



## **MEMORANDUM**

**TO: Waterfront Planning Advisory Board Members**

**FROM: Lee Heckman, AICP**  
**Planning and Development Review Department**

**DATE: April 3, 2013**

**SUBJECT: Rezoning Case C814-2012-0160**  
**211 South Lamar Boulevard Planned Unit Development**

Attached please an updated and complete set of materials related to this proposed Planned Unit Development (PUD). As indicated in previous materials submitted to the Board, staff has determined the project is in compliance with requirements of the Waterfront Overlay District and Butler Shores Subdistrict. No variances are sought to the Waterfront Overlay District/Butler Shores Subdistrict uses or requirements as specified in Section 25-2 of the Land Development Code.

In response to the Board's request for renderings or other visual materials, the applicant has provided a set of illustrations (see Exhibit I of the backup materials).

In addition, the applicant has provided a "Waterfront Overlay Ordinance Project Compliance" table, which is attached directly to this cover memo. This table includes excerpts from the Land Use Plan notes sheet and the Tier 1 and 2 Compliance Table, and is intended to highlight and summarize aspects of the proposed PUD as it relates to regulatory items of the Waterfront Overlay District.

**Lee Heckman, AICP**  
**Planning and Development Review Department**

211 South Lamar Planned Unit Development  
Waterfront Overlay Ordinance Project Compliance

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| Waterfront Overlay Ordinance Land Development Code Section  | Ordinance Requirements   | Project Compliance   |
|---|--|--|
| <p><b>§ 25-2-692 WATERFRONT OVERLAY DISTRICT USES.</b><br/> <i>Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 032111-41; Ord. 040617-Z-1.</i></p> | <p>(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian oriented uses.</p>   | <p><b>THE CUMULATIVE AMOUNT OF PEDESTRIAN-ORIENTED USES ALONG THE TOAL STREET FRONTAGES OF THE PROJECT (EXCLUDING AREAS NOT TYPICALLY INCLUDED AS FRONTAGE IN SUCH CALCULATIONS) SHALL EXCEED 75%.</b></p> |
| <p><b>§ 25-2-721 WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.</b><br/> <i>Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074.</i></p>         | <p>(B) In a primary setback area:<br/>           (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and<br/>           (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:<br/>               (a) the park facilities are located on public park land; and<br/>               (b) the impervious cover does not exceed 15 percent.</p>   | <p><b>PRIMARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</b></p>   |
|   | <p>(C) In a secondary setback area:<br/>           (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and<br/>           (2) impervious cover may not exceed 30 percent.<br/>           (D) This subsection provides requirements for parking areas.<br/>               (1) Surface parking:<br/>                   (a) must be placed along roadways, if practicable; and<br/>                   (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.<br/>               (2) A parking structure that is above grade:</p> | <p><b>SECONDARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</b></p>   |

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|  | <p>(a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and</p> <p>(b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.</p> <p>(3) Setback requirements do not apply to a parking structure that is completely below grade.</p> <p>(E) This subsection provides design standards for buildings.</p> |   |
|  | <p>(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.</p>   | <p><b>THERE WILL BE NO MİRRORED GLASS AND NO GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS AS REQUIRED</b></p>   |
|  | <p>(2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (<i>Heliports and Helicopter Operations</i>), a flat roof is permitted.</p>   | <p><b>THE TOP FLOOR IS STEPPED BACK ON ALL 3 SIDES TO PROVIDE A DISTICNTLY DIFFERENT BUILDING TOP, THE ROOF IS UNDULATING AND HAS A THICKNESS TO PROVIDE A DISTINCT BUILDING CORNICE.</b></p> |
|  | <p>(3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.</p>   | <p><b>BETWEEN THE GORUND FLOOR AND UPPER FLOOR THERE IS A PROJECTION THAT VISUALLY SEPARATES THE BASE AND UPPER PORTION OF THE BUILDING. IN ADDITION THE UPPER FLOORS</b></p>                 |

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|  |   | <p><b>WILL CHANGE IN MATERIAL PALLETTE.</b></p> <p><i>(1) BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.</i></p>                                  |
|  | <p>(4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.</p>  | <p><b>THE BUILDING FAÇADE DOES NOT EXTEND HORIZONTALLY UNBROKEN FOR MORE THAN 160 FEET. ON THE GROUND FLOOR OF RETAIL ALONG LAMAR IS LESS THAN 160', ON RIVERSIDE THE GROUND FLOOR IS BROKEN IN THE MIDDLE TO PROVIDE TWO DISTINCT RETAIL LOCATIONS AND ON LEE BARTON THE FAÇADE IS LESS THAN 160'. ON UPPER FLOORS THE BUILDING UNDULATES (CHANGES PLANE) IN AND OUT ALONG THE LENGTH OF THE FAÇADES.</b></p> |
|  | <p>(F) Underground utility service is required, unless otherwise determined by the utility provider.</p>  | <p><b>UNDERGROUND UTILITY SERVICE WILL BE PROVIDED WHERE REQUIRED.</b></p>   |
|  | <p>(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.</p> | <p><b>ALL TRASH RECEPTACLES, AIR CONDITIONING OR HEATING EQUIPMENT, UTILITY METERS, LOADING AREAS, AND EXTERNAL STORAGE</b></p>  |

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|   |  | <b>WILL BE SCREENED FROM PUBLIC VIEW WHERE REQUIRED.</b>   |
| <p><b>§ 25-2-722 SPECIAL REGULATIONS FOR PUBLIC WORKS.</b><br/> <i>Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.</i></p> | <p>(A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.</p> <p>(B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.</p> <p>(C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.</p> | <b>NOT APPLICABLE</b>  |
| <p><b>§ 25-2-723 SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY.</b><br/> <i>Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.</i></p>                        | <p>A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement,</p>   | <b>PROJECT WILL BE COMPATIBLE WITH DEVELOPMENT OF ADJACENT PARK LAND AND CONSISTANT WITH TOWN LAKE PARK PLAN</b> |

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|   | landscaping, and stormwater filtration.-   |   |
|   | <p>(B) Subsection (A) applies to:</p> <p>(1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;</p> <p>(2) Trinity Street, from Cesar Chavez Street to Fifth Street; and</p> <p>(3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.</p> <p>(C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.</p> | <b>PROJECT WILL BE CONSISTENT WITH TOWN LAKE PARK PLAN STREETSCAPE IMPROVEMENTS</b> |
| <p><b>§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS.</b></p> <p><i>Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.</i></p> | <p>(A) This section applies in the Butler Shores subdistrict of the WO combining district.</p> <p>(B) The primary setback lines are located:</p> <p>(1) 100 feet landward from the Town Lake shoreline;</p>  | <b>PROJECT LIES OUTSIDE OF PRIMARY SETBACK LINE</b>                                 |
|   | <p>(2) 35 feet south of the southern boundary of Toomey Road;</p> <p>(3) 35 feet south of the southern boundary of Barton Springs Road;</p> <p>(4) 35 feet north of the northern boundary of Barton Springs Road; and</p> <p>(5) 100 feet from the Barton Creek centerline.</p> <p>(C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.</p>  | <b>PROJECT LIES OUTSIDE OF PRIMARY AND SECONDARY SETBACK LINES</b>                  |
|   | (D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.  | <b>NO GRADIENT EXCEEDS 25%</b>  |

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|  | <p>(E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.</p> <p>(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.</p>  | <p><b>GROUND FLOOR LEVEL ON LAMAR AND RIVERSIDE IS WRAPPED WITH RETAIL STOREFRONT ON OVER 60% OF THE WALL FRONTAGE</b></p>          |
|  | <p>(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.</p>  | <p><b>WHERE NO GLAZING, A STRCUTURAL PODIUM AT THE 2<sup>ND</sup> LEVEL WILL BREAK ANY BASE WALL CONTINUITY ALONG RIVERSIDE</b></p> |
|  | <p>(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.</p>  | <p><b>WE WILL BE USING NATURAL BUILDING MATERIALS WHERE REQUIRED</b></p>  |
|  | <p>(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:</p> <p>(1) 45 feet, if north of Barton Springs Road; or</p> <p>(2) 35 feet, if south of Barton Springs Road.</p> <p>(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.</p> <p>(H) The maximum height is:</p> <p>(1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and</p> | <p><b>NOT APPLICABLE</b></p>  |

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|  | (2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district. |  |
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**ZONING CHANGE REVIEW SHEET**

**CASE:** C814-2012-0160  
211 South Lamar PUD

**P.C. DATE:** 03/12/2013  
04/09/2013

**ADDRESS:** 211 South Lamar Boulevard

**AREA:** 0.933 Acres (40,641 sq. ft.)

**OWNER:** Post Paggi, LLC (Jason Post)

**APPLICANT:** Winstead PC (Amanda Swor)

**ZONING FROM:** CS & CS-V;  
General Commercial Services & General Commercial Services –  
Vertical Mixed Use Building

**ZONING TO:** PUD; Planned Unit Development

**NEIGHBORHOOD PLAN AREA:** South Lamar  
(South Lamar Combined Neighborhood Plan Area)

**SUMMARY STAFF RECOMMENDATION**

To Grant Planned Unit Development (PUD) District Zoning

**PLANNING COMMISSION RECOMMENDATION:**

April 9, 2013 To be determined

March 12, 2013 Postponed to April 9, 2013 at the request of City staff to  
accommodate Waterfront Planning Advisory Board schedule.

**WATERFRONT PLANNING ADVISORY BOARD ACTION:**

April 8, 2013 To be determined

March 11, 2013 Postponed to April 8, 2013 at the request of neighborhood  
stakeholders.

**ENVIRONMENTAL BOARD ACTION:**

March 20, 2013 Recommended no recommendation on the proposed Planned  
Unit Development: 211 South Lamar Blvd C814-2020-0160  
[Motion by Chair Maxwell, Seconded by Board Member Neely;  
Passed 6-0-1, Board Member Schissler Absent]

Recommended approval of the environmental treatment  
proposed in the 211 South Lamar Blvd PUD C814-2020-0160.  
[Motion by Board Member Neely, Seconded by Board Member  
Anderson; Failed 2-4-1, Board Member Schissler Absent]

**ISSUES:****Waterfront Planning Advisory Board and Environmental Board Recommendations**

The proposed Planned Unit Development (PUD) application does not seek any variances to  
the Waterfront Overlay District/Butler Shores Subdistrict land uses or development

regulations under Land Development Code (LDC) Section 25-2; nor does it seek environmental variances under LDC Section 25-8. Nonetheless, presentation to, and consideration by, the Waterfront Planning Advisory Board and the Environmental Board are required.

In the case of the Waterfront Planning Advisory Board (WPAB), because the subject tract is within the Butler Shores Subdistrict of the Waterfront Overlay District, its proposed rezoning must be considered by the WPAB, and a recommendation regarding that rezoning application provided to the Planning Commission. In the case of the Environmental Board, because the rezoning application is for PUD zoning, their consideration of environmental elements that meet and/or exceed environmental requirements of the LDC is required as part of the PUD process.

To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier 1, which is requirements that all PUDs must meet, and Tier 2, which provides criteria in 13 topical areas in which a PUD may exceed code requirements and therefore be considered superior. A PUD need not address all criteria listed under Tier 2. There is no minimum number of criteria that must be satisfied, no minimum number of categories satisfied, or a specified mix of categories satisfied. A table listing the Tier requirements and how they are proposed to be met (see Exhibit B) is one of the primary methods by which staff can review a PUD application.

