

Late Backup

BRIEFING SUMMARY SHEET

DEVELOPMENT ASSESSMENT CASE NUMBER: CD-2012-0021

REQUEST:

Presentation of a Development Assessment Report for the 211 South Lamar Boulevard Planned Unit Development (PUD), located at 211 S Lamar Blvd, within the Town Lake Watershed.

DEPARTMENT COMMENTS:

The applicant has submitted a development assessment for a 0.933-acre project located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive (please see Exhibit A-1, Site Location). The proposal consists of a mixed-use development comprised of approximately 175 condominium residential units and 9,000 square feet of retail, restaurant and other pedestrian-oriented uses.

The property contains an existing Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract has approximately equal frontage on each of the abutting streets, perhaps slightly more on W Riverside Drive, where it is across from the Pfluger Pedestrian Bridge (please see Exhibit A-2: Site Context). To the west is City-owned property housing the Zach Theatre and Parks and Recreation Department headquarters; to the east is also City-owned property, currently used as the Butler Park Pitch and Putt. To the south lies the Paggi House restaurant and the Bridges on the Park, a residential condominium development.

The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district (please see Exhibit A-3: Zoning). The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District, though it appears to be outside the specified primary and secondary setbacks. Although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway; so the property is distinguished with a Scenic Roadways Overlay. The property is located within the Zilker neighborhood, but does not have a Future Land Use designation because the South Lamar Combined Neighborhood Plan effort, which combined Zilker, Barton Hills, Galindo, and South Lamar neighborhoods, is currently on hold. Per the recently adopted comprehensive plan, S Lamar is identified as an Imagine Austin activity corridor on the Growth Concept Map; and may be served by high capacity bus service in the future. It is also identified as part of the potential Shoal Creek/West Bouldin Creek Urban Trail. However, the area is not further identified as one of the growth centers on the Growth Concept Map.

The applicant has stated in application materials that the project will meet and exceed all Tier One PUD development standards, as well as meet or exceed all Tier Two standards, hence resulting in a superior development to that which could be developed

under conventional zoning standards (please see Exhibit B). Examples of the Applicant's superiority items include construction in conformance with the City's Green Building Program at a 3-Star level and landscaping with a selection of native plants from the Grow Green Program. Other examples include the provision of more units than required to be accessible for persons with disabilities and additional parking for Paggi House patrons. Staff is aware the applicant is also pursuing options for on-site bicycle facilities and enhancing the connection with nearby hike-and-bike trails. As submitted, the development assessment materials leave questions unanswered, especially as it relates to fulfilling Tier 2 requirements (please see Exhibit C: Staff Comments). Nevertheless, staff expects that the specifics of how Tier 2 criteria will be measured and met are under development and refinement by the applicant in conjunction with other departments or outside entities, and will be fully addressed with a formal PUD application.

With a base zoning district of CS, the envisioned PUD proposal will seek the following modifications or variances to the Code: maximum height of 96 feet, minimum front and street side yard setbacks of 0 feet, a maximum floor-to-area ratio of 5:1, and provisions to meet open space requirements by accounting for above ground level amenities, such as decks, balconies, patios and the like. Though the base zoning district is CS, the proposal seeks to prohibit almost all other commercial uses, but retains the right to have condominium and multifamily residential, along with a small-scale cocktail lounge. The PUD proposal itself varies from the Code in that the site is less than 10 acres, but is constrained on three sides by existing roadways, and on the fourth side by an existing condominium development and restaurant.

