



Recommendation for Action

File #: 21-1356, **Agenda Item #:** 24.

3/4/2021

Posting Language

Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586 (B)(6).

Lead Department

Housing and Planning.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

Approved on first reading on February 4, 2021.

For More Information:

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Council Committee, Boards and Commission Action:

Planning Commission December 8, 2020: Approved additional FAR from 15:1 to 21:1, as recommended by Staff, by CONSENT. [P. Howard; C. Hempel - 2nd] (10-0). Y. Flores; P. Seeger - Absent; One vacancy on the Commission.

Design Commission November 23, 2020: Recommended that the East Tower project, located at 84 North Interstate 35 Highway substantially complies with the City of Austin Urban Design Guidelines. [A. Coleman, J. Miners - 2nd] (6-0). M. Gonzalez, S. Franco, J. Rollason, B. Whatley - Absent. B. Lukens off dais.

Additional Backup Information:

On February 27, 2014, City Council approved modifications to the Downtown Density Bonus Program (DDBP) via Ordinance No. [20140227-054 <http://www.austintexas.gov/edims/document.cfm?id=206958>](http://www.austintexas.gov/edims/document.cfm?id=206958) allowing an eligible project to request additional floor-to-area ratio (FAR) after participating in the program as described in Section [25-2-586 <https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART3ADRECEDI_SPAGERE_S25-2-586DODEBOPR>](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART3ADRECEDI_SPAGERE_S25-2-586DODEBOPR).

Previous to this Council action, the Central Urban Redevelopment Overlay (CURE) was used to achieve additional height and density for certain properties in downtown. The applicant is seeking additional FAR for the subject property located within the DDBP boundaries and within the Rainey District of downtown. The property is currently zoned central business district (CBD) and is subject to the provisions of the Rainey Street Subdistrict Regulations of the Waterfront Overlay under Section [25-2-739 <https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART3ADRECEDI_SPCSURE_S25-2-739RASTSURE>](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART3ADRECEDI_SPCSURE_S25-2-739RASTSURE). The site is currently occupied by a restaurant.

The applicant is requesting approval for additional density (FAR) under the provisions of Section

[<https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-25-2-586\(B\)\(6\)>](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-25-2-586(B)(6)) [<https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-25-2-586DODEBOPR>](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-25-2-586DODEBOPR) for the construction of a 41 Story, multi-family residential building, which will include an art gallery on the ground floor, garage parking and streetscape improvements in accordance with the DDBP. Staff has reviewed the DDBP request and found it to be in compliance with the provisions of the program and recommends approval of the request for 21:1 FAR as requested in site plan SP-2020-0069C.

Strategic Outcome(s):

Economic Opportunity and Affordability.