

ZONING CHANGE REVIEW SHEET**CASE:** C14-2014-0117 / Terrace Hotel**P.C. DATE:** October 28, 2014
October 14, 2014**ADDRESS:** 1101 Music Lane (Tract 1) and 110 Academy Drive (Tract 2)**AREA:** Tract 1: 1.037 acres; Tract 2: 0.1654 acres; Combined: 1.202 acres**NEIGHBORHOOD PLAN AREA:** South River City Neighborhood Plan Area**OWNER:** Tract 1: Peyton Riley No. 2, L.P. (Clark Lyda)
Tract 2: Matthew Lynaugh and Gloria J. Lee**APPLICANT:** Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman)**ZONING REQUEST:****Tract 1A & Tract 2** (1.037 acres: Tract 1A, approximately 0.9769 acres, 42,672 square feet, and Tract 2, 1,500 square feet)**From:** CS-NCCD-NP; General Commercial Services-Neighborhood Conservation Combining District-Neighborhood Plan**To:** **Tract 1A** – 42,672 square feet: CS-NCCD-NP; General Commercial Services-Neighborhood Conservation Combining District-Neighborhood Plan; and**Tract 2** – 1,500 square feet, as amended: CS-1-NCCD-NP; Commercial-Liquor Sales-Neighborhood Conservation Combining District-Neighborhood Plan**Tract 1B** (approximately 0.1654 acres, 7,206 square feet):**From:** CS-NCCD-NP; General Commercial Services-Neighborhood Conservation Combining District-Neighborhood Plan**To:** **Tract 1B** - CS-NCCD-NP; General Commercial Services-Neighborhood Conservation Combining District-Neighborhood Plan**AMEND the Fairview Park NCCD as follows for Tracts 1A, 1B and 2:**

- 1) Permit hotel-motel use;
- 2) Permit the following hotel accessory uses: general restaurant, cocktail lounge, parking, and indoor and outdoor entertainment;
- 3) Permit condominium residential uses;
- 4) Increase maximum impervious coverage to 65% of gross site area;
- 5) Increase maximum building coverage to 50% gross site area; and
- 6) Increase maximum height, and at select, agreed-upon locations, exceed zoning base district maximum;

SUMMARY STAFF RECOMMENDATION:

To grant the zoning of CS-NCCD-NP for Tracts 1A and 1B, CS-1-NCCD-NP for Tract 2, and to amend the NCCD as requested for all Tracts, subject to the following conditions:

- 1) Vehicle trips per day shall not exceed 2,000;
- 2) Outdoor amplified sound shall be prohibited;
- 3) Liquor sales use shall be prohibited;
- 4) The number of hotel and condominium residential units shall not exceed a maximum of 102 units; and

- 5) Condominium residential use shall not exceed 15 units of the units constructed.

The recommendation to rezone and amend the NCCD as requested is contingent on amending the neighborhood plan in the associated application (NPA-2014-0022.02).

PLANNING COMMISSION RECOMMENDATION:

October 28, 2014 Recommend to Grant as Recommended with Conditions by Staff (Consent Motion: J. Stevens; Second: A. Hernandez) 8-0 (Absent: B. Roark).

October 14, 2014 Pulled; Re-noticed for October 28, 2014

DEPARTMENT COMMENTS:

The subject tract is located north of Academy Drive, approximately 150 feet east of South Congress Avenue, along Music Lane (see Exhibits A). The property is adjacent to 3 & 4 story multifamily, office and hotel uses, including cocktail lounge and retail uses, and opposite multifamily and commercial uses. There are no single-family residential uses within 500 feet of the property.

The request involves two different parcels with two different owners and two steps or parts. The proposal involves combining these two parcels into one zoning tract for purposes of amending the Fairview Park Neighborhood Conservation Combining District (NCCD) as pertains to the subject zoning tracts (Tracts 1A, 1B and 2). That is part one. Part two is to rezone a footprint of 1,500 square feet (the proposed Tract 2) from a base district of CS to CS-1 to allow for a future cocktail lounge use. Although originally proposed as 2,500 square feet, the applicant has amended the request to 1,500 square feet. Although in the general area depicted as Tract 2 on the accompanying Exhibits, the revised footprint area will be smaller than as currently depicted.

As noted, the remainder of the property (Tracts 1A and 1B) is being rezoned from CS-NCCD-NP to CS-NCCD-NP solely to amend conditions of the NCCD. The NCCD amendments would also apply to Tract 2.

The Fairview Park Neighborhood Conservation Combining District was established in 1984. As amended in 2003, the following pertain to this property, and any other development or redevelopment for non-residential uses without frontage on South Congress Avenue:

- (1) Site plan review is required and notice of site plan review is required to the registered neighborhood association;
- (2) The maximum building coverage is 35 percent;
- (3) The maximum impervious cover is 45 percent;
- (4) The maximum height is 30 feet; and
- (5) Use of the property is limited to office use, excluding medical offices.

