

**McClendon & Associates**  
**Development Consulting**

August 14, 2007

Honorable Mayor and City Council Members  
City of Austin

Re: Request for Approval of Off-Site Parking for Vino Vino Restaurant and Bar, 4119  
Guadalupe Street (Case #: SP-2007-0243T)

Members of the City Council:

As agent for Vino Vino Restaurant and Bar, I respectfully request that you reject the appeal and affirm the Planning Commission's July 24<sup>th</sup> decision approving a conditional use permit for off-site parking for Vino Vino Restaurant and Bar, located at 4119 Guadalupe Street. The Planning Commission carefully considered the request and unanimously approved (6-0) the application for off-site parking, to be located at 4001 Guadalupe. The proposed use, restaurant (general), is a permitted use in the Hyde Park Neighborhood Plan, however, off-site parking is a conditional use and required approval by the Planning Commission.

Guadalupe Corridor

Guadalupe Street is a core transit corridor and major arterial extending from north Austin to the University of Texas and Downtown. According to a Capitol Metro Boarding Survey conducted in Spring, 2007, the Guadalupe/North Lamar transit route, Route #1, is the heaviest traveled transit route in the Austin metropolitan area, with approximately 14,000 weekday boardings, more than twice the next most frequently traveled route, the Govalle Corridor, Route #300, with 6,400 average weekday riders.

Redevelopment of existing commercial property along this corridor is occurring north and south of the segment between W. 38<sup>th</sup> and W. 45<sup>th</sup> Street. Increased density development, both large and moderate scale, such as the Villas of Guadalupe, The Triangle, Pecan Square, 3100 Guadalupe, and other pedestrian oriented mixed use projects have recently been approved and constructed. Between W. 38<sup>th</sup> and 45<sup>th</sup> Streets, however, commercial development extends one-half block deep along the east side of the roadway. Austin State Hospital and the Austin Energy Substation border the corridor from W. 39<sup>th</sup> Street to W. 45<sup>th</sup> Street along the west edge of Guadalupe, and future development with commercial uses is unlikely. Of the 36 businesses along the east segment between W. 38<sup>th</sup> Street and W. 45<sup>th</sup> Streets, only eight (8) are considered to be pedestrian oriented businesses as defined by the Land Development Code. Of these, only six are open beyond 6:00 pm in the evenings. Virtually no redevelopment of property along this segment has occurred in the last five years, and Vino Vino Restaurant and Bar, if approved, will be the third change of use to a pedestrian oriented use during the last several years.

### Off-Site and Shared Parking

Off-site and shared use parking are widely accepted planning tools to make more efficient use of both, existing and newly constructed parking facilities, and have been part of the City of Austin Zoning and Land Development Codes since 1985. The Urban Land Institute, an independent, non-profit research and educational organization dedicated towards improving the quality and standards of land use and development, supports shared parking and commissioned a study and report by Barton Aschman, (a nationally recognized transportation engineering and planning firm), outlining the parameters and benefits of shared parking in optimizing the use of parking facilities and effectively reducing underutilized parking conditions in the urban landscape.

In the City of Austin Land Development Code and Transportation Criteria Manual, there are restrictions to reduce the impact to neighborhood and residential uses. Off-site parking is restricted to property zoned General Office (GO) or less restrictive, thereby precluding the use of residentially zoned property. In addition, signs are required to be posted on-site or at the entrance to the site and at the off-site parking facility, directing patrons to the off-site parking. The distance between the entrance to the primary use and the off-site parking facility may not exceed 1,000 feet.

As a comparison, the City's recently adopted Transit Oriented Design Overlay code requirements and Commercial Design Standards are predicated upon nationally accepted research and standards reflecting that pedestrians will walk approximately ¼ mile, or 1,320 feet to utilize transit or pedestrian oriented uses.

### Vino Vino Restaurant and Bar Off-Site Parking

The proposed 3,174 sq. ft. restaurant and bar will be located in an existing building mid-block between W. 41<sup>st</sup> and W. 42<sup>nd</sup> Streets. The building was constructed during the 1920's and occupies approximately 95 percent of the site. There is on-street parking extending along the east side of Guadalupe Street north and south of the proposed restaurant. All of the required off-street parking is proposed to be located at 4001 Guadalupe, the site of an existing auto repair facility, which closes at 6 pm. The distance from the proposed restaurant to the off-site parking facility is 615 feet or one and one-half blocks. The existing parking facility will be re-stripped to provide 34 parking spaces; 24 spaces are required for the proposed use. Hours of operation for the restaurant will be restricted to after 6 pm, when the auto repair facility is closed. A three-year lease has been signed for the off-site parking facility, exceeding the City's required one-year minimum.

