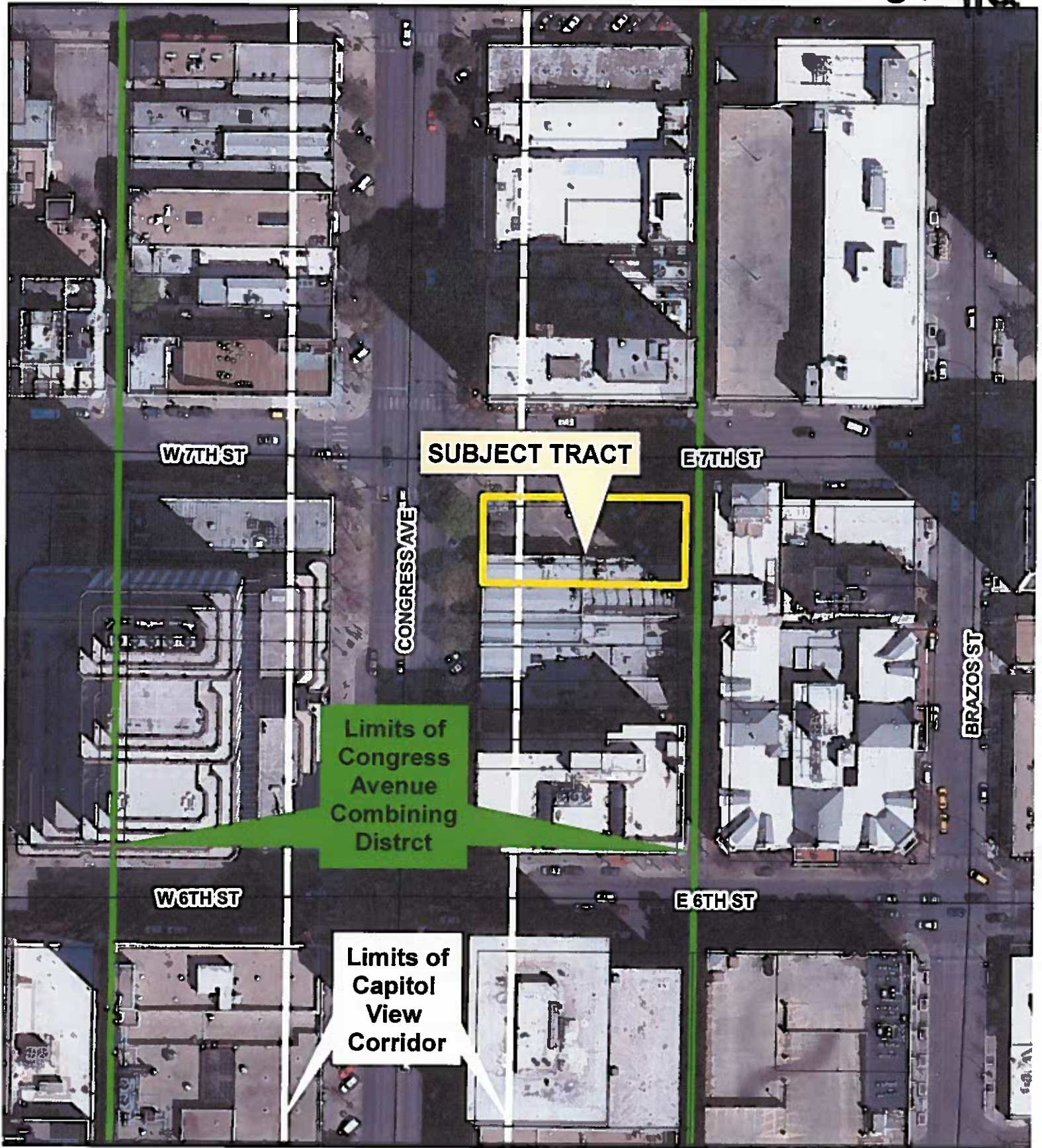
Aerial Data: 2013-03

Exhibit A - 2  
Aerial & Zoning





C14/112



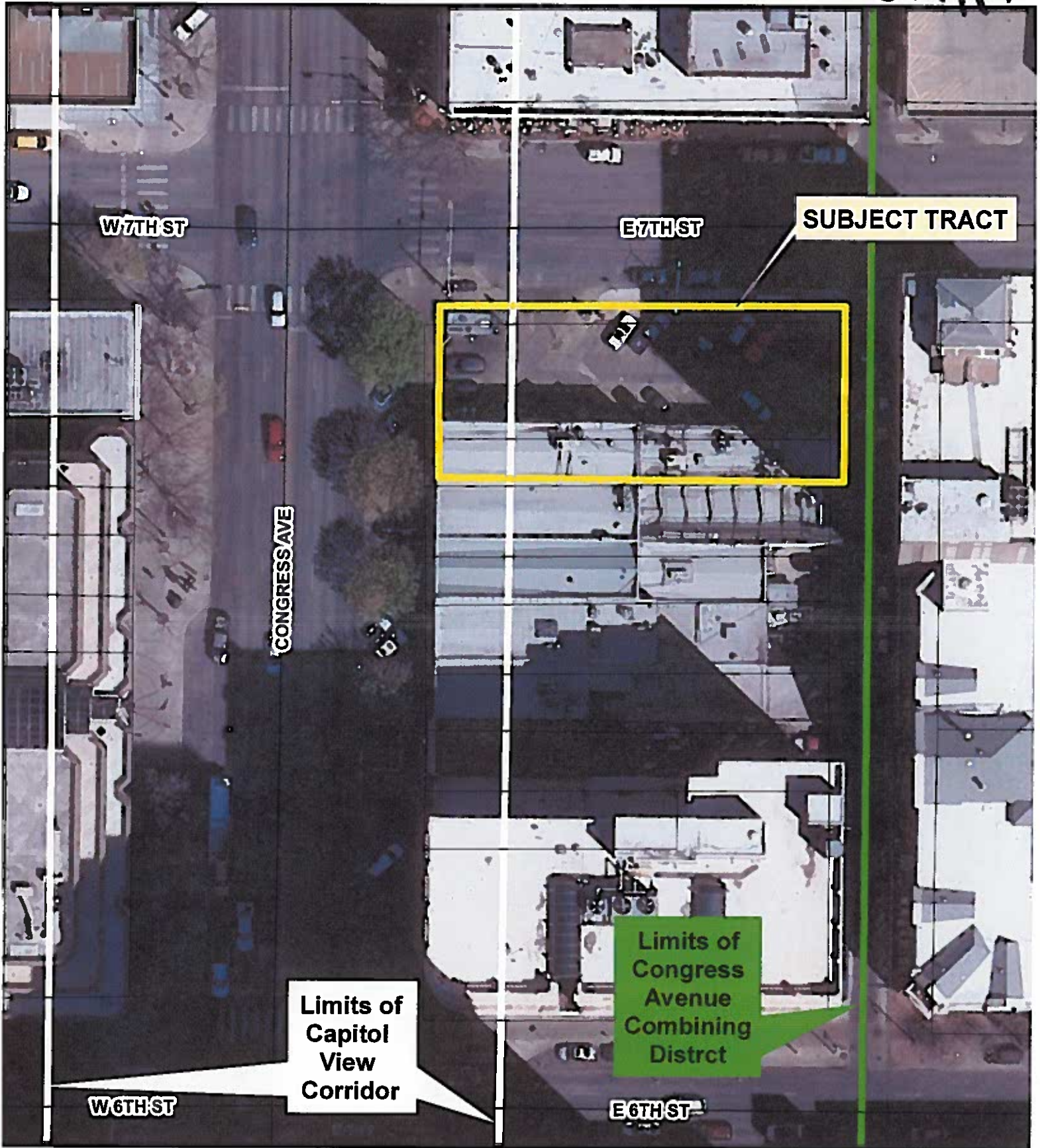
Aerial Data: 2013-03

**Exhibit A - 3**  
**Aerial, Capitol View Corridor & Congress Avenue Combining Districts**

0 50 100 200 Feet  
1 inch = 100 feet

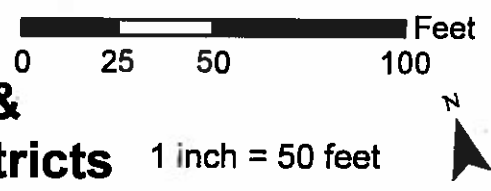
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Aerial Data: 2013-03

**Exhibit A - 4**  
**Aerial, Capitol View Corridor & Congress Avenue Combining Districts**





C14  
18

Historic Landmark Commission  
MINUTES

REGULAR MEETING  
Monday, March 24, 2014

The Historic Landmark Commission convened in a regular meeting on Monday, March 24, 2014 at City Hall (Council Chambers), 301 W. 2<sup>nd</sup> Street in Austin, Texas.