The applicant's request, if granted, would amend the NCCD for items 2 through 5, as pertains to the zoning tracts (1A, 1B, and 2), in addition to rezoning a portion of the property from a base of CS to CS-1 (Tract 2).

Correspondence from the South River City Citizens Neighborhood Association, indicating their support of the request and terms of agreement, has been attached (see Exhibit C). A private restrictive covenant memorializing this agreement and its terms is under development. Items of agreement which can be incorporated into a Conditional Overlay or public Restrictive Covenant have been listed under staff recommended conditions above.

ABUTTING STREETS & TRANSIT:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Service*
Academy Drive	64 feet	38 feet	Collector	Yes	Yes (347)	No
Music Lane	64 feet	30 feet	Local	No	No	No

* Bus service is available within ¼ mile (on Congress Avenue)

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-NCCD-NP	Multifamily residential; single-family residential
North	CS-MU-V-NP	Mixed multifamily residential and commercial
East	CS-1-H-NCCD-NP & GR-H-NCCD-NP; MF-4-NCCD-NP	St. Cecilia Hotel (w/cocktail lounges and restaurant); Office & Studio (Austin Opera House), Surface Parking, Undeveloped
South	MF-4-NCCD-NP; CS-MU-V-NCCD-NP	Academy Drive; Multifamily residential
West	CS-MU-V-NP	Music Lane; Commercial

TIA: Not Required; Applicant has requested 2,000 vtd maximum limit.

WATERSHED: East Bouldin Creek (urban)

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No (the South Congress at Live Oak Corridor is approximately 140 feet west, and roughly parallels the edge of Congress Avenue right-of-way)

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME

COMMUNITY REGISTRY ID

South River City Citizens Assn.	74
Bouldin Creek Neighborhood Association	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
Bike Austin	1075
Greater SRCC Neighborhood Planning Team	1185
Super Duper Neighborhood Objectors and Appealers Organization	1200
Sierra Club, Austin Regional Group	1228

The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
South Congress Merchants Association	1345
Zoning Committee of South River City Citizens Assn.	1360
SEL Texas	1363
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447

SCHOOLS:

Austin Independent School District:

Travis Heights Elementary

Fulmore Middle School

Travis High School

ZONING CASE HISTORIES FOR THIS TRACT and IN THE AREA:

Zoning maps from 1984 show the southwestern half of the subject property as “C” (Commercial) 2nd Height & Area and the northeastern half as “B”(Residence) 2nd Height & Area. Upon adoption of the zoning conversion ordinance, this would become CS and MF-4, respectively.

In 1986, a Neighborhood Conservation Combining District was adopted for the Fairview Park Neighborhood. At the time, the District extended from East Monroe at the south to East Riverside at the north, and from South Congress eastward toward Eastside and Alameda Drives (C14-85-351). Although the subject tract was included within the District, neither the text of, or exhibits to, the ordinance indicate the zoning of the property. However, by at least 1999 the entirety of the subject tract had been designated entirely as CS-NCCD. A zoning map accompanying the ordinance that granted “H” historic zoning to the Miller/Crockett House (112 Academy, and now the St. Cecelia), indicates the subject tract and property to the north as CS. The NCCD designation did not routinely appear on zoning maps until the late 1990s or early 2000s. In 2003, when the Fairview NCCD was amended (to add 48 previously excluded properties and change the base zoning district on 3 tracts, including the St. Cecilia site), no additional mention is made of this tract (C14-02-0067).

In any event, the late 1940s/early 1950s-era Terrace Hotel has occupied the majority of the site for decades; currently the hotel structures are used as the Terrace Apartments. With the adoption of the Greater South River City Neighborhood Plan in 2006, which included both the South River City and St. Edward’s Neighborhoods, the property picked up the Neighborhood Plan (NP) combining district zoning (C14-05-0139). Its underlying zoning (CS-NCCD) did not change, however.

ZONING CASE HISTORIES IN THE AREA:

In addition to the adoption of the NCCD and neighborhood plan as noted above, other properties in the area along Congress Avenue were designated with Vertical mixed Use Building (V) combining district zoning. Twenty tracts, approximately 123 acres between Riverside Drive and Oltorf Street, were so designated east of Congress Avenue, in the South River City Neighborhood Plan Area (C14-2007-0224). West of Congress, in the Bouldin Creek Neighborhood Plan Area, 16 tracts along the same stretch of Congress were so designated (C14-2007-0220).