For purposes of presentation to the WPAB and the Environmental Board, the applicant developed summary tables that highlighted compliance with the Waterfront Overlay and Environmental code superiority items, respectively. These two summary tables (see Exhibit E) include excerpts from the Land Use Plan notes sheet and the Tier 1 and 2 Compliance Table. Although Environmental review staff had concluded the application was environmentally superior as pertains to the proposed water quality controls and tree preservation, the Environmental Board did not concur the project was environmentally superior. The WPAB is scheduled to consider the application on April 8; an update of their consideration will be provided to the Planning Commission on April 9.

### **Petition**

A petition has been submitted in opposition to the rezoning request by the Bridges On The Park (BOTP) Condominium Association, Inc. The petition was first submitted on December 11, 2012, when the PUD application was still in its Development Assessment phase. The petition was reaffirmed by the HOA as recently as February 28, 2013. However, because the property comprises 14.2% of the eligible property, it does not meet the threshold to establish a valid petition (please see Exhibit P). The petition, even if filed by a single property, however, represents 104 residents. Additional correspondence from the BOTP Board, the Zach Theatre, and individual property owners objecting to the proposed PUD has been submitted to staff (see Exhibit C). Also within Exhibit C is a request to the Waterfront Planning Advisory Board for postponement by the Zilker Neighborhood Association, and a table of notes on the proposed PUD; these were distributed to the Board on March 11, 2013.

### **Illustrations**

In response to a request from the Waterfront Planning Advisory Board, the applicant has provided illustrations of the project (see Exhibit I). Staff feels compelled to remind appointed and elected officials that a site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have

not been reviewed by staff for compliance, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

**DEPARTMENT COMMENTS:**

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive (please see Exhibit A-1). The proposal consists of a mixed-use development comprised of approximately 175 condominium residential units and 10,000 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 West Riverside Drive, where it lies across from the Pfluger Pedestrian Bridge (please see Exhibit A-2). To the west is City-owned property housing the Zach Theatre, which was recently redeveloped, 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 lie the Paggi House restaurant and the Bridges On The Park, a residential condominium development (please see Exhibit A-3 for a recent aerial image).

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-4). The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District, though it is 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. Additionally West Riverside Drive and South Lamar Boulevard are defined as Core Transit Corridors.

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, has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation. Per the recently adopted comprehensive plan, South Lamar Boulevard 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.

With a proposed base zoning district of CS, the PUD proposal seeks the following modifications or variances to the Code:

- 1) Allow a maximum height of 96 feet;
- 2) Allow a minimum front yard setback of 0 feet;
- 3) Allow a minimum street side yard setback of 0 feet;
- 4) Allow a maximum floor-to-area ratio of 5:1;
- 5) Allow maneuvering in the right-of-way along Lee Barton Drive (as pertains to loading and unloading facilities 9.3.0 #3 of the TCM); and
- 6) Allows above ground level amenities, such as decks, balconies, and patios to be considered open space and count towards open space requirements.

Despite a base zoning district of CS, the PUD also seeks to prohibit almost all other commercial uses, but retains the right to have condominium and multifamily residential,

small-scale cocktail lounge or liquor sales, and additional pedestrian-oriented uses. 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 public roadways, and on the fourth side by an existing condominium development and restaurant. In support of the requested PUD zoning, the applicant is offering a number of design innovations, participation in affordable housing and art in public places programs, enhanced bicycle facilities, and other items considered superior according to the PUD requirements for Tier 1 and 2 (see Exhibit B for a chart listing all superiority items and associated Land Use Plan).

The review of a proposed PUD is an iterative one, beginning with the Development Assessment stage. Submitted on October 26, 2012 as Case # CD-2012-0021, a briefing was provided to the Council on December 13, 2012, at which time Council Members provided feedback on the proposal. The PUD application was formally submitted on December 19, 2012. Staff review comments were issued on January 11 and a formal update was provided by the applicant on February 1 (see Exhibit D for application and staff comment materials). The applicant has continued to work with staff from various departments and disciplines through meetings and informal updates to clear any remaining comments.

#### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>        | <b>LAND USES</b>  |
|--------------|----------------------|---|
| <i>Site</i>  | CS & CS-V            | High Turnover Restaurant  |
| <b>North</b> | P                    | COA Park and Pfluger Pedestrian Bridge landing                    |
| <b>South</b> | CS; CS-1;<br>CS-H    | Bridges on the Park Condominium; Paggi House Restaurant           |
| <b>East</b>  | P                    | COA Park (Currently Butler Park Pitch-and-Putt)                   |
| <b>West</b>  | P; CS-1;<br>CS-V; CS | COA Park, PARD Headquarters; Zack Theatre; Schlotsky's Restaurant |

**AREA STUDY:** No

**TIA:** Not Required

**CAPITOL VIEW CORRIDOR:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

|   |      |
|---|------|
| Original Austin Neighborhood Association                    | 57   |
| Zilker Neighborhood Assn.                                   | 107  |
| Bouldin Creek Neighborhood Assn.                            | 127  |
| South Central Coalition                                     | 498  |
| Austin Neighborhoods Council                                | 511  |
| Austin Independent School District                          | 742  |
| Home Builders Association of Greater Austin                 | 786  |
| Save Our Springs Alliance                                   | 943  |
| Save Town Lake.Org  | 1004 |
| Homeless Neighborhood Organization                          | 1037 |
| Bouldin Creek Neighborhood Planning Team                    | 1074 |
| League of Bicycling Voters                                  | 1075 |
| Perry Grid 614  | 1107 |
| Austin Parks Foundation                                     | 1113 |
| Super Duper Neighborhood Objectors and Appeals Organization | 1200 |

**WATERSHED:** Lady Bird Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**HILL COUNTRY ROADWAY:** No

|   |      |
|---|------|
| Austin Monorail Project                 | 1224 |
| Sierra Club, Austin Regional Group      | 1228 |
| The Real Estate Council of Austin, Inc. | 1236 |
| Austin Heritage Tree Foundation         | 1340 |
| BPOE 201 Elks Lodge                     | 1346 |
| SEL Texas                               | 1363 |
| Bridges on the Park                     | 1368 |

**SCHOOLS:**

|                                    |                       |                    |
|------------------------------------|-----------------------|--------------------|
| Austin Independent School District |                       |                    |
| Zilker Elementary School           | O Henry Middle School | Austin High School |

**ABUTTING STREETS:**

| Name                 | ROW  | Pavement | Classification | Sidewalks | Bike Route | Capital Metro |
|----------------------|------|----------|----------------|-----------|------------|---------------|
| South Lamar Blvd     | 120' | MAD 4    | Arterial       | Yes       | Yes        | Yes           |
| West Riverside Drive | 120' | MAD 4    | Arterial       | Yes       | Yes        | Yes           |
| Lee Barton Drive     | 55'  | 30'      | Collector      | No        | No         | No            |

**CASE HISTORIES:**

In 2008, Vertical Mixed Use Building was added to most properties along South Lamar Boulevard, exceptions being the Bridges on the Park and the Zack Theatre/COA parkland (C14-2008-0060).

| NUMBER  | REQUEST   | PLANNING COMMISSION    | CITY COUNCIL         |
|---|---|------------------------|----------------------|
| <b>East of Lamar (north to south)</b>   |   |                        |                      |
| Town Lake Park<br>C14-89-0039   | CS; CS-1; LI;<br>& SF-3 to P  | Approved; 07/25/1989   | Approved; 08/24/1989 |
| 201-219 S Lamar Blvd; 200-218 Barton Drive; & 1301-1319 Riverside Drive<br>C14-70-050 | From "A" 1 <sup>st</sup> H&A & "C" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A | Granted                | Approved; 05/14/1970 |
| 211 S Lamar Blvd<br>CD-2012-0021  | Development Assessment  | N/A                    | 12/06/2012; Briefing |
| C8-2012-0122  | Subdivision (under review)  | No action yet required |                      |
| SP-2012-0271C   | Site Plan (under review)  | No action yet required |                      |

|   |   |                      |                      |
|---|---|----------------------|----------------------|
| Paggi House<br>200 Lee Barton Drive<br>C14H-74-006  | "C" to "C-H"<br>Commercial to<br>Commercial-<br>Historic        | Granted              | Approved; 11/21/1974 |
| 213-319 S Lamar Blvd<br>C14-78-154  | From "C" 1 <sup>st</sup><br>H&A to "C-2"<br>1 <sup>st</sup> H&A | Granted              | Approved; 10/19/1978 |
| Riverside Drive<br>SP-04-0115D  | Riverside<br>Alignment (CIP<br>Project)                         |                      |                      |
| <b>West of Lamar (north to south)</b>   |   |                      |                      |
| 1500 West Riverside;<br>200-214 S Lamar<br>Blvd; & 1400-1800<br>Toomey Road<br>C14-87-074 | From "SF-3" to<br>"P"   | Approved; 08/25/1987 | Approved; 05/26/1988 |
| 210-216 S Lamar Blvd<br>C14-72-129  | From "A" 1 <sup>st</sup><br>H&A to "C-2"<br>1 <sup>st</sup> H&A | Granted              | Approved; 07/13/1972 |
| 1426 Toomey Road<br>C14-2010-0072   | CS to CS- 1;<br>Withdrawn                                       | N/A                  |                      |
| C14-05-0187   | CS to DMU;<br>Expired   | N/A                  |                      |

In addition to the above zoning cases, there has been some recent site plans in the area, including the following:

211 S Lamar Boulevard / SP-2012-0271C / this project  
 217 S Lamar Boulevard / SP-05-1664C/ Bridges on the Park  
 202 South Lamar Boulevard / SPC-2010-0061C / New Theatre at Zach Scott  
 300 S Lamar / SP-05-1279C / Cole Apartments & Mixed Use Project

**CITY COUNCIL DATE:**

March 28, 2013

**ACTION:**

Postponed to April 25, 2013 at staff request

**ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** 974-7604

e-mail address: lee.heckman@austintexas.gov

**STAFF RECOMMENDATION****C814-2012-0160****BACKGROUND**

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive, with approximately equal frontage on each roadway. The site currently contains a Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract lies between the Pfluger Pedestrian Bridge to the north and the Bridges on the Park, a residential condominium development, and the historic Paggi House restaurant to the south. 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.

**SUMMARY STAFF RECOMMENDATION**

To grant PUD district zoning

**BASIS FOR LAND USE RECOMMENDATION**

***The proposed zoning should be consistent with the purpose statement of the district sought.***

Per the Land Development Code, the Planned Unit Development (PUD) zoning district has been established to implement goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

The proposed mixed-use PUD offers a development on the subject property that can create a distinct space that complements the relatively new Zach Scott Theatre and gateway to the area south of Lady Bird Lake. As envisioned, the PUD provides pedestrian-oriented uses on the ground floor, upper story residential, underground vehicular parking, landscaping with 100% native and adapted plants, rainwater harvesting, and charging stations for electric vehicles. In addition, the proposed PUD supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves onsite and offsite trees, provides funding for offsite pedestrian improvements, provides a space onsite for the City of Austin Parks and Recreation Department and a community meeting space, contains a public plaza with art, will meet or exceed Austin Green Builder program standards at a 3-star level, and will provide additional bike parking for patrons and residents, as well as participate in the new Austin Bike Share program.

