

**PLANNING COMMISSION SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2020-0121C

**PC DATE:** 03/09/21

**PROJECT NAME:** 90 Rainey

**COUNCIL DISTRICT:** 9

**ADDRESS OF APPLICATION:** 90 Rainey St. (Cocktail Lounge)/610 Davis St. (Multi-Family)/ 612 Davis St. (Hotel)

**AREA:** 11,107 sf of enclosed cocktail lounge space located on ground floor of proposed new high rise, and 635 square feet of outdoor space located under a covered patio. A total of 11,742 square feet of cocktail lounge space is proposed. Total proposed gross floor area for high rise is 506,942 square feet.

**APPLICANT:** Urban Space (Kevin Burns)  
800 5<sup>th</sup> W Unit 100 (512) 848-8722  
Austin, TX 78703

**AGENT:** Kimley-Horn & Associates (Harrison Hudson)  
2600 Via Fortuna Suite 300 (512) 646-2237  
Austin, TX 78746

**CASE MANAGER:** Renee Johns Phone: (512) 974-2711  
[Renee.Johns@austintexas.gov](mailto:Renee.Johns@austintexas.gov)

**PROPOSED USE:** Cocktail Lounge/ Hotel/ Multi-Family

**EXISTING ZONING:** CBD

**NEIGHBORHOOD PLAN:** NA

**PROPOSED DEVELOPMENT:** The applicant is proposing a mixed use high rise development in the Rainey District that will include the following uses: a cocktail lounge, hotel, and multi-family. The applicant is requesting a conditional use permit for the cocktail lounge use located on the first/ground floor. It will consist of 11,107 square feet of cocktail lounge space inside and 635 square feet outside located under a covered patio on the east elevation also on the first floor, for a total of 11,742 square feet. The hours of operation will be Monday – Sunday 10am to 2am.

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the conditional use permit. Cocktail lounge is a use allowed in a CBD zoning district, the Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district. The site plan will comply with all requirements of the Land Development Code prior to its release.

**PROJECT INFORMATION**

<b>Gross Site Area</b>	11,742 total sf (cocktail lounge: 11,107 inside and 635 outside) / 16,000 sf (gross site area)
<b>Total Proposed Gross Floor Area</b>	506,942 sf
<b>Existing Zoning</b>	CBD
<b>Watershed</b>	Waller Creek / Lady Bird Lake
<b>Watershed Ordinance</b>	Current Code
<b>Traffic Impact Analysis</b>	Yes Approved
<b>Capitol View Corridor</b>	Not applicable
<b>Proposed Access</b>	Alley
<b>Proposed Impervious Cover</b>	16000 sf / 100%
<b>Proposed Building Coverage</b>	16000 sf / 100%
<b>Height</b>	51 stories, 606'
<b>Parking required:</b> NA, CBD zoning	<b>Parking proposed:</b> 267 (off-site)

**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CBD	(proposed) Cocktail Lounge/ Hotel/ Multi-Family
<i>North</i>	CBD	Cocktail Lounge “Bungalow”
<i>South</i>	Davis St. then CBD	Cocktail Lounge
<i>East</i>	Rainey St. then CBD	Mixed use: Multi-Family/ Restaurant/Commercial
<i>West</i>	Alley then CBD	Mixed use building including Multifamily/Restaurant and Business Offices (currently under construction)

**CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA**

The following evaluation is included to provide staff evaluation on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.”

**A conditional use site plan must:**

- 1. Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
- 2. Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. The CBD zoning district allows cocktail lounge use. The Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: Yes, there are no SF-5 or more restrictive zoning districts or permitted land uses abutting the site.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Proposed use complies with code.
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of the listed adverse effects.

**A Conditional Use Site Plan May Not:**

- 1. More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed site plan does not appear to more adversely affect an adjoining site than would a permitted use.
- 2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The cocktail lounge land use will be located on an already developed site and is not anticipated to affect pedestrian or vehicular circulation.
- 3. Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The site will comply with all applicable sign regulations in the Land Development Code.

