

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

CASE NUMBER: SPC-2020-0121C

**PLANNING COMMISSION HEARING
DATE:** 04/26/22

PROJECT NAME: 90 Rainey St

ADDRESS OF APPLICATION: 90 Rainey, 610 Davis St, 612 Davis St

APPLICANT: 90 Rainey St LP/ 92 Rainey Street LP
801 W 5th St Ste 100
Austin, TX 78703

AGENT: Drenner Group, PC (Amanda Swor)
200 Lee Barton Dr Suite 100 (512) 807-2904
Austin, TX 78704

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

APPROVED DEVELOPMENT:

The applicant currently has an approved site plan. The permit is issued for a high rise development in the Rainey District that includes the following uses: a cocktail lounge, hotel, and multi-family.

The applicant is requesting a variance from 25-2-721 E 1 of the Waterfront Overlay.

DESCRIPTION OF VARIANCE:

The applicant requests a variance from § 25-2-721(E) 1 of the Waterfront Overlay Regulations, which limits exterior mirrored glass and glare producing glass surface building materials. The Land Development Code (LDC) defines mirrored glass as glass with a reflectivity index greater than 20%. The applicant proposes to use glass of a reflectivity index of 25%

The Waterfront Overlay variance process requires the applicant to obtain a recommendation from the Small Area Planning Joint Committee and Environmental Commission, before the Land Use Commission. The variance was heard by SAPJC on April 13th, and recommend forwarding the variance request without recommendation to the Planning Commission. SAPJC requested more information from staff/applicant regarding potential impact on adjacent buildings, bird friendly design, transmittance, reflectivity, LEED best practices and energy efficiency. These findings are summarized under the Small Area Planning Joint Committee Recommendation section.

Staff and the applicant could not schedule to be heard by the Environmental Commission before the PC Hearing. 25-2-721 A 4 States the Land Use Commission may approve or deny the site plan without a recommendation from the Environmental Commission.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the variance with conditions: glass ratings are restricted to 25%, 47% transmittance, no more than 0.25 Solar Heat Gain Coefficient rating, and incorporate birdy friendly design elements into site plan with a site plan correction.

Before recommending the project for a variance, staff considered whether “the variance is the minimum required by the peculiarities of the tract” [LDC Section 25-2-713(B)(2)]. The peculiarities of the site include:

- Site is located in CBD and is required to achieve AEGB rating
- Increased reflectivity index coupled with 47% transmittance and a maximum Solar Heat Grain Coefficient Rating of 0.25 allows site to exceed AEGB rating requirement and incorporate components of LEED.

The applicant worked with staff to reduce reflectivity, increase energy efficiency, and incorporate several bird friendly design elements to reduce collisions.

TOWN LAKE CORRIDOR STUDY

Staff considered the Town Lake Corridor Study and the effect of this project. Staff determined there is no adverse impact of this project to the goals of the study.

SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

Heard on Wednesday April 13th. The Committee recommend forwarding the variance request without recommendation to the Planning Commission with information pending from staff regarding potential impact on adjacent buildings, bird friendly design, transmittance, reflectivity, LEED best practices and energy efficiency. This is detailed below:

- **Impact on adjacent buildings** – This impact is mitigated by the project’s design elements, including recessed balconies, building articulation, and shifted massing volumes (no continuous, smooth, curved surface to cause glare). 20% to 25% exterior glass reflectance does not produce an exponential increase of glare – this difference is not visibly noticeable to the eye.

Additionally, the requested variance at this site is lower than previously approved variances for increasing the reflectivity index in the downtown region.

