

**ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2019-002 Regulating Plan for the North Burnet/Gateway Zoning District

**Description:** Consider an ordinance amending Title 25 of the City Code to allow for the requirement for buildings to be stepped back 30 feet from the façade line at the 6<sup>th</sup> floor and above, located in Section 4.2 of the North Burnet Gateway Regulating Plan, to be eligible for alternative equivalent compliance.

**Proposed Language:** See attached draft ordinance and background information.

**Summary of proposed code amendment**

The proposed change will amend the North Burnet Gateway Regulating Plan to allow alternative equivalent compliance for the requirement in for street facing facades to be set back 30 feet at the 6<sup>th</sup> floor and above. The proposed change will also bring the North Burnet Gateway Regulating Plan into greater alignment with the requirements of the East Riverside Corridor Regulating Plan, which will improve the understanding and administration of the Regulating Plans.

If an applicant requests alternative equivalent compliance they will need to describe why they cannot meet the exact language of the code and what specifically they will do to meet the intent of this section of code.

The proposed change will allow for greater architectural creativity and context sensitive design in meeting the intent of the code, which is to create a human-scaled pedestrian environment.

**Background:** Initiated by City Council Resolution 20190131-039

In January 2019, City Council issued a resolution directing staff to amend the North Burnet Gateway Regulating Plan in order to allow alternative equivalent compliance for the upper story façade step-back requirement.

**Staff Recommendation:** Staff recommends the proposed code amendment.

**Board and Commission Actions**

**April 17, 2019:** Recommended by the Codes and Ordinances Joint Committee on a 4-1 vote (Commissioners Kazi and Barrera-Ramirez absent).

**May 14, 2019:** Approved on consent, Vote 15-0 [J. Sheih 1st, C. Kinney 2nd]

**Council Action**

**June 6, 2019:** A public hearing has been scheduled.

**Ordinance Number:** NA

**City Staff:** Anne Milne

**Phone:** 974-2868

**Email:** Anne.Milne@austintexas.gov

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 20090312-035 TO AMEND THE REGULATING PLAN FOR THE NORTH BURNET/GATEWAY ZONING DISTRICT RELATING TO ALTERNATIVE EQUIVALENT COMPLIANCE IN STREET-SIDE, UPPER-STORY BUILDING DEVELOPMENT STANDARDS.

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

**PART 1.** Exhibit “A” to Ordinance No. 20090312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended to add Section 5.9 (*Building Step-Back Requirement*) to add front and step-backs as a street-side, upper-story building development standard that allows for alternative equivalent compliance, as shown in **Exhibit “1”** of this ordinance.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2019.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019      §  
                                 §  
                                 §  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Jannette S. Goodall  
City Attorney      City Clerk

**RESOLUTION NO. 20190131-039**

**WHEREAS**, the Austin City Council adopted the North Burnet/Gateway Neighborhood Plan in 2006, the 2035 North Burnet/Gateway Master Plan in 2007, and the North Burnet/Gateway Regulating Plan in 2009; and

**WHEREAS**, the City of Austin adopted the Imagine Austin Comprehensive Plan in 2012, which described the North Burnet/Gateway area as a Regional Center where “the greatest density of people and jobs and the tallest buildings in the region will be located;” and

**WHEREAS**, the North Burnet Gateway/Regulating Plan provides clear and consistent standards in addition to flexibility and responsiveness to market conditions and fluctuations (Section 1.1.10) to promote pedestrian-friendly design while also allowing for individuality, creativity, and artistic impression (Section 1.1.2); and

**WHEREAS**, the North Burnet/Gateway Regulating Plan permits Alternative Equivalent Compliance to encourage creative and original design, and to accommodate projects where an alternative design meets the intent of the plan (Section 1.4.1); and

**WHEREAS**, Alternative Equivalent Compliance is not available for the requirement that “a building façade at the 6<sup>th</sup> story and above must be stepped back 30 feet from the ground-level building façade line” for “Front and Street Side Upper-Story Building Facades” (Section 4.2, Figure 4-1 of the North Burnet/Gateway Regulating Plan); and

**WHEREAS**, similar regulating plans, such as the MLK, Plaza Saltillo, and Lamar Justin Transit Oriented Development (TOD) Regulating Plans, either do not require building step-backs, or in the case of the East Riverside Corridor (ERC)

