

## **Item for Action**

**Make a recommendation to the Planning Commission and City Council on the Hyatt  
Regency Redevelopment Project**

**Parks and Recreation Department Board  
Tuesday, October 24, 2006  
Regular Meeting**

Board Member Francell moved to approve the recommendation to the Planning Commission and the City Council, seconded by Board Member Vane. Board Chair requested a roll call vote and the result was a 4-4 deadlock, therefore the motion did not carry. The vote was as follows:

Board Member Chimenti- No

Board Member Ortiz- No

Board Member Bostick- No

Board Member Boyd- Yes

Board Member Small - Yes

Board Member Francell- Yes

Board Member Vane- Yes

Board Member Guerrero- No

Tino Garcia, Parks Board Liaison  
Parks and Recreation Department

November 7, 2006

ATTACHMENT D

July 14, 2006

**RECEIVED**

JUL 14 2006

City of Austin  
Director, Neighborhood Planning & Zoning Department  
505 Barton Springs Road  
Austin, Texas 78703  
Attention: Greg Guernsey

Neighborhood Planning & Zoning

Re 208 Barton Springs Road – Hyatt Redevelopment ("Property")

Dear Greg Guernsey:

Pursuant to our discussions concerning the above-referenced matter, Fairfield Residential has agreed to the following additional items, which will be incorporated into the final zoning ordinance

- Plant a vegetative screen along the Southernmost property line of the Hotel Tract facing Town Lake adjacent to the surface parking lot on the East side of the Hotel Tract;
- Prior to obtaining a certificate of occupancy for any pedestrian oriented uses or residential dwelling units for the West Parcel, an access easement will be provided to the City that allows (i) public access to the internal drive on the West Parcel and (ii) public access from the internal drive to the Town Lake hike and bike trail;
- Prohibit pole signage, with the exception of directional signage for vehicular and pedestrian traffic, which will be limited to a height of four feet (this provision will not prohibit the use of traffic control signage in conformance with City regulations, i.e. stop signs), and
- Public bicycle parking in the primary setback area, subject to the City's approval of location

If you have any questions, please feel free to call

Very truly yours,



Michael Whellan

MJW v/h

### Phasing Plan

1. The PUD is divided into three (3) separate parcels identified on the Land Use Plan as the "Hotel Parcel," the "West Parcel" and the "South Parcel." The PUD shall be developed in phases to accommodate the redevelopment of the existing parking improvements and to meet market demand. The existing hotel on the Hotel Parcel shall be entitled to continue to be used and operated during the construction of any and all of the phases of the redevelopment of the PUD. Any portion of any Parcel may be included in a phase, and more than one Parcel may be involved in a phase.
2. Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are as reflected on the Land Use Plan and are calculated on the cumulative gross site area of the PUD property, and the portions of the property included in any phase, and the site plan for each phase, shall not be required to satisfy those requirements on a "stand alone" basis, but shall be approved if consistent with the Land Use Plan for such phase.
3. During construction of any phase, no less than 250 parking spaces, onsite or offsite, will be provided for use of the Hotel Parcel. It is currently contemplated that the West Parcel shall be developed in at least two phases. The first phase would be the construction of the lower portion of a building, primarily containing enclosed parking and pedestrian-oriented uses, and the second phase of which would be the completion of the remainder of the building, primarily containing residential multi-family or condominium units. After completion of the first phase of the West Parcel, it is currently contemplated that the South Parcel would be developed to provide, among other things, permanent enclosed parking for the Hotel Parcel. The foregoing sequence is what is currently contemplated, however, the number and location of the phases and the sequence of the development shall be as the Owner shall determine. As a result of the loss of the existing surface parking satisfying the required parking for the use of the Hotel Parcel during the construction of the improvements on the West Parcel and the South Parcel, it is intended that the continued use of the Hotel Parcel shall be permitted during the construction of a phase on the West Parcel or the South Parcel, so long that upon completion of such phase the required parking for the use of the hotel is provided on a cumulative basis on all of the PUD property.

4. During construction of any phase of the PUD, construction staging areas, include laydown area for building materials, temporary construction office, storage of building construction equipment and vehicles, and daytime parking of personal vehicles, shall be permitted in the Waterfront Overlay District primary and secondary setback areas within the West Parcel; provided, landscaping shall be installed on the Town Lake side of the construction staging areas to screen the construction staging areas from Town Lake
- 5 During the construction of any phase of the PUD, construction and temporary security fencing around the limits of construction and the construction staging areas shall be permitted in the Waterfront Overlay District primary and secondary setback areas within the West Parcel
- 6 A temporary access road, including a temporary curb cut, to South First Street as reflected on the Land Use Plan shall be permitted in the Waterfront Overlay District primary and secondary setback areas within the West Parcel until the permanent internal circulation drive is installed in the West Parcel upon completion of the final phase of the building and related improvements on the West Parcel.
- 7 To accommodate the construction of subsequent phases of the buildings to be constructed on the West Parcel and the South Parcel, until the earlier of (a) the completion of the final phase of such building, or (b) five (5) years after the issuance of a Certificate of Occupancy for the first phase of such building
  - (i) Required permanent landscaping and related improvements shall not be required to be installed
  - (ii) Occupancy and use of the first floor of the first phase of a building for pedestrian oriented uses shall not be required
  - (iii) The façade of the lower floors of the first phase of a building including enclosed parking shall be permitted to remain with concrete finish.
- 8 During construction of a subsequent phase of a building, a construction office and a sales and leasing office may be located in the retail or garage portions of the first phase of such building.

## Permitted Uses Table

### 1 Hotel Parcel

A All uses specified as permitted uses or as pedestrian-oriented uses in the Commercial – Liquor Sales (CS-1) district, the Waterfront Overlay (WO) district, and South Shore Central Waterfront Overlay (WO) subdistrict as provided in Section 25-2-491, Section 25-2-691 and Section 25-2-692(F) of the Austin City Code in effect on the date of this ordinance (the "City Code"), and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict.

B All uses specified as conditional uses in the Commercial – Liquor Sales (CS-1) district, which are not specified as permitted uses in A above, are conditional uses in the Hotel Parcel

C A private or public health club and a residential sales and leasing office shall be deemed a pedestrian-oriented use for purposes of Section 25-2-691(C) and Section 25-2-692(F) of the City Code.

### 2 West Parcel

A All uses specified as permitted uses or as pedestrian-oriented uses in the Lake Commercial (L) district, the Waterfront Overlay (WO) district, and South Shore Central Waterfront Overlay (WO) subdistrict, as provided in Section 25-2-491, Section 25-2-691 and Section 25-2-692(F) of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel

B. All uses specified as conditional uses in the Lake Commercial (L) district are permitted uses in the West Parcel, except the following uses (as defined in the City Code) which shall be conditional uses:

- (1) Automotive Repair Services
- (2) Automotive Sales
- (3) Automotive Washing
- (4) Service Station

C A private or public health club and a residential sales and leasing office shall be deemed a pedestrian-oriented use for purposes of Section 25-2-691(C) and Section 25-2-692(F) of the City Code

3     South Parcel

A     All uses specified as permitted uses or as pedestrian-oriented uses in the Lake Commercial (L) district, the Waterfront Overlay (WO) district, and South Shore Central Waterfront Overlay (WO) subdistrict, as provided in Section 25-2-491, Section 25-2-691 and Section 25-2-692(F) of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the South Parcel

B     All uses specified as conditional uses in the Lake Commercial (L) district are permitted uses in the South Parcel, except the following uses (as defined in the City Code) which shall be conditional uses

- (1)     Automotive Repair Services
- (2)     Automotive Sales
- (3)     Automotive Washing
- (4)     Service Station

C     A private or public health club and a residential sales and leasing office shall be deemed a pedestrian-oriented use for purposes of Section 25-2-691(C) and Section 25-2-692(F) of the City Code

## Site Development Regulations Table

### 1 Hotel Parcel

A The existing building, structures, parking, loading areas and other improvements located in the Hotel Parcel are legal, complying building, structures and improvements, and notwithstanding the provisions of the City Code (including, without limitation, Section 25-2-492, Section 25-2-721, Section 25-742 and Section 25-8-261), may be maintained, repaired, restored, modified, altered, renovated, improved, upgraded and replaced so long as

- (1) any alterations, modifications, replacements, additions or other improvements with respect to the primary building are within a building envelope that (a) does not exceed the existing footprint of the existing hotel building more than twenty-five (25) feet to the west, south or east, but may not extend towards Town Lake closer than the existing building, (b) does not exceed the height of the area of the highest portion of the existing hotel building, and (c) for all other portions of the building does not exceed the greater of (i) thirty (30) feet in excess of the height of such portions of the existing hotel building, or (ii) sixty (60) feet.
- (2) any alterations, modifications, replacements, additions or other improvements with respect to any accessory building, pool, deck, patio, parking, loading or other improvements do not (a) increase the existing amount of impervious cover in the Hotel Parcel, and (b) extend closer to Town Lake than the existing deck, patio and other improvements.