- **Bird Friendly Design** - 90 Rainey complies with LEED Pilot Bird Collision Deterrence standards. Glass reflectivity is restricted to 13.5% in the LEED-identified “critical compliance zone,” (36’-0” above grade) where LEED standards require less than 15% reflectivity. The entirety of 90 Rainey’s podium, 158’-0”, averages 13.5% reflectivity. The same glass is proposed to be used on the entire project, there will be other materials used to meet this requirement. Additional bird-friendly design elements include a podium overhang to shield the critical zone, fully shielded and/or full cut off landscape lighting, no exterior building-up lighting, and building articulation that reduces the size of the building’s reflective plane. Central Texas is not part of an identified bird migration route.
- **Transmittance** – The applicant has committed to a 47% transmittance level. Transmittance is one of 3 major standards to rate glass and describes how much light is transmitted through a window. Reflective glass limits visible light transmittance (VLT). A 47% transmittance rate allows an appropriate amount of natural light to enter a building, while also reducing glare and the need for window blinds and other interior shading devices.
- **Reflectivity** – Glass performance measures are constantly evolving to reflect new technology and energy efficiency goals. Today, reflectivity is measured via three major

standards: percentage reflectivity, percentage transmittance, and solar heat gain coefficient (SHGC). Reflectivity reveals the visible portion of the sun's energy reflected from the glass. Transmittance measures light transmitted through a window, while SHGC describes how much heat is transmitted. These standards provide a more comprehensive, balanced measure of glass performance, versus solely relying on a reflectivity standard. 90 Rainey's proposed glass would restrict reflectivity to 25%, 47% transmittance, and no more than .25 SHGC. Consultation with AEGB staff indicated that 30% reflectivity and SHGC below .33 provides a good compromise between reflectivity and energy efficiency standards.

- **LEED best practices**– The project fully complies with the LEED pilot bird collision deterrence program. LEED window requirements for Austin's climate zone (Zone 2) require that windows have less than or equal to 0.25 SHGC. The proposed project is also achieving a 3-star Austin Energy Green Building Program rating.
- **Energy Efficiency** - SHGC measures how much solar heat is transmitted through a window. A lower SHGC indicates more resistance, or a lower percentage of the Sun's rays passing through glass. This lower percentage produces a cooling effect. 90 Rainey's proposed .25 SHGC improves the building's energy efficiency, as cooling is the dominant need for buildings in Austin. Proposed transmittance levels also improve energy efficiency by reflecting a portion of incoming solar radiation, which limits heat penetration into the building and can potentially lower HVAC usage.

ENVIRONMENTAL COMMISSION RECOMMENDATION

Staff/applicant unable to be heard by the Environmental Commission before the 4/26 Planning Commission. Next available date would be heard would be 5/4. 25-2-721 A 4 States the Land Use Commission may approve or deny the site plan without a recommendation from the Environmental Commission.

PROJECT INFORMATION

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

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<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)

NEIGHBORHOOD ORGANIZATIONS:

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

DRENNER GROUP

April 19, 2022

Ms. Denise Lucas
Planning Development Center
6310 Wilhelmina Delco Dr
Austin, Texas 78752

Via Electronic Delivery

Re: SPC-2020-0121C – Reflectivity Variance Request for the 0.3673-acre property located at 90 Rainey Street in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Lucas:

As representatives of the owner of the Property we respectfully submit this letter and enclosed materials as our request for a variance to LDC §25-2-721(E)(1) to allow glass with up to 25% reflectivity within the Rainey Street Subdistrict of the Waterfront Overlay. The intention of this variance request is to mitigate glare and solar heat gain effects from mirrored glass. The request also allows for superior glass, informed by current performance standards which consider transmittance and solar heat gain alongside reflectivity.

The proposed glass will have a positive aesthetic impact on Austin’s skyline and is typical of contemporary construction in an urban center. If the variance is granted, the 25% maximum reflectivity will be restricted to segments of 90 Rainey above a 36’ “critical zone,” adhering to LEED pilot Bird Collision Deterrence standards and other best practices for bird collision deterrence. Additionally, the entirety of the garage podium has a reflectivity index of only 13.5% such that the building’s most reflective segments do not impact the ground-level, pedestrian experience.

With this request, the building’s pedestrian scale and urban design remains unchanged, therefore, we believe this variance is consistent with the goals and policies of the Town Lake Corridor Study. The 90 Rainey project will enhance this area’s integration with the Ann and Roy Butler Hike-and-Bike Trail and natural environment of Town Lake. The proposed glass provides a sheen on a pedestrian-focused building that welcomes its residents to Austin’s waterfront. The variance is also reasonable, requesting only the minimum required by the performance needs of the building.

