

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

CASE NUMBER: SPC-2019-0357C

PC DATE: 3/09/21

PROJECT NAME: 73 Rainey

COUNCIL DISTRICT: 9

ADDRESS OF APPLICATION: 73 Rainey St.

AREA: 1,674 sf of enclosed cocktail lounge space, 3,054 square feet of outdoor cocktail lounge space located on outdoor patio and 1,369 for food preparation. A total of 4,728 square feet of cocktail lounge space.

APPLICANT: 73 Rainey Partners LLC
515 W 7th St (310) 560-5703
Los Angeles, California 90014

AGENT: 360 Professional Services, Inc. (Scott Foster, PE)
P.O. Box 3639 (512) 354-4682
Cedar Park, Texas, 78630

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

PROPOSED USE: Cocktail Lounge

EXISTING ZONING: CBD

NEIGHBORHOOD PLAN: NA

PROPOSED DEVELOPMENT: The applicant is proposing a redevelopment of a site and a change of use from restaurant to cocktail lounge. The applicant is requesting a conditional use permit for the cocktail lounge use. It will consist of 1,674 square feet of CUP cocktail lounge space located inside, 3,054 square feet of cocktail lounge located outside for a total of 4,728 square feet of CUP cocktail lounge space. The hours of operation will be Monday – Sunday 12pm to 2am.

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.

PROJECT INFORMATION

Gross Site Area	4,728 sf cocktail lounge (1,674 inside, 3,054 outside) / 7,717 sf (gross site area)
Existing Zoning	CBD
Watershed	Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	NA, less than 2000 trips per day
Capitol View Corridor	Not applicable
Proposed Access	Rainey (just to required accessible parking)
Proposed Impervious Cover	3,043 / 39.4%
Proposed Building Coverage	16000 sf / 100%
Height	1 story, 18.5'
Parking required: NA, CBD zoning	Parking proposed: None, not required in CBD zoning

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CBD	(proposed) Cocktail Lounge
<i>North</i>	CBD	Food truck site
<i>South</i>	CBD	Single family
<i>East</i>	Alley then CBD	Current: Vacant/ Proposed: Hotel
<i>West</i>	Rainey St. then CBD	Mixed use building including Multifamily/Restaurant and Business Offices (currently under construction)

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, while there is a single family use next to the proposed site, several other cocktail lounges exist along this street. Additionally, this cocktail lounge is a one story bungalow.
- 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.

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use. The use will consist of 1,674 square feet inside and 3,054 outside, for a total of 4,728 square feet of cocktail lounge space. 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	Homeless Neighborhood Association
Austin Neighborhoods Council	Lower Waller Creek
Bike Austin	Neighborhood Empowerment Foundation
City of Austin Downtown Commission	Neighbors United for Progress
Del Valle Community Coalition	Preservation Austin
Downtown Austin Alliance	Rainey Neighbors Association, INC.
Downtown Austin Neighborhood Assn. (DANA)	SEL Texas
East Austin Conservancy	The Shore Condominium Association, INC.
East Cesar Chavez Neighborhood Association	Sierra Club, Austin Regional Group
East Cesar Chavez Neighborhood Plan Contact Team	Town Lake Neighborhood Association
El Concilio Mexican-American Neighborhoods	Tejano Town
Friends of Austin Neighborhoods	Waller District Staff Liaison
Friends of the Emma Barrientos MACC	Waterloo Greenway
Greater East Austin Neighborhood Association	
Guadalupe Neighborhood Development Corporation	



P.O. Box 3639
Cedar Park, Texas 78630

August 22, 2019

City of Austin
Planning Services Department
505 Barton Springs Road, 4th Floor
Austin, TX 78704

Re:*Engineer's Summary Letter
 Conditional Use Plan Application
 73 Rainey Street
 Austin, Texas*

To Whom It May Concern:

Please accept this Summary Letter for the above referenced project. The 73 Rainey Street project consists of the redevelopment of the subject site and a change of use from restaurant to cocktail lounge and food preparation (brewery). Pursuant to The City of Austin Land Development Code 25-2-692(K), a cocktail lounge is a conditional use within the Rainey Street District. The site is located at 73 Rainey Street within the full purpose limits of the City of Austin in Travis County, Texas.

