

ORDINANCE AMENDMENT REVIEW SHEET

Amendment:

Consider an ordinance amending Section 25-2-643 to allow a structure located on East Sixth Street and east of Neches Street and west of Sabine Street to have a maximum building height of 140 feet or that allowable under the Capitol View Corridor, whichever is less; and to create design standards to ensure any redevelopment therein is compatible with the character of the historic district. **Council Sponsor:** Council Member Harper-Madison; **Co-sponsors:** Mayor Steve Adler, Council Member Paige Ellis, Council Member Sabino “Pio” Renteria, Council Member Mackenzie Kelly

Background:

On June 9, 2022, via **Resolution No. 20220609-124**, the City Council initiated a Code amendment to Section 25-2-643 (*Congress Avenue [CA], East Sixth/Pecan Street [PS], Downtown Parks [DP], and Downtown Creeks [DC] Combining District Regulations*). City Code Section 25-2-643(C) currently addresses the following:

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

(B) This subsection applies to new development on Congress Avenue or East 6th Street, on streets adjacent to a downtown park or Town Lake, and along a downtown creek.

- (1) Surface parking lots, curb cuts, and unscreened garage openings are prohibited.*
- (2) The Land Use Commission may waive the prohibition of this subsection after determining that:*
 - (a) compliance with the prohibition is impractical;*
 - (b) the proposed project will not unreasonably impair pedestrian or vehicular movement; and*
 - (c) adequate precautions have been made for public safety, convenience, and the aesthetic values of the combining district.*

(C) This section applies to the PS overlay district.

- (1) Except as otherwise provided in this subsection, a structure may not exceed a height of 45 feet.*
- (2) A structure located west of Brazos Street is subject to the height limit of the base zoning district.*
- (3) An exterior sign must comply with the standards adopted by the Landmark Commission for the Sixth Street Historic District.*

The proposed code amendment would replace the 45-foot maximum building height in Section 25-2-643(C)(1) with a 140-foot maximum height for the 500 and 600 blocks of East Sixth Street only and establish design standards allowing additional height for these blocks, notwithstanding the Citywide Historic Design Standards.

Historic Landmark Commission Recommendation:

Approve staff recommendation only with the following additional conditions:

- 1) Retention of the first 15 feet of contributing façades is required.
- 2) A Certificate of Appropriateness is required for new construction and changes to contributing buildings.
- 3) Consider feasibility of tax caps for legacy businesses to avoid displacement of Austin’s keystone venues and gathering spaces.

Staff Recommendation:

Staff recommends approval of the proposed Code amendment with the following conditions:

- 1) The amended section applies only to buildings located on the 500 and 600 blocks of Sixth Street between Neches and Sabine Streets. The additional height requested in this amendment is inappropriate for areas of the Sixth Street National Register Historic District outside of the 500 and 600 block faces.
- 2) Buildings located on the 500 and 600 blocks of Sixth Street between Neches and Sabine Streets are subject to the following design standards, notwithstanding the Citywide Historic Design Standards
 - a) Contributing buildings should be rehabilitated and adaptively reused, including retention of historic façades, where possible.

b) Additions to Contributing Commercial Properties and Historic Landmarks

- i) Location: Locate additions at the rear and sides of historic buildings to minimize visual impact. Set additions back from the front wall of the existing building at least 15 feet. Minimize the loss of historic fabric by connecting additions to the existing building through the most noninvasive location and methods possible. Additions are not appropriate for all historic landmarks and must be evaluated on a case-by-case basis.
- ii) Scale, Massing, and Height: Design an addition to complement the scale and massing of the historic building and to appear subordinate to the visible portions of the historic building. Minimize the appearance of the addition from Sixth Street so that the historic building's overall shape as viewed from the opposite side of Sixth Street appears relatively unaltered. Additions may be cantilevered up to 5 feet towards the front wall but may not extend closer than 10 feet behind the front wall. The cantilevered portion must begin above the historic building's roof at least 2 times the height of the historic building, for buildings that are one story high; or at least 1 time the height of the historic building for buildings that are two or more stories. If the Capitol View Corridor restricts the maximum allowable height to less than 1 time the height of a multi-story historic building, the top floor of the addition may be cantilevered 5 feet towards the front wall but may not extend closer than 10 feet behind the front wall.
- iii) Design and Style: Design proportions and patterns such as window-to-wall area ratios, fenestration patterns, and bay divisions to be compatible with the historic building. Take cues for design elements and patterns from the historic building, but do not replicate the design or details of the existing building to a degree that the addition might be mistaken as historic. No particular architectural style is required for addition design; both traditional and contemporary styles can successfully achieve compatibility and differentiation with historic buildings. The historic primary entrance must remain the most prominent.
- iv) Roofs: These standards apply if the roof will be visible from the pedestrian level at the opposite side of the primary street. Design an addition's roof form and slope to complement the roof on the historic building. Use roof materials that match or are compatible with the roof on the historic building. Minimize roof visibility.
- v) Materials: If an addition will be visible from street level, use exterior wall, window, and door materials that are compatible with those on the historic building. Glass on the first floor must be transparent.
- vi) Balconies: Do not add balconies to the front of an existing building unless physical or archival evidence shows that they existed historically. If reconstructing balconies, replace them based on documentation of the historic feature. Design new balconies on secondary elevations or additions to be compatible with both the historic building and the addition in terms of size, style, materials, and proportions.
- vii) Rooftop Patios: These standards apply to rooftop shade structures, railings, lighting, mechanical equipment, and plantings. Design and locate rooftop patio structures to be subordinate to the historic building; to minimize visibility from the street; and to be compatible with the historic building in terms of design, size, style, materials, and proportions. Design rooftop patio structures to be differentiated from the historic building so they do not appear part of historic-age construction. Set back rooftop structures, railings, lighting, and mechanical equipment from the front wall by 15'. Use a visually light railing that does not distract from the historic building. Install rooftop patio structures so that they can be removed without irreversible damage to the historic building. Keep rooftop plantings low so that they are not visible over the parapet from the opposite side of the street. Do not add a permanent rooftop patio structure to a historic landmark; temporary structures may be approved for a finite length of time determined by the Historic Landmark Commission.
- viii) The Historic Landmark Commission may make exceptions to these standards in cases where an addition will not compromise the status of a historic landmark.

