

**§ 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) within 60 feet of the west side of Congress Avenue:~~

~~[(i)] the minimum structure height is 30 feet; and~~

~~(b) [(ii)] the maximum structure height is 90 feet.~~

~~[(b) within 40 feet of the east side of Congress Avenue:~~

~~[(i) the minimum structure height is 30 feet; and~~

~~[(ii) the maximum structure height is 90 feet.]~~

DRAFT

**AGENDA**



**Recommendation for Council Action**

Austin City Council Addendum	Item ID	37884	Agenda Number	129.
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Meeting Date:	11/6/2014	Department:	Planning and Development Review
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**Subject**

Initiate an amendment to City Code Section 25-2-643 relating to the minimum height within the Congress Avenue overlay district and authorize the City Manager to process the amendment and present it to Council for action on or before December 11, 2014.

**Amount and Source of Funding**

**Fiscal Note**

Purchasing Language:	
Prior Council Action:	
For More Information:	Jerry Rusthoven, 512-974-3207.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

**Additional Backup Information**

The Congress Avenue overlay district requires buildings to be set back from Congress Avenue as they get taller. Staff believes this was implemented to avoid a “canyon effect” along Congress Avenue. However, prior to the existence of the overlay the Bank of America building was built on the east side of the street. This building does not have a setback. Because the view shed is already impeded by the Bank of America building the City Council has four times in the past approved a reduction of the setback from 60 to 40 feet on the east side of the street. This was done twice for properties owned by Tom Stacy, for the Frost Bank Tower, as well as the JW Marriot. In each instance the Central Urban Redevelopment (CURE) zoning tool was used to reduce the setback.

Staff is requesting this amendment because upon further review it has been determined that the CURE tool can only be used to adjust a base district regulation, not an overlay regulation. Given that there have been four adjustments to the overlay in the past because of the Bank of America building, staff believes that the overlay itself should be changed to conform with what the City Council has previously approved.

It is important to note that staff is recommending this change only to the east side of Congress Avenue. On the west

side of the street there have been no impediments to the view shed. Indeed, when a similar adjustment to the setback was requested on the west side of the street last year it was met with much opposition and was not approved by the City Council.

Last year the Texas Legislature passed a law mandating the setback remain at 60 feet on the west side of the street. On the east side the state law allows a reduction to no less than 40 feet.

The City Council adopted Downtown Plan also calls for a reduction of the setback on the east side of the street, although it is not specific about what it should be reduced to.

Because of the precedent of four existing approvals, the recently passed State law and the Downtown Plan, staff is requesting that Council initiate a change to the Code reducing the setback of the Congress Avenue Overlay on the east side of the street from 60 feet to 40 feet. Staff will be taking this amendment to the December 9<sup>th</sup> Planning Commission meeting and back to City Council for approval at the December 11<sup>th</sup> meeting.

GOVERNMENT CODE

TITLE 11. STATE SYMBOLS AND HONORS; PRESERVATION

SUBTITLE B. PRESERVATION

CHAPTER 3151. PRESERVATION OF VIEW OF STATE CAPITOL

SUBCHAPTER B. PROHIBITED ACTIVITIES; CONFLICTING REQUIREMENTS

Sec. 3151.0511. PROHIBITED CONSTRUCTION; ~~CONGRESS AVENUE~~ VIEW CORRIDOR. A person may not begin, in the ~~Congress Avenue~~ view corridor, construction of a structure:

- (1) on the west side of ~~Congress Avenue~~ that:
  - (A) is within 60 feet of ~~Congress Avenue~~; and
  - (B) has a height that exceeds 90 feet; and
- (2) on the east side of ~~Congress Avenue~~ that:
  - (A) is within 40 feet of ~~Congress Avenue~~; and
  - (B) has a height that exceeds 90 feet.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1288 (H.B. [2256](#)), Sec. 3, eff. June 14, 2013.