

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

**CASE NUMBER:** SPC-2016-0160A      **PC DATE:** December 13, 2016  
**PROJECT NAME:** Tamale House Conditional Use Permit

**ADDRESS:** 1706 E. 5<sup>th</sup> Street  
**COUNCIL DISTRICT:** 3  
**NEIGHBORHOOD PLAN:** East Cesar Chavez

**APPLICANT:** Diane Valera & Juan Verela-Lena      (512) 964-4982  
**AGENT:** Thrower Design (A. Ron Thrower)      (512) 476-4456  
**CASE MANAGER:** Rosemary Avila      (512)-974-2784  
Rosemary.avila@austintexas.gov

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit to allow extended hours for cocktail lounge use within an existing restaurant. The applicant is also requesting a variance to allow a parking area for a cocktail lounge permit that is less than 200 ft from a single family use [LDC 25-5-146(B)].

**STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The property is currently developed as an existing restaurant and parking. The site is zoned TOD-NP (Transit Oriented Development in a Neighborhood Plan). The site is located in the Plaza Saltillo TOD, in the TOD Mixed Use area. Subsection 2.3.8 of Article 2, Section 2.3 states Cocktail Lounge use is a Conditional use in the TOD Mixed Use area. There are no schools, churches, or hospitals within 300 feet of the subject site.

The proposed hours of operation are as follows: Tuesday-Saturday 8am-2am and Sunday 8am-5pm. (current hours of operation are Tuesday and Wednesday 8am-3pm, Thursday and Friday 8am-12am, Saturday 8am-1am, and Sunday 8am-5pm.)

**Environmental:** This site is located in the Lady Bird Lake Watershed and subject to Urban Watershed regulations. All Environmental comments are cleared. No construction is proposed with this land use application.

**Transportation:** A parking area for a cocktail lounge must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. [25-5-146(B)(2)]. The parking area for this cocktail lounge is less than 200 feet from the nearest single-family use, a variance is requested with approval of this Conditional Use Permit.

Access to the proposed cocktail lounge with late hours will be from E. 6<sup>th</sup> Street. All parking spaces are located on-site. All transportation comments are cleared.

**PLANNING COMMISSION ACTION:**

November 8, 2016

Postponement by Staff

**PROJECT INFORMATION:**

|                                |                                   |                 |
|--------------------------------|-----------------------------------|-----------------|
| <b>SITE AREA:</b>              | 19,318 sq. ft.                    |                 |
| <b>RESTAURANT AREA</b>         | 1497 sq. ft.                      |                 |
| <b>COCKTAIL LOUNGE AREA</b>    | 2499 sq. ft.                      |                 |
| <b>SITE'S ZONING</b>           | TOD- NP                           |                 |
| <b>WATERSHED</b>               | Lady Bird Lake (Urban)            |                 |
| <b>WATERSHED ORDINANCE</b>     | Comprehensive Watershed Ordinance |                 |
| <b>TRAFFIC IMPACT ANALYSIS</b> | Not required                      |                 |
| <b>CAPITOL VIEW CORRIDOR</b>   | None                              |                 |
| <b>PROPOSED ACCESS</b>         | E 6 <sup>th</sup> Street          |                 |
|                                | <b>Allowed</b>                    | <b>Existing</b> |
| <b>FLOOR-AREA RATIO</b>        | 2:1                               | 0.22:1          |
| <b>BUILDING COVERAGE</b>       | 95%                               | 23.6%           |
| <b>IMPERVIOUS COVERAGE</b>     | 95%                               | 81.7%           |
| <b>PARKING</b>                 | 25 <i>required</i>                | 33              |

**SURROUNDING CONDITIONS:****Zoning/ Land Use**

|               |   |
|---------------|---|
| <b>North:</b> | East 6 <sup>th</sup> Street, then TOD-NP, single family use |
| <b>East:</b>  | TOD-NP, single family use                                   |
| <b>South:</b> | East 5 <sup>th</sup> Street, then TOD-NP, manufacturing     |
| <b>West:</b>  | TOD-NP, Commercial  |

**NEIGHBORHOOD ORGNIZATIONS:**

Guadalupe Neighborhood Development Corporation  
 Bike Austin  
 East Austin Conservancy  
 Austin Heritage Tree Foundation  
 Tejano Town  
 Barrio Unido Neighborhood Assn.  
 Friends of Austin Neighborhoods  
 Capital Metro  
 Sierra Club, Austin Regional Group  
 SEL Texas  
 A.N.T. Artist and Neighbors Together  
 El Concilio Mexican-American Neighborhoods  
 Cristo Rey Neighborhood Association

