#### PLANNING COMMISSION SITE PLAN VARIANCE REQUEST REVIEW SHEET

**CASE:** SP-2018-0472C

PLANNING COMMISSION DATE: January 14, 2020

**PROJECT NAME:** 44 East

ADDRESS OF SITE: 44 East Avenue

## **COUNCIL DISTRICT:** 9

APPLICANT: LROC Properties Southwest LP

AGENT: The Drenner Group (Leah Bojo) (512) 807-2918

AREA: 0.67 acres WATERSHED: Lady Bird Lake and Waller Creek (Urban) WATERSHED ORDINANCE: Comprehensive Watershed Ordinance (Urban) C.I.P. STATUS: N/A T.I.A.: N/A CAPITOL VIEW: N/A

## **DEVELOPMENT:**

A 49-story mixed use building with 322 residential units and 3534 sf of commercial space with associated parking garage and utility improvements.

## EXISTING ZONING: CBD.

**DESCRIPTION OF VARIANCE:** The applicant is seeking approval of a variance from the 20% reflectivity provision related to mirrored or glare producing glass as regulated in the Waterfront Overlay design regulations [Land Development Code 25-2-721(E)(1)] to allow glass with a 30% reflectivity.

#### LDC Section 25-2-721(E)(1)

This subsection (E) provides design standards for buildings.

(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.

## Mirrored Glass is defined in LDC 25-1-21(67)

"Mirrored Glass means glass with a reflectivity index greater than 20 percent"

#### SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of this variance with the conditions that the applicant 1) shall work with City staff to determine appropriate and feasible building materials, exterior lighting, and other design elements which comply with the LEED pilot standards for bird collision deterrence, the San Francisco Bird Safe Building standards, and other leading bird deterrence design standards; 2) shall then submit a correction / revision for the site plan to implement such measures, along with a signed letter to DSD by a qualified professional certifying compliance with such standards; and 3) comply with the recommendations of the Small Area Planning Joint Committee to meet LEED bird-friendly standards for the building podium and to work with staff on bird-friendly design for the tower.

# SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

At their December 11, 2019 special called meeting, the Small Area Planning Joint Committee voted (6-0) to recommend their support for a variance to the Waterfront Overlay Combining District section 25-2-

721(E)(1) regulations pertaining to the prohibition of mirrored glass or glare producing glass surface building materials for the 44 East Project, accepting staff's recommendations as laid out above and with their own added recommendation that the applicant meet LEED bird-friendly standards for the building podium and work with staff on bird-friendly design for the tower..

**CASE MANAGER:** Anaiah Johnson

Anaiah.Johnson@austintexas.gov

**PHONE:** 512-974-2932

**PROJECT INFORMATION: 0.67 acres** EXIST. ZONING: CBD MAX. BLDG. COVERAGE : 100% MAX. IMPERV. CVRG.: 100% **ALLOWED F.A.R.:** 15:1 HEIGHT: 570' (49 story) **REQUIRED PARKING:** 0 **PROVIDED PARKING:** 559 spaces **PROPOSED ACCESS:** Vehicular access from East Avenue.

**PROP. BUILDING CVR**: 24,424 sq. ft. (83.3%) **PROP. IMP. CVRG**.: 27,631 sq. ft. (94.3%) **PROPOSED F.A.R.:** 15:1

SURROUNDING CONDITIONS:

Zoning (Land Use) North: CBD (Office) South: Cummings Street, then P (Parkland) East: East Avenue, then CBD (Multifamily) West: Alley, then CBD (Multifamily)

STREET:	R.O.W.	SURFACING	<b>CLASSIFICATION</b>
East Avenue	120'	45'	Collector
Cummings Street	45'	30' (varies)	Local

# **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District Austin Innercity Alliance Austin Neighborhoods Council Bike Austin Black Improvement Association City of Austin Downtown Commission Downtown Austin Neighborhood Assn. (DANA) El Concilio Mexican-American Neighborhoods Friends of Austin Neighborhoods Friends of Rainev Street Historic District Friends of Emma Barrientos MACC Greater East Austin Neighborhood Association Homeless Neighborhood Assn. Neighborhood Empowerment Foundation Preservation Austin **Rainey Business Coalition** Rainey Neighbors Association, Inc. SEL Texas Sierra Club, Austin Regional Group Teiano Town Town Lake Neighborhood Association Waller Creek Conservancy Waller Creek Staff Liaison



