

## 5. PROPOSED DEVELOPMENT STANDARDS

The proposed development standards presented in this section of the Master Plan are intended to regulate the form and treatment of private and public development: to reinforce the vision of Waller Creek as a linear greenway and riparian corridor, to enhance public access to and along the corridor and to encourage activities that promote reinvestment and revitalization throughout the Waller Creek District (“the District”) and the Downtown beyond. These development standards are not in and of themselves amendments to the Land Development Code, and therefore have no regulatory effect. They are a recommended framework for what could become code amendments. If the City Council were to approve these standards, then City staff would develop proposed code amendments, which would go through the standard Board and Commission and Council approval process, and if approved, would become part of the Land Development Code.

The standards include regulations governing all development within the District, as well as standards that are specific only to a certain sub-district. Like the creek corridor itself, the District has a diversity of conditions and characteristics, which offer distinct opportunities to both enhance the creek experience and to promote revitalization and reinvestment along its length. The six sub-districts of the Waller Creek District include:

1. **Creekmouth/Lakefront Sub-District:** including publicly and privately-owned properties south of Cesar Chavez, fronting Waller Creek and Lady Bird Lake parkland;
2. **Cesar Chavez Gateway Sub-District:** including the properties on either side of Cesar Chavez Street between IH 35 and Red River Street, and along the southern edge of Palm Park;
3. **Convention Center Sub-District:** including facilities and land on both sides of Red River Street controlled by the City of Austin’s Convention Center Department and the Iron Works BBQ restaurant at the corner of Red River Street and Cesar Chavez Street;

4. **Third to Seventh Street Sub-District:** including properties between IH 35 and Red River Street, which are oriented to Palm Park, Waller Creek and the proposed Sabine Street Promenade;
5. **Seventh to Tenth Street Sub-District:** including the City-owned Austin Police Department (APD) complex and Waller Creek Center on the eastern banks of the creek, and Stubb’s and other live music clubs on the western banks; and
6. **Tenth to Twelfth Street Sub-District:** including the City-owned Symphony Square and Symphony Plaza sites at Eleventh and Red River streets, the Sheraton Hotel and Velocity Credit Union on the eastern banks of the creek, and the Texas Workforce Commission on the western bank.

**Relationship to Downtown Austin Plan (DAP):** As Waller Creek District is one of nine districts that have been established by the Downtown Austin Plan (DAP), the policy recommendations and development standards of this Master Plan will be incorporated within the overall Downtown Austin Plan, which is being prepared concurrently. The boundaries of the Waller Creek District generally include the blocks abutting the creek between Lady Bird Lake on the south and Waterloo Park on the north. While the DAP is proposing generally that the existing underlying zoning be maintained throughout the Downtown to regulate basic height and density, these development standards propose additional regulations related to the form and treatment of development and its relationship to the public realm. The standards are intended to govern all development within the Waller Creek District of the DAP, describing proposed amendments to the provisions of the City’s existing zoning code.



DISTRICT BOUNDARIES AND SUB-DISTRICTS

**Relationship to Existing Zoning:** As shown in the figure: Existing Zoning and Overlay Districts, much of the Waller Creek District is zoned Central Business District (CBD) which provides for unlimited height, and densities ranging from a Floor Area Ratio (FAR) of 8:1 to 12:1. Several properties within the District are zoned Downtown Mixed Use (DMU) which allows for buildings up to 120 feet in height and a FAR limit of 5:1. The only proposed change to properties zoned CBD is to make Cocktail Lounge uses on CBD-zoned properties “conditional” in order to regulate their potential overconcentration, as has been experienced along East Sixth Street (see discussion below). Under the provisions of the DAP, the Waller Creek District would be eligible to participate in the proposed Downtown Density Bonus Program, allowing up to a maximum density of 25:1 FAR.

