CITY COUNCIL 2nd & 3rd READING DOWNTOWN DENSITY BONUS REQUEST SITE PLAN REVIEW SHEET

CASE NUMBER: SPC-2020-0121C CITY COUNCIL

HEARING DATE: April 8, 2021

PROJECT NAME: 9092 Rainey

ADDRESS: 90-92 Rainey Street

APPLICANT: Drenner Group (Amanda Swor)

Drenner Group

200 Lee Barton Dr. Ste 100, Austin, TX 78704

Austin, TX 78704

CASE MANAGER: Renee Johns Phone: (512) 974-2711

Renee.Johns@austintexas.gov

URBAN DESIGN STAFF: Aaron D. Jenkins Phone: (512) 974-1243

Aaron.jenkins@austintexas.gov

NEIGHBORHOOD PLAN: Downtown

PROPOSED DEVELOPMENT:

The applicant is requesting administrative approval for the construction of a 51 Story, multi-family residential building, which will include retail/restaurant on the ground floor, garage parking and streetscape improvements in accordance with the Downtown Density Bonus Program 25-2-568.

PROJECT REQUEST:

- 1. Make a recommendation to the City Council on the use of the other community benefits in accordance with LDC Section 25-2-586(E)(1)-(11) and Section 25-2-586(E)(12(f).
- 2. In accordance with LDC Section 25-2-586(B)(6), make a recommendation to the City Council on a request for additional floor to area ratio (FAR) from 15:1 to 32:1 for a proposed multi-family high rise project that has participated in the Downtown Density Bonus Program and is processing a request for bonus area up to 15:1 FAR to be granted administratively.

PREVIOUS CITY COUNCIL ACTION:

March 25, 2021: Approved on first reading

BOARD AND COMMISSION ACTION:

Planning Commission January 26, 2021: Approved additional FAR from 15:1 to 32:1, as recommended by Staff, by Discussion. [C. Hempel/G. Anderson -2^{nd}] (12-0). J.; One vacancy on the Commission.

Design Commission December 21, 2020: Recommended that 9092 Rainey, located at 90-92 Rainey Street, substantially complies with the City of Austin Urban Design Guidelines. [J. Meiners, J. Rollason - 2nd] (7-0-1). D. Carroll- Recused; M. Gonzalez, M. Hanao-Robledo, E. Taniguchi – Absent.

SUMMARY STAFF RECOMMENDATION:

<u>Staff Recommendation (per 25-2-586(B)(6)(c)) for Downtown Density Bonus Program Application:</u> 90.92 Rainey:

Note: Because there are frequent references to LDC Section 25-2-586(B)(3) and (B)(6) and Figure 2 (referenced in (B)(3)), we have attached those pages to this recommendation.

Staff Recommendation Regarding Gatekeeper Requirements:

The applicant has provided sufficient documentation to meet the Gatekeeper Requirements contained in Section 25-2-586(C)(1).

- The applicant has committed to providing streetscape improvements consistent with the Great Streets Standards.
- The applicant has committed to achieve a Three-Star rating under the Austin Energy Green Building Program.
- The applicant has provided documentation indicating substantial compliance with the Urban Design Guidelines.

Downtown Density Bonus: Great Streets Fee in Lieu

Certain properties in Downtown are eligible to participate in the Downtown Density Bonus Program (the Program) as outlined in <u>25-2-586</u>. In accordance with Program requirements, the applicant is required to execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards (the Standards).

Properties in the Rainey St. Subdistrict of the Waterfront Overlay are eligible to participate in the Program per <u>25-2-739</u>. Certain properties in the subdistrict front on Texas Department of Transportation (TxDOT) right-of-way (ROW). On such portion where properties front said ROW, the City of Austin has no jurisdiction to require streetscape improvements. Any proposed improvements outside private property on said frontage are to be coordinated with TxDOT.

On March 12, 2020, the City Council executed <u>Resolution No. 20200312-040</u>. The Council directed the City Manager to "bring forward a recommendation for creating a fee-in-lieu option for the Great Streets requirement of the Downtown Density Bonus Program for projects unable to provide such streetscapes due to other jurisdictional opposition to their construction."

