

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

CASE NUMBER: SPC-2019-0590A **PC DATE:** 5/26/20

PROJECT NAME: 76 Rainey CUP

ADDRESS: 76 Rainey St.

APPLICANT: Regalado Joe Martin
7712 Kiva Dr.
Austin, TX 78749

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

CASE MANAGER: Renee Johns, (512) 974-2711 or at Renee.Johns@austintexas.gov

WATERSHED: Waller Creek/Lady Bird Lake

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 2,000 sf of indoor space and 3,500 sf of outdoor covered and uncovered areas, for a grand total of 5,500 sf of CUP Cocktail Lounge space. The hours of operation will be Monday – Wednesday 5pm to 2am, Thursday 4pm to 2am, and Saturday and Sunday 11am 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 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	5,500 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	3518.67 sf / 48.9%
Proposed Building Coverage	1,484 sf / 20.6%
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	Cocktail Lounge
<i>South</i>	CBD	Multi-family / Mixed Use
<i>East</i>	Rainey St then CBD	Cocktail Lounge (Lucille)
<i>West</i>	Alley then CBD	Civic (Mexican American Cultural Center)

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.

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 City of Austin Downtown Commission
 Downtown Neighborhood Association
 El Concilio Mexican-American
 Neighborhoods
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos MACC
 Greater East Austin Neighborhood
 Association

Homeless Neighborhood Association
 Lower Waller Creek
 Neighborhood Empowerment Foundation
 Preservation Austin
 Rainey Neighbors Association, INC.
 SEL Texas
 The Shore Condominium Association, Inc.
 Sierra Club, Austin Regional Group
 Tejano Town
 Town Lake Neighborhood Association
 Waterloo Greenway



December 19, 2019

30195042.00

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

RE: Engineer's Summary Letter
76 Rainey Street, C.U.P.
76 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 76 Rainey Street C.U.P. project. The proposed project is located at 76 Rainey Street, located entirely within the Full Purpose limits of the City of Austin, in Travis County, Texas. The subject site is approximately ± 0.165 acres. The proposed project will consist of a conditional use permit that changes the use of the site from restaurant 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.

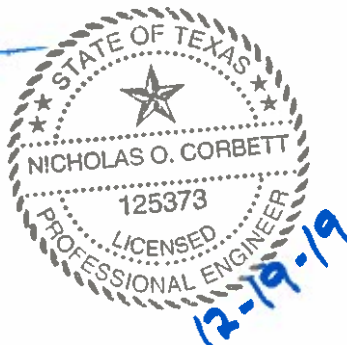
Sincerely,

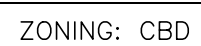
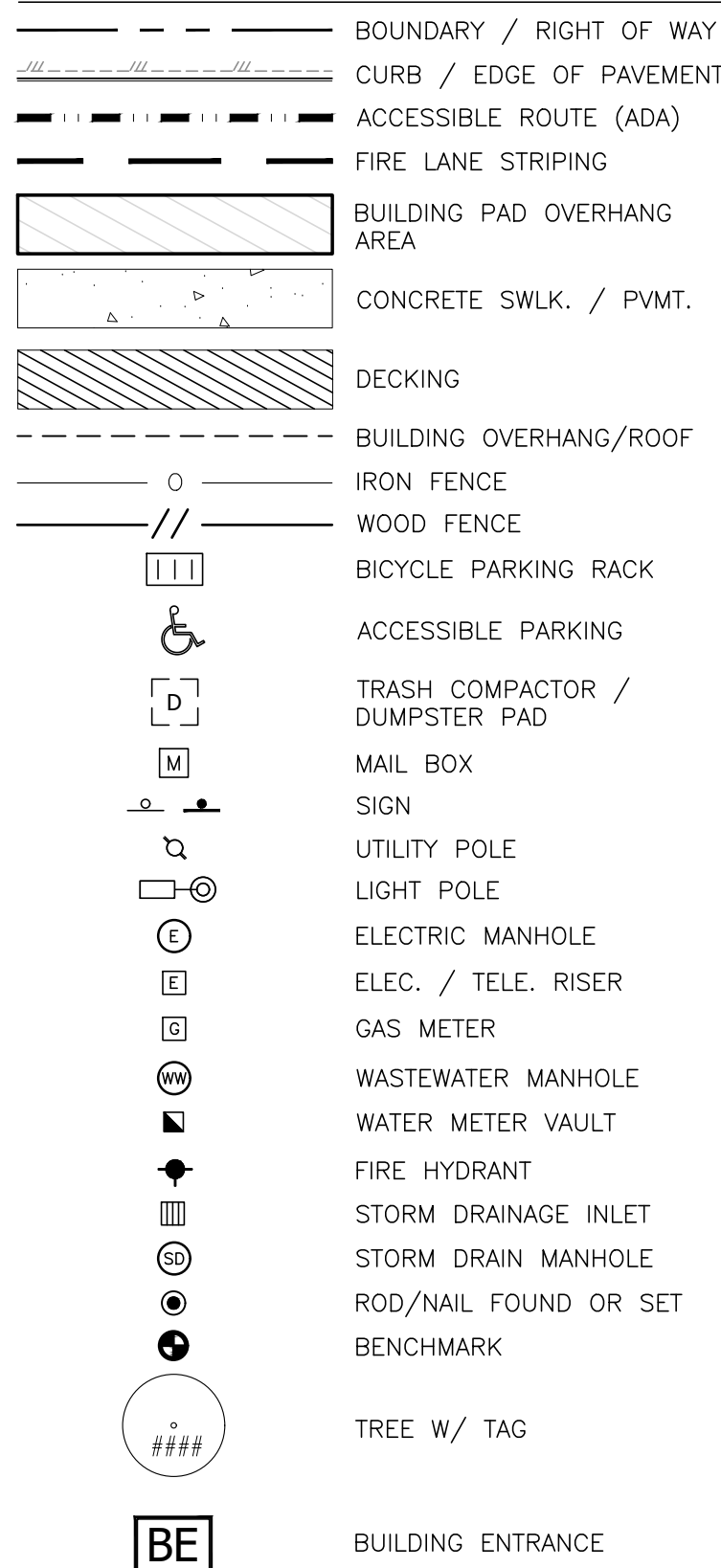
WGI

Texas Engineering Firm No. F-15085

A blue ink handwritten signature of Nicholas O. Corbett, consisting of stylized, overlapping loops and a long horizontal stroke.

Nicholas O. Corbett, P.E.
Project Engineer





NO CONSTRUCTION IS AUTHORIZED WITH THIS SITE PLAN,
USE DETERMINATION ONLY.

MONDAY THRU WEDNESDAY: 5:00 PM TO 2:00 AM
THURSDAY: 4:00 PM TO 2:00 AM
FRIDAY THRU SUNDAY: 11:00 AM TO 2:00 AM

USE SQUARE FOOTAGE FOR CUP:			
•	INSIDE	-	1,484 GROSS SQUARE FEET
•	TOTAL	-	1,484 GROSS SQUARE FEET

76 RAINEY STREET - CONDITIONAL USE PERMIT (CUP) - SITE DATA			
ZONING:	CBD	EXISTING LAND USE: RESTAURANT	
SITE LAND USE:	COCKTAIL LOUNGE	GROSS FLOOR AREA:	1,484 SF
SITE AREA:	0.165 ACRES / 7,203 SF	EXISTING IMPERVIOUS COVERAGE:	N/A
ALLOWABLE:		PROPOSED:	
BUILDING HEIGHT:		BUILDING HEIGHT:	24'
# OF STORIES:		# OF STORIES:	1
BUILDING COVERAGE:	100%/7,203 SF	BUILDING COVERAGE:	20.6%/1,484 SF
IMPERVIOUS COVERAGE:	100%/7,203 SF	IMPERVIOUS COVERAGE:	N/A

*THIS C.U.P. IS FOR CHANGE OF USE ONLY. THERE ARE NO PROPOSED DESIGN CHANGES OR PROPOSED CHANGES TO IMPERVIOUS COVER

ALL EXTERIOR LIGHTING SHALL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY [25-2-1064]. ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF OR FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E (REF. FIGURE 34 ON THIS SHEET).

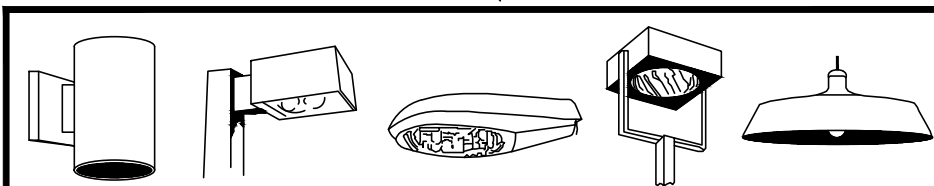


FIGURE 34
(REFERENCE SITE PLAN NOTE ABOVE FIGURE 34 ON THIS SHEET)

1. A PERMIT IS REQUIRED FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY.
2. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING & PROPERTY LINE UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL FORM SIDEWALKS AND VERIFY SLOPES PRIOR TO POURING CONCRETE. CONTRACTOR SHALL ENSURE THAT CROSS SLOPES ARE NO GREATER THAN 2% AND RUNNIN SLOPE ARE NO GREATER THAN 5%. IF ANY DISCREPANCY ARISES, CONTRACTOR SHALL CONTACT ENGINEER FOR SOLUTION
4. EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE "RESERVED", OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 60" MINIMUM ABOVE THE GROUND SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE. [IBC 1110.1, ANSI 502.7]
5. A MINIMUM VERTICAL CLEARANCE OF 114" MUST BE PROVIDED AT ACCESSIBLE PASSENGER LOADING ZONES AND ALONG VEHICLE ACCESS ROUTES TO SUCH AREAS FROM SITE ENTRANCES. A MINIMUM VERTICAL CLEARANCE OF 98" WILL BE PROVIDED FOR VAN-ACCESSIBLE PARKING SPACES ALONG THE VEHICULAR ROUTE THERETO. [ANSI 503.5]
6. REFERENCE "SITE PLAN NOTE" ON GENERAL NOTES SHEET(S) FOR ADDITIONAL NOTES.
7. ALL ITEMS ARE TO BE FURNISHED & INSTALLED BY CONTRACTOR. REFERENCE CONSTRUCTION DETAIL SHEETS FOR ADDITIONAL INFORMATION.
8. STENCIL THE WORDS "FIRE ZONE/TOW-AWAY ZONE" IN WHITE LETTERS AT LEAST 3" HIGH AGAINST A RED BACKGROUND AT 35-FOOT INTERVALS ALONG THE CURB. SIGNS STATING "FIRE ZONE/TOW-AWAY ZONE" SHALL BE POSTED AT BOTH ENDS OF A FIRE ZONE AND AT EACH ENTRY AND EXIT POINT WHICH CONSTITUTES A PORTION OF THE FIRE ZONE OR FIRE LANE. SIGNS SHALL COMPLY WITH STANDARD CITY OF AUSTIN DETAIL 901-S6.
9. SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO THE PRINCIPAL BUILDING MATERIALS.
10. EACH COMPACT PARKING SPACE/AISLE MUST BE SIGNED "SMALL CAR ONLY." LDC 25-6-475
11. EXTERIOR MIRRORRED GLASS AND GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS ARE PROHIBITED.

SITE PLAN APPROVAL Sheet 4 of 5
FILE NUMBER SPC-2019-0590A APPLICATION DATE 12/20/2019
APPROVED BY COMMISSION ON _____ UNDER SECTION 142 OF
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.
EXPIRATION DATE (25-5-81, LDC) RENEE JOHNS CASE MANAGER

Director, Development Services Department

RELEASED FOR GENERAL COMPLIANCE: _____ ZONING _____ CBD _____

Rev. 1 _____ Correction 1 _____

Rev. 2 _____ Correction 2 _____

Rev. 3 _____ Correction 3 _____

Final plat must be recorded by the Project Expiration Date, if applicable.
Final plat must include Site Plans which do not comply with the Code current at the
time of filing, and all required Building Permits and/or a notice of
construction (if a building permit is not required), must also be approved
prior to the Project Expiration Date.

76 RAINEY STREET CUP
76 RAINEY STREET
AUSTIN, TRAVIS COUNTY, TEXAS 78701

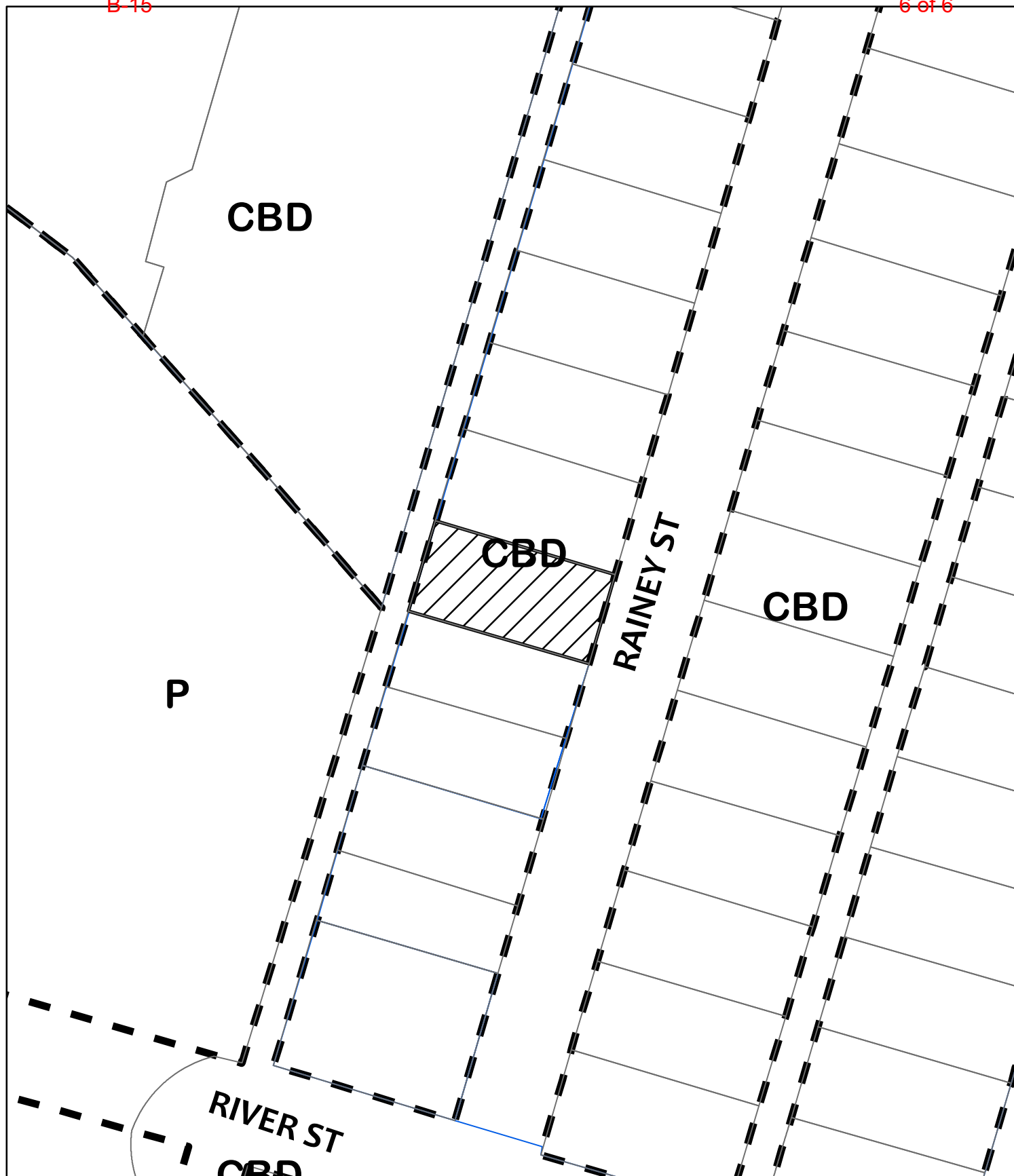
SITE PLAN - CUP



SITE PLAN - CUP

SHEET

CS101

4 OF 5



 **SUBJECT TRACT**
 **ZONING BOUNDARY**

0 40 80 160 Feet

CASE#: SPC-2019-0590A
 ADDRESS: 76 Rainey St.
 CASE NAME: 76 Rainey CUP
 MANAGER: Renee Johns

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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



OPERATOR: R. Johns