**Proposed Zoning Changes:** Several properties north of Eighth Street within the District have Commercial Services (CS) zoning, which limits development to a maximum height of 60 feet and to an FAR of 2:1. Since this zoning designation allows auto-oriented and other uses that are no longer appropriate to a revitalized Waller Creek or Downtown, the Master Plan recommends that these sites be rezoned to either CBD or DMU. In addition, it is proposed that the Palm School site at Cesar Chavez Street and the IH 35 frontage road be rezoned from GR-H (Community Commercial with Historic zoning) to CBD-H which would allow for historic preservation and adaptive reuse of the historic school building and infill development, as described below. With this rezoning, all properties within the Waller Creek District could accommodate the full range of uses permitted under CBD and DMU.

**Overlay Districts:** The Waller Creek District is also governed by several overlay districts including the following.

- The Capitol View Corridor Overlay District includes 13 view corridors traversing the Waller Creek District, six of which originate from IH 35. Height limits beneath these view planes range from less than 50 feet (in the vicinity of Eighth Street and IH 35) to heights of approximately 130 feet on the APD site between Seventh and Eighth Streets. The Waller Creek District Master Plan proposes no changes to these corridors or height limits.



**EXISTING ZONING AND OVERLAY DISTRICTS**



**PROPOSED BASE ZONING CHANGES**



- The Waterfront Overlay District (North Shore Central and Rainey Street Sub-Districts) provides specific standards related to ground-level uses, building massing and density bonuses for properties south of Cesar Chavez Street and along Lady Bird Lake and Waller Creek. While no changes are proposed along the Lady Bird Lake frontage, the Master Plan proposes some modifications to the massing and ground-level use requirements within the Rainey Street and North Shore Central sub-districts, as described below. The Council-appointed Waterfront Overlay Board is currently reviewing the density bonus provisions of the Waterfront Overlay District to consider their possible revision. As part of the ordinance preparation process, the Master Plan recommendations will be reconciled with the provisions of the Waterfront Overlay District.
- The East Sixth/Pecan Street Overlay District was established to protect the many intact mercantile buildings along the properties fronting East Sixth Street with a maximum height limit of 45 feet. No changes are proposed to the provisions of this overlay district.
- The Downtown Creeks Overlay District establishes a maximum height limit of 60 feet on the portion of properties within 60 feet of the centerline of Waller Creek. The development standards set forth in this Master Plan maintain this requirement.
- The Convention Center Overlay District was established to limit the construction of surface parking lots in the area between Congress Avenue, Waller Street, East Sixth Street and Lady Bird Lake, surrounding the Convention Center. The development standards of this Waller Creek Master Plan would achieve this goal by: 1) requiring pedestrian-oriented, ground-level uses along street frontages, and 2) by establishing specific criteria for “off-site accessory parking”, which is currently a Conditional Use under CBD and DMU-zoned properties, as discussed below. (To the extent there is conflict between the provisions of the Waller Creek District Master Plan and those of the Convention Center Overlay District, the provisions of the Master Plan should control.)

**Heritage and Protected Trees:** The City of Austin Land Development Code provides for the protection of mature trees that have a diameter of 19 inches or more (Chapter 25-8 Subchapter B). The ordinance defines trees of a particular species greater than 24 inches in diameter as “heritage trees”, and those greater than 19 inches in diameter as “protected trees”. Under the ordinance, removal of “protected trees” requires a permit from the Planning and Development Review Department; removal of a “heritage tree” greater than 24 inches in diameter requires a variance from the Planning and Development Review Department and removal of a heritage tree greater than 30 inches requires public review and a variance from the Land Use Commission.

The Waller Creek District has approximately 85 “protected trees” and 104 “heritage trees” within the creek corridor, all of which are subject to these Code provisions. The protection of these trees is important in maintaining the riparian and open space character of the Waller Creek corridor. Protected and heritage trees are indicated on the figures for each of the sub-districts of the planning area.



*The East Sixth Street Historic District intersects with Waller Creek.*



*Waller Creek near its mouth at Lady Bird Lake.*



*Waller Creek between Fifth and Sixth Streets has been channelized.*



SKETCH MODEL OF THE WALLER CREEK DISTRICT, SHOWING POTENTIAL BUILD-OUT OF OPPORTUNITY SITES.