With the exception of the rezonings for 112 Academy, noted below, there have been no site-specific rezonings in the immediate area. One has to look south of The Circle and along

Congress for two related rezonings in 2008, and at the Congress Avenue Baptist Church property further south for any recent rezoning cases.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
112 Academy C14H-99-0005	From MF-4 to MF-4 –H (Miller/Crockett House)	Approved; 07/13/1999	Approved; 09/30/1999
C14-2007-0056	From MF-4-H-NCCD-NP to GR-H-CO-NCCD-NP	Approved (limits uses, specifies dev standards); 05/22/2007	Approved (RC limits hotel use); 06/21/2007
C14-2008-0250	From GR-H-NCCD-NP to CS-1-H-NCCD-NP	Approved (limits uses); 02/03/2009	Approved as rec; 02/26/2009
200 The Circle C14H-03-0013	From MF-4-NCCD to MF- 4-H-NCCD (Brunson House)	Approved; 01/06/2004	Approved; 02/12/2004
1313 and 1315 Congress C14-2008-0093	CS-V-NCCD-NP to CS-1- V-CO-NCCD-NP	Approved CS-1-V-CO- NCCD-NP (CO limits uses) ; 06/24/2008	Approved as rec; 07/24/2008
1315 Congress C14H-2008- 0018	CS-1-V-CO-NCCD-NP to CS-1-V-H-CO-NCCD-NP	Approved; 08/12/2008	Approved; 08/21/2008
1511 Congress & 1508 Nickerson	SF-3-NCCD-NP to CS- CO-NCCD-NP (Congress) & GO-CO-NCCD-NP (Nickerson)	CS-CO-NCCD-NP & GO-CO-NCCD-NP (limits uses & vtd), required RC that owner not oppose rollback if use ceases; 08/25/2009	Approved CS- CO-NCCD-NP on Congress half only (limits uses & vtd); 11/19/2009
1511 Congress C14-2013-0022	SF-3-NCCD-NP to GR- NCCD-NP	Denied; 01/14/2014	No Action

CITY COUNCIL ACTION:

Scheduled for November 6, 2014

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 512-974-7604

SUMMARY STAFF RECOMMENDATION

To grant the zoning of CS-NCCD-NP for Tracts 1a and 1b, CS-1-NCCD-NP for Tract 2, and to amend the NCCD as requested, subject to the following conditions:

- 1) Vehicle trips per day shall not exceed 2,000;
- 2) Outdoor amplified sound shall be prohibited;
- 3) Liquor sales use shall be prohibited;
- 4) The number of hotel and condominium residential units shall not exceed a maximum of 102 units; and
- 5) Condominium residential use shall not exceed 15 units of the units constructed.

The recommendation to rezone the 1,500 footprint and amend the NCCD as requested is contingent on amending the neighborhood plan in the associated application (NPA-2014-0022.02).

BACKGROUND/PURPOSE STATEMENTS

The current base zoning is CS-NCCD-NP. General Commercial Services-Neighborhood Conservation Combining District-Neighborhood Plan. General Commercial Services (CS) district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. Neighborhood Conservation Combining District (NCCD) is intended to preserve and protect older neighborhoods by allowing modifications to applicable regulations in accordance with a neighborhood plan for development and conservation. Neighborhood Plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The proposal involves rezoning a 1,500 square feet footprint to CS-1-NCCD-NP. Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district, but requires a Conditional Use Permit.

In addition, the proposal would amend the NCCD to allow for Hotel, Hotel Accessory, and Condominium uses, and modify certain site development standards. The Fairview Park Neighborhood Conservation Combining District was established in 1984. As amended in 2003, the following pertain to this property, and any other development or redevelopment for non-residential uses without frontage on South Congress Avenue:

- (1) Site plan review is required and notice of site plan review is required to the registered neighborhood association;
- (2) The maximum building coverage is 35 percent;
- (3) The maximum impervious cover is 45 percent;
- (4) The maximum height is 30 feet; and
- (5) Use of the property is limited to office use, excluding medical offices.

Additional items relating to the operation of a hotel have been agreed to by the neighborhood and the applicant. These items may be incorporated into a private restrictive covenant. These additional conditions are designed to ensure that restaurant use, events, and outdoor activities occur on a modest scale and within a time-frame that is responsive to neighborhood compatibility.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The property is located between the St. Cecilia Hotel and commercial activities of South Congress Avenue. Multifamily residential is found to the south and north; there is no single-family residential within 500 feet of the rezoning tracts. The proposed hotel, with restaurant and cocktail lounge accessory uses, is an appropriate transition from Congress Avenue, identified in the Imagine Austin Comprehensive Plan as both an Activity Corridor and one with High-Capacity Transit, and the residential uses further east of Congress.

At the same time, the proposal, especially with the limits proposed by the neighborhood to be incorporated into a private restrictive covenant, should keep any outdoor events and activities to a level that is reasonable and responsive to abutting multifamily residents. In addition, the owner has stated the intent to route traffic and parking away from Academy into a dedicated project parking facility along Music Lane. Access and parking are addressed in 6 items of the neighborhoods draft terms (see Exhibit C, Section C). As outlined in that document, the traffic generated by, and the parking requirements for, this proposed hotel and accessory uses should not result in detrimental impacts to abutting property owners or the neighborhood.

Granting a request for zoning should result in an equal treatment of similarly situated properties; and

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

With the St. Cecilia Hotel next door, it is difficult to not draw comparisons between that property and the subject tract. This application is similar to the St. Cecilia both procedurally and in terms of its proposed uses. In that case there was a neighborhood plan amendment, a rezoning, and amendments to an NCCD to allow for a hotel. This case involves a neighborhood plan amendment, a rezoning, and amendments to an NCCD to allow for a hotel and accessory uses.