# **DRENNER GROUP**

November 14, 2019

Ms. Denise Lucas Development Services Department City of Austin 505 Barton Springs Road Austin, TX 78704 Via Electronic Delivery

Re: SP-2018-0472C- Reflectivity Variance Request

Dear Ms. Lucas:

I am representing the owner of the property located at 44 East Avenue. Please accept this letter as our request for a variance to LCD §25-2-721(E)(1) to allow glass with 30% reflectivity within the Rainey District of the Waterfront Overlay. Upon approval of the variance request, we will submit a correction to the site development permit application.

Please let me know if you need any more information about this project or this request.

Sincerely,

ledun my

Leah M. Bojo

cc: Donna Galati, Development Services Department (via electronic delivery) Anaiah Johnson, Development Services Department (via electronic delivery) **B-15** SURVEYOR: 4WARD LAND SURVEYING **OWNERS:** EAST AVENUE INVESTOR LLC 401 CONGRESS AVE., SUITE 1540 PO BOX 90876 AUSTIN TX 78701 AUSTIN TX 78709 (512) 537-2384 LROC PROPERTIES SOUTHWEST, LP CONTACT: JASON WARD, R.P.L.S. 9121 CAMELBACK DRIVE **AUSTIN, TX 78733** ARCHITECT: PAGE SOUTHERLAND PAGE, INC. DEVELOPER: 400 W. CESAR CHAVEZ ST., SUITE 500 INTRACORP PROJECTS LIMITED AUSTIN, TX 78701 401 CONGRESS AVE., SUITE 1540 (512) 472-6721 AUSTIN, TX 78701 CONTACT: DANIEL BROOKS, AIA (512) 466-2721 CONTACT: BRAD STEIN LANDSCAPE ARCHITECT: **CIVIL ENGINEER:** 912B CONGRESS AVE. AUSTIN, TX 78701 BIG RED DOG ENGINEERING I CONSULTANTS (512) 320-0668 2021 EAST 5TH STREET, SUITE 200 CONTACT: DANIEL WOODROOFE, PLA **AUSTIN, TX 78702** (512) 669-5560 CONTACT: BAILEY HARRINGTON, P.E. **PROJECT SUMMARY:** THIS PROJECT CONSISTS OF 0.6729 AC SITE WITH THE CONSTRUCTION OF A HIGH RISE MULTIFAMILY BUILDING LEGAL DESCRIPTION: LOTS 22 AND SOUTH 10 FEET OF LOT 21, BLOCK 2, BRIDGE VIEW, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 88 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CITY OF AUSTIN LAND STATUS DETERMINATION CASE NUMBER C8I-01-0261, AND LOT 1, LAKEVIÈW PLAZA, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 83. PAGE 68D OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS 2019146103 THIS SITE IS COMPOSED OF 2 LOTS/TRACTS. IT HAS BEEN APPROVED AS ONE COHESIVE DEVELOPMENT AS DOCUMENT NO. \_ IN THE OFFICIAI PUBLIC RECORDS OF TRAVIS COUNTY, TX. IF PORTIONS OF THE LOTS/TRACTS ARE SOLD, APPLICATION FOR SUBDIVISION AND SITE PLAN APPROVAL MAY BE REQUIRED. LAND USE SUMMARY: ZONING: PROPOSED SITE USE: MULTIFAMILY GROSS ACREAGE: 0.6729 ACRES (29,311 SF) LIMITS OF CONSTRUCTION: ±1.11 ACRES FLOODPLAIN INFORMATION: NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN PER FEMA FIRM PANEL 48453C0465J, DATED 1/6/2016 FOR TRAVIS COUNTY. WATERSHED: THIS PROJECT IS LOCATED IN THE LADY BIRD LAKE WATERSHED, WHICH IS CLASSIFIED AS AN URBAN WATERSHED, AND SHALL BE DEVELOPED, CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH TERMS AND CONDITIONS OF THE CITY OF AUSTIN WATERSHED DEVELOPMENT ORDINANCE. THE APPLICABLE WATER QUALITY **ORDINANCE IS CHAPTER 25-8.