APPLICANT: Winstead PC (Amanda Swor)

OWNER/APPLICANT: Post Paggi, LLC (Jason Post)

CITY COUNCIL BRIEFING DATE: December 13, 2012

ASSIGNED STAFF: Lee Heckman

Email: lee.heckman@austintexas.gov
Phone: 974-7604

CD-2012-0021 / 211 South Lamar Boulevard

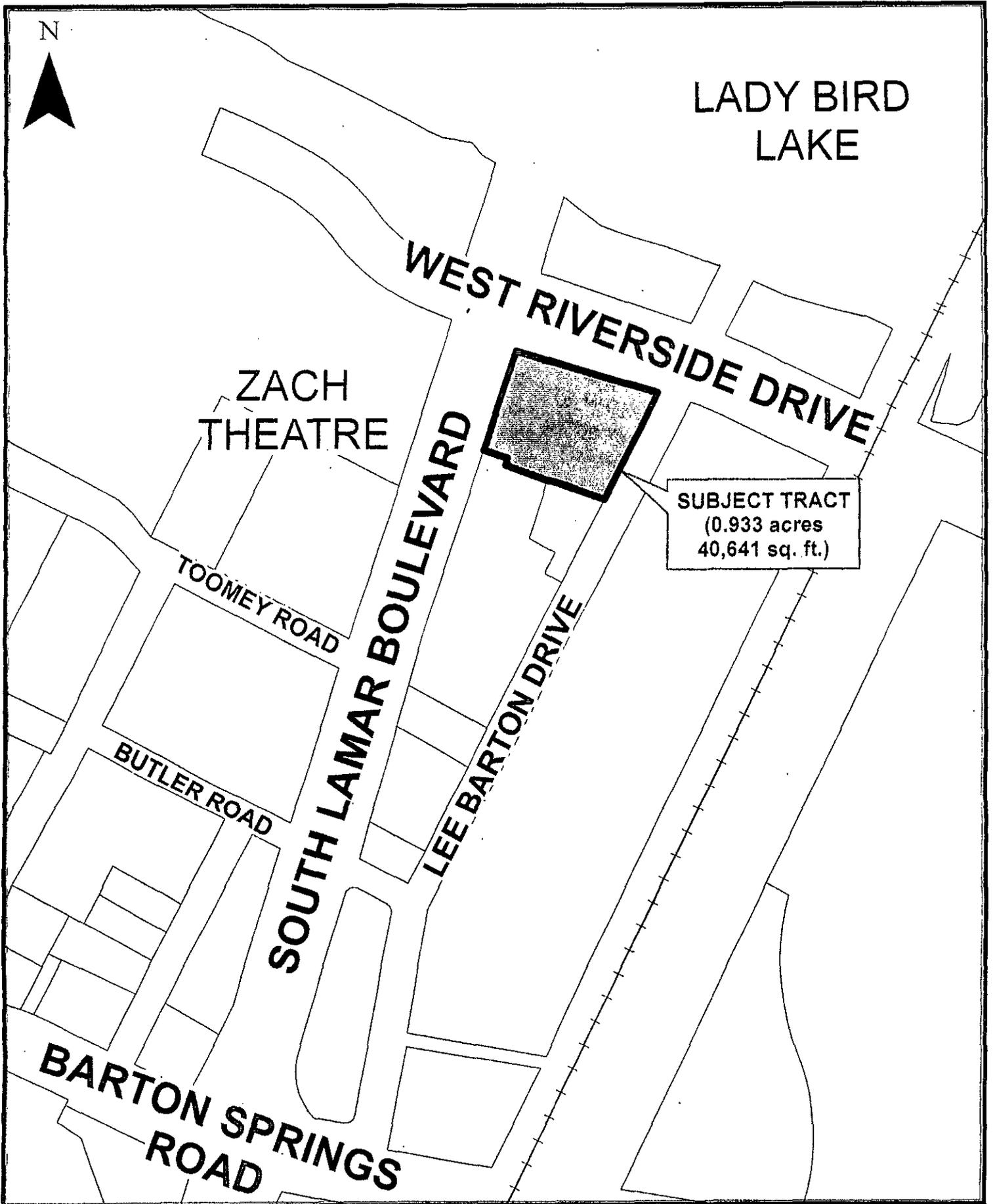
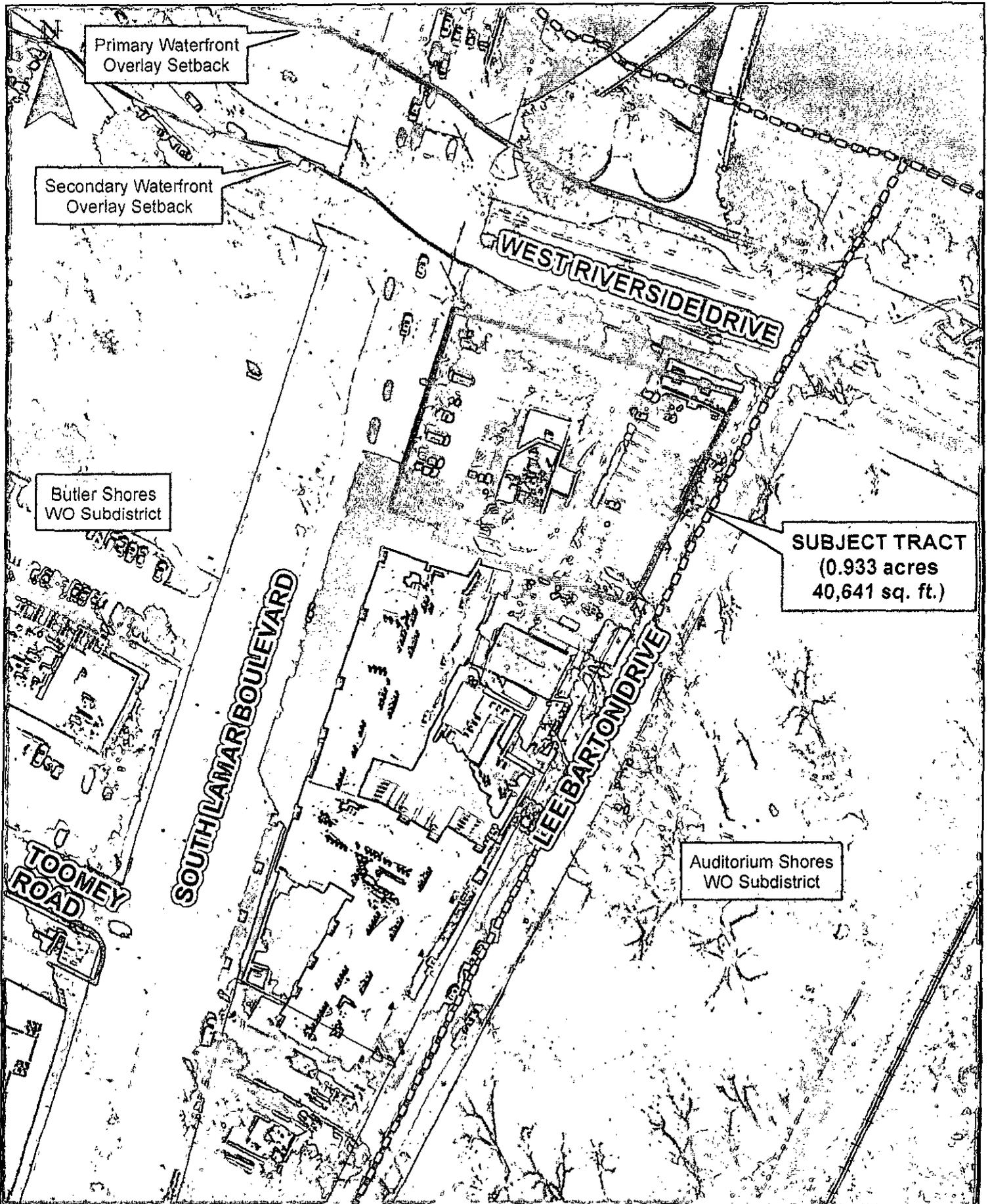