The anticipated mixed-use building is required to achieve 1 point on the Building Design Calculations Worksheet, which is part of the Building Design Options of Subchapter E (Design Standards and Mixed Use). The proposal is to obtain a minimum of 13 points by providing a variety of design options. This building, with varying heights, will house 175 homeowners, provide public and private open space, and provide pedestrian-oriented services to nearby park and trail users, pedestrian passers-by, and residents of this building, the adjacent Bridges On The Park, and nearby Cole multifamily development, located on South Lamar Boulevard at Toomey Road.

Staff thinks the PUD proposal is an improvement over what would otherwise be required of standard CS or CS-V development and therefore does offer opportunity for superior

development when compared with those base CS and CS-V zoning district standards. However, it is City Council that has the authority to determine whether PUD zoning is appropriate - regardless of whether the proposed development meets the standards prescribed by the Tier 1 and 2 requirements of a PUD.

***Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.***

The property is currently zoned CS and CS-V, General Commercial Services-Vertical Mixed Use Building. CS is the most intense commercial zoning and reflects the fact the property is bounded by two major arterials and a collector. This proposed PUD involves the addition of 175 residential units and approximately 10,000 square feet of retail and other uses on the site.

In the current market climate, there are mixed-use, multifamily, and condominium projects being developed throughout Austin on arterials and collectors, and South Lamar Boulevard is no exception. Most of these projects are being developed under existing zoning allowances, however, and are also not necessarily located at well-known intersections. In contrast, this is a case where a higher-density mixed-use development – and a proposed floor-to-area-ratio of 5:1 is relatively intense – is proposed at an intersection of arterials.

***Zoning should not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and granting a request for zoning should result in an equal treatment of similarly situated properties.***

A primary driver of the PUD request is to allow for additional height of built structures. Similarly situated properties, that is, those of less than 10 acres and south of Lady Bird Lake, have received similar favorable allowances. For example, the PUD-NP on the Hyatt Hotel property at 208 Barton Springs Road, approved in 2007, allows up to 200 feet in building height. The old AquaTerra site at 222-300 East Riverside site also allows development up to 200 feet and was approved in 2008. Closer to this site and more recently approved PUDs include The Park PUD at 801 Barton Springs Road, approved in Spring 2011, which allows for a 96-foot tall building, and the Broadstone PUD, at 201 S 1<sup>st</sup> & 422 W Riverside, approved in Autumn 2012 and allows for a 76-foot tall building.

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.***

Staff is aware that each of the PUD applications noted above engendered discussion at the Planning Commission and Council about setting a precedent for future development south of Lady Bird Lake. Indeed, just because PUD district zoning was granted before for similar properties before does not automatically mean it would be granted in this case, thus perpetuating a real or perceived precedent. However, staff believes this property is unique because of its location. This property is bounded on three sides by public roadways and City parkland. The remaining side is developed with a fresh condominium mixed-use project and historic restaurant. This is a unique case of redevelopment but a classic case of infill; given the property's geographic constraints (being bound on three sides by roadways), it is not likely to be emulated by other properties in the immediate vicinity.



At the same time, this property is located at the foot of the Pfluger Pedestrian Bridge, abuts City parkland and the hike and bike trail, sits across from the new Zach Theatre, and is at an entry point or gateway from downtown to south Austin. Under current zoning, a typical 60-foot tall building could be constructed. Or, some other use otherwise permitted in the current district could be developed. In contrast to the proposal setting an undesirable precedent, this proposed PUD could serve as a higher-caliber, mixed use project on a prominent corner and gateway. If granted, the PUD would allow a greater quantity of development than otherwise allowed; yet by requiring that the quantity be combined with higher quality, a precedent can be set that demands superiority.

***Zoning should allow for a reasonable use of the property.***

The subject tract is located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Road. It is located within the Butler Shores Subdistrict of the Waterfront Overlay and the Riverside Drive Scenic Roadway Overlay. It is adjacent to a historic property and existing residential. The combined effect of these location-specific constraints, in conjunction with City-wide development standards, results in challenging redevelopment parameters. As noted above, the property could be redeveloped in a straightforward manner under the existing zoning. However, the applicant has proposed a PUD project that would allow for superior development, which staff thinks is reasonable at this location.

***Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies South Lamar Boulevard as an Activity Corridor, 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.

