

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

CASE NUMBER: SPC-2019-0424A

PC DATE: 8/25/2020

PROJECT NAME: 4th Street East

ADDRESS OF APPLICATION: 1500 E 4TH ST

AREA: 11,980 square foot building on a 28,955 square foot site.

APPLICANT: 4th Street Studio, LP
905 Congress Ave. (512) 457-8400
Austin, TX 78701

AGENT: Drenner Group, PC (Amanda Swor)
200 Lee Barton Drive, Suite 100' (512) 807-2900
Austin, TX 78704

CASE MANAGER: Randall Rouda Phone: (512) 974-3338
Randall.Rouda@austintexas.gov

PROPOSED USE: Indoor Entertainment

EXISTING ZONING: TOD

NEIGHBORHOOD PLAN: East Cesar Chavez

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for an indoor entertainment use in an existing structure in the Plaza Saltillo TOD. The entire 11,980 square feet of building area would be used for this purpose. An adjacent vacant area/lawn may be used for purposes related to Indoor Entertainment uses permitted by the proposed CUP. No limits to the hours of operation are proposed. 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: The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan. Staff recommends approval of the CUP.

PROJECT INFORMATION

Gross Site Area	11,980 sf (indoor entertainment) / 28,955 sf (gross site area)
Existing Zoning	TOD (TOD Mixed Use Subdistrict)
Watershed	Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	No
Capitol View Corridor	Not applicable
Proposed Access	4 th Street
Proposed Impervious Cover	14,331 sf / 49.5%
Proposed Building Coverage	11,980 sf / 41.4%
Height	1 story
Parking required: 17	Parking proposed: 14 (on site) 3 (Street)

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	TOD-NP	Indoor Entertainment (proposed)
<i>North</i>	Alley then TOD-NP	Transit – Plaza Saltillo Station
<i>South</i>	E 4 th Street then TOD-NP	Mixed Use – Residential and Office
<i>East</i>	TOD-NP	Multi-Family Residential and vacant
<i>West</i>	Onion Street then TOD-NP	Coffee shop and retail commercial.

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 TOD Mixed Use subdistrict of the Plaza Saltillo TOD zoning district allows the highest level of development activity in the TOD with the Indoor Entertainment land use being a Conditional Use within the subdistrict.
- 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: Adequate parking and loading facilities have been provided on the site and adjacent street.
- 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 excepting noise. The project does not permit amplified sound or music in the outdoor lawn area.

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 Indoor Entertainment land use will be located on an already developed site with adequate parking

and loading. No parking will be added with this project, however, parking has been recently expanded under a site plan exemption. With that, the proposed use 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 and/or Plaza Saltillo TOD Regulating Plan.

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.

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for an Indoor Entertainment land use within an existing building. An adjacent lawn area may also be used as an accessory to the Indoor Entertainment use.

The Land Development code defines “Indoor Entertainment” as:

(37) INDOOR ENTERTAINMENT use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

The parking requirements for this use will be achieved through 14 on-site spaces, and 3 street spaces. No new parking is proposed with this plan, though some such construction has taken place recently under a site plan exemption.

If approved, either a B-plan (construction site plan) or a site plan exemption will be sought to permit any remaining improvements.

The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Barrio Unido Neighborhood Association
 Bike Austin

Del Valle Community Coalition
East Austin Conservancy
East Cesar Chavez Neighborhood Association
East Cesar Chavez Neighborhood Plan Contact Team
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Greater East Austin Neighborhood Association
Guadalupe Neighborhood Development Corporation
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Plaza Saltillo TOD Staff Liaison Planning and Zoning
Preservation Austin
Red Line Parkway Initiative
SEL Texas
Sierra Club, Austin Regional Group
Tejano Town

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

August 25, 2020

Planning Commission
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Electronic Delivery

Re: 4th Street East CUP – Conditional Use Permit application for the 0.665-acre piece of property located at 1500 East 4th Street in the City of Austin, Travis County, Texas (the “Property”)

Dear Commissioners:

As representatives of the owner of the Property, we respectfully request your approval of the Conditional Use Permit (CUP) application for 4th Street East project. It sits on 0.665 acres and is located at 1500 East 4th Street on the northeast corner of East 4th Street and Onion Street.

