

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.

A historic resource survey by MacRostie Historic Advisors LLC, a Ryan company retained by ClaytonKorte as part of a factfinding effort prior to this amendment, produced the following summary of results and recommended intensive-level survey of the Sixth Street National Register District. Please see backup materials for complete survey information.

2022 Snapshot Re-Survey Results

MHA found the Sixth Street Historic District to retain a high degree of integrity with little significant changes since the 1975 designation. Obvious changes are numerous inappropriate roof top additions and/or temporary roof top shelters. Several buildings have been inappropriately altered, including 503 Neches (ID#80), 408 East 6th (ID#63), and the three buildings on the 500 block of Neches (ID#s 79-81). The building at 515 East 5th Street has what appears to be a slipcover and was noted as NC although it is possible that historic material remains underneath, and the building could be restored to a contributing status. Other buildings have had less obvious inappropriate alterations such as new windows and/or a thin coat of new stucco and the sum of these changes rendered them non-contributing as seen on 515 East 6th (ID#87) and 612-614 East 6th Street (ID#106). One building, located at 600-604 East 6th Street was noted in the 1975 nomination as NC and has since been restored; MHA included this as C in the 2022 re-survey data.

Statistical Overview

- 127 properties were included in the 2022 Snapshot Re-Survey
- 92 properties were recorded with a Contributing or “C” status; this is 72%, a significant majority indicating a high degree of integrity remaining in the Sixth Street Historic District.
- 35 properties were recorded as Non-Contributing or “NC”; this is 28%

Staff Recommendation (*Pending legal review*)

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

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. 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:

- 1) Contributing buildings should be rehabilitated and adaptively reused, including retention of historic façades, where possible.
- 2) Additions to Contributing Commercial Properties and Historic Landmarks
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) 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.
 - g) 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.
 - h) The Historic Landmark Commission may make exceptions to these standards in cases where an addition will not

compromise the status of a historic landmark.

3) Commercial New Construction

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) The Historic Landmark Commission may make exceptions to these standards.

Updated to include:

4) Sites and Streetscapes

- a) Retain contributing streetscape elements and public infrastructure, where present. Construct new streets, sidewalks, planting strips, curbs, ADA ramps, lighting, and alleys to be compatible with the style, scale, materials, and configuration of the historic district.
- b) Do not block pedestrian-level views of historic buildings with streetscape elements.
- c) The Historic Landmark Commission may make exceptions to these standards.

Historic Landmark Commission Recommendation (6/7/2023)

Recommend staff recommendation only with the following additional conditions on a motion by Commissioner Koch, seconded by Commissioner Larosche (9-0, Commissioner Koch indicating support contingent only upon fulfillment of 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.

Recommended Code Language (pending legal review)

Approve the proposed Code amendment with the following conditions:

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.

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.

- 1) A Certificate of Appropriateness is required for new construction and changes to contributing buildings.
- 2) Rehabilitate and adaptively reuse contributing buildings, including at least the first 15 feet of historic façades.
- 3) Additions to Contributing Commercial Properties and Historic Landmarks
 - a) 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.
 - b) 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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 - h) The Historic Landmark Commission may make exceptions to these standards in cases where an addition will not compromise the status of a historic landmark.

4) Commercial New Construction

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5) Sites and Streetscapes

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Codes and Ordinances Joint Committee Recommendation (6/21/2023)

Recommend staff recommendation on a motion by Commission Azhar, seconded by Commissioner Anderson (5-1, Commissioner Greenberg voting nay).

Next Steps

Conduct Council public hearing: 7/20/2023

City Staff

Kalan Contreras, (512) 974-2727/kalan.contreras@austintexas.gov; Joi Harden, (512) 974-1617/joi.harden@austintexas.gov

Allen, Amber

From: Contreras, Kalan
Sent: Monday, June 5, 2023 10:45 AM
To: Allen, Amber
Subject: FW: Question: C20-2022-009 – Sixth Street Code Revision – Offered for Consent

Follow Up Flag: Follow up
Flag Status: Flagged

More backup for the code amendment from Melissa.

Kalan Contreras

Historic Preservation Officer

Principal Planner | City of Austin Planning Department

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: <https://bit.ly/HPDLobbyingForm>

Please note that all information provided is subject to public disclosure. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQs](#)



From: Alvarado, Melissa [REDACTED]
Sent: Monday, June 5, 2023 10:34 AM
To: Contreras, Kalan [REDACTED]
Subject: Question: C20-2022-009 – Sixth Street Code Revision – Offered for Consent

Good morning Kalan,

My last outreach effort in the 6th St area resulted in various questions related to rooftop patios. With the Sixth Street Code Revision, would other historic sites outside of the footprint evaluated be able to apply for like rooftop patio improvements? If so, I'll need to re-review the guidelines.

On a side note, and similar to last year, all capital projects will require a review by the Architectural Review Committee before submitting a Heritage Preservation Grant.

Have a great day,
Melissa

Melissa Alvarado

Heritage Tourism Division Manager

City of Austin Economic Development Department

[AustinTexas.gov/Heritage-Tourism](https://austintexas.gov/Heritage-Tourism)

Have questions?

