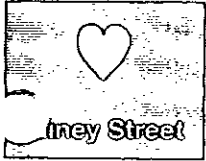


# 76

Rusty Tally, Andre Suissa, Bowta White  
Don Grillo

October 4, 2011

Late Backup



Dear Austin City Council,

We represent over 856 residences in Rainey Street District with a 2011 tax base of over \$231 million. We are writing about item AU-1.4 on page 80 of the Downtown Austin Plan (November 2010 Draft for Community Review) and proposed amendment number 8 from Staff-Recommended Amendments posted on August 25, 2011. The proposed amendment eliminates, "Change cocktail lounge from a permitted use to conditional use." Yet we see in the City of Austin Planning Commission Memo to Austin City Council (Downtown Austin Plan, Items for Consideration during Implementation, Adopted by unanimous vote on August 9, 2011), item 12 says, "The problems with cocktail lounge uses available in all the CBD seem to come more from the Rainey Street area. Consider making cocktail lounge a conditional use in the Rainey Street." Rainey Neighbors Association wholeheartedly supports that August 9 recommendation.

## Rainey Neighbors Association

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The ShoreChris Howle, Vice President  
Hillas On Town LakeAndre Suissa, Sec & Treasurer  
The ShoreRusty Tally  
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We have no objection to permitted use for designated Entertainment Districts, but feel that other CBD areas and especially the Rainey Street District would be far better served by cocktail lounge as conditional use. It is the best and surest tool for ensuring many goals of the Austin Downtown Plan. Rainey Street is a little two-lane street that is frequently overwhelmed by pedestrian and vehicle traffic from Happy Hour until 2 am. As Rainey District continues to acquire new cocktail lounges and the resultant highly concentrated use during the same evening hours, it becomes difficult to imagine how we will manage navigation. It also becomes difficult to imagine how we can achieve mixed use anywhere in the near future as the proliferation of permits for cocktail use has frankly become overwhelming.

There is certainly much agreement with the Austin Downtown Plan picture caption on page 80, "*An over-concentration of bars can threaten the viability of certain Downtown areas,*" but, respectfully, we do not see how the wording in the suggested amendment to AU-1.4 has any real hope of preventing Rainey District from further overdevelopment of cocktail lounges. (Proposed amendment says, "*Explore ways to mitigate the potential negative effects of an over-concentration of cocktail lounges, which can discourage establishing a more balanced set of uses, particularly daytime uses that add to the vitality of Downtown*" and "*Through additional analysis and community input, the City should seek to identify and implement tools that address this issue. If those tools were to include criteria associated with evaluating cocktail lounge uses, those criteria might include: hours of operation criteria – ensuring both a daytime and nighttime presence; compliance with all codes and regulations; and security and other staffing criteria.*") We cannot imagine how long we would have to wait for additional analysis, community input, and seeking to identify and implement as yet unnamed tools. And we fail to see how the specifically mentioned examples would prevent an overabundance of cocktail lounges in any one district or neighborhood.

On the other hand, we do see how extremely helpful and expedient conditional use permitting can be. We were heartened to read Josh Rosenblatt's recent article about how much this tool immediately contributed to neighborhood management. Because of conditional use permitting, it was reported that council was able to vote 7-0 to deny an appeal for a bar permit in an East Austin neighborhood near I-35. In particular the article reports Council Member Chris Riley as saying, "Cocktail lounges can have a particularly troublesome effect in regard to maintaining a healthy mix of uses on a street." The article goes on to say, "Council Member Mike Martinez pointed out that the zoning strictures of the Plaza Saltillo district give city officials the opportunity to ensure that the East Sixth Street area is developed in a way that prevents it from becoming a new Rainey Street." And that Council Member Martinez said, "We need a mix of uses as opposed to just this constant proliferation of bars. We need to make sure we're not inundating certain parts of town with just a single kind of use."

Longingly, Rainey District residents wish that we could have the powerful tool of conditional use. We still have several vacant lots and around 21 houses that are not yet converted to bars.

We ask that if not for all non-entertainment CBD, that at least for Rainey District, create a special overlay where cocktail use is conditional. And please, as soon as possible.

Sincerely,  
Rainey Neighbors Association