## Recommendation for Council Action

**Austin City Council**  
**Item ID** 51747  
**Agenda Number** 79.

**Meeting Date:** 11/12/2015  
**Department:** Development Services

### Subject

Conduct a public hearing and consider an appeal by Daniel Llanes, regarding the Planning Commission’s approval of a variance from City Code Section 25-2-721(B)(1), which prohibits the construction of a building or parking area within the primary setback of the Waterfront Overlay in the Red Bluff Subdistrict (District 3).

### Amount and Source of Funding

**Fiscal Note**

**Purchasing Language:**

**Prior Council Action:**

January 13, 2015 – Approved (two variances) by the Planning Commission on an 8-0-1 vote with Commissioner Oliver absent. A third variance request to construct a building in the primary setback was denied on 5-3-1 vote with Commissioners Hatfield, Roark and Nortey voting against the item and Commissioner Oliver absent.

February 24, 2015 – Planning Commission approved a variance to allow construction within the primary setback during reconsideration on a vote of 7-1-1 Commissioner Chimenti voting against and Commissioner Varghese absent.

**MBE / WBE:**

**Related Items:**

### Additional Backup Information

Daniel Llanes, an interested party representing the Govalle/Johnston Terrace Neighborhood Contact Team/Riverbluff Neighborhood Association, is appealing the Planning Commission’s decision to approve a variance to allow construction of a building within the primary setback of the Waterfront Overlay in the Red Bluff Subdistrict.

The associated site plan case number is SP-2014-0175A. The site is in District 3. Staff recommends denial of the appeal, and approval of the variance request.