Regulating Plan, the step-backs are eligible for Alternative Equivalent Compliance; and

**WHEREAS**, alternative creative solutions can be preferable with the 30 foot step-back requirement at the 6<sup>th</sup> floor when the step-back results in the bulk of office lobby space being pushed further back into the floor plate, thereby providing less active space at the building street level; and

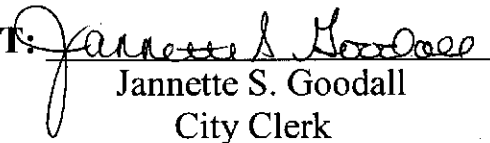
**WHEREAS**, allowing at least a portion, if not all of the façade to come all the way out to the property line can make buildings more dynamic and engaged with the street; **NOW, THEREFORE**,

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

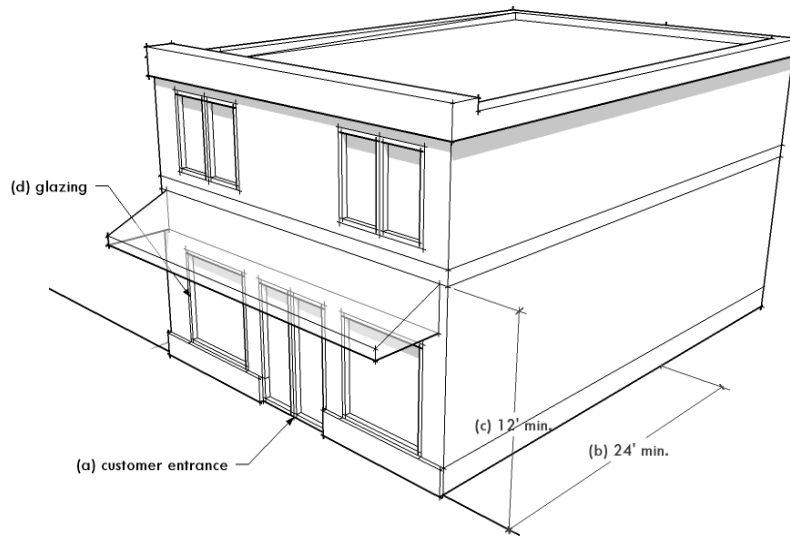
The City Council initiates amendments to the North Burnet/Gateway Regulating Plan to add Front and Street Side Upper-Story Building Stepbacks as a development standard that allows Alternative Equivalent Compliance and directs the City Manager to process the amendments.

**ADOPTED:** January 31, 2019

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

Article 5: Building Design Standards  
 Section 5.9. building step-back requirement  
 Subsection 5.9.1. Applicability



**Figure 5-6:** Along an active edge, a building must be designed to accommodate pedestrian-oriented non-residential uses (illustrates active use area).

## 5.9. BUILDING STEP-BACK REQUIREMENT

### 5.9.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 5.9 Building Step-Back Requirement	●	●	●	●	●	●	●	●	●	●	Requirement applicable to all development 6 stories or higher.
See Figure 1-2 and Figure 1-3 for NBG Subdistricts and NBG Roadway Types.											

### 5.9.2. Standards

The street-facing building facades at the 6th story and above shall be stepped back from the street to maintain a pedestrian scale along the street frontage. The step back shall be a minimum of 30 feet deep, measured from the line of the street-facing facade.