Staff Recommendation Regarding Community Benefits:

The applicant seeks a total "Bonus Area" (defined by Section 25-2-586(A)(1) as "the gross floor area that exceeds the maximum floor-to-area ratio allowed with the site's primary entitlements") of 8:1 FAR and administrative allowance of 15:1 FAR. That Bonus Area of 24.0 FAR can be thought of as having two parts: (1) the 7.0 FAR between the parcel's primary entitlement of 8.0 and the maximum FAR of 15.0 allowed under 25-2-568(B)(3); and (2) the 17.0 FAR between the 15.0 allowed under 25-2-568(B)(3) and the 32:1 sought for the project as a whole.

The applicant has proposed to achieve the 24.0 FAR of Bonus Area as follows:

- 24.0 FAR: Fee-in-lieu payment of \$1,289,532.50 for affordable housing.
 - o \$400,000 (8:1 to 15:1 FAR)
 - o \$889,532.50 (15:1 TO 32:1 FAR)

Thus, the applicant has met the requirement of Section 25-2-586(B)(3)(d)(1) of offering community benefits "above" those offered to achieve the 15.0 FAR allowed in Figure 2.

Staff Recommendation Regarding the Appropriateness of the Project's Proposed 32:1 FAR:

1. Section 25-2-586(B)(6) does not provide any specific criteria upon which to base a staff recommendation with respect to a request to exceed by 7.0 FAR the maximum FAR of 15.0 identified in 25-2-586(B)(3) and Figure 2. In the absence of specific criteria, staff's recommendation was arrived at as follows.

Section 25-2-586(E)(1)

- **4,649.45** square feet (On site provision above 8:1) On-site affordable housing is being provided.
- 9,358.55 square feet (On site provision above 15:1) On-site affordable housing is being provided.
- A Fee-In-Lieu in the amount of \$889,532.50 will be provided to the affordable housing fund. This amount is specific to achieve the FAR above the 15:1 administrative limit. An amount of \$400,000 will also be provided to the afforded housing fund to go beyond the 8:1 Rainey district allowance

Taking all of that into consideration, staff recommends in favor of the request for 32:1 FAR.

By adopting Section 25-2-586(B)(6) the City Council clearly assigned to the Planning Commission the role of providing its own recommendation and reserved for itself (Council) the right to grant FAR that exceeds the maximum FAR allowed in Figure 2.

PROJECT INFORMATION

SITE AREA	16,000 square feet	.3675 acre	es
EXISTING ZONING	CBD		
TRAFFIC IMPACT ANALYSIS			
CAPITOL VIEW CORRIDOR			
PROPOSED ACCESS	East Ave		
	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	8:1	0	32:1
BUILDING COVERAGE	100%	0	511,492 SF
PARKING		0	267

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
Site	CBD	Office and Multi Family
North	CBD	Office and Multi Family
South	CBD	Office and Multi-family
East	CBD	
West	CBD	Multi-family and Office

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Davis Street			Arterial
Rainey Street			Arterial



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) SUBMITTAL APPLICATION

INSTRUCTIONS

A property owner (**Owner**) or his/her representative (**Applicant**) acting on behalf of the Owner can initiate an administrative request to the Director of Planning (Director) seeking additional Floor-to-Area (FAR) entitlements as outlined in the Downtown Density Bonus Program as approved by Ordinance No. 20140227-054.

In order for the Director to conduct an administrative review, the requirements listed below must be submitted. Once an application is deemed complete, the Director will inform the Applicant of review commencement.