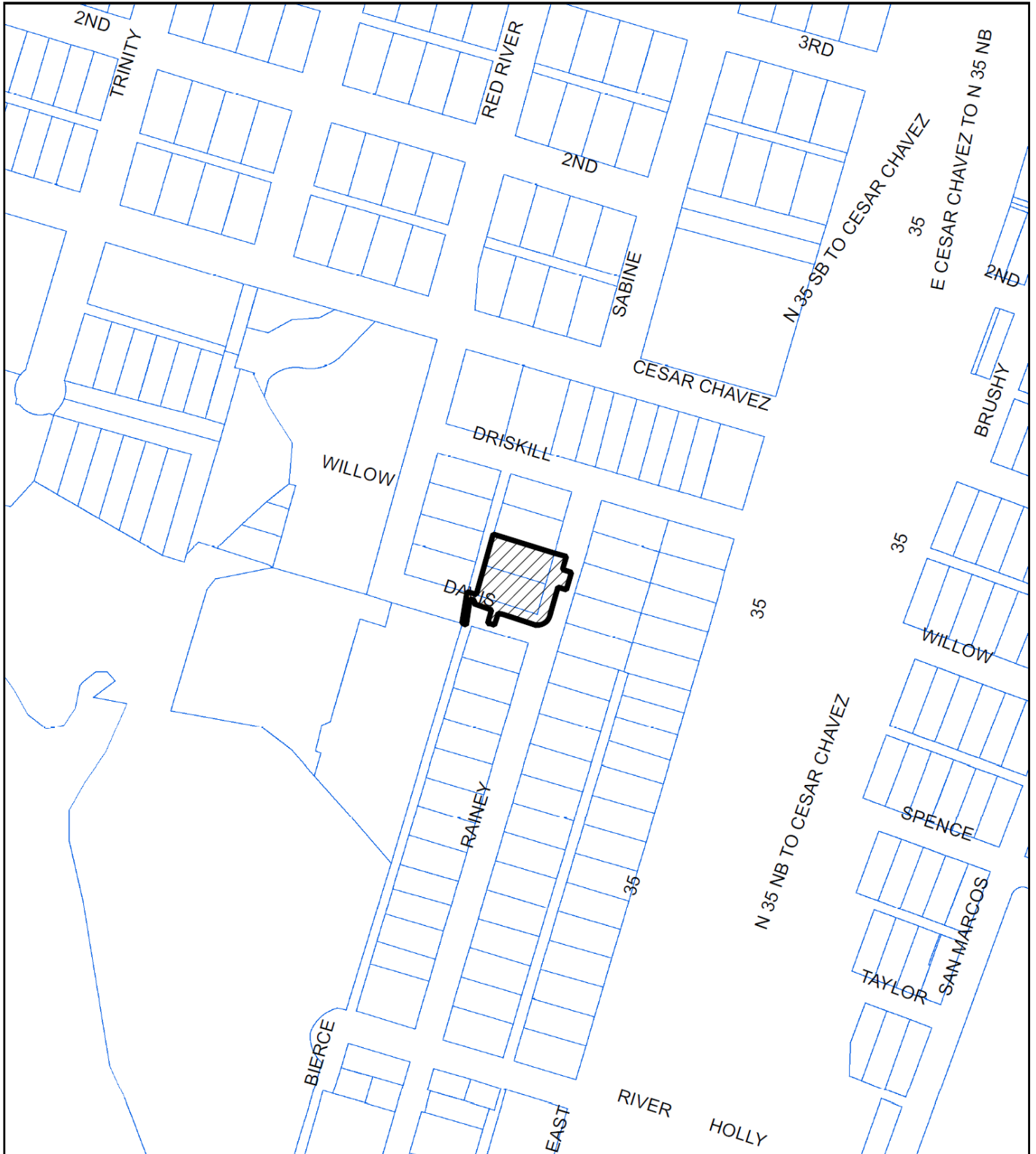
Please let me know if you need any more information about this project or this request.