# North Burnet Gateway Proposed Code Amendment

5-14-2019



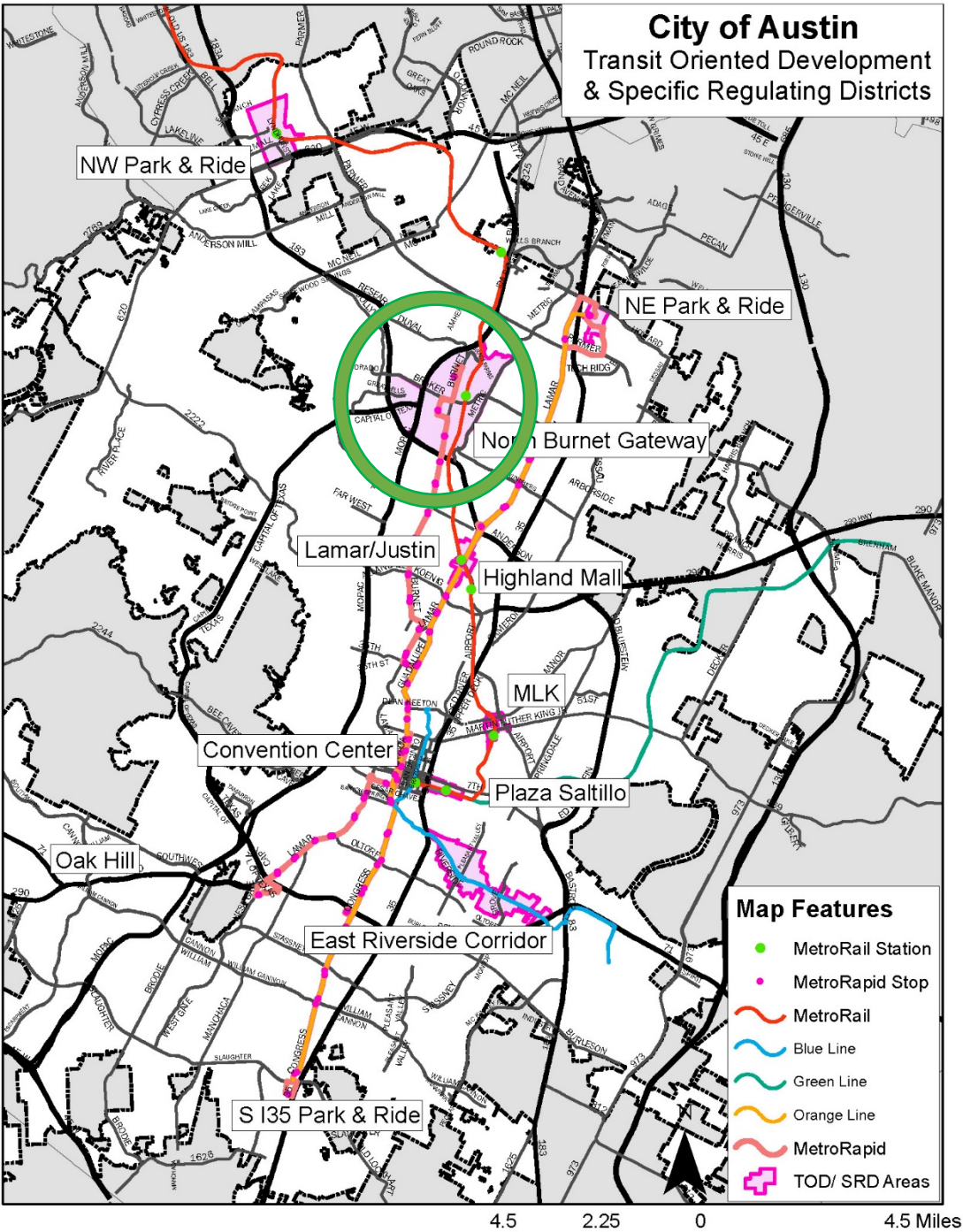
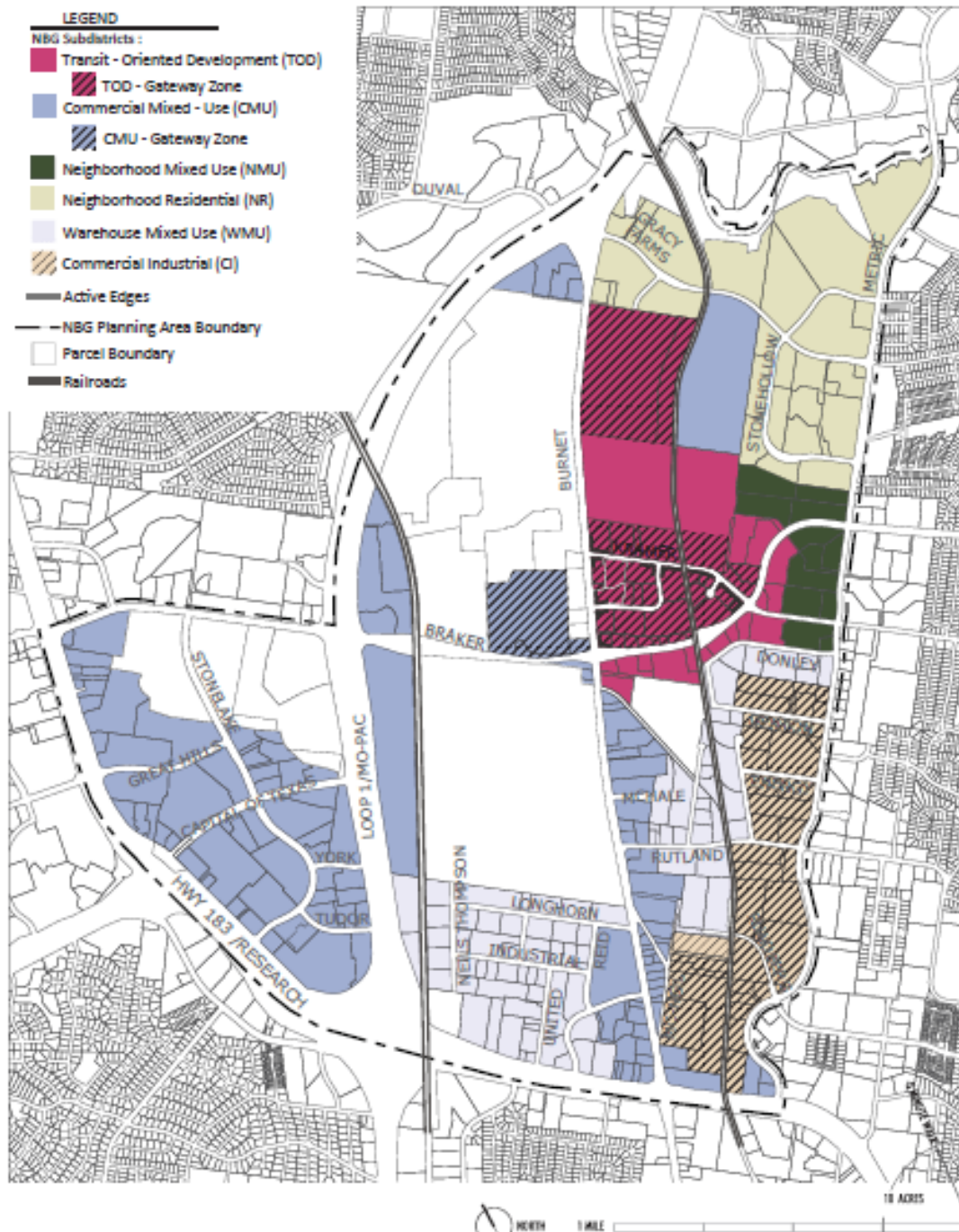


