

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

**CASE NUMBER:** SPC-2018-0574A **PC DATE:** 4/23/2019

**PROJECT NAME:** 70 Rainey Street

**PROJECT ADDRESS:** 70 Rainey Street

**APPLICANT:** 70 Rainey Street Owner, LLC, Carter Sackman (512) 476-4725

**AGENT:** Big Red Dog, Nick Richardson (512) 669-5560

**NEIGHBORHOOD PLAN:** Downtown Austin Plan

**WATERSHED:** Waller Creek (Urban)

**CASE MANAGER:** Jeremy Siltala (512) 974-2945 or jeremy.siltala@austintexas.gov

**PROJECT DESCRIPTION:**

The applicant proposes a cocktail lounge within the Rainey Street subdistrict of the Waterfront Overlay requiring a conditional use permit [25-2-692(K)]. The applicant also requests a variance from 25-5-146(B) for parking to serve a cocktail lounge within 200 feet of a single-family use. No construction is proposed with this application.

**STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit and variance. The site plan will comply with all requirements of the Land Development Code prior to its release.

**SUMMARY STAFF COMMENT ON APPLICATION:**

The applicant proposes a 7,028 SF cocktail lounge on the second floor of a building currently under construction (SP-2013-0101C); 3,532 SF is indoor, and 3,496 SF is outdoors. The operating hours are Monday through Saturday 11 AM – 2 AM and Sunday 10 AM – 2 AM. There is one single-family residence across the street at 71 Rainey Street that triggers the parking variance.

**PROJECT INFORMATION:**

<b>SITE AREA</b>	7,028 SF (cocktail lounge) 24,829 SF, 0.57 acres (total site)
<b>ZONING</b>	CBD
<b>PROPOSED USE</b>	Cocktail Lounge
<b>PROPOSED IMPERVIOUS COVER</b>	24,829 SF, 100%
<b>PROPOSED BUILDING COVERAGE</b>	24,547 SF, 98.9%
<b>PROPOSED BUILDING HEIGHT</b>	35 stories, 416 feet
<b>PROPOSED F.A.R</b>	12:1
<b>PROPOSED ACCESS</b>	Rainey Street
<b>PROPOSED PARKING</b>	361 automobile, 51 bicycle

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Neighborhoods Council  
Bike Austin  
City of Austin Downtown Commission  
Downtown Austin Neighborhood Assn. (DANA)  
Friends of Austin Neighborhoods  
Friends of Rainey Street Historic District  
Friends of the Emma Barrientos MACC  
Greater East Austin Neighborhood Association  
Homeless Neighborhood Association  
Neighborhood Empowerment Foundation

Preservation Austin  
Rainey Business Coalition  
Rainey Neighbors Association, Inc.  
SELTexas  
Sierra Club, Austin Regional Group  
Tejano Town  
The Shore Condominium Association, Inc.  
Town Lake Neighborhood Association  
Waller Creek Conservancy  
Waller District Staff Liaison

**CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA**

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 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.
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: This application is compatible with the abutting sites.
4. Provide adequate and convenient off-street parking and loading facilities; Staff response: Adequate parking and loading facilities have been provided.
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 these adverse effects.

*A conditional use site plan may not:*

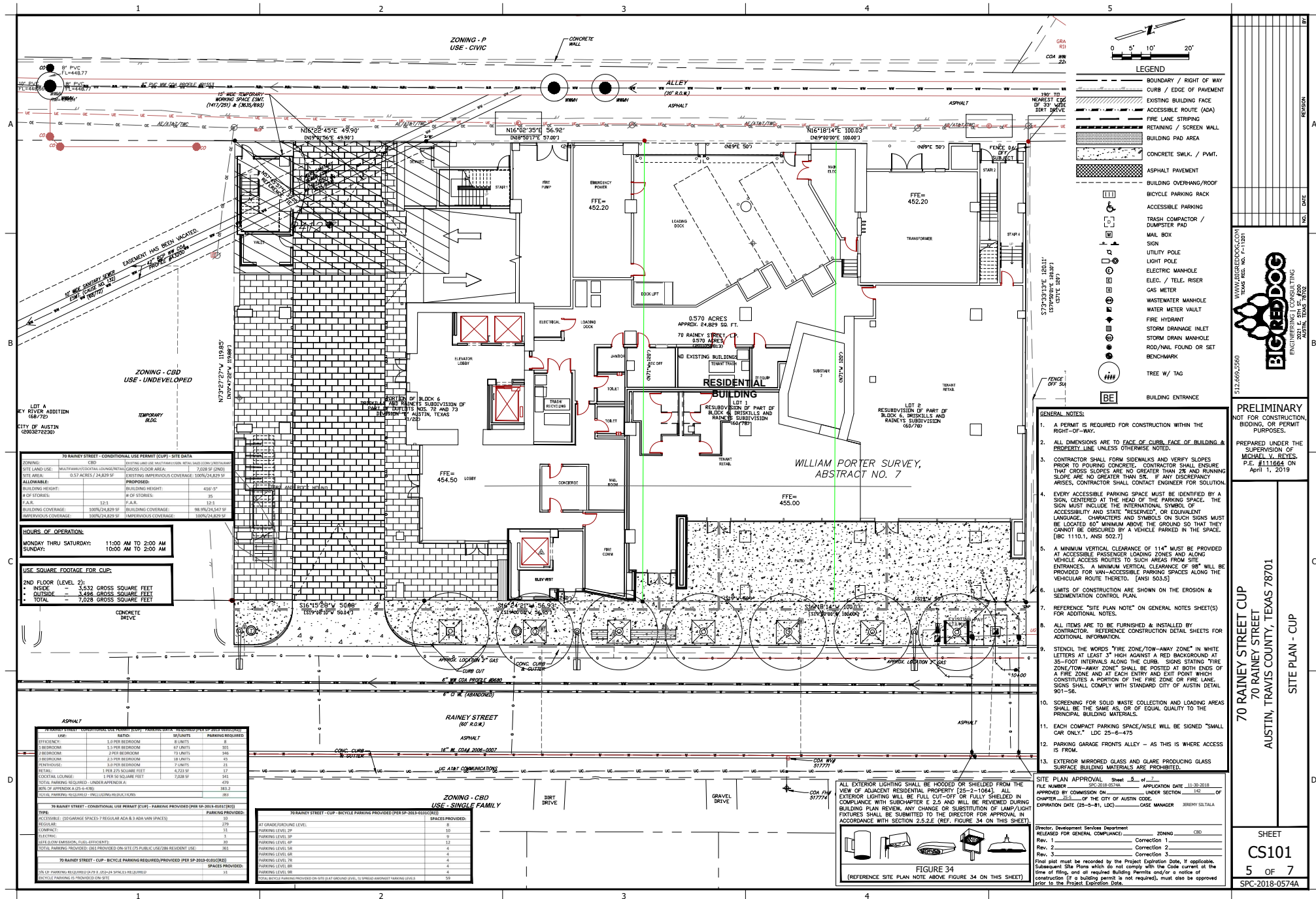
1. More adversely affect an adjoining site than would a permitted use; Staff response: The site plan will conform with all regulations and standards established by the Land Development Code prior to its release.
2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; Staff response: The project is not anticipated to have any detriment to safety or convenience.
3. Adversely affect an adjacent property or traffic control through the location, lighting, or type of signs; Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.

**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.







**Site Location Map**  
70 RAINEY STREET CUP  
70 RAINEY STREET  
Austin, Texas 78701