Sincerely,



Amanda Swor

cc: Renee Johns, Development Services Department (*via electronic delivery*)



Subject Tract



Base Map

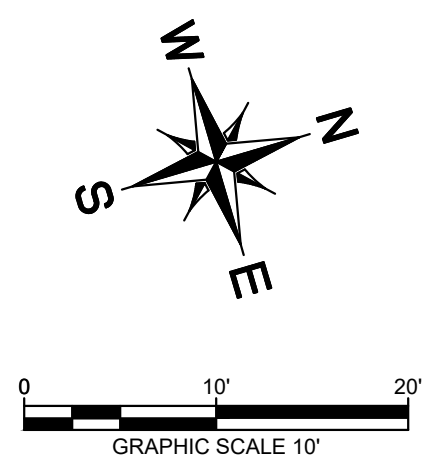
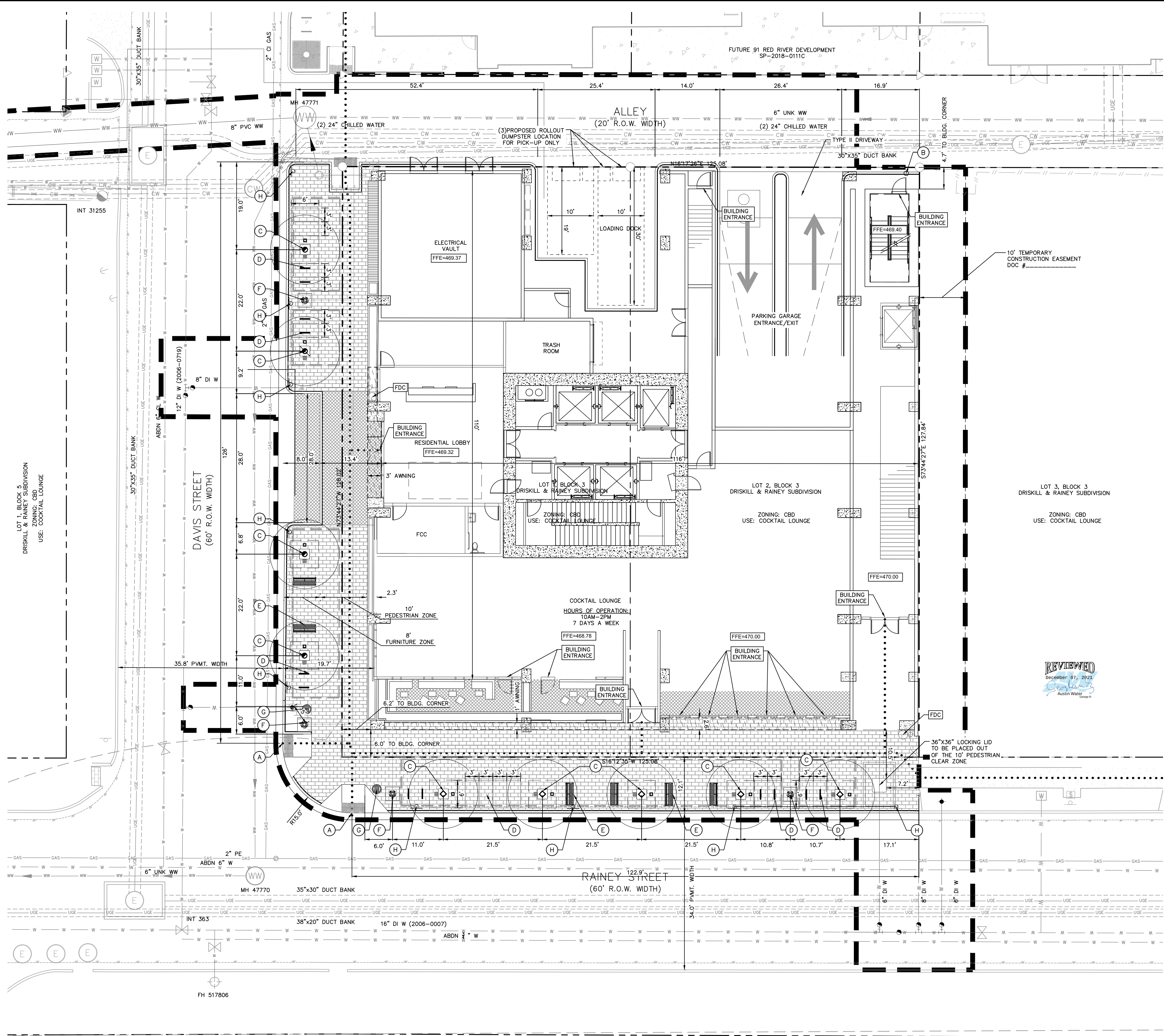
CASE NO: SPC-2020-0121C
ADDRESS: 610 & 612 DAVIS ST., AND
90 RAINEY STREET