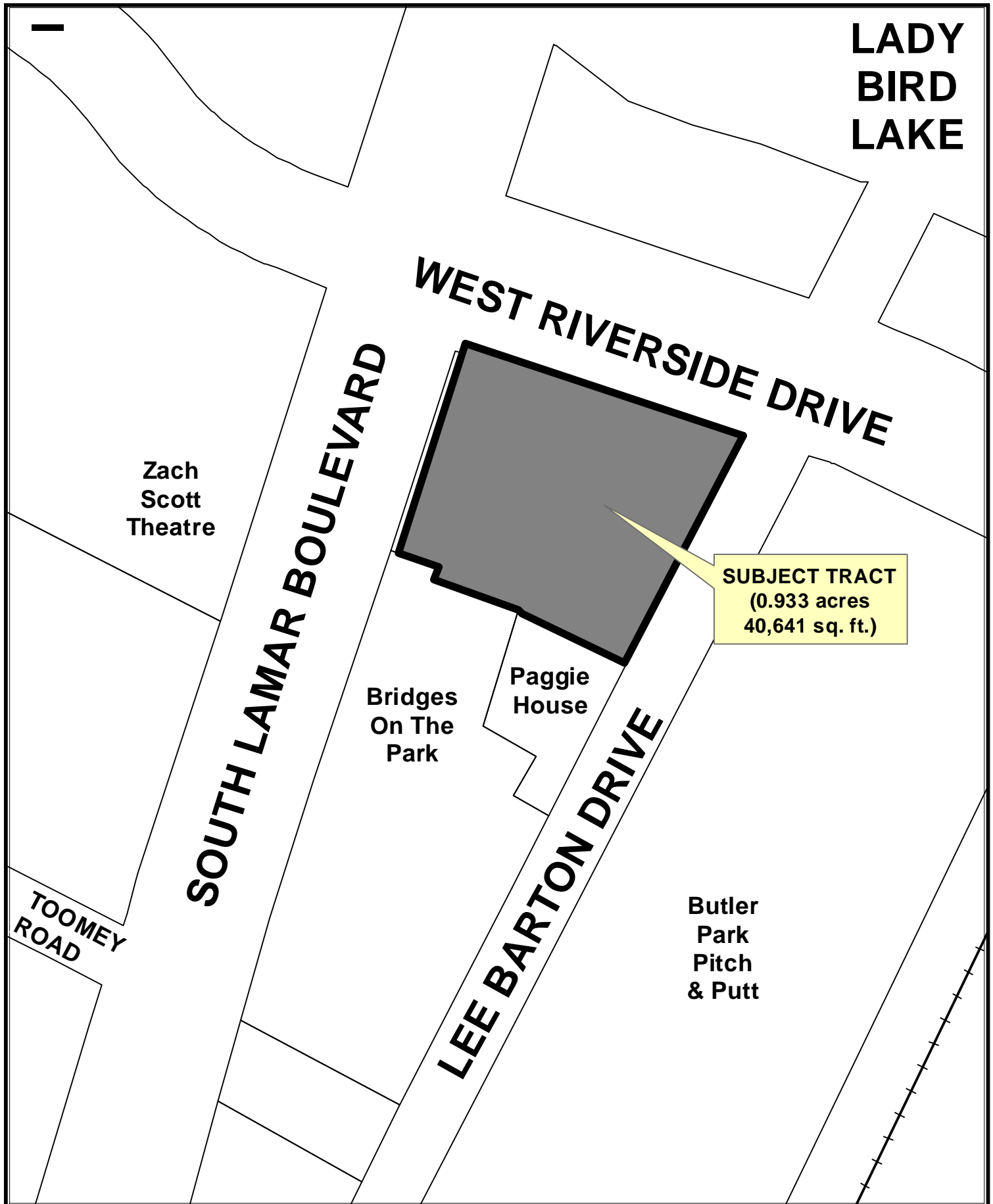


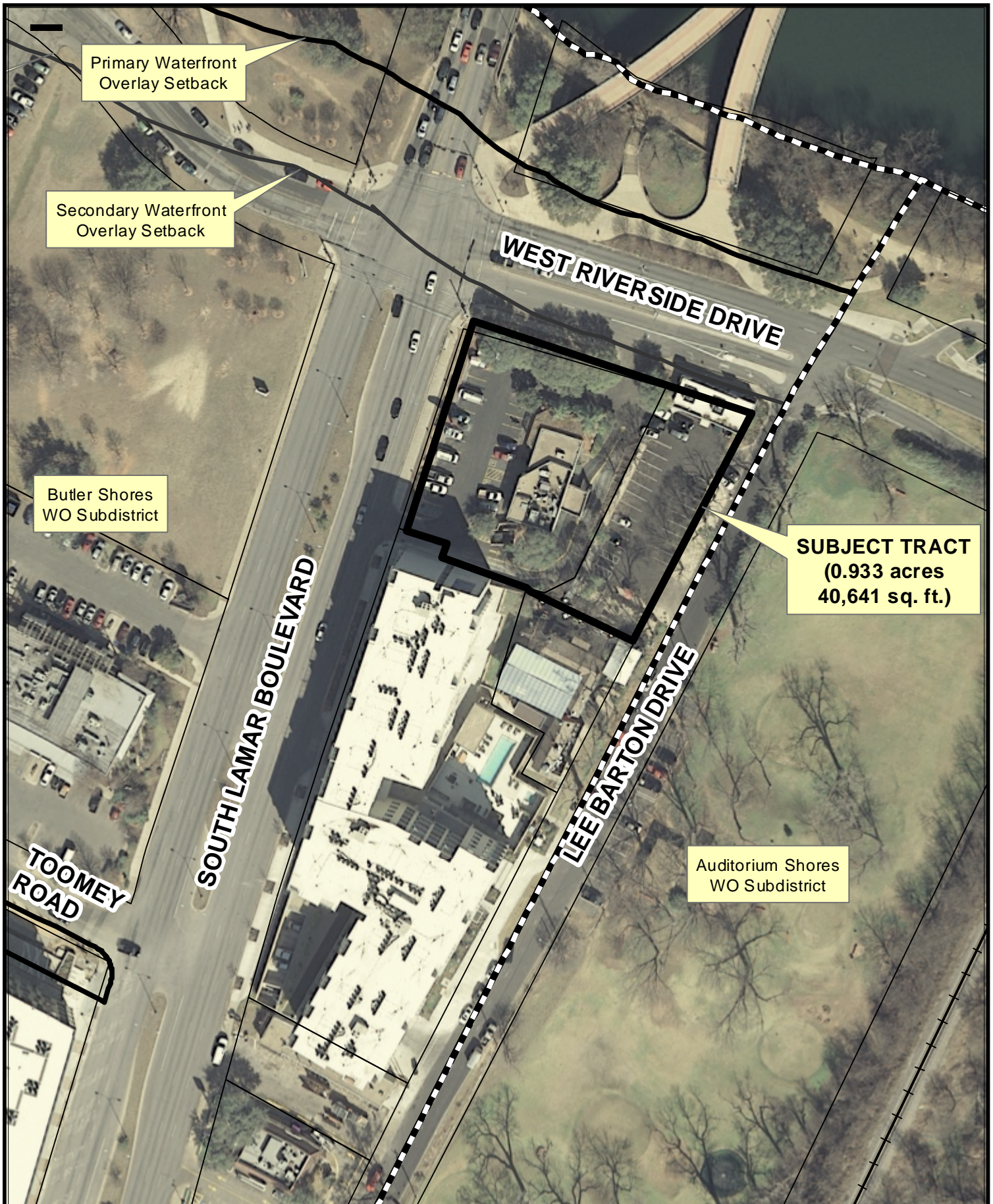
Exhibit A-1: Location

0 50 100 200 Feet

1 inch = 100 feet



# C814-2012-0160 / 211 South Lamar Boulevard



Imagery: 2009

**Exhibit A-2: Site Context**

0 50 100 200 Feet

1 inch = 100 feet



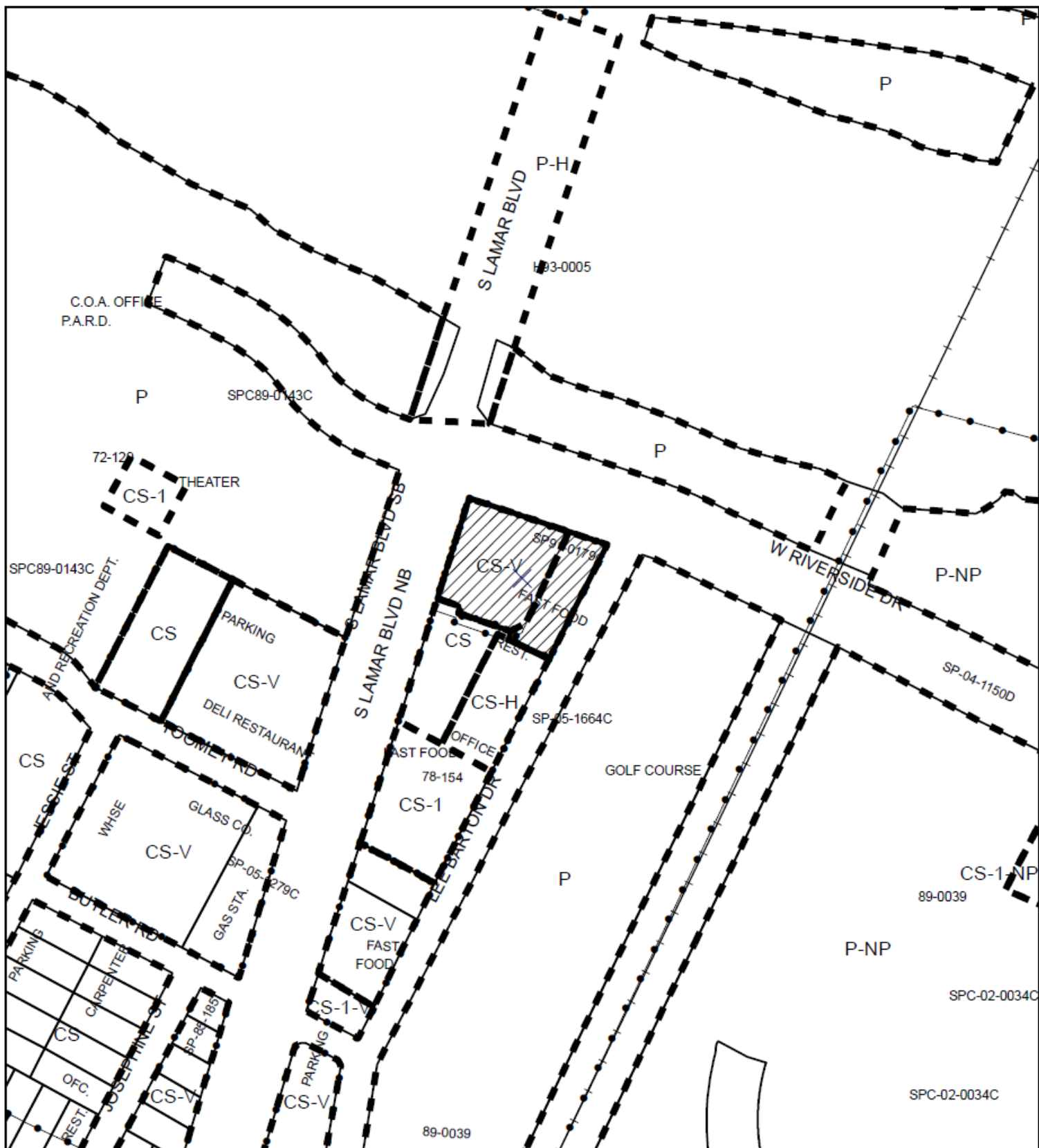
# C814-2012-0160 / 211 South Lamar Boulevard






Source: Google Earth, 2013

**Exhibit A-3**





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

## ZONING

ZONING CASE#: C814-2012-0160

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.



0.933 ACRE  
221 SOUTH LAMAR  
PAGGI HOUSE  
FM. NO. 11-421(KMA)  
DECEMBER 15, 2011  
BFI NO. R010679110001

DESCRIPTION

OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.933 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the westerly right-of-way line of South Lamar Boulevard (120' R.O.W.), with the southerly right-of-way line of West Riverside Drive (120' R.O.W.), being the northwestern corner of said 1.155 acre tract, for the northwestern corner hereof;

**THENCE**, 870°34'16"E, leaving the easterly right-of-way line of South Lamar Boulevard, along the southerly right-of-way line of West Riverside Drive, being the northerly line of said 1.155 acre tract, for the northerly line hereof, a distance of 237.80 feet to a 1/2 inch iron rod with cap set at the intersection of the southerly right-of-way line of West Riverside Drive with the westerly right-of-way line of Lee Barton Road (55' R.O.W.), being the northeastern corner of said 1.155 acre tract, for the northeastern corner hereof;

**THENCE**, 830°07'58"W, leaving the southerly right-of-way line of West Riverside Drive, along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, for the easterly line hereof, a distance of 202.08 feet to a 1/2 inch iron rod with cap set, for the southeasterly corner hereof;

**THENCE**, leaving the westerly right-of-way line of Lee Barton Road, over and across said 1.155 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- N59°52'02"W, a distance of 90.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- N77°39'09"W, a distance of 5.54 feet to a PK nail set at an angle point in the northerly line of Bridges on the Park, a condominium of record in Document Nos. 2006117044 and 2007092434 of said Official Public Records, being an angle point in the southerly line of said 1.155 acre tract, for an angle point hereof;

**THENCE**, along the northerly line of said Bridges on the Park, along the southerly line of said 1.155 acre tract, for a portion of the southerly line hereof, the following three (3) courses and distances:

ZONING: P  
USE: THEATER

ZONING: P  
USE: PARK

PLANTING ZONE

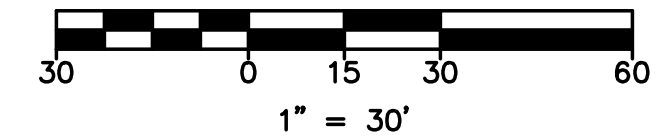
CLEAR ZONE

SUPPLEMENTAL  
ZONE ONLY

PLAZA AND OUTDOOR  
SEATING AREA (AND  
SUPPLEMENTAL ZONE)

HALF-CRITICAL TREE  
ROOT ZONE

EXISTING DRIVE LOCATION. PROPOSED ON-STREET PARKING  
AREA SUBJECT TO APPROVAL FROM AUSTIN TRANSPORTATION  
DEPARTMENT DURING SITE PLAN PROCESS.



ACREAGE: 0.933

| SITE DEVELOPMENT REGULATIONS: BASE DISTRICT: CS |               |
|---|---------------|
| MAX IMPERVIOUS COVER:                           | 95%           |
| MAX BUILDING COVERAGE                           | 95%           |
| MAX HEIGHT:                                     | 96'           |
| MAX F.A.R.                                      | 5:1           |
| MIN SETBACKS:                                   | 0' LAMAR      |
|   | 0' RIVERSIDE  |
|   | 0' LEE BARTON |
|   | 0' REAR       |
| MAX NUMBER UNITS ALLOWED:                       | 175           |
| MAX NON-RESIDENTIAL (GROUND FLOOR):             | 11,000 SF     |

ADDITIONAL PEDESTRIAN-ORIENTED USES

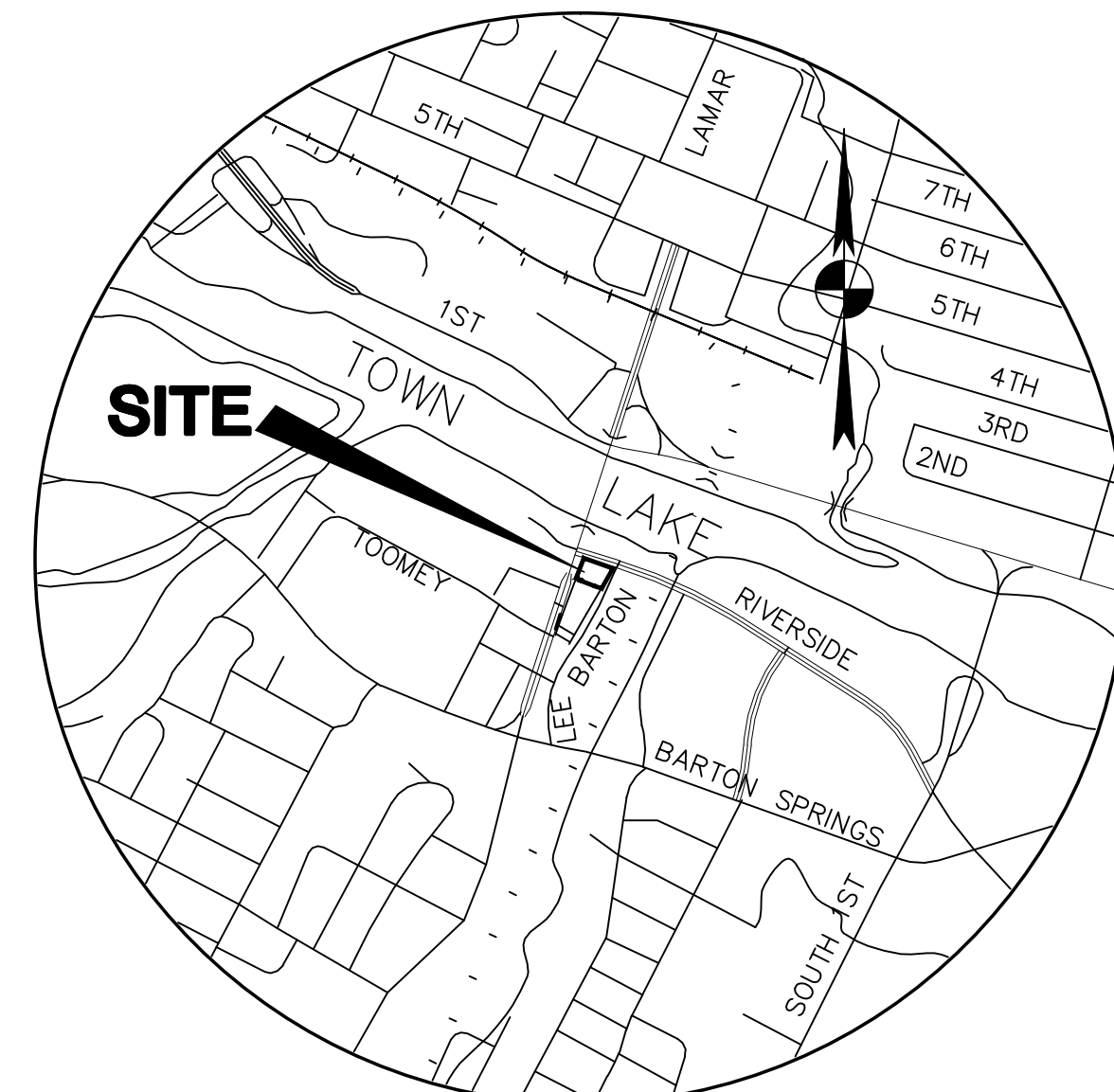
|   |
|---|
| PERSONAL IMPROVEMENT SERVICES                                 |
| FINANCIAL SERVICES  |
| PERSONAL SERVICES   |
| ADMINISTRATIVE BUSINESS OFFICES FOR ON-SITE SALES AND LEASING |
| ADMINISTRATIVE BUSINESS OFFICES IF AN OWNER RESIDES ON-SITE   |
| LIQUOR SALES (NOT TO EXCEED 2,500 SF)                         |