** THIS PROJECT IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE. BENCHMARK TBM #1- SQUARE CUT ON TOP OF CONCRETE CURB AT THE INTERSECTION OF CUMMINGS STREET AND EAST AVENUE ON THE EAST SIDE OF EAST AVENUE. ELEVATION = 450.99'. TBM #2- SQUARE CUT ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF CUMMINGS STREET AND APPROXIMATELY 280' WEST OF THE INTERSECTION OF CUMMINGS STREET AND EAST AVENUE. ELEVATION = 449.14' **BEARING BASIS** ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000056274129. SURVEY CONTROL: STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS SHOWN HEREON WERE DERIVED FROM STATIC DATA PROCESSED BY O.P.U.S., 4WARD CONTROL POINT WAS CHECKED TO CITY OF AUSTIN MONUMENT J-21-3002, HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10,065,746.38, E 3,116,832.28, ELEV. 456.64 TRAFFIC CONTROL PLAN NOTE: THIS NOTE IS BEING PLACED ON THE PLAN SET IN ABSENCE OF A TEMPORARY TRAFFIC CONTROL STRATEGY WITH THE FULL UNDERSTANDING THAT, AT A MINIMUM OF 6 WEEKS PRIOR TO THE START OF CONSTRUCTION, A TEMPORARY TRAFFIC CONTROL PLAN BUT BE REVIEWED AND APPROVED BY RIGHT OF WAY MANAGEMENT DIVISION. STANDARD DETAILS ARE NOT A TRAFFIC CONTROL PLAN. THE OWNER/REPRESENTATIVE FURTHER RECOGNIZES THAT A REVIEW FEE. AS PRESCRIBED BY THE MOST CURRENT VERSION OF THE CITY'S FEE ORDINANCE, SHALL BE PAID EACH TIME A PLAN OR PLAN REVISION IS SUBMITTED TO RIGHT OF WAY MANAGEMENT DIVISION FOR REVIEW. THE FOLLOWING MUST BE TAKEN INTO CONSIDERATION WHEN DEVELOPING FUTURE TRAFFIC CONTROL STRATEGIES • PEDESTRIAN AND BICYCLE TRAFFIC ACCESS MUST BE MAINTAINED AT ALL TIMES, UNLESS OTHERWISE AUTHORIZED BY RIGHT OF WAY MANAGEMENT. • NO LONG-TERM LANE CLOSURES WILL BE AUTHORIZED, UNLESS RIGHT OF WAY MANAGEMENT DETERMINES THAT ADEQUATE ACCOMMODATIONS HAVE BEEN MADE TO MINIMIZE TRAFFIC IMPACT. PROJECT SHOULD BE PHASED SO THAT UTILITY INSTALLATION MINIMALLY IMPACTS EXISTING OR TEMPORARY PEDESTRIAN FACILITIES. NOTES: 1. RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/ HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS. 2. THE PLAN IS COMPLETE, ACCURATE AND IN COMPLIANCE WITH CHAPTER 25-8 SUBCHAPTER A OF THE LAND DEVELOPMENT CODE. 3. BY THE ACT OF SUBMITTING A BID FOR THE PROPOSED CONTRACT, THE BIDDER WARRANTS THAT THE BIDDER, AND ALL SUBCONTRACTORS AND MATERIAL SUPPLIERS HE INTENDS TO USE HAVE CAREFULLY AND THOROUGHLY REVIEWED THE DRAWINGS AND SPECIFICATIONS AND OTHER CONTRACT DOCUMENTS AND HAVE FOUND THEM COMPLETE AND FREE FROM ANY AMBIGUITIES AND SUFFICIENT FOR THE PURPOSE INTENDED. THE BIDDER FURTHER WARRANTS THAT TO THE BEST OF HIS OR HIS SUBCONTRACTORS AND MATERIAL SUPPLIERS KNOWLEDGE ALL MATERIALS AND PRODUCTS SPECIFIED OR INDICATED HEREIN ARE ACCEPTABLE FOR ALL APPLICABLE CODES AND AUTHORITIES. 