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

CASE: SP-2011-0013CT

PC DATE: August 9, 2011

PROJECT NAME: Boutique Hotel

ADDRESS: 416 Congress Avenue

AREA: 0.265 acres

WATERSHED: Lady Bird Lake (Town Lake)

APPLICANT: 3-BR 416 Congress, L.L.C (Dan Benditz)
18334 Stuebner Airline
Spring, TX 77379

AGENT: Big Red Dog Engineering (Brad Lingvai 669-5560)
103 E. 5th Street, Ste. 205
Austin, TX 78701

Mike McHone Real Estate (Mike McHone 554-8440)

TRANSPORTATION: Candace Craig
candace.craig@ci.austin.tx.us

PHONE: 974-2788

CASE MANAGER: Sue Welch
sue.welch@ci.austin.tx.us

PHONE: 974-3294

CAPITOL VIEW: Yes

T.I.A.: Not required

DESIRED DEVELOPMENT ZONE: Yes

ZONING: CBD-H-CURE Central Business District, Historic Landmark, Central Urban Redevelopment District

NEIGHBORHOOD PLAN: Downtown

PROPOSED DEVELOPMENT:

The applicant is proposing construction of a 26 story hotel, with restaurant/bar and ballroom facilities; the majority of the building will be guest rooms (130 rooms). Parking will be provided off-site, located at 4th Street and Congress, through a lease agreement. The current agreement is approximately 5 years.

DESCRIPTION OF WAIVER:

The applicant is requesting a waiver of two Land Development Code Sections: § 25-2-643 (B) to allow a curb cut on Congress Avenue; and § 25-6-592 (C) to allow the alley to be used for loading and unloading.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of both waivers with conditions.

DEPARTMENT COMMENTS:

This site is within the Congress Avenue Overlay and is within the National Registered Historic District. The applicant is proposing a hotel with a restaurant, bar, and events area, with off-site parking located at 4th Street and Congress. The applicant is proposing a curb cut for a three parallel spaces on Congress Avenue. The applicant has indicated a need for a drop off zone in front of the building to accommodate their customers.

This site is located within the Desired Development Zone where development is encouraged to locate. The associated zoning case was heard by the Downtown Commission, the Design Commission, and the Historic Landmark Commission, and all recommended approval of the zoning request. However, only the Downtown Commission addressed the curb modification in their motion. The City Council approved the zoning case on March 24, 2011, granting CBD-H-CURE and increasing the floor-to-area ratio (FAR) to 13:1.

STAFF RECOMMENDATION: Staff recommends approval with conditions of the requested waivers for the following reasons:

Waiver 1: LDC § 25-2-643 (B) to allow a curb cut on Congress Avenue;

This section of the Land Development Code states:

§ 25-2-643 Congress Avenue District

(B) This subsection applies to new development on Congress Avenue or East 6th Street, on streets adjacent to a downtown park or Town Lake, and along a downtown creek.

- (1) Surface parking lots, curb cuts, and unscreened garage openings are prohibited.
- (2) The Land Use Commission may waive the prohibition of this subsection after determining that:
 - (a) compliance with the prohibition is impractical;
 - (b) the proposed project will not unreasonably impair pedestrian or vehicular movement; and
 - (c) adequate precautions have been made for public safety, convenience, and the aesthetic values of the combining district.

Staff Comments:

Compliance with the prohibition is impractical, as there are four existing angled parking spaces and the curb cut is a modification to convert to parallel spaces. The proposed parallel spaces will reduce the number of traffic conflicts along Congress Avenue from the current configuration of four angled spaces, which require vehicles to back out into traffic. The proposed drop-off zone will increase the depth of the sidewalk in this location from 12 to 17 feet and thereby improve pedestrian movement. However, the applicant's proposal will result in the reduction of one street tree planting spaces along the Congress Avenue streetscape.

If the spaces are converted to parallel, they would likely be eligible to be designated as valet spaces through the COA valet procedures administered by the Right-of-Way Management Division of the Austin Transportation Department. Designated valet spaces are not reserved for customers of specific businesses. It is possible that the establishment of valet spaces in this block may be subject to limitations under which, if the valet operation results in vehicles blocking the traffic lanes on Congress Avenue, the valet designation may be revoked.

