

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

CASE: SP-2013-0101C

PLANNING COMMISSION DATE: September 25, 2018

PROJECT NAME: Rainey Street Residential

ADDRESS OF SITE: 70 Rainey

COUNCIL DISTRICT: 9

APPLICANT: 70 Rainey Street Owner LLC (CJ Sackman) (512) 717-5455

AGENT: Armbrust & Brown, PLLC (Richard Suttle), (512) 435-2300

AREA: 0.57 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 34-story mixed use building with approximately 173 residential units with associated parking garage and utility improvements. An additional story will be used for mechanical equipment.

EXISTING ZONING:

The proposed hotel use is located on property zoned 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 31% 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 the variance.

SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

At their August 22, 2018 special called meeting, the Small Area Planning Joint Committee voted (4-0) 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 70 Rainey Street.

CASE MANAGER: Donna Galati

PHONE: 512-974-2733

Donna.Galati@austintexas.gov

PROJECT INFORMATION: 0.57 acres

EXIST. ZONING: CBD

MAX. BLDG. COVERAGE : 100%

MAX. IMPERV. CVRG.: 100%

ALLOWED F.A.R.: 12:1

HEIGHT: 416'5" (35 story)

REQUIRED PARKING: 0

PROPOSED ACCESS: Vehicular access from Rainey Street.

PROP. BUILDING CVR: 24,547 sq. ft. (98.9%)

PROP. IMP. CVRG.: 24,829 sq. ft. (100%)

PROPOSED F.A.R.: 12:1

PROVIDED PARKING: 362 spaces

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: CBD (Cocktail Lounge)

South: River Street, then CBD (open space)

East: Rainey Street, then CBD (cocktail lounge)

West: P (Emma S Barrientos Mexican American Cultural Center)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
Rainey Street	60'	35'	Local
River Street	65'	45'	Local

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Neighborhoods Council

Bike Austin

City of Austin Downtown Commission

Downtown Austin Neighborhood Assn. (DANA)

Friends of Austin Neighborhoods

Friends of Rainey 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

Tejano Town

The Shore Condominium Association, Inc.

