

**CITY COUNCIL
DOWNTOWN DENSITY BONUS REQUEST
SITE PLAN REVIEW SHEET**

CASE NUMBER: SPC-2020-0121C **CITY COUNCIL
HEARING DATE:** March 25,
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.

SUMMARY STAFF RECOMMENDATION:

Staff Recommendation (per 25-2-586(B)(6)(c)) for Downtown Density Bonus Program Application: 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 [25-2-586](#). 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 [25-2-739](#). 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 [Resolution No. 20200312-040](#). 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.
 - \$400,000 (8:1 to 15:1 FAR)
 - \$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 acres	
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
<i>Site</i>	CBD	Office and Multi Family
<i>North</i>	CBD	Office and Multi Family
<i>South</i>	CBD	Office and Multi-family
<i>East</i>	CBD	
<i>West</i>	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:

1. 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;
 - 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

Tract 1

90 Rainey St LP

Tract 2

92 Rainey Street LP

Name:

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 Address:

5.Site Information

- a. Lot area *(also include on site plan)*:

- b. Existing zoning (include any zoning suffixes such as "H," "CO," etc. If the property has a conditional overlay (CO), provide explanation of conditions (attach additional pages as necessary):

- c. Existing entitlements:

- I. Current floor to area (FAR) limitation:

- II. Current height limitation (in feet) :

- III. Affected by Capitol View Corridors (CVCs) Yes/No?

☐ Yes

☒ No

If yes, please provide specify height allowed under CVC:

6.Existing Deed Restrictions

Detail existing deed restrictions on the property (if any):

7. Building Information

- a. Total square footage - Only include the square footage that counts towards FAR; see [LDC 25-1-21\(40\), \(44\), and \(45\)](#):

- b. Gross floor area devoted to the different land use categories included in the project (e.g., retail/restaurant, office, apartment, condominium, hotel):

- c. Number or units (if residential development):

- d. Number of rooms (if hotel or similar use):

- e. Number of floors:

- f. Height:

- g. FAR requested:

8. Gatekeeper Requirement (1 of 3): Urban Design Guidelines for Austin

Provide detailed explanation of how the project substantially complies with the [Urban Design Guidelines for Austin \(referencing specific guidelines\)](#) [in order](#) to meet the first *Gatekeeper* requirement of the DDBP as described in LDC § 25-2-586 (C)(1)(a). Attach Urban Design Guidelines checklist and additional page(s) as necessary.

9. Gatekeeper Requirement (2 of 3): Great Streets

Provide an explanation of how this project meets Great Streets standards, the second *Gatekeeper* requirement of the DDBP as described in LDC § 25-2-586 (C)(1)(b). Attach additional page(s) as necessary:

10. **Gatekeeper Requirement (3 of 3): 2 Star Austin Energy Green Building**

Provide an explanation of how this project achieves a minimum two Star Austin Energy Green Building, in order to meet the third *Gatekeeper* requirement of the DDBP as described in [LDC § 25-2-586 \(C\)\(1\)\(c\)](#). Attach Austin Energy Green Building checklist and additional page(s) as necessary:

11. Density Bonus Calculation

Provide a calculation method of how the additional FAR is sought including site area and amount per square foot according to the Community Benefits calculations described in [LDC § 25-2-586 \(E\)\(1\)-\(12\)](#).

12. Community Benefits: Onsite, Fee in lieu, or Combination

Detail which community benefits from [LDC § 25-2-586 \(E\)](#) will be used and how they will be applied (on site, fee in lieu of, or combination of the two). Attach additional page(s) as necessary:

13. Acknowledgements

- a. Applicant understands that a standard restrictive covenant template will be drafted by the City of Austin to address Gatekeeper requirements in accordance with 25-2-586(C)(1):

☒ Yes

☐ No

- b. Applicant understands that will be required to submit a copy of the project's signed Austin Energy Green Building Letter of Intent:

☒ Yes

☐ No

- c. Applicant has received and reviewed a copy of the [Downtown Density Bonus Ordinance](#):