The alignment of the Urban Rail project is currently proposed for Congress Avenue from Riverside Drive to 9th or 10th Streets. While the final alignment is still undetermined, it could include rail in the outside lanes of Congress Avenue. If so, modification of the proposed valet drop-off zone may be required in the future.

Downtown street trees face tremendous challenges due to their growing conditions, and the vast majority of planted street trees downtown will never reach maturity and therefore will never provide the benefits that mature trees are capable of providing. Replacing downtown street trees on a routine and regular basis is expected due to the harsh growing conditions; however, removing planting spaces from downtown reduces the ability to reap the benefits these trees are able to provide.

Staff recommends approval with conditions:

1. The cost of design and construction will be borne by the applicant. The applicant will work with Public Works Department to coordinate construction details (such as tapered sections, new sidewalk paving material to match the existing sidewalk pavers, use of colored concrete in lieu of bricks within the parking area, etc.) A license agreement will be required.
2. Approval of the parallel parking spaces is subject to renegotiation should it prove to be in conflict with traffic operations or future City of Austin plans for Congress Avenue transportation or streetscape improvements, with or without a rail component.
3. The full appraised value cost of the trees will be required for mitigation, and the applicant will work with the Urban Forestry/Parks and Recreation Department staff on a tree care program for the replacement trees. A minimum of two of the three existing trees need to be replanted (only one planting space can be removed). A license agreement will be required.

Waiver 2: LDC § 25-6-592 (C) to allow the alley to be used for loading and unloading.

This section of the Land Development Code states:

§ 25-6-592 Loading Facility Provisions For The Central Business District (CBD) And A Downtown Mixed Use (DMU) Zoning District.

(C) For a site that is adjacent to an alley:

- (1) the off-street loading facility and trash receptacle location must be accessible from the alley; and
- (2) the alley may not be used for loading or unloading adjacent to a downtown park or Town Lake, and along a downtown creek.

E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:

- (1) waiving the requirement does not create a hazard to pedestrians or vehicles; and
- (2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.

Staff Comments:

The applicant has stated the hotel will have a roll-out dumpster that will be serviced from the alley. The current office use has a dumpster in the alley. An on-site loading space is not practical on site due to the historic building, and the alley will be used for loading and unloading. Public Works has no objections to the use of the alley. **Staff recommends approval of this waiver.**

RELATED ZONING CASE/ACTION: C14-2010-0186, 416 Congress Avenue

PLANNING COMMISSION: On February 22, 2011, the Planning Commission voted to approve staff's recommendation for CBD-H-CURE zoning (9-0 consent).

DOWNTOWN COMMISSION RECOMMENDATION: The Downtown Commission at their regularly scheduled meeting on January 19th, 2011, voted on a resolution to support: 1) rezoning from CBD to CBD-CURE-H with 13:1 FAR and historic (H) zoning, and 2) a curb modification to allow for 24-hour valet parking in front of the hotel was approved (11-0-1).

DESIGN COMMISSION RECOMMENDATION: The Design Commission at their regularly scheduled meeting on January 24th, 2011, voted to approve a motion to support the project as requested and asked that if the building design changes to return to the Commission for a presentation. A friendly amendment to support hotel use only; the motion was approved (4-0).

HISTORIC LANDMARK COMMISSION RECOMMENDATION: The Historic Landmark Commission at a special called meeting on February 9th, 2011, voted to recommend the proposed zoning change from CBD to CBD-CURE-H for the property's significance in architecture, historical associations, and community value. Vote: 5-0

PROJECT INFORMATION:

F.A.R. ALLOWED: 13:1	PROPOSED F.A.R.: 13:1
MAX. IMPERVIOUS CVRG: 100%	PROPOSED IMPERVIOUS CVRG: 100%
MAX BUILDING CVRG: 100%	PROPOSED BUILDING CVRG: 100%
MAX HEIGHT ALLOWED: Based on FAR	PROPOSED HEIGHT: 286 feet, 26 stories
APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance	
CAPITOL VIEW: South Congress	
T.I.A.: Not required	

SURROUNDING CONDITIONS:

	ZONING	LAND USES
SITE	CBD-H-CURE	Proposed mixed use Building
NORTH	CBD	Mixed use Building
SOUTH	CBD-H	Mixed use Building
EAST	CBD-CURE	Mixed use Building
WEST	CBD	Mixed use Building

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Congress Avenue	120'	60'	Arterial
Fourth Street	80'	40'	Commercial Collector