The following submittals are required in a complete PDF package of no more than 10 Mb in size with sheets no larger than 11x17 inches:

- Completed DDBP Application;
- 2. Vicinity plan locating the project in its context, and showing a minimum 9 block area around the project;
- 3. Location and nature of nearby transit facilities;
- 4. Drawings (submitted drawings should demonstrate compliance with Subchapter E Design Standards, as applicable):
 - Site plan;
 - o Floor plans;
 - Exterior elevations (all sides);
 - Three-dimensional views;
- 5. As part of the gatekeeper requirements,
 - Urban Design Guidelines checklist;
 - Great Streets ;
 - 2 Star Austin Energy Green Building rating submit copy of the projects signed Austin Energy Green Building Letter of Intent and Austin Energy Green Building checklist.;
- 6. Other items that may be submitted but not required: Narrative / graphics / photos to further describe the project.
- 7. Coordination memo acknowledgment from the City of Austin's Neighborhood Housing and Community Development Department (NHCD) detailing affordable housing community benefits. Please contact Ms. Sandra Harkins at NHCD for more information.



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) SUBMITTAL APPLICATION

1.Project Name:							
2.Property Owner	<u>Tract 1</u> 90 Rainey St LP	<u>Tract 2</u> 92 Rainey Street LP					
Name:	oo ramby of Er	oz ramoy onost zi					
Address:	301 West Ave. Ste 100 Austin, TX 78701	301 West Ave. Ste 100 Austin, TX 78701					
Phone:							
E-mail:							
3.Applicant/Authorized Agent							
Name:							
Address:							
Phone:							
E-mail:							
4.Anticipated Project A	Address:						

5.Site Information

	a.	Lot are	ea (also include	e on site plan):		
			<u> </u>	. ,		
	b.	prope	rty has a cond	ude any zoning suff ditional overlay (CO) ages as necessary):), provide expla	," "CO," etc. If the nation of conditions
	c.	Existin	g entitlement	ts:		
		I.	Current floo	or to area (FAR) limi	tation:	
		II.	Current hai	ght limitation (in fe	o+) ·	I
		11.	Current neig	giit iiiiitatioii (iii le	et).	1
		III.	Affected by	Capitol View Corric	dors (CVCs) Yes/	'No?
			☐ Yes		▼ No	
		If yes,	please provid	le specify height allo	owed under CV	C:
6.Existi	ing I	Deed R	Restrictions			
	_			ions on the propert	y (if any):	

a.	Total square footage - Only include the square FAR; see LDC 25-1-21(40), (44), and (45):	footage that counts towards
b.	Gross floor area devoted to the different land the project (e.g., retail/restaurant, office, apar	_
c. f	Number or units (if residential development):	
d.	Number of rooms (if hotel or similar use):	
e.	Number of floors:	
f.	Height:	
g.	FAR requested:	

first <i>Gatekeeper</i> requir Attach Urban Design G		

additional page(s	as necessary:		

<u> </u>		

	ion <u>i</u>) will be used and	d how they
OC § 25-2-586 (E		d how they
OC § 25-2-586 (E		d how they
	he two). Attach a	additional
_		

13. Acknowledgements

а.	drafted by the City of Austin to address with 25-2-586(C)(1):	Gatekeeper requirements in accordance
	▼ Yes	□ No
b.	Applicant understands that will be requisigned Austin Energy Green Building Let	
	▼ Yes	□ No
c.	Applicant has received and reviewed a Ordinance:	copy of the <u>Downtown Density Bonus</u>
	X Yes	□ No
d.	Applicant has received and reviewed a Austin:	copy of the <u>Urban Design Guidelines for</u>
	▼ Yes	□ No
e.		o the Design Commission Working Group ting by coordinating dates with program
	☐ Yes	▼ No
f.	If considering in lieu fee or provision of benefit, Applicant has scheduled a coor Housing and Community Development requirements and obtained a letter of a	dination meeting with the Neighborhood Department to detail program
	☐ Yes	▼ No

Amarida Evrae		
Signed: Owner or Applic		
Authorized Agent		
Date Submitted		



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) APPLICATION SUBMITTAL CHECKLIST

Submit	ted:
	Completed DDBP Application;
	Vicinity plan/aerial locating the project in its context, and showing a minimum 9 block area around the project;
	Location of nearby transit facilities;
	Drawings: Site plan; Floor plans; Exterior elevations (all sides); Three-dimensional views;
	Copy of the projects signed Austin Energy Green Building Letter of Intent;
	Other items that may be submitted but not required: Narrative / graphics / photos to further describe the project.
	Letter of affordability and acknowledgment from NHCD for affordable housing community benefit.