☒ Yes

☐ No

- d. Applicant has received and reviewed a copy of the [Urban Design Guidelines for Austin](#):

☒ Yes

☐ No

- e. Applicant has scheduled presentation to the Design Commission Working Group and follow-up Design Commission Meeting by coordinating dates with program staff? (aaron.jenkins@austintexas.gov)

☐ Yes

☒ No

- f. If considering in lieu fee or provision of on-site affordable housing as a public benefit, Applicant has scheduled a coordination meeting with the Neighborhood Housing and Community Development Department to detail program requirements and obtained a letter of affordability from NHCD:

☐ Yes

☒ No

Amanda Sura

Signed: Owner or Applicant

Authorized Agent

Date Submitted



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) APPLICATION SUBMITTAL CHECKLIST

Submitted:

- ☐ 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.



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

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



90 Rainey – Downtown Austin Design Guidelines
Density Bonus Application

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

90 Rainey – Downtown Austin Design Guidelines
Density Bonus Application

Public Streetscape Guidelines			
	Urban Design Guideline	Achieved?	Comments
PS.1	Protect the pedestrian where the building meets the street	YES	This project embodies Austin's Great Streets program providing protection for the pedestrian with the utilization of the street tree and furniture zone to separate the pedestrian zone from adjacent vehicular traffic.
PS.2	Minimize curb cuts	YES	The project will not contain any curb cuts on either Rainey or Davis Street and will utilize the existing alley for access to the parking garage and loading.
PS.3	Create a potential for two-way streets	YES	The abutting roadways are two-way streets; the project will be designed to accommodate traffic from both directions.
PS.4	Reinforce pedestrian activity	YES	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 Street.
PS.5	Enhance key transit stops	N/A	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 and Waller Creek trail networks.
PS.6	Enhance the streetscape	YES	The project will construct Great Streets on both roadway frontages creating an enhanced streetscape on Rainey Street and Davis Street.
PS.7	Avoid conflicts between pedestrian and utility equipment	YES	The electric vaults for the project are situated off the alley to avoid conflicts between pedestrians and the equipment while providing full access for maintenance.
PS.8	Install street trees	YES	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 growth and vigor.
PS.9	Provide pedestrian-scaled lighting	YES	Pedestrian-scaled lighting will be provided. Such lighting will be in accordance with applicable City regulations.
PS.10	Provide protection from cars/promote curbside parking	YES	With the installation of Great Streets along both frontages, pedestrians will be protected from

90 Rainey – Downtown Austin Design Guidelines
Density Bonus Application

			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.
PS.11	Screen mechanical and utility equipment	YES	Mechanical and utility equipment will be screened from view from adjacent right of way and be placed off the alley.
PS.12	Provide generous street-level windows	YES	The street level windows for the project will consist of floor-to-ceiling windows throughout most of the ground level of the project.
PS.13	Install pedestrian-friendly materials at street level	YES	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. All sidewalks are designed to meet Great Streets Standards.

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

90 Rainey – Downtown Austin Design Guidelines
Density Bonus Application

PZ.8	Respond to the microclimate in plaza design	N/A	
PZ.9	Consider views, circulation, boundaries, and subspaces in plaza design	N/A	
PZ.10	Provide an appropriate amount of plaza seating	N/A	
PZ.11	Provide visual and spatial 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.
PZ.13	Provide interactive civic art and fountains in plazas	N/A	
PZ.14	Provide food service for plaza participants	N/A	
PZ.15	Increase safety in plazas through wayfinding, lighting, and visibility	N/A	
PZ.16	Consider plaza operations and maintenance	N/A	

Building Guidelines			
	Urban Design Guideline	Achieved?	Applicant's Comments
B.1	Build to the street	YES	This project will be built up to the street on both the Rainey Street and Davis Street frontage.
B.2	Provide multi-tenant, pedestrian-oriented development at the street level	YES	This project will provide pedestrian-oriented cocktail lounge uses on the street level with a residential tower above.
B.3	Accentuate primary entrances	YES	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 the public into the building.