c) Commercial New Construction

- i) Location: Maintain the rhythm of contributing buildings on the street. Orient a new building consistently with the predominant orientation of contributing buildings on the same block. Set back a new building from the street at least: 15 feet, or the distance of the median setback of all historic buildings on the same block face, or in line with at least one adjacent historic building.

- ii) Scale, Massing, and Height: Design new building facades to reflect the massing of nearby historic building facades. Visually divide wider building facades into vertical bays that reflect typical widths of historic buildings on adjacent properties or the same block. Construct lower stories to appear as equal in height as possible to the story heights of adjacent historic buildings. Use vertical and horizontal design articulation techniques such as shifts in wall planes and differentiating materials to reduce a building's apparent scale and massing. Use step-downs in building height, wall-plane offsets, and other massing variations to provide a visual transition when the height of new construction exceeds that of adjacent contributing buildings by more than one story.
- iii) Design and Style: Design new buildings to be compatible with the character of the historic district in terms of proportions, patterns, materials, and architectural features. Design new buildings to be differentiated from historic buildings; do not use a replica style to create a false sense of history.
- iv) Materials: Use building materials that are compatible with the historic district and the style of the building. Use materials on lower floors to visually divide larger buildings into modules that reflect typical widths of historic buildings on adjacent properties or the same block. Glass on the first floor must be transparent.
- v) Storefronts: Prioritize the pedestrian experience at the lower floors of commercial buildings through large windows, prominent entrances, and pedestrian-scale detailing. Design storefronts to be a similar width to storefronts on nearby historic buildings.
- vi) Parking Structures: Prioritize the pedestrian experience at the street level. If possible, design the building to include ground-floor storefronts facing the street; if storefronts are not possible, provide visual interest through other means such as architectural detailing, public art, and/or landscaping. Design parking structures' facades to be compatible with the massing and scale of nearby buildings. Screen the upper stories of parking structures using architectural screens or other design elements.
- vii) The Historic Landmark Commission may make exceptions to these standards.

Board and Commission actions and next steps:

Planning Commission public hearing: 6/27/2023

Set Council public hearing: 6/8/2023

Conduct Council public hearing: 7/20/2023

City Staff: Kalan Contreras, (512) 974-2727/kalan.contreras@austintexas.gov

Historic Landmark Commission Recommendation

Consider implementing tax caps for legacy businesses within the redevelopment area to mitigate displacement risk for Austin's keystone venues and gathering spaces.

The amended section applies only to buildings located on the 500 and 600 blocks of Sixth Street between Neches and Sabine Streets. The additional height requested in this amendment is inappropriate for areas of the Sixth Street National Register Historic District outside of the 500 and 600 block faces.

- 1) Buildings located on the 500 and 600 blocks of Sixth Street between Neches and Sabine Streets are subject to the following design standards, notwithstanding the Citywide Historic Design Standards:
 - a) A Certificate of Appropriateness is required for new construction and changes to contributing buildings.
 - b) Retain at least 15 feet of the façades of contributing buildings.
 - c) Additions to Contributing Commercial Properties and Historic Landmarks:
 - i) Location: Locate additions at the rear and sides of historic buildings to minimize visual impact. Set additions back from the front wall of the existing building at least 15 feet. Minimize the loss of historic fabric by connecting additions to the existing building through the most noninvasive location and methods possible. Additions are not appropriate for all historic landmarks and must be evaluated on a case-by-case basis.
 - ii) Scale, Massing, and Height: Design an addition to complement the scale and massing of the historic building and to appear subordinate to the visible portions of the historic building. Minimize the appearance of the addition from Sixth Street so that the historic building's overall shape as viewed from the opposite side of Sixth Street appears relatively unaltered. Additions may be cantilevered up to 5 feet towards the front wall but may not extend closer than 10 feet behind the front wall. The cantilevered portion must begin above the historic building's roof at least 2 times the height of the historic building, for buildings that are one story high; or at least 1 time the height of the historic building for buildings that are two or more stories. If the Capitol View Corridor restricts the maximum allowable height to less than 1 time the height of a multi-story historic building, the top floor of the addition may be cantilevered 5 feet towards the front wall but may not extend closer than 10 feet behind the front wall.
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**HOUSING &
PLANNING**

Affordability Impact Statement

Sponsor: Planning Department

Code Amendment Case Number: C20-2022-009

Initiated by: Resolution No. 20220609-124

May 23, 2023

Proposed Regulation

The proposal would amend Land Development Code § 25-2-643 (governing the East Sixth/Pecan Street Combining District) such that a structure located on East Sixth Street and east of Neches Street and west of Sabine may have a maximum building height of 140 feet or that allowable under the Capitol View Corridor, whichever is less.

Affordability Impact

Housing and Planning staff find that the proposed regulation will have a **neutral** impact to housing affordability.

The proposal would not lead to the demolition of housing units, nor would it otherwise hinder Austinites' efforts to obtain, maintain, and remain in housing.

Manager's Signature Marla Torrado