B Improvements, repairs, additions and replacements along and adjacent to the Hike & Bike & Drainage Easement along Town Lake, including without limitation, landscaping and associated irrigation systems, slope stabilization, retaining walls and similar improvements, and landscaping and associated irrigation systems and screening of the existing parking and loading area, shall be permitted notwithstanding the provisions of the City Code, including, without limitation, Section 25-2-492, Section 25-2-721, Section 25-742 and Section 25-8-261

C Parallel parking and sidewalks along any portion of the internal circulation drive located in the Hotel Parcel is permitted

2     West Parcel

A     The site development regulations for the Lake Commercial (L) district specified in Section 25-2-492 of the City Code shall apply to the West Parcel, except as depicted in the PUD Land Use Plan

B     The provisions of Section 25-2-721 and Section 25-2-742 of the City Code are applicable in the West Parcel, provided the following shall also apply:

- (1)    In the primary setback area.
  - (a)    The existing improvements and impervious cover, including specifically, but without limitation, the boat docks and facilities, as depicted in the PUD Land Use Plan are permitted, and may be upgraded, improved and relocated
  - (b)    The internal circulation drive and impervious cover as depicted in the PUD Land Use Plan are permitted, and may be upgraded, improved and relocated.
  - (c)    Sidewalks along the internal circulation drive as depicted in the PUD Land Use Plan are permitted
  - (d)    Water features (such as fountains) and optional water quality facilities are permitted
  - (e)    Temporary construction staging areas and construction administrative offices are permitted
- (2)    In the secondary setback area:
  - (a)    The internal circulation drive and impervious cover as depicted in the PUD Land Use Plan are permitted, and may be upgraded, improved and relocated
  - (b)    Sidewalks along the internal circulation drive as depicted in the PUD Land Use Plan are permitted
  - (c)    Water features (such as fountains) and optional water quality facilities are permitted.
  - (d)    Plaza and patio seating areas are permitted
  - (e)    Columnades and covered pedestrian walkways immediately adjacent to buildings are permitted
  - (f)    Temporary construction staging areas and construction administrative offices are permitted.
- (3)    Parallel parking along the internal circulation drive is permitted
- (4)    Entries to parking garages as depicted in the PUD Land Use Plan are permitted



C The provisions of Section 25-8-261 of the City Code are applicable in the West Parcel, except as follows

- (1) - Improvements, repairs, additions and replacements along and adjacent to the Hike & Bike & Drainage Easement along Town Lake, including without limitation, landscaping and associated irrigation systems, slope stabilization, retaining walls and similar improvements, and landscaping and associated irrigation systems and screening of the existing parking and loading area, shall be permitted
- (2) Water features (such as fountains) and optional water quality facilities shall be permitted.
- (3) Boat docks and facilities as depicted in the PUD Land Use Plan are permitted

3 South Parcel

A The site development regulations for the Lake Commercial (L) district specified in Section 25-2-492 of the City Code are applicable in the South Parcel, except as depicted in the PUD Land Use Plan

B The South Parcel is not within any primary or secondary setback of the South Central Subdistrict of the Waterfront Overlay District

4 General Regulations Applicable to all Parcels

A The secondary setback area shall be thirty-five (35) feet landward from the primary setback line parallel to the Town Lake shoreline

B A payment instead of structural controls pursuant to Section 25-8-214 of the City Code shall be permitted and is approved for each Tract. The amount of such payment for each Tract shall be calculated and paid at the time the first site development permit ("SDP") for each Tract is released

C. The following transportation -related standards shall apply

- (1) The internal circulation drive as depicted in the PUD Land Use Plan shall be permitted. Access to South First Street in the locations as depicted in the PUD Land Use Plan is permitted and shall be included in the applicable SDP and shall not require a separate driveway permit
- (2) A minimum of one (1) loading area and a minimum of one (1) loading space shall be provided within and/or adjacent to the primary building constructed on the West Parcel. A minimum of one (1) loading area and a

minimum of one (1) loading space shall be provided within and/or adjacent to the primary building constructed on the South Parcel

- (3) The minimum number of required off-street parking spaces shall be eighty percent (80%) of the number otherwise required in the Appendix A Tables of Off-Street Parking and Loading Requirements to Chapter 25-8 of the City Code. There shall be no maximum number of off-street parking spaces that may be provided. Surface, structured, and underground parking facilities are permitted. During construction activities within the PUD, the minimum number of off-street parking spaces shall not be required and off-site parking shall be permitted at the option of the owner.

D The Improved Right-of-Way of Barton Springs Drive immediately adjacent to the Property shall be developed to comply with the Great Streets Program, and the area immediately along and adjacent to the east side of the internal circulation drive shall be developed in a manner consistently with the Great Streets Program, provided, the existing trees in the median and along the existing internal circulation drive shall be continued and maintained as they currently exist. As per the Great Streets Program, the sidewalks shall not be included in any impervious coverage calculation.

E A donation in the amount of four hundred dollars (\$400) per dwelling unit on each tract shall be calculated and paid at the time the first SDP for each Tract is released. The donation will be split evenly between the City of Austin and the Town Lake Trail Foundation. At the option of the applicant for each SDP and subject to approval by the City's Parks Board, the applicant may construct improvements within the Hike & Bike & Drainage Easement in the West Tract or in any other portion of the Hike & Bike Trail along Town Lake in connection with any SDP for any Tract, and receive a credit against the parkland donation for the actual construction costs of such approved improvements.

F. An integrated pest management (IPM) plan written in accordance with the Pollution Prevention Measures described in the Environmental Criteria Manual Section 169.2 D shall be implemented.

G All signage shall conform to the standards set forth in Chapter 25-10 of the City Code except as follows:

- (1) Two (2) freestanding monument-type signs not more than six (6) feet in height shall be permitted along Barton Springs Road and one (1) freestanding monument-type sign not more than six (6) feet in height shall be permitted along South First Street.
- (2) Signs with internal lighting of individual letters on the external walls of structures is permitted.

- (3) Except as otherwise provided in (1) and (2) of this Section D, the Commercial Sign District regulations in Section 25-10-130 shall apply

H Article 3 of Chapter 25-8 of the City Code shall not apply to any Tract in the PUD. The provisions of Section 25-8-281 of the City Code shall apply in the PUD, provided, the setback from the wetlands located along Town Lake in the northwestern portion of the Property shall be 50 feet. The foregoing setback, however, shall not apply to the portion of the Hike & Bike Trail located within the Property, and shall not apply to any portion of the Property located to the south of the Hike & Bike Trail. The provisions of Section 25-8-282 of the City Code shall not apply in the PUD.

I The following drainage-related standards shall apply

- (1) Fill dirt to raise the area required for the construction and lateral support of all buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements as depicted in the PUD Land Plan above the 100 year base flood elevation is permitted
- (2) The existing floodplain within the PUD may be modified in connection with and at the time of approval of each SDP, and the regulations in Section 25-7-93 of the City Code shall apply to the improvements as depicted on the PUD Land Use Plan as well as to the buildings and boat docks, and the provisions of Section 25-7-94 shall not be applicable to any SDP for any portion of the Property
- (3) The provisions of Section 25-7-31 and Section 25-7-61 of the City Code shall not apply to any SDP, provided, any request for a modification of the FEMA Floodplain that the owner may choose to submit to reflect the modifications to the existing floodplain as provided in F(1) above shall be promptly processed by the Director of the Watershed Protection and Development Review Department, or its successor department, in accordance with applicable FEMA regulations

J No license agreement shall be required for any landscaping, irrigation system or associated improvements that is located within the rights-of-way of Barton Springs Road or South First Street

K An easement for a waterline shall be granted along and immediately to the west of the right-of-way of South First Street and such waterline shall be extended under and across South First Street to the Property. Such waterline shall be of such size as determined by the owner to be necessary to provide service to the Property and shall be constructed by boring under South First Street in accordance with applicable construction standards, but otherwise without the necessity of further approvals, at the sole cost and expense of the owner.

**Rousselin, Jorge**

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**From:** Kathie Tovo [REDACTED]  
**Sent:** Wednesday, August 16, 2006 12:47 PM  
**To:** Rousselin, Jorge  
**Subject:** 208 Barton Springs C814-06-0106

**Attachments:** fairfielddevelopment.doc

**RECEIVED**

AUG 16 2006



fairfielddevelopment.doc (46 K)

Neighborhood Planning & Zoning

Dear Jorge,

Attached please find a memo addressed to members of the Planning Commission and to you detailing the concerns and questions the Bouldin Creek Neighborhood Association has voiced to Fairfield Development about case C814-06-0106. I would very much appreciate this memorandum becoming part of the case file for 208 Barton Springs. And we thank you in advance for your consideration of the important issues we have raised.

We have provided a similar memo to Paul Johnston of Fairfield Development and to Fairfield's legal counsel, Michael Whellan.

I should add that I will not be able to send the memo to the members of the Planning Commission as my lunch break is running short, but I will do so this evening.

As you will see in the memo, we have asked the applicant to postpone this case until 9/26 to allow for further discussion. Paul Johnston and I are scheduled to discuss this matter this afternoon.

Many thanks for your assistance.

Best,  
Kathie

Kathie Tovo  
President, Bouldin Creek Neighborhood Association  
512/565-5361

**DATE.** August 15, 2006

**RECEIVED**

**TO.** Jorge E Rousselin, Neighborhood Planning & Zoning  
Members of the Planning Commission

AUG 16 2006

**FROM:** Bouldin Creek Neighborhood Association (BCNA)

Neighborhood Planning & Zoning

**RE:** C814-06-0106 -- 208 Barton Springs

What follows is a summary of the Bouldin Creek Neighborhood Association's comments, which were provided verbally to Paul Johnston of Fairfield Development and Michael Whelan in meetings on 7/13/06 and 7/26/06. As noted during those meetings, these preliminary comments and opinions are subject to change as the BCNA receives additional feedback from residents and other neighborhood groups and further information from the developers and other relevant parties.

We have asked the applicant to request a postponement of this case until September 26, 2006. It was our understanding that the applicant had a willingness to continue further discussions with the neighborhood with the goal of coming to agreement on as many of the following issues as possible. The additional time would also allow the applicant to present the proposal to the general membership of the Bouldin Creek Neighborhood Association, which next meets on September 12, 2006.

In addition to the points articulated below, we expect to see Fairfield incorporate as many of the Town Lake Corridor study recommendations as feasible. Given the sensitive nature of this tract and the already-overbuilt Hyatt site, we also expect to see Fairfield incorporate significant green-building techniques and to identify specific, significant ways to meet the city's central goals for waterfront developments: improving pedestrian access to parkland, preserving views from residential area, and creating a pedestrian friendly environment.

#### **Waterfront Overlay**

The project's proposed encroachments on the waterfront overlay run counter to the goals of the Town Lake Corridor study, the Bouldin Creek Neighborhood Plan, and other community planning efforts.

The waterfront overlay district promotes the harmonious interaction and transition between urban development and Town Lake Park and the Colorado River. On behalf of the residents who live within the boundaries of Bouldin Creek as well as the many other citizens of Austin who enjoy the park, the BCNA will not support any reductions or variances from the waterfront overlay and its protections for these public amenities.

The applicant's proposed reduction in the secondary setback, subsequent encroachment in this same secondary setback, construction of retention structures, and introduction of normally prohibited construction and impervious cover within the primary and secondary setbacks would not benefit the general public or residents of the neighborhood or support the goals of the Town Lake Corridor Study. The Land Development Code sets the following standards for variances from the waterfront overlay: (1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and (2) the variance is the minimum required by the peculiarities of the tract. Fairfield's proposed reductions in the waterfront overlay protections do not meet the above standards, and the BCNA does not support PUD rezoning as an alternative to the normal compliance process.

