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**PLANNING COMMISISON SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2014-0060A **PC DATE:** May 27, 2014

**PROJECT NAME:** 94 Rainey Street (Cocktail Lounge)

**ADDRESS OF APPLICATION:** 94 Rainey Street

**APPLICANT:** Figueroa Enterprises, Inc. (Armando Figueroa)

**AGENT:** Bowman Consulting (Jim Herbert)

**AREA:** 0.184 acres  
**WATERSHED:** Waller Creek and Lady Bird Lake (Urban)  
**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance (Urban)  
**T.I.A.:** N/A  
**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit for a one-story 1,825 square foot cocktail lounge. Remodeling and addition of the existing buildings is associated with this site plan. This site is located within the Rainey Street subdistrict of the Waterfront Overlay; therefore, a conditional use permit is required.

**EXISTING ZONING:** The property on which the proposed cocktail lounge will be located is zoned CBD.

**NEIGHBORHOOD ORGNIZATIONS:**

Downtown Austin Neighborhood Coalition  
Austin Independent School District  
Beyond2ndNature  
Rainey District Property Owners  
Greater East Austin Neighborhood Association  
Austin Heritage Tree Foundation  
Sierra Club, Austin Regional Group  
SEL Texas  
Friends of Emma Barrientos MACC  
Bike Austin  
City of Austin Downtown Commission  
Save Town Lake.Org  
Tejano Town  
Rainey Neighbors Association  
Downtown Austin Neighborhood Association (DANA)  
Preservation Austin  
Austin Parks Foundation  
Austin Neighborhoods Council  
Waller Creek Conservancy  
El Concilio  
Friends of Rainey Street Historic District  
The Real Estate Council of Austin, Inc.  
Super Duper Neighborhood Objectors and Appealers Organization

Homeless Neighborhood Association  
Austin Monorail Project  
Waterfront Planning Advisory Board

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**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

**DEPARTMENT COMMENTS:**

The proposed cocktail lounge is a conditional use in the Rainey Street Waterfront Overlay subdistrict as per LDC Section 25-2-692(K).

**CASE MANAGER:** Michael Simmons-Smith Telephone: 974-1225  
[michael.simmons-smith@austintexas.gov2](mailto:michael.simmons-smith@austintexas.gov2)

**PROJECT INFORMATION:** 0.184 acres

**EXIST. ZONING:** CBD

**MAX. BLDG. COVERAGE:** 100%

**PROPOSED BLDG. CVRG:** 22.8%

**MAX. IMPERVIOUS CVRG.:** 100%

**PROPOSED IMPERVIOUS CVRG:** 49.9%

**REQUIRED PARKING:** none

**PROVIDED PARKING:** none

**SURROUNDING CONDITIONS:**

**Zoning/ Land Use**

|               |                       |
|---------------|-----------------------|
| <b>North:</b> | CBD (cocktail lounge) |
| <b>East:</b>  | CBD (mixed use)       |
| <b>South:</b> | CBD (cocktail lounge) |
| <b>West:</b>  | CBD (mixed use)       |

