

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

CASE NUMBER: SPC-2019-0451A

PC DATE: 2/25/2020

PROJECT NAME: 78 Rainey Street CUP

ADDRESS OF APPLICATION: 78 Rainey Street

AREA: 1,288 sf (footprint of enclosed cocktail lounge structure) / 414 sf (footprint of cocktail lounge outdoor seating area and deck contiguous to enclosed structure)

APPLICANT: Ashland Rainey LLC
165 W 73rd St (512) 476-4725
New York, NY 10023

AGENT: WGI
2021 E. 5th St, Suite 200 (512) 669-5560
Austin, TX 78702

CASE MANAGER: Renee Johns Phone: (512) 974-2711
Renee.Johns@austintexas.gov

PROPOSED USE: Cocktail Lounge

EXISTING ZONING: CBD

NEIGHBORHOOD PLAN: N/A

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for a cocktail lounge in one existing building located in the historic Rainey Street District, totaling 1,288 sf of indoor space, and a proposed 414 sf outdoor seating area and deck, for a grand total of 1,702 sf of CUP Cocktail Lounge space. The hours of operation will be Monday – Friday 6pm to 2am and Saturday and Sunday 12pm to 2am. No construction will occur with this permit but will be permitted either as a B-plan (construction site plan) or as a site plan exemption.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. Cocktail lounge is typically a use allowed in a CBD zoning district, the Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district. The site plan will comply with all requirements of the Land Development Code prior to its release.

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff evaluation on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The 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 application complies with the requirements of this title.

2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. The CBD zoning district allows cocktail lounge use. The Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: Yes, there are no SF-5 or more restrictive zoning districts or permitted land uses abutting the site.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: Proposed use complies with code.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of the listed adverse effects.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed site plan does not appear to more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The cocktail lounge land use will be located on an already developed site and is not anticipated to affect pedestrian or vehicular circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The site will comply with all applicable sign regulations in the Land Development Code.

COMMISSION ACTION:

The Commission may either; approve, approve with conditions or deny the conditional use site plan permit.

To make a determination required for approval under [Section 25-5-145](#) (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- 1) **A special yard, open space, buffer, fence, wall, or screen;**
- 2) **Landscaping or erosion;**
- 3) **A street improvement or dedication, vehicular ingress and egress, or traffic circulation;**
- 4) **Signs;**
- 5) **Characteristics of operation, including hours;**
- 6) **A development schedule; or**
- 7) **Other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.**

PROJECT INFORMATION

Gross Site Area	1,702 sf (cocktail lounge) / 7,203 sf (gross site area)
Existing Zoning	CBD
Watershed	Waller Creek / Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	N/A, not required
Capitol View Corridor	N/A
Proposed Access	N/A (all parking provided off-site)
Proposed Impervious Cover	5,661 sf / 78.59%
Proposed Building Coverage	1,288 sf / 17.9%
Height	1 story
Parking required: None/ CBD	Parking proposed: None/ CBD

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CBD	Cocktail Lounge (proposed)
<i>North</i>	CBD	Food Truck Lot
<i>South</i>	CBD	Cocktail Lounge
<i>East</i>	Rainey St then CBD	Restaurant/Cocktail Lounge (Banger's)
<i>West</i>	Alley then CBD	Multi-family

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use. The existing building is within the historic Rainey Street District.

There are no parking requirements for this site because the zoning district CBD does not require any parking. ATD has reviewed the change in land use proposed with this CUP and the Department requires the applicant to mitigate the pedestrian traffic impacts in this area. Staff requires construction of missing sidewalks generally from the north end of 84 Rainey Street to Southern End of 82 Rainey St. This can be done via site plan exemption after approval of the CUP.

The site plan complies with all requirements of the Land Development Code.

NEIGHBORHOOD ORGANIZATIONS:

- | | |
|------------------------------------|------------------------------------|
| Austin Independent School District | Neighborhood Empowerment |
| Austin Neighborhoods Council | Foundation |
| Bike Austin | Preservation Austin |
| City of Austin Downtown Commission | Rainey Neighbors Association, INC. |
| Downtown Neighborhood Association | SEL Texas |
| El Concilio Mexican-American | The Shore Condominium Association, |
| Neighborhoods | Inc. |
| Friends of Austin Neighborhoods | Sierra Club, Austin Regional Group |
| Friends of the Emma Barrientos | Tejano Town |
| MACC | Town Lake Neighborhood Association |
| Greater East Austin Neighborhood | Waterloo Greenway |
| Association | Willow Spence Historic District |
| Homeless Neighborhood Association | Neighborhood Association |
| Lower Waller Creek | |



October 4, 2019

30195042.00

Ms. Denise Lucas
Development Services Department
505 Barton Springs Road
Austin, Texas 78704

RE: Engineer's Summary Letter
78 Rainey Street, C.U.P.
78 Rainey Street, Austin, Travis County, Texas

Dear Ms. Lucas:

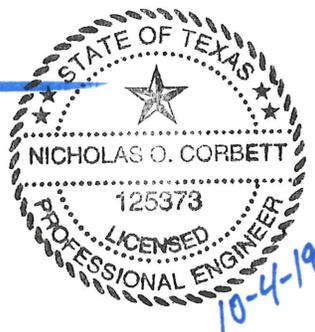
Please accept this Engineer's Summary Letter along with the accompanying conditional use site plan application package for the proposed 78 Rainey Street C.U.P. project. The proposed project is located at 78 Rainey Street, located entirely within the Full Purpose limits of the City of Austin, in Travis County, Texas. The subject site is approximately ±0.17 acres and is currently a sales office. The proposed project will consist of a conditional use permit that changes the use of the site from office to cocktail lounge.