No off-street loading facilities are required for buildings less than 10,000 square feet, however, trash containers will be provided and serviced from the rear alley, as all of the existing commercial businesses along this segment of Guadalupe are serviced. Deliveries will generally be made during the day, during off-peak hours, from Guadalupe Street, where on-street parking is permitted.

On February 5th, the Hyde Park Neighborhood Association voted in a neighborhood meeting to support the proposed conditional use permit application for off-site parking by a vote of 55 to 15.

In addition, there are 135 letters of support from Hyde Park businesses, property owners and neighbors. Thirty-three percent (33%) of these letters are from nearby businesses along Guadalupe Street and property owners/residents along Avenue A.

### Opposition to the Project

At the Planning Commission meeting, there was one dissenting business owner, Ms. Karen McGraw, from the Hyde Park Marketplace, (4401 Guadalupe). Ms. McGraw primarily objected to the proposal because she claims Vino Vino, (currently permitted and operating as a food sales use), is actually a bar (cocktail lounge). In June, 2007, the site plan case manager, Mr. Chris Yanez, Watershed Protection and Development Review, personally visited the site and confirmed that Vino Vino is a food sales use. He confirmed this to her and me by e-mail, dated 6-21-07.

In 2006, Vino Vino applied for and received a site plan exemption, building permits, health permit, and Texas Alcoholic Beverage Commission, (TABC) retail license as a food sales use, and upon completing the required inspections, a certificate of occupancy.

In summary, the proposed application for off-site parking complies with all of the City's Land Development Code and zoning requirements, and the Hyde Park Neighborhood Plan. It also reflects efforts to bring additional pedestrian activity to a commercial segment of Guadalupe Street, a core transit corridor, which has been largely underutilized, in comparison with development north and south of this area.

On behalf of the owner, the tenant, and the Hyde Park Neighborhood Association, I strongly urge you to uphold the Planning Commission's action in support of the site plan application. We appreciate your careful and favorable consideration.

Please contact me at 512-363-8676 if you have questions or need additional information.