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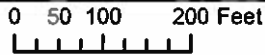
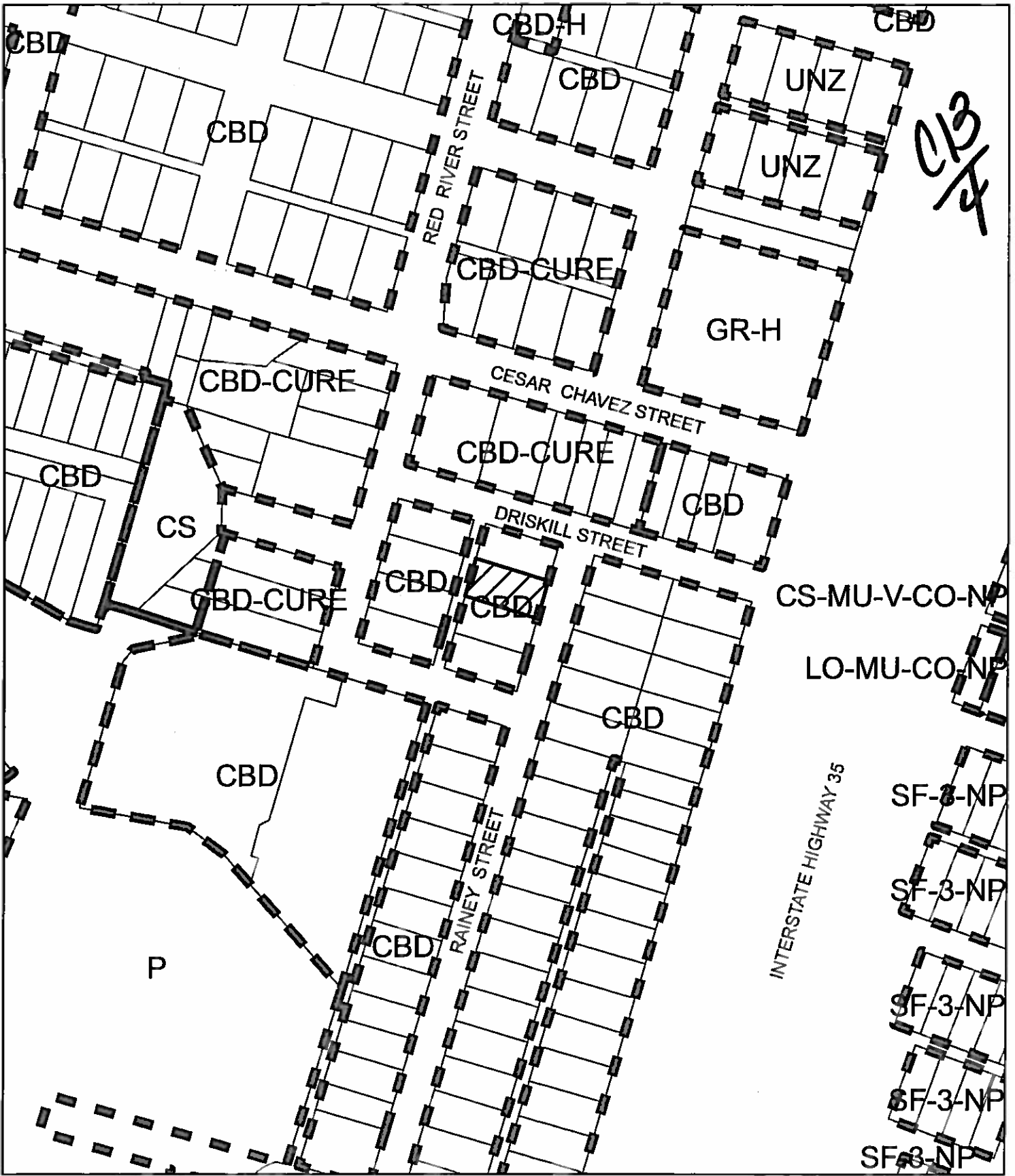
**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

1. **Comply with the requirements of this title;**  
Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.
2. **Comply with the objectives and purposes of the zoning district;**  
Staff Response: The proposed cocktail lounge use is a conditional use in the Rainey Street subdistrict.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**  
Staff Response: The site plan will comply with all requirements of the CBD zoning district.
4. **Provide adequate and convenient off-street parking;**  
Staff Response: No off-street parking is required in the CBD zoning district.
5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**  
Staff Response: The site plan will comply with all requirements of the Land Development Code, and reasonably protects the health, safety, and welfare of persons and property.
6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay.

**In addition, a conditional use site plan may not:**

7. **More adversely affect an adjoining site than would a permitted use;**  
A cocktail lounge will have no more impact on adjoining properties than other permitted uses in the CBD zoning district which could operate with similar or later hours than the proposed cocktail lounge.
8. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**  
Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.
9. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs will comply with the Land Development Code.



**CONDITIONAL USE PERMIT**

CASE NO.: SPC-2014-0060A  
 ADDRESS: 94 RAINY STREET  
 CASE MANAGER: MICHAEL SIMMONS-SMITH





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March 23, 2014

To Whom It May Concern:

The Rainey Neighbors Association represents 856 condo/apartment residences on and around Rainey Street that include the Villas on Town Lake, the Towers on Town Lake, Milago, The Shore and Windsor on the Lake. The 320 unit SkyHouse Austin is in the process of joining the Rainey Neighbors Association and at that time we will represent 1,176 residences.

We support the move of Lustre Pearl from 97 Rainey to 94 Rainey. Although we strongly support the conditional use permit for cocktail lounges in our neighborhood in order to prevent it becoming a de facto "entertainment district," we view this particular permit in a different light. Lustre Pearl was the first bar on Rainey Street and has a history of being a good neighbor. Christian Hawkins who is the General Manager of Lustre Pearl, Clive Bar, Bar 96 and the new Container Bar, all of which are in our neighborhood, has made it a point of communicating with and responding to issues and concerns we have concerning these bars.

We look forward to the city's plan to improve the streets, sidewalks and lighting in our neighborhood this summer. This improvement in infrastructure is long overdue with the dozen or so bars, growing number of restaurants, new hotels and a neighborhood population that will soon approach 2,000 residents.

Please let us know if there is any additional information we need to provide to you.

Sincerely,

Bonita White, President

**Rainey Neighbors Association**

Bonita White  
Villas On Town Lake

Kathryn McMahon  
Milago

Andre Suissa  
The Shore

Lindy Cobb  
Windsor on the Lake

Don Grillo  
Towers of Town Lake

Rusty Tally  
Milago

Clif Steed  
The Shore

Doug Kissner  
Towers of Town Lake

Phyllis Fletcher  
Villas On Town Lake