## **Impervious Cover/Height**

### **This project seeks significant increases in development rights inappropriate for waterfront development**

While the waterfront overlay imposes development restrictions, it also provides significant incentives—including increases in floor area over the base zoning in exchange for access easements and structured parking, and the ability to consider all residential spaces to be over and above the normally permitted floor area

This parcel is primarily zoned Lake Commercial, with the exceptions of a CS parcel along Barton Springs Road and the CS parcel on which sits the existing Hyatt hotel. Lake zoning allows for 200 foot height, 50% building coverage, 50% impervious cover, and an 8 1 F A R. CS zoning allows for 60 foot height, 95% building coverage, 95% impervious cover, and 2 1 F A R.

The proposed PUD would combine the advantages of both zoning categories without limiting the project to the restrictions of either. Specifically, the project aims to construct buildings with the maximum heights and F A R of Lake zoning, while adopting the more permissive building and impervious coverage of CS zoning.

The site should be required to comply with the 50% limitation on impervious cover allowed within Lake zoning. The site should also be required to comply with the City's commercial design and vertical mixed use site standards. (While the VMU ordinance will allow sites to keep existing impervious cover limits, this provision will only apply to buildings with heights 60' or under.) Lake zoning allows increased height as a balance against an increase in open space, allowing all buildings within this parcel to be as high as 200' without providing for at least 50% devoted to open space does not support the goals of the Town Lake Corridor study or the intentions of this zoning category.

Increased height on the CS1 parcel along Barton Springs Rd from a maximum of 60' to the 200' allowed under Lake zoning represents a break with the tenets of the BCNA Neighborhood Plan as well as those of surrounding neighborhoods. We

We support the South Central Coalition of Neighborhoods' request for a comprehensive traffic study of Riverside and Barton Springs from I-35 to Mopac, and we would ask that any consideration of increased entitlements on this site be conditioned upon the results of that study.

## **Allowable Uses**

### **This project seeks a significant expansion of allowable uses inappropriate for waterfront development**

As the tract is in the waterfront overlay, only Lake—not CS1—uses should be allowed, with inappropriate conditional uses prohibited as indicated below. Likewise, the proposal should adhere to the code's definition of pedestrian-oriented uses and should not seek a reclassification of "private or public health club" and "residential sales and leasing office" as pedestrian-oriented uses without sufficient explanation of how such a reclassification serves a public benefit. In addition, such a reclassification should be accompanied by a restriction of square footage allotted to these uses.

Conditional uses should remain conditional, and many conditional uses, including the following, are inappropriate for this site, given its proximity to the waterfront:

group residential

automotive rentals

business or trade school  
consumer repair services  
outdoor entertainment  
group home  
telecommunication tower  
local utility services  
public primary and secondary educational facilities  
safety services

communications services  
medical offices  
research services  
transitional housing  
hospital services  
private primary and secondary ed facilities  
residential treatment

### **Increased Entitlements and Community Benefits**

This project seeks significant increases in development rights without providing significant community benefits.

Although increases in entitlements associated with Vertical Mixed Use Buildings in the new Commercial Design standards will require developers to provide onsite affordable housing for a percentage of the residential and a fee to the city affordable housing fund for the nonresidential space above the first floor, Fairfield's project provides no such community benefits. The City of Austin has identified affordable housing as a priority, as has the BCNA and the Bouldin Creek Neighborhood Plan. The BCNA strongly believes that any increase in entitlements on this parcel should include support for affordability initiatives in this area.

### **Summary**

PUD zoning, as defined by the Land Development Code, is intended "preserve the natural environment, encourage high quality development and innovative design and ensure adequate public facilities and services for development within a PUD." The resulting PUD development must be "superior to the development that would occur under conventional zoning." As drafted, Fairfield's proposed PUD does not meet the intent of PUD zoning, nor does it provide for a superior development when compared to the development that could occur under conventional zoning.

**Comments on specific points contained within the ordinance draft dated April 20, 2006.**

The BCNA strongly believes that the vague language throughout the ordinance should be made much more specific – terms defined, limits set, etc. to provide an appropriate level of protection for the surrounding communities as well as Austin parkgoers.

Open-ended construction phases and delays in providing protections required by code until construction is completed are inappropriate for such a sensitive and public tract. Examples follow:

#### Page 6

- Phases like "to meet market demand," "currently contemplated," etc. create an undesirable and inappropriate level of uncertainty.
- 3. The provision of 250 spaces at any one time, especially including the vagueness of the phasing, could be inadequate. Given the general vagueness of the proposal, there is no way to predict requirements at any one time or the adequacy of the specified number.

#### Page 7

•4, 5, 6 Locating temporary construction office, etc in waterfront overlay for indeterminate period of time does not support goals of the Town Lake Corridor study, the Bouldin Creek Neighborhood Plan, and other community planning efforts

•7 We have concerns about allowance of up to 5 years to install permanent landscaping and pedestrian-oriented uses and the same timeframe for parking garage to be without screening, we request an explanation of the rationale

#### Page 8

•1A Only L uses should be allowed, with inappropriate conditional uses prohibited (see below)

•1C makes "private or public health club" and a "residential sales and leasing office" pedestrian-oriented use. As these are not pedestrian-oriented uses appropriate for lakefront developments, we would like to hear a clear rationale for this reclassification and information about the approximate square footage allocated to these two uses

•2B Conditional uses should remain conditional, and many conditional uses, including those listed above, are inappropriate for this site, given its proximity to the waterfront

#### Page 9

3 B same as 2B

We haven't enumerated the above information parcel by parcel, but the comments above should be applicable in spirit to the parcel in general

#### Page 10

1A (1) would allow for the addition of a 25' larger footprint, resulting in as much as an additional 103,500 sq ft [25 x 230 (largest dimension on west) x 18 (stories)] This point would also allow additional height up to at least 30' on the existing hotel building or 60'. The phrase "greater of 30 or 60" is unclear. Without clear measurements on the building, it's unclear how much additional square footage that would produce, but the BCNA strongly feels that as the Hyatt violates many of the guidelines for waterfront development, no additional expansion of this building should be allowed to occur

1A(2) would allow for additions, etc to "any accessory building" [emphasis ours] This point would seem to allow construction of additional accessory buildings as it does not specify *existing* buildings. This language would seem to allow new structures to encroach on the waterfront overlay as long as they don't get closer to the lake than do the existing structures. In addition, this provision does not define or otherwise limit sufficiently alterations, modifications, etc. The BCNA cannot support such a provision

1B The vagueness of this section would seem to allow kinds of structures, including detention ponds and other very undesirable construction. "Improvements, repairs, additions, and replacements" needs very specific definitions

#### Page 11

2A Exactly which of the site development regulations does this project request exemption from, and why?

2B and 2 C All language —"water features," etc —is overly vague, and all involve encroachments on the waterfront overlay that would go against the goals of the Town Lake Corridor study, the Bouldin Creek Neighborhood Plan, and other community planning efforts



Page 12

3 Exactly which of the site development regulations are you requesting exemption from, and why?

B Why are you requesting exemption from providing adequate structural controls?

Page 13

•4E Exactly what is required on this site in terms of trail improvements?

Page 14

•H: This ordinance would exclude the site from many requirements (setbacks from critical water features, wetland protection, etc) and analysis (environmental assessments, drainage studies, tree survey, etc)

Q. Why are you requesting exemption from these requirements? How will Fairfield ensure that the development proceeds in an environmentally appropriate manner?

•Changing the setback from the lake from 150 to 50 feet does not support the goals of the Town Lake Corridor study, the Bouldin Creek Neighborhood Plan, and other community planning efforts

I (1) allows unspecified amount of fill dirt to raise the "area" —which is not defined and thus seems to apply to the entire site—"above the 100 year flood elevation " Lack of definition for the term "above" could result in even more height of an unrestricted amount



## MEMORANDUM

TO Mayor Will Wynn and City Council Members

FROM Jeb Boyt, Chair  
Downtown Commission


DATE September 22, 2006

RE Hyatt Redevelopment  
208 Barton Springs Road  
Proposed Rezoning to PUD  
Case No C814-06-0106

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At their Wednesday, August 16, 2006 meeting, the Downtown Commission received a presentation on the proposed mixed-use Hyatt Redevelopment project at 208 Barton Springs Road. After discussion, the Commission unanimously approved the following resolution:

"The Downtown Commission supports the zoning change to PUD as requested by the applicant."



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Jeb Boyt, Chair  
Downtown Commission

cc Toby Hammett Futrell, City Manager  
Greg Guernsey, Director, Neighborhood Planning and Zoning Department  
Jorge Rousselin, Neighborhood Planning and Zoning Department

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY COMMONLY KNOWN AS THE FAIRFIELD/HYATT PUD  
3 PROJECT LOCATED AT 208 BARTON SPRINGS ROAD IN THE BOULDIN  
4 CREEK NEIGHBORHOOD PLAN AREA FROM LAKE COMMERCIAL-  
5 NEIGHBORHOOD PLAN (L-NP) COMBINING DISTRICT AND COMMERCIAL-  
6 LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) COMBINING DISTRICT  
7 TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP)  
8 COMBINING DISTRICT.

9  
10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

11  
12 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
13 change the base zoning district from lake commercial-neighborhood plan (L-NP)  
14 combining district and commercial-liquor sales-neighborhood plan (CS-1-NP) combining  
15 district to planned unit development-neighborhood plan (PUD-NP) combining district on  
16 the property described in File C814-06-0106 on record at the Neighborhood Planning and  
17 Zoning Department, as approximately 9.567 acres of land, being more particularly  
18 described by metes and bounds in Exhibit A (*Description of Property*) incorporated into  
19 this ordinance (the "Property"); locally known as the property located at 208 Barton  
20 Springs Road, in the City of Austin, Travis County, Texas, and generally identified in the  
21 map attached as Exhibit B (*Zoning Map*).

22 **PART 2.** This ordinance, together with the attached Exhibits A through J, are the land use  
23 plan for the Fairfield/Hyatt planned unit development district (the "PUD") created by this  
24 ordinance. The PUD shall conform to the limitations and conditions set forth in this  
25 ordinance and in the Fairfield/Hyatt planned unit development land use plan (the "Land  
26 Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies. If  
27 either the Land Use Plan attached as Exhibit C, or the Land Use Plan with Maximum  
28 Shoreline Reclamation attached as Exhibit I, conflicts with a requirement, prohibition or  
29 other provision of Exhibit D, E, or F, the requirement, prohibition, or other provision of  
30 Exhibit D, E, or F, applies. Except as otherwise specifically provided by this ordinance, all  
31 other rules, regulations and ordinances of the City, including Ordinance No. 020523-33, in  
32 effect on the effective date of this ordinance apply to the PUD.