David Carroll, Chair

Melissa Henao-Robledo, Vice Chair

Aan Coleman

Beau Frail

Samuel Franco

Martha Gonzales

Ben Luckens

Josue Meiners

Jessica Rollason

Evan Taniguchi

Bart Whatley

Jorge Rousselin, Executive Liaison

Aaron D. Jenkins Staff Liaison

Art Zamorano
Staff Liaison



City of Austin

Design Commission

DESIGN COMMISSION RECOMMENDATION 20201221-01A

Date: December 28, 2020

Subject: Design Commission recommendation for the project located at 90 & 92 Rainey Street.

Motioned By: Josue Meiners Seconded By: Jessica Rollason

Friendly Amendment: Aan Coleman

Recommendation:

The City of Austin Design Commission recommends that the project located at 90 & 92 Rainey Street, as presented on December 21, 2020, substantially complies with the City of Austin Urban Design Guidelines with the additional recommendation that public benches be included near the art wall along the Davis Street façade.

Rationale:

Dear Honorable Mayor Adler, City Council Members, Planning Commission, and the Director of Housing and Planning,

This letter is to confirm the Design Commission's recommendation that the project located at 90 & 92 Rainey Highway, as presented to us on December 21, 2020 substantially complies with the Urban Design Guidelines as one of the gatekeeper requirements of the Downtown Density Bonus Program. Our review found the following positive attributes:

- 1. The applicant has agreed to add public benches along the art wall on the Davis Street façade.
- 2. All curb cuts are proposed to be in the alley
- 3. Parking count is lower than industry standard
- 4. Residential Lobby is limited and lots of retail space is provided at street level and basement level

Respectfully,

City of Austin Design Commission

Vote: 7 - 0 - 0

For: Aan Coleman, Beau Frail, Josue Meiners, Bart Whatley, Ben Luckens, Jessica Rollason, Samuel Franco

Against: NA Abstain: NA

Recuse: David Carroll

Absent: Martha Gonzalez, Evan Taniguchi, Melissa Henao-Robledo

Attest: David Carroll, Chair of the Design Commission

Clavel Carroll

	Area-Wide Guidelines			
	Urban Design Guideline	Achieved?	Comments	
			This project will deliver a 511,492 square foot	
			residential and hotel tower in Downtown Austin	
AW.1	Create dense development	YES	with a proposed FAR of 32:1.	
			The development will contain 425,373 square	
			feet of net rentable residential space and over	
			11,000 square feet of	
			cocktail lounge space, which includes the	
			incorporation of the existing Container Bar and	
AW.2	Create mixed-use development	YES	Bungalow into the project.	
			No streets will be permanently closed with this	
			project; however, development will be designed	
	The State of the s		such that the project will not have an impact if	
A VA / 2	Limit development which closes	VEC	the City elects to turn Rainey Street into a festival street.	
AW.3	Downtown streets	YES		
			This project is located at the center of the Rainey neighborhood and will not have an	
AW.4	Puffer neighborhood adges	YES	, ,	
AVV.4	Buffer neighborhood edges	163	impact on neighborhood edges. Public art will be incorporated into the building.	
	Incorporate civic art in both		Owner will work with local artists to incorporate	
AW.5	public and private development	YES	an art piece into the project.	
7,44.5	public and private development	123	The project is not located in a Capitol View	
			Corridor and has been designed as a point tower	
AW.6	Protect important public views	YES	to minimize impacts.	
	Avoid historical		This project is not designed to replicate any	
AW.7	misinterpretations	YES	historical styles.	
	,		The project is situated to respect the historic	
			nature of the Rainey District by uniquely	
	Respect adjacent historic		incorporating the existing Bungalow Bar and	
AW.8	buildings	YES	Container Bar businesses into the project.	
			All mechanical equipment on the rooftop will be	
			screened and incorporated into the project.	
	Acknowledge that rooftops are		Additionally, two amenity levels at the 12 th and	
	seen from other buildings and		32 nd floors will incorporate outdoor space made	
AW.9	the street	YES	visually interesting with green native plantings.	
	Avoid the development of			
AW.10	theme environments	YES	This will not be a themed development.	
			Both cocktail lounges located on the Property	
			today, Container Bar and Bungalow, will be	
			incorporated into the project, however both will	
AW.11	Recycle existing building stock	NO	be entirely new construction.	

