

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

CASE NUMBER: SPC-2019-0451A

PC DATE: 2/25/2020

PROJECT NAME: 78 Rainey Street CUP

ADDRESS OF APPLICATION: 78 Rainey Street

AREA: 1,288 sf (footprint of enclosed cocktail lounge structure) / 414 sf (footprint of cocktail lounge outdoor seating area and deck contiguous to enclosed structure)

APPLICANT: Ashland Rainey LLC
165 W 73rd St (512) 476-4725
New York, NY 10023

AGENT: WGI
2021 E. 5th St, Suite 200 (512) 669-5560
Austin, TX 78702

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

PROPOSED USE: Cocktail Lounge

EXISTING ZONING: CBD

NEIGHBORHOOD PLAN: N/A

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for a cocktail lounge in one existing building located in the historic Rainey Street District, totaling 1,288 sf of indoor space, and a proposed 414 sf outdoor seating area and deck, for a grand total of 1,702 sf of CUP Cocktail Lounge space. The hours of operation will be Monday – Friday 6pm to 2am and Saturday and Sunday 12pm to 2am. No construction will occur with this permit but will be permitted either as a B-plan (construction site plan) or as a site plan exemption.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. Cocktail lounge is typically 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.

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, there are no SF-5 or more restrictive zoning districts or permitted land uses abutting the site.
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.

PROJECT INFORMATION

Gross Site Area	1,702 sf (cocktail lounge) / 7,203 sf (gross site area)
Existing Zoning	CBD
Watershed	Waller Creek / Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	N/A, not required
Capitol View Corridor	N/A
Proposed Access	N/A (all parking provided off-site)
Proposed Impervious Cover	5,661 sf / 78.59%
Proposed Building Coverage	1,288 sf / 17.9%
Height	1 story
Parking required: None/ CBD	Parking proposed: None/ CBD

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CBD	Cocktail Lounge (proposed)
<i>North</i>	CBD	Food Truck Lot
<i>South</i>	CBD	Cocktail Lounge
<i>East</i>	Rainey St then CBD	Restaurant/Cocktail Lounge (Banger's)
<i>West</i>	Alley then CBD	Multi-family

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use. 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. ATD has reviewed the change in land use proposed with this CUP and the Department requires the applicant to mitigate the pedestrian traffic impacts in this area. Staff requires construction of missing sidewalks generally from the north end of 84 Rainey Street to Southern End of 82 Rainey St. This can be done via site plan exemption after approval of the CUP.

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 City of Austin Downtown Commission
 Downtown Neighborhood Association
 El Concilio Mexican-American
 Neighborhoods
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos
 MACC
 Greater East Austin Neighborhood
 Association
 Homeless Neighborhood Association
 Lower Waller Creek

Neighborhood Empowerment
 Foundation
 Preservation Austin
 Rainey Neighbors Association, INC.
 SEL Texas
 The Shore Condominium Association,
 Inc.
 Sierra Club, Austin Regional Group
 Tejano Town
 Town Lake Neighborhood Association
 Waterloo Greenway
 Willow Spence Historic District
 Neighborhood Association



October 4, 2019

30195042.00

Ms. Denise Lucas
Development Services Department
505 Barton Springs Road
Austin, Texas 78704

RE: Engineer's Summary Letter
78 Rainey Street, C.U.P.
78 Rainey Street, Austin, Travis County, Texas

Dear Ms. Lucas:

Please accept this Engineer's Summary Letter along with the accompanying conditional use site plan application package for the proposed 78 Rainey Street C.U.P. project. The proposed project is located at 78 Rainey Street, located entirely within the Full Purpose limits of the City of Austin, in Travis County, Texas. The subject site is approximately ± 0.17 acres and is currently a sales office. The proposed project will consist of a conditional use permit that changes the use of the site from office to cocktail lounge.

The property is located within the Lady Bird Lake and Waller Creek Watersheds, which are classified as Urban Watersheds. No portion of the subject site is located within the Edwards Aquifer Recharge or Contributing Zone as defined by the Texas Commission on Environmental Quality (TCEQ). Additionally, no portion of the subject tract is located within a 100-year FEMA designated flood plain as shown on FEMA Map Panel No. 48453C0465J, effective on 01/06/2016. Additionally, all development will be regulated under the applicable City of Austin zoning ordinances.