4. EXISTING CONDITIONS SURVEY WAS PREPARED BY EAGLE EYE CONSTRUCTION LAYOUT, LLC IN OCTOBER 2015. 5. THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS HAS BEEN BASED UPON RECORD INFORMATION AND/OR A FIELD SURVEY, AND MAY NOT MATCH LOCATIONS AS CONSTRUCTED. THE CONTRACTOR SHALL CONTACT THE "ONE CALL" SYSTEM @ 811, OR THE OWNER OF EACH INDIVIDUAL UTILITY, FOR ASSISTANCE IN DETERMINING EXISTING UTILITY LOCATIONS PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF UTILITY CROSSING PRIOR TO BEGINNING CONSTRUCTION. 6. THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY. 7. ALL CONSTRUCTION OPERATIONS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH APPLICABLE REGULATIONS OF THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. (OSHA STANDARDS MAY BE PURCHASED FROM THE GOVERNMENT PRINTING OFFICE; INFORMATION AND RELATED REFERENCE MATERIALS MAY BE PURCHASED FROM OSHA, WASHINGTON SQUARE BLVD, SUITE 203, 800 DOLOROSA ST, SAN ANTONIO, TEXAS 78207-4559). 8. PURSUANT TO 15-12-131 OF THE CITY CODE, THE CONTRACTOR MAY NOT BLOCK, DIRECT, IMPEDE, OR REROUTE PEDESTRIAN AND VEHICULAR TRAFFIC, NOR PLACE A BARRICADE OR OTHER TRAFFIC DEVICE IN A RIGHT-OF-WAY, WITHOUT FIRST OBTAINING A TEMPORARY USE OF RIGHT-OF-WAY PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION. 9. CONTRACTOR SHALL RESTORE ALL SIGNS AND PAVEMENT MARKINGS TO EXISTING CONDITIONS FOLLOWING THE COMPLETION OF EACH PHASE OF CONSTRUCTION. CONTRACTORS SHALL REFER TO THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) FOR SIGN AND MARKING DIMENSIONS AND COLORS. 10. THIS SITE IS LOCATED IN THE DOWNTOWN AUSTIN PROJECT COORDINATION ZONE (DAPCZ). 11. ALL CONSTRUCTION HEREIN SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF AUSTIN AND/OR TXDOT STANDARD SPECIFICATIONS, UNLESS OTHERWISE NOTED. NO SEPARATE SPECIFICATIONS WILL BE PROVIDED BY BIG RED DOG ENGINEERING | CONSULTING. 12. THE DISTURBED AREAS WITHIN THIS PROJECT SHALL BE RE-VEGETATED AND ALL PERMANENT EROSION/SEDIMETNATION CONTROLS COMPLETED PRIOR TO THE RELEASE OF FISCAL SURETY FOR THAT PHASE. 25-8-182(B) TEMPORARY EROSION/SEDIMENTATION CONTROLS SHALL BE ADJUSTED AS NEEDED PRIOR TO THIS RELEASE TO ENSURE THAT SUBSEQUENT PHASE DISTURBED AREAS ARE ADEQUATELY COVERED. ANY AREA WITHIN THE LIMIT OF DISTURBANCE OF THE PROJECT WHICH IS NOT ADEQUATELY RE-VEGETATED SHALL BE BROUGHT INTO COMPLIANCE PRIOR TO THE RELEASE OF THE FINAL PHASE [LDC 25-8-184(B)(2)]. 13. COMPLIANCE WITH THE COMMERCIAL AND MULTI-FAMILY RECYCLING ORDINANCE IS MANDATORY FOR MULTI-FAMILY COMPLEXES AND BUSINESSES AND OFFICE BUILDINGS. 