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.

Plotted By: Pissiotto, Gabriele Date: November 16, 2021 11:53:22am File Path: K:\SAU-Civil\069269400-90 Rainey St\CodePlan Sheets\SITE PLAN.dwg
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LEGEND	
	PROPERTY LINE
	ROW DEDICATION
	LIMITS OF CONSTRUCTION AREA
	ACCESSIBLE PATH
	PAVERS
	SHADE STRUCTURE
	TYPE I CURB RAMP. SEE CITY OF AUSTIN DETAILS ON SHEET 23.
	TRAFFIC RATED BOLLARD
	TREE GRATE. SEE DETAIL ON SHEET 31.
	BIKE RACK. SEE DETAIL ON SHEET 31.
	(2) BENCHES. SEE DETAIL ON SHEET 31.
	AUSTIN ENERGY STANDARD 25' ROW ILLUMINATION POLE. SEE DETAIL ON SHEET 24.
	TRASH RECEPTACLE. SEE DETAIL ON SHEET 23.
	"NO PARKING" SIGN

AUSTIN FIRE DEPARTMENT
OUR MISSION GOES BEYOND OUR NAME
ENGINEERING SERVICES REVIEW

REVIEWER: **R. Schaffner** DATE: **12/07/2021**

11/04/2021

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

REVIEWED
December 07, 2021
Jaime Cardenas
Industrial Waste
Jaime Cardenas

Know what's below.
Call before you dig.

WARNING: CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

BENCHMARKS
BTBM#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=467.76'
BTBM#2 - TRIANGLE CUT ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF DAVIS STREET, BEING 119' SOUTHEAST OF AN ELECTRIC MANHOLE, AND BEING 122' NORTHWEST OF A VAULT. ELEVATION=468.70'

SITE PLAN APPROVAL SHEET **8** OF **40**
FILE NUMBER **SPC-2020-0121C** 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 **RENEE 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.

2600 VIA FORTUNA, TERRACE 1, SUITE 300
AUSTIN, TX 78746
PHONE: 512-418-1771 FAX: 512-418-1791
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TbPE Firm No. 928