## Proposed District-Wide Development Standards

The following development standards apply to all properties within the district, except where specific exceptions are indicated in the Sub-District Development Standards below:

**Public Easements:** Along Waller Creek, private properties extend well into and across the creek corridor. Existing access and drainage easements have been established on many properties to provide public access and/or maintenance. With a few exceptions described below in the Sub-District standards, it is recommended that all of these easements be retained to achieve the vision of the Master Plan. These existing easements should be evaluated to determine whether they provide adequate rights to the City to provide the necessary levels of access required to implement the Master Plan and maintain the creek corridor, or whether these easements need to be re-negotiated to acquire such rights.

**Public Alleys:** The existing pattern of mid-block alleys shall be retained throughout the District to allow for off-street servicing, and in some cases to provide pedestrian access to the creek corridor (e.g., in the Third to Seventh Street Sub-District). All properties which abut an alley are required to take access from the alley for trash and loading services. Vacation of alleys should not be permitted. Where properties occupy more than one-half of a block, alleys may be abandoned subject to the approval of responsible directors and the Land Use Commission, provided that service access is maintained generally along the same alignment and that such abandonment does not impact access to any adjacent property.

**Building Setbacks:** Within the Waller Creek District, buildings should be built to the property line of the street, or within five feet of it, to promote an active and spatially-defined pedestrian realm, except where the City determines that a greater setback is required to implement the typical Great Streets standard width of an 18-foot sidewalk, or that described within the DAP Transportation Framework Plan. Along the IH 35 frontage road, new development should be set back by five feet to allow for an expanded sidewalk and planting zone. Setbacks from the creekfront are proposed below in the Sub-District standards.

**Great Streets:** All new development shall be required to construct Great Streets streetscape improvements consistent with the DAP Transportation Framework Plan and cross sections. Where the responsible director determines that Great Streets construction is not practical or feasible (e.g., on small parcels, or on streets that have pending reconstruction or transportation facility projects, etc.), an “in-lieu” fee for Great Streets improvements shall be applied. The proceeds of these in-lieu fees should be directed towards Great Streets improvements within the District. The City should develop a fee structure that is commensurate with the construction of such improvements and should secure such fees that could be invested into the highest priority Great Streets improvements.

**Publicly-Accessible Open Space:** Exceptions to the above setback regulations will be made for properties which provide publicly-accessible open spaces in the form of plazas, gardens, courtyards, patios, etc., and where such open spaces meet the following criteria:

- The open space setback has a minimum area of 600 square feet, and a minimum dimension of 15 feet;
- The area is accessible and useable by the general public throughout daylight hours and is visible from the public sidewalk;
- The area provides public seating and/or serves as a public pedestrian passageway connecting one public sidewalk with another;
- The area has no conditioned building space above it and at least 75 percent of the area is open to the sky; and
- The area has interior ground level building space overlooking and accessible to it, with door(s).

**Pedestrian-Oriented Streetfront Uses:** Development within the Waller Creek District shall include ground-level uses that contribute to an engaging and safe pedestrian environment along streetfronts. Two types of frontages are proposed:

**Pedestrian Activity Streets** (i.e., East Sixth Street and Sabine Street between Third and Seventh streets), where the highest levels of pedestrian activity are desired and where at least 75 percent of the parcel frontage along these streets shall be occupied by one or more of the following uses, unless otherwise specified in the sub-district standards below:

- Art Gallery
- Art Workshop
- Cocktail Lounge (as a conditional use: CU)
- Consumer Convenience Service
- Food Sales
- General Retail Sales
- Hotel-Motel
- Liquor Sales, up to a maximum gross floor area of 5,000 square feet per project
- Personal Services
- Restaurant
- Theater
- Cultural Services
- Other uses as determined by the Land Use Commission

**Mixed Use Streets** are those streets where a mixture of pedestrian-friendly uses is desired and where one or more of the above “Pedestrian Activity Streets” uses or one or more of the following commercial, civic or residential uses shall occupy at least 60 percent of the developed parcel frontage, unless otherwise specified in the sub-district standards below:

- Residential
- Consumer Retail
- Financial Services



## GROUND LEVEL STREET AND CREEK FRONT USES

- Indoor Entertainment
- Indoor Sports and Recreation
- Liquor Sales (no size limitation)
- Pet Services
- Club or Lodge
- College/University
- Day Care
- Education
- Religious Assembly
- Other uses as determined by the Land Use Commission

**Pedestrian-Oriented Creekfront Uses:** Along Pedestrian Activity Creekfronts, the highest concentration of active commercial and civic creekfront uses is desired. This area is generally between Third and Seventh streets, and at Symphony Square between Eleventh and Red River streets, where retail, restaurant and cultural uses are intended to reinforce Waller Creek as a city and even region-wide destination. Along these

frontages, at least 75 percent of the developed parcel abutting the creek shall be in active pedestrian-oriented uses as defined under Pedestrian Activity Streets above, unless otherwise specified in the sub-district standards below. On Mixed Use Creekfronts, at least 60 percent of the developed frontage facing the creek shall be comprised of pedestrian-oriented uses as defined under Mixed Use Streets above, unless otherwise specified in the sub-district standards below.

**Cocktail Lounge as Conditional Use:** In CBD zoning districts, the Master Plan proposes that Cocktail Lounge be made a conditional, rather than a permitted use, with the following criteria to be used in the determining appropriateness as use:

- The Cocktail Lounge use does not occupy more than 25 percent of its blockface or 70 linear feet, whichever is less;
- The use meets the ground floor streetfront requirements of the Master Plan;
- Business has had no criminal convictions in the last 36 months.

**Off-Site Accessory Parking as Conditional Use:** In CBD and DMU zoning districts, specific criteria should be established for off-street accessory parking, which is currently allowed only as a Conditional Use. Such criteria should include the following:

1. Accessory surface parking will be permitted, only if such parking:
  - a) is serving a specific use located on a parcel that is less than one-quarter block in size;
  - b) is not feasible to provide on-site parking;
  - c) and where such parking lot:
    - Has no more than 60 spaces;
    - Is not located on a Pedestrian Activity Street;
    - Does not occupy more than 70 linear feet of street frontage;
    - Includes improved sidewalks along all adjacent street frontages to the minimum standard;
    - Is screened at its perimeter with a low masonry wall or hedge of at least 36 inches in height but no more than 54 inches located at/near the back of sidewalk along street frontages;
    - Provides adequate lighting (1 footcandle) to ensure pedestrian safety; and
    - Is available for public parking when not occupied by the primary use.
2. Freestanding parking garages will be permitted if such garages comply with the ground-level streetfront and Great Streets requirements set forth in this Master Plan, and if at least 25 percent of the parking is available to the public at all times and is located on the levels most accessible to the street.

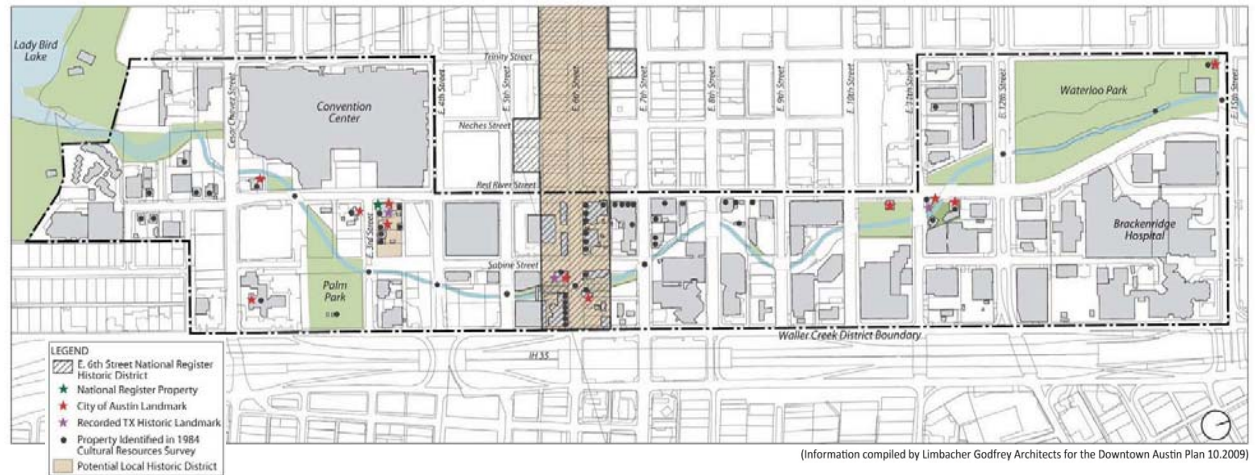
**Drive-Through Facilities:** Drive-through facilities will not be permitted in the Waller Creek District.