33 **PART 3.** The Property is subject to Ordinance No. 020523-33 that established the  
34 Bouldin Creek neighborhood plan combining district.

**PART 4.** The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A	Description of Property
Exhibit B	Zoning Map
Exhibit C	Land Use Plan
Exhibit D	Phasing Plan
Exhibit E	Permitted Uses Table
Exhibit F	Site Development Regulations
Exhibit G	Field Notes for former CS-1-NP Portion of South Parcel
Exhibit H	Existing Conditions Plan
Exhibit I	Land Use Plan with Maximum Shoreline Reclamation
Exhibit J	Green Building Program

**PART 5. Definitions**

**A. In this ordinance**

1. **PARCEL.** The PUD is divided into three separate Parcels: the Hotel Parcel, the West Parcel and the South Parcel which shall be used and developed according to the Phasing Plan.
2. **HOTEL PARCEL** means the area shown on the Land Use Plan generally along Town Lake on the north where the existing hotel is located and on which certain uses and site development regulations apply.
3. **WEST PARCEL** means the area shown on the Land Use Plan generally along the South First Street on the west and on which certain uses and site development regulations apply.
4. **SOUTH PARCEL** means the area shown on the Land Use Plan generally located along the Barton Springs Road to the south and on which certain uses and site development regulations apply.
5. **PHASING PLAN** means the plan of development for the PUD as shown in Exhibit D. Any portion of any Parcel may be developed as a phase and any phase may be implemented at any time.

1 B All other terms have the meaning provided in the Code

2  
3 **PART 6. Use Regulations**

4  
5 A The locations of the Parcels and land use areas within the PUD are shown on  
6 Exhibit C (*Land Use Plan*)

7  
8 B Permitted, conditional and prohibited uses applicable to each Parcel land use  
9 area are shown in Exhibit E (*Permitted Uses Table*)

10  
11 **PART 7.** In accordance with Section 25-2-411(A) (*Planned Unit Development District*  
12 *Regulations*) of the City Code, the site development regulations as shown on Exhibit F  
13 (*Site Development Regulations*) apply to the PUD instead of otherwise applicable City  
14 regulations

15  
16 **PART 8.** This ordinance takes effect on \_\_\_\_\_, 2007

17  
18  
19 **PASSED AND APPROVED**

20  
21  
22  
23 2007

24  
25 Will Wynn  
26 Mayor

27  
28 **APPROVED:** \_\_\_\_\_

29 David Allan Smith  
30 City Attorney

28 **ATTEST:** \_\_\_\_\_

29 Shirley A Gentry  
30 City Clerk

9 567 Acres  
Fairfield Town Lake/Zilker LP  
Travis County, Texas

FN 4121(EMD)  
March 03, 2006  
SAM, Inc Job No 25184-01

**9 567 ACRES**

DESCRIPTION OF A 9 567 (416,730 SQ FT ) ACRE TRACT OF LAND, BEING ALL OF THAT CALLED TRACT 1 AND TRACT 2, AS DESCRIBED IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP, AS RECORDED IN DOCUMENT NO 2005191745, OF THE OFFICIAL BUPLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9 567 (416,739 SQ FT ) TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING** at a ½-inch iron rod found in the north right-of-way line of Barton Springs Road (100' Right-of-Way), same being the southwest corner of a called 0 575 acre tract of land, described in deed to Bathhaus Ltd. as recorded in Document No 2001174688 of the Official Public Records of Travis County, Texas, for the most southerly southeast corner of said Tract 1, and the tract described herein,

**THENCE**, with the north right-of-way line of Barton Springs Road, S 76°21'17" W, a distance of 266 27 feet to an "X" cut in the concrete at the most southerly southwest corner of said Tract 1, and the southeast corner of that called Lot 5B of the Resubdivision of T L Subdivision No 1 as per plat duly recorded in Document No 200200297, of the Official Plat Records of Travis County, Texas, same being the southeast corner of a 30' Access Easement recorded in Volume 68, Page 52 of the Plat Records of Travis County, Texas,

**THENCE** with the common line of said Tract 1, and said Lot 5B and the east line of said 30' Access Easement, N 12°44'42" E, a distance of 11 11 feet to a cotton spmdle found,

**THENCE** continuing with said common line, N 13°40'38" W, a distance of 244 01 feet to a cotton spindle found,

**THENCE** continuing with said common line, N 26°12'00" E, a distance of 228 38 feet to a cotton spindle found,

**THENCE**, with the common line of said Tract 1 and a called Lot 5A, of said Resubdivision, the following four (4) courses and distances

- 1 N 63°46'01" W, a distance of 327 55 feet to a ½-inch iron rod found,
- 2 S 62°04'24" W, a distance of 22 51 feet to a concrete nail found at a point of non-tangent curve from which a pk nail with washer stamped "UDG" bears N 12°05'20" E, a distance of 1 44 feet,
- 3 with a non-tangent curve to the right a distance of 28 01 feet, through a central angle of 53°29'14" having a radius of 30 00 feet, and whose chord bears N 89°43'07" W, a distance of 27 00 feet to a concrete nail found from which a pk nail with washer stamped "UDG" bears N 22°19'24" E, a distance of 1 35 feet, and
- 4 N 63°48'50" W, a distance of 45.28 feet to a ½-inch iron rod found for the southwest corner of said Tract 1 and the northwest corner of said Lot 5A same being in the east right-of-way line of the frontage road of South First Street (variable width),

**THENCE**, with the common line of the frontage road of South First Street and said Tract 1, N 30°54'58" E, a distance of 150 66 feet to a ½-inch iron rod found for the common west corner of said Tract 1 and said Tract2,

**THENCE** leaving said common corner, with said east right-of-way line, same being the west line of said Tract 2, the following five (5) courses and distances

- 1 N 30°55'24" E a distance of 90 79 feet to a ½-inch iron rod found,
- 2 N 18°03'56" E, a distance of 44 36 feet to a 1-inch iron pipe found at a point of non-tangent curve,

9 567 Acres  
Fairfield Town Lake/Zilker LP  
Travis County, Texas

FN 4121(EMD)  
March 03, 2006  
SAM, Inc Job No 25184-01

- 3 with a non-tangent curve to the left a distance of 32 39 feet, through a central angle of 03°55'54" having a radius of 471 96 feet, and whose chord bears N 17°57'38" E, a distance of 32 38 feet to a 1-mch iron pipe found,
- 4 with a non-tangent curve to the left a distance of 23 25 feet, through a central angle of 07°36'20" having a radius of 175 17 feet, and whose chord bears N 10°52'46" E, a distance of 23 24 feet to a ½-inch iron rod with a "SAM, Inc " plastic cap set, and
- 5 N 30°54'48" E, a distance of 91 48 feet to a ½-mch iron rod found, for the northwest corner of said Tract 2 and the tract described herein,

THENCE with the north line of said Tract 1 and said Tract 2, S 63° 49' 09" E, a distance of 739 28 feet to a point, submerged in Town Lake for the northeast corner of said Tract 1 and the northwest corner of said 0 575 acre tract, same being the northeast corner of the tract described herein,

THENCE leaving the south line of Town Lake and with the common line of said Tract 1 and said 0 575 acre tract, the following three (3) courses and distances

- 1 S 18°59'21" W, passing at a distance of 17 65 feet a ½" iron rod found and continuing a total distance of 254 16 feet to a ½-inch iron rod found,
- 2 S 70°56'01" W, a distance of 58 30 feet to a punch hole in concrete for the most westerly northwest corner of said 0 575 acre tract same being an inside ell corner, and

S 19°00'21" W, a distance of 400 15 feet to the **POINT OF BEGINNING**, and containing 9 567 (416,730 sq ft.) acres of land, more or less

**Bearing Basis**

Cotton Spindles at an inside ell corner of said 9 567 acre tract and being the common line with said Lot 5A and Lot 5B Called bearing and distance between these Cotton Spindles is N 26°12' E - 228 39 feet. Held called bearing of N 26°12'00" E and found actual distance to be 228 38 feet.

STATE OF TEXAS

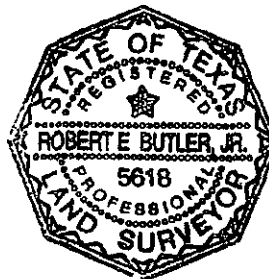
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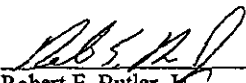
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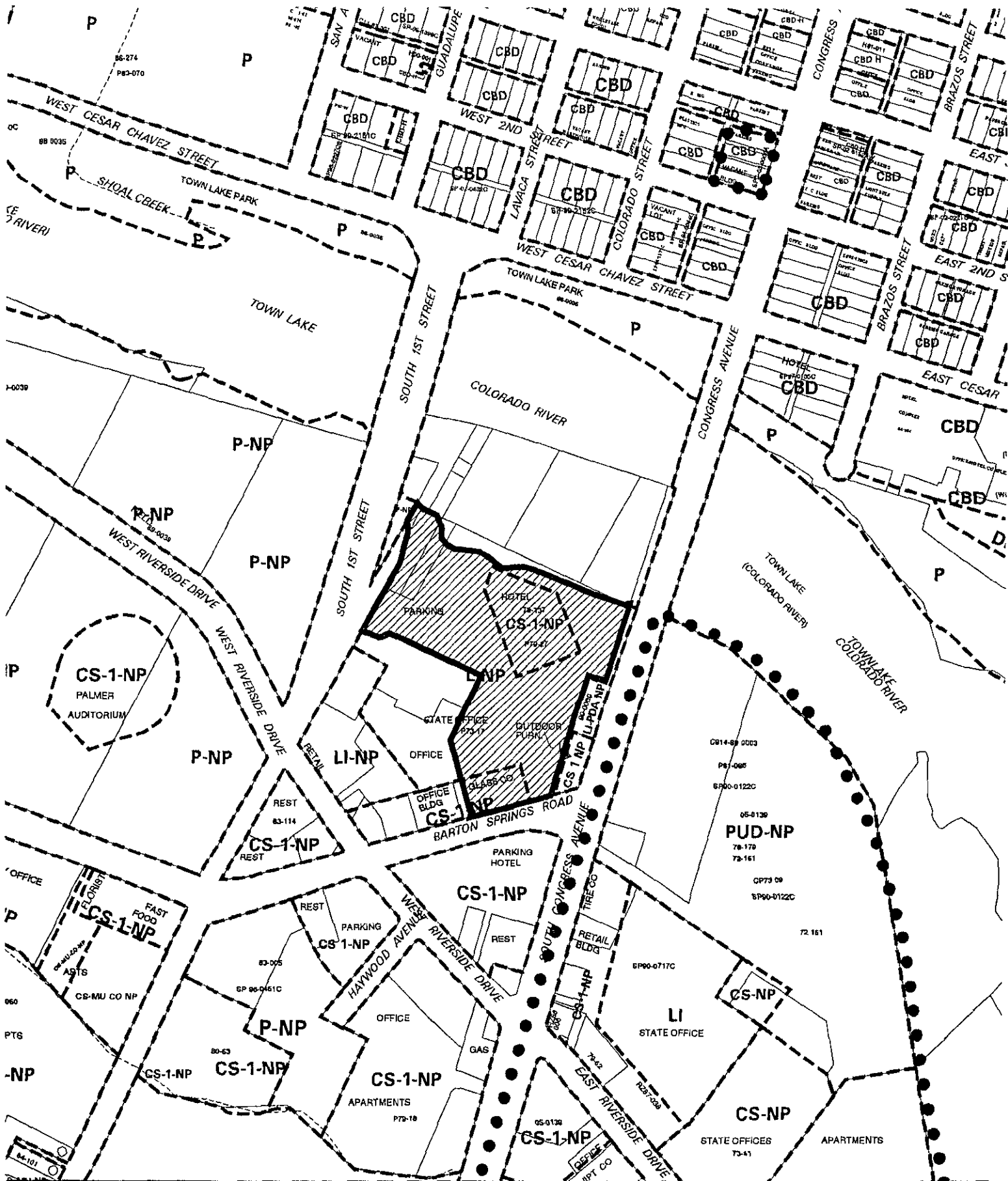
That I, Robert E Butler, Jr , a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July, 2005 under my direction and supervision


WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3<sup>rd</sup> day of March, 2006 A.D

SURVEYING AND MAPPING, Inc  
5508 West Highway 290, Building B  
Austin, Texas 78735

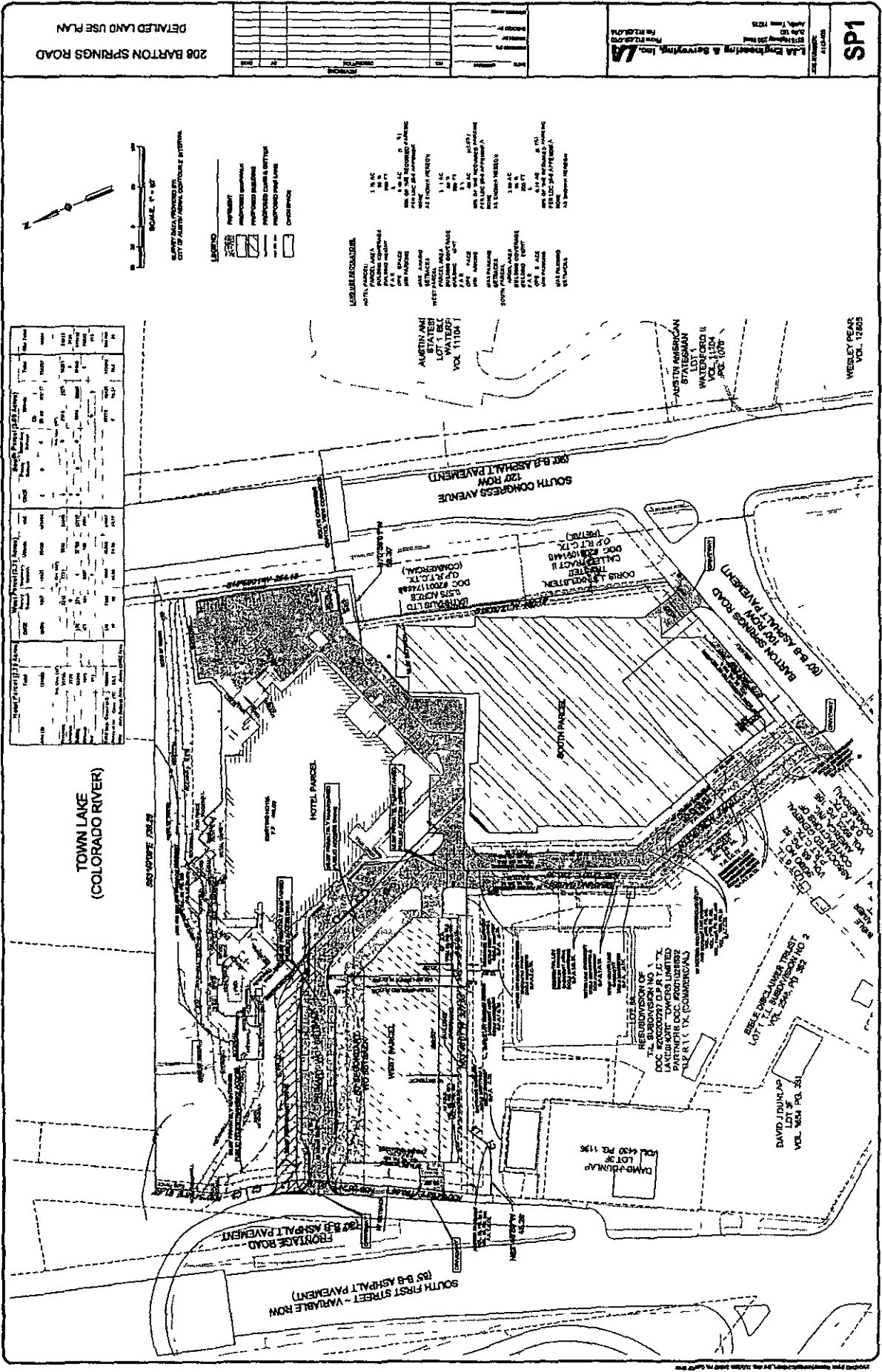


  
Robert E Butler, Jr  
Registered Professional Land Surveyor  
No 5618 - State of Texas



 1" = 400'	SUBJECT TRACT	PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER  J21
	PENDING CASE	CASE # C814-06-0106		
	ZONING BOUNDARY	ADDRESS 208 BARTON SPRINGS RD		
	CASE MGR J ROUSSELIN	DATE 06-05		
		SUBJECT AREA (acres) N/A		
		INTLS SM		





208 BARTON SPRINGS ROAD  
 DETAILED LAND USE PLAN

NO.	DESCRIPTION	AREA (AC)	REMARKS
1	LOT 1	1.00	
2	LOT 2	1.00	
3	LOT 3	1.00	
4	LOT 4	1.00	
5	LOT 5	1.00	
6	LOT 6	1.00	
7	LOT 7	1.00	
8	LOT 8	1.00	
9	LOT 9	1.00	
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## EXHIBIT D

### PHASING PLAN

A The PUD is divided into three separate parcels identified on the Land Use Plan as the Hotel Parcel, the West Parcel and the South Parcel. The PUD shall be developed in phases to accommodate the redevelopment of the existing parking improvements and to meet market demand. The existing hotel on the Hotel Parcel shall continue to be used and operated during the construction of any and all of the phases of the redevelopment of the PUD. Any portion of any parcel may be included in a phase and more than one parcel may be involved in a phase.

B Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are reflected on the Land Use Plan and are calculated on the cumulative gross site area of the PUD. The portions of the property included in any phase and the site plan of each phase are not required to satisfy those requirements on a stand alone basis and shall be approved if consistent with the Land Use Plan for such phase.

C During construction of any phase a minimum 250 parking spaces on-site and off-site shall be provided for use of the Hotel Parcel.

D The West Parcel may be developed in two phases. The first phase will be construction of the lower portion of a building that will contain enclosed parking spaces and pedestrian-oriented uses. The second phase will be the completion of the remainder of the building, containing residential, multifamily or condominium units.

E Following development of the West Parcel, the South Parcel will be developed and include enclosed parking spaces for the Hotel Parcel. Upon completion of either the West Parcel or South Parcel, the required parking for hotel use shall be provided on a cumulative basis on the entire PUD property. After completion of the first phase of the West Parcel, it is currently contemplated that the South Parcel would be developed to provide, among other things, permanent enclosed parking for the Hotel Parcel. The foregoing sequence is what is currently contemplated, however, the number and location of the phases and the sequence of the development shall be as the owner shall determine. As a result of the loss of the existing surface parking satisfying the required parking for the use of the Hotel Parcel during the construction of the improvements on the West Parcel and the South Parcel, it is intended that the continued use of the Hotel Parcel shall be permitted during the construction of a phase on the West Parcel or the South parcel, so long as upon completion of such phase the required parking for the use of the hotel is provided on a cumulative basis on all of the PUD property.

F During construction of any phase of the PUD, the requirements under Section 25-2-721 (*Waterfront Overlay Combining Regulations*) are modified to allow the following

- 1 Construction staging areas, including laydown area for building materials, temporary construction office, storage of building construction equipment and vehicles, and daytime parking of personal vehicles, shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) within the waterfront overlay district primary and secondary setback areas within the West Parcel. Landscaping shall be installed on the Town Lake side of the construction staging areas to screen the staging areas from Town Lake.
- 2 Construction and temporary security fencing around the limits of construction and the construction staging areas shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) in the waterfront overlay district primary and secondary setback areas with the West Parcel.
- 3 A temporary access road, including a temporary curb cut, to South First Street as shown on the Land Use Plan shall be permitted in the waterfront overlay district primary and secondary setback areas within the West Parcel until the permanent internal circulation drive is installed in the West Parcel upon completion of the final phase of the building and related improvements in the West Parcel.

G During construction of any phase of the PUD, the requirements under Section 25-2-691 (C) (*Pedestrian Oriented Uses*) are modified to allow the following:

To accommodate the construction of subsequent phases of the buildings to be constructed on the West Parcel and the South Parcel, until the earlier of a) the completion of the final phase of such building, or b) the number of years after the issuance of a Certificate of Occupancy for the first phase of such building as indicated below:

- 1 Permanent landscaping and related improvements are not required to be installed until two years after the issuance of a Certificate of Occupancy for the first phase of such building.
- 2 Occupancy and use of the first floor of the first phase of a building for pedestrian oriented uses are not required until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.
- 3 The façade of the lower floors of the first phase of a building including enclosed parking shall be permitted to remain with concrete finish, until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.

H During construction of a subsequent phase of a building, a construction office and a sales and leasing office may be located in the retail or garage portions of the first phase of such building.