**COMMISSION ACTION:****The Commission may either; approve, approve with conditions or deny the conditional use site plan permit.**

To make a determination required for approval under [Section 25-5-145](#) (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- 1) A special yard, open space, buffer, fence, wall, or screen;
- 2) Landscaping or erosion;
- 3) A street improvement or dedication, vehicular ingress and egress, or traffic circulation;
- 4) Signs;
- 5) Characteristics of operation, including hours;
- 6) A development schedule; or
- 7) Other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use that will be fully contained in the proposed mixed use high rise. The existing building is within the historic Rainey Street District. There are no parking requirements for this site because the zoning district CBD does not require any parking.

The site plan complies with all requirements of the Land Development Code.

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District	Homeless Neighborhood Association
Austin Lost and Found Pets	Lower Waller Creek
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Del Valle Community Coalition	Preservation Austin
Downtown Austin Alliance	Rainey Neighbors Association, INC.
Downtown Austin Neighborhood Assn. (DANA)	SEL Texas
East Austin Conservancy	The Shore Condominium Association, INC.
East Cesar Chavez Neighborhood Association	Sierra Club, Austin Regional Group
East Cesar Chavez Neighborhood Plan Contact Team	Town Lake Neighborhood Association
El Concilio Mexican-American Neighborhoods	Tejano Town
Friends of Austin Neighborhoods	Waller District Staff Liaison
Friends of the Emma Barrientos MACC	Waterloo Greenway
Greater East Austin Neighborhood Association	Willow Spence Historic District Neighborhood Assn.
Guadalupe Neighborhood Development Corporation	



March 13, 2020

Completeness Check Review  
 City of Austin - Development Services Department  
 505 Barton Springs  
 Austin, Texas 78704

**RE: *Summary Letter – 90 Rainey  
 Consolidated Site Plan Application  
 610 Davis Street***

To Whom It May Concern:

Please accept the attached Site Development application package for the proposed 90 Rainey mixed-use development. On behalf of our client, we are proposing improvements on a 0.3674-acre site located at 610 Davis Street Street. The proposed improvements include 53-story, mixed-use building and associated utility and streetscape improvements to support the development. The proposed building has 4 levels of below grade parking, 30 levels of hotel space, and 22 levels of residential apartments.

No portion of the site is located within the Federal Emergency Management Agency's 100-year floodplain according to Flood Insurance Rate Map number 48453C0465J, dated January 6, 2016 for Travis County, Texas and incorporated areas. The site is not located within the Edwards Aquifer Contributing Zone or Recharge Zones according to the Texas Commission on Environmental Quality (TCEQ). There are no critical water quality zones or water quality transition zones on-site. There are no critical environmental features located on-site.

The site is in both the Lady Bird Lake and Waller Creek (urban) watersheds. The total existing impervious cover on site is 89%, while the proposed site will have an impervious cover of 100%. The site is currently zoned as CBD; the impervious cover limit in this zoning classification is 100%. The development proposed on-site detention and water quality by implementing a detention vault within the garage. The detention vault will capture water from the building's downspouts, treat it, and use it within the building. Water from the detention vault will supply water for toilets located within the hotel component.

The project site is located within the Rainey Street District of the Downtown Austin Plan. The site proposes to exceed the primary entitlements of the base zoning district by participating in the Downtown Density Bonus Program. Further information is included in the site development plans and engineer's report.