14. CONTRACTOR SHALL NOTIFY THE CITY OF AUSTIN - SITE & SUBDIVISION DIVISION TO SUBMIT REQUIRED DOCUMENTATION, PAY CONSTRUCTION INSPECTION FEES. AND TO SCHEDULE THE REQUIRED SITE AND SUBDIVISION PRE-CONSTRUCTION MEETING. THIS MEETING MUST BE HELD PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN THE R.O.W. OR PUBLIC EASEMENTS. PLEASE VISIT HTTP://AUSTINTEXAS.GOV/PAGE/COMMERCIAL-SITE-AND-SUBDIVISION-INSPECTIONS FOR A LIST OF SUBMITTAL REQUIREMENTS, FEE CALCULATIONS, AND TO ARRANGE PAYMENT OF INSPECTION FEES. 15. EXISTING SIDEWALKS TO REMAIN WITHIN THE LIMITS OF CONSTRUCTION HAVE BEEN VERIFIED TO COMPLY WITHIN REASON WITH THE APPLICABLE VERSION OF THE TEXAS ACCESSIBILITY STANDARDS, FEDERAL ADA REQUIREMENTS, AND CITY OF AUSTIN STANDARDS. 16. THIS PROJECT PLANS ON COMPLYING WITH THE DOWNTOWN DENSITY BONUS PROGRAM BY MEETING THE GATE KEEPER REQUIREMENTS OF PROVIDING STREETSCAPE IMPROVEMENTS IN ACCORDANCE WITH GREAT STREETS STANDARDS AND OBTAINING AN AUSTIN ENERGY GREEN BUILDING TWO STAR RATING. 17. THIS SITE PLAN IS SUBJECT TO SUBCHAPTER E OF THE LAND DEVELOPMENT CODE (DESIGN STANDARDS AND MIXED USE) AND THE GREAT STREETS STREETSCAPE STANDARDS. 18. APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. APPROVAL BY OTHER GOVERNMENTAL ENTITIES MAY BE REQUIRED PRIOR TO THE START OF CONSTRUCTION. THE APPLICANT IS RESPONSIBLE FOR DETERMINING WHAT ADDITIONAL APPROVALS MAY BE NECESSARY. 19. A FEE-IN-LIEU OF PARKLAND DEDICATION AND PARK DEVELOPMENT HAS BEEN PAID FOR 308 MARKET-RATE DWELLING UNITS. AN EXEMPTION TO THE PARKLAND DEDICATION ORDINANCE HAS BEEN GRANTED FOR 14 CERTIFIED AFFORDABLE DWELLING UNITS. THE PARKLAND DEDICATION ORDINANCE IS SUBJECT TO ENFORCEMENT IF THIS DEVELOPMENT NO LONGER COMPLIES WITH AFFORDABLE HOUSING REQUIREMENTS SET FORTH IN THE APPROVAL FROM THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. 20. THE SITE IS LOCATED IN THE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY. 21. A BUILDING MUST ACHIEVE AT LEAST A ONE STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM, AS PRESCRIBED BY A RULE ADOPTED IN ACCORDANCE WITH CHAPTER 1-2 (ADOPTION OF RULES). [LDC SECTION 25-2-593(B)] 22. A CONDITIONAL LETTER OF APPROVAL IS REQUIRED BY AUSTIN ENERGY GREEN BUILDING PROGRAM PRIOR TO BUILDING PERMIT. 23. FOR INTEGRATED PEST MANAGEMENT PLAN, SEE AGREEMENT FILED IN DOCUMENT NO. 2019149322, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. AND 2019149325 24. PARTICIPATION IN THE REGIONAL STORMWATER MANAGEMENT PROGRAM THROUGH PAYMENT, WAS GRANTED FOR THIS SITE PLAN ON JULY 31, 2019 (DATE) BY THE CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT, OFFICE OF THE DIRECTOR. THE RSMP CASE NUMBER FOR THIS PROJECT IS LBL-RS-2019-0032R.