Figure 1 - 2 : North Burnet / Gateway (NBG) Zoning District Subdistrict Map

Revised 02-18-19





## Council Resolution: 20190131-039

- Directed staff to revise the NBG Regulating Plan to allow Alternative Equivalent Compliance (AEC) for upper-story step-backs.

# Current Requirements

- Section 4.2 or the North Burnet Gateway Regulating Plan

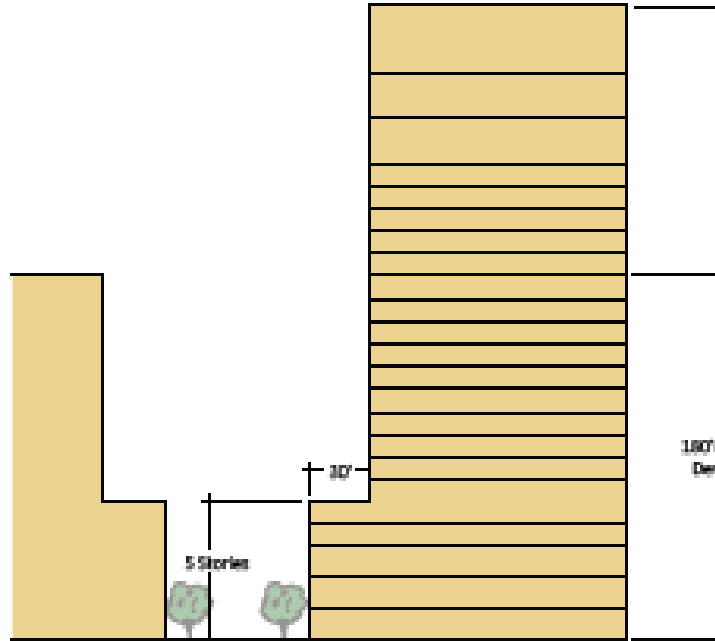


FIGURE 4 - 1 TOD : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT

LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<b>Front and Street Side Upper-Story Building Facade Stepbacks:</b>	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard and street side yard setbacks for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

