

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, July 11, 2011**

**CASE NUMBER: C15-2011-0066**

\_\_\_\_\_ Jeff Jack Motion to Postpone to Oct 10 2011  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King 2<sup>nd</sup> the Motion  
\_\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_\_ Heidi Goebel

**APPLICANT: Sidney Bowen**

**OWNER: Cynthia Jordan**

**ADDRESS: 704 CESAR CHAVEZ ST**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 400 off-street parking spaces to 200 off-street parking spaces in order to erect a Cultural Services Use in a "P" Public zoning district. The Land Development Code requires one parking space for each 500 square feet for a Cultural Services Use.

**BOARD'S DECISION:** June 13, 2011 POSTPONED TO JULY 11, 2011

**BOARD'S DECISION:** July 11, 2011 The public hearing was closed on Board Member Jeff Jack motion to Postponed to October 10, 2011, Board Member Bryan King second on a 7-0 vote; POSPONED TO October 10, 2011 (*Applicant working with staff to determine appropriate level of parking spaces*).

**FINDINGS:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

**PARKING:** (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because:
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_  
Susan Walker  
Executive Liaison

\_\_\_\_\_  
Leane Heldenfels  
Chairman



CASE # CS-2011-0066  
ROW-10590026  
TP-0105000501

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

704

STREET ADDRESS: West Cesar Chavez Street

LEGAL DESCRIPTION: Subdivision – Original City, Block – 186

Lots – 1,2,7,8, parts of lots 3 and 6 together with a portion of the vacated alley transversing Block 186

We, Lake|Flato Shepley Bulfinch, a Joint Venture, as authorized agent for the City of Austin affirm that on 4.26.2011, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - An 185,000 to 200,000 gross square foot New Central Library in a "P" zoning district.

400 req'd → 200 provided

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

① Allan

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The New Central Library has been approved by City Council on December 9, 2010 with a requirement of 200 parking spaces.

Based on the building type of a Public Library – Cultural Services and the current zoning classification of “P” the project requires a parking capacity of 400 spaces as shown below:

1 parking space for every 500 square feet of building area

Maximum square foot building = 200,000 gross sq. ft.

200,000/500 = 400 spaces

Civic Use - Cultural Services (Public Library) – Section 25-2-6-15

Sect. 25 - Appendix A, Schedule B Tables of Off-Street Parking and Loading Requirements

The “P” zoning group allows for flexible parking counts based on defined uses. The intended use of this project as a community centered building meets many of the stated goals identified in the definition of the Central Business District zoning group as follows:

Central Business District Designation - Section 25-2-100

B-3 create a network of pleasant public spaces and pedestrian amenities in the downtown area

B-4 enhance existing structures, historic features, and circulation patterns in the downtown area

B-5 consider significant natural features and topography in the downtown area

Several of the parcels of land surrounding the site for the New Central Library are in the Central Business District zoning district. These Parcels are only allowed to provide between 20% and 60% of the parking capacity of Appendix A25-6-591-A-3.

If the parking requirements of the CBD zoning were applied to this project, because it's goals are aligned with those of the CBD project, our required parking capacity would be between 80 and 240 spaces (400 x 20% = 80; 400 x 60% = 240) based on the required capacity of Appendix A shown above, and would be in compliance with the City Council directive.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

With the approval of the New Central Library as a free resource for the citizens of Austin, the City Council required a building that is 200,000 gross square feet (120,000 net square feet) and 200 parking spaces. Between the size of building and the 200 car parking requirement the site does not have the physical room to provide the parking capacity required by the zoning ordinance.

The buildable are of the site is 45,000 square feet which the design team will maximize in order to provide a Library structure that will be adaptable over time as directed by City Council. Current plans for the below grade garage structure indicate 2 levels of parking. Each level of parking is approximately 44,000 square feet per floor plate and will accommodate 110 cars. Changing the footprint of either the building or the parking garage will result in inefficient less adaptable structures that will not comply with the City Council directive.

Additionally, providing the parking capacity required by the zoning classification would be contrary to the directive of City Council.

- (b) The hardship is not general to the area in which the property is located because:

City Council has not dictated the amount of parking required for adjacent area properties.

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**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The project location in a dense urban setting will mean that many of the users will arrive via many alternate forms of transportation.

Adjacent uses of the Shoal Creek Greenbelt, Austin Energy Substation and Seaholm redevelopment will not be affected by a reduced parking capacity.

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**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

The anticipated traffic to and from the building will not enter or leave the site simultaneously. Unlike the planned adjacent commercial or residential facilities where the volume is larger and more predictable, the Library represents smaller numbers that do not typically arrive or depart en mass.

An exception would be a unique large program event at the library, in which case the City's Right-of-Way Management Division of the Planning and Development Review Department will most likely be involved in planning for the unique event. It is not currently anticipated that this will be a regular occurrence, but would be an atypical event possibly involving a street closure for an event extending into the district. Also, in this case, the district's public and private parking facilities can reduce the load for these special events, which are thought to typically take place outside of normal business hours.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Adjacent streets and vehicular and service access to the site will comply with City of Austin's Land Development Code and the Transportation Criteria Manual design standards.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:


The district is being designed to accommodate the parking capacity as required by the Land Development Code. If a variance is granted to comply with the Council-mandated parking capacity, the district will have sufficient capacity, so the variance will not create an increased safety hazard.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:


The variance will run with the intended use of the site as a New Central Library as designated by the City Council. As a major civic building the use of the site will not change without approval from City Council so does not need to be connected to the specific use of the site.