Town Lake Neighborhood Association

Waller Creek Conservancy

**MEMORANDUM**

TO: James Shieh, Chair
Planning Commission Members

FROM: Mark Walters, Planning and Zoning Department

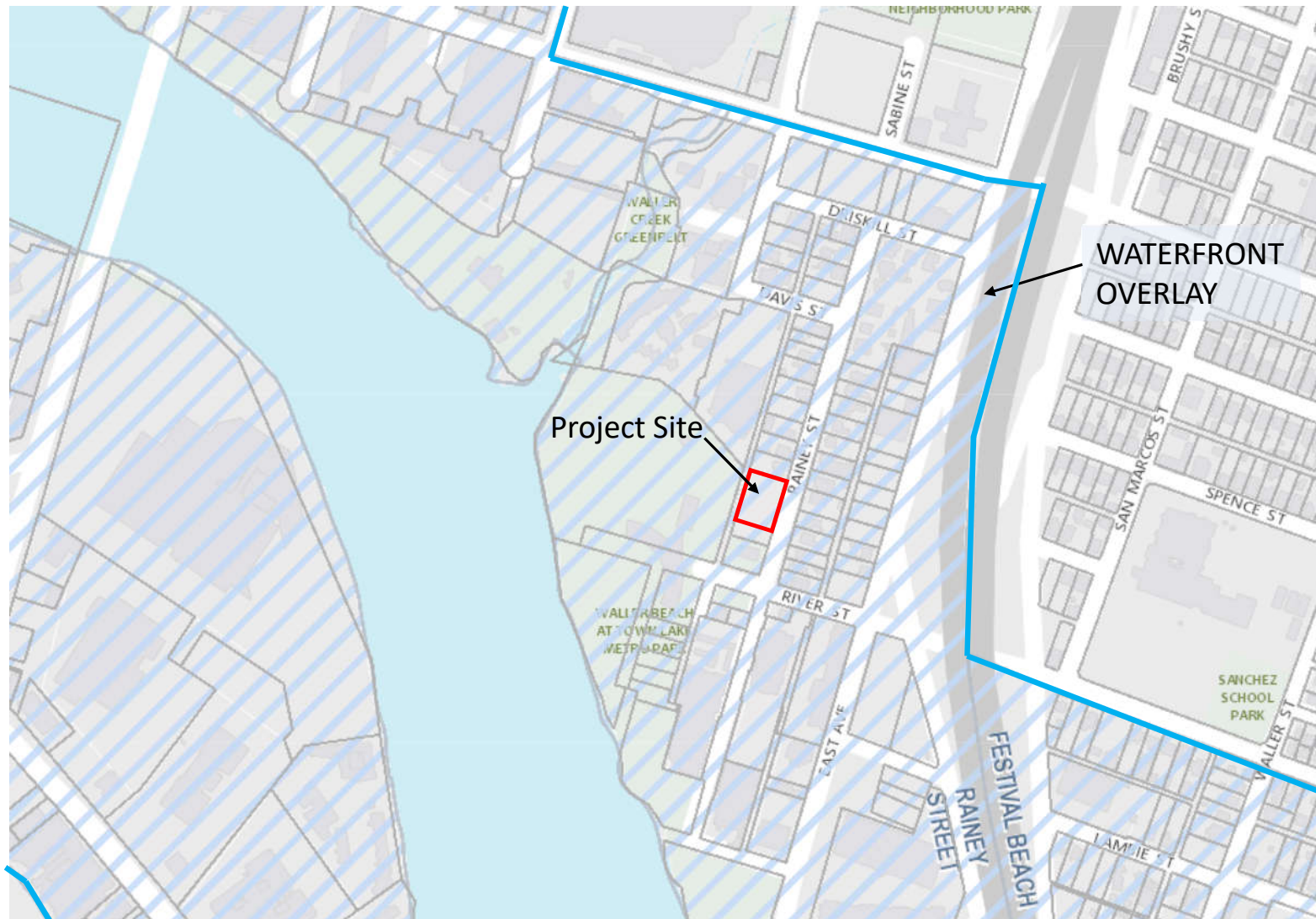
DATE: August 22, 2018

RE: Small Area Planning Joint Committee Positive Recommendation of support of a variance to the Waterfront Overlay Combining District requirements in 25-2-721(E)(1) for 70 Rainey Street

At their August 22, 2018 special called meeting, the Small Area Planning Joint Committee voted (4-0) 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 70 Rainey Street.

Variance Request for
Rainey Street Residential
(SP-2013-0101C(R2))





§ 25-2-721 - WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.

(E) This subsection provides design standards for buildings.

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

(2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*), a flat roof is permitted.

(3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.

(4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.

(F) Underground utility service is required, unless otherwise determined by the utility provider.

(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.

Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074; [Ord. No. 20141211-204, Pt. 25, 7-1-15](#).

§ 25-1-21 - DEFINITIONS.