The legal description of the project site is Lot 17, Block 1 of the Driskill and Rainey's Subdivision of part of Outlots No(s) 72 and 73, Division "E" recorded in Volume 1, Page 22 of the Official Public Records, Travis County, Texas. The project is located within the Lady Bird Lake Watershed which is classified as Urban. No portion of this site lies within the 100-Year Floodplain, as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C0465J, dated January 6, 2016, for Travis County, Texas and incorporated areas. This site is not located in the Edwards Aquifer Recharge Zone or Contributing Zone as defined by the Texas Commission on Environmental Quality (TCEQ).

The project site is a 0.18-acre (7,717 SF) lot located near the northeast intersection of Rainey Street and River Street. The site is currently developed as a restaurant with associated decks, concrete paving, and utilities. The existing impervious cover is 0.16 acres (6,769 SF) or 88%. This project proposes to remove the majority of the existing above ground improvements (utilities are to remain) and construct a remodeled building with new decks and landscaped/mulched areas. The proposed impervious cover is 0.11 acres (4,836 SF) or 63%. The development is decreasing impervious cover which decreases storm runoff and therefore detention is not required. Pursuant to The City of Austin Land Development Code 25-8-211(B), the site is not required to provide water quality controls.

Water and wastewater will be provided by the City of Austin by the site's existing services.

Temporary erosion and sedimentation controls during construction will be located as shown on the plans and include: silt fences, stabilized construction entrance, and tree protection designed to City of Austin criteria.



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I hereby certify that the proposed site improvements are in compliance with Section 25-5 of the City of Austin Land Development Code:

- A. The development plans provide a sufficient waterway for the design flood, as determined in accordance with the Drainage Criteria Manual.
- B. Any proposed improvements are of sufficient strength to resist any pressure of earth or building from the outside and pressure or abrasion of water and debris from the inside.
- C. All proposed grades are such that water will not gather in pools, which may become stagnant or foul.
- D. The proposed development will not result in additional identifiable adverse flooding of other property.
- E. Both temporary and permanent erosion control measures are adequate to minimize siltation of the waterway.
- F. That the proposed development preserves the natural and traditional character of the land and waterway to the greatest extent feasible and includes on-site control of the two-year peak flow, as specified in the Drainage Criteria Manual and the Environmental Criteria Manual.

If you have any questions or comments regarding this request, please contact me at (512) 900-7671.