To our knowledge, the enclosed application materials are complete, correct, and in full compliance with the Land Development Code and Technical Criteria Manuals of the City of Austin. Should you have any questions regarding this project or application, please do not hesitate to contact our office.

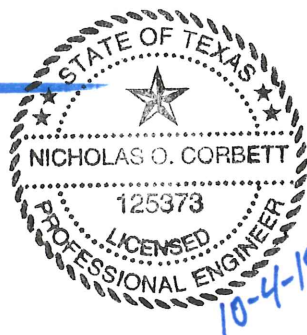
Sincerely,

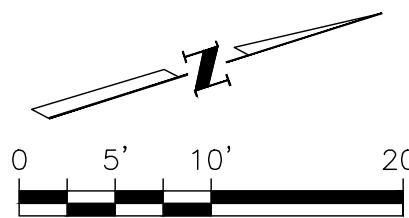
WGI

Texas Engineering Firm No. F-15085

A blue ink handwritten signature of Nicholas O. Corbett.

Nicholas O. Corbett, P.E.
Project Engineer





LEGEND

	BOUNDARY / RIGHT OF WAY
	CURB / EDGE OF PAVEMENT
	EXISTING BUILDING FACE
	ACCESSIBLE ROUTE (ADA)
	FIRE LANE STRIPING
	RETAINING / SCREEN WALL
	BUILDING PAD AREA
	CONCRETE SWLK. / PVMT.
	GRAVEL
	BUILDING OVERHANG/ROOF
	IRON FENCE
	WOOD FENCE
	BICYCLE PARKING RACK
	ACCESSIBLE PARKING
	TRASH COMPACTOR / DUMPSTER PAD
	MAIL BOX
	SIGN
	UTILITY POLE
	LIGHT POLE
	ELECTRIC MANHOLE
	ELEC. / TELE. RISER
	GAS METER
	WASTEWATER MANHOLE
	WATER METER VAULT
	FIRE HYDRANT
	STORM DRAINAGE INLET
	STORM DRAIN MANHOLE
	ROD/NAIL FOUND OR SET
	BENCHMARK
	TREE W/ TAG
	BUILDING ENTRANCE

FIRM NO. F-15065



2021 EAST 5TH STREET, SUITE 200 AUSTIN, TEXAS 78702

78 RAINEY STREET CUP
78 RAINEY STREET
AUSTIN, TRAVIS COUNTY, TEXAS 78701

SITE PLAN - CUP

SHEET

CS100

5 OF 6

SPC-2019-0451A

RESUBDIVISION OF
PART OF BLOCK 6,
DRISKILLS AND RAINEY'S
SUBDIVISION
VOL. 60, PG. 78, P.R.T.C.T.

78 RAINEY STREET - CONDITIONAL USE PERMIT (CUP) - SITE DATA			
ZONING:	CBD	EXISTING LAND USE:	OFFICE
SITE LAND USE:	COCKTAIL LOUNGE	GROSS FLOOR AREA:	1,288 SF
SITE AREA:	0.165 ACRES / 7,203 SF	EXISTING IMPERVIOUS COVERAGE:	78.59%/5,661 SF
ALLOWABLE:		PROPOSED:	
BUILDING HEIGHT:		BUILDING HEIGHT:	28'
# OF STORIES:		# OF STORIES:	1
F.A.R.	8:1	F.A.R.	0.179
BUILDING COVERAGE:	100%/7,203 SF	BUILDING COVERAGE:	17.9%/1,288 SF
IMPERVIOUS COVERAGE:	100%/7,203 SF	IMPERVIOUS COVERAGE:	78.59%/5,661 SF

HOURS OF OPERATION:

MONDAY THRU FRIDAY: 6:00 PM TO 2:00 AM
SATURDAY THRU SUNDAY: 12:00 PM TO 2:00 AM

USE SQUARE FOOTAGE FOR CUP:

• INSIDE — 1,288 GROSS SQUARE FEET
• TOTAL — 1,288 GROSS SQUARE FEET

SHIPPING
CONTAINER
(SEATING)

SHIPPING
CONTAINER
(RESTROOM)

EXISTING COVERED
BRICK PATIO
SEATING AREA

EXISTING WOOD RAMP
& DECK

EXISTING METAL RAMP

EXISTING CONCRETE
DRIVE

SHIPPING
CONTAINER
(SEATING)