East Cesar Chavez Neighborhood Planning Team  
 United East Austin Coalition  
 Claim Your Destiny Foundation  
 Austin Neighborhoods Council  
 Austin Independent School District  
 East Cesar Chavez Neighborhood Association  
 Preservation Austin  
 Homeless Neighborhood Association  
 Holly Neighborhood Coalition  
 Organization of Central East Austin Neighborhoods  
 African American Cultural Heritage District  
 Blackshear- Prospect Hill

**CONDITIONAL USE PERMIT**

**D. 25-5-145.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

§ 25-5-146 CONDITIONS OF APPROVAL.

(A) 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 & 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.

**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

A. The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Planning 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:

B.

1. **Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. **Comply with the objectives and purposes of the zoning district;**

Staff Response: The restaurant/cocktail lounge with late hours use is a conditional use in the Plaza Saltillo TOD Mixed Use district.

3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

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

4. **Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: The site plan complies with off-street parking and loading facility requirements. The required parking spaces are located onsite.

5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay.

C. **In addition, a conditional use site plan may not:**

7. **More adversely affect an adjoining site than would a permitted use;**

The proposed project would not more adversely affect an adjoining site than would a permitted use.

- 8. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

- 9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.

*Thrower Design*

P.O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

December 6, 2016

Development Review Department  
City of Austin

RE: **Tamale House**  
**1707 E. 6<sup>th</sup> St. & 1706 E. 5<sup>th</sup> St.**  
Conditional Use Permit

The subject property is comprised of 0.208 and 0.203 acres of land and is located between E. 6<sup>th</sup> and E. 5<sup>th</sup> street near Chalmers St. The property is currently zoned TOD-NP and contains one building that houses an existing restaurant on the first level and an apartment on the second level. The conditional use permit would allow for extended hours (cocktail lounge) for 2,500 sf of the existing restaurant. All infrastructure for the proposed use is already in place. There will be no site related construction.

Should you have any questions or need additional information, please do not hesitate to call me or Ron Thrower at 476-4456.

Sincerely,



Neslie Cook

*Thrower Design*

P.O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

October 6, 2016

Rosemary Avila  
Planning & Development Review Department  
City of Austin

RE: Variance Parking next to Single Family Use  
Tamale House Conditional Use Permit  
SPC-2016-0160A