	Public Streetscape Guidelines				
	Urban Design Guideline	Achieved?	Comments		
			This project embodies Austin's Great Streets program providing protection for the pedestrian		
	Barta della carda della contra		with the utilization of the street tree and		
DC 4	Protect the pedestrian where the	VEC	furniture zone to separate the pedestrian zone		
PS.1	building meets the street	YES	from adjacent vehicular traffic.		
			The project will not contain any curb cuts on		
			either Rainey or Davis Street and will utilize the		
PS.2	Minimize curb cuts	YES	existing alley for access to the parking garage and loading.		
P3.2	Willimize curb cuts	TES	The abutting roadways are two-way streets; the		
	Create a potential for two-way		project will be designed to accommodate traffic		
PS.3	streets	YES	from both directions.		
1 3.3	Streets	1123	The ground floor will include pedestrian-		
			oriented cocktail lounge space to invigorate the		
			project at street-level, and continue the vibrant		
			street life of the Rainey district. In addition, the		
			ground floor areas will be designed to bring the		
			inside out and connect the pedestrians to the		
			building, with outdoor patio areas along Rainey		
PS.4	Reinforce pedestrian activity	YES	Street.		
			There are no existing transit stops on the		
			abutting roadways; however, generous bicycle		
			parking and storage is provided in a bike garage.		
			The project is within easy access of the Butler		
PS.5	Enhance key transit stops	N/A	and Waller Creek trail networks.		
			The project will construct Great Streets on both		
			roadway frontages creating an enhanced		
PS.6	Enhance the streetscape	YES	streetscape on Rainey Street and Davis Street.		
			The electric vaults for the project are situated		
			off the alley to avoid conflicts between		
	Avoid conflicts between pedestrian		pedestrians and the equipment while providing		
PS.7	and utility equipment	YES	full access for maintenance.		
			The project will install street trees in		
			conjunction with the Great Streets program		
			along both street frontages to the greatest		
			extent possible. Street trees along Rainey will		
			be installed in a continuous sub-surface tree		
			well for greater soil volume, resulting in superior		
PS.8	Install street trees	YES	growth and vigor.		
			Pedestrian-scaled lighting will be provided.		
200	, ,	\/F6	Such lighting will be in accordance with		
PS.9	Provide pedestrian-scaled lighting	YES	applicable City regulations.		
DC 10	Provide protection from	VEC	With the installation of Great Streets along both		
PS.10	cars/promote curbside parking	YES	frontages, pedestrians will be protected from		

			cars by the supplemental zone associated with the Great Streets standards thus providing a buffer between cars and pedestrians. In addition, the project will create a drop-off zone to avoid conflicts with the vehicular traffic in the area.
			Mechanical and utility equipment will be
	Screen mechanical and utility		screened from view from adjacent right of way
PS.11	equipment	YES	and be placed off the alley.
	Provide generous street-level		The street level windows for the project will consist of floor-to-ceiling windows throughout
PS.12	windows	YES	most of the ground level of the project.
			The street level windows for the project will be floor-to-ceiling throughout most of the ground level of the project. Additionally, the design will including vine-like plantings on the basewall columns to add warmth and create an inviting atmosphere for the ground level outdoor experience.
	Install pedestrian-friendly materials		All sidewalks are designed to meet Great Streets
PS.13	at street level	YES	Standards.

