

Greater South River City Neighborhood Plan Contact Team
200 Academy Sub-Committee Report
08-17-21

Applications: NPA-2019-0022.01 (Neighborhood Plan Amendment filed Feb 27, 2019)
C14-2020-0147 (Zoning Change Application filed

Subcommittee Members: Laura Toups (chair), Claudette Lowe, Colin Corgan, Brian Beattie, Valerie Fowler

SUMMARY OF MEETINGS AND ACTIONS TO DATE:

Subcommittee Meetings:

July 25, 2021 Applicant's agent, Richard Weiss met with Laura Toups to discuss details of the application.

August 5, 2021 Applicant, Chris Wallin and agent Richard Weiss met with entire sub-committee to present application requests, project concept and address questions/concerns.

Full Contact Team Meeting:

April 2019 Grace United Methodist Church heard initial presentation from applicant

Planning Department Meeting:

January 13, 2021 City of Austin Planning Dept. presentation by applicant

Postponement by Staff:

August 13, 2019 – City staff's request for an indefinite postponement.

Postponements by Applicant:

January 14, 2020 – Applicant's request for an indefinite postponement.

June 23, 2020 – Applicant's request for an indefinite postponement.

Postponement by NPCT:

August 10, 2021

EXECUTIVE SUMMARY TIMELINE

- The GSRCC Neighborhood Planning Contact Team (NPCT) met with the applicant in April 2019 when application for the Neighborhood Plan FLUM Amendment was filed.
- The NPCT issued a letter in opposition in response to the project as proposed on April 18, 2019.
- The NPCT did not hear a response from the applicant.
- The applicant filed a zoning change application in late 2020.
- The applicant filed a TIA with the City of Austin in October 2020 and completed the required TIA review with the City in May 2021.
- The NPCT and subcommittee of concerned neighbors have worked to review the TIA, the new uses proposed in the TIA and the concepts presented by the applicant.

The SRCC neighbors have worked for many years in a progressive planning approach which is evidenced by the adoption of the first city NCCD for Fairview Park which was developed and adopted at a time when the city had not even approached neighborhood planning yet. As the neighborhood

adjoins South Congress there was early acknowledgement that commercial and mixed use would develop along the S. Congress corridor and there would be a threat to preservation of the historic neighborhood of Fairview Park. The neighborhood, while many may be disappointed by the changes to S. Congress from its (slower feel of the) loss of local merchants, accepts the increased density, commercial development and "tourist destination" it has become, of course, we have no choice really. But the NCCD was put into place and the FLUM developed to allow Office and Multifamily use on the 200 Academy property which is an appropriate transitional use next to single family. A music venue on this property, which does not have frontage or access to S. Congress is not an acceptable use to the neighborhood. It is deep into the neighborhood with its only access from a neighborhood collector street with 30' of pavement.

SUBCOMMITTEE RECOMMENDATION

It is recommended that the FLUM not be amended to allow more intense uses as proposed by this application.

HISTORY OF MUSIC VENUE

Applicant believes that the need for a 'cocktail lounge' music venue at this location is driven by its history. The following is our response to this argument.

The following was prepared by Brian Beattie who along with wife Valerie Fowler live at 1211 Ravine, across from 200 Academy.

"I am a lifelong professional musician/ record producer. I saw lots of great shows at The Opry House, I played there a few times myself, and I've made a quite a few records at Arlyn, the recording studio within the 200 Academy complex. And somehow, I still love music! Additionally, I'm no "nimby", and I would welcome the redevelopment of the property at 200 Academy." Brian Beattie.

Problems with the venues:

The developers want to use the branding and value of the property's association with "The Austin Opry House" as a centerpiece of their development. Although I greatly appreciate the history of the Opry House and the many legendary acts that came to play there, there is a second, parallel history that replayed again and again during the Opry House's relatively brief tenure. During the 16 or so years of the Opry House's existence, there was a constant battle with the neighborhood over the noise, parking and behavior of the well lubricated patrons spilling out en masse into the neighborhood as the shows ended late in the night. The owners of the **Texas Opry House in '74**, and the **Austin Opry House between 77 and 87**, and the **Terrace/ Opera House in the late 80's and early 90's** constantly attempted to mitigate the effects that the club had on the neighborhood, but the same problems played out again and again.

