

ORDINANCE AMENDMENT REVIEW SHEET

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.

The City Council adopted Downtown Plan also calls for a reduction of the setback Congress Avenue, 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.

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.

December 9, 2014: Approval of staff recommendation by the Planning Commission on a 5-0 vote (Commissioners Nortey, Hernandez, Roark, and Oliver absent).

Council Action

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

Ordinance Number: NA

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