90 Rainey – Downtown Austin Design Guidelines
Density Bonus Application

B.4	Encourage the inclusion of local character	YES	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 the Rainey Street character.
B.5	Control on-site parking	YES	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 methods of transportation.
B.6	Create quality construction	YES	The project will be constructed with high quality materials and enclosure systems typical to high-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



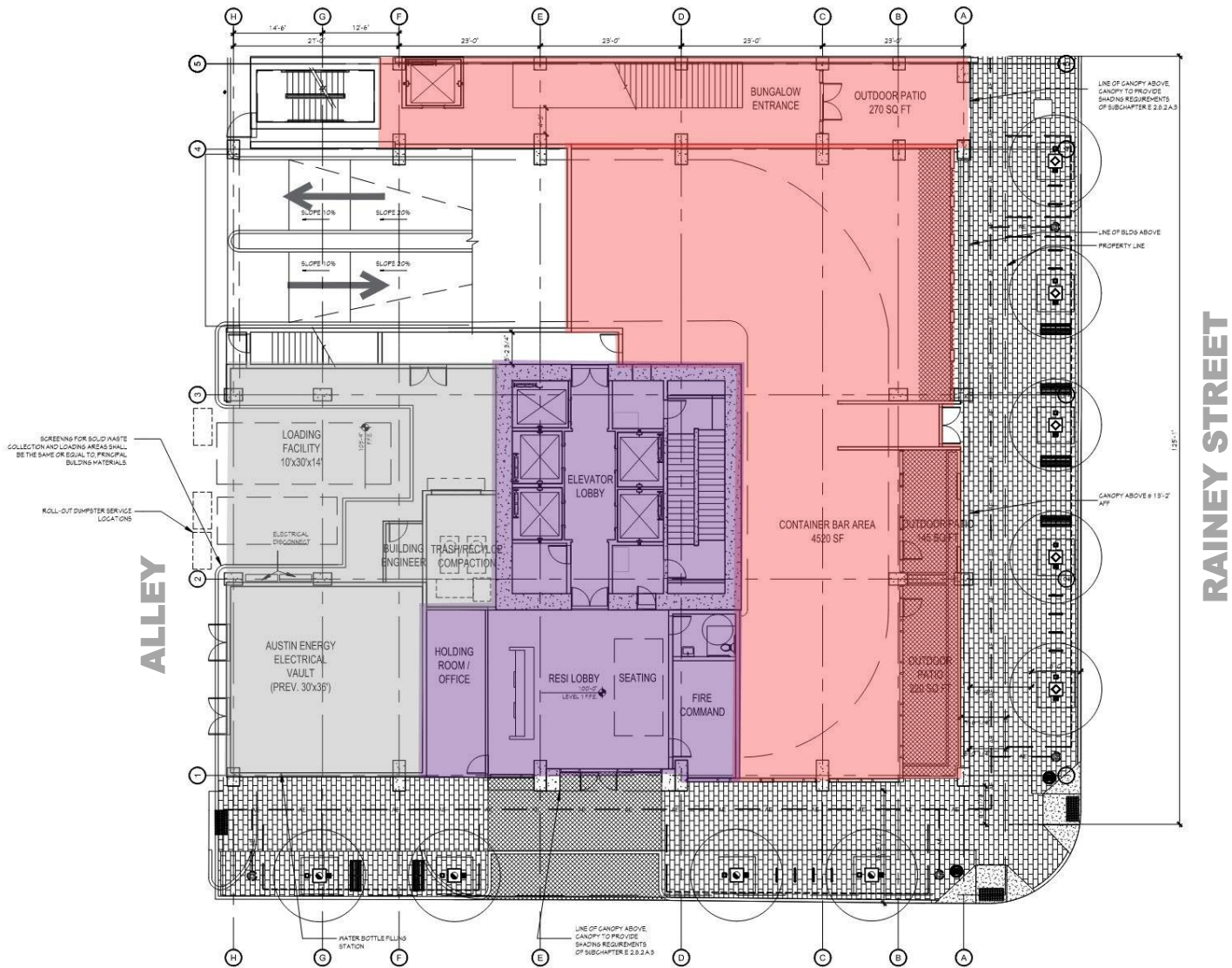
90 Rainey - Transit Vicinity Map

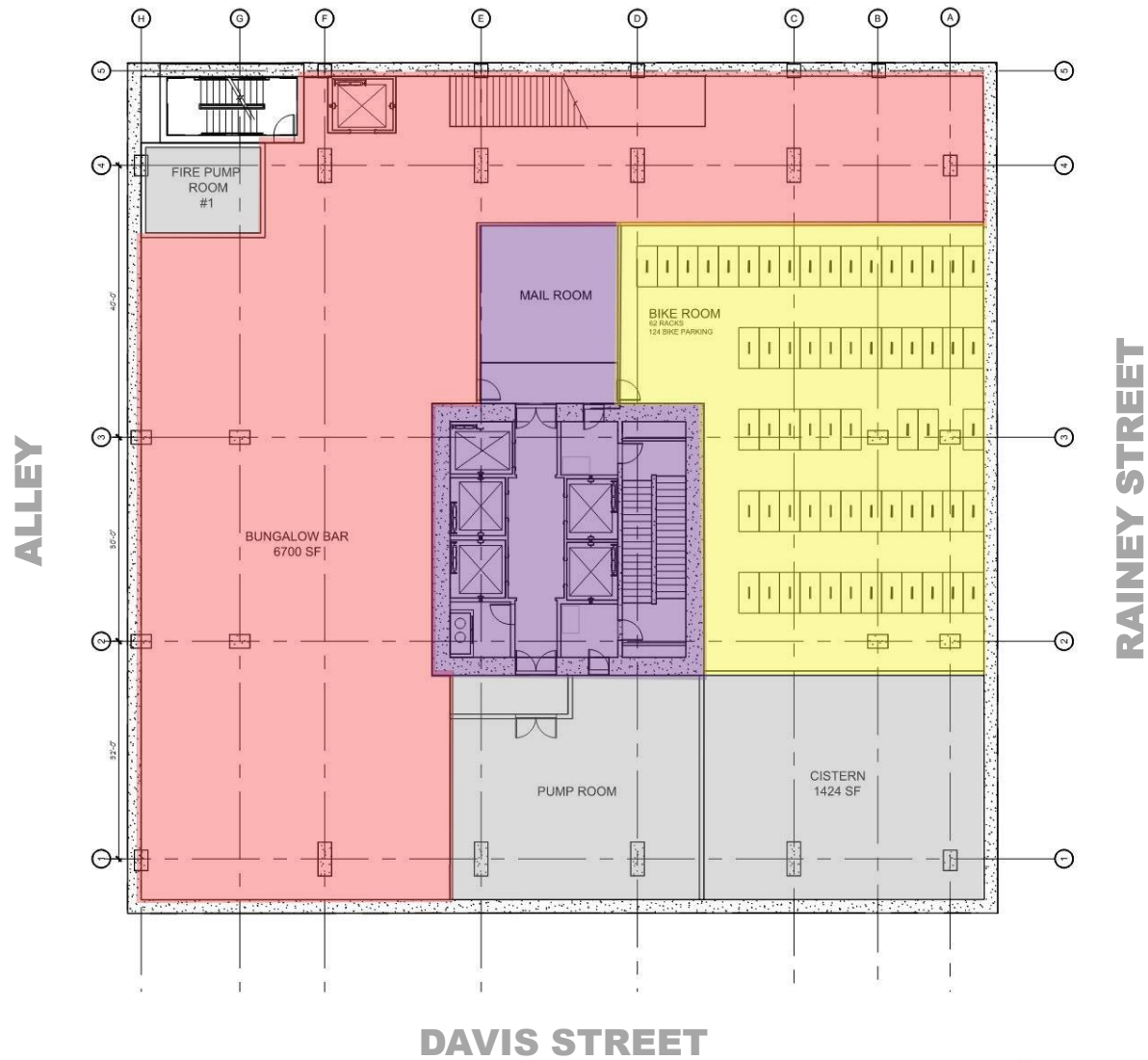


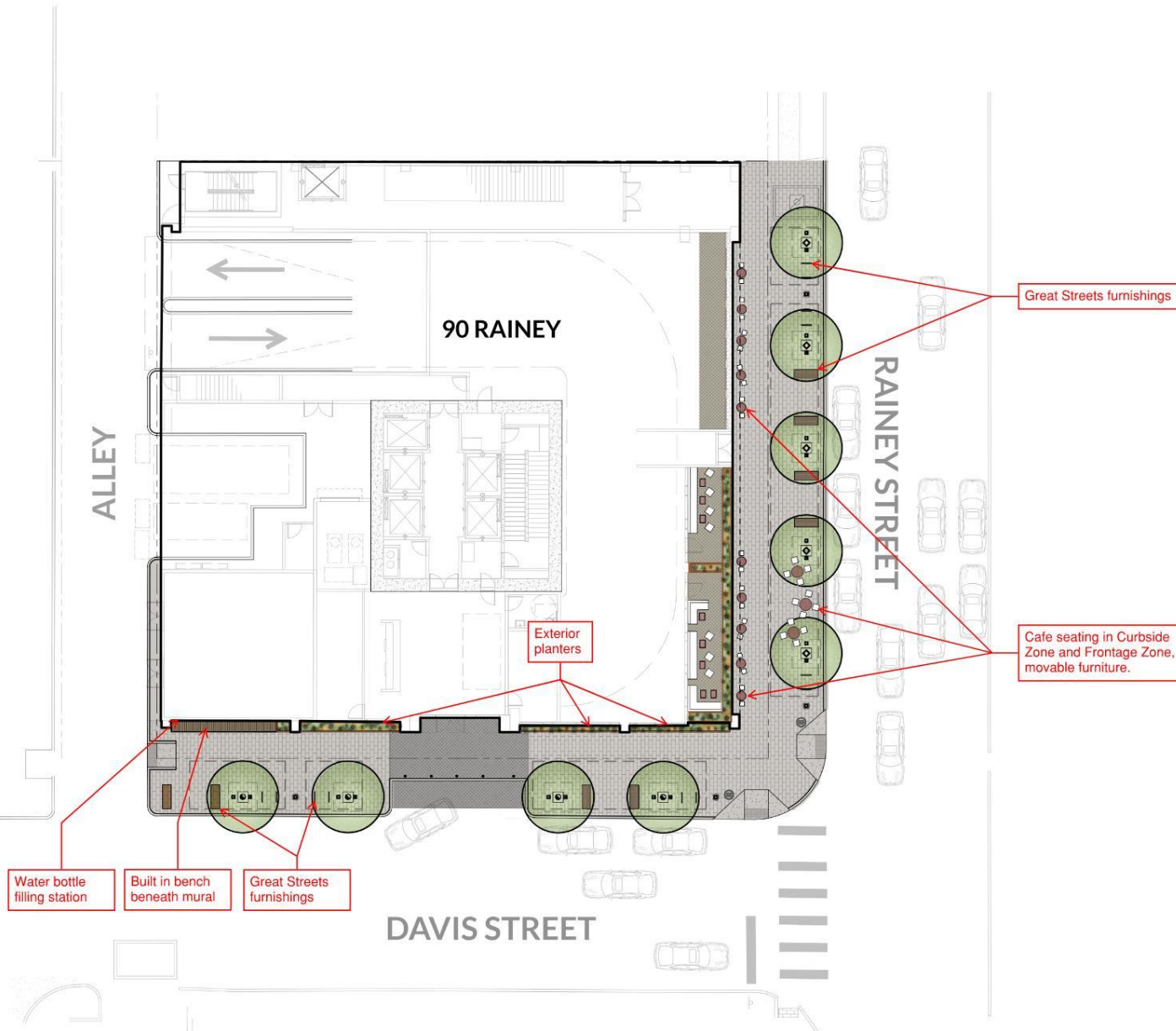
**NELSEN
PARTNERS**
ARCHITECTS & PLANNERS