SITE PLAN

APPROVED
Date 12/10/2021

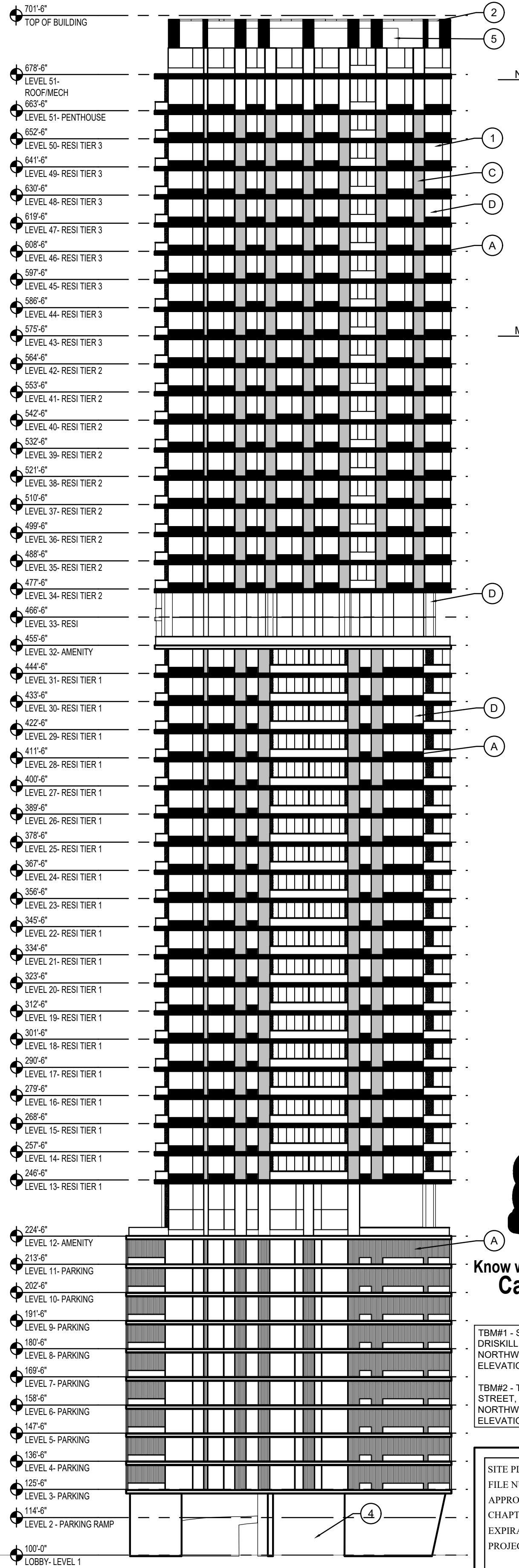
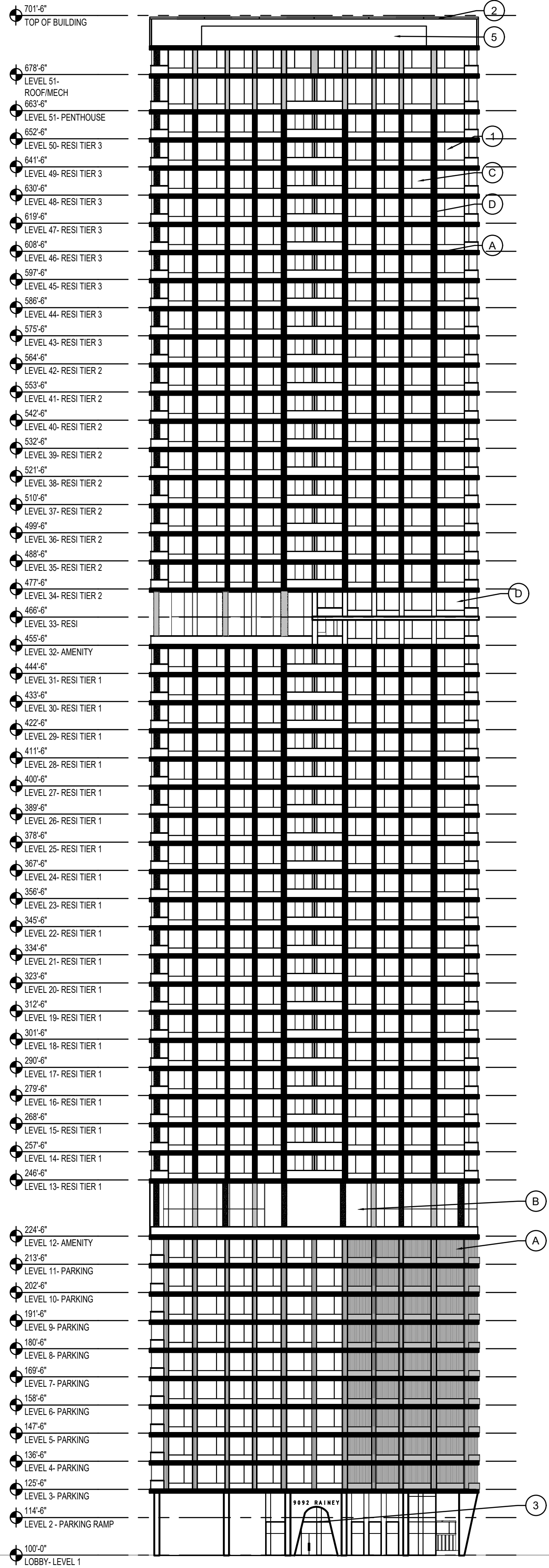
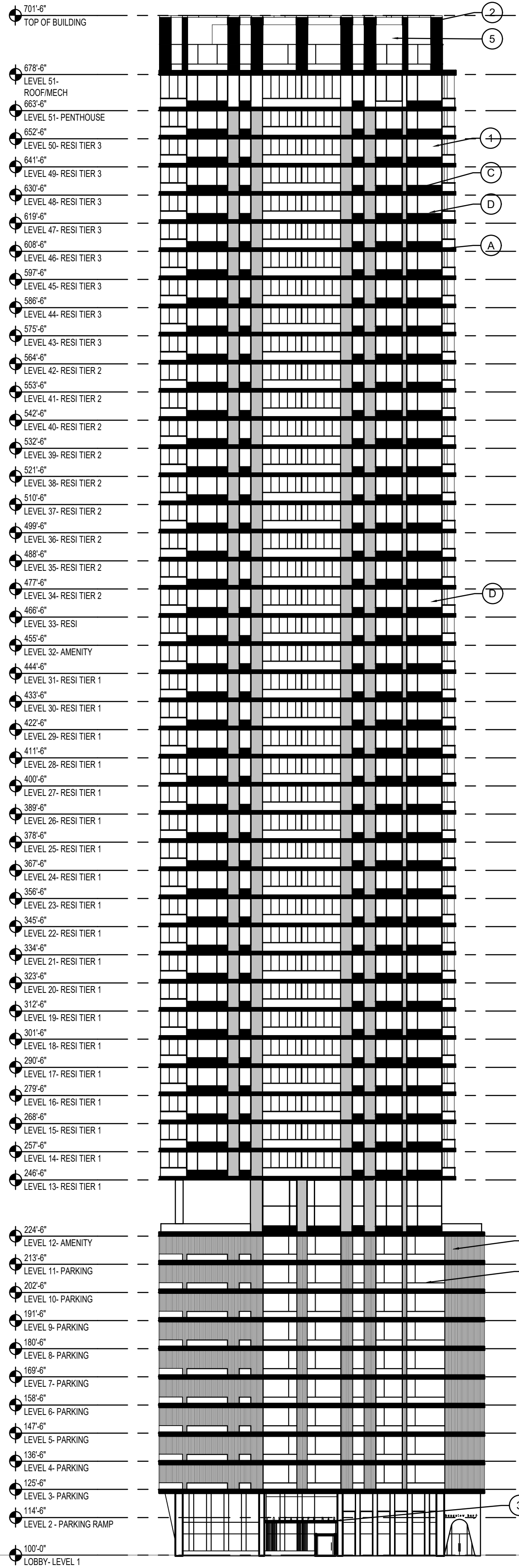