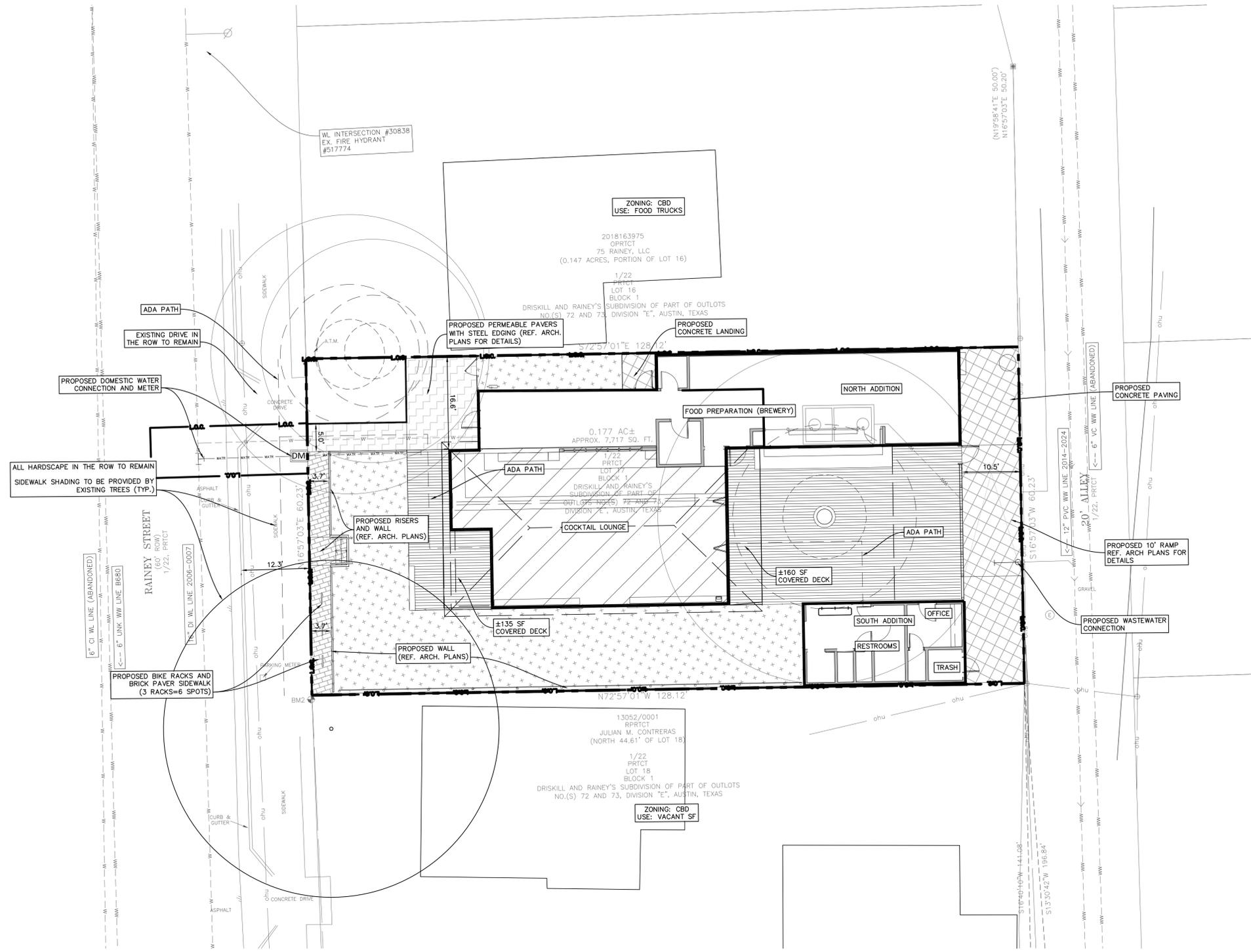
Yours very truly,

360 PROFESSIONAL SERVICES, INC.
Texas Firm Registration F4932

Scott J. Foster, P.E.
Principal



8/22/19



LEGEND

- SUBJECT PROPERTY
- PROP. DECK
- PROP. CONCRETE PAVING
- PROP. CONCRETE SIDEWALK/PAVING
- PROP. LANDSCAPED/MULCHED AREA
- PROP. BRICK PAVERS

