

**ORDINANCE NO. 20120524-030**

**AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A  
MANAGED GROWTH AGREEMENT FOR DEVELOPMENT OF THE RIATA  
VISTA OFFICE COMPLEX.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Council finds that the Riata Vista Office Complex described in SP-2007-0454C(XT2).MGA is a large, long-term project under Section 25-1-540 (*Managed Growth Agreements*).

**PART 2.** The Council authorizes the City Manager to negotiate and execute a Managed Growth Agreement ("MGA") between the City of Austin and Riata Vista L.P., consistent with the term sheet attached and incorporated into this ordinance as Exhibit A. The MGA is limited to the Riata Vista Office Complex as approved in SP-2007-0454C(XT2).MGA, subject to any minor revisions approved in accordance with the MGA. To the extent the MGA conflicts with the City Code, the MGA shall be controlling.

**PART 3.** This ordinance takes effect on June 4, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, May 24 \_\_\_\_\_, 2012      §  
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                                                                         §  
                                                                         \_\_\_\_\_  
                                                                         Lee Leffingwell  
                                                                         Mayor

**APPROVED:** \_\_\_\_\_  
                                                                         Karen M. Kennard  
                                                                         City Attorney

**ATTEST:** \_\_\_\_\_  
                                                                         Shirley A. Gentry  
                                                                         City Clerk

**EXHIBIT A**  
**Riata Vista Office Complex MGA Conditions**  
**SP-2007-0454C(XT2).MGA**

The following notes and conditions will be added to the site plan with a revision to be submitted by October 31, 2012. No building permits will be issued until the site plan is revised to add the following notes and conditions.

**General**

1. Building permits for Phase I must be issued within 5 years of the date of this agreement.
2. Phase I will meet current City Code as of the date hereof by applying the comments in this exhibit as noted for site plan, environmental and tree reviews.
3. Phase II will meet current City Code as of the date hereof including coordination with the City Arborist on Heritage Tree compliance.
4. A portion of Phase II will be used for parking to add additional floors to buildings 4 and 5 and the proposed site plan revision will be considered to be a part of Phase I. And for the purposes of the proposed site plan revision, such parking area will be considered a part of Phase I.

**Site Plan**

SP 1. The case number will need to be changed on all sheets to reflect the new case number, SP-2007-0454C(XT2).MGA.

SP 2. Please provide a note on the coversheets stating the new expiration date.

SP 3. Please provide a note which states "MGA approved by City Council under Ordinance No. \_\_\_\_\_ on \_\_\_\_ (date)\_\_\_\_\_."

**Environmental**

EV 1 Confirmation from Environmental Resource Management (ERM) that the Environmental Assessment is accurate and meets the requirements of the ECM and LDC. [LDC 25-8-121 through 124, ECM 1.3.0.]

EV 2 This project is subject to the Void and Water Flow Mitigation Rule (section 1.12.0 of the Environmental Criteria Manual (ECM), COA Item No. 658S of the Standard Specifications Manual and 658S-1 through 658S-7 of the Standard Details Manual). Please add a note to the cover sheet that states: "This project is subject to the Void and Water Flow Mitigation Rule (COA ECM 1.12.0 and COA Item No. 658S of the SSM) provision that all trenching greater than 5 feet deep must be inspected by a geologist (Texas P.G.) or a geologist's representative."

EV 3 Please add the following note to the cover sheet: "The disturbed areas within this project shall be revegetated and all permanent erosion/sedimentation controls completed prior to the release of fiscal surety for that phase. Temporary erosion/sedimentation controls shall be adjusted as needed prior to this release to ensure that subsequent phase disturbed areas are adequately covered. Any area within the limit of disturbance of the project which is not adequately revegetated shall be brought into compliance prior to the release of the final phase."

EV 4 Provide the current ECM Appendix P-1 erosion control notes.

EV 6 Show the location of the concrete washout area on the ESC sheet.

EV 7 Do not exceed 200 feet of continuous silt fence run. Refer to ECM 1.4.5G (3) for detail and include in ESC details.

EV 8 Add a note to the ESC sheet stating:

"If disturbed area is not to be worked on for more than 14 days, disturbed area needs to be stabilized by revegetation, mulch, tarp or revegetation matting. [ECM 1.4.4.B.3, Section 5, I.]

The contractor will clean up spoils that migrate onto the roads a minimum of once daily. [ECM 1.4.4.D.4]"

EV 9 Please provide a revised inlet protection detail that meets the current ECM guidelines 1.4.5 P. Accepted details need to be shown in plan set. Please note that COA detail 628S-2 is no longer accepted. [ECM 1.4.5.P]

EV 10 For rough cut ponds, sediment traps, and sediment basins dewatering skimmers must be designed to dewater at the surface. Provide a detail showing the dewatering skimmer location.

EV 11 Provide a cross-section for the proposed berm/swale/sediment trap(s)/sediment basin(s). Show that the berm/swale/sediment trap(s)/sediment basin(s) are sufficient for the 10 year-24 hour storm event [i.e., show that the 10 year-24 hours storm event will not come within 6 inches of overtopping the berm/swale/sediment trap(s)/sediment basin(s)]. For design verification purposes, the berm/swale/sediment trap/sediment basin must be drawn to scale on the ESC sheet. Be sure to provide spot elevations for the berm/swale/sediment trap(s)/sediment basin(s) on the ESC sheet.