Chair Laurie Limbacher called the public hearing to order at 7:13p.m.

Commission Members in Attendance:

*Chair, Leslie Wolfenden-Guidry, Vice Chair John Rosato, Andrea Roberts, Mary Jo Galindo and Dan Leary*

Commission Members not present:

*John Rosato and Terri Myers, absent.*

Staff in Attendance: Steve Sadowsky, Tori Haase and Wendy Rhoades

I. CITIZEN COMMUNICATION: GENERAL

The first three speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

No speakers

II. APPROVAL OF MINUTES

1. November 18, 2013
2. December 6, 2013 – Special called meeting
3. December 16, 2013
4. January 27, 2014

MOTION: Approve the minutes of the November 18, 2013, December 6, 2013, December 16, 2013 and January 27, 2014 minutes of the Historic Landmark Commission public hearings on a motion by Commissioner Roberts. Commissioner Leary second the motion with a 5-0 vote. (Commissioners Rosato and Myers absent)

III. BRIEFINGS

None

C14  
19

**IV. PUBLIC HEARINGS**

**A. DISCUSSION AND ACTION ON APPLICATIONS FOR HISTORIC ZONING and ACTIONS ON HISTORICALLY-ZONED PARCELS**

**1. C14-2014-0008 – All Saints Episcopal Church**

2627 Whitis Avenue

Applicant: John Philip Donisi, Winstead, PC

City Staff: Wendy Rhoades, Planning and Development Review Department

Staff Recommendation: Recommend the zoning change on parking lots from MF-5-H to CS-MU.

John Donisi spoke in support. There were no speakers in opposition. The public hearing was closed on a motion by Commissioner Leary. Commissioner Galindo second the motion with a 5-0 vote.

**MOTION:** Grant the zoning change from MF-5 to CS-MU with the addition of an overlay that gives an additional 25 foot buffer to the proposed 35 foot buffer around the historic structure and also to bring the new construction plans back to the HLC for review on a motion by Commissioner Galindo. Commissioner Leary second the motion with a 5-0 vote.

**B. DISCUSSION AND ACTION ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS**

**1. C14H-1976-0001**

Sheeks-Robertson House, 610 West Lynn Street

Proposal: Construct a new vehicular and pedestrian entry from West Lynn Street to allow access and view to the front of the house from the street; restore the historic appearance and configuration of the porte-cochere on the west end of the porch; remove the existing non-historic frame addition to the rear and construct a two-story frame addition in its place; pull up hardscaping at the back of the house.

Applicant: Stuart Brummett, Clayton + Little, Architects

City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

Committee Recommendation: Approve as presented with the recommendation to return to the Commission with proposed paint color schemes once determined by the applicant and owner.

Staff Recommendation: Approve as presented with the recommendation of the Committee above.

**MOTION:** Approve the Certificate of Appropriateness in accordance with the staff recommendation on a motion by Commissioner Roberts. Commissioner Leary second the motion on a 5-0 vote.

**2. C14H-2006-0034**

North Austin Sub-Station (Sparky Park), 3701 Grooms Street

Proposal: Rehabilitate the sub-station building by removing a portion of the east wall, installing a folding glass door system and canopy; clean masonry.

C14  
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Applicant: City of Austin Parks and Recreation Department (Kim McKnight)

City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

Committee Recommendation: Approve as proposed with the recommendation that the applicant be sure that the flashing at the canopy is sufficient to deter moisture penetration to underlying masonry.

Staff Recommendation: Approve as proposed.

**MOTION:** Approve the Certificate of Appropriateness in accordance with the staff recommendation on a motion by Commissioner Roberts. Commissioner Leary second the motion on a 5-0 vote.

3. C14H-1976-0012 – Postpone to April 28, 2014 to allow for evaluation of alternatives.

Morley Brothers Drug Store, 209 E. 6<sup>th</sup> Street

Proposal: Replace glass block in the sidewalk in front of the building.

Applicant: Werner Campbell

City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

Committee Recommendation: Find another means to eliminate the potentially dangerous situation that does not involve the removal of the glass blocks in the sidewalk.

Staff Recommendation: Consider an alternative to removing the glass block that will maintain the historic look and provide a safer, non-slip walking surface.

**MOTION:** Postpone the public hearing to April 28, 2014 on a motion by Commissioner Leary. Commissioner Galindo second the motion with a 5-0 vote.