SCALE IN FEET
10 5 0 10

SITE DATA SUMMARY TABLE

ZONING	CBD
GROSS SITE AREA (GSA)	7,717 SF
	0.18 AC
WATERSHED	LADY BIRD LAKE
WATERSHED TYPE	URBAN
EXISTING BUILDING USE	RESTAURANT
EXISTING IMPERVIOUS COVER	6,769 SF
BUILDING FOOTPRINT	1,921 SF
CONCRETE PAVING/FLATWORK	876 SF
COVERED DECK	3,459 SF
UNCOVERED DECK (50% IC)	512
	87.7%
PROPOSED BUILDING USE:	
COCKTAIL LOUNGE:	1,674 SF
FOOD PREPARATION (BREWERY):	1,369 SF
TOTAL:	3,043 GSF
PROPOSED GROSS FLOOR AREA:	
EXISTING BUILDING:	1,870 SF
EXISTING BUILDING ADDITION:	21 SF
NORTH BREWERY ADDITION:	728 SF
SOUTH BATHROOM/ADMIN ADDITION:	424 SF
TOTAL:	3,043 GSF
BUILDING COVERAGE SQUARE FOOTAGE	3,043 SF
	39.4%
FLOOR TO AREA RATIO	0.39
FOUNDATION TYPE	SLAB ON GRADE
BUILDING HEIGHT	18.5 FT
FINISHED FLOOR ELEVATION	#455.5
PROPOSED IMPERVIOUS COVER	4,769 SF
BUILDING FOOTPRINT	3,043 SF
CONCRETE PAVING/FLATWORK	840 SF
COVERED DECK	295 SF
UNCOVERED DECK (50% IC)	591
TOTAL PERCENTAGE IC (100% MAX)	62%
PARKING REQUIRED	
COCKTAIL LOUNGE (1/100 SF)	32 SPOTS
CBD PARKING DEDUCTION (100%)	0 SPOTS
PARKING PROVIDED	0 SPOTS
BICYCLE REQUIRED (5% OF REQ. PARKING; 5 MIN.)	5
BICYCLE PROVIDED	6

PROP. HOURS OF OPERATION: 12 PM - 2 AM

- CITY OF AUSTIN SITE PLAN RELEASE NOTES:**
- ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT.
 - APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
 - ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 25-10).
 - ADDITIONAL ELECTRIC EASEMENTS MAY BE REQUIRED AT A LATER DATE.
 - WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
 - FOR DRIVEWAY CONSTRUCTION: THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR RELOCATION OF, OR DAMAGE TO UTILITIES.
 - FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, A ROW EXCAVATION PERMIT IS REQUIRED.
 - ALL EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN DEVELOPMENT SERVICES DEPT.
 - A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVAL.

- GENERAL NOTES:**
- THIS PROJECT IS LOCATED IN THE FULL PURPOSE CITY LIMITS OF AUSTIN.
 - THERE ARE NO NATURAL SLOPES GREATER THAN 15%.
 - WARNING SIGNS ARE REQUIRED TO BE PLACED UNDER THE OVERHEAD ELECTRIC LINES TO MAKE ALL PERSONNEL AWARE OF THE ELECTRIC HAZARD.
 - CONTRACTOR TO FIELD VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - CONTRACTOR TO HAVE STAKING VERIFIED BY OWNER PRIOR TO START OF CONSTRUCTION.
 - ALL EXTERIOR LIGHTING WILL BE FULLY CUT-OFF AND FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER F 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." (SEE FIGURE BELOW)
 - SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.



Figure 4-16: Examples of fully-shielded light fixtures

SITE PLAN APPROVAL SHEET 07 OF 13
 FILE NUMBER SPC-2019-03570 APPLICATION DATE 08/23/2019
 APPROVED BY COMMISSION ON _____ UNDER SECTION 142.01 OF CHAPTER 25-5 OF THE CITY OF AUSTIN CODE
 EXPIRATION DATE (25-5.8.1.LDC) CASE MANAGER R. BOUDA
 PROJECT EXPIRATION DATE (ORD.#970905-A) DWPZ_DDD_X

Director, Development Services Department
 RELEASED FOR GENERAL COMPLIANCE: _____ ZONING CBD
 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.

