

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

CASE NUMBER: SP-2022-0852C **CITY COUNCIL
HEARING DATE:** May 4, 2023

PROJECT NAME: 62 East Avenue

ADDRESS: 62-62 East Avenue

APPLICANT: Drenner Group (Leah Bojo)
Drenner Group
200 Lee Barton Dr. Ste 100, Austin, TX 78704
Austin, TX 78704

CASE MANAGER: Randall Rouda Phone: (512) 974-3338
Randall.Rouda@austintexas.gov

URBAN DESIGN STAFF: Zack Lofton Phone: (512) 974-9363
Zack.Lofton@austintexas.gov

NEIGHBORHOOD PLAN: Downtown

PROPOSED DEVELOPMENT:

The applicant is requesting administrative approval for the construction of a 53 Story, multi-family residential building, which will include ten units of on-site affordable housing, garage parking and streetscape improvements.

PROJECT REQUEST:

In accordance with [LDC Section 25-2-586\(B\)\(6\)](#), the applicant is requesting, from City Council, additional floor to area ratio (FAR) from 15:1 to 29:1 for a proposed multi-family high rise project. The project is participating in the Downtown Density Bonus Program for bonus area up to 15:1 FAR to be granted administratively.

SUMMARY STAFF RECOMMENDATION:

Gatekeeper Requirements:

To participate in the Downtown Density Bonus Program, projects must first satisfy the gatekeeper requirements, which are 1) To substantially comply with the Urban Design Guidelines, 2) Execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards, and 3) Execute a restrictive covenant committing to achieve a minimum two-star rating under the Austin Energy Green Building program using the ratings in effect at the time the application is submitted ([Section 25-2-586\(C\)\(1\)](#)).

For this project, the applicant has provided sufficient documentation to meet the gatekeeper requirements, as outlined below:

- The project is on TxDOT right-of-way which precludes Great Streets improvements, so the applicant has committed to paying a fee-in-lieu for Great Streets improvements to be provided elsewhere.
- The applicant has committed to achieving 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

Properties in the Rainey Street Subdistrict of the Waterfront Overlay are eligible for bonus area per [25-2-739](#), but certain properties in the subdistrict front on Texas Department of Transportation (TxDOT) right-of-way (ROW). On portions where properties front on TxDOT ROW, the City of Austin has no jurisdiction to require streetscape improvements. Any proposed improvements outside private property on this type of frontage are to be coordinated with TxDOT.

In light of this, City Council executed [Resolution No. 20200312-040](#) on March 12, 2020 directing 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.” This code amendment was approved by the Planning Commission on March 28, 2023, and will go to City Council on May 4, 2023. If approved by City Council, this project will pursue the Great Streets fee-in-lieu as outlined above.

Bonus Area Analysis:

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 entitlement” from 40’ up to 8:1 FAR (as permitted by [Section 25-2-729\(C\)\(4\)](#)), the bonus area approved administratively between 8:1 and 15:1 FAR (as permitted by [Section 25-2-586\(B\)\(3\)](#)), and the bonus area above the administrative allowance of 15:1 FAR (as permitted by [Section 25-2-586\(B\)\(6\)](#)), up to 29:1 FAR.

The applicant has proposed to achieve the bonus area allowances through the following means:

- Bonus area from 40’ to 8:1 FAR: Provide on-site affordable housing for 5% of bonus area totaling 3,487ft² and 4 units (as required by [Section 25-2-739](#))
- Bonus area from 8:1 to 15:1 FAR: Pay \$298,550 of fees-in-lieu and target a three-star AEGB rating ([Section 25-2-586\(E\)](#))
- Bonus area from 15:1 TO 29:1 FAR: Provide on-site affordable housing for 5% of bonus area totaling 5,985ft² and 6 units (to satisfy [Section 25-2-586\(B\)\(6\)\(d\)\(1\)](#)) and pay \$510,000 of fees-in-lieu

All fees-in-lieu, totaling \$808,550, will be paid into the Affordable Housing Trust Fund.

Thus, the applicant has met the code requirement to go above and beyond what’s required to achieve the administrative FAR allowance for community benefits ([Section 25-2-586\(B\)\(6\)\(d\)\(1\)](#)).

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the request for bonus area above what is allowed administratively by [\(25-2-586\(B\)\(3\)\)](#), up to 29:1 FAR, due to the significant community benefits that will be realized in exchange for the greater bonus area, including on-site affordable housing, additional fees devoted to affordable housing, and the three-star AEGB rating.

Board and Commission actions and next steps:

1. Design Commission: March 27, 2023

No action was taken.

2. Planning Commission public hearing: April 11, 2023

A motion was made by Commissioner Cox to postpone the item for one month to May 9th and was seconded by Commissioner Howard. Commissioner Azhar made a substitute motion to approve the staff recommendation and Commissioner Connolly seconded. Commissioner Azhar's motion was approved. Commissioner Mushtaler against, Commissioner Cox abstained

3. Send public notice for “conduct” public hearing at Council: April 17, 2023

4. Conduct public hearing at Council: May 4, 2023

City Staff: Zack Lofton

Phone: (512) 974-9363

Email: zack.lofton@austintexas.gov

PROJECT INFORMATION

SITE AREA	11,942 square feet	0.274 acres	
EXISTING ZONING	CBD		
TRAFFIC IMPACT ANALYSIS	N/A		
CAPITOL VIEW CORRIDOR	N/A		
PROPOSED ACCESS	East Avenue		
	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	8:1	0	29:1
BUILDING COVERAGE	100%	27.7%	97.4%
PARKING			281

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CBD	Multi Family
<i>North</i>	CBD	Hotel
<i>South</i>	CBD	Multi Family, Commercial
<i>East</i>	CBD	N/A
<i>West</i>	CBD	Commercial

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
East Avenue	72	32	Collector