Exhibit A-1: Site Location

0 100 200 400 Feet

1 inch = 200 feet

CD-2012-0021 / 211 South Lamar Boulevard

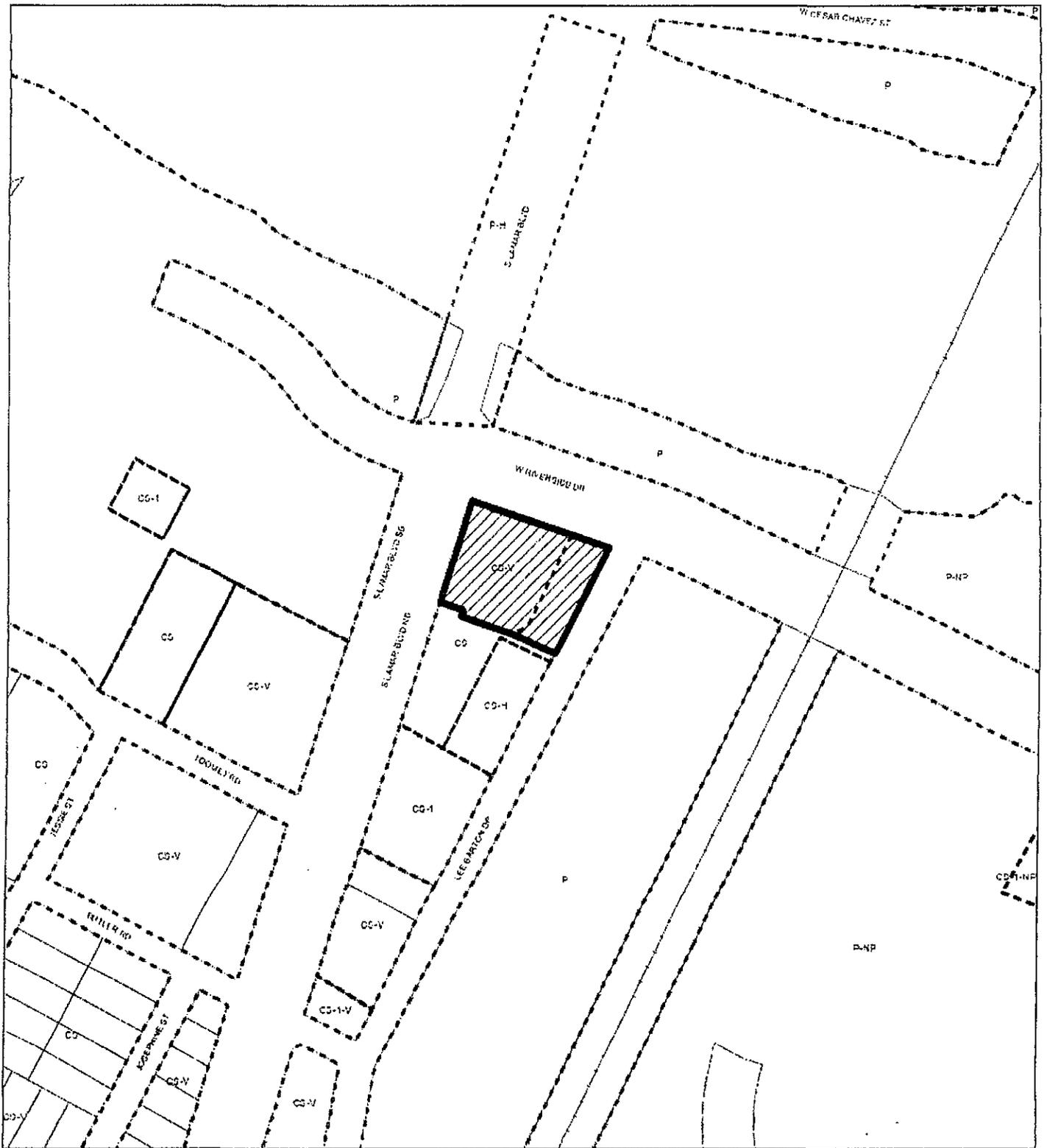


Imagery: 2009

Exhibit A-2: Site Context

0 50 100 200
Feet

1 inch = 100 feet



DEVELOPMENT ASSESSMENT

CASE#: CD-2012-0021



-  SUBJECT TRACT
-  ZONING BOUNDARY



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A-3: Zoning Map

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Suite 2100
Austin, Texas 78701