The property at 112 Academy, known as the Miller/Crockett House and previously zoned MF-4-H-NCCD-NP, was rezoned in 2007 from a base of MF-4 to one of GR. But with the rezoning, all GR uses - with the exception of a hotel-motel and bed and breakfast - were prohibited. At the same time, the NCCD was amended to allow for additional height, building coverage, and impervious cover; minimum setbacks were specified, as were a maximum height and floor-to-area ratio.

As such, there is precedent in the area for rezoning and modifying the NCCD to allow uses otherwise prohibited in the NCCD, as well as to allow uses or define standards that are different than the default standards or uses of the underlying base zoning. In other words, while the Fairview Park NCCD was originally established to preserve the neighborhood by ascribing additional restrictions or conditions on properties that are over and above the base zoning district requirements, the NCCD can also make allowances or exceptions to the underlying zoning district. The NCCD supersedes base zoning district use and site development standards.

In this current application, the zoning change is relatively minor; there is a change proposed only for the 1,500 square feet footprint from a base of CS to CS-1 to allow the owner to apply for a cocktail lounge conditional use permit as part of the hotel. The more substantive part of this application is to amend the NCCD to allow for the hotel and hotel accessory uses (otherwise allowed under CS zoning), and to specify site development standards that are different from the base zoning district and existing NCCD requirements.

Consequently, amending the NCCD, rezoning a portion of the property, and amending the neighborhood plan Future Land Use Map to accommodate the proposal is in keeping with how similarly situated properties have been treated.

At the same time, this is hardly apt to set an undesirable precedent for properties within the NCCD, within the neighborhood, or elsewhere in the City. First, there are hundreds of CS-zoned properties throughout the City. A hotel and its associated uses are allowed by right on any of those properties. This is not introducing a new use. Rather, it is the NCCD that limits the use on this property. In order to amend the NCCD to allow the use, the neighborhood subject to the NCCD must be in support. Second but related, any modification of the NCCD's site development standards require neighborhood stakeholder buy in.

The table below indicates the default, base zoning allowances, the NCCD requirements, and the proposed amendments:

	CS/CS-1	NCCD	Proposed
Maximum Building Coverage	95%	35%	50% of gross site area
Maximum Impervious Cover	95%	45%	65% of gross site area
Maximum Height	60'	30'	Varies: Approximately 35 to 80 feet

Hence, even if one had neighborhood support to amend the NCCD for a proposed use, one still requires such support for modifications to site standards – which, with the exception of height, are significantly more restrictive than that allowed under the base zoning district.

Put simply, the NCCD, both in terms of its structure and its substance, set the bar high. It would be much easier to redevelop other CS property as a hotel. Consequently, staff does not think granting this request – which has such neighborhood support – sets a undesirable precedent for either the neighborhood or the community.

Zoning should allow for a reasonable use of the property.

This property contains 70-year old buildings. What was once a popular hotel, due to its large swimming pool, is now multifamily residential. Unlike the St. Cecilia which contained a historically and architecturally significant structure, the remaining buildings on the subject tract have no such character or designation. While the loss of rental housing options must be recognized, redevelopment of the site, with a new Terrace Hotel, is a reasonable use of the property.

So too is allowing the new development's structures to exceed the height of the underlying CS zoning district. This site is on a hillside, falling both to the north and west, with a change of nearly 30 feet from highest to lowest point. As envisioned, shorter buildings would abut Academy while taller buildings would be at the northern end of the project and along Music Lane; while taller in absolute terms, the location of these buildings downhill results in rooflines that are more

comparable to other buildings both onsite and off. The topography, desire for appropriate scale, and design aspects of a terraced project across the project explains explain why the agreement between the neighborhood and the applicant regarding building height is captured in terms of elevation rather absolute building height (see Exhibit C-4).

The City defines building height as a measurement beginning at the average grade adjacent to a building. An approximation of maximum building height, and for comparative purposes only, indicates buildings would range from approximately 35 to 80 feet in "height" (see Exhibit H). For steep slopes or a property that undulates, a 2-story building could measure 20' on one side but 35' on the other if one included a retaining foundation (not unlike the buildings currently onsite along Music Lane). By shifting the focus to elevation, and doing so across the site, the same end result can be achieved but with a different means. City site-plan reviewers can review for compliance with mean sea level (MSL) elevations, as proposed in the agreement with the neighborhood. However, because the LDC defines height differently, the exhibit and limitations of height by MSL will be incorporated into the private RC. Again, staff thinks the varying heights, some of which exceed the 60' feet allowed under CS zoning, heights that are limited by elevation points and agreed upon by those most impacted - the neighborhood – is a reasonable proposal.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The site lies at the intersection of Music Lane and Academy Drive, just to the east of South Congress Avenue. The property contains a number of buildings, most dating from the early 1950s when the property was the Terrace Hotel; currently the property is used as multifamily residential. There is also a single family residence on the southeast corner of the site. The site has significant slope, falling to the west and north; a retaining wall bisects the property, providing for a terraced development of upper and lower areas. There are a number of trees, some of which may be protected. With the exception of some pervious areas around the trees, the site is largely covered with pavement or other impervious material. Other than trees and challenging topography, redevelopment of the site should not encounter any significant environmental constraints.