ADDITIONAL PERMITTED USES

|  |
|--|
| CONDOMINIUM RESIDENTIAL                  |
| MULTIFAMILY RESIDENTIAL                  |
| COCKTAIL LOUNGE (NOT TO EXCEED 5,000 SF) |
| LIQUOR SALES (NOT TO EXCEED 2,500 SF)    |

PROHIBITED USES

|   |                                       |   |
|---|---------------------------------------|---|
| AGRICULTURAL SALES AND SERVICES           | BED AND BREAKFAST RESIDENTIAL GROUP 1 | LIMITED WAREHOUSING AND DISTRIBUTION    |
| ALTERNATIVE FINANCIAL SERVICES BUSINESSES | BED AND BREAKFAST RESIDENTIAL GROUP 2 | CONGREGATE LIVING                       |
| AUTOMOTIVE RENTALS                        | EXTERMINATION SERVICES                | THEATER                                 |
| AUTOMOTIVE REPAIR SERVICES                | FUNERAL SERVICES                      | HOSPITAL SERVICES (LIMITED AND GENERAL) |
| AUTOMOTIVE SALES                          | KENNELS                               | MAINTENANCE AND SERVICE FACILITIES      |
| AUTOMOTIVE WASHING                        | MONUMENT RETAIL SERVICES              | RESIDENTIAL TREATMENT                   |
| BAIL BOND SERVICES                        | OUTDOOR ENTERTAINMENT                 | TRANSITIONAL HOUSING                    |
| CAMPGROUND                                | OUTDOOR SPORTS AND RECREATION         | BUSINESS OR TRADE SCHOOL                |
| COMMERCIAL BLOOD PLASMA CENTER            | PAWN SHOP SERVICES                    | HOTEL-MOTEL                             |
| CONSTRUCTION SALES AND SERVICES           | PLANT NURSERY                         |   |
| CONVENIENCE STORAGE                       | PRINTING AND PUBLISHING               |   |
| DROP-OFF RECYCLING COLLECTION FACILITY    | RESEARCH SERVICES                     |   |
| ELECTRONIC PROTOTYPE ASSEMBLY             | SERVICE STATION                       |   |
| ELECTRONIC TESTING                        | VEHICLE STORAGE                       |   |
| EQUIPMENT REPAIR SERVICES                 | VETERINARY SERVICES                   |   |
| EQUIPMENT SALES                           | CUSTOM MANUFACTURING                  |   |



VICINITY MAP  
N.T.S.

Exhibit B

C814-2012-0160

Bury+Partners

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel: (512) 528-0011 Fax: (512) 528-0025  
TDD Registration Number F-1048  
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LAND USE PLAN

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: JRS

DESIGNED BY: JRS

REVIEWED BY: CLR

PROJECT NO.: 108791-10003

SHEET  
Page 1 of 4

NOTES:

1. THE SIZE AND CONFIGURATION OF THE PLAZA AND OUTDOOR SEATING AREA AT THE INTERSECTION OF SOUTH LAMAR BOULEVARD AND RIVERSIDE DRIVE AS SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH ON THE SITE DEVELOPMENT PERMIT THE SIZE AND CONFIGURATION OF SUCH PUBLIC PLAZA.
2. THE SIZE AND CONFIGURATION OF DRIVEWAYS AS SHOWN HEREON IS AN APPROXIMATION FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH THE SIZE AND CONFIGURATION OF DRIVEWAYS ON THE SITE DEVELOPMENT PERMIT.
3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.
4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA.
5. RIVERSIDE DRIVE IS A SCENIC ROADWAY AND IS SUBJECT TO SUBCHAPTER 25-10 SIGN REGULATIONS.
6. THE PAGGI HOUSE TENANT HAS THE OPTION TO REMAIN OPEN DURING CONSTRUCTION OF THE PROJECT. IF THE TENANT REMAINS OPEN, PARKING FOR THE RESTAURANT WILL BE HANDLED ON A VALET BASIS DURING CONSTRUCTION.
7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.
8. THE JOINT USE ACCESS EASEMENT DOCUMENT NO. \_\_\_\_\_ RECORDED IN TRAVIS COUNTY, TEXAS OFFICIAL PUBLIC RECORDS IS APPLICABLE TO THIS PUD.
9. THE PROPOSED PARKING SHOWN IN THE LEE BARTON DRIVE R.O.W. WILL REQUIRE APPROVAL FROM THE AUSTIN TRANSPORTATION DEPARTMENT DURING THE SITE DEVELOPMENT PERMIT PROCESS.
10. BUILDING BASEWALL IS DEFINED BY SECTION 25-2-172. THIS PLANNED UNIT DEVELOPMENT DEFINES THE FINISHED GRADE AS PROPOSED FINISHED GRADE OF EACH BUILDING AND THE DEMARCATION LINE WILL BE DEFINED BY THE ARCHITECT. THE BASEWALL HEIGHT WILL CONFORM TO THE MAXIMUM HEIGHT ALLOWED PER THE PUD ZONING.
11. PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PERMIT, APPLICANT MUST OBTAIN LEGAL LOT STATUS THROUGH SUBDIVISION.
12. NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD (HOWEVER RESIDENT PARKING AREAS MAY BE GATED).
13. THE PROJECT SHALL PROVIDE ONE INDEPENDENT RETAIL, RESTAURANT OR LOCAL FRANCHISEE WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THE AUSTIN STANDARD METROPOLITAN STATISTICAL AREA USABLE SPACE AT A RENT 15% BELOW THE PREVAILING MARKET RENT WHEN THE LEASE OR OTHER ARRANGEMENT FOR PROVIDING THE SPACE IS EXECUTED. BEFORE EXECUTION, THE OWNER SHALL SUBMIT THE LEASE OR OTHER ARRANGEMENT TO THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW.
14. THE MINIMUM OFF-STREET PARKING FOR THE PROJECT IS 60% OF THE REQUIREMENT DEFINED IN SECTION 25-6, APPENDIX A (TABLE OF OFF-STREET PARKING AND LOADING REQUIREMENTS).
15. AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.
16. 100% OF ALL LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE OR CITY OF AUSTIN RAIN GARDEN PLANT LIST.
17. 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF BOTH); PROVIDED, HOWEVER, THE APPLICANT SHALL HAVE THE RIGHT TO SUPPLEMENT SUCH LANDSCAPE IRRIGATION WITH POTABLE WATER, IF NECESSARY.
18. THE PROJECT SHALL PROVIDE ART APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT OPEN SPACE, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY'S ART IN PUBLIC PLACES PROGRAM OR A SUCCESSOR PROGRAM. ALTERNATIVELY, WITH THE CONSENT OF THE ART IN PUBLIC PLACES PROGRAM (OR SUCCESSOR PROGRAM), THE PROJECT MAY MEET THIS REQUIREMENT BY ENTERING INTO AN ARRANGEMENT WITH THE AUSTIN MUSEUM OF ART (AMOA) OR SUCCESSOR ENTITY FOR AMOA ART TO BE DISPLAYED ON A SEASONAL OR ROTATING BASIS IN A PROMINENT OPEN SPACE, ON A PEDESTAL CONSTRUCTED AND MAINTAINED BY THE OWNER.
19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.
20. THE PROJECT WILL UTILIZE CONCRETE AND STEEL CONSTRUCTION, AND WILL MEET OR EXCEED ALL APPLICABLE WATERFRONT OVERLAY DESIGN STANDARDS.
21. THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D).
22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:  
A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;  
B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON DRIVE EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND  
C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.
23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.
24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:  
A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON DRIVE);  
B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;  
C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE.  
ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.
25. THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPETUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITIES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY AND THE OWNER, THAT PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.  
  