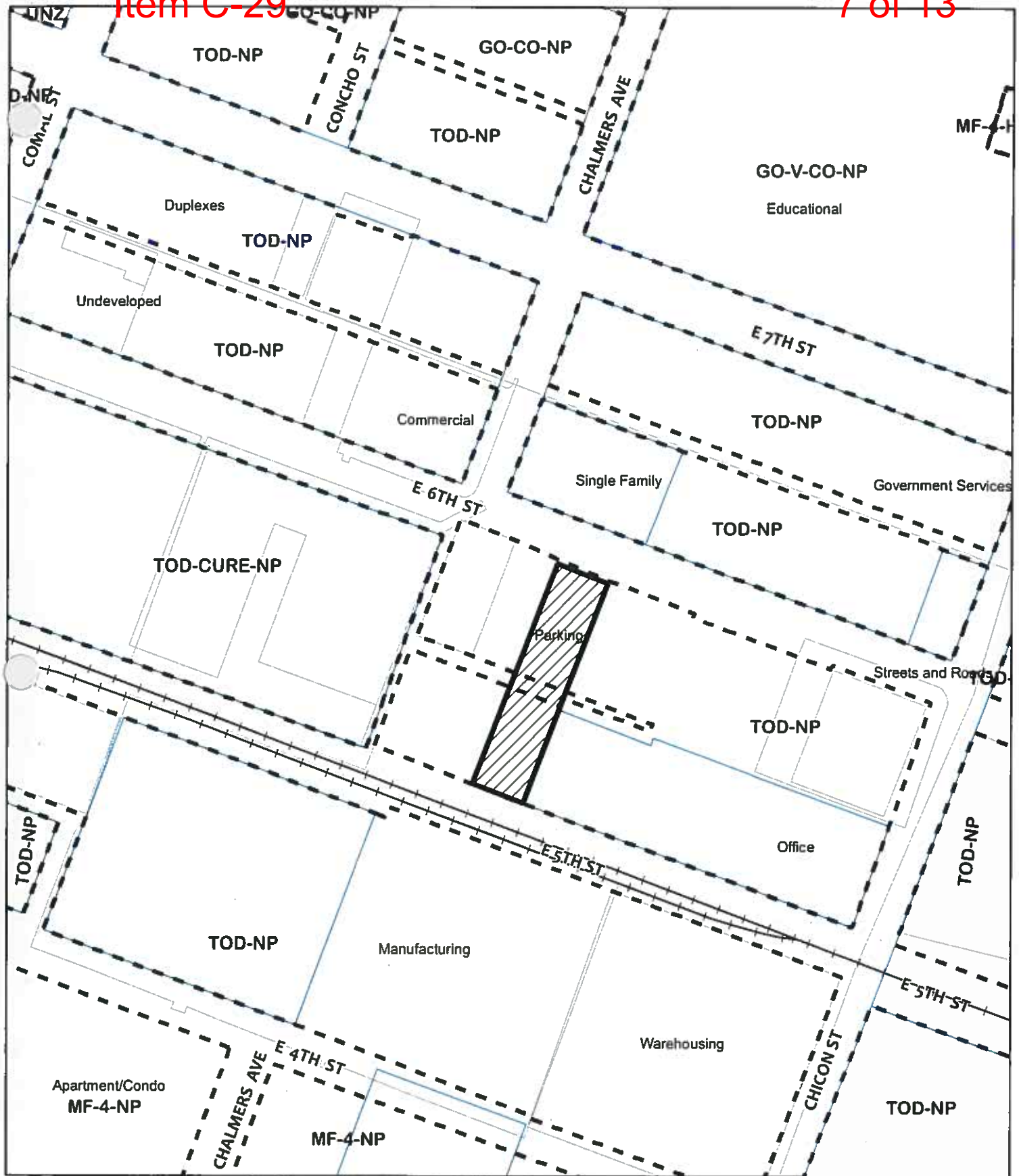
We respectfully request a variance for parking located adjacent to a single family use per 25-5-146(B). This site has existed as a restaurant for over 32 years next to these single family uses and they are slowly being phased out and replaced by commercial uses. The lot to the west of Tamale House is currently a sewing machine repair shop/residence while the lot to the east was a residence and is now permitted to be demolished.

Should you have any questions or need additional information please contact me at my office.

Sincerely,



Neslie Cook





## Site Plan Conditional Use Permit &amp; Variance

CASE#: SPC-2016-0160A

ADDRESS: 1706 E 5th Street

CASE NAME: Tamale House Conditional Use Permit

MANAGER: Rosemary Avila

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

0 80 160 320 Feet

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. Avila



Grand Vallee is also  
open to the public  
May 1, 6 PM to 10 PM  
912 944 4982

MEMBER OF SHOW  
P.O. BOX 41957  
AUSTIN, TEXAS 78704  
512-476-4458

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**JOURNAL**

[illegible]

THIS SITE IS LOCATED ON THE LADY BIRD TRACTS AND IS CLASSIFIED AS URBAN

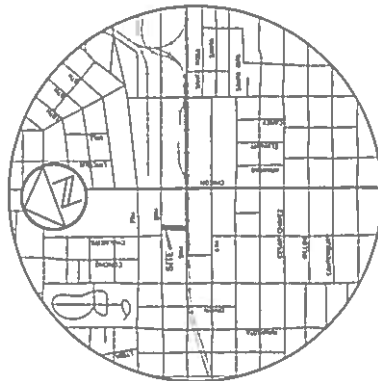
THIS SITE IS NOT LOCATED ON THE EDWARDS ACQUITS RE-CHARGE ZONE

NO PORTION OF 1993 SITE IS WITHIN THE 100 YEAR  
FLOODPLAIN AS PER FEMA PANEL NUMBER 48453CDA54  
FOR TRANS COUNTY. IT WAS DATED DECEMBER 11, 2015

1706 E. 5TH STREET

THIS IS A CONDITIONAL USE PERMIT FOR 2,499 S.F. OF EXTENDED HOURS COCKTAIL LOUNGE USE IN A TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT

**THERE IS NO CONSTRUCTION ASSOCIATED WITH THIS SITE PLAN**

LOCATION MAP  
N.T.S.