urbanspace









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





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ARCHITECTS & PLANNERS

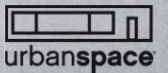
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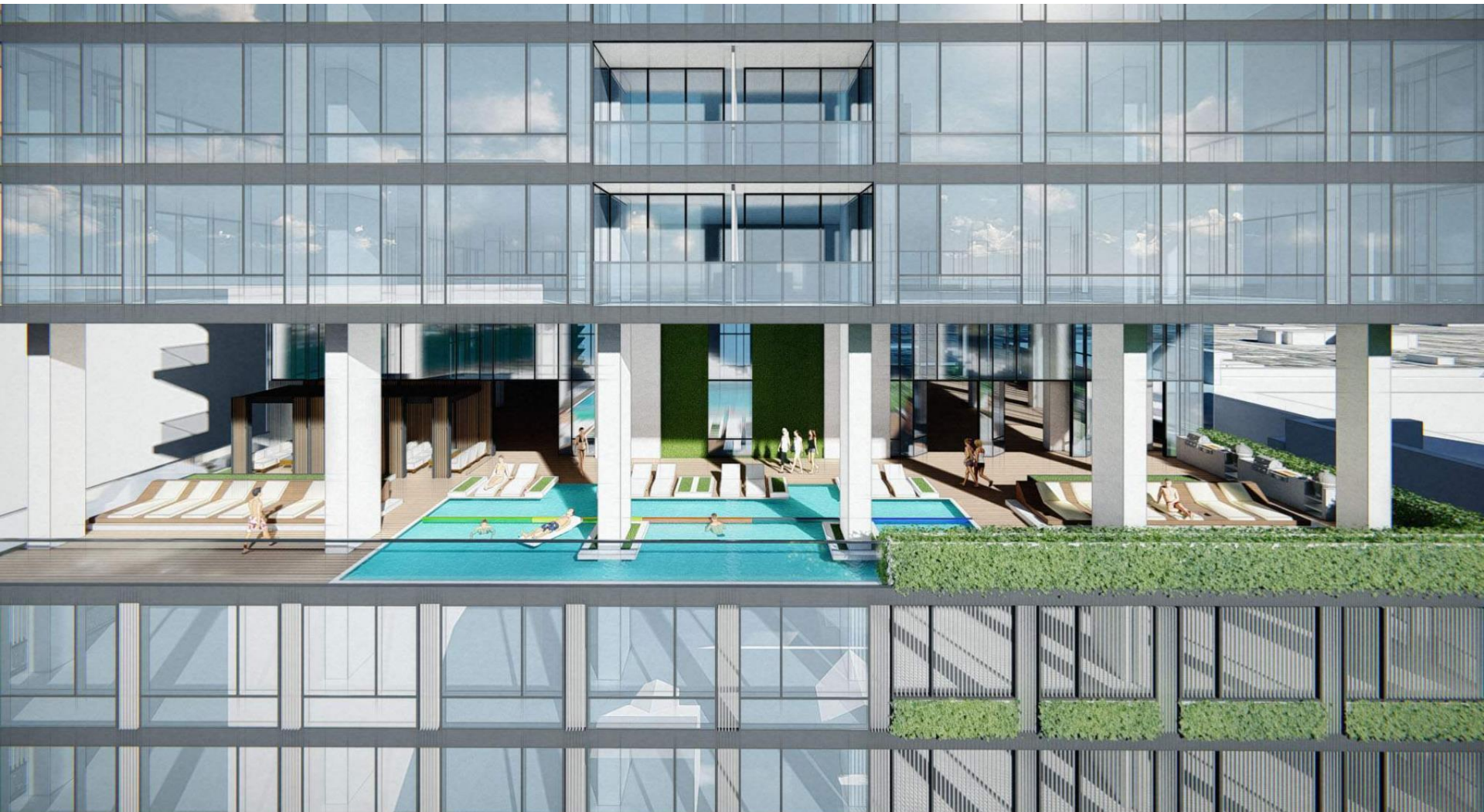