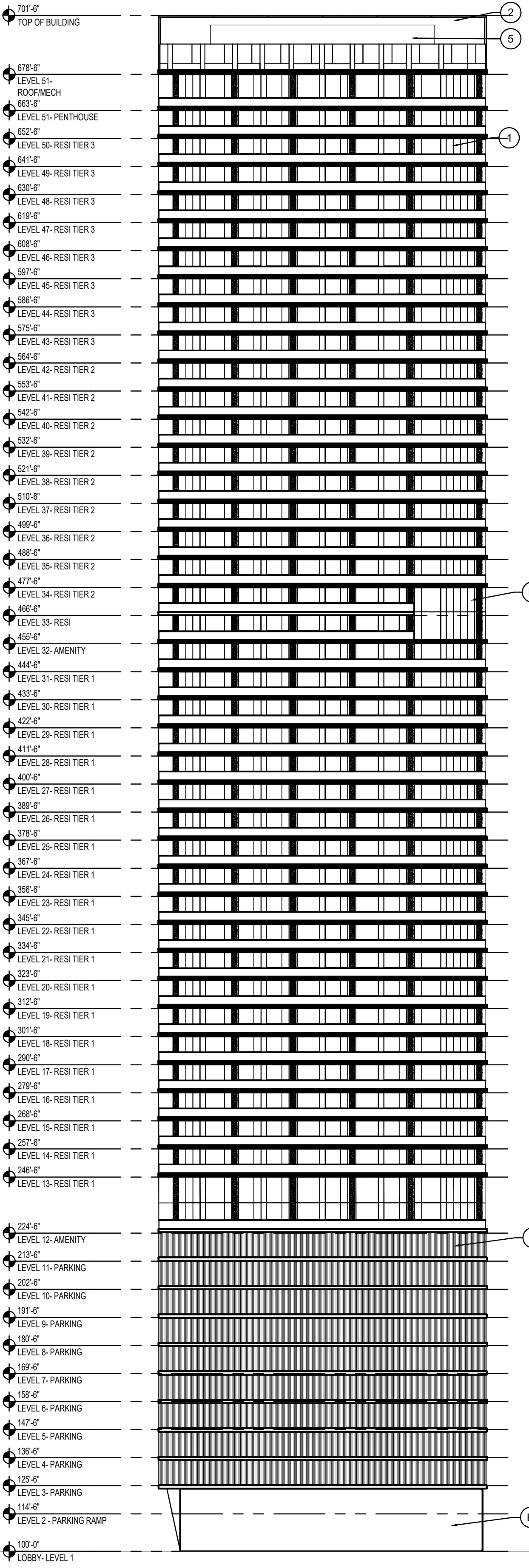
Please contact me at (737)-202-3202 or [harrison.hudson@kimley-horn.com](mailto:harrison.hudson@kimley-horn.com) should you have any questions.

Sincerely,  
 Harrison M. Hudson, P.E.