I In the event the Fairfield/Hyatt PUD project, or any portion of the project, is not completed, the City shall require that the original number of parking spaces on the Property be reestablished

J At no time shall construction, or staging of materials or equipment, obstruct, intrude upon, or require detour of existing Town Lake Hike and Bike Trail through the property as shown in the Existing Conditions Plan (Exhibit H), unless authorized or permitted by the City, or unless such construction or staging of materials or equipment is for the sole purpose of improving the Town Lake Hike and Bike Trail, or unless the south Town Lake shore is filled and extended north from its present location, as shown in the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) and set forth in more detail in the Site Development Regulations (Exhibit F, Subsection IV A )

## EXHIBIT E

### PERMITTED USES TABLE

#### I Hotel Parcel

- A All uses in effect on the date of this ordinance specified as permitted uses, conditional uses, or pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code are permitted uses in the Hotel Parcel, except as set forth in Subsection A 2 and Subsections B and C

- 1 The following uses are additional permitted uses

##### Hotel-motel

Hotel-motel accessory uses (meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premise consumption only, cocktail lounge not to exceed 20,000 square feet gross floor area, fitness center, business center, bike rentals, guest laundry, concierge services, secretarial services, swimming pool, and spa) or other uses as determined by the City of Austin

- 2 The following uses are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B All uses specified as conditional uses in the commercial-liquor sales (CS-1) district which are not specified as permitted uses in Subsection A, are conditional uses, except the following uses set forth below are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
	Communication service facilities
	Group residential

Adult oriented businesses

- C The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

II West Parcel

- A All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A 2 and Subsections B and C

- 1 In addition, a residential use that is permitted in a multifamily base district is also a permitted use

- 2 The following uses are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
	Service station
	Outdoor entertainment

Local utility services	Communication service facilities
Telecommunication tower	Group residential
Adult oriented businesses	

- C The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

### III South Parcel

- A All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A 3 and Subsections B and C

- 1 In addition, a residential use that is permitted in a multifamily base district is also a permitted use

- 2 In addition, only the following hotel accessory uses are permitted meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premises consumption only, fitness center, business center, bike rentals, guest laundry, secretarial services, pool, spa and indoor entertainment, provided that parking on all accessory uses shall be determined as though each use is a principal use as opposed to an accessory use

- 3 The following uses are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
	Outdoor entertainment
	Communication service facilities

Telecommunication tower      Group residential  
Adult oriented businesses

- B      All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services Automotive washing (of any type) Service station
Automotive sales	Outdoor entertainment
Local utility services	Communication service facilities
Telecommunication tower	Group residential
Adult oriented businesses	

- C      The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)



## EXHIBIT D

### PHASING PLAN

A The PUD is divided into three separate parcels identified on the Land Use Plan as the Hotel Parcel, the West Parcel and the South Parcel. The PUD shall be developed in phases to accommodate the redevelopment of the existing parking improvements and to meet market demand. The existing hotel on the Hotel Parcel shall continue to be used and operated during the construction of any and all of the phases of the redevelopment of the PUD. Any portion of any parcel may be included in a phase and more than one parcel may be involved in a phase.

B Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are reflected on the Land Use Plan and are calculated on the cumulative gross site area of the PUD. The portions of the property included in any phase and the site plan of each phase are not required to satisfy those requirements on a stand alone basis and shall be approved if consistent with the Land Use Plan for such phase.

C During construction of any phase a minimum 250 parking spaces on-site and off-site shall be provided for use of the Hotel Parcel.

D The West Parcel may be developed in two phases. The first phase may be construction of the lower portion of a building that will contain enclosed parking spaces and pedestrian-oriented uses. The second phase may be the completion of the remainder of the building, containing residential, multifamily or condominium units.

E Following development of the West Parcel, the South Parcel may be developed and include enclosed parking spaces for the Hotel Parcel. Upon completion of either the West Parcel or South Parcel, the required parking for hotel use shall be provided on a cumulative basis on the entire PUD property. After completion of the first phase of the West Parcel, it is currently contemplated that the South Parcel would be developed to provide, among other things, permanent enclosed parking for the Hotel Parcel. The foregoing sequence is what is currently contemplated, however, the number and location of the phases and the sequence of the development shall be as the owner shall determine. As a result of the loss of the existing surface parking satisfying the required parking for the use of the Hotel Parcel during the construction of the improvements on the West Parcel and the South Parcel, it is intended that the continued use of the Hotel Parcel shall be permitted during the construction of a phase on the West Parcel or the South parcel, so long as upon completion of such phase the required parking for the use of the hotel is provided on a cumulative basis on all of the PUD property.

F During construction of any phase of the PUD, the requirements under Section 25-2-721 (*Waterfront Overlay Combining Regulations*) are modified to allow the following

- 1 Construction staging areas, including laydown area for building materials, temporary construction office, storage of building construction equipment and vehicles, and daytime parking of personal vehicles, shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) within the waterfront overlay district primary and secondary setback areas within the West Parcel Landscaping shall be installed on the Town Lake side of the construction staging areas to screen the staging areas from Town Lake
- 2 Construction and temporary security fencing around the limits of construction and the construction staging areas shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) in the waterfront overlay district primary and secondary setback areas with the West Parcel
- 3 A temporary access road, including a temporary curb cut, to South First Street as shown on the Land Use Plan shall be permitted in the waterfront overlay district primary and secondary setback areas within the West Parcel until the permanent internal circulation drive is installed in the West Parcel upon completion of the final phase of the building and related improvements in the West Parcel

G During construction of any phase of the PUD, the requirements under Section 25-2-691 (C) (*Pedestrian Oriented Uses*) are modified to allow the following

To accommodate the construction of subsequent phases of the buildings to be constructed on the West Parcel and the South Parcel, until the earlier of a) the completion of the final phase of such building, or b) the number of years after the issuance of a Certificate of Occupancy for the first phase of such building as indicated below

- 1 Permanent landscaping and related improvements are not required to be installed until two years after the issuance of a Certificate of Occupancy for the first phase of such building
- 2 Occupancy and use of the first floor of the first phase of a building for pedestrian oriented uses are not required until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building
- 3 The facade of the lower floors of the first phase of a building including enclosed parking shall be permitted to remain with concrete finish, until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building

H During construction of a subsequent phase of a building, a construction office and a sales and leasing office may be located in the retail or garage portions of the first phase of such building

I In the event that construction activity associated with a phase on any of the parcels ceases for six months or longer, the City shall require that the original number of parking spaces on the Property be reestablished

J At no time shall construction, or staging of materials or equipment, obstruct, intrude upon, or require detour of existing Town Lake Hike and Bike Trail through the property as shown in the Existing Conditions Plan (Exhibit H), unless authorized or permitted by the City, or unless such construction or staging of materials or equipment is for the sole purpose of improving the Town Lake Hike and Bike Trail, or unless the south Town Lake shore is filled and extended north from its present location, as shown in the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) and set forth in more detail in the Site Development Regulations (Exhibit F, Subsection IV A )

## EXHIBIT F

### SITE DEVELOPMENT REGULATIONS TABLE

Except as otherwise provided in this ordinance and the attached Exhibits, development of the Hotel Parcel, the West Parcel and the South Parcel of the Property shall comply with the site development regulations for the lake commercial (L) district in effect on the date of this ordinance

#### I Hotel Parcel

- A Except as otherwise provided in the PUD, the footprint and height of a building, structure, or improvement on the Hotel Parcel as shown on the Land Use Plan (Exhibit C) and Existing Conditions Plan (Exhibit H), may not be increased, enlarged, remodeled, expanded, relocated, reconstructed, changed, or improved over what is legal and permitted according to the rules, regulations, codes and ordinances of the City of Austin applicable to the Hotel Parcel in effect as of November 14, 2006
- B An existing building, structure, parking area, loading area and other improvement located in the Hotel Parcel may be maintained, repaired, restored, modified, altered, renovated, improved, replaced and upgraded under the following conditions
  - 1 Within a building envelope for that portion of the Existing Hotel as shown on the Existing Conditions Plan (Exhibit H) that is less than 60 feet in height, the alteration, modification, replacement, addition, and other improvements
    - a) may not enlarge the existing hotel building footprint greater than 25 linear feet,
    - b) may not exceed 30 feet in height where currently there is no building,
    - c) may not exceed 60 feet in height to a building existing as of the date of this ordinance, and
    - d) may not be within the primary or secondary setbacks of the South Shore Central waterfront overlay subdistrict
  - 2 For an accessory building, pool, deck, patio, parking area, and loading area, the alteration, modification, replacements, addition and other improvements

- a) may not increase the existing amount of impervious cover in the Hotel Parcel,
  - b) may not exceed their respective heights existing as of the effective date of this ordinance, and
  - c) may not extend closer to Town Lake than the existing deck, patio, and other improvements
- 3 In the event the existing structures on the Hotel Parcel (the "Hotel Structures") are destroyed or damaged by a natural catastrophe, fire, acts of terrorism, or other casualty, the following applies
  - a) The size of the restored building is limited to the size of the destroyed or damaged building, including height, footprint and floor-to area ratio, provided that the damaged building was in compliance with this PUD Otherwise, such restoration is limited to the size of the structure as it existed on the effective date of this ordinance
  - b) For purposes of this Exhibit F (Site Development Regulations Table), a structure, building, footprint or other improvement shall be deemed existing, if a building permit, or certificate of occupancy was issued for such structure, building footprint, or other improvement as of the effective date of this ordinance, or if such structure, building, footprint, or other improvement is shown on the Existing Conditions Plan (Exhibit H)
- 4 If a structure on the Hotel Parcel is intentionally demolished or destroyed by the owner, then it may only be rebuilt according to the City Code in effect at the time of such rebuilding
- 5 The interior portions of the existing Hotel Structures may be remodeled, renovated, maintained, repaired, restored, modified, altered and upgraded
- C Section 25-2-492 (*Site Development Regulations*), Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*), and Section 25-8-261 (*Critical Water Quality Zone Development*) are modified to allow improvements, repairs, additions, and replacements along and adjacent to the hike and bike trail and drainage easements along Town Lake, including existing landscaping and associated irrigation systems, existing slope stabilization structures, existing retaining walls and similar

improvements, and existing screening of the existing parking and loading areas shown on the Existing Conditions Plan (Exhibit H)