**Ground Level Commercial Treatment along Streetfronts:** All ground level commercial or civic uses facing public streets shall be subject to the following building design standards, which build on those set forth in Subchapter E: Design Standards and Mixed Use (Commercial Design Standards) of the Land Development Code:

- Along Pedestrian Activity Street frontages at least 60 percent of the wall area between two and 10 feet above grade, shall be in a glazed storefront system; along Mixed Use Street frontages, at least 40 percent of the wall area shall be developed with such storefront systems.
- All glazing on ground floor facades that face a public street or creek-front shall have a Visible Transmittance (VT) of 0.6 or higher.
- Shading devices including awnings, canopies, arcades, or other devices shall be required over all building entries and along at least 75 percent of a Pedestrian Activity street frontage, and 50 percent along a Mixed Use street frontage.
- Public building entries shall be oriented to streetfronts and shall be generally flush with the elevation of the sidewalk; no ramps or stairs are permitted to project within the public right-of-way, or front setback areas.
- The minimum floor-to-floor height of non-residential ground floor space along a Pedestrian Activity Street shall be 18 feet, and 15 feet along a Mixed Use streetfront, in order to promote viable ground level uses. The minimum depth of such uses shall be 30 feet along the required frontage.

**Ground Level Commercial Treatment along Creekfronts:** Creekfront non-residential uses shall comply with the following general standards and with the specific standards outlined for each of the Sub-Districts below:

- Outdoor spaces, such as terraces, cafés, plazas, pedestrian ways and/or trails are permitted and encouraged on the frontage of buildings adjacent to creeks to create an active edge along the creekfront (see specific



## WALLER CREEK DISTRICT HISTORIC RESOURCES

Sub-District standards below). Outdoor spaces and access-ways shall be located within the boundaries of the property, and, where permitted to encroach onto public easements (subject to license agreement requirements), as provided for below.

- Storefront glazing is required on at least 50 percent of the wall area of the ground level facing a creekfront between two and 10 feet above grade. All glazing shall have a Visible Transmittance (VT) of 0.6 or higher.
- Shading devices including awnings, canopies, trellises, pergolas, loggias and the like shall be provided along 75 percent of any publicly-accessible space on the creek frontage, and over all building entries.
- Accessible building entries shall be oriented to publicly-accessible outdoor spaces at intervals no greater than 100 feet.
- The minimum floor-to-floor height of non-residential ground floor space adjacent to creeks shall be no less than 15 feet, except for creek-oriented basement space below street level, which shall be no less than 10 feet.

**Ground Level Residential Treatment:** Where ground level residential uses are permitted as a pedestrian-oriented use on a street or creekfront, all living spaces (not including ground level common areas or lobbies) shall be separated from public sidewalks or trails by a setback of at least five feet or the required zoning setback, whichever is greater. Ground level living space shall also be at least 18 inches above the grade of the sidewalk or trail to promote residential privacy and livability. Unit entries with stoops are encouraged along streetfronts and portions of the creek trail, as appropriate.

**Building Massing:** The following building form standards are intended to promote buildings that complement the creek corridor, provide strong spatial definition along streets, and appropriate relationships between existing and future development. If a project proponent wishes to deviate from these building form standards, an “alternative compliance” procedure, to be developed during the ordinance preparation process will be made available by the City. This process should involve discretionary design review of the proposal, and a finding that the alternative treatment meets the City’s urban design guidelines and will contribute positively to the Downtown environment.