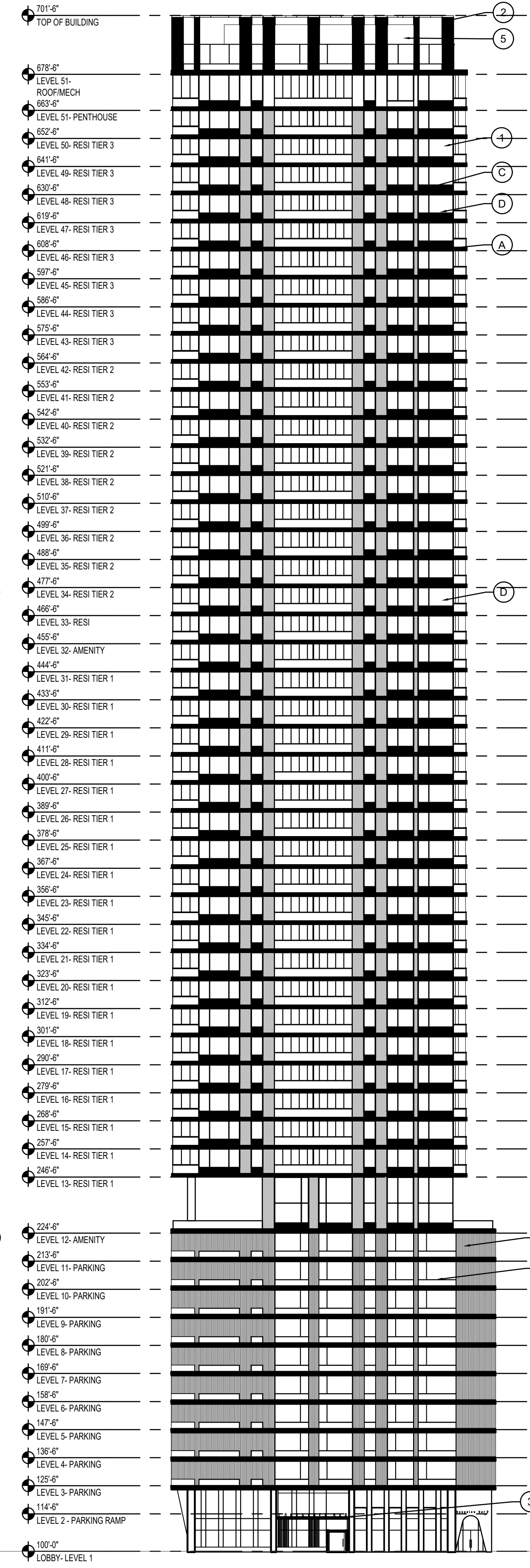


03/12/20  
 FIRM NO. 928

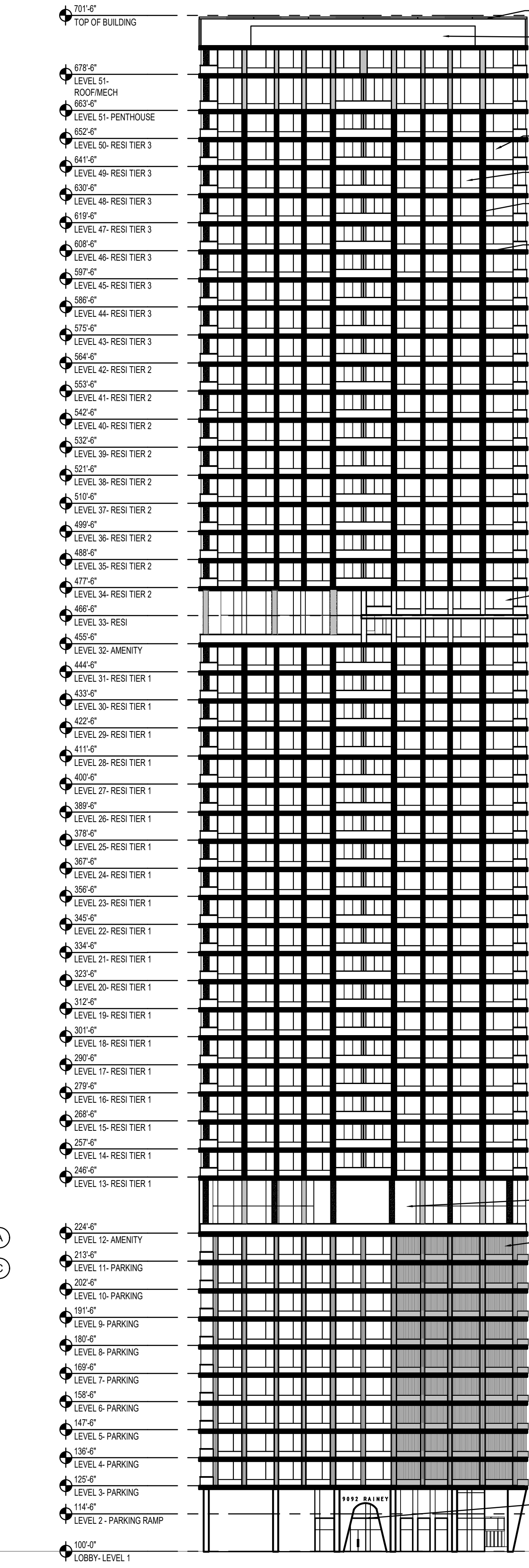
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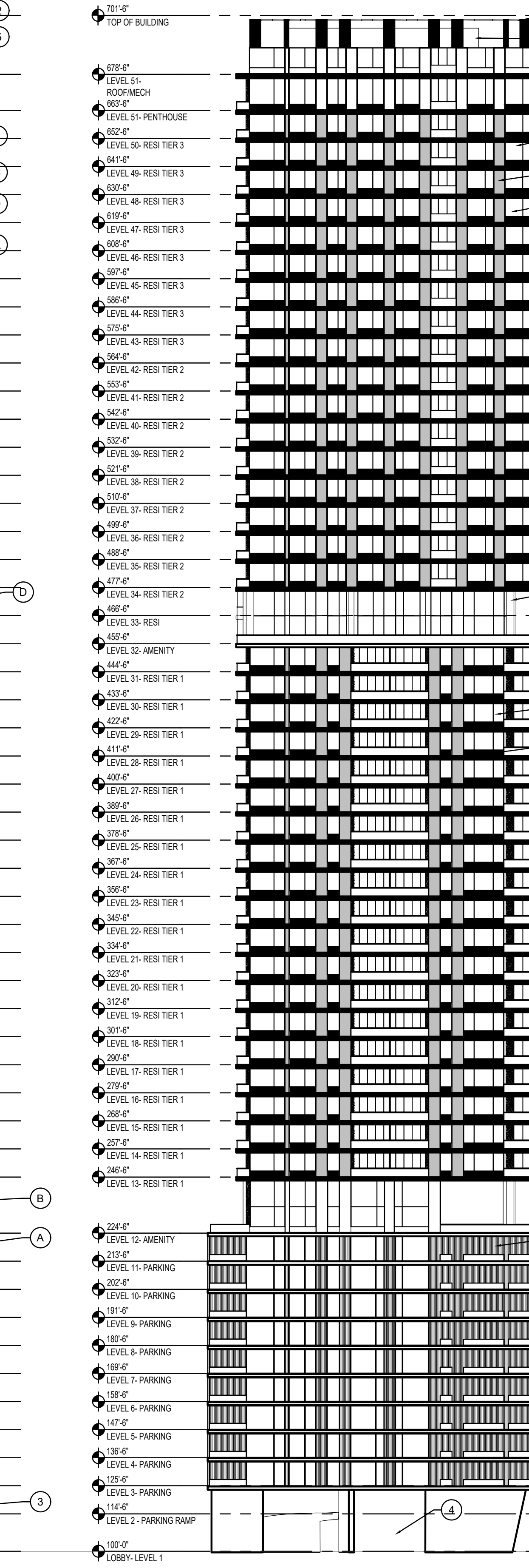
**01 NORTH ELEVATION**  
SCALE: Scale 1/32"=1'