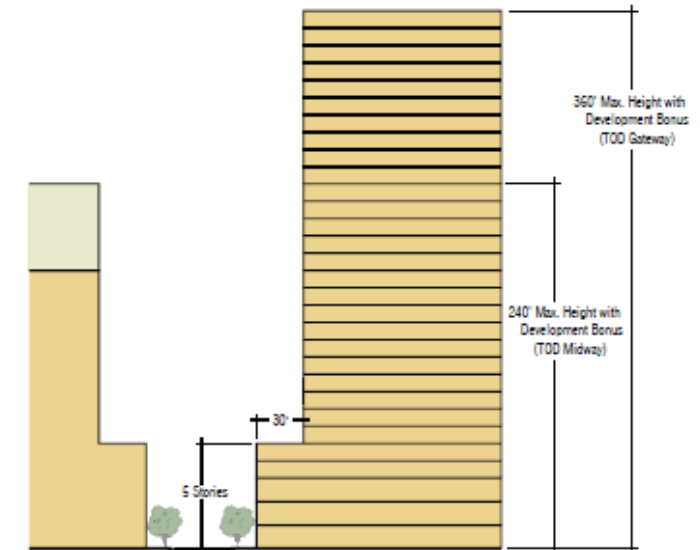
MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*:</b>	
80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus:</b>	
TOD Gateway Zone	8:1
TOD Midway Zone	5:1
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



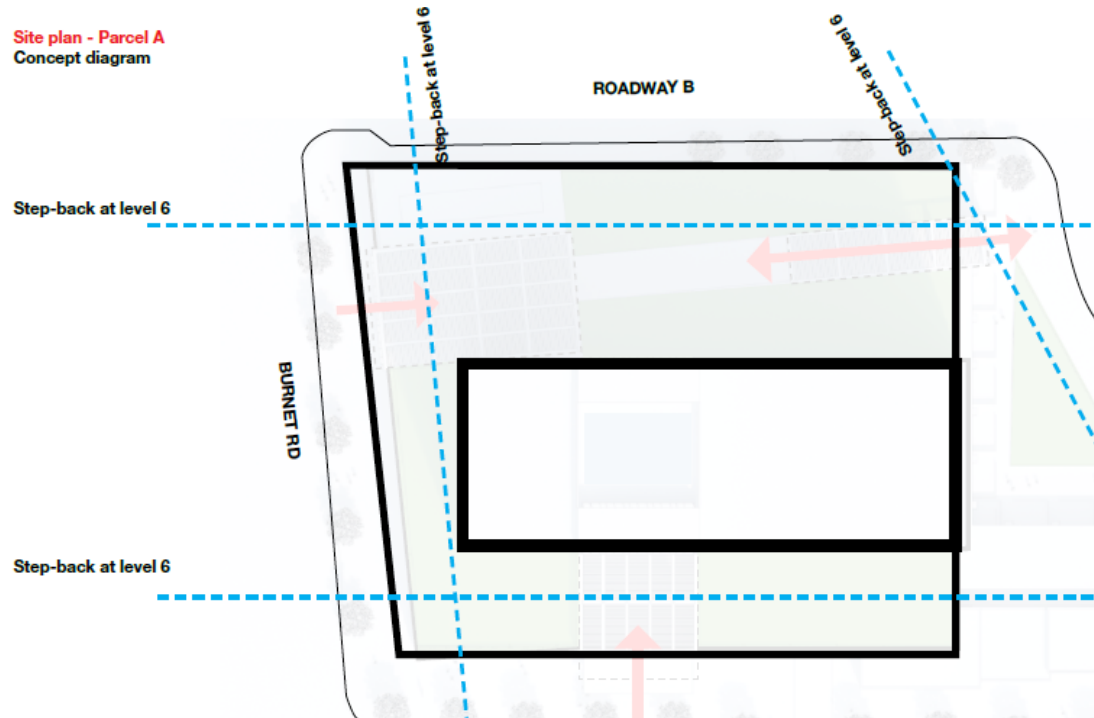
BUILDING HEIGHT	
<b>Minimum Building Height:</b>	
2 Stories	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus*</b>	
TOD Gateway	360 Feet
TOD Midway	240 Feet
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	
<b>*Exception:</b> If adjacent to or across the street from NR subdistrict maximum height is 120 feet.	