SUBMITTAL DATE: MARCH 28, 2018

## SHEET INDEX

COVER SHEET  
LITTLE PLAN

## APPENDIX 3

## DEVELOPMENT SERVICES DEPT

4367

**Thruway Design**  
P.O. Box 4902 • Austin, Texas 78764 • (512) 355-4400  
**LAND PLANNERS**

[illegible]

**TAMALE HOUSE**  
**CONDITIONAL USE PERMIT**  
1708 E 8TH STREET  
AUSTIN, TEXAS 78702

8 of 13

COVER STORY

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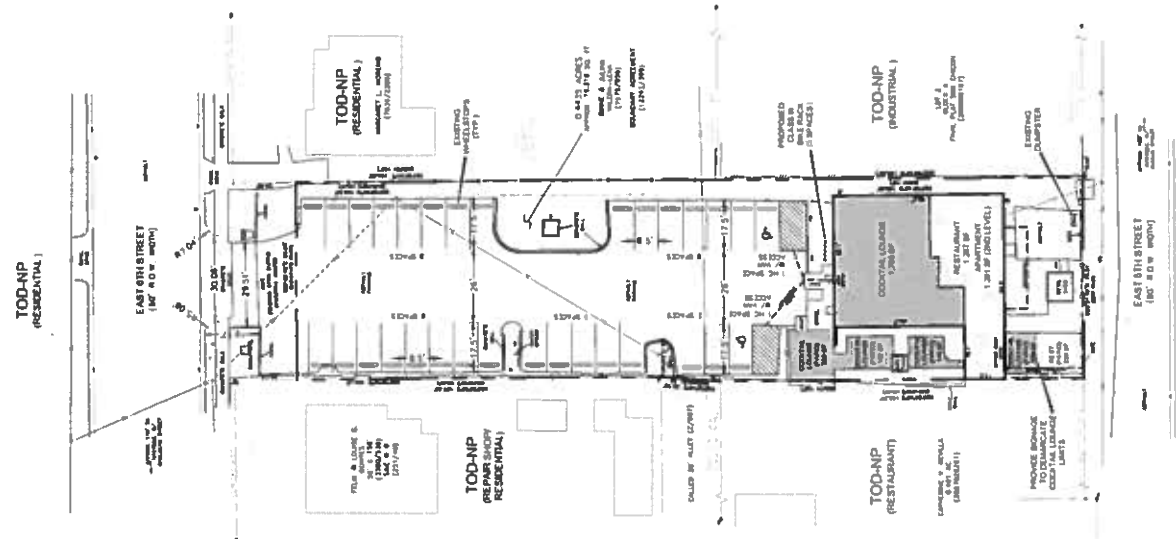
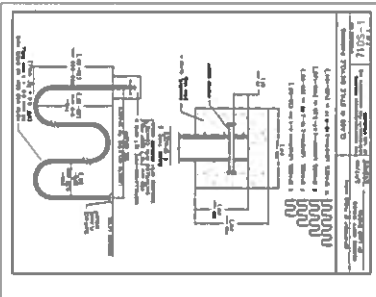
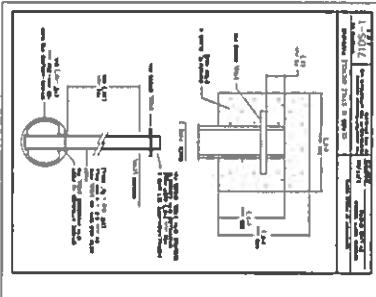
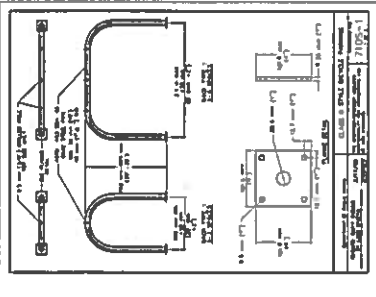
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## LEGEND

**THERE IS NO CONSTRUCTION ASSOCIATED WITH THIS SITE PLAN**



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## SITE CATEGORIES

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**Avila, Rosemary**

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**From:** Gavino Fernandez <razagavino1@gmail.com>  
**Sent:** Tuesday, November 29, 2016 11:49 AM  
**To:** Avila, Rosemary  
**Subject:** request for postponement of Permit & Variance: SPC-2016-0160A - Tamale House Conditional Use Permit; January 2017 montly meeting