PDRD Environmental Review (07/21/2014) MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (07/23/2014) (DG)

1. Site plans will be required for any new development other than single-family or duplex residential.

2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. A Conditional Use Site Plan Permit will be required for the cocktail lounge.

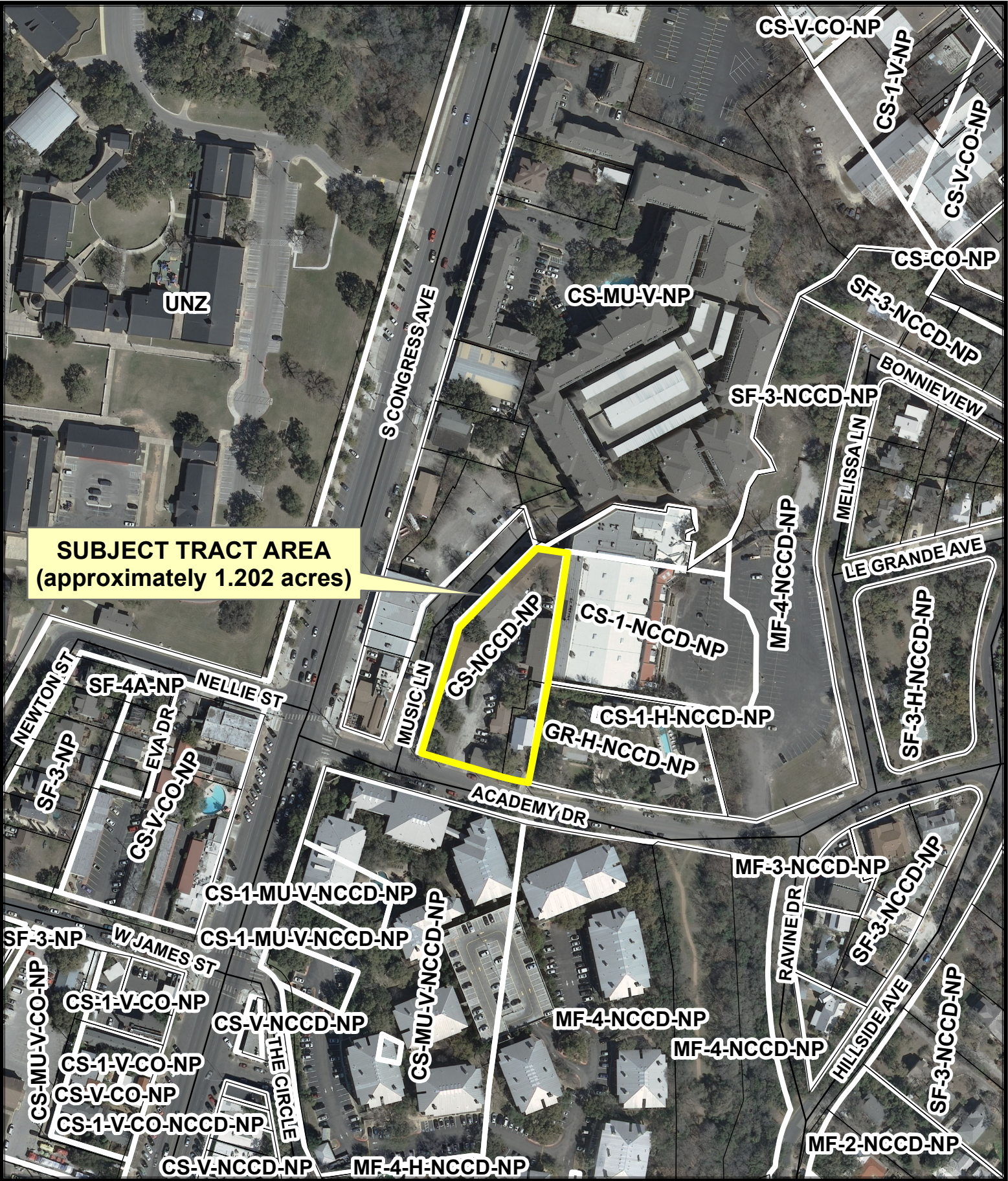
PDRD Transportation Review (07/23/2014) (CG)

1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Academy Drive serves route no. 347 with an existing Wide Curb.
3. Capital Metro bus service (route nos. 1M, 1L, 101, and 801) is available within ¼ mile of the site along South Congress Avenue.
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Academy Drive	64'	38'	Collector	Yes	Yes	No
Music Lane	64'	30'	Local	No	No	No

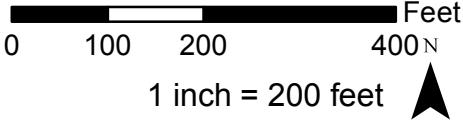
Water Utility Review (05/07/2014) (NK)