- [Attend Heritage Tourism Virtual Open Office Hours](#) second and fourth Tuesdays monthly from 10 a.m. - 12 p.m.
- Additionally, do not hesitate to reach out and schedule some time for a conversation – just click [here](#) and pick a time that works best for you.

RESOLUTION NO. 20220609-124

WHEREAS, the East Sixth Street corridor between Congress Avenue and IH-35 in Downtown Austin has served as a significant mixed-use commercial and entertainment destination since the City's earliest days; and

WHEREAS, the area proposed for a code amendment to facilitate additional development falls within one of Austin's few National Register Historic Districts; and

WHEREAS, the Sixth Street National Register District, roughly bounded by 5th Street, 7th Street, Congress, and IH-35, was added to the National Register of Historic Places in 1972; and

WHEREAS, in recent decades, the corridor has evolved into an internationally renowned entertainment district that has cemented Austin's claim as the 'Live Music Capital of the World'; and

WHEREAS, the 2011 Downtown Austin Plan envisions Downtown as an area with a 'dense and livable pattern of development that supports a vibrant day and night environment,' and recommends as a way to reimagine East Sixth Street as a destination for everyone to 'introduce stepback provisions and other design standards for building additions with the East Sixth Street National Register District; and

WHEREAS, amending land use regulations within the Historic Sixth Street District to support a wider variety of uses could increase economic opportunity and diversify business activity along East Sixth Street; and

WHEREAS, the developer intends to seek demolition permits for the following properties: 508; 516; 518; 610; 612; 616; 618 E. 6th Street and 600 Sabine; and

WHEREAS, the City Council would like to understand any potential impact these changes could have on the National Register Historic District; and

WHEREAS, the developer has expressed an interest in streetscape and pedestrian improvements; **NOW, THEREFORE**,

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

The City Council initiates amendments to City Code Title 25 (*Land Development Code*) related to the East Sixth/Pecan Street Combining District Regulations (District).

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to prepare 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*) to accomplish the following:

- a) Allow a structure located on East Sixth Street and east of Neches Street and west of Sabine to have a maximum building height of 140 feet or that allowable under the Capitol View Corridor, whichever is less; and
- b) Create design standards, with specific guidelines for the preservation of facades on historic structures, to ensure any redevelopment is compatible with the character of the historic district.

BE IT FURTHER RESOLVED:

The City Council directs the Historic Landmark Commission to formally review and provide recommendations about these proposed code amendments prior to the case progressing to the Planning Commission. The City Manager shall also provide a staff report from the City's historic preservation program.

As part of this review, the developer shall provide city staff and the Historic Landmark Commission with a list of the demolitions for which they intend to seek approval as part of the redevelopment of these two blocks of historic Sixth Street. The Historic Landmark Commission and city staff shall also evaluate and provide recommendations about the impact of these planned demolitions.

The City Council further directs that the City Manager shall request that Preservation Austin provide feedback about the impact of these code amendments on the National Register Historic District.

BE IT FURTHER RESOLVED:

The developer shall further provide city staff and relevant commissions with detailed information about any commitments they are prepared to make with regard to participating in district-wide streetscape and placemaking initiatives.

BE IT FURTHER RESOLVED:

As part of the ordinance process initiated above, the City staff, stakeholders, relevant commissions, and the public may consider potential and related regulation or ordinance changes in addition to or instead of those described above. In their consideration of the appropriate land use in the District, this could include recommendations for an alternate or additional small area planning or other process.