Dear planning Commission members, I Gavino Fernandez, Jr, President of Barrio Unido Neighborhood Association have been appointed Election Judge for Pct 439 Pan-American Center for the December 13, 2016 City of Austin Council and Austin Community College Run-offs. And thus would like to request a postponement of case,. Permit & Variance: SPC-2016-0160A - Tamale House Conditional Use Permit; til the January 2017 Monthly meeting as we are still making unsuccessful attempts to meet with the owners to discuss this permit request. Your consideration is greatly appreciated. The earliest I could arrive is 9pm to the meeting if not postponed

Gavino Fernandez, Jr  
President Barrio unido Neighborhood Association

## PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2016-0160A

Contact: Rosemary Avila, 512-974-2784 or Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, Nov 8, 2016

MATTHEW MANNING

Your Name (please print)

1601 EAST FIFTH ST #109

Your address(es) affected by this application

*[Signature]* 11/3/16

Signature Date

Daytime Telephone: 512-203-4431

Comments:

Tanale House is a good neighbor and their expansion will be a benefit to the neighborhood.

☒ I am in favor  
☐ I object

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

City of Austin  
Development Services Department - 4<sup>th</sup> floor  
Rosemary Avila  
P. O. Box 1088  
Austin, TX 78767-8810

## INFORMACION DE AUDIENCIA PÚBLICA

Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo o cambio. Usted también puede contactar a una organización de protección al medio ambiente o organización de vecinos que ha expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o recomendar aprobar o negar la aplicación. Si la comisión anuncia fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

La decisión de la Comisión puede ser apelada por una persona con pie de recurso o por una persona que ha sido identificado como una parte interesada. El organismo obteniendo la audiencia pública determinara si una persona esta legitimada para apelar una decisión.

Una enmienda de la ordenanza de zonificación puede incluir una superposición condicional que incluiría las condiciones aprobadas por la Comisión de Uso de la Tierra o el Ayuntamiento. Si la aprobación final es por la acción del Consejo de la Ciudad, no hay apelación de la acción de la Comisión de Uso de la Tierra.

Una parte interesada, se define como una persona que es el solicitante o el titular de registro de la propiedad en cuestión o que se comunica el interés de una junta o comisión por:

- la entrega de una declaración por escrito a la junta o comisión, antes o durante la audiencia pública que generalmente se identifica los temas de interés (que puede ser entregado al contacto que aparece en un anuncio), o
- que aparecen y hablan por el registro en la audiencia pública, y
- ocupa una residencia principal que se encuentra dentro de 500 pies de la propiedad en cuestión o el desarrollo propuesto,
- es el registro dueño de la propiedad dentro de 500 pies de la propiedad en cuestión o desarrollo propuesto,
- es un funcionario de medio ambiente o la organización de la vecindad que tiene un interés o cuyos límites declarados son de 500 pies de la propiedad en cuestión o el desarrollo propuesto.

Un aviso de apelación debe ser presentada con el director del departamento responsable, a más tardar 14 días después de la decisión. Un formulario de apelación puede estar disponible en el departamento responsable.

Para obtener información adicional sobre el proceso de desarrollo de la ciudad de Austin, visite nuestro sitio Web: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, el número de caso, y el nombre de la persona designada en la noticia oficial.

Numero de caso: SPC-2016-0160A

Persona designada: Rosemary Avila, 512-974-2784, o

Elsa Garza, 512-974-2308

Audiencia Pública: Planning Commission, Nov 8, 2016

*Tomás Parfian*

Su Nombre (en letra de molde)

*1601 S 1605 EAST 7th St.*

Su domicilio(s) afectado(s) por esta solicitud

*[Signature]*

Firma

Fecha

Comentarios:

*In favor*

*[Signature]*

Si usted usa esta forma para proveer comentarios, puede retornarlos a:  
City of Austin / Development Services Department, 4<sup>th</sup> Fl

Rosemary Avila

P. O. Box 1088

Austin, TX 78767-8810

**From:** Gavino Fernandez

**Sent:** Tuesday, November 29, 2016 11:49 AM

**To:** Avila, Rosemary

**Subject:** request for postponement of Permit & Variance: SPC-2016-0160A - Tamale House Conditional Use Permit; January 2017 montly meeting

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