**02 EAST ELEVATION**  
SCALE: Scale 1/32"=1'



**03 SOUTH ELEVATION**  
SCALE: Scale 1/32"=1'



**04 WEST ELEVATION**  
SCALE: Scale 1/32"=1'

- NOTES**
- EXTERIOR MIRRORED GLASS AND GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS ARE PROHIBITED. GLASS SELECTION COMPLIES WITH SECTION 25-2-721 E.1, REFLECTIVITY BELOW 20% AS DEFINED BY 25-2-21 (67).
  - DISTINCTIVE BUILDING TOP REQUIRED BY CHAPTER 13-1, ARTICLE 3, STEP BACK TERRACE, AND SOLAR TERRACE SHOWN DASHED. SEE ATTACHED EXHIBIT FOR ADDITIONAL INFORMATION.
  - CANOPY AT ENTRANCE
  - TRASH RECEPTACLES AND LOADING AREA LOCATED IN ALLEY AND SCREENED FROM PUBLIC VIEW.
  - HVAC EQUIPMENT LOCATED ON LEVEL 53 AND SCREENED FROM PUBLIC VIEW.

- MATERIAL KEY**
- A. METAL PANEL
  - B. CAST IN PLACE CONCRETE
  - C. SPANDREL GLAZING
  - D. CLEAR GLAZING
  - E. ARTIST MURAL
  - F. WOOD SIDING
  - G. SHIPPING CONTAINER
  - H. CONCRETE BENCH
  - I. GLASS RAILING
  - J. METAL AWNING

**811**  
Know what's below.  
Call before you dig.

**BENCHMARKS**

BTM#1 - SQUARE CUT ON TOP OF CONCRETE WALL ON THE NORTH SIDE OF DRISKILL STREET, BEING 34' SOUTHEAST OF A POWER POLE, AND BEING 47' NORTHWEST OF A FIRE HYDRANT. ELEVATION=469.70'

BTM#2 - TRIANGLE CUT ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF DAVIS STREET, BEING 119' SOUTHEAST OF AN ELECTRIC MANHOLE, AND BEING 22' NORTHWEST OF A VAULT. ELEVATION=469.70'

SITE PLAN APPROVAL SHEET 34 OF 39  
FILE NUMBER SPC-2020-01212 APPLICATION DATE 03/13/2020  
APPROVED BY COMMISSION ON UNDER SECTION 142 OF CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.  
EXPIRATION DATE (25-5-81.LDC) CASE MANAGER RENE JOHNS  
PROJECT EXPIRATION DATE (ORD.#970905-A) DWPZ DDZ

Director, Development Services Department  
RELEASED FOR GENERAL COMPLIANCE: ZONING CBD  
Rev. 1 Correction 1  
Rev. 2 Correction 2  
Rev. 3 Correction 3

Final plan must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved prior to the Project Expiration Date.