4. LHD-2014-0005 – Postpone to April 28, 2014 at applicant's request.  
3907 Avenue C (Hyde Park)

Proposal:

Applicant: Doug Keating

City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

Committee Recommendation:

Staff Recommendation:

**MOTION:** Postpone the public hearing to April 28, 2014 on a motion by Commissioner Leary. Commissioner Galindo second the motion with a 5-0 vote.

**C. REVIEW OF PERMITS IN NATIONAL REGISTER HISTORIC DISTRICTS**

1. NRD-2013-0073

1512 W. 29<sup>th</sup> Street (Old West Austin)

Proposal: Construct a second story addition to a contributing house.

Applicant: Darby Pearson

City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

Staff Recommendation: Release the permit as proposed.



C14/21

**COMMENTS:** No additional comments; Item passed as part of the consent agenda on a motion by Commissioner Roberts. Commissioner Leary second the motion on a 5-0 vote.

2. **NRD-2014-0021**  
**3201 Glenview Avenue (Old West Austin)**  
Proposal: Remodel and add on to the house; remove the attached garage and construct a one-car detached garage; replace all windows and doors, construct a new front and covered side porch; stucco the exterior of the house.  
Applicant: Jim Dunaway, architect and owner.  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454  
Staff Recommendation: Release the permit as proposed.

**COMMENTS:** No additional comments; Item passed as part of the consent agenda on a motion by Commissioner Roberts. Commissioner Leary second the motion on a 5-0 vote.

3. **NRD-2014-0023**  
**619 Congress Avenue (Congress Avenue)**  
Proposal: Construct a high-rise hotel building and Great Streets improvements.  
Applicant: Armbrust & Brown, LLC  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454  
Staff Recommendation: Approve as proposed with the recommendation that the applicant submit more detailed plans for exterior finishes and Great Streets furnishings to staff for review.

Teri O'Connell and Eddie Abeyta spoke in support. Jeff Howard, Anne Lindeman Wheat, Jill Rowe, Elizabeth Wendland spoke in opposition. Richard Suttle rebutted. The public hearing was closed on a motion by Commissioner Leary. Commissioner Wolfenden-Guidry second the motion with a 5-0 vote.

**COMMENTS:** Commissioner Limbacher encouraged the applicant to study the treatment of the interior property line wall and respond to the concerns regarding scale of the blank/shared wall. Commissioner Leary appreciated the work and effort put into the design and responses to concerns addressed by the HLC.

4. **NRD-2014-0025**  
**904 Willow Street (Willow Spence)**  
Proposal: Construct a two-story garage apartment at the rear of the lot.  
Applicant: Mike Walker  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454  
Staff Recommendation: Approve as proposed with the recommendation that the applicant not use aluminum or vinyl windows in favor of wood or



C14  
/22

**DOWNTOWN COMMISSION  
MINUTES**

**REGULAR MEETING  
WEDNESDAY, APRIL 16, 2014**

The Downtown Commission convened in a meeting on Wednesday, April 16, 2014, at 301 W. 2nd St. in Austin, Texas.

Chair Bart Whatley called the meeting to order at 5:40 p.m.

**Downtown Commissioners in Attendance:**

Bart Whatley (Chair), Heather Way (Vice Chair), Martin Barrera, Jude Galligan, Dale Glover, Dan Leary, Rich MacKinnon, Sunshine Mathon, Jim Nix, Joel Sher, Own Snell

**City Staff in Attendance:**

Michael Knox, Mona Sanchez, Economic Development Department  
Jorge Rousselin, Planning & Development Review Department

**1. CALL TO ORDER & INTRODUCTIONS**

**2. CITIZEN COMMUNICATION: GENERAL**

There were no citizens signed up to speak on General Communication.

**3. APPROVAL OF MINUTES OF THE MARCH 19, 2014 MEETING**

The minutes from the March 19, 2014 meeting were approved on an 8-0 vote on Commissioner Galligan's motion, and Commissioner Leary's second with Commissioners Mathon, Nix and Snell abstaining.

**4. AISD AND GROWING DOWNTOWN POPULATION**

The Commission heard a presentation from Beth Wilson, Assistant Director of Planning, AISD.  
No action was taken.

**5. 619 CONGRESS HOTEL (C14-2013-0158) ZONING CHANGE FROM CBD TO CBD-DURE**

The Commission heard a presentation from Richard Shuttle, Armbrust & Brown.