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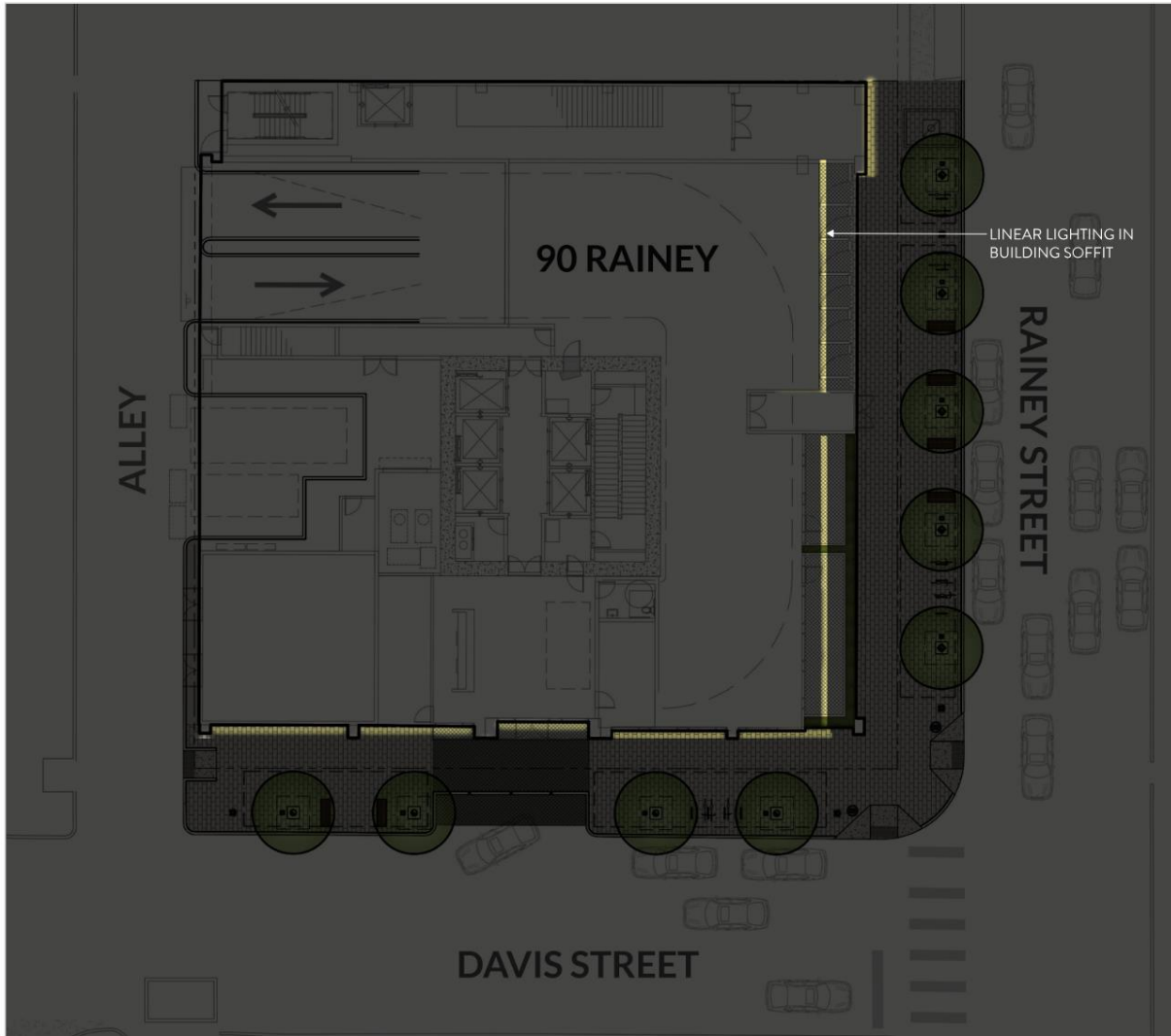


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ARCHITECTS & PLANNERS



9092 Rainey
Design Commission
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PEDESTRIAN LIGHTING PLAN
SCALE: 1/16" = 1'-0"



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