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winstead.com

direct dial: (512) 370-2827
aswgr@winstead.com

October 26, 2012

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 211 South Lamar – Development Assessment for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit the enclosed development assessment application packages. The project is titled 211 South Lamar and is located at the southeast corner of S. Lamar and Riverside. Following review of the development assessment, the owners intend to request the rezoning of the Property from CS, General Commercial Services, and CS-V, General Commercial Services – Vertical Mixed Use, zoning to PUD, Planned Unit Development District, zoning. The Property is currently developed as a Taco Cabana restaurant and surface parking lot. The owner intends to develop the Property with a mixed-use building.

The proposed project will contain approximately 175 for-sale condominium dwelling units and 9,000 square feet of retail, restaurant and other pedestrian oriented uses. The Traffic Impact Analysis (TIA) has been waived as the proposed redevelopment does not exceed the thresholds established in the Land Development Code as indicated in the attached TIA waiver executed by Ivan Naranjo dated October 25, 2012. The executed TIA waiver indicates that the residential component of the project will consist of multifamily units. It is the intent of the developer to construct condominium units (multifamily units were used as a precaution in the TIA waiver as they generate more traffic).

The PUD is located within the Butler Shore Subdistrict of the Waterfront Overlay and will comply with all aspects of the Waterfront Overlay. The proposed PUD is also located within the Zilker neighborhood planning area. The Zilker neighborhood plan is on hold, therefore a Neighborhood Plan Amendment will not be required.

Exhibit B - 1

October 26, 2012
 Mr. Guernsey

As described in the attached superiority chart, the proposed PUD meets or exceeds all Tier I and Tier II requirements as defined in the Land Development Code, thus resulting in a superior development that could not be achieved via conventional zoning.

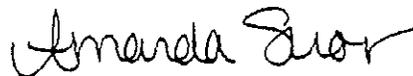
The PUD intends to maintain the existing CS zoning as the base district. The City Code modifications to be included in the proposed PUD District are as follows:

Code Requirement	Proposed PUD Requirement
Maximum Height: 60 feet	Maximum Height: 96 feet
Minimum Front Yard Setback: 10 feet	Minimum Front Yard Setback: 0 Feet
Minimum Street Side Yard Setback: 10 Feet	Minimum Street Side Yard Setback: 0 Feet
Maximum FAR: 2:1	Maximum FAR: 5:1
Open Space: Not more than 30% of required open space may be located above ground level.	Open Space: Decks, Balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use, shall be included as open space. Planting zone and supplemental zone will also count toward meeting the open space requirements. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.

October 26, 2012
Mr. Guernsey

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Project Manager

Enclosures

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic delivery with enclosures)
Lee Heckman, Planning and Development Review Department (via electronic delivery with enclosures)
Will Cureton, Ascension Development (via electronic mail without enclosures)
Scott Rodgers, Ascension Development (via electronic mail without enclosures)
Steve Drenner, Firm (without enclosures)

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Exhibit B - 5

Tier I Requirement	Compliance	Superiority
1. Meet the objectives of the City Code.	Yes.	The project is located within the City of Austin Desired Development Zone as well as the Urban Core. The project is designed to be a mixed-use building situated at the base of the Pflugger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. In addition, the project complies with Subchapter E, supports affordable housing initiatives, helps preserve a historic structure, preserves on-site trees and creates both a sustainable and architecturally interesting building.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	The project will create a high quality development utilizing innovative design. In addition, the PUD will ensure adequate public facilities and services for the area while preserving and enhancing the natural environment both on the property and surrounding the project. The mixed use nature of the project will be consistent with pedestrian-oriented concepts inherent in the Waterfront Overlay Ordinance.
3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that: <ul style="list-style-type: none"> a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided. 	Yes.	The PUD will meet or exceed the open space standard, taking into account the porch and plaza areas, amenity areas and balconies.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Exhibit B - 6