Plazas and Open Space Guidelines			
	Urban Design Guideline	Achieved?	Comments
	Treat the four squares with special		The project is not adjacent to one of the four
PZ.1	consideration	N/A	Downtown Austin squares.
PZ.2	Contribute to an open space network	YES	The project is designed to encourage the pedestrian and bicycle nature of Rainey Street and to champion the future connection north to Waller Creek.
			The project will fully comply with Great Streets
	Emphasize connections to parks		and create pleasant pedestrian experiences that
PZ.3	and greenways	YES	connect to nearby trails and parks.
			The project will meet open space requirements on both the 12 th floor of the project will have approximately 3,565 SF of open space on the
	Incorporate open space into		pool deck terrace. The 32 nd floor will include
PZ.4	residential development	YES	approximately 1,700 SF of open space.
			Additional plantings are incorporated into the 12 th and 32 nd level amenity decks, along with vertical wall plantings up the southeast corner
PZ.5	Develop green roofs	YES	of the building up to the 12 th level.
PZ.6	Provide plazas in high use areas	N/A	
	Determine plaza function, size, and		
PZ.7	activity	N/A	

	Respond to the microclimate in		
PZ.8	plaza design	N/A	
	Consider views, circulation,		
	boundaries, and subspaces in plaza		
PZ.9	design	N/A	
	Provide an appropriate amount of		
PZ.10	plaza seating	N/A	
	Provide visual and spatial		
PZ.11	complexity in public spaces	N/A	
PZ.12	Use plants to enliven urban spaces	YES	The project will provide street trees along all frontages of the building. Plantings up the ground floor columns will also be incorporated to add warmth and create an inviting public pedestrian outdoor atmosphere. Additionally, the project will provide vegetation on the 12 th and 32 nd level terraces.
	Provide interactive civic art and	_	
PZ.13	fountains in plazas	N/A	
	Provide food service for plaza		
PZ.14	participants	N/A	
PZ.15	Increase safety in plazas through wayfinding, lighting, and visibility	N/A	
1 2.13	Consider plaza operations and	14/ 🔼	
PZ.16	maintenance	N/A	

	Building Guidelines				
	Urban Design Guideline	Achieved?	Applicant's Comments		
			This project will be built up to the street on both		
B.1	Build to the street	YES	the Rainey Street and Davis Street frontage.		
	Provide multi-tenant, pedestrian-		This project will provide pedestrian-oriented		
	oriented development at the street		cocktail lounge uses on the street level with a		
B.2	level	YES	residential tower above.		
			The primary entrance to the residential tower is		
			located on Davis Street and will feature		
			expansive windows and an architectural		
			archway flanked on both sides by vine-like		
			plantings up the arch base columns. The		
			entrance to the reimagined Container Bar		
			incorporates a distinguishing shipping		
			container-like structure for its entrance that is		
			reminiscent of the iconic Container Bar today.		
			The new Bungalow Bar entrance emulates the		
			residential tower entrance with an architectural		
			archway with plantings on the base that invites		
B.3	Accentuate primary entrances	YES	the public into the building.		

	Encourage the inclusion of local		The landscape uses 100% native and adaptive, low-water use planting. The project is also preserving and maintaining the existing Container Bar and Bungalow businesses that operate on the property today and contribute to
B.4	character	YES	the Rainey Street character.
			All parking for the project will be provided onsite in a parking garage on levels 3 through 11. Parking spaces will be significantly reduced to discourage cars and to encourage alternative
B.5	Control on-site parking	YES	methods of transportation.
			The project will be constructed with high quality materials and enclosure systems typical to high-
B.6	Create quality construction	YES	rise building construction.

Conclusion

Total Number of UD Guidelines: 46 Number of Guidelines Applicable: 34

Number of Guidelines Met: 33

Community Benefits - 9092 Rainey	
On-Site Affordable Housing	
Rainey District Requirement	4,649.5 SF
On-Site Provision Above 15:1 FAR	9,358.5 SF
TOTAL:	14,008.0 SF
Fee-In-Lieu	
8:1 to 15:1 FAR Fees	\$ 400,000.00
15:1 to 32 :1 FAR Fees	\$ 889,532.50
TOTAL:	\$ 1,289,532.50