**Kimley-Horn**  
2600 VIA FORTUNA, TERRACE 1, SUITE 300  
AUSTIN, TX 78746  
PHONE: 512-477-1777 FAX: 512-477-1791  
© KIMLEY-HORN AND ASSOCIATES, INC.  
### KIMLEY-HORN Firm No. 928

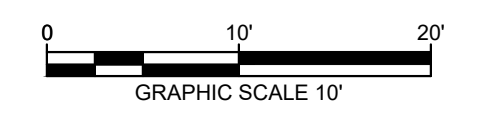
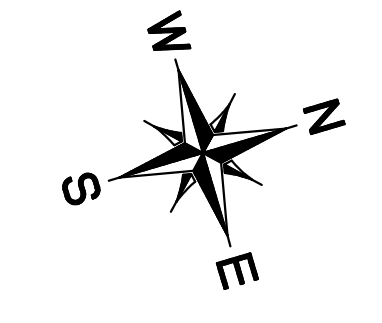
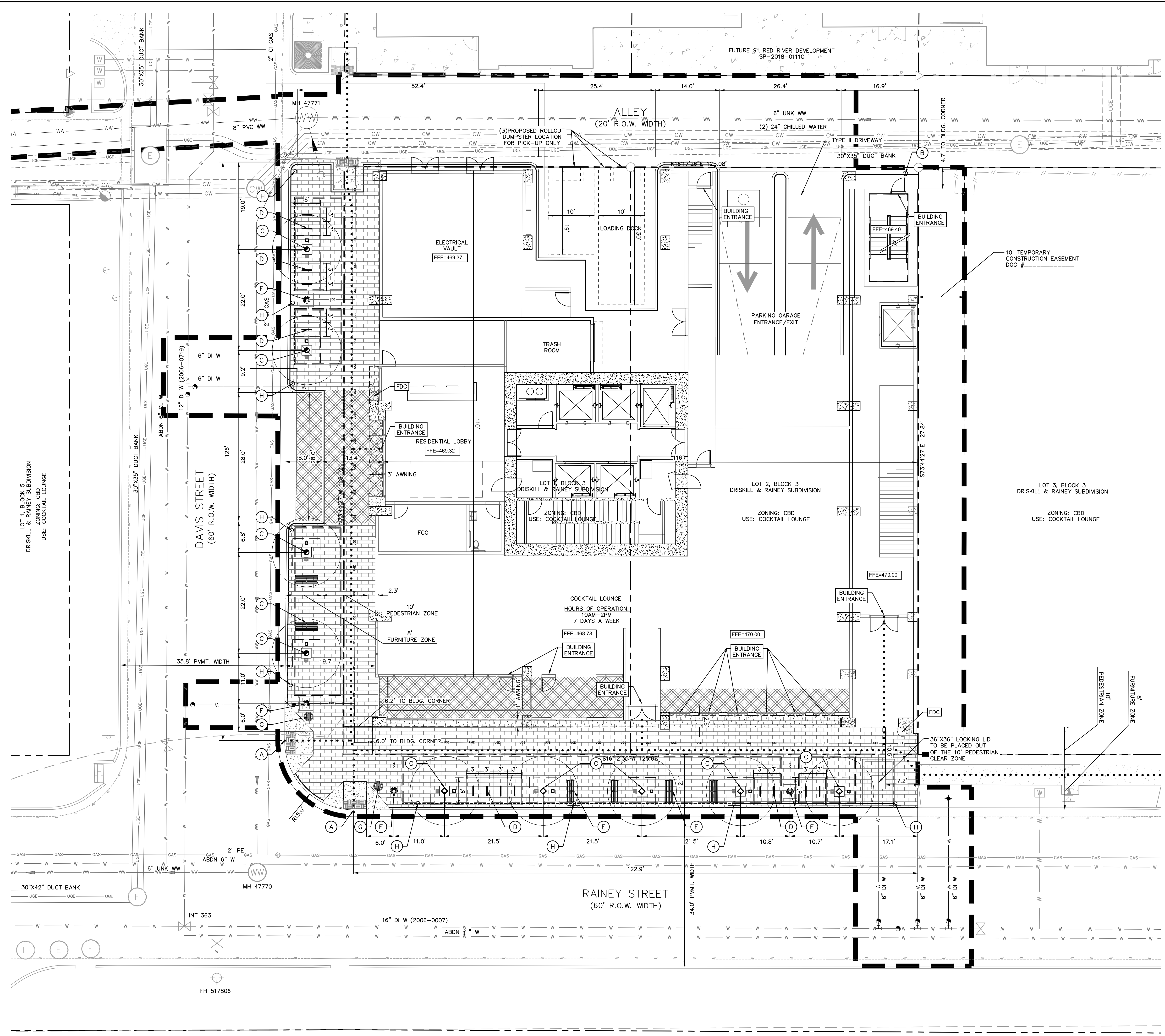
KHA PROJECT 069269400  
DATE JULY 27, 2020  
SCALE: AS SHOWN  
DESIGNED BY: #  
DRAWN BY: #  
CHECKED BY: #