- Too much traffic all happening at once in the middle of the night when the shows let out,
- Too many people parking all up and down the streets of the neighborhood

- Too many drunk, loud, excited patrons wandering the neighborhood looking for their cars, or a place to pee, or to perform other natural acts that are usually private affairs when one's judgement is less clouded.
- Trash everywhere. Tons of bottles, beer cans, food containers, condoms, etc. Sort of what might be expected, near a bar.

Continued Problems lead to restrictions:

It happened in '74 as "The Texas Opry House", and that led to enough neighborhood complaints to shut the place down, and it happened immediately again when it re-opened as "The Austin Opry House" in '77. Within a short time, the owners had to severely limit the number of tickets they could sell, and the size and frequency of shows that they could produce, yet they could never mitigate what was beyond their control, which is the way that thousands of intoxicated, excited folks behave when they are released into the cool Austin night.

It became such a problem that the club's liquor license was eventually revoked by the TABC. There was NEVER a time when the "Opry House" existed that it was able to operate in a way that did not adversely affect the neighborhood.

Additional Historic Facts:

- After it was first platted out as "The Isaac Dekker League" the first developer of this property (James Swisher) donated the land that is presently used as South Congress Avenue as a thoroughfare for the southern approach to our lovely city. Anyone driving up South Congress Avenue is benefiting from his foresight. What a view! James Swisher lived on the property directly to the east of 200 Academy, across Melissa Street.
- Fairview Park was developed by Charles Newning in 1886, who bought the old Swisher Place and rebuilt it as a grand Victorian House. He developed the roadways and infrastructure within "Fairview Park" well before he even offered lots for sale. He created all of the present roadways in the neighborhood, including Academy Drive, which was initially called "Riverside", because it was the best way to head towards the southeastern part of town from south of the river. (The current "Riverside Ave" east of S. Congress was a flood prone sand bank before the Colorado was dammed)
- The area that is now 200 Academy was a park and picnic grounds for any number of events in early Austin History (Yes, lots of music and dancing back then as well!) Fairview Park has been a lovely, close in, urban neighborhood for the past 125 years. We had public transportation in the form of horse drawn, and then electric trolleys running right down Academy from the 1880's to the 1920's, and it was a boon to us all. Charles Newning developed the roadways that are still used today, and well loved by all that use them.
- "The Terrace", the hotel complex that originally developed the 200 Academy property in 1965, got international recognition as an innovator in creating parking solutions for the newly developing "Motor Court" culture. (this was in 1960) When they built "The Terrace Convention Center", it was opened as a "Private Club" (much in the same way that the bar at the Saint

Cecelia at 112 Academy operates.) Although the Terrace Motor Court hosted events with as many as 2000 people, there is no historical evidence that it ever disrupted the neighborhood. I believe this may be partially because the hotel complex spread over 15 acres at that point, so many if not all of the convention goers were actually staying at the Motor Court, so they could leave their cars in front of their cabin and walk down the well-manicured paths to the Convention Center and convene. The Terrace Convention Center also annually hosted the precursor to the Texas Book Festival, which was called the "Texas Writer's Round-up"

In Summary:

Every developer who owned the 200 Academy property up to the era of the "Opry House" was able to design their development so that it enhanced the livability and mobility of the neighborhood and city. The only difference in "The Opry House" from every other usage was its pure reliance on alcohol sales during musical events, the resulting density of use during those business hours, and the behavior of the patrons as they were released into the world... again, and again. It was the first time that the use of the property hurt, instead of helped, the area surrounding it.

For many years after the Opry House was forced to close because of its incompatibility with the neighborhood, it was used as a business park. That was very acceptable, it generated money and jobs, and the constant comings and goings were peaceful.