EV 13 Revise the tree survey and list to note the following: (1) heritage trees must be indicated with an 'H' on the tree survey list; (2) multi-trunk trees must be indicated with an 'M' on the tree survey list; and (7) indicate the date the tree survey was conducted (November 6, 2007) on the ESC / tree protection sheet. [ECM 3.3.2.A, ECM 3.3.0]

EV 14 Trees number 3034, 3128, 3257-58, are proposed to be preserved but do not meet tree preservation criteria. Please revise the plans to meet criteria or graphically show this tree with a shaded circle in the plan set and provide mitigation for this tree. [ECM 3.3.2.D]

EV 15 Erosion / sedimentation control cannot be located within the 50% critical root zone of preserve trees, or within the tree protection fence. Please relocate silt fence or provide a less invasive type of control (mulch sock near the following trees; 3201-02, 3388-90, 3392-95, 3399-401, and 3316,

EV 16 Some of the phase 2 storm and utility construction was not shown on the E&S plans. Please provide on the E&S tree/protection sheet and provide additional tree protection while allowing access for construction near trees 3309-3310, and 3256. Please provide additional tree protection while still allowing access for the Phase 1 storm sewer construction between Trees 3035-3036.

EV 17 Please provide a current fiscal estimate for erosion/sedimentation controls and revegetation based on Appendix S-1 of the Environmental Criteria Manual. For sites with a limit of construction greater than one acre, the fiscal estimate must include a \$3000 per acre of LOC clean-up fee. Please include the total cost already posted and the new difference to be approved. The approved amount must be posted with the City prior to permit/site plan approval. [LDC 25-7-65, ECM 1.2.1, ECM Appendix S-1]

EV 18 Include the current irrigation notes per ECM Appendix O. [ECM 2.4.6(B)]

EV 19 Add the following notes to the landscape plan:

The OWNER will continuously maintain the required landscaping in accordance with LDC 25-2-984.

All landscaped areas are to be protected by 6 inch wheel curbs, wheel stops or other approved barriers as per ECM 2.4.7. [LDC 25-2-1004(A), ECM 2.4.7(A)]

EV 20 Please demonstrate compliance with LDC 25-2-1008 and Ordinance 20101216-097 (irrigation requirements for commercial landscapes).

EV 21 Add planting detail ECM Figure 3-14 to the landscape plans.

EV 22 Specify a minimum of 3 inches of organic mulch for the planting details. [ECM 2.4.5(A)]

EV 23 Revise your tree mitigation list and table as the old tree class system is no longer used. Trees are either on or off Appendix F or invasive. Then you should

include the categories as Heritage 24"+, Protected 19 – 23.9", and other 8 – 18.9".

EV 24 Current Tree mitigation is to be provided (at minimum) at the following rates:

19 inches and greater, ECM Appendix F trees: 100%

8 to 18.9 inches, ECM Appendix F trees: 50%

19 inches and greater, all other trees: 50%

8 to 18.9 inches, all other trees: 25%

Sizes smaller than 8 diameter inches found in ECM Appendix F (for example: development in Parks under ECM Section 5.3.0 and Hill Country Roadways under ECM Section 2.7.0] - 50%.

Sizes smaller than 8 diameter inches and not found in ECM Appendix F (for example: development in Parks under ECM Section 5.3.0 and Hill Country Roadways under ECM Section 2.7.0] - 25%.

EV 25 Please differentiate which trees and inches are being used for Tree mitigation credit and which are used for buffer or landscape/streetyard credit. The current planting legend only appears to indicate which were for streetyard credit.

EV 26 Only trees shown in ECM Appendix F can be used for mitigation purposes. Lacebark elm could not be used for mitigation. [ECM Appendix F]

EV 27 Note: Revise any tree mitigation tables as no mitigation is required for the removal of the following non-native invasive trees, but they need to be included in the tree survey:

Tree of heaven; Mimosa; Paper mulberry; White mulberry; Russian olive; Chinese parasol; Golden rain tree; Ligustrum; Chinaberry; Nandina; Photinia; Chinese pistache; Pyracantha; Salt cedar; Chinese tallow; Siberian elm; and Lilac chaste. [ECM 3.5.4.]

EV 28 For urban forest accounting purposes, please provide the following information on the plan after all landscaping and/or tree-related comments are cleared:

1. Total Appendix F tree inches surveyed;
  2. Total Appendix F tree inches removed;
  3. Total Non-Appendix F tree inches removed;
  4. Total Invasive tree inches removed; and
  5. Total mitigation inches planted on site.
- [ECM 3.5.4]

### Trees

1. Tree 3042 on Phase 1 will be preserved per current City Code. Trees 3022 and 3024 on Phase 1 will be removed per the approved site plan.

2. Preservation of Tree 3042 on Phase 1 will require the removal of landscape islands that are required within every 50 feet of a parking space (ECM 2.4.2.B.). Alternative compliance will be allowed so that a tree may be planted in the side yard setbacks to comply with this section.
3. The retaining wall around Tree 3004 will be reduced on the east side to protect the root zone.