90 RAINEY  
610 DAVIS STREET  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

SHEET NUMBER 34 OF 39

NO.	REVISIONS	DATE	BY

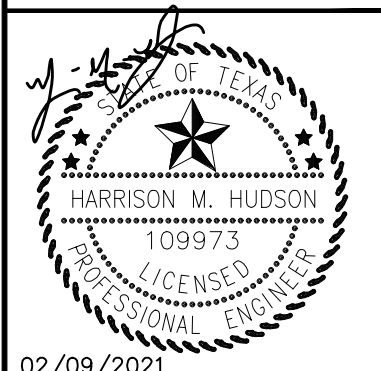
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LEGEND

- PROPERTY LINE
- ROW DEDICATION
- LIMITS OF CONSTRUCTION AREA
- ..... ACCESSIBLE PATH
- [Pattern] PAVERS
- [Pattern] SHADE STRUCTURE
- (A) TYPE I CURB RAMP. SEE CITY OF AUSTIN DETAILS ON SHEET 22.
- (B) TRAFFIC RATED BOLLARD
- (C) TREE GRATE. SEE DETAIL ON SHEET 30.
- (D) BIKE RACK. SEE DETAIL ON SHEET 30.
- (E) (2) BENCHES. SEE DETAIL ON SHEET 30.
- (F) AUSTIN ENERGY STANDARD 25' ROW ILLUMINATION POLE. SEE DETAIL ON SHEET 23.
- (G) TRASH RECEPTACLE. SEE DETAIL ON SHEET 22.
- (H) "NO PARKING" SIGN

**Kimley >>> Horn**  
 2600 VIA FORTUNA, TERRACE 1, SUITE 300  
 AUSTIN, TX 78746  
 PHONE: 512-418-1717 FAX: 512-418-1791  
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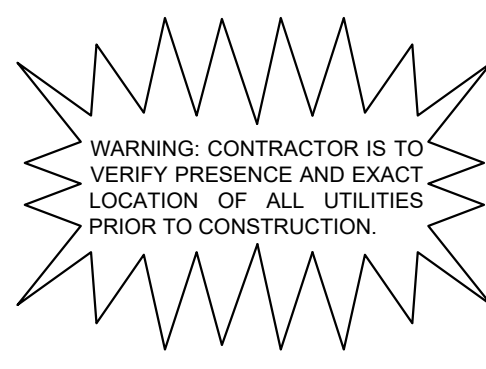


KHA PROJECT	069269400
DATE	FEBRUARY 2021
SCALE	AS SHOWN
DESIGNED BY:	NG
DRAWN BY:	NG
CHECKED BY:	HMH

**SITE PLAN**



Know what's below. Call before you dig.