Historically, the usage of the property at 200 Academy as a music venue, as legendary as it was, was very short lived. Maybe 16 years tops, and most of those years it was used very minimally because of the problems caused within the neighborhood, and the negotiated solutions. The property has been a great neighbor to us for the last 25 years. It has been sort of empty lately, but that has purely been the choice of the current owner. "The Austin Opry House" is a fine, well-loved brand, but, like "The Soap Creek Saloon", and "Austin City Limits", if it was moved to a more appropriate location, it could become something that hews more closely to the developers expectations and dreams. Bring on the development, bring us public transportation, housing, local markets, but PLEASE do not bring the same thing in that has proven time and again to be disruptive within the confines of a lovely, yet ever evolving historic neighborhood.

COMPATIBILITY OF USES PROPOSED

Issues with the Staff Recommendations:

- Staff comment: *"Granting of the request should result in an equal treatment of similarly situated properties."*

This is not a valid statement as the properties that were rezoned within the NCCD had frontage and access on S. Congress which is a major arterial.

- Staff comment: *“The proposed zoning should promote consistency and orderly planning; Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.”*

The neighborhood believes that the current allowed uses on the tracts for Office and Multi-family promote orderly and consistent planning and not the addition of a music venue and high turnover restaurant.

- Staff Comment: *“Tract 3’s current zoning is most closely aligned with the MF-2 zoning district. Allowing for the equivalent of MF-3 zoning on this tract would still be compatible with single-family uses and provide a transition in land use and development intensity from S. Congress to Melissa Lane.”*

The neighborhood believes that MF-2 is a more compatible use in this transition to SF-3.

- TIA staff memo recommendation supporting the proposed uses.

Neighborhood is concerned with the access to Academy Drive (66’ ROW) and Melissa Lane (50’ ROW). Both have 30’ of pavement and are classified as Austin Strategic Mobility Plan (ASMP) 1 streets. Level 1 streets are the lowest category and referred to as Local streets. In the Transportation Criteria Manual (TCM) these streets are categorized as neighborhood collector and local residential. The high intensity uses of a 17,000 s.f. music venue and high turnover restaurant are not appropriate off of a Neighborhood Collector street.

TIA AND TRAFFIC/PARKING CONCERNS

TIA:

The applicant’s TIA states the following:

WGI collected 24-hour, bi-directional tube counts on Le Grande Avenue, Newning Avenue and Melissa Avenue on Tuesday, July 21, 2020. Tube counts on Academy Drive were collected on Tuesday, March 23, 2021. Since these tube counts were collected during the COVID-19 pandemic, an adjustment was made in order to account for the atypical/low volumes.

The counts made in July 2020 were not only during a pandemic, it was also while Academy Drive at S. Congress was closed and had been closed for almost 2 years. Cut through traffic has built over the years for those cutting between S. Congress and Riverside Dr. via Newning/Le Grande/Hillside/Academy. Although counts were then taken on March 23, 2021, Academy was open

but continued construction at the intersection with S. Congress, along with its 2-year closure had greatly reduced cut-through traffic along with the pandemic continuing to affect traffic.

- **There does not appear to be an increased adjustment for the Bigger issue of the road closure at S. Congress.**
- **There were no updated 2021 tubes counts at Le Grande location.**
- **The TIA assumes a music venue of 10,000 s.f. We have been told by applicant that they are proposing a 17,000 venue.**

See ATTACHMENT 1 - City of Austin Staff TIA Memo for neighborhood item concerns provided in **YELLOW HIGHLIGHT** and comments in **RED**.

TRAFFIC/PARKING CONCERNS:

- Even with the proposed solution of a huge underground parking lot in the middle of a natural historic drainage, there will be many people who will simply want to eliminate the hassle (and cost) of the parking garage and park nearby on the neighboring streets. The only solutions that applicant was able to offer to that problem is that we should change the parking regulations within the neighborhood, outside of their development. They want to make Academy, between Congress and the entrance to the Opry House a "No Parking" street, and recommended that everyone that is affected outside of their development to ask the city to make their streets into "neighborhood parking only" zones. As we understand, that sort of parking regulation often causes more problems than it solves.
- The traffic generated by a 17,000 s.f. music venue that all leave and come at the same time will generate unacceptable problems for this residential neighborhood.