90 Rainey - Transit Vicinity Map

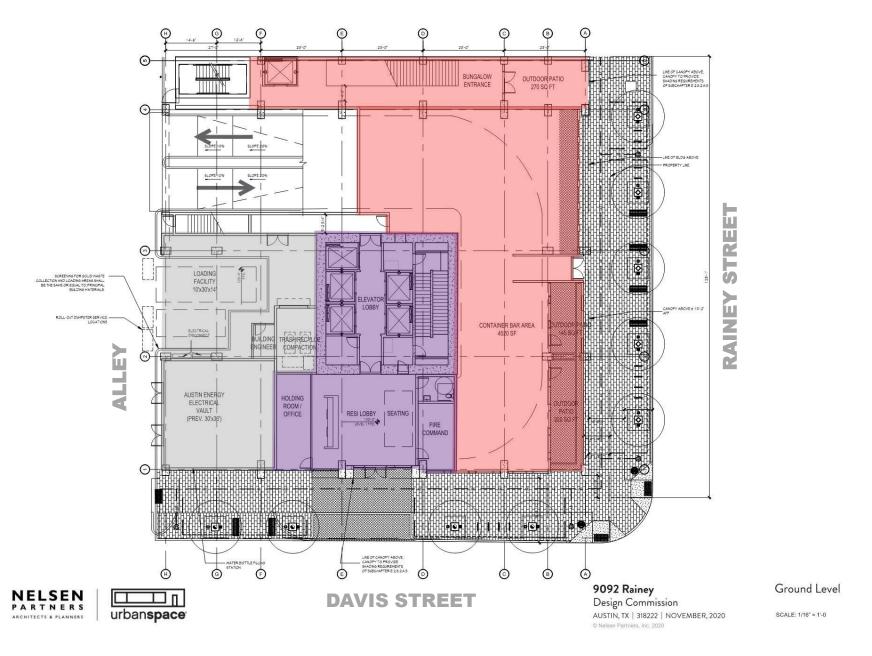








9092 Rainey
Design Deck
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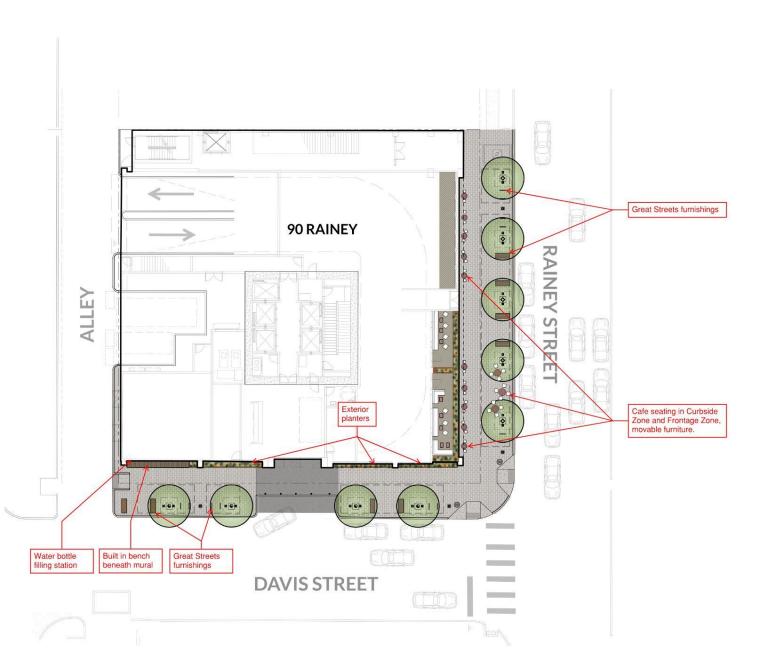




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Basement Level

SCALE: 1/16" = 1'-0



90 RAINEY Streetscape Plan dwg. 1" = 20' 2020-12-18

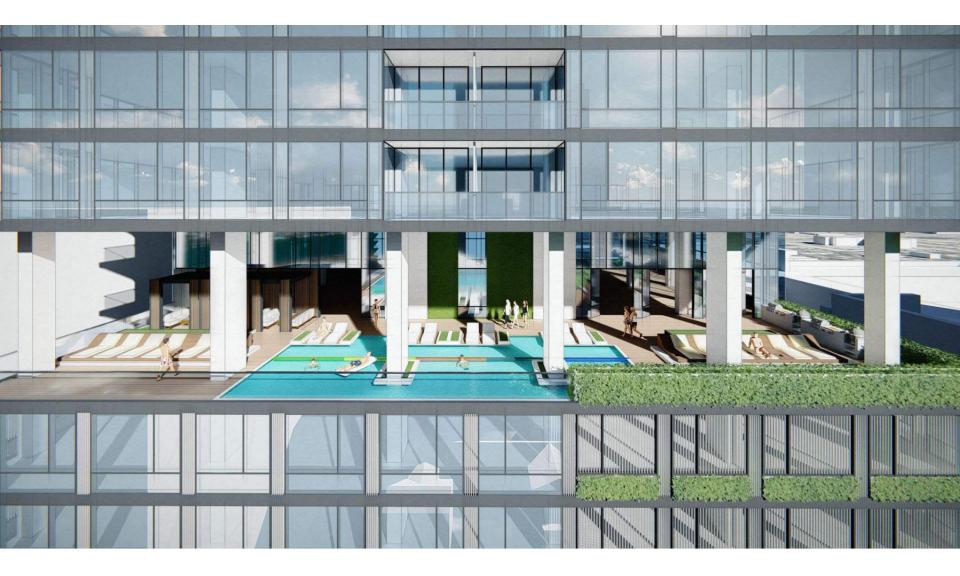
















9092 Rainey Design Deck