Exhibit A - Zoning Map

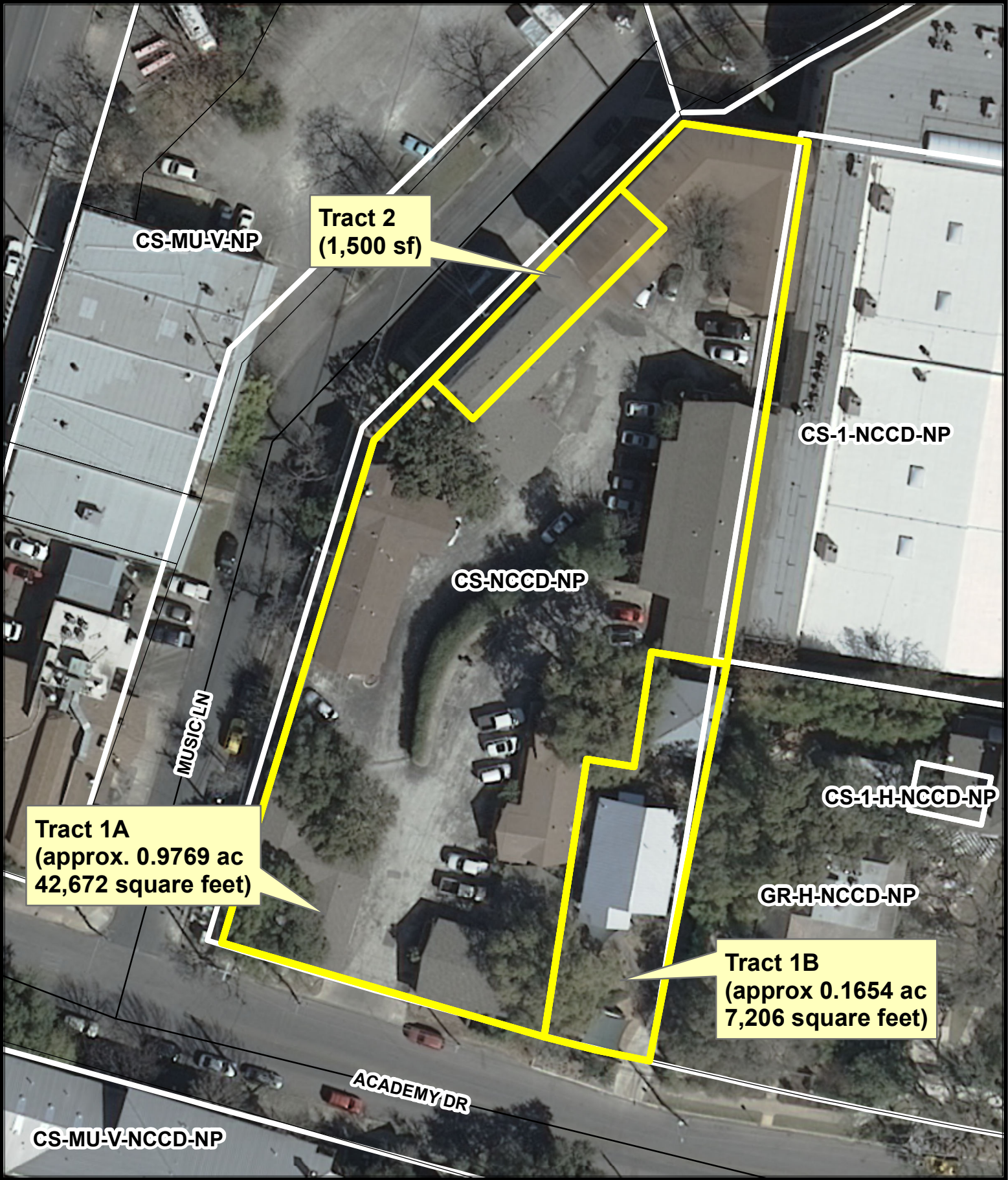


Aerial: 2013-03

Exhibit A - 1
Aerial & Zoning

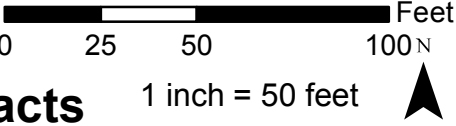


C14-2014-0117 / Terrace Hotel



Aerial: 2013-03

Exhibit A - 2
Aerial & Zoning w/ Proposed Tracts



From: Sounthaly Outhavong

Sent: Tuesday, October 07, 2014 4:38 PM

To: Heckman, Lee

Cc: Marc Davis; Slacker Austin; Jean Mather; Terry Franz; David Swann; Gretchen Otto; Garret Nick

Subject: Terrace Hotel Amendment Requests (Case #C14-2014-0117)

Dear Mr. Heckman,

I am submitting a letter and document of terms to you regarding the South River City Citizens Neighborhood Association's support to approve the Terrace Hotel's request for a zoning change and a NCCD amendment for the properties at 1101 Music Lane and 110 Academy Drive. I would greatly appreciate if you could please forward this letter to the Planning Commissioners as well.