4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level.
5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	The project is in full compliance with the Waterfront Overlay. The PUD respects the historic property to its south as well as the adjacent Bridges project. A neighborhood plan has not been adopted for this area.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The project will also preserve trees on site via excessive setbacks that would not be saved with a project developed under the standard Code regulations.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	The project will provide some space available for public services, if such space is needed by those service providers.
8. Exceed the minimum landscaping requirements of the City Code.	Yes.	The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program.
9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with	Yes.	The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site (connecting to adjacent parkland). Additionally, the PUD is situated in close proximity to three types of mass transit: 1) Two Cap

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

sidewalks, trails and roadways.		Metro bus routes are on the same block as the project 2) Bus Rapid Transit is scheduled to travel along South Lamar Blvd. 3) Future Urban Rail terminates within walking distance of the project.
10. Prohibit gates roadways	Yes.	No gated roadways will be permitted within the PUD.
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	The PUD is designed to respect and enhance the existing Paggi House structure. In addition, the PUD will be providing parking for the Paggi House to an extent greater than exists today.
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes.	The property is characterized by special circumstances. The PUD is surrounded by roadways on three sides and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only way to achieve the additional desired height is through the PUD process.

Exhibit B - 7

Tier I - Additional PUD Requirements for a mixed use development	Compliance	Superiority
1. Comply with Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	The PUD complies with the Commercial Design Standards and does not intent to seek alternative equivalent compliance.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in	Yes.	The PUD complies with Core Transit Corridor sidewalk and building placement requirements.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Section 2.2.2, Subchapter E, Chapter 25-2 (<i>Core Transit Corridor Sidewalk and Building Placement</i>).		
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) on the first floor of a multi-story commercial or mixed use building.	Yes.	The project contains pedestrian-oriented uses on all three street frontage sides.

Exhibit B - 8

Tier II Requirement	Compliance	Superiority
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The open space in the PUD will meet or exceed the elevated open space standards, taking into account the porch and plaza areas, amenity areas and balconies. Additionally, the PUD will enhance the existing trail system by constructing pedestrian improvements above those required by Code in off-site areas to allow safe access from Lee Barton to the Lake and adjacent parkland.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water	Yes.	This PUD will not request any exceptions or modifications of environmental regulations. The project will also provide water quality controls sufficient to meet the elevated Tier II standards through the use of rain gardens and other water quality techniques.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Exhibit B - 9

<p>quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code.</p> <ul style="list-style-type: none">d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract.e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code.h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas.j. Prohibits uses that may contribute to air or water quality pollutants.k. Employ other creative or innovate measures.		
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Exhibit B - 10

3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The PUD will meet the Austin Green Builder program at a 3-star level.
4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The PUD will provide art approved by the Art In Public Places Program on site.
5. Great Streets – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	The PUD is subject to and will comply with the requirements Subchapter E standards.
6. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	The PUD will provide community meeting space within the project.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

<p>7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.</p>	<p>Yes.</p>	<p>The PUD will provide bicycle parking for retail patrons, as well as its residents, at above-Code levels. Additionally, the PUD will allow for the placement of a public bike Kiosk at a mutually agreed upon location. The PUD will provide dedicated spaces for electric vehicle charging within the parking garage. The PUD will provide off-site pedestrian improvements to increase the walking network along the property and to adjacent parkland.</p>
<p>8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)</p>	<p>Yes.</p>	<p>Subchapter E requires that every project achieve at least one point from the table in section 3.3.2. The PUD will exceed the minimum points by achieving a minimum of 13 points utilizing the following:</p> <ul style="list-style-type: none"> ▪ Achieve Star rating under Austin Green Building Program – 3 points ▪ Provide liner store in building facades – 3 points ▪ Provide building articulation – 1 point ▪ Provide primary entrance design – 1 point ▪ 100% of glazing on ground floor facades to have Visible Transmittance of 0.6 or higher – 1 point ▪ Design building so that at least 75% of the façade facing the principal street consist of storefronts with 2 separate entrances – 2 points ▪ Provide sustainable roof – 2 points
<p>9. Parking Structure Frontage -- In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.</p>	<p>Yes</p>	<p>There is no above grade structured parking for the project visible at the ground floor level. All other parking will be located below grade.</p>