SHOULD THE WATER QUALITY FACILITIES TREATING OFF-SITE RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANUAL'S APPENDIX T (REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (§\_\_\_\_). THE CALCULATED FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS FROM RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES.
26. THE PROJECT WILL CONTAIN A ROOM FOR MEETING SPACE OF AT LEAST 250 SQUARE FEET. SUCH ROOM WILL BE AVAILABLE TO RESIDENTS OF THE PROJECT AND TO COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE ROOM BY COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS SHALL BE ON A RESERVATION BASIS, AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY HOMEOWNER'S ASSOCIATION FOR THE PROJECT.
27. THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:  
A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING FOR SUCH RETAIL AREA OR (2) 10 BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE GROUND FLOOR OF THE PARKING GARAGE, WITHIN THE PUBLIC PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS;  
B. BICYCLE PARKING FOR THE RESIDENTS OF THE PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND  
C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT, A PUBLIC "BIKE SHARE KIOSK" IN A LOCATION MUTUALLY ACCEPTABLE TO THE CITY OF AUSTIN AND THE APPLICANT IN THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSK" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER "BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.
28. THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.
29. THE PROJECT WILL ACHIEVE A MINIMUM OF 13 POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE). IT WILL ACHIEVE THOSE POINTS IN THE FOLLOWING MANNER, OR IN SUCH OTHER MANNER AS SHALL BE APPROVED BY THE CITY OF AUSTIN PURSUANT TO SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E:  
A. THE PROJECT WILL ACHIEVE A 3 STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM - 3 POINTS  
B. THE PROJECT WILL HAVE 2 LINER STORES IN THE PROJECT'S GROUND FLOOR RETAIL AREA - 2 POINTS  
C. THE PROJECT WILL HAVE FACADE ARTICULATION THROUGH A USE OF CHANGE IN MATERIALITY, REPEATING PATTERN OF WALL RECESSES AND PROJECTIONS, OR A CHANGE IN PLANE - 1 POINT  
D. A PRIMARY ENTRANCE WILL BE DEMARKED BY INTEGRAL PLANTERS, ENHANCED EXTERIOR LIGHT FIXTURES, AND ARCHITECTURAL DETAILS - 1 POINT  
E. THE PROJECT WILL HAVE A DISTINCT ROOF DESIGN - 1 POINT  
F. 100% OF THE GLAZING USED ON THE GROUND FLOOR FACADE FACING STREETS OR PARKING WILL HAVE A VISIBLE TRANSMITTANCE OF 0.6 OR HIGHER - 1 POINT  
G. 75% OF THE FACADE FACING THE PRINCIPAL STREET WILL BE STOREFRONT WITH A MINIMUM OF 2 SEPARATE ENTRANCES - 2 POINTS  
H. THE PROJECT WILL HAVE A SUSTAINABLE ROOF AS OUTLINED IN SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E - 2 POINTS
30. THE PROJECT WILL PARTICIPATE IN THE AFFORDABLE HOUSING OPTIONS PURSUANT TO THE PUD ORDINANCE. NOTE: FOR THESE PURPOSES, THE APPLICANT HAS ASSUMED, AND THIS PUD IS EXPRESSLY SUBJECT TO, THE INTERPRETATION OF THE PUD ORDINANCE THAT ALL AFFORDABLE HOUSING OPTIONS WILL BE CALCULATED ON THE DELTA BETWEEN THE F.A.R. THAT THE APPLICANT PROPOSES TO NEED FOR THE PROJECT AND THE F.A.R. THAT COULD BE ACHIEVED PURSUANT TO EXISTING ZONING AND EXISTING APPLICABLE SITE DEVELOPMENT REGULATIONS, INCLUDING SECTION 25-2-714 OF THE LAND DEVELOPMENT CODE (ADDITIONAL FLOOR AREA). SUCH PARTICIPATION WILL BE PROVIDED BY EITHER PROVIDING ON-SITE UNITS OR BY PAYING A FEE-IN-LIEU (CALCULATED CONSISTENT WITH THE ASSUMPTION ABOVE).
31. PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.
32. THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS. THE HALF-CRITICAL ROOT ZONES AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS THAT INCORPORATES THE FOLLOWING CONSTRUCTION PHASE PROTECTIONS, ALL OF WHICH SHALL BE DONE IN CONCERT WITH A CERTIFIED ARBORIST THAT HAS EXPERIENCE IN TRAVIS COUNTY, TEXAS: TREE PRUNING AS NECESSARY TO REMOVE LIMBS EXTENDING INTO THE BUILDING ENVELOPE (BUT NOT TO EXCEED ¼ OF THE CANOPY), CHAINLINK FENCING AROUND THE HALF CRITICAL ROOT ZONE, USE OF AN AIR SPADE TO LOOSEN COMPACTED SOILS AND BACKFILLING WITH QUALITY TOPSOIL, USE OF MULCH AT THE BASE OF TREES, VITAMINS INJECTED INTO TREE TRUNKS, AND REGULAR WATERING AND WASHING OF TREE LEAVES.
33. TRANSPORTATION CRITERIA MANUAL SECTION 9.3.0 #3 (LOADING) IS MODIFIED TO ALLOW:  
A. MANEUVERING IN THE RIGHT-OF-WAY ALONG LEE BARTON DRIVE  
PUBLIC RIGHT-OF-WAY MAY NOT BE USED FOR MANEUVERING FOR LOADING/UNLOADING FACILITIES UNLESS APPROVED BY THE AUSTIN TRANSPORTATION DEPARTMENT AT TIME OF SITE PLAN APPLICATION
34. 2.5% OF RESIDENTIAL UNITS IN THE PROJECT SHALL BE FULLY ACCESSIBLE TYPE A DWELLING UNITS. NOTE: TO THE EXTENT THAT THE FOREGOING CALCULATION RESULTS IN A FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP FOR PURPOSES OF THIS NOTE. NOTE: AS DEFINED IN THE 2009 INTERNATIONAL BUILDING CODE, A TYPE A UNIT HAS SOME ELEMENTS THAT ARE CONSTRUCTED FOR ACCESSIBILITY [E.G., 32-INCH CLEAR WIDTH DOORS FOR MANEUVERING CLEARANCES] AND SOME ELEMENTS THAT ARE CONSTRUCTED AS ADAPTABLE [E.G., BLOCKING FOR FUTURE INSTALLATION FOR GRAB BARS]; A TYPE A DWELLING UNIT IS DESIGNED AND CONSTRUCTED TO PROVIDE ACCESSIBILITY FOR WHEELCHAIR USERS THROUGHOUT THE UNIT; AND THE UNITS WILL MEET THE TECHNICAL REQUIREMENTS FOR THE INTERIOR OF A TYPE A UNIT AS DEFINED IN SECTION 1003 OF INTERNATIONAL CODE COUNCIL A117.1.
35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.
36. THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON DRIVE SHALL BE A MINIMUM OF 75% OF THE CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE: SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H).
37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.
38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE ADJACENT TO THE SITE.

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LAND USE PLAN

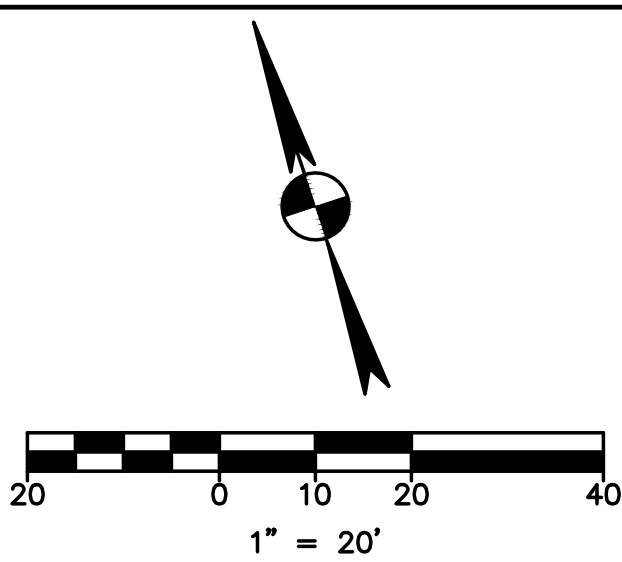
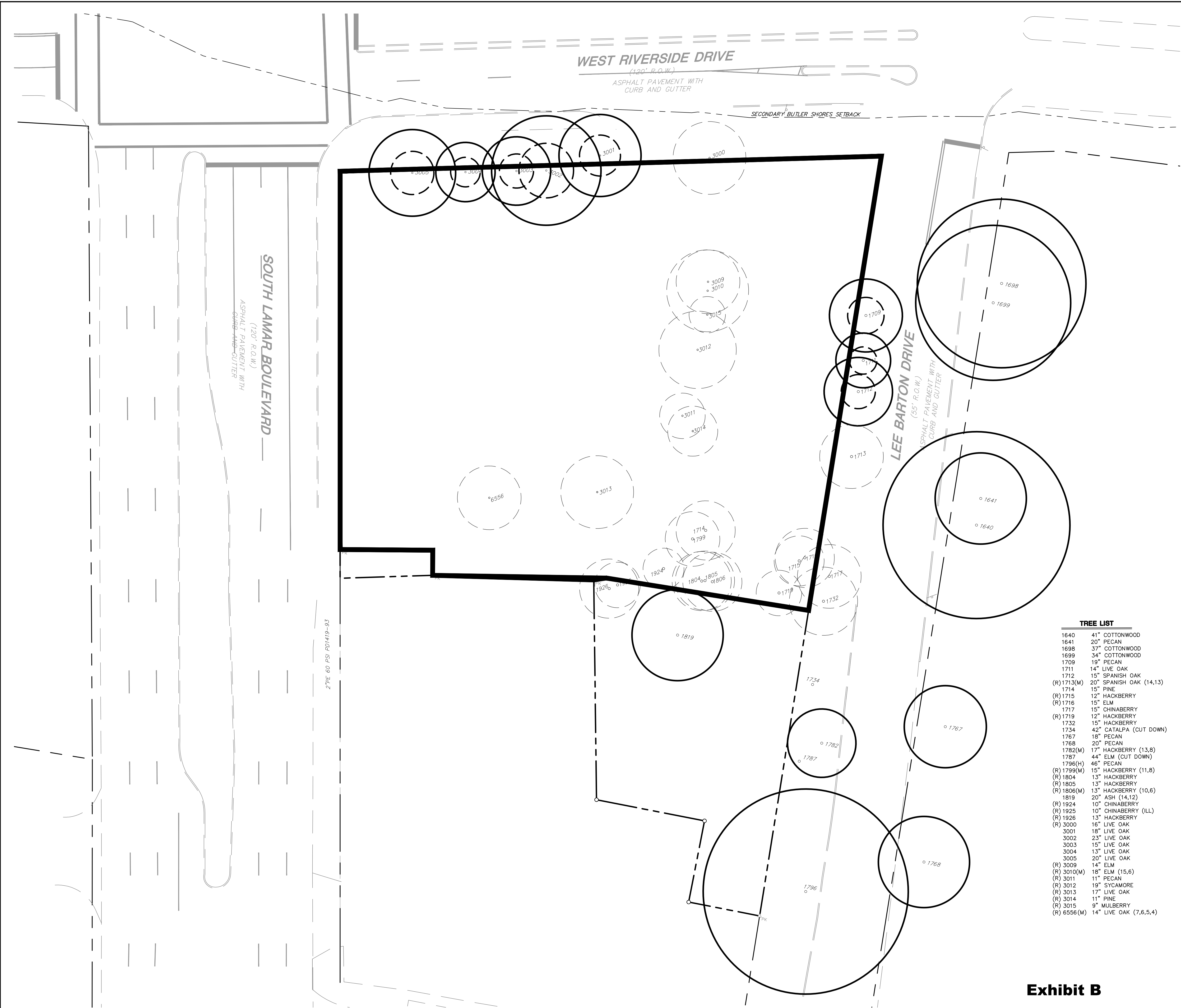
NOTES

211 SOUTH LAMAR

POST PAGGI, LLC

|               |                  |                  |                           |
|---------------|------------------|------------------|---------------------------|
| DRAWN BY: JRS | DESIGNED BY: JRS | REVIEWED BY: CLR | PROJECT NO.: 108791-10003 |
|---------------|------------------|------------------|---------------------------|





| LEGEND   |                         |
|----------|-------------------------|
| EXISTING |                         |
|          | TREE TO BE REMOVED      |
|          | TREE TO BE SAVED        |
|          | HALF CRITICAL ROOT ZONE |
|          | PUD BOUNDARY            |

NOTES:  
1. THE TREE SURVEY WAS COMPLETED IN JULY 2012.

| TREE LIST   |                         |
|-------------|-------------------------|
| 1640        | 41" COTTONWOOD          |
| 1641        | 20" PECAN               |
| 1698        | 37" COTTONWOOD          |
| 1699        | 34" COTTONWOOD          |
| 1709        | 19" PECAN               |
| 1711        | 14" LIVE OAK            |
| 1712        | 15" SPANISH OAK         |
| (R) 1713(M) | 20" SPANISH OAK (14,13) |
| 1714        | 15" PINE                |
| (R) 1715    | 12" HACKBERRY           |
| (R) 1716    | 15" ELM                 |
| 1717        | 15" CHINABERRY          |
| (R) 1719    | 12" HACKBERRY           |
| 1732        | 15" HACKBERRY           |
| 1734        | 42" CATALPA (CUT DOWN)  |
| 1767        | 18" PECAN               |
| 1768        | 20" PECAN               |
| 1782(M)     | 17" HACKBERRY (13,8)    |
| 1787        | 44" ELM (CUT DOWN)      |
| 1796(H)     | 46" PECAN               |
| (R) 1799(M) | 15" HACKBERRY (11,8)    |
| (R) 1804    | 13" HACKBERRY           |
| (R) 1805    | 13" HACKBERRY           |
| (R) 1806(M) | 13" HACKBERRY (10,6)    |
| 1819        | 20" ASH (14,12)         |
| (R) 1924    | 10" CHINABERRY          |
| (R) 1925    | 10" CHINABERRY (ILL)    |
| (R) 1926    | 13" HACKBERRY           |
| (R) 3000    | 16" LIVE OAK            |
| 3001        | 18" LIVE OAK            |
| 3002        | 23" LIVE OAK            |
| 3003        | 15" LIVE OAK            |
| 3004        | 13" LIVE OAK            |
| 3005        | 20" LIVE OAK            |
| (R) 3009    | 14" ELM                 |
| (R) 3010(M) | 18" ELM (15,6)          |
| (R) 3011    | 11" PECAN               |
| (R) 3012    | 19" SYCAMORE            |
| (R) 3013    | 17" LIVE OAK            |
| (R) 3014    | 11" PINE                |
| (R) 3015    | 9" MULBERRY             |
| (R) 6556(M) | 14" LIVE OAK (7,6,5,4)  |