Please let me know if you have any questions.

Cordially,

Sounthaly Outhavong

Sounthaly "Tune" Outhavong

SRCC President

512.518.3666

Terms for the Terrace Hotel Development

Greater South River City (GSRC) Neighborhood Plan Contact Team (NPCT) and South River City Citizens (SRCC) Zoning Committee (ZC)

Tract 1: 1.04 acres (1101 Music Lane)
Tract 2: 0.17 acres (110 Academy Drive)
Property: 1.21 acres total (Tract 1 and Tract 2 combined)

Standards:

A. Height, number, impervious/building coverage

1. Maximum height in MSL elevation shall be limited to agreed locations on a per building footprint basis (**Exhibit B**).
2. Maximum number of units shall be 102, and approximately 15 of those may be condominium units (all non-condominium units shall be hotel units).
3. Maximum impervious coverage of Property shall not exceed 65% of gross site area.
4. Maximum building coverage of Property shall not exceed 50% of gross site area.

B. Restaurant, Events

1. Maximum indoor and outdoor seating capacity of the restaurant shall be 150 total seats.
2. Any outdoor seating at the restaurant and cocktail lounge will be located at the interior of the Property to provide acoustic isolation of these limited areas from surrounding properties and neighbors.
3. Maximum number of attendees at an outdoor event held at the Property will not exceed 150.
4. Indoor events will be located at a dedicated enclosed event space, and any outdoor events will be located at the lower courtyard.
5. Outdoor events shall be limited to the following hours of operation, set-up, and break-down, subject to any future additional restrictions imposed by City ordinance:
 - a. Hours for outdoor events shall begin no earlier than 10:00am and end no later than 10:00 pm Sunday through Thursday, and 12:00 midnight on Friday and Saturday.
 - b. Set up for outdoor events shall begin no earlier than 8:00 am daily, and breakdown for outdoor events shall end no later than 11:00 pm Sunday through Thursday, and 12:00 midnight on Friday and Saturday.

C. Property Access, Parking

1. The only access to the hotel from Academy Drive will be a pedestrian entry for registered hotel guests only. All vehicular access for both hotel guests and services will be from Music Lane, except for any crash gate required by City Code to provide access to Academy from the Property for secondary emergency access. All public access to the hotel will be from the valet drop on Music Lane.
2. A parking structure along Music Lane will be included in Phase 1 and will meet all parking requirements for Phase 1 (Tract 1 and Tract 2), and will be designed to accommodate additional floors as required to meet all parking requirements for Phase 2 new structures constructed on South Congress Avenue.
3. During construction of the parking garage, parking will be provided for the tenants of SOCO Center.
4. All vehicular access to Phase 2 will be from South Congress Avenue.
5. Developer and Hotel Operator will cooperate with neighborhood residents to establish RPP and/or parking meters and/or traffic calming devices along Academy Drive, Ravine, and Melissa.
6. Hotel Operator will offer complimentary garage parking (validation by the hotel) to restaurant and bar patrons in order to discourage them from parking in the neighborhood

rather than waiting for and paying for parking in the garage. Consider signage discouraging parking in the neighborhood and advertising valet parking.

7. Sidewalks will be installed along the north side of Academy Drive and the east side of Music Lane.

D. Other

1. Outdoor drumming and amplified sound will be prohibited.
2. No package liquor, beer, or wine sales EVER.
3. Total vehicle trips shall not exceed 2,000 vehicle trips/day for Phases 1 and 2.
4. Green and sustainable building materials, practices, and operating protocols will be required for the hotel construction and operation.
5. Heritage Trees will be preserved.
6. Trash receptacles will be placed along Academy Drive and Music Lane and emptied regularly, and janitorial service will pick up trash along Academy
7. Developer will pay, to a mutually agreed maximum amount, for SRCC's choice of legal representation to convert this document into one or more legally binding and enforceable documents
8. Developer will provide a letter of credit benefiting SRCC, in a mutually agreed format, duration, and amount, to fund SRCC's legal enforcement of the terms of this agreement

E. FLUM Amendment

1. Tract 2 revised from Multi-Family to Mixed Use

F. Zoning

1. Tract 1 zoned CS-NCCD-NP (no change) except a 1500 square foot footprint along Music Lane will be re-zoned to CS-1-NCCD-NP for a cocktail lounge (**Exhibit A**)
2. Tract 2 zoned CS-NCCD-NP (no change)

G. NCCD Amendments for Tract 1 and Tract 2

1. Increase maximum impervious cover allowed under NCCD from 45% to 65% of gross site area (existing impervious cover is approximately 95%; CS base zoning allows 95% impervious cover)
2. Increase maximum building coverage allowed under NCCD from 35% to 50% of gross site area (CS base zoning allows 95% building coverage)
3. Increase maximum height allowed under NCCD from 30' to agreed upon levels, measured relative to mean sea level (MSL), on a per building footprint basis (**Exhibit B**)
4. Allow the following permitted uses:
 - a. Hotel
 - b. Hotel accessory uses:
 - i. restaurant (general)
 - ii. 1,500 square foot cocktail lounge
 - iii. parking
 - iv. events (indoor and outdoor entertainment)
 - c. Condominiums residential