App. _____
 Revisions _____
 No. _____ Date _____

TEXAS FIRM REGISTRATION #4932
 P.O. BOX 3639
 CEDAR PARK, TEXAS 78613
 TEL: 512.251.5822
 FAX: 512.251.7882

360 PROFESSIONAL SERVICES, INC.



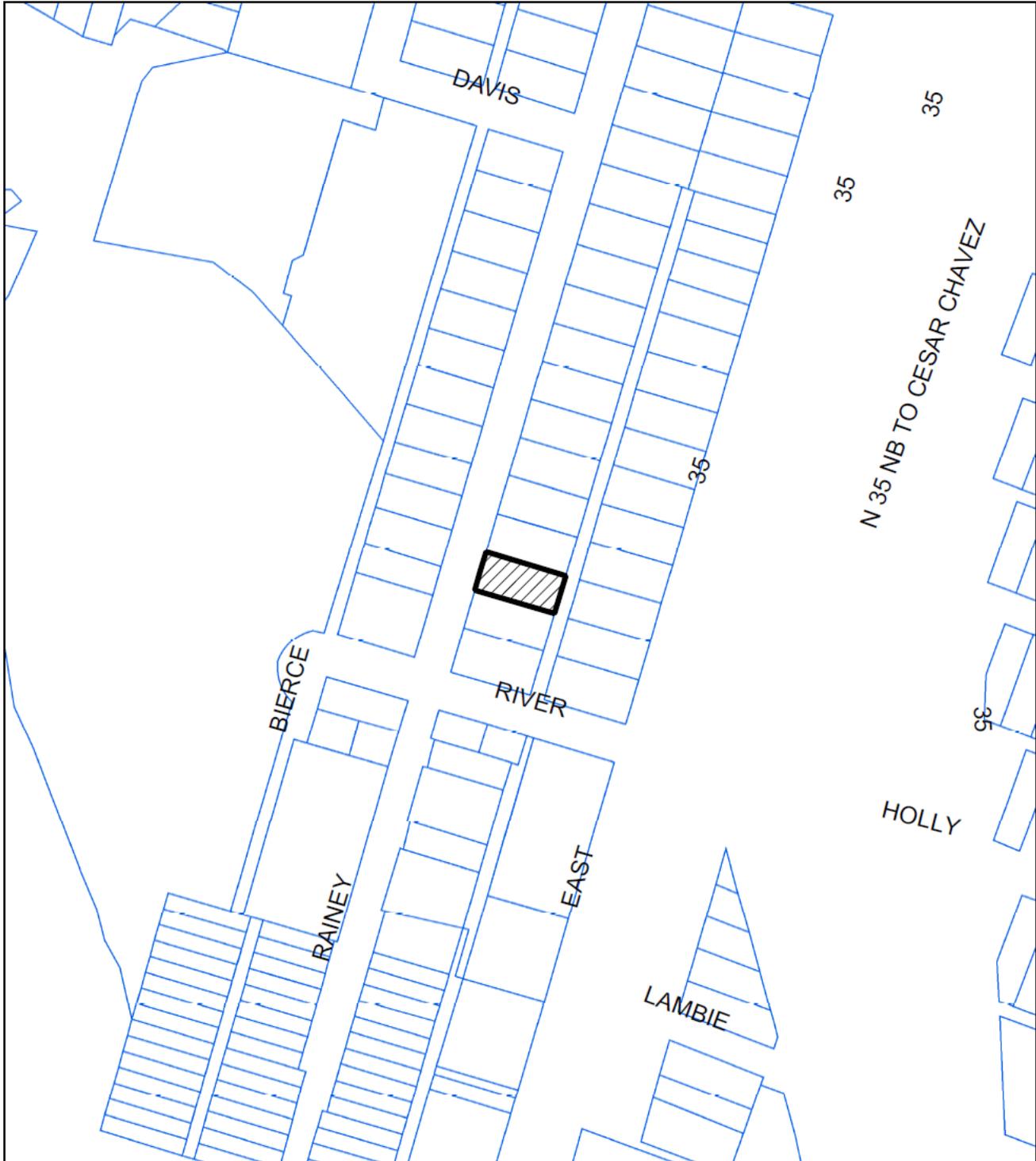
**73 RAINEY STREET
 AUSTIN, TEXAS 78701**

SITE PLAN

Scale: AS SHOWN
 Designed by: _____
 Drawn by: _____
 Checked by: _____
 Date: FEBRUARY 2021
 Project No. _____

SHEET
07
 OF 13

SPC-2019-03570



-  Subject Tract
-  Base Map

CASE#: SPC-2019-0357C
LOCATION: 73 Rainey 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 Planning and Development Review Department for the sole purpose of geographic reference.