- D Parallel parking and sidewalks along any portion of the internal circulation are permitted
- E Prior to the issuance of a final Certificate of Occupancy for a building on the South Parcel or the West Parcel, a vegetative screen that complies with the provisions of the Environmental Criteria Manual of the City of Austin shall be provided along the northern property line of the Hotel Parcel adjacent to the surface parking lot on the east side of the Hotel Parcel
- F The height of a new structure, expansions and renovations constructed after November 14, 2006 shall be measured as the vertical distance from the average of the highest natural grade and lowest natural grade adjacent to the building
  - 1 for a flat roof, to the highest point of the coping,
  - 2 for a mansard roof, to the deck line,
  - 3 for a pitched or hip roof, to the mid-point of the highest gable, and
  - 4 for other roof styles, to the highest point of the roof

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006 as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature

- G Green Building All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating (See Exhibit J) A hotel-motel use is not a residential use and is not subject to this requirement

## II West Parcel

- A Except as otherwise provided in the PUD ordinance and attached exhibits, the provisions of Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*) apply to development of the West Parcel
  - 1 Within the 150 foot primary setback as defined in Section 25-2-712 (*Definitions*)
    - a) The existing improvements and impervious cover, including specifically, but without limitation, the existing boat docks and facilities as shown on the Land Use Plan (Exhibit C), are permitted These improvements may be upgraded, improved,

and, if and only if the shoreline is reconstructed in accordance with Section IV A of this exhibit, may be relocated within the boundaries of the West Parcel, as long as they do not encroach further into any setback from the relocated shoreline

- b) The internal circulation drive and impervious cover are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel
- c) Sidewalks along the internal circulation drive are permitted
- d) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted except as shown on the Land Use Plan (Exhibit C)
- e) Temporary construction areas and construction offices are permitted on existing pavement as shown on the Existing Conditions Plan (Exhibit H)

2 Within the 50 foot secondary setback as defined in Section 25-2-712 (*Definitions*)

- a) The internal circulation drive and impervious cover as shown on the Land Use Plan (Exhibit C) are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel
- b) Sidewalks along the internal circulation drive are permitted
- c) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted, except as shown on the Land Use Plan (Exhibit C)
- d) Temporary construction areas and construction offices are permitted on existing pavement shown on the Existing Conditions Plan (Exhibit H)

3 Parallel parking along the internal circulation drive is permitted

4 Entries to parking garages as generally shown on the Land Use Plan (Exhibit C) are permitted

B Except as otherwise provided in the PUD, the provisions of Section 25-8-261 (*Critical Water Quality Zone Development*) apply to development of the West Parcel

- 1 Improvements, repairs, additions, and replacements that consist only of landscaping and associated irrigation systems, slope stabilization and retaining walls, and screening of the existing parking and loading area, including associated retaining walls, are permitted along and adjacent to the hike and bike trail and drainage easement along Town Lake
  - 2 Existing boat docks and associated facilities as shown on the Land Use Plan (Exhibit C) are permitted
- C Green Building All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating (See Exhibit J)
- D Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, an access easement shall be provided to the City that allows i) public access to the internal drive as shown on the Land Use Plan, ii) public access from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan, and iii) a dedicated bike lane no less than five feet in width for each of two directions of travel either on the internal drive shown on the Land Use Plan or elsewhere on the Property following the alignment of the internal drive
- E Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, at least ten bicycle parking mechanisms shall be provided within the portion of the public access easement area from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan, at such location(s) as may be determined by the owner of the West Parcel at the time Bicycle parking requirements and standards shall be City of Austin, Class III Style Bicycle Parking as set forth under Standard No 710S-1 of the Transportation Criteria Manual, adopted on February 17, 2000
- F Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, a dedicated bike lane shall be constructed, differentiated by a different surface color from that of the internal circulation drive and sidewalk as shown on the Land Use Plan The bike lane shall be no less than five feet in width for each of two directions of travel either on the internal drive shown on the PUD Land Use Plan or elsewhere on the Property following the alignment of the internal drive Bike lane improvements are permitted uses within the primary and secondary setback and shall be constructed of pervious material such as crushed granite



- G The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building

- 1 for a flat roof, to the highest point of the coping,
- 2 for a mansard roof, to the deck line,
- 3 for a pitched or hip roof, to the mid-point of the highest gable, and
- 4 for other roof styles, to the highest point of the roof

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii) the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than two feet above natural grade

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature

### III South Parcel

- A The South Parcel is not within any primary or secondary setback of the South Central Subdistrict waterfront overlay district
- B Green Building All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006, to achieve a minimum two-star rating (See Exhibit J)
- C The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building

- 1 for a flat roof, to the highest point of the coping,
- 2 for a mansard roof, to the deck line,
- 3 for a pitched or hip roof, to the mid-point of the highest gable, and
- 4 for other roof styles, to the highest point of the roof

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii)

the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than 454 feet mean sea level

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature

The maximum height is 90 feet for a building or structure existing on the portion of the South Parcel zoned CS-1-NP as of November 14, 2006 (See Exhibit G-field notes)

#### IV General Regulations Applicable to all Parcels

- A If the Town Lake shoreline is reclaimed as shown on the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) in accordance with all applicable local, state, federal and other governmental regulations, the primary setback is 150 feet and the secondary setback is 200 feet from the reconstructed shoreline. In no event shall the reclaimed shoreline be relocated more than 15 feet to the north of its current location as shown on Exhibit I. The Land Use Plan may be administratively amended to show the new shoreline.
- B A payment instead of structural controls under Section 25-8-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*) of the City Code shall be permitted and is approved for each Parcel. The amount of such payment for each Parcel shall be calculated and paid at the time the first site development permit ("SDP") for each Parcel is released.
- C The following transportation related standards apply:
  - 1 The internal circulation drive as depicted on the Land Use Plan is permitted. Access to South First Street in the locations as depicted on the Land Use Plan is permitted and shall be included in the applicable SDP.
  - 2 A minimum of one loading area and a minimum of one loading space shall be provided:
    - a) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the West Parcel, and

- b) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the South Parcel
- 3 Except as set forth in the Phasing Plan (Exhibit D) of this ordinance the following applies
  - a) The minimum number of required off-street parking spaces shall be 80 percent of the number otherwise required under Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of Chapter 25-6 (*Transportation*) of the City Code. A maximum number of off-street parking spaces are not required. Surface, structured and underground parking facilities are permitted, and
  - b) During construction activities of the PUD property, the minimum number of off-street parking spaces is not required and off-site parking is permitted at the option of the owner
- D A voluntary donation made by the owner of the property to the City of Austin for park purposes shall be applied toward any parkland dedication requirements that may be required for the development
- E Pole signage is prohibited
- F Except as otherwise provided in this ordinance the provisions of Section 25-8-281 (*Critical Environmental Features*) apply to the PUD. The provisions of Section 25-8-282 (*Wetland Protection*) does not apply to the PUD
- G The 50-foot wetlands setback located along Town Lake in the northwest portion of the Property does not apply to i) the hike and bike trail located on the Property, or ii) any portion of the Property to the south of the hike and bike trail
- H The following drainage related standards shall apply
  - I Fill dirt required by federal, state, or local regulations for the purpose of raising the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements shown on the Land Use Plan (Exhibit C) and located within the 100-year base flood elevation is permitted but may not exceed three feet above the 100-year base flood elevation

- 2 Fill dirt required to raise the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements shown on the Land Use Plan (Exhibit C) and located outside the 100-year base flood elevation is permitted but may not exceed four feet above the natural grade as it exists on the date of this ordinance as shown on the Existing Conditions Plan (Exhibit H) and may in no instance exceed 454 feet above mean sea level
  - 3 The requirements of Section 25-7-93 (*General Exceptions*) of the City Code apply to improvements including buildings and boat docks as shown on the Land Use Plan (Exhibit C) The existing floodplain within the PUD may be modified in connection with and at the time of approval of each SDP
  - 4 The requirements of Section 25-7-94 (*Exceptions in Central Business Area*) do not apply to any SDP for any portion of the Property
  - 5 The requirements of Section 25-7-31 (*Director Authorized to Require Drainage Studies*) and Section 25-7-61 (*Criteria for Approval of Plats, Construction Plans and Site Plans*) do not apply to any SDP
  - 6 A request for modification of the FEMA floodplain submitted by the owner that reflects the modifications to the existing floodplain as shown in Subsection H (1) shall be promptly processed by the Director of the Watershed Protection and Development Review Department, or its successor department, according to applicable FEMA regulations
- I All construction staging area and construction offices on the Property shall be screened from view outside the boundaries of the Property by an opaque screen eight feet in height, and any and all construction staging areas, trailers, offices, and other facilities shall be removed from the Property within 30 days following the granting of a final Certificate of Occupancy for the structure with which the staging areas, trailers, offices, or other facilities are associated In the event that construction associated with a staging area, trailer, office, or other facility ceases for a period of 120 days or more, all such construction staging areas, trailers, offices, and facilities shall be removed immediately With regard to the West Parcel, upon removal of the construction staging areas, trailers, offices, and other facilities, the then owner of the West Parcel shall immediately remove all pavement or other improvements not shown on and in compliance with the Land Use Plan (Exhibit C) Notwithstanding anything to the contrary, with regard to all parcels included in this ordinance, no construction staging

areas, trailers, offices, or facilities may remain i) in the primary setback of the waterfront overlay district for a period longer than one year, or ii) in the secondary setback of the waterfront overlay district for a period longer than two and one-half years, from the date said staging areas, trailers, offices, or facilities are placed within the waterfront overlay district

- J All rooftop mechanical equipment and machinery on new construction shall be screened from view of adjacent property by screening up to the height of such machinery and equipment, and the noise level of all mechanical equipment and machinery may not exceed 70 decibels at the property line

**EXHIBIT "A"**  
0.491 acre (21,375 sq. ft.)  
SAM, Inc. Job No. 26267-04

FN4352(ALG)  
November 8, 2006

DESCRIPTION OF A 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND BEING A PORTION OF THAT CALLED LOT A OF THE T.L. SUBDIVISION 3A AS PER PLAT DULY RECORDED IN VOLUME 82, PAGE 380, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND FURTHER DESCRIBED AS TRACT 1, IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP, AS RECORDED IN DOCUMENT NO. 2005191745, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found in the north right-of-way line of Barton Springs Road, a 100-foot wide right-of-way, same being the south common corner of said Lot A, and a called 0.575 acre tract of land described in the deed to Bathhaus Ltd., as recorded in Document No. 2001174688, of the Official Public Records of Travis County, Texas, from which a punch-hole in concrete found for the northwest corner of said 0.575 acre tract, also being an interior ell corner of said Lot A, bears N 19° 00' 21" E, a distance of 400.15 feet;

