

ORDINANCE AMENDMENT REVIEW SHEET

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Amendment: C20-2014-024 Congress Avenue Combining District

Description: Consider an ordinance amending City Code Title 25 relating to Congress Avenue Combining District.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Changes the setback on the east side of Congress Avenue from 60 feet to 40 feet.

Background: Initiated by City Council on November 6, 2014.

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.

Staff Recommendation: Staff recommends the proposed code amendment, with the following note: since the Codes and Ordinances Subcommittee meeting on November 18, 2014, staff has found that the buildings at the 900 and 1000 block on the east side of

Congress Avenue also encroach into the existing 60 foot setback. For this reason, staff recommends changing the setback on the east side of Congress Avenue to a uniform 40 feet for the length of Congress from Cesar Chavez Street to 11th Street.

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/2**Board and Commission Actions**

November 18, 2014: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Chimenti absent), with the following amendment:

- Change the setback from 60 feet to 40 feet on the east side of Congress Avenue, from 9th Street going south; keep the setback at 60 feet from 9th Street going north.

Council Action

December 11, 2014: A public hearing has been set.

Ordinance Number: NA

City Staff: Greg Dutton

Phone: 974-3509

Email: Greg.Dutton@austintexas.gov

ORDINANCE NO.

C3/13

1 AN ORDINANCE AMENDING CITY CODE TITLE 25 RELATED TO THE
2 CONGRESS AVENUE COMBINING DISTRICT.
3

4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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6 PART 1. City Code Section 25-2-643 (*Congress Avenue (CA), East Sixth/Pecan Street*
7 *(PS), Downtown Parks (DP), and Downtown Creeks (DC) Combining District*
8 *Regulations*) is amended to amend Subsection (A) and to add a new Subsection (F) to
9 read:

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

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

14 (2) reflective surface building materials must not produce glare. [~~;~~ and

15 (~~3~~) ~~within 60 feet of Congress Avenue:~~

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

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

18 (F) In the Congress Avenue (CA) combining district:

19 (1) On the west side of Congress Avenue within 60 feet of Congress
20 Avenue:

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

22 (b) the maximum structure height is 90 feet.

23 (2) On the east side of Congress Avenue within 40 feet of Congress
24 Avenue:

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

26 (b) the maximum structure height is 90 feet.

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PART 2. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk

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.