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Pool Deck

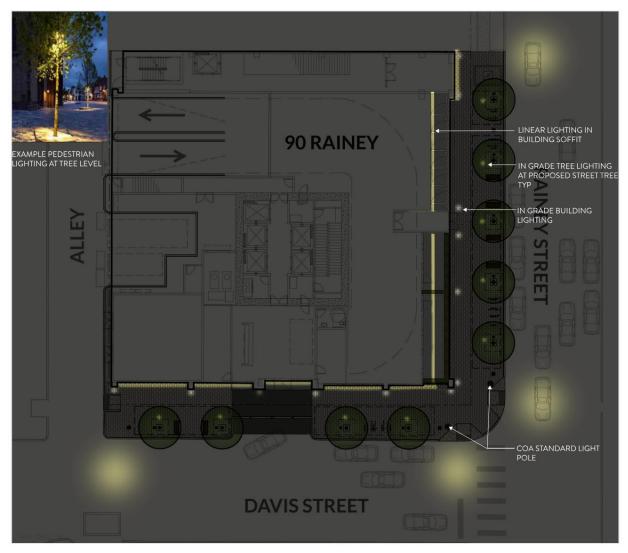






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Upper Amenity Level

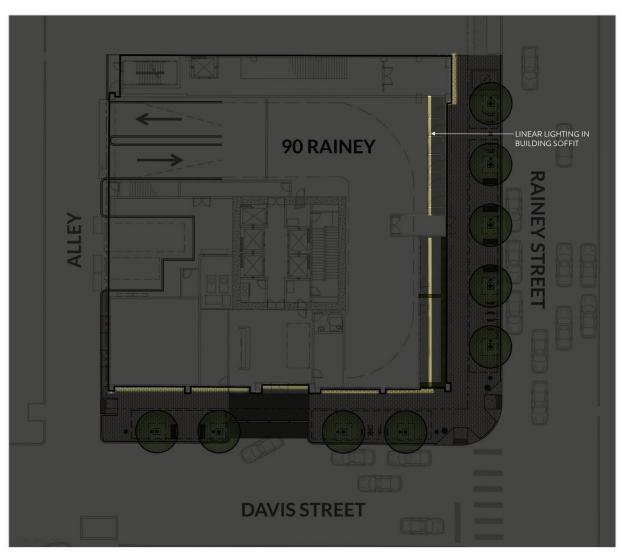






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PEDESTRIAN LIGHTING PLAN SCALE: 1/16" = 1'-0







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SOFFIT LIGHTING PLAN SCALE: 1/16" = 1'-0