Exhibit B

| DATE | NO. | REVISION | APPROVAL |
|------|-----|----------|----------|
|      |     |          |          |
|      |     |          |          |
|      |     |          |          |

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ENV. TREE  
PUD EXHIBIT

211 SOUTH LAMAR

POST PAGGI, LLC

|                           |
|---------------------------|
| DRAWN BY: PSD             |
| DESIGNED BY: JRS          |
| REVIEWED BY: JRS          |
| PROJECT NO.: 108791-10003 |





|   |  |   |                 |                                       |  |     |  |      |  |          |  |          |  |
|---|--|---|-----------------|---------------------------------------|--|-----|--|------|--|----------|--|----------|--|
| <div>DRAWN BY: PSD</div> <div>DESIGNED BY: JRS</div> <div>REVIEWED BY: JRS</div> <div>PROJECT NO.: 108791-10003</div> |  | 211 SOUTH LAMAR   | POST PAGGI, LLC | OFFSITE<br>PEDESTRIAN<br>IMPROVEMENTS |  | NO. |  | DATE |  | REVISION |  | APPROVAL |  |
|   |  |   |                 |                                       |  |     |  |      |  |          |  |          |  |
|   |  |   |                 |                                       |  |     |  |      |  |          |  |          |  |
|   |  |   |                 |                                       |  |     |  |      |  |          |  |          |  |
| SHEET   |  | <div><div><b>b</b></div><div>Bury+Partners</div><div>231 West Sixth Street, Suite 600<br/>Austin, Texas 78701<br/>Tel (512)828-0011 Fax (512)828-0825<br/>TBPB Registration Number F-1048<br/>Bury+Partners, Inc. ©Copyright 2013</div></div> |                 |                                       |  |     |  |      |  |          |  |          |  |
| Page 4 of 4   |  |   |                 |                                       |  |     |  |      |  |          |  |          |  |

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

| Tier I Requirement  | Compliance | Superiority  | PUD Note  |
|---|------------|--|---|
| 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 mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public “storefront” for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses. | See notes described below, especially the following: 3, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36 and 37.  |
| 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.       | <ul style="list-style-type: none"> <li>▪ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Drive that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and</li> </ul>  | <b>NOTE 19.</b> THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND |

**Exhibit B**

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

|  |  |  |   |
|--|--|--|---|
|  |  | <p>treatment of untreated off-site stormwater.</p> <ul style="list-style-type: none"> <li>▪ The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically used for apartment buildings in this area. The building will contain three levels of below grade parking, together with at-grade parking to support the retail areas that are sheltered from view by those retail areas, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multi-face concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake.</li> <li>▪ Given the location of the project, adequate public facilities and services are generally found in the</li> </ul> | <p>FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> |
|--|--|--|---|

**Exhibit B**

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

|  |  |  |  |
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|  |  | <p>area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a “storefront”. The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Drive.</p> <ul style="list-style-type: none"><li>▪ The proposed off-site improvements include additional sidewalks along Lee Barton Drive and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland.</li><li>▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project.</li><li>▪ See additional notes referenced in this chart for other terms described herein.</li></ul> |  |
|--|--|--|--|

**Exhibit B**

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

|   |             |   |   |
|---|-------------|---|---|
| <p>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:</p> <ul style="list-style-type: none"> <li>a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and</li> <li>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.</li> </ul> | <p>Yes.</p> | <p>The PUD is required to provide 5,164 square feet of open space to meet the Tier I PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 14,000 square feet of open space.</p> | <p><u>NOTE 37.</u> THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.</p> |
| <p>4. Comply with the City's Planned Unit Development Green Building Program.</p>   | <p>Yes.</p> | <p>The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building</p>                              | <p><u>NOTE 3.</u> THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL</p>   |

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Tier 1 & Tier 2 Compliance

|  |     | Program at a 2-Star Level).   | PROGRAM WITH A (MINIMUM) THREE-STAR RATING.   |
|--|-----|---|---|
| 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 | <ul style="list-style-type: none"> <li>• The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit.</li> <li>• The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the parkland across Lee Barton Drive to the east of the project, by having the “U” opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project’s parking garage.</li> <li>• The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area.</li> <li>• The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant stepback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre.</li> </ul> | <p><u>NOTE 4.</u> THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA.</p> <p><u>NOTE 19.</u> THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p><u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF</p> |

**Exhibit B**

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

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|  |  |  | <p>LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING &amp; CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C &amp; D).</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG</p> |
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**Exhibit B**

211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

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|  |  |  | <p>THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON DRIVE EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY</p> |
|--|--|--|---|

**Exhibit B**



211 S. Lamar PUD  
Tier 1 & Tier 2 Compliance

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|  |  |  | <p>LINE.</p> <p><u>NOTE 31.</u> PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p> <p><u>NOTE 35.</u> THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS</p> |
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|  |      |  | A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.  |
| 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. | <ul style="list-style-type: none"> <li>• 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 rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating off-site stormwater) and utilize the designs that meet “best practices”.</li> <li>• The project will also preserve several trees on-site via additional setbacks that would not be saved with a project developed under the standard Code regulations.</li> </ul> | <u>NOTE 25.</u> THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPETUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITIES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY AND THE OWNER, THAT PROVIDE WATER |

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|  |  |  | <p>QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.</p> <p>SHOULD THE WATER QUALITY FACILITIES TREATING OFF-SITE RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANAL'S APPENDIX T (REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (\$_____). THE CALCULATED FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE</p> |
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|  |  |  | <p>MADE BY THE LANDOWNER WITHIN 180 DAYS OF RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES.</p> <p><u>NOTE 32.</u> THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS. THE HALF-CRITICAL ROOT ZONES AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS THAT INCORPORATES THE FOLLOWING CONSTRUCTION PHASE PROTECTIONS, ALL OF WHICH SHALL BE DONE IN CONCERT WITH A CERTIFIED ARBORIST THAT HAS EXPERIENCE IN TRAVIS COUNTY, TEXAS: TREE</p> |
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|   |      |  | PRUNING AS NECESSARY TO REMOVE LIMBS EXTENDING INTO THE BUILDING ENVELOPE (BUT NOT TO EXCEED ¼ OF THE CANOPY), CHAINLINK FENCING AROUND THE HALF CRITICAL ROOT ZONE, USE OF AN AIR SPADE TO LOOSEN COMPACTED SOILS AND BACKFILLING WITH QUALITY TOPSOIL, USE OF MULCH AT THE BASE OF TREES, VITAMINS INJECTED INTO TREE TRUNKS, AND REGULAR WATERING AND WASHING OF TREE LEAVES.   |
| 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. | <ul style="list-style-type: none"> <li>Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project.</li> <li>The project will provide 1,000 square feet of usable retail space within the project for use by the City of Austin Parks and Recreation Department to serve as a "public store-front" for their special events office or other retail uses as determined by the Department.</li> </ul> | NOTE 23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS |

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|  |      |   | THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.   |
| 8. Exceed the minimum landscaping requirements of the City Code. | Yes. | <p>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.</p> <ul style="list-style-type: none"> <li>• 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (Note: 90% is required under base regulations);</li> <li>• 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both) [Note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and</li> <li>• An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (Note: this is not a requirement under the base regulations).</li> </ul> | <p><u>NOTE 15.</u> AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.</p> <p><u>NOTE 16.</u> 100% OF ALL LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE OR CITY OF AUSTIN RAIN GARDEN PLANT LIST.</p> <p><u>NOTE 17.</u> 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF BOTH)</p> |

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|   |      |  | PROVIDED, HOWEVER, THE APPLICANT SHALL HAVE THE RIGHT TO SUPPLEMENT SUCH LANDSCAPE IRRIGATION WITH POTABLE WATER, IF NECESSARY.   |
| 9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways. | Yes. | <ul style="list-style-type: none"> <li>• The project will be located along the City's new bus rapid transit route, and within easy walking distance of bus stops for that new route as well as normal bus service (Note: two existing Cap Metro bus routes are on the same block as the project). Additionally, the most recent proposed new rail routes in the area show a rail route extending along Barton Springs Road and within easy walking distance of the project.</li> <li>• The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton Drive and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Drive (crossing Lee Barton Drive at Riverside Drive).</li> <li>• Two charging stations for electric vehicles will be provided in the parking garage.</li> </ul> | <p><u>NOTE 24.</u> THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p> <p>A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON DRIVE);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> |

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|  |  |  | <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE.</p> <p>ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p><u>NOTE 28.</u> THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.</p> |
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| 10. Prohibit gates roadways  | Yes. | No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)  | <u>NOTE 12.</u> NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD (HOWEVER RESIDENT PARKING AREAS MAY BE GATED).  |
| 11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance. | Yes. | <ul style="list-style-type: none"> <li>• The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course.</li> <li>• The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels.</li> <li>• The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.</li> </ul> | <p><u>NOTE 7.</u> DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS</p> |

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|  |  |  | <p>DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON DRIVE EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON</p> |
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|  |  |  | <p>DRIVE EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p><u>NOTE 31.</u> PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p> <p><u>NOTE 35.</u> THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. SUCH RELOCATION</p> |
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|   |      |   | SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. |
| 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 public roadways on three sides (including two Core Transit Corridor roadways) 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 viable way to achieve the additional desired height, together with the adjacent setbacks from those roadways, is through the PUD process. |  |

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| Tier I - Additional PUD Requirements for a mixed use development                    | Compliance | Superiority   | PUD Note   |
|---|------------|---|--|
| 1. Comply with Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ) | Yes.       | The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. Note: Generally, the need to request alternative equivalent compliance is to allow the unique design of the project, including the enhanced public plaza area. | <p><u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING &amp; CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C &amp; D).</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE</p> |

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|  |  |  | <p>THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON DRIVE EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK</p> |
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|  |      |   | DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.   |
| 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 Section 2.2.2, Subchapter E, Chapter 25-2 ( <i>Core Transit Corridor Sidewalk and Building Placement</i> ). | Yes. | As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.  | <u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D). |
| 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 totaling 75% of the cumulative frontage of those sides (excluding driveway openings and other project facilities not typically included in "frontage" calculations). | <u>NOTE 36.</u> THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON DRIVE SHALL BE A MINIMUM OF 75% OF THE CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS  |

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|  |  |  | AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE: SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H). |
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| Tier II Requirement   | Compliance | Superiority   | PUD Note  |
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| <p>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.</p> | Yes.       | <p>The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of non-residential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).</p> | <p><u>NOTE 37.</u> THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.</p> |
| <p>2. Environment:</p> <p>a. Does not request exceptions to or modifications of environmental regulations.</p> <p>b. Provides water quality controls superior to</p>  | Yes.       | <ul style="list-style-type: none"> <li>• This PUD will not request any exceptions or modifications of environmental regulations.</li> <li>• The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart “d” through the use of rain gardens and bio-filtration areas.</li> <li>• The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive</li> </ul>  | <p><u>NOTE 25.</u> THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF</p>  |