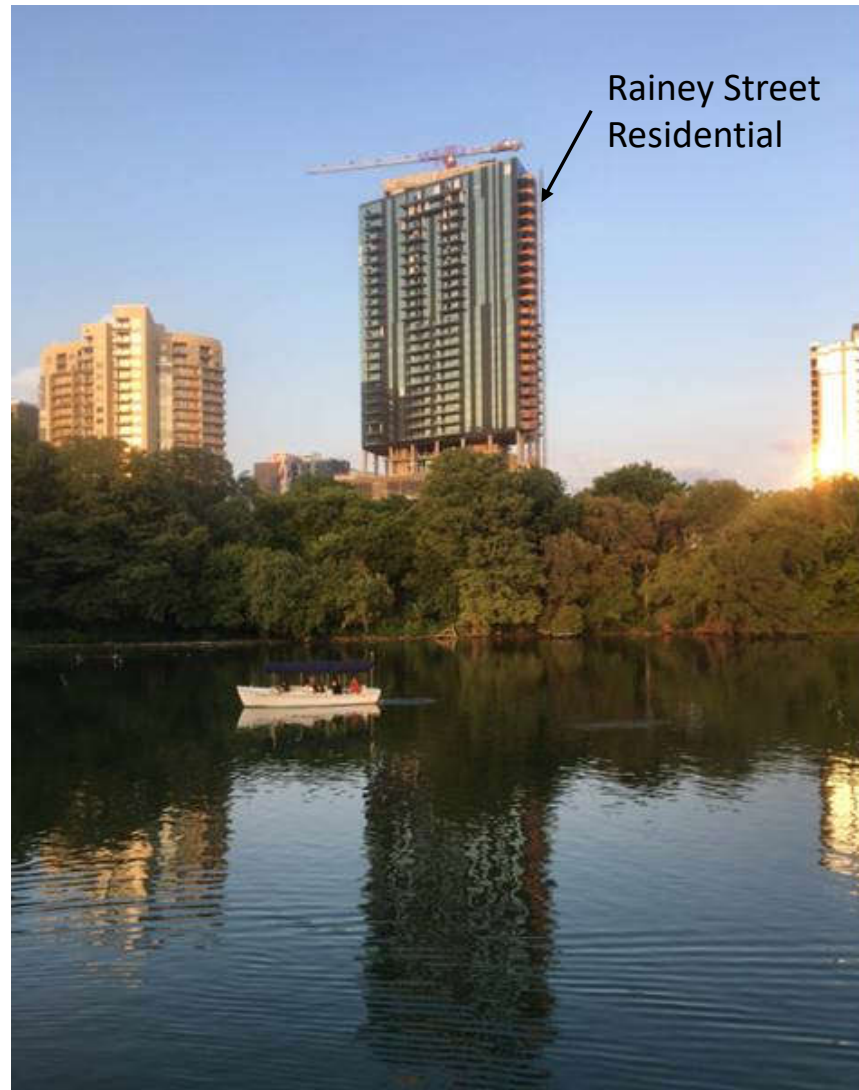
Unless a different definition is expressly provided, in this title:

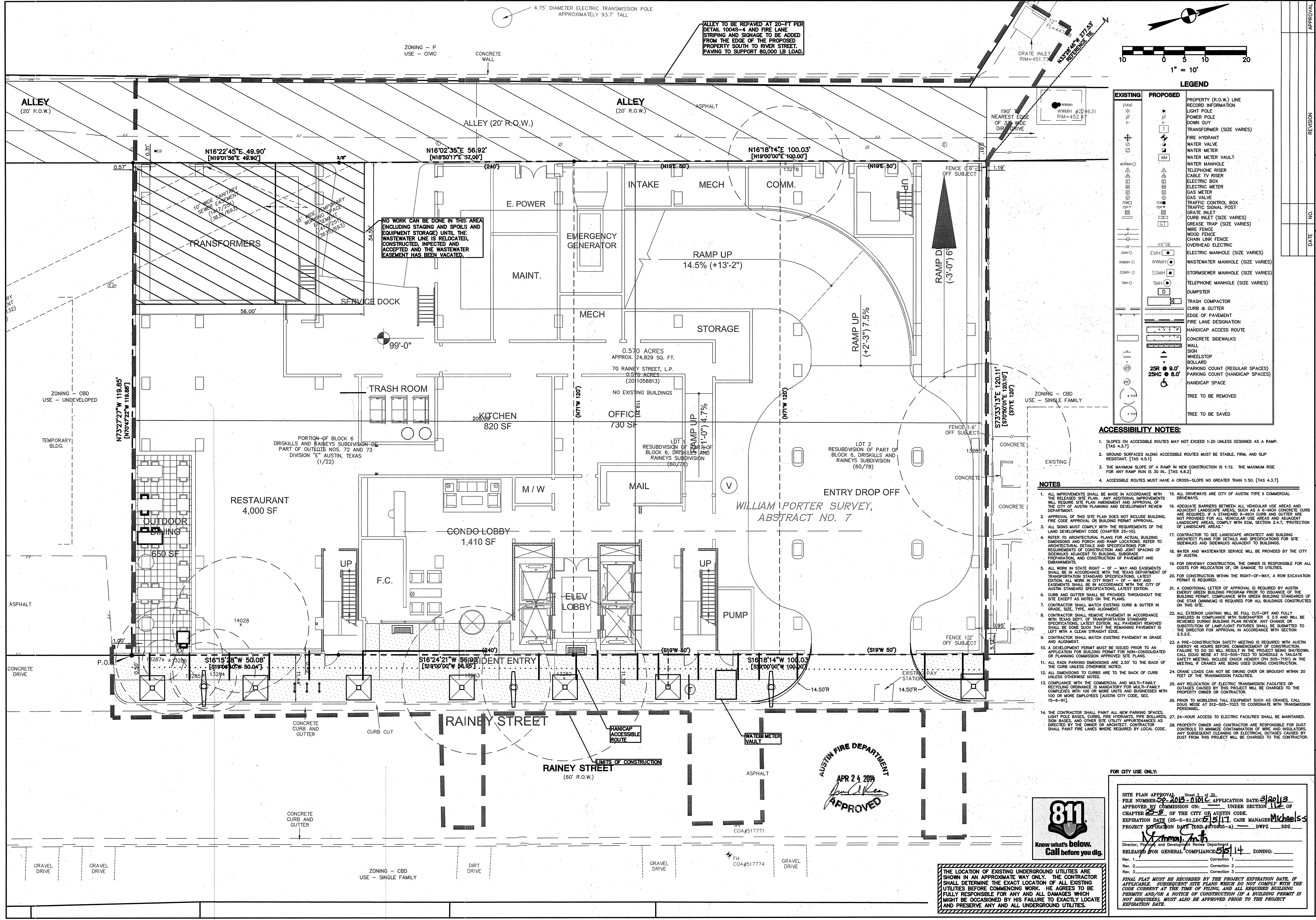
(67) MIRRORED GLASS means glass with a reflectivity index greater than 20 percent.

Glass Details & Specifications

- Glass for the proposed project is a Vitro PPG Solarban R100 series with a reflectance rating of 31%.
- Rainey Street Residential is not a 100% glass building. Total glass on the building is only 45%. So mathematically, on average, the building has an overall reflectance of 14%.
- The glass is a low emissivity glass with neutral reflectivity and superior energy efficiency.
- The glass reduces energy consumption by reflecting more heat to the outside of the building and is therefore more energy efficient than what is allowed in the Waterfront Overlay.
- The project's commitment to Silver LEED certification as well as a 3-star Austin Energy Green Building rating includes using this energy efficient glass to conserve energy.
- Using glass with a higher reflectance also provides more privacy to future residents from surrounding developments.







Bury+Partners
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Austin, Texas 78701
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TBE Registration Number P-1048
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JOSEPH A. ISAA
99848
LICENSED PROFESSIONAL ENGINEER

4-23-14

SITE PLAN

70 RAINY STREET RESIDENTIAL
70 RAINY STREET

70 RAINY STREET, LP.

DRAWN BY: [Signature]
DESIGNED BY: [Signature]
REVIEWED BY: [Signature]
PROJECT NO.: 103075-10018

SHEET
3
OF
30

Galati, Donna

From: Alan Holt <
Sent: Monday, September 10, 2018 12:38 PM
To: Galati, Donna
Subject: 70 Rainey St

I am writing to oppose any variance to increase window reflectivity in the Rainey Street area.