A motion was made by Commissioner Galligan with Commissioner Glover's second to support as presented with the following recommendations:

- C14/13
- Support items 1 – 5 on Jeffrey Howard’s list of adjacent property owner’s concerns.
    1. Keep alley and sidewalks open at all times during demolition, construction and occupancy
    2. Keep parking spaces on Congress Avenue available during demolition and construction; no construction trucks parked in Congress Avenue spaces during demolition and construction
    3. Exterminate for pests and implement pest control plan prior to demolition
    4. Preserve integrity and structural soundness of party wall and roof structure at 617 Congress. Allow full access for maintenance and repair of "party wall" through 619 Congress property
    5. Conduct demolition and construction activities prior to 6:30 p.m. on weekdays only
  - Item 8 on Jeffrey Howard’s list of adjacent property owner’s concerns — direct developer to work with the Design Commission for solutions for the South Façade/blank wall.
  - Developer to address the issue of parking spaces for the disabled.
  - Continue ongoing discussions with the adjacent property owners to address their concerns regarding design and demolition.

The vote passed on a vote of 10-0 with Commissioner Mathon abstaining.

**6. ADMINISTRATIVE RULE POSTING FOR PUBLIC PLAZA STANDARDS AS A PUBLIC BENEFIT UNDER THE DOWNTOWN DENSITY PROGRAM (DDBP)**

The Commission heard a presentation from Jorge Rousselin, Planning & Development Review Department and Molly Alexander with the Downtown Austin Alliance.

No action was taken.

**7. GOALS AND OBJECTIVES FOR 2014**

The Commission approved the following goals and objectives for 2014.

- Assist with implementation of the Downtown Austin Plan (including the Commission serving as a host for public outreach).
- Continue to work on activating the downtown alleys.
- Provide policy recommendations to the City Council on opportunities for supporting activation and creation of a diverse range of public open spaces in downtown.
- Work with staff on regulatory hurdles downtown and make recommendations on the process.
- Be engaged and support Rainey Street’s planning effort to support quality of life issues and urban design.
- Focus discussion on downtown transportation, parks, downtown’s interface with UT and State properties, public safety and general quality of life. Consider the Commission serving as a “bully pulpit on public realm issues.”
- Document accomplishments of the two current Working Groups: Downtown Public Open Space and Downtown Austin Plan Implementation.

C14  
24

## **8. WORKING GROUPS**

### **A. Report from the Downtown Public Open Space Working Group**

Commissioner Way reported that the Working Group will meet again on 4/18/14.

### **B. Report from the Downtown Plan Implementation Working Group**

Commissioner Way reported that they have invited City staff to attend the Working Group's May meeting to provide suggestions of ways to provide some additional objective criteria to for waving Downtown Density Bonus Program FAR ratios.

## **9. ITEMS OF INFORMATION FROM COMMISSIONERS**

- Commissioner Leary reported that through the Congress Avenue Historic District that the Paramount Hotel is reconstructing their blade sign which will be 48 feet high with exposed bulbs that will brighten up that area of Congress Avenue and also replacing the marque on the State Theatre.
- Commissioner Glover reported that the Republic Square Partners is going before the Parks Board on 4/22/2014 to discuss a management agreement where the Austin Park's Foundation would manage Republic Square.
- Commissioner MacKinnon reported on Project Connect which now has 16 stations and the number of downtown stations has been increased to 3 (4<sup>th</sup> Street, 7<sup>th</sup> Street and 11<sup>th</sup> on Trinity – all of which may be underground). The service criteria is 7 days a week during peak hours every 10 minutes, off peak every 15 minutes and running to 2 a.m. on weekends and midnight Monday through Friday.

## **10. POTENTIAL FUTURE AGENDA ITEMS**

- Criteria to for waving the Downtown Density Bonus Program FAR Maximums
- Republic Square Partnership Agreement
- Barriers to Activation of Public Plazas
- Waller Creek Tunnel Update
- Creating a Working Group to integrate the Downtown Austin Plan with CodeNEXT
- Wayfinding Project Update
- UT Medical School Update
- Sobriety Center
- Busking Initiative
- Update from Waller Creek Conservancy

## **13. ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.





# Austin Design Commission

C14/25

To: City of Austin Staff

May 27, 2014

From: Austin Design Commission

Re: Review of the 7th & Congress Hotel Project for substantial compliance with the Urban Design Guidelines

Meeting date: May 27, 2014

Applicant: Finley Company

The applicant is seeking a density bonus to raise the FAR from 8:1 to 23:1 FAR (within 25:1 maximum allowance). This portion of downtown has a height limit of: Unlimited. The following code modifications are being requested through a rezoning from CBD to CBD-CURE:

1. Modify the distance within Congress Avenue from 60 feet to 40 feet that: (a) the minimum structure height is 30 feet; and (b) the maximum structure height is 90 feet.
2. Modify the number of off-street loading spaces required to one space, and that the one off-street loading space provided may be 10' x 30'.