ENVIRONMENTAL CONCERNS

Although environment compliance is not detailed and required until the Site Development Permit phase the following concerns are provided:

1. There is a natural creek across from my house (at 1211 ravine dr). I believe it's historical name was "Swisher Branch". It used to extend all the way north to it's confluence with Bouldin Creek. In 1964, when the "Terrace Convention Center" and its parking lot were built (at 200 Academy), they diverted the creek into a storm drainage pipe, and then they paved over the creek and put up a parking lot. (not to mention the small valley on either side of the creek, lined with ancient

trees that had been used for years as a public picnic and gathering space, since Fairview Park was developed in 1886) The natural creek still exists across from my house at 1211 Ravine Dr., and it exists right beyond the lower (northern) extremity of the property at 200 Academy. There is a lovely little canyon down there where the piped creek dumps back into the natural waterway, about 100 yards or so before it's confluence with Bouldin Creek. There are known springs all throughout this area of our neighborhood. Nowadays, with modern zoning and environmental standards, you could never pave over an existing creek of this size in Austin. The developers seem to be unaware of the creek's existence. I believe their plans involve putting an underground parking lot right where the natural waterway used to flow. All of us need to understand the environmental impact of what they want to do before any plans are finalized. I would prefer for them to re-naturalize the waterway and use it as a green/commons/ park/ hike and bike area space to allow for a proper amount of pervious cover for the density of development that they're proposing. (Brian Beattie)



MEMORANDUM

Date: May 21, 2021
To: Ravali Kosaraju, P.E., PTOE, WGI Engineering
CC: Curtis Beaty, P.E., Bryan Golden, Jayesh Dongre
Austin Transportation Department
Kate Clark, Housing and Planning Department
Reference: 200 Academy
Transportation Impact Analysis Final Memo
C14-2020-0147

Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department (ATD) has reviewed the “200 Academy TIA” dated July 31, 2020 and subsequent updates received on November 25, 2020, January 29, 2021, March 26, 2021, and April 29, 2021 prepared by WGI Engineering. The 200 Academy TIA and all amendments thereto are collectively referred to herein as the “TIA”. The proposed 200 Academy development is located on the northwest corner of Academy Drive and Melissa Lane in Austin, shown in Figure 1 below.

The proposed project is anticipated to be completed by 2023 and would consist of 60,000 square feet of General Office, 4,000 square feet of Shopping Center, 8,000 square feet of High-Turnover Restaurant, 120 dwelling units of Multi-Family (Low-Rise) housing, 4,000 square feet Museum, and a 10,000 square feet Music Venue. SHOULD BE 17,000 S.F.

A Neighborhood Traffic Analysis, prepared by WGI Engineering, was also required for this site and can be found in Appendix A.

Below is a summary of our review findings and recommendations:

1. The applicant shall design and construct the improvements

identified in Table 2b below and in Figure 2 prior to issuance of a temporary certificate of occupancy (TCO) or certificate of occupancy (CO) at the time of the first site development permit. **Note:** Cost estimates should not be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.

2. A fee-in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2a, totaling \$5,000, prior to issuance of the first site development permit.
3. The applicant shall provide an electronic copy of the final, updated version of the TIA report, including all supplemental documents, before 3rd reading.

4. City of Austin staff reserves the right to reassign any or all the funding to one or more of the improvements identified in the TIA.
5. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of the traffic counts in the TIA or the date of this memo, whichever comes first, after which a revised TIA or addendum may be required.
6. The findings and recommendations of the TIA included in this memo are based on the land use, intensity, associated traffic information and analyses and phasing of the development considered in the TIA. Should any of these assumptions change, the applicant may need to complete a new TIA, or update the TIA as required by code at the time of site plan application.
7. Street Impact Fee Ordinances 20201220-061 [<https://www.austintexas.gov/edims/document.cfm?id=352887>] and 20201210-062 [<https://www.austintexas.gov/edims/document.cfm?id=352739>] have been adopted by City Council and are effective as of December 21, 2020. The City shall start collecting street impact fees with all building permits issued on or after June 21, 2022. For more information please visit the Street Impact Fee website [austintexas.gov/streetimpactfee].