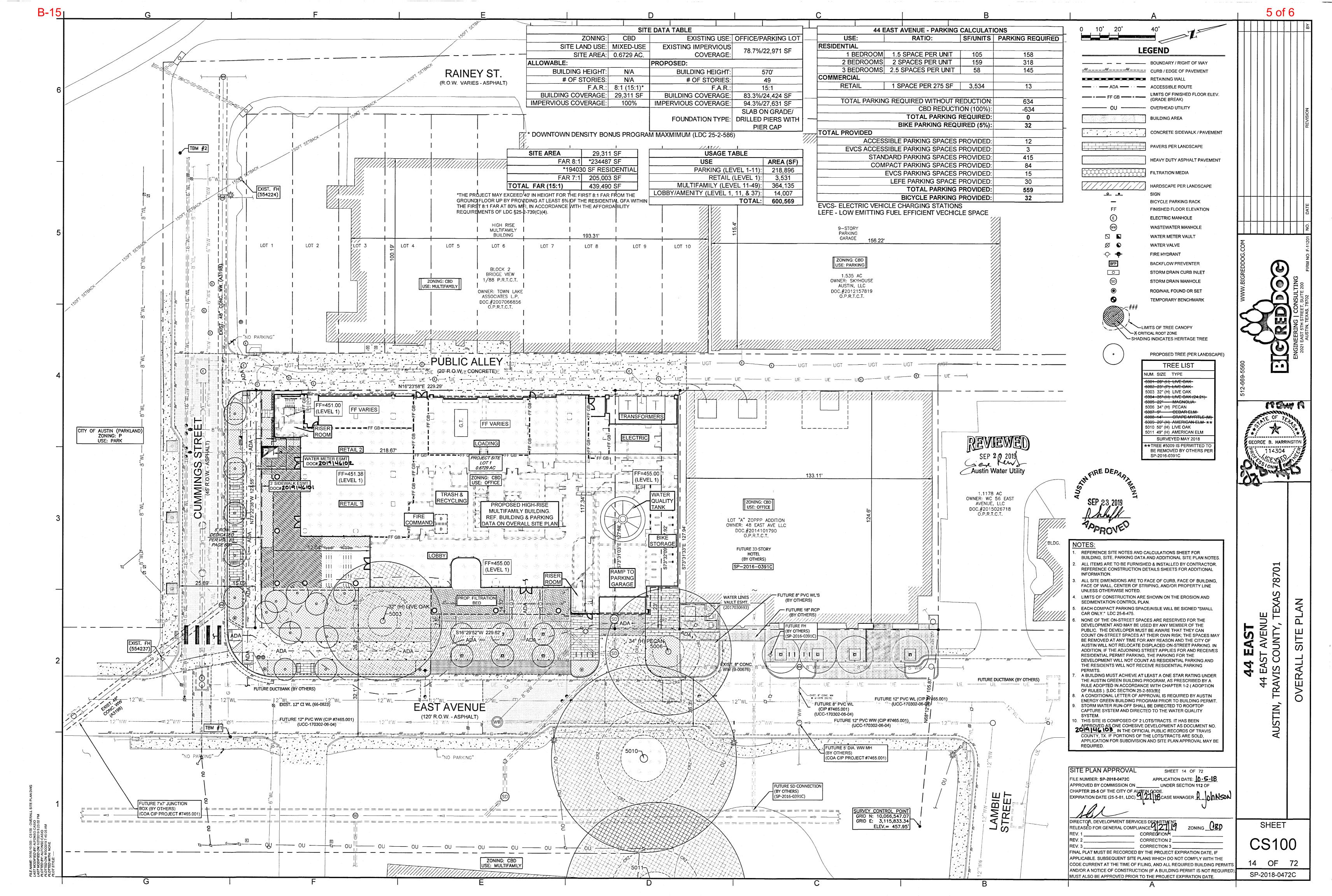
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DIRECTOR OF DEVE	ELOPMENT SERVICES DEPARTM MININ DEPARTMENT 0472.C		$\frac{\frac{1-0}{0}}{\frac{0}{0}} = \frac{\frac{09}{20}}{\frac{200}{2000}}$ DATE $\frac{9/23}{20/9}$ DATE $\frac{9-27-19}{DATE}$ DATE $\frac{9/23}{2019}$ DATE $\frac{9/23}{2019}$ DATE	44 AUSTIN, TRAV	
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**OPERATOR:** Christine Barton-Holmes