**Streetfront Stepbacks:** Except as provided in the sub-district standards below, at least 55 percent of the building mass above 90 feet in height shall be stepped back by a minimum of eight feet in order to provide a horizontal street wall expression. (The 90-foot streetwall is established to allow for an efficient parking podium, and to create a well-proportioned street space at a ratio of approximately 1:1 with the right-of-way.) Buildings within historic districts or landmarks adjacent to historic structures shall introduce the eight-foot stepback at a height no greater than ten feet above or below the historic building for a horizontal distance of at least 25 feet (See Building Form Standards figure) unless the Historic Preservation Officer makes

a finding that the historic property in question no longer warrants special compatibility consideration, due to the current state of the property.

**Tower Lengths:** No tower should occupy more than 220 feet or 80 percent of a block length or frontage along a street or within the creek corridor, in order to promote light and solar access, as well a sense of visual openness in the cityscape.

**Tower Floorplate:** The maximum floorplate of a tower above a height of 120 feet shall not exceed 60 percent of the site area or 30,000 square feet,

whichever is less. This standard is intended to avoid bulky buildings and to promote a visually attractive skyline with slender vertical towers.

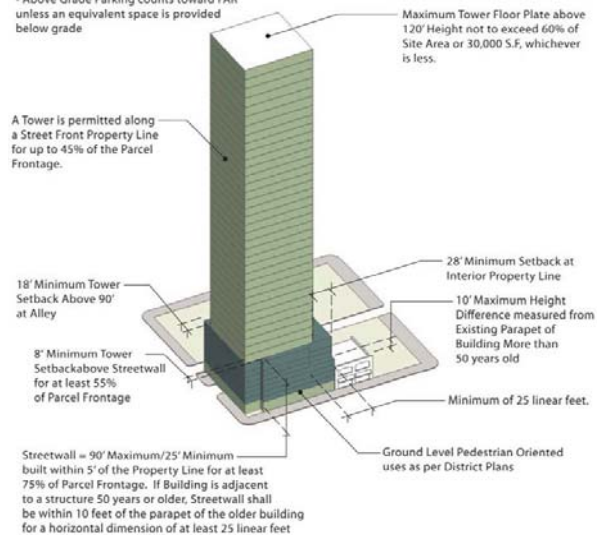
**Non-Reflective Materials:** Buildings shall not include glazing and other cladding materials that are highly reflective.

**Creekfront Stepbacks:** Consistent with the requirements of the Downtown Creek Overlay District, all development within 60 feet of the centerline of Waller Creek shall not have a height greater than 60 feet.

### High-Rise Building Quarter-Block and Greater

#### PARKING AND SERVICING

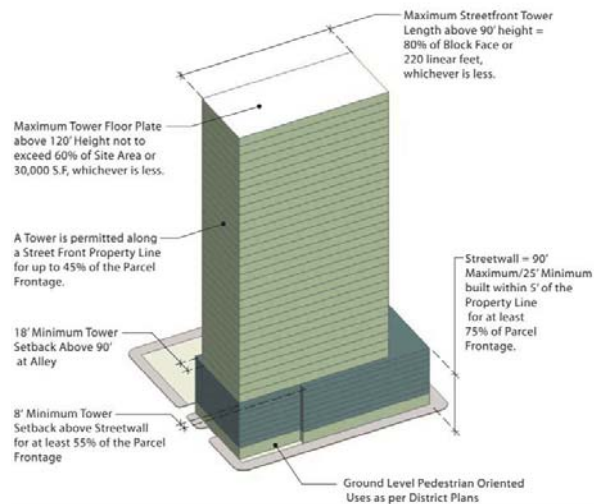
- Parking and Service Access From Alley
- Driveway Curb Cuts along "Pedestrian Activity Streets" not permitted, unless approved by the Responsible Director
- One Driveway Curb-Cut Permitted from Street up to 25 feet wide
- Above Grade Parking May Not be Visible from the Street
- Above Grade Parking counts toward FAR unless an equivalent space is provided below grade



