



May 5, 2020

Stuart Warren
3418 N Lamar Blvd
Austin TX, 78705

Property Description: LOT A - EHRLICH ADDN

Re: C15-2020-0018

Dear Stuart,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) to the following section of Land Development Code;

Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*); to reduce the number of required parking spaces from 67 spaces (required) to 43 spaces (requested, 45 spaces existing);

In order to remodel an existing 5,760 sq. ft. building for a restaurant use in a "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use building – Conditional Overlay – Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan)

Austin Energy does not oppose the above variance request provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

From: [Ramirez, Elaine](#)
To: [Ramirez, Diana](#)
Subject: Withdrawing Item I-3 / C15-2020-0018 / 3418 N. Lamar Blvd
Date: Tuesday, May 5, 2020 12:47:04 PM
Attachments: [image001.png](#)

Can you please include this e-mail in the shared folder for the above case?

Respectfully,

Elaine Ramirez

Senior Planner / Board of Adjustment Liaison

City of Austin Development Services Department

One Texas Center / 505 Barton Springs Rd / 1st Floor

Office: 512-974-2202



PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).
Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

From: [REDACTED]
Sent: Tuesday, May 05, 2020 11:43 AM
To: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Cc: [REDACTED]
Subject: RE: REMINDER: Applicants of the Mon. 5/11/2020 BOA mtg.

*** External Email - Exercise Caution ***

Hi Elaine-

I hope this email finds you well. Unfortunately, we must withdraw our application for a parking zoning variance for 3418 North Lamar Boulevard, as we are unable to move forward with our plans to remodel this property for a restaurant use. See attached application. We were scheduled to be part of the May 11, 2020 meeting. Please remove our application from the agenda.

We thank you for your time in handling this matter.

Regards,
Stuart Warren

Stuart Warren VP, Deputy General Counsel


Fox Restaurant Concepts

direct: 480.905.6918
4455 E Camelback Rd #B100
Phoenix, AZ 85018

From: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>

Sent: Friday, May 1, 2020 6:25 AM

To: Jason Thumlert [REDACTED]

[REDACTED]

Cc: Ramirez, Diana <Diana.Ramirez@austintexas.gov>

Subject: REMINDER: Applicants of the Mon. 5/11/2020 BOA mtg.

Hello Applicants of the Mon. May 11, 2020 BOA meeting-

Please read this entire e-mail

Under the current situation the BOA meeting will be held virtually for the month of May. **IF** you will be making a Presentation, I will need your presentation sent to me by 3p.m. on Wed. May. 6, 2020, per our IT Dept. **no late Presentations or updated Presentations will be accepted** after 3p.m. on Wed. May 6th. It will need to be labeled with case # and address and e-mailed to me in PDF format.

Also per our IT Dept. please know that using a headset with a microphone will give you the best meeting experience. If meeting participants are calling (using a phone) in to the meeting, and using video from an iPad or computer, they will need to mute the microphone on the other device, and mute the audio from the other device. They are either calling in for audio, or they are using their PC or iPad for audio...they cannot use both, it causes major issues with audio feedback.

Board of Adjustment meeting to be held Monday, May 11, 2020 with Social Distancing Modifications

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers including Applicant(s) must register in advance (Day before the scheduled meeting, May 10, 2020 before Noon).** To speak remotely at the May 11, 2020 Board of Adjustment Meeting, residents and Applicant(s) must:

- Email the board liaison at elaine.ramirez@austintexas.gov (the day before the meeting). The information required is the speaker name, item number(s), Case number, and telephone number and/or email address.
- Once a request to speak has been emailed to the board liaison, applicants will receive either an email or phone call providing the telephone number to call on the day of the scheduled meeting.
- Speakers **must** call in at least 30 minutes prior to meeting start in order to speak, late callers will not be accepted and will not be able to speak.
- Speakers will be placed in a queue until their time to speak. (Please keep in mind you could be on hold for quite some time)
- No donation of time
- Postponement request must be sent by 3p.m. Monday, day of meeting to Liaison(s) – Elaine Ramirez and Diana Ramirez
- 10 p.m. hardstop, items on the table will be postponed to the next meeting.