We have been living at 54 Rainey St (the Milago) for over 10 years, besides the serious traffic issues, we have to increasingly deal with an urban heat island as projects like Skyhouse and 70 Rainey are built. Once upon a time, we would not need air conditioning until mid to late April. In February 2018, we had temps in our unit that faces the Skyhouse approaching 80 degrees from reflected sunlight. During the Summer, some areas on Rainey St and near the entrance to the Mexican American Cultural Center felt like a solar oven as they were blasted by the reflected sunlight.

Those of us who live and work in the Austin downtown embrace the idea of living in sustainable surroundings. I ask that the various Austin Commissions and Council actively consider ways to mitigate the increasing heat island effects in downtown. Reflecting more sunlight seems a very poor idea to me and I oppose granting the variance.

Sincerely,
Alan Holt
54 Rainey St
Austin TX 78701

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2013-0101C

Contact: Donna Galati, (512) 974-2733,

Elsa Garza, (512) 974-2308

Public Hearing: Planning Commission, Sep 11, 2018

ANITA O'MARA

Your Name (please print)

APR 1982

☐ I am in favor
☒ I object

603 DAVIS ST

APR 7 11

Your address(es) affected by this application

Chet Brookman

9/4/18

Signature

Date

Daytime Telephone: 917-696-2914

Comments:

SEE ATTACHED

SHEET PG 2

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department - 4th Floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-8810

I object to this variance. The added glare coming into my windows would be highly objectionable to me. What are the alternatives to this problem besides attaching a fine (small cost comparably to fixing the problem.) which will not help the amount of glare I am exposed to from the west sun for at least 7 hours every day. The windows are already in place so I know the city probably will not make them replace the windows. This scheme has happened several times in NYC. It usually works making the attempt profitable, I hope that Austin will not let the builder impact the neighborhood to which he has no ties with his arrogance. I would like the windows to be treated or a film be applied to bring the reflectiveness of the window glass into compliance with the city code or the windows replaced with glass that complies with city regulations.

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Case Number: SP-2013-0101C

Contact: Donna Galati, (512) 974-2733,

Elsa Garza, (512) 974-2308

Public Hearing: Planning Commission, Sep 11, 2018

Kathryn McMahon

Your Name (please print)

☐ I am in favor
☒ I object

54 Rainey St (#1209)

Your address(es) affected by this application

Kathryn K. McMahon

Signature

9/4/18

Date

Daytime Telephone: 915-356-4690

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department – 4th Floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SP-2013-0101C

Contact: Donna Galati, (512) 974-2733,

Elsa Garza, (512) 974-2308

Public Hearing: Planning Commission, Sep 11, 2018

Aurora farthing

Your Name (please print)

6003 Davis St. Unit 1804

Your address(es) affected by this application

Aurora Farthing

Signature

☐ I am in favor
☒ I object

9-6-18

Date

Daytime Telephone: 806-239-1806

Comments: This building already
clashes w/ every other structure
in the area. The glass reflects
heat + glare on the businesses
below and the residences next
door. This company began construction
& before initial plans were approved
+ they continue to avoid guidelines
+ regulations.

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Development Services Department – 4th Floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SP-2013-0101C

Contact: Donna Galati, (512) 974-2733,
Elsa Garza, (512) 974-2308

Public Hearing: Planning Commission, Sep 11, 2018

Brett Belmarz

Your Name (please print)

54 Rainey Street #920

Your address(es) affected by this application

B. Belmarz

Signature

☐ I am in favor
☒ I object

09/04/2018
Date

Daytime Telephone: N/A

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department – 4th Floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-8810

Hi Donna,

I just received the Notice of Variance on the 70 Rainey St project for the lowered reflectivity request (I live in CA and was out of the country. Wow only 11 days for a response on this??? We get at least 30 days here in CA!) I hope I am not too late to make a statement. I own a corner condo at the Shore, directly opposite 70 Rainey and strongly oppose any lowering of the mirror reflectivity on any part of this large structure. The glare from this building has direct impact on my unit and I am sure many others in our building. I am opposed to any variance being granted to the established 20% requirement that is in place.

Thank you,

Pati Joy

Owner Shore Unit #1009