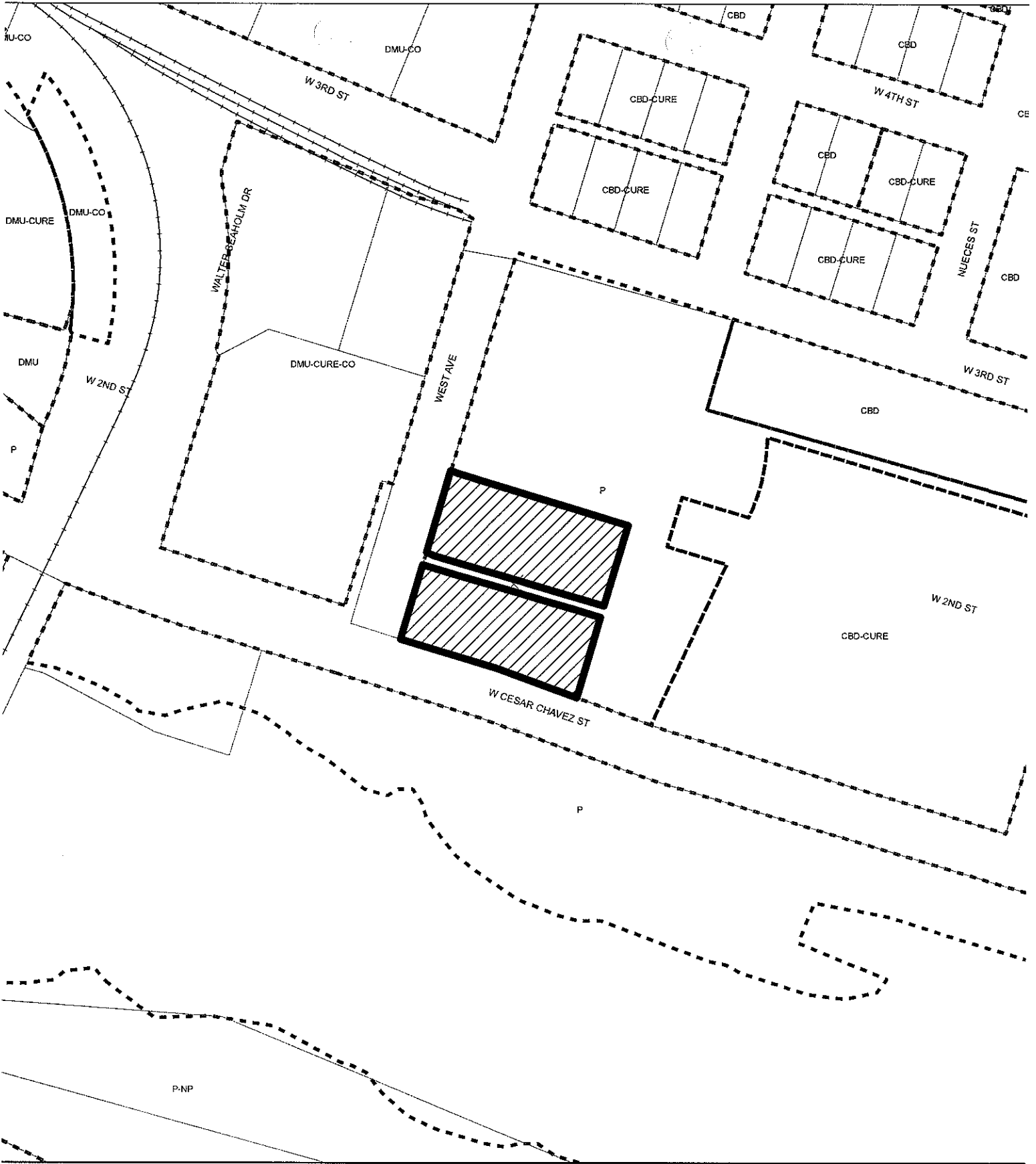
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed -  4.26.11  
Sidney R. Bowen Date  
2 Seaport Lane  
Boston, MA 02210  
617.423.1700



**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed -  5/2/11  
Cynthia De Witt Jordan, Project Manager Date  
Public Works Department  
Project Management Division  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767  
512.974.7183

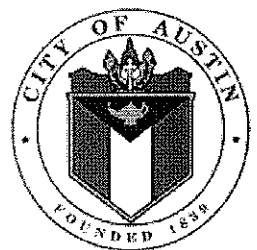


**BOARD OF ADJUSTMENTS**



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0066  
 LOCATION: 704 W CESAR CHAVEZ ST  
 GRID: H22  
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**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.

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 person 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 whose 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 10 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](http://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: C15-2011-0066 - 704 W Cesar Chavez**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 13th, 2011**

Camille Perry

Your Name (please print)

2211 Iva Lane  
Austin TX 78704

Your address(es) affected by this application

Camille M. Perry

Signature

June 6, 2011

Date

Daytime Telephone: (512) 444-0754

Comments: While I am not within 500 ft. anytime the

City allows a variance for less than the minimum  
off-street parking it affects the flow of traffic on  
the streets around that place, affects those patrons  
of the proposed development, and affects surrounding  
developments ALL in a Negative WAY. Therefore  
I am opposed to the above requested variances as  
I travel in that area, and this is 1/2 hr from City Hall  
where the citizens need to go to conduct business.

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

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

I am in favor  
 I object



CASE # CL5-2011-0066  
ROW - 10590026  
TP-0105000501

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Project Management Division  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767  
512.974.7183