Respectfully,

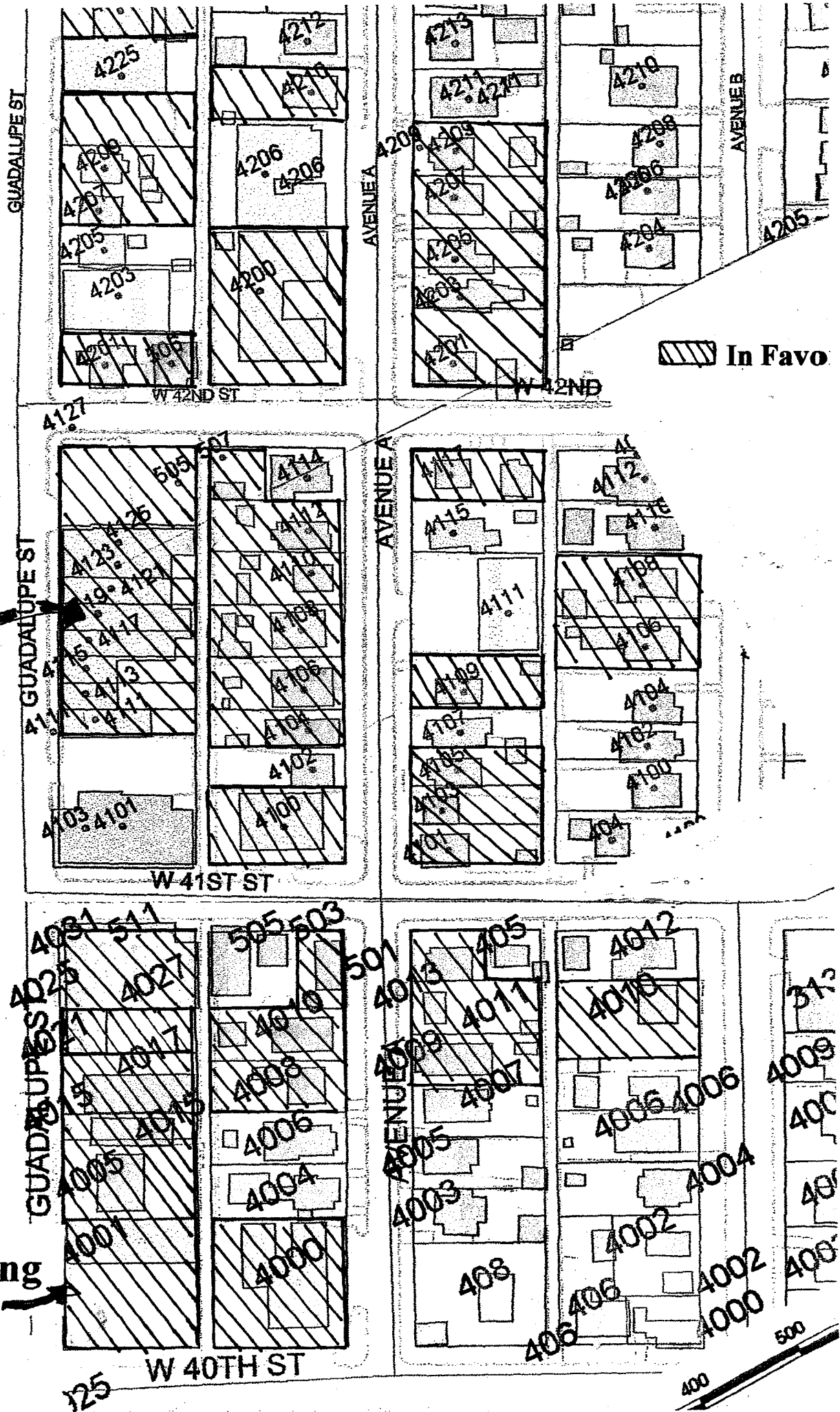


Carl McClendon, AICP  
McClendon & Associates

### Attachments

cc: Thad Avery, Woodside Development, Inc.

**7**



**Carl McClendon**

**From:** Yanez, Chris [Chris.Yanez@ci.austin.tx.us]  
**Sent:** Thursday, June 21, 2007 4:19 PM  
**To:** Karen McGraw  
**Cc:** carlmccclendon@austin.rr.com  
**Subject:** RE: SP-2007-0243T

Good afternoon Karen,

I have been out to the site and can confirm the use was indeed food sales. To answer your second, it is not a question of whether this matters or not but if it is relevant to site plan approval. In this case, the existing use only matters slightly since it is closely related to the proposed use. What we, as site plan reviewers, look for is whether or not a proposed use is allowed in the specific zoning district which it is proposed. In this case, a restaurant (general) use is allowed in a CS zoning district.

On an application we require that the applicant tell us what currently exists, buildings and uses (in this case "food sales"), and then what is proposed (in this case restaurant (general)).

The additional parking is required for the restaurant (general) use. The term "bar" in association with the term "restaurant" is a generic title which the applicant has put on the site plan to merely confirm that this restaurant (general) use will serve alcohol.

The City of Austin has in place, a team of inspectors to insure the nature of work or use proposed is what takes place. Any approved site plan will have the approved hours of operation for the "food sales" and "restaurant (general)" uses on it and can be used by city inspectors/officers. After an initial and follow-up inspection the case file is closed. All other matters of non-compliance or complaints become a matter for the City of Austin's Code Compliance Department.

Sincerely,

**Chris Yanez**  
 City of Austin  
 Watershed Protection & Development Review

**From:** Karen McGraw [mailto:mcgrawka@earthlink.net]  
**Sent:** Wednesday, June 20, 2007 12:36 PM  
**To:** Yanez, Chris  
**Subject:** SP-2007-0243T

Chris,

Re: 4001 Guadalupe off-site parking

I noticed that on this application the current use is listed as "Food Sales". Has anyone confirmed that the current use is actually food sales? Does it matter?

Also, in the application it says it will be a Restaurant/Bar. So which is this? I understand that additional parking is required for a bar.

Also, can you tell me how the City will ensure the use is Food Sales during the day and Restaurant at night?

Thanks,

Karen McGraw

8/14/2007