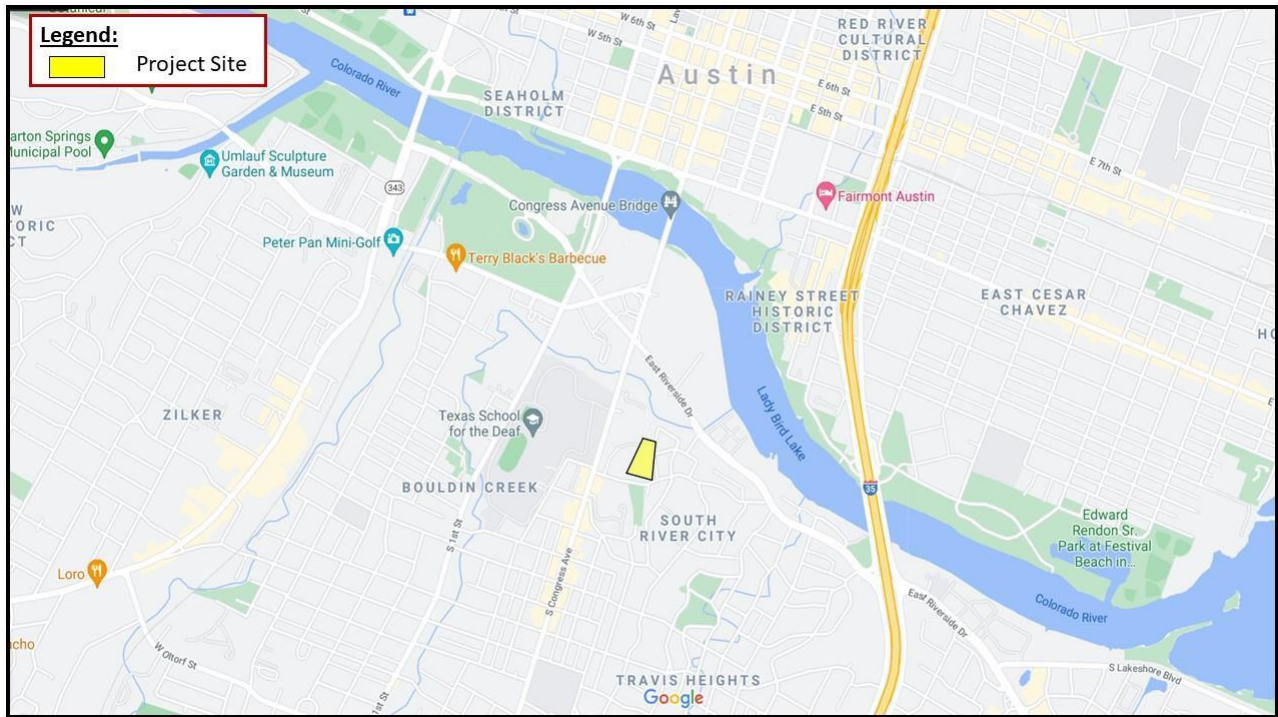


Figure 1: Site Location

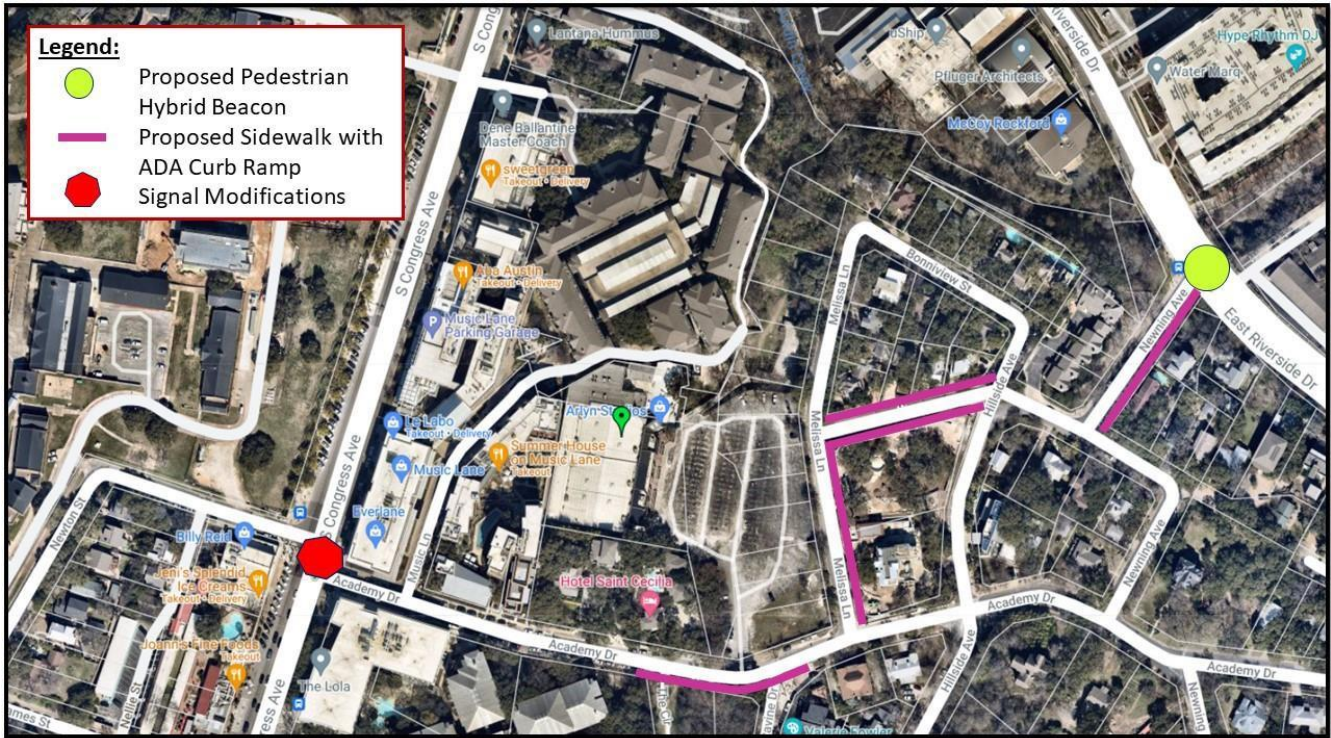


Figure 2: Transportation Mitigation Locations

Assumptions:

1. The TIA assumes that the development will be completed by 2023.
2. The project will have two access points: the primary driveway will exist along Academy Drive across from Ravine Drive and will serve all land uses. A second driveway will exist on Melissa Lane just north of the intersection with Le Grande Avenue that will provide access to the residential units only and will not have any parking provided for other land uses.
3. Based on TxDOT Traffic Count Database System (TCDS), a 2% annual growth rate was assumed to account for the increase in background traffic.
4. Various growth factors were calculated to account for COVID-19 traffic conditions. WHERE IS THE INCREASE ADJUSTMENT FOR COVID AND WHERE IS THE INCREASE ADJUSTMENT FOR CLOSURE OF ACADEMY DRIVE AT S. CONGRESS?
5. Transportation Demand Management (TDM) measures would reduce vehicle trips by 30%. A robust TDM plan will be submitted at the time of first site plan.
6. Listed below are the background projects that were assumed to contribute trips to surrounding roadway network in addition to forecasted site traffic:
 - a. The Magdalena Hotel: SP-2015-0345CT(R1)
 - b. 425 Riverside PUD: SP-2017-0494C
7. It should be noted that during this review, Capital Metro’s Project Connect Plan was adopted and the design of all the rail lines are currently in progress. The design of Project Connect, particularly the Orange Line, might potentially affect traffic operations along South Congress Avenue and at Academy Drive. This may affect the operational assumptions contained in this TIA. ATD may require additional analysis at time of site plan if Project Connect’s plans become more refined and alter traffic patterns along South Congress at the Academy Drive intersection.

8. At the time of first site plan, the following must be submitted for ATD’s review and approval: a TDM plan, a traffic control plan for the music venue, the location of on-site TNC pick-up/drop-off, driveway design at Academy Drive that includes vehicle and truck turning templates, the location of for loading/unloading activities, and a final internal circulation design.