Exhibit C - 3

1500 sq. ft. CS-1 Zoning Footprint for Speakeasy Cocktail Lounge



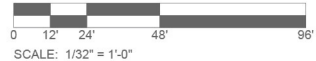
EXHIBIT B

Maximum Height



Roof Plan

Average Heights above MSL



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Exhibit C - 5

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

R 10122/14

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0117

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

Greg Marchbanks

Your Name (please print)

112 Academy

Your address(es) affected by this application

Lee Heckman

Signature

10/20/2014

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

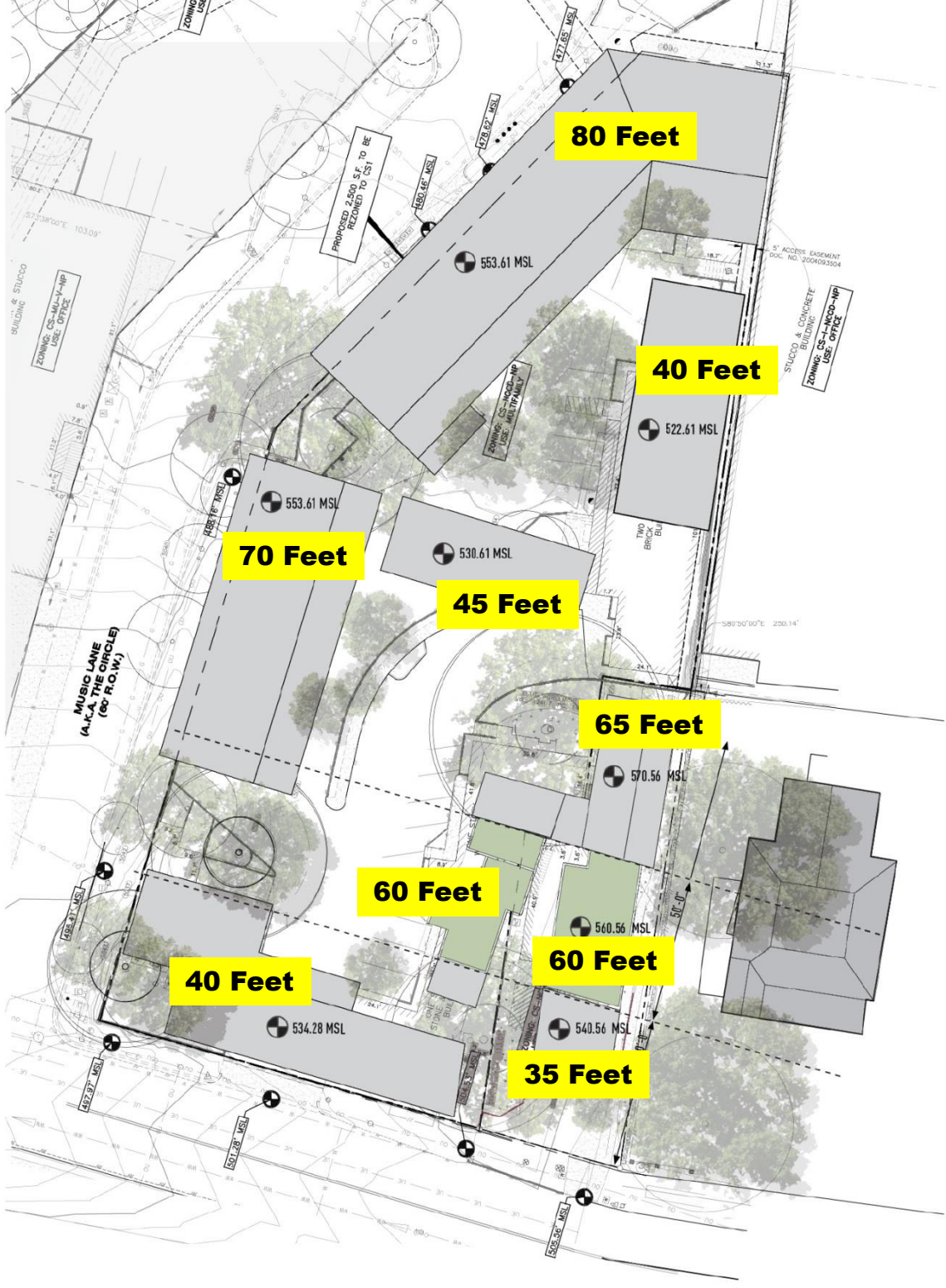
City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810



Roof Plan

Average Heights above MSL



SCALE: 1/32" = 1'-0"

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**Exhibit H – Approximate Building “Height”
(informational only; not regulatory)**