### High-Rise Building Half-Block and Greater

#### PARKING AND SERVICING

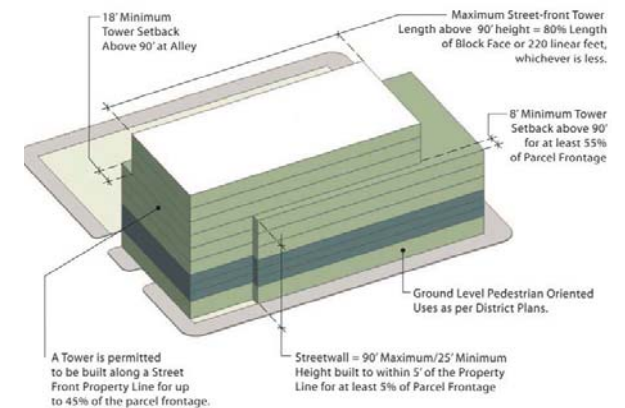
- Parking and Service Access From Alley
- Driveways along "Pedestrian Activity Streets" not permitted, unless approved by the Responsible Director
- Two Driveway Curb-Cuts Permitted from Street up to 25' wide each
- Above Grade Parking May Not be Visible from the Street
- Above Grade Parking will be counted toward FAR unless an equivalent space is provided below grade



### Mid-Rise Building Half-Block and Greater

#### PARKING AND SERVICING

- Parking and Service Access From Alley
- Driveways along a "Pedestrian Activity Street" are not permitted, unless approved by the Responsible Director
- Two Driveway Curb-Cuts Permitted from street, up to 25' wide each
- Above Grade Parking May Not be Visible from the Street
- Above Grade Parking will be counted toward FAR unless an equivalent space is provided below grade



## BUILDING FORM STANDARDS



**Tower Spacing:** In order to promote multiple towers, (defined as any portion of a building above 90 feet in height) on a block, such towers shall be set back from any other tower by at least 56 feet. Towers shall be set back from an alley by a minimum of 18 feet and by a minimum of 28 feet from any interior property line. Alley and interior lot setbacks may be waived by the responsible directors if an adjoining property has height limits or easements that would prevent future development to exceed 90 feet.

**Curb Cuts and Driveways:** No curb-cuts or driveways will be permitted along Pedestrian Activity Streets. Along Mixed-Use streets only one curb cut will be permitted for each 140 feet of parcel frontage, unless the Sub-District standards state otherwise. Waivers from this requirement may be made by a responsible director, if it is found that there are no practical means of compliance.



*Cafes and restaurants overlooking the creek corridor are encouraged.*

**Porte-Cocheres and On-Site Drop-Off Areas:** Porte-cocheres and on-site drop-off areas are permitted on a case-by-case basis, subject to the following findings:

- Because of the volume of drop-offs, the operation of the particular use requires a porte-cochere or drop-off area on site. (Note: Special priority is given to hotel uses; office and residential uses should use designated curbside drop-off lanes within the public right-of-way.)
- The driveways that cross the sidewalk are limited to no more than 25 feet in width, and are at the same height of the sidewalk surface, clearly demarcated with a contrasting paving and texture.

**Treatment of Service Areas:** Loading and service areas shall be located along public alleys to the maximum extent practicable; where such areas are located along public streets, their frontages shall be minimized to avoid disruption of pedestrian or bicycle circulation and architecturally integrated within the building mass and screened from public view. All truck



*Small-scale mixed use development is envisioned on parcels constrained by Capitol View Corridors.*