BENCHMARKS

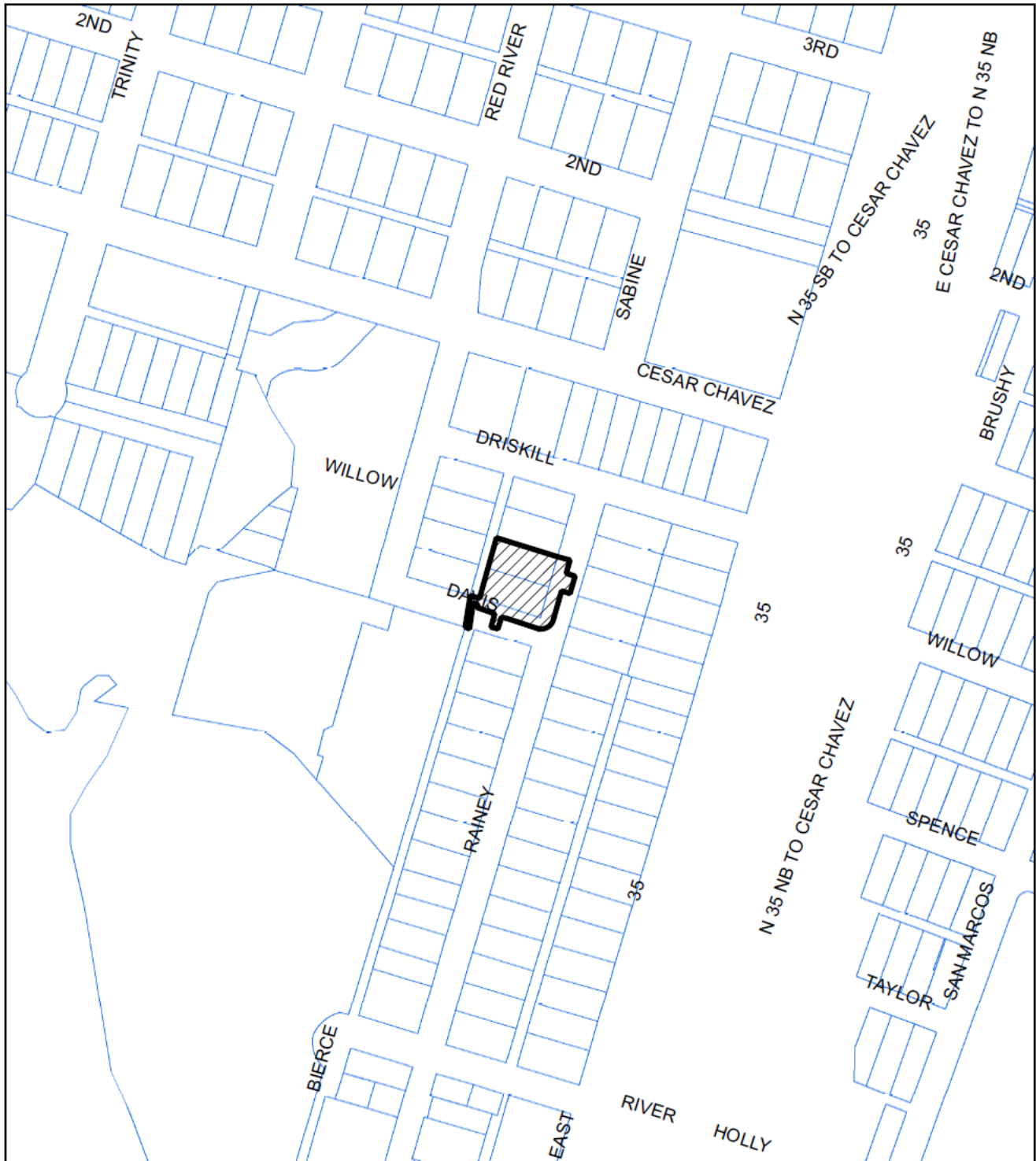
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SITE PLAN APPROVAL SHEET 8 OF 39  
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**90 RAINEY**  
 610 DAVIS STREET  
 CITY OF AUSTIN  
 TRAVIS COUNTY, TEXAS



-  Subject Tract
-  Base Map

CASE NO: SPC-2020-0121C  
 ADDRESS: 610 & 612 DAVIS ST., AND  
 90 RAINEY STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.