Typical example of buildings in the Transit Oriented Development Subdistrict.

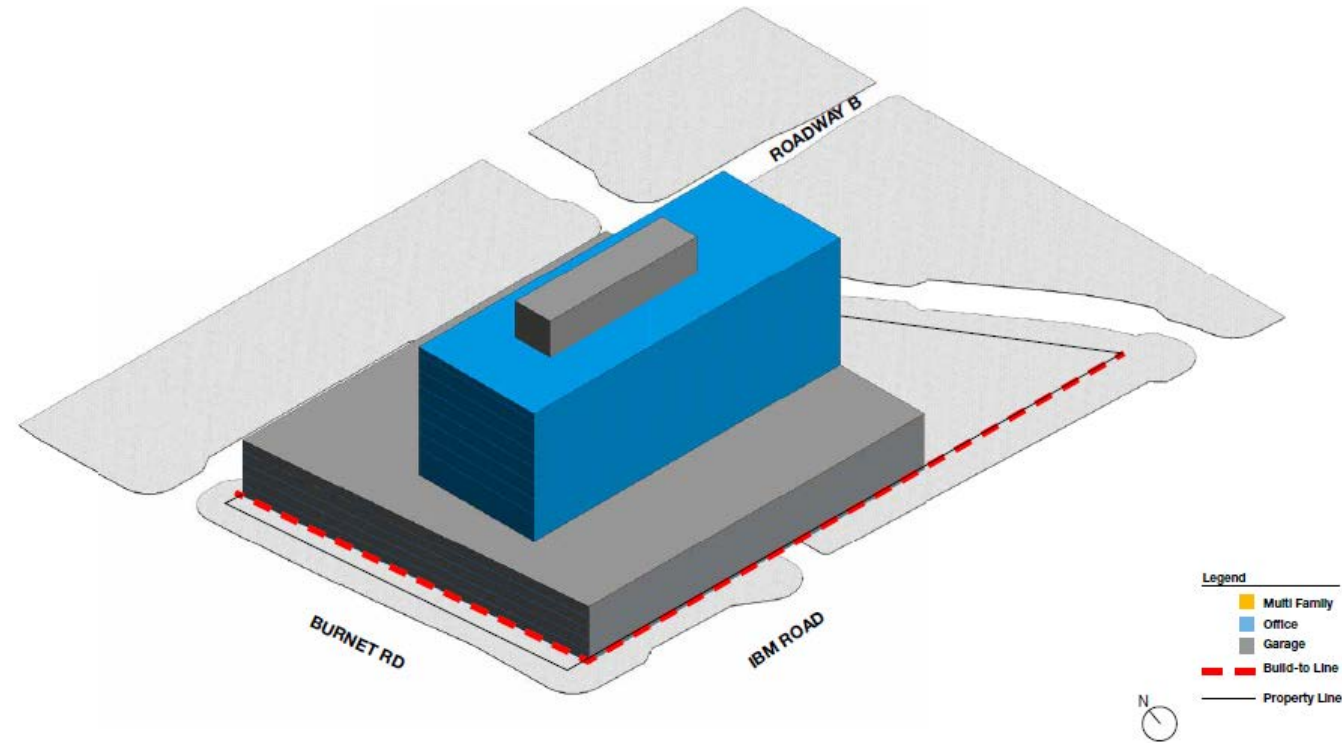


# Current Requirements

Site plan - Parcel A  
Concept diagram



Massing 1  
NBG Baseline Compliant



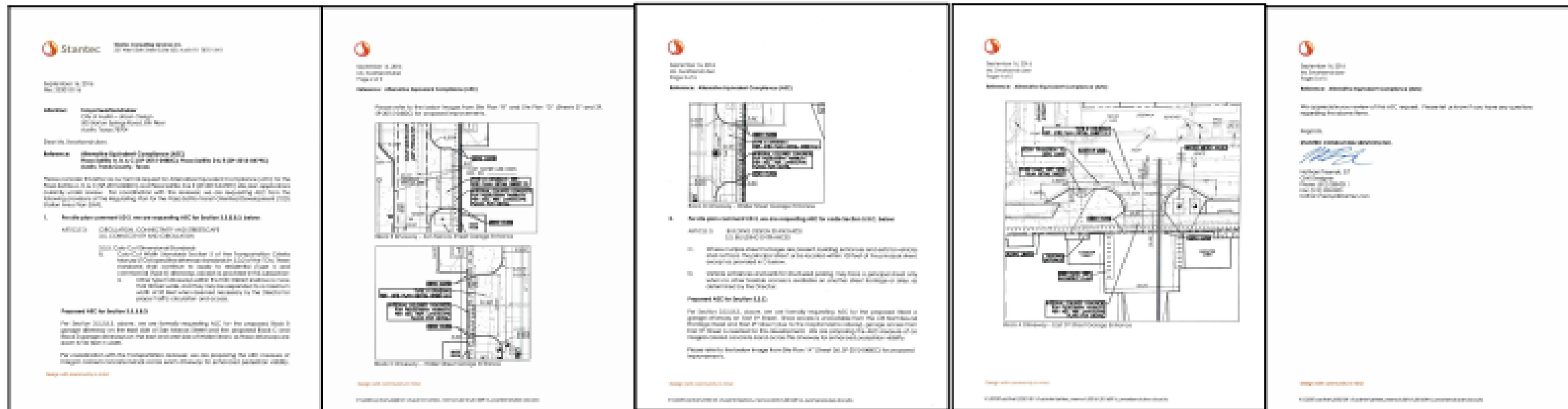
# What is Alternative Equivalent Compliance?

## 1.4. ALTERNATIVE EQUIVALENT COMPLIANCE

### 1.4.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and it is not a general waiver of regulations.

# How does AEC work?





Pros & Cons

Master Plan & Regulating Plan

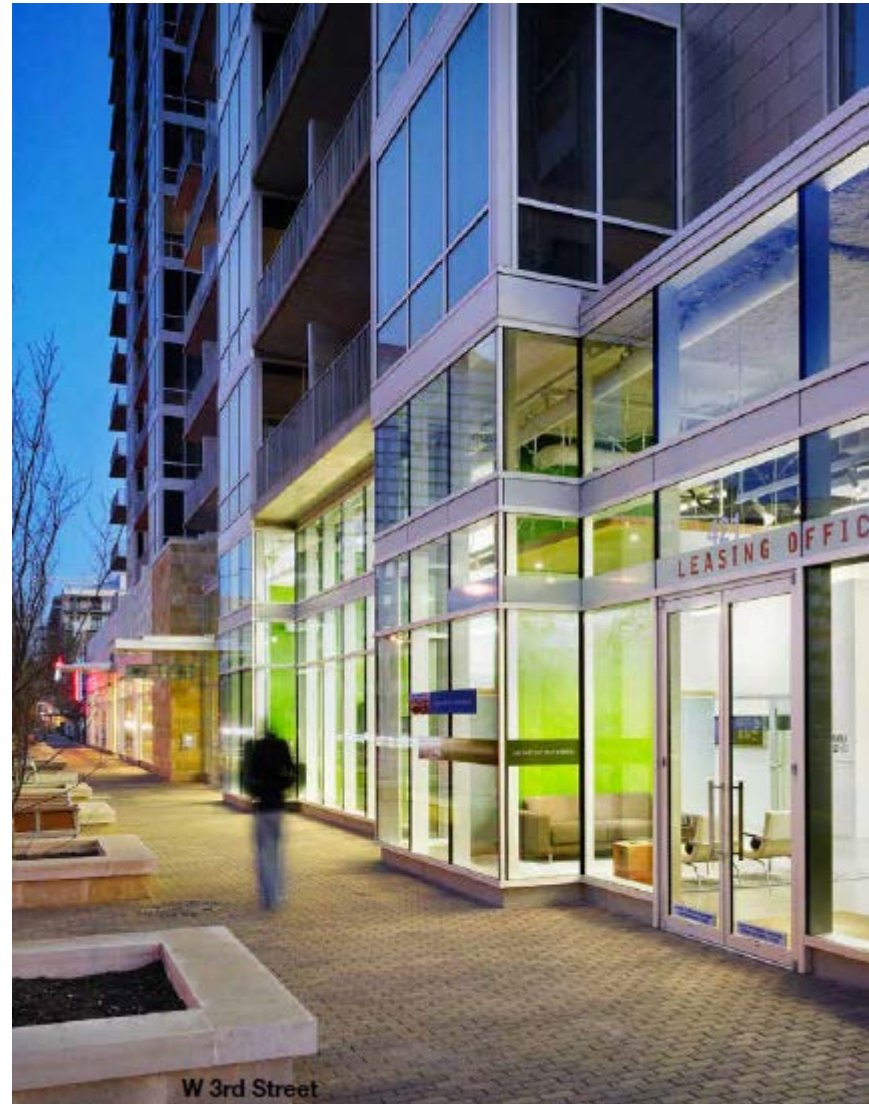
Pros	Cons
<ul style="list-style-type: none"><li>• AEC allows for greater architectural creativity in trying to meet the intent.</li><li>• 30 Ft step back on each façade takes away a large amount of square footage in an area where we want to promote greater density.</li><li>• Allowing this section to be eligible for AEC would bring this plan into alignment with the ERC plan – where this issue is eligible for AEC.</li><li>• AEC allows developer/UD reviewer to consider size of ROW and street typology in meeting the intent of the plan.</li><li>• 30 Ft step back difficult for developers to work into structural grid.</li></ul>	<ul style="list-style-type: none"><li>• AEC may not be as good as step back in achieving human scaled design.</li></ul>