NEIGHBORHOOD ORGANIZATIONS:

- Homeless Neighborhood Assn.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association C14-2010-0186



CBD-CURE

W 5TH ST

CBD-CURE

W 5TH ST

CONGRESS AVE

CBD

CBD-H

CBD

CBD

CBD-H-CURE

CBD-H

CBD

W 5TH ST

W 4TH ST

CBD-H

COLORADO ST

CBD

RECEIVED
APR 20 2011
CITY OF DENVER
PLANNING DEPARTMENT
1011 10th St

W 4TH ST

CBD-H

W 3TH ST

CBD-CURE

CBD

W 4TH ST

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COLORADO ST



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July 25, 2011

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

RE: Boutique Hotel at 416 Congress
416 Congress Avenue, Austin, Texas 78701
SP-2011-0013CT

Dear Mr. Guernsey:

Please accept this letter as our request for a two variances on the Boutique Hotel at 416 Congress, located at 416 Congress Avenue in Austin, Travis County, Texas. The site is currently occupied by the historic Robinson building, which contains a bar on the first floor and office space on the second and third floors. The proposed redevelopment associated with these variance requests will result in a 27 story hotel built upon a remodel of the first three (3) stories that currently exist. The variances that are being requested include:

1. A variance from the Land Development Code Section 25-2-643, which "prohibits curb cuts for new developments on Congress Avenue or East 6th Street, on streets adjacent to a downtown park or Town Lake, and along a downtown creek." This variance is being requested due to the fact that this change is a curb modification to alter four (4) of the existing head-in parking spaces into three (3) parallel parking spaces. The justification for this request is that the parking spaces already exist and are being modified to improve the sidewalk conditions in front of the Boutique Hotel and allow for more sidewalk space without the head-in parking. Due to the fact that this alteration to the parking will also affect the parking spaces in front of the adjoining properties, they have issued letters in support of this variance request.
2. A variance from the Land Development Code Section 25-6-592, which requires, "within the CBD and DMU districts, buildings over 10,000 square feet must provide space for off-street loading and trash receptacles. For sites adjacent to an alley, loading and trash collection must be accessible from the alley, but the alley itself may not be used for loading or unloading." This variance is being requested and is justified due to the limited size of the lot being developed and the existing conditions in this alley. At this time, the alley is used for loading and unloading at the current 416 Congress building and at the other buildings along this block and there is no conflict. In addition, the existing trash receptacles that are in the alley do not interfere with the operation of the alley.

We appreciate your efforts in reviewing these variance requests and should you have any questions or require clarification on any items, please don't hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Bradley J. Lingvai".

Bradley J. Lingvai, P.E.
Vice President
BIG RED DOG Engineering | Consulting
Texas Registration # F-11201

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Welch, Sue

From: Brad Lingvai [brad.lingvai@BIGREDDOG.com]
Sent: Thursday, August 04, 2011 8:00 AM
To: Welch, Sue
Cc: krolicki@dcarch.com; Mike Mchone
Subject: 416 neighbor consent for parking modification

Hello Sue,

Per our conversation yesterday afternoon, the neighbors on the north and south side of the 416 Congress property are both agreeable to the proposed parking changes in front of their properties, as well. We are in the process of getting their sign offs and will have them delivered to you before the commission meeting. I will have that documentation delivered to you as soon as we receive it.

Thanks,



Brad Lingvai, P.E.
BIG RED DOG
Vice President
512.669.5560
brad.lingvai@BIGREDDOG.com
www.BIGREDDOG.com

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or who's declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2011-0013CT
 Contact: Sue Welch, 512-974-3294 or Yolanda Parada, 512-974-2784
 Public Hearing: August 9, 2011

I am in favor
 I object

MARY OGDEN

Your Name (please print)

8/2/11

Your address(es) affected by this application

Mary D. Ogden

Signature

Date

Daytime Telephone: 474 1285 328 2574

Comments:

Hope it has enough parking
 We are very short of parking.
 Also, I greatly oppose the City's
 allowing food trailers in the 200
 block of Congress next to my
 restaurant in ~~the~~ Competition
 with my tenant.

If you use this form to comment, it may be returned to:

City of Austin
 Planning and Development Review - 4th floor
 Sue Welch
 P. O. Box 1088
 Austin, TX 78767-8810

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