Proposed Conditions:

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 3,933 unadjusted average daily vehicles trips (ADT) at full build out.

ITE Trip Generation Manual (10th Edition) does not capture the trip generation for music venue and museum as land uses, therefore, local data was used for these land uses.

Due the significant number of vehicle trips and the anticipated traffic load on the roadway network, the applicant has committed to a Transportation Demand Management (TDM) Plan to reduce their site vehicle trips by 30%.

Table 1 shows the adjusted trip generation after existing trips and TDM reductions.

Table 1: Adjusted Trip Generation						
ITE Code	Proposed Land Use	Size / Unit		24-Hour Two Way Volume (Approx.)	AM	PM
710	General Office	60,000	SF	646	83	70
820	Shopping Center	4,000	SF	674	154	50
932	High-Turnover Restaurant	8,000	SF	897	80	78
220	Multifamily Housing (Low Rise)	120	DU	866	57	69
*	Music Venue	10,000	SF	650	0	65
*	Museum	4,000	SF	200	0	20
<i>Unadjusted Trips</i>				<i>3,933</i>	<i>374</i>	<i>352</i>
<i>Existing Trips</i>				<i>(593)</i>	<i>(78)</i>	<i>(64)</i>
Subtotal				<i>3,340</i>	<i>296</i>	<i>288</i>
<i>TDM Reduction (30%)</i>				<i>(1,002)</i>	<i>(89)</i>	<i>(86)</i>
Total Adjusted Trips				2,338	207	202

Note: * marked denotes Local data used

THE ASSUMED SF OF MUSIC VENUE IS INCORRECT.

Transportation Demand Management (TDM)

The applicant has committed to a 30% TDM reduction to meet certain vehicle trip reduction targets. In the TDM plan, the applicant has identified several measures that could be incorporated with the site to achieve the targeted vehicle trip reduction. The applicant identified the following key TDM measures to reach the reduction target:

- Transit Elements (up to 7%)
- Pedestrian Access and Connectivity (5%)
- Bicycle Access and Connectivity (5%)
- Bicycle Parking (0.5%)
- Showers & Lockers (0.5%)
- Unbundled Parking (6%)
- Limit Parking Supply (6%)
- TDM Coordinator (1%)
- TMA Membership (3%)

The applicant has the flexibility to pick and choose other relevant TDM measures at the time of site plan.

Summary of Recommended Improvements:

Table 2a: Recommended Improvements (Fee-in-Lieu)				
Intersection	Improvement	Cost	Developer's Share %	Developer's Share \$
South Congress Ave & Academy Dr/Nellie St	Signal Modifications	\$5,000	100%	\$5,000
Total		\$5,000	-	\$5,000
Table 2b: Recommended Improvements (Construction)				
Intersection	Improvement	Cost	Developer's Share %	Developer's Share \$
East Riverside Dr & Newning Ave	Pedestrian Hybrid Beacon (PHB)	\$150,000	100%	\$150,000
Le Grande Ave (north) from Melissa Ln to Hillside Ave Le Grande Ave (south) from Melissa Ln to Hillside Ave * Melissa Ln (east) from Le Grande Ave to Academy Dr * Newning Ave (east) from E Riverside Dr to Le Grande Ave Academy Dr (south) from ±200 ft west of Ravine Dr to ±50 ft east of Ravine Dr	Approximately 1,580 LF of 5 ft wide sidewalk construction	\$189,600	100%	\$189,600
Total		\$339,600	-	\$339,600

* TOPOGRAPHICAL CONSTRAINTS WILL SEVERELY AFFECT CONSTRUCTIBILITY AND COST OF THIS SIDEWALK. THE CONNECTION TO EXISTING SIDEWALK FROM LE GRANDE TO RIVERSIDE CAN NEVER BE ADA COMPLIANT DUE TO THE STEEP HILL ON NEWNING.

If you have any questions or require additional information, please contact me at 512-974-4073.

A handwritten signature in black ink that reads "Nazlie Saeedi". The signature is written in a cursive style with a large initial 'N' and a long, sweeping tail on the 'i'.

Nazlie Saeedi, P.E.

Austin Transportation Department