EXISTING BRICK
WALKWAY

EXISTING COVERED
CONCRETE

RAINEY STREET

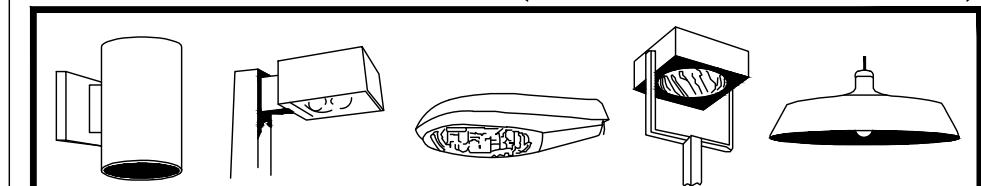
60' R.O.W. - 25 MPH - ASPHALT

TREE LIST 07/13/2017		
NO.	SIZE	DESCRIPTION
5001	38"	PECAN (H)
5002	11"	RED OAK
5003	9"	RED OAK
5007	26"	PECAN (H)
5008	22"	PECAN

NOTE:

NO CONSTRUCTION IS AUTHORIZED WITH THIS SITE PLAN, USE DETERMINATION ONLY.

ALL EXTERIOR LIGHTING SHALL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY [25-2-1064]. ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF OR FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 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 (REF. FIGURE 34 ON THIS SHEET).