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| <p>those otherwise required by code.</p> <p>c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code.</p> <p>d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract.</p> <p>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.</p> <p>f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.</p> |  | <p>Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.</p> | <p>SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPETUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITIES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY AND THE OWNER, THAT PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.</p> <p>SHOULD THE WATER QUALITY FACILITIES TREATING OFF-SITE RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANUAL'S APPENDIX T</p> |
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| <p>g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code.</p> <p>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.</p> <p>i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas.</p> <p>j. Prohibits uses that may contribute to air or water quality pollutants.</p> <p>k. Employ other creative or innovate measures.</p> |      |   | <p>(REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (\$_____). THE CALCULATD FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES.</p> <p>SEE LIST OF PRHOBITED USES ON PAGE 1 OF THE LAND USE PLAN.</p> |
| <p>3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.</p>  | Yes. | The project will meet the Austin Green Builder program at a 3-star level. | <p><u>NOTE 3.</u> THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.</p>  |

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| <p>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.</p>  | <p>Yes.</p>            | <p>The project will provide art approved by the Art In Public Places Program on-site.</p>   | <p><u>NOTE 18.</u> THE PROJECT SHALL PROVIDE ART APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT OPEN SPACE, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY'S ART IN PUBLIC PLACES PROGRAM OR A SUCCESSOR PROGRAM. ALTERNATIVELY, WITH THE CONSENT OF THE ART IN PUBLIC PLACES PROGRAM (OR SUCCESSOR PROGRAM), THE PROJECT MAY MEET THIS REQUIREMENT BY ENTERING INTO AN ARRANGEMENT WITH THE AUSTIN MUSEUM OF ART (AMOA) OR SUCCESSOR ENTITY FOR AMOA ART TO BE DISPLAYED ON A SEASONAL OR ROTATING BASIS IN A PROMINENT OPEN SPACE, ON A PEDESTAL CONSTRUCTED AND MAINTAINED BY THE OWNER.</p> |
| <p>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>)</p> | <p>Not applicable.</p> | <p>The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).</p> | <p><u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING</p>   |

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|  |      |  | & CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D).   |
| 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. | <ul style="list-style-type: none"> <li>The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations.</li> </ul> | <p><u>NOTE 26.</u> THE PROJECT WILL CONTAIN A ROOM FOR MEETING SPACE OF AT LEAST 250 SQUARE FEET. SUCH ROOM WILL BE AVAILABLE TO RESIDENTS OF THE PROJECT AND TO COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE ROOM BY COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS SHALL BE ON A RESERVATION BASIS, AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY HOMEOWNER'S ASSOCIATION FOR THE PROJECT.</p> |

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| <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> | <ul style="list-style-type: none"> <li>• The project 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 share kiosk” at a location mutually acceptable to the City of Austin and the applicant in the project’s public plaza area or in the planting or supplemental zone of adjacent streets.</li> <li>• The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage.</li> <li>• The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site.</li> </ul> | <p><u>NOTE 24.</u> THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p> <p>A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON DRIVE);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE.</p> <p>ALL SUCH IMPROVEMENTS</p> |
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|  |  |  | <p>MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p><u>NOTE 27.</u> THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:</p> <p>A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING FOR SUCH RETAIL AREA OR (2) 10 BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE GROUND FLOOR OF THE PARKING GARAGE, WITHIN THE PUBLIC PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS;</p> <p>B. BICYCLE PARKING FOR THE RESIDENTS OF THE</p> |
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|  |  |  | <p>PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND</p> <p>C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT, A PUBLIC "BIKE SHARE KIOSK" IN A LOCATION MUTUALLY ACCEPTABLE TO THE CITY OF AUSTIN AND THE APPLICANT IN THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSK" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER "BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.</p> <p><u>NOTE 28.</u> THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED</p> |
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|   |      |   | SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.   |
| 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> ) | Yes. | <p>The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet.</p> <p>The project will obtain a minimum of 13 points by providing a variety of design options.</p> | <p><u>NOTE 29.</u> THE PROJECT WILL ACHIEVE A MINIMUM OF 13 POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE). IT WILL ACHIEVE THOSE POINTS IN THE FOLLOWING MANNER, OR IN SUCH OTHER MANNER AS SHALL BE APPROVED BY THE CITY OF AUSTIN PURSUANT TO SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E:</p> <p>A. THE PROJECT WILL ACHIEVE A 3 STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM - 3 POINTS</p> <p>B. THE PROJECT WILL HAVE 2 LINER STORES IN THE PROJECT'S GROUND FLOOR RETAIL AREA - 2 POINTS</p> <p>C. THE PROJECT WILL HAVE FACADE ARTICULATION THROUGH A USE OF CHANGE IN</p> |

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|  |  |  | <p>MATERIALITY, REPEATING PATTERN OF WALL RECESSES AND PROJECTIONS, OR A CHANGE IN PLANE - 1 POINT</p> <p>D. A PRIMARY ENTRANCE WILL BE DEMARKED BY INTEGRAL PLANTERS, ENHANCED EXTERIOR LIGHT FIXTURES, AND ARCHITECTURAL DETAILS - 1 POINT</p> <p>E. THE PROJECT WILL HAVE A DISTINCT ROOF DESIGN - 1 POINT</p> <p>F. 100% OF THE GLAZING USED ON THE GROUND FLOOR FACADE FACING STREETS OR PARKING WILL HAVE A VISIBLE TRANSMITTANCE OF 0.6 OR HIGHER - 1 POINT</p> <p>G. 75% OF THE FACADE FACING THE PRINCIPAL STREET WILL BE STOREFRONT WITH A MINIMUM OF 2 SEPARATE ENTRANCES - 2 POINTS</p> <p>H. THE PROJECT WILL HAVE A SUSTAINABLE ROOF AS OUTLINED IN SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E - 2 POINTS</p> |
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| <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> | <ul style="list-style-type: none"> <li>• There is no above grade structured parking and no parking for the project that is visible to the public.</li> <li>• The cumulative amount of pedestrian-oriented uses along the total street frontages of the project (excluding areas not typically included as “frontage” in such calculations) shall exceed 75%.</li> </ul> | <p><u>NOTE 19.</u> THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p><u>NOTE 36.</u> THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON DRIVE SHALL BE A MINIMUM OF 75% OF THE CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE:</p> |
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|  |      |   | SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H).  |
| 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 pursuant to the PUD ordinance. Note: for these purposes, the applicant has assumed, and this PUD is expressly subject to, the interpretation of the PUD ordinance that all affordable housing options will be calculated on the delta between the FAR that the applicant proposes to need for the project and the FAR that could be achieved pursuant to existing zoning and existing applicable site development regulations, including section 25-2-714 of the Land Development Code (Additional Floor Area). Such participation will be provided by either providing on-site units or by paying a fee-in-lieu (calculated consistent with the assumptions above). | <u>NOTE 30.</u> THE PROJECT WILL PARTICIPATE IN THE AFFORDABLE HOUSING OPTIONS PURSUANT TO THE PUD ORDINANCE. NOTE: FOR THESE PURPOSES, THE APPLICANT HAS ASSUMED, AND THIS PUD IS EXPRESSLY SUBJECT TO, THE INTERPRETATION OF THE PUD ORDINANCE THAT ALL AFFORDABLE HOUSING OPTIONS WILL BE CALCULATED ON THE DELTA BETWEEN THE F.A.R. THAT THE APPLICANT PROPOSES TO NEED FOR THE PROJECT AND THE F.A.R. THAT COULD BE ACHIEVED PURSUANT TO EXISTING ZONING AND EXISTING APPLICABLE SITE DEVELOPMENT REGULATIONS, INCLUDING SECTION 25-2-714 OF THE LAND DEVELOPMENT CODE (ADDITIONAL FLOOR AREA). SUCH PARTICIPATION WILL BE PROVIDED BY EITHER PROVIDING ON-SITE UNITS OR BY PAYING A FEE-IN-LIEU |

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|  |      |  | (CALCULATED CONSISTENT WITH THE ASSUMPTION ABOVE).   |
| 11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements. | Yes. | <ul style="list-style-type: none"> <li>The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course.</li> <li>The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels.</li> <li>The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.</li> </ul> | <p><u>NOTE 6.</u> THE PAGGI HOUSE TENANT HAS THE OPTION TO REMAIN OPEN DURING CONSTRUCTION OF THE PROJECT. IF THE TENANT REMAINS OPEN, PARKING FOR THE RESTAURANT WILL BE HANDLED ON A VALET BASIS DURING CONSTRUCTION.</p> <p><u>NOTE 7.</u> DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION</p> |

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|  |  |  | <p>OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON DRIVE EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> |
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|  |  |  | <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p><u>NOTE 31.</u> PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p> <p><u>NOTE 35.</u> THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON</p> |
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|   |      |  | DRIVE. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. |
| 12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements. | Yes. | The project will provide 2.5% of the units to be available for persons with disabilities. Note: This represents a 25% increase above code requirements. Additionally, the applicant shall be required to move the elevator presently serving persons with disabilities who desire access to the adjacent Paggi House to a new, more accessible location. | <u>NOTE 34.</u> 2.5% OF RESIDENTIAL UNITS IN THE PROJECT SHALL BE FULLY ACCESSIBLE TYPE A DWELLING UNITS. NOTE: TO THE EXTENT THAT THE FOREGOING CALCULATION RESULTS IN A FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP FOR PURPOSES OF THIS NOTE. NOTE: AS DEFINED IN THE 2009 INTERNATIONAL BUILDING CODE, A TYPE A UNIT HAS SOME ELEMENTS THAT ARE CONSTRUCTED FOR ACCESSIBILITY [E.G., 32-INCH CLEAR WIDTH DOORS FOR MANEUVERING CLEARANCES] AND  |

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|  |  |  | <p>SOME ELEMENTS THAT ARE CONSTRUCTED AS ADAPTABLE [E.G., BLOCKING FOR FUTURE INSTALLATION FOR GRAB BARS]; A TYPE A DWELLING UNIT IS DESIGNED AND CONSTRUCTED TO PROVIDE ACCESSIBILITY FOR WHEELCHAIR USERS THROUGHOUT THE UNIT; AND THE UNITS WILL MEET THE TECHNICAL REQUIREMENTS FOR THE INTERIOR OF A TYPE A UNIT AS DEFINED IN SECTION 1003 OF INTERNATIONAL CODE COUNCIL A117.1.</p> <p><u>NOTE 35.</u> THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE</p> |
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|  |      |  | ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.   |
| 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 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. | <u>NOTE 13.</u> THE PROJECT SHALL PROVIDE ONE INDEPENDENT RETAIL, RESTAURANT OR LOCAL FRANCHISEE WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THE AUSTIN STANDARD METROPOLITAN STATISTICAL AREA USABLE SPACE AT A RENT 15% BELOW THE PREVAILING MARKET RENT WHEN THE LEASE OR OTHER ARRANGEMENT FOR PROVIDING THE SPACE IS EXECUTED. BEFORE EXECUTION, THE OWNER SHALL SUBMIT THE LEASE OR OTHER ARRANGEMENT TO THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW. |

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