**THENCE** with said north right-of-way line, S 76° 21' 17" W, a distance of 60.33 feet to calculated point, for the southeast corner and the **POINT OF BEGINNING** of the tract described herein,

**THENCE** continuing with said north right-of-way line, S 76° 21' 17" W, a distance of 171.00 feet to a calculated point, for the southwest corner of the tract described herein, from which an "X" cut in concrete found in said north right-of-way line, same being a south common corner of said Lot A and a tract of land (Tract 3), described in the deed to Fairfield Town Lake/Zilker LP, as recorded in Document No. 2005191745, of the Official Public Records of Travis County, Texas, bears S 76° 21' 17" W, a distance of 34.94 feet;

**THENCE** leaving said north right-of-way line, crossing through the interior of said Lot A, the following three (3) courses and distances:

- 1        N 13° 40' 38" W, a distance of 125.00 feet to a calculated point,
- 2        N 76° 21' 17" E, a distance of 171.00 feet to a calculated point, and

EXHIBIT "A"  
0.491 acre (21,375 sq ft)  
SAM, Inc Job No 26267-04

FN4352(ALG)  
November 8, 2006

3 S 13° 40' 38" E, a distance of 125.00 feet to the **POINT OF BEGINNING** and containing 0.491 acre (21,375 sq ft) of land more or less

BEARING BASIS Cotton spindles at an inside ell corner of Lot A and a point of intersection in a west line of Lot A of T L Subdivision 3A, a subdivision of record in Volume 82, Page 380, of the Plat Records of Travis County, Texas. Called bearing and distance between these cotton spindles is N26°12'E - 228.39 feet. Held called bearing of N26°12'00"E and found actual distance to be 228.38 feet.

This description is accompanied by a separate plat, see "Sketch to Accompany Field Note No 4352", attached hereto and made a part hereof

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, C M Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 8<sup>th</sup> day of November A.D

SURVEYING AND MAPPING, Inc  
5508 West Highway 290, Building B  
Austin, Texas 78735

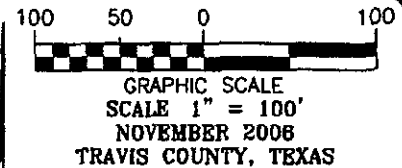


C M Solomon  
Registered Professional Land Surveyor  
No 5734 - State of Texas



# **LEGEND**

- △ CALCULATED POINT
- ⊙ PUNCH IN CONCRETE
- 1/2" IRON ROD FOUND UNLESS NOTED
- ✕ "X" CUT IN CONCRETE
- O.P.R.T.C.TX OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
- D.R.T.C.TX DEED RECORDS OF TRAVIS COUNTY TEXAS
- P.R.T.C.TX PLAT RECORDS OF TRAVIS COUNTY TEXAS
- P.O.B. POINT-OF-BEGINNING
- P.O.C. POINT-OF-COMMENCEMENT



**FAIRFIELD TOWN LAKE/ZILKER LP  
(TRACT 1)  
DOC. NO. 2005191745  
O.P.R.T.C.TX.**

**LOT A  
T.L. SUBDIVISION 3A  
VOL. 82, PG 380  
P.R.T.C.TX.**

**LOT 5A  
RESUBDIVISION OF  
T.L. SUBDIVISION NO. 1  
DOC. #200200297  
O.P.R.T.C.TX.  
LAKESHORE TOWERS LIMITED PARTNERSHIP  
DOC. #2001026832  
O.P.R.T.C.TX.  
(COMMERCIAL)**

**LOT 5B  
RESUBDIVISION OF  
T.L. SUBDIVISION NO. 1  
DOC. #200200297  
O.P.R.T.C.TX.  
LRC LAKEVIEW PROPERTIES, LTD  
DOC. #2003222211  
O.P.R.T.C.TX.  
(COMMERCIAL)**

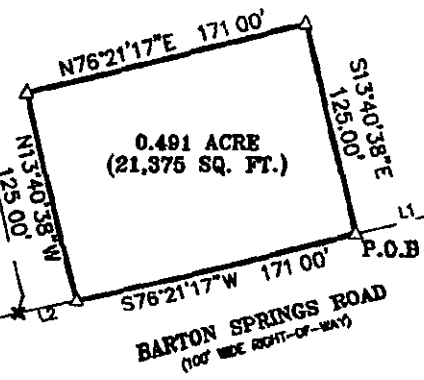
**FAIRFIELD TOWN LAKE/ZILKER LP  
(TRACT 3)  
30' ACCESS EASEMENT  
DOC. NO. 2005191745  
O.P.R.T.C.TX.**

**LOT 6  
T.L. SUBDIVISION NO. 1  
VOL. 68, PG. 52  
P.R.T.C.TX.  
ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA, INC.  
VOL. 6923, PG. 155  
D.R.T.C.TX.  
(COMMERCIAL)**

**BATHAUS LTD  
CALLED 0.575 ACRES  
O.P.R.T.C.TX.  
(COMMERCIAL)**

**DORIS J. FINKELSTEIN TRUSTEE  
CALLED TRACT II  
O.P.R.T.C.TX.  
(RETAIL)**

**SOUTH CONGRESS AVENUE  
(120' WIDE RIGHT-OF-WAY)**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S76°21'17"W	60.33'
L2	S76°21'17"W	34.94'

## **BEARING BASIS**

COTTON SPINDLES AT AN INSIDE ELL CORNER OF LOT A AND A POINT OF INTERSECTION IN A WEST LINE OF LOT A OF T L SUBDIVISION 3A, A SUBDIVISION OF RECORD IN VOLUME 82, PAGE 380 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. CALLED BEARING AND DISTANCE BETWEEN THESE COTTON SPINDLES IS N26°12'E - 228.39 FEET HELD CALLED BEARING OF N26°12'00"E AND FOUND ACTUAL DISTANCE TO BE 228.38 FEET



PROJECT:	HEART REGENCY
JOB NUMBER:	24287-04
DATE:	NOVEMBER 8, 2008
SURVEYOR:	CMS
PLATTY CHIEF:	NA
FIELDBOOK:	NA
FIELDNOTE:	FM4352(ALB).DOC
TECHNICIAN:	ALB
DRAWING:	FM4352.DWG
SCALE:	1" = 100'



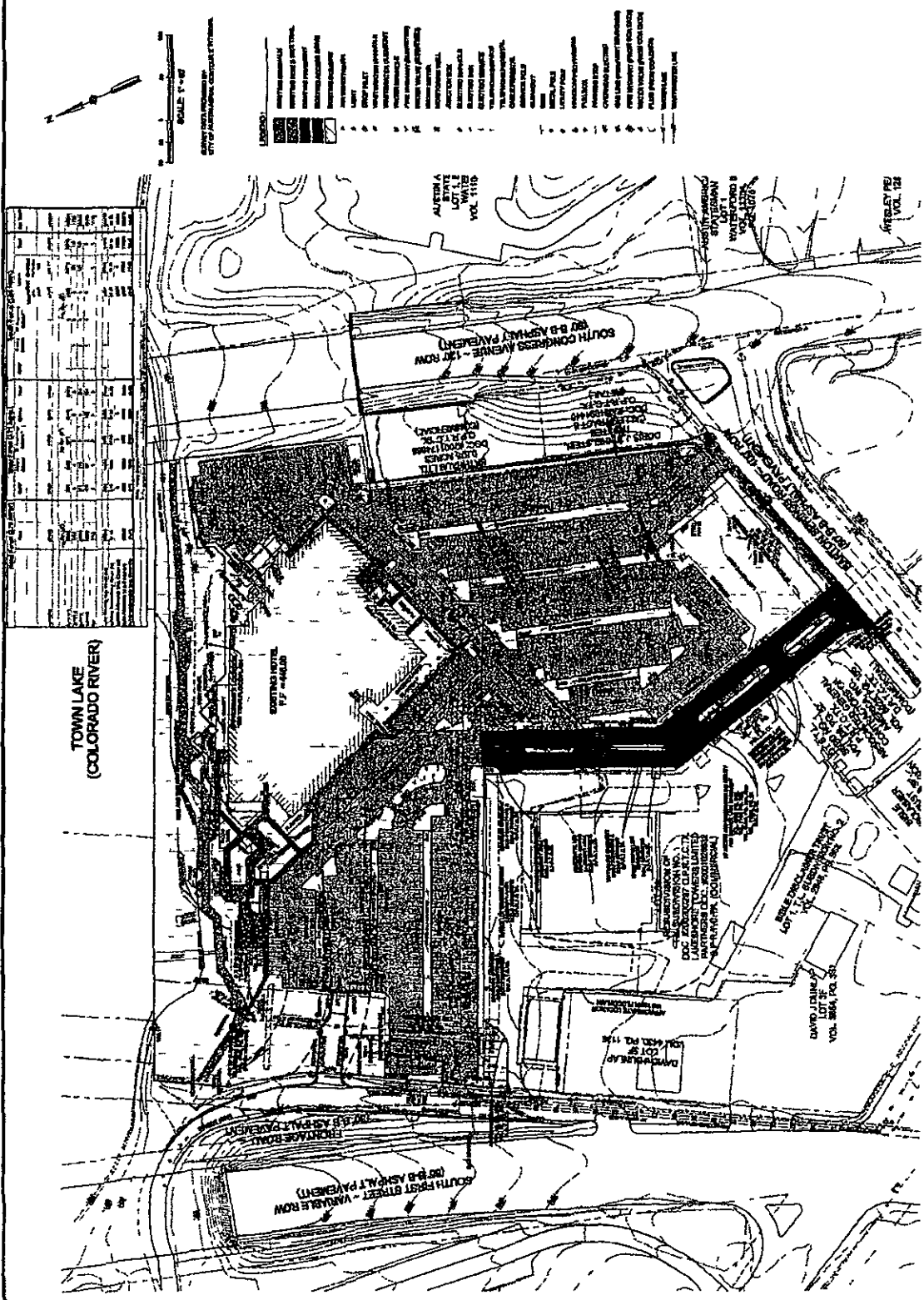
5508 WEST HIGHWAY 290  
BUILDING B  
AUSTIN TEXAS 78735  
(512) 447-0575  
FAX (512) 326 3020  
EMAIL SAM@SAMINGAUS.COM

**SKETCH TO ACCOMPANY  
FIELD NOTE No 4352  
PAGE 3 OF 3**



208 BAYTON SPRINGS ROAD  
EASTING CONDITIONS PLAN

NO.	DESCRIPTION	DATE
1	1.000	1.000
2	2.000	2.000
3	3.000	3.000
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NO.	DESCRIPTION	DATE
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