• Residents may watch the meeting here: <http://www.austintexas.gov/page/watch-atxn-live>

Respectfully,

Elaine Ramirez

Planner Senior / Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center / 505 Barton Springs Rd / 1st Floor

Office: 512-974-2202



Building a Better and Safer Austin Together

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CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0018

BOA DATE: April 13, 2020

ADDRESS: 3418 N. Lamar Blvd.

COUNCIL DISTRICT: 10

OWNER: Robert M. Ehrlich Jr.

AGENT: Stewart Warren

ZONING: CS-V-NP

LEGAL DESCRIPTION: LOT A EHRLICH ADDN

VARIANCE REQUEST: reduce number of required parking spaces from 67 spaces to 43 spaces

SUMMARY: restaurant use

ISSUES: property cannot accommodate additional on-site parking.

	ZONING	LAND USES
<i>Site</i>	CS-V-NP	General Commercial Services-Vertical Mixed Use
<i>North</i>	CS-V-NP	General Commercial Services-Vertical Mixed Use
<i>South</i>	CS-V-NP	General Commercial Services-Vertical Mixed Use
<i>East</i>	P-NP	Public
<i>West</i>	CS-NP	General Commercial Services

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Central Austin Community Development Corporation

Central West Austin Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 333'

NOTIFICATIONS

CASE#: C15-2020-0018

LOCATION: 3418 N LAMAR BLVD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 3418 North Lamar Boulevard, Austin, Texas 78705

Subdivision Legal Description:

Lot A, EHRLICH SUBDIVISION, an Addition in TRAVIS County, Texas, according to the map or plat

Lot(s): 1 (Lot A) Block(s): n/a

Outlot: n/a Division: n/a

Zoning District: CS-V-NP, Gen. Comm. Srves. w/in the Vert. Mixed Use Overlay & Neighborhood Plan
(Central West Austin Combined)

I/We Doughbird Holding Company LLC (tenant) on behalf of myself/ourselves as
authorized agent for Ehrlich Lamar, Ltd. (landlord) affirm that on

Month April, Day 13, Year 2020, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: stand-alone, single story building for restaurant use originally constructed in 1974

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC 25-6-472 “Parking Facility Standards” requires parking to be provided in accordance with Appendix A “Tables of Off-Street Parking and Loading Requirements”. For a restaurant use over 2,500 sf, 1 parking space for each 75 sf of the building and patio area is required. Existing building contains 5,760 sf and would require 77 spaces per code but is grandfathered at 45 spaces. Prior tenant added 2,344 sf patio, requiring 25 additional spaces (with 80% reduction). (See Section 6: Additional Space for more information.)

Section 2: Variance Findings

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 supporting documents.

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.

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

Reasonable Use

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

Property cannot accommodate additional on-site parking. Café Express, the prior restaurant, obtained 24 off-site spaces from nearby US postal office under a parking lease but this lease was terminated when Café Express permanently closed. Doughbird, the new would-be restaurant, intends to remodel the building, preserving the current interior square footage while reducing the patio area to approximately 2,004 sf. LDC 25-6-471’s parking requirements nevertheless prevent Doughbird from remodeling and operating a restaurant from the property, which now sits vacant. Doughbird’s lease has an initial 15-year term but Doughbird may terminate its lease if the property’s parking problem cannot be resolved.

Hardship

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

Historically, the property has been used for restaurants—previously Le Madeleine French Bakery and Café followed by Café Express. Strict enforcement of LDC 25-6-471 prevents Doughbird from investing funds to renovate and refresh the building and thereby continuing a viable restaurant use on the property. The building and parking lot configuration and impervious cover limits physically prevent construction of additional on-site parking spaces to accommodate current code requirements.

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

The property is surrounded by hospital and medical office building uses with structured parking. We would like to make use of existing structure in its current configuration.

Area Character

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 property's restaurant use remains the same after remodel and the number of on-site parking spaces will not be reduced. The area is non-residential. Adjacent hospital and medical office building uses place pressure on daytime parking during the week but not at nights and on weekends. Employees working in the area will be able to walk to Doughbird for lunch. Parking in the area is otherwise not congested.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

After the remodel, the interior square footage of the building will remain the same and the patio area will be slightly reduced and, therefore, no additional parking or loading of vehicles is anticipated over current parking demand. Restaurant use allows medical workers to stay in the local area for lunchtime meals.

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:

The property's use will remain restaurant use with no change to site plan configuration. The property will easily accommodate after-hours food deliveries. Doughbird plans on designating to-go spaces to facilitate to-go orders whether by customers or a third-party delivery service such as DoorDash.

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 property's use will remain restaurant use with no change to site plan configuration.

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

LDC 25-6-471 applies to restaurant use only. If and when the property is no longer used as a restaurant, the variance would no longer be required.

Section 3: Applicant Certificate

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

Applicant Signature: [Signature] Date: 3/6/2020

Applicant Name (typed or printed): Doughbird Holding Company LLC (attn: Stuart Warren)

Applicant Mailing Address: 4455 E. Camelback Road, Suite B100

City: Phoenix State: Arizona Zip: 85018

Phone (will be public information): (480) 905 - 6920

Email (optional – will be public information): [Redacted]

Section 4: Owner Certificate

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

Owner Signature: [Signature] Date: 3/5/2020

Owner Name (typed or printed): Ehrlich Lamar, Ltd. (attn: Robert M. Ehrlich, Jr.)

Owner Mailing Address: 1601 W. 28th Street, Suite 206

City: Austin State: Texas Zip: 78731

Phone (will be public information): (512) 751-6863

Email (optional – will be public information): [Redacted]

Section 5: Agent Information

Agent Name: Doughbird Holding Company LLC (attn: Stuart Warren)

Agent Mailing Address: 4455 E. Camelback Road, Suite B100

City: Phoenix State: Arizona Zip: 85018

Phone (will be public information): (480) 905 - 6920

Email (optional – will be public information):

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

- The number of grandfathered parking spaces (45) was obtained from the Café Express Offsite Parking Plan SP-2010-0526T. A copy of this plan with the number of grandfathered spaces highlighted in the parking table is provided with this application.
- Proposed improvements require 67 spaces total, currently the adjacent lot is striped with 44 parking spaces, which includes 3 handicap spaces. In the past one of the 45 grandfathered spaces was converted to a dumpster enclosure, therefore 44 striped spaces currently exist in the parking lot. One of the striped standard spaces contains a light pole and cannot be used as a parking space. With this, the total number of parking spaces on-site is 43 and the property is deficient 24 spaces. Ample on-street parallel spaces exist along both sides of West 35th Street adjacent to the site.

SAVE



One Texas Center | 505 Barton Springs Road, Austin, Texas 78704 | Phone: 512.978.4000

Owners' Authorization Letter For delegating requests and applications

I/we hereby certify that I/we am/are the owner(s) of the above described property. I/we am/are respectfully requesting processing and approval of the above referenced permit(s) review. I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.

Section 1: Signatures

First Owner's Signature Robert M. Ehrlich, Jr. Date 3/1/2020

First Owner's printed name Robert M. Ehrlich, Jr.

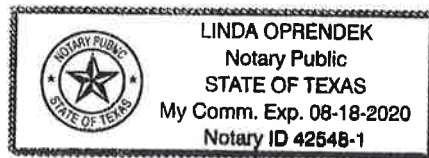
Second Owner's Signature _____ Date _____

Second Owner's printed name _____

Sworn and subscribed before me this 9 day of March, 2020

Linda Oprendek
Notary Public in and for the State of Texas

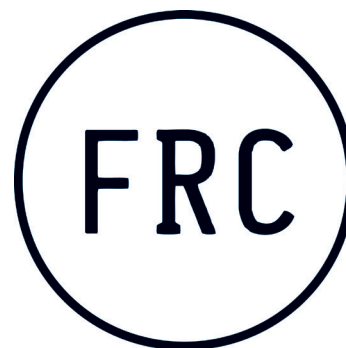
My commission expires on 8-18-2020





DOUGHBIRD - PHOENIX, AZ

CONCEPTUAL DESIGN



CULINARY DROPOUT - AUSTIN - THE DOMAIN



FLOWER CHILD - AUSTIN - THE DOMAIN



FLOWER CHILD - AUSTIN - DOWNTOWN AUSTIN



NORTH ITALIA - AUSTIN - THE DOMAIN



NORTH ITALIA - AUSTIN - DOWNTOWN

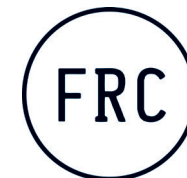
EXISTING LOCATIONS IN AUSTIN



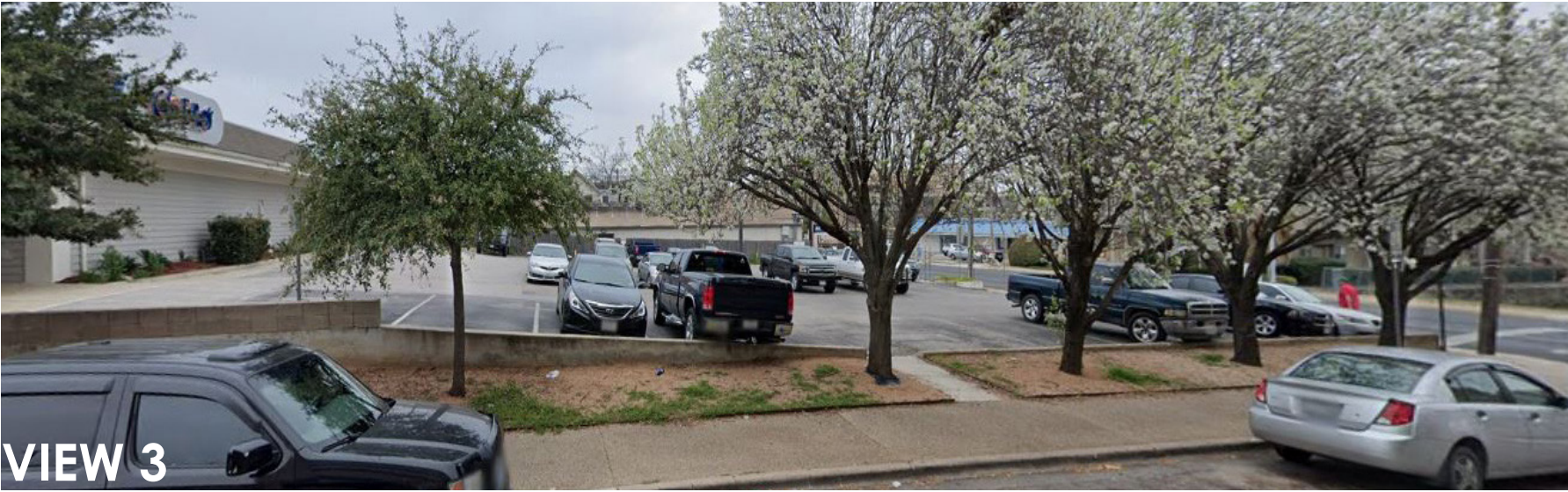
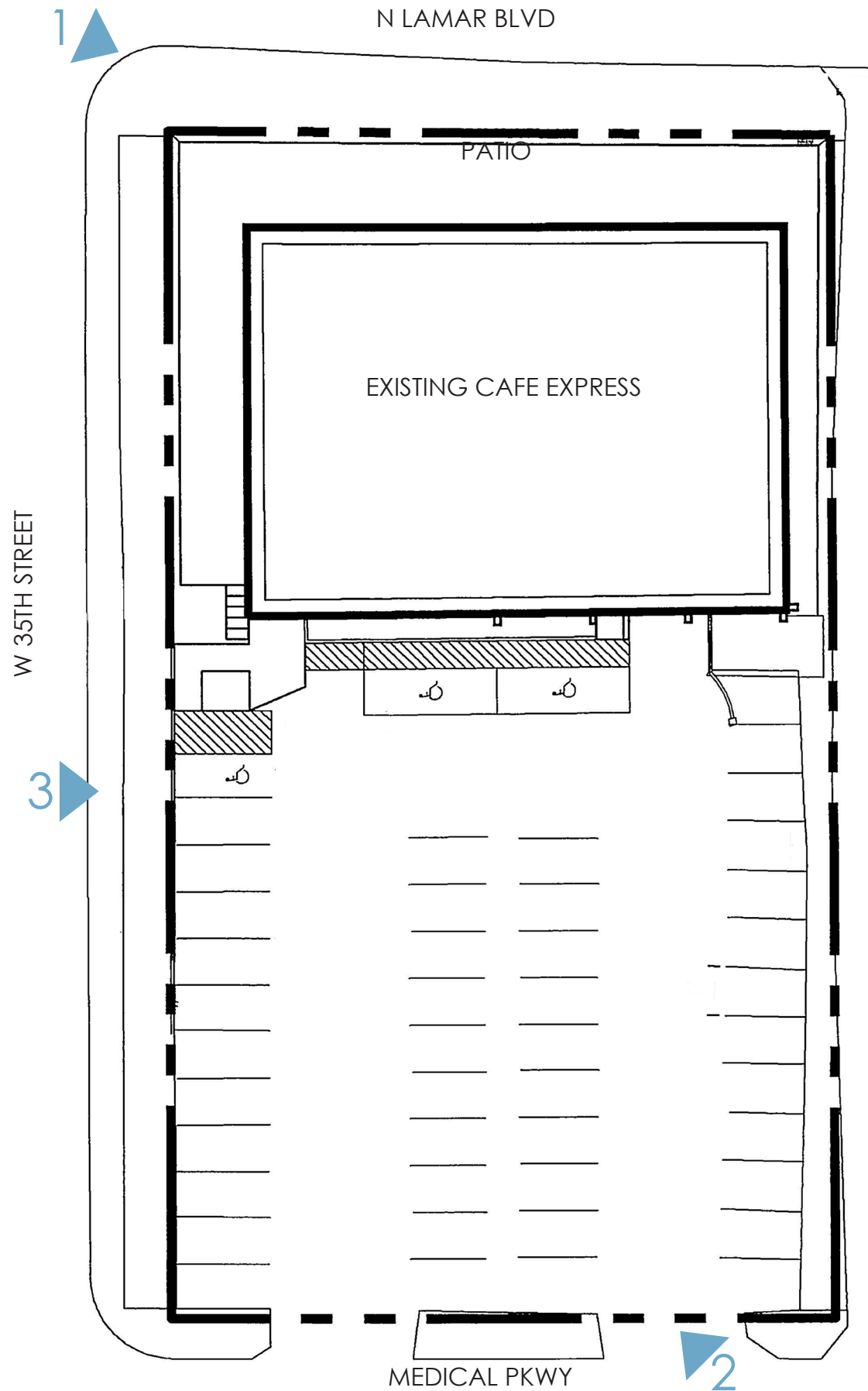
CULINARY DROPOUT

FLOWER CHILD
HEALTHY FOOD FOR A HAPPY WORLD

NORTH
ITALIA



DOUGH
BIRD
PIZZA & ROTISSERIE



CAFE EXPRESS: EXISTING SITE PLAN + PHOTOS