Per ordinance, the applicant is required to provide streetscape improvements along all public street frontages consistent with the Great Streets Standards, and the applicant shall commit to a minimum of 2 star green building rating. The Mayor and Council and the Planning & Development Review Director is to determine appropriate bonus area and in light of community benefits to be provided.

Positive attributes of the project include:

1. Hotel lobby located on an upper level, freeing more ground levels space for active uses.
2. Building podium levels above ground level are occupied space with active uses, instead of parking garage.
3. The façade at street level relates to the area character and presents a human scale.

One concern has been the fire wall that faces south to adjacent lots. This wall cannot have windows, and it is a large wall, due to the height of the building. The Working Group noted improvements the applicant has made since previous public hearings. The south fire wall is to consist of at least 2 materials with reveal lines to break up the scale. A light well allows units to have light, and the light well includes one window per floor facing south.

Additionally, as conversations continue with Austin Energy on the electrical vault and with the transportation department on loading and parking, it is important that street trees, a pedestrian friendly environment, and a Great Streets streetscape be maintained. The applicant notes that loading needs are being minimized with on-site laundry and no event space within the building.

We recommend that the project, as presented, is in substantial compliance with the Urban Design Guidelines.

Respectfully,

Dean Almy, Chair

City of Austin Design Commission

Dean Almy,  
Chair

Evan Taniguchi,  
Vice Chair

Hope Hasbrouck,  
Secretary

Juan Coteria

James Shieh

Bart Whatley

Jeannie Wiginton

George Adams  
Executive Liaison

Jorge E. Rousselin  
Staff Liaison



C14  
216

## MEMORANDUM

**DATE:** June 18<sup>th</sup>, 2014  
**TO:** Chair and Members of the Planning Commission  
**CC:** Lee Heckman, Case Manager  
**FROM:** Caleb Gutshall, Transportation Review  
**SUBJECT:** Waiver Request for 7th and Congress Hotel, C14-2013-0158

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### **PROPOSED DEVELOPMENT:**

The proposed rezoning is located on the southeast corner of East 7<sup>th</sup> Street and Congress Avenue and has access to an existing alley on the east side of the site. The applicant is proposing to rezone 0.235 acres from CBD to CBD CURE. A site plan for the property, SP-2014-0068C, proposing 450 hotel rooms and 5,400 square feet of restaurant space is concurrently in review.

### **DESCRIPTION OF ZONING REQUEST:**

The applicant is requesting a variance to the number of required loading spaces per Land Development Code (LDC) section 25-6-592(F) be included with the rezoning approval.

- (1) Section 25-6-592(F) specifically states that "the minimum number of loading spaces for development in the CBD or DMU zoning district is listed on the schedule at the end of Section 25-6-592."

Per the schedule, one 10' x 30' space and one 10' x 40' space is required for the proposed use. The applicant is requesting that one 10' x 30' space be provided instead of the two required. The LDC was amended with Ordinance No. 20130411-061, which allows the number and size of spaces to be modified administratively at time of site plan if warranted.

### **STAFF RECOMMENDATION:**

Planning and Development Review Department staff is currently coordinating with the Austin Transportation Department and applicant regarding the number, size, and access of the loading spaces proposed with the site plan in review. Staff has asked the applicant for additional information regarding maneuverability of the proposed loading space to ensure East 7<sup>th</sup> Street right-of-way will not be negatively affected when accessing the loading space. Until that information is provided and can be analyzed interdepartmentally, **staff does not recommend reducing the number of spaces at this time.** If the variance is granted through the rezoning application, it becomes an entitlement for the property that could potentially be developed with a different use if the current site plan is not approved. However, not supporting the variance with

C14  
27

this rezoning case does not imply the variance will not be granted with the site plan. The variance can be granted administratively. Once the necessary information is provided to staff, then the variance request can be fully analyzed.

If you have any further questions or require additional information, please contact me at 974-6420.



Caleb Gutshall

Senior Planner

Planning and Development Review Department, Transportation Review Section