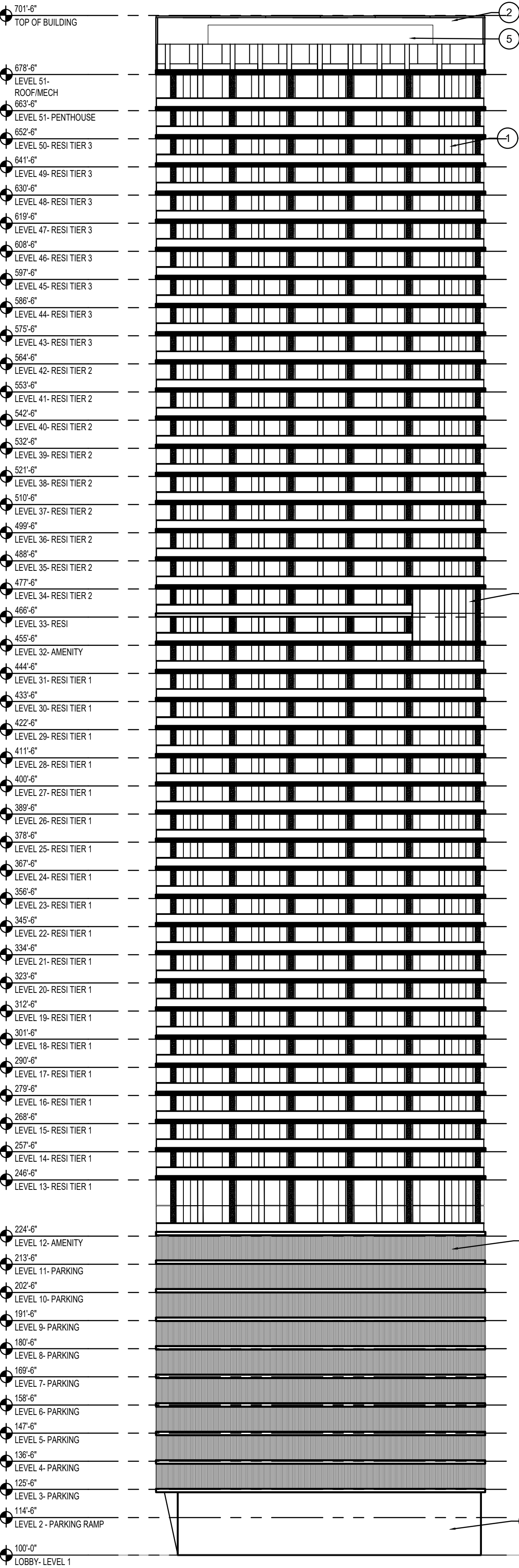
90 RAINEY
610 DAVIS STREET
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