# Intent



Block 71 – Downtown Austin

# Intent



3<sup>rd</sup> Street – Downtown Austin



## Intent

**ARTICLE 4: SITE DEVELOPMENT STANDARDS**

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The applicability of standards in Article 4 is based on the NBG Subdistrict in which a property is located and the Roadway Type adjacent to it. Refer to Article 1 for descriptions and maps of NBG Subdistricts and NBG Roadway Types.

**4.1. INTENT**

The standards of Article 4 are intended to:

- 4.1.1. Ensure that buildings relate appropriately to the surrounding area, create a cohesive visual identity and attractive street scene, and frame the pedestrian environment;
- 4.1.2. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;
- 4.1.3. Provide opportunities for roadside uses that enliven and enrich the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;
- 4.1.4. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the pedestrian environment;
- 4.1.5. Provide adequate, secure, and convenient bicycle parking to meet the needs of the users of a development and to encourage cycling activity;
- 4.1.6. Ensure that utilities and mechanical equipment are obscured and are not prominent features of a development that negatively impact the visual experience;
- 4.1.7. Ensure that exterior lighting creates a safe night-time atmosphere and encourages activity in the evening, but does not overwhelm the environment and intrude onto adjacent properties; and
- 4.1.8. Provide both private and public open space amenities to residents, workers, and visitors of the NBG Zoning District so that the urban character of the NBG area is balanced with the open space needs of these populations.
- 4.1.9. Encourage innovative stormwater management practices.

**ARTICLE 5: BUILDING DESIGN STANDARDS**

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**5.1. INTENT**

The standards of Article 5 are intended to use building design in order to:

- 5.1.1. Ensure that buildings foster the creation of a human-scale environment;
- 5.1.2. Ensure that building entryways are convenient and easily accessible from the roadside pedestrian system;
- 5.1.3. Ensure that trees or man-made shading devices are used alongside roadways and connecting roadside sidewalks to businesses to encourage pedestrian activity by providing a sheltered and comfortable walking environment;
- 5.1.4. Ensure that buildings provide an interesting and engaging visual experience at the pedestrian level; and
- 5.1.5. Ensure that the design and construction of ground floor building space near transit, at visible intersections, and along streets that lead to transit, accommodates for active pedestrian-oriented uses even if these types of uses may not be supported by current market conditions.
- 5.1.6. Ensure green building techniques are considered in building design and decisions are made with health, energy-efficiency, long-term maintenance and the environment in mind.

# Changes to the NBG Regulating Plan

## 5.9. BUILDING STEP-BACK REQUIREMENT

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Questions?