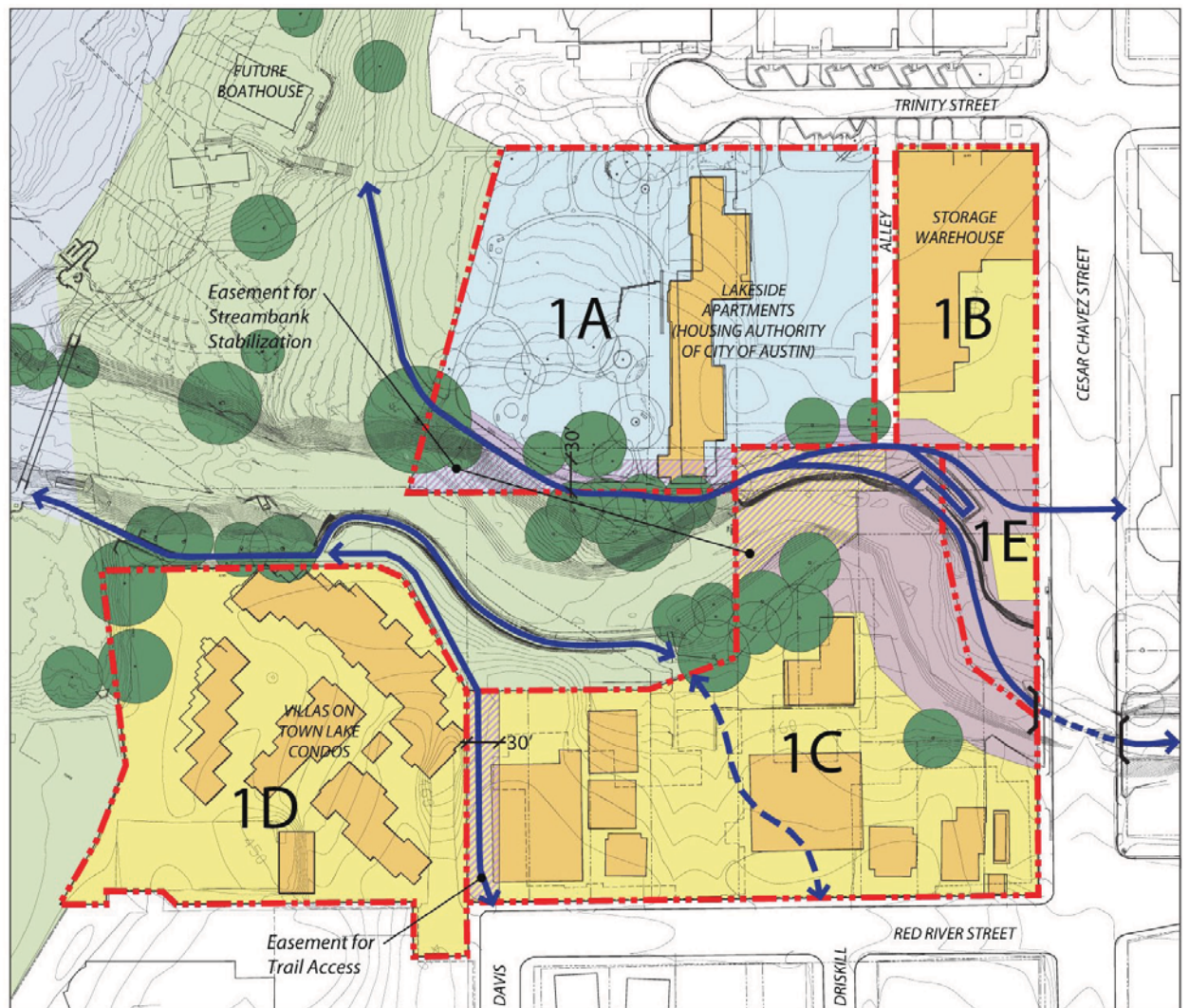
maneuvering shall occur within the interior of the structure or loading area. Service areas shall not be visible from the creek (per the Downtown Creeks Overlay), or rely on service roads that are visible from the creek.

**Parking Treatment:** Surface parking lots shall be subject to the standards described above for accessory parking. Parking garages should be underground and/or encapsulated (not exposed to public view) and architecturally-integrated within the overall building mass, and screened from public view. Freestanding parking garages shall include ground level “liner uses” along streetfronts and the creek in compliance with the ground level requirements above.

**On-Site Parking:** In order to encourage smaller parcels to redevelop more economically, on-site parking requirements should be waived or reduced, subject to approval by the responsible directors, if such developments are less than 20,000 square feet or one-quarter block, and if the development pays a to-be-established, in-lieu fee to the City of Austin’s Parking Enterprise for the use of centralized parking.



*High-rise development should create a positive street environment.*



CREEKMOUTH / LAKEFRONT SUB-DISTRICT