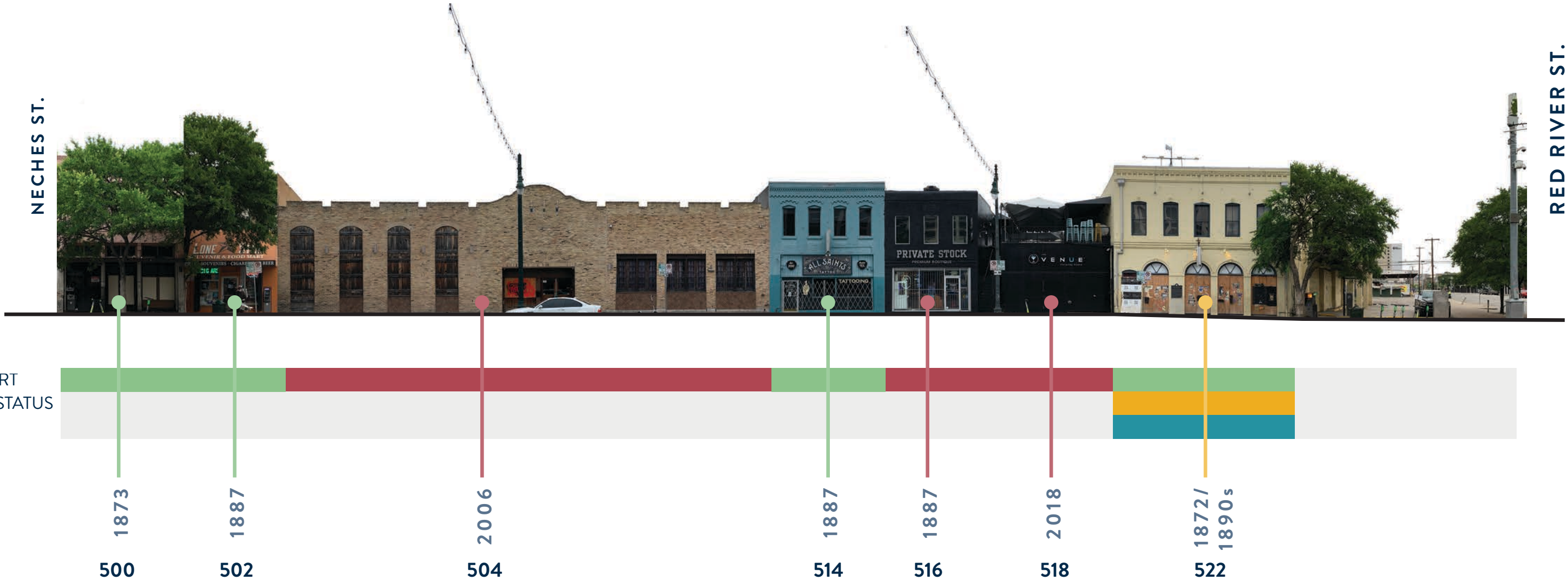
ADOPTED: June 09, 2022

ATTEST:


Myrna Rios
City Clerk

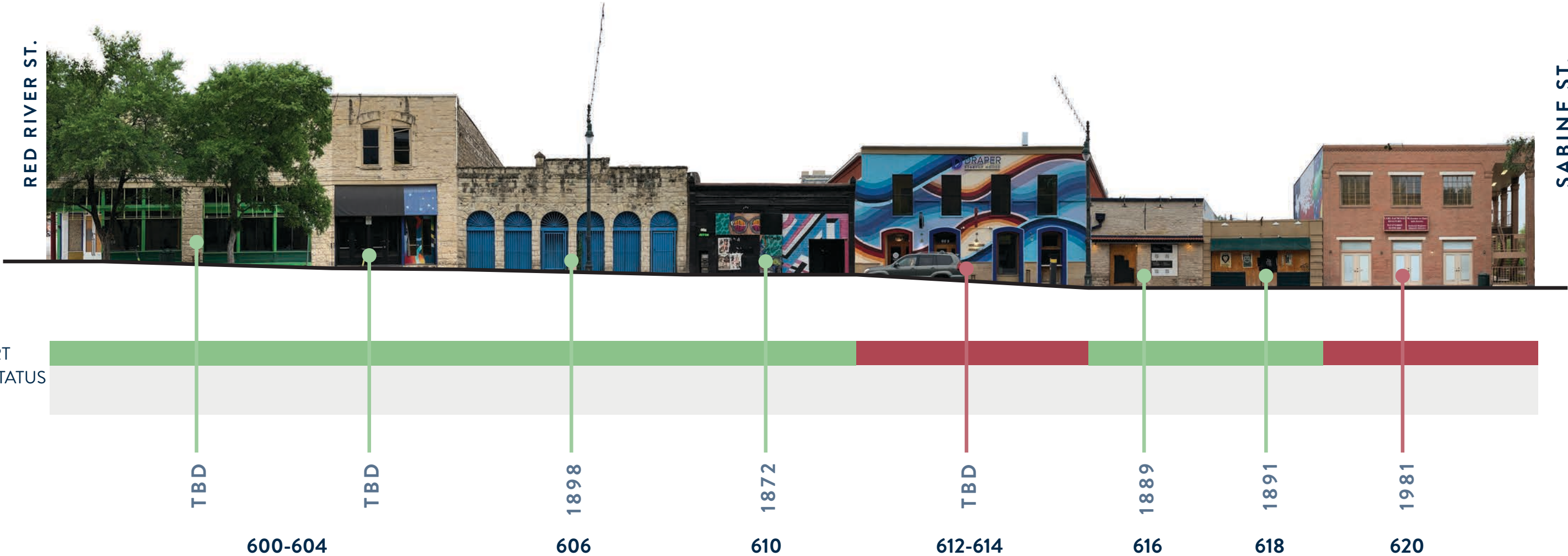






KEY

2022 RYAN SURVEY	CONTRIBUTING STRUCTURE	NON-CONTRIBUTING STRUCTURE
CoA LANDMARK STATUS	CoA HISTORIC LANDMARK	NO LANDMARK STATUS
RTHL STATUS	RTHL	NO RTHL STATUS



KEY
2022 RYAN SURVEY
CoA LANDMARK STATUS
RTHL STATUS

CONTRIBUTING STRUCTURE	NON-CONTRIBUTING STRUCTURE
CoA HISTORIC LANDMARK	NO LANDMARK STATUS
RTHL	NO RTHL STATUS

**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*