

element of infill building design. Historically, these elements were common in Downtown and contribute to the character of the area. Such design features are preferred in Downtown as they reinforce the human scale of new developments, enhance the public realm, and provide contextual references to historic buildings. As such, the proposed balcony is considered to be an added benefit to the city properties under Section 114-7(k).

ISSUE:

Building “A” is the northernmost proposed building and includes three façade elements that would extend from the building façade over the ROW. These include a first-floor canopy, a second-floor balcony, and a second-floor canopy. These encroachments would leave a clear zone of approximately 9.5 feet from the sidewalk to the bottom of the lowest encroaching façade element (the first-floor canopy). The lower canopy and balcony both extend over the ROW by 3.5 feet and the upper canopy extends over the ROW by 1.5 feet.

Building “B” is the southernmost proposed building at the site. This single-story building includes a canopy spanning the primary façade. This canopy encroaches over the ROW by approximately 3.5 feet and has a clear zone of approximately 9.5 feet.

Of these encroachments, the balcony is subject to a license agreement in accordance with Section 114-7(e) and 114-7(k) of the City’s Code of Ordinances. The proposed canopies were subject to Engineering Department review and have been approved but are exempted from the license agreement and fees per ordinance.

The proposed license agreement outlines limits on the City’s liability, provides an insurance requirement, allows the City rights to inspect the encroachment and compel any needed repairs at the licensee’s expense, and provides indemnification for the City.

FISCAL IMPACT:

The proposed license agreement would provide a minimal amount of revenue to the City. Per Section 114-7(e) the fee for aerial encroachments is limited to 7.5% of the value of the area to be licensed with a minimum annual fee of \$100.00. Given the small size of the balcony, the annual fee will be \$100.00. Indirect impacts of redevelopment in the New Braunfels area that include elements that create synergy between the building faces and the public realm and difficult to quantify. However, such improvements contribute to a unique sense of place that tends to generate more revenue per acre than other standard development scenarios.

RECOMMENDATION:

The Downtown Board met on August 17th and voted to recommend approval of the license agreement.