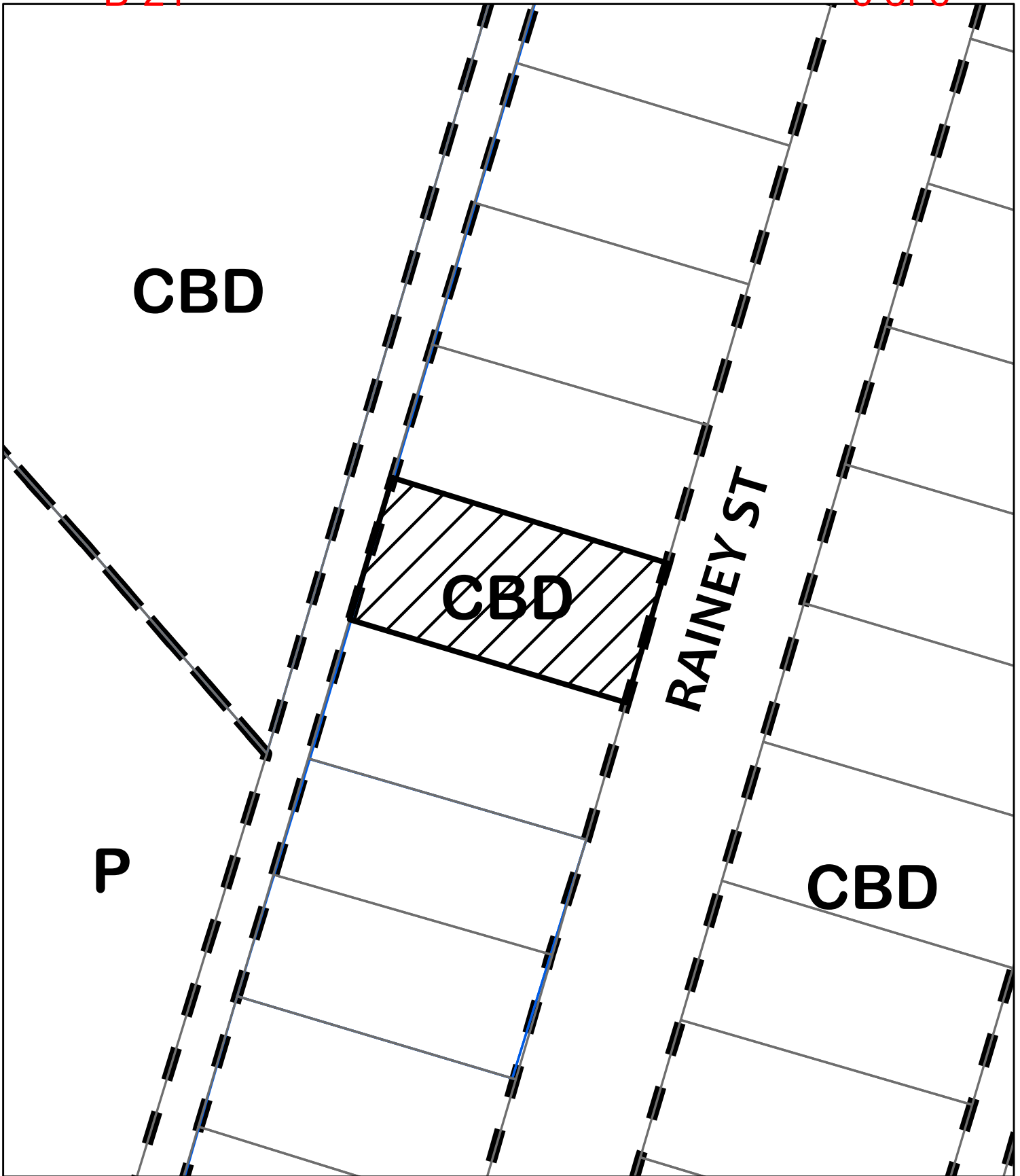




GENERAL NOTES:

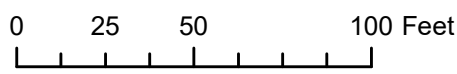
- A PERMIT IS REQUIRED FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY.
- ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING & PROPERTY LINE UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL FORM SIDEWALKS AND VERIFY SLOPES PRIOR TO POURING CONCRETE. CONTRACTOR SHALL ENSURE THAT GROSS SLOPES ARE NO GREATER THAN 2% AND RUNNING SLOPE ARE NO GREATER THAN 5%. IF ANY DISCREPANCY ARISES, CONTRACTOR SHALL CONTACT ENGINEER FOR SOLUTION.
- EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE "RESERVED", OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 60" MINIMUM ABOVE THE GROUND SO THAT THEY CANNOT BE OBTAINED BY A VEHICLE PARKED IN THE SPACE. [IBC 1110.1, ANSI 502.7]
- A MINIMUM VERTICAL CLEARANCE OF 114" MUST BE PROVIDED AT ACCESSIBLE PASSENGER LOADING ZONES AND ALONG VEHICLE ACCESS ROUTES TO SUCH AREAS FROM SITE ENTRANCES. A MINIMUM VERTICAL CLEARANCE OF 98" WILL BE PROVIDED FOR VAN-ACCESSIBLE PARKING SPACES ALONG THE VEHICULAR ROUTE THERETO. [ANSI 503.5]
- REFERENCE "SITE PLAN NOTE" ON GENERAL NOTES SHEET(S) FOR ADDITIONAL NOTES.
- ALL ITEMS ARE TO BE FURNISHED & INSTALLED BY CONTRACTOR. REFERENCE CONSTRUCTION DETAIL SHEETS FOR ADDITIONAL INFORMATION.
- STENCIL THE WORDS "FIRE ZONE/TOW-AWAY ZONE" IN WHITE LETTERS AT LEAST 3" HIGH AGAINST A RED BACKGROUND AT 35-FOOT INTERVALS ALONG THE CURB. SIGNS STATING "FIRE ZONE/TOW-AWAY ZONE" SHALL BE POSTED AT BOTH ENDS OF A FIRE ZONE AND AT EACH ENTRY AND EXIT POINT WHICH CONSTITUTES A PORTION OF THE FIRE ZONE OR FIRE LANE. SIGNS SHALL COMPLY WITH STANDARD CITY OF AUSTIN DETAIL 901-S6.
- SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO THE PRINCIPAL BUILDING MATERIALS.
- EACH COMPACT PARKING SPACE/AISLE WILL BE SIGNED "SMALL CAR ONLY." LDC 25-6-475
- EXTERIOR MIRRORING GLASS AND GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS ARE PROHIBITED.

SITE PLAN APPROVAL Sheet 5 of 6
FILE NUMBER SPC-2019-0451A APPLICATION DATE 10/08/2019
APPROVED BY COMMISSION ON UNDER SECTION 142 OF CHAPTER 255 OF THE CITY OF AUSTIN CODE.
EXPIRATION DATE (25-5-81, LDC) RENEWED JOHN'S CASE MANAGER

Director, Development Services Department
RELEASED FOR GENERAL COMPLIANCE: ZONING CBD
Rev. 1 Correction 1
Rev. 2 Correction 2
Rev. 3 Correction 3
Final plot 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.



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



CASE#: SPC-2019-0451A
ADDRESS: 78 Rainey St
CASE NAME: 78 Rainey St CUP
MANAGER: Renee Johns



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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.