8 OF 40

NO.	REVISIONS	DATE	BY

otted By: Laura Perez Date: July 23, 2020 04:53:23pm File Path: \\N:\Jobs\318222_9092 Rainey\2 Current Drawings\Xref\318222_9092 Rainey - ELEVATIONS.dwg

as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Plans of and improper reliance on this document without written authorization and signature by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



NOTES

1. EXTERIOR MIRRORED GLASS AND GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS ARE PROHIBITED. GLASS SELECTION COMPLIES WITH SECTION 25-2-721 E1, REFLECTIVITY BELOW 20% AS DEFINED BY 25-2-21 (67).
2. DISTINCTIVE BUILDING TOP REQUIRED BY CHAPTER 13-1, ARTICLE 3, STEP BACK TERRACE, AND SOLAR TERRACE SHOWN DASHED. SEE ATTACHED EXHIBIT FOR ADDITIONAL INFORMATION.
3. CANOPY AT ENTRANCE
4. TRASH RECEPTACLES AND LOADING AREA LOCATED IN ALLEY AND SCREENED FROM PUBLIC VIEW.
5. 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



Know what's below.
Call before you dig.

BENCHMARKS

TBM#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=467.76'

TBM#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-2020-0121C 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

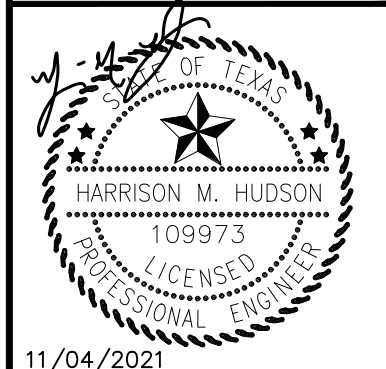
Director, Development Services Department
RELEASED FOR GENERAL COMPLIANCE: ZONING CBD
Rev. 1 Correction 1
Rev. 2 Correction 2
Rev. 3 Correction 3

Final plat 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.

REVISIONS	DATE	BY
No.		

Kimley»Horn

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WWW.KIMLEY-HORN.COM
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TBE Firm No. 928



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

BUILDING ELEVATIONS

90 RAINEY

610 DAVIS STREET
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

APPROVED
Date 12/10/2021
FOUNDED 1857



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. 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 should you have any questions.

Sincerely,
Harrison M. Hudson, P.E.



03/12/20
FIRM NO. 928