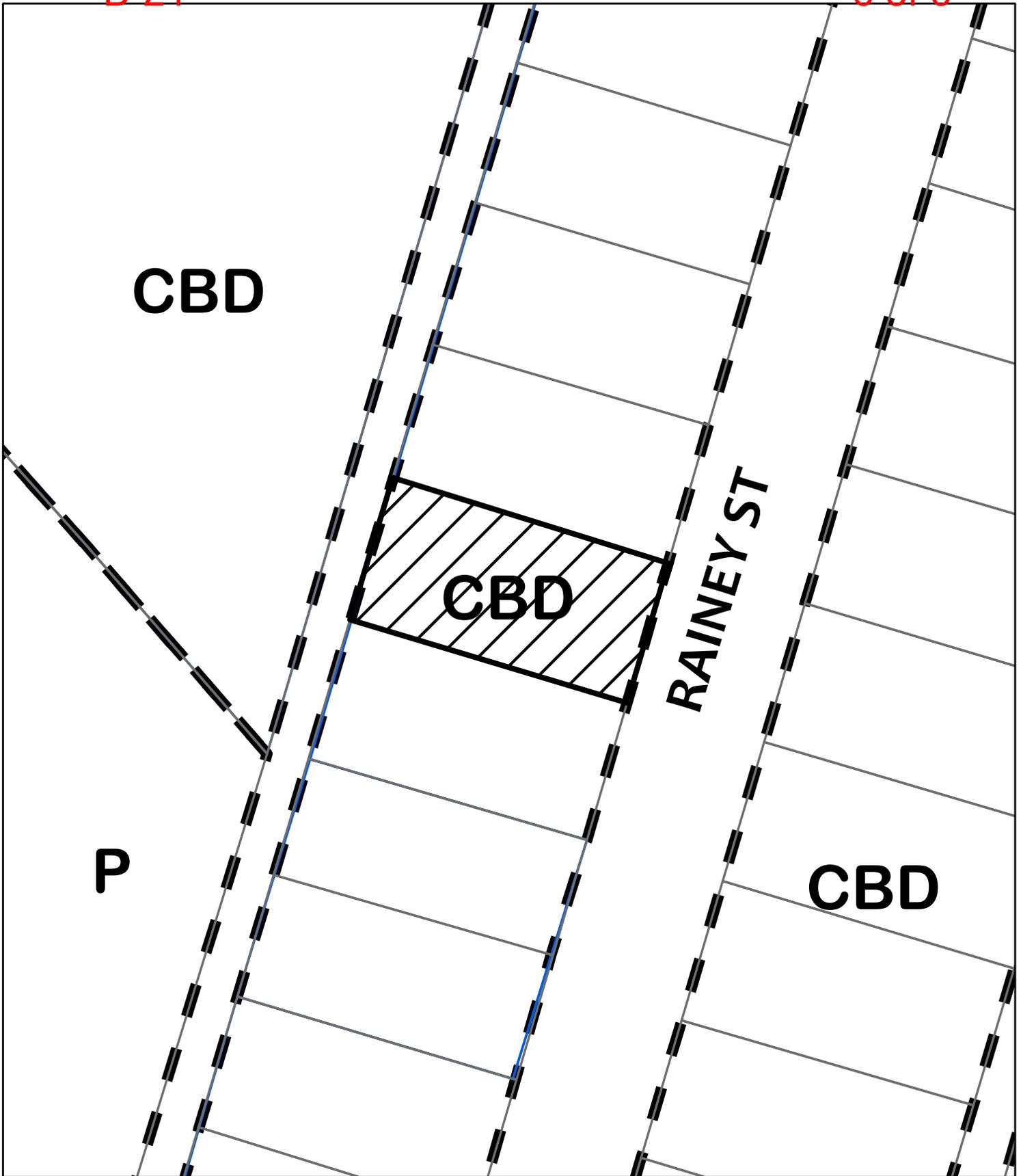
The property is located within the Lady Bird Lake and Waller Creek Watersheds, which are classified as Urban Watersheds. No portion of the subject site is located within the Edwards Aquifer Recharge or Contributing Zone as defined by the Texas Commission on Environmental Quality (TCEQ). Additionally, no portion of the subject tract is located within a 100-year FEMA designated flood plain as shown on FEMA Map Panel No. 48453C0465J, effective on 01/06/2016. Additionally, all development will be regulated under the applicable City of Austin zoning ordinances.

To our knowledge, the enclosed application materials are complete, correct, and in full compliance with the Land Development Code and Technical Criteria Manuals of the City of Austin. Should you have any questions regarding this project or application, please do not hesitate to contact our office.

Sincerely,
WGI
Texas Engineering Firm No. F-15085

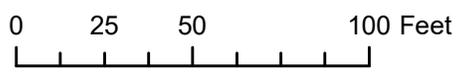
Nicholas O. Corbett, P.E.
Project Engineer





 SUBJECT TRACT
 ZONING BOUNDARY

CASE#: SPC-2019-0451A
 ADDRESS: 78 Rainey St
 CASE NAME: 78 Rainey St CUP
 MANAGER: Renee Johns



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