Exhibit B - 11

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

10. Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.	Yes.	The project will participate in the Affordable Housing Options laid out in the PUD ordinance.
11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	The project will provide parking for the adjacent historic Paggi House at a level exceeding current levels. In addition, the project has been designed to step down in height at the closest proximity to the Paggi House, and to leave the “U-Shaped” open area facing the Paggi House.
12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide for 2.5% of the units to be available for persons with disabilities (a 25% increase above the requirements).
13. Local Small Business – Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The proposed PUD will provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

Exhibit B - 12

Dev Assessment - Drainage Engineering - Jay Baker - 974-2636

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

DE 1. No comments.

Dev Assessment - Electric - David Lambert - 322-6109

EL 1. No comments on this proposed rezoning.

We have reviewed the site plan and have provided comments on it.

EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.

EL 3. FYI: Michael Pittman at ph. 505-7678 is the initial Austin Energy contact for electric service design.

EL 4. FYI: Space on this site will have to be provided for transformer(s).

Dev Assessment - Environmental - Brad Jackson - 974-3410

This site is currently under review as Riverside and Lamar Multifamily, SP-2012-0271C. The PUD's proposed superiority for preserving trees will be compared for consistency to what is proposed through the Site Plan. In addition, the open space area and Landscape areas will need to be closely scrutinized in the PUD review process to assess their superiority claim.

Project Name: 211 South Lamar
Address: 211 S LAMAR BLVD
File Number: CD-2012-0021

Dev Assessment - Fire Review - Ralph Castillo - 974-0192

No fire code issues noted on this proposal, the project will need to comply with the 2009 International Fire Code, as amended by AFD, to be verified during site plan review.

Dev Assessment - Flood Plain Review - David Marquez - 974-3389

No comments

Dev Assessment - Industrial Waste - John McCulloch - 972-1060

Approved

IW1. There are no requirements for a Development Assessment, per se. Wastewater related matters are being addressed with the site development permit.

Dev Assessment - Mapping - Richard Sigmon - 974-2288

Cleared

Dev Assessment-Site Plan - Michael Simmons-Smith - 974-1225

SP 1. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.

- SP 2. Provide clarification or additional information showing how the requirements of the application will be met with this development using the Planned Unit Development Tier I (§ 2.3) or Tier II requirements (§ 2.4). For example, the "Tier 1 & Tier 2 Compliance" table notes that the project complies with Subchapter E and does not intend to seek Alternative Equivalent Compliance. Please confirm, as staff has had meetings with the applicant to discuss AEC for this development.
- SP 3. The "Tier 1 & Tier 2 Compliance" table notes that "the project is in full compliance with the Waterfront Overlay", but the applicant is requesting a maximum building height of 96 feet. The Waterfront Overlay stipulates that the maximum height allowed for this site is the lower of 96 feet or the maximum height permitted in the base zoning district (CS-V), which is 60 feet [LDC 25-2-733(H)(1)]. Revise the table, if necessary.
- SP 4. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):
- a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
 - b. proposed site development regulations;
 - c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
 - d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
 - e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
 - f. any other information required by the director of the Neighborhood Planning and Zoning Department.
- SP 5. Identify any waivers to be requested from the City Ordinances or development standards pursuant to § 2.2.
- SP 6. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:
- a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;