The Property is zoned TOD-NP, Transit Oriented Development – Neighborhood Plan, and is located within the TOD-Mixed Use (TOD-MU) subdistrict of the Plaza Saltillo TOD Regulating Plan area. The Property is located within the East Cesar Chavez Neighborhood Planning Area.

The purpose of this letter is to provide additional information on the indoor entertainment use associated with this request. This CUP application is to allow the use of the Property as an Indoor Entertainment use for an event venue space. Per the Plaza Saltillo Regulating Plan, Indoor Entertainment is a Conditional Use in the TOD-MU subdistrict. The Property contains a renovated and remodeled mid-century warehouse located in the heart of East Austin. The goal of this change of use request is to preserve an architecturally unique structure that contributes to the history and culture of East Austin. The Indoor Entertainment use allows the structure to serve as a location for public and private events such as farmers markets, craft fairs, art shows, weddings, fundraisers, and banquets, among others. In the past 18 months of operation, the Property has conducted business and has been able to hold these events utilizing Temporary Change of Use permits and has hosted non-profit fundraisers, weddings, art shows, film screenings, film and photo productions, corporate dinners, trade shows and pop-up shops.. With the approval of this conditional use permit these uses will be allowed by right and not require one-off Temporary Change of Use Permits.

B-11 The Property owners have worked with neighboring properties and businesses to safely and efficiently manage crowds, traffic, parking, and sound considerations. Between being located in close proximity to the train station and in a pedestrian and bicycle-oriented area, most attendees utilize alternate forms of transportation to travel to the Property. However, the Property owners have entered into a private shared parking agreement with the project located at The Foundry, 310 Comal Street, to control any overflow parking needs that may arise during event operations of the Property. 6 of 8

Please let me know if you or the Commission require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor

ACCESSIBILITY NOTES

1. APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TAS WAS NOT VERIFIED BY THE CITY OF AUSTIN. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
2. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50 (ANSI 403.3)
3. ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50 (ANSI 502.5)
4. SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP (ANSI 403.3)
5. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30". THE MAXIMUM HORIZONTAL PROJECTION IS 30' FOR A RAMP WITH A SLOPE BETWEEN 1:12 AND 1:15, AND 40 FEET FOR A RAMP BETWEEN 1:16 AND 1:20 (ANSI 405.2-405.6)
6. 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)

BUILDING DATA

ZONING	TOD:NP (PLAZA SALTILLO TOD)
TOTAL AREA OF SITE	.665 ACRES / 28,955 SF
MAXIMUM FAR PER TOD	2:1
ACTUAL FAR	0.41:1
TOTAL IMPERVIOUS COVERAGE	14,331 SF (49.5%)
TOTAL BUILDING COVERAGE	11,980 SF (41.4%)
NUMBER OF STORIES	1
BUILDING HEIGHT	24 FT

PROPOSED USES PER LDC

MEETING FACILITY	10,253 SF
ACCESSORY USES	1,727 SF
TOTAL AREA	11,980 SF

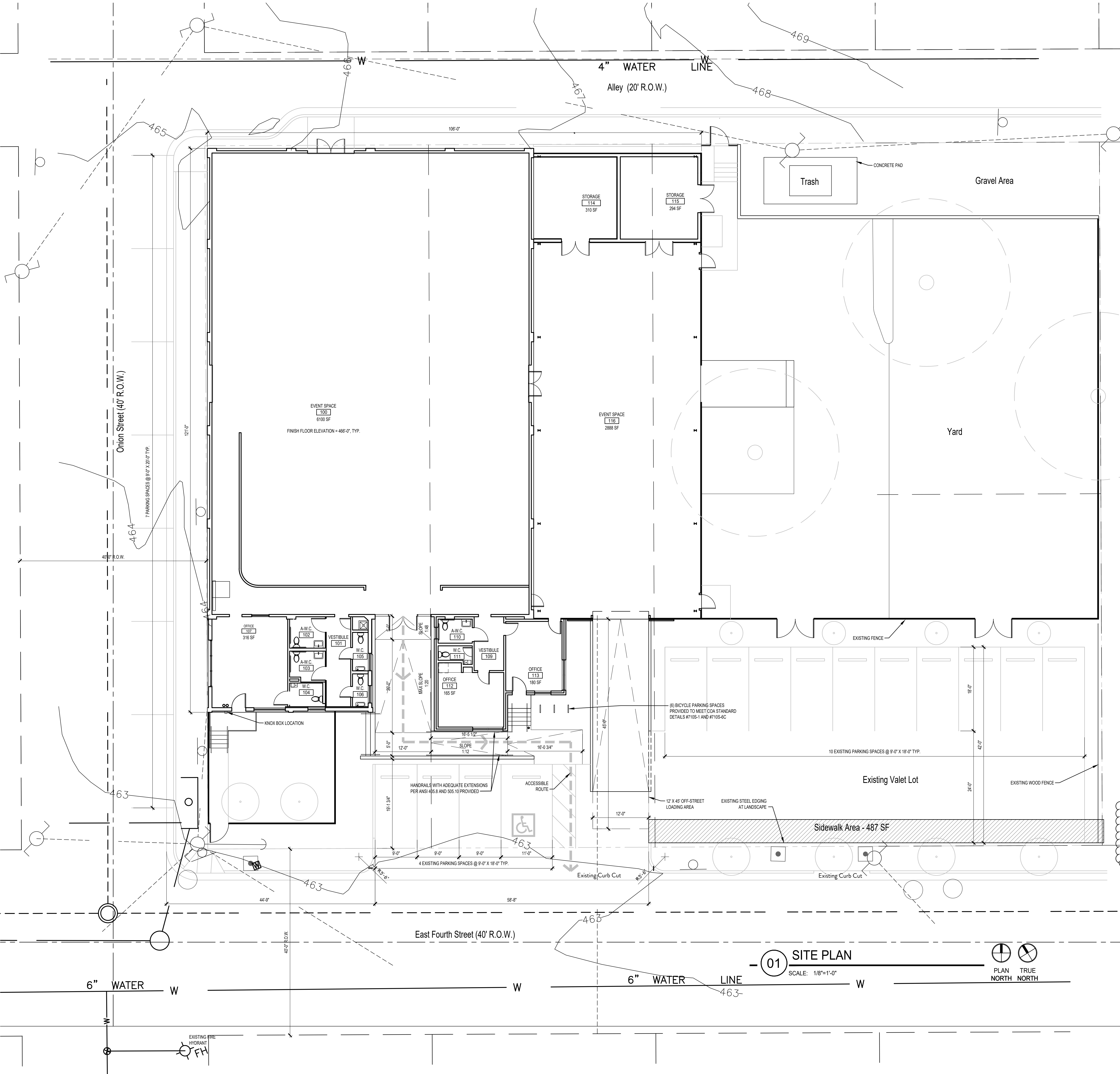
PARKING PER PLAZA SALTILLO TOD

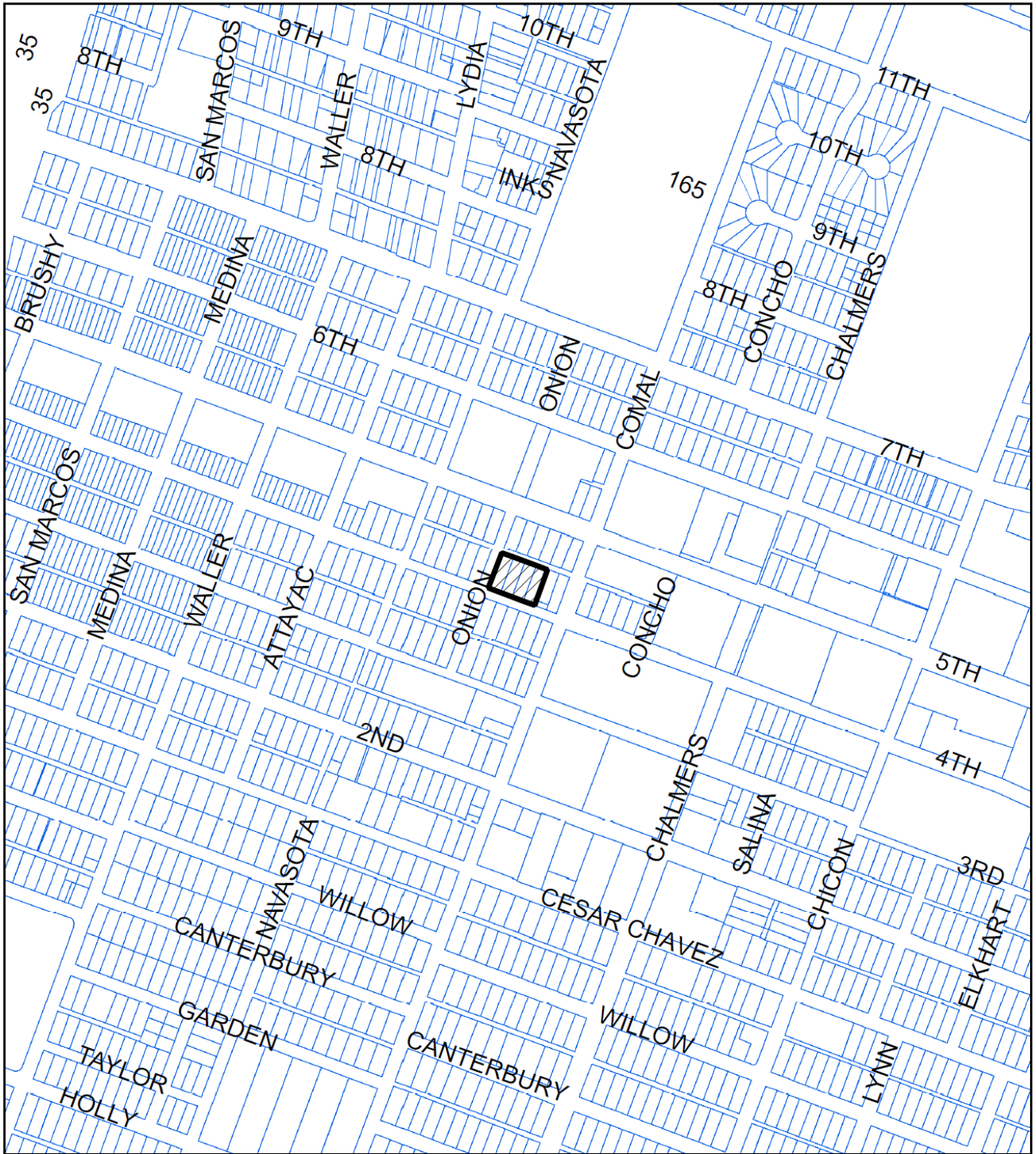
USE (PARKING RATIO)	PORTION OF OVERALL (% / SF)	REQ. PARKING
GENERAL RETAIL SALES (1 / 275)	23.50% / 2,409.46 SF	8.76 SPACES
PHOTOGRAPHY (1 / 275)	9.35% / 958.66 SF	3.49 SPACES
MEETING HALL (1 / 50)	10.93% / 1,120.65 SF	4.08 SPACES
ART GALLERY (1 / 500)	40.50% / 4,152.47 SF	8.30 SPACES
INDOOR STORAGE (1 / 1000)	11.76% / 1,205.75 SF	1.21 SPACES
BUSINESS AND PROFESSIONAL OFFICE (1 / 275)	3.97% / 407.04 SF	1.48 SPACES
TOTAL REQUIRED PARKING (100% LDC)	10,253 SF	27.23 SPACES
PLAZA SALTILLO TOD 40% REDUCTION	---	-10.892 SPACES
TOTAL REQUIRED PARKING WITH REDUCTIONS	---	17 SPACES



NOTE: None of the on-street spaces are reserved for the development and may be used by any member of the public. The developer must be aware that they can count on-street spaces at their own risk; the spaces may be removed at any time for any reason and the City of Austin will not relocate displaced on-street parking. In addition, if the adjoining street applies for and receives Residential Permit Parking, the parking for the development will not count as residential parking and the residents will not receive Residential Parking Permits.

APPROVAL BLOCK

SITE PLAN APPROVAL Sheet _____ of _____	
FILE NUMBER _____	APPLICATION DATE _____
APPROVED BY _____ UNDER SECTION _____ OF	
CHAPTER _____ 25-5, OF THE CITY OF AUSTIN CODE.	
EXPIRATION DATE (25-5-81, LDC) _____	CASE MANAGER _____
Director, Development Services Department	
RELEASED FOR GENERAL COMPLIANCE: _____ ZONING _____	
Rev. 1 _____	Correction 1 _____
Rev. 2 _____	Correction 2 _____
Rev. 3 _____	Correction 3 _____
Final plan must be recorded by the Project Expiration Date, if applicable. Subsequent 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.	





 Subject Tract
 Base Map

CASE#: